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Via Email (DeborahTackett@miamibeachfl.gov)

City of Miami Beach
c/o Deborah Tackett, Chief
Historic Preservation Board
1700 Convention Center Drive, 2nd Floor
Miami Beach, FL 33139

Re: 1st Amended Letter of Intent – 803/805 2nd Street

Dear Board Members:

This is a first amended letter of intent in support of the Land Use Board Hearing Application (the “Application”) for individual Certificates of Appropriateness for total demolition and design approval as well as variances for the construction of a new single-family residence at 803/805 2nd Street (the “Property”).

I. **Background.** The Property is a 2,499 square-foot legal non-conforming lot improved with a 1,080 square foot, one story, two (2) unit structure built in or about 1923 (the “Building”). The Property is located on the edge of the Ocean Beach Historic District (the “District”) in the northeast corner of the intersection of 2nd Street and Meridian Avenue. In 1995, when the District was established, the Building was listed as contributing to the District; however, the Building has no notable architectural features other than a stucco parapet with a design similar to dozens of buildings in the District. Moreover, the architect is unknown and, importantly, the building is not historically designated nor is the Building or any of its features described in the City’s 1995 Designation Report or listed as historic in the City’s Historic Properties Database.

The Building was used as a rental property until recently when it was determined by the owner that the Building was unsafe and uninhabitable. The Building has been shuttered. With the exception of minor repairs, there has been no restorative work on the Building in nearly 100 years. Non-permitted alterations have been made throughout the Building, including the removal of the original decorative front floor overhang, the removal of all windows and the relocation/closure of the window openings. Importantly, the deteriorated condition of the Building makes it non-salvageable. This condition is described in an extensive structural report discussed below in Section III. 1. of this Letter of Intent.

II. **Variances.** The Application includes a request for a variance(s) of lot frontage (50 feet required/44.63 feet existing) and lot size (5,750 square feet required/2,499 square feet existing). The lot size/frontage issue is strictly due to a change in the LDRs adopted by the City decades after the site was platted and established as a legal building site. As a result of the changes in the LDRs, the Property is now a legal non-conforming lot.¹ To the extent the City does not recognize the legal non-conformity status, then a true hardship has occurred by action of the City.

Despite the fact that the lot frontage and area are legally non-conforming, you will find that the property actually complies with all of the criteria listed in Section 118-353(d) as follows:

¹ As a “legal non-conforming” lot under Article X, Section 118-390(d)(1) of the City’s LDRs, the Property is buildable without variances. This request for variances is made without waiving the non-conforming rights.

1. The circumstances which created the non-conformity are unique and not applicable to other lots in the zoning district.
2. The owners have done nothing to create the existing condition, which requires variances. The City actually created the existing condition/non-conformity through the passage of conflicting LDRs.
3. The granting of the variances will not confer any special benefit or privilege not granted to all other properties in the zoning district, each of which have the right to use their land for numerous permitted uses.
4. The application of the lot frontage and lot size requirements, if strictly enforced, would totally eliminate the right to redevelop or use the Property.
5. The request is to vary the criteria to only the existing size and frontage of the Property and not more.
6. The granting of the variances will be in absolute harmony with all properties in the zoning district. In fact, the Property in its current configuration has compatibly existed in the neighborhood for 100 years, far longer than most any other property in the District.
7. The granting of the variances will allow the Property to be used for a single family home, which use is consistent with the land use designation under the City's Comprehensive Plan and will not result in a reduction in the level services set out in the plan. To the contrary, the change in use will reduce the demand on all public services.

Without the granting of these variances, the construction of the proposed home, or any structure for that matter, is prohibited.

III. Certificates of Appropriateness

1. **Demolition.** A certificate of appropriateness is being requested to demolish the Building.² While the Building might have been contributing to the District in 1995, its altered and substantially damaged condition no longer makes it a viable and contributing structure. The extent of the deterioration and damage to the Building precludes any rehabilitation, reconstruction or repair without demolishing the entire Building. The images below depict the typical condition throughout the entire structure.



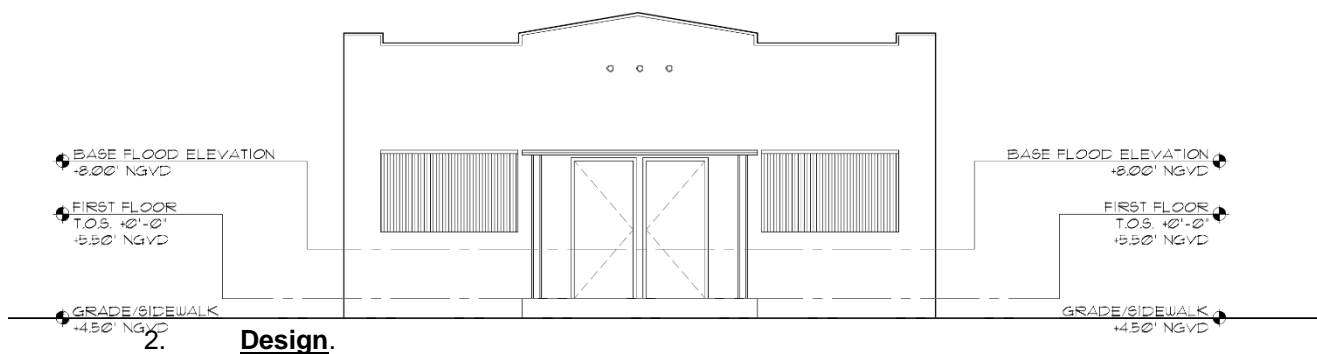
² Within this request is approval of the removal of three (3) onsite Palm trees.

This deteriorated condition is substantiated in a comprehensive report from South Florida's preeminent (historic structure) engineer, Douglas Wood.³ His conclusion is as follows:

“It will not be possible to correct the existing damages, deteriorations, and deficiencies; meet the current Building Code strength requirements; and provide reasonably appropriate safety and performance without dismantling the entire building and reconstructing it. Extensive reconstruction will likely result in the loss of the building’s status as “contributing” to the historical district. In that case, it will be necessary to meet current flood design criteria, including setting the floor elevation at +9.0 ft. N.G.V.D.”

This conclusion is particularly true because any work on the Building is deemed a Level 3 Substantial Structure Alteration under the Florida Building Code (the “FBC”). That designation requires methods of construction that cannot be accomplished without demolishing the Building.⁴ Moreover, Section 118-395(b)(2) of the City’s LDRs mandates that all work in excess of 50% of the value of the building must comply with the FBC, Life Safety Code and the current development regulations. Of course, this is impossible without removing the entire Building.

Not only does the FBC preclude any restorative work, but under Chapter 54, Floods, of the City’s Code, the Building is “substantially damaged” (50% Rule) and therefore, any repairs or reconstruction must comply with all the provisions of Chapter 54 and, in particular, all habitable floors must be elevated to Base Flood Elevation (the “BFE”) plus Freeboard, which is at least 2.5 additional feet above the existing first finished floor elevation of +5.5 ft. N.G.V.D. That is not possible without totally dismantling the Building and constructing a new replica building. Importantly, any replica will bear no relationship to the existing Building once it’s elevated. Below is a drawing showing the existing first floor elevation and the required height of 8 ft. N.G.V.D.



The Application includes a request for a Certificate of Appropriateness for the design of a new single-family home (3,652 gross square feet) at a total value of approximately \$3,200,000.

2.1 Site Conditions. Because of the extremely small size of the site and the desire to enhance the existing streetscape experiences, the principal frontage of the new home, including the front door has been sited along Meridian Avenue. Vehicular access has been placed along 2nd Street in order to preserve the existing Mastwood heritage tree (*calophyllum inophyllum*) along Meridian Avenue. An enclosed garage has been located deep into the site. The approach and driveway are the minimum width to allow access to the two (2) required onsite parking spaces. The proposed driveway location aligns with

³ See, the General Assessment Report for the Structural Systems, dated April 5, 2021, prepared by Douglas Wood Associates, Inc. and filed with the Application.

⁴ See, Chapter 9 of the FBC.

an existing on-street parking space to be removed pursuant to Section 130-55(h)(2) of the City Code, which specifically allows for access to a single family home.

2.2 Architecture. Understanding that the Property lies in the District, the architects were charged with the task of designing a home which compliments both the historic and modern architectural styles within the District. An extensive survey of the area revealed a mixture of designs ranging from Mediterranean Revival to ultra-modern steel and glass buildings. In the effort to draw upon the past as well as the current architectural styles, the decision was made to design a “Tropical Modern” home.

The particular design of the home is reminiscent of the many Mid-Century and Modern buildings within the District and certainly consistent with the design of the more recent modern structures approved by the Historic Preservation Board, including Louver House just one block to the north as well as the ultra-modern Glass, 300 Collins, Ocean House, SoFi House, Meridian 5 Lofts, the approved three (3) story duplex at 809 2nd Street directly next door to the Property and of course the recently completed three (3) story Tropical Modern home at 819 2nd Street.

The unique aspect of this proposal is that it is a single-family residence surrounded by multi-family, hotel and commercial buildings. The usual approach for designing homes in the many residential areas of Miami Beach must be reconsidered to address the needs and character of this context. The relationship and interaction of the home with the street is extremely important and heavily influenced the design. The facades have extensive movement, incorporating many recesses and undulations that help to break down the scale of the home and create architectural interest on the street. The louvers play with revealing and covering aspects of the home, as well as manipulating light as it passes into and out of the home, which will also be experienced by pedestrians at the street level. The best evidence of the compatibility of the proposed home is the new residence at 819 2nd Street, which is an outstanding example of how a new Tropical Modern home can enhance the District and the entire neighborhood experience.

Many design features were incorporated to promote the interaction between the home and the street, such as concentrating extensive glass along 2nd Street at the ground floor and 2nd floor, as well as overhanging balconies into the streetscape from this floor. Similarly, a large terrace that runs the length of the building at the 3rd floor facing Meridian Avenue. This allows for interactivity between the 2nd and the 3rd floor terraces, as well as the streetscape.

As primary finish materials, the home will have elements of light color wood-finished cladding, painted stucco and louvers. There is an abundant use of glass as well, to wash the interiors with light and add to the openness of the structure. The frames will be finished in a taupe shade, to match the louvers. The Miami Beach sunlight, and the tones and feeling of the beach were major sources of inspiration for the selections that were made and help to anchor the design of the home to its place. The painted stucco surfaces, used primarily where facing adjacent buildings help to better integrate with the surrounding context, and the simple compositions of these facades would ease the transition between this structure and those surrounding it.

Finally, the landscape architect has incorporated large shade trees along the 2nd Street sidewalk to create a covered canopy for pedestrians and to complement the Mastwood heritage tree along Meridian Avenue, which already provides a complete canopy. The green walls facing the streets also lend to the interactive street experience.

IV. Sea Level Rise/Resiliency

The demolition and redevelopment will comply with all applicable requirements of the recently enacted Section 133-50(a) of the LDRs. Each item is addressed below:

1. All equipment, appliances and metal will be salvaged for recycling. All other materials will be sorted and disposed of at a licensed C&D facility/landfill.

2. All windows and doors will be impact and comply with the FBC and Miami-Dade County standards.
3. The new home will include operable windows, icynene insulation and extensive open balconies for indoor/outdoor living.
4. All landscaping will be native, salt tolerant and highly water absorbent. See, landscape plan.
5. In developing the proper elevations and design of the home, sea level rise projections and the South Florida Regional Climate Change Compact were considered.
6. In establishing the ground and first level floor elevations, the architects reviewed and considered all existing and proposed City plans for raising adjacent public rights-of-way.
7. All critical mechanical and electrical equipment will be elevated well above BFE plus Freeboard, including HVAC, generator, natural and propane gas connections, tankless water heaters and electric switch panels.
8. There are no existing buildings to be elevated. The new home will be elevated at BFE plus Freeboard.
9. No habitable space shall be located below BFE, plus Freeboard.
10. All stormwater will be retained on site per the FBC and environmental regulations.

V. **Conclusion**

The Property is being purchased with the intent to make it my home and contribute to the vibrancy and success of the South of Fifth community. I recognize that contributing buildings lend character to the District; however, the passage of time, alternations, development, new laws, the environment and casualty have made it impossible for the Building to any longer contribute to the District's character. In fact, it has become a dangerous nuisance and reflects negatively on the entire neighborhood.

Recognizing the hard reality of the circumstances, I hope that the community, my neighbors, City staff and the HPB will help promote the revitalization of the District by approving my proposal which will undoubtedly enhance the daily enjoyment of the neighborhood by all. I respectfully request favorable action on our proposal, which will provide a building that proudly adds to the special character of the area.

Respectfully,


Stephen J. Helfman