

September 06, 2022

VIA ELECTRONIC AND HAND DELIVERY

Ms. Deborah Tackett
Chief, Historic Preservation
City of Miami Beach Planning Department
1700 Convention Center Drive
Miami Beach, Florida 33139

**Re: 803 2nd Street – Third Amended and Restated Letter of Intent
Historic Preservation Board Application (File No. HPB22-0521)**

Dear Ms. Tackett:

This shall constitute the Third Amended and Restated Letter of Intent on behalf of Victor Bared (the "Applicant" and "Owner") in support of Application HPB22-0521 to the Historic Preservation Board for approval of the following amended and restated requests:

1. Certificate of Appropriateness for Demolition and Construction of a new single-family residence;
2. A variance to reduce by 3,250 sq. ft. the minimum required lot area of 5,750 sq. ft. within the RPS-2 district in order to construct a 3-story single-family residential building on a property with a lot area of $\pm 2,499$ sq. ft.;
3. A variance to reduce the minimum required lot width of 50.0 feet within the RPS-2 district by 5.37 feet in order to construct a three-story residential building on a property with a lot width of 44.63 feet; and
4. A variance to reduce the required 5'-0" side facing a street (east) yard setback to allow the reconstructed portion of the original structure to be at a **2'-4"** setback.

The Applicant is the Owner of the property located at 803 2nd Street in Miami Beach, Florida (the "Property") and intends to make this his personal residence. The Property is located within the Ocean Beach Local Historic District and is zoned Residential Performance Standard, medium density district (R-PS2).

Background

Located at the northwest corner of Meridian Avenue and 2nd Street, the Property is currently improved with an existing wood frame 1-story structure that was originally constructed in 1923 as a duplex. No original plans have been located for the structure, and the architect is unknown, but it has been identified as a contributing structure on the City's historical property database. The building is loosely designed in the Vernacular style, a common method typical of early construction in South Florida. In the 1995 Ocean Beach Historic District Report, this building is noted on page 26 as a remaining example of the Mediterranean Revival style of architecture. However, the Historic

Resources Report, prepared by Arthur Marcus and submitted with this Application (the "HRR"), disagrees with this reference given that the building fits the Vernacular mold. The HRR concluded that the structure has been minimally modified since its construction, based on an examination of early aerial photographs and building permit records.

It is important to highlight that the structure has also not been adequately maintained or repaired over the decades. The structure was previously used as a rental property by the prior owner until it was ultimately determined that the structure was unsafe and uninhabitable. It has since been boarded up and abandoned. With the exception of minor repairs, no restorative work has ever been performed on the structure. Non-permitted alterations have been made throughout the structure, including the removal of the original decorative front floor overhang, the removal of all windows and the relocation/closure of the window openings. The General Assessment Report for Existing Structural Systems, prepared by Douglas Wood Associates, Inc. (the "Structural Analysis"), enclosed with this submittal, determined that the structure's deteriorated condition renders it unsalvageable. The conclusions of the Structural Analysis are further detailed below in connection with the justifications for the issuance of the Certificate of Appropriateness.

Proposed Design

The new home proposed on the Property is a 3-story tropical modern residence with a rooftop terrace and mechanical lift fully enclosed within the garage, to accommodate parking. The home is designed by Studio Mc+G Architecture, a design firm with significant experience in Miami Beach that has designed numerous landmark projects in the City's historic districts. The design incorporates a significant nod to the existing structure by proposing a reconstruction of the east street-facing historic façade. This innovative approach will unite the historic with the modern as well as provide privacy and screening for the residence. The design contemplates connecting a reconstructed portion of the original structure to the proposed building. While not a typical historic preservation treatment in Miami Beach, reconstruction is an appropriate historic preservation treatment for this unique Property.

The U.S. Department of the Interior encourages reconstruction "when a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction."¹ Given that the existing structure cannot be salvaged, reconstruction of the historic façade will create the contemporary interpretation of the non-surviving historic structure in materials, design, color and texture. The reconstruction will be based on the accurate duplication of the Vernacular style elements substantiated by the records for the existing structure.

The Property is surrounded by multi-family, hotel, and commercial buildings. The scale, height, and design of the new residence is consistent with the design of the recent modern buildings in the Ocean Beach Historic District and approved by the Historic Preservation Board in recent years. These buildings include Urbanica the 5th Street Hotel, the Hohausser, and the tropical modern home located two parcels to the west at 819 2nd Street. Similarly, the new home's primary finish materials will include elements of painted stucco, louver, and glass. Additionally, the existing specimen Calophyllum tree located within the Meridian Avenue right-of-way will be preserved.

¹See <https://www.nps.gov/tps/standards/four-treatments/treatment-reconstruction.htm>.

Certificate of Appropriateness for Demolition and New Construction

This Application seeks approval of a Certificate of Appropriateness for Demolition of the existing structure and Construction of a new single-family home in accordance with Sec. 118-564 of the City's Land Development Regulations (the "LDRs"). As confirmed by the Structural Analysis, the structure's current condition affirms that it has reached the end of its life cycle, and it is wholly appropriate to replace the structure with a new building reflecting its time and place in Miami Beach.

The Application satisfies the criteria for issuance of a Certificate of Appropriateness pursuant to the following criteria set forth in Section 118-564(a) of the LDRs:

1. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following:

- a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.

Satisfied. The proposed design is compatible with the character of the surrounding properties within the Ocean Beach local historic district.

- b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.

Satisfied. The proposed design of the new home complies with the LDRs, including the requested variances as detailed in this letter of intent.

2. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following:

- a. Exterior architectural features.

Satisfied. The home's design is in the Tropical Modern style and is compatible with the architectural style of various new buildings approved by the HPB in this district. These buildings include Urbanica the 5th Street Hotel, the Hohausser, and the tropical modern home located two parcels to the west at 819 2nd Street.

- b. General design, scale, massing and arrangement.

Satisfied. The design, scale, massing, and arrangement are consistent with the character of the Ocean Beach local historic district. The home to the west is 3 stories, the Courts multi-family building to the south is 5 stories, the Cosmopolitan multi-family building is 6 stories, and other buildings in the vicinity also range from 2 to 6 stories in height.

- c. Texture and material and color.

Satisfied. The new home's primary finish materials will include painted stucco, louver, and glass elements.

- d. The relationship of a, b, c, above, to other structures and features of the district.

Satisfied. The design is wholly to scale with the other structures and features of the district.

- e. The purpose for which the district was created.

Satisfied. The district is a mixed-use district characterized by a concentration of buildings and sites that are united by the historical development of Ocean Beach as a vibrant but modest seaside resort, abundant with enticing recreational amenities.

- f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.

Satisfied. The proposed contemporary reconstruction of the historic façade will create an appropriate acknowledgment of the Vernacular style of the existing structure and the varied architectural styles found throughout the district.

- g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.

Satisfied. Please refer to the previously submitted HRR.

- h. The original architectural design or any subsequent modifications that have acquired significance.

Not Applicable.

- 3. The examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community:

- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

Satisfied. The enclosed plans, prepared by Studio Mc+G identify the location of all of the above existing conditions and proposed improvements on the Property.

- b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

The Applicant has requested variances to reduce the minimum required lot size and lot width to reflect the Property's actual size.

- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.

Satisfied. The enclosed plans provide details relating to all color, design, finishes, and landscape materials for the new residence.

- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.

Satisfied. The Property is surrounded by multi-family, hotel, and commercial buildings. The new residence's scale, height, and design is consistent with the design of the recent modern buildings in the Ocean Beach Historic District and approved

by the Historic Preservation Board in recent years. Additionally, the existing specimen Calophyllum tree located within the Meridian Avenue right-of-way will be preserved.

- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

Satisfied. The design and layout will provide the Owner with comfort, amenities, and security in the most efficient manner possible on this non-conforming lot. The proposed reconstruction of the east street-facing historic façade will provide security, privacy and screening for the residence.

- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement on to and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

Satisfied. The public pedestrian environment will be preserved, and all points of ingress/egress to the Property for both pedestrians and vehicles will be clearly delineated to ensure safe access and circulation for all.

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.

Satisfied. The lighting design complies with the above criteria.

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Satisfied. The landscape and paving design will enhance the Property and its relationship with the surrounding area.

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Satisfied. The materials proposed accomplish adequate shielding for the residence.

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Satisfied. The orientation and massing are wholly compatible with the site and surrounding area, and all public view corridors are preserved.

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied. The design of the residence complies with the above criteria.

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Satisfied. The residence features an amenitized rooftop terrace that incorporates appropriate screening of all mechanical equipment.

- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

Not applicable.

- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

Satisfied. The first level façade aptly balances the need for privacy with transparency in strategic locations to ensure pedestrian compatibility.

- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Satisfied. The design locates these features on the ground level within the residence's footprint.

Section 118-564(f)(4) of the LDRs sets forth the criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. Noted above and important to detail here, the Structural Analysis concludes:

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.

The Structural Analysis further confirms that any work on the structures would be a Level 3 Substantial Structure Alteration under the Florida Building Code (the "FBC"). A Level 3 alteration requires work that cannot be done without demolishing the structure. Section 118-395(b)(2) of the 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. Furthermore, because the structure is "substantially damaged" (50% Rule), Chapter 54, Floods, of the City's Code requires that all habitable floors must be elevated to Base Flood Elevation (the "BFE") plus Freeboard, which is more

than 2 feet above the existing first finished floor elevation of +5.5 ft. N.G.V.D. The foregoing criteria cannot be met without the demolition and reconstruction of the structure.

The following is an analysis of the request based upon the Certificate of Appropriateness criteria for demolition:

- a. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code as a Historic Building, Historic Structure or Historic Site, Historic Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.

Satisfied. The existing building is designated as part of the Ocean Beach Local Historic District.

- b. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

Satisfied. The Application proposes to reconstruct the east façade of the existing structure. However, it should be noted that exact reproduction of the original design would not be possible due to current City Code and FBC requirements.

- c. The Building, Structure, Improvement, or Site is one of the last remaining examples of its kind in the neighborhood, the country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

Satisfied. The existing structure is one of the last remaining examples of its kind in the neighborhood, which justifies the proposed design incorporating a contemporary reconstruction of the east historic façade in accordance with the Secretary of the Interior's Historic Preservation Guidelines.

- d. The building, structure, improvement, or site is a Contributing building, structure, improvement, site or landscape feature rather than a Non-Contributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or Contributing building.

Satisfied. Although not credited to any known architect, the structure was designated by the City as a Contributing building in the City's Historic Properties Database.

- e. Retention of the Building, Structure, Improvement, Landscape Feature or Site promotes the general welfare of the City by providing an opportunity for study of local history, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage.

Satisfied. The retention of structure is impossible. However, the Owner is proposing a partial reconstruction of the historic façade on the east elevation of the structure in accordance with the Secretary of the Interior's Historic Preservation Guidelines in order to acknowledge the importance of the early Miami Beach architectural style in this district.

- f. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district.

Not Applicable.

- g. In the event an applicant or property owner proposes the total demolition of a Contributing structure, historic structure or architecturally significant feature, there shall be definite plans presented to the board for the reuse of the property if the proposed demolition is approved and carried out.

Satisfied. The Applicant has presented plans for the reuse of the Property as part of this Application.

- h. The Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.

Not Applicable.

Variance to reduce minimum required Lot Area

The Applicant seeks approval of a variance to reduce the minimum required lot area of 5,750 sq. ft. within the RPS-2 district by 3,250.72 sq. ft., in order to construct a 3-story single-family residence on a property with a lot area of 2,499.28 sq. ft. The Property was originally platted in 1914 with the two adjacent sites to the west as part of Lot 8, Block 77 and later subdivided as three separate properties, including 6 feet of Lot 7 to the north. Deed records indicate that the Property has maintained this legal description since at least 1983. All three properties fronting 2nd Street are non-conforming with regard to lot area and lot width in their current configurations. The subject lot size is 2,499.28 sq. ft., where the minimum required is 5,750 sq. ft. within the RPS-2 district.

The plans and supporting documents submitted with the Application satisfy Article 1, Section 2 of the Related Special Acts of the Code, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject Property. Without the granting of the variance, no construction on the Property would be permitted.

The request further satisfies Section 118-353(d) of the LDRs, and thereby meets the criteria required for this Board to authorize the lot area variance:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

Satisfied. The configuration of the Property is unique to the 3 parcels facing 2nd Street that were created from the platted Lots 7 and 8 of Block 77 of the Plat of Ocean Beach, Fla. Addition No.3, as recorded in Plat Book 2 at Page 81 of the Public Records of Miami-Dade County, Florida.

- (2) That the special conditions and circumstances do not result from the action of the applicant;

Satisfied. This configuration was not created by the Owner, nor any of the recent prior owners of the Property. The lot size has been a condition of the Property since at least 1983 pursuant to the deed records available on the Miami-Dade Clerks of Courts website.

- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

Satisfied. The granting of the variance will legalize the existing nonconformity of the Property and will not confer any special privilege to the Applicant. In fact, it will provide the Owner with the same rights as other property owners in the District.

- (4) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

Satisfied. Without the granting of the variance, the Owner would be deprived of the fundamental right to improve his Property. Otherwise, construction would not be permitted on the Property.

- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

Satisfied. The requested variance is the absolute minimum request to make the reasonable use of the land possible.

- (6) That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

Satisfied. The granting of the variance would be consistent and harmonious with the Code and will not be injurious to the area or the public welfare. In fact, improvements to Property are required to ensure the protection of the public's health, safety, and welfare.

- (7) That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan; and

Satisfied. The request is consistent with the comprehensive plan and does not impact any levels of service.

- (8) The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

Satisfied. Please refer to the analysis provided in the sea level rise and resiliency section below.

Variance to reduce the minimum required Lot Width

The Applicant is seeking approval of a variance to reduce the minimum required lot width of 50.0 feet within the RPS-2 district by 5.37 feet to 44.63 feet, in order to construct a three-story single-family residence on the Property. As discussed above, the Property was originally platted in

1914 with the two adjacent sites to the west as part of Lot 8, Block 77 and later subdivided as three separate properties, including 6 feet of Lot 7 to the north. Deed records indicate that the Property has maintained this legal description since at least 1983. All three properties fronting 2nd Street are non-conforming with regard to lot area and lot width in their current configurations.

The plans and supporting documents submitted with the Application satisfy Article 1, Section 2 of the Related Special Acts of the Code, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject Property. Without the granting of the variance, no construction on the Property would be permitted.

The request further satisfies Section 118-353(d) of the LDRs, and thereby meets the criteria required for this Board to authorize the variance:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

Satisfied. The configuration of the Property is unique to the 3 parcels facing 2nd Street that were created from the platted Lots 7 and 8 of Block 77 of the Plat of Ocean Beach, Fla. Addition No.3, as recorded in Plat Book 2 at Page 81 of the Public Records of Miami-Dade County, Florida.

- (2) That the special conditions and circumstances do not result from the action of the applicant;

Satisfied. This configuration was not created by the Owner, nor any of the recent prior owners of the Property. The lot width has been a condition of the Property since at least 1983 pursuant to the deed records available on the Miami-Dade Clerks of Courts website.

- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

Satisfied. The granting of the variance will legalize the existing nonconformity of the Property and will not confer any special privilege to the Applicant. In fact, it will provide the Owner with the same rights as other property owners in the District.

- (4) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

Satisfied. Without the granting of the variance, the Owner would be deprived of the fundamental right to improve his Property. Otherwise, construction would not be permitted on the Property.

- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

Satisfied. The requested variance is the absolute minimum request to make the reasonable use of the land possible.

- (6) That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

Satisfied. The granting of the variance would be consistent and harmonious with the Code and will not be injurious to the area or the public welfare. In fact, improvements to Property are required to ensure the protection of the public's health, safety, and welfare.

- (7) That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan; and

Satisfied. The request is consistent with the comprehensive plan and does not impact any levels of service.

- (8) The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

Satisfied. Please refer to the analysis provided in the sea level rise and resiliency section below.

Variance to Allow a 2'-4" Side Facing a Street (East) Yard Setback

This Application seeks approval of a variance to reduce the required 5'-0" side facing a street yard setback in order to allow a 2'-4" for the reconstructed portion of the original structure. As noted above, the design proposes to reconstruct the east historic façade of the existing structure. In this case, reconstruction is the sole alternative for the preservation of the structure, as the original structure is unsalvageable. Reconstruction is defined as the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving structure for the purpose of replicating its appearance at a specific period of time and in its historic location. This reconstructed historic façade will both preserve the building as well as provide the functional purpose of creating security and privacy for the street-facing sides of the Property. The reconstructed historic building wall has been pushed back 2'-4" from the Property line to allow for landscaping.

In order to reconstruct the façade in a manner that addresses the Secretary of the Interior's best practices for reconstruction, the wall has been designed to an elevation of 6'-0" (17'-0" NGVD) and connects to the proposed building. The proposed reconstructed historic façade will be an homage to the Ocean Beach local historic district and the Vernacular style of the existing structure. The reconstructed original structure will unite the historic and modern aesthetics found throughout this district. The design of the home is enhanced by this preservation approach. By enclosing an internal courtyard and screening the residence's garage, the walls will delineate the separation between the public and private realms. The plans and supporting documents submitted with the Application satisfy Article 1, Section 2 of the Related Special Acts of the Code, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject Property.

The request further satisfies Section 118-353(d) of the LDRs, and thereby meets the criteria required for this Board to authorize the variance::

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

Satisfied. The existing structure is one of the remaining examples of the original buildings found in this district. However, the structure is structurally unsound and cannot be saved based on the conclusions of the Structural Analysis or the City Code and FBC. Thus, the Applicant is proposing to reconstruct its east façade in a manner consistent with the Secretary of the Interior's Historic Preservation Guidelines, which requires a variance to accomplish.

- (2) That the special conditions and circumstances do not result from the action of the applicant;

Satisfied. The structure cannot be preserved, rehabilitated, or restored, and the Applicant is following the Secretary of the Interior's Historic Preservation Guidelines. These guidelines encourage contemporary reconstruction of a historic structure only where appropriate. In this case, reconstruction is the sole alternative for the preservation of the structure.

- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

Satisfied. The variance is the minimum request needed to satisfy the best practices for historic preservation for this Property. As noted above, the existing structure cannot be salvaged and reconstruction is the only appropriate treatment for this Property.

- (4) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

Satisfied. The best practices for historic preservation allow for preservation, rehabilitation, restoration, or reconstruction as available options for a historic structure or landscape. Reconstruction re-creates vanished or non-surviving portions of a property for interpretive purposes. The Applicant has selected this treatment to comply with both the City's local historic district regulations and the Secretary of the Interior's Historic Preservation Guidelines. Reconstruction is appropriate due the Property's relative importance in history, its deteriorated physical condition, the proposed use of a single-family residence, and the mandated City Code and FBC requirements for a structure. In order to satisfy the requirements for reconstruction, a variance is needed to allow for the accurate design of the façade.

- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

Satisfied. The variance is the minimum request needed to satisfy the best practices for historic preservation for this Property.

- (6) That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

Satisfied. The granting of the variance would be consistent and harmonious with the Code and will not be injurious to the area or the public welfare. The proposed reconstruction of the original structure will ensure the privacy and security of the home's inhabitants while delineating the division between the public and private realms along the street frontages.

- (7) That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

Satisfied. The request is consistent with the comprehensive plan and does not impact any levels of service.

- (8) The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

Satisfied. Please refer to the analysis provided in the sea level rise and resiliency section below.

Compliance with Sea Level Rise and Resiliency Review Criteria

Section 133-50(a) of the LDRs establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

1. A recycling or salvage plan for partial or total demolition shall be provided.

Satisfied. A recycling or salvage plan will be submitted when the applications for the demolition and building permits are submitted.

2. Windows that are proposed to be replaced shall be hurricane proof impact windows.

Satisfied. Where applicable, replacement windows will be hurricane proof impact windows.

3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Satisfied. The design will feature passive cooling systems where feasible and appropriate.

4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.

Satisfied. The plans propose resilient landscaping, including salt tolerant, highly water-absorbent, native or Florida friendly plants.

5. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

Satisfied. The land elevation of the site is consistent with the surrounding properties.

6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entryways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.

Satisfied. The design of the residence features parking and other non-habitable features of the home on the ground level and the interior habitable areas on the second and third levels.

7. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

Satisfied. The residence's mechanical and electrical systems will be located above base flood elevation.

8. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Satisfied. According to the structural engineering report, it is not feasible to elevate the existing building to base flood elevation +1'-0" without its demolition and reconstruction.

9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Not Applicable. Habitable space is not proposed below base flood elevation plus freeboard.

10. In all new projects, water retention systems shall be provided.

Satisfied. Additional information shall be provided at the time of building permit review.

11. Cool pavement materials or porous pavement materials shall be utilized.

Satisfied. Additional information shall be provided at the time of building permit review.

12. The project design shall minimize the potential for a project causing a heat island effect on site.

Satisfied. The design incorporates landscaping and light solar reflective materials to minimize any potential heat island effects.

Based on the above, we respectfully seek your favorable review and recommendation of approval for this application. If you have any questions or require additional information, please call me directly at 305-989-8272.

Respectfully submitted,

LSN Law, P.A.

A handwritten signature in black ink that reads "Tracy Slavens". The signature is written in a cursive style with a large, looped initial 'T'.

Tracy R. Slavens, Esq

Enclosures:

CC:

