

# VILLAGE ARCHITECTS

OF KEY BISCAYNE, INC

ARCHITECTS, PLANNERS, INTERIOR DESIGN & PURCHASING

16 March 2023

City of Miami Beach Planning Director  
Preservation Officer and Staff  
1700 Convention Center Drive  
Miami Beach, FL 33139

Re: Letter of Intent for Application of the Historic Preservation Board for Unit Size Variance  
239 1st Street  
Two Story Apartment / Commercial at Grade Building

Dear Planning Director

We are submitting this application on behalf of Washington Ave Realty LLC (Applicant) and owner of 239 1<sup>st</sup> Street, Miami Beach Florida (the property). Please accept this as the Applicant's letter of Intent in connection with the attached application package seeking the review and approval by the Historic Preservation Board to allow a Variance to the minimum Unit Size and Average Unit size as required by Section 142-698(b).

This 8,579 sqft two story concrete and stucco art deco- stream lined and stylized building was built in 1936 and it sits on a 5,000 sqft lot at the corner of Washington Avenue and 1<sup>st</sup> Street in the C-PS1 Zoning District. Pursuant to Section 142-108, this is not a single family home and not applicable.

This building features a Corner entry at grade level. The storefront configuration will remain at 1<sup>st</sup> Street and Washington Avenue. Existing grade level restaurant space is not part of this permit. No changes are proposed for the existing fluted column details or horizontal bands and eyebrows. Washington Avenue modification includes relocating Lobby Entry door to side of recess nook for new accessible lobby. This nook will be enlarged to accommodate the shut off valves required for a new sprinkler system. All apartment units to be renovated with new bathroom fixtures and finishes and kitchen millwork and appliances and to include central air conditioning.

## **Compliance with the Zoning Code:**

The City of Miami Beach Sec 142-698 provides for Minimum Unit size in the C-PS1 district along with the Average Unit size. According to the table Rehabilitated buildings are required to have a 400 sqft unit size with an Average Unit size of 550 sqft.

The existing building has units that range from 331 sqft to 757 sqft with a total of 5,207 sqft and an average Unit size of the (12) units at 433 sqft.

The proposed layout has units that range from 332 sqft to 529 sqft with a total of 4,343 sqft and an average Unit size of the (11) units at 395 sqft.

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**Consistency with 2040 Comprehensive Plan:**

The Existing Residential/ Commercial Use is consistent with the Future Land Use Map of the Comprehensive plan.

**Guidelines in the Code: (Not Applicable)**

Section 118-192(a)(1)-(7)	Conditional Use
Section 142-1362(a)(1)-(9)	Outdoor Entertainment Est.
Section 130-38(3)(c)(i)(1)-(2) & (4)(a)(1)-(9)	Mechanical Parking
Section 118-192 (b)(1)-(11)	Structures over 50,000 sqft
Section 118-192 (c)(1)-(11)	Religious Institution
Section 118-321(B)(1)-(16)	Lot Splits

**Practical Difficulty and Hardship Criteria:**

Article 1 Section 2 of Related Special Acts, 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. Work performed in this section is located on the first and second floors above grade. To retain continuity with existing conditions, our upgrading of the units to be more accessible, to meet the minimum unit and average size would require a larger net loss of units. These units have historically been small studio apartments. During the last renovation, a unit was lost and combined due to the upgrades of the south staircase #1. Currently 10 of the 12 units do not meet the minimum unit size and the changes to the units are not significantly changing the intended use of the building. Our intent is to improve the building as much as possible, while maintaining the existing units as much as possible. This variance does not increase the number of units, but will allow the existing units to remain.

Per Section 118-353(d) Miami Beach Code

In order to Authorize any variance from the terms of these land development regulations and sections 6-4 and 6-41(a) and (b), the applicable board shall find that:

- (1) 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

This building was built in 1936 and the upper floor appears very similar to any original configuration that would have been built. We are trying to maintain this character of the building of small studio apartments which the tax role lists as 17 living units and only 11 are proposed. The existing restaurant at grade level will remain- no work in this permit/ variance.

This building due to its age is unique and by allowing us to retain small studio apartments, we are following the original configuration.

- (2) The special condition and circumstances do not result from the action of the applicant
  - This building has existed since 1936 and the upgrades and Rehabilitation proposed will not increase the number of units. Our intent is to improve the accessibility and provide better clearances with safer conditions meeting today’s code.
- (3) Granting the Variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district

The apartments will not confer any special privilege that is denied by these regulations and will maintain a similar layout to the original design. A reduction in the amount of units is proposed to allow the space for the accessible improvements.

- (4) Literal Interpretation of the provisions of these land development regulations would deprive the applicant rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant.

This is an adaptation to rehabilitate and upgrade to the existing apartment units. We are bound by certain obstacles and are doing the best to fit within the demising walls of the existing units. We have eliminated one unit to accommodate the stair and elevator shaft. We would not want to lose more apartment units when the layout is very similar to the existing size and scale.

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

The minimum modification to unit sizes of the historic building is preferred. We are modifying the unit sizes only where necessary and are not reducing the existing minimum size or unit count. We minimally affect the street elevations and are keeping within the character of the original design and are updating for accessibility reasons.

- (6) The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare

The Existing Residential/ Commercial Use is consistent with the Future Land Use Map of the Comprehensive plan.

The granting of this variance will be in harmony with the general intent. The variance is not use related, but rather for unit size which is in keeping with the historic unit size.

- (7) 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.

The Existing Residential/ Commercial Use is consistent with the Future Land Use Map of the Comprehensive plan.

- (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

**Compliance with Sea Level Rise and Resiliency Review Criteria:**

Section 133-50(a) of the Land Development 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 demolition shall be provided.

All existing interior finishes and fixtures to be removed in bathrooms and kitchens.

Appliances and plumbing fixtures shall be salvaged where possible.

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows

All windows to be replaced will be impact resistant type of windows.

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

Operable windows will be provided similar to the original configurations.

- (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.

This is an existing building and footprint. There are no green areas on the site, the interior side yards are paved. Street trees will remain.

- (5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Climate Action Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of the surrounding properties.

The lobby for the Living Units is being lowered to make it accessible from the city sidewalk and an elevator will be added for first and second floor access. All Living units are elevated 5'-0" above grade. Floor plan modification will also be made for trash room at grade level.

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

Not Applicable

- (7) As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practical and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

Electrical Equipment mounted above base flood elevation. Mechanical equipment shall be mounted on the roof.

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

We are lowering the lobby for access from sidewalk and are providing elevator to elevated first and second floors to living units. Existing service area below to remain. Trash room at grade level will be provided.

- (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 54 of the city code.

No habitable living space shall be below flood plain. Utility spaces only.

- (10) As applicable to all new construction, stormwater retention systems shall be provided.

Not applicable

- (11) Cool pavement materials or porous pavement materials shall be utilized

Not applicable

- (12) The design of each project shall minimize the potential for head island effects on-site

New roof shall be installed.

**Variance Request:**

The purpose of this rehabilitation is to upgrade the building and provide accessibility. Doors are being enlarged to provide accessible clearances and the bathrooms are being enlarged to provide the minimum fixture clearances. A new elevator is being added to provide access to the apartment floor levels which are currently only accessible by stairs. A new staircase is also proposed to replace the existing stair which does not meet width and stair riser requirements. These changes will require some

changes to the demising walls of the units to allow for the accessible components. The total unit count will be reduced from (12) to (11) to provide room for the new staircase and elevator shaft.

Per Section 142-698(b) the minimum unit size for Rehabilitation is 400 sqft.

The proposed units: 2, 4, 10, 14 and 15 fall below the minimum unit size and will require a Variance. This same section also requires for Rehabilitation an average unit size of 550 sqft. We are requesting a Variance to allow the proposed (11) unit to have an average unit size of 395 sqft.

We have met the Secretary of the Interior standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the City of Miami Beach Design Guidelines and request approval of our Variance. The property will continue to be used for its historic purpose of Residential units and a Commercial space. The new work will be a product of its time and shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity.

Sincerely,

Robert John Graboski