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VIA ELECTRONIC SUBMITTAL

March 10, 2024

Deborah Tackett
Historic Preservation & Architecture Officer
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

RE: **HPB23-0591** - Letter of Intent for New Hotel at
1509 – 1515 Washington Avenue, Miami Beach

Dear Ms. Tackett:

This law firm represents 1515 Washington Acquisition LLC (the "Applicant") relating to the property located at 1509 – 1515 Washington Avenue in the City of Miami Beach (the "City"). This letter serves as the required letter of intent for a Certificate of Appropriateness for demolition and new construction in the Flamingo Park Local Historic District, including a variance to allow ornamental features to project into the north side setback and waivers related to reconstruction of the Contributing façade, on-street loading, and the long-frontage standards provided in the Resiliency Code. The Applicant has filed a concurrent Planning Board Application, PB23-0625, for new construction over 50,000 square feet, neighborhood impact establishment, and a rooftop restaurant within 200 feet of residential units.

Description of the Property. The subject property consists of two lots on the east side of Washington Avenue identified by Folio Nos. 02-3234-019-1180 and 02-3234-019-1170 (collectively the "Property"). The Property is approximately 27,125 square feet (0.62 acres) in size. On the portion of the Property associated with the address 1509 Washington Avenue, there is a one-story commercial building that was developed in 1959 ("South Building"). On the portion of the Property

associated with the address 1515 Washington Avenue, there is a thirteen (13) unit single-story multi-family building developed in 1948 ("North Building").

The Property is zoned CD-2, Commercial, Medium Intensity ("CD-2") and within the Washington Avenue Overlay. The Property is located in the Flamingo Park Local Historic District and the Miami Beach National Register Architectural District. The existing structures on the Property that front Washington Avenue are classified as Contributing within the Flamingo Park local Historic District. The rear portion of the North Building is not classified. The historic resources report, included in the application materials, details the local district, original architect, and history of the buildings on the Property.

Unified Development Site. The Property is part of a unified development site with 1500 Collins Avenue pursuant to the Covenant in Lieu of Unity of Title recorded in Official Record Book 30519, Page 3915 of the Public Records of Miami-Dade County (the "Covenant"). The recorded Covenant is included in the application materials and referenced on the Architectural Plans. Pursuant to the Covenant, the Property has been allocated 99,500 square feet of floor area. No work is proposed on the portion of the unified development site located at 1500 Collins Avenue.

Project. The Applicant seeking approval of a Certificate of Appropriateness to develop an innovative and attractive 238-unit hotel with a pool deck on the second level and a separately operated restaurant on the ground floor (the "Project"). The Applicant's goal is for the Project to be consistent with the CD-2, Washington Avenue Overlay regulations, compatible with the local historic district, and maintain the fabric of the contributing storefronts. Specifically, the Project provides an entirely active street frontage on Washington Avenue and the new visitors will bring a new wave to the existing retail, restaurants, and cultural institutions in the Washington Avenue Overlay and on Espanola Way.

Overall, the Project is seven (7) stories in height and fully complies with the City's Resiliency Code (the "Code") requirements for hotel uses. The Project proposes reconstruction of the facades that face Washington Avenue, with the tower portion of the Project setback behind the storefronts and centrally located on the Property. The Project introduces new hotel to the predominantly commercial and transient Washington Avenue corridor and reintroduces the character of the commercial units on the ground floor.

The ground floor will contain the lobby entrance to the hotel, some hotel units, amenities, a restaurant establishment with patio seating, and sufficient life safety and back-of-house areas. The Property although an assemblage of two lots has no rear, alley access, and no curb-cuts. The existing uses on Washington Avenue all currently utilize

on-street loading, it not possible to internalize loading operations within the site and maintain the character of the facades. Therefore, the life-safety and back-of-house areas are located on the ground floor, and accessible from the internalized service corridor within the south setback.

The second level of the Project features hotel units, as well as a pool deck that will be for the exclusive use of the hotel guests. Levels three (3) through six (6) feature the majority of hotel units. The rooftop level contains a few additional units and the hotel's lounge area. No outdoor entertainment is proposed throughout the entire Project.

The design of the Project pulls inspiration from the existing Albert Anis storefronts and his other prominent buildings in Miami Beach. Specifically, the geometric shapes of the tower portion are inspired by the rectangular vocabulary found on the existing storefronts. This similar movement between levels and "L" shape massing is found on the Shore Club Hotel on Collins Avenue. Also, the Project will reintroduce the column pattern of the storefronts of the South Building at an elevation. These reconstruction endeavors require waivers to reconstruct the ground level northernmost wall at a setback of 3.3 feet, to permit on-street loading, and to vary the long-frontage standards, as analyzed below.

Certificate of Appropriateness. The Project is designed to be compatible with the surrounding historic district, while remaining distinguishable from the surrounding contributing buildings in accordance with the Secretary of the Interior Standards for the Treatment and Rehabilitation of Historic Properties. The Project proposes to reconstruct the contributing facades that front Washington Avenue to maintain the character and feel of the Flamingo Park Historic District and high pedestrian area. The materials, colors, and landscaping have all been selected to compliment the surrounding contributing buildings. Overall, the Project has been designed to be sensitive to the historic district, while also providing interesting architectural variation and juxtaposition of modern architecture adjacent to historic post-war modern structures.

Demolition Evaluation Criteria. The Project includes demolition of the existing buildings on the Property classified as contributing and satisfies the criteria pursuant to Section 2.13.7.d.6.D, as follows:

- I. **The building, structure, improvement, or site is designated on either a national or state level, as part of a historic preservation district or as a historic architectural landmark or site, or is designated pursuant to section 2.13.9 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.

The existing buildings are classified as contributing in a local historic district.

II. The building, structure, improvement, or site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty or expense.

The facades of the existing buildings on the Property are of such a unique design that the Project includes reconstruction. The Project considers the future impacts that sea level rise and is taking great care to recreate the pedestrian's experience on Washington Avenue, but at the necessary elevation to accommodate future raising of roads.

III. The building, structure, improvement, or site is one of the last remaining examples of its kind in the neighborhood, the county, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

The existing structures are not the last remaining examples of its kind on Washington Avenue. There are numerous examples of retail storefronts in the Flamingo Park Local Historic District. The proposed reconstruction will revert to the original distinctive example that contributes to the character of the district.

IV. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in chapter 1 of these land development regulations, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

Pursuant to the City's Historic Properties Database GIS, the portions of the Property that front Washington Avenue are classified as Contributing. The rear portion of the North Building is considered to be not classified.

V. 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.

Retention of the one-story buildings will not promote the general welfare of the City. The buildings are located below Base Flood Elevation and are at high risk of damage due to permanent flooding.

- VI. 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, or the design review guidelines for that particular district. If the district in which the property is located lists retail uses as an allowable use, then the ground floor shall contain such uses. At-grade parking lots shall not be considered under this regulation. Parking lots or garages as main permitted uses shall not be permitted on lots which have a lot line on Ocean Drive or Espanola Way.**

The proposed demolition is for the purpose of reconstructing the contributing facades and introducing a new hotel use, which is a permitted use on Washington Avenue in the CD-2 zoning district. Construction of a parking garage is not proposed.

- VII. 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.**

This Application includes beautiful plans for the reuse of the Property. The proposed architecture is compatible and complementary to the surrounding historic district. Also, the Proposed new construction draws inspiration from the original architect's style throughout Miami Beach.

- VIII. The county unsafe structures board has ordered the demolition of a structure without option.**

The County has not ordered for the demolition of the buildings.

Waiver of Off-Street Loading. In order to allow for the reconstruction of the contributing facades along Washington Avenue and due to the lack of vehicular access to the narrow site, a waiver of off-street loading spaces is needed to allow loading to occur on Washington Avenue. Notably, the reconstructed facades will retain their Contributing status. The Applicant has submitted a detailed loading plan describing the on-street

loading from the existing commercial loading zone located at approximately 1545 Washington Avenue to the Parking Department and Transportation Department. The Project requires a total of four (4) loading spaces based on the number of hotel units and restaurants. The existing commercial loading zone includes three (3) designated loading spaces along Washington Avenue, which will be increased to four (4) spaces, to allow convenient and efficient loading into the building, consistent with the current loading operations for the existing commercial storefronts.

The operations plan, included in the submitted materials for Planning Board's review, provides specific parameters for the Project's deliveries, including limiting use of the loading zone to the presently permitted loading hours (7AM – 11AM), and detailing how deliveries will be efficiently executed using a proposed back of house corridor on the south side of the Property.

Waiver of Long Frontage Standards. Section 7.1.2.2.e.ii.2 of the Code includes additional regulations for new construction with nonresidential uses on the ground floor on frontages with a width greater than 150 feet ("Long Frontage Standards"). While the Property is considered a Long Frontage, the site is extremely narrow and irregular in shape. Therefore, it is not possible to reconstruct the Contributing facades above the necessary base flood elevation and comply with all of the new Long Frontage Standards. The Applicant is taking as many measures as possible to ensure the new construction is above base floor elevation and the sidewalk can be properly harmonized. Therefore, the Applicant is seeking the following waivers of the Long Frontage Standards:

1. A ten (10) foot wide sidewalk width to maintain the existing eight (8) foot wide sidewalk width;
2. The parallel transition area between the raised circulation zone and existing sidewalks to properly harmonize and provide safe access to the new construction when the difference between the existing sidewalk and new elevation is five (5) feet;
3. The landscape transition area between the raised circulation zone and Washington Avenue; and
4. The additional fifteen (15) foot setback from the ground floor façade to the back up curb, when a zero (0) foot ground floor setback is permitted in the Washington Avenue Overlay pursuant to Section 7.2.11.5 of the Code.

The Applicant is complying with the ground floor elevation requirements provided in the Long Frontage Standards. In this historic, pedestrian-focused area, it is not feasible to introduce wider sidewalks and wider transition areas between the existing on-street parking and the clear five (5) feet sidewalk circulation zone. Additionally, Washington

Avenue is a major corridor without greenspaces between the vehicles, sidewalks, and storefronts. The Project maintains the existing character, and Contributing status, as well as ensures the reconstruction and new construction comply with the necessary minimum design flood elevation.

Waiver of Nonconforming Setback. The Project includes reconstruction of the ground level northernmost wall. The Applicant is proposing to keep the 3.3 foot setback for approximately nineteen and a half (19.5) feet and the remaining portion of the north setback will comply. Pursuant to Section 2.12.8(b)(4)(B) of the Resiliency Code, for the replication of contributing buildings, the HPB may allow for the retention of the existing structure's setbacks, if at least one of the following criteria is satisfied,

1. The structure is architecturally significant in terms of design, scale, or massing;
2. The structure embodies a distinctive style that is unique to Miami Beach or the historic district in which it is located;
3. The structure is associated with the life or events of significant persons in the city;
4. The structure represents the outstanding work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
5. The structure has yielded or is likely to yield information important in prehistory or history; or
6. The structure is listed in the National Register of Historic Places.

In this case, multiple of the criteria are satisfied. First, the existing structure is architecturally significant in terms of its scale, relationship with Washington Avenue, and original architect. This pedestrian-oriented area provides minimal setbacks between commercial uses. Additionally, the structure, including its 3.3 foot setback, embodies the distinctive character of the original architect, Albert Anis, a significant architect in the City, and the Flamingo Park Historic District. Therefore, reconstruction at the same ground level setback will yield important information about the historic character and fabric of the area.

Variance Request. In order for the new construction to be compatible and functional, the Project requires slight variance of the north, interior side setback for an ornamental projection. Specifically, pursuant to 7.2.11.5.b., the required side setback for hotel uses is seven and a half (7.5) feet. The existing side setback is approximately 3.3 feet on the north. Above the ground floor, the design features rectangular architectural elements that match the 3.3 foot setback and require a variance of Section 7.5.3.2(o) of

the Resiliency Code to exceed the maximum permitted projection of approximately 1.5 feet.

Hardship Criteria. The Variance requested satisfy the hardship criteria pursuant to Section 2.8.3.a. of the Code, as follows:

- 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;**

There are special conditions and circumstances that exist which are peculiar to the land and are not applicable to other land or buildings in the same zoning district. The Property is located in a local historic district and contains two unique commercial buildings. The buildings were designed by a prominent Miami Beach architect, Albert Anis, and part of the historic Washington Avenue streetscape. Reconstruction of the facades, keeping the pattern and scale, is an entirely unique condition and not applicable to other lands in the same zoning district.

- 2. The special conditions and circumstances do not result from the action of the applicant;**

The special circumstances, in this case, do not result from the actions of the Applicant. Keeping the historic setbacks are special conditions and circumstances. The slight setback encroachment occurs only on every other floor to provide an architectural feature that will make a significant impact on the design without adding massing. These are special conditions and circumstances that directly relate to the preservation intent of the Project.

- 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 Code allows other similarly situated property owners to seek similar variances to accommodate sensitive development when recreating specific design features from buildings classified as contributing. The Applicant is not gaining any additional massing as a result of this variance and the design matches the historic experience with the existing storefronts. There are no special privileges conferred to the Applicant, but rather necessary deviations of the strict Code to recreate the contributing buildings in a local historic district and introduce new architecture that is sensitive and compatible. The Code permits other similarly situated property owners to make similar requests to

accommodate designs that contribute to the context of the neighborhood. Therefore, granting of the Variance in this case will not confer any special privilege on the Applicant.

4. Literal interpretation of the provisions of these land development regulations would deprive the applicant of 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;

A literal interpretation of the provisions of the land development regulations would deprive the Applicant rights enjoyed by other properties in the same zoning district. The Applicant's goal is to provide a new hotel concept that is compatible with the local historic district and maintain the historic fabric of the existing ground floor. Many of the existing buildings and storefronts on Washington Avenue have no interior setbacks. This provides a continuation of the streetscape and enhances the pedestrian experience. The requested Variance will produce an enhanced design that is consistent with the character of the neighborhood and directly related to the recreation of the ground floor buildings facades. Therefore, strict compliance with the land development regulations would be an unnecessary and undue hardship on the Applicant.

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

The Variance relates to the same special conditions that prevents strict compliance with the Code and is the minimum variation of the Code that will make possible the reasonable use of the Property.

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; and

Granting of the Variance will be in harmony with the general intent and purpose of these land development regulations and the local historic district. The proposed modifications allow for a beautiful, innovative new hotel concept and pays homage to the original architect's style.

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 planning and zoning director may require applicants to submit documentation to support

this requirement prior to the scheduling of a public hearing or any time prior to the board of adjustment voting on the applicant's request.

The purpose of the medium intensity commercial district is to provide development opportunities for and to enhance the desirability and quality of existing and new medium intensity commercial areas in the City. The Application is consistent with this purpose as an infill of additional lodging and commercial uses. The Applicant's approved traffic study confirms that the Project does not reduce the levels of service set forth in the Comprehensive Plan. Infill along the major corridor, Washington Avenue, in the CD-2, will minimize any potential impact on the residential areas of the Flamingo Park Local Historic District.

Practical Difficulty. The innovative design does the most possible to recreate the retail frontages and provide a functional hotel project. There are multiple practical difficulties that must be addressed in order to make practical use of the Property for a new hotel concept. The Property is narrow, with a significant amount of frontage on Washington Avenue, and irregular in shape. The most significant and critical practical difficulty is reconstruction of the existing contributing facades and maintaining the historic setbacks. As described in the historic resources report, the existing buildings were built in 1948 and 1959 and design by well-known, Miami Beach architect, Albert Anis. The Applicant's goal is to recreate and respect the existing façades. The existing north setback is approximately 3.3 feet. The minimal encroachment into the setback above the ground floor ensures the new construction complements the existing streetscape and maintains the existing retail fabric.

Sea Level Rise and Resiliency Criteria. The Proposed Project advances the sea level rise and resiliency criteria in Section 133-50(a) of the City Code as follows:

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

A recycling and salvage plan for the demolition of the existing structures will be provided.

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

Hurricane proof impact windows will be provided.

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

The Applicant will provide, where feasible, passive cooling systems.

(4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

The Project includes resilient, Florida-native, or Florida-friendly landscaping.

(5) Whether 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, including a study of land elevation and elevation of surrounding properties were considered.

Sea level rise projections have been considered in the design and development of the Project.

(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.

The proposed ground floor areas will be adaptable to raised public rights-of way and adjacent properties. The Applicant has met with the Department of Public Works to review alternative sidewalk improvements to harmonize the proposed building elevation. Further, the Applicant has included additional renderings to highlight how the Project will function and look once the abutting road and sidewalk are raised.

(7) Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

All mechanical and electrical systems will be located above base flood elevation.

(8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

All habitable spaces within the Project will be elevated above base floor elevation.

(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.

When habitable space is located below base flood elevation, wet or dry flood proofing systems will be provided.

(10) Where feasible and appropriate, water retention systems shall be provided.

Water retention systems will be provided as part of the resiliency goals of the Project.

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

Cool pavement and porous materials are proposed where appropriate.

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

The Applicant is proposing multiple green spaces on the ground floor, second floor with specific materials and landscaping to minimize any potential for heat island effects on-site.

Conclusion. The Project is an important part of the revitalization of Washington Avenue. The Applicant has studied the architecture of the building and surrounding area and is proposing a stunning example of reconstruction that addresses sea level rise and resiliency. Accordingly, we respectfully request your favorable review and recommendation with respect to the Project. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Michael Larkin

cc: Emily K. Balter, Esq.