



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6236 office
305.377.6222 fax
MAMster@brzoninglaw.com

VIA ELECTRONIC SUBMITTAL

May 21, 2024

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

RE: **Request for Certificate of Appropriateness -**
Letter of Intent – Request for Certificate of
Appropriateness for Design for the Property located at
1525 Lenox Avenue, Miami Beach

Dear Ms. Tackett:

This law firm represents M&E 3731/1622 Capital LLC (the "Applicant") relating to the property located at 1525 Lenox Avenue (the "Property") in the City of Miami Beach (the "City"). This letter serves as the required letter of intent supporting a request to the Historic Preservation Board ("HPB") for a Certificate of Appropriateness for design ("COA") and a waiver of understory height for a new six (6) unit residential project at the Property.

Description of the Property. The Property consists of one (1) lot mid-block on the east side of Lenox Avenue between 15th and 16th Streets, and is identified by Folio No. 02-3234-151-0010. The Property is approximately 8,000 square feet (0.18 acres) in size. The Property contained a two (2)-story, six (6)-unit residential building originally built in 1952. See figure 1, Miami-Dade Property Appraiser Excerpt. The Applicant has separately submitted a request to the HPB for an after-the-fact COA for demolition of the structure.

It should be noted, the structure on the Property was demolished on May 14, 2024¹.

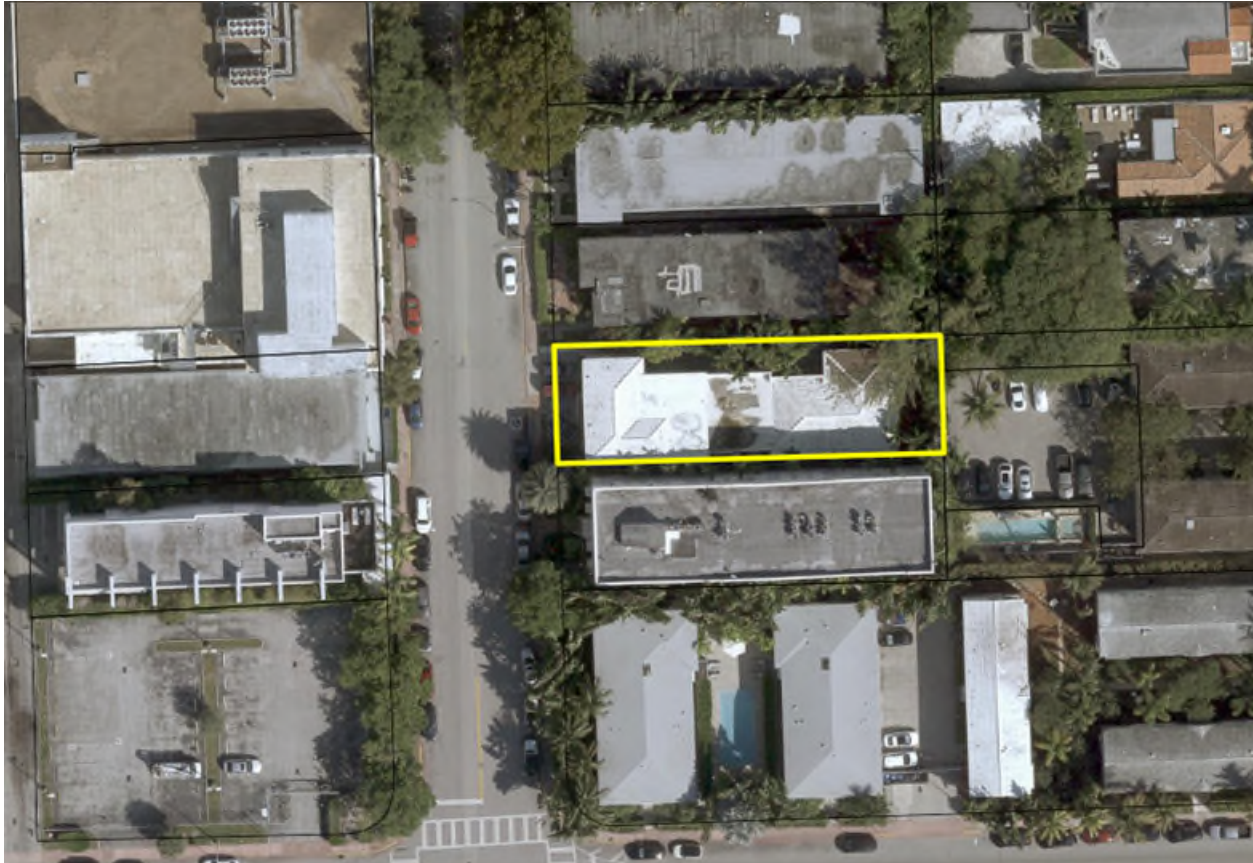


Figure 1,

The Property is zoned RM-1, Residential Multifamily, Low Intensity ("RM-1" Zoning District). The Property is located in the Flamingo Park Local Historic District and the Miami Beach National Register Architectural District.

Description of the Project. The Applicant seeks approval of a COA for design to develop a resilient and well-designed six (6)-unit residential project in a two (2) story building with an understory (the "Project"). Notably, this is the same density as the existing building. The understory consists mainly of parking and a lobby for access, thereby substantially elevating the habitable units on the upper levels to be resilient for

¹ A demolition permit was submitted on February 5, 2024. Following submittal of the demolition permit application, on or around March 14, 2024, the building official requested an updated structural engineering report regarding the now demolished structure on the Property. The Applicant retained YHCE to provide a new structural engineering report which was provided to the City on April 5, 2024. Subsequently, an emergency demolition order was issued by the building official on April 17, 2024 and a demolition permit was issued on April 19, 2024.

decades to come. The Applicant's goal is for the Project to be consistent and compatible with the RM-1 Zoning District and Flamingo Park neighborhood.

Overall, the Project complies with the City's Resiliency Code (the "City Code") requirements for residential uses. The Project embraces the defining 2-story tall window element at the northwest corner side of the existing front facade by providing a similar window system on the principal.

Request for COA. 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. Pursuant to Section 2.13.1(d)(2)(C) of the City Code, the Applicant requests a COA for design from the HPB to replace the demolished structure. Specifically, the City Code states that a contributing building shall only be replaced with a new structure that incorporates the same height, massing and square footage of the previous structure on site, not to exceed the floor area ratio ("FAR") of the demolished structure and not to exceed the maximum FAR and height permitted under the City Code, with no additional square footage added. However, the policy may be rebutted, and the HPB may allow for the addition of more square footage, where appropriate, not to exceed the maximum permitted under the City Code, if it is established to the satisfaction of the HPB that the following criteria have been satisfied:

- a. The proposed new structure is consistent with the context and character of the immediate neighborhood; and
- b. The property owner made a reasonable effort to regularly inspect and maintain the structure free of structural deficiencies and in compliance with the minimum maintenance standards of the City Code.

Additionally, pursuant to Section 2.13.1(d)(2)(B) of the City Code, the HPB shall determine, on a case-by-case basis, whether the replication of an original, contributing structure is warranted. Therefore, it is within the HPB's authority to determine that replication of the original structure does not warrant imitation.

As stated above, the Project embraces the defining double height window element at the northwest corner side, similar to the demolished structures front facade by providing a similar window system on the principal, consistent with the context and character of the immediate neighborhood and the demolished structure. The Project incorporates elements of the prior structures facade and feel of the contributing

commercial structures on Lenox Avenue to maintain the character of the Flamingo Park Historic District. 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, juxtaposition of modern architecture adjacent to historic post-war modern structures, and resilient.

Based on the foregoing, the Project incorporates the prior structures defining design elements by replicating a similar double height window element and is consistent with the context and character of the immediate neighborhood. In addition, the Applicant made a reasonable effort to maintain the demolished structure free of deficiencies since the Applicant acquired the building in 2022. Therefore, the HPB's authority to determine that replication of the original structure does not warrant imitation.

Waiver of Understory Height. The Applicant proposes an attractive and resilient building including an understory. To be both resilient and ensure better compatibility with the surrounding buildings, the design has a shorter understory than encouraged by the Code, 10'-8" versus 12". As such, pursuant to Section 7.1.2.2(c)(2)(a), of the City Code, the Applicant requests a waiver of the understory height from the HPB. The proposed understory height will provide the Project with a long life and will accommodate the raising streets, consistent with the Code.

Sea Level Rise and Resiliency Criteria. The Project advances the sea level rise and resiliency criteria in Section 7.1.2.4 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 during the building permit process.

(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 ground floor areas will be adaptable to raised public rights-of way and adjacent properties.

(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 are new construction and will be elevated.

(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.

No habitable space will be located below base flood elevation.

(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 proposes landscaping to minimize any potential for heat island effects on-site.

Conclusion. Approval of the COA for design and Waiver of understory height will permit a better use of the Property for future generations of Miami Beach Residents. The Project furthers the residential nature of the Flamingo Park neighborhood by providing a well-designed, resilient building with no increase in density. 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,

A handwritten signature in blue ink, appearing to read "Michael Larkin", with a stylized, wavy line above the name.

Michael Larkin

cc: Michael Yanopoulos, Esq.