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December 22, 2020

**VIA ELECTRONIC SUBMITTAL**

Deborah Tackett, Chief of Historic Preservation  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2nd Floor  
Miami Beach, Florida 33131

Re: **HPB20-0420** – REVISED Certificate of Appropriateness  
and Variances for the Property Located at 1030 6<sup>th</sup> Street

Dear Ms. Tackett:

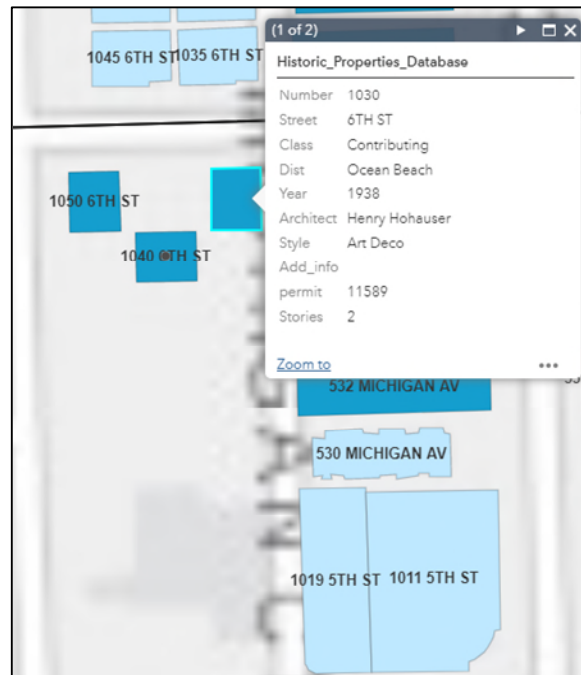
This law firm represents Fernandez Properties, Inc. (the "Applicant"), owner of the property located at 1030 6<sup>th</sup> Street (the "Property")<sup>1</sup>. The Applicant proposes to renovate and preserve the existing two-story contributing structures and introduce a new six-story hotel. The Applicant considered the recommendations of the Historic Preservation Board ("HPB") at the November 10, 2020 meeting, and reduced the height of the tower in the center of the Property. Please allow this letter to serve as the letter of intent in connection with a request to the HPB for a Certificate of Appropriateness, and associated Waiver for on-street loading and Variances for reduced setbacks, rear yard open space, and minimum required floor area per hotel unit.

Description of Property. The Property is located at the southeast intersection of Lenox Avenue and 6<sup>th</sup> Street, with frontage on 6<sup>th</sup> Street. The Miami-Dade County Property Appraiser's Office identifies the Property with tax Folio No. 02-4203-009-7860. See Exhibit A, Property Appraiser Summary Report. The Property is within the C-PS2, General Mixed-use Commercial Zoning District. According to the Miami Beach Historic Properties Database, the Property is classified as contributing within the Ocean Beach Local Historic District. See Figure 1 below, Historic

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<sup>1</sup> The Property is also associated with addresses 1040 and 1050 6<sup>th</sup> Street.

Properties Database Excerpt. The immediate surrounding area is a mix of multi-story large-scale retail to the south, including Publix and Target. North of 6<sup>th</sup> Street is the Saint Francis de Sales Catholic Church and two- and three-story multi-family residential buildings.



**Figure 1, Historic Properties Database Excerpt**

*Existing Structures.* In 1938, architect Henry Hohauser, well known for his contributions to the Art Deco style, designed the three (3), two-story structures. See Historic Resources Report prepared by Studio Mc+G Architecture included in the application materials. Each building contains four (4) apartment units. As is typical of the architectural style and time period, each building opens to an internal courtyard. The existing layout and frontages on 6<sup>th</sup> Street, Lenox Avenue, and Michigan Court alleyway, uniquely contribute to the fact that these structures have distinct design elements on all facades adding to the charm of the site.

Development Program. The Applicant's goal is to renovate and preserve the historic units, introduce a small café on the ground floor of one of the structures, as a necessary amenity to serve its guests and the public, and incorporate a new six-story hotel at the rear of the Property (the "Project"). The Applicant believes that these efforts are essential to restore the historic structures and ensure a viable hotel use. The Project will serve as a transition between the large retail to the south and multi-family uses to the north.

The design preserves the unique Art Deco details of the existing structures. Specifically, the overlapping canopies above the entrances and first floor windows, rounded steps, circular railing posts, and the hexagon window shapes. All three structures will remain in the same location fostering the internal courtyard ambiance. A modest café will be located within one of the structures along 6<sup>th</sup> Street. This will be an amenity for guests of the hotel, as well as an intimate establishment for local residents to walk or bike for indoor and outdoor dining.

The façade of the center building will be preserved and serve as the entrance and reception area for the new hotel use. Above the center building will be the new, six-story hotel addition. The façade of the new structure will have specific Art Deco features, such as corner windows and curved architectural articulations. The roof top of the new structure will have a modestly sized pool and deck area, with food service from the restaurant on site. No entertainment is proposed for the Project. The internal courtyard will be beautifully landscaped with palms and a large gumbo limbo tree. The border of the Property will be lined with continuous shrubbery and canopy trees.

Bicycle racks will be located at each frontage to encourage diverse transportation methods. One (1) off-street loading space will be accessible from Michigan Court, and the Applicant is proposing to utilize on-street loading off of Michigan Court and 6<sup>th</sup> Street. The Property currently provides zero (0) off-street parking spaces. The Applicant will contribute to the parking in lieu program in accordance with the City Code of Ordinances ("City Code") Section 130-132 (a-b).

Compliance with Certificate of Appropriateness Criteria. The design, scale and massing of the Project is compatible with the surrounding area, which contains large, non-residential buildings. The Project well within with the C-PS2 maximum permitted height and Floor Area Ratio. Additionally, the proposed Art Deco style is the most prevalent architectural style in the Ocean Beach Local Historic District. The materials and colors proposed on the tower façade and public portions of the interior space are consistent within the distinctive Art Deco vocabulary. Therefore, this urban infill hotel use is consistent with the design criteria and will serve as a transition between the large retail establishments to the south and residential community to the north.

Waiver Request. The contributing site currently provides no loading space or sufficient area to incorporate safe loading. The existing structures were constructed to the outer edges of the lot. The Property is within a locally designated historic district and is classified as contributing. Therefore, pursuant to Section 130-101, the Applicant is proposing to include the additional required loading spaces on-street. This is a typical condition around 5<sup>th</sup> and 6<sup>th</sup> Street. The Project includes one (1) new off-street space

located accessible from Michigan Court. However, two (2) additional off-street loading spaces cannot be safely accommodated with the preservation of the existing structures. The Parking Department reviewed and confirmed availability of the proposed use of on-street and loading areas in writing on September 17, 2020.

Variance Requests. The Project substantially complies with the Performance Standard District regulations of the City Code. The requested Variances are necessary to preserve the historic buildings and incorporate the tower structure within the Property. In order to fully realize its renovations, and due to the Property's confining characteristics, the Applicant requests the following:

1. Variances of City Code Section 142-697(a), to permit:
  - a. A reduced pedestal rear setback of one (1) foot when ten (10) feet is required;
  - b. A reduced pedestal interior side setback of five (5) feet when seven and a half (7.5) feet is required;
  - c. A reduced tower rear setback of one (1) foot when fifteen (15) feet is required;
  - d. A reduced tower interior side setback of five (5) feet when thirteen (13) feet and one (1) inches is required;
  - e. A reduced tower side facing a street setback of five (5) feet when eleven (11) feet and five (5) inches is required; and
2. A Variance of City Code Section 142-698(b) to permit 63.08% of the hotel units between 300 and 335 square feet in size and 36.92% of the hotel units greater 335 square feet in size, when fifteen percent (15%) of hotel units must be between 300 and 335 square feet in size and eighty-five percent (85%) of the floor area per hotel units is must be greater than 335 square feet.
3. A Variance of City Code Section 142-1132 to permit 65.47% encroachments within the required rear yard when thirty percent (30%) is permitted.

*Satisfaction of Hardship Criteria.* The Variances requested satisfy the hardship criteria pursuant to Section 118-353(d) of the City 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 uses, such as the historic preservation of three (3) contributing structures and multiple frontages. The existing structures are located along the Property lines, and the Project stays true to that condition and maintains the internal courtyard focused atmosphere. The Variances

requested are due to the existing conditions and location of the Property. The layout and frontages are not applicable to other lands and peculiar to these historic buildings.

**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. The existing buildings are contributing structures in a local historic district with minimal existing setbacks and existing unit sizes. The site has multiple frontages along heavily traversed rights of way. The Applicant is proposing to keep the existing structures and add the new massing as far away from the residential neighbors to north within a narrow portion of the site. The Applicant's goal is to make the hotel viable with necessary updates and amenities, such as handicap accessibility, loading, a small café, and bicycle parking.

**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 City Code allows other similarly situated property owners, renovating historic properties, to seek similar variances to accommodate sensitive development. The Variances ensure that the Project can retain and highlight the existing structures and courtyard. The setback related Variances are necessary for the preservation, functionality of the site, and introduction of a needed amenities. The slight reduction in hotel unit sizes is also necessary to accommodate sufficient back of house and accessibility areas within the new structure. Additionally, the rear yard encroachment is minimal and not a special privilege in this narrow site with three frontages and surrounding mix of uses. These are not special privileges conferred to the Applicant, but rather necessary for the preservation of the Property and guest experiences. The City Code permits other similarly situated property owners to make similar requests to accommodate preservations and additions of historic sites, and designs that contribute to the context of the historic neighborhood. Therefore, granting of the Variances 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;**

**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.**

A new hotel and small accessory café are consistent with the Comprehensive Plan and permitted by the C-PS2 regulations. The performance standards allow greater flexibility, and incentives for certain amenities, encouraging more flexible and innovative design and development, in accordance with the goals and objectives of the City's comprehensive plan. The Applicant is proposing an innovative design that maintains the exteriors of three (3) historic structures, with all back-of-house requirements far from the residential neighborhood to the north.

Granting of the Variances is necessary for the design and function of the site, and do not reduce levels of service one-block from the main entrance to Miami Beach. Development of the Project will provide local residents with a café in walking distance, with open air courtyard seating, ample bicycle parking, and amenity space for hotel guests.

*Practical Difficulty.* The innovative design does the most possible to provide a functional and viable hotel project that preserves many of its original characteristics. The corner lot contains three (3) separate historic structures and a historically valuable internal courtyard area. 6<sup>th</sup> Street and Lenox Avenue are highly traversed roads that restrict possible reconfiguration of the frontage. These are multiple practical difficulties that must be addressed in order to make practical use of the Property.

In order to preserve the existing buildings, with original design features on the façades, update all doors, windows, and mechanical systems, and minimize the height of the new structure, the Applicant is left with a confined developable area. Strict compliance with the land development regulations would contradict the historic preservation intent and goals of the City Code, and prevent redevelopment of this site. The rear is the only location for the new structure that completely preserves the frontage along 6<sup>th</sup> Street. The proposed design will provide a liner of the parking garage to the south with an Art Deco style tower that is consistent with the neighborhood.

Sea Level Rise and Resiliency Criteria. The 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 any proposed demolition will be provided at permitting.

**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.**

New landscaping provided will be Florida-friendly and resilient.

**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 are being considered.

**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.**

This is a renovation of a historic site. The ground level of the new building will be at BFE +1'.

**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.

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 Variances are necessary to preserve the existing setbacks, comply with accessibility and life safety requirements, and maintain the existing conditions of the majority of this oasis site from the large commercial structures to the south. Strict compliance with the land development regulations would be an unnecessary and undue hardship on the Applicant to place the tower portion of the structure entirely over the center building, which is being preserved. The requested Variances will produce an enhanced design that is consistent with the character of the neighborhood and will highlight the extensive preservation of the existing structures.

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

The Variances to reduce the minimum required setbacks relate to the same special conditions that prevents strict compliance with the City Code and are the minimum variations of the City Code that will make possible the reasonable use of the Property and preservation of all three (3) contributing structures. Reconfiguration of the existing floor plans and additional setbacks would require significant modification of the contributing structures, which the Applicant is preserving, and require an additional floor of height to the new structure. The goal of the Project is to save as much of the existing facades and situate the new massing towards the large-scale abutting retail parking garage.

**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 Variances will be in harmony with the general intent and purpose of these land development regulations, and preservation of structures with historical significance in local historic districts. The proposed modifications are intended to serve the guests and residents in the area. The new structure preserves the three frontages and the existing courtyard, and provides an architecturally interesting hotel liner in front of the large commercial parking garage. The Project substantially retains the existing structures and the new construction is compatible with the historic neighborhood, and therefore, benefits the public welfare and historic district.



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

This is a renovation of a historic site. The existing ground floor areas will be, where feasible and appropriate, 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.**

Wet or dry flood proofing systems will be provided where habitable space is located below BFE.

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

Where feasible, water retention systems will be provided.

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

Cool pavement materials and/or porous pavement materials will be utilized.

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

The Applicant proposes additional landscaping around the perimeter of the site, as well as a green roof above the preserved structure in the rear and additional landscaping on the roof top, to minimize potential for heat island effects on-site.

Conclusion. The Applicant will bring needed amenities to this mixed-use area, and preserve the Art Deco structures and internal courtyard. The massing, scale and design of the Project are compatible with Ocean Beach Historic District style of architecture and large abutting commercial structures to the south. The proposed hotel use with café and pool are necessary amenities for the viability of this urban infill development. Granting of this Certificate of Appropriateness, with associated Waiver for on street loading and Variances for reduced pedestal and tower setbacks and rear yard open space, is in harmony with the intent and purpose of the City's Comprehensive Plan and Land Development Regulations and will enhance the local historic district.

Based on these reasons, the Applicant respectfully request your favorable review and recommendation of this application. If you have any questions or comments with regard to the application, please contact me at (305) 377-6238.

Sincerely,



Michael J. Marrero

Enclosures

CC: Emily K. Balter

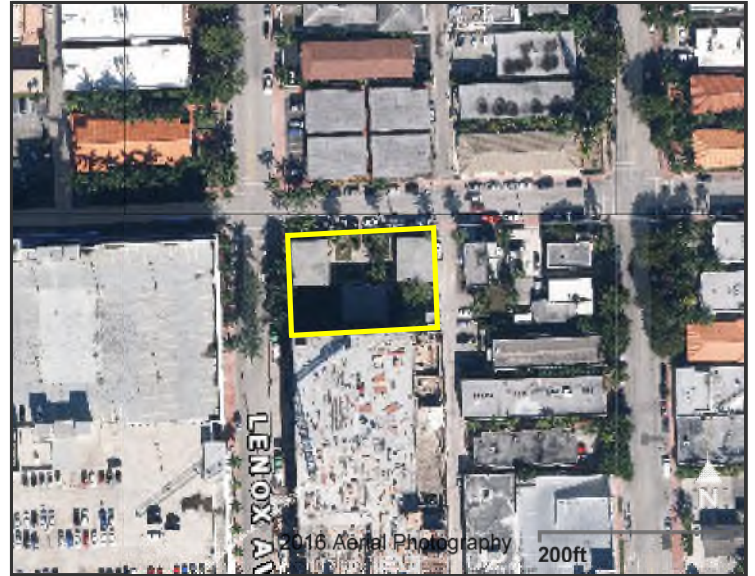


# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 7/17/2020

Property Information	
Folio:	02-4203-009-7860
Property Address:	1030 6 ST Miami Beach, FL 33139-6334
Owner	FERNANDEZ PROPERTIES INC
Mailing Address	PO BOX 191511 MIAMI BEACH, FL 33119
PA Primary Zone	6503 COMMERCIAL
Primary Land Use	0303 MULTIFAMILY 10 UNITS PLUS : MULTIFAMILY 3 OR MORE UNITS
Beds / Baths / Half	12 / 12 / 0
Floors	2
Living Units	12
Actual Area	8,286 Sq.Ft
Living Area	8,286 Sq.Ft
Adjusted Area	7,473 Sq.Ft
Lot Size	15,000 Sq.Ft
Year Built	Multiple (See Building Info.)



Assessment Information			
Year	2020	2019	2018
Land Value	\$1,980,000	\$1,980,000	\$1,485,000
Building Value	\$71,000	\$71,000	\$559,000
XF Value	\$0	\$0	\$0
Market Value	\$2,051,000	\$2,051,000	\$2,044,000
Assessed Value	\$2,051,000	\$1,874,048	\$1,703,680

Benefits Information				
Benefit	Type	2020	2019	2018
Non-Homestead Cap	Assessment Reduction		\$176,952	\$340,320
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
3-4 54 42 34 53 42 OCEAN BEACH ADDN NO 3 PB 2-81 LOTS 15 & 16 BLK 98 LOT SIZE 100.000 X 150 OR15911-3509-11/20281-1279 0302 4	

Taxable Value Information			
	2020	2019	2018
<b>County</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,051,000	\$1,874,048	\$1,703,680
<b>School Board</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,051,000	\$2,051,000	\$2,044,000
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,051,000	\$1,874,048	\$1,703,680
<b>Regional</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,051,000	\$1,874,048	\$1,703,680

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
12/01/1992	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed
08/01/1988	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed
06/01/1988	\$185,000	13722-1810	Sales which are qualified
03/01/1985	\$150,000	12469-1422	Other disqualified

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Version: