

Bueno, Lizbeth

From: Tackett, Deborah
Sent: Monday, December 6, 2021 2:57 PM
Cc: Gonzalez, Jessica; Bueno, Lizbeth
Subject: FW: HPB21-0457, 1 Lincoln Road and 1671 Collins Ave. Email 1 of 3
Attachments: 2021.12.04.Letter.HPB.21-0457.Jack.Finglass.pdf

Good Afternoon HPB members,

Please see public comment attached.

MIAMIBEACH

Debbie Tackett, *Historic Preservation & Architecture Officer*
PLANNING DEPARTMENT
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It's easy being Green! Please consider our environment before printing this email.

From: Paul Savage <psavage@rascoklock.com>
Sent: Monday, December 6, 2021 10:41 AM
To: Tackett, Deborah <DeborahTackett@miamibeachfl.gov>; Seiberling, James <JamesSeiberling@miamibeachfl.gov>
Subject: RE: HPB21-0457, 1 Lincoln Road and 1671 Collins Ave. Email 1 of 3

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Good Morning,

The attached is an updated, higher resolution version of this letter to the Chairperson. Please include this one in the Item materials, and Board dissemination materials.

Thank you very much, as always,

Paul

Paul C. Savage, Esq.

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December 4, 2021

VIA EMAIL (jackfing@msn.com)

Jack Finglass, Board Chairperson
Historic Preservation Board
City of Miami Beach Planning Department
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

**Re: Ritz-Sagamore Certificate of Appropriateness Application No. HPB21-0457
for the Properties Located at 1 Lincoln Road and 1671 Collins Ave. (the
“Application” or “Project”)**

Dear Board Chairperson Finglass:

I am writing on behalf of Beach Hotel Associates, LLC, the owner of the property located at 1685 Collins Avenue (the “Delano Hotel” or “Neighboring Hotel”).¹ Our Neighboring Hotel is a contributing historic structure in the Ocean Drive/Collins Avenue Historic District (the “Historic District”) and the Miami Beach Architectural District (the “Architectural District”). The owners of the Neighboring Hotel are investing significant resources to faithfully refurbish and maintain their iconic property as a contributing resource of the Historic and the Architectural Districts. In contrast, the tower proposed by the Application in the heart of the Architectural and Historic Districts will only dilute the special character and architectural integrity of this unique neighborhood.

I. Historic Preservation and the Application for Certificate of Appropriateness.

The proposed Project seeks to construct a 200-foot, 17-story residential condominium tower in the heart of the iconic hotels along Collins Avenue and Miami Beach. The proposed modern, looming condominium tower is entirely inappropriate for the Historic District and the Architectural District, both as a matter of height, as well as compatibility with the surrounding contributing properties and neighborhood. The very first page of the Applicant’s plans depicts the inappropriate design, scale and massing of the Project, in comparison with the existing nearby built environment:

¹ The use of “Delano Hotel” herein is for ease of reference, and does not signal any affiliation with the DELANO Brand of luxury and lifestyle hotels. The historic “Delano Hotel” signage is maintained by the owner as a contributing feature of the building, as required by the City of Miami Beach Historic Preservation Board. The Delano Hotel is located approximately 115 feet to the north of the Project site, separated only by the National Hotel.

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(Applicant's Updated Plans of November 12, 2021 at Sheet A0.00). As you can see, the proposed tower looms over the existing contributing Hotels and is out of place as a matter of scale, massing, arrangement, and relationship to the surrounding neighborhood.

In order to site the massive tower, the Applicant purports to combine two distinct parcels and existing hotels under a proposed "unified site plan" that seeks to treat the Ritz-Carlton Hotel property and the Sagamore Hotel property as a single unified site. The Applicant's Historic Overview establishes the historic significance of the seven-story Sagamore Hotel built in 1948:

HISTORIC OVERVIEW

The Sagamore and the Ritz Hotel are both located in the Collins Avenue / Ocean Drive Local Historic District and the National Register Historic District in the City of Miami Beach. The Miami Beach Architectural District, a National Register District, was established in 1979 through the efforts of the Miami Design Preservation League. The district is commonly referred to as the Art Deco Historic District. Four of the local Miami Beach Historic Districts (Espanola Way, Ocean Drive / Collins Avenue, Museum, and Flamingo Park) together comprise the National Register District.

"The subject structure (Sagamore) is an excellent example of the evolution of the City's resort architecture from the fashionable Art Deco styles of the pre-World War II era Art Deco to the Modern style(s) following the war (sometimes referred to collectively as the International style)." The Sagamore Hotel was built in 1948 on the northern portion of the former Seiberling estate property. The Sagamore was originally constructed with 113 hotel rooms and one apartment suite according to the City of Miami Beach Building Card.

The original DiLido Hotel building was 8 stories tall and contained 303 hotel rooms plus a Coffee Shop, Dining Room and Cocktail Lounge, one 1-bedroom apartment plus 15 efficiency apartments.

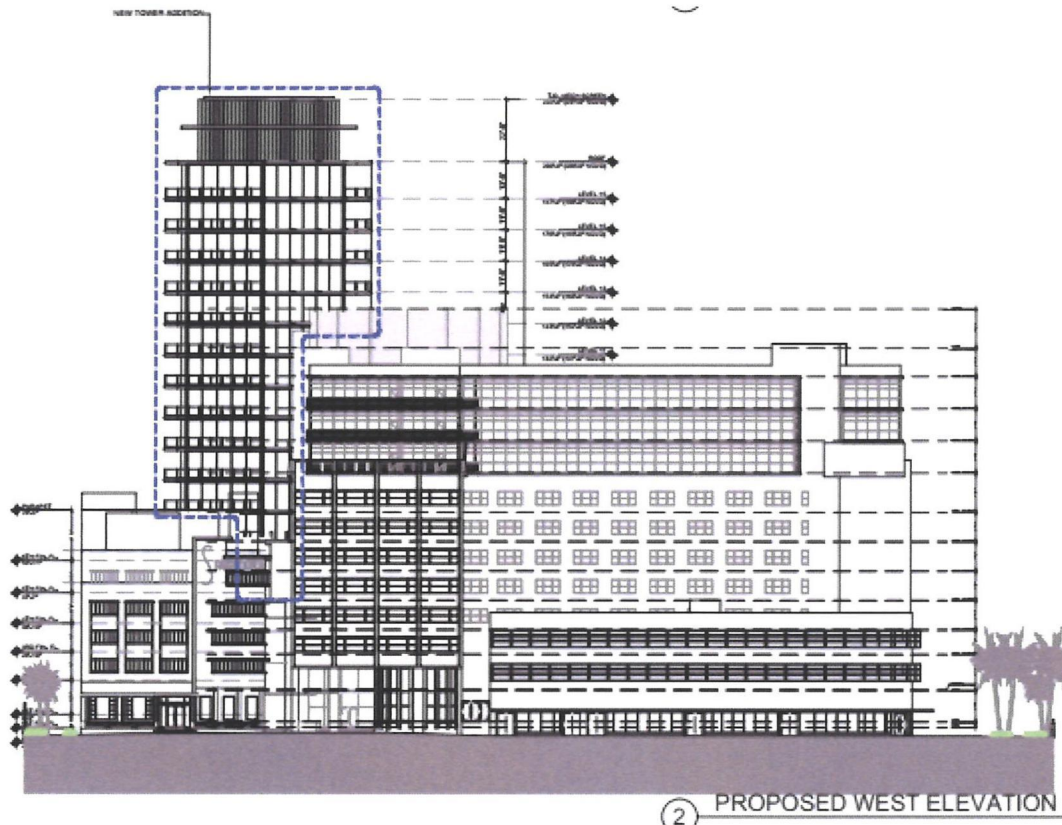
Both Structures are located in the 'Fisher's First Subdivision' as platted by Miami Beach in 1915. This was the first platted subdivision of the lands owned by Carl Fisher.

(Applicant's Plans, at Sheet A0.50). The forgoing explains that the original DiLido Hotel (now Ritz-Carlton Hotel) was eight stories tall. The present day Ritz-Carlton Hotel is eleven stories tall, and the Sagamore Hotel is seven stories tall. In spite of the modest height of these existing contributing historic structures, the Application seeks authorization for a *seventeen-story* tower at this location.

Thus, without the leaving the existing contributing buildings on the so-called "unified site," the proposed tower simply is not appropriate in terms of preserving the historic character of the

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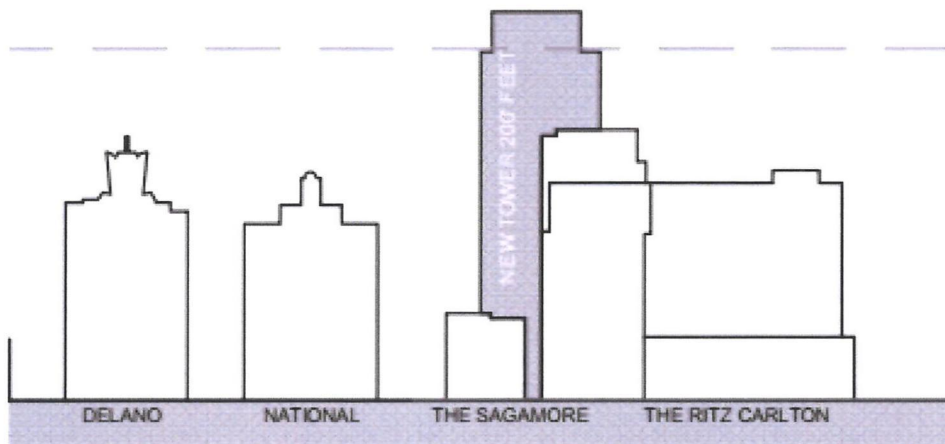
neighborhood and district, nor will it maintain compatibility with surrounding properties. The Applicant's own plans depict the fact that the proposed modern tower has no business in the heart of the Historic and Architectural Districts, due to both its massive height and conflicting architectural style. For example, the Applicant's proposed west elevation rendering illustrates how the proposed tower will dwarf and loom behind the existing Sagamore Hotel, as depicted below:



(Applicant's Plans at Sheet A4.10, depicting the west elevation facing Collins Avenue, with the existing Sagamore Hotel on the left hand side, with proposed tower behind it).

The proposed 200 foot tower will dwarf the contributing existing structures such as the Sagamore at 65 feet tall, the National at 125 feet tall, our Neighboring Hotel at 135 feet tall (inclusive of the decorative tower and signage). The Applicant's plans further confirm that the proposed tower is more than 200 feet high, as the Application also relies on the additional height permitted for mechanical and decorative structures on top of the maximum height, as follows:

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(Applicant's Plans at Sheet A0.06) (with broken line demarcating 200 foot height).

The out-of-character tower also adversely impacts the architectural integrity of the contributing properties off the site. The following views of the proposed north elevation establish the tower's incompatibility with the architectural aesthetic of the area—the very aesthetic that the Historic and Architectural Districts were created to protect:



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(Applicant's Plans at Sheet A0.67) (Depicting proposed modern tower visible behind contributing historic Neighboring Hotel and National Hotel). The modern glass tower clashes with the adjacent contributing structures, as the Applicant's plans establish:



(Applicant's Plans at Sheet A4.05). Patrons of our Neighboring Hotel would experience the following views of the Project's north elevation:



(Applicant's Plans, at Sheet A0.65). The pedestrian experience of the view corridor from the beach fares no better, as the following rendering from the Applicant depicts:

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(Applicant's Plans, Depicting east elevation, at Sheet A0.63).

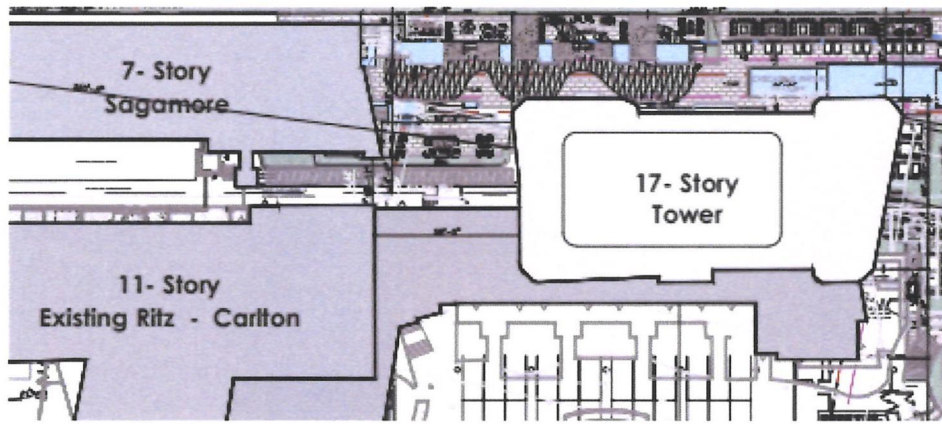
One of the Code-based criteria under which the Historic Preservation Board "shall" review applicant plans requires an evaluation of whether the proposed "structure, and/or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and enhance the appearance of the surrounding properties, or the purposes for which the district was created." §118-564(a)(3)(d), Code of Ordinances. Based on the long-established modest degree of massing and height in the Historic and Architectural Districts (not to mention the world renowned Art Deco and International architectural styles in these Districts), we urge you to find that the proposed tower is inappropriate and incompatible with the adjacent contributing structures and surrounding community.

II. Outstanding Zoning Issues.

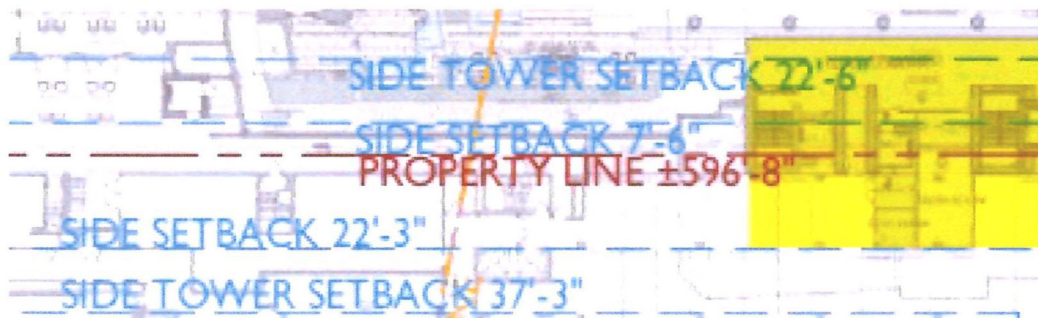
In addition to the factors of mass and scale appropriateness, and architectural compatibility with the nearby built environment, the Board is also required to consider "compliance with the requirements of the underlining zoning district" with regard to "structures, setbacks, parking spaces, floor area ratio, height, lot coverage" when reviewing applications for a Certificate of Appropriateness. §118-564(3)(b), Code of Ordinances. As a consequence, the Board tests compliance with zoning regulations as part of its Certificate of Appropriateness evaluation. With insufficient room to site the tower on either the Ritz-Carlton property or the Sagamore Hotel property, the Applicant creatively proposes to straddle the tower over both parcels and across the property line between the Ritz-Carlton and Sagamore Hotels. The Applicant achieves this by

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misusing and combining the Code's 200-foot height allowance for certain larger properties (§142-246(f)) and the "unified development site" concept. See §118-5, Code of Ordinances. These provisions never contemplated what is being done here: using a larger property that has no room for the tower on its present site but will qualify for the 200-foot height (the Ritz-Carlton property) and transferring or sharing the height with a small parcel (the Sagamore property) that would never qualify for the 200-foot height on its own. This sleight-of-hand is accomplished by claiming that the two properties constitute a "unified site plan." The Applicant misuses this two-step process to purportedly legalize a lot combination that places the proposed tower within what is supposed to be the side setback area of these two lots:



(Project Site Plan, at Sheet A1.50). Property owners cannot build in the setback, of course, and if the two parcels are considered separately (as they legally are), the proposed tower clearly lies within the applicable side setback on both parcels, as illustrated here by yellow highlighting at the location of the proposed tower:



The proposed combination of these properties is nothing like a true assemblage and traditional unified development. To the contrary, the operations of the Ritz-Carlton and the Sagamore Hotels will continue as they do today, with separate brand flags and operations, as the Applicant's own Letter of Intent explains.

In fact, our concern over the Application's departure from the Zoning Code is so great that we have submitted a formal request for Decisions or Determinations of the Planning Director. This request centers on three distinct issues pertaining to the Application's proposed development

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entitlements, and development capacity allocation as between the Ritz-Carlton Hotel parcel and the Sagamore Hotel parcel, and seeks official explication of the Code's provisions as it relates to the Application's reliance upon:

(1) the proposed transfer or sharing of the height entitlement from the Ritz-Carlton lot onto the Sagamore lot under Ordinance 2019-4285 (codified at Section 142-246(f) of the City Code);

(2) the proposed transfer or allocation of proposed Floor Area Ratio ("FAR") square footage from the Ritz-Carlton lot onto the Sagamore lot (and whether the increase in FAR to the Sagamore lot runs afoul of the City Charter); and

(3) the bonus FAR of 20,000 square feet "solely" for new "hotel amenities" under Section 142-246 of the Code.

The Director has not yet issued a Determination on these Zoning Code issues, all of which are fundamental to the viability of the proposed tower at this location.

III. Conclusion.

As a matter of Historic Preservation and compatibility, the looming proposed residential modern condominium tower in excess of 200 feet tall is entirely incompatible with the "post card" skyline of the contributing Hotels lining Miami Beach in the iconic Historic and Architectural Districts. As a matter of zoning, the proposed increase in height and FAR on the Sagamore property by way of transfer from the Ritz-Carlton property is not authorized by the Zoning Code. For all of the foregoing reasons, including the clearly detrimental impact to the Historic and Architectural Districts, and well as serious outstanding zoning questions that go to the very legality of the Project, I urge you to deny or continue the pending Application. My lobbyist registration is duly filed and I invite you to contact me at paul@rascoklock.com or 786-280-7814 to discuss this Project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul C. Savage", with a stylized flourish at the end.

Paul C. Savage, Esq.

cc: Beach Hotel Associates, LLC