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August 8, 2022

Thomas Mooney
Planning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Re: Letter of Intent for Application to the Historic Preservation Board for Room-Size Variance in Connection with Previously-Approved Addition to Indian Creek Hotel

**File Number: HPB22-0538 // Approved File Number: HPB22-0501
Address: 2727 Indian Creek Drive, Miami Beach, FL**

Dear Mr. Mooney:

This firm represents Freehand Indian Creek LLC, the applicant (“Applicant”) and owner¹ of the property located at approximately 2727 Indian Creek Drive, Miami Beach, Florida (the “Property”). Please accept this correspondence as the Applicant’s letter of intent in connection with the attached application package seeking review and approval by the Historic Preservation Board (“HPB”) to modify a previously requested variance pertaining to the minimum unit sizes in the new addition to the Indian Creek Hotel.

The Property

The Property is located within the Collins Waterfront Historic District and the Collins Waterfront Architectural District and has a zoning designation of RM-2 (Residential Multifamily Medium Intensity). As further detailed in the historic resources report included with this application, several contributing structures are currently located on the Property, including the Indian Creek Hotel, the La Corona Annex Residence, the Pancoast Residence, and the Sun Deck Apartment Hotel.

Revised Project

On May 10, 2022 the Applicant received approval for a certificate of appropriateness and variances necessary to proceed with a 7-story addition to the Indian Creek Hotel (the “Project”).

¹ Please note that in October of 2020, Sydell Indian Creek LLC changed its entity name to Freehand Indian Creek LLC, as reflected in the documentation from the Florida Division of Corporations included with this application. The Miami-Dade County Property Appraiser has not yet updated its records to reflect this name change.

A copy of the corresponding HPB order (File No. HPB22-0501) is included with this application for ease of reference. Originally designed to accommodate 142 new rooms, the Project initially included a request for a variance from the minimum unit size required of Section 142-217 of the Code; however, that variance was withdrawn by the Applicant, without prejudice, during the May 10th meeting. Pursuant to the initial variance request, the Applicant sought approval to construct 93% percent of the hotel units at a size smaller than 300 square feet, with the remaining 7% of rooms to be greater than 335 square feet. The Project has since been trimmed to a 118-unit design and the variance request significantly curtailed. Under the revised plans, the Applicant is only seeking a variance to proceed with approximately 21% of hotel units under 300 square feet, which reflects a transposition of the existing undersized units in the existing buildings to the new approved 7-story addition. The Applicant also seeks approval to proceed with 69.5% of the rooms at a size greater than 335 square feet, where the Code sets the threshold at 85%. As indicated by Staff during the May 10th hearing, room size variances are not uncommon and the City is reviewing room size standards in accordance with market standards.

This modified variance request is reflective of the contextually-sensitive design that the approved addition represents. The Project is designed to pay homage to the existing contributing structures on site through the physical incorporation of the Sun Deck Apartment Hotel into the new 7-story addition, as detailed in the attached plans. The new addition will be connected to the existing Indian Creek Hotel via pedestrian bridges. The Indian Creek Hotel and Pancoast Residence will be preserved in their current condition without alterations.

The approved addition will add much needed hotel capacity in this area of Miami Beach while celebrating and preserving the contributing historic structures on site. Due to the existing structures on the Property, it is not possible to provide on-site parking. Pursuant to Section 130-131(1) of the Land Development Regulations ("LDRs"), the Applicant will provide a payment in lieu of providing the required parking.

Requests

In order to develop the Project as designed, the Applicant is requesting the following variance:

Variance

1. A variance from Section 142-217 – which requires 15% of hotel rooms within the RM-2 district to be 300-335 square feet and 85% of hotel units to be 335+ square feet – to allow 69.5% of the rooms (82 hotel units) to be greater than 335 square feet, 9.3% of the rooms (11 hotel units) to be between 300 and 335 square feet, and 21.2% of the rooms (25 hotel units) to be smaller than 300 square feet, in keeping with the historic character and average room sizes of the existing Indian Creek Hotel.

Analysis for Variances:

In considering the requested variance, the Historic Preservation Board shall review the following criteria:

- 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;

The Property is unique in that it is the site of four (4) existing contributing structures that currently occupy the majority of the site. The proposed design of the property transposes 18 of the existing undersized units that are set to be demolished to the new addition. The units that are requested to be under 300 square feet are smaller due to a need to accommodate the existing historic buildings and respect their architectural integrity. The undersized units are all in the same two vertical building lines which are nearest to the existing contributing structures.

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

The existence of the four contributing structures on site and the surrounding historic urban context are not a result of any action of the Applicant. The building has been designed to respect the existing historic conditions.

- 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 approval of the requested variance will not confer any special privilege on the Applicant, but will simply allow for the construction of a contextually-sensitive addition, while preserving contributing structures on site.

- 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;

Literal interpretation of the minimum unit size requirements would create an undue hardship on the Applicant due to the design constraints imposed on the floor plan of the approved addition available on site as a result of the existing contributing structures on site and surrounding streetscape conditions.

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

The requested unit size variance is the minimum necessary in order to make reasonable use of the land. The requested variance represents only 17% of proposed units.

- 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 granting of the unit size variance will enable the construction of a thoughtfully-designed, contextually-sensitive addition while preserving contributing structures on site.

- 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 voting on the applicant's request; and

The granting of the minimum unit size variance is consistent with the comprehensive plan as it will allow for the construction of a hotel addition within the RM-2 land use designation. The Project will not reduce applicable levels of service.

- 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.

See the Applicant's response to the sea level rise and resiliency criteria below.

The Historic Preservation Board shall also consider how the Project addresses the City's **Sea Level Rise and Resiliency Review Criteria** pursuant to **Section 133-50**:

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

Prior to the partial demolition of any existing structures, the Applicant will provide a recycling and salvage plan to the City.

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

All windows within the proposed addition will be hurricane proof impact resistant windows.

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

Where appropriate, operable windows will be incorporated into the project design to allow for a passive cooling system.

- 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.

Landscaping shall comply with all code requirements.

- 5) The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

The architect has studied the land elevation of the property and adjacent parcels, and has proposed a design that is compliant with the current Florida Building Code and addresses the need for improved resiliency to future sea level rise.

The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-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.

The ground floor and yard elevations are adaptable to future raising of public rights-of way and adjacent land.

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

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

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

All habitable portions of the proposed new addition are located above flood elevation.

- 8) 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.

The Project will comply with Chapter 54 of the City Code.

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

Stormwater retention systems will be provided per civil engineer design at time of permitting.

- 10) Cool pavement materials or porous pavement materials shall be utilized.

Cool pavement or porous pavement materials will be utilized where possible and most effective.

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

The architect is utilizing materials that minimize the heat island effect.

The Project is consistent with the scale and character of the surrounding neighborhood and will complement the local architectural and historic identity while preserving contributing structures on site. The Applicant respectfully submits this modified variance request for review and approval by the Historic Preservation Board.

Sincerely,

Javier F. Aviño

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JFA

CC: Liana M. Kozlowski, Bilzin Sumberg