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VIA E-MAIL

April 11, 2021

Tom Mooney, Planning Director  
City of Miami Beach  
1700 Convention Center Drive, 2nd Floor  
Miami Beach, Florida 33139

RE: **HPB20-0443** – Supplemental Letter of Intent for Renovation of the  
Shelborne Hotel located at 1801 Collins Avenue, Miami Beach, Florida

Dear Tom:

As you know, this law firm represents Shelborne Hotel Partners WC LP. (the "Applicant") with regard to the above-referenced property (the "Property") within the City of Miami Beach (the "City"). The purpose of this letter is to amend the requests under File Number HPB20-0433 in order to:

- 1) Withdraw the requested variance for the shaded walkway feature proposed along the southern property line adjacent to the pool deck;
- 2) Withdraw the variance request for the reconstruction of the south façade, provided that the Historic Preservation Board ("HPB" or "Board") finds that the request complied with the Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures ("Secretary of Interior Standards"), as well as the Certificate of Appropriateness ("COA") criteria in the City's Land Development Regulations ("LDRs"); and
- 3) Proffer conditions with respect to the reconstruction of the south façade and active Conditional Use Permit for the property.

Withdrawal of Variance and Inconsistent Features. The above-captioned application includes a request for a shaded walkway along the southern edge of the existing pool deck with side-facing a street setback of zero feet (0'). However, staff does not support the requested variance for this feature. As a result, the Applicant's respectfully withdraw the requested variance for this feature. Instead, the Applicant's will explore means of providing a walkway that fully complies with the requirements of the City's LDRs. . Further, the Applicant agrees with staff's analysis with respect to the consistency of certain interior features, such as the rattan column cladding, and therefore voluntarily withdraws those portions of the requested COA for demolition and design.

Conditional Withdrawal of South Façade Variance. One of the Applicant's main goals for this application is to remove the existing non-contributing townhomes on the south side of the

hotel lobby. The Applicant strongly believes the existing townhomes on the south façade detract from the historical significance of the 1957 Morris Lapidus addition, and diminish the size of the lobby in a manner that is incompatible with the remaining contributing features of the Shelborne Hotel. The Applicant proposes to restore the south façade in a manner that respects Lapidus' original design intent by demolishing the non-original townhomes and reintroducing the folded accordion wall with integrated storefront glazing. The design is a blend of the original Lapidus accordion wall that originally featured storefront glazing to the west and folded stucco panels with inset glass extending from west to east down 18<sup>th</sup> Street. The proposed restorative design with integrated glazing harmonizes the accordion wall with the large windows at the east end of the south façade that were reintroduced in 2014 as a means of recalling the original glazed Polivetky lobby. See Figure 1, below.

Notably, the existing south façade features a legal nonconforming side facing a street setback of between 5'1" and 5'3", where 8'2" is currently required. To preserve the existing legal nonconforming setback and avoid an inconsistent indented south façade that diminishes the size of the lobby, the Applicant's requested a variance to permit the reconstructed south façade to follow the existing legal nonconforming side facing a street setback. Upon further review, however, the Applicant believes the proposed restoration of design intent is entirely consistent with the Secretary of Interior Standards, as well as the COA criteria under the City's Land Development Regulations. Pursuant to Section 118-395(b)(1)(c) of the Code, repairs or rehabilitations of structures may preserve existing legal nonconforming characteristics, such as setbacks, so long as the design is consistent with the following three (3) criteria:

- 1) The building is repaired or rehabilitated by less than fifty (50%) of its value as determined by the Building Official;
- 2) The repair or rehabilitation substantially complies with the Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures; and
- 3) The repairs or rehabilitations substantially comply with the Certificate of Appropriateness ("COA") criteria under the City's Land Development Regulations.

*Analysis.* The Applicant is confident that the proposed scope of work does not nearly approach or exceed fifty (50%) of the value of the entire building. Moreover, as staff noted, the Applicant's proposed restoration of design intent substantially complies with the Secretary of Interior Standards and the COA criteria under Section 118-564 of the LDRs. Specifically, the design substantially complies with the following Secretary of Interior Standards:

- **Secretary of Interior Standard No. 4**, which provides that most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;
- **Secretary of Interior Standard No. 5**, which provides that distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved; and
- **Secretary of Interior Standard No. 9**, which provides that new additions, exterior alterations, or related new construction shall not destroy historic materials that

characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Compliance with COA Criteria. As noted by staff, the project substantially complies with the COA Criteria under Section 118-564 of the Code. The proposed design of the south façade is consistent with the Shelborne's original MiMo features, namely the "V" shapes accordion panels and glazing that manipulate light to add variety and architectural interest to the secondary south facing façade. Further, the glazed accordion panels are appropriate and compatible with the surrounding built environment, including the 2014 addition of the large lobby windows located on the east side of the south façade, and the increased pedestrian activity along 18<sup>th</sup> Street.

Within the interior, the proposed design of the south façade restores the original design sequence extended from the renowned porte-cochere through the single-story reception area that opens to a large two-story lobby entertainment area. The additional glazing towards the east side of the accordion wall serves to allow natural light to penetrate the lobby in the way Polivetsky, and later Lapidus, originally intended. Although staff has indicated a preference for a replication of the original south façade, the Applicant believes the proposed restorative design featuring glazed accordion panels responds appropriately to existing conditions, particularly with respect to the large glass windows towards the east end of the south façade that are reminiscent of the original Polivetsky lobby. Ultimately, any minor differences of opinion with staff are overshadowed by the substantial benefit achieved through removing the non-original town homes and returning this portion of the building to its original use, to which staff is "extremely supportive."

In light of the above, the Applicant intends to request that the Board make a finding of consistency with the Secretary of Interior Standards and COA criteria and withdraw the side facing a street setback variance pertaining to the south façade. Accordingly, the only variance remaining would pertain to the side facing a street setback for the retractable canopy on the mezzanine terrace. If the Board does not make the requested finding of consistency, the Applicant intends to proceed with the variance requested from the required side facing a street setback applicable to the south façade.

*Proffer of Conditions.* To ensure that the proposed restoration of design intent is entirely consistent with the existing and historic side facing a street setback, and ensure that that the active Conditional Use Permit ("CUP") is updated to reflect the new changes prior to approval of a building permit, the Applicant intends to voluntarily proffer the following two (2) additional conditions of approval:

- **Voluntary Condition 1:** The Applicant shall submit a supplemental survey and as built plan of the existing south façade to demonstrate the exact dimension of the existing legal nonconforming side facing a street setback prior to obtaining approval of a building permit for the project. In no event shall the Applicant be permitted to increase the degree of nonconformity of the existing legal nonconforming side facing a street setback of the south façade.
- **Voluntary Condition 2:** Applicant agrees that to the extent the proposed improvements in the application necessitate a modification to the CUP governing the property, that such CUP modification application will be filed in advance of the approval of the building permit.

Tom Mooney, Planning Director

April 12, 2021

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See Exhibit A, Voluntary Proffer of Conditions.

Conclusion. The Applicant strongly believes in a respect and reverence for the City's architectural heritage. Consistent with that philosophy the Applicant is withdrawing the variance request for the metal walkway/trellis feature in accordance with staff's recommendation. Ultimately, the design of the south façade is a substantial improvement from the existing condition, restores the original design intent, and harmonizes the original Lapidus lobby design with the surrounding as built environment. Accordingly, the Applicant respectfully requests a finding of consistency with the Secretary of Interior Standards and COA Criteria, and acceptance of the proffered conditions. If you have any questions or comments with regard to the application, please contact me at (305) 377-6222.

Sincerely,



Michael W. Larkin

CC:

Ben Leahy  
Mitchell Cohen  
Maurice Petignat  
Frederick Andersson  
Grace Dillon  
Nicholas Rodriguez, Esq.

## **EXHIBIT A**

### **HPB20-0443 Voluntary Proffer of Conditions**

1. The Applicant shall submit a supplemental survey and as built plan of the existing south façade to demonstrate the exact dimension of the existing legal nonconforming side facing a street setback prior to obtaining approval of a building permit for the project. In no event shall the Applicant be permitted to increase the degree of nonconformity of the existing legal nonconforming side facing a street setback of the south façade.
2. Applicant agrees that to the extent the proposed improvements in the application necessitate a modification to the CUP governing the property, that such CUP modification application will be filed in advance of the approval of a building permit for the project.