

# Holland & Knight

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## **VIA ELECTRONIC DELIVERY**

Ms. Deborah Tackett  
Preservation and Design Manager  
Planning Department, City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, Florida 33139

**Re: 7510 Harding Ave, LLC / 7510 Harding Avenue – Sorrento Villas  
Second Amended & Restated Letter of Intent for Historic Preservation Board  
Approval (the "Application")**

Dear Ms. Tackett:

This shall constitute our second amended and restated letter of intent on behalf of 7510 Harding Ave, LLC (the "Applicant") in support of its Historic Preservation Board ("HPB") Application for approval of a Certificate of Appropriateness for the proposed renovation and expansion of the Sorrento Villas hotel, including two (2) non-use variance requests of the City of Miami Beach (the "City") Code. Specifically, the Applicant is seeking non-use variances of: (1) the unit size requirements for the North Beach National Register Conservation District Overlay ("North Beach District"), pursuant to Section 142-870.15(b) of the City Code; and (2) the front setback requirement pursuant to Section 142-870.15(e). The existing Sorrento Villas structure is located on that certain  $\pm 0.23$  acre parcel of land situated at the northwestern corner of the intersection of Harding Avenue and 75 Street at 7510 Harding Avenue, as further identified by Folio No. 02-3202-007-0790 (the "Property"). The Property is designated as a contributing historic property within the City. The Applicant proposes renovation of the existing structure and addition of a new wing, consistent with the design aesthetic of the Property and area, as part of an enhanced hotel (the "Project"), along with non-use two variances. The approximate valuation of the proposed renovation and addition is approximately \$2,458,120, with a gross square footage of 16,626.04 square feet.<sup>1</sup>

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<sup>1</sup> See Plan Sheet 18 of the revised site plans submitted July 12, 2021.

## ***I. Property Information***

The Property is zoned Residential Multifamily, Low Intensity ("RM-1"), and has a future land use designation of Low Density Multi Family Residential ("RM-1") on the City's Comprehensive Plan Future Land Use Map. The Property is a contributing historic property within the City's North Shore National Register Historic District ("North Shore District"), which is encompassed by the North Beach District. The Property's historic status and inclusion within the North Shore and North Beach Districts mean additional development regulations and review standards apply to the Property. The main permitted uses in the RM-1 district are low density residential, including single-family homes, townhomes, and apartments; and apartment hotels, hotels, and suite hotels for properties fronting Harding Avenue or Collins Avenue, between 73 Street (south) and the City line (north).

The Property is currently developed with a two (2)-story building, initially constructed in 1952 as the "Sorrento Villas" apartment-hotel originally designed by Manfred M. Ungaro, a prolific architect of the Miami Modern style. The structure been expanded and renovated over time, and was last renovated in 2015. The L-shaped Sorrento Villas structure is operated today as a twenty-one (21)-room hotel. The building is currently oriented with a courtyard and parking spaces at the corner of Harding Avenue and 75th Street. A two (2)-story second wing fronting 75th Street was previously contemplated but never built, and historical sketches of the second wing are enclosed.<sup>2</sup> As noted above, the Applicant is seeking approval of a Certificate of Appropriateness for the modification of the existing structure, addition of a new construction second wing that will yield a total of forty-nine (49) hotel rooms, and associated variances. The current and proposed hotel uses are consistent with the RM-1 district regulations.

## ***II. Proposed Project***

The proposed renovation and expansion of the Sorrento Villas hotel consists of an improved and enhanced design that will complement the Miami Modern and late-era Art Deco aesthetic of the neighborhood. The existing structure will be fully renovated and updated to comply with contemporary fire, safety, and accessibility requirements, and the existing façade will be renovated to highlight the exterior features, such as catwalks and building eyebrows. The Applicant will construct the previously contemplated second wing, ensuring respectful adherence to the existing design characteristics of the Property and neighborhood. The proposed Project will increase the available hotel units from twenty-one (21) to forty-nine (49), increase square footage with a new wing, add a ground-floor landscaped courtyard, rooftop amenities deck, and swimming pool, while retaining the two (2)-story building height. The Applicant is sensitive to the visual dialogue between structures in the North Shore and North Beach Districts, and the proposed project will complement pedestrian views from public rights-of-way.

The proposed Project is largely consistent will applicable land development regulations. The design is sensitive to the aesthetics and appearance of the neighborhood, and will be compatible with surrounding buildings and structures pursuant to City Code Section 118-564. Sorrento Villas is situated among other mid-century garden apartments, and the proposed

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<sup>2</sup> See Historic Resources Report: Sorrento Villas, *Appendix B* 36 (Apr. 1, 2021) (enclosed).

renovation and redevelopment is designed to be harmonious with such structures.<sup>3</sup> The project will comply with all applicable landscape requirements pursuant to City Code Chapter 126, and Applicant will mitigate, if needed, as permitted under City Code Section 126-7. Furthermore, the proposed renovation and expansion is consistent with HPB review criteria pursuant to City Code Sections 118-531 and 118-532. The renovations and addition will reactivate the hotel uses along the Harding Avenue corridor and in the North Shore and North Beach Districts, while creating an economic benefit to Miami Beach.

### **III. Variance Requests**

In connection with the Certificate of Appropriateness request, the Applicant is seeking approval of two (2) non-use variances, as detailed below.

#### **A. Non-use Variance Request Section 142-155(b) – Unit Size Requirements**

In connection with the Certificate of Appropriateness request, the Applicant is seeking approval of a variance of the RM-1 hotel unit size requirements under Section 142-155(b), which are as follows:

*Minimum Unit Size (Square Feet): Hotel units: 15%: 300—335; 85%: 335+*

*For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons. Hotel units within rooftop additions to contributing structures in a historic district and individually designated historic buildings—200.*

The Project proposes renovations to improve and activate the existing contributing historic structure. To accomplish this, the existing hotel is being reconfigured to convert the existing large suite hotel units to smaller hotel units in a manner that is consistent with the market standard and economic model for boutique hotels. The Applicant is seeking a variance of the 300 square feet minimum hotel unit size requirement to permit a minimum unit size of 200 square feet (the "Unit Size Variance"). The proposed minimum unit size is consistent with underlying RM-1 land development regulations, requiring a minimum hotel room size of 200 square feet for contributing properties, permitting modification of existing room configurations to comply with life-safety and accessibility regulations.<sup>4</sup> The proposed floor plan for the Sorrento Villas contemplates the

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<sup>3</sup> Mid-century garden apartments in the immediate vicinity of Sorrento Villas include a two (2)-story complex at 350 75 Street (1955) and a one (1)-story complex at 7610-20 Harding Avenue (1962).

<sup>4</sup> City of Miami Beach, Fla., Code of Ordinances § 142-155(b) (2021).

restoration and renovation of the existing hotel rooms to comply with necessary life-safety and accessibility regulations, which results in a significant improvement to the current state of the structure. The retention of the subject contributing building with its current room sizes creates operational, practical, and economic challenges that justify this variance for the minimum hotel unit size required. The proposed renovations have been thoughtfully and strategically planned to create a boutique hotel experience. The granting of the Unit Size Variance would not have a negative impact on the historic structure or the adjacent properties. In fact, the proposed room sizes will enhance the unique ambience envisioned for the hotel.

**B. Non-use Variance Request Section 142-870.15(e) – Setback Requirements**

In connection with the Certificate of Appropriateness request, the Applicant is seeking approval of a variance of the North Beach District North Shore front setback requirement under Section 142-870.15(e), which is as follows:

*Development Regulations and Area Requirements: The setback requirements for all buildings located in RM-1 district within the North Beach District, North Shore shall be: 10 feet.*

The Property as currently developed varies from the required ten (10)-foot setback along Harding Avenue<sup>5</sup> to allow for a carefully designed renovation and addition that is respectful of the existing structure. As proposed, the Project significantly enhances and improves the existing hotel use on the Property, and provides for much needed life-safety updates. The proposed renovation and new addition are consistent with the visual rhetoric of the North Beach District, and play off the neighboring properties. Granting a variance request of the front setback required along Harding Avenue does not provide the Applicant with any special conditions due to the Applicant's own actions, and the Applicant is merely working with the constraints of the Property and existing contributing structure.

The Application meets the criteria for variances set forth in City Code Section 118-353(d) of the Land Development Regulations as follows:

(d) In order to authorize any variance from the terms of these land development regulations and sections 6-4 and 6-41(a) and (b), the applicable board shall find that:

(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;

**In its current condition, the structure is not compliant with certain life-safety and accessibility regulations and the required minimum room size applicable to the Property is not practically or economically feasible for a boutique hotel of this kind and at this location. The approval of the requested unit-size variance is necessary to preserve the integrity of Sorrento Villas' original aesthetic, restore**

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<sup>5</sup> See Plan Sheet 17 of the revised site plans submitted July 12, 2021.

**the existing building, and rehabilitate the hotel use to a viable design. Likewise, the approval of the requested front setback requirement is necessary to preserve the existing structure on the Property, and to provide for an addition consistent with the current aesthetic of Sorrento Villas and the surrounding neighborhood.**

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

**The requested variances will help to preserve the building and its intended use. The proposed room size meets the minimum criteria applicable to existing contributing hotels zoned RM-1 and will not result in any special conditions or circumstances. The requested variance from the front setback requirement flows from the footprint of the existing contributing structure and not from any action of the Applicant.**

- (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;

**Approval of the variance requests will not result in the any special privilege. The Land Development Regulations permit existing hotels within this and other zoning districts to have similar minimum room sizes, and the proposed front setback is consistent with the existing contributing structure and appropriate for the neighborhood.**

- (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;

**Without the requested variances, the Property would not be able to be renovated and restored as a hotel in compliance with required life-safety and accessibility modifications. The proposed design is consistent with that of other Miami and Mid-Century Modern, and late-era Art Deco hotels in North Beach. The proposed room size is not out of character with the permissible minimum room size for other historic hotel uses in the RM-1 district. Also, literal application of the setback requirements would necessitate dramatic or complete removal of the existing contributing structure, and would foreclose appropriate and feasible renovation and improvement of the Property.**

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

**The Applicant is committed to the restoration and renovation of the Property in a manner that will ensure the long-term success and viability of the project, and these are the minimum variances that will make possible the reasonable use of the land and structure thereon. The requested variances merely continues the existing**

**use while facilitating necessary improvements and renovations needed for a unique, attractive and inviting boutique hotel.**

- (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

**The granting of the variances will have no detrimental impacts to the area. Applicant intends to restore the Property and will make improvements that will benefit and enhance the area, including the North Beach and North Shore Districts overall.**

- (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 anytime prior to the board voting on the applicant's request.

**RM-1 zoning allows for hotel uses and, historically, the Property has been operated as a hotel. The proposed minimum room sizes are consistent with both the RM-1 Land Development Regulations and Goal RLU 2, which encourages innovative development consistent with the historic resources of the City, while ensuring that redevelopment, investment, and new development is constructed utilizing principles of sustainable and resilient development practices. Similarly, the proposed non-use variance request of the front setback is consistent with the comprehensive plan and does not reduce levels of service.**

#### ***IV. Sea-Level Rise and Resiliency Criteria***

The Applicant has carefully considered sea-level rise protections and resiliency measures, and the proposed Project has been designed, and will be developed, to ensure resiliency and protection from sea-level rise and storm surges. The proposed Project consists of the construction of a new wing and the renovation of a contributing historic structure. The proposed Project complies with the criteria set forth in City Code Section 133-50, as follows:

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

**A recycling or salvage plan for partial or total demolition of any structures or building components will be provided at the appropriate time in the development process in accordance with Code requirements.**

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

**The windows throughout will be hurricane proof impact windows.**

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

**Passive cooling systems will be provided where feasible and appropriate.**

(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.

**Resilient landscaping has been incorporated into landscape design, consistent with City Code Chapter 126.**

(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, in addition to study of land elevation and elevation of surrounding properties, were considered.

**Adopted sea-level rise projections in the Southeast Florida Regional Climate Action Plan, including a study of land elevation and elevation of surrounding properties, were considered and incorporated into the design.**

(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, and shall provide sufficient height and space to ensure that the entry ways and exists can be modified to accommodate a higher street height of up to three additional feet.

**The new ground floor, driveways, and garage ramping are adaptable to the raising of public rights-of-ways and adjacent land, as feasible and appropriate given the dual nature of the Project, with a newly constructed wing and a restored historic contributing structure.**

(7) All critical mechanical and electrical systems shall be located above base flood elevation for new construction.

**All critical mechanical and electrical systems are located above base flood elevation for the new wing, and as feasible and appropriate for the historic contributing structure.**

(8) Existing buildings shall be, where reasonably feasible and appropriate, and all new construction shall be elevated to the base flood elevation, plus City of Miami Beach Freeboard.

**All new construction shall comply with elevation requirements.**

(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 in accordance with Chapter 54 of the City Code for habitable space located below the base flood elevation plus City of Miami Beach Freeboard, consistent with the historic nature of the contributing hotel structure.**

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

**As noted above, wet or dry flood-proofing systems will be provided in accordance with Chapter 54 of the City Code for habitable space located below the base flood elevation plus City of Miami Beach Freeboard.**

(11) Cool pavement materials or porous pavement materials shall be utilized.

**The Applicant will incorporate cool pavement materials or porous pavement materials where feasible and appropriate.**

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

**The Project considers and minimizes the potential for heat island effects on site, where feasible and appropriate.**

Based on the above, we respectfully seek your favorable review and recommendation of approval for this Application, and the issuance of a Certificate of Appropriateness. Thank you in advance for your considerate attention to this request. If you should have any questions or require additional information, please feel free to contact me directly via phone or email.

Respectfully yours,

HOLLAND & KNIGHT LLP



Tracy R. Slavens, Esq.

Enclosures

cc: Ms. Florencia P. Montecchiarini  
Mr. Rodrigo Vidal  
Mr. Barry Berg