

Agenda Item #3: ~~HPPB~~ 21-0457: 1 Lincoln Road and 1671 Collins; Ritz-Sagamore

Chart of Variances / Code Exceedances

All Variances Need to Be Clearly Identified and Considered Under Correct HPPB Standards

Variance Issue	Code Citation	Detail	Remarks
			Correct Identification of Variances Has Important Legal Consequences
HPPB Variance Rules	§118-106(3) §118-102(5)	Variance requires five affirmative votes Requires Applicant showing of "unnecessary hardship"	This is a very high factual and legal burden.
Rooftop Additions Prohibited	§142-1161(d)(1)	Rooftop Addition prohibited in RM-3 Ocean Front Lots in District: North wing of Ritz has new rooftop pool deck and enclosed new fifth-floor addition fitness center, and proposed new tower.	Staff Report on page 11 recites that this will be permitted. The Code says "no variance" of this provision "shall" be allowed.
Use of Hotel Amenity Bonus 20,000 Square Feet for New Tower	§142-246(a)(3)	Variance (a): This bonus is only for oceanfront lots greater than 100,000 sq. ft. <i>as of November 14, 1998</i> (Not Sagamore Lot) Variance (b): bonus is for the "sole purpose" of providing new Hotel amenities (not for use in residential tower)	Sagamore Property Cannot Qualify to Receive this Bonus, not a qualifying lot as of November 14, 1998. Applicant Plan Zoning Data Sheet FAR table shows all available FAR going into residential tower, including 20,000 square feet Hotel Amenity Bonus
Pools and Hardscapes in Rear and Side Setbacks in Oceanfront Overlay	§142-802(3)	Staff Report Notes non-compliance with ten-foot rear setback and fifteen-foot side setback.	Application <i>does seek variance</i> , HPPB should review complete project plans, not push issue back to Building Permit issuance.

Historic Preservation Board

Request to Deny Certificate of Appropriateness (COA) for Ritz- Carlton (DiLido) | Sagamore Supplemental Handout on Rooftop Addition Prohibition

Presented by:

Paul C. Savage, Esq.

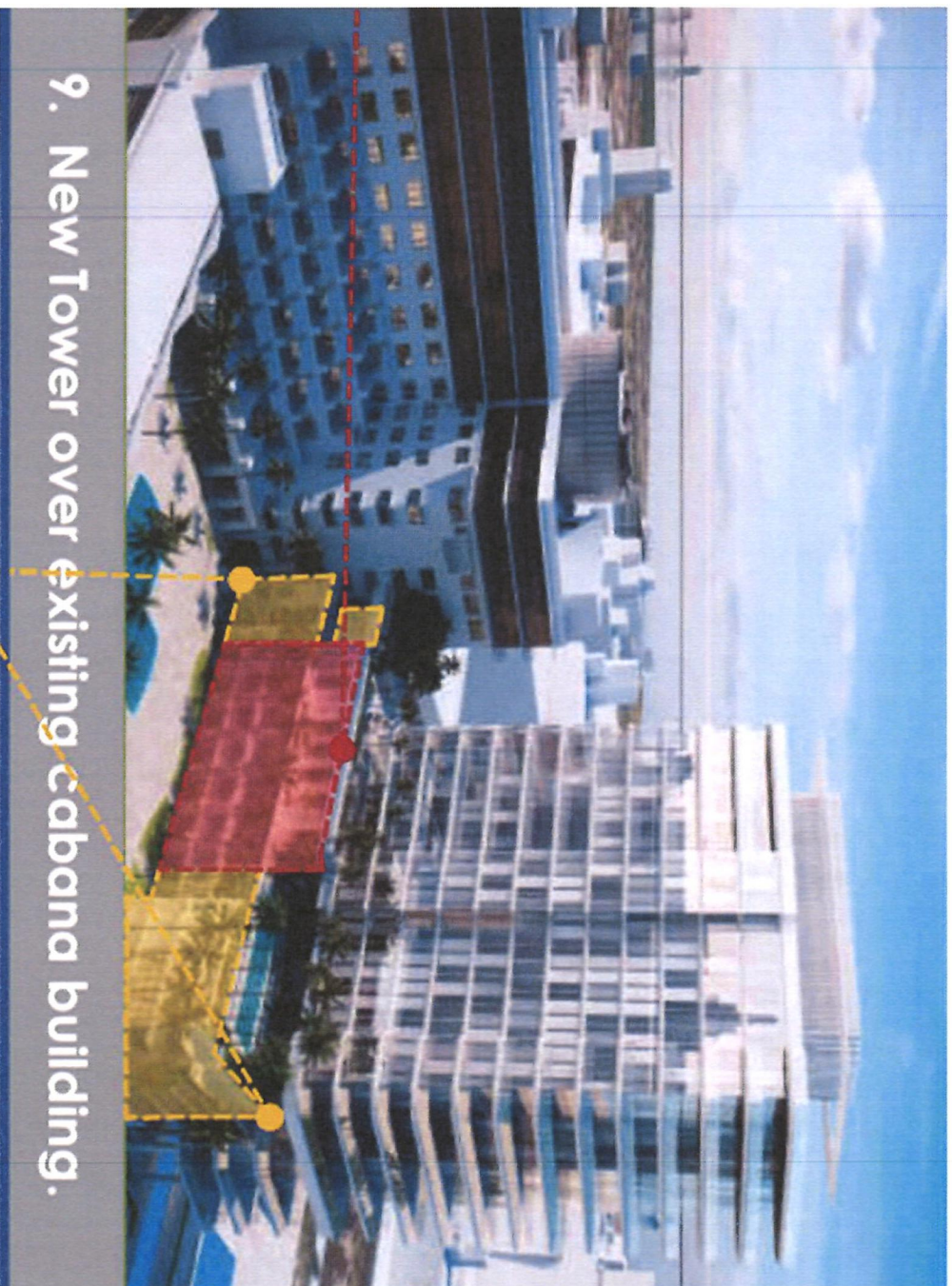
Rasco, Klock, Perez Nieto

On Behalf of Beach Hotel Associates LLC

December 13, 2021

Proposed One Story Fifth Floor Addition

The Applicant Proposes a One-Story 5th Floor Addition on Top of the North Ritz Cabana Building



9. New Tower over existing cabana building.

Rooftop Addition Variance

The Governing Code Expressly Prohibits Rooftop Additions, Yet the Applicant is Building a One-Story Addition on Top of the Ritz North Cabana Wing

(d) Rooftop additions.

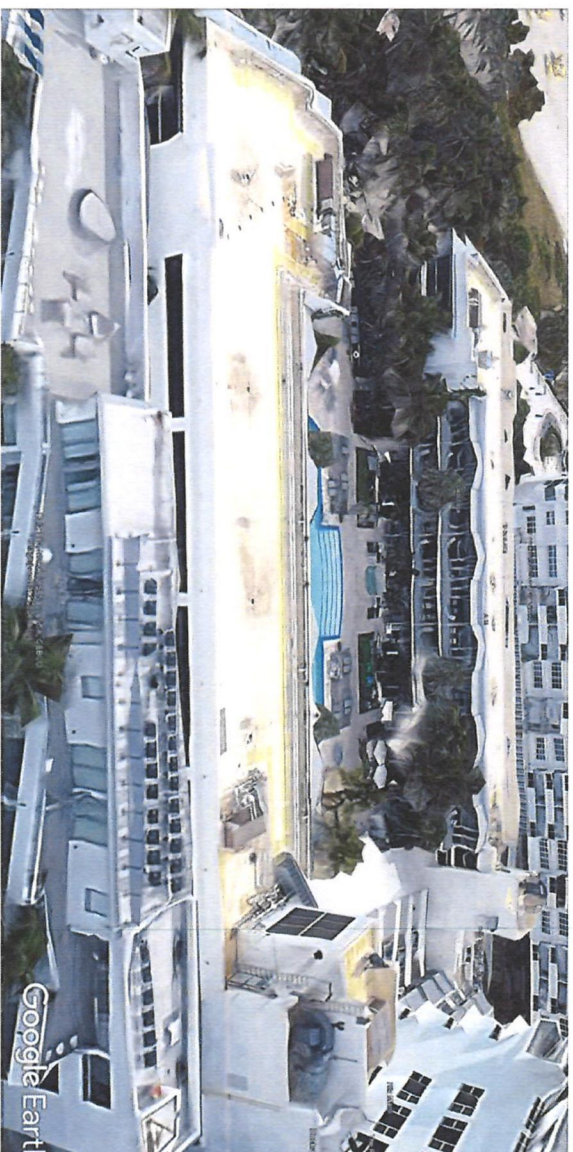
(d) Rooftop additions.

(1) *Restrictions.* There shall be no rooftop additions to existing structures in the following areas: oceanfront lots within the Miami Beach Architectural District in the RM-3 or CD-3 zoning districts; non-oceanfront lots fronting Ocean Drive in the MXE zoning district. No variance from this provision shall be granted.

§142-1161(d), City of Miami Beach Code of Ordinances.

Ritz – Carlton North Cabana Existing Condition

Present
Condition From
North

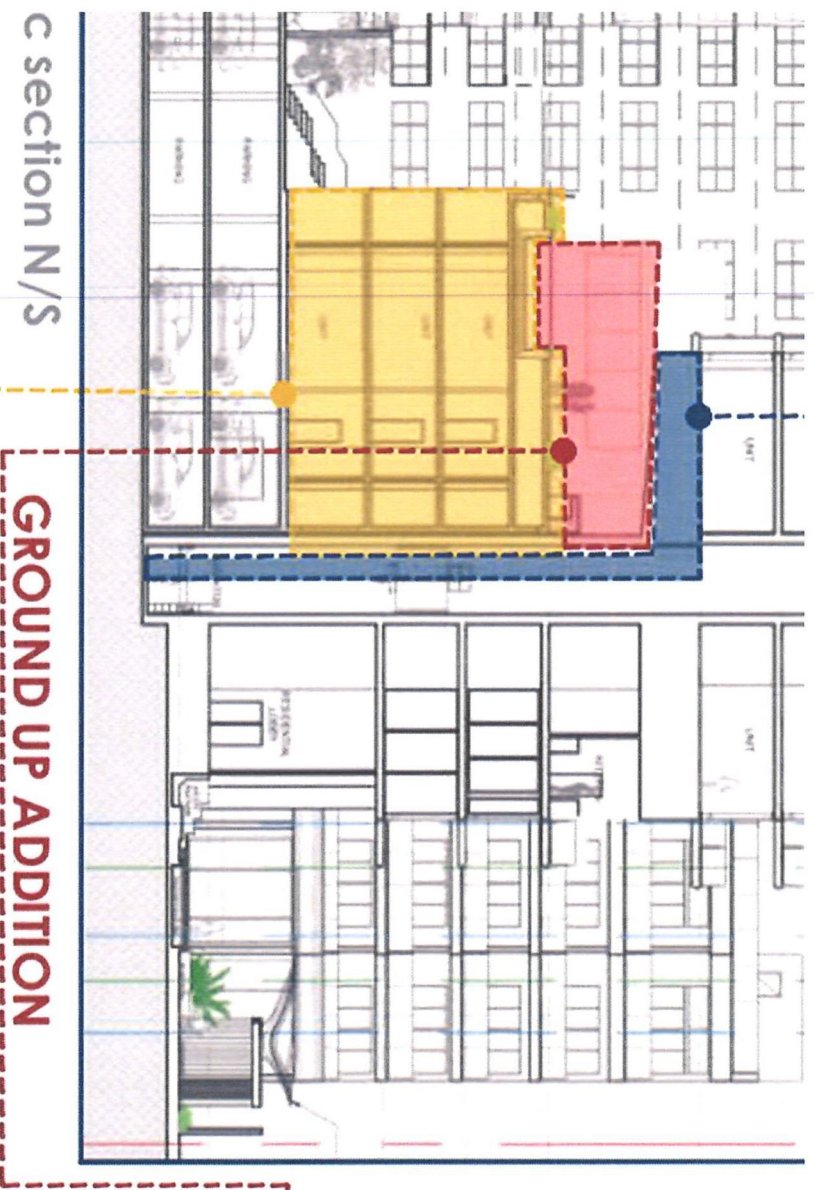


Present
Condition From
South



New Addition North Ritz Cabana Building

The Applicant Proposes a One-Story Fifth-Floor Addition on Top of the North Ritz Cabana Building



1. Applicant Plan Sheet (A0.56)

[CANTILEVER}

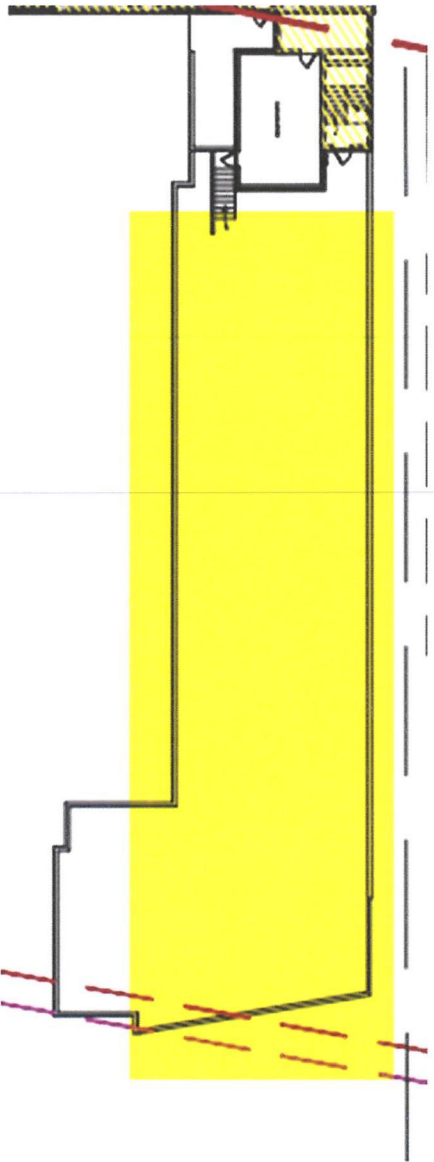
South Elevation Proposed Tower Labelled in Plans: “One Story Addition Over Existing Building”



Applicant Plan Sheet (A4.31).

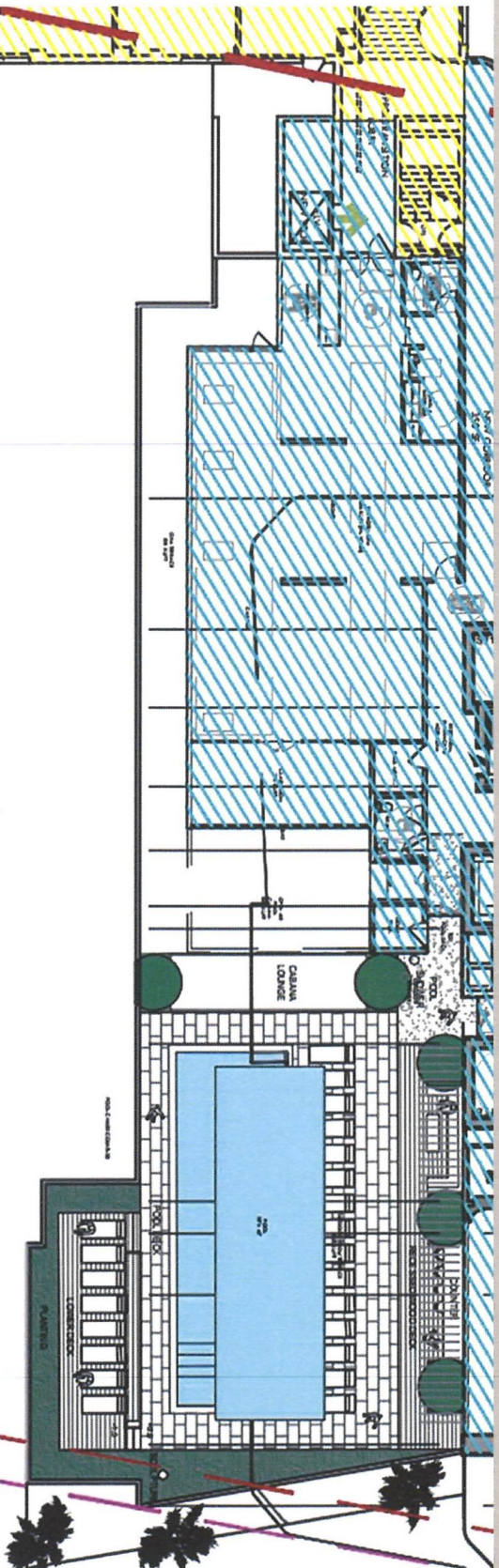
Existing vs. Proposed Fifth-Floor Improvements

Existing FAR Fifth Floor Plan Sheet A1.05:



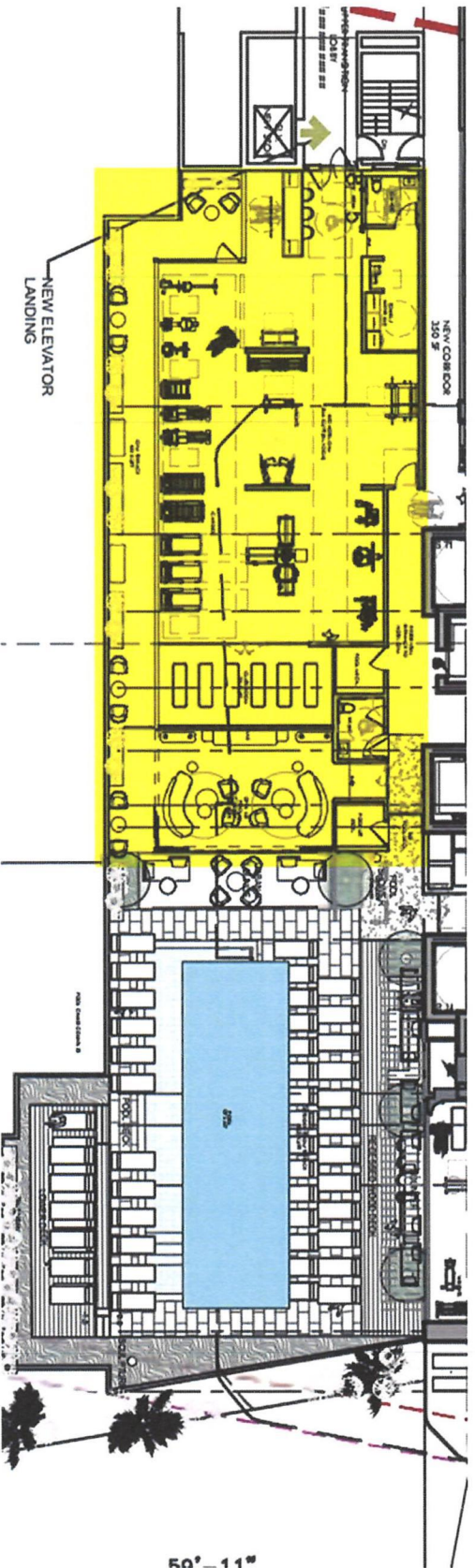
The Existing FAR sheet shows no FAR on the North Cabana Rooftop.

Proposed FAR Fifth Floor Plan Sheet A1.05



Rooftop Addition

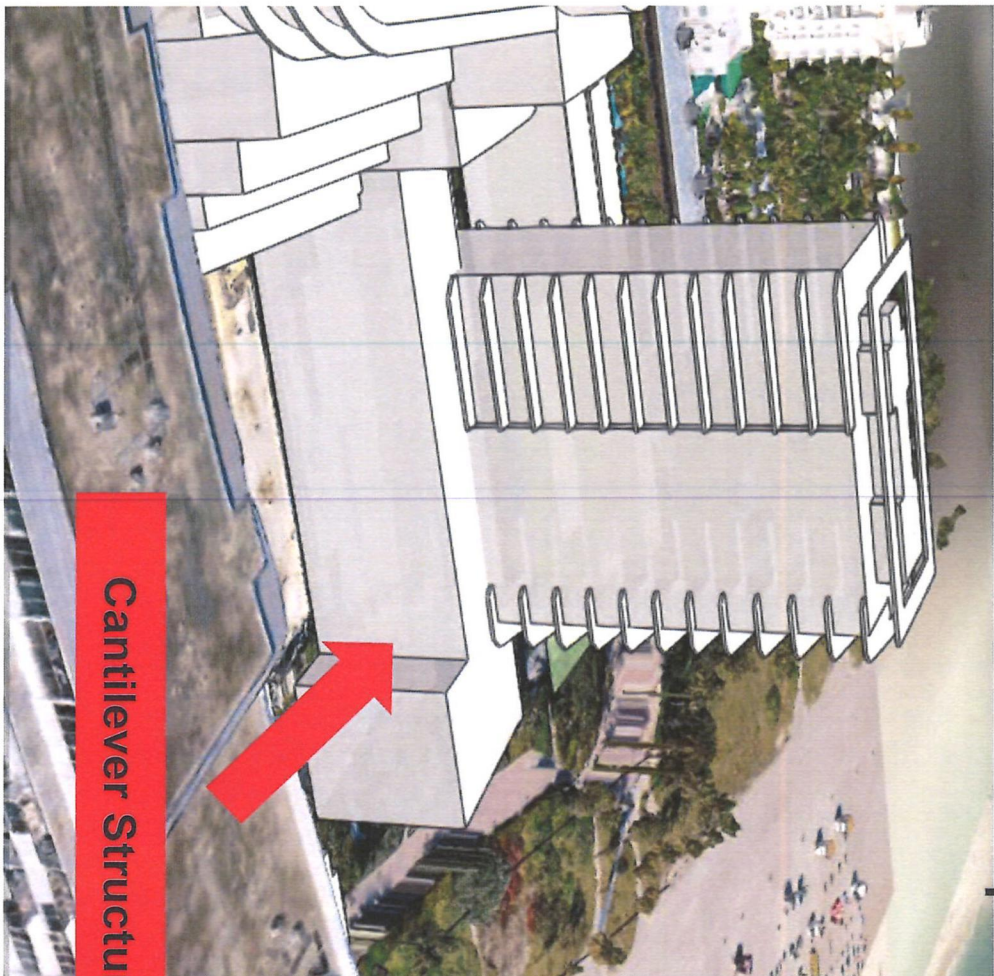
From the existing generator room located to the left, all the way out along the top of the north cabana wing of the Ritz, the Applicant proposes an enclosed fitness center gym, and an open pool deck.



Proposed Tower Floor Plan: Fifth Floor Plan Sheet A2.05

Rooftop Addition Variance Issue

The Fifth-Floor Addition and other Tower Improvements that tie into the existing Ritz-Carlton north cabana wing roof present a violation of the rooftop addition prohibition.



Cantilever Structure over Ritz (Dilido)



Even if the rooftop addition variance was properly identified, the Applicant could not seek it, as the Code states “no variance” may be granted.

We Respectfully Request that the Historic Preservation Board Deny a Certificate of Appropriateness for this Application, as it Contains Variances, Including a Variance From the Rooftop Addition Prohibition for Oceanfront Lots in the Architectural District.

Thank you