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VIA CSS

December 6, 2021

Deborah Tackett, Chief Historic Preservation Officer
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

RE: **HPB21-0491** –Letter of Intent for the Shelborne Hotel located at
1801 Collins Avenue, Miami Beach, Florida

Dear Mrs. Tackett:

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"). This letter serves as the required letter of intent for a Certificate of Appropriateness ("COA") and associated variances to locate a new enclosed FPL vault in the rear yard of the Property. The proposed FPL vault is required in order to bring the historic Shelborne's electrical infrastructure into compliance with modern requirements.

Property Description. The Property is an oceanfront lot on the northeast corner of the intersection of Collins Avenue and 18th Street, and is approximately 64,500 square feet (1.48 acres) in size. The Property is located within the federally-designated Miami Beach Architectural District, as well as the locally-designated Ocean Drive-Collins Avenue Local Historic District. It contains a well-known contributing structure known as the Shelborne Hotel. The Shelborne Hotel was constructed on the Property in 1940 as a 14-story 150-room hotel designed by Igor Polevitzky and Thomas Triplett Russel. Morris Lapidus designed an 8-story addition to the west end of the hotel that contained a ballroom, new lobby, and 103 additional guest rooms. The Shelborne Hotel is an early and unique example of the Miami Modern (MiMo) adaptation of the International style of architecture. More recently, in 1993, post-war modern townhouses were added alongside the pool deck and the southern portion of the Morris Lapidus-design lobby. Today, the Property consists of approximately 340 units, for which the Miami-Dade County Property Appraiser has assigned reference Tax Folio Identification No. 02-3234-083-0001.



Figure 1: Excerpt of Historic Property Viewer.

Prior Approval. On April 13, 2021, the HPB unanimously approved File No. HPB20-0443, which proposed a Certificate of Appropriateness for Demolition and Design ("COA") and associated variances ("Approved Renovation"). During the process to implement the Approved Renovation, the Applicant learned that it was required replace the Shelborne's antiquated FPL Transformer Vault and move it to a more accessible part of the Property.

Proposed Vault Design. The proposed FPL vault is strategically located so as to provide the access required by FPL and minimize impacts on the site and the public. The proposed vault is located in the southeast portion of the Property along the southern property line. It is intentionally positioned along the southern property line to preserve the view corridors through the center of the long and narrow Property. Locating the proposed FPL vault at any other location in the rear yard would impede view corridors to and from the beach walk, and disrupt the symmetry between the contributing pool deck and east garden.

To soften the impact of the vault on the 18th Street street-end, the vault is clad with banded architectural louvers alternating with white stucco that matches with the existing stucco wall. The banded louvers blend the required access doors and ventilation into the southern façade. The remaining facades and roof of the structure are clad with identical louvers to create a cohesive structure that blends with the design of the renovated east garden. It should be noted that the scope of the proposed modifications to the east garden have been reduced in intensity from that of the Approved Renovation. Most notably, the proposed new swimming pool and impervious pool deck has been replaced with a spacious open lawn and the proposed wood decks have been removed.

The proposed rear yard substantially increases the amount of landscaped open space in the rear yard from the existing condition, and is a reduction in intensity from the Approved Renovation that can be reviewed and approved administratively. Accordingly, the Applicant only seeks approval of a COA and associated variances, as further set forth below, for the FPL Vault enclosure.

Variance Requests. The previously approved project substantially complies with the City of Miami Beach Code of Ordinances (the "City Code"). The requested Variances are necessary to preserve the historic character and respond to unique conditions of the site. In order to fully realize its renovations and provide a resilient source of power to the hotel, the Applicant requests the following:

- 1) Variance from required 15' side facing a street setback for accessory structures pursuant to Section 142-1132(a) of the Code to provide a zero-foot (0') setback for an FPL Vault Room.
- 2) Variance from required 15' side setback in the Oceanfront Overlay Zone pursuant to Section 142-802(3) of the Code to provide a zero-foot (0') setback for an FPL Vault Room.

Satisfaction of Hardship Criteria. The Variances requested satisfy the hardship criteria pursuant to Section 118-353(d) of the City Code, as follows:

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;

For all requested variances, there are special conditions and circumstances that exist which are peculiar to the land and uses, including the historic preservation of a contributing historic structure with existing legally nonconforming setbacks and outdated electrical infrastructure, and the confining characteristics of the deep and narrow oceanfront lot. The existing FPL infrastructure is located inside the basement of the hotel at approximately the northwest corner of the site. Due to changes in the technical requirements for FPL infrastructure needed to meet modern electrical demand, the existing FPL infrastructure within the hotel cannot be maintained, serviced, or replaced. Indeed, if a technical issue were to damage or destroy the existing FPL equipment the Shelborne would be left without electricity, which would cause damage to historic building if not immediately corrected. Further, the current location of the FPL vault below base flood elevation is inconsistent with the City's resiliency goals and leaves the hotel vulnerable to damaging power outages due to flooding. The existing configuration of the Shelborne and modern electrical demand for hotels are special circumstances unique to the Property.

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

The special conditions and circumstances do not result from any actions of the Applicant. The existing buildings are contributing structures in a local and national historic district with existing legal nonconforming buildings and existing antiquated electrical infrastructure. The Applicant proposes keep the existing structures and its legal nonconforming setbacks to permit restorative improvements and necessary updates that keep the hotel viable as well as improve the resilience of the Property. The required

upgrade to the Shelborne's electrical structure is a result of modern demand for electricity and stringent requirements from FPL, South Florida's only electrical utility, and not the result of 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;

The City Code allows other similarly situated property owners that renovate historic properties to seek similar variances to accommodate modern infrastructure and allow improvements to historic properties. Accordingly, granting the requested variances does not confer any special privilege on the Applicant that is denied to other similarly situated property owners in the same zoning district.

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;

A literal interpretation of the provisions of the land development regulations would deprive the Applicant, rights enjoyed by other properties in the same zoning district. All properties are required to provide electrical infrastructure that conforms to FPL's stringent specifications and meets the demand of the development. Literal interpretation of the land development regulations would leave the Shelborne Property without an appropriate location for its required FPL infrastructure. The alternative would be to make intrusive renovations to the historic lobby to accommodate the FPL vault, which directly contradicts the intent of the Prior Approval, which was to renovate the the historic lobby to be consistent with the original Lapidus addition. Accordingly, literal interpretation of the land development regulations in this situation would contradict the City's historic preservation objectives and work an unnecessary and undue hardship on the Applicant.

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

The Variances are the minimum variations of the City Code that will make possible the reasonable use of the Property and preservation of the contributing Shelborne Hotel. The goal of the Prior Approval is to preserve and improve the existing hotel by renovating in a manner that is consistent with the original design and responding appropriately to the unique conditions of the Property. The requested variances are entirely based on FPL's stringent technical specifications and the existing legal nonconformities associated with the historic Shelborne Hotel. The requested variances are the minimum necessary to modernize the Property's electrical infrastructure in accordance with FPL requirements.

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;

Granting of the Variances will be in harmony with the general intent and purpose of these land development regulations, as they permit the preservation and improvement of an existing contributing structure. The Proposed FPL vault structure has been sensitively designed to blend with its surroundings and mitigate any impacts to the Property and the adjacent public right of way.

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;

Renovation and restoration of the iconic Shelborne Hotel is consistent with the Comprehensive Plan and the RM-3 Zoning District Regulations. The Comprehensive Plan encourages preservation and restoration of historic structures, as well as improved resiliency of these often-vulnerable properties. Granting the requested variances would further each of these objectives.

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.

Granting the requested variances improves the resiliency of the Property, as the new FPL vault location allows for future maintenance or replacement as needed and eliminates the risk of a prolonged power outage at the Shelborne.

Practical Difficulty. The stringent requirements for electrical infrastructure mandated by FPL is a practical difficulty that justifies the requested variances. There is only one electrical utility in South Florida, and all property owners are subject to FPLs requirements if they are to retain power from the grid. The Applicant has no input with respect to the requirements for FPL infrastructure for the Property, and there is no feasible alternative method of powering the Property. The Applicant has worked with FPL to propose the best possible solution to allow the Shelborne to provide new electrical infrastructure that meets modern demands and protects the future of the hotel. However, the requested variances are required in order to develop an adequate FPL vault that does not negatively impact the historic Shelborne Property.

Sea Level Rise and Resiliency Criteria. The Project advances the sea level rise and resiliency criteria in Section 133-50(a) of the City Code, as follows:

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

A recycling and salvage plan for any proposed demolition will be provided at permitting.

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

Hurricane proof impact windows will be provided.

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

The Applicant will provide, where feasible, passive cooling systems. The Applicant proposes operable windows at the penthouse level, which improves passive cooling.

4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

New landscaping provided will be Florida-friendly and resilient.

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, including a study of land elevation and elevation of surrounding properties were considered.

Sea level rise projections are being considered and the improved permeability in the rear yard mitigates future sea level rise induced flooding.

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.

This is a renovation of a historic site and no significant new construction is proposed adjacent to public rights of way. To the extent feasible the Applicant will design the southern façade to be adaptable to future harmonization with public roadway raising projects.

7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

All mechanical and electrical systems will be located above base flood elevation to the extent feasible and appropriate in light of the historic context of the building.

8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

This is a renovation of a historic site. The existing ground floor areas will be elevated where feasible and appropriate,

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 where habitable space is located below BFE.

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

Where feasible, water retention systems will be provided.

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

Cool pavement materials and/or porous pavement materials will be utilized.

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

The Applicant proposes additional landscaping around the perimeter of the site. There are no changes proposed to the rooftop of the historic structures.

Deborah Tackett, Chief of Historic Preservation

November 15, 2021

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Conclusion. The proposed FPL Vault is necessary to bring the Shelborne into compliance with modern requirements. It is sensitively designed to blend into its surroundings and mitigate impacts to the historic hotel and the public realm.

In light of the above, the Applicant respectfully request your favorable review and recommendation of this application. 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
Maurice Petignat
Frederick Andersson
Grace Dillon
Nicholas Rodriguez, Esq.