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VIA ELECTRONIC & HAND DELIVERY

March 7, 2022

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

RE: **HPB21-0498** – Request for Certificate of Appropriateness, Variances, and Waiver for the Proposed Hotel Located at 7418 Harding Avenue, Miami Beach, Florida

Dear Debbie:

This law firm represents Art and Tech Development, Inc. (the "Applicant") in their application for the proposed development of a 48-unit boutique hotel located at 7418 Harding Avenue ("Property"). Please consider this letter the Applicant's letter of intent in support of a Certificate of Appropriateness, two variances, waiver, and allowable height increase for the demolition of an existing structure, preservation of two existing structures, and detached addition for a new 48-unit boutique hotel.

Property Description. The Property consists of approximately 15,000 square feet (0.34 acres) and is developed with three two-story multi-family structures. The Property is located within the North Shore local Historic District and the North Beach National Register Conservation Overlay District ("Districts"). The existing structures are classified as Contributing. The Property has a land use designation of Residential Multifamily Low Intensity (RM-1) and is zoned RM-1. Built in 1946, the structures characterize much of the built environment of the North Shore Historic District and exemplify the plasticity and transparency of Moderne architectural styling and the later Post War Modern movements. The existing structures are mirrored and are positioned at 90-degree angles, which create a generous, common internal courtyard and are sheltered by projecting overhang eaves.

Proposed Development. The Applicant proposes to repurpose the Property into a 48-unit boutique hotel. Specifically, the Applicant proposes to demolish one of the existing structures

located on the west portion of the Property fronting the alley, otherwise known as Harding Court ("Alley"), restoring the two existing structures on the north and south portions of the Property into 32 hotel units, and construct a detached addition that contains 16 hotel units ("Proposed Development").

New Structure. The new, 5-story structure on the west portion of the Property fronts Harding Court and will serve as the main entrance to the Proposed Development ("New Structure"). The New Structure is smartly designed, comprising of glass balconies and balustrades and ceramic brick tile accents on each façade. On the ground floor, the New Structure will contain the lobby and reception area, and one garden suite with its own enclosed garden flushed with lush landscaping. The incorporation of the garden aligns with the historical nature of the North Shore Historic District and Post War Modern movements because the structures in this neighborhood were designed as garden-oriented apartment buildings. Levels two through four each contain two double suites and two king suites that share an elongated glass balcony overlooking the center courtyard. The fifth floor is comprised of three terrace suites, each with their own glass balcony facing north, east and south, respectively. Overall, the sharp design features, varied balcony lengths, and purposefully placed fenestration will compliment the existing courtyard and architectural character of the North Shore Historic District.

Restoration of Existing Structures. The Applicant seeks to restore the 2-story structures located on the north and south property lines ("Existing Structures") by demolishing the interior walls, doors and rear stairs and rehabilitating the Existing Structures into 32 hotel units. Currently, the Existing Structures do not comply with life-safety requirements and are vacant. The Applicant will restore the Existing Structures to align with their historical Post War architectural character and to comply with modern fire, safety, and accessibility requirements. Specifically, the Applicant proposes to demolish the sets of rear stairs of the Existing Structures and replace them with new elevations that re-introduce the original windows. The Applicant proposes to re-introduce windows with muntins to remain in configuration with available historical documentation and original configuration of the buildings.

The Proposed Development strikes a balance between preserving the historical nature of the Property while introducing a modern 5-story structure that compliments the center courtyard and North Beach neighborhood. Overall, the Proposed Development will transform the Property into an elegant, boutique hotel that will evoke interest from the streetscape and reinvigorate the surrounding area.

Parking. As stated above, the Property is located in the North Beach National Register Conservation Overlay District. For existing apartment buildings, which are classified as Contributing and of which at least 75 percent of the front and street side elevations, and 25 percent of interior side elevations, are substantially retained, preserved and restored, there shall be no parking requirement for the existing structure, any new addition, whether attached or detached. See Sec. 130-32(6)(e)3, Miami Beach City Code ("City Code"). The Proposed Development complies with the above criteria, and, as a result, is not providing parking.

Estimated Cost of Construction. The estimated cost of construction is \$4,600,000.00.

Requests. In order to accommodate the Proposed Development, the Applicant respectfully requests:

Height Request. As provided for in Section 142-870.15(c)(1), the Historic Preservation Board may allow a maximum building height of 55' for properties that contain at least one Contributing building and substantially retain and restore at least 50 percent of all existing Contributing buildings on site. The Applicant is substantially retaining and restoring two of the three existing structures on the Property by demolishing the interior walls, doors and rear stairs and rehabilitating the Existing Structures into 32 hotel units. The New Structure is a modern, 5-story building that compliments the center courtyard with a maximum building height of 55'. The Proposed Development complies with the applicable Code section and is in context with the building heights in the North Shore neighborhood—within one half mile of the Property, there are buildings located at 7440 Harding Avenue, 7330 Ocean Terrace, 7441 Wayne Avenue, and 7600 Collins Avenue with building heights between approximately 45 and 250 feet. As a result, the Applicant respectfully requests the Historic Preservation Board's approval of the proposed building height of 55'.

Variances. The Applicant respectfully requests the approval of the following two variances, as detailed below:

1. Hotel Unit Size Variance – A variance from the requirement of Section 142-870.15(b) to provide a minimum unit size of 200 square feet where, in the North Beach National Register Conservation Overlay, the minimum unit size for Contributing buildings which are substantially retained and restored is 300 square feet ("Hotel Unit Size Variance").

2. Rear Setback Variance – A variance from the requirement of Section 142-870.15(e) to allow for the loading space to have a 0' rear setback where a 5' setback is required ("Rear Setback Variance").

The Hotel Unit Size Variance is necessary because the Applicant proposes to renovate and activate the Existing Structures in a manner consistent with the Property's historical architectural character and to re-introduce the windows to better align with the Post War architecture the Existing Structures evoke. To accomplish this, the Existing Structures are being reconfigured to convert the large multi-family apartment units to smaller hotel units ranging from 200 square feet to 270 square feet and the Applicant will rehabilitate the facades along the north and south Property lines by replacing the windows to match the originals. The proposed minimum unit size of 200 square feet complies with the underlying RM-1 land development regulations, which require a minimum hotel unit size of 200 square feet for Contributing structures. The Proposed Development will result in a significant improvement of the Existing Structures' current state by bringing the Existing Structures into compliance with necessary life-safety and accessibility regulations and will contribute positively to the boutique hotel experience. Variances to reduce the minimum unit size requirement are regularly granted, as shown by the Historic Preservation Board's approval of similar variance requests for the Sorrento Villas hotel and addition at the Prince Michael Condominium, among others.¹

The Rear Setback Variance is necessary because the Applicant proposes one loading space located at the northwest corner of the Property. The loading space will accommodate for short-term loading operations, as the boutique hotel will neither require extensive nor frequent loading. The Proposed Development significantly improves the Property, provides for much needed life-safety updates, and enhances the North Shore neighborhood. Granting the Rear Setback Variance will not provide the Applicant with any special conditions due to the Applicant's own actions. The Applicant is merely working within the constraints of the Property and Existing Structures and the Rear Setback Variance is necessary to accommodate the loading space along the Alley.

Satisfaction of Hardship Criteria. The Applicant's request satisfies all hardship criteria 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;

¹ See HPB20-0420, HPB20-0377, HPB20-0387, HPB19-0353, and HPB19-0315.

There are special conditions and circumstances that exist which are peculiar to the land and uses. The Applicant has a challenging site with two contributing structures located on the south and north property lines that the Applicant will preserve. The Proposed Development stays true to that condition and maintains the internal courtyard atmosphere. The Hotel Unit Size Variance is necessary to preserve the historical nature of the Existing Structures and bring the Existing Structures into compliance with life-safety and accessibility regulations. The required minimum room size applicable to the Property is not feasible to effectively preserve the Property's historical architectural character and re-introduce the original window configuration.

The Rear Setback Variance is necessary to leave the Existing Structures undisturbed as adequate space is needed between the New Structure, off-street loading spaces, and Existing Structures. The variances requested are due to the existing conditions and location of the Property. The unique configuration of the Existing Structures and frontage along the Alley are not applicable to other lands and peculiar to these historic buildings.

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

The special circumstances do not result from the actions of the Applicant. The Existing Structures are designated as Contributing and located in the North Shore local Historic District and the North Beach National Register Conservation Overlay District. The requested variances will help to preserve the Existing Structures. The proposed hotel unit size meets the minimum criteria applicable to existing contributing hotels in the RM-1 district. The Rear Setback Variance is necessary due to the footprint of the Existing Structures 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;

The City Code allows other similarly situated property owners, renovating historic properties, to seek similar variances to accommodate sensitive development. The variances ensure that the Proposed Development retains and highlights the Existing Structures, window configuration and internal courtyard. The Rear Setback Variance is necessary for the preservation of the Existing Structures and functionality of the Property as a hotel use. The slight reduction in hotel unit sizes is also necessary to accommodate sufficient back of house and accessibility areas within the Existing Structures. The

proposed rear setback is consistent with the existing Contributing structures and is appropriate for the neighborhood. The rear setback is minimal and not a special privilege on this site with existing Contributing structures. These are not special privileges conferred to the Applicant, but rather necessary for the preservation of the Property and guest experience. The City Code permits other similarly situated property owners to make similar requests to accommodate preservations and additions of historic sites, and designs that contribute to the context of the historic neighborhood. Therefore, granting of the Variances in this case will not confer any special privilege on the Applicant.

(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. The Variances are necessary to preserve the existing setbacks, comply with accessibility and life safety requirements, and maintain the existing conditions of the majority the Property. Strict adherence to the Code would not allow the Property to be renovated and restored as a boutique hotel in compliance with required life-safety and accessibility modifications. The proposed room sizes are not out of character with the permissible minimum room size for other historic hotel uses in the RM-1 district. Further, a literal interpretation of the setback regulations would necessitate significant or complete removal of the Existing Structures, or force the New Structure to tower over the Existing Structures and courtyard. The requested variances will produce an enhanced design that is consistent with the character of the neighborhood and will highlight the extensive preservation of the Existing Structures.

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

The variances relate to the same special conditions that prevent strict compliance with the City Code and is the minimum variation of the City Code that will make possible the reasonable use of the Property and preservation of the Existing Structures. Additional setbacks would require significant modification of the New Structure and potentially complete removal of the Existing Structures, which the Applicant is preserving. The goal of the Project is to preserve as much of the existing facades of the Contributing structures and carefully place the New Structure to compliment the Existing Structures and internal

courtyard. The Hotel Unit Size variance continues the existing configuration of the windows of the Existing Structures while facilitating necessary life-safety and accessibility improvements and renovations needed for a uniquely designed and welcoming 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

Granting of the variances will be in harmony with the general intent and purpose of these land development regulations, and preservation of structures with historical significance in local historic districts. The Proposed Development preserves the existing courtyard and internal frontages of the Existing Structures, and provides an architecturally interesting hotel along the Alley. The Project substantially retains the Existing Structures and the new construction is compatible with the historic neighborhood, and therefore, benefits the public welfare and historic district.

(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 of adjustment voting on the applicant's request.

Hotel is consistent with the Comprehensive Plan and permitted by the RM-1 regulations. Further, the proposed minimum room sizes are consistent with the RM-1 regulations. The Applicant is proposing an innovative design that maintains the exteriors of two historic structures, with all back-of-house and life-safety requirements. Similarly, the Rear Setback Variance is consistent with the Comprehensive Plan and does not reduce levels of service. The Proposed Development will provide guests with a boutique hotel with an open-air courtyard within a short walk from the beach.

Waiver Request–Off-Street Loading. The Applicant provides a loading space located at the northwest corner of the Property, along the Alley, and respectfully requests the Historic Preservation Board approval to waive the requirements for off-street loading pursuant to Section 130-101(D) of the Miami Beach City Code (“Waiver”). The Property is located within the North Shore local Historic District and contains three (3) Contributing structures. The alley is 20’ wide and can accommodate the short-term loading operations of the Proposed Development. Alleys in commercial areas commonly accommodate

short-term loading operations, and the Proposed Development ensures safer operations. The proposed use of boutique hotel will neither require extensive nor frequent loading. Approval of the Waiver will produce an enhanced design that is consistent with the character of the neighborhood and goal of the Project.

The grant of the Waiver request is necessary for the design and function of the Property, and does not reduce the quality of life of the North Shore local Historic District. The Proposed Development will provide a unique hotel that restored historic structures which will enhance the pedestrian experience on Harding Avenue. Overall, the Waiver will have no negative impact on its surroundings as loading will take place along the wide Alley.

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

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

The Applicant will provide a recycling or salvage plan during permitting.

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

The Project will feature hurricane impact windows.

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

The design of the Project features sliding glass balcony doors and will include operable windows where appropriate. Further, the abundant landscaping and permeable materials contribute to passive cooling, which represents a significant improvement from the existing condition.

(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.

The Applicant has worked with a landscape architect to provide landscaping that is appropriate for the Property, with plant species that are native, salt-tolerant, and Florida-friendly. The proposed plantings are appropriate for the area and specifically selected to increase flood resilience and improve stormwater drainage on the Property.

(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 Project features no residentially habitable space below base flood elevation. The finished floor elevation of 9' NGVD is 1' higher than BFE to provide even greater flood and sea level rise protection.

(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 exits can be modified to accommodate a higher street height up to three (3) additional feet in height.

This is a renovation of a historic site. The ground level of the new building will be at BFE + 1'.

(7) 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.

Proper precautions will be taken to ensure the critical mechanical and electrical systems are located above base flood elevation.

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

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

(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) As applicable to all new construction, water retention systems shall be provided.

Where feasible, water retention systems will be provided.

(11) Cool pavement material 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 abundant landscaping. These features serve to minimize heat island effect.

Conclusion. The Proposed Development strikes a balance between preserving the historical nature of the Property while introducing a modern 5-story structure that compliments the center courtyard and North Beach neighborhood. Overall, the Proposed Development will transform a bland, worn out multi-family property into an elegant, boutique hotel that will evoke interest from the streetscape and reinvigorate the surrounding area. The Proposed Development and accompanying variance requests meet the intent of the Code in all respects and improves resilience of the Property. We therefore respectfully request your favorable review and recommendation. If you have any questions or comments, please call me at 305-374-5300.

Sincerely,



Michael W. Larkin

cc: David Butter, Esq.