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August 8, 2022

**VIA ELECTRONIC SUBMITTAL**

Deborah Tackett, Chief of Historic Preservation  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2nd Floor  
Miami Beach, Florida 33131

Re: **HPB22-0536 Modification of HPB20-0420** –  
Certificate of Appropriateness and Variances for the  
Property Located at 1030 6<sup>th</sup> Street

Dear Ms. Tackett:

This law firm represents 1030 Property Investments LLC (the "Applicant"), owner of the property located at 1030 6<sup>th</sup> Street (the "Property")<sup>1</sup>. The Applicant proposes to renovate and preserve the existing two-story contributing structures and introduce a new seven-story hotel, as a modification to the Historic Preservation Board's ("HPB") prior approval on February 9, 2021. See Exhibit A, HPB20-0420, Final Order.

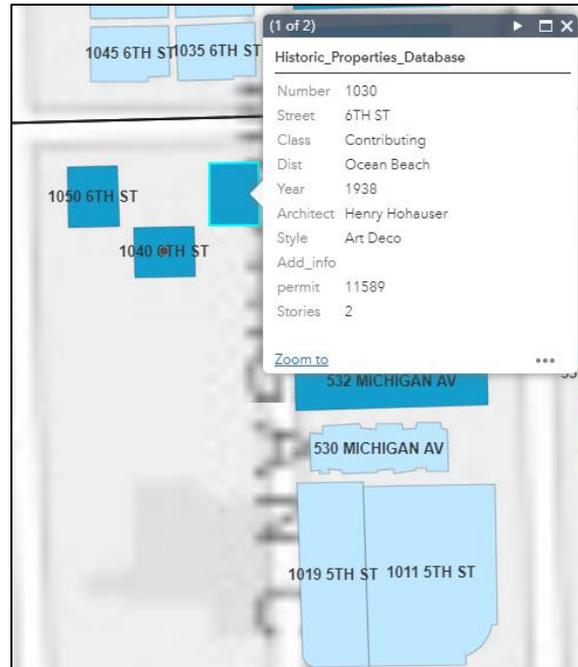
Please allow this letter to serve as the letter of intent in connection with a request to the HPB for a Modified Certificate of Appropriateness, and associated Waiver for on-street loading and Variances for reduced setbacks, rear yard open space, and minimum required floor area per hotel unit.

Description of Property. The Property is located at the southeast intersection of Lenox Avenue and 6<sup>th</sup> Street, with frontage on 6<sup>th</sup> Street. The Miami-Dade County Property Appraiser's Office identifies the Property with tax

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<sup>1</sup> The Property is also associated with addresses 1040 and 1050 6<sup>th</sup> Street.

Folio No. 02-4203-009-7860. See Exhibit B, Property Appraiser Summary Report. The Property is within the C-PS2, General Mixed-use Commercial Zoning District. According to the Miami Beach Historic Properties Database, the Property is classified as contributing within the Ocean Beach Local Historic District. See Figure 1 below, Historic Properties Database Excerpt. The immediate surrounding area is a mix of multi-story large-scale retail to the south, including Publix and Target. North of 6<sup>th</sup> Street is the Saint Francis de Sales Catholic Church and two- and three-story multi-family residential buildings.



**Figure 1, Historic Properties Database Excerpt**

*Existing Structures.* In 1938, architect Henry Hohausser, well known for his contributions to the Art Deco style, designed the three (3), two-story structures. See Historic Resources Report prepared by Studio Mc+G Architecture included in the application materials. Each building contains four (4) apartment units. As is typical of the architectural style and time period, each building opens to an internal courtyard. The existing layout and frontages on 6<sup>th</sup> Street, Lenox Avenue, and Michigan Court alleyway, uniquely contribute to the fact that these structures have distinct design elements on all facades adding to the charm of the site.

Prior Approval. As noted, on February 9, 2021, the HPB approved a Certificate of Appropriateness ("COA") for the partial demolition, renovation, and partial restoration for the buildings on the Property ("the 2021 COA"). The COA approval included construction of an attached addition for a new hotel, waivers related to off-street loading, and granted the following variances:

1. A variance to reduce by 9'-0" the minimum required pedestal rear setback of 10'-0" in order to construct a multistory building addition at 1'-0" from the south rear property line.
2. A variance to reduce by 14'-0" the minimum required tower interior side setback of 7'-6" in order to construct a multistory building addition with 64'-0" in height at 5'-0" from the east side property line.
3. A variance to reduce by 2'-6" the minimum required pedestal interior side setback of 7'-6" in order to construct a multistory building addition with 64'-0" in height at 5'-0" from the east side property line.
4. A variance to reduce by 0'-6" the minimum required tower interior side setback of 13'-11" in order to construct a multistory building addition with 64'-0" in height at 13'-5" from the east side property line.
5. A variance to exceed by 42.5% (638 s.f.) the maximum area of 30% (450 s.f.) allowed for structures within the required rear yard of 10'-0" in order to construct a multistory building addition and occupy up to 72.5% (1,088 s.f.) within the rear yard of the property.
6. A variance from the minimum required hotel unit size: 15% of the hotel units shall be between 300-335 square feet and 85% of the units shall be larger than 335 square feet, in order to permit 41 hotel units (63%) between 300 and 335, and 24 hotel units exceeding 335 square feet (37% of units).

The reasoning for the COA approval in 2021 included that the proposed location of the addition will have the least impact on the contributing buildings, retains the historic courtyard feature, and the integrity of the surrounding historic district. The Project as proposed served as a transition from the large-scale commercial buildings on the south and west to the multi-family neighborhood to the north.

Development Program. During preparations of the site for building permit and detailing operations for the hotel, the Applicant identified certain needed modifications to the COA approved in 2021. The Applicant's goal is similarly to renovate and preserve the historic units, introduce a small café on the ground floor, as a necessary amenity to serve its guests and the public, and incorporate a new seven-story hotel at the rear of the Property with proper connectivity between the structures and uses (the "Project"). The Project includes seventy-six (76) hotel units, fourteen (14) of which are in the existing buildings, four (4) car lifts to accommodate eight (8) off-street regular parking spaces, one (1) handicap parking space, and 104 bicycle racks. The Property currently provides zero (0) off-street parking spaces. The Applicant will contribute to the parking in lieu program in accordance with the City Code of Ordinances ("City Code") Section 130-132 (a-b) for the remaining required off-street parking. Pursuant to the 2021 COA, loading will be provided on-street, consistent with Section 130-101 of the City Code. The Project does include one (1) new off-street space located accessible from Michigan Court.

These efforts are essential to restore the historic structures and ensure a viable hotel use. The Project will serve as a transition between the large retail to the south and multi-family uses to the north.

The design preserves the unique Art Deco details of the existing structures. Specifically, the overlapping canopies above the entrances and first floor windows, rounded steps, circular railing posts, and the hexagon window shapes. All three structures will remain in the same location fostering the internal courtyard ambiance. A modest courtyard café will be located within the courtyard and the kitchen for the café will be in the new building on the south. This will be an amenity for guests of the hotel, as well as an intimate establishment for local residents to walk or bike for comfortable outdoor dining.

The existing center structure will be demolished and that area of the Property will serve as the entrance and reception area for the new hotel use, and the new, seven-story hotel addition above. Maintaining the façade of the center structure proved to be unsound engineering and resulted in less efficient use of the rear of the property. The façade of the new structure will have specific Art Deco features, such as corner windows and curved architectural articulations. The roof top of the new structure will have a modestly sized pool and deck area, with food service from the restaurant on site. No entertainment is proposed for the Project. The internal courtyard will be beautifully landscaped with palms and a large gumbo limbo tree. The border of the Property will be lined with continuous shrubbery and canopy trees.

Compliance with Certificate of Appropriateness Criteria. The design, scale and massing of the Project is compatible with the surrounding area, which contains large, non-residential buildings. The Project is well within with the C-PS2 maximum permitted height and Floor Area Ratio. Additionally, the proposed Art Deco style is the most prevalent architectural style in the Ocean Beach Local Historic District. The materials and colors proposed on the tower façade and public portions of the interior space are consistent within the distinctive Art Deco vocabulary. Therefore, this urban infill hotel use is consistent with the design criteria and will serve as a transition between the large retail establishments to the south and residential community to the north.

Variance Requests. The Project substantially complies with the Performance Standard District regulations of the City Code. The requested Variances are necessary to preserve the historic buildings and incorporate the tower structure within the Property. The Project considers eliminating two of the previously granted variances relating to the side setbacks of the tower. The modified Variances are consistent with those granted

pursuant to the 2021 COA listed above. In order to fully realize its renovations, and due to the Property's confining characteristics, the Applicant requests the following:

1. A variance to exceed by 55.2% (829 s.f.) the maximum area of 30% (450 s.f.) allowed for structures within the required rear yard of 10'-0" in order to construct a multistory building addition and occupy up to 85.2% (1,279 s.f.) within the rear yard of the property; and
2. A variance from the minimum required hotel unit size: 15% of the hotel units shall be between 300-335 square feet and 85% of the units shall be larger than 335 square feet, in order to permit 62 hotel units (81.58%) between 300 and 335, and 14 hotel units exceeding 335 square feet (18.42% of units).

*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;**

There are special conditions and circumstances that exist which are peculiar to the land and uses, such as the historic preservation of three (3) contributing structures and multiple frontages. The existing structures are located along the Property lines, and the Project stays true to that condition and maintains the internal courtyard focused atmosphere. The Variances requested are due to the existing conditions and location of the Property. The layout and frontages 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, in this case, do not result from the actions of the Applicant. The existing buildings are contributing structures, in a local historic district, with minimal existing setbacks and existing unit sizes. The site has multiple frontages along heavily traversed rights of way. The Applicant is proposing to keep the existing structures and add the new massing as far away from the residential neighbors to north within a narrow portion of the site. The Applicant's goal is to make the hotel viable with necessary updates and amenities, such as handicap accessibility, loading, a small café, and bicycle parking.

**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 Project can retain and highlight the existing structures and courtyard. The setback related Variances are necessary for the preservation, functionality of the site, and introduction of a needed amenities. The slight reduction in hotel unit sizes is also necessary to accommodate sufficient back of house and accessibility areas within the new structure. Additionally, the rear yard encroachment is minimal and not a special privilege in this narrow site with three frontages and surrounding mix of uses. These are not special privileges conferred to the Applicant, but rather necessary for the preservation of the Property and guest experiences. 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 of this oasis site from the large commercial structures to the south. Strict compliance with the land development regulations would be an unnecessary and undue hardship on the Applicant to place the tower portion of the structure entirely over the center building, which is being preserved. 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 to reduce the minimum required setbacks relate to the same special conditions that prevents strict compliance with the City Code and are the minimum variations of the City Code that will make possible the reasonable use of the Property and preservation of all three (3) contributing structures. The existing alleys and public right of ways provide sufficient buffering between the Property and the adjacent neighboring sites, which mitigate any impacts on the neighboring properties. Reconfiguration of the existing floor plans and additional setbacks would require significant modification of the contributing structures, which the Applicant is preserving. The goal of the Project is to save as much of the existing facades and situate the new massing towards the large-scale abutting retail parking garage.

**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 modifications are intended to serve the guests and residents in the area. The new structure preserves the three frontages and the existing courtyard, and provides an architecturally interesting hotel liner buffering the large commercial parking garage. 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.**

A new hotel and small accessory café are consistent with the Comprehensive Plan and permitted by the C-PS2 regulations. The performance standards allow greater flexibility, and incentives for certain amenities, encouraging more flexible and innovative design and development, in accordance with the goals and objectives of the City's comprehensive plan. The Applicant is proposing an innovative design that maintains the exteriors of the historic structures, with all back-of-house requirements far from the residential neighborhood to the north.

Granting of the Variances is necessary for the design and function of the site, and do not reduce levels of service one-block from the main entrance to Miami Beach. Development of the Project will provide local residents with a café in walking distance, with open air courtyard seating, ample bicycle parking, and amenity space for hotel guests.

*Practical Difficulty.* The innovative design does the most possible to provide a functional and viable hotel project that preserves many of its original characteristics. The corner lot contains three (3) separate historic structures and a historically valuable internal courtyard area. 6<sup>th</sup> Street and Lenox Avenue are highly traversed roads that restrict possible reconfiguration of the frontage. These are multiple practical difficulties that must be addressed in order to make practical use of the Property.

In order to preserve the existing buildings, with original design features on the façades, update all doors, windows, and mechanical systems, and minimize the height of the new structure, the Applicant is left with a confined developable area. Strict compliance with the land development regulations would contradict the historic preservation intent and goals of the City Code, and prevent renovation and preservation of this site. The rear is the only location for the new structure that completely preserves the frontage along 6<sup>th</sup> Street. The proposed design will provide a liner of the parking garage to the south with an Art Deco style tower that is consistent with the neighborhood.

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.

**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.

**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. The ground level of the new building will be at BFE +1'.

**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.

**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, 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. 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, as well as additional landscaping on the roof top, to minimize potential for heat island effects on-site.

Conclusion. The Applicant will bring needed amenities to this mixed-use area, and preserve the Art Deco structures and internal courtyard. The massing, scale and design of the Project are compatible with Ocean Beach Historic District style of architecture and large abutting commercial structures to the south. The proposed hotel use with café and pool are necessary amenities for the viability of this urban infill development. Granting of this modification to the originally approved Certificate of Appropriateness, with the associated Waivers and Variances as modified, is in harmony with the intent and purpose of the City's Comprehensive Plan and Land Development Regulations and will enhance the local historic district.

Based on these reasons, 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) 377-6238.

Sincerely,



Michael J. Marrero

Enclosures

CC: Emily K. Balter

**HISTORIC PRESERVATION BOARD  
City of Miami Beach, Florida**

MEETING DATE: February 9, 2021

PROPERTY/FOLIO: 1030 6<sup>th</sup> Street / 02-4203-009-7860

FILE NO: HPB20-0420

IN RE: An application by Fernandez Properties Inc for a Certificate of Appropriateness for the partial demolition, renovation and partial restoration of all buildings on the site and the construction of an attached addition as part of a new hotel development, including one or more waivers and variances to reduce the required rear pedestal and tower setbacks, the required side interior tower setback and to reduce the required rear yard open space.

LEGAL: Lots 15 & 16, Block 98 of the Ocean Beach Addition No. 3, according to the Plat Thereof, as Recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida.

**ORDER**

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

**I. Certificate of Appropriateness**

- A. The subject site is located within the Ocean Beach Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
  - 1. Is consistent with Sea Level Rise and Resiliency Review Criteria in Section 133-50(a) of the Miami Beach Code.
  - 2. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
  - 3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
  - 4. Is not consistent with Certificate of Appropriateness Criteria 'b' in Section 118-564(a)(3) of the Miami Beach Code.
  - 5. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) of the Miami Beach Code.

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- C. The project would be consistent with the criteria and requirements of section 118-564 and 133-50(a) if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
    - a. The existing structures on site shall be fully renovated and restored, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:
      - i. All through-the-wall air conditioning units shall be removed and replaced with a central air conditioning system, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
      - ii. The existing non-original windows shall be replaced with new impact resistant casement windows and shall incorporate a muntin configuration that is consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
      - iii. There shall be no TCO or CO issued for the new residential addition until the exterior restoration of the of the Contributing buildings, as approved by the Board, is substantially complete. Staff will perform an inspection of the property to ensure substantial completeness of the approved restoration prior to the approval of any TCO or CO for the new residential addition.
    - b. The applicant shall explore introducing additional solid or opaque materials within the north façade of the new addition, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - c. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - d. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - e. A plaque or historic display describing the history and evolution of the buildings shall be placed on the site and shall be located in a manner visible from the right of way, prior to the issuance of a Certificate of Occupancy for the building, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

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2. In accordance with Section 130-101(d) of the City Code, the requirement pertaining to providing off-street loading spaces is hereby waived, provided that a detailed plan delineating on-street loading is approved by the Parking Department.
3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
  - a. All hedge and ground cover plantings within the street facing yards shall not exceed 36" in height at maturity.
  - b. Prior to issuance of a Building Permit, the applicant shall provide a Tree Report prepared by a Certified Arborist for any existing canopy shade trees with a DBH of 3" or greater located in public or private property, which may be scheduled for removal or relocation for the review and approval of the City of Miami Beach Urban Forester.
  - c. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain.
  - d. The project design shall minimize the potential for a project causing a heat island effect on site.
  - e. Cool pavement materials or porous pavement materials shall be utilized.

In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.

## II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
  1. A variance to reduce by 9'-0" the minimum required pedestal rear setback of 10'-0" in order to construct a multistory building addition at 1'-0" from the south rear property line.
  2. A variance to reduce by 14'-0" the minimum required tower rear setback of 15'-0" in order to construct a multistory building addition at 1'-0" from the south rear property line.
  3. A variance to reduce by 2'-6" the minimum required pedestal interior side setback of 7'-6" in order to construct a multistory building addition with 64'-0" in height at 5'-0" from the east side property line.

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4. A variance to reduce by 0'-6" the minimum required tower interior side setback of 13'-11" in order to construct a multistory building addition with 64'-0" in height at 13'-5" from the east side property line.
  5. A variance to exceed by 42.5 % (638 s.f.) the maximum area of 30% (450 s.f.) allowed for structures within the required rear yard of 10'-0" in order to construct a multistory building addition and occupy up to 72.5% (1,088 s.f.) within the rear yard of the property.
  6. A variance from the minimum required hotel unit size: 15% of the hotel units shall be between 300-335 square feet and 85% of units shall be larger than 335 square feet, in order to permit 41 hotel units (63%) between 300 and 335 square feet, and 24 hotel units exceeding 335 square feet. (37% of units).
- A. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That 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;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

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

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That 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.

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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.

- B. The Board hereby **Approves** the requested variances and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
  2. Location of bicycle parking cannot exceed 25% into a required yard.
  3. Air conditioning equipment shall be screened from view including both roof top and ground level equipment, in a manner to be reviewed and approved by staff.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

**III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.**

- A. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- B. The issuance of a building permit is contingent upon meeting Public School Concurrency requirements, if applicable. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed. No building permit may be issued unless and until the applicant obtains a written finding from Miami-Dade County Public Schools that the applicant has satisfied school concurrency.
- C. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- D. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- E. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.

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- F. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- I. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
- L. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II,III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "**The Hohausser Hotel**", as prepared by **Studio McG Architecture**, dated **December 14, 2020**, as approved by the Historic Preservation Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

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HPB20-0420  
Meeting Date: February 9, 2021

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this Order shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this 24 day of February, 2021.

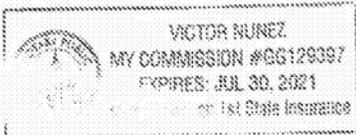
HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
DEBORAH TACKETT  
HISTORIC PRESERVATION & ARCHITECTURE OFFICER  
FOR THE CHAIR

STATE OF FLORIDA            )  
  )SS  
COUNTY OF MIAMI-DADE    )

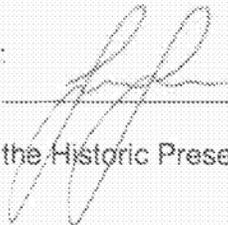
The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of February, 2021 by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.

[Signature]  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: JULY 30, 2021



[Signature]

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HPB20-0420  
Meeting Date: February 9, 2021

Approved As To Form:  
City Attorney's Office:  ( 2/23/2021 )

Filed with the Clerk of the Historic Preservation Board on  ( 2/24/2021 )



# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 7/18/2022

Property Information	
Folio:	02-4203-009-7860
Property Address:	1030 6 ST Miami Beach, FL 33139-6334
Owner	FERNANDEZ PROPERTIES INC
Mailing Address	PO BOX 191511 MIAMI BEACH, FL 33119
PA Primary Zone	6503 COMMERCIAL
Primary Land Use	0303 MULTIFAMILY 10 UNITS PLUS : MULTIFAMILY 3 OR MORE UNITS
Beds / Baths / Half	12 / 12 / 0
Floors	2
Living Units	12
Actual Area	8,286 Sq.Ft
Living Area	8,286 Sq.Ft
Adjusted Area	7,473 Sq.Ft
Lot Size	15,000 Sq.Ft
Year Built	Multiple (See Building Info.)



Assessment Information			
Year	2022	2021	2020
Land Value	\$1,980,000	\$1,980,000	\$1,980,000
Building Value	\$71,000	\$71,000	\$71,000
XF Value	\$0	\$0	\$0
Market Value	\$2,051,000	\$2,051,000	\$2,051,000
Assessed Value	\$2,051,000	\$2,051,000	\$2,051,000

Benefits Information				
Benefit	Type	2022	2021	2020
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description
3-4 54 42 34 53 42 OCEAN BEACH ADDN NO 3 PB 2-81 LOTS 15 & 16 BLK 98 LOT SIZE 100.000 X 150 OR15911-3509-11/20281-1279 0302 4

Taxable Value Information			
	2022	2021	2020
<b>County</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,051,000	\$2,051,000	\$2,051,000
<b>School Board</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,051,000	\$2,051,000	\$2,051,000
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,051,000	\$2,051,000	\$2,051,000
<b>Regional</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,051,000	\$2,051,000	\$2,051,000

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
12/01/1992	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed
08/01/1988	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed
06/01/1988	\$185,000	13722-1810	Sales which are qualified
03/01/1985	\$150,000	12469-1422	Other disqualified

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

**HISTORIC PRESERVATION BOARD**  
City of Miami Beach, Florida

MEETING DATE: February 9, 2021

PROPERTY/FOLIO: 1030 6<sup>th</sup> Street / 02-4203-009-7860

FILE NO: HPB20-0420

IN RE: An application by Fernandez Properties Inc for a Certificate of Appropriateness for the partial demolition, renovation and partial restoration of all buildings on the site and the construction of an attached addition as part of a new hotel development, including one or more waivers and variances to reduce the required rear pedestal and tower setbacks, the required side interior tower setback and to reduce the required rear yard open space.

LEGAL: Lots 15 & 16, Block 98 of the Ocean Beach Addition No. 3, according to the Plat Thereof, as Recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida.

**ORDER**

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

**I. Certificate of Appropriateness**

- A. The subject site is located within the Ocean Beach Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
  1. Is consistent with Sea Level Rise and Resiliency Review Criteria in Section 133-50(a) of the Miami Beach Code.
  2. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
  3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
  4. Is not consistent with Certificate of Appropriateness Criteria 'b' in Section 118-564(a)(3) of the Miami Beach Code.
  5. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) of the Miami Beach Code.

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- C. The project would be consistent with the criteria and requirements of section 118-564 and 133-50(a) if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
    - a. The existing structures on site shall be fully renovated and restored, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:
      - i. All through-the-wall air conditioning units shall be removed and replaced with a central air conditioning system, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
      - ii. The existing non-original windows shall be replaced with new impact resistant casement windows and shall incorporate a muntin configuration that is consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
      - iii. There shall be no TCO or CO issued for the new residential addition until the exterior restoration of the of the Contributing buildings, as approved by the Board, is substantially complete. Staff will perform an inspection of the property to ensure substantial completeness of the approved restoration prior to the approval of any TCO or CO for the new residential addition.
    - b. The applicant shall explore introducing additional solid or opaque materials within the north façade of the new addition, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - c. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - d. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - e. A plaque or historic display describing the history and evolution of the buildings shall be placed on the site and shall be located in a manner visible from the right of way, prior to the issuance of a Certificate of Occupancy for the building, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

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2. In accordance with Section 130-101(d) of the City Code, the requirement pertaining to providing off-street loading spaces is hereby waived, provided that a detailed plan delineating on-street loading is approved by the Parking Department.
3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
  - a. All hedge and ground cover plantings within the street facing yards shall not exceed 36" in height at maturity.
  - b. Prior to issuance of a Building Permit, the applicant shall provide a Tree Report prepared by a Certified Arborist for any existing canopy shade trees with a DBH of 3" or greater located in public or private property, which may be scheduled for removal or relocation for the review and approval of the City of Miami Beach Urban Forester.
  - c. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain.
  - d. The project design shall minimize the potential for a project causing a heat island effect on site.
  - e. Cool pavement materials or porous pavement materials shall be utilized.

In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.

## II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
  1. A variance to reduce by 9'-0" the minimum required pedestal rear setback of 10'-0" in order to construct a multistory building addition at 1'-0" from the south rear property line.
  2. A variance to reduce by 14'-0" the minimum required tower rear setback of 15'-0" in order to construct a multistory building addition at 1'-0" from the south rear property line.
  3. A variance to reduce by 2'-6" the minimum required pedestal interior side setback of 7'-6" in order to construct a multistory building addition with 64'-0" in height at 5'-0" from the east side property line.

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4. A variance to reduce by 0'-6" the minimum required tower interior side setback of 13'-11" in order to construct a multistory building addition with 64'-0" in height at 13'-5" from the east side property line.
  5. A variance to exceed by 42.5 % (638 s.f.) the maximum area of 30% (450 s.f.) allowed for structures within the required rear yard of 10'-0" in order to construct a multistory building addition and occupy up to 72.5% (1,088 s.f.) within the rear yard of the property.
  6. A variance from the minimum required hotel unit size: 15% of the hotel units shall be between 300-335 square feet and 85% of units shall be larger than 335 square feet, in order to permit 41 hotel units (63%) between 300 and 335 square feet, and 24 hotel units exceeding 335 square feet. (37% of units).
- A. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That 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;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

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

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That 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.

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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.

- B. The Board hereby **Approves** the requested variances and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
  2. Location of bicycle parking cannot exceed 25% into a required yard.
  3. Air conditioning equipment shall be screened from view including both roof top and ground level equipment, in a manner to be reviewed and approved by staff.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

**III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.**

- A. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- B. The issuance of a building permit is contingent upon meeting Public School Concurrency requirements, if applicable. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed. No building permit may be issued unless and until the applicant obtains a written finding from Miami-Dade County Public Schools that the applicant has satisfied school concurrency.
- C. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- D. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- E. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.

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- F. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- I. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
- L. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II,III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "**The Hohouser Hotel**", as prepared by **Studio McG Architecture**, dated **December 14, 2020**, as approved by the Historic Preservation Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

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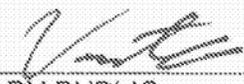
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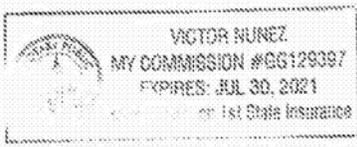
HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY:   
DEBORAH TACKETT  
HISTORIC PRESERVATION & ARCHITECTURE OFFICER  
FOR THE CHAIR

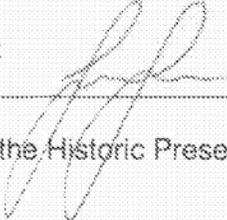
STATE OF FLORIDA            )  
  )SS  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of February, 2021 by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.

  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: JULY 30, 2021



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HPB20-0420  
Meeting Date: February 9, 2021

Approved As To Form:  
City Attorney's Office:  ( 2/27/2021 )

Filed with the Clerk of the Historic Preservation Board on  ( 2/24/2021 )