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October 23, 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 – 1030 6<sup>th</sup> Street - Supplementary Letter of Intent**

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.

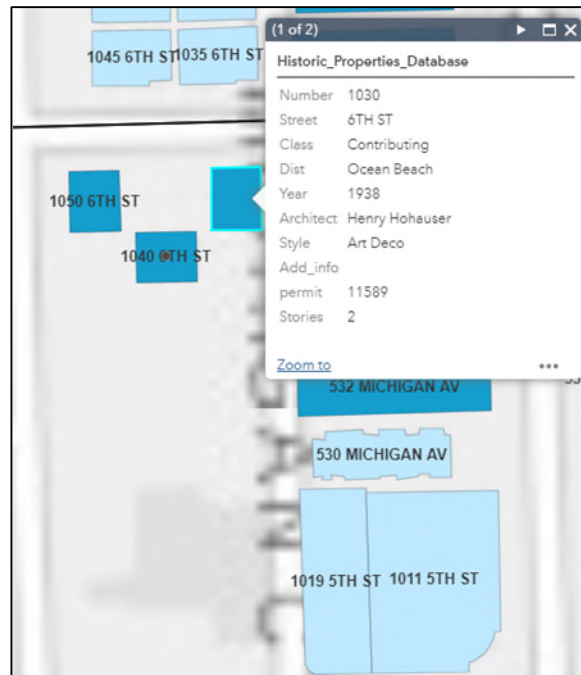
Please allow this letter to serve as the Applicant's supplemental letter of intent specifically in connection with the variances for reduced hotel unit sizes within a historic district.

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 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

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

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**

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. Additionally, the Variances are consistent with those granted in 2021. This discussion is focused on the variance of City Code Section 142-698(b) to permit 82.05% of the hotel units between 300 and 335 square feet in size and 17.95% of the hotel units greater 335 square feet in size, when fifteen percent (15%) of hotel units must be between 300 and 335 square feet in size and eighty-five percent (85%) of the floor area per hotel units is must be greater than 335 square feet.

*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 the 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. In order to achieve a successful development program for the new hotel, which preserving the two remaining contributing structures, and maintaining the historic courtyard – the resulting new constructions is strikingly narrow. As a result, the Applicant was not provided with sufficient area to design a hotel that strictly meets the hotel unit area requirements. By approving a slight reduction in those minimum unit sizes, the HPB would facilitate the reasonable development of the Property.

**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, bicycle parking and the appropriate number of hotel units.

**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 slight reduction in hotel unit sizes is necessary to accommodate sufficient back of house and accessibility areas within the new structure. 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.

A similar situation was previously reviewed and approved by the HPB regarding the Santa Barbara Hotel located at 230 20<sup>th</sup> Street, Miami Beach, Florida, and approved on May 12, 2015 pursuant to HPB Final Order No. 7536. In that case, the board approved

a variance for reduction in hotel unit sizes for new construction on a historic property where other contributing structures were being restored along with a historic courtyard. In addition, reduced hotel unit sizes are common throughout Miami Beach. Some additional examples include hotels on Washington Avenue governed by Section 142-309 of the City Code, where the minimum hotel unit size is 175 square feet, or contributing historic building redevelopment where the minimum unit size is 200 square feet. 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 or similar 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. As noted herein, hotel properties throughout the City are permitted to have minimum hotel unit sizes well below what is being requested by the Applicant. These include properties along Washington Avenue and contributing hotels as of right, as well as variances granted on other projects such as the Santa Barbara Hotel at 230 20<sup>th</sup> Street.

**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 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 the two remaining contributing structures. Reconfiguration of the existing floor plans and additional setbacks may require significant modification of the contributing structures, which the Applicant is preserving.

**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. While the variance for hotel unit sizes relates to the new hotel building, its relationship to the balance of the Property – particularly the two other contributing structures and the existing courtyard – must be considered.

**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 two remaining 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 does 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, and thus requires the Applicant to work with a limited narrow area for distribution of the necessary hotel units. 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.

Conclusion. The Applicant will bring needed amenities to this mixed-use area, and preserve the majority of 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 same associated Waivers and Variances, 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 and the requested variances. 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: Michael W. Larkin  
Emily K. Balter