

October 10, 2022

VIA HAND DELIVERY

The Chairperson and Members of the
Miami Beach Historic Preservation Board
c/o Ms. Deborah J. Tackett
City of Miami Beach Planning Department
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: HPB22-0545 (Formally “HPB19-0354”) Application for a Certificate of Appropriateness for Design and Demolition and Variance for Loading Spaces | Sanctuary Hotel | 1745 James Avenue, Miami Beach (the “Property”)

Dear Chairperson and Members of the Historic Preservation Board:

Our firm represents 1745 James, LLC (the “Applicant”), in connection with land use and zoning matters relating to the Property before the Historic Preservation Board (“HPB”). Please accept this Letter of Intent as part of the application, on behalf of the Applicant, for a Certificate of Appropriateness for design, total demolition and approval of variances (“COA”) in connection with the redevelopment of the Property (the “Project”). The Project achieved an approval from the HPB under HPB19-0354 on July 14, 2020 (“Expired HPB Order”) (see Attached). As a result of the pandemic period the Project was delayed in obtaining the full building permit and as a result the original order expired. The Applicant has continued to work on the construction documents in order to secure a full building permit for the proposed Project but would need the HPB to approve a new order for a Building permit to be issued.

I. The Property

The Property is located within the Museum Historic District and the Miami Beach Architectural District. The Property is zoned Residential Medium Density District (RM-2) on the City of Miami Beach Official Zoning Map and designated Residential Medium Density District (RM-2) on the City’s Future Land Use Map.

The Property contains what was originally 2 separate buildings, 1735 James Avenue, built in 1953 as a 2-story apartment-hotel building designed by Manfred Ungaro and 1745 James Avenue was built in 1951 as a 2-story apartment-hotel building designed by Leonard H. Glasser. Each was originally an apartment-hotel building for seasonal tourists with 18 units each, for the total combined of 32 units. Therefore, from 1951 to the 1980s, each property were two independent sites. The courtyard was divided by the property line, the first building opened to

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the south and then when the second building was built it opened to the north, giving the appearance of a shared courtyard. In 1984 both sites were unified, and the front façades demolished of each building to create a combined new front façade with a lobby and then connecting the properties at the rear. Once combined in the 1980s it operated as an Assisted Living Facility (“ALF”) before its last use as a hotel with a destination restaurant & bar and Spa. Separately enclosed with the submittal you will find a copy of a Historic Resource Report (“Historic Report”) prepared by Arthur J. Marcus Architect P.A., which includes the building cards for the Property.

II. Project

Applicant is submitting to the HPB for the total demolition of buildings which are currently unified. The Property is currently listed as contributing to the Museum Historic District. It should be noted, that originally when the district was created it was listed as conforming to the character of the historic district, when the City eliminated that classification, it was automatically listed as contributing. The original apartment buildings were two independent sites, having no public spaces and in the 1980s had their front façade demolished to build a new façade and lobby. The new front façade followed the “Miami Vice” art deco faux design which is what is currently present. The request for total demolition of the existing building would allow for a contemporary 5 story, 50’ building with approximately 90 hotel rooms and small restaurant.

III. Request for Certificate of Appropriateness

Applicant is hereby requesting an approval of the COA for the design and total demolition of Property. This would allow the continued use of the property as a boutique hotel within the Museum Historic district making it compatible with the surrounding properties which many have been renovated hotels with 5 story or larger additions and there are existing apartments of 5 to 11 stories. Since the Property should no longer be classified as contributing, allowing total demolition would permit a more compatible new building within the area.

IV. Compliance with COA Criteria

In accordance with Section 118-564 of the Code, the Application complies with the criteria for issuance of a COA. The proposed physical improvements and additions are designed to be compatible with the surrounding properties. The general design, scale and massing of the renovations to the Property are appropriate to the size of the lot and compatible with the surrounding properties.

V. Variance request

Under Section 130-101(a) the Project would require a minimum of 2 loading spaces in to build the 90 hotel rooms. The Project is not required to provide any parking spaces for the project, and to require the construction of the loading spaces would be out of character with the surrounding neighborhood. The hardship in providing the loading spaces, would require cutting into the sidewalk to create a driveway in an area you typically do not have curb cuts. The granting of the variance will not c In addition, the previous hotel and destination restaurant already had a loading zone parking space designated on the public right of way, which is currently still located in front of the property. We are working with the Parking department to maintain the existing loading space and modify as needed.

(d) In order to authorize any variance from the terms of these land development regulations and sections 6-4 and 6-41(a) and (b), the applicable board shall find that:

(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;

** The Project is located in an area that adding driveways and curb cuts would negatively impact the pedestrian traffic.*

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

** In this area there is no parking requirements for hotels and therefore only a loading parking space would trigger driveways and curb cuts.*

(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;

**Majority of the buildings in the area have no parking spaces with driveway or curb cuts.*

(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;

** While required parking has been eliminated the issues on loading spaces has not been addressed.*

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

**The requested variance is the minimum to avoid a driveway and curb cut.*

(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 the variance would benefit the public welfare by avoiding driveway and curb cuts.*

(7) The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or any time prior to the board voting on the applicant's request.

**The Project has been using loading on city parking spaces since the 1980's.*

(8) The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

*N/A

VI. Sea Level Rise and Resiliency Review Waiver

Section 133-50(a) provides review criteria for compliance with the City's recently adopted sea level rise and resiliency criteria.

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

**The demolition of the Property may require recycling or salvaging. To the extent required, Applicant will comply with this requirement.*

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

*N/A.

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

*N/A.

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

**All new landscaping will consist of Florida friendly plants.*

- (v) 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.

**Yes, the new construction is being built at base flood elevation plus 1'.*

- (vi) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.

**N/A.*

- (vii) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

**Yes.*

- (viii) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

**N/A.*

- (ix) 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 54 of the City Code.

**Yes.*

- (x) Where feasible and appropriate, water retention systems shall be provided.

**Yes.*

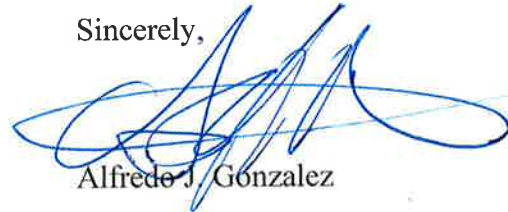
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VII. Conclusion

The Applicant is requesting the approval of the COA of design and total demolition. In addition, the request for variance to not provide loading parking spaces is granted. These approvals would be the same as the HPB has previously approved under the Expired HPB Order. The approval by Board would create a boutique hotel that would service the Miami Beach Convention Center. Based on the foregoing, we respectfully request your favorable consideration of this Application.

Sincerely,



Alfredo J. Gonzalez

Attachment

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: July 14, 2020

PROPERTY/FOLIO: 1745 James Avenue / 02-3234-019-0400

FILE NO: HPB19-0354

IN RE: The application for a Certificate of Appropriateness for total demolition of the existing structure, the construction of a new hotel building and a variance from the loading space requirements.

LEGAL: Lots 15 & 16, Block 27, of the Alton Beach 1st subdivision, according to the plat thereof recorded in Plat Book 2, Page 77 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 Museum 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 not consistent with Sea Level Rise and Resiliency Review Criteria (1) 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 not consistent with Certificate of Appropriateness Criteria 'a' & 'b' in Section 118-564(a)(2) of the Miami Beach Code.
4. Is not consistent with Certificate of Appropriateness Criteria 'b' & 'c' in Section 118-564(a)(3) of the Miami Beach Code.
5. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c' & 'e' in Section 118-564(f)(4) of the Miami Beach Code.

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:

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1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The final design and details of all exterior railings 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.
 - b. 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.
 - c. 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.
2. 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. The 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.

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) which were either approved by the Board with modifications, or denied:

The following variance was approved by the Board:

1. A variance to eliminate the requirement to provide two (2) off-street loading spaces for a new hotel containing 90 hotel units.
- B. 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:

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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.

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.

C. The Board hereby **Approves** the requested variance 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. The size of all vehicles used to service the hotel shall not exceed a length of twenty (20') feet. The use of vehicles larger than twenty (20') feet shall require the review and approval of the Parking Department for a larger loading zone area on James Avenue of sufficient size to accommodate the largest service vehicle anticipated.
3. A complete operational plan for the hotel shall be required prior to the issuance of a building permit, including the size of the proposed restaurant, hours of operation, and size of all vehicles required to service all hotel and restaurant operations, subject to the review and approval of staff. Alternative approved loading zones within the immediate area shall also be identified, as well as a plan indicating the procedures that delivery vehicles shall be required to take if the closest loading zone is occupied, subject to the review and approval of staff.

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4. Loading operations (not including passenger loading) shall only occur during the following time periods.
 - a. Monday – Friday: 7:00 am to 3:00 pm
 - b. Saturday – Sunday: 9:00 am to 6:00 pm.

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 relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- C. All applicable FPL transformers or vault rooms and backflow prevention devices shall not be located within any required yard with the exception of the valve (PIV) which may be visible and accessible from the street.
- 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. 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.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. 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.
- H. 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.

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- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. 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.
- K. 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 "**Sanctuary Hotel**", prepared by **Revuelta Architecture International**, dated **June 15, 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.

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.

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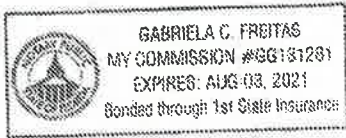
Dated this 3 day of August, 2020

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
DEBORAH TACKETT
CHIEF OF HISTORIC PRESERVATION
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 3 day of August, 2020 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: Aug. 3, 2021

Approved As To Form: _____ DocuSigned by: _____
City Attorney's Office: [Signature] (7/31/2020 | 3:12 PM EDT

Filed with the Clerk of the Historic Preservation Board on [Signature] (8/3/20)

[Handwritten mark]