

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO:

Land Use and Development Committee

FROM:

Jorge M. Gonzalez, City Manager

DATE:

March 28, 2012

SUBJECT: DISCUSSION OF THE RM-3 REGULATIONS CONCERNING ATTACHED AND DETACHED ADDITIONS TO BUILDINGS IN THE ARCHITECTURAL DISTRICT

BACKGROUND

This item was referred to the Land Use and Development Committee by the City Commission on October 19, 2011, at the request of Commissioner Tobin.

ANALYSIS

Attached is a proposed amendment to Section 142-246(d), which has been submitted by the law firm of Bercow, Radell & Fernandez, P.A., on behalf of the South Seas Hotel, located at 1751 Collins Avenue. The amendment would liberalize the existing five (5) story limitation on additions to oceanfront properties in the RM-3 Architectural District (between 16th and 21st Street.) According to their letter (attached,) the South Seas, an existing Art Deco hotel, is contemplating a renovation program, and would like to build an addition within the existing footprint of the historic hotel. Currently that addition would be limited to a one story rooftop addition, meeting line of sight requirements.

The tallest portion of the existing building is seven stories, and the proponents desire is to construct an addition at least that tall, adjacent to the existing structure. This is not permitted under today's code, and a code amendment would be necessary to implement these proposed plans.

Note that a previous ordinance amendment was adopted by the City in 2007, which would allow a similar type of expansion, but only to increase the size of existing hotel rooms (the Days Inn on 21st Street has an awkward floorplan and the proposed addition there would have filled in a notch in those rooms, expanding them to a larger room size, but not adding any new units.) However, this existing provision would not apply to the South Seas proposal, as it intends to add several floors of new hotel rooms. The applicant points out that their proposal also eliminates an equal number of rooms within the existing building, converting them to other hotel back of house uses and accessory commercial uses, so would not actually result in an increased number of rooms. The amendment as proposed by the South Seas, would remove the requirement that the additions over one story or higher than 50 feet can only be for increasing the size of existing units, but would keep a restriction that an overall increase in the number of units could not be increased.

While the Planning Department has worked with the proponent on this proposal for amending the height regulations in this historic district, and recognizes the desirability of fostering additional hotel redevelopment, there remain concerns about the impact of such a change on neighboring properties in the general area, which might also be able

to request additional building height, as well as on the City's carefully crafted historic preservation regulations, which are subject to being made less effective if they are repeatedly amended and watered down. This specific proposal may be acceptable within that context, however, provided that the details are carefully considered and tailored to balance redevelopment with preserving existing scale and massing.

CONCLUSION

The Administration seeks the Committee's guidance on the matter, and suggests that if desired, that the proposed ordinance amendment be first sent to the Historic Preservation Board, for additional review and comment, before being sent through to the Planning Board and City Commission.

JMG/JGG/RGL

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2012\March\WAYS TO ENHANCE THE LAND USE BOARDS OF MIAMI BEACH IN ORDER TO IMPROVE THE CITY OF MIAMI BEACH BUILDING AND PLANNING DEPARTMENT AND PROCESSES. -LUDC March 2012.docx

PROPOSED CHANGE

EXCERPT FROM SECTION 142-246

- (d) Notwithstanding the above, for oceanfront lots located in the architectural district, the overall height of an attached addition may exceed five stories and 50 feet, but shall not exceed the height of the roof line of the structure attached to, provided all of the following conditions are satisfied:
- (1) The proposed addition shall consist of the expansion of existing hotel units only and shall not result in an increased an increase in the number of units.
- (2) The proposed addition shall be for hotel units only. A restrictive covenant, running with the land, or other similar instrument enforceable against the owner(s), acceptable to and approved as to form by the city attorney, shall be required to ensure that the units remain as hotel units for a minimum of 30 years. If the applicant is unable to provide such a covenant, this requirement may be waived by the city manager if it is demonstrated that the project provides an extraordinary public benefit to the surrounding area.
- (3) The proposed addition shall not be attached to front, street side or oceanfront elevations, nor along any other principal elevations or facades, as determined by the historic preservation board.
- (4) The proposed addition shall not substantially reduce existing or established view corridors, nor impede the appearance or visibility of architecturally significant portions of an existing structure, as determined by the historic preservation board.
- (5) The property constructing the proposed addition shall also meet the following conditions:
 - (a) There shall be no neighborhood impact establishment, dancehall or entertainment use in the area of the proposed addition;
 - (b) Upon approval of the proposed addition by the Historic Preservation Board, the owner shall record a restrictive covenant which shall prohibit any construction of a building greater than two (2) stories in height or 25 feet between the rear of the building and westward line of the dune overlay district;
 - (c) Notwithstanding with provisions in Section 142-1161(d), if the building presently contains unoccupied but built spaces open rooftop space enclosed on at least three sides by existing walls of a height that would conceal a new roof, such as a false parapets or storage rooms, those spaces may be further enclosed as habitable floor area; and
 - (d) No commercial uses shall be permitted on the rooftop of the proposed addition.

DIRECT LINE: (305) 377-6238 E-Mail: MMarrero@BRZoningLaw.com

VIA HAND DELIVERY

March 14, 2012

Richard Lorber, Director Planning Department City of Miami Beach 1700 Convention Center Drive, 2nd Floor Miami Beach, Florida 33139

Re: <u>Proposed Amendment to RM-3 Regulations Concerning Height of Proposed</u>
Additions to Oceanfront Hotels

Dear Richard:

This firm represents South Seas Hotel Corp. ("South Seas"), the long-term lessee of the South Seas Hotel located at 1751 Collins Avenue ("Property"). South Seas is supportive of an amendment to Section 142-246 of the City Code to allow for additions to buildings in the Architectural District (oceanfront properties between 16th and 21st Street) of RM-3 zoning district to exceed five (5) stories under certain conditions. Please consider this South Seas' letter explaining its position and why the amendment is needed.

<u>Description of the Property</u>. The Property is located in the National Register Architectural District on the east side of Collins Avenue, north of 17th Street. The Property is located in the RM-3 zoning district. The South Seas was designed by renowned Miami Beach architect, L. Murray Dixon, and the original construction was completed in 1941. Subsequently, a rear addition and new façade were designed by another important architect, Melvin Grossman, and was constructed in 1954.

The South Seas is currently owned and managed by an ownership group headed by John Taft and Tom Glassie, Jr., who succeeds his father Thomas Glassie, who recently passed away. Since Mr. Glassie's passing, Mr. Taft has become more intimately involved with the South Seas and exploring ways to make it a more successful hotel. It is important to note that Mr. Taft and Mr. Glassie have been involved in Miami Beach, and historic buildings in particular for almost three decades. In 1985, they visited Miami Beach and fell in love with it. Shortly thereafter, they purchased the Avalon, Penguin, and Majestic Hotels, which they managed for several years. Later, they

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purchased the National and managed it between 1993 and 1996. They have also been supporters and participants of Art Deco Weekend, since its inception – including their well-known classic car that is displayed in front of the Avalon during the weekend, and later rides in the parade. In addition to Miami Beach, they have been involved in the restoration and management of several historic buildings in New England and Manhattan.

Description of Development Program. The South Seas Hotel is in need of some upgrades and the proposed redevelopment of the Property will provide a significant improvement and allow it to be competitive with other newly renovated hotels in the area. Allan Shulman's office was engaged to handle the proposed renovation, which was designed to add more usable amenities and improved guest rooms within the existing footprint of the historic hotel. After meeting with Planning Department staff and City administration, it was determined that a code amendment would be necessary to implement these proposed plans. The proposed code amendment will expand on Ordinance No. 2007-3589, a prior amendment to the same section, which allowed expansions beyond 5 stories only if no additional units were created. One of the conditions in the 2007 ordinance states that "the proposed addition shall consist of the additions greater in height than existing hotel units only and shall not result in an increased number of units." Staff has interpreted this to mean that the addition can only include construction physically expanding existing hotel units, and not occur anywhere else on the structure.

The proposed amendment will remove the requirement that the additions must increase the size of existing units, but still would not allow for an increase in the number of units at any building proposing a redevelopment pursuant to that section. Of the oceanfront properties between 16th and 21st Street in the RM-3 District, very few could actually take advantage of the ordinance because they have no more available floor area (pursuant to an analysis performed by Mr. Shulman's office, which identified only the Richmond Hotel and the Shore Club as affected hotels with enough available floor area). However, it is critical for the City's important historic hotels to be able to redevelop and continue to improve in a responsible and historically appropriate manner. This code change will allow the South Seas, and other hotels in the district with available floor area, to be able to compete with other new hotels, by providing its guests with better facilities and better back-of-house, as well as improving the existing units in the building. In order to make these changes and amenities cost-effective, the hotel needs to expand and improve the existing units to bring them in line with other hotels on the beach.

The only way to make the proposed improvements to the South Seas viable is to allow for a height greater than 5 stories (but no greater than the existing roofline of the

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existing oceanfront tower, which in this case is approximately 101' 8", plus the parapet). If the City does not adopt the amendment, the owner could still build a detached five-story addition in front of the oceanfront tower (between the rear property line and the existing building) as this would not need a code change. However, we believe that the proposed alternative is a better way to go. In addition, we have met with the Miami Design Preservation League (MDPL) several times, and have listened to their thoughtful guidance with regard to the proposed amendment. At our last meeting with MDPL, the focus of the discussion was mostly concerning whether the existing, long standing façade was more appropriate than a replication of the original 1941 façade, not whether the proposed development was appropriate.

The Applicant continues to work with City Administration and Planning Department staff with regard to the proposed amendment and development plan. The previous plan had eight (8) floors in the addition, but through working with City Administration and Planning Department staff, the Applicant has agreed to an alternate plan that reduces the proposed addition to seven (7) stories, but allows some additional construction in the cabana area. This reduction goes a long way in achieving compatibility with neighboring buildings.

The renovation of and addition to this Property, as well as the approval of this proposed code amendment, will allow for the continued use of this historic property as a successful hotel in Miami Beach, in a more efficient and productive manner. We look forward to your favorable recommendation. If you have any questions or comments, please call me at 305-377-6238.

Sincerely,

Michael J. Marrero