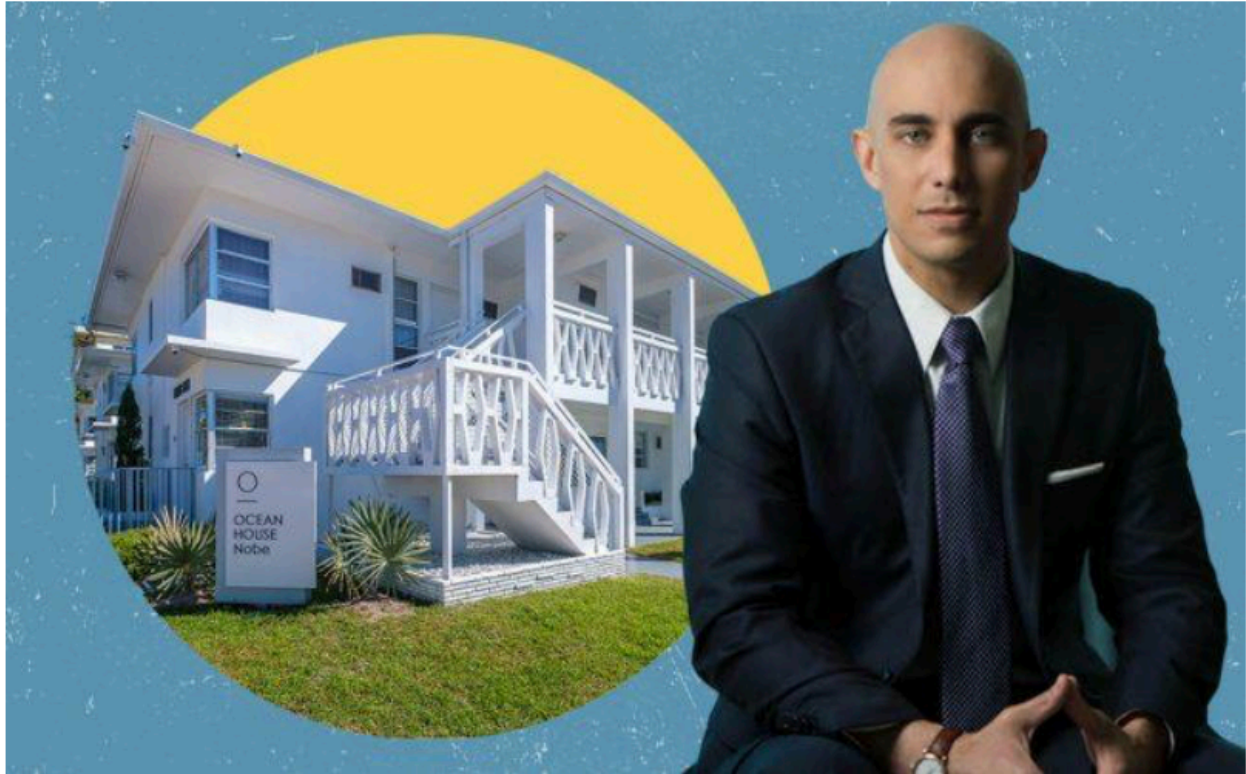


Court ruling overturns Tatum Waterway's historic designation



Yamal Yidios and 7780-7810 Tatum Waterway (Ytech)

Ytech, which owns 23 buildings affected by the designation, alleged city officials did not provide property owners with due process and ignored the threat of sea level rise

By Francisco Alvarado

An appeals panel this week overturned Miami Beach's historic designation of Tatum Waterway, a neighborhood consisting of mostly Miami Modern buildings and besieged by tidal flooding.

The move is a victory for Ytech, which owns [Ocean House](#), a 186-unit garden-style apartment complex on Tatum Waterway that is on the market for sale. Ytech had challenged the city's two-year-old ordinance by petitioning Miami-Dade Circuit Court's appellate division.

The petition claimed Miami Beach officials failed to properly give notice to affected property owners and ignored data showing the historic designation of Tatum Waterway could hinder efforts to protect buildings and parcels from sea-level rise. The Miami Beach City Commission had unanimously approved the [Tatum Waterway](#) ordinance on second reading on May 16, 2018. The appellate panel agreed with Ytech.

“Accordingly, the hearing at the City Commission adopting the ordinance failed to comply with due process as required by the city’s own code,” the Aug. 31 order by the two-judge appellate panel states.

In addition to the 23 buildings that make up Ocean House, the court ruling applies to nearly 80 other properties that line the waterway from 73rd Street to 87th Street in [North Beach](#).

Jeff Bass, a private attorney representing the city on the Ytech case, declined to comment specifically on the ruling, but said Miami Beach officials are weighing their options. “Historic preservation is vitally important to the city – it defines us – it is the lifeblood of our urban fabric,” Bass said via email. “The city is at present studying a wide variety of responsive and protective actions to ensure the preservation of precious its historical resources.”

Joni Armstrong Coffey, an Akerman shareholder representing Ytech, said the city did not formally mail notices to affected property owners about the public hearings when the Tatum Waterway ordinance was being considered. “The owners of the properties being considered for historic designation have to be notified from the onset,” Coffey said. “That didn’t happen here.”

During the city commission’s two public hearings, Ytech’s legal team and executives claimed Tatum Waterway properties were prone to flooding and that a historic designation of the neighborhood would make it harder for property owners to adapt their buildings to sea-level rise. Tatum Waterway is designated as one of the city’s lowest lying neighborhoods. It is also listed on the National Register District of Historic Places, a federal designation that doesn’t provide any protections.

Daniel Ciraldo, executive director of the Miami Design Preservation League, said the appellate panel’s decision was disappointing and unfortunate. “But it sounds like something that can be easily remedied,” he said. “I look forward to the city restarting the process” to redo the historic designation of Tatum Waterway.

Yamal Yidios, CEO of Ytech, said his company [filed the petition](#) because he believes historic designations have “increasingly become a back door method to prevent new development.” He said such measures can have devastating economic, social and environmental impacts. “Preservation as an anti-development weapon suffocates necessary growth and dilutes the status of true landmarks,” Yidios said.

Last month, Ytech listed Ocean House for \$50 million, nearly double the price the company paid for the assemblage in 2015. According to a press release, Ytech spent nearly \$13 million renovating the buildings, which were built between 1948 and 1961. The complex has more than 750 feet of water frontage and the property could be redeveloped or converted to condos, according to the release.

Ciraldo disputed Yidios’ claims that historic designation is hindering development in [Miami Beach](#), noting the city has approved measures that will allow [new hotel developments](#) on Lincoln Road and Washington Avenue in the Art Deco Historic District.

“I do think historic preservation has done very good things for property owners, residents and visitors,” Ciraldo said. “You are seeing a lot of new development within our historic districts.”

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