



**BERCOW RADELL FERNANDEZ LARKIN & TAPANES**

ZONING, LAND USE AND ENVIRONMENTAL LAW

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**VIA HAND DELIVERY & EMAIL**

June 4, 2020

Roy Coley, Director  
Public Works Department  
City of Miami Beach  
1700 Convention Center Drive, 4<sup>th</sup> Floor  
Miami Beach, Florida 33139

Re: Letter of Intent for Revocable Permit Application for 915 Washington Avenue, Miami Beach, FL

Dear Roy:

This law firm represents Washington Avenue Associates, LLC., the applicant and owner (the "Owner") with regards to the captioned property (the "Property"). The Applicant is seeking approval of a Revocable Permit to permit the encroachment of a metal canopy over the sidewalk for a hotel use. The Owner has consented to the Application as the signatory of the Revocable Permit application. This request is in compliance with development approvals granted by the Planning Board ("PB") on November 15, 2016 and Historic Preservation Board ("HPB") February 14, 2017.

Property Description. The Property, which is identified by Miami-Dade Tax Folio No. 02-3234-008-1400, is located on the east side of the Washington Avenue between 9 Street and 10 Street. The Property is located within the CD-2 zoning district. The one-story commercial structure on the Property was built in 1937 and is approximately 22,030 square feet in size.

Approved Development. Pursuant to PB16-0033, the Property was approved for a Conditional Use Permit ("CUP") for the construction of a new seven (7) story hotel development exceeding 50,000 square feet including a

neighborhood impact establishment with outdoor entertainment. In 2017, the HPB approved HPB17-0046 for a Certificate of Appropriateness (“COA”) for the substantial demolition, renovation and restoration of the existing structures and the construction of a new 7-story ground level addition.

Satisfaction of the Revocable Permit Criteria. The City Code provides the ability to obtain a revocable permit for encroachments into the public rights of way. The Applicant satisfies the revocable permit criteria stated in Section 82-94 of the City Code as follows:

- **The Applicant’s need is substantial.**

The Applicant respectfully requests the revocable permit in order to provide an encroachment of a metal canopy over the sidewalk for hotel use to provide signage and shade structure. Given the fact that the building is part of an existing structure and designed in an urban capacity fronting the right-of-way, the hotel is not readily identifiable. But, the hotel use on the Property will have a need to indicate where it is located, and thus it is essential that this small sign clearly demarcate that the hotel associated with the structure is accessible from Washington Avenue. The success of any business relies, in part, on providing signage that is clearly visible and identifiable. The Property is also located in an area where vehicular traffic is prominent. Therefore, visible signage is critical. The proposed signage complies with all City regulations and provides the necessary visibility to make this a successful site.

- **The Applicant holds title to an abutting property.**

The Owner is the Applicant for the revocable permit and holds title to the Property.

- **The proposed improvements will comply with applicable codes, ordinances, regulations, neighborhood plans and laws.**

The proposed hotel sign will comply with applicable codes, ordinances, regulations, neighborhood plans and laws, as evidenced by the PB and HPB approvals. The Applicant has requested a revocable permit to ensure that encroachment of the existing overhang and sign complies with the applicable regulations.

- **The grant of the application will have no adverse effect on governmental/utility easements and uses on the property.**

The grant of the revocable permit will allow the Applicant to improve the Property with the approved design and use. The encroachments will be installed at an appropriate height, allowing for a minimum clearance of 9'4", which permits free pedestrian passage below the signage and does not obstruct the right-of-way. The encroachment will have no adverse effect on governmental/utility easements and uses on the property.

- **That the grant of the revocable permit will enhance the neighborhood and/or community by such amenities as, for example, enhanced landscaping, improved drainage, improved lighting, and improved security.**

The proposed encroachment will allow for the use of the Property as approved by the PB and the HPB. Additionally, the Applicant is providing public benefits through the use of protection from the elements, including sun and rain, to complement the structure that is compatible with pedestrianism and an urban environment. The approved development will make better use of the Property and improve the pedestrian experience of the neighborhood.

- **That granting the revocable permit requested will not confer on the applicant any special privilege that is denied by this article to other owner of land, structures or buildings subject to similar conditions located in the same zoning district.**

Granting the revocable permit will not confer any special privilege upon the Applicant. Any property owner within the City of Miami Beach can apply for a revocable permit provided that the application meets the criteria stated in the Code, does not interfere with the utilization of public property, and enhances the community.

- **That granting the revocable permit will be in harmony with the general intent and purpose of this article, and that such revocable permit will not be injurious to surrounding properties, the neighborhood, or otherwise detrimental to the public welfare.**

Granting the revocable permit will not devalue any of the adjacent properties and will not have a detrimental effect on the public welfare. In fact, it

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will allow for an improved design upon the Property and a favorable use in the neighborhood, while providing protection to patrons of the building.

Conclusion. The approval of this revocable permit application is necessary to successfully operate the Moxy Hotel at the Property. We respectfully request your recommendation of approval for the revocable permit to allow the PB an HPB approved use and design to be carried out. We believe that the granting of the revocable permit is compatible with the City's requirements and will ultimately result in a great improvement to the Property and the surrounding area. As always, we look forward to your favorable review. Should you have any questions, please do not hesitate to contact me at: (305) 377-6224.

Sincerely,

A handwritten signature in black ink, appearing to read "Graham Penn", written in a cursive style.

Graham Penn