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November 20, 2017

Chairperson and Members of the Historic Preservation Board
City of Miami Beach
c/o Mr. Thomas Mooney, Planning Director
1700 Convention Center Drive
Miami Beach, FL 33131

**Re: Letter of Intent – Approval for After-the-Fact and New Rooftop Bar
Counters, Retractable Rooftop Awning, and Modified Glass Storefront
Deco Walk Hotel & Golf Club, LLC, d/b/a The Voodoo Lounge
928 Ocean Drive, Miami Beach
HPB File No. HPB17-0171**

Dear Chairperson and Members:

This law firm represents Deco Walk Hotel & Golf Club, LLC, d/b/a The Voodoo Lounge (the “Applicant”), located at 928 Ocean Drive (the “Property”), a non-contributing property in the Ocean Drive/Collins Avenue Historic District. Please allow the following to serve as a letter of intent in connection with the Applicant’s application to the Historic Preservation Board (“HPB”) for Certificates of Appropriateness (“COA”) for:

1. After-the-fact approval of an existing and mobile rooftop bar counter (the “Existing Bar Counter”);
2. A new rooftop bar counter as a potential replacement for the After-The-Fact Bar Counter (the “New Bar Counter”, together with the Existing Bar Counter, the “Rooftop Bars”);
3. A retractable rooftop awning (the “Retractable Awning”); and
4. A glass entryway to the building’s storefront (the “Glass Storefront”).

Pursuant to the attached application package (the “Application”), and as outlined below, we respectfully request HPB approval for the Rooftop Bars, the Retractable Awning, and the Glass Storefront.

I. The Existing Bar Counter

Pursuant to Section 142-543 of the Miami Beach Code of Ordinances (the “Code”), the MXE, Mixed Use Entertainment Zoning District permits accessory outdoor bar counters by right.

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Here, the Applicant seeks after-the-fact approval for an accessory outdoor bar counter through no fault of its own. Specifically, the owner of the Voodoo Lounge purchased the business as it currently operates. Pursuant to that purchase, the Applicant believed the Existing Bar Counter had received all necessary approvals, and began to operate accordingly. As soon as the Applicant received notice that the Existing Bar Counter required a COA to operate, the Applicant immediately ceased all use thereof. The Applicant has since met with Planning Staff numerous times to rectify the situation, and Planning Staff consequently now recommends approval of the Existing Bar Counter on an after-the-fact basis.

Regarding placement, as shown on the rooftop plans provided as a part of the Application, the Existing Bar Counter is located 8 Feet and 10 Inches from the Southern edge of the Property, and 43 Feet and 9 Inches from the Eastern property line. Pictures from 60 Feet, 120 Feet, 180 Feet, and 240 Feet eastward from the Property, as well as a line of sight study attached to the Application, collectively demonstrate that the Existing Bar Counter is not visible from the pedestrian right of way.

II. The New Bar Counter

In addition to approval for the Existing Bar Counter, the Applicant seeks HPB approval for the New Bar Counter: a counter specifically designed by the Applicant to best enhance the natural aesthetic of the Property's rooftop space. Per the proposed plans provided in connection with the Application, the New Bar Counter will contain some seating for patrons, and be placed in substantially the same location as the Existing Bar Counter. The Existing Bar Counter will accordingly be removed and replaced with the New Bar Counter as soon as it is complete. As proposed, the New Bar Counter will be 8 Feet and 10 Inches from the Southern property line and 38 Feet from the Eastern property line. Furthermore, as noted above, relative to the Existing Bar Counter, pictures taken from 60 Feet, 120 Feet, 180 Feet, and 240 Feet eastward from the Property demonstrate that the New Bar Counter will similarly not be visible from the pedestrian right of way.

III. The Retractable Awning

The Applicant additionally seeks HPB approval for the Retractable Awning, a 74 Foot by 40 Foot fully retractable canopy awning, located on the rooftop of the Property. The proposed design is fully open on all sides, with both white fabric and white framing that accentuates the artistic vision for Ocean Drive. Furthermore, the Applicant has based this design off of the rooftop awning currently used by Juvia, located on Lincoln Road and Lenox Avenue; while deriving further inspiration from the various retractable awnings used by business on Ocean Drive. For example, the Retractable Awning shares many characteristics with the awning recently approved by the HPB for the Park Central Hotel. Specifically, both awnings are fully retractable, weather-resistant, and generally complementary to the City's desired aesthetic for Ocean Drive.

As shown on the plans provided in connection with the Application, the Retractable Awning will have a height of 11 Feet, 6 Inches, and be set back 38 Feet from the Eastern property line. Pursuant to the attached line of sight renderings, the Retractable Awning is minimally visible from 163 Feet eastward into the pedestrian right of way. Regardless, the design of the Retractable Awning is consistent with that of the Property, and should provide a positive contribution to the atmosphere of Ocean Drive.

IV. The Glass Storefront

The Applicant seeks a COA for the Glass Storefront: an entryway comprised of six new glass doors for the Property's newly renovated ground-floor bar and restaurant. By combining the Glass Storefront with the modern tropical design of the ground-floor bar and restaurant, the Applicant hopes to open the existing façade with greater light and views for an indoor-outdoor ambience that perfectly lends itself to the character of Ocean Drive. Comparatively, the current storefront of the Property does not improve, and potentially detracts from, Ocean Drive's aesthetic. People from around the world visit Ocean Drive in order to experience the beautiful views, weather and oceanfront breezes, qualities the Glass Storefront will emphasize.

V. Compliance With Sea Level Rise and Resiliency Review Criteria

As required under the City Code, the Applicant must respond to all sea level rise and resiliency review criteria per Section 133-50 thereunder, set forth below:

(1) *A recycling or salvage plan for partial or total demolition shall be provided:*

Minimal demolition is proposed, however, the Applicant will provide the necessary recycling or salvage plan at the time of building permit.

(2) *Windows that are proposed to be replaced shall be hurricane proof impact windows:*

Pursuant to the plans provided in connection with the Application, the Glass Storefront shall consist of hurricane proof impact glass.

(3) *Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided:*

Installation of the Glass Storefront would provide an appropriate, passive cooling system for the ground-floor of the Property.

(4) *Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided:*

Not applicable.

- (5) *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:*

Not applicable.

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

Not applicable.

- (7) *Where feasible and appropriate, all critical mechanical and electrical systems shall be located above based flood elevation:*

Not applicable.

- (8) *Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation:*

Not applicable.

- (9) *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:*

Not applicable.

- (10) *Where feasible and appropriate, water retention systems shall be provided:*

Not applicable

VI. Conclusion

Based on the foregoing, we respectfully request your approval for Certificates of Appropriateness for (1) the Existing Bar Counter, (2) the New Bar Counter, (3) the Retractable Awning, and (4) the Glass Storefront. If you have any questions with regard to the application, please do not hesitate to contact us. Thank you.

Sincerely,

Shutts & Bowen LLP



Alexander I. Tachmes, Esq.