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VIA ELECTRONIC MAIL

November 15, 2021

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

Re: **Amended Design -- Historic Preservation Approval for
Second Level Open Shade Structure -- "Moxy Hotel" --
915, 917, 919, 921, 923, 925 Washington Avenue.**

Dear Tom:

This firm represents Washington Ave. Associates, LLC (the "Applicant") the owners of an assemblage of land located on the east side of Washington Avenue between 9th and 10th Streets that is developed with the "Moxy" hotel and related street level retail and restaurant space. Please consider this letter the Applicant's amended letter of intent in support of an application seeking approval for a modest shade structure on the second level of the project.

The Property. The Property is zoned Commercial Medium Intensity (CD-2) under the City's land development regulations and is located in the recently created Washington Avenue overlay district, which incentivizes new hotel and commercial development in the corridor. The Moxy hotel project is an innovative mixed-use development, including ground floor commercial uses within the historic buildings and a hotel tower to be located on the east side of the Property. As part of the hotel development, the Applicant is including food and beverage uses on the first and second levels, a pool deck amenity on the second level, and a second smaller deck amenity on the top of the new hotel building.

The design encourages pedestrian activity along Washington Avenue by bringing new uses to the corridor and including a new open courtyard as part of the hotel food and beverage operation.

Certificate of Appropriateness Request. The second level of the building includes a pool deck, as well as a food and beverage use on the northern portion of the site. The food and beverage use features both interior and exterior seating. This application proposes no increase in the size or intensity of the approved food and beverage operation. In 2020, the Board approved a decorative open trellis for a portion of the outdoor dining seating for the second level "Serena" restaurant. Since opening earlier this year, Serena has been great success with hotel guests and the general public. It has become clear, however, that additional sun protection for diners is in order. The Applicant is therefore seeking a certificate of appropriateness in order to construct a retractable shade structure over the currently unprotected dining area.

Modified Design. Following the Board's review and comments on the application at the October meeting, the Applicant has revised the proposed shade system in a manner to respond to the concerns raised by staff and the Board.

The new design segregates the system into two – with a smaller structure located on the western edge of the seating area. This western structure creates a clean modern "edge" that allows for the necessary weather protection without creating significant bulk in an area that would be visible from the street. Both shade structures have been designed to flow into the existing architecture. We believe that the revisions are consistent with the comments we have received from staff and the Board.

Certificate of Appropriateness Criteria. We believe that the design of the proposed modest retractable shade structure is consistent with the lengthy codified criteria of Section 118-564(a)(2) of the City's Land Development Regulations. The following is a summary of the relevant criteria and the proposal's consistency with each criterion.

In determining whether a particular application is compatible with surrounding properties the Historic Preservation Board shall consider the following:

- a. Exterior architectural features.

The proposed shade structures will be consistent with the architecture of the overall project and will be minimally visible (if it all) from other sites.

- b. General design, scale, massing and arrangement.

The proposed shade structures are an attractive and unobtrusive addition to the second level of the project.

- c. Texture and material and color.

The material and color of the proposed shade is consistent with the remainder of the project.

- d. The relationship of subsections a., b., c., above, to other structures and features of the district.

The proposed shade structures will not negatively impact other structures.

- e. The purpose for which the district was created.

The proposed shade structures will in no way detract from the historic architecture of the first level of the project or the surrounding area.

- f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.

The proposed shade structures will be consistent with the surrounding district.

- g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.

The Applicant has prepared a historic resources report.

- h. The original architectural design or any subsequent modifications that have acquired significance.

The proposed shade structures will in no way detract from the historic architecture of the first level of the project.

Sea Level Rise and Resiliency. Section 133-50(a) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

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

This provision is not applicable to the instant application.

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

This provision is not applicable to the instant application.

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

This provision is not applicable to the instant application as the shade is an "open air" structure.

- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with chapter 126 of the city Code.

The existing landscape plan is resilient as it is comprised of native and Florida-friendly plants appropriate for the area. No new landscaping is proposed as part of the application.

- (5) The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

The underlying project has been designed with sea level rise in mind, but this requirement is inapplicable to the instant application.

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

height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three additional feet in height.

The underlying project has been designed with sea level rise in mind, but this requirement is inapplicable to the instant application.

- (7) As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

The underlying project has been designed with sea level rise in mind, but this requirement is inapplicable to the instant application.

- (8) Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

This provision is not applicable to the instant application.

- (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.

This provision is not applicable to the instant application.

- (10) As applicable to all new construction, stormwater retention systems shall be provided.

The underlying project has been designed with stormwater retention as required, but this requirement is inapplicable to the instant application.

- (11) Cool pavement materials or porous pavement materials shall be utilized.

This provision is not applicable to the instant application.

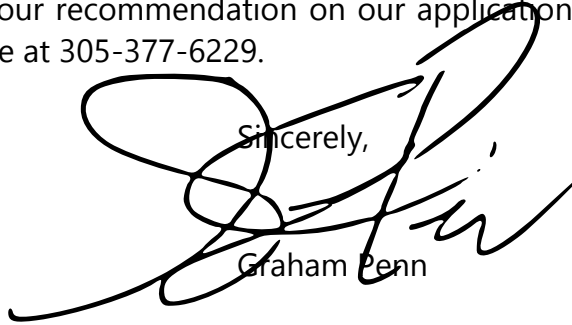
- (12) The design of each project shall minimize the potential for heat island effects on-site.

The underlying project has been designed with to avoid the heat island effect, but this requirement is inapplicable to the instant application.

Conclusion. The Applicant is excited to bring this new development to Washington Avenue. The installation of the proposed shade structure will only improve what is already a high quality design. We look forward to your recommendation on our application. If you have any questions or comments, please call me at 305-377-6229.

Sincerely,

Graham Penn

A large, stylized handwritten signature in black ink, appearing to read 'Graham Penn', is written over the typed name.

cc: Greg Iannacone
Sean Saladino