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VIA ELECTRONIC FILING

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

Re: Certificate of Appropriateness and Hotel Room Size Variance for Rooftop Addition for Gale and Regent Hotels Located at 1690 Collins Avenue and 1685 James Avenue, Miami Beach

Dear Tom:

This firm represents Collins Hotel Associates, LLC, the applicant and owner of the "Gale" and "Regent" hotel parcels located at 1690 Collins Avenue (the "Property"). Please consider this letter the Applicant's letter of intent in support of an application for a Certificate of Appropriateness and hotel room size variance for a rooftop addition for the Property.

Description of the Property. The Property is 18,766 square feet in size and is located on the south side of 17 Avenue between James and Collins Avenues. The Property is zoned Commercial, High Intensity ("CD-3"), a zoning designation that permits both commercial and hotel uses.

The Property was historically developed with two separate hotel structures – the Gale Hotel (3 stories) and the Regent Hotel (2 stories). Both hotels were originally development in 1941 and were designed by L. Murry Dixon.

Certificate of Appropriateness. In 2006, the former owner of the Property obtained a Certificate of Appropriateness ("COA") from the City's Historic Preservation Board ("HPB") for the partial demolition, renovation and restoration of an existing 2-story building and an existing 3-story building, including the construction of a new roof-top addition and new roof-top pool and

pool decks on each of the existing buildings. The COA was approved by the HPB on August 8, 2006, subject to multiple conditions.

In October 2011, the HPB approved a modification to the 2006 COA. Among the proposed changes were requests to demolish additional portions of the structures and to create a restaurant space in the lobby of the Regent Hotel. The HPB further approved additional modifications to the COA in 2012. The project was completed in 2012 and has successfully operated for the last decade.

Proposed Rooftop Addition. In order to better serve business travelers and support the Convention Center, the Applicant is proposing to demolish the current improvements on the roof of the Regent building and develop two new floors, including twelve (12) new guestrooms and four new meeting rooms. The addition has been designed to integrate with both the Regent building and the taller Gale structure.

Room Sizes. As historic hotels, the Regent and Gale were developed with hotel rooms of differing sizes, many of which were smaller than the current code requirements. The 2012 renovation project carried over these historic room sizes.

The City's standards regarding hotel room sizes have shifted over the decades, with the City's pending "Resiliency Code" proposing to replace the current standards with a City-wide minimum of 200 square feet, which is both in line with historic room sizes and consistent with the direction of the market.

The proposed addition will include twelve new rooms, which have been designed to follow the historic development pattern of the Gale and Regent as well as the floorplan of the 2012 restoration. The smallest proposed room would be 200 square feet. Twenty-five percent of the proposed new rooms would exceed 300 square feet, with the remainder below 300 square feet.

The Applicant is proposing to vary the requirements of Section 142-337 to allow three (3) rooms to exceed 335 square feet, one (1) room to be between 300 and 335 square feet, and eight (8) rooms to be below 300 square feet, with a minimum room size of 200 square feet.

Plan Review Standards. Below are the standards applied by your Department and the Historic Preservation Board as well as the status of the proposed development with each criterion:

- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

The provided plans provide the necessary details.

- b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

The provided plans provide the necessary details.

- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.

The provided plans provide the necessary details.

- d. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.

The provided plans provide the necessary details.

- e. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.

Care has been taken in the design of the proposed development to be compatible as possible with the surrounding development.

- f. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

The Owner has created the site plan in a manner that most efficiently utilizes the Property without negatively impacting the surrounding area.

- g. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

Access to the Property is largely pedestrian. No changes are proposed that would modify access to the site.

- h. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a city master plan, where applicable.

The building elevations have been designed to minimize glare on adjacent parcels.

- i. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

No changes to street level landscaping are proposed.

- j. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Care has been taken in limiting the glare and noise escaping the Property. No parking will take place on site.

- k. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

There are no public view corridors that need to be retained.

- l. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

No parking will take place on site. The proposed development is exclusively hotel in character.

- m. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

All rooftop elements are integrated into the overall architecture and screened from view.

- n. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

The proposed rooftop addition has been designed in a manner that honors and remains compatible with the existing buildings on the site.

- o. All portions of a project fronting a street or sidewalk shall incorporate of transparency at the first level necessary to achieve pedestrian compatibility.

No changes are proposed to the ground level plan is proposed. The ground floor currently provides transparency along all public streets.

- p. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

The loading and trash area is fully enclosed and will not be modified in the instant application.

Compliance with Variance Standards. As noted above, the first level of the proposed rooftop addition has been designed to follow the existing floorplan of the Gale and Regent hotels, providing a floor of twelve (12) new hotel rooms. These rooms, consistent with the existing historic layout, are generally smaller than current regulations would permit. We believe the application, as submitted, is consistent with all of the relevant criteria of the City's Land Development Regulations that govern the review of variances. This letter will address each relevant criterion in turn.

The relevant listed standards in Section 118-353(d) are below and will be followed by a brief analysis.

- 1. special conditions exist that are peculiar to the applicant's land;

This site is uniquely burdened by location, size, and the historic building design and footprints.

- 2. the special conditions were not created by the applicant;

The Applicant did not create the special conditions inflicted on the Property, most importantly the layout of the historic hotel rooms in the two buildings.

3. granting the requested variance would not confer upon the applicant special privileges;

The approval of the requested variance will only serve to bring the Property into parity with similarly situated sites.

4. literal application of the City's standards would result in unnecessary and undue hardship;

This Property is so uniquely impacted by the above-described issues, conditions and characteristics that it would cause unnecessary hardship on the Applicant if the variances were not approved. There is a need for the addition to reflect the historic layout of the floors below and the requested variance is the only reasonable solution to reach that end.

5. the variance would be the minimum necessary for a reasonable use of the land, building, or structure;

The requested variance is the minimum needed to develop a high-quality use on this site while permitting for a viable project. The City recognized the need to retain the historic building layout during the review and approval of the 2012 renovations and the instant application merely extends that layout to a new floor.

6. the variance would be in harmony with the general intent of the City's regulations; and

The approval of the requested variance would permit the development of a compatible addition to the existing buildings on the Property. The City's regulations are intended to promote compatible development throughout the City. The instant application seeks approval of a viable project that is compatible with its surroundings.

7. the granting of the variance would be consistent with the City's comprehensive plan and does not reduce minimum levels of service established in the comprehensive plan.

The requested variances will keep the development consistent with the Comprehensive Plan and will not intensify the development of the land in a manner inconsistent with established levels of service.

Practical Difficulty. The need to accommodate the historic pattern of the existing hotel floors had created a practical difficulty that the proposed variance will remedy. Requiring an adjustment to the layout of the new hotel room floor would risk the architectural integrity of the proposed addition with no benefit to the public.

Sea Level Rise and Resiliency. Section 133-50(a) of the Land Development 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.

The limited demolition shall be subject to a recycling/salvage plan.

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

All new windows will be hurricane proof.

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

Operative windows will be included in the new hotel rooms.

- (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.

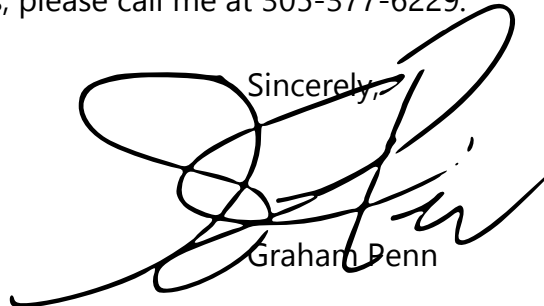
- (11) Cool pavement materials or porous pavement materials shall be utilized.

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. We look forward to your favorable recommendation. If you have any questions or comments, please call me at 305-377-6229.

Sincerely,

Graham Penn

cc: Russell Galbut
Michael Larkin, Esq.