BERCOW RADELL FERNANDEZ & LARKIN
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VIA ELECTRONIC SUBMISSION & HAND DELIVERY

May 16, 2019

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

Re: Vacation Request for a Portion of Abbott Court, between 71 Street and 72 Street, and Normandy Beach Court, between Abbott Court and Abbott Avenue

Dear Mr. Coley:

This firm represents Abbott Avenue Partners, LLC, Pumps at 71, LLC, and 7433 Collins Ave Corp., the applicant and owner (collectively the "Applicant"), of the properties located at 7117 Byron Avenue, 7135 Byron Avenue, 7134 Abbott Avenue, 7140 Abbott Avenue, 7136 Abbott Avenue, 7124 Abbott Avenue, 7120 Abbott Avenue, 409 71 Street, and 430 72 Street (collectively the "Property"). See Exhibit A, Property Appraiser Profiles. The Applicant is proposing to redevelop the Property with a cohesive mixed-use development program that will be consistent with the newly designated Town Center-Central Core (TC-C) District and the North Beach Master Plan (the "Project").

The Project requires the vacation of what is approximately the north 175 feet of the portion of Abbott Court running north-south from 71 Street and 72 Street (the "Abbott Court Alley") and a vacation of the portion of Normandy Beach Court running east-west from Abbott Court to Abbott Avenue (the "Normandy Beach Court Alley"). In association with the Project, the Applicant will dedicate the southern forty (40) feet of 7117 Byron Avenue connecting Byron Avenue to Abbott Court for the use of a new alley (the "Alley Dedication") and a storm water retention area which will be improved as the City's first bioswale (the

"Bioswale").[1] The City will permit the general public to use the alley at all times and will maintain the alley. Finally, the Applicant will not request the use of any floor area from the newly dedicated alley or Bioswale.

Please allow this letter serve as the Applicant's letter in support of its request to vacate the northern 175 feet of the portion of Abbott Court running north-south from 71 Street and 72 Street and a vacation of the entirety of Normandy Beach Court running east-west from Abbott Court to Abbott Avenue.

Description of the Property. The Property consists of nearly the entire block bounded by 72 Street to the north, 71 Street to the south, Abbott Avenue to the east, and Byron Avenue to the west. The only parcel that is part of this block that is not included in the property assemblage owned by the Applicant is the southwestern parcel located at 7101 Byron Avenue. The Property can be described as Lots 1-4 and 7-18 of Block 6 of the Normandy Beach South Subdivision, as recorded in Plat Book 21, Page 54 of the Official Records of Miami-Dade County. See Exhibit B, Normandy Beach South Subdivision. The Property has a total lot area of approximately 53,980 square feet (1.239 acres).

The Property is currently developed with a variety of stand-alone one- and two-story structures and surface parking lots with a mix of commercial and residential uses. The entire Property has a future land use designation of Town Center-Central Core Category and is zoned TC-C, allowing for a maximum floor area ratio (FAR) of 3.5.

Development Plan. The Applicant is seeking to redevelop the Property with a unified plan for a mixed-use program. The Property was re-zoned to be part of the newly designated TC-C District in 2018 as part of the implementation of the North Beach Master Plan. According to Section 142-740(a) of the Code of Ordinances (the "Code"), the overall purpose of the TC-C District is to encourage the redevelopment and revitalization of the North Beach Town Center. See Exhibit C, TC-C District Regulations.

The vacation of the identified alley rights-of-way will allow for the proposed unified development. The northernmost portion of the Abbott Court Alley which will be vacated has an area of approximately 3,522 square feet. The

[1] The dedicated area will be included with the Property as part of a Covenant-in-Lieu of Unity of Title in order to allow for a development program that accounts for the entire area and minimizes setback requirements in relation to the newly dedicated alley.

Normandy Beach Court Alley which will be vacated has an area of approximately 1,000 square feet. The proffered Alley Dedication will be approximately 2,542 square feet stretching from the remaining portion of Abbott Court west to Byron Avenue. The dedicated Bioswale just south of the Alley Dedication will be approximately 2,198 square feet. See Exhibit D, Block Reconfiguration. As such, the Applicant's proposal results in a total of 4,522 square feet of public right-of-way being vacated and 4,740 square feet of the Property being dedicated to the City. The proposal results in a net gain of 218 square feet for the City. The following chart breaks down the proposal:

Applicant's Property Assemblage (Present)	53,980 square feet
Portion of Abbott Court to be Vacated	3,522 square feet
Portion of Normandy Beach Court to be Vacated	1,000 square feet
New Dedicated Alley	(2,542 square feet)
New Dedicated Bioswale	(2,198 square feet)
Applicant's Property Assemblage (Proposed)	53,762 square feet

The comprehensive redevelopment of the Property and associated road vacations and proffered Alley Dedication will all serve to satisfy the purpose and intent of the rezoning of the Property to TC-C District as contemplated under the North Beach Master Plan.

The applicable TC-C District regulations were adopted in November of 2018 as an important first step in realizing the North Beach Master Plan to revitalize the North Beach area. These development regulations were designed specifically around the idea of developing larger block assemblages in a cohesive and comprehensive manner. This can be seen in Section 142-743 of the Code, where there is a height increase allowed for lots that are between 20,000 square feet and 45,000 square feet, a further height increase allowed for lots that are greater than 45,000 square feet, and a further height increase allowed for lots greater than 50,000 square feet. In this way, the Code incentivizes larger lot development for the TC-C District.

The need for development of larger block assemblages is most important along 71st Street, which is categorized as a Class A street in the Code. The setback regulations for development fronting 71st Street specifies that a minimum setback

of 10 feet from 71st Street is required for any structure up to 55 feet in height, but that any portion of a structure above 55 feet in height must be setback a minimum of 25 feet from 71st Street. This creates a scenario where development along 71st Street is only viable if it has enough lot depth to accommodate the 25 foot front setback and is allowed to access the height bonuses. Development of the regular individual parcel fronting 71st Street with a depth of 50 feet will not be able to accommodate structures in excess of 55 feet in height. As such, the TC-C District regulations have made a clear point to emphasize and incentivize larger block assemblage development in this district.

The TC-C District regulations promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, mixed-use areas, and residential living environments with compatible office uses and neighborhood-oriented commercial services with a diverse mix of residential, educational, commercial, and cultural and entertainment activities for workers, visitors and residents. The proposed right—of-way vacations allow for the comprehensive development anticipated through the North Beach Master Plan and incentivized through the TC-C regulations.

The proposed alley reconfiguration will remove the curb cut in the middle of the block along 72nd Street. A major focus of the North Beach Master Plan and subsequent TC-C District Regulations is the creation of 72nd Street as an active pedestrian corridor, utilizing the presence of the park to the north and retail along the south to foster an active area. The removal of the curb cut will serve a significant role in enhancing the pedestrian experience along 72nd Street and is in line with the intentions of the North Beach Master Plan.

The development plan for the Property incorporates the dedication of the southern twenty (20) feet of 7117 Byron Avenue to the City to serve as a storm water retention area. The Applicant intends to improve this dedicated area to serve as a bioswale. The Bioswale will consist of landscape elements designed to concentrate or remove debris and pollution out of surface runoff water. The Bioswale will serve to reduce nutrient loading and improve quality of run-off. The Alley Dedication will be immediately to the north of the Bioswale and will be sloped to maximize drainage into the Bioswale. The proposed Bioswale will be the first of its kind in Miami Beach and will serve as a model for storm water management for the City moving forward.

Request. The Applicant proposes to vacate the City's easement interest in the approximate north 175 feet of the portion of Abbott Court running north-south from 71 Street and 72 Street and Normandy Beach Court running east-west from Abbott Court to Abbott Avenue. The Applicant will provide the Bioswale to benefit the surrounding area and the Alley Easement to maintain access and circulation for back-of-house operations in association with the Property and the entire block and provide access for the general public northward and to the west to Byron Avenue so there is no dead end.

Vacation of Abbott Court & Normandy Beach Court. Section 82-38 of the Code of the City of Miami Beach establishes review criteria for the vacation of City property, which must be considered as part of the planning review process. The following is an analysis of the request based upon these criteria:

1. Whether or not the proposed use is in keeping with city goals and objectives and conforms to the city's comprehensive plan.

   In 2016, the City adopted the North Beach Master Plan. In 2017, the City's voters approved a referendum to increase the FAR for the Property and its surrounding area to 3.5. In November of 2018, the City Commission approved an ordinance changing the future land use designation and zoning designation for the Property to TC-C. The proposed Project, including the vacations of the rights-of-way and the Alley Easement are consistent with the City's goals and objectives and conform to the comprehensive plan as clearly laid out through the aforementioned process of creating the TC-C District with the following overall purposes, among others:

   - *Encourage the redevelopment and revitalization of the North Beach Town Center;*
   - *Promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, mixed-use areas, and residential living environments with compatible office uses and neighborhood-oriented commercial services;*
   - *Promote a diverse mix of residential, educational, commercial, and cultural and entertainment activities for workers, visitors, and residents;*
   - *Enhance the community's character through the promotion of high-quality urban design;*

- *Promote high-intensity compact development that will support the town center's role as the hub of community-wide importance for business, office, retail, governmental services, culture, and entertainment.*

The requested alley ROW vacations and subsequent resulting redevelopment are the realizations of the policy initiatives voted on by the electorate and the elected officials. Furthermore, the requested alley ROW vacations and accompanying dedications result in a net gain of property for the City.

2. The impact on adjacent properties (if any), including the potential positive or negative impacts such as diminution of open space, increased traffic, noise level, enhanced property values, improved development patterns and provision of necessary services. Based on the proposed use of the property, the city shall determine the potential impact of the project on city utilities and other infrastructure needs and the magnitude of costs associated with needed infrastructure improvements. Should it become apparent that further evaluation of traffic impact is needed, the purchaser/lessee shall be responsible for obtaining and paying for a traffic impact analysis from a reputable traffic engineer.

The vacations of the portions of Abbott Court Alley and Normandy Beach Court Alley will serve to further the redevelopment of North Beach in line with the North Beach Master Plan, and as has been implemented through the TC-C District zoning. The Applicant's proposed reconfiguration of the alleyways associated with the Property will allow for a redevelopment of the block in a manner that will allow for a unified plan that will promote the overall purpose of the TC-C District as outlined in Section 142-740 of the Code. Additionally, the Project includes the Alley Easement which will serve to reconfigure the circulation and back-of-house operations and services associated with the Property.

The Project will increase pedestrianism, encourage neighborhood-oriented experiences, and promote high-intensity compact development that will support the town center's role as the hub of community-wide importance for business, office, retail, governmental services, culture and entertainment. In addition, the Applicant intends to provide additional

public benefit by increasing the stormwater retention on the Property beyond that which the Code requires.

Additionally, the dedication and improvement of the Bioswale will directly benefit the neighbor to the south, the surrounding area, and the City as a whole, by alleviating the City's stormwater drainage facilities. The current alleys that run through the Property have no discernible drainage. The proposed reconfiguration of the alleys will also include repavement of the remaining existing portion of Abbott Court and drainage improvement with the introduction of catch basins. The newly dedicated alley will be engineered to fully benefit from the drainage provided by the Bioswale that will be adjacent to the south.

3. A determination as to whether or not the proposed use involves a public purpose, or is in keeping with the community's needs, such as expanding the city's revenue base, reducing city costs, creating jobs, creating a significant revenue stream, and/or improving the community's overall quality of life.

The Project has a public purpose and is in line with the community's needs and desires, as evidenced by the creation of the North Beach Master Plan, the approval of the FAR increase the for the Property, and the City Commission's decision to change the zoning of the area. This Project is a step towards realizing the revitalization of North Beach through implementation of the TC-C District. This Project not only is in line with keeping with the public purposes and satisfying the needs of the community, as well as its bests interests, but it also expands the City's revenue base, and improves the community's overall quality of life. The proposed ROW vacations and resulting redevelopment of a prominent TC-C zoned block in Miami Beach will serve as a monumental step in revitalizing the North Beach Town Center. Furthermore, the additional taxes generated by the Project creates additional revenue for the City.

In specific, the City will be vacating rights-of-way totaling 4,522 square feet and will be receiving a dedicated area totaling 4,740 square feet from the Applicant. As such, one element of the public benefit is that the City will receive a net gain in land area resulting from this application. Additionally, the new circulation pattern will better serve the City with regards to the initiatives promoted by the North Beach Master Plan and the TC-C District regulations. In addition to the repaving of alley circulation, the City will

receive the benefit of a new storm water retention area in the form of the Bioswale, which provides a forward-looking approach to storm water management.

4. A determination as to whether or not the proposed use is in keeping with the surrounding neighborhood, will block views or create other environmental intrusions, and evaluation of the design and aesthetic considerations of the proposed development or project.

The proposed Project is not only in line with the purpose of the neighborhood, but improves upon the living conditions therein. The Project, and associated requests, allow for redevelopment that will help realize the City's intentions for the Property. Approval of this request will help realize core elements of the North Beach Master Plan by allowing for the sort of redevelopment intended for the TC-C District, as outlined in Chapter 142, Article II, Division 21 of the Code.

Environmentally, approval of the request will prove to be a benefit to the area, as the Applicant intends to provide additional public benefit by increasing the storm water retention on the Property beyond that which the Code requires and provide a template for new storm water management techniques.

Approval of this request will facilitate the desired improvement of design and aesthetic considerations as the newly implemented TC-C District regulations in place will result in redevelopment in line with that which was contemplated for the area through the North Beach Master Plan. The resulting development in the TC-C District will consist of a diverse mix of residential, commercial and cultural activities and permit uses while providing development of a compact, pedestrian-oriented town center. Specifically, Section 142-745 of the Code call for specific street frontage, design, and operations requirement which will be implemented with the Project.

5. The impact on adjacent properties, whether or not there is adequate parking, street and infrastructure needs.

Approval of the request will allow for redevelopment of the Property with a mixed-use development which will increase the parking and infrastructure for the surrounding area. The dedicated Bioswale will serve as a substantial

infrastructure upgrade for the surrounding area. Additionally, the resulting redevelopment will be in line with the new regulations for the TC-C District which will further the intentions of the North Beach Master Plan applicable to the adjacent properties, as well. The realization of a comprehensive plan for the area will serve to benefit all of the properties within the TC-C District by developing the Property with a program that will be guided by regulations to serve as a piece of the puzzle that will make up the new North Beach town center.

6. Such other issues as the city manager or his authorized designee, who shall be the city's planning director, may deem appropriate in analysis of the proposed disposition.

   We are not aware of any issues requiring additional information or analyses.

Conclusion. As explained above, we believe that the proposed vacations of the Abbott Court Alley and Normandy Beach Court Alley are consistent with all of the City's standards and serve to promote the realization of the North Beach Master Plan. We look forward to your favorable recommendation. If you have any questions or comments, please call me at 305-377-6231.

Sincerely,

FOR Michael W. Larkin

cc: Jimmy Morales
Eric Carpenter
Thomas Mooney, AICP
Jay Fink
Cary Osbourne

EXHIBIT A

OFFICE OF THE PROPERTY APPRAISER

Summary Report

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Property Information	
Folio:	02-3211-002-0460
Property Address:	7136 ABBOTT AVE Miami Beach, FL 33141-3010
Owner	ABBOTT AVENUE PARTNERS LLC
Mailing Address	1065 KANE CONCOURSE 201 BAY HARBOR ISLAND, FL 33154 USA
PA Primary Zone	6600 COMMERCIAL - LIBERAL
Primary Land Use	1209 MIXED USE-STORE/RESIDENTIAL : MIXED USE - RESIDENTIAL
Beds / Baths / Half	2 / 2 / 0
Floors	2
Living Units	1
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	3,496 Sq.Ft
Lot Size	2,500 Sq.Ft
Year Built	1948

Assessment Information			
Year	2018	2017	2016
Land Value	$562,500	$562,500	$450,000
Building Value	$134,880	$134,880	$128,457
XF Value	$7,380	$7,470	$7,560
Market Value	$704,760	$704,850	$586,017
Assessed Value	$704,760	$704,850	$419,211

Benefits Information				
Benefit	Type	2018	2017	2016
Non-Homestead Cap	Assessment Reduction			$166,806

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
NORMANDY BEACH SOUTH PB 21-54 LOT 16 BLK 6 LOT SIZE 25.000 X 100 OR 19930-3634 1001 4

Taxable Value Information	2018	2017	2016
County			
Exemption Value	$0	$0	$0
Taxable Value	$704,760	$704,850	$419,211
School Board			
Exemption Value	$0	$0	$0
Taxable Value	$704,760	$704,850	$586,017
City			
Exemption Value	$0	$0	$0
Taxable Value	$704,760	$704,850	$419,211
Regional			
Exemption Value	$0	$0	$0
Taxable Value	$704,760	$704,850	$419,211

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
08/28/2017	$2,500,000	30687-1176	Atypical exposure to market; atypical motivation
04/14/2016	$100	30418-1307	Corrective, tax or QCD; min consideration
10/01/2001	$0	19930-3634	Sales which are disqualified as a result of examination of the deed
09/01/1994	$85,000	16536-4055	Other disqualified

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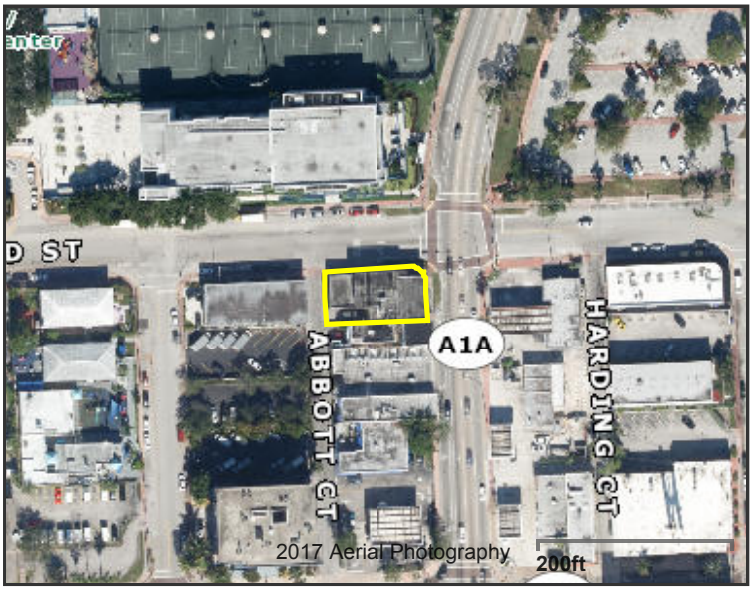
Property Information	
Folio:	02-3211-002-0470
Property Address:	7140 ABBOTT AVE Miami Beach, FL 33141-3010
Owner	ABBOTT AVENUE PARTNERS LLC
Mailing Address	1065 KANE CONCOURSE 201 BAY HARBOR ISLANDS, FL 33154 USA
PA Primary Zone	6600 COMMERCIAL - LIBERAL
Primary Land Use	1813 OFFICE BUILDING - MULTISTORY : OFFICE BUILDING
Beds / Baths / Half	0 / 0 / 0
Floors	1
Living Units	0
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	6,922 Sq.Ft
Lot Size	5,000 Sq.Ft
Year Built	1963



Assessment Information			
Year	2018	2017	2016
Land Value	$1,125,000	$1,125,000	$900,000
Building Value	$465,000	$450,000	$193,178
XF Value	$0	$0	$13,694
Market Value	$1,590,000	$1,575,000	$1,106,872
Assessed Value	$1,590,000	$1,575,000	$647,350

Benefits Information				
Benefit	Type	2018	2017	2016
Non-Homestead Cap	Assessment Reduction			$459,522

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
NORMANDY BEACH SOUTH PB 21-54 LOTS 17 & 18 BLK 6 LOT SIZE 50.000 X 100 OR 14265-1637 0989 4 COC 22669-3432 09 2004 1

Taxable Value Information			
	2018	2017	2016
County			
Exemption Value	$0	$0	$0
Taxable Value	$1,590,000	$1,575,000	$647,350
School Board			
Exemption Value	$0	$0	$0
Taxable Value	$1,590,000	$1,575,000	$1,106,872
City			
Exemption Value	$0	$0	$0
Taxable Value	$1,590,000	$1,575,000	$647,350
Regional			
Exemption Value	$0	$0	$0
Taxable Value	$1,590,000	$1,575,000	$647,350

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
11/01/2016	$0	30357-2031	Corrective, tax or QCD; min consideration
11/01/2016	$2,450,000	30301-1090	Qual by exam of deed
09/01/2004	$590,000	22669-3432	Sales which are qualified
09/01/1989	$0	14265-1637	Sales which are disqualified as a result of examination of the deed

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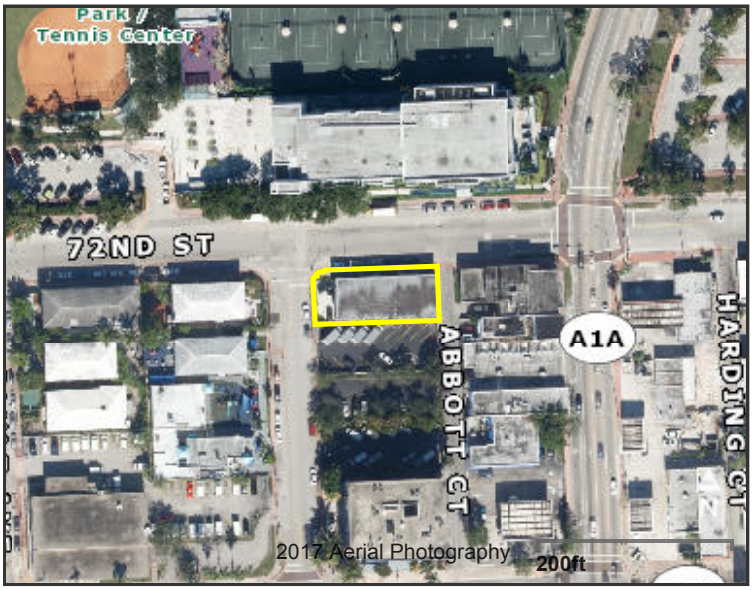
Property Information	
Folio:	02-3211-002-0360
Property Address:	430 72 ST Miami Beach, FL 33141-3079
Owner	ABBOTT AVENUE PARTNERS LLC
Mailing Address	1065 KANE CONCOURSE STE 201 BAY HARBOR ISLANDS, FL 33154 USA
PA Primary Zone	3900 MULTI-FAMILY - 38-62 U/A
Primary Land Use	0303 MULTIFAMILY 10 UNITS PLUS : MULTIFAMILY 3 OR MORE UNITS
Beds / Baths / Half	0 / 0 / 0
Floors	1
Living Units	14
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	6,317 Sq.Ft
Lot Size	6,250 Sq.Ft
Year Built	1956



Assessment Information			
Year	2018	2017	2016
Land Value	$875,000	$812,500	$812,500
Building Value	$807,000	$487,500	$399,852
XF Value	$0	$0	$0
Market Value	$1,682,000	$1,300,000	$1,212,352
Assessed Value	$1,682,000	$1,300,000	$1,188,000

Taxable Value Information			
	2018	2017	2016
County			
Exemption Value	$0	$0	$0
Taxable Value	$1,682,000	$1,300,000	$1,188,000
School Board			
Exemption Value	$0	$0	$0
Taxable Value	$1,682,000	$1,300,000	$1,212,352
City			
Exemption Value	$0	$0	$0
Taxable Value	$1,682,000	$1,300,000	$1,188,000
Regional			
Exemption Value	$0	$0	$0
Taxable Value	$1,682,000	$1,300,000	$1,188,000

Benefits Information				
Benefit	Type	2018	2017	2016
Non-Homestead Cap	Assessment Reduction			$24,352

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
11/20/2017	$2,170,000	30777-4996	Qual by exam of deed
10/17/2013	$1,200,000	28871-2997	Qual by exam of deed
06/07/2010	$100	27320-3540	Corrective, tax or QCD; min consideration
01/01/1984	$266,755	12025-0815	Sales which are qualified

Short Legal Description

NORMANDY BEACH SOUTH PB 21-54
LOT 1 BLK 6
LOT SIZE 50.000 X 125
OR 12025-815 0184 1

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Property Information	
Folio:	02-3211-002-0440
Property Address:	7124 ABBOTT AVE Miami Beach, FL 33141-3049
Owner	ABBOTT AVENUE PARTNERS LLC
Mailing Address	1065 KANE CONCOURSE 201 BAY HARBOR ISLANDS, FL 33154 USA
PA Primary Zone	6600 COMMERCIAL - LIBERAL
Primary Land Use	1229 MIXED USE-STORE/RESIDENTIAL : MIXED USE - COMMERCIAL
Beds / Baths / Half	0 / 0 / 0
Floors	1
Living Units	0
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	9,867 Sq.Ft
Lot Size	7,500 Sq.Ft
Year Built	1947

Assessment Information			
Year	2018	2017	2016
Land Value	$1,687,500	$1,479,212	$1,350,000
Building Value	$380,337	$385,247	$371,577
XF Value	$10,016	$10,136	$10,257
Market Value	$2,077,853	$1,874,595	$1,731,834
Assessed Value	$2,062,054	$1,874,595	$1,307,443

Taxable Value Information			
	2018	2017	2016
County			
Exemption Value	$0	$0	$0
Taxable Value	$2,062,054	$1,874,595	$1,307,443
School Board			
Exemption Value	$0	$0	$0
Taxable Value	$2,077,853	$1,874,595	$1,731,834
City			
Exemption Value	$0	$0	$0
Taxable Value	$2,062,054	$1,874,595	$1,307,443
Regional			
Exemption Value	$0	$0	$0
Taxable Value	$2,062,054	$1,874,595	$1,307,443

Benefits Information				
Benefit	Type	2018	2017	2016
Non-Homestead Cap	Assessment Reduction	$15,799		$424,391

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
11 53 42
NORMANDY BEACH SOUTH PB 21-54
LOT 13 THRU 15 BLK 6
LOT SIZE 75.000 X 100
OR 18673-4252 0599 4 (3)

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
11/02/2016	$3,900,000	30301-1249	Qual on DOS, multi-parcel sale
01/01/2004	$1,350,000	22007-3735	Deeds that include more than one parcel
05/01/1999	$0	18633-2069	Sales which are disqualified as a result of examination of the deed
05/01/1999	$0	18673-4252	Sales which are disqualified as a result of examination of the deed

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Property Information	
Folio:	02-3211-002-0370
Property Address:	7134 ABBOTT AVE Miami Beach, FL 33141-3010
Owner	ABBOTT AVENUE PARTNERS LLC
Mailing Address	1065 KANE CONCOURSE 201 BAY HARBOR ISLANDS, FL 33154 USA
PA Primary Zone	3900 MULTI-FAMILY - 38-62 U/A
Primary Land Use	2865 PARKING LOT/MOBILE HOME PARK : PARKING LOT
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	6,250 Sq.Ft
Year Built	0

Assessment Information			
Year	2018	2017	2016
Land Value	$831,250	$694,172	$771,875
Building Value	$0	$0	$0
XF Value	$5,156	$5,156	$5,156
Market Value	$836,406	$699,328	$777,031
Assessed Value	$769,260	$699,328	$390,523

Benefits Information				
Benefit	Type	2018	2017	2016
Non-Homestead Cap	Assessment Reduction	$67,146		$386,508

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Taxable Value Information			
	2018	2017	2016
County			
Exemption Value	$0	$0	$0
Taxable Value	$769,260	$699,328	$390,523
School Board			
Exemption Value	$0	$0	$0
Taxable Value	$836,406	$699,328	$777,031
City			
Exemption Value	$0	$0	$0
Taxable Value	$769,260	$699,328	$390,523
Regional			
Exemption Value	$0	$0	$0
Taxable Value	$769,260	$699,328	$390,523

Short Legal Description
NORMANDY BEACH SOUTH PB 21-54 LOT 2 BLK 6 LOT SIZE 50.000 X 125 OR 18673-4252 0599 4 (3) COC 22007-3735 01 2004 2

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
11/02/2016	$3,900,000	30301-1249	Qual on DOS, multi-parcel sale
01/01/2004	$1,350,000	22007-3735	Deeds that include more than one parcel
05/01/1999	$0	18633-2069	Sales which are disqualified as a result of examination of the deed
05/01/1999	$0	18673-4252	Sales which are disqualified as a result of examination of the deed

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at http://www.miamidade.gov/info/disclaimer.asp

Version:

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 2/27/2019

Property Information	
Folio:	02-3211-002-0380
Property Address:	7135 BYRON AVE Miami Beach, FL 33141-3048
Owner	ABBOTT AVENUE PARTNERS LLC
Mailing Address	1065 KANE CONCOURSE 201 BAY HARBOR ISLANDS, FL 33154 USA
PA Primary Zone	3900 MULTI-FAMILY - 38-62 U/A
Primary Land Use	2865 PARKING LOT/MOBILE HOME PARK : PARKING LOT
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	6,250 Sq.Ft
Year Built	0

Assessment Information			
Year	2018	2017	2016
Land Value	$875,000	$730,149	$812,500
Building Value	$0	$0	$0
XF Value	$10,845	$11,015	$11,187
Market Value	$885,845	$741,164	$823,687
Assessed Value	$815,280	$741,164	$419,031

Benefits Information				
Benefit	Type	2018	2017	2016
Non-Homestead Cap	Assessment Reduction	$70,565		$404,656

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
NORMANDY BEACH SOUTH PB 21-54 LOT 3 BLK 6 LOT SIZE 50.000 X 125 OR 18673-4252 0599 4 (3) COC 22007-3735 01 2004 2

Taxable Value Information			
	2018	2017	2016
County			
Exemption Value	$0	$0	$0
Taxable Value	$815,280	$741,164	$419,031
School Board			
Exemption Value	$0	$0	$0
Taxable Value	$885,845	$741,164	$823,687
City			
Exemption Value	$0	$0	$0
Taxable Value	$815,280	$741,164	$419,031
Regional			
Exemption Value	$0	$0	$0
Taxable Value	$815,280	$741,164	$419,031

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
11/02/2016	$3,900,000	30301-1249	Qual on DOS, multi-parcel sale
01/01/2004	$1,350,000	22007-3735	Deeds that include more than one parcel
05/01/1999	$0	18633-2069	Sales which are disqualified as a result of examination of the deed
05/01/1999	$0	18673-4252	Sales which are disqualified as a result of examination of the deed

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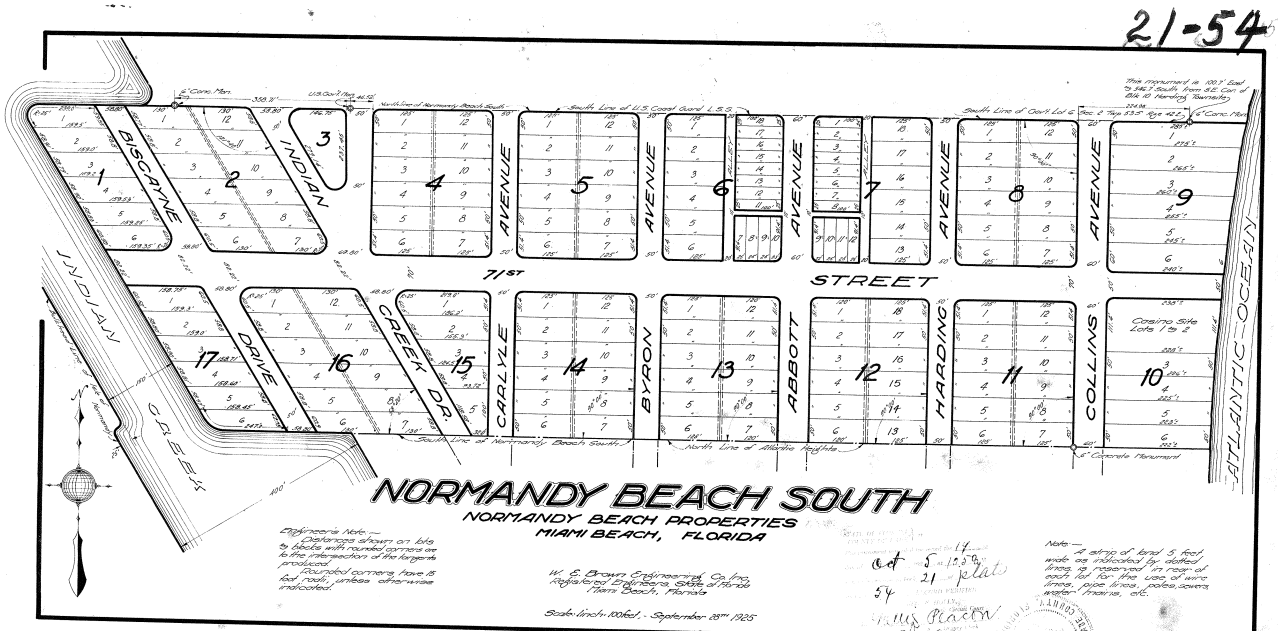
Version:

EXHIBIT B

21-54



Engineer's Note —
Distances shown on blks by blocks with rounded corners are to the intersection of the tangents produced.
Rounded corners have 15 foot radii, unless otherwise indicated.

Note —
A strip of land 5 feet wide as indicated by dotted lines is reserved in rear of each lot for the use of wire lines, pole lines, poles, sewers water mains, etc.

Know All Men By These Presents:—
That the undersigned owners have caused to be made by him, his the attached plat of the property to be known as "Normandy Beach South" being a subdivision of that property situate in Dade County, Florida, & more particularly described as follows to wit: All of the reserve tract & Government Lot one (1) Section eleven (11) Township 53 S. Range 42 E. which lies south of the south line of Government Lot one (1) Section two (2) & north of the north line of Atlantic Heights by Plat recorded in Plat Book 28 at page 28 of the Public Records of Dade County, Florida, & between the waters of Indian Creek & Biscayne Bay, all in the City of Miami Beach, Dade County, Florida.
In Witness Whereof the above owners have affixed their signatures this 7th day of October A.D. 1925.

Executed in the presence of:
Mark A. Gyzmuch
Susan H. Fuerman

By: Reuben B. Gyzmuch
Edith Gyzmuch
Henry Levy
Rose Levy

State of Florida, }
County of Dade, } ss.

Before me personally appeared Reuben B. Gyzmuch & Ethel Gyzmuch, his wife, Henry Levy & Rose Levy, his wife, to me well known & known to be the persons described in & who executed the foregoing instrument & severally acknowledged the execution thereof to be their free act & deed for such purposes.
Witness my hand & official seal at Miami, Dade County, Florida, the day & year above written.

Notary Public, State of Florida at Large
My commission expires Jan. 17, 1926

Foregoing dedication duly accepted Jan. 12, 1926, by Dade County, Fla. (Ch. 10, recorded O. R. No. 1004, pg. 501, subject to reservations therein stated. E. R. Leatherman, Clerk. (SEAL)

This is to certify that this plat was made in conformity with a survey of the property to be as accurate to correct to the best of my knowledge as below.

J. de Rossitto
Registered Engineer No. 784 State of Fla.

Examined & approved for record:

Hubert Bradshaw
County Engineer, Dade County, Fla.

This plat was approved by a vote passed & adopted by the City Council of Miami Beach, Florida, this 7th day of October, A.D. 1925.

O.K. [illegible]
City Attorney

F. H. Hemming
President City Council Miami Beach

EXHIBIT C

DIVISION 21. - TOWN CENTER-CENTRAL CORE (TC-C) DISTRICT

Sec. 142-740. - Purpose and intent.

The overall purpose of the town center-central core (TC-C) district is to:

(a) Encourage the redevelopment and revitalization of the North Beach Town Center.

(b) Promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, mixed-use areas, and residential living environments with compatible office uses and neighborhood-oriented commercial services;

(c) Permit uses that will be able to provide for economic development in light of changing economic realities due to technology and e-commerce;

(d) Promote a diverse mix of residential, educational, commercial, and cultural and entertainment activities for workers, visitors and residents;

(e) Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help to support transit usage and town center businesses;

(f) Encourage neighborhood-oriented retail and prevent an excessive concentration of large-scale retail that has the potential to significantly increase regional traffic congestion;

(g) Provide opportunities for live/work lifestyles and increase the availability of affordable office and commercial space in the North Beach area;

(h) Promote the health and well-being of residents by encouraging physical activity, waterfront access, alternative transportation, and greater social interaction;

(i) Create a place that represents a unique, attractive and memorable destination for residents and visitors;

(j) Enhance the community's character through the promotion of high-quality urban design;

(k) Promote high-intensity compact development that will support the town center's role as the hub of community-wide importance for business, office, retail, governmental services, culture and entertainment;

(l) Encourage the development of workforce and affordable housing; and

(m) Improve the resiliency and sustainability of North Beach.

(Ord. No. 2018-4224, § 1, 11-14-18)

Sec. 142-741. - Main permitted uses, accessory uses, exception uses, special exception uses, conditional uses, and prohibited uses and supplemental use regulations.

Land uses in the TC-C district shall be regulated as follows:

(a) The main permitted, accessory, conditional, and prohibited uses are as follows:

General Use Category	
Residential Uses	
Apartments and townhomes	P
Co-living	P

Live-work	P
Single-family detached dwelling	P
Hotel Uses	
Hotel	P
Micro-hotel	P
Commercial Uses	
Alcoholic beverage establishments	P
Artisanal retail for on-site sales only	P
Grocery store	P
Indoor entertainment establishment	P
Neighborhood fulfillment center	P
Offices	P
Restaurants	P
Retail	P
Outdoor café	P
Outdoor bar counter	A
Sidewalk café	A
Artisanal retail with off-site sales	C
Day care facility	C
Public and private institutions	C
Religious institution	C
Schools	C
Commercial establishment over 25,000 SF	C

Retail establishment over 25,000 SF	C
Neighborhood impact establishment	C
Outdoor and open air entertainment establishment	C
Pawnshop	N

P = Main Permitted Use,
C = Conditional Use,
N = Prohibited Use,
A = Accessory only

(b) The following supplemental regulations shall apply to specific uses in the TC-C district:

(1) There shall be no variances regarding the regulations for permitted, prohibited, accessory, exception, special exception, and conditional uses in subsection 147-741(a); and the supplemental regulations of such uses and subsection 147-741(b).

(2) Use limitations.

a. The following limits shall apply for residential and hotel uses:

i. *Hotel rooms.* There shall be a limit of 2,000 hotel units within the TC-C district.

ii. *Apartments.* There shall be a limit of 500 apartment units built within the TC-C district over and above the maximum allowable density and intensity, prior to the adoption of the FAR increase approved on November 7, 2017. This limit shall not authorize exceeding the maximum density authorized within the adopted comprehensive plan.

iii. *Workforce and affordable housing and co-living units.* There shall be a combined limit of 500 workforce housing, affordable housing, or co-living units built within the TC-C district over and above the maximum allowable density prior to the adoption of the FAR increase approved on November 7, 2017. This limit shall not authorize exceeding the maximum density authorized within the adopted comprehensive plan.

iv. *Co-living units.* Not widthstanding the foregoing limitations, there shall be a limit of 312 co-living units built within the the TC-C district.

b. Limits for the number of units for the uses identified above shall be applied for and allocated on a first-come, first serve basis concurrent with an application for land use board approval, building permit, certificate of occupancy, or business tax receipt, whichever comes first.

i. If said allocation occurs simultaneously with an application for land use board approval or building permit, the allocation shall expire concurrent with the expiration of the land use board approval or building permit. Upon expiration of the allocation, the units shall become available to new applicants.

ii. If said allocation occurs simultaneously with an application for land use board approval, building permit, or business tax receipt, and such application is withdrawn or abandoned, said allocation shall also be withdrawn or abandoned and the units shall become available to new applicants.

iii. If said use changes, the allocation of units shall become available to new applicants.

c. Any such units permitted the boundaries of the TC-C district, after November 7, 2017 shall be counted

towards the maximum limit established herein.

d. Notwithstanding the use limitations in subsection a. above, the planning director or designee may permit simultaneous increase and decreases in the above described uses, provided that the impacts of the changes will not exceed originally approved impacts, as measured by total weekday peak hour (of adjacent street traffic, one hour between 4:00 p.m. and 6:00 p.m.) vehicle trips, pursuant to the Institute of Transportation Engineers Trip Generation Manual, as may be amended from time to time.

(3) There shall be a limit of two retail establishments over 25,000 square feet within the TC-C district. Credits for such retail establishments shall be allocated on a first-come, first serve basis as part of an application for land use board approval, building permit, or business tax receipt, whichever comes first. If said approval, permit, or receipt expires and the establishment is not built or ceases operations, the credits shall become available to new applicants. Any such establishment permitted in the area of the TC-C district, after November 7, 2017, shall be counted towards the maximum limit established herein.

(4) There shall be a limit of two neighborhood fulfillment centers within the TC-C district. Credits for such establishments shall be allocated on a first-come, first serve basis as part of an application for land use board approval, building permit, or business tax receipt, whichever comes first. If said approval, permit, or receipt expires and the establishment is not built or ceases operations, the credits shall become available to new applicants. Any such establishment permitted in the area of the TC-C district, after November 7, 2017, shall be counted towards the maximum limit established herein.

(5) For the purposes of the TC-C district, the definition for a neighborhood impact establishments established in section 142-1361 is modified as follows:

A "neighborhood impact establishment" means:

a. An alcoholic beverage establishment or restaurant, not also operating as an entertainment establishment or dance hall (as defined in section 114-1) with an area of 10,000 square feet or greater of areas accessible by patrons; or

b. An alcoholic beverage establishment or restaurant, which is also operating as an entertainment establishment or dance hall (as defined in section 114-1), with an area of 5,000 square feet or greater of areas accessible by patrons.

(6) The primary means of pedestrian ingress and egress for alcoholic beverage establishments, entertainment establishments, neighborhood impact establishments, commercial establishment over 25,000 square feet, retail establishment over 25,000, or artisanal retail uses in the TC-C district shall not be permitted within 200 feet of an RM-1 district boundary. This shall not apply to emergency egress.

(7) The following requirements shall apply to indoor entertainment establishments and outdoor and open air entertainment establishments:

a. Indoor entertainment establishments shall be required to install a double door vestibule at all access points, except for emergency exits.

b. Indoor entertainment shall cease operations no later than 5:00 a.m. and commence entertainment no earlier than 9:00 a.m.

c. Open air entertainment shall cease operations no later than 11:00 p.m. on Sunday through Thursday, and 12:00 a.m. on Friday and Saturday; operations shall commence no earlier than 9:00 a.m. on weekdays and 10:00 a.m. on weekends; however, the planning board may establish stricter requirements.

d. There shall be a maximum of ten alcoholic beverage establishments that are not also operating as a restaurant or entertainment establishment permitted within this zoning district. Credits for entertainment establishments shall be allocated on a first-come, first serve basis as part of an application

for land use board approval, building permit, or business tax receipt, whichever comes first. If said approval, permit, or receipt expires and the entertainment establishment is not built or ceases operations, the credits shall become available to new applicants. Any entertainment establishment permitted in the area of the TC-C district, after November 7, 2017, shall be counted towards the maximum limit established herein.

e. Entertainment establishments shall also be restaurants with full kitchens. Such restaurants shall be open and able to serve food at a minimum between the hours of 10:00 a.m. and 2:00 p.m. on days in which the entertainment establishment will be open and additionally during hours in which entertainment occurs and/or alcohol is sold.

(8) Restaurants with sidewalk cafe permits or outdoor cafes shall only serve alcoholic beverages at sidewalk cafes and outdoor cafes during hours when food is served in the restaurant, shall cease sidewalk cafe operations at 2:00 a.m. and commence no earlier than 8:00 a.m.

(Ord. No. 2018-4224, § 2, 11-14-18)

[Sec. 142-742. - Reserved.]

Sec. 142-743. - General development regulations.

(a) Maximum floor area ratio (FAR) shall be 3.5.

(b) The maximum building height:

(1) One hundred twenty-five feet (base maximum height);

(2) The maximum height for lots that are 20,000 square feet (SF) or larger may be increased through participation in the public benefits program as outlined in section 142-747 (public benefit maximum height) as follows:

a. For lots that are between 20,000 SF and 45,000 SF the maximum building height is 165 feet.

b. For lots that are greater than 45,000 SF the maximum building height is 200 feet.

c. For lots that are greater than 50,000 SF and located north of 71st Street, the design review board, in accordance with the design review criteria in chapter 118, article VI of these land development regulations, may waive the maximum height of 200 feet, in order to authorize up to an additional 20 feet of height, not to exceed 220 feet, based upon the merit of the design.

(c) Minimum unit sizes.

(1) *Residential unit sizes.* The minimum unit sizes for residential uses shall be as follows:

a. Apartment: 550 square feet ("SF").

b. Workforce housing: 400 SF.

c. Affordable housing: 400 SF.

d. Co-living units: 375 SF with a minimum of 20 percent of the gross floor area of the building consisting of amenity space on the same site. Amenity space includes the following types of uses, whether indoor or outdoor, including roof decks: restaurants; bars; cafes; kitchens; club rooms; business center; retail; screening rooms; fitness center; spas; gyms; pools; pool decks; and other similar uses whether operated by the condo or another operator. Bars and restaurants shall count no more than 50 percent of the total co-living amenity space requirements. These amenities may be combined with the amenities for micro-hotels, provided residents and hotel guests have access. No variances are permitted from these provisions.

(2) *Minimum hotel room sizes.* The minimum hotel room size:

a. Hotel: 300 SF.

b. Micro-hotel: 175 SF provided that a minimum of 20 percent of the gross floor area of the building consists o is physically connected to and directly accessed from the micro-hotel units without the need to exit the parc includes the following types of uses, whether indoor or outdoor, including roof decks: restaurants; bars; caf center; hotel retail; screening rooms; fitness center; spas; gyms; pools; pool decks; and other similar uses cu with a hotel uses whether operated by the hotel or another operator. Bars and restaurants shall count no m of the total amenity space requirements. These amenities may be combined with the amenities for co-living residents and hotel guests have access. No variances are permitted from these provisions.

(d) The maximum residential density: 150 units per acre.

(1) The maximum residential density of may be increased by up to 80 percent beyond the maximum residential density if the development incorporates certified workforce or affordable housing units. The additional density may only be utilized for workforce or affordable housing units.

(Ord. No. 2018-4224, § 2, 11-14-18)

Sec. 142-744. - Setbacks and encroachments.

Setbacks and allowable encroachments into setbacks shall be as per table A below. For the purposes of new construction in this zoning district, heights shall be measured from the City of Miami Beach Freeboard of five feet, unless otherwise noted.

Table A

Street Class	Property line abutting	Building Height at which Setback occurs	Minimum Setback from property line	Allowable Habitable Encroachments into setback
Class B	69th Street	Grade to 55 feet	10 feet	5 feet
		55 feet to max height	125 feet	5 feet
Class D	70th Street Alley Line	Grade to max height	10 feet	3 feet
Class A	71st Street	Grade to 55 feet	10 feet	0 feet
		55 feet to max height	25 feet	5 feet
Class A	72nd Street	Grade to max height	20 feet from back of curb line; curb line location shall be at the time of permitting; however, it shall be no less than 5 feet from the property line	5 feet

Class A	Collins Avenue	Grade to 55 feet	10 feet	5 feet
		55 feet to 125 feet	20 feet	5 feet
		125 feet to max height	35 feet	5 feet
Class A	Indian Creek Drive	Grade to max height	10 feet	5 feet
Class B	Abbott Avenue and Dickens Avenue	Grade to max height	10 feet	5 feet
Class C	Byron Avenue, Carlyle Avenue, and Harding Avenue	Grade to max height	10 feet	7 feet
N/A	Interior Side	Grade to 55 feet	0 feet	0 feet
		55 feet to max height	30 feet	10 feet
N/A	Rear abutting an alley (except 70th Street Alley)	Grade to 55 feet	5 feet	0 feet
		55 feet to max height	20 feet	10 feet
N/A	Rear abutting a parcel	Grade to 55 feet	0 feet	0 feet
		55 feet to max height	30 feet	10 feet

(Ord. No. 2018-4224, § 2, 11-14-18)

Sec. 142-745. - Street frontage, design, and operations requirements.

The development regulations and street frontage requirements for the TC-C district are as follows:

(a) *{Applicability.]* The following regulations shall apply to all frontages:

(1) *Tower regulations.* The tower shall be considered the portion of a building located above 55 feet, excluding allowable height exceptions as defined in section 142-1161. Towers shall comply with the following:

a. The longest portion of a tower located within 50 feet of a public right-of-way shall not exceed 165 feet in length between the two furthest points of the exterior face of the tower parallel to a single frontage.

b. The minimum horizontal separation between multiple towers located on the same site, including balcc

(2) *Setback design.* The minimum setback shall be designed to function as an extension of the adjacent public sidewalk unless otherwise noted in the regulations of this zoning district.

(3) *Clear pedestrian path.* A minimum ten-foot wide "clear pedestrian path," free from obstructions, including, but not limited to, outdoor cafés, sidewalk cafés, landscaping, signage, utilities, and lighting, shall be maintained along all frontages as follows:

a. The clear pedestrian path may only utilize public sidewalk and setback areas.

b. Pedestrians shall have 24-hour access to the clear pedestrian path.

c. The clear pedestrian paths shall be well lit and consistent with the city's lighting policies.

d. The clear pedestrian paths shall be designed as an extension of the adjacent public sidewalk.

e. The clear pedestrian path shall be delineated by in-ground markers that are flush with the path, differing pavement tones, pavement type, or other method to be approved by the planning director or designee.

f. An easement to the city providing for perpetual public access shall be provided for portions of the clear pedestrian path that fall within the setback area.

(4) *Balconies.* Balconies may encroach into required setbacks above a height of 15 feet up to the applicable distance indicated for allowable habitable encroachments in table A.

(5) *Articulation.* Facades with a length of 240 feet or greater shall be articulated so as to not appear as one continuous facade, subject to design review criteria.

(6) *Windows.* All windows shall be a minimum of double-pane hurricane impact glass.

(7) *Street trees.* In addition the requirements of chapter 126, street trees shall require the installation of an advanced structural soil cells system (Silva Cells or approved equal) and other amenities (irrigation, up lighting, porous aggregate tree place finish) in tree pits.

(8) *Commercial, hotel, and access to upper level frontages.* In addition to other requirements for specific frontage types and other requirements in the City Code, frontages for commercial, hotel, and access to upper level frontage shall be developed as follows:

a. The habitable space shall be directly accessible from the clear pedestrian path.

b. Such frontages shall contain a minimum of 70 percent clear glass windows with views into the habitable space.

c. A shade structure that projects for a minimum depth of five feet into the setback beyond the building façade, shall be provided at a height between 15 feet and 25 feet. Said shade structure may consist of an eyebrow or similar structure. Additionally, an allowable habitable encroachment such as balconies or parking deck may take the place of the shade structure.

d. No more than 35 percent of the required habitable space along the ground floor of a building frontage shall be for access to upper levels, unless waived by the design review board.

(9) *Residential frontages.* In addition to other requirements for specific frontage types and other requirements in the City Code, residential frontages shall be developed as follows:

a. Ground floor residential units shall have private entrances from the clear pedestrian path.

[b. Reserved.]

c. Where there are ground floor residential units, the building may be recessed from the setback line up to an additional to five feet in order to provide private gardens or porches that are visible and accessible from the street.

d. A shade structure over the private garden or porch may be provided.

e. Private access stairs, ramps, and lifts to the ground floor units may be located within the area of the pr

f. Fencing and walls for such private gardens or porches may encroach into the required setback up to the applicable distance indicated for allowable encroachments in table A at grade; however, it shall not result in a clear pedestrian path of less than ten feet. Such fencing and walls shall not be higher than four feet from grade.

(10) *Off-street parking facilities.* In addition to requirements for specific frontage types and other requirements in the City Code, off-street parking facilities shall be built as follows:

a. Parking facilities shall be entirely screened from view from public rights-of-way and clear pedestrian paths. Parking garages shall be architecturally screened or lined with habitable space.

b. Parking garages may only encroach into the required setback between a height 25 feet and 55 feet up to the applicable distance indicated for allowable habitable encroachments in table A.

1. Habitable space for residential, commercial, or hotel uses may be placed within the allowable habitable encroachment in order to screen the parking garage from view of the public right-of-way.

c. Portions of parking decks that encroach into the required setback or that are located in levels directly below habitable space shall have a minimum floor to ceiling height of nine feet.

d. Portions of parking decks that encroach into the required setback or that are located in levels directly below habitable space shall have horizontal floor plates.

e. Rooftop and surface parking shall be screened from view from surrounding towers through the use of solar carports or landscaping.

(11) *Utilities.* In addition to other requirements for specific frontage types and other requirements in the City Code, facilities for public utilities shall be built as follows:

a. For new construction, local electric distribution systems and other lines/wires shall be buried underground. They shall be placed in a manner that avoids conflicts with street tree plantings.

b. Long-distance power transmission lines not otherwise buried shall be placed on poles for above-ground distribution pursuant to the following restrictions:

1. Poles shall be located in the area of allowable encroachments into setbacks; however, they may not obstruct clear pedestrian paths.

2. Poles shall be located no closer than 50 feet from the radius of the intersection of two streets.

3. Poles shall be separated by the longest distance possible that allows the lines to operate safely.

4. Poles shall be architecturally and artistically treated.

(12) *Loading.* Where loading is permitted, it shall be designed as follows, in addition to the requirements for driveways:

a. Loading shall at a minimum be setback behind the area required to be habitable for each street class designation.

b. Loading for nonresidential uses that are on lots over 45,000 square feet shall provide for loading spaces that do not require vehicles to reverse into or out of the site, unless waived by the design review board.

c. Driveways for parking and loading shall be combined, unless waived by the design review board.

d. Loading areas shall be closed when not in use.

e. Garbage rooms shall be noise-baffled, enclosed, and air-conditioned.

f. Trash containers shall be located in loading areas.

g. Trash containers shall utilized rubber tired wheels.

h. Delivery trucks shall not be allowed to idle in the loading areas

i. Loading for commercial and hotel uses and trash pick-ups with vehicles of more than two axles may only commence between the hours of 6:00 a.m. and 7:00 a.m., 9:00 a.m. and 3:00 p.m., and 6:00 p.m. and 9:00 p.m. on weekdays; and 9:00 a.m. and 9:00 p.m. on weekends, unless waived by the planning board with conditional use approval. Notwithstanding the foregoing, hybrid or electric vehicles may commence loading at 5:00 a.m. instead of 6:00 a.m. on weekdays.

j. Loading for commercial and hotel uses with vehicles of two axles or less may occur between the hours of 6:00 a.m. and 11:00 p.m. on weekdays and 9:00 a.m. and 11:00 p.m. on weekends. Notwithstanding the foregoing, hybrid or electric vehicles may commence loading at 5:00 a.m. instead of 6:00 a.m. on weekdays.

k. Required off-street loading may be provided on another site within the TC-C district or within 1,500 feet of the site, provided it is not located in a residential district.

(b) *70th Street Frontage.* The property line between southern boundary of Lots 6 and 7 of Blocks 11 through 14 of "Normandy Beach South" according to the plat thereof as recorded in Plat Book 21 at Page 54 and the northern boundary of Lots 1 and 12 of Blocks D, E, and H of "Atlantic Heights Corrected" according to the plat thereof as recorded in Plat Book 9 at Page 54 and of Lots 1 and 6 of Block J of "Atlantic Heights" according to the plat thereof as recorded in Plat Book 9 at Page 14, is hereby defined as the "70th Street Frontage."

(c) *Street class designation.* For the purposes of establishing development regulations for adjacent properties and public rights-of-way, streets and frontages shall be organized into classes as follows:

(1) Class A frontages are the following:

a. 71st Street.

b. 72nd Street.

c. Collins Avenue.

d. Indian Creek Drive.

(2) Class B frontages are the following:

a. Abbott Avenue.

b. Dickens Avenue.

c. 69th Street.

(3) Class C frontages are the following:

a. Carlyle Avenue.

b. Harding Avenue.

c. Byron Avenue.

(4) Class D frontages are the following:

a. 70th Street Frontage.

(d) *Hierarchy of frontages.* For the purposes of conflicts, Class A frontages shall be the highest class frontage; Class B frontages shall be the second highest class frontage; Class C frontages shall be the third highest class frontage; and Class D shall be the fourth highest class frontage. Where requirements for frontages of different classes overlap and conflict, the regulations for the higher class frontage shall control over the regulations for the lower class frontage.

(e) *Class A.* In addition to other requirements in the City Code, Class A frontages shall be developed as follows:

(1) Facades shall have a minimum of height of 35 feet.

(2) Buildings shall have a minimum of three floors located along a minimum of 90 percent of the length of

the setback line pursuant to the following regulations:

a. The building may be recessed from the setback line in order to provide active public plazas that have no floor area located above the plaza.

b. Except where required for driveways and utility infrastructure, the ground floor shall contain habitable space with a minimum depth of 50 feet from the building façade.

c. The habitable space on the ground floor shall be for commercial and hotel uses, and to provide access to uses on upper floors of the building.

d. The second and third floors shall contain habitable space for residential, hotel, or commercial uses with a minimum depth of 25 feet from the building facade.

e. Ground floor and surface parking shall be setback a minimum of 50 feet from the building façade and be concealed from view from the clear pedestrian path.

(3) Driveways and vehicle access to off-street parking and loading shall be prohibited on a Class A frontage, unless it is the only means of egress to the site. Permitted drive-ways on Class A frontages shall be limited by the following:

a. If a driveway is permitted it shall be limited to 22 feet in width and be incorporated into the façade of the building.

b. Driveways shall be spaced no closer than 60 feet apart.

c. Driveways shall consist of mountable curbs that ensure a continuation of the ten-foot clear pedestrian paths.

(4) Off-street loading shall be prohibited on a Class A frontage, unless it is the only means of egress to the site.

(5) On-street loading shall be prohibited on Class A frontages.

(6) Ground floor utility infrastructure, including as may be required by Florida Power and Light (FPL) shall be prohibited on a Class A frontage, unless it is the only means of egress to the site. Permitted utility infrastructure shall be developed as follows:

a. Permitted utility infrastructure shall be concealed from the public view and be placed within or behind the line of the façade if access from the street is required.

(7) In addition to the requirements of section 126-6(a)(1), street trees shall have a minimum clear trunk of eight feet, an overall height of 22 feet, and a minimum caliper of six inches at time of planting. Additionally, the following shall apply:

a. Street trees shall be up-lit.

b. If such street trees cannot be planted the applicant/property owner shall contribute double the sum required in section 126-7(2) into the city's tree trust fund.

(f) *Class B.* In addition to other requirements in the City Code, Class B frontages shall be developed as follows:

(1) Facades shall have a minimum of height of 35 feet.

(2) Buildings shall have a minimum of one floor located along a minimum of 90 percent of the length of the setback line pursuant to the following regulations:

a. The building may be recessed from the setback line in order to provide active public plazas that have no floor area located above the plaza.

b. Except where required for driveways and utility infrastructure, the ground floor shall contain habitable space for residential, hotel, or commercial uses with a minimum depth of 45 feet from the building façade for the minimum required length along the setback line.

(3) Driveways and vehicle access to off-street parking and loading shall be prohibited unless it is the only

means of egress to the site or if the only other means of egress is from a Class A street. Permitted driveways on Class B frontages shall be limited by the following:

a. The prohibition on driveways may be waived by the design review board on blocks that are over 260 feet in length; however, such driveways shall be limited to 12 feet in width.

b. Driveways shall be limited to 22 feet in width and be incorporated into the facade of the building.

c. Driveways shall be spaced no closer than 60 feet apart on a single parcel.

d. Driveways shall consist of mountable curbs that ensure a continuation of the ten-foot clear pedestrian paths.

(4) Off-street loading shall be prohibited on Class B frontages, unless it is the only means of egress to the site, or if the only other means of egress is from a Class A street.

(5) On-street loading shall be prohibited on Class B frontages.

(6) Ground floor utility infrastructure, including as may be required by Florida Power and Light (FPL) shall be prohibited on a Class B frontage, unless it is the only means of egress to the site or if the only other means of egress is from a Class A street. Permitted utility infrastructure shall be developed as follows:

a. Permitted utility infrastructure shall be concealed from the public view and be placed within or behind the line of the façade if access from the street is required.

(7) In addition to the requirements of section 126-6(a)(1), street trees shall have a minimum clear trunk of six feet, an overall height of 16 feet, and a minimum caliper of four inches at time of planting. Additionally, the following shall apply:

a. Street trees shall be up-lit.

b. If such street trees cannot be planted the applicant/property owner shall contribute 1.5 times the sum required in section 126-7(2) into the city's tree trust fund.

(g) *Class C.* In addition to other requirements in the City Code, Class C frontages shall be developed as follows:

(1) Facades shall have a minimum of height of 35 feet.

(2) Buildings shall have a minimum of one floor located along a minimum of 85 percent of the length of the setback line pursuant to the following regulations:

a. The building may be recessed from the setback line in order to provide active public plazas that have no floor area located above the plaza.

b. Where there are ground floor residential units, the building may be recessed from the setback line up to five feet in order to provide private gardens or porches that are visible and accessible from the street.

c. Except where required for driveways and utility infrastructure, the ground floor shall contain habitable space for residential, hotel, or commercial uses with a minimum depth of 20 feet from the building façade for the minimum required length along the setback line.

d. Ground floor and surface parking shall be setback a minimum of 20 feet from the building facade and shall be concealed from view from the clear pedestrian path.

(3) Driveways on Class C frontages shall be limited as follows:

a. Driveways shall be limited to 24 feet in width and be incorporated into the facade of the building.

b. Driveways shall be spaced no closer than 30 feet apart, unless waived by the design review board.

c. Driveways shall consist of mountable curbs that ensure a continuation of the ten-foot clear pedestrian paths.

(4) Ground floor utility infrastructure, including as may be required by Florida Power and Light (FPL) shall be concealed from the public view and be placed within or behind the line of the façade if access from the

street is required.

(5) Columns to support allowable habitable encroachments are permitted below the encroachment, provided they are no more than two feet wide and spaced a minimum of 20 feet apart. The columns may split the "clear pedestrian path" into two narrower "clear pedestrian paths" with a combined width of ten feet, provided that both paths are in compliance with American with Disabilities Act (ADA) clearance requirements.

(h) *Class D.* In addition to other requirements in the City Code, Class D frontages shall be developed as follows:

(1) The Class D frontage is intended to provide a comfortable pedestrian path that connects Indian Creek Drive to Collins Avenue: therefore, the minimum setback area shall contain clear pedestrian path that provides access from the perpendicular clear pedestrian paths which are intersected.

(2) Façades shall have a minimum of height of 20 feet.

(3) Buildings shall have a minimum of one floor located along a minimum of 25 percent of length of the setback line pursuant to the following regulations:

a. The building may be recessed from the setback line in order to provide active public plazas that have no floor area located above the plaza.

b. The ground floor shall contain habitable space for residential, hotel, or commercial uses with a minimum depth of 20 feet from the building façade for the minimum required length along the setback line.

c. Surface parking shall be setback a minimum of 20 feet from the building facade and shall be concealed from view from the clear pedestrian path.

(4) Driveways shall be prohibited on Class D frontages.

(5) Loading shall be prohibited on Class D frontages.

(6) Ground floor utility infrastructure, including as may be required by Florida Power and Light (FPL) shall be concealed from the public view and be placed within or behind the line of the facade if access from the street is required.

(7) Buildings on either side of the frontage shall be permitted to provide one elevated pedestrian walkway to connect to the building on the opposite side of the frontage pursuant to the following restrictions:

a. The elevated walkway shall be located between a height of 25 feet and 55 feet.

b. Elevated walkways shall be setback a minimum 30 feet from Class A, B, or C setbacks.

c. Elevated walkways may be enclosed.

d. Elevated walkways shall be architecturally treated.

e. Elevated walkways shall be no wider than 20 feet, excluding architectural treatments.

(8) The "clear pedestrian path" may incorporate up to five feet from the setback of the adjacent parcel.

(Ord. No. 2018-4224, § 2, 11-14-18)

Sec. 142-746. - Nonconforming structures within unified development sites.

(a) Buildings within the TC-C district that are nonconforming with the regulations of this division and incorporated into a unified development site as part of a land use board approval shall be made conforming with the development regulations of this division.

(b) Notwithstanding the requirements of subsection (a) above, if said nonconforming building has a tenant with a lease that prevents the structure from being made conforming as part of the land use board approval, then the following shall apply:

(1) A phased development permit, pursuant to section 118-259, shall be applied for as part of the land use board ap The phased development approval shall require the nonconforming building to be redeveloped into a conformin phasing time limit shall be the minimum necessary to allow for the completion of the lease.

(2) A certified copy of the lease shall be provided as part of the land use board application.

(c) Notwithstanding the requirements of subsection (b) above, buildings constructed prior to 1965 and determined to be architecturally significant by the planning director, or designee, may retain the existing floor area ratio, height, setbacks and parking credits, if the following portions of the building remain substantially intact and are retained, preserved and restored:

(1) At least 75 percent of the front and street side façades, exclusive of window openings;

(2) At least 50 percent of all upper level floor plates; and

(3) At least 50 percent of the interior side walls, exclusive of window openings.

(Ord. No. 2018-4224, § 2, 11-14-18)

Sec. 142-747. - Public benefits program.

Participation in the public benefits program shall be required for floor area that is located above 125 feet up to the maximum height. The following options or mix of options are available for participation in the public benefits program:

(a) *Contribution to public benefits fund.* A contribution to the public benefits fund, in the amount identified in appendix A shall be required for each square foot of floor area located above the 125 feet. The payment shall be made prior to the development obtaining a building permit.

(b) *On-site workforce or affordable housing.* Provide on-site workforce housing or housing for low and/or moderate income non-elderly and elderly persons pursuant to the requirements of articles V and VI of chapter 58 of the City Code and certified by the community development department. Two square feet of floor may be built above 125 feet for each square foot of workforce housing or housing for low and/or moderate income non-elderly and elderly persons provided onsite. The following regulations shall apply to such units:

(1) There shall be no separate entrance or access for such units. Residents of such units shall be permitted to access the building from the same entrances as the market rate units, unless units are on the ground floor, in which case they shall have private entrances from the clear pedestrian path.

(2) Units shall comply with the minimum unit size requirements for affordable or workforce housing of this division.

(3) Only the square footage within the unit itself shall count for the square footage above the as of right height.

(c) *Off-site workforce or affordable housing.* Provide off-site workforce housing or housing for low and/or moderate income non-elderly and elderly persons pursuant to the requirements of articles V and VI of chapter 58 of the City Code and certified by the community development department within the City of Miami Beach. One and one-half square feet of floor area may be built above 125 feet for each square foot of workforce housing or housing for low and/or moderate income non-elderly and elderly persons provided off-site within the City of Miami Beach. The following regulations shall apply to such units:

(1) Units shall comply with the minimum unit size requirements for affordable or workforce housing of this zoning district.

(2) Only the square footage within the unit itself shall count for the square footage above the as of right height.

(3) The housing shall be provided prior to the development obtaining a certificate of occupancy.

(4) If the housing cannot be provided prior to the development obtaining a certificate of occupancy, a

contribution into the public benefits trust fund shall be made in the amount identified in appendix A for each one-half square foot of floor area that is above the as of right height.

(d) *LEED platinum certification.* Obtain LEED platinum certification or international living future institute living building challenge certification. An additional 75 feet of height above 125 feet shall be provided for this option. This option shall be regulated per the green building program in chapter 133, division 1; however, it requires that the participant post a sustainability fee payment bond or issue full payment of the sustainability fee in the amount of ten percent of the total construction valuation of the building permit, as opposed to the five percent as required in section 133-6(a) and that the following compliance schedule be utilized:

Certification Compliance Schedule

Level of Certification Achieved	Sustainability Fee Reimbursement to Participant for Meeting Certain Green Building Certification Levels
Failure to obtain certification	Zero percent refund of bond or payment of sustainability fee
LEED certified	30% refund of bond or payment of sustainability fee
LEED silver certified	40% refund of bond or payment of sustainability fee
LEED gold certified or international living future institute petals or net zero energy certified	60% refund of bond or payment of sustainability fee
LEED platinum or international living future institute living building challenge certified	100% refund of bond or payment of sustainability fee

(e) *Self-sustaining electrical and surplus stormwater retention and reuse.* Provide stormwater retention that is over and above the minimum requirements in order to accommodate offsite stormwater, including the reuse of such stormwater through purple pipes throughout the building, in a manner to be reviewed and approved by public works. Additionally, the entire building shall be fully self-contained in terms of electrical power through the use of solar panels and similar electricity generating devices. An additional 75 feet of height above 125 feet shall be provided for this option.

(f) *Public recreation facilities.* Provide active recreation facilities that are available to the general public. Two square feet of floor area may be built above 125 feet for each square foot of recreation facilities provided. The facilities shall serve a recreational need for the North Beach community, and consultation with the city's parks and recreation department shall be required prior to submitting an application for land use board approval in order to determine the types of facilities that are most in need for the area. The facilities can include, but are not limited to, soccer fields, football fields, basketball courts, tennis courts, gyms, pools, and playgrounds. Such facilities can be located on ground levels, rooftops, above parking garages, or within habitable buildings. An operating agreement shall be submitted to the city and approved by the city manager or designee. The operating agreement shall contain minimum hours of operation, cost of admission to cover maintenance and

operating costs, organized league information, signage to ensure the public is aware if the public nature of the facility, security requirements, reservation requirements, and other requirements as applicable. The agreement shall also ensure that residents of the building are not prioritized over the general public.

(g) *Expedited development construction.* A contribution to the public benefits fund shall not be required for each square foot of floor area located above 125 feet if the following development timframes are adhered to:

(1) Obtain a full building permit for a development project consisting of new construction in excess of 100,000 square feet within 21 months of the effective date of this division. The 21-month period shall not be eligible for any extension of time and cannot be tolled by extensions or modifications of board orders or state extension of development orders. If a full building permit is not obtained within 21 months, participation in an alternative option shall be required in order to achieve the additional height. Notwithstanding the foregoing, in the event that, with staffs favorable recommendation, the design review board (DRB) approval of the subject development project is continued by the board or appealed by a party other than the applicant, such 21-month period to obtain a full building permit shall be tolled until the conclusion of such action. Additionally, the city commission may toll the 21-month timeframe, at a duly noticed public hearing, by a four-sevenths affirmative vote for undue hardship. Undue hardship, does not include financial hardship, and shall require a showing by application of due diligence in processing the building permit; that the delays are not caused due to the negligence of the applicant, and/or that the extenuating circumstances are a result of a third party agency that has unduly delayed the issuance of the permit for the project.

(2) Obtain a temporary certificate of occupancy (TCO) or certificate of occupancy (CO) within 30 months of approval of the building permit; however, state authorized extensions for states of emergency within Miami-Dade County may be utilized for the purposes of tolling of the TCO or CO time limit with notice and proof of the state of emergency provided to the planning department.

Failure to comply with any of the aforementioned timeframes shall require payment of the balance for the full public benefits fee or participation in an alternative public benefits option prior to obtaining a CO.

(Ord. No. 2018-4224, § 2, 11-14-18)

Sec. 142-748. - North Beach Public Benefits Fund.

(a) The city has established a North Beach Public Benefits Fund. The revenue generated through the public benefits program in section 142-747 shall be deposited in the North Beach Public Benefits Fund. Interest earned under the account shall be used solely for the purposes specified for funds of such account.

(b) Earned fees in the North Beach Public Benefits Fund shall be utilized for the purposes outlined herein:

(1) Sustainability and resiliency grants for properties in North Beach Historic Districts;

(2) Uses identified for the sustainability and resiliency fund, as identified in section 133-8(c) for North Beach;

(3) Improvements to existing parks in North Beach;

(4) Enhancements to public transportation and alternative modes of travel, including rights-of-way and roadways that improve mobility in North Beach;

(5) Acquisition of new parkland and environmental and adaptation areas in North Beach;

(6) Initiatives that improve the quality of life for residents in North Beach.

(c) For the purposes of this section, North Beach shall be defined as the area of the city located north of 63rd Street, excluding the La Gorce neighborhood, La Gorce Island, and Allison Island.

(d) All expenditures from these funds shall require city commission approval and shall be restricted to North Beach. Prior to the approval of any expenditure of funds by the city commission, the city manager or designee shall

provide a recommendation.

(Ord. No. 2018-4224, § 2, 11-14-18)

Secs. 142-749, 142-750. - Reserved.

EXHIBIT D

NORTH

2019-04-12
AREA LEGEND:

PROPOSED FEE LAND AREA: 55,921 SQUARE FEET±
PROPOSED RIGHT OF WAY DEDICATION: 2,542 SQAURE FEET±
PROPOSED RIGHT OF WAY VACATION: 4,522 SQAURE FEET±

72nd STREET
(50' PUBLIC RIGHT OF WAY)

35'

35'

35'

35'

25'

25'

25'

25'

BYRON AVENUE
(50' PUBLIC RIGHT OF WAY)

ABBOTT AVENUE
(60' PUBLIC RIGHT OF WAY)

NORTH

LOT 1

53,723 S.F.±

LOT 2

LOT 3

LOT 4

2,542 S.F.±

LOT 5

LOT 6

20.00'

ABBOTT COURT

3,522 S.F.±

NORMANDY BEACH SOUTH
BLOCK 7
PLAT BOOK 21, PAGE 54

LOT 18

LOT 17

LOT 16

LOT 15

LOT 14

LOT 13

LOT 12

LOT 11

NORMANDY BEACH COURT

10.00'

1,000 S.F.±

LOT 7

LOT 8

LOT 9

LOT 10

542'-6 3/4"

87' 9"

20'

107' 8"

2,198 S.F.±

5,043.25 sf

101.34'

105' 2 1/2"

19' 11 1/4"

20.00'

71st STREET
(70' PUBLIC RIGHT OF WAY)

35'

35'

35'

35'

2019-04-12
AREA LEGEND:

PROPOSED FEE LAND AREA: 55,921 SQUARE FEET±
PROPOSED RIGHT OF WAY DEDICATION: 2,542 SQAURE FEET±
PROPOSED RIGHT OF WAY VACATION: 4,522 SQAURE FEET±