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Via Hand Delivery

Honorable Chair and Members of the Planning Board
c/o Thomas Mooney, Director
Planning & Zoning Department
City of Miami Beach
1700 Convention Center Drive, Second Floor
Miami Beach, Florida 33139

Re: Letter of Intent for Conditional Use Permit Application by PT OPCO, LLC d/b/a Pink
Taco, for the Property Located at 1200 Ocean Drive (FINAL SUBMITTAL: PB20-0345)

Dear Director Mooney:

Our Firm represents PT OPCO, LLC d/b/a Pink Taco (the "Restaurant" or "Applicant"), the restaurant tenant at 1200 Ocean Drive, Miami Beach, Florida, 33139 (the "Property"). The Property is owned by CORE OCEAN DRIVE, LLC, which has provided its consent to this application. The Restaurant is currently in operation and is approved as an entertainment establishment. Applicant files this application for a Conditional Use Permit to also allow Outdoor/Open-air Entertainment within the exterior portion of the Restaurant (the "Application").

Description of Applicant. Pink Taco was founded by a third-generation restaurateur, Harry Morton, at the Hard Rock Hotel Las Vegas in 1999. The concept is known for serving its hip spin on tacos and drinks and has locations in Boston, Los Angeles, and Las Vegas. Pink Taco was acquired by an affiliate of Z Capital Partners, LLC ("ZCP") in April 2016 with plans to grow the brand using its experience with Real Mex Restaurants ("Real Mex") as Real Mex's largest shareholder. Real Mex's expertise across restaurant operations, marketing, and branding provides Pink Taco a strong platform for continued success and customer satisfaction.

Description of Existing Building. The Restaurant is located within the building described as 1200 Ocean Drive (the "Building"), which is generally bounded 12th Street to the South, Ocean Drive to the East, the building known as 1201 Collins Avenue to the West, and the building known as 1220 Ocean Drive to the North. According to the Miami Beach Historic Property Viewer, the Building is "contributing" to the Ocean Drive/Collins Avenue Historic District. No physical modifications to the Building are proposed under the Application.

Description of Existing Uses at Property. The Property contains the following existing uses: the Applicant's venue on the first floor consists of Restaurant/Bar/Dance Hall/Entertainment/Alcoholic Beverage no later than 5:00 a.m., and above the Applicant's venue on the second and third floors are 24 apartment units permitted for short-term rental. The Property is located within the MXE (Mixed Use Entertainment) zoning district. The operational plan included with the application materials provides a comprehensive explanation of Pink Taco's operations, concept, and management group.

Description of Proposed Use. The purpose of the Application is to allow limited entertainment on the outdoor portion of the Restaurant which fronts Ocean Drive, including amplified music, consistent with the requirements of the City Code and the neighborhood context. No entertainment is proposed, and music is limited to ambient background music for all speakers located 20 feet of the property line when located on the exterior of the premises. All other elements of the existing use at the building are to remain as currently in place and in operation.

Satisfaction of Conditional Use Criteria (Section 118-192 (a)(1)-(7) of the City Code).

(1) The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

Consistent. Outdoor Entertainment is permitted as a conditional use within the MXE (Mixed Use Entertainment) zoning district. Therefore, uses sought herein are consistent with the City's Comprehensive Plan for this area and the Future Land Use Map category of MXE.

(2) The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

Consistent. No new construction is proposed under the Application. All uses are to remain the same, except that outdoor entertainment would be permitted. This additional use will not impact thresholds for levels of service as set forth in the comprehensive plan.

(3) Structures and uses associated with the request are consistent with these land development regulations.

Consistent. Outdoor Entertainment is permitted as a conditional use within the MXE (Mixed Use Entertainment) zoning district. Therefore, uses sought herein are consistent with the City's Comprehensive Plan for this area and the Future Land Use Map category of MXE. No new structures are permitted in connection with this use.

(4) The public health, safety, morals, and general welfare will not be adversely affected.

Consistent. As set forth in the cumulative application materials, the proposed use and controlled operation of the venue will not adversely affect the public health, safety, morals, and general welfare.

(5) Adequate off-street parking facilities will be provided.

Consistent. See Operational Plan enclosed with this application. The Property is currently operated as a restaurant and is a contributing historic structure. Therefore, the Restaurant has no parking requirement under the City Code. The Property is within close walking distance to three major City of Miami Beach Municipal Parking garages (1041 Collins Avenue; 512 12th Street; and 1301 Collins Avenue), and one Miami Beach Municipal Parking Lot (1262 Collins Avenue), as well as numerous private parking options. Applicant rents five parking spaces for those employees who choose to drive. Otherwise, all other employees utilize non-automobile modes of transportation such as biking and walking. There are numerous bicycle racks within feet of the Restaurant. Applicant anticipates many patrons will walk or take public transportation while staying at nearby hotels, which will not create a demand for parking.

(6) Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

Consistent. As set forth in the cumulative application materials, the Applicant has provided for necessary safeguards in its Operations Plans attached hereto to ensure the proposed use and controlled operation of the venue will not adversely affect the surrounding property, persons and neighborhood values.

(7) The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

Consistent. The Applicant is proposing the same uses as the existing Restaurant, with the addition of the outdoor entertainment component. As set forth in the cumulative application materials, the proposed use and controlled operation of the venue will not adversely affect the surrounding neighborhood. In fact, outdoor entertainment uses along Ocean Drive, in the heart

of the Mixed Use Entertainment district, are likely to have a positive impact on the surrounding neighborhood.

Outdoor Entertainment Criteria (Section 142-1362 (a)(1)-(9) of the City Code).

(1) An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.

Consistent. The Applicant has provided a detailed operational and business plan (included in the Operations Plans with the application materials), which addresses Applicant's hours of operation, number of employees required to effectively operate the restaurant, menu items, goals of the business, and other operational characteristics pertinent to the application.

(2) A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, selfpark, shared parking, after-hour metered spaces and the manner in which it is to be managed.

Consistent. See Operational Plan enclosed with this application. The Property is currently operated as a restaurant and is a contributing historic structure, and therefore the Restaurant has no parking requirement under the City Code. The Property is within close walking distance to three major City of Miami Beach Municipal Parking garages (1041 Collins Avenue; 512 12th Street; and 1301 Collins Avenue), and one Miami Beach Municipal Parking Lot (1262 Collins Avenue), as well as numerous private parking options. Applicant rents five parking spaces for those employees who choose to drive. Otherwise, all other employees utilize non-automobile modes of transportation such as biking and walking. There are numerous bicycle racks within feet of the Restaurant.

(3) An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises will be controlled.

Consistent. See Operational Plan enclosed with this application. The applicant will utilize an online pager queuing system (OpenTable), messaging patrons via SMS when their tables are ready, so they can walk the neighborhood while waiting for seating. As a result of the foregoing, the applicant will have no queuing at the venue.

(4) A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.

Consistent. See Operational Plan enclosed with this application. The applicant intends to share a security guard with the building who will patrol the building premises 24 hours a day, 7 days a week. In addition, the applicant intends to hire 3 armed off-duty police officers from 9 pm

through 3 am for special events, subject to availability. The applicant's staff will enforce patron age restrictions and workplace security as addressed in the employee handbook. In addition, the applicant has 19 monitored security cameras installed throughout the venue, interior and exterior, which cover the entire premises.

(5) A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.

Consistent. See Operational Plan enclosed with this application. The Property is currently operated as a restaurant and is a contributing historic structure, and therefore the Restaurant has no parking requirement under the City Code. The Property is within close walking distance to three major City of Miami Beach Municipal Parking garages (1041 Collins Avenue; 512 12th Street; and 1301 Collins Avenue), and one Miami Beach Municipal Parking Lot (1262 Collins Avenue), as well as numerous private parking options. Applicant rents five parking spaces for those employees who choose to drive. Otherwise, all other employees utilize non-automobile modes of transportation such as biking and walking. There are numerous bicycle racks within feet of the Restaurant. Applicant anticipates many patrons will walk or take public transportation while staying at nearby hotels, which will not create a demand for parking.

(6) A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.

Consistent. See Operational Plan enclosed with this application. The restaurant's existing delivery, receiving, and sanitation area is located in the alley on the west portion of the property, as indicated on the architectural plans. The air-conditioned trash room contains ample space for dumpsters sufficient to accommodate the restaurant's operational needs. The restaurant has contracted with Waste Connections of Florida, Inc., for trash pick-up seven days per week, with an option for additional pick-ups in the event operational demand dictates. The restaurant will utilize the approved loading area along 12th Street together with the alleyway behind the premises (west of the property) for deliveries. The restaurant's deliveries arrive up to five times per week. In addition, the restaurant utilizes six alcoholic beverage suppliers that deliver twice per week on Tuesday and Friday. All deliveries will be completed no later than 1 p.m. in the loading area along 12th Street, and no later than 4 p.m. in the alleyway behind the premises.

(7) A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance.

Consistent. See Sound Study and plan enclosed with this application. Applicant has engaged a third party sound consultant to conduct a sound impact analysis and recommend sound mitigation measures to ensure the outdoor entertainment at the Restaurant complies with

the City's noise ordinance and does not create any adverse impact on the immediate neighborhood.

(8) Proximity of proposed establishment to residential uses.

Consistent. The Property is located in the heart of the Mixed-Use Entertainment zoning district, facing Ocean Drive. The Property surrounded by other commercial uses, and therefore Applicant's proposed operation of the restaurant, should not have any adverse impact on residential uses.

(9) Cumulative effect of proposed establishment and adjacent pre-existing uses.

Consistent. The proposed establishment and uses are the same as the existing establishment and uses currently in operation in this location. The only change proposed by the application is to allow limited outdoor entertainment at the property, which will be focused east toward Ocean Drive. All of the pre-existing uses adjacent to the Property are similar types of commercial uses and therefore the addition of outdoor entertainment at the restaurant would not be have an adverse impact on the surrounding neighborhood.

Sea Level Rise Criteria (Section 133-50 of the City Code).

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

Not applicable. No demolition is proposed.

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

Not applicable/Consistent. No windows are proposed to be replaced. All windows are currently hurricane proof impact windows.

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

Not applicable/Consistent. No modifications to the Building are proposed. Operable windows/sliding doors are already installed and in use.

(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.

Not applicable. No modifications to the Building are proposed. Landscaping opportunities at Building are limited due to physical site constraints.

(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.

Consistent. See ALTA/ACSM Land Title Survey with spot elevations of the subject property and adjacent properties enclosed with this application. The subject property is located in Flood Zone AE, which has a Base Flood Elevation of 8 feet. The elevation of the subject property at its lowest point is 8.5 feet at the rear loading entrance, while the finished floor elevation is at 9.32 feet.

(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.

Not applicable/Consistent. No construction is proposed. The Finished Floor Elevation is approximately 2 feet higher than the current street height.

(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.

Not applicable/Consistent. No construction is proposed. All critical mechanical and electrical systems are located above base flood elevation.

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

Not applicable/Consistent. No modifications to the building are proposed. First floor elevation is 9.32 feet.

(9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with chapter 54 of the city Code.

Not applicable/Consistent. No modifications to the building are proposed. All habitable space in the building is located above the base flood elevation, plus the minimum Freeboard.

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

Not applicable. No construction is proposed.

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

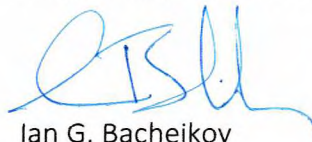
Not applicable. No modifications to Building are proposed.

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

Not applicable. No modifications to the Building are proposed.

Conclusion. In light of the foregoing, we respectfully request your favorable recommendation, and the Planning Board's approval, of this application. In the event you require any additional information in the preparation of your report and recommendation on this matter, please contact the undersigned at your convenience.

Respectfully Submitted,



Ian G. Bacheikov

Cc: Michael Belush
Rogelio Madan
Alejandro Garavito

Enclosures