

Property address: 120 Macarthur CSWY Board: PB21-0453 Date: 7-1-21

BOARD APPLICATION CHECK LIST

A Pre-Application meeting must be scheduled via CSS to obtain a plan case number and for board staff review of all submittals, and review by the Development Review Committee, as needed.	
Pre-Application meetings for applications that do not require a traffic study are scheduled on a first come-first served basis and must occur no later than five(5) business days prior to CSS First submittal.	
Applications requiring a traffic study must meet with Planning, Transportation, and peer reviewer sixty (60) days* prior to First submittal deadline to determine the methodology for the traffic impact study. This meeting is considered the "Pre-Application meeting" and must be scheduled via CSS to obtain a plan case number for review and payment of fees. Thirty (30) days before First submittal, applicant must provide the traffic study via CSS (see Transportation Department's requirements check list). The Transportation Department/Peer Reviewer will submit first round of comments 15 days prior to First submittal. Applicant must address comments and submit revised traffic study/plans for CSS First submittal deadline.	
Incomplete, or submittals found to be insufficient will not be placed on a Board agenda.	

ITEM #	FIRST SUBMITTAL (VIA CSS) **, To be uploaded online (CSS) by the applicant before 5:00 pm by First submittal deadline. ALL PLANS MUST BE DIMENSIONED AND LEGIBLE. INCLUDE A GRAPHIC SCALE.	Required
1	Application Fee and Peer review fees shall be paid after Pre-Application meeting and before the First submittal. It is the applicant's responsibility to make this payment, if an invoice is not generated by the CSS system, the applicant should contact staff prior to first submittal to be invoiced and make payment.	X
2	Is the property the primary residence & homestead of the applicant/property owner? (If yes, provide office of the Property Appraiser Summary Report).	
3	Copy of signed and dated check list issued at Pre-Application meeting or Design Review Committee meeting.	X
4	Completed Board Application, Affidavits & Disclosures of Interest (original signatures).	X
5	Signed and dated Letter of Intent. Letter must outline application details and identify hardships if Variances are requested. (see also Items # 44, 45 & 46).	X
6	Mailing Labels: Upload property owner's list and copy of original certified letter from provider. See #52 for submittal of Hard copy / originals of these items.	X
7	Copies of all current or previously active Business Tax Receipts if applicable.	
8	Copies of previous recorded final Orders if applicable.	
9	School Concurrency Application for projects with a net increase in residential units (no SFH). Provide Planning Department - Miami Dade - School Concurrency Application for Transmittal	
10	Survey: Electronic version of original signed & sealed, dated no more than six months from date of application. Survey must provide: lot area, grade per Section 114-1 of the City Code. (If no sidewalk exists, provide the elevation of the crown of the road) and spot elevations.	X
11	Architectural Plans and Exhibits (must be 11"x 17")	X
a	Cover Sheet with bullet point scope of work, clearly labeled "First Submittal" and dated with First Submittal deadline date.	X
b	Copy of the original survey included in plan package. See No. 10 above for survey requirements	X
c	All Applicable Zoning Information (Use Planning Department zoning data sheet format).	X
d	Context Location Plan, Min 8.5"x11" Color Aerial 1/2 mile radius, identifying project and showing name of streets. (no Google images)	X
e	Full legal description of the property if not included in survey (for lengthy legal descriptions, attach as a separate document - label clearly).	X
f	Existing FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable	
g	Proposed FAR Shaded Diagrams(Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable.	X

*** 30 day lead time from first submittal for projects requiring traffic studies is necessary to ensure completion of review and required corrections by Final submittal deadline. Applications cannot be scheduled without evaluated and corrected traffic studies.**

Property address: 120 Macarthur CSWY

h	Site Plan (fully dimensioned with setbacks, existing and proposed, including adjacent right-of-way widths).	X
i	Current color photographs, dated, Min 4"x 6" of project site and existing structures (no Google images)	X
j	Current, color photographs, dated, Min 4"x6" of interior space (no Google images)	X
k	Current color photographs, dated, Min 4"x 6" of context, corner to corner, across the street and surrounding properties with a key directional plan (no Google images)	X
l	Existing Conditions Drawings (Floor Plans & Elevations with dimensions). Number of seats, furniture layout if applicable	X
m	Demolition Plans (Floor Plans & Elevations with dimensions)	X
n	Proposed Floor Plans and Roof Plan, including mechanical equipment plan and section marks. Plans shall indicate location of all property lines and setbacks.	X
o	Proposed Elevations, materials & finishes noted (showing grade, base flood elevation, heights in NGVD values and free board if applicable)	X
p	Proposed Section Drawings	X
q	Color Renderings (elevations and three dimensional perspective drawings).	X
12	Landscape Plans and Exhibits (must be 11"x 17")	
a	Tree Survey	
b	Tree Disposition Plan	
c	Landscape Plan- private property and right-of-way areas. Proposed landscaping with landscape legend form, hardscape areas, ground floor equipment, overhead and underground utilities information.	X
d	Hardscape Plan, i.e. paving materials, pattern, etc.	X
e	Landscape lighting	X
13	Copy of original Building Permit Card, & Microfilm, if available.	
14	Copy of previously approved building permits. (provide building permit number).	
15	Existing and Proposed detailed topographic survey depicting existing spot grades (NAVD) as well as all underground/overhead utilities and easements/agreements with recording data.	
16	Vacant/Unoccupied structures or sites shall provide recent photographic evidence that the site and structure are secured and maintained. The applicant shall obtain and post a No Trespassing Sign from the City's Police Dept.	
17	Historic Resources Report (This report shall include, but not be limited to, copy of the original Building Permit Card and subsequent modifications, Microfilm records, existing condition analysis, photographic and written description of the history and evolution of the original building on the site, all available historic data including original plans, historic photographs and permit history of the structure and any other related information on the property).	
18	Contextual Elevation Line Drawings, corner to corner, across the street and surrounding properties (dated).	
19	Line of Sight studies.	
20	Structural Analysis of existing building including methodology for shoring and bracing.	
21	Proposed exterior and interior lighting plan, including photometric calculations.	
22	Exploded Axonometric Diagram (showing second floor in relationship to first floor).	
23	Neighborhood Context Study. (Planning will provide guidance if necessary for application.)	
24	Required yards open space calculations and shaded diagrams.	
25	Required yards section drawings.	
26	Variance and/or Waiver Diagram.	
27	Schematic signage program	
28	Detailed sign(s) with dimensions and elevation drawings showing exact location.	
29	Elevation drawings showing area of building façade for sign calculation (Building ID signs).	
30	Daytime and nighttime renderings for illuminated signs.	
31	Floor Plan Indicating area where alcoholic beverages will be displayed.	
32	Survey showing width of the canal (Dimension shall be certified by a surveyor)	
33	Site Plan showing total projection of structures from seawall, location and dimension of all structures inclusive of dock, mooring piles, boat lift, etc.	

Indicate N/A If Not Applicable

Initials: JAG

Property address: 120 Macarthur CSWY

34	Technical specifications of the boat lift and/ or boat, ship of vessel to be docked or moored.	
35	DERM recommendation/preliminary approval. Docks or any structures shall have approval stamp from DERM or other regulatory agency before submitting for a variance. A letter from DERM or other agency, explaining specific requirements for the project is recommended.	
36	Survey with spot elevations in rear yard and elevation points on the dune adjacent to the property. Provide highest elevation point on the dune within the property. Erosion control line and Bulkhead line shall be indicated if present.	
37	Scaled, signed, sealed and dated specific purpose survey (Alcohol License/Distance Separation) distance shown on survey with a straight line.	
38	Proposed Operational Plan: Include deliveries and trash pickup times, hours of operations, number of employees, security and restaurant menu (if applicable).	X
39	Maneuvering plan for loading within the existing/proposed conditions, delivery and garbage trucks size (length and width).	X
40	Traffic Study, Site plan(s) : Revised version addressing first round of comments from Transportation Department and peer review. (See Transportation Department check list for requirements.)	X
41	Sound Study report (Hard copy) with 1 CD.	
42	Site Plan (Identify streets and alleys)	X
a	Identify: setbacks _____ Height _____ Drive aisle widths _____ Streets and sidewalks widths _____	X
b	# parking spaces & dimensions _____ Loading spaces locations & dimensions _____	X
c	# of bicycle parking spaces _____	X
d	Interior and loading area location & dimensions _____	X
e	Street level trash room location and dimensions _____	X
f	Delivery route _____ Sanitation operation _____ Valet drop-off & pick-up _____ Valet route in and out _____	X
g	Valet route to and from _____ auto-turn analysis for delivery and sanitation vehicles _____	X
h	Indicate any backflow preventer and FPL vault if applicable	X
i	Indicate location of the area included in the application if applicable	
j	Preliminary on-street loading plan	X
43	Floor Plan (dimensioned)	X
a	Total floor area	X
b	Identify # seats indoors _____ outdoors _____ seating in public right of way _____ Total _____	X
c	Occupancy load indoors and outdoors per venue _____ Total when applicable _____	X
44	The letter of Intent shall include and respond to all sea level rise and resiliency review criteria per section 133-50 of the City Code.	X
45	The Letter of Intent for Variances shall include and respond to all review guidelines in the code as follows:	
a	Section 118-353 (d) of the City Code for each Variance.	
46	The Letter of Intent for Planning Board shall include and respond to all review guidelines in the code as follows:	
a	For Conditional Use -Section 118-192 (a)(1)-(7)	X
b	CU - NIE and or outdoor Entertainment Establishments - Section 142-1362 (a)(1)-(9)	
c	CU - Mechanical Parking - Section 130-38 (3)(c)(i)(1)-(2) & (5)(a)-(k) & (6)(a)-(g) + Alternative plans showing parking provided on site without mech parking.	X
d	CU - Structures over 50,000 SQ.FT. - Section 118-192 (b) (1)-(11)	
e	CU - Religious Institutions - Section 118-192 (c) (1)-(11)	
f	For Lot Splits - Section 118-321 (B) (1)-(6). Also see Item # 47	
47	Lot Splits	
a	Conceptual masing study to show the ability to comply with all single family zoning requirements for the maximum size home proposed.	
b	A survey showing the existing lot configuration and individual surveys per each proposed lot.	
c	Conceptual Site Plan for each lot showing compliance with zoning regulations.	

d	Submit opinion of title	
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Property Address: 120 Macarthur CSWY

Notes: The applicant is responsible for checking above referenced sections of the Code.

ITEM #	FINAL SUBMITTAL (via CSS & PAPER) Revised and/or supplemented documents and drawings to address staff comments. Plans should be clearly labeled "Final Submittal" and dated with Final Submittal deadline date. Upload documents online (via CSS) before NOON on final submittal deadline. Staff will review and issue a notice to proceed to Paper Final submittal or to continue submittal to a future meeting if the application is found incomplete.	Required
48	Traffic Study, Site plan(s): This is the final traffic study including any modifications required to address comments from the City's Transportation Department. City's required permit by FDOT should be obtained prior to Final submittal (via CSS).	
	PAPER FINAL SUBMITTAL:	
49	Original application with all signed and notarized applicable affidavits and disclosures.	X
50	Original of all applicable items.	X
51	One (1) signed and sealed 11"X17" bound, collated set of all the required documents.	X
52	14 collated copies of all required documents	X
53	One (1) CD/DVD with electronic copy of entire final application package (plans, application, Letter of Intent, traffic/sound study, etc.) see CD/DVD formatting attached, for instructions.	X
54	Traffic Study (Hard copy)	
55	Mailing Labels -2 sets of gummed labels and a CD including: Property owner's list and Original certified letter from provider.	X

ADDITIONAL INFORMATION AND ACKNOWLEDGEMENTS

- A. **** Other information/documentation required for First submittal will be identified during Pre-Application meeting and Development Review Committee Meeting but may be modified based on further analysis.**
- B. **It is the responsibility of the applicant to confirm that documents submitted via CSS, Paper Submittal sets (14 copies), and electronic version on CD are consistent with each other and legible.**
- C. **All PDF files must be named with the submittal deadline date and the type of document in the following format 'MM-DD-YYYY Document Name'.**
- D. **Plan revisions and supplemental documentation will not be accepted after the Final Submittal deadline**
- E. **All documents required for Board applications must be submitted in an electronic format (PDF) via CD in the manner prescribed herein. The CD is considered the "Formal Submission", and must include the electronic version of all hard copy documents associated with the application. A new Updated CD will be required if any modifications are made before or after hearing. Failure to comply with the aforementioned may result in a rehearing before the applicable board at the applicant's expense.**
- F. **Please note that the applicant will be required to submit revised plans pursuant to applicable Board Conditions no later than 60 days after Board Approval. (If applicable)**

Cullen Mahoney

Applicant's or designee's Name

Cullen Mahoney

Applicant's or designee's signature

9/10/21

Date

Indicate N/A If Not Applicable

Initials: JAG

MIAMIBEACH

PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: www.miamibeachfl.gov/planning

LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

Application Information			
FILE NUMBER PB21-0453		Is the property the primary residence & homestead of the applicant/property owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if "Yes," provide office of the property appraiser summary report)	
Board of Adjustment <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision <input type="checkbox"/> Modification of existing Board Order		Design Review Board <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
Planning Board <input checked="" type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Lot Split <input type="checkbox"/> Amendment to the Land Development Regulations or Zoning Map <input type="checkbox"/> Amendment to the Comprehensive Plan or Future Land Use Map <input type="checkbox"/> Modification of existing Board Order		Historic Preservation Board <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic District/Site Designation <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
<input type="checkbox"/> Other:			
Property Information – Please attach Legal Description as “Exhibit A”			
ADDRESS OF PROPERTY 120 MacArthur Causeway			
FOLIO NUMBER(S) 02-4204-000-0060			
Property Owner Information			
PROPERTY OWNER NAME Miami Beach Port, LLC			
ADDRESS 2850 Tigertail Ave. Suite 800		CITY Miami	STATE FL
ZIPCODE 33133			
BUSINESS PHONE 305-460-9900	CELL PHONE	EMAIL ADDRESS jpperez@RELATEDGROUP.COM	
Applicant Information (if different than owner)			
APPLICANT NAME Same			
ADDRESS		CITY	STATE
ZIPCODE			
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST Conditional Use Approval for One Island Park.			

Project Information			
Is there an existing building(s) on the site?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If previous answer is "Yes", is the building architecturally significant per sec. 142-108?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the project include interior or exterior demolition?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Provide the total floor area of the new construction.		161,716	SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).		318,979	SQ. FT.
Party responsible for project design			
NAME Arquitectonica		<input checked="" type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
ADDRESS 2900 Oak Avenue		CITY Miami	STATE FL ZIPCODE 33133
BUSINESS PHONE 305-372-1812	CELL PHONE	EMAIL ADDRESS rfort@arquitectonica.com	
Authorized Representative(s) Information (if applicable)			
NAME Tracy R. Slavens		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS Holland & Knight, 701 Brickell Ave, Suite 3300		CITY Miami	STATE FL ZIPCODE 33131
BUSINESS PHONE 305-789-7642	CELL PHONE	EMAIL ADDRESS tracy.slavens@hklaw.com	
NAME Vanessa Madrid		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS Holland & Knight, 701 Brickell Ave, Suite 3300		CITY Miami	STATE FL ZIPCODE 33131
BUSINESS PHONE 305-789-7453	CELL PHONE	EMAIL ADDRESS vanessa.madrid@hklaw.com	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	

Please note the following information:

- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Please read the following and acknowledge below:

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- All disclosures must be submitted in CMB Application format and be consistent with CMB Code Sub-part A Section 2-482(c):
 - (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.
- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

☐ Owner of the subject property

☒ Authorized representative

SIGNATURE

Jon Paul Perez

PRINT NAME

07/28/2021

DATE SIGNED

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

I, _____, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20____. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLIC

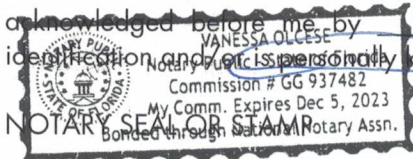
My Commission Expires: _____

PRINT NAME**ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF FLORIDACOUNTY OF MIAMI-DADE

I, Jon Paul Perez, being first duly sworn, depose and certify as follows: (1) I am the VP of PRH Terminal Island, LLC, Managing Member of Mico, LLC, The Sole Member and Manager (print title) of Miami Beach Port, LLC (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 20th day of July, 2021. The foregoing instrument was acknowledged before me by Jon Paul Perez, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

**NOTARY PUBLIC**My Commission Expires: 12/05/2023**PRINT NAME**

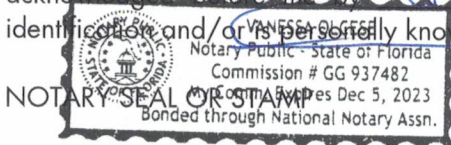
POWER OF ATTORNEY AFFIDAVITSTATE OF FLORIDACOUNTY OF MIAMI-DADE

I, Jon Paul Perez, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Tracy Slavens and Vanessa Madrid to be my representative before the Planning Board. (3) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (4) I am responsible for remove this notice after the date of the hearing.

Jon Paul Perez, VP of PRH Terminal Island, LLC, Managing Member of Mico, LLC, The Sole Member and Manager of Miami Beach Port, LLC

PRINT NAME (and Title, if applicable)**SIGNATURE**

Sworn to and subscribed before me this 28th day of July, 2021. The foregoing instrument was acknowledged before me by Jon Paul Perez, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.



Vanessa Ocse
NOTARY PUBLIC

My Commission Expires: 12/05/2023

Vanessa Ocse
PRINT NAME

CONTRACT FOR PURCHASE

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries or partners. If any of the contact purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individuals(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.

NAME**DATE OF CONTRACT**

NAME, ADDRESS AND OFFICE

% OF STOCK

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application if filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

COMPENSATED LOBBYIST

Pursuant to Section 2-482 of the Miami Beach City Code, all lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Please list below any and all persons or entities retained by the applicant to lobby City staff or any of the City's land development boards in support of this application.

NAME	ADDRESS	PHONE
<u>Tracy Slavens</u>	<u>Holland and Knight, 701 Brickell Ave, Suite 3300</u> <u>Miami, FL 33131</u>	<u>305-789-7642</u>
<u>Vanessa Madrid</u>	<u>Holland and Knight, 701 Brickell Ave, Suite 3300</u> <u>Miami, FL 33131</u>	<u>305-789-7453</u>
<u>See Also Exhibit "C".</u>		

Additional names can be placed on a separate page attached to this application.

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) AN APPROVAL GRANTED BY A LAND DEVELOPMENT BOARD OF THE CITY SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND (2) APPLICANT'S PROJECT SHALL COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE CITY, STATE AND FEDERAL LAWS.

APPLICANT AFFIDAVIT

STATE OF Florida

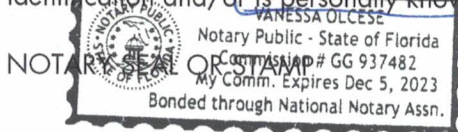
COUNTY OF Miami-Dade

I, Jon Paul Perez

, being first duly sworn, depose and certify as follows: (1) I am the applicant or representative of the applicant. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

[Signature]
SIGNATURE

Sworn to and subscribed before me this 28th day of July, 2021. The foregoing instrument was acknowledged before me by Jon Paul Perez, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.



NOTARY SEAL OR STAMP

[Signature]
NOTARY PUBLIC

My Commission Expires: 12/05/2023

Vanessa Olcese
PRINT NAME

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

I, _____, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20____. The foregoing instrument was acknowledged before me by means of _____ physical presence or _____ online notarization by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLIC

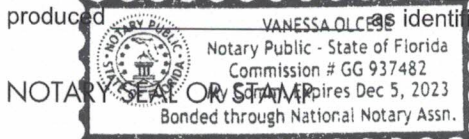
My Commission Expires: _____

PRINT NAME**ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF FLORIDACOUNTY OF MIAMI-DADE

I, Jon Paul Perez, being first duly sworn, depose and certify as follows: (1) I am the VP of PRH Terminal Island, LLC, Managing Member of Mico, LLC. The Sole Member and Manager (print title) of Miami Beach Port, LLC (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 28th day of July, 2021. The foregoing instrument was acknowledged before me by means of _____ physical presence or _____ online notarization by Jon Paul Perez, who has produced _____ identification and/or is personally known to me and who did/did not take an oath.



NOTARY SEAL OR STAMP

NOTARY PUBLICMy Commission Expires: 12/05/2023**PRINT NAME**

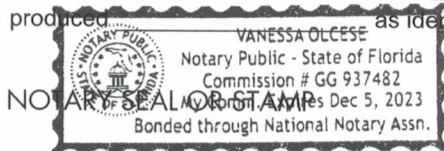
POWER OF ATTORNEY AFFIDAVITSTATE OF FLORIDACOUNTY OF MIAMI-DADE

I, Jon Paul Perez, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Tracy Slavens and Vanessa Madrid to be my representative before the Planning Board. (3) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (4) I am responsible for remove this notice after the date of the hearing.

Jon Paul Perez, VP of PRH Terminal Island, LLC, Managing Member of Mico, LLC, The Sole Member and Manager of Miami Beach Port, LLC

PRINT NAME (and Title, if applicable)**SIGNATURE**

Sworn to and subscribed before me this 28th day of July, 2021. The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization by Jon Paul Perez, who has produced as identification and/or is personally known to me and who did/did not take an oath.



Vanessa Olcese
NOTARY PUBLIC

My Commission Expires: 12/05/2023

Vanessa Olcese
PRINT NAME

CONTRACT FOR PURCHASE

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries or partners. If any of the contact purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individuals(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.

NAME**DATE OF CONTRACT**

NAME, ADDRESS AND OFFICE

% OF STOCK

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application if filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

DISCLOSURE OF INTEREST
CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

If the property that is the subject of the application is owned or leased by a corporation, partnership or limited liability company, list ALL of the owners, shareholders, partners, managers and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

Miami Beach Port, LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

Please see attached Exhibit "B"

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

If there are additional corporate owners, list such owners, including corporate name and the name, address and percentage of ownership of each additional owner, on a separate page.

DISCLOSURE OF INTEREST
TRUSTEE

If the property that is the subject of the application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

<hr/>	
TRUST NAME	
NAME AND ADDRESS	% INTEREST
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COMPENSATED LOBBYIST

Pursuant to Section 2-482 of the Miami Beach City Code, all lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Please list below any and all persons or entities retained by the applicant to lobby City staff or any of the City's land development boards in support of this application.

NAME	ADDRESS	PHONE
<u>Tracy Slavens</u>	<u>Holland and Knight, 701 Brickell Ave, Suite 3300</u> <u>Miami, FL 33131</u>	<u>305-789-7642</u>
<u>Vanessa Madrid</u>	<u>Holland and Knight, 701 Brickell Ave, Suite 3300</u> <u>Miami, FL 33131</u>	<u>305-789-7453</u>
<u>See Also Exhibit "C".</u>		

Additional names can be placed on a separate page attached to this application.

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) AN APPROVAL GRANTED BY A LAND DEVELOPMENT BOARD OF THE CITY SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND (2) APPLICANT'S PROJECT SHALL COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE CITY, STATE AND FEDERAL LAWS.

APPLICANT AFFIDAVIT

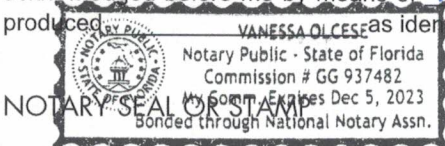
STATE OF Florida

COUNTY OF Miami-Dade

I, Jon Paul Perez, being first duly sworn, depose and certify as follows: (1) I am the applicant or representative of the applicant. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

SIGNATURE

Sworn to and subscribed before me this 28th day of July, 2021. The foregoing instrument was acknowledged before me by means of physical presence or online notarization by Jon Paul Perez, who has produced Vanessa Olcese as identification and/or is personally known to me and who did/did not take an oath.



NOTARY PUBLIC

My Commission Expires: 12/05/2023

PRINT NAME



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 7/11/2021

Property Information	
Folio:	02-4204-000-0060
Property Address:	120 MACARTHUR CSWY Miami Beach, FL 33139-0000
Owner	MIAMI BEACH PORT LLC
Mailing Address	315 S BISCAYNE BLVD MIAMI, FL 33131 USA
PA Primary Zone	7000 INDUSTRIAL - GENERAL
Primary Land Use	4837 WAREHOUSE TERMINAL OR STG : WAREHOUSE OR STORAGE
Beds / Baths / Half	0 / 0 / 0
Floors	1
Living Units	0
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	967 Sq.Ft
Lot Size	161,716 Sq.Ft
Year Built	1938



Assessment Information			
Year	2021	2020	2019
Land Value	\$8,085,800	\$8,085,800	\$8,085,800
Building Value	\$30,954	\$30,954	\$29,546
XF Value	\$156,375	\$158,430	\$160,486
Market Value	\$8,273,129	\$8,275,184	\$8,275,832
Assessed Value	\$1,804,489	\$1,806,544	\$1,807,192

Benefits Information				
Benefit	Type	2021	2020	2019
Working Waterfront	Classified Value	\$6,468,640	\$6,468,640	\$6,468,640
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
04 54 42 3.71 AC M/L	
COMM 1580FTN & 2015FTW OF SE COR	
OF SEC TH S 67 DEG W 58.7FT S 31	
DEG E64.75FT S 67 DEG W ALG SLY	
LINE OF CAUSEWAY 117.78 FOR POB	

Taxable Value Information			
	2021	2020	2019
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$1,804,489	\$1,806,544	\$1,807,192
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$1,804,489	\$1,806,544	\$1,807,192
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$1,804,489	\$1,806,544	\$1,807,192
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$1,804,489	\$1,806,544	\$1,807,192

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
05/02/2013	\$9,943,633	28620-3512	Qual by exam of deed
01/01/2008	\$0	26153-1199	Sales which are disqualified as a result of examination of the deed
12/01/2007	\$15,000,000	26153-1188	Other disqualified
05/01/2004	\$15,000,000	22378-2007	Sales which are qualified

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:

EXHIBIT "A"

LEGAL DESCRIPTION

COMMENCING AT A POINT 1580 FEET NORTH AND 2015 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 54 SOUTH, RANGE 42 EAST, SAID POINT BEING AT THE INTERSECTION OF THE CENTERLINE OF THE ROADWAY OF THE ORIGINAL MIAMI COUNTY CAUSEWAY VIADUCT AND THE FACE OF THE WEST BRIDGE ABUTMENT, RUN SOUTH 67 DEGREES 05 MINUTES 00 SECONDS WEST, ALONG THE CENTERLINE OF SAID ROADWAY PRODUCED, A DISTANCE OF 58.70 FEET TO A POINT; THENCE RUN SOUTH 31 DEGREES 43 MINUTES 00 SECONDS EAST A DISTANCE OF 64.75 FEET TO A POINT, SAID BEING THE POINT OF BEGINNING (1); THENCE RUN SOUTH 67 DEGREES 05 MINUTES 00 SECONDS WEST, ALONG THE SOUTHERLY LINE OF THE MIAMI COUNTY CAUSEWAY, A DISTANCE OF 117.78 FEET TO THE POINT OF BEGINNING OF CUT-OUT PARCEL OF LAND HEREIN DESCRIBED,

FROM SAID POINT OF BEGINNING; THENCE RUN SOUTH 67 DEGREES 05 MINUTES 00 SECONDS WEST, ALONG THE SAID SOUTHERLY LINE OF THE MIAMI COUNTY CAUSEWAY, A DISTANCE OF 40.43 FEET; THENCE RUN ALONG THE ARC OF A CIRCULAR CURVE DEFLECTING TO THE RIGHT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 06 DEGREES 15 MINUTES 30 SECONDS AND A RADIUS OF 243.86 FEET, A DISTANCE OF 26.64 FEET TO A POINT; SAID POINT BEING THE POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE; THENCE RUN ALONG THE ARC OF A CIRCULAR CURVE DEFLECTING TO THE RIGHT, AND HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 01 DEGREES 25 MINUTES 44 SECONDS AND A RADIUS OF 1,566.95 FEET, A DISTANCE OF 39.08 FEET TO A POINT; THENCE RUN SOUTH 31 DEGREES 43 MINUTES 00 SECONDS EAST A DISTANCE OF 403.80 FEET TO A POINT; THENCE RUN SOUTH 25 DEGREES 29 MINUTES 00 SECONDS WEST A DISTANCE OF 97.46 FEET TO A POINT; THENCE RUN NORTH 64 DEGREES 31 MINUTES 00 SECONDS WEST A DISTANCE OF 120.00 FEET TO A POINT; THENCE RUN SOUTH 25 DEGREES 29 MINUTES 00 SECONDS WEST A DISTANCE OF 100.00 FEET TO A POINT; THENCE RUN SOUTH 64 DEGREES 31 MINUTES 00 SECONDS EAST, ALONG A LINE PARALLEL TO THE MUNICIPAL CHANNEL A DISTANCE OF 832.55 FEET (RECORD AND LEGAL DESCRIPTION) 832.55 FEET (CALCULATE) TO A POINT; THENCE RUN NORTH 31 DEGREES 43 MINUTES 00 SECONDS WEST A DISTANCE OF 583.57 FEET; THENCE SOUTH 58 DEGREES 17 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 175.85 FEET; THENCE NORTH 32 DEGREES 27 MINUTES 12 SECONDS WEST FOR A DISTANCE OF 59.61 FEET; THENCE NORTH 32 DEGREES 00 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 61.22 FEET; THENCE NORTH 31 DEGREES 57 MINUTES 07 SECONDS WEST FOR A DISTANCE OF 59.87 FEET; THENCE NORTH 31 DEGREES 45 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 99.47 FEET; THENCE NORTH 32 DEGREES 00 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 109.79 FEET; THENCE NORTH 58 DEGREES 01 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 19.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 87 DEGREES 07 MINUTES 46 SECONDS EAST, A RADIAL DISTANCE OF 71.65 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 43 DEGREES 56 MINUTES 24 SECONDS, A DISTANCE OF 54.95 FEET; THENCE NORTH 31 DEGREES 06 MINUTES 33 SECONDS WEST FOR A DISTANCE OF 10.00 FEET, TO THE SOUTHEASTERLY CORNER OF AN EXISTING ONE-STORY C.B.S. BUILDING; THENCE CONTINUE NORTH 31 DEGREES 06 MINUTES 33 SECONDS WEST, NORTHWESTERLY ALONG THE FACE OF THE SAID EXISTING C.B.S. BUILDING LINE, A DISTANCE OF 39.60 FEET, TO THE NORTHEASTERLY CORNER OF SAID EXISTING ONE-STORY C.B.S. BUILDING; THENCE CONTINUE NORTHWESTERLY, NORTH 31 DEGREES 06 MINUTES 33 SECONDS WEST, FOR A DISTANCE OF 30.28 FEET, TO THE POINT OF BEGINNING OF THE CUT OUT PARCEL OF LAND.

CONTAINING 161,716 SQUARE FEET OR 3.71 ACRES, MORE OR LESS.

LYING AND BEING IN SECTION 4, TOWNSHIP 54 SOUTH, RANGE 42 EAST, CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

Disclosure of Interest for Miami Beach Port, LLC

Miami Beach Port, LLC, a Florida limited liability company, is 100% owned by MICO, LLC, a Florida limited liability company

MICO, LLC is 50% owned by PRH Terminal Island, LLC, a Florida limited liability company, and 50% owned by BCH Terminal Island, LLC, a Florida limited liability company

- PRH Terminal Island, LLC is 97.5% owned by PRH Investments, LLC, a Florida limited liability company, and 2.5% owned by Carlos Rosso Revocable Trust
 - PRH Investments, LLC, a Florida limited liability company, is wholly owned by PRH Related Holdings, LLC
 - PRH Related Holdings, LLC, a Florida limited liability company, is wholly owned by Perez Ross Holdings, LLC
 - Perez Ross Holdings, LLC, is 75% owned by Jorge M Perez Holding Ltd., and 25% owned by Related NY Holdings, LLC
 - Jorge M Perez Holdings, Ltd is 68% owned by Jorge M. Perez, 30% owned by Jorge M Perez 2018 Family Trust, 1% owned by Related Florida Inc., and 1% owned by JMP Holdings GP, LLC
 - Jorge M Perez 2018 Family Trust
 - Jon Paul Perez, Nicholas Alexander Perez, Christina Anne Perez, and Felipe Manuel Perez, as 25% beneficiaries each
 - Related Florida Inc.
 - Wholly owned by Jorge M. Perez
 - JMP Holdings GP, LLC
 - Wholly owned by Jorge M. Perez
 - Related NY Holdings, LLC, a Florida limited liability company, is 99.99% owned by The Related Companies, L.P., and .01% owned by RCMP, Inc.
 - The Related Realty Group, Inc., a Delaware corporation, is the sole general partner of The Related Companies, L.P., a New York limited partnership

- The Related Realty Group, Inc. is wholly owned by Stephen M. Ross
 - RCMP, Inc., a Delaware corporation, is wholly owned by The Related Companies, L.P.
 - The Related Realty Group, Inc., a Delaware corporation, is the sole general partner of The Related Companies, L.P., a New York limited partnership
 - The Related Realty Group, Inc. is wholly owned by Stephen M. Ross
- Carlos Rosso Revocable Trust
 - Carlos Rosso is the sole beneficiary during his lifetime
- BCH Terminal Island, LLC, a Florida limited liability company, is 50% owned by BeachCo Holdings, LLC, and 50% owned by NLI Holdings, LLC
 - BeachCo Holdings, LLC, a Florida limited liability company, is wholly owned by Victor A. Bared
 - NLI Holdings, LLC, a Florida limited liability company, is 26.5% owned by Jose Boschetti and Silvia Boschetti, as Tenants by the Entirety, 25.75% owned by Luis Boschetti and Lina Boschetti, as Tenants by the Entirety, 23.50% owned by Jose R. Boschetti, as trustee of the Jose R. Boschetti Declaration of Children's Irrevocable Trust dated March 30, 2009, and 24.25% owned by Luis R. Boschetti as trustee of the Luis R. Boschetti Declaration of Children's Irrevocable Trust dated March 4, 2009
 - Jose R. Boschetti Declaration of Children's Irrevocable Trust dated March 30, 2009
 - Jose Boschetti, Jr. and Maurice Boschetti, as 50% beneficiaries each
 - Luis R. Boschetti Declaration of Children's Irrevocable Trust dated March 4, 2009
 - Luis E. Boschetti is the sole beneficiary

Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

Vanessa Madrid
+1 305-789-7453
Vanessa.Madrid@hklaw.com

November 29, 2021

VIA ELECTRONIC DELIVERY

Mr. Thomas Mooney, AICP
Director, Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, FL 33139

**Re: Miami Beach Port, LLC - Response to Staff First Submittal Comments
Application to Planning Board (PB21-0453, the "Application")**

Dear Mr. Mooney:

Please accept this letter on behalf of Miami Beach Port, LLC (the “Applicants”) as the narrative in response to Staff’s First Submittal Review Comments dated November 19, 2021 in connection with the Application. The Applicant’s responses are as follows:

I. Planning Department Review

1. LOI: respond to Sea Level review criteria No. 11 and 12.

Response: Acknowledged. Please see the Amended & Restated LOI, enclosed.

2. FAR issue: the supply and return enclosed boxes areas on the south east corner of the garage should count to FAR on the lower level, level 01, level 02, and level 03 since they appear to be enclosed, on level 04 this space is a terrace with doors, this implies that there are concrete slabs below.

Response: Please refer to Plan Sheets A0-10 and A0-11 as well as A3-07 to A3-11 highlighting the void on the floor slab of Parking Level 02 creating an open to below condition.

3. The mechanical equipment on the east side of the garage looks different from what Tom and Ray discussed on our last meeting, it should have a space in between this rectangular mechanical equipment and the SE corner of the garage. This way the

mechanical equipment will be independent from the garage structure and will not count towards FAR.

Response: Plan Sheets A3-07 through A3-11 were sent to the City of Miami Beach for review. Refer to response to comment (2).

4. Provide the far plans, two sections from this mechanical equipment, one Isometric view and send this to Tom Mooney for his review and approval.

Response: Acknowledged. The requested FAR plans, sections, and isometric view have been prepared and sent to Tom Mooney for his review and approval. These sheets are also included with this final submittal. Please see Plan Sheets A3-07 through A3-11.

5. FAR: enlarge and bold subtotals on each page for the FAR diagrams. place the text where is visible, some of them are over hatched, colored areas or lines. Provide a chart on each page showing the subtotals and the total of each level. (pages A-010 to A-018).

Response: See FAR figures and sub-totals on the top right corner of Plan Sheets A0-09-A0-17.

6. FAR: level 06 block b, the mechanical areas around the bathrooms and the core will count, there are large bathrooms and hallways that come to these mechanical spaces with no access to the roof deck, revise the layout of these areas. Provide corridors, doors to access the roof deck from the bathrooms and core and revise FAR areas. Provide more detail and show what type of mechanical equipment is going to be located on these areas.

Response: See Plan Sheet A0-15, double door is introduced to provide direct access to the roof deck. Note that the type of mechanical equipment intended for the mechanical equipment designated areas is equipment relating to air circulation in tenant areas within the building. Final equipment detail to be determined at the time of building permit.

7. Operational plan: provide detail operations for the proposed restaurant on level 06.

Response: There is no restaurant use proposed by this Application. The operational plan provided with the first submittal was updated to provide consistency with the Application requests and proposed design. The restaurant use was approved by CUP No. PB20-0352 and will be an option with that approval.

8. Plans: identify the proposed restaurant on level 06 roof deck floorplan as shown on page A2-14, provide seats, number and label each seat, provide a chart with a total amount of seats and proposed occupancy load.

Response: There is no restaurant use proposed by this Application. The restaurant use was approved by CUP No. PB20-0352 and will be an option with that approval.

9. Kitchens are not an allowable height exceptions, the kitchen and BOH should be located on level 05 as previously approved, provide a detailed kitchen BOH layout plan on level 05.

Response: There is no restaurant use proposed by this Application. The restaurant use was approved by CUP No. PB20-0352 and will be an option with that approval.

10. Level 06: staff is not supporting the enlarged mechanical equipment spaces shown on the roof deck facing the restaurant and the water. Provide more detail and show what type of mechanical equipment is going to be located on these areas.

Response: No restaurant use is proposed with this Application. The restaurant use was approved by CUP No. PB20-0352 and will be an option with that approval. Nevertheless, the mechanical equipment space, as proposed, is generally the same size and in the same location as previously approved. The type of mechanical equipment intended for the mechanical equipment designated areas is equipment relating to air circulation in tenant areas within the building. Final equipment detail to be determined at the time of building permit.

11. As previously approved the restaurant shall only be permitted on the rooftop of the western building (identified as Block A in the approved plans) subject to the following: The restaurant shall be limited to 120 seats. The restaurant shall have a maximum occupant content of 299 persons

Response: There is no restaurant use proposed by this Application. The restaurant use was approved by CUP No. PB20-0352 and will be an option with that approval.

12. Key sections and section on pages A1-12 to A1-18 and A3-01 are showing Office use on the roof deck, this is not permitted above the maximum height. Correct this and label the space according to the plans.

Response: See label correction to key sections and section on Plan Sheets A1-12 to A1-18 and A3-01.

13. A1-14 to A1-18, there are incomplete arrows with no text, correct and provide text.

Response: Plan Sheets A1-14 to A1-18 have been revised to provide corrected labelling.

14. A1-14, A1-24: maneuvering diagram is insufficient, it does not demonstrate how the trucks are going to be parked on each of the loading spaces, there is not enough space to maneuver as proposed.

Response: See updated maneuverability study on Plan Sheets A1-24 to A1-27. On sheet A1-24, loading vehicles are now rotated on a turning table to access loading bays.

15. AX-201: Afternoon drop off cue is only showing one car, please revise.

Response: Plan Sheets AX-200 to AX-202 have been updated to demonstrate proposed conceptual sequences for Morning Drop-off, Mid-Day Pick-up/Drop-off, and Evening Pick-up.

16. AX-301: self-parking option is showing a 3 car tandem spaces which are not allowed.

Response: Plan Sheet AX-301 has been updated to avoid a three (3)-car tandem spaces condition.

17. AX301 to AX 306: Provide driveway width dimensions.

Response: Driveway width dimensions have been provided on updated Plan Sheets AX301 to AX306.

II. Transportation – LUB Review

1. Please provide any comments provided by FDOT and Miami Dade County Public Works and Waste Management Traffic Engineering Division. Please provide documentation of approval of the proposed signal timing modifications at the Terminal Island and MacArthur Causeway intersection.

Response: Noted.

2. Please update the reference to the City of Miami Comprehensive Plan in the traffic study to be the City of Miami Beach Comprehensive Plan. Please include the relevant LOS criteria referenced in the traffic analysis in the Appendix.

Response: Acknowledged. The reference to the City of Miami Comprehensive Plan in the traffic study has been updated to the City of Miami Beach

Comprehensive Plan. In addition, the relevant LOS criteria referenced in the traffic analysis has been included in Appendix D.

3. Please update the trip generation for the site generated trips using the current ITE Trip Generation Handbook, 11th Edition. Please update the traffic analysis accordingly.

Response: The project's methodology was approved using the ITE Trip Generation Handbook, 10th Edition, which was the current ITE Trip Generation Handbook at the time. The 11th Edition was recently released, after the project's methodology was reviewed and approved. As such, the trip generation for the site generated trips was prepared using the ITE Trip Generation Handbook, 10th Edition.

4. Please provide a copy of the intersection volume worksheets that steps through the adjustment from the existing traffic volumes, to the peak season adjusted volumes, to the percent forecasted growth and the inclusion of the site generated trips per movement at each intersection for the AM and PM peak hours.

Response: Noted. A copy of the requested intersection volume worksheets have been provided with this submittal.

5. Please revise the 95th percentile vehicle queue tables (exhibit 19 and 22) to include 155 feet for the westbound left turn lane on MacArthur Causeway instead of 220 LF. Please check all the other storage lengths for other relevant turn lanes. The future with project 95th percentile queue in the AM peak hour exceeds this storage length. Please provide traffic mitigation improvements to address this traffic impact.

Response: The 95th percentile vehicle queue tables (Exhibits 19 and 22) have been revised and all other storage lengths for other relevant turn lanes have been checked. Please note that a field review of the westbound left turn lane on MacArthur Causeway was undertaken. The results of the field review are that the westbound left turn lane queue length is 170 feet based on the width of the lane. However, the width of the lane and taper is wide enough to accommodate 215' of queue before the taper width reduces enough to block the vehicles traveling in the through lanes. Therefore, the existing storage is sufficient to accommodate the expected queue.

6. Please provide a queuing analysis of the proposed fully automatic rack rail mechanical parking system. This should use the assumptions identified by the Walker Parking background information from the Chicago facility. An exhibit should be prepared that depicts the anticipated valet parking vehicle queue in the drop off and pickup floor during the AM and PM peak hour period. A defined narrative should be provided that defines any potential staggered shifts in the arrival time during peak periods.

Response: Noted. A queuing analysis has been prepared and is included with this submittal.

7. Please provide details regarding the restaurant use and the details regarding where the use is proposed in the architectural plans. Please provide anticipated hours of operation and overlap during the AM and PM peak office arrival and dismissal times. Please also label the location of the valet station where the valet attendants will be operating from.

Response: Although there is no restaurant use proposed by this Application, the restaurant use was approved by CUP No. PB20-0352 and will be an option with that approval. Therefore, the Traffic Impact Analysis takes into consideration a more conservative capacity for the site and is over-inclusive. Even so, the Traffic Impact Analysis confirms that the approval of this Application would result in a de minimus impact on parking compared to the prior approvals and no change to the trips generated by the project. This is because the previously approved traffic study analyzed the full office use with only a 3% multi-modal reduction; trip reductions were not taken even though the parking reductions were.

8. Please clarify what the three parallel parking spaces will be used for on the level one parking garage level. These are shown in addition to the ADA parking spaces.

Response: The enclosed revised plans have been updated to remove these spaces.

9. Please confirm who will utilize the 12 surface parking spaces located in the southwest corner of the site.

Response: The twelve (12) surface parking spaces on the southwest corner of the site are to be used by maintenance / marina staff.

10. Please provide a detailed pavement marking and signage plan signed and sealed by a professional engineer. Please ensure that the appropriate signage per MUTCD is provided for movement restrictions at the proposed ingress and egress locations. Please include typical handicap and regular parking stall details, traffic control at designated driveway connections and signage per MUTCD criteria that minimizes vehicular conflict in the driveways in and out of the property as referenced in the operations plan.

Response: Acknowledged. A detailed pavement marking and signage plan signed and sealed by a professional engineer has been prepared and included with this final submittal.

November 29, 2021

Page 7

Based on the above, we respectfully seek your favorable review and recommendation of approval for this Application. Thank you in advance for your considerate attention to this request.

If you should have any questions or require additional information, please feel free to call me directly at 305-789-7453.

Sincerely yours,

HOLLAND & KNIGHT LLP



Vanessa Madrid, Esq.

Enclosures

cc: Mr. Cullen Mahoney
Tracy R. Slavens, Esq.

Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

Tracy R. Slavens
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Tracy.Slavens@hklaw.com

November 29, 2021

VIA ELECTRONIC DELIVERY

Mr. Thomas Mooney, AICP
Director, Planning Department
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

**Re: Miami Beach Port, LLC – Amended and Restated Letter of Intent
Planning Board Application No. PB21-0453 (the "Application")**

Dear Mr. Mooney:

Please accept this Amended and Restated Letter of Intent on behalf of Miami Beach Port, LLC (the "Applicant") in support of its above-mentioned Application for the City of Miami Beach, Florida (the "City") Planning Board Conditional Use Permit ("CUP") approval of the project known as "One Island Park" (the "Project"). The Project is located on Terminal Island at 120 MacArthur Causeway, identified by Folio No. 02-4204-000-0060 (the "Property"), and subject to CUP No. PB20-0352, approved by the Planning Board on January 26, 2021, and recorded in Miami-Dade County, Florida, Official Records Book 32452, Page 1617 (the "2021 CUP").

The proposed Application seeks to provide two (2) new design alternatives for the Project's parking operations. The new design alternatives propose 1) an automated mechanical parking system, and 2) a strictly self-park operation. Both designs will comply with Section 130-38 of the Land Development Regulations (the "LDRs"). The Applicant intends to file a companion Design Review Board ("DRB") application for site plan approval of the proposed parking configuration and overall Project design. This Application shall not supersede nor replace prior Planning Board or Design Review Board application approvals (the "Prior Approvals"), and which all prior approvals shall remain in effect.¹

I. Property Information

The Property consists of approximately ±3.71 acres of land currently used as a commercial mega-yacht marina. The property, located on the southeastern tip of Terminal Island, is zoned Light

¹ See the 2021 CUP and DRB Order File No. 20-0539, approved by the DRB on February 2, 2021, and recorded in Miami-Dade County, Florida, Official Records Book 32440, Page 1396 (the "2021 DRB Order").

Industrial (I-1), and has a future land use designation of Urban Light Industrial (I-1) under the City's Comprehensive Plan Future Land Use Map ("FLUM"). Consistent with the Prior Approvals, the Project consists of a "new five (5)-story office development exceeding 50,000 gross square feet." Specifically, the proposed plans contemplate Class-A office building with a roof top level, associated parking amenities, and continuation of the existing mega-yacht marina use.

II. Proposed Project Adjustments

Today, the Applicant desires to make the following adjustments to Project to provide for two (2) alternate parking schemes, consisting of:

- (i) Mechanical Robotic Parking: combination of Rack and Rail and puzzle system with lifts fed by valet attendants meeting the minimum electric vehicle charging capacity.
- (ii) Self-Parking: traditional two (2)-bay parking structure with parked on ramps meeting the minimum electric vehicle charging capacity.

Both of the proposed schemes include five (5) floors and six (6) garage levels with a total 347 parking spaces, which is an increase from the previously approved four (4) garage levels with 239 parking spaces. Additional operational details for each parking scheme are provided in the Memoranda prepared by Walker Consultants entitled "Mechanical and Traditional Parking Concept" and "Self-Parking Concept," dated November 22, 2021 and November 15, 2021, a copy of which is included with this submittal. Notwithstanding, the architectural intent of the Prior Approvals is preserved as much as possible. The general location of Office Blocks A and B, the parking garage, and the pick-up/drop-off area remain the same.

The new design alternatives propose the following:

- Property Entrance: The entrance has been re-centered to allow for improved landscaping, which comports with the 2021 DRB Order.
- Level 0 (new): A new level 0 is introduced at 0'-0" NGVD. This Level 0 includes a loading area, the trash room, the FPL vault, storage rooms, security rooms, a walkable concourse to connect the two office blocks and their respective cores. A ramp has been introduced to provide access to the loading area.
- Parking Garage:
 - Lower Level (new): A new parking level is introduced at 0'-0" NGVD. This Lower Level forms part of the parking garage.
 - Level 01: The new alternative floor plans for Level 01 accommodate the updated pick-up/drop-off area and corresponding circulation, ingress, and egress of the proposed new parking garage schemes.

- Level 02 – Level 04: The parking garage layout (all parking levels) is updated to hold a mechanical parking system, or, in the alternate, traditional self-parking.
- Upper levels and roof: A mechanical enclosure is designed on Parking Level 05. Roof terraces are provided above the parking garage and are accessible from Block B levels 03 and 04.
- Parking garage fins/louvres are running horizontally on the façade.
- Office Block A: The layout of Block A is re-designed to re-orientate the office area toward Government Cut.
- Office Block B: A new core design is proposed for Block B.

The purpose of introducing these design alternatives is to ensure flexibility over time in order to appropriately maximize the efficiency of the parking operations on the site and to enable the Project's long-term success.

This Application represents a minor adjustment to the Prior Approvals and primarily serves to provide for two (2) parking options. The expected tenants of the proposed Class-A office development are accustomed to efficient, sophisticated, and cutting edge technologies, and this Application incorporates such an amenity into the Project. A majority of the tenants are traders, as such, the parking experience is intended to minimize time required for drivers to drop-off a vehicle and enter their appropriate building. The proposed parking vendor is a well-established automated parking provider that designs, manufactures, installs, and maintains automated parking systems and multi-level car stackers.² The proposed mechanical robotic parking system utilizes eight (8) elevator like devices to move vehicles from floor to floor known as "lifts." Importantly, this parking system would ensure that stacking and peak-hour trips to and from the Project do not burden MacArthur Causeway and the adjacent rights-of-way any more than the previously approved parking amenities. Please refer to queuing analysis in the "Mechanical and Traditional Parking Concept" Memo dated November 22, 2021 (pages 9-10), enclosed.

A Traffic Impact Analysis has been prepared by David Plummer & Associates. The traffic analysis confirms that the approval of this Application would result in a de minimus impact on parking compared to the prior approvals and no change to the trips generated by the project. This is because the original traffic study provided a conservative analysis of the full office use with only a 3% multi-modal reduction; trip reductions were not taken even though the parking reductions were.

It must be emphasized that it is the intent of this Application to maintain the 2021 CUP approval and preserve the validity of the previously approved plan, including but not limited to its mix of uses, design, layout, configuration, operations, and impacts. This Application intends to create flexibility in design and operations of the Project, but does not change the approved conditional uses or create any new negative impacts. With the approval of this new Application, the Project

² The proposed vendor has numerous completed and in-development projects around the world, including various projects within close proximity to the water.

will continue to be characterized as approved pursuant to the 2021 CUP and will simply add operational alternatives to its approved design and mix of uses. Furthermore, the proposed amendment does not result in an increase to the lot area, floor area ratio, or density, and parking requirements remain satisfied. Lot coverage has decreased from 68,663 SF (42.4%) to 62,290 SF (39.1%). The Project complies with the review guidelines under Section 118-192(b), as well as sea-level rise and resiliency criteria under Section 133-50(a).

III. Compliance with Section 130-38 – Mechanical and Robotic Parking Systems

LDRs Section 130-38 governs mechanical and robotic parking systems. Section 130-38(3) provides that the Planning Board may consider and approve such mechanical and robotic parking systems pursuant to the City's conditional use process, and Section 130-38(5) provides the review criteria for the Planning Board and DRB. As proposed, the Project complies with the mechanical and parking review systems review criteria pursuant to Section 130-38(5):

(a) Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood.

The proposed structure consists of a five-story office development, associated self-park and valet and continuation of the existing mega-yacht marina which is permitted by the I-1 zoning district. Therefore, the proposed structure is compatible with the commercial-industrial nature of Terminal Island, as evidenced by Prior Approvals.

(b) Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood and has demonstrated how the scale, mass, volume, and height of the building are reduced by the use of mechanical parking.

The proposed use of mechanical parking will provide for state-of-the-art, streamline and efficient parking on-site, improving upon the prior approved parking amenities. The mechanical parking garage will provide for approximately 338 parking spaces and will consist of five (5) garage levels. In order for the parked ramp system to provide for approximately 338 parking spaces it will need to consist of six (6) garage levels. Therefore, the mechanical parking garage reduces the scale, mass, volume and height.

(c) Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.

The proposed use does not result in an increase of density or intensity over the possible prior conventional parking. In fact, the design alternatives have allowed for a reduction in lot coverage. The prior approved conventional parking garage with 239 parking spaces is the same dimensions as the mechanical parking garage which is providing approximately 338 parking spaces.

(d) Whether parking lifts or mechanisms are located inside, within a fully closed building, and not visible from exterior view.

The proposed automated parking system will be located inside. Parking will be fully enclosed within the garage.

(e) In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings, whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit owner.

Not applicable.

(f) In cases where mechanical parking lifts are used for valet parking, whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues.

The Applicant will provide such covenant if and when required.

(g) Whether a traffic study has been provided that details the ingress, egress, and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way.

Satisfied. A Traffic Impact Analysis has been prepared by David Plummer & Associates. The traffic analysis confirms that the approval of this Application would result in a de minimus impact on parking compared to the prior approvals and no change to the trips generated by the project. This is because the original traffic study provided a conservative analysis of the full office use with only a 3% multi-modal reduction; trip reductions were not taken even though the parking reductions were.

(h) Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided.

Satisfied. A revised operational plan is enclosed with this Application.

(i) In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood create by the scale and intensity of the proposed accessory uses, are adequately addressed.

Not applicable.

(j) Whether the proximity of the proposed facility to similar size and structures and to residential uses creates adverse impacts and how such impacts are mitigated.

Not applicable.

(k) Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect will be addressed.

There will not be a tangible cumulative effect on surrounding and adjacent structures. The structures that are nearby or adjacent to the proposed facility are the proposed Fisher Island garage, vehicle service bays & police SIU, vehicle service bays & sanitation department and a storage building. The proposed automated parking system will serve to minimize impacts on Terminal Island. It will minimize time required for drivers to drop-off a vehicle and enter their vehicles and enter the appropriate building. This will help regulate vehicular and pedestrian traffic on Terminal Island.

The Project also satisfies the mandatory criteria pursuant to Section 130-38(6):

(a) The noise or vibration from the operation of mechanical parking lifts, car elevators, or robotic parking systems shall not be plainly audible to or felt by any individual standing outside an apartment or hotel unit at any adjacent or nearby property. In addition, noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions outside of the parking garage.

Satisfied. The noise or vibration from the operation of the mechanical parking lift is not plainly audible to or felt by any individual standing outside any adjacent or nearby property. Noise and vibration barriers will be utilized to ensure that surrounding walls decrease sounds and vibration emissions outside of the parking garage. The parking floors will be enclosed and screened per city requirements which will control the noise associated with valet attendants moving or parking vehicles. Further, for the vehicle lifts and robotic parking systems, the machines will be in enclosed parking compartments or elevator machine rooms. Thus, the noise will be minimal.

(b) For mechanical lifts, the parking lift platform must be fully load-bearing, and must be sealed and of a sufficient width and length to prevent dripping liquids or debris onto the vehicle below.

Satisfied. The parking lift platform is fully load-bearing and is sealed. Additionally, the parking lift platform has a width and a length that is optimal for preventing dripping liquids or debris from falling onto the vehicle below.

(c) All freestanding mechanical parking lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage; robotic garages and vehicle elevators must have backup generators sufficient to power the system.

Satisfied. No power will be required to lower the car. The elevator will return the vehicle to the transfer floor and an attendant will remove the vehicle from the elevators and bring it to the pickup curb or a self-parking spot on the transfer floor. Further, a backup power source will be provided. The mechanical systems for HVAC and backup power source will be located on the roof level and will be sufficient to power the system.

(d) All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift.

Not applicable.

(e) The ceiling heights of any parking level with parking lifts within the parking garage shall be a minimum of 11 feet by six inches.

Not applicable.

(f) All mechanical parking systems, including lifts, elevators and robotic systems, must be inspected and certified as safe and in good working order by a licensed engineer or the elevator authority having jurisdiction at least once per year and the findings of the inspection shall be summarized in a report signed by the same licensed engineer or firm, or the elevator authority having jurisdiction. Such report shall be furnished to the planning director and the building official.

Satisfied. All mechanical parking systems, including lifts, elevators and robotic systems will be inspected and certified as safe and in good working order by a licensed engineer or the elevator authority having jurisdiction at least one per year.

(g) All parking lifts shall be maintained and kept in good working order.

Satisfied. It is ensured that the parking lifts will be maintained and kept in good working order. There will be routine maintenance repairs and inspections that take place every at least once per year.

IV. Compliance with Sections 118-192 – Conditional Use Review Criteria

With the approval of the 2021 CUP, the Project was deemed to satisfy the conditional use review criteria set forth in Section 118-192(a)(1)-(8) of the LDRs. This Application does not affect the Project's compliance with Section 118-192. As such, the Project continues to meet the conditional use review criteria, as follows:

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

The use is consistent with the applicable LDRs and with the City's Comprehensive Plan I-1 land use category's stated purpose, which is to provide for existing and new light industrial facilities, including office. The I-1 land use category also encourages

the development of compatible retail and service facilities. The proposed automated parking is consistent with the applicable LDRS and the City's Comprehensive Plan.

(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.

The Project will not result in an impact that will exceed the thresholds for the levels of service set forth in the Comprehensive Plan. The Project's development program and FAR are in compliance with the permitted floor area ratio of 1.0. A Traffic Impact Analysis has been prepared by David Plummer & Associates pursuant to the traffic methodology approved by the City's Transportation Department. A copy of this analysis is included with this submittal.

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

The Project is consistent with the LDRs. The approved office and marina uses are expressly permitted in the I-1 zoning district. The proposed automated parking is a use consistent with the LDRs. Therefore, approval of the Application will not create any inconsistencies with the LDRs.

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

Nothing in the proposed Project will negatively affect the public health, safety, morals, and general welfare of Terminal Island or the City of Miami Beach. Deliveries, waste removal, and other operations associated with the Project will be adequately controlled pursuant to the operational plan submitted with this Application.

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

The Project will provide adequate off-street parking facilities in compliance with Parking District No. 1 regulations. The required off-street parking will be accommodated and adequate screening will be provided to minimize any visual impacts. The Applicant is proposing an alternative to the prior approved 2021 CUP parking facilities to accommodate an automated parking facility if determined to be appropriate for the expected office tenant.

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

The Project will incorporate the required safeguards for the protection of the Property and its surroundings.

(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.

The approved uses are permitted uses in the I-1 zoning district and have been determined to be complementary to the surrounding area and the City as a whole. While there are ancillary office uses currently existing on Terminal Island, the predominant uses in the area are government and marine-related. As such, there is no risk of creating a concentration of similar types of uses or a negative impact on the surrounding neighborhood. In fact, the development of new office use will significantly improve Terminal Island's character. Likewise, it will contribute positively to the City's economic growth and financial resiliency by creating jobs and increasing its tax revenues.

(8) The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, article II, as applicable.

The structure and the site comply with the sea level rise and resiliency review criteria in Section 133-50 of the LDRs. For further details, please refer to Part V. of this letter.

With the approval of the 2021 CUP, the Project was also deemed in compliance with Section 118-192(b)(1)-(11) of the LDRs, providing review guidelines for new structures 50,000 square feet and over. This Application does not affect the Project's compliance with this Section of the LDRs. As such, the Project continues to meet the review guidelines for new structures exceeding 50,000 square feet, as follows:

(1) Whether the proposed business operations plan has been provided, including hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application, and that such plan is compatible with the neighborhood in which it is located.

The operational plan approved under the 2021 CUP provides, among other things, that the office shall have principal hours of operation during customary business hours, 7:00 AM to 6:00 PM, Monday through Friday; shall have a maximum occupant content of approximately one thousand four hundred and twenty five (1,425) persons for office floors; shall have a maximum of two hundred and thirty three (233) employees allowed in the offices at one time per floor; and shall have valet and/ or automated parking for the office.

(2) Whether a plan for the mass delivery of merchandise has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan will mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.

All deliveries will be received from the designated enclosed loading area located on the Lower Level, as illustrated on Sheet A1-01 of the proposed site plan. Delivery, loading, and trash removal will occur between 10:00 AM and 4:00 PM. The path of travel for loading areas and/or uses will not interfere with pedestrian activity.

(3) Whether the scale of the proposed use is compatible with the urban character of the surrounding area and create adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed.

The scale of the Project was deemed to be compatible with the character of Terminal Island and the pattern of development in the surrounding area. In addition, the Project has been designed to maximize water views, other potential visual impacts, and building efficiency while minimizing any potential adverse impacts on the surrounding area. Thus, this Application does not result in any new adverse impacts.

(4) Whether the proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking and operational needs of the structure and proposed uses.

The proposed parking area is strategically located to maximize space and circulation efficiency. The parking plan meets all required parking and operational needs of the structure and proposed uses. As noted above, alternative design concepts for automated parking are included with this submittal and will be updated accordingly during the review process for the Application.

(5) Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.

Indoor and outdoor circulation has been designed to facilitate ingress and egress to the Project, and ensure the safety of pedestrians on the site. In addition, direct connections to the lobbies and the plaza are contemplated.

(6) Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the business and its users and minimizes impacts on the neighborhood.

The building and its parking facilities will be supervised at all times to ensure the safety of all office tenants, employees, and marina users. Adequate security systems will be implemented throughout the Project.

(7) Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.

A Traffic Impact Analysis has been prepared by David Plummer & Associates pursuant to the traffic methodology approved by the City's Transportation Department. A copy of this analysis is included with this submittal.

The analysis concludes that the Project, as designed, will not create any new traffic impacts, increase traffic congestion beyond the levels of service as set forth in the comprehensive plan, or otherwise affect public safety.

(8) Whether a noise attenuation plan has been provided that addresses how noise will be controlled in the loading zone, parking structures and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.

This Application results in no significant new noise impacts. Terminal Island is an industrial area with existing intense uses, including the City's Fleet Management and

Sanitation Department operations, ferry landings, an FPL substation, and the U.S. Coast Guard Base Miami Beach. The proposed office use is significantly less intense than other permitted uses and, therefore, do not create a use or condition that causes an undue negative impact directly or indirectly to other uses or conditions in the area. The off-street loading zone, parking facilities, and delivery and sanitation areas will be configured, designed, and engineered to minimize noise, odors, and any related adverse impacts to the commercial tenants, patrons, and neighboring properties. The main trash rooms will be enclosed. All on-site trash disposal will be physically blocked from view from any exterior vantage point.

(9) Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.

Sanitation areas will be located under the building on the ground level with easy access for an authorized waste hauler to provide private waste collection and recycling services. Trash rooms will be provided on each level. Trash removal will be via the service elevator available on every floor for discreet access to the main trash room on the Lower Level.

(10) Whether the proximity of the proposed structure to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.

This Application does not result in changes to the scale and overall design of the Project as approved. The size of the structure was deemed to be compatible with the existing development in the area, including the Fisher Island parking garage, which is a 4 story level structure with rooftop parking. The Property is distinctive in its location and features. It is situated at the gateway to Miami Beach. At the same time, industrially-designated lands are scarce in the City. The proposed Project is intended to maximize the use of the land while balancing the unique location and the need for Class-A office space in the City. All risks in developing the Property have been mitigated or eliminated through the proposed structural and environmental design. No adverse impacts will be created due to the proposed development's proximity to similarly sized structures, residential uses, or the United States Coast Guard Base. The Project, as approved and proposed, will be a landmark development that will significantly enhance the City's entrance and improve the character of Terminal Island.

(11) Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect will be addressed.

The Project, as designed, does not result in negative impacts relating to the structure's cumulative effect. Overall, the Project will significantly improve Terminal Island and will invigorate an underutilized parcel of valuable waterfront land. Architecturally, the building's innovative, modern, and functional design responds to the environment, and scale of the adjacent properties.

V. Sea-Level Rise and Resiliency Criteria

Similarly, with the approval of the 2021 CUP, the Project was deemed to satisfy the sea level rise and resiliency criteria set forth in Section 133-50(a) of the LDRs. This Application does not affect the Project's compliance with said criteria. As such, the Project continues to meet the sea-level rise protections and resiliency measures, as follows:

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

A recycling or salvage plan for partial or total demolition of any structures will be provided at the appropriate time in the development process in accordance with Code requirements.

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

All proposed windows will be hurricane proof impact windows.

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

Passive Cooling systems will be provided where feasible and appropriate.

- (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.

Resilient landscaping has been incorporated into landscape design.

- (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..

Adopted sea-level rise projections in the Southeast Florida Regional Climate Action Plan, including a study of land elevation and elevation of surrounding properties, were considered and incorporated into the design.

- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land, and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three additional feet in height.

The ground floor, driveways, and garage ramping are adaptable to the raising of public rights-of-ways and adjacent land and provide sufficient height and space to accommodate a higher street height of up to three additional feet in 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.

All critical mechanical and electrical systems are located above base flood elevation.

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

Not applicable; the existing +/-967 SF building is to be demolished.

(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 of 54 of the LDRs.

Wet or dry flood-proofing systems will be provided in accordance with Chapter 54 of the LDRs for habitable space located below the base flood elevation plus City of Miami Beach Freeboard.

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

As noted above, wet or dry flood-proofing systems will be provided in accordance with Chapter 54 of the LDRs for habitable space located below the base flood elevation plus City of Miami Beach Freeboard.

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

Confirmed. Cool pavement and/or porous pavement materials have been incorporated in the project's design.

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

The project, as designed, minimizes the potential for heat island effects on-site.

Based on the foregoing, we respectfully request the City's favorable consideration of this request. Please do not hesitate to contact me if you have any questions or concerns regarding the Application.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Tracy R. Slavens, Esq.

Enclosures

cc: Cullen Mahoney
Vanessa Madrid, Esq.



July 28, 2021

**City of Miami Beach
Planning Department
1700 Convention Center Drive
Miami Beach, FL 33139**

RE: Property Owners List within 375 feet of:

LEGAL DESCRIPTION:

Portion of Section 4, Township 54 South, Range 42 East, Miami-Dade County, Florida.

ADDRESS: 120 Macarthur Causeway, Miami Beach, FL 33139

FOLIO NO. 02-4204-000-0060

PREPARE FOR: HOLLAND & KNIGHT, LLP

Order: 210627

Total number of property owners without repetition: 6

This is to certify that the attached ownership list, map and mailing matrix is a complete and accurate representation of the real estate property and property owners within 375 feet of the subject property listed above. This reflects the most current records on the file in Miami-Dade County Tax Assessor's Office.

Sincerely,
THE ZONING SPECIALISTS GROUP, INC.

Omara R. Lopez
For the Firm

OWNERS LIST

THE FOLLOWING ARE PROPERTY OWNERS WITHIN A 375-FOOT RADIUS OF THE FOLLOWING LEGALLY DESCRIBED PROPERTY

LEGAL DESCRIPTION:

Portion of Section 4, Township 54 South, Range 42 East, Miami-Dade County, Florida.

ADDRESS: 120 Macarthur Causeway, Miami Beach, FL 33139

FOLIO NO. 02-4204-000-0060

PREPARED FOR: HOLLAND & KNIGHT LLP

Order: 210627

4 54 42 2.16 Ac Port Mc Arthur Causeway Per Db 1509-81

Property address: 140 Macarthur Cswy

Folio number: 0242040000010

City Of Miami Beach City Hall
1700 Convention Center Drive
Miami Beach, FL 33139

4 54 42 17.52 Ac Port Of Mc Arthur Causeway Per Db 2199-414

Property address: 100 Macarthur Cswy

Folio number: 0242040000020

U S Coast Guard Air Station
100 Macarthur Causeway
Miami Beach, FL 33139

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Property address:

Folio number: 0242040000030

City Of Miami Beach
1700 Convention Center Dr
Miami Beach, FL 33139-1819

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S25 Deg W 97.46Ft N 64 Deg W 120Ft S 25 Deg W 100Ft S 64 Deg E 832.55Ft
N31 Deg W 583.57Ft S 58 Deg W 175.85Ft N 32 Deg W 59.61Ft N 32 Deg
W 61.22Ft N 31 Deg W 59.87Ft N 31 Deg W 99.47Ft N 32 Deg W 109.79Ft
N 58 DegE 19Ft NWly 54.95Ft N 31 Deg W 79.88Ft To POB

Property address: 120 Macarthur Cswy

Folio number: 0242040000060

Miami Beach Port LLC
315 S Biscayne Blvd
Miami, FL 33131-2312

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POB Less Port Desc Comm 1580Ftn & 2015Ftn W Of SE Cor Of SEC Th S 67
Deg W 58.7Ft S 31 Deg E64.75Ft S67 Deg W Alg Sly Line Of CauseWay 117.78
For POB Cont S 67 Deg W 40.43Ft SWly & Wly 65.72Ft S 31 Deg W403.80Ft
S 25 Deg W 97.46Ft N 64 Deg W 120Ft S 25 Deg W 100Ft S 64 DegE 832.55Ft
N 31 Deg W 583.57Ft S 58 Deg W 175.85Ft N 32 Deg W 59.61Ft N

Property address: 112 Macarthur Cswy

Folio number: 0242040000065

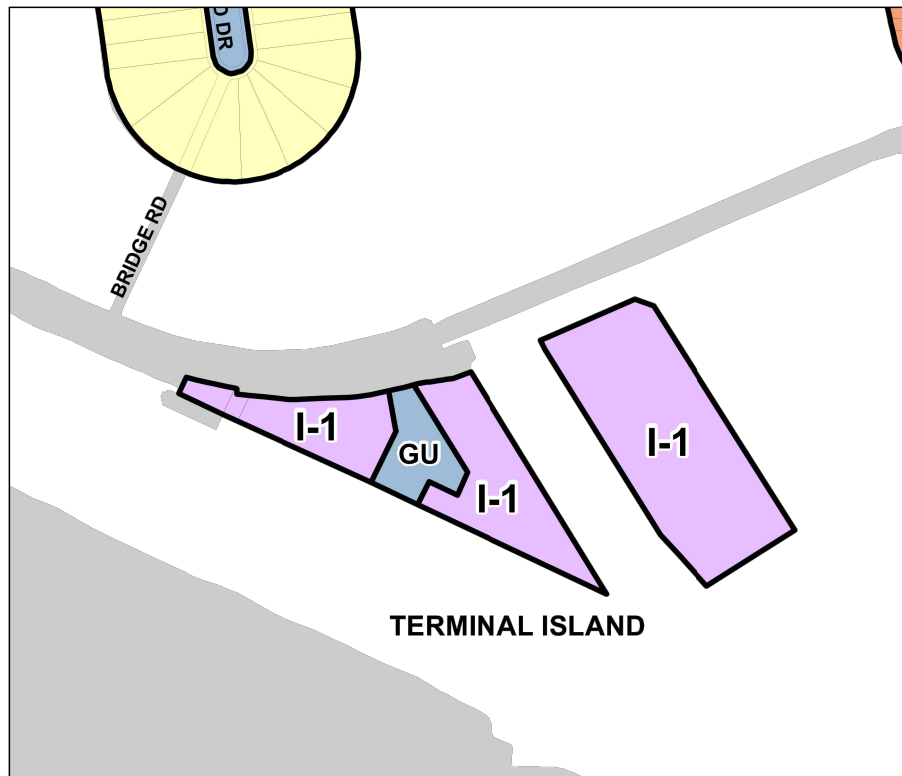
Fisher Isl Community Assn Inc
1 Fisher Island Dr
Miami Beach, FL 33109-0001

4 54 42 3.13 Ac Beg At Pt 1580Ftn & 2015Ftw Of SE Cor Sec Being X Of C/L
Rdway Of Original Co Cswy Via & Face Or W Bridge Abutht S 67 Deg W58.7FT
S 31Deg E64.75Ft Th SWly Alg Sly Bdry Of Cswy 322.72Ft To POB S 10 Deg
E162.52Ft S 25 Deg W223.24Ft N 64 Deg W646.73Ft N 25 Deg E87.55Ft To
PtSly Bdry Cswy Ely Alg Sly Bdry 615.57Ft To POB

Property address: 150 Macarthur Cswy
Folio number: 0242040000070

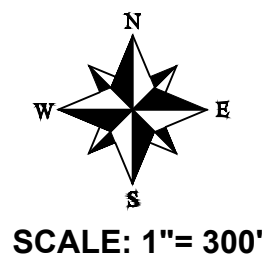
Florida Power & Light Co
Attn Property Tax Dept
700 Universe Blvd
North Palm Beach, FL 33408-2657

CITY OF MIAMI BEACH ZONING ATLAS



LEGAL DESCRIPTION:
Portion of Section 4, Township 54 South, Range 42 East, Miami-Dade County, Florida.

ADDRESS: 120 Macarthur Causeway, Miami Beach, FL 33139
FOLIO NO. 02-4204-000-0060
PREPARED FOR: HOLLAND & KNIGHT LLP
Order: 210627
DATE: July 27, 2021





The Zoning Specialists Group, Inc.

7729 NW 146th Street
Miami Lakes FL 33016
Ph: (305)828-1210
www.thezoningspecialistsgroup.com

375-FOOT RADIUS MAP:

