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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 – Third Amended and Restated Letter of Intent
Planning Board Application No. PB21-0453 (the "Application")**

Dear Mr. Mooney:

Please accept this Third 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") modification 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, as recorded in Miami-Dade County, Florida, Official Records Book 32452, Page 1617 (the "2021 CUP"), and DRB Order No. DRB20-0530, approved by the DRB on February 2, 2021, as recorded in Miami-Dade County, Florida, Official Records Book 32440, Page 1296 (the "2021 DRB Order").

This third amended and restated request eliminates the previously requested automated mechanical parking system and, instead, provides a self-park and valet operation. The self-park and valet operation was approved by the 2021 CUP but the present Application provides increased required parking for the Project. In addition, the Applicant proposes minor changes relating to the rooftop restaurant and ancillary café on the ground floor, both on Block A. The changes result in slight alterations to the internal project layout, but the exterior design is not materially affected. The Applicant has filed a companion Design Review Board application for site plan approval of the proposed parking configuration and overall Project design modifications pursuant to 2021 DRB Order.

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

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 Planning Board and Design Review Board application approvals (the "Prior Approvals"), the Project consists of a "new five (5)-story office development exceeding 50,000 gross square feet," specifically, Class-A office with a roof top level restaurant that is intended to support the office and marina uses, associated parking amenities, and continuation of the existing mega-yacht marina use. The approved uses are not changing. This Application to modify the 2021 CUP simply seeks to increase the amount of required parking provided by eliminating reductions previously approved for the Project.

II. Proposed Project Adjustments

The Applicant desires to modify the Prior Approvals to ensure that the adequate parking infrastructure exists on-site for the tenants, employees, and visitors of One Island Park. As proposed, the Project includes five (5) floors and six (6) garage levels with a total of 383 parking spaces, which is an increase from the previously approved four (4) garage levels with 239 parking spaces. This increase in provided parking will result in a more efficient operation of the Project and ensure the successful leasing of the Class-A office component. The general size and location of building and the pick-up/drop-off area remain the same, and the architectural intent of the Prior Approvals is preserved as much as possible.

The new design proposes the following:

- **Property Entrance:** The entrance has been re-centered to allow for improved landscaping and pedestrian crosswalks, which comports with the 2021 DRB Order.
- **Level 0 (new):** A new level 0 is introduced at 0'-0" NGVD. This Lower Level only includes an underground service corridor connecting both building cores.
- **Parking Garage:**
 - **Level 01:** The new footprint for Level 01 accommodates a fire truck access driveway on the North side along the property line.
 - **Upper levels and roof:** The metal trellis over the parking garage has been removed. The parking garage is now enclosed by a concrete roof slab which hosts an outdoor landscaped amenity area for the office building tenants, employees and patrons. In addition, the parking garage layout has been adjusted to maximize the number of parking spaces provided.
- **Office Block A:** The layout of Block A is re-designed to re-orient the office area toward Government Cut. A covered loading area has been provided at grade level at the West side with direct access to the main back of house area and to the underground service connection. The adjacent parking area was adjusted accordingly. The ancillary café amenity area (with 36 seats contemplated) on the ground floor (southwestern side) has been

reconfigured. Lastly, the elevator core layout has been revised to improve the indoor office areas.

- Rooftop restaurant: a new layout is proposed with 100 outdoor seats plus additional patron area. An open trellis structure was added over the outdoor seating area. The proposed restaurant seating area is located on the sixth level of Office Block A, facing the Miami Municipal Channel.
- Office Block B: A new core design is proposed for Block B. The bike storage room has been relocated to the back side of the building's lobby space. The elevator core layout has been revised to improve the indoor office areas. A roof deck amenity area is located on the sixth level at the southernmost portion of the building for the enjoyment of the office users.

This Application represents a minor adjustment to the Prior Approvals and primarily serves to enhance the approved plans, maximize the efficiency of the parking operations on the site, and enable the Project's long-term success. The expected tenants of the proposed Class-A office development are accustomed to efficient, sophisticated, and amenitized spaces, and this Application incorporates important improvements to the Project.

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 traffic and no change to the trips generated by the project, taking into account an 8.5% multi-modal reduction. 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.

This Application does not change the approved conditional uses or create any new negative impacts. With the approval of this new Application, the Project will continue to be characterized as approved pursuant to the 2021 CUP and will simply add operational enhancements 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 63,693 SF (39.4%). 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 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.

(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, food and beverage, and marina uses are expressly permitted in the I-1 zoning district. 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 appropriately managed 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.

(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.

With this Application, the Applicant is amending the operational plan approved under the 2021 CUP to provide supplemental information based on the proposed uses, including the ancillary café. Among other things, the operational plan provides that: (1) the office use principal hours of operation will be during customary business hours, 7:00 AM to 6:00 PM, Monday through Friday, the maximum occupant content will be approximately ± 233 employees at one time per floor, and both self and valet parking will be available; (2) the restaurant use will have approximately ± 100 outdoor seats plus additional patron area, a maximum occupant content of approximately ± 299 persons, if permitted by the Fire Marshal, hours of operation limited to 7:00 AM to 3:00 AM, Sunday through Saturday, a maximum of approximately ± 35 employees per shift during normal operations (not including special events), and parking will be valet only; (3) the Café will consist of approximately ± 36 seats, may operate during customary business hours, 7:00 AM to 6:00 PM, Monday through Friday, and will generally have a maximum of approximately ± 6 employees per shift; (4) lastly, the marina use will continue its operations 24 hours a day, seven (7) days per week, with a maximum of seven (7) wet slips and a maximum of approximately ± 10 employees per shift, not including private yacht crew members, and valet parking only.

(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.

(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 provided.

(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. State of the art 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. 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.

IV. 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 amended and restated request. Please do not hesitate to contact me if you have any questions or concerns regarding the Application.

Respectfully submitted,

HOLLAND & KNIGHT LLP

A handwritten signature in blue ink, reading "Tracy Slavens", with a stylized flourish at the end.

Tracy R. Slavens, Esq.

Enclosures

cc: Cullen Mahoney
Vanessa Madrid, Esq.