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VIA ELECTRONIC AND IN PERSON DELIVERY

City of Miami Beach Planning Board
c/o Mr. Thomas Mooney, Planning Director
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Final Submittal Letter of Intent for Planning Board Application for File No. PB23-0604 (the "Application") / Property located at 230 Lincoln Road, Miami Beach, Florida – Folio No. 02-3234-019-0860 (the "Property")

Dear Chairperson and Members of the Planning Board:

Our firm represents Five Below Inc. (the "**Applicant**"), in connection with certain land use and zoning matters relating to the abovementioned Property before the Planning Board. Please consider this correspondence as the letter of intent requesting a Conditional Use Permit ("**CUP**") for the proposed Five Below specialty store located at the ground floor of the existing retail center at the Property (the "**Project**").

I. The Property

The Property consists of interior lots and is generally located along Lincoln Road between Washington Avenue (to the West) and Collins Avenue (to the East). Additionally, the Property is zoned CD-3, Commercial High Intensity District, which allows a wide array of business, professional office, and commercial uses as permitted uses. The CD-3 zoning district also allows limited convenient store uses along Lincoln Road, including the Property, as a conditional use subject to certain requirements and criteria (as discussed further below). Specifically, the Property is currently improved with a 4-story retail building. The existing retail center contains retail tenants occupying the upper floors of the building, including Ross Dress for Less, with vacant retail space at the ground floor. As mentioned above, the proposed Five Below specialty store is proposed to occupy the now vacant, ground floor space at the Property.

Five Below is a high-growth value retailer that offers high-quality products. With a diverse and exciting range of products, Five Below especially appeals to families with children of all age groups, from tweens, teens and beyond. While headquartered in Philadelphia, Pennsylvania, and has nearly 1,200 stores in 40 states – Five Below, as the Applicant, is excited to bring this unique, blend of value and family-friendly shopping experience to Lincoln Road and the heart of Miami Beach.

II. Conditional Use Permit Criteria.

Pursuant to Section 2.5.2.2.a of the Resiliency Code, the Applicant requests a Conditional Use Permit from the Planning Board for the ground floor development of a new Five Below specialty store located at the existing retail building at the Property. As detailed below, the Application complies with Section 2.5.2.2.a of the Resiliency Code, as detailed below.

a. Section 2.5.2.2.a

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

The Project, consisting solely of ground floor interior renovations for the operation of the Five Below specialty retail store, is consistent with the City's intent for this area. Specifically, on October 18, 2023, the City Commission approved legislation that allows for this type of specialty retail use (identified as a "convenience store" in the City's Zoning/Resiliency Code) in this area, subject to conditional use review and approval[1].

Consistent with the above-mentioned legislation, the Property is situated along Lincoln Road, east of Washington Avenue. Additionally, the proposed 5 Below store front is proposed on the ground floor of the existing commercial building at the Property. The proposed store front is interior to the Property and is conveniently setback more than 75 feet from the front Property line (Lincoln Road), as well as setback more than 75 feet from Washington Avenue and Collins Avenue. As a result, the proposed Five Below retail store would be permitted as a conditional use and in compliance with the City's recently approved ordinance.

ii. 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 as set forth in the City's Comprehensive Plan. As mentioned above, the Property is currently improved with an as-built, retail center that contains retailers such as Ross Dress for Less on the upper levels. The scope of the Application consists of a conditional use for the operation of a Five Below specialty store at the now vacant, ground floor space. The Application does not include any demolition to or expansions of the existing retail space. Additionally, the proposed Five Below store is similar to the type of uses currently at the shopping/retail building. As a result, the proposed Five Below is not expected to exceed the threshold levels of services set forth in the City's Comprehensive Plan.

[1] On October 18, 2023, the City Commission approved an ordinance (Item R5-J) amending the City's Resiliency Code to allow "convenience stores" located along Lincoln Road between Washington Avenue and Collins Avenues as a conditional use subject to further requirements and criteria.

iii. ***Structures and uses associated with the request are consistent with these land development regulations.***

As mentioned above, the proposed conditional use for the Five Below ground floor retail space is consistent with the City's intent for this area, per the City's approved legislation (October 18, 2023).

iv. ***The public health, safety, morals, and general welfare will not be adversely affected.***

The Project will not adversely affect the public health, safety, morals, and general welfare of the neighborhood or City. To the contrary, with Five Below's commitment to providing family-friendly products at an affordable price point, this proposed specialty store will provide quality products to existing and visiting Miami Beach families without compromising safety or ethical standards, and will positively contribute to the general welfare of Miami Beach.

Additionally, the Project will positively impact the residents of the surrounding areas by providing job opportunities while the occupation of this previously vacant space will surely improve the aesthetic of this area.

v. ***Adequate off-street parking facilities will be provided.***

The Project has no parking requirements for these retail uses at the Property. Nonetheless, there are several public parking garages and lots within walking distance of the site to ensure that there are accessible parking facilities in the area.

vi. ***Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.***

The existing Owner of the Property maintains necessary safeguards and safety measures to promote the protection of both the tenants and patrons visiting the retail stores at the Property. For example, a private security company is currently contracted and oversees the safety of the retail spaces at the Property, ensuring the well-being of both tenants and visitors throughout the retail store's operating hours, 7 days a week.

There is also a comprehensive surveillance system, with security cameras strategically positioned on all floors of the building, including the stairwell, rooftop, and overlooking the alley. The CCTV system provides 24/7 monitoring, that is accessible via a secure online connection or phone application, ensuring that the security and maintenance team has continuous oversight of the premises. With these advanced security systems and infrastructure already in place, the safety and protection of the existing and future retail tenants and visitors will continue to be provided for at this Property.

vii. ***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 addition of the family-friendly specialty store, Five Below, will not create a negative impact on the surrounding neighborhood and does not constitute a concentration of similar types of uses. The Five Below specialty store is proposed for operations on the ground floor of the existing retail building at the Property. This ground floor space at has been vacant for years. The introduction of a family-friendly specialty store, such as Five Below, would provide a diverse retail offering that is currently not provided in this area. The proposed specialty retail store is distinct from the existing souvenir/T-shirt shops, convenience/pharmacy stores in the area, as it provides specialty retail products that the entire family can enjoy. The approval of this Application would not only allow for a much needed, family friendly specialty store in this area but would also improve the previously vacant ground floor tenant space thereby activating this street frontage and portion of Lincoln Road.

viii. ***The structure and site comply with the sea level rise and resiliency review criteria in Chapter 7, Article I, as applicable.***

The Application is limited to interior renovations of the ground floor tenant space. Please refer to the Sea Level Rise and Resiliency Criteria provided in Section III of this Letter of Intent for more details.

ix. ***Appropriate consideration is given to the safety of and friendliness to pedestrian traffic; passageways through alleys is encouraged where feasible and driveways shall be minimized to the extent possible.***

Although the Application is limited in scope to the interior renovations of the ground floor space, the existing retail building is designed with appropriate consideration given to the safety of and friendliness to pedestrian traffic. For example, the existing retail building is designed with a 100-foot long open courtyard that leads pedestrians and retail patrons directly from Lincoln Road to the retail spaces at the Property. Additionally, all loading operations are facilitated at the rear of the Property along the abutting alley so as not interfere with the pedestrian streetscape and activity along Lincoln Road and at the Property.

III. Sea Level Rise and Resiliency Review Waiver

Section 7.1.2.4.a provides review criteria for compliance with the City's sea level rise and resiliency criteria.

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

Not Applicable. The proposed Project is limited to ground floor, interior renovations of the existing retail building for the new Five Below specialty store as the ground floor tenant. There is no proposed demolition as part of this Application request.

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

   Not Applicable. The as built retail building contains hurricane impact windows that were installed in or around 2016.

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

   Not Applicable. The existing building is an as built retail building.

4. ***Resilient landscaping (salt tolerate, highly water absorbent, native or Florida friendly plants) will be provided.***

   Not Applicable. The scope of the Application does not intend to change the existing landscaping at the Property, including the street trees along Lincoln Road.

5. ***Whether 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, including a study of land elevation and elevation of surrounding properties were considered.***

   Not Applicable. As mentioned above, the Project is limited to interior renovations to the existing commercial/retail building.

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.***

   Not Applicable. As mentioned above, the Project is limited to interior renovations to the existing commercial/retail building.

7. ***Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation with room to raise.***

   Not Applicable. The existing retail building contains an FPL vault on the ground floor at rear of the building. However, most of the building's mechanical equipment is situated on the roof, with landscaping and appropriate screening concealing the equipment from view. The Application and corresponding conditional use request does not effect or intend to the change the as-built mechanical and electrical systems at the Property.

8. ***Existing buildings shall, where reasonably feasible and appropriate, elevated to the base flood elevation, plus freeboard.***

   Not Applicable. As mentioned above, the Application is solely for the interior renovations for the Five Below specialty store on the ground floor of the existing retail building. At this time, there are no plans for exterior renovations to the existing retail building.

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

   Not Applicable.

10. ***Where feasible and appropriate, water retention systems shall be provided.***

    Not Applicable.

11. ***Cool pavement materials or porous pavement materials shall be utilized.***

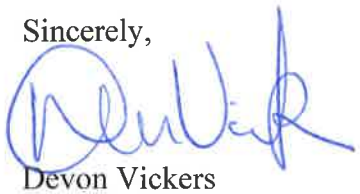
    Not Applicable.

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

    Not Applicable. Although the Project is limited in scope to ground floor interior renovations for the Five Below specialty store, the existing retail building contains an open air terrace and landscaping/planters on the rooftop to help reduce and minimize the urban heat island effect.

Applicant is requesting the approval of the above-mentioned CUP to allow for the operation of a Five Below specialty store on the ground floor of the existing retail building. Based on the foregoing, we respectfully request your favorable consideration and approval of this Application.

Sincerely,



Devon Vickers