



# WEISS SEROTA HELFMAN COLE & BIERMAN

AT THE CROSSROADS OF BUSINESS, GOVERNMENT & THE LAW

EDWARD O. MARTOS  
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July 26, 2018

VIA CITIZENS ACCESS PORTAL  
AND HAND DELIVERY

Ms. Tui Munday  
Senior Planner  
The City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

**Re: Application to Amend PB 2127 To Allow Off-Site Uses To Utilize Surplus Parking at 1215 West Avenue / Narrative Response to Staff First Submittal Review Comments issued July 20, 2018**

Dear Ms. Munday:

Thank you for your staff comments issued July 20, 2018. Below, I have reproduced your comments and provided responses to each. If you have additional comments, or I can be of any assistance, please contact me.

**Comment 1.** **Application:** Please clarify if the applicant is the owner of the parking and that the individual condo owners do not own a percentage as common area. If the condo has interest in the parking areas, they should be included in the disclosures.

**Response:** The subject parking garage is a standalone condominium unit exclusively owned by the applicant.

**Comment 2.** **Application:** Please provide an "Exhibit A" legal description which should be the same as the one on the survey.

**Response:** We have provided the legal description as "Exhibit A" to the enclosed application package.

**Comment 3.** **LOI:** Please address the CUP criteria, the mechanical parking criteria, and the sea level rise and resiliency requirements. The first two will have been addressed in the original application, and may repeated.

**Response:** The enclosed application includes an amended letter of intent that addresses each set of criteria.

**Comment 4.** **LOI:** Please clarify if the intended use of the spaces will be for valet storage from an off-site use (if so provide details), residential pass holders, any patron delivering their vehicle to the valet stand or any mixture of the above?

**Response:** The amended letter of intent clarifies that the Owner has not yet made arrangements with off-site uses and is open to all or a combination of the above options.

**Comment 5.** **LOI:** Please state whether you are asking for after midnight use for off-site uses?

**Response:** Please see response above.

**Comment 6.** **LOI:** Please use the words “underutilized spaces and/ or surplus” instead of just surplus.

**Response:** The amended letter of intent refers to underutilized and surplus spaces.

**Comment 7.** **Photos:** Please provide color photos with a min of 4“x 6” of project site, the whole property and adjacent properties, including across the street and a key directional plan for the color photos provided.

**Response:** The enclosed application package includes the requested photos and directional plan.

**Comment 8.** **Plans:** Please provide either the plans from the original application or the zoning page and a page of each of the floors from the building permit.

**Response:** The enclosed application package includes the plans from the original application.

**Comment 9.** **FYI:** Please be aware that you are applying only for the use of the underutilized spaces or any surplus spaces, not for any of the required spaces, so omit all reference and the supplemental “parking data” about use of the frequency of the required spaces from the sets. The board is not authorized to authorize the use of the required parking for off-site uses, so the data is not relevant to the application.

**Response.** The amended letter of intent clarifies that we are proposing use of the underutilized and surplus parking spaces. We acknowledge that the board will be authorizing the use of the surplus spaces and that the additional parking data regarding utilization rates is not determinative. We have nonetheless kept that data as part of the application package because it is persuasive even if it is not determinative. We will be happy to specify this before the Planning Board.



Mr. Thomas Mooney  
July 26, 2018

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**Comment 10. FYI:** If you want to prove that there is surplus parking, than the required parking analysis should include the units, the restaurant, and the shell retail space. Surplus and underutilized parking will be the subject of annual review through the underutilized parking garage BTR process and the number of those spaces will fluctuate with the change of on-site uses.

**Response:** Agreed. The amended letter of intent includes a table detailing the parking surplus supported by the Certificate of Occupancy for the building showing that the building includes 45 units and one accessory restaurant space. We have also included the Certificate of Use for the restaurant space. The Certificate of Use shows that the restaurant—a juice bar and café—has only 37 seats.

Very truly yours,



Edward Martos

Enclosures

cc: Tui Munday  
Flavio Rossato  
Gilberto Pastoriza

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