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October 23, 2023

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

Re: Letter of Intent – Fisher Island Garage Expansion

Dear Mr. Mooney:

Akerman LLP represents Fisher Island Community Association, Inc. ("Owner"), owner of the parking garage ("Parking Garage") located at 112 MacArthur Causeway ("Property") on Terminal Island in the City of Miami Beach ("City"). Owner is proposing to amend the City's Resiliency Code to permit the Parking Garage to achieve up to 75 feet in height. The Resiliency Code currently restricts the height of parking garages on Terminal Island to 40 feet.[1] The additional height would allow for the expansion of the Parking Garage, thereby increasing parking capacity, which is currently much needed to alleviate congestion on Terminal Island and MacArthur Causeway, and to prevent blocking access to Coast Guard Base Miami Beach located across from the Property.

A. Background Information

The Property has a lot area of approximately 82,223 square feet according to Miami-Dade Property Appraiser data and is improved with the aforementioned Parking Garage, which is 4 stories and approximately 141,793 square feet in size. The Property is zoned I-1 (Urban Light Industrial) and has a Future Land Use designation of I-1 (Urban Light Industrial) according to the

[1] *See* Section 7.2.23.3(a) of the Resiliency Code. Note, however, on January 10, 2014, the Board of Adjustment issued approval for a variance to exceed the maximum permitted building height of 40 feet for the Parking Garage. The variance allows the Parking Garage to be 43 feet, which is 3 feet above permitted height in the Resiliency Code.

City's official maps. The following zoning approvals have been issued by the City in connection with the Property and the Parking Garage:

- On April 30, 2013, the Planning Board issued a Conditional Use Permit for the new construction of a parking garage that is over 50,000 square feet and a marine structure that projects more than 40 feet into the waterway.

- On June 4, 2013, the Design Review Board approved construction of a new multi-story parking garage and a new marine structure in connection with a commercial ferry service terminal to and from Fisher Island.

- On December 17, 2013, the Planning Board issued approval for a Modification to a Conditional Use Permit to introduce approximately 15,458 square feet of office space on the north end of the fourth floor of the Parking Garage.

- On January 10, 2014, the Board of Adjustment issued approval for a variance to waive the requirement to incorporate residential or commercial uses at the first level, a variance to waive the requirement to incorporate residential or commercial uses at every level facing a waterway, and a variance to exceed the maximum permitted building height in order to build a new 4-story parking garage, which now exists. The variance allows the garage to be 43 feet, which is 3 feet above the permitted height in the Resiliency Code.

On January 13, 2021, the City Commission adopted Ordinance No. 2021-4391, which is reflected in the Resiliency Code[2], increasing the allowable height to 75 feet for "commercial and office buildings" at properties zoned I-1 and located on Terminal Island. Based on our discussions with Planning Department staff, parking garages are not included within the definition of "commercial and office buildings" and, therefore, cannot be built to the 75 feet.

B. Reasons for Additional Height and Garage Expansion

Owner completed construction of the Parking Garage in 2020. The Parking Garage serves as parking for employees and contractors who work on Fisher Island so that they are able to access the Island. The Parking Garage was also built to reduce the number of vehicles that must be transported to Fisher Island and reduce backups of vehicles that must load onto ferries. Many vehicles that otherwise would have required transport to Fisher Island on the ferry park at the Parking Garage. However, the Parking Garage is being utilized to its full capacity. Additional height and a resulting expanded parking garage would:

1. Reduce Spillover of Traffic onto MacArthur Causeway

[2] *See* Section 7.2.23.3(a) of the Resiliency Code.

The ferries for passenger and vehicles to Fisher Island operate from Terminal Island. Virtually all residents and persons who work on Fisher Island must use the ferries. As a result, the traffic associated with ferry loading sometimes spills over onto MacArthur Causeway, causing further congestion and queuing along the Causeway. Attached as **Exhibit A** are screenshots from a video dated January 10, 2023 displaying the traffic backup on the Causeway. An expansion of the Parking Garage would help alleviate this issue. A diagram of the traffic flow to the Parking Garage and ferry terminal is attached as **Exhibit B**. Further, Owner's administrative offices would be moved from Fisher Island to the expanded garage, which would reduce traffic backup and the number of vehicles requiring access to ferry services. A trip generation statement prepared by Kimley Horn dated May 6, 2022, attached as **Exhibit C**, notes that an expansion of the garage is "not expected to impact the total number of vehicles entering/exiting the east side of Terminal Isle (Terminal East) as the proposed expansion will result in more vehicles parking within the garage rather than traveling to/from Fisher Island on vessels using the adjacent ferry terminal" and will "positively impact traffic conditions on Terminal Isle."

2. Improve Coast Guard Base Access

Congestion caused by vehicles going to Terminal Island in order to transfer to Fisher Island via ferry services is affecting access to the Coast Guard Base. As noted in a letter from the Coast Guard dated November 18, 2022, attached as **Exhibit D**, while "the initial parking garage construction…mitigated the impact of…vehicles accessing Terminal Island," traffic remains an issue: "However, on occasion, traffic entering the Fisher Island Terminal East facility to stage for ferry boarding, backs up and blocks ingress/egress from Base Miami Beach." The letter concludes that "Further modification to the parking garage should make necessary adjustments to improve…traffic flow at the entrance to Base Miami Beach." Overall, the Coast Guard "does not object to the proposed addition of three stories (totaling 75 feet)" to the Parking Garage.

3. Promote the Consistent Development of Terminal Island

Having the Parking Garage at 75 feet would match the permitted height for office and commercial buildings on Terminal Island. This would allow for consistent development in the area.

C. Planning Board Review Criteria

Section 2.4.2(c) of the Resiliency Code establishes specific criteria for amendments to the text of the City's land development regulations. These criteria are addressed below:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

   The proposed amendment increases the allowable height of parking garages within the I-1 district on Terminal Island to 75 feet. Parking garages are permitted within the I-1 future land use category and consistent with the established uses

on Terminal Island. Terminal Island has long been used as a ferry and marine terminal, hence the Island's name. The garage is an integral part of ferry operations.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

   The proposed amendment does not change existing uses and does not create an isolated district unrelated to adjacent or nearby districts.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

   The proposed amendment is limited the I-1 district located on Terminal Island and not out of scale with the needs of the neighborhood or the City. Increasing the allowable height of the parking garage to 75 feet would match the allowable height for office and commercial buildings on Terminal Island.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

   The proposed amendment will not affect the load on public facilities and infrastructure as the maximum floor area ratio (FAR) is not modified. Additional parking at the Property will reduce traffic spillover onto MacArthur Causeway, improve access to the Coast Guard Base, and improve traffic conditions on Terminal Island.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

   The proposed amendment does not modify district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

   The need to improve traffic conditions on Terminal Island and MacArthur Causeway and improve access to Coast Guard Base Miami Beach makes passage of the proposed change necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

The proposed amendment will not adversely affect living conditions in the neighborhood, but rather will improve living conditions by reducing traffic congestion.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

   The proposed change will not create or increase traffic congestion. Rather, it will improve traffic conditions.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas**.

   The proposed change will not affect light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

    The proposed change will not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations**.

    The proposed change will not be a deterrent to the improvement or development of adjacent property, but in fact can facilitate more orderly development by reducing traffic congestion.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

    Not applicable.

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

    The only location where the Fisher Island Ferry operates is on Terminal Island and the only district in the City that allows marine terminals and commercial ferry operations is Terminal Island.

D. Sea Level Rise and Resiliency Review Criteria

The sea level rise and resiliency review criteria from Section 7.1.2.4(a)(ii) of the Resiliency Code are addressed below:

1. **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

   The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

2. **Whether the proposal will increase the resiliency of the city with respect to sea level rise.**

   The proposal should increase the resiliency of the City with respect to sea level rise. By reducing traffic congestion and improving mobility, the proposal will improve preparedness for hurricanes and other weather events.

3. **Whether the proposal is compatible with the city's sea level rise mitigation and resiliency efforts**

   The proposed amendment would reduce vehicle traffic and is compatible with the City's sea level rise mitigation and resiliency efforts.

E. Conclusion

Overall, allowing parking garages on Terminal Island to match the allowable height of office and commercial buildings at 75 feet would reduce traffic congestion on Terminal Island, reduce queuing on MacArthur Causeway, improve access to the Coast Guard Base, and promote the consistent development of Terminal Island. For these reasons, the proposed amendment to the Resiliency Code should be approved. Thank you for your consideration.

Sincerely,

AKERMAN, LLP

Neisen O. Kasdin

Enclosures

cc: Rogelio Madan, Development & Resiliency Officer

EXHIBIT A

EXHIBIT B

Entrance from MacArthur Causeway to Ferry Terminal and Parking Garage
Traffic flow to board ferry
Traffic flow to enter parking garage
MacArthur Cswy
Florida State Road A1A
A1A
Fisher Island Ferry Terminal
Ferry Terminal
FPL Miami Beach Plant
Terminal Island
Coast Guard Exchange
US Coast Guard Base Miami Beach
Layers
Google

72969994;1

EXHIBIT C

Kimley»Horn

May 6, 2022

Mr. Michael Posey
Director of Development
Fisher Island Community Association, Inc.
One Fisher Island Drive
Fisher Island, Florida 33109

Re: Fisher Island Ferry - Terminal East
Parking Garage Expansion - Miami Beach, Florida
Trip Generation Statement

The purpose of this letter is to summarize the trip generation/traffic operations impacts associated with the proposed increase in capacity/height of the Terminal East parking garage located at 112 MacArthur Causeway. The following sections summarize the existing conditions, proposed conditions, and conclusion.

EXISTING CONDITIONS

Fisher Island Community Association (FICA) currently operates two (2) ferry terminals on Terminal Isle. Terminal West, located on the west side of Terminal Isle, is utilized primarily for residents and guests of Fisher Island. Terminal East, located on the east side of Terminal Isle, serves FICA employees, contractors, and all commercial vehicles. A portion of FICA employees and contractors park vehicles in the existing 461-space parking garage located at Terminal East and walk on/off the ferry vessels to arrive to/depart from Fisher Island. These vehicles enter/exit the garage from the west side of the facility while vehicles destined for Fisher Island either (1) travel directly onto a waiting vessel or (2) travel clockwise around the garage into designated queueing lanes on the ground level of the parking structure. Refer to Attachment A for the current operational schematic plan.

PROPOSED CONDITIONS

In order to reduce the operational demand on the Terminal East ferry vessels, it is proposed to increase the parking capacity of the existing garage by adding levels to the facility. In addition, it is proposed to relocate a portion of the existing FICA support operations currently located on Fisher Island to Terminal East by constructing new office space as part of the parking garage expansion. These proposed changes are not expected to impact the total number of vehicles entering/exiting the east side of Terminal Isle (Terminal East) as the proposed expansion will result in more vehicles parking within the garage rather than traveling to/from Fisher Island on vessels using the adjacent ferry terminal.

CONCLUSION

FICA is proposing the expand the existing Terminal East parking garage to (1) provide additional parking capacity and (2) relocate some support operations from Fisher Island to Terminal East. The proposed expansion is not expected to impact the number of trips traveling to/from the east side of Terminal Isle as the proposed expansion/relocation will only shift traffic volumes from traveling onto the

ferry to parking in the expanded garage. Therefore, no new traffic impacts are expected as a result of the proposed modifications.

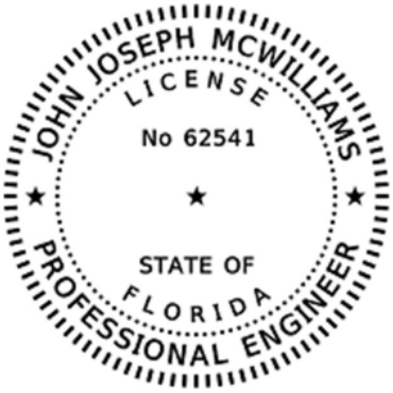
It should be noted that vehicles departing the ferry at Terminal East from Fisher Island travel to the signalized intersection at SR A1A/MacArthur Causeway in grouped platoons immediately after the ferry docks. Conversely, employees and contractors who depart the ferry on foot walk to the garage, travel to the level their individual vehicle is parked, and leave Terminal Isle, resulting in a more dispersed traffic volume pattern leaving Terminal East. Therefore, the proposed increase in parking supply is likely to positively impact traffic conditions on Terminal Isle.

Please contact me if you have any questions

KIMLEY-HORN AND ASSOCIATES, INC.

John J. McWilliams, P.E.

Attachment



This document has been digitally signed and sealed by John Joseph McWilliams, P.E. on the date adjacent to the seal.

John J McWilliams Digitally signed by John J McWilliams Date: 2022.05.06 14:53:51 -04'00'

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

John J. McWilliams, P.E.
Florida Registration Number 62541
Kimley-Horn and Associates, Inc.
600 North Pine Island Road, Suite 450
Plantation, Florida 33324
Registry # 00000696

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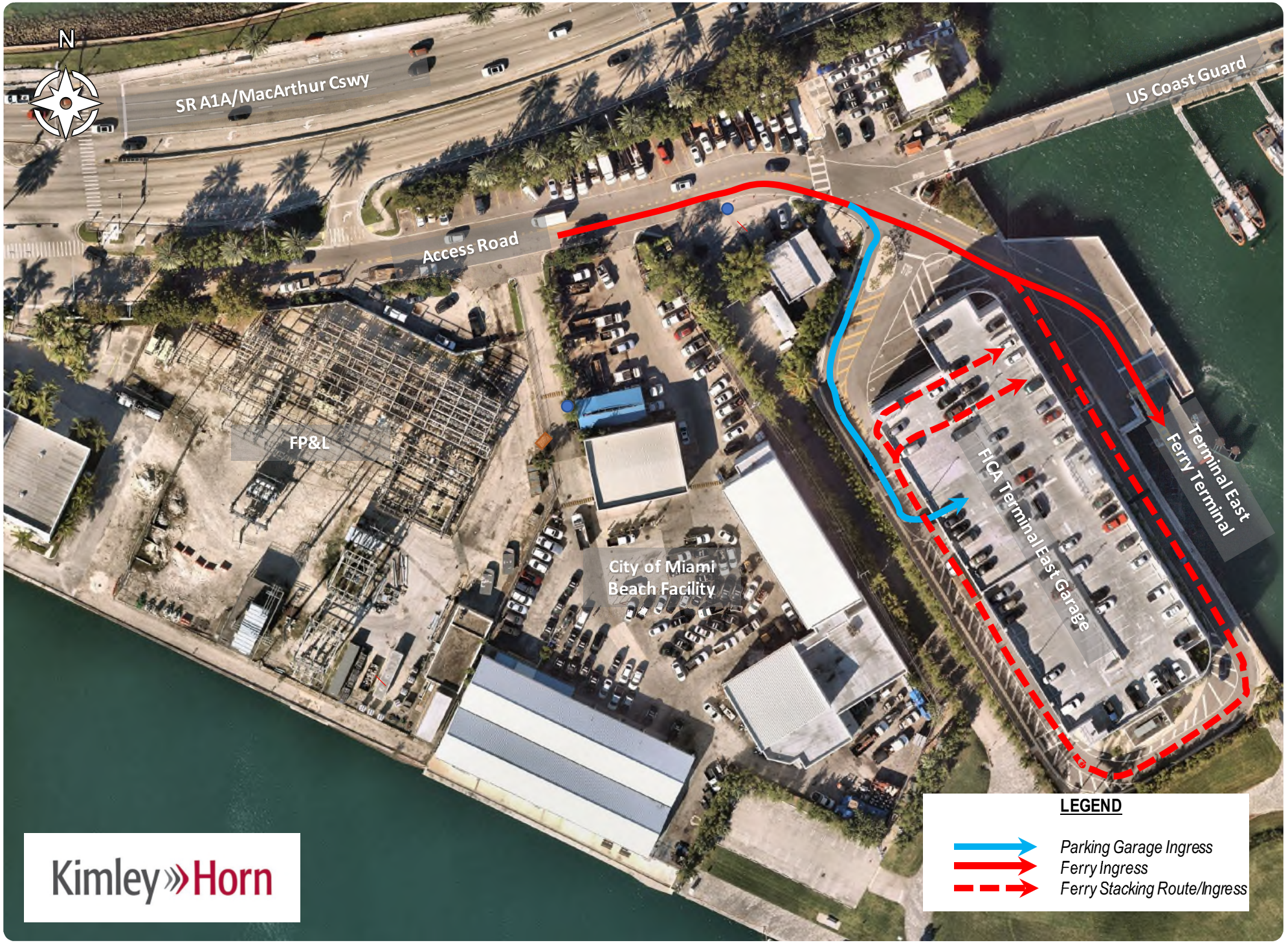
Attachment A

Existing Terminal East Operational Plan



Kimley»Horn

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EXHIBIT D

U.S. Department of Homeland Security

United States Coast Guard

Commanding Officer
United States Coast Guard
Base Miami Beach

100 MacArthur Cswy
Miami Beach, FL 33139
Phone: (305) 535-4498

11011
18 Nov 2022

Mr. Michael Posey
Director of Development
Fisher Island Community Association, Inc.
One Fisher Island Drive
Fisher Island, Florida 33109

Dear Mr. Posey:

I am writing to inform you that the U.S. Coast Guard Base Miami Beach does not object to the proposed addition of three stories (totaling 75 feet) to the parking garage located on Terminal Island, adjacent to Base Miami Beach.

The Coast Guard and the Fisher Island Community Association (FICA) have been engaged in productive dialogue for several years regarding the construction of the parking garage and its impact on traffic on Terminal Island. The redesigned parking spot arrangements for City of Miami Beach vehicles and roadway improvements completed in 2020 as part of the initial parking garage construction have mitigated the impact of the additional number of vehicles accessing Terminal Island.

However, on occasion, traffic entering the Fisher Island Terminal East facility to stage for ferry boarding, backs up and blocks ingress/egress from Base Miami Beach. Further modification to the parking garage should make necessary adjustments to improve, or at least not make worse, traffic flow at the entrance to Base Miami Beach.

My point of contact for any questions is Lieutenant James Taylor, Facilities Engineer, who can be reached at (305) 535-4589.

Sincerely,

R. E. Omenhiser
Captain, U.S. Coast Guard
Commanding Officer, Base Miami Beach

Copy: Commander, Seventh Coast Guard District
Commander, Coast Guard Sector Miami
Commanding Officer, Coast Guard Civil Engineering Unit Miami