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VIA ELECTRONIC SUBMITTAL

May 4, 2025

Michael Belush
Planning Department
Planning & Design Officer
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

RE: **PB25-0741 Final Submittal:** Application Letter of Intent for Certificate of Use Permit for Superhuman Immersive Modern Art Museum for Property Located at 1100 Lincoln Road

Dear Mr. Belush:

This law firm represents Superhuman Museum LLC (the "Applicant"), together with BH 1100 Lincoln Road LLC, the owner of the property referred to above (the "Property"), located in the City of Miami Beach (the "City"). This letter serves as the required letter of intent for a Land Use Board Hearing Application for a Conditional Use Permit before the Planning Board, in accordance with the City's recent Land Use Board Revised Process and Guidelines.

Description of the Property. The Property comprised of an "L" shaped corner parcel fronting Lincoln Road to the north, and Alton Road to the west, and identified by Folio No. 02-3234-018-0250. The Property is presently the site of the Regal Cinema movie plex. This application concerns the leasehold area within the Property now occupied by the Regal Cinema of approximately 78,000 square feet of total leased area (which area is referred to herein as the "Project Area"). The Project Area fronts Lincoln Road and is zoned CD-3, Commercial, medium intensity ("CD-3").

While the Property includes the former Chase Federal Bank/former Banana Republic historic building on the easternmost elevation, the scope of this application is limited to the existing Regal Theater footprint, and does not include, touch upon, or implicate the historic Chase Federal Bank/former Banana Republic building. The site of the former Chase Federal Bank/former Banana Republic building on the Property is subject to the Flamingo Park Historic District and the Miami Beach Architectural Historic District. The Project Area is not within these historic districts, and the existing structure now occupied by the Regal Theater is not classified as a contributing structure.

Unified Development Site. The Property is part of a unified development site pursuant to the Covenant in Lieu of Unity of Title recorded in Official Record Book 18131, Page 3794 of the Public Records of Miami-Dade County.

Project. The Applicant seeks Conditional Use Permit approval to undertake the adaptive reuse of the existing Regal Theater facility to house an innovative and exciting educational immersive modern art museum, referred to as the Superhuman Museum (the "Project" or "Museum"). The scope of the proposed changes to the site is limited principally to the removal of the stadium style seating now within the Regal Cinema individual theater rooms, to allow for patrons to walk through and temporarily stand or sit in each room as they progress through artistic, visual, projected visual effects, videos, films and lights, as part of the immersive Museum experience.

The proposed Project features no new construction aimed at external renovations to the building envelope, and will principally rely upon the existing features and components of the theater for the adaptive reuse for the proposed modern art Museum. The existing escalators will remain in place, and the existing concession counters will become "grab and go" point of sale locations with light food fare and refreshments, including alcoholic beverages, as reflected on the Updated Operating Plan and Menu. While the current Resiliency Code does not impose required parking for the Museum at this location, the existing Regal Theater structure is served by a parking garage with 280 parking spaces required and reflected on the As-Built Plans approved at that time. The existing garage is expected to provide more than adequate parking.

On the ground floor, the patrons of the Superhuman immersive modern art Museum will enter through the existing entrance at the corner of Alton Road and Lincoln Road. They will then travel up to the second floor to a sleek and redesigned ticketing center, which will utilize the latest technology to promptly and efficiently check in the guests, and manage the flow of the patrons through the Museum.



Figure 1. Render of Second Floor Ticketing Center.

The use of the second floor for the ticketing center will prevent any queuing on the first floor leading out to Lincoln Road or Alton Road.

The Museum patrons will then be guided through a single-direction, single-path tour through the Museum, which will feature various modern art exhibits involving installations aimed at engaging all of the senses.



Figure 2. Render of Illustrative Art Installation.

The patrons will progress through the second and third floors of the building through the exhibit rooms as indicated on the plans. The "Finale" exhibit room is positioned near the west side of the third level of the building so that the guests will then descend to the first floor and exit on the first floor through the exit doors positioned near the entrance on Lincoln Road.

The Applicant has submitted with this Application Letter of Intent its Traffic Impact Statement, which analysis concludes that the proposed Project will generate less vehicular trips to the Property than the existing Regal Cinema operations. An updated Traffic Impact Statement and Responses to Comments following initial Traffic review have been submitted, and the companion Transportation – Traffic Plan No. TRN25-0033 is indicating approved / passed.

Request. In order to develop the Project, the Applicant respectfully requests Conditional Use approval for a Neighborhood Impact Establishment with indoor entertainment and alcohol service under Sections 7.2.12.2 and 2.5.2.2(c) of the Resiliency Code.

Conditional Use Criteria. Every conditional use permit application requires the Planning Board to determine the application's consistency with nine (9) criteria. The Applicant's satisfaction of the conditional use permit criteria, codified in Section 2.5.2.2.a. of the Resiliency Code, is outlined below.

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

Commercial uses such as offices and restaurants, as well as entertainment and Civic uses such as cultural institutions are consistent with the Comprehensive Plan and permitted by the CD-3 zoning regulations. Commercial uses are defined to include motion picture theater, retail sales, offices, and eating and drinking establishments. *See*, §1.2.2.4, City of Miami Beach Resiliency Code (Commercial Use Definitions). The purpose of the Commercial, High Intensity District is to accommodate a highly concentrated business core in which activities serving the entire City are located. *See* §7.2.12.1, Resiliency Code. The proposed modern Museum use in this area will further the public policy of siting recreational, entertainment and civic/cultural amenities in proximity to residential living spaces, as well as provide the amenity of a new Museum attraction for the enjoyment of visitors, nearby neighborhood residents as well as employees and patrons from nearby businesses along Lincoln Road.

(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 proposed adoptive reuse that will be entirely contained in the footprint of the existing Regal Theater is not expected to have any negative impact in excess of the thresholds of level of service provided for in the City Comprehensive Plan. The Project will provide opportunities for commercial uses in close proximity to retail, other restaurants, and nearby residential areas. A professional Traffic Impact Analysis, included with the application materials, concludes that the Project will generate less vehicular trips than the existing Theater, and consequently will not adversely impact the traffic in the area or exceed the acceptable level of service of nearby intersections.

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

The proposed Project is consistent with the land development regulations as it is an adaptive reuse Project that either conforms to the CD-3 regulations with respect to density, height, and minimum requirements for commercial uses, or conforms to the development orders under which the Regal Theater was constructed, as the proposed Project does not change the existing building envelope of the area now occupied by the Regal Theater.

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

The Project will not adversely impact the public health, safety, morals, and general welfare. Rather, it will enhance the experience of touring / visiting pedestrians as well as the experience of occupants of nearby neighborhoods. The Project benefits the community by continuing the revitalization of the critical Lincoln Road corridor with a new, modern, family friendly cultural and artistic destination. There is no outdoor entertainment proposed.

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

The existing parking garage at the facility has a large capacity of 280 parking spaces constructed for the cinema at that time. Please see below the excerpt from the as-built plans reflecting the Building Permit numbers, and parking calculation legend:

PARKING ANALYSIS

RETAIL PARKING REQUIREMENTS
0 SPACES REQUIRED BY CODE

CINEMA PARKING REQUIREMENTS
0 SPACES FOR THE
FIRST 500 SEATS
1 SPACE FOR EVERY
8 SEATS OVER 500

NUMBER OF SEATS BEING
PROPOSED IN CINEMAS = 2,740 SEATS
2,740 - 500 = 2,240 SEATS OVER 0 = 280 SPACES REQUIRED
= 280 SPACES PROVIDED

LOADING DOCK PARKING REQUIREMENTS
CINEMA RETAIL - 31,503 sq ft
GARAGE RETAIL - 8,099 sq ft
TOTAL RETAIL - 39,602 sq ft REQUIRES 3 SPACES

CINEMA (PUBLIC ASSEMBLY) - 2 SPACES
TOTAL REQUIRED 5 SPACES
TOTAL PROVIDED 5 SPACES

SETBACK ANALYSIS

FRONT 0
SIDE 0
REAR 5 ft



The Traffic Impact Analysis submitted with this Application confirms that the Museum will generate less vehicular trips than the existing Regal Theater. No mechanical parking or valet areas are proposed. Under Section 5.2.4.3(a)(4) of the Resiliency Code, parking is not required for the proposed Museum use at this location (Parking Tier 3a). The existing parking garage will be maintained and used to provide ample operational parking for the new modern art experiential Museum.

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

The new modern art Museum and its cultural offerings will greatly improve the current status of the Regal Theater presently on the Property. The Applicant will have dedicated security staff on the Property and security cameras at all major entrance and exits points. The point of sale locations and elevators will also be monitored with security cameras. Entrances and exits will be secured by electronic systems, including a gate at the bottom of the parking garage ramp to preclude unauthorized vehicle access to the parking garage.

(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.

This area on the West end of Lincoln Road near Alton Road presents an ideal location for this modern art Museum with contained operations within the existing building envelope. The Project is entirely unique and will not create a concentration of similar uses and in fact will dovetail nicely with the nearby retail, civic/governmental uses and restaurants along Lincoln Road.

(8) The structure and its site comply with the sea level rise and resiliency review criteria in Chapter 7, Article I, as applicable.

The sea level rise and resiliency code criteria are recited individually and addressed below in the freestanding section dedicated to the governing Chapter 7 factors.

(9) 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.

As noted, the Project will consist of the adaptive reuse of the existing Regal Theater which fronts the pedestrian-only wide thoroughfare of Lincoln Road. The project's scope will remain within the existing building envelope, and all existing pedestrian access and general pedestrian circulation through and around the Project along Alton Road, Lincoln Road and Lenox Avenue will remain in place and provide a secure and intuitive experience for pedestrians visiting or walking near the Project.

Neighborhood Impact Establishment. The Applicant's satisfaction of the NIE criteria is provided below.

- (1) An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.**

Included in the application materials is an Operations Plan, which includes details relating to the hours of operation, employees, the goals and style of the business and other operational details. The Operations Plan includes patron circulation information and proposed menu and beverage service details.

- (2) A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, selfpark, shared parking, after-hour metered spaces and the manner in which it is to be managed.**

As noted, a professional Traffic Impact Analysis has been conducted and submitted with the Application. The layout, security and operations of the proposed parking configuration are set forth in the Traffic Analysis and Operations Plan. These materials confirm that the existing parking garage will continue to serve the new proposed Museum. No mechanical parking or valet operations are proposed. A gate will be in place at the parking ramp entrance to prohibit unauthorized vehicle entry.

- (3) An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises will be controlled.**

As the Architectural Plans and Operations Plan establish, the core of the proposed Museum facility operations is to welcome, ticket, and process groups of patrons through the facility in an efficient, safe, and enjoyable manner. The Applicant has retained the services of engineering and architectural design professionals who worked on the Disney Star Wars, new Universal Studios Epic attraction, and other internationally renowned Central Florida attractions to bring their expertise to this Project. All access will be managed via the ground floor entrance and second floor ticketing room.

- (4) A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.**

The Operations Plan includes security related details. The entrance, patron flow, enjoyment of concession areas, and safe exit of the Museum patrons will be monitored

by the Museum's careful design, as well as by the anticipated 55 employees at the facility. Any concession counter serving alcohol will be subject to all applicable local ordinances and state statutes and regulations governing lawful alcohol service and proof of age requirements.

(5) A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.

This proposed project and cannot accommodate traffic circulation on site, other than within the existing parking garage. The Traffic Impact Analysis included in the submittal materials provides full details relating to the traffic impact to the immediate neighborhood, which is projected to generate less vehicular trips than the theater use.

(6) A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.

Any sanitation on-site or off-site as a result of the operation of the Project will be the responsibility of the Applicant. The existing dedicated trash and recycling areas located in the rear of the facility will continue to be used, and the Operations Plan includes additional details relating to the waste pick up.

(7) A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance.

No outdoor entertainment is proposed. Operation of the modern art Museum exhibits will be controlled and meet the requirements of the noise ordinance. Exhibits using sound will be contained to the individual Exhibit room.

(8) Proximity of proposed establishment to residential uses.

There are residential uses within 200 feet of the Project.

(9) Cumulative effect of proposed establishment and adjacent pre-existing uses.

The effect of the proposed Project with a new modern experiential art Museum will be that it enhances the pedestrian and Lincoln Road visitor experience and will add a valuable, walkable amenity to the nearby residential and business community. The corner of Alton Road and Lincoln Road at the existing Regal Theater is a perfect location for

exciting new Museum, and the new cultural activity at the site will help activate the West end of Lincoln Road for the benefit of both residents and visitors.

Assembly Use Criteria. The Applicant's satisfaction of the eleven (11) Assembly Use criteria as set forth in Section 2.5.2.2(c) of the Resiliency Code is provided below.

(1) Whether a proposed operations plan has been provided, including hours of operation, number of employees, and other operational characteristics pertinent to the application, and that such plan will mitigate any adverse impacts to adjoining and nearby properties, and neighborhoods.

Included in the application materials is an Operations Plan, which includes details relating to the hours of operation, employees, the goals and style of the business and other operational details. The Operations Plan includes patron circulation information and proposed menu and beverage service details.

(2) Whether a plan for the delivery of supplies 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 neighborhoods.

The Operations Plan reflects that all deliveries will be received within the dedicated on-site loading area, which will use internal existing facilities and the twenty-foot-wide alley to the rear of the existing facility, accessed via Lenox Avenue. Deliveries will only be accepted between the hours of 7:00 AM and no later than 8:00 PM. Trash collection will similarly occur from the designated trash and recycling area located interior to the site.

(3) Whether the design of the proposed structure is permitted by the regulations in the zoning district in which the property is located, and complies with the regulations of an overlay district, if applicable.

Commercial uses such as offices and restaurants, as well as entertainment and Civic uses such as cultural institutions are consistent with the Comprehensive Plan and permitted by the CD-3 zoning regulations. Commercial uses are defined to include motion picture theater, retail sales, offices, and eating and drinking establishments. *See*, §1.2.2.4, City of Miami Beach Resiliency Code (Commercial Use Definitions). The purpose of the Commercial, High Intensity District is to accommodate a highly concentrated

business core in which activities serving the entire City are located. *See* §7.2.12.1, Resiliency Code. The proposed modern Museum use in this area will further the public policy of siting recreational, entertainment and civic/cultural amenities in proximity to residential living spaces, as well as provide the amenity of a new Museum attraction for the enjoyment of visitors, nearby neighborhood residents as well as employees and patrons from nearby businesses along Lincoln Road. Development regulations going to height, density, setbacks, and other requirements are in compliance, as no new building envelope construction is proposed for this adaptive reuse Project.

(4) Whether a proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking for the use in the zoning district in which the property is located.

The Operational Plan and Traffic Impact Analysis submitted with this Application confirm that the Museum will generate less vehicular trips than the existing Regal Theater. No mechanical parking or valet areas are proposed. Under Section 5.2.4.3(a)(4) of the Resiliency Code, parking is not required for the proposed Museum use at this location (Parking Tier 3a). The existing parking garage will be maintained and used to provide ample operational parking for the new modern art experiential Museum.

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

As the Architectural Plans and Operations Plan establish, the core of the proposed Museum facility operations is to welcome, ticket, and process groups of patrons through the facility in an efficient, safe, and enjoyable manner. The Applicant has retained the services of engineering and architectural design professionals who worked on the Disney Star Wars, new Universal Studios Epic attraction, and other internationally renowned Central Florida attractions to bring their expertise to this Project. All access will be managed via the ground floor entrance and second floor ticketing room.

The new proposed modern art experiential Museum will enhance the experience of touring / visiting pedestrians along Lincoln Road as well as the experience of occupants of nearby neighborhoods.

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

The layout, security and operations of the proposed parking configuration are set forth in the Traffic Analysis and Operations Plan. These materials confirm that the existing parking garage will continue to serve the new proposed Museum. No mechanical parking or valet operations are proposed. A gate will be in place at the parking ramp entrance to prohibit unauthorized vehicle entry. The existing parking garage with entry on Alton Road has operated for years in connection with the Regal Theater cinema use without adverse impacts to the residential structures to the south.

(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.

The Applicant has submitted with this Application Letter of Intent its Traffic Impact Statement, which analysis concludes that the proposed Project will generate less vehicular trips to the Property than the existing Regal Cinema operations. An updated Traffic Impact Statement and Responses to Comments following initial Traffic review have been submitted, and indicate approved or "passed" by Transportation Staff.

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

No outdoor entertainment is proposed. Operation of the modern art Museum exhibits will be controlled and meet the requirements of the noise ordinance. Exhibits using sound will be contained to the individual Exhibit room. The existing trash room is internal to the existing building, on the south elevation along the alley, as reflected on the as-built plans included in the Application Architectural Plans. As the Operations Plan reflects, loading will continue to occur in the designated loading bay spaces internal to the existing building, on the southern elevation along the alley.

(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.

Any sanitation on-site or off-site as a result of the operation of the Project will be the responsibility of the Applicant. The existing dedicated trash and recycling areas located in the rear of the facility will continue to be used, and the Operations Plan includes additional details relating to the waste pick up.

(10) Whether the proximity of the proposed structure to adjacent and nearby residential uses creates adverse impacts and how such impacts are to be mitigated.

The proposed modern Museum use in this area will further the public policy of siting recreational, entertainment and civic/cultural amenities in proximity to residential living spaces, as well as provide the amenity of a new Museum attraction for the enjoyment of visitors, nearby neighborhood residents as well as employees and patrons from nearby businesses along Lincoln Road. The Museum will enhance the experience of touring / visiting pedestrians as well as the experience of occupants of nearby neighborhoods. The Project benefits the community by continuing the revitalization of the critical Lincoln Road corridor with a new, modern, family friendly cultural and artistic destination. There is no outdoor entertainment proposed.

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

The effect of the proposed Project with a new modern experiential art Museum will be that it enhances the pedestrian and Lincoln Road visitor experience and will add a valuable, walkable amenity to the nearby residential and business community. The corner of Alton Road and Lincoln Road at the existing Regal Theater is a perfect location for exciting new Museum, and the new cultural activity at the site will help activate the West end of Lincoln Road for the benefit of both residents and visitors.

Sea Level Rise and Resiliency Criteria. The Project advances the sea level rise and resiliency criteria in Section 7.1.2.4 of the City's Resiliency Code, as follows:

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

A recycling and salvage plan for any proposed demolition will be provided at permitting.

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

No windows are proposed to be replaced by the Project. If any are, Miami-Dade County product approved impact glazing will be provided.

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

The Applicant will provide, where feasible, passive cooling systems.

4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

The scope of the Project is within the existing building envelope. Any new landscaping provided will be Florida-friendly and resilient.

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.

Sea level rise projections are being considered.

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.

The Project will constitute an adaptive reuse of the existing building, without new construction exterior to the building envelope.

7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

Where feasible and appropriate, all mechanical and electrical systems will be located above base flood elevation.

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

The Project will constitute an adaptive reuse of the existing building, without new construction exterior to the building envelope.

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 City Code.

The Project will constitute an adaptive reuse of the existing building, without new construction exterior to the building envelope.

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

Where feasible, water retention systems will be provided.

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

The Project will constitute an adaptive reuse of the existing building, without new construction exterior to the building envelope.

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

The Project will constitute an adaptive reuse of the existing building, without new construction exterior to the building envelope.

Conclusion. The Project will revitalize, activate and update an important site on the corner of Lincoln Road and Alton Road. The proposed modern experiential Museum presents a perfect cultural and entertainment destination as part of Lincoln Road's revitalization. We respectfully request your favorable review and recommendation. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Michael Larkin

cc: Paul C. Savage, Esq.
Steve Berke, Superhuman Museum
Brian Park, BH Properties