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VIA ELECTRONIC MAIL

November 9, 2025

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

RE: **PB25-0792** Letter of Intent for Private Use in GU Zoning
District for Property Located at 1 Ocean Drive

Dear Ms. Tackett:

This law firm represents Boucher Brothers Pier Park, LLC (the "Applicant"), the Concessionaire that was awarded the Concession Agreement via City Commission Resolution to redevelop the "Nikki Beach" restaurant and beach concession facility at Pier Park (the "Concession Agreement"). Please allow this letter to serve as the required Letter of Intent in support of our application to the Planning Board ("PB") for review of a proposed private or joint government/private use in the GU Zoning District, as required prior to ultimate approval by the City Commission pursuant to Section 7.2.16.2(e) of the Resiliency Code.

Property Description. The Property, further identified by Miami-Dade County Folio Nos. 02-4203-012-0011, 02-4203-012-0010, and 02-4203-012-0012 is located on the northeast corner of South Pointe Drive and Ocean Drive. See Figure 1. Aerial, below. The Property is approximately 158,000 square feet (3.6 acres) in size.

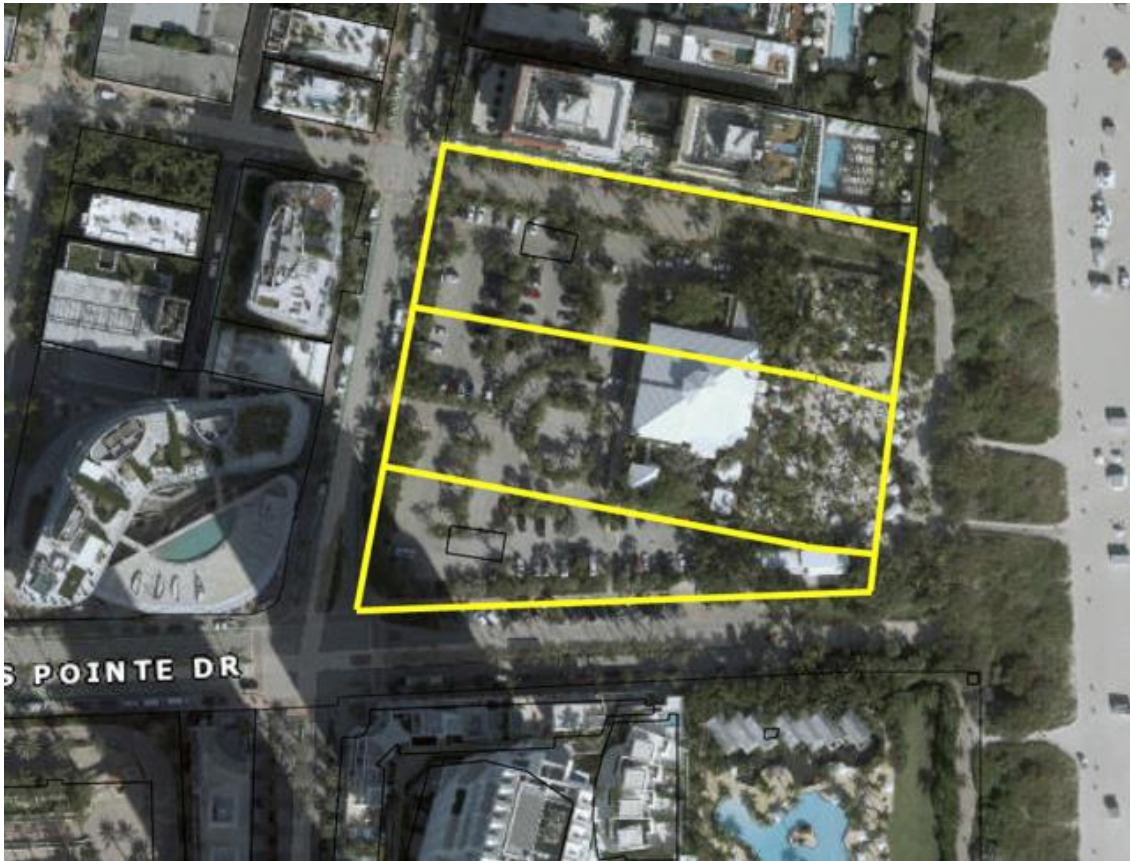


Figure 1. Aerial.

Land Use and Zoning. The Property is designated Recreation and Open Space Including Waterways (ROS) on the City's Future Land Use Map. The Applicant has met with the Director of Planning and Zoning to confirm consistency of the proposed use with the Comprehensive Plan. The Property is located in the Government Use or GU Zoning District. The Property is further located within the City's Oceanfront Overlay. The Property does not lie within a designated historic district.

Project. The Applicant proposes to redevelop the existing restaurant and beach club at the Property to facilitate an updated high-end patron experience at this iconic Property. The Project proposed by the Applicant will include facilities and operations to rent beach and related equipment; operate a restaurant and café; operate a high-end quality children's center; operate a health and wellness center; sell beach related sundries and skin care products; and operate a retail pavilion. The proposed improvements include reconstruction of the of the facility, including complete reconstruction of the main building, outdoor areas, parking lot, new understory for parking, and adjacent public restrooms, and the addition of a pool and retail areas.

Planning Board Review and Recommendation. The Applicant seeks review and recommendation by the PB pursuant to Section 7.2.16.2(e) of the Resiliency Code, which requires that private or joint government/private uses in the GU Government Use District be reviewed by the PB prior to approval by the City Commission.

Operations. The hours of operation are set out in the Resolution of the City Commission approving the Concession Agreement, and as noted in the Operations Plan, are no later than 11:00 PM. Please note that no entertainment is proposed, beyond ambient music.

Sea Level Rise and Resiliency. Section 7.1.2.4 of the Resiliency Code establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

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

This will be provided along with the application at permitting.

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

All windows will be hurricane proof impact windows.

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. Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided.

All landscaping will be Florida friendly and resilient.

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.

The proposed project has been designed with consideration to sea level rise projections. The Project's reconstruction was informed by floodplain regulations and sea level rise concerns.

- 6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-way 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 proposed project has been designed to accommodate the raising of adjacent rights of way in the future.

- 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 mechanical and electrical systems will be located above base flood elevation.

- 8. Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.**

This criterion is inapplicable to this application as the Project will be reconstructed to comply with modern floodplain regulations.

- 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.**

No habitable space will be below base flood elevation.

- 10. As applicable to all new construction, stormwater retention systems shall be provided.**

The proposed project has been designed with stormwater retention as required.

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

Cool pavement or porous pavement materials will be utilized where any new pavement is proposed.

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

The proposed project limits the potential heat island effect on-site by incorporating passive design strategies such as shading devices and natural ventilation, and providing significant vegetation on the Property.

Conclusion. We respectfully request the PB's favorable review and recommendation to the City Commission. We look forward to your favorable review and comments in connection with this Application. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Paul Savage

cc: Ozzie Dominguez, CSM, Director of Asset Management, Office of the City Manager
Ricardo J. Dopico, Esq., City Attorney, Office of the City Attorney
Michael Larkin
Benjamin Sherry