

PLAN CORRECTIONS REPORT (PB25-0741): APPLICANT'S Responses to Comments

PLAN ADDRESS: 1100 Lincoln Road
Miami Beach, FL 33139-000

PARCEL: 0232340180250

APPLICATION DATE: 02/06/2025

SQUARE FEET: 0

DESCRIPTION:

Conditional Use Permit for adaptive reuse of existing Regal Cinema for new immersive Modern Art Museum venue

EXPIRATION DATE: **VALUATION:** \$0.00

CONTACTS **Name** **Company** **Address**

Applicant

MICHAEL LARKIN	Bercow, Radell, Fernandez, Larkin, Fernandez & Tapanes	200 S. Biscayne Boulevard Ste. 300 Miami, FL 33131
Paul Savage	Bercow, Radell, Fernandez, Larkin, Fernandez & Tapanes	200 S. Biscayne Boulevard Ste. 300 Miami, FL 33131

Submittal Intake **Version: 1** **Date Received: 03/17/2025** **Date Completed: 05/04/2025**

	Correction Comments:	Notes/Responses to Comments:
	Planning Landscape Review – Pass Philip Byrnes Ph: email: PhilipByrnes@miamibeachfl.gov	
1.	LUB - Planning Department Review - Fail Giselle Deschamps Ph: email: giselledeschamps@miamibeachfl.gov Comments: Please see corrections.	
	Comments: PLANNING DEPARTMENT Planning Board Staff First Submittal Comments Final Submittal & Formal Submittal (CSS): 04/06 Notice to proceed issued: 04/17 Agenda finalized & all fees paid by: 04/21 Tentative PB meeting agenda date: 06/10 Draft Notice: PB25-0741 1100 Lincoln Road An application for a conditional use permit of a neighborhood impact establishment, including indoor entertainment with an occupational content exceeding 199 persons, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2; Chapter 7, Article V, Section 7.5.5.4 of the Miami Beach Resiliency Code.	
	Please provide a narrative response to the comments listed below.	Noted.

	Correction Comments:	Notes/Responses to Comments:
2.	APPLICATION COMPLETENESS	
a.	Please specify if the alternate owner is a corporation, partnership, or a limited liability company in the land use board application (circle one).	The Property Owner entity and Applicant Entity are both LLCs, now circled in blue on Application. Please find updated Exhibit B to Application re: Property Owner Entity Corporate Disclosure Chart of all entities with interest greater than 5%, down to the natural persons.
b.	The Letter of Intent shall respond to the assembly use criteria in sec. 2.5.2.2(c) of the Resiliency Code.	Please find updated Letter of Intent with referenced Code based assembly use criteria.
c.	Please specify in the floor plans where the alcohol and food services will be located for further review. Additionally, please note the type of alcohol that will be served in the letter of intent.	Please find updated Sheets Nos. A-30 (Second Level), and A-31 (Third Level), indicating the guest snack counters where food and alcoholic and non-alcoholic beverages will be served, and updated Operations Plan with Menu of beverages and alcoholic beverages.
d.	If alcohol and food will be served within the premises, please include a copy of the menu in the operation plan.	Please find the updated Operations Plan with Menu of "grab and go" type food offerings, and alcoholic beverage menu.
e.	Provide the location of the bike racks that are indicated in the operation plan.	Existing bicycle racks are provided along the West / Alton Road elevation. Upon evaluation of suitable additional bicycle rack locations on the site, the limited potential locations are used for vehicle access, utility service, grease trap service, loading and trash loading; the Applicant is willing to work with the City on siting new bicycle racks on Lincoln Road as is done at other Lincoln Road cross streets, such as Michigan Avenue.
f.	Include a detail parking calculation for the required and provided uses for each tenant space as per sec. 5.2.4.3. The parking calculation shall also include the total number of parking spaces in the garage and all surface parking, if applicable. Please note that each tenant space should accurately reflect the licenses (BTRs) provided.	Section 5.2.4.3(a)(4) states: "There shall be no off street parking requirement for uses in Tier 3 areas a, b and c except those listed below." There are no uses listed in this Resiliency Code section for retail, restaurant, Civic (except Religious Institution), no Museum, no Cultural use listed, no Assembly, no Entertainment Establishment use listed, (only Theater, listed, which is being discontinued for Modern Art Museum). While no express parking is required per the Resiliency Code, practically speaking, the expansive existing parking garage constructed for the Cinema will provide ample parking for the proposed Modern Art Museum.
g.	Indicate if the exhibitions will include any seating and/or bench areas. If so, please numerate all seating and provide a total seat count for further review.	Please see the updated Exhibit Areas on Plan Sheets A -30 (Second Level, Ticketing with 40 seats, Exhibit 3 with 50 seats Exhibit 5 with 15 seats, = 105 seats for Second Level); and Sheet A-31 (Third Level) with Exhibit 11 with 10 seats, Exhibit 12 with 10 seats, and Finale Exhibit with 60 seats = 80 seats) with 185 total seats for the Exhibits area. To allow for flexibility for changing Exhibits, the proposed seats are removeable and not permanently affixed.
h.	Provide the approved building permit for the garage spaces in each level.	Please see Sheet A-16 reproducing the As Built Plans under Building Permit Nos. B9702106, BMS 80667, BMS 71541, BMS 80209 providing for 280 parking spaces in the garage (and reproduced in the LOI). Please note Comment Response #2(f) above explaining that no required parking is imposed in Parking Tier 3a under the present Resiliency Code.
i.	Provide further detail of the guest outdoor space in the floor plan. What is the main purpose for this area?	Please see updated Plan Sheets A-30 and A-31 with details of outdoor furniture for food and beverage consumption by guests. Please note no amplified music is proposed for these areas.
j.	Provide the total occupant load count in the floor plan and/or zoning data sheet.	Please see updated dedicated Plan Sheet A-32 Occupancy Load Calculations.
k.	Please specify the location of the sanitation/trash room and off-street loading in the proposed floor plan.	Please see Sheets A16-A17 depicting the As-Built plans with the trash room and off-street loading zone, and detail on Sheet A-29 with high-lighted trash room and off-street loading zone on ground level and rear of building.

1.	The survey provided shall be sealed by a licensed surveyor.	Please find updated Signed and Sealed Survey.
2.	ARCHITECTURAL REPRESENTATION	
a.	Add "FINAL SUBMITTAL" and DRB File No. to front cover title for heightened clarity.	Please see new Final Submittal Plans with PB File No. provided on Cover Sheet.
b.	c. Final submittal drawings need to be DATED, SIGNED AND SEALED.	Please see new Signed and Sealed Plans.
	Correction Comments:	Notes/Responses to Comments:
	<p>Final Submittal File Naming All PDF files must be named with the submittal deadline date and the type of document in the following format 'MM-DD-YYYY Document Name'. For example, if the deadline for first submittal is October 29, 2017 the file name would be '10-29-2017 Application'. Use this naming format for first and final CSS submittals. The uploaded file retains the name as it has been saved on your computer. The file name cannot be changed, and the file cannot be deleted once it is uploaded. Please use names for the most common types of files. If the document type is not listed below, please use a document name that clearly identifies the file.</p> <p>Document Name Description Application Completed Land Use Board Application form including Exhibit A LOI Letter of Intent Checklist Pre-application Checklist Labels Mailing Labels, List of Property Owners, Certified Letter and Map BTR Copies of Previous Business Tax Receipts Survey Recent Signed and Sealed Survey Plans Architectural Plans and Exhibits Landscape Landscaping Plans and Exhibits HRR Historic Resources Report Microfilm Building Card and Microfilm Traffic Traffic Study Sound Sound Study All pages of a document must be uploaded in one PDF file. Do not upload individual pages of a document</p>	The PDF files comply with the Naming Conventions.
3.	PB - Planning Department Review – Fail Michael Belush Ph: email: MichaelBelush@miamibeachfl.gov Comments: See comments from Giselle Deschamps	Noted above.
4.	PB - Planning Admin Review – Pass Miriam Herrera Ph: email: miriamherrera@miamibeachfl.gov Comments: miriamherrera@miamibeachfl.gov	Noted.