



MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: July 30, 2014

This shall serve as written notice that a meeting of the Finance and Citywide Projects Committee has been scheduled for July 30, 2014, at 4:00 P.M. in the Commission Chambers.

The agenda is as follows:

OLD BUSINESS

1. **A. Discussion regarding Financial Impact of the Proposed Roadway Closure Applications for 87 Street and 87 Terrace Filed by 8701 Collins Development (March 5, 2014 Commission Item C4D)(187)**

B. Discussion regarding the Purchase and Sale Agreement for 226-87th Terrace to permit the Development of a Parking Garage to include at least 100 Public Parking Spaces (June 11, 2014 Commission Item C4I)(202)

Joe Jimenez – Assistant City Manager

2. **Discussion on increasing the Living Wage Rate in Accordance with the options pursuant to the Ordinance 2010-3682 (July 19, 2013 Commission Item C4A)(153)**

Alex Denis – Procurement Director

NEW BUSINESS

3. **Discussion on the Proposed Terminal Island Residential Project (July 23, 2013 Commission Item C6B)(205)**

Joe Jimenez – Assistant City Manager

4. Discussion regarding the vacation of St. Patrick's campus (portion of North Meridian Avenue between Barry and 39th Street) (July 23, 2013 Commission Item R7N)(206)

Eric Carpenter – Public Works Director

Finance and Citywide Projects Committee Meetings for 2014:

August 13, 2014

September 25, 2014

October 17, 2014

November 12, 2014

December 12, 2014

PENDING ITEMS: REFER TO ATTACHMENT 1

PDW/rs/kd

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice), 305-673-7524 (fax) or 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Cc. Mayor and Members of the City Commission
Management Team

**I
T
F
M**

**O
N
E**



COMMITTEE MEMORANDUM

TO: Finance and Citywide Projects Committee

FROM: Jimmy L. Morales, City Manager

DATE: July 30, 2014

SUBJECT: **DISCUSSION REGARDING THE PURCHASE OF THE CITY OWNED PARKING LOT AT FOR 226-87TH TERRACE TO PERMIT THE DEVELOPMENT OF A MIXED USE PROJECT BY 8701 COLLINS DEVELOPMENT, TO INCLUDE 120 CITY OWNED PARKING SPACES**

HISTORY/BACKGROUND

8701 Collins Development (the "Developer") has proposed the purchase of the City owned parcel located at 226 87th Terrace, currently used as a public parking lot. The Developer owns the adjacent parcel to the City's existing parking lot and proposes to join the two lots, subject to a Declaration of Condominium, for the purpose of developing a mixed use project consisting of parking garage, retail space, and residential/hotel units.

Existing parking revenue from the City's 15 spaces is proposed to be replaced by providing the City with 120 parking spaces within the proposed project, which shall also be consideration for Developer's purchase of the City property. Developer shall be responsible for all costs associated with design, development and construction of the City's spaces. These spaces will be physically segregated from the remainder of the parking.

The Developer is also the owner of the two parcels located directly across the street (formerly the "Dezerland Hotel"), to the east, where it is developing a residential property and a hotel. The attached proposed terms have been presented to the administration by the Developer and are being presented for discussion to this Committee.

In furtherance of this discussion, the Administration commissioned an appraisal of the City's parcel, which is also attached hereto.

CONCLUSION

The Administration recommends that the Finance and Citywide Projects Committee discuss the proposal further and provide appropriate policy direction.


JLM/JMJ

**Developer's Proposed Terms
of Purchase and Sale Agreement
226 87 Terrace**

- The City will convey fee simple interest in the property.
- The conveyance will occur following the issuance of all necessary development approvals and the conclusion of the Chapter 82 hearing process, expected within one year following execution of the agreement.
- 8701 Collins Development (“Developer”) will construct a main use parking garage (the “Project”) on the property and adjacent land including the following:
 - a retail/commercial use component on the first floor;
 - one or more levels directly above the first floor consisting of a parking garage; and
 - hotel or residential component above the garage levels.
- The garage will be constructed within three years following permit issuance.
- The Project will be subject to a Declaration of Condominium.
- The City will be provided with a condominium unit that consists of 120 parking spaces within the garage. These spaces will be physically segregated from the remainder of the parking and will be transferred to the City within 90 days from the issuance of the certificate of occupancy.
- The Developer will install, at its cost and expense, a “Welcome to Miami Beach” sign at the northwest corner of the building.

**SLACK
JOHNSTON
MAGENHEIMER**
REAL ESTATE APPRAISERS & CONSULTANTS

7245 S.W. 87 AVENUE, SUITE 300
MIAMI, FLORIDA 33173

APPRAISAL OF REAL PROPERTY

**0.35-ACRE SITE LOCATED AT
226 87 TERRACE
MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA**

DRAFT

**APPRAISAL REPORT
SJM FILE: 14067**

PREPARED FOR

**MR. ERIC CARPENTER
PUBLIC WORKS DIRECTOR
CITY OF MIAMI BEACH
1700 CONVENTION CENTER DRIVE
MIAMI BEACH, FLORIDA 33139**

**SLACK
JOHNSTON
MAGENHEIMER**
REAL ESTATE APPRAISERS & CONSULTANTS

ANDREW H. MAGENHEIMER, MAI
CERT. GEN. RZ1073

THEODORE W. SLACK, MAI
(1902-1992)

THEODORE C. SLACK, MAI
(RETIRED)

SUE BARRETT SLACK, MAI
(RETIRED)

June 30, 2014

Mr. Eric Carpenter
Public Works Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

RE: Appraisal of Real Property – 0.35-Acre Site Located at 226 87 Terrace, Miami Beach, Miami-Dade County, Florida
SJM File: 14067

Dear Mr. Carpenter:

At your request, we have prepared an appraisal of the market value of the fee simple interest in the above referenced property, as of June 24, 2014, the effective date of the appraisal. The scope of this appraisal includes an analysis to estimate the market value of the subject property, as of a current date of valuation. This appraisal will be based on an "across the fence" valuation of the property utilizing the sales comparison approach to estimate the fee simple value of the property based on the hypothetical condition the site has a land use and zoning similar to the site located adjacent to the south of the subject property.

The subject property consists of a 0.35-acre site located at 226 87 Terrace in the City of Miami Beach. The rectangular site has a dual-corner location with road frontage and access from Collins Avenue, 87 Terrace and Harding Avenue. The site is currently zoned GU (Civic and Government Use) and has a land use of P (Parking), based on its ownership and use by the City of Miami Beach. This appraisal is based on the hypothetical condition it has a land use and zoning of RM-2 (Residential Multifamily, Medium Intensity), consistent with the adjacent uses to the south. All utilities are available to the site. Site improvements include asphalt paving, concrete curbs and sidewalks, parking meters and minimal landscaping.

SLACK, JOHNSTON & MAGENHEIMER, INC.
7245 S.W. 87 AVENUE, SUITE 300, MIAMI, FLORIDA 33173
TELEPHONE (305) 670-2111 • EMAIL: SJMIAMI@AOL.COM

Mr. Eric Carpenter
June 30, 2014
Page Two

The appraisal report states our opinion of market value, subject to various assumptions and limiting conditions contained in this report. The property visit and analyses forming the basis of our valuation have been performed by the undersigned. The appraisal has been prepared in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP), as adopted by the Appraisal Standards Board of the Appraisal Foundation.

Based on our investigation and analysis, we have formed the opinion that the market value of the fee simple interest in the subject property, as of June 24, 2014, was as follows:

**TWO MILLION SEVEN HUNDRED THOUSAND DOLLARS
(\$2,700,000).**

The following report summarizes the results of our investigation.

Respectfully submitted,

SLACK, JOHNSTON & MAGENHEIMER, INC.

DRAFT

Andrew H. Magenheimer, MAI
CERT. GEN. RZ1073

DRAFT

Zachary Olen
CERT. GEN. RZ3124

DRAFT

**SLACK
JOHNSTON
MAGENHEIMER**

TABLE OF CONTENTS

SUMMARY OF SALIENT FACTS AND CONCLUSIONS 1
CERTIFICATION 3
ASSUMPTIONS AND LIMITING CONDITIONS 4
IDENTIFICATION OF THE PROPERTY 7
LEGAL DESCRIPTION 7
OWNERSHIP AND HISTORY OF THE PROPERTY 7
PURPOSE, INTENDED USE AND DATE OF THE APPRAISAL 7
SCOPE OF THE APPRAISAL 8
DEFINITION OF VALUE AND INTEREST APPRAISED 9
EXPOSURE AND MARKETING TIME 10
DESCRIPTION OF THE SITE 14
REAL ESTATE TAX ANALYSIS 17
LAND USE AND ZONING 18
HIGHEST AND BEST USE 21
VALUATION PROCESS 23
SALES COMPARISON APPROACH 24
RECONCILIATION AND FINAL VALUE ESTIMATE 31
ADDENDUM A – PHOTOGRAPHS OF THE SUBJECT PROPERTY 33
ADDENDUM B – COMPARABLE LAND SALES INFORMATION 37
ADDENDUM C – ZONING INFORMATION 46
ADDENDUM D – QUALIFICATIONS OF THE APPRAISERS 52

DRAFT

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

Property Appraised: 226 87 Terrace, Miami Beach, Florida

Property Type: Vacant land

2013 Tax and 2014 Assessment Information:

Folio No.:	02-3202-006-0430
Land Value:	\$1,990,690
Improvement Value:	\$5,069
Total Market Value:	\$1,995,759
2013 Taxes:	Exempt

Ownership: City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Interest Appraised: Fee Simple

Land Area: 15,313 square feet; 0.35 acres

Current Zoning: GU (Civic and Government Use); City of Miami Beach

Current Land Use: P (Parking); City of Miami Beach

Assumed Zoning: RM-2 (Residential Multifamily, Medium Intensity);
City of Miami Beach

Assumed Land Use: RM*2 (Residential Multifamily, Medium Intensity);
City of Miami Beach

Highest and Best Use: Future development of an optimum size building within the constraints of zoning and market demand.

Date of Valuation: June 24, 2014

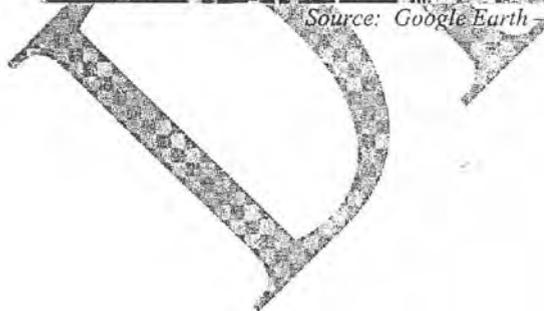
Date of Report: June 30, 2014

"As Is" Value Indication: \$2,700,000

AERIAL PHOTOGRAPH OF THE SUBJECT PROPERTY



Source: Google Earth - Not to scale. For illustrative purposes.



CERTIFICATION

We certify that, to the best of our knowledge and belief, ...

- the statements of fact contained in this report are true and correct.
- the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- we have no present or prospective interest in the properties that are the subject of this report and no personal interest with respect to the parties involved.
- we have no bias with respect to the properties that are the subject of this report or to the parties involved with this assignment.
- our engagement in this assignment was not contingent upon developing or reporting predetermined results.
- our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- the reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice (USPAP).
- the undersigned has made a visit to the property that is the subject of this report.
- no one provided significant real property appraisal assistance to the persons signing this certification.
- the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- we have not performed services regarding the subject property within the prior three years.
- as of the date of this report, Andrew H. Magenheimer, has completed the continuing education program of the Appraisal Institute.

SLACK, JOHNSTON & MAGENHEIMER, INC.

DRAFT

Andrew H. Magenheimer, MAI
CERT. GEN. RZ1073

DRAFT

Zachary Olen
CERT. GEN. RZ3124

ASSUMPTIONS AND LIMITING CONDITIONS

The appraisal is subject to the following assumptions and limiting conditions:

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. No legal opinion related to a title search was provided and all existing liens and encumbrances, including deed restrictions and developers agreements, have not been investigated unless otherwise stated. The property is appraised as though free and clear.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others has been gathered from sources deemed to be reliable, however, no warranty is given for its accuracy.
5. All engineering and surveying is assumed to be correct. Any sketches, plats, or drawings included in this report are included to assist the reader in visualizing the property. We have made no survey of the property, and assume no responsibility in connection with such matters.
6. It is assumed that there are no hidden or inapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for unusual soil conditions and no opinion as to these matters is to be inferred or construed from the attached report other than those specifically stated in the report. Unless stated otherwise, the soil conditions of the subject property are assumed to be adequate to support development utilizing conventional construction techniques. We recommend the client obtain an opinion from a competent engineering firm.
7. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined, and considered in the appraisal report.
8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a nonconformity has been stated, defined, and considered in the appraisal report.
9. It is assumed that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.

10. It is assumed that the utilization of the land and any improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.
11. Any proposed or partially completed improvements included in this report are assumed to be completed in accordance with approved plans and specifications and in a workmanlike manner.
12. Our estimates of future values were formulated based upon market conditions as of the date of appraisal, considerate of future projections concerning supply and demand. The appraiser has no responsibility for significant events that alter market conditions subsequent to the effective date or dates of appraisal.
13. This study is to be used in whole and not in part. No part of it shall be used in conjunction with any other appraisal. Publication of this report or any portion thereof without the written consent of the appraiser is not permitted.
14. The appraiser, by reason of this report, is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.
15. Neither all, nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected), shall be disseminated to the public through advertising, public relations, news, sales, or other media without the written consent and approval of the appraiser. The use of this report in any public offering or syndication document is specifically prohibited.
16. Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyls, petroleum leakage, or agricultural chemicals, which may or may not be present on the property, or other environmental conditions, were not called to the attention of, nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test such substances or conditions. If the presence of such substances, such as asbestos, urea formaldehyde foam insulation, or other hazardous substances or environmental conditions, may affect the value of the property, the value estimated is predicated on the assumption that there is no such condition on or in the property or in such proximity thereto that it would cause a loss in value. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them. It is recommended that the client retain an expert in this field, if needed.
17. Section 404.056(8) of the Florida Statutes requires that prior to or at the time a rental agreement or contract for any building is executed, the following disclosure statement must be issued:

"RADON GAS: is a naturally occurring gas that, when it is has accumulated in a building in sufficient quantities, may present risk to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in building in Florida. Additional information regarding radon and radon testing may be obtained from your public health unit."

It is assumed that sellers will comply with this law.

18. Disclosure of the contents of this report by the appraiser is controlled by the Appraisal Institute of which one or more signatures of this report is an MAI member and by the Florida Department of Professional Regulation, Division of Appraisal State Certification. The analysis and value conclusions, as well as non-public information about the subject property, are confidential matters and cannot be divulged to any persons other than the party for whom the report is prepared.

Exceptions to this confidentiality provision are requests by committees of the Appraisal Institute or the Florida Department of Professional Regulations for peer review, and subpoenas by any court having jurisdiction to request production of the report.

Appraisal Assumptions

19. The site is currently zoned GU (Civic and Government Use) and has a land use of P (Parking), based on its ownership and use by the City of Miami Beach. This appraisal is based on the hypothetical condition the site is zoned RM-2 (Residential Multifamily, Medium Intensity).

Acceptance or use of this report constitutes acceptance of the preceding conditions.

IDENTIFICATION OF THE PROPERTY

The subject property consists of a 0.35-acre site located at 226 87 Terrace in the City of Miami Beach. The rectangular site has a dual-corner location with road frontage and access from Collins Avenue, 87 Terrace and Harding Avenue. The site is currently zoned GU (Civic and Government Use) and has a land use of P (Parking), based on its ownership and use by the City of Miami Beach. This appraisal is based on the hypothetical condition it has a land use and zoning of RM-2 (Residential Multifamily, Medium Intensity), consistent with the adjacent uses to the south. All utilities are available to the site. Site improvements include asphalt paving, concrete curbs and sidewalks, parking meters and minimal landscaping.

LEGAL DESCRIPTION

The following is a legal description for the subject site was taken from the Miami-Dade County tax roll:

Parcel 1 a/k/a the North 1/2 of Block 14, Altos De Mar No. 2, Plat Book 4, Page 162, Miami-Dade County, Florida.

OWNERSHIP AND HISTORY OF THE PROPERTY

According to the Miami-Dade County tax rolls, the subject property is currently owned by the City of Miami Beach, 1700 Convention Drive, Miami Beach, Florida 33139. The property is currently used for public parking. There have been no transfers of ownership in the past five years.

PURPOSE, INTENDED USE AND DATE OF THE APPRAISAL

The purpose of this appraisal is to develop and report an opinion of the market value of the fee simple interest in the subject property, as of June 24, 2014, the effective date of appraisal. The date of the report is June 30, 2014. The client and intended user of this report is The City of Miami Beach. The intended use of the appraisal is to assist in negotiating the sale of the parcel. There are no other intended users or intended uses of this appraisal.

SCOPE OF THE APPRAISAL

The scope of this appraisal report is defined by the purpose, which is to develop and report the current market value of the fee simple estate in the subject property. This appraisal will be based on an "across the fence" valuation of the property utilizing the sales comparison approach based on the hypothetical condition the site has a land use and zoning of RM-2 (Residential Multifamily, Medium Intensity), consistent with the site located adjacent to the south of the subject property. We have visited the neighborhood and the property.

Subsequent to our site visit, research was conducted in support of an estimation of the highest and best use, as of the date of valuation. The highest and best use analysis considers all physically possible, legally permissible and economically feasible uses to which the property can be put as vacant and improved. As will be discussed, the highest and best use of the subject property, as though vacant, is for development within the constraints of zoning and market demand.

After concluding the highest and best use, the valuation methods were considered. The appraisal process can include three basic approaches to value. These are the income, sales comparison, and cost approaches. The application of these approaches is determined by the type of property being appraised, as well as the scope of the valuation assignment. As discussed, the subject property represents a vacant site. The sales comparison approach was considered the only applicable approach in the valuation of the subject property.

Our research included analyzing comparable land sales, which extended from January, 2012 to the effective date of this appraisal. Our search concentrated on sales and listings of similar sites located in the subject's market area for purposes of comparison to the subject site. Analysis of the selected sales included reviewing the deed and confirming sale details with one or more of the parties to the transaction, or other reliable sources, as stated herein. A visual inspection of each sale was made when accessible.

The final step in our analysis is a reconciliation of the appraisal methods used. The quantity and quality of the data used, and the reliability of their value indications, are the basis for the final conclusion of value.

DEFINITION OF VALUE AND INTEREST APPRAISED

The Uniform Standards of Professional Appraisal Practice (USPAP 2014-15) defines **Market Value** as “a type of value, stated as an opinion, that presumes the transfer of a property (i.e. a right of ownership or a bundle of rights), as of a certain date, under specific conditions set forth in the definition of the term identified by the appraiser as applicable in an appraisal.”

We have relied on the Dictionary of Real Estate Appraisal, Fifth Edition, definition of **Market Value** as “the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised, and acting in what they consider their best interests;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in cash in United States dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

(12 C.F.R. Part 34.42 (g); 55 *Federal Register* 34696, August 24, 1990, as amended at 57 *Federal Register* 12202, April 9, 1992; 59 *Federal Register* 29499, June 7, 1994).”

Other pertinent definitions from the Dictionary of Real Estate Appraisal, Fifth Edition, as follows:

Fee Simple Estate is the “absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.”

Exposure Time is “the estimated length of time to property interest being appraised would have been offered in the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.”

Marketing Time is "an opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of the appraisals."

Hypothetical Condition is "that which is contrary to what exists but is supposed for the purpose of analysis."

EXPOSURE AND MARKETING TIME

Exposure and marketing times are the typical periods of time necessary to expose and actively market the subject property on the open market to achieve a sale at a price consistent with the market value estimate and on terms consistent with the definition of market value recited herein. The length of time is a function of several factors including price, terms, investment quality and exposure to a given market. Exposure time is the hypothetical period immediately preceding the effective date of the appraisal and market time is the period immediately after the effective date of the appraisal.

A review of current market activity for land located in the subject neighborhood, as well as conversations with brokers active within this market, was performed in order to estimate an exposure time for the subject property. Most brokers indicated that exposure/marketing times are typically less than one year if the property is priced realistically. We have further estimated a marketing time of up to 12 months.

NEIGHBORHOOD ANALYSIS

The subject property is located at 226 87 Terrace or on the south side of 87 Terrace, between Collins and Harding Avenues. This location is within the central section of Miami-Dade County, within the City of Miami Beach. The subject property is located about 8.00 miles northeast of the Central Business District of Miami and 9.75 miles northeast of the Miami International Airport.

The City of Miami Beach was incorporated on March 26, 1915. It is an island which is approximately 1.0 mile wide and comprises a land area of 7.1 square miles. The City is bounded on the north by the City of Surfside, which begins at the subject property. The southern boundary of Miami Beach is Government Cut, which is the cargo shipping channel extending from the Atlantic Ocean to the Port of Miami. The western boundary is Biscayne Bay/Intracoastal Waterway and the eastern boundary is the Atlantic Ocean.

Access to Miami Beach, from the mainland, is provided by four causeways. The northernmost causeway is located at 79 Street on the mainland, and is known as the North Bay Causeway. At about 36 Street is the Julia Tuttle Causeway or Interstate 195. The Venetian Causeway reaches Miami Beach at approximately 17 Street. The MacArthur Causeway (Interstate 395) enters Miami Beach at 5 Street. The MacArthur Causeway extends west to downtown Miami and also intersects with Interstate 95, which is the major north/south artery of the Florida eastern coast. Continuing further west, this causeway is known as the Dolphin Expressway (State Road 836), which provides direct access to Miami International Airport and the Florida Turnpike. The North Bay Causeway serves the northern portion of Miami Beach at 79 Street, where the subject property is located.

Local access in the subject neighborhood in a north/south direction includes Indian Creek Drive and Collins Avenue (State Road A-1-A). Collins Avenue runs from Government Cut to the south to the Miami-Dade County line to the north. In the subject area, north of 60 Street, Collins Avenue is a northbound access road. As noted, the subject property has frontage along the east side of Collins Avenue. South of 60 Street, Collins Avenue is a paved, six-lane, median divided north/south bound road. Indian Creek Drive is also a major thoroughfare in this part of Miami Beach. Indian Creek Drive terminates and merges with Collins Avenue at 26 Street, more or less. East/west traffic is limited to local roads since this part of Miami Beach is fairly narrow.

The general boundaries of the subject property's neighborhood are considered to be the Indian Creek Waterway to the west, Atlantic Ocean and beaches to the east, 88 Street to the north and 41 Street to the south. Indian Creek is a partly natural and partly man-made waterway. The map on the following page shows the subject property's location.

The majority of residential development in the subject neighborhood on the east side of Collins Avenue is comprised of high-rise rental apartments, residential condominiums and hotel uses. Adjacent to the east of the subject property is the Howard Johnson Plaza Dezerland Beach and Spa 225-room hotel. Development on the west side of Collins Avenue consists of low- and mid-rise residential projects. There are scattered commercial uses along the east and west sides of Collins Avenue.

In conclusion, the neighborhood appears to be over 90% built out. New development in the area generally follows the demolition of older improvements.

DRAFT

DESCRIPTION OF THE SITE



Not to scale. For illustrative purposes.

Location: 226 87 Terrace, Miami Beach, Florida.

Land Area: 15,313 square feet; 0.35 acre

Shape: Basically Rectangular

Frontage/Dimensions: The subject property has approximately 175 feet of frontage along 87 Terrace and 87.5 feet of frontage along Collins and Harding Avenues.

Access: Vehicular access to the property is provided from the west side of Collins Avenue, the south side of 87 Terrace and the east side of Harding Avenue. At the subject property, Collins Avenue is a three lane paved road and provides only northbound traffic flow. Harding Avenue is a three lane paved road and provides only southbound traffic flow. 87 Terrace is a two lane paved road and provides access via Collins or Harding Avenues.

Topography: Basically level and at street grade.

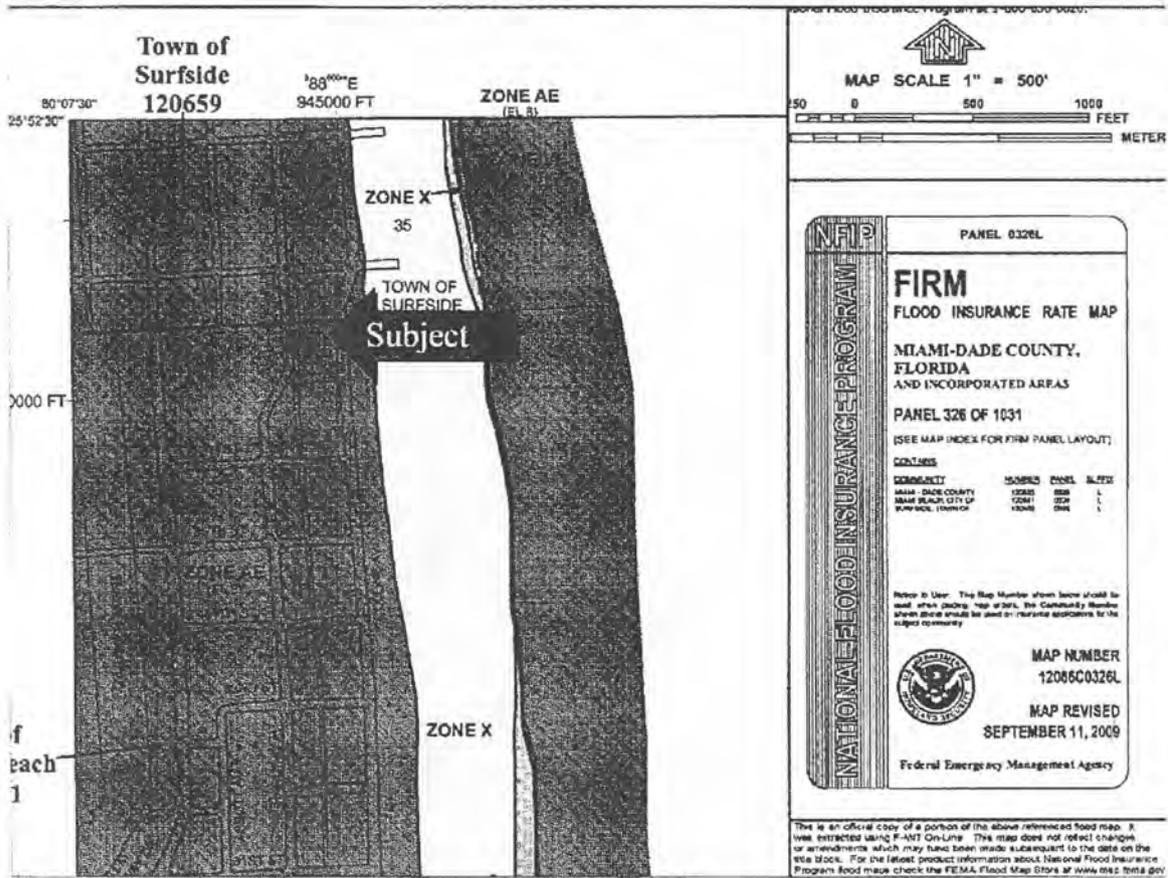
Flood Insurance: Zone "AE"; Base flood elevations determined: Elevation 8 feet. National Flood Insurance Community Panel Number 12086C0317L, dated September 11, 2009.

Soil Conditions: No soil report of the property was provided. It is assumed that the soil is of sufficient load bearing capacity to support the construction of permanent structures. No evidence of any adverse soil conditions at the site was observed upon our visit of the property.

Utilities: All public utilities are available to the site. The City of Miami Beach utilizes the Miami-Dade County Water and Sewer Department for water and sanitary sewage, with the City of Miami Beach being responsible for solid waste collection and disposal. Electricity is provided by FPL and local telephone service is provided by AT&T.

Land Use Restrictions: No authoritative report of title has been provided or reviewed. There do not appear to be any easements, encroachments, or restrictions that would adversely affect the utilization of the site.

Environmental Study: An environmental study was not provided. This appraisal report is based on the assumption that no conditions exist that would adversely affect the utilization or marketability of the property.



DRAWN

REAL ESTATE TAX ANALYSIS

The subject property is located within the City of Miami Beach and would be subject to both city and county ad valorem taxes on real property, if under private ownership. The Florida Statutes provide for assessment and collection of ad valorem taxes on real property; however, the taxes are assessed, collected, and used on the local county level. The assessment for the property is established each year as of January 1st by the Miami-Dade County Property Appraiser's Office at 100% of "Just Value". The tax due is computed according to annual millage rates established by Miami-Dade County. Millage rates are the amount paid to each taxing body for every \$1,000 of assessed value. Taxes are payable in November with a 4% discount and become delinquent on April 1st.

According to the Miami-Dade County tax rolls, the 2013 real estate taxes and 2014 assessments for the subject property are as follows:

Folio Number:	02-3202-006-0430
Total Land Value Assessment	\$1,990,690
Total Building Value Assessment	\$ 5,069
2014 Total Market Value Assessment	\$1,995,759
2014 Total Assessed Value	\$654,167
2013 Total Real Estate Taxes:	Exempt

The market value for the site equates to \$130.33 per square foot, based on 15,313 square feet (0.35 acre).

LAND USE AND ZONING

Land Use

According to the City of Miami Beach Planning Department's Comprehensive Plan, the subject property is located within an area designated as "Parking" (P).

Zoning

The subject property is located within the jurisdictional boundaries of the City of Miami Beach and is currently zoned "GU" (Civic and Government Use).

Summary

As discussed, the current land use and zoning is based on its ownership and use by the City of Miami Beach. This appraisal is based on the assumption that if the site were privately owned it would be zoned RM-2 (Residential Multifamily, Medium Intensity), consistent with the adjacent uses.

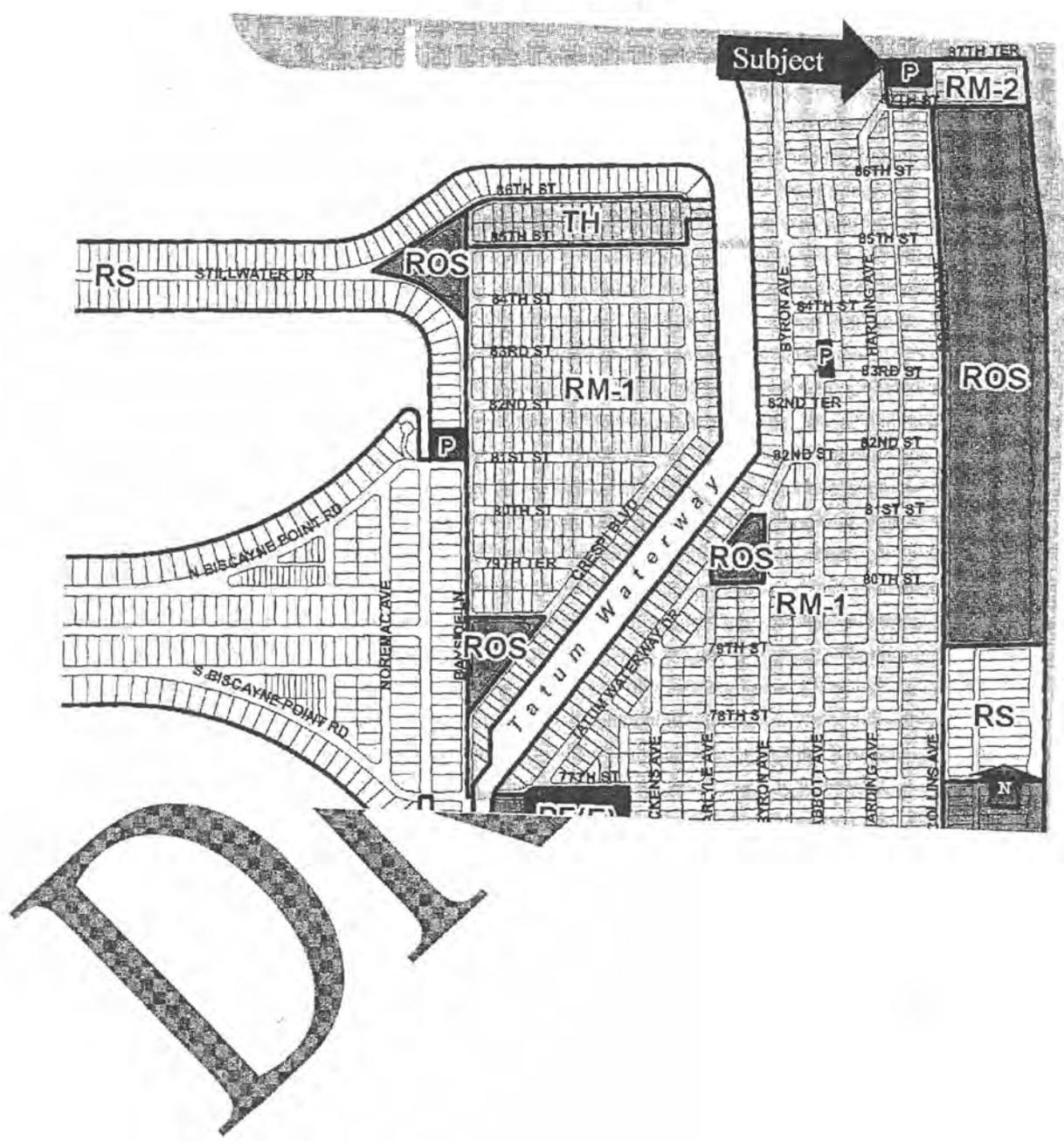
Refer to the following pages for a copy of the land use and zoning maps. The "RM-2" district provides for main permitted uses such as single-family detached dwellings, townhomes, apartments, apartment-hotels and hotels. Conditional uses permitted in the "RM-2" district include adult congregated living, day care, nursing home, religious institutions, private and public institutions, schools, commercial and noncommercial parking lots and garages and accessory neighborhood impact establishments.

Development Regulations Applicable to the Subject Property:

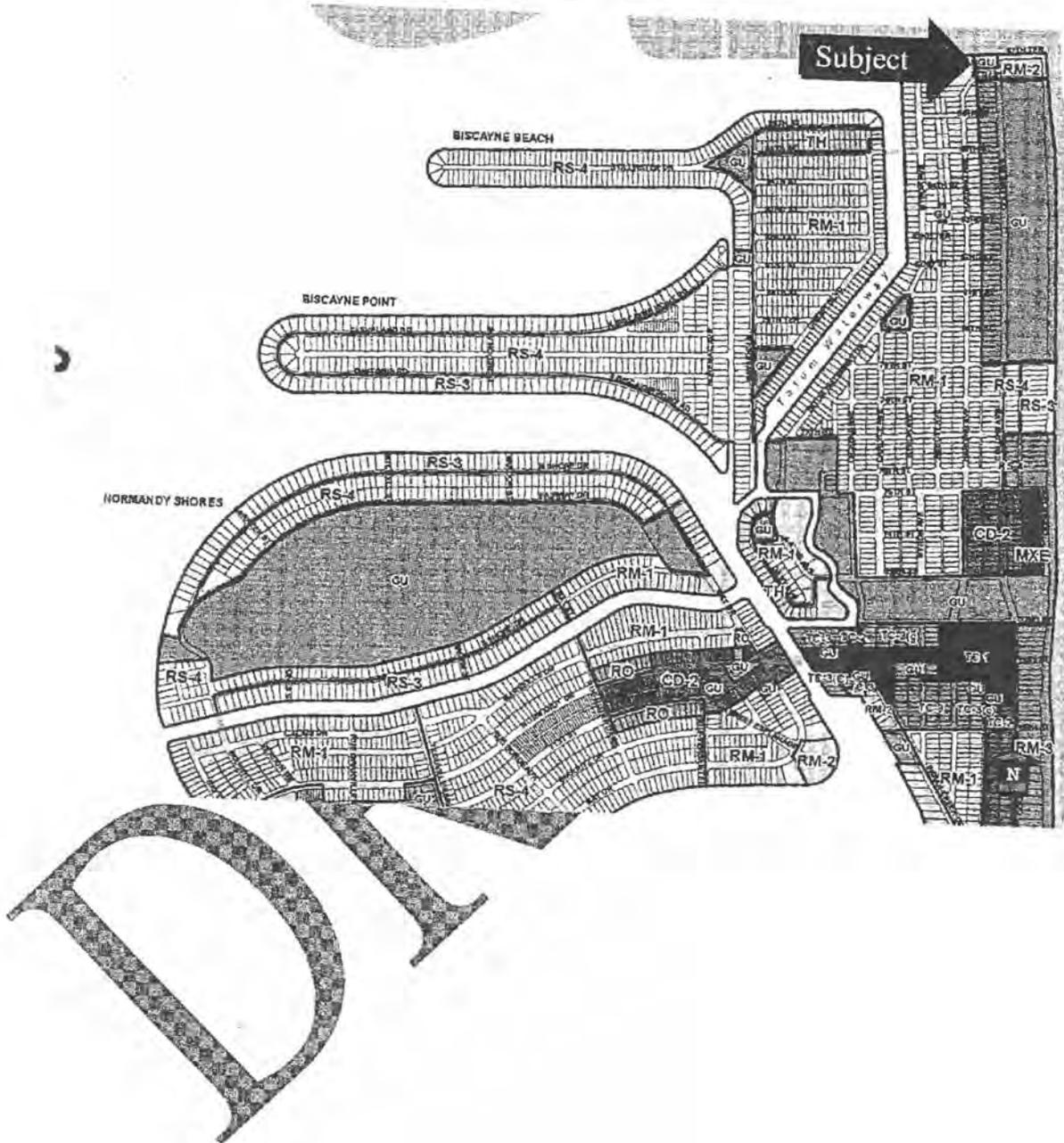
Maximum Floor Area	2.0
Minimum Lot Area	7,000 Square Feet
Minimum Lot Width	50 Feet
Minimum Unit Size	550 Square Feet
Average Unit Size	800 Square Feet
Maximum Building Height	60 Feet
Maximum Number of Stories	6-Stories
Setbacks	Front - 20 feet; side, interior - 5 feet, side, facing a street, 5 feet; and rear 5 feet.

The above stated zoning restrictions are basic requirements outlined in the zoning code. There are several overlapping sections of the zoning code, as well as building code requirements, which would be considered in a full zoning code compliance review. A copy of the zoning code is located in the addenda.

LAND USE MAP



ZONING MAP



HIGHEST AND BEST USE

The following definitions are from The Dictionary of Real Estate Appraisal (Fifth Edition) published by the Appraisal Institute:

Highest and Best Use is the “reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria that highest and best use must meet are legal permissibility, physical possibility, financial feasibility and maximum profitability.”

Highest and Best Use As Though Vacant is “among all reasonable alternative uses, the use that yields the highest present land value, after payments are made for labor, capital, and coordination. The use of a property based on the assumption that the parcel of land is vacant or can be made vacant by demolishing any improvements.”

As Improved is the “use that should be made of a property as it exists. An existing property should be renovated or retained, as is, so long as it continues to contribute to the total market value of the property, or until the return from a new improvement would more than offset the cost of demolishing the existing building and constructing a new one.”

In estimating highest and best use, there are essentially four stages of analysis:

1. Possible Use – normally dictated by physical constraints.
2. Permissible Use – what use would be permitted in consideration of existing zoning and other applicable laws governing the use of the property, as well as any deed restrictions that may exist.
3. Feasible Use – which possible and permissible uses will produce a net return to the owner of the site.
4. Maximally Productive – among feasible uses, which use will produce the highest net return to the land.”

To meet the tests of highest and best use, the use cannot be speculative or conjectural. It must be legal and probable. There must be a profitable demand for such use and it must return to the land the highest net return for the longest period of time. These tests have been applied to the subject property. In arriving at the estimate of highest and best use, the subject property was analyzed as vacant.

As Though Vacant

Physically Possible: The subject site is rectangular and contains approximately 15,313 square feet or 0.35 acre. Although no soil report for the subject site has been provided, a visit to the property, as well as existing developments in the area revealed no problems associated with the physical aspects of developing the site. The area has good local access and availability to public utilities. The physical characteristics of the site and surrounding area support a variety of uses based on its configuration and size.

Legally Permissible: Permissible or legal uses are those permitted by zoning and land use regulations. No recent title search was provided to the appraisers. It is assumed that there are no covenants, restrictions or easements that would adversely affect the use of the site to such an extent that it would negatively impact its value. As discussed, this appraisal is also based on the hypothetical condition the site has a land use and zoning of RM-2 (Residential Multifamily, Medium Intensity), consistent with the uses to the south. Based on the this zoning, the property could be developed with a variety of residential uses.

Feasible or Maximally Productive Use: It has been established that the subject property is of adequate size and shape for development. We have also established that the RM-2 zoning would allow the development of a variety of uses. Based on a review of the trend of development and recent market conditions, the site would likely be developed with a residential project. As discussed previously, the Miami Beach area is beginning to see new construction again after three or four years of inactivity.

Conclusion: Considering the location, physical characteristics and permissible uses of the property, and based upon an analysis of the site, the surrounding neighborhood, land uses and the real estate market in general, it is our opinion that the highest and best use of the subject property, as vacant, is for the development of an optimum size residential building within the constraints of zoning and market demand.

VALUATION PROCESS

There are three generally recognized approaches considered in the valuation of real property. They include the income, sales comparison, and cost approaches. It should be noted that the appropriateness and reliability of each approach depends on the type of property being appraised, the age and condition of the improvements, if any, and the availability and quality of market data available for analysis.

The income approach provides an indication of value of a property based on a conversion of anticipated benefits (net income). The method of conversion is called capitalization and is either based on a single year's income (direct capitalization), or several years' income (discounted cash flow). The sales comparison approach provides an indication of value based on sales of properties considered similar. The cost approach provides an indication of the value of a property represented by the reproduction cost of the existing improvements, less accrued depreciation, to which is added the land value.

The appraisal process is concluded by a review and re-examination of each of the approaches to value employed. Consideration is given to the type and reliability of data used and the applicability of each approach. These factors are reconciled and a final value estimate is made.

The scope of this appraisal report is defined by the purpose, which is to develop and report the current market value of the fee simple estate in the subject property. As noted, the subject property is currently zoned GU (Civic and Government Use) and has a land use of P (Parking) based on its ownership and use by the City of Miami Beach. This appraisal will be based on an "across the fence" valuation of the property utilizing the sales comparison approach based on the hypothetical condition the site has a land use and zoning of RM-2 (Residential Multifamily, Medium Intensity) consistent with the property located adjacent to the south of the subject property. Our research and analysis focused on vacant land sales and redevelopment sites with similar zoning, located in the subject market area. The sales included in this report are considered of good quality and representative of the best available market data. Our analysis was considered to provide a credible indication of value for the subject property.

SALES COMPARISON APPROACH

The sales comparison approach produces an estimate of value for real estate by comparing recent sales of similar properties in the subject's surrounding or competing area. Inherent in this approach is the principle of substitution, which states that when a property is replaceable in the market, its value tends to be set at the cost of acquiring an equally desirable substitute property, assuming that no costly delay is encountered in making the substitution.

By analyzing sales which qualify as arm's-length transactions between willing, knowledgeable buyers and sellers, price trends can be identified from which value parameters may be extracted. Comparability as to physical, locational, and economic characteristics are important criteria in evaluating the sales in relation to the subject property. The basic steps involved in the application of this approach are as follows:

1. Researching recent relevant property sales and current offerings throughout the competitive area.
2. A selection process to focus on properties considered most similar to the subject, and then analyzing the selected comparable properties giving consideration to the time of sale and any change in economic conditions which may have occurred as of the date of valuation. Other relevant factors of a physical, functional, or locational nature are also considered.
3. Reducing the sales to a meaningful unit of comparison, i.e., price per unit or price per square foot.
4. Making appropriate adjustments to the comparable properties.
5. Interpreting the data analyzed to draw a meaningful conclusion of value.

The validity of this approach is dependent upon the availability and relevancy of the data. The sales of properties having characteristics similar as the subject have been collected and analyzed. Typically, land sells based on units of comparison particular to the property type (e.g., price per square foot, price per acre, price per unit). In this analysis, the price per square foot of land area was analyzed in the valuation of the subject property.

In the research of comparable sales, we have reviewed sales of similarly zoned sites in the subject neighborhood and similar competitive areas. We have included sales of parcels located in the subject neighborhood with zoning that permits residential use. Based on our research, there was limited information concerning current listings of similar properties in the subject neighborhood. A summary chart and *location map* are included on the following pages. Detailed sales information is presented in the addenda.



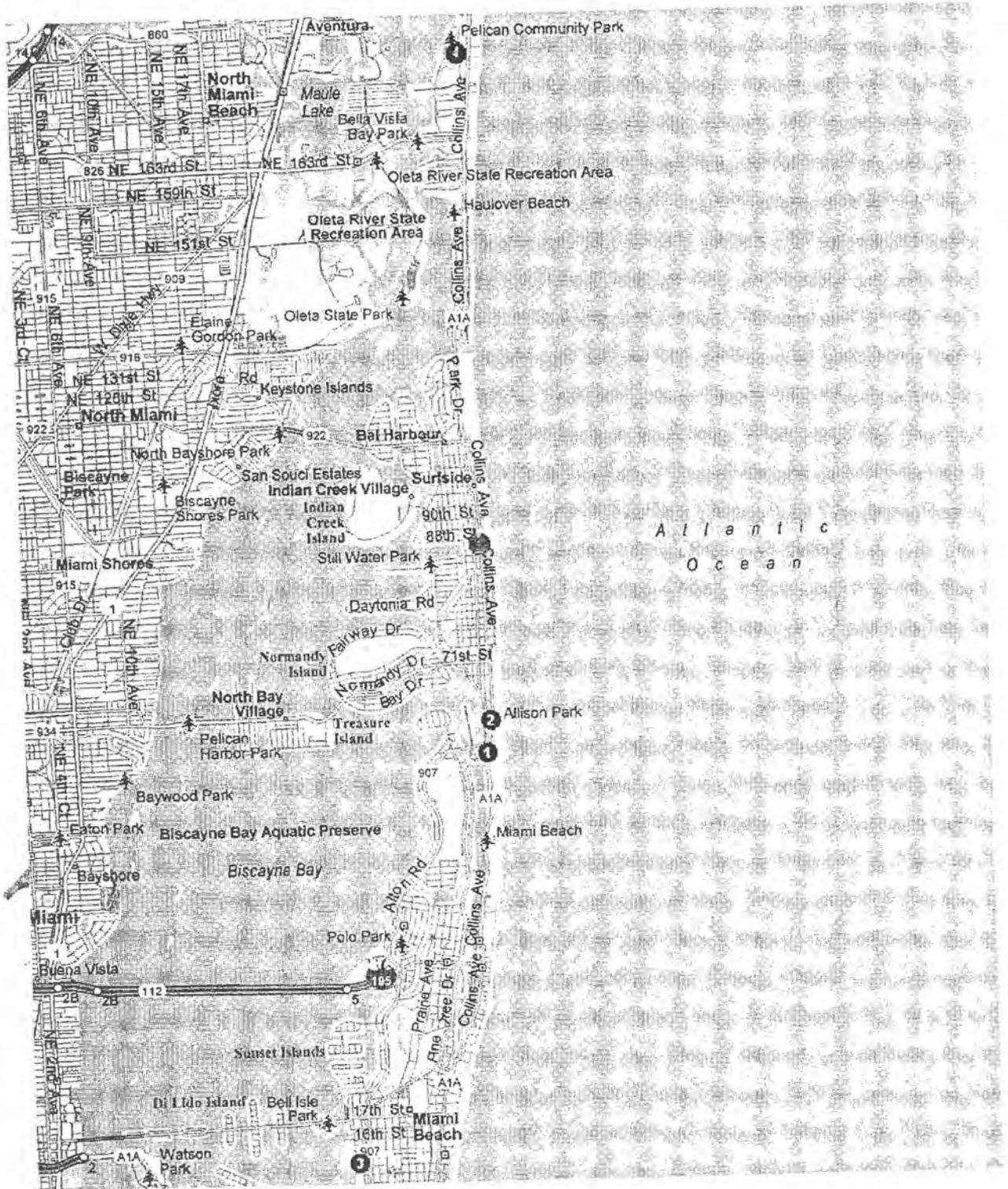
SUMMARY OF LAND SALES

	LOCATION	ZONING	MAX PERMITTED STORIES	BASE RESIDENTIAL FAR	LAND SIZE/SQ.FT.	ACRES	SALE DATE	SALES PRICE	PRICE/ PER SQ.FT.
1	6064 & 6080 Collins Ave. Miami Beach	RM-2	6	2.00	20,000	0.46	Dec-13	\$3,500,000	\$175.00
2	6372 & 6382 Collins Ave. Miami Beach	RM-2	6	2.00	20,413	0.47	Nov-12	\$3,000,000	\$146.97
3	1312 & 1320 14 Terr. Miami Beach	RM-1	5	1.25	16,000	0.37	Jan-14	\$1,955,000	\$122.19
4	220 180 Dr. Sunny Isles Beach	RMF-2	4	2.00	15,000	0.34	Nov-13	\$2,700,000	\$180.00
<hr/>									
	SUBJECT PROPERTY 226 87 Terr. Miami Beach	RM-2	6	2.00	15,313	0.35			



227

25



Land Sales Discussion

The land sales under analysis occurred between November, 2012 and January, 2014. The three land sales represent sites with zoning classifications that permit multi-family development, similar to the subject property. The sales presented are considered indicative of the subject property's land value. The sales unadjusted unit prices range from \$122.19 to \$175.00 per square foot. The sales range in size from 15,000 to 20,413 square feet.

Sale No. 1 is located at 6064 and 6080 Collins Avenue, in the City of Miami Beach. This property has a mid-block location with road frontage and access from Collins Avenue. The rectangular site contains approximately 20,000 square feet (0.46 acre). The site has a zoning classification of "RM-2" (Residential Multifamily, Medium Intensity). Based on the zoning requirements, this site has a maximum allowable height of 6 stories with a base FAR of 2.00.

This vacant site was previously planned for development of a 32-unit condominium project, a second phase of the Terra Beachside Villas. The planned density was 69.6 units per acre. Title to this property was transferred to the lender (Regions Bank) through foreclosure proceedings. During the lender's foreclosure process, the site's approvals lapsed and there are currently no approvals or permits for the site. Regions Bank listed the property for sale with an asking price of \$3,000,000, or \$150.00 per square foot. The seller was reportedly only interested in "all cash" offers. The site sold in December, 2013 for \$3,500,000 or \$175.00 per square foot. According to the broker, the adjacent property owner purchased the site and acknowledged paying a slight premium for assemblage. The broker indicated the buyers plan to develop the site with a boutique condominium project.

Sale No. 2 is located at 6372-6382 Indian Creek Drive in the City of Miami Beach. This property is L-shaped and contains 20,413 square feet or 0.47 acre. The site has a corner location with frontage and access from two streets. The site is zoned RM-2 (Residential Multifamily, Medium Intensity). Based on the zoning requirements, this site has a maximum allowable height of 6 stories with a base FAR of 2.00. The property was previously listed for sale for \$3,200,000 or \$157.02 per square foot of land area. The site sold in November, 2012 for \$3,000,000 or \$146.97 per square foot.

Sale No. 3 is located at 1312 and 1320 14 Terrace in the City of Miami Beach. This property is basically rectangular and contains 16,000 square feet or 0.37 acre. The site has a corner location with frontage and access from two streets. The site is zoned RM-1 (Residential Multifamily, Low Intensity). Based on the zoning requirements, this site has a maximum allowable height of 5 stories with a base FAR of 1.25. The property sold in January, 2014 for \$1,955,000 or \$122.19 per square foot of land area. According to the

buyers, the site was purchased at below market value and has been subsequently listed for sale for \$5,600,000 or \$350.00 per square foot. The buyers indicated that they are marketing the site above market in hopes to attract a foreign buyer. The buyer indicated that if the site does not sell, there are plans to develop a 25,000 square foot condominium project. This size project indicates an FAR of 1.60 attributable to an architectural bonus FAR.

Sale No. 4 is located at 220 180 Drive in Sunny Isles Beach. The rectangular site contains 15,000 square feet or 0.34 acre. The site has an interior location with frontage and access from one street. The site is zoned RMF-2 (Medium-High Density Residential). Based on the zoning requirements, this site has a maximum allowable height of 4 stories with a base FAR of 2.00. The property was previously listed for sale for \$2,750,000 or \$183.33 per square foot of land area. The site sold in November, 2013 for \$2,700,000 or \$180.00 per square foot.

Discussion of Adjustment Factors

Property characteristics and sale terms considered in our analysis are financing, changes in market conditions, conditions of sale, location, condition, zoning and size. Each of these items has been analyzed and compared to the subject property and is discussed on the following paragraphs.

Financing: All of the sales were cash to the seller transactions, with typical terms of purchase for the subject market and no adjustments for financing are warranted.

Condition/Terms of Sale: Sales 2 and 4 were sold as arm's length transactions; therefore, no adjustments are required. Sale 1 was reportedly purchased by the adjacent property owners that acknowledged paying a slight premium for assemblage. Sale 3 was purchased at discount according to the buyer and the property has been placed back on the market for sale. Sale 1 requires a slight downward adjustment and Sale 3 requires an upward adjustment for conditions of sale.

Time/Market Conditions: The sales transpired between November, 2012 and January, 2014. Based on our research and conversations with brokers familiar with the subject's and comparable's markets, we have determined that the market for residential land has experienced increased activity and increased sales prices in 2013. Sales 1, 3 and 4 are considered to represent current market conditions and do not require any adjustments. Sale 2 warrants a slight upward adjustment for improved market conditions.

Location: The subject property is located within the northern portion of the City of Miami Beach. Sales 1, 2 and 4 are located in the northern portion of Miami Beach and Sunny Isles Beach and are considered to have similar locations to the subject property and do

not require any adjustments. Sale 3 is considered to have a superior location to the subject property and requires a downward adjustment.

Size/Configuration: The subject property contains 15,313 square feet and is basically rectangular. The sales range in size from 15,000 to 20,413 square feet. The land sales reflected no discernable difference in unit price based on land size; therefore, no adjustments were warranted for size.

Condition: The subject site is vacant, at street grade, with utilities available to the site. All of the sales were vacant, at street grade and had utilities available to the sites at the time of sale, therefore no adjustments are required.

Land Use/Zoning/Density: As noted, this appraisal is based on the assumption the subject property would be zoned "RM-2", if under private ownership, which allows a variety of residential uses. The subject's zoning classification permits multifamily residential uses with an FAR of 2.0 and a maximum of 6 stories. Land Sale 3 is zoned RM-1 and therefore permits a building height of 5 stories. Land Sale 3 requires an upward adjustment. Sales 1, 2 and 4 have the same zoning as the subject property and do not require any adjustment.

Based on the above, the sales reflected the following:

No.	1	2	3	4
Sale Date	Dec-13	Nov-12	Jan-14	Nov-13
Price/Sq.Ft.	\$175.00	\$146.97	\$122.19	\$180.00
Financing	=	=	=	=
Terms of Sale	=	=	+	=
Time	=	+	=	=
Location	=	=	-	=
Size	=	=	=	=
Condition	=	=	=	=
LU/Zoning	=	=	+	=
Overall	-	+	+	=

Conclusion: The sales under analysis were considered to be of good quality and indicative of land value for the subject property. Our analysis was based on the highest and best use of the subject property, as though vacant. Based on an analysis of the above land sales, we have formed the opinion that, as of June 24, 2014 the market value of the subject property would be within the range of \$150.00 to \$200.00 per square foot, which is calculated as follows:

$$15,313 \text{ Square Feet} \times \$150.00 \text{ Per Square Foot} = \$2,296,950$$

15,313 Square Feet x \$200.00 Per Square Foot = \$3,062,600
Concluded: \$2,700,000

DRAFT

RECONCILIATION AND FINAL VALUE ESTIMATE

The process of reconciliation reviews and reexamines the approaches to value which were included in the appraisal. In this analysis, the sales comparison approach provides an indication of value for the subject property as described herein. The sales comparison approach was utilized to estimate the land value based on a comparison of recent land sales.

Based on our investigation and analysis, we have formed the opinion that the market value of the fee simple interest of the subject property, as of June 24, 2014, was as follows:

TWO MILLION SEVEN HUNDRED THOUSAND DOLLARS
(\$2,700,000)

DRAFT

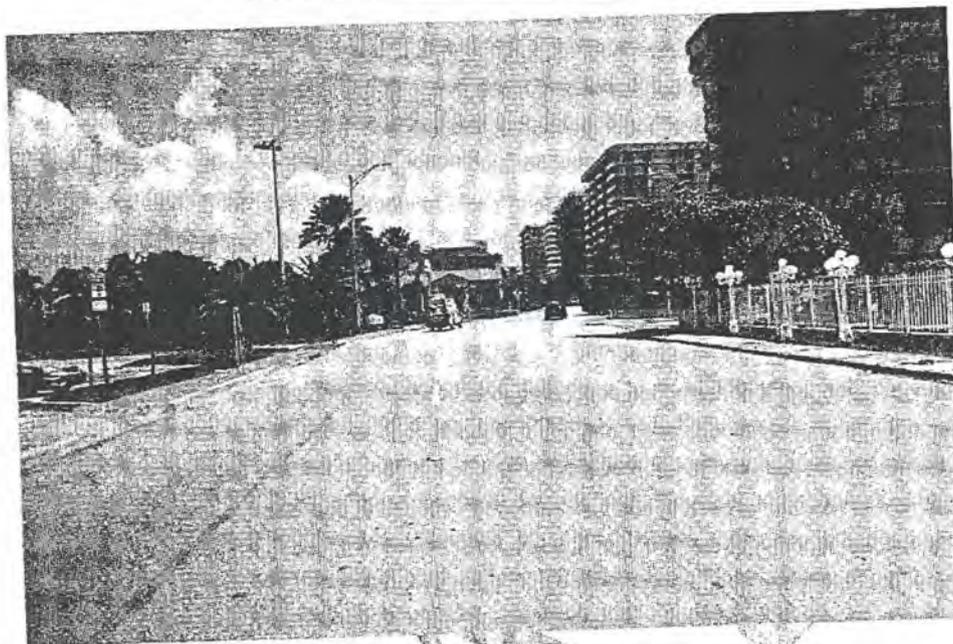
DRAFT

ADDENDA

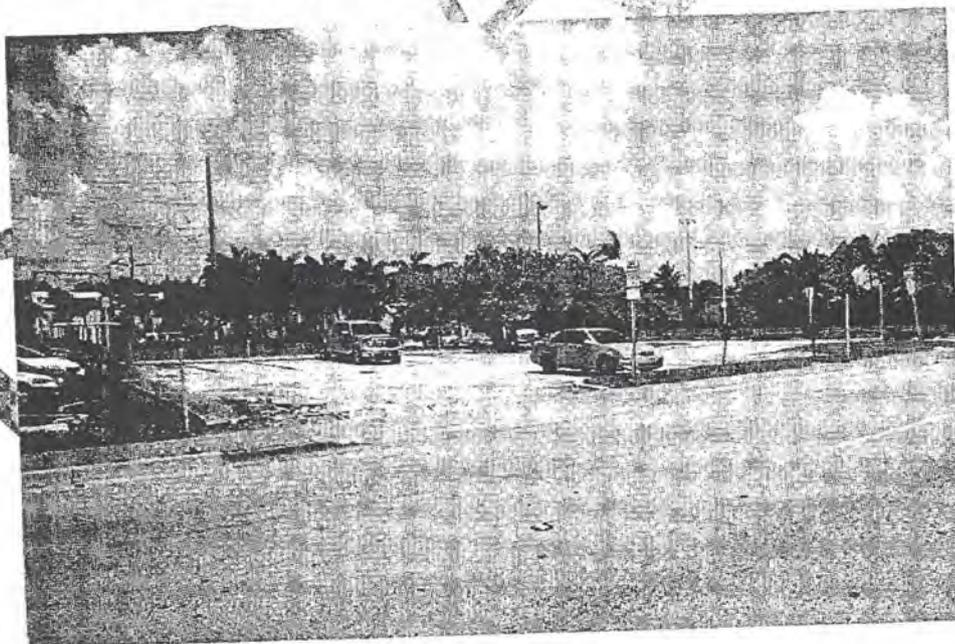
DRAFT

ADDENDUM A – PHOTOGRAPHS OF THE SUBJECT PROPERTY

Photographs of the Subject Property



View looking north along Collins Avenue.



View looking northwest from Collins Avenue.

Photographs of the Subject Property



View looking west along 87 Terrace from Collins Avenue.



View looking southwest from Collins Avenue.

Photographs of the Subject Property



View looking south along Harding Avenue.

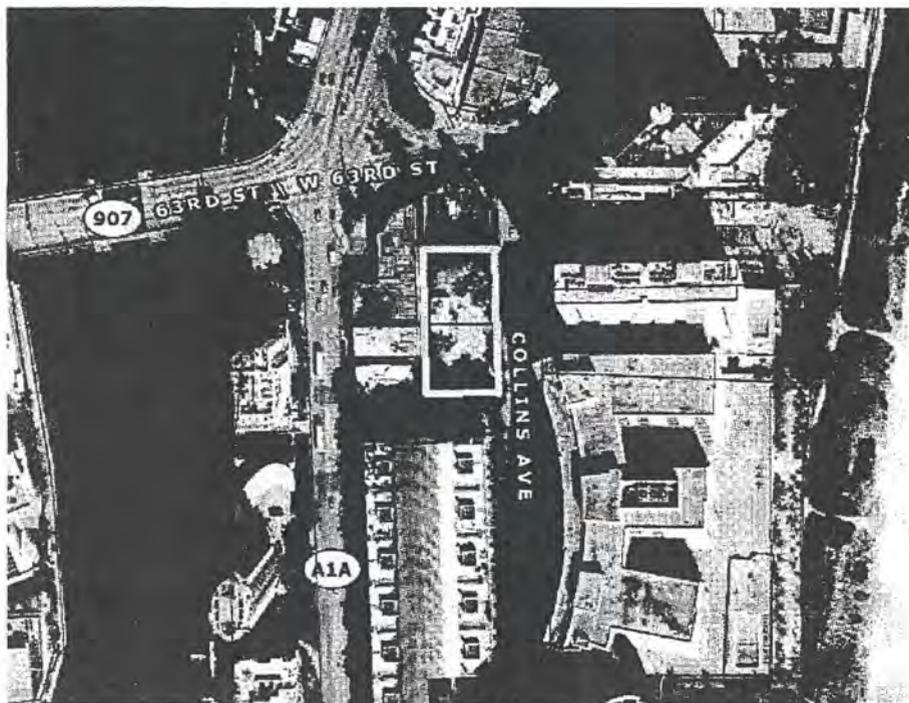


View looking northeast from Harding Avenue.

DRAFT

ADDENDUM B – COMPARABLE LAND SALES INFORMATION

LAND SALE 1



Location: South of 65 Street, on the west side of Collins Avenue, Miami Beach

Legal Description: Lots 2, 3, 4 and 5, LYLE G. HALL SUBDIVISION, Plat Book 40, Page 5, Miami-Dade County, Florida

Folio Number: 02-3211-008-0020 and 0030

Sales Information:	
Grantor	Regions Bank
Grantee	6080 Collins LLC
Date of Sale	December, 2013
ORB/Page	28945/2709
Asking Price	\$3,500,000
Terms of Sale	Cash to Seller.
Unit Price	\$175.00 Per Square Foot
Prior Sale	July, 2013 - foreclosure deed

Physical Description:

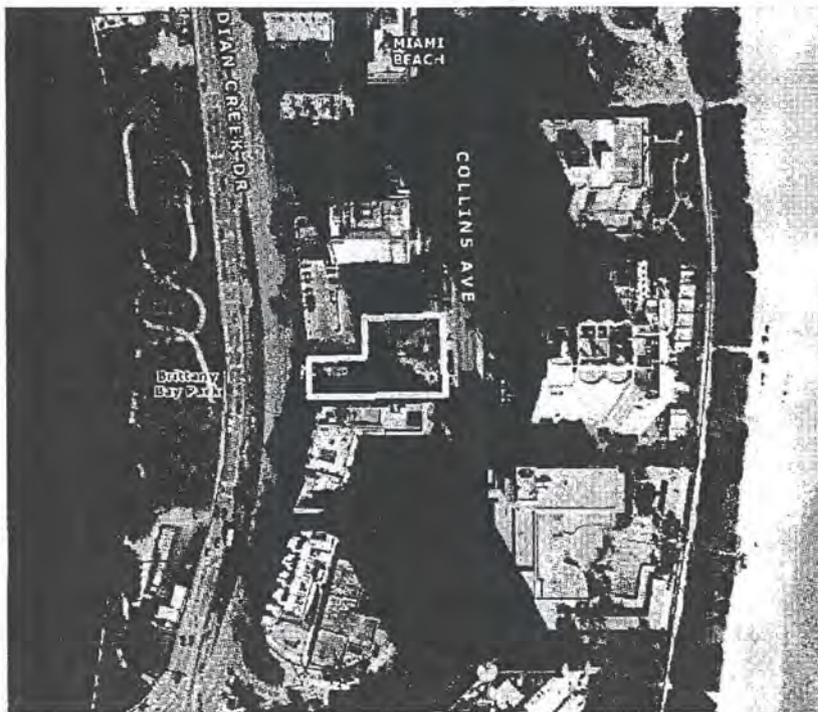
Land Area	20,000 Square Feet 0.46 Acre
Topography	Basically level and at, or near, street grade.
Shape	Rectangular
Frontage	Collins Avenue
Zoning	"RM-2" (Residential Multifamily, Medium Intensity); City of Miami Beach
Utilities	All available to the site.

Comments:

At the time of sale the site was and had no approvals in place. According to the broker, the adjacent property owner purchased the site and acknowledged paying a premium for assemblage. The buyer plans to develop it with a boutique condominium project.

DRAFT

LAND SALE 2



Location: 6372 and 6382 Collins Avenue, Miami Beach

Legal Description: Lots 5 and 6, Block 7, of the AMENDED PLAT OF THE SECOND OCEAN FRONT SUBDIVISION, Plat Book 28, Page 28, Miami-Dade County, Florida, and Lot 60 less the westerly 15 feet, Block 7, SECOND OCEAN FRONT, Plat Book 28, Page 28, Miami-Dade County, Florida

Folio Number: 02-3211-007-1530
02-3211-007-1540
02-3211-007-2050

Sales Information:
Grantor: Arck MB LLC and Cohenanat32178, Inc.
Grantee: MYPP Holdings LLC
Date of Sale: November, 2012
ORB/Page: 28405/1706 and 28405/1709
Sales Price: \$3,000,000
Terms of Sale: Cash to Seller.

Unit Price \$146.97 Per Square Foot
Prior Sale None three years prior

Physical Description:

Land Area 20,413 Square Feet
0.47 Acre
Topography Basically level and near street grade.
Shape L-shaped
Frontage Collins Avenue and Indian Creek Drive
Zoning "RM-2" (Multifamily Residential - Medium Density);
City of Miami Beach
Utilities All available to the site.

Comments:

A portion of this site was improved with an abandoned apartment building.

DRAFT

LAND SALE 3



Location: 1312 and 1320 14 Terrace, Miami Beach

Legal Description: Lots 4, 5 and 6, Block 79C, Resubdivision of Blocks 67 and 79 of Alton Beach Realty CO's Alton Beach Bay Front Subdivision, Plat Book 16, Page 1, Miami-Dade County, Florida

Photo Number: 02-3233-016-0460
02-3233-016-0470

Sales Information:

Grantor	Optima Highland, LLC
Grantee	West Avenue Development, LLC
Date of Sale	January, 2014
ORB/Page	29022/2682
Sales Price	\$1,955,000
Terms of Sale	Cash to Seller.
Unit Price	\$122.19 Per Square Foot
Prior Sale	None three years prior

Physical Description:

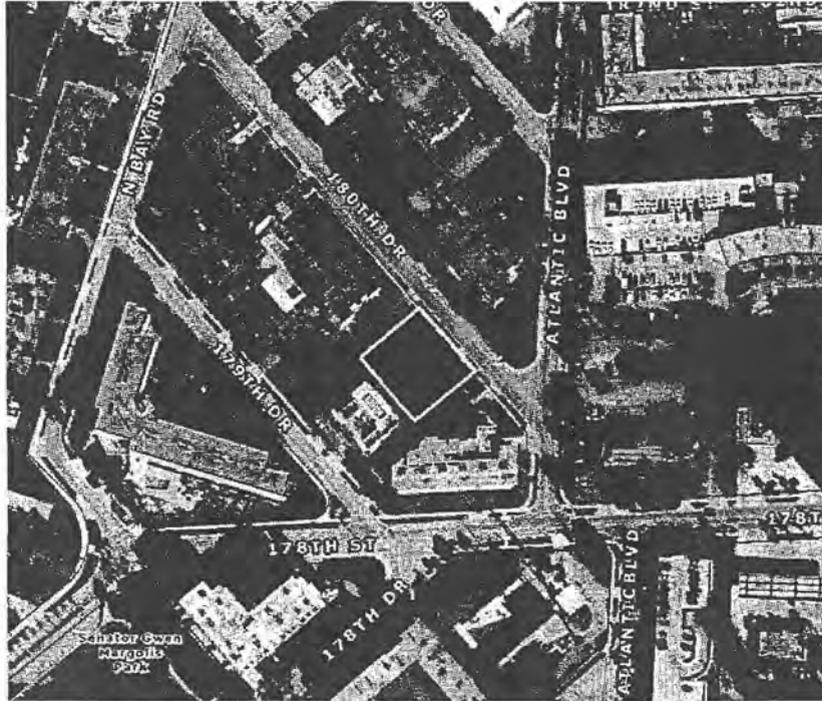
Land Area	16,000 Square Feet 0.37 Acre
Topography	Basically level and near street grade.
Shape	Rectangular
Frontage	14 Terrace and West Avenue
Zoning	RM-1; City of Miami Beach
Utilities	All available to the site.

Comments:

According to the buyers, the site was purchased at below market value and has been subsequently listed for sale for \$5,600,000 or \$350.00 per square foot. The buyers indicated that they are marketing the site above market in hops to attract a foreign buyer. The buyer indicated that if the site does not sell there are plans to develop a 25,000 square foot condominium project. This size indicates an FAR of 1.60 attributable to an architectural bonus FAR.

DRAFT

LAND SALE 4



Location: 220 180 Drive, Sunny Isles Beach

Legal Description: Lot 6 and the Northwesternly 25 feet of Lot 7, as measured along the Northeastly boundary, Block 5, Sunny Isles Shores Section "A", Plat Book 53, Page 95, Miami-Dade County, Florida

Folio Number: 31-2211-002-0560

Sales Information:	
Grantor	Comfort Homes Development, Inc.
Grantee	Brickell Tower Business , LLC
Date of Sale	November, 2014
ORB/Page	28919/1486
Sales Price	\$2,700,000
Terms of Sale	Cash to Seller.
Unit Price	\$180.00 Per Square Foot
Prior Sale	None three years prior

Physical Description:

Land Area	15,000 Square Feet 0.34 Acre
Topography	Basically level and near street grade.
Shape	Rectangular
Frontage	180 Drive
Zoning	RMF-2; Sunny Isles Beach
Utilities	All available to the site.

Comments:

According to the broker, the site was previously listed for \$2,750,000 or \$183.33 per square foot. The buyers purchased the site for the development of a residential condominium project.

DRAFT

DRAFT

ADDENDUM C – ZONING INFORMATION

Miami Beach, Florida, Code of Ordinances >> Subpart B - LAND DEVELOPMENT REGULATIONS >> Chapter 142 - ZONING DISTRICTS AND REGULATIONS >> ARTICLE II. - DISTRICT REGULATIONS >> DIVISION 3. - RESIDENTIAL MULTIFAMILY DISTRICTS >> Subdivision IV. RM-2 Residential Multifamily, Medium Intensity >>

Subdivision IV. RM-2 Residential Multifamily, Medium Intensity

[Sec. 142-211. Purpose.](#)
[Sec. 142-212. Main permitted uses.](#)
[Sec. 142-213. Conditional uses.](#)
[Sec. 142-214. Accessory uses.](#)
[Sec. 142-215. Prohibited uses.](#)
[Sec. 142-216. Development regulations.](#)
[Sec. 142-217. Area requirements.](#)
[Sec. 142-218. Setback requirements.](#)
[Sec. 142-219. Regulations for new construction.](#)
[Secs. 142.220—142.240. Reserved.](#)

Sec. 142-211. Purpose.

The RM-2 residential multifamily, medium intensity district is designed for medium intensity multiple-family residences.

(Ord. No. 89-2665, § 6-3(A)(1), eff. 10-1-89; Ord. No. 96-3050, § 2, 7-17-96)

Sec. 142-212. Main permitted uses.

The main permitted uses in the RM-2 residential multifamily, medium intensity district are single-family detached dwellings; townhomes; apartments; apartment-hotels; and hotels; except that in the Palm View corridor as defined in this subdivision as all properties abutting the west side of Meridian Avenue between 17th street and Collins Canal; and in the West Avenue Corridor, defined in this subdivision as that area bordered by Collins Canal to the north, Alton Road to the east, Biscayne Bay to the West and 6th Street to the south, apartment-hotel or hotel uses are only permitted if issued a building permit or occupational license prior to May 28, 2013, or are approved by the design review board pursuant to a complete application filed and pending prior to May 28, 2013, in which event they shall be considered a "legal conforming use." A property that has a "legal conforming use" as used in this subdivision prior to May 28, 2013, may retain all, and apply for new, expansions and modifications to, permitted, conditional and/or accessory uses permitted in the zoning category as of May 28, 2013, and apply for building permits to add, improve and/or expand existing structures, or construct new structures for permitted, conditional and/or accessory uses permitted in the zoning category, if FAR remains available.

(Ord. No. 89-2665, § 6-3(A)(2), eff. 10-1-89; Ord. No. 95-3020, eff. 11-4-95; Ord. No. 96-3050, § 2, 7-17-96; Ord. No. 2013-3819, § 1, 10-16-13; Ord. No. 2013-3820, § 1, 10-16-13)

Sec. 142-213. Conditional uses.

<https://library.municode.com/print.aspx?h=&clientID=13097&HTMRequest=https%3a%2...> 6/25/2014

Conditional uses in the RM-2 residential multifamily, medium intensity district are adult congregate living facility; day care facility; nursing home; religious institutions; private and public institutions; schools; commercial or noncommercial parking lots and garages; and accessory neighborhood impact establishment, as set forth in article V, division 6 of this chapter.

(Ord. No. 89-2665, § 6-3(A)(3), eff. 10-1-89; Ord. No. 95-3020, eff. 11-4-95; Ord. No. 96-3050, § 2, 7-17-96)

Sec. 142-214. Accessory uses.

The accessory uses in the RM-2 residential multifamily, medium intensity district are as required in article IV, division 2 of this chapter and uses that serve alcoholic beverages as listed in article V, division 4 of this chapter, pertaining to alcoholic beverages. RM-2 properties within the Palm View, or West Avenue corridors may not have accessory outdoor entertainment establishments. Notwithstanding the foregoing, a property that had a legal conforming use as of May 28, 2013, shall have the right to apply for and receive special event permits that contain entertainment uses.

(Ord. No. 89-2665, § 6-3(A)(4), eff. 10-1-89; Ord. No. 95-3020, eff. 11-4-95; Ord. No. 96-3050, § 2, 7-17-96; Ord. No. 2013-3819, § 1, 10-16-13; Ord. No. 2013-3820, § 1, 10-16-13)

Sec. 142-215. Prohibited uses.

The prohibited uses in the RM-2 residential multifamily, medium intensity district are accessory outdoor entertainment establishment, accessory open air entertainment establishment, as set forth in article V, division 6 of this chapter; and accessory outdoor bar counter; and for properties located within the Palm View, and West Avenue corridors, hotels and apartment-hotels, except to the extent preempted by F.S. § 509.032(7), and unless they are a legal conforming use. Properties that voluntarily cease to operate as a hotel for a consecutive three-year period shall not be permitted to later resume such hotel operation. Without limitation, (a) involuntary hotel closures due to casualty, or (b) cessation of hotel use of individual units of a condo-hotel, shall not be deemed to be ceasing hotel operations pursuant to the preceding sentence.

(Ord. No. 89-2665 § 6-3(A)(5), eff. 10-1-89; Ord. No. 96-3050, § 2, 7-17-96; Ord. No. 2013-3819, § 1, 10-16-13; Ord. No. 2013-3820, § 1, 10-16-13)

Sec. 142-216. Development regulations.

The development regulations in the RM-2 residential multifamily, medium intensity district are as follows:

- (1) Max. FAR: 2.0.

(Ord. No. 89-2665, § 6-3(B)(1), (2), eff. 10-1-89; Ord. No. 94-2049, eff. 10-15-94; Ord. No. 94-2954, eff. 11-30-94; Ord. No. 98-3107, § 1, 1-21-98; Ord. No. 98-3149, § 1, 11-4-98)

Sec. 142-217. Area requirements.

The area requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building	Maximum Number of Stories
--------------------------------	--------------------------	---------------------------------	---------------------------------	------------------	---------------------------

<https://library.municode.com/print.aspx?h=&clientID=13097&HTMRequest=https%3a%22...> 6/25/2014

				Height (Feet)	
7,000	50	New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—400 Hotel unit: 15%: 300—335 85%: 335+	New construction—800 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—550 Hotel units—N/A	Historic district—50 (except as provided in section 142-1161) Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—8 —75 Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—75 Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St.—85 Otherwise—60 Lots fronting Biscayne Bay less than 45,000 sq. ft.—100 Lots fronting Biscayne Bay over 45,000 sq. ft.—140 Lots fronting Atlantic Ocean over 100,000 sq. ft.—140	Historic district—50 (except as provided in section 142-1161) Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—8 Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St.—8 Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—8 Otherwise—6 Lots fronting Biscayne Bay less than 45,000 sq. ft.—11 Lots fronting Biscayne Bay over 45,000 sq. ft.—15 Lots fronting Atlantic Ocean over 100,000 sq. ft.—15

(Ord. No. 89-2665, § 6-3(B)(3), eff. 10-1-89; Ord. No. 94-2954, eff. 11-30-94; Ord. No. 97-3097, § 2, 10-8-97; Ord. No. 98-3150 § 1, 11-4-98; Ord. No. 99-3218, § 1, 11-17-99; Ord. No. 2005-3483, § 3, 5-18-05; Ord. No. 3144, § 5, 10-19-11; Ord. No. 2014-3839, § 1, 2-12-14)

Sec. 142-218. Setback requirements.

The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (b) below is applicable	20 feet	5 feet, or 5% of lot width, whichever is greater	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots—5 feet Oceanfront lots—50 feet from bulkhead line
Subterranean	20 feet	5 feet, or 5% of lot width, whichever is greater. (0 feet if lot	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots—0 feet Oceanfront lots—50

<https://library.municode.com/print.aspx?h=&clientID=13097&HTMRequest=https%3a%2...> 6/25/2014

		width is 50 feet or less)		feet from bulkhead line
Pedestal	20 feet Except lots A and 1-30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision-50 feet	Sum of the side yards shall equal 16% of lot width Minimum-7.5 feet or 8% of lot width, whichever is greater	Sum of the side yards shall equal 16% of lot width Minimum-7.5 feet or 8% of lot width, whichever is greater	Non-oceanfront lots-10% of lot depth Oceanfront lots-20% of lot depth, 50 feet from the bulkhead line whichever is greater
Tower	20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Except lots A and 1-30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision-50 feet	The required pedestal setback plus 0.10 of the height of the tower portion of the building. The total required setback shall not exceed 50 feet	Sum of the side yards shall equal 16% of the lot width Minimum-7.5 feet or 8% of lot width, whichever is greater	Non-oceanfront lots-15% of lot depth Oceanfront lots-25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater

- (b) In cases where the city commission approves after public hearing a public-private parking agreement for a neighborhood based upon an approved street improvement plan, the minimum front yard setback for parking subject to the agreement shall be zero feet. The street improvement plan must be approved by the design review board if outside an historic district, or the historic preservation board if inside an historic district.

(Ord. No. 89-2665, §§ 6-3(C), 6-5, eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 91-2767, eff. 11-2-91; Ord. No. 93-2885, eff. 11-27-93; Ord. No. 94-2954, eff. 11-30-94; Ord. No. 96-3050, § 2, 7-17-96; Ord. No. 98-3108, § 2, 1-21-98; Ord. No. 2004-3464, § 2, 11-10-04)

Sec. 142-219. Regulations for new construction.

In the RM-2, residential district, all floors of a building containing parking spaces shall incorporate the following:

- (1) Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
- (2) Residential uses above the first level along every facade facing a waterway.
- (3) For properties less than 60 feet in width, the total amount of residential space at the first level along a street side shall be determined by the design review or historic preservation board, as applicable. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential uses; the total amount of residential space shall be determined by the design review or historic preservation board, as applicable, based upon their respective criteria.

<https://library.municode.com/print.aspx?h=&clientID=13097&HTMRequest=https%3a%2...> 6/25/2014

(Ord. No. 2006-3510, § 3, 3-8-06)

Secs. 142-220—142-240. Reserved.

<https://library.municode.com/print.aspx?h=&clientID=13097&HTMRequest=https%3a%2...> 6/25/2014

DRAFT

ADDENDUM D – QUALIFICATIONS OF THE APPRAISERS

QUALIFICATIONS OF APPRAISER

ANDREW H. MAGENHEIMER, MAI

EDUCATION:

Bachelor's Degree, The University of the South, Sewanee, Tennessee, 1986

EXPERIENCE:

Eighteen years in the field of real estate, involved in various forms of consultation, appraisal, economic research and market analysis.

June, 1997 to Present, Principal, Slack, Johnston & Magenheimer, Inc.

August, 1991 to May, 1997, Senior Appraiser, Slack & Johnston, Inc.

February, 1987 to July, 1991, Staff Appraiser, Dixon & Friedman, Inc.

GENERAL APPRAISAL EXPERIENCE:

Appraisals - Vacant land, aviation facilities, industrial facilities, shopping centers, office buildings, apartment buildings, residential developments and single-family residences.

Consulting - Economic research, market analysis, feasibility analysis and ad valorem real estate tax assessment appeals pertaining to industrial, commercial and residential properties.

AFFILIATIONS:

Licensed Florida Real Estate Broker

Florida State-Certified General Real Estate Appraiser, Certification No. RZ1073

Appraisal Institute Member, MAI, Certificate Number 10133, Continuing Education Completed

HUD MAP Training

2002 President of the South Florida Chapter of the Appraisal Institute

ZACHARY J. OLEN

EDUCATION:

Bachelor's Degree, Florida State University, Tallahassee, Florida, 2004

EXPERIENCE:

June, 2004 to Present, Slack, Johnston & Magenheimer, Inc.

Appraisal/consulting experience includes the following property types:

- Aeronautical Property
- Apartment
- Automobile Dealership
- Marketability/Feasibility Study
- Office Building
- Warehouse
- Vacant Land (various zoning classifications)

GENERAL APPRAISAL EXPERIENCE:

Appraisals - Vacant land, aviation facilities, industrial facilities and office buildings.

Consulting - Economic research, market analysis, feasibility analysis, real estate tax appeals pertaining to residential and agricultural properties.

AFFILIATIONS:

Licensed Florida Real Estate Salesman

Florida State - Certified General Real Estate Appraiser, Certification No. RZ3124

Appraisal Institute Candidate

**I
T
E'
M**

Discussion Item

**T
W
O**

**I
T
E
M**

**T
H
R
E
E**



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Finance and Citywide Projects Committee

FROM: Jimmy L. Morales, City Manager

DATE: July 30, 2014

SUBJECT: **UPDATE ON TERMINAL ISLAND DEVELOPMENT PROJECT**

BACKGROUND / ANALYSIS

On February 19, 2014, the Land Use Committee discussed a proposal to create a Unified Development Site with an adjacent property owner on Terminal Island. The developer of the project made a presentation to the Committee, which outlined the scope and preliminary direction of the project. The proposal would, potentially, combine the City owned property with the site to the immediate west (container yard) in order to accommodate a luxury residential project. A new, advanced, City vehicle maintenance facility would remain on Terminal Island, and would be located at the first level of the proposed project, below the residential structure. As part of the overall discussion on February 19, a number of issues and concerns were raised by both Land Use Committee Members, as well as members of the public. The following is a summary of the issues raised:

- The impact of the project on the Coast Guard station, as well as whether the Coast Guard was supportive;
- The impact on the site lines of the existing residential towers along Alton Road, south of Fifth Street;
- Concerns regarding future City needs and expansion requirements on Terminal Island, including continuing and future advances in technology as it relates to the types of vehicles used by the City, as well as the manner in which they are serviced;
- The accessory uses proposed and envisioned for the residential project;
- The need to address the overall FAR requirements for both the City facility and the proposed residential project.

The Land Use Committee continued the discussion on the item to the April 9, 2014 meeting, in order for the Administration to meet with representatives of the United State Coast Guard (USCG), as well as the project developer. Additionally, more public comment and input was sought and provided, particularly as it pertains to the actual size of the project, and future accessory uses.

On April 9, 2014, the Committee discussed the item again and voted to move forward with drafting a Development Agreement and Term Sheet, including all proffered safeguards. The City Attorney and the Administration were directed to place the item on a future Land Use Committee agenda when the draft Term Sheet was ready and that the draft Term Sheet shall be made available for public review at least 3 weeks prior to the Land Use Committee meeting.

ANALYSIS

On July 9, 2014, the Land Use Committee reviewed the draft 'Term Sheet' and recommended the following:

1. Approval of the proposed 'Term Sheet' and moving forward with the drafting of a Development Agreement;
2. In order to expedite the timeframe for completing the Development Agreement, the City's Outside Counsel should be subsidized by the developer;
3. Additional public notice for future hearings, beyond that mandated by State or City law, shall be provided;
4. Recommended a referral to the Planning Board for all required Code and Comprehensive Plan amendments.

Additional financial information, including a completed appraisal, shall be required before the Development Agreement can be completed. Also, the Development Agreement will need to include language prohibiting destination type restaurants and alcoholic beverage establishments, including entertainment establishments, as well as provisions for future condominium docs that clearly outline the industrial uses to be developed at the first level of the project.

Finally, a number of Ordinance Amendments, including amendments to the I-1 zoning regulations to permit residential uses, an increase the allowable height, potential amendments to the Parking Ordinance, as well as amendments to the Comprehensive Plan, will be needed in order to accommodate the development proposal.

CONCLUSION

On July 9, 2014 the Land Use and Development Committee, recommended that the Mayor and the City Commission:

1. Approve the proposed 'Term Sheet' and authorize the Administration to begin negotiations for a comprehensive Development Agreement; such agreement shall require additional financial information, including a completed appraisal, and shall also include language prohibiting destination type restaurants and alcoholic beverage establishments, including entertainment establishments, as well as provisions for future condominium docs that clearly outline the industrial uses to be developed at the first level of the project.
2. Require that the City's Outside Counsel be subsidized by the developer, in order to expedite the drafting and approval of the Development Agreement.
3. Refer an Ordinance Amendment to the Planning Board to accommodate the residential proposal for Terminal Island, including amendments to the I-1 zoning regulations to permit residential uses and increase the allowable height, potential amendments to the Parking Ordinance and amendments to the Comprehensive Plan.
4. Require additional public notice for future hearings, beyond that mandated by State or City law, shall be provided.

Thereafter, on July 23, 2014, the City Commission referred the matter to this committee for further analysis.

The developer has proposed a modification of the Term Sheet which would provide the City with the option of purchasing however many parking spaces on the developer's property as the City wishes instead of the entire ground level of the garage pedestal.

The Administration recommends that the Committee review the proposed Term Sheet and materials and provide policy direction.


JLM/JMJ

F:\cmgr\\$\ALL\JMJ\Terminal Island\Finance Memos\Update - Terminal Island Term Sheet and Ordinances.docx

Proposed Terminal Island
Development Agreement Term Sheet

1. Parties. The City of Miami Beach ("City") and Miami Beach Port, LLC ("MBP") intend to enter into a F.S. Ch. 163 development agreement (the "Development Agreement") for the joint redevelopment of the "Property".
2. Property Subject to Development Agreement.
 - a. MBP is owner of that certain parcel of land located at 120 MacArthur Causeway, Miami Beach, Florida (Folio #02-4204-000-0060), which is approximately 3.71 acres (161,716 Sq. Ft.) (the "MBP Parcel").
 - b. City is owner of that certain parcel of land located at 140 MacArthur Causeway, Miami Beach, Florida (Folio #02-4204-000-0010), which is approximately 2.16 acres (94,090 Sq. Ft.) (the "City Parcel", which collectively with the MBP Parcel is the "Property").
3. Scope of Project.
 - a. City and MBP intend to enter into the Development Agreement for the redevelopment of the MBP Parcel and City Parcel to include (i) a new 20+/- story tower for 60 +/- residential units (the "Tower"), above related residential amenities, parking, and the creation of a deep-water large-yacht marina, consistent with the Conceptual Plan prepared by Foster + Partners, dated May 9, 2014 (the "MBP Facilities"), (ii) the reconstruction and expansion of the existing City-owned facilities yard and offices, including approximately 39,000 square feet of administrative offices, service bays, vehicle maintenance and warehousing facilities and other related facilities for City operations (the "City Facilities"), and (iii) 240+/- parking spaces (approximately 75 surface spaces on the City Parcel and 165 designated covered spaces on the MBP parcel) for the City's sole, permanent and exclusive use. The MBP Facilities, City Facilities and City Parking Spaces (collectively referred to as the "Project") will be designed, permitted and constructed by MBP.
 - b. As part of the Project, the City will receive beneficial use of an additional 91,000 +/- Sq. Ft. of land on the MBP Parcel on which the City Facilities will be partially located and all of the garage for the MBP Facilities will be located.
 - c. The MBP Facilities will include ancillary support facilities typically associated with multifamily residential and marina, but with the following limitations, which shall be memorialized as covenants running with the land in the Declaration (or Declarations, in the event that there is more than one) of Condominium for the MBP Facilities:
 - i. any restaurant located within the MBP Facilities shall be limited to 1.25 seats per unit and open only to Tower residents and their guests.

- ii. any snack bar, coffee house, sundry shop, or food market (or combination) located within the MBP Facilities as an accessory to the marina shall be limited to employees, Tower residents, marina tenants and their guests.
- iii. the MBP Facilities nor the Project shall include any dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments, or open air entertainment establishments, as defined in the City's Land Development Regulations.

4. Key Terms & Provisions.

- a. The Property, in total 5.87 acres (255,806 Sq. Ft.), will be a unified development site, joined together under a covenant in lieu of unity of title entered into by City and MBP. Based on the existing Floor Area Ratio (FAR) of 1.0, the Property is permitted to be developed up to a maximum of 255,806 square feet of total Floor Area, as defined in Chapter 114, of the City's Land Development Regulations.
- b. The intention is that the Property may be expanded to potentially include other adjacent property on Terminal Island owned by private parties (each a "Third Party") upon agreement by MBP, City and said Third Party.
- c. MBP will design and construct all improvements on the Property, including the City Facilities.
- d. MBP shall bear the cost for design, build and delivery of the physical improvements associated with MBP's deep water marina and shall extend such construction standards for the physical improvements along the City's waterfront property. The City shall retain ownership and control of that portion of the seawall built along the City's property. The City, should it decide to lease its portion of the marina and any associated boat slips, shall provide MBP the right of first refusal in leasing said portion of the marina. The terms of any lease shall be negotiated between the parties.
- e. The estimated floor area required for the City Facilities is 39,000 Sq. Ft. The City will retain an additional 5,000 Sq. Ft. for future potential development requirements. The City will transfer to MBP approximately 50,000 Sq. Ft. of unused Floor Area (the "Unused City Floor Area") from the City Parcel, to be incorporated by MBP toward the construction of the Tower, including residential components and other related residential amenities (the "FAR Transfer").
- f. Allocation of costs.
 - i. MBP will be responsible for payment to City for the Unused City Floor Area, in an amount to be negotiated between City and MBP but which shall be no less than the fair market value of the Unused City Floor Area. City and MBP will establish a mutually acceptable methodology to determine the fair market value, of the Unused City Floor Area.

- ii. City will be responsible for payment to MBP for the cost of design, permitting, and construction of the City Facilities, except for the City Parking Spaces, which shall be paid for in accordance with subsection (iii) below. City and MBP will establish estimated construction costs, in an amount to be determined based on mutually acceptable construction cost estimates.
 - iii. City will pay MBP for the parking spaces constructed and allocated to the City, with final costs to be based on the actual design and construction costs per space.
 - iv. The intention is that the value of the Unused Floor Area and the cost of design, permitting and construction of the City Facilities, will be equivalent. Upon issuance of a Certificate of Occupancy, there will be an accounting of the final construction costs and the value of the Unused City Floor Area to determine the amount actually owed by each party.
- g. Concurrent with or prior to the execution of the Development Agreement, City will take all reasonable measures to process and adopt amendments to the I-1 District, Land Development Regulations, and to the Comprehensive Plan (collectively, the “City Amendments”) to allow for residential uses and accessory uses on Terminal Island, and to establish appropriate parking requirements; provided, however, that MBP agrees and acknowledges that any such City Amendments are subject to, and conditioned upon, approval by the Mayor and City Commission, at its sole and reasonable discretion.
- h. MBP and City will work cooperatively to seek approval of the design and development of the Project. MBP will be responsible for submitting any required applications for development approvals, with City as co-applicant, for the Project (i.e. Design Review Board, Planning Board, Board of Adjustment) prior to issuance of building permits for the Project; provided however, that MBP agrees and acknowledges that any such development approvals are subject to, and conditioned upon, approval by applicable development boards, in their sole and reasonable discretion.

**I
T
E
M**

Discussion Item

**F
O
U
R**

F&CWP Pending Items - Commission Referrals

Item #	Title	Referred By	Date Referred	Handled By	Date Expiring per Reso # 2013-28147	Note
1	Status update on Business Tax Process Improvement.	Jorge R. Exposito		Patricia Walker Kathie Brooks	7/30/2014	Awaiting new business tax system 9/20/13 The Committee recommended leaving this item on the agenda since the new ACCELA process is still pending. 1/30/14 Commissioner Weithorn is working with P. Walker on this item that is still awaiting ACCELA implementation 3/21/14 Item expiration extended from when the item was reheard
182	Discussion regarding bicycle safety campaign with the Miami Beach police department, Decobike and local bicycle rental companies.	Edward L. Tobin	December 11, 2013 Commission Item R9H	Jose Gonzalez	8/21/2014	2/21/14 The Committee recommended moving forward with the Bicycle Safety Campaign focusing on the importance of bicycle and driver awareness when sharing the streets of Miami Beach. The Committee also agreed to a partnership with local bicycle advocate Mr. Richard Cahlin involving the sale of cycling clothing to help raise funds for bicycle programs. The Committee requested that someone speak to the movie theater to do an in kind video advertisement spot. The source of funding will be looked into and approved later as a separate item along with the items in the preliminary cost breakdown. 6/20/14 The Committee recommended staff work with FDOT to organize events and practical workshops that focus on providing bike safety information and to bring the cost breakdown to budget for the funds that will be needed to implement these programs.
183	Discussion regarding the Washington Avenue pump station for funding allocation	Edward L. Tobin	December 11, 2013 Commission Item R9H	Eric Carpenter	8/21/2014	2/21/14 The Committee recommended referring this item to the Planning Department that would recommend ideas for staining the concrete and how to construct the wall that contains the electrical panel and power meter in the same finishes. Finance will approve the cost options in 2 months with the proposal to be sent by LTC of the different sketches. DRB will way in after receipt of this recommendation.
187	Discussion regarding Financial Impact of the Proposed Roadway Closure Applications for 87 Street and 87 Terrace Filed by 8701 Collins Development	Deede Weithorn	March 5, 2014 Commission Item C4D	Eric Carpenter	11/20/2014	5/20/14 The Committee recommended referring this item to Land Use and the appraisal re-evaluated. The item is to be brought back to the June Finance Committee meeting. 7/18/14 The Committee moved to continue the discussion of this item at the July 30, 2014 Commission meeting with no recommendation.
188	Discussion regarding The Greater Miami Convention and Visitors Bureau Interlocal Agreement	Tourism, Culture and Economic Development	March 5, 2014 Commission Item C4F	Max Sklar	9/5/2014	7/18/2014 The Committee recommended moving this item to the August 13, 2014 Budget meeting and then finalized at the September 10, 2014 Commission meeting with no recommendation.
189	Discussion regarding the Miami Beach Police Athletic League (PAL)	Joy Malakoff	March 5, 2014 Commission Item R9N	Arthur Martineau	9/5/2014	3/21/2014 Item to be brought back when their audit is complete

Item #	Title	Referred By	Date Referred	Handled By	Date Expiring per Reso # 2013-28147	Note
190	Discussion regarding Adoption of an Updated Strategic Plan for the Cultural Affairs Program, to include utilization of Fillmore Community Benefit Fund, Cultural Arts Council Endowment, and Cultural Affairs Program Fund Balance Funds for Greater Cultural Benefits for Residents and Visitors	Tourism, Culture and Economic Development	April 23, 2014 Commission Item C4B	Max Sklar	11/20/2014	<p>5/20/14 The Committee recommended going back to the Cultural Arts Council to update the Strategic Plan and funding needs and bring it back to the Finance Committee before July if it needs to be included in next year's budget.</p> <p>7/18/14 The Committee recommended that the CAC Endowment use be scaled back to one event (Sleepless Night) and brought to the Budget Committee meeting on August 15, 2014 to evaluate if there needs to be a budget amendment for use of the funds.</p> <p>The Committee recommended Administration cap the Fund Balance at its current level of \$2,640,184, which if necessary could adequately cover the expenses of the Cultural Affairs Program for two years. Funds remaining at the end of each fiscal year will be added to the CAC's grants budget for the following fiscal year.</p> <p>The Committee recommended the addition of a new community Benefit Fund Grant requirement that all future rent waiver recipients be required to offer free or discounted tickets to Miami Beach residents. Also, to increase the number of annual rental fee waivers from 12 to 24. The additional grants (12 annually), will be specifically for live theater in the City. The Community Benefit Fund Grant when used at the Fillmore "backstage" would require grantees to offer tickets at \$19, including all house and Ticketmaster surcharges.</p>
192	Discussion regarding Police and Parking Department Towing Permit Requirements	Parking	April 23, 2014 Commission Item C4G	Saul Frances	11/20/2014	5/20/14 The Committee recommended no action and that Saul Frances Parking Director follow up on the implementation of the technology enhancements. This item is to be brought back to the September Finance Committee Meeting.
195	Discussion regarding Parking - Strategic Pricing	Parking	May 21, 2014 Commission Item C4E	Saul Frances	11/21/2014	6/20/14 The Committee recommended the item be deferred to the August 15, 2014 Budget Meeting
196	Discussion regarding creating a Property Assessed Clean Energy (PACE) Program by resolution and joining the existing Interlocal Agreement between by Harbor Islands, Biscayne Park, and Surfside	Jonah Wolfson	May 21, 2014 Commission Item R9N	Betsy Wheaton Patricia Walker	11/21/2014	
200	Discussion regarding the Use of the Byron Carlyle Theater	Tourism, Culture and Economic Development	June 11, 2014 Commission Item C4D		12/11/2014	6/20/14 The Committee recommended staff bring back options available for the Committee to consider for use of the space to Budget.
201	Discussion referral to the Finance and Citywide Projects Committee to discuss the Schedule of User Fees for Various Parks and Recreation Programs and Services, Facility Admissions and Rentals	Parks and Recreation	June 11, 2014 Commission Item C4F	John Rebar	12/11/2014	7/18/14 The Committee recommended moving this item to the August 13, 2014 Budget meeting with no recommendation.
202	Disussion regarding the Purchase and Sale Agreement for 226-87th Terrace to permit the Development of a Parking Garage to include at least 100 Public Parking Spaces	Deede Weithorn	June 11, 2014 Commission Item C4I	Eric Carpenter Joe Jimenez	12/11/2014	7/18/14 The Committee moved to continue the discussion of this item at the July 30, 2014 Commission meeting with no recommendation.
204	Discussion regarding rebuilding of the Sunset 1 and 2 Guard Houses	Joy Malakoff Neighborhoods	May 21, 2014 Commission Item C4A	Eric Carpenter	11/21/2014	
205	Discussion on the Proposed Terminal Island Residential Project	Deede Weithorn	July 23, 2014 Commission Item C6B	Joe Jimenez	1/23/2014	
206	Discussion regarding the vacation of St. Patrick's campus (portion of North Meridian Avenue between Barry and 39th Street)	Jonah Wolfson	July 23, 2014 Commission Item R7N	Eric Carpenter	1/23/2014	