

**DD4200 Commercial Development and Park Parcel
Neighborhood Outreach – Response to October 14, 2023 Meeting
November 15, 2023**

Background and Intent. As you know, DD 4200 LLC plans to redevelop its assemblage along NE 2 Avenue, between NE 42 St. and NE 43 St.¹ The project contemplates a 3-story commercial development with ground level retail and office space (the "Commercial Development") and a public park with a parking ramp providing access to underground parking for the Commercial Development at 171 NE 42 St. (the "Park Parcel") (collectively, the "Project"). Development plans are still being finalized and *no applications for site plan approval have been submitted to the City.*

In order to develop the Park Parcel with a public park, *the first step* is to rezone and amend the land use designation of the Park Parcel from T3 to CS (Civic Space Zone) and from Medium Density Multifamily Residential to Commercial Recreation, respectively. These applications are ready to be heard by PZAB at our collective discretion.

In anticipation of a PZAB hearing, we met with neighborhood stakeholders on October 14, 2023 to discuss the Project and, specifically, to discuss whether the neighbors were interested in having the Park Parcel developed. We put together this document which intends to give answers to the questions raised in a Q&A format. Our intent is to ensure you are receiving accurate and concrete responses to your concerns.

1. Q: Will supporting this rezoning request from T3 to CS create precedent for up-zoning in the neighborhood?

A: No. A rezoning from T3 to CS is effectively *downzoning* the Property. The CS zoning transect does not allow for any density (i.e. residential use) and, in fact, does not allow any use by right (except marinas). Further, it provides that all other applicable zoning regulations (e.g. setbacks, height) must follow the regulations of the most restrictive abutting transect—in our case T3.

Under the Miami 21 rezoning regulations for small parcels, such as the ones in the neighborhood, you can only rezone to a transect zone that abuts your property (i.e. extends the existing boundary) so the next door property abutting the Park Parcel would only be able to rezone to CS only.

2. Q: What is the design for the Park?

A: Our rezoning application only approves a conceptual plan for a park with an entrance ramp to a below grade parking garage and provides dimensions for same. The actual improvements on the surface are not part of the rezoning and will require site plan approval by the Historic and Environmental Preservation Board ("HEPB") at a later time. Currently, we only need to know

¹ Specifically the properties at 4200 NE 2 Ave, 4218 NE 2 Ave., 4240 NE 2 Ave. and 171 NE 42 St.

whether the neighbors want a park, so we can complete the rezoning or withdraw it. Discussions about the Park's design will occur at a later time prior to our HEPB submittal.

We are very early into conceptualizing the park design, but we contemplate a passive park (e.g. no sports amenities, no exercise equipment, no amplified music, etc.) with substantial landscaping. Our goal is to maximize the available greenspace and make the ramp as small as possible.

Ultimately, we want to know from you what you would like to see in the Park. Here are some bullet points about proposed Park operations that we can discuss in our next meeting:

- Maintenance: While the Park will be a City of Miami public park, DD4200 will be responsible for park maintenance to ensure the best upkeep.
- Hours of Operation: 7:00am – 10:00pm, which is the City's standard hours of operation for illuminated City parks (i.e. minimum lights needed for safety and wayfinding, not stadium lighting). If we forgo lighting, then standard hours of operation would be 7:00am to sunset.
- Security: The security personnel for our Commercial Development will also provide security to the Park during hours of operation. We will also install security cameras at the Park.
- Improvements: We envision lush landscaping, walking paths, public art and seating. We are open to incorporating other improvements requested by you so long as we are able to maintain ADA-compliance.
- Events: As with any City public park, the public must obtain a Park Facility Permit to host an event with 10+ people. Only events that are appropriate for the Park, considering its proximity to residential uses, will be approved for a Park Facility Permit.
 - *Note:* Some neighbors believe that our Development Agreement provides that special events can be held at the Park without need for a special events permit. However, that is not the case. The Park Parcel is not subject to our Development Agreement, which only governs the Commercial Development. All events at the Park Parcel will require a Park Facility Permit.
 - *Note:* Further, after receiving feedback from BVEHNA, we have removed from our Development Agreement any benefits or flexibilities regarding special events at the Commercial Development. All special events at the Commercial Development will require a special events permit under the standard City regulations as any other property in the City.

3. Q: What happens if we don't want the Park?

A: We will terminate the rezoning and land use amendment applications and the lot will stay as is. We will not provide on-site parking for the Commercial Development and instead pay into the Design District Parking Trust Fund. Our retail and office tenants, as well as retail customers, will park at the existing parking garages in the Design District or on-street in the neighborhood and walk, through the neighborhood, to our site. Pedestrian and goods loading/unloading will occur on-street instead of in our garage.

4. Q: Can you swap the location of the parking ramp and stairs and the entrance to the Park?

A: The parking ramp needs to stay to the west end of the parcel so that we have a sufficient turning radius for the ramp descent.

However, in order to address your concerns regarding pedestrian safety when crossing the garage entrance, we will:

- a) Setback the berm 10-feet from the Property line to provide better visibility.
- b) Include a mechanical arm and/or similar traffic-flow control devices to ensure slow and safe ingress and egress of vehicles from the parking garage.
- c) Use best efforts to advocate for inclusion of traffic calming devices, such as speed bumps, on NE 42 St. with the City (and the County to the extent required).
- d) See response to Question #5 below.

5. Q: Can you ensure vehicles will be routed towards NE 2 Ave. and away from NE 42 St.?

A: We agree that the best outcome is a left-hand turn unto NE 2nd Ave. only out of the garage ramp. We are fully supportive of this design; however, ultimately, it is up to the City's Transportation and Public Works Departments and Miami-Dade County to change the traffic circulation patterns. Together we can strategize about how to make this happen (for example: is the neighborhood willing to make this portion of NE 42 St. a one-way eastbound street?).

6. Q: Are you using the Park to meet your open and civic space requirements for the Commercial Parcel?

A: In part. Our Development Agreement, which again only governs the Commercial Development, provides that we are able to meet open and civic space requirements within ½ mile of the site. Some open and civic space is provided within the Commercial Development; however any deficiency will be provided within the Park. Ultimately, the neighborhood is getting more open and civic space for use and enjoyment with the Park than if the Commercial Development fully met its open and civic space requirements on-site.

7. Q: Can you incorporate uses, like a café, that are more economically accessible?

A: We would love to and will keep such requests in mind; however our Project needs to be economically feasible. Given the market rates, we expect our tenants to be high-end retailers.

Conclusion. We are happy to answer any additional questions you may have in writing or in another meeting. **Please note that at this stage, the only question we need answered is whether the neighbors want a Park or prefer to keep the existing condition.** Conversations regarding the park design will take place at a later time when we are preparing to submit for site plan approval. Thank you.