



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: April 23, 2025 9:21 a.m. Second Reading Public Hearing**

TITLE: NORTH BEACH OCEANFRONT OVERLAY - LDR AMENDMENT
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," SECTION 7.2.6, "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," SUBSECTION 7.2.6.3, "DEVELOPMENT REGULATIONS (RM-3)," TO REFERENCE MODIFIED DEVELOPMENT REGULATIONS FOR THE NORTH BEACH OCEANFRONT OVERLAY, FURTHER AMENDING CHAPTER 7, "ZONING DISTRICTS AND REGULATIONS," ARTICLE III, "OVERLAY DISTRICTS," BY CREATING SECTION 7.3.11, ENTITLED "NORTH BEACH OCEANFRONT OVERLAY DISTRICT," TO ESTABLISH DEVELOPMENT REGULATIONS THAT INCENTIVIZE DEVELOPMENTS INCLUDING THE PARTIAL RECONSTRUCTION OF CONTRIBUTING BUILDINGS ON CERTAIN EXISTING OCEANFRONT LOTS WITHIN THE NORTH BEACH RESORT LOCAL HISTORIC DISTRICT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

Second Reading of this Ordinance will be opened and continued to May 21, 2025.

BACKGROUND/HISTORY

The subject application was submitted on August 6, 2024 by TMG 67 Communities LLC with respect to the property located at 6701 Collins Avenue. This is a private application filed pursuant to Sections 2.4.1 and 7.1.10 of the Resiliency Code. The application proposes to create the North Beach Oceanfront Overlay within the City's Future Land Use Map, the text of the City's 2040 Comprehensive Plan, and the City's Resiliency Code.

The Deauville name has a long history dating back to 1926. The original Deauville hotel at 6701 Collins Avenue was constructed in 1926, modified in the early 1930's, and totally demolished in 1956. The former Deauville hotel, which was demolished in 2022, was constructed in 1956 and designed by noted Miami Beach architect Melvin Grossman, in the Post War Modern (MiMo) style. The former hotel was also classified as a contributing building in the Miami Beach Historic Properties Database and the site is located within the North Beach Resort Local Historic District.

One of the most noticeable features of the former building was its dramatic porte-cochere, comprised of sweeping intersecting parabolic curves, creating a defining entry point for this once all-inclusive resort. Stepped horizontal planes rose from the street to the 2nd floor lobby entrance along the building's façade, providing shelter and a clear pedestrian procession from Collins Avenue. This lobby entrance was one of the three main differentiated architectural features of the building.

The former 2-story structure on the south side of the property contained ground level retail spaces with a two-story height ballroom space above, made legendary by the 1960s appearance of the Beatles on the “Ed Sullivan Show.” An elongated honeycomb pattern of ornamental hollow clay blocks formed a distinctive screening mechanism for the ballroom façade on Collins Avenue. The hotel portion of the former building rose 15 stories at the north end of the property and contained continuous horizontal windows and projecting concrete eyebrows.

After a fire in the former Deauville’s electrical room, the building was closed on July 25, 2017. The city took extensive action to attempt to ensure that the former building was not demolished by neglect through enforcement action by the Building Department and by filing action in Circuit Court to attempt to force the property owner to meet its obligations with respect to the 40-year building re-certification process and pursuant to a 2018 Unsafe Structures Board Order, among other relief intended to prevent the building’s demolition by neglect. One of those obligations was for the owner to provide a Structural Condition Assessment Report from a licensed engineer.

After years of enforcement action and litigation, the owner provided the required Structural Condition Assessment Report. Unfortunately, that report (which the Building Official verified) established that the building was unsafe and could not be saved due to structural defects in the building. The building was demolished in November 2022.

ANALYSIS

Planning Board and City Commission Review Requirements

The application submitted herein is in accordance with Section 7.1.10.2(a) of the LDRs, which requires the following 3-step process, prior to the review by the City Commission:

a. **Step One – Planning Board Preliminary Review.**

The Planning Board, at a duly noticed public hearing, shall perform an initial review of the proposed ordinance. Notice of the Planning Board preliminary review hearing shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations. If the proposed ordinance involves less than ten (10) contiguous acres, the notice requirements for the preliminary Planning Board review shall also include a minimum 30-day mail notice for all properties within 375 feet of the properties subject to the proposed floor area or FAR increase, and a 30-day published notice.

Prior to the Planning Board’s preliminary review stage, the Administration, either internally or with the assistance of an outside consultant, will perform an impact analysis of the proposed FAR increase; and such impact analysis shall include, but not be limited to, the following:

1. Calculation of the actual square footage increase for affected properties such as, for example, the maximum allowable square footage for residential, office, retail, hotel or other uses resulting from the FAR increase.
2. An infrastructure analysis regarding potential impacts on traffic/mobility, parking, water, sewer, resiliency, parks and open space, as well as any other area of concern identified by the City Commission or the Administration.
3. Massing studies, which illustrate the volume and location of the area associated with the proposed increase in FAR.

For private applications, the applicant shall be required to provide all data and exhibits related to the above noted impact analysis as part of the application submission. The findings of this impact analysis shall be presented to the Planning Board at the preliminary review stage.

- b. **Step Two – Community Outreach Meeting:**
Subsequent to the Planning Board’s preliminary review meeting, the City shall facilitate a public meeting for all affected stakeholders, in order to solicit additional input and feedback, as well as for City staff to address any outstanding issues or questions. A reasonable effort shall be made to ensure that such public meeting is held no later than 45 days from the date of the preliminary review by the Planning Board. Courtesy notice of the meeting shall be given by the applicable City department, in coordination with the Planning Department, in a manner consistent with the City’s courtesy notices for other community meetings, workshops, or presentations.
- c. **Step Three – Planning Board Transmittal:**
At a second duly noticed public hearing, which is separate and apart from the preliminary review hearing, the Planning Board shall consider and transmit the proposed ordinance to the City Commission with a recommendation. Notice of this transmittal hearing shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations.

After transmittal to the City Commission, the review requires a similar 3-step process:

- a. **Step One – First Reading Public Hearing:**
After transmittal of the ordinance by the planning board, the City Commission shall hold a first reading public hearing. Notice of the first reading shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations. If the proposed ordinance involves less than ten (10) contiguous acres, the notice requirements for first reading shall also include a minimum 30-day mail notice for all properties within 375 feet of the properties subject to the proposed floor area or FAR increase, and a 30-day published notice.
- b. **Step Two – Community Workshop:**
Subsequent to the approval of the ordinance at first reading, and prior to second reading, at least one additional community workshop, which is separate and apart from the first reading public hearing, shall be held. This additional community workshop shall be considered a courtesy meeting, and open to participation by all affected stakeholders, including residents, property owners, or businesses in the surrounding area that may be affected by the proposed floor area or FAR increase, as determined by the City Commission. Such community workshops may be held in a virtual, in-person or hybrid formats, at the discretion of the City Commission, and shall be noticed in a manner to be determined by the City Commission.
- c. **Step Three – Second Reading / Adoption Public Hearing:**
After the community workshop described above, the City Commission shall hold a second reading public hearing to consider final adoption of the proposed ordinance. Notice of the second reading shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations.

Proposal

The applicant is proposing to create a new overlay, entitled the North Beach Oceanfront Overlay district, as well as amend the RM-3 development regulations specific to 6701 Collins Avenue, the site of the former Deauville Hotel. A separate, companion ordinance, proposes to amend the comprehensive plan. Collectively, these amendments would enable the construction of an apartment hotel development, with the following uses and amenities:

- 200 hotel rooms;
- 140 residential apartment units;
- 7,300 square feet of retail;

- 34,000 square feet of food and beverage service;
- 24,000 square feet of ballroom/banquet space;
- A 7,500 square foot spa;
- A 5,300 square foot gym; and
- 98 parking spaces.

The subject site is 166,500 square feet and the former Deauville Hotel previously contained 566 hotel rooms.

The proposal includes up to 416,250 square feet of bonus floor area (2.5 bonus FAR). When combined with the current maximum allowable floor area of 499,500 square feet (3.0 FAR), up to 915,750 square feet of floor area would be permitted, which would equate to an overall FAR of 5.5 for the property. The maximum zoned FAR for the property would remain at 3.0.

Additionally, the applicant is proposing up to 180 feet of bonus building height, which will result in new towers constructed with a total height of 380 feet. The maximum zoned building height for the property would remain at 200 feet. The applicant is also proposing to modify the minimum setback requirements in a manner specific to the property.

The following is a summary of the proposed modifications to floor area, building height and setbacks, as compared to the current requirements of the LDRs:

	Current Required or Max	Proposed	Difference
FAR	3.0 FAR / 499,500 SF	416,250 SF Bonus 5.5 FAR / 915,750 SF	+416,250 SF / +2.5

Note: each 1.0 increase in FAR results in an addition of 166,500 SF to the site.

Height	200 Feet	180 bonus feet (380 feet total height)	+180 feet
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Front Setback

Pedestal	20	Zero feet	-20 feet
Tower	50 feet	40 feet	-10 feet

Side Setback

Pedestal	40 feet	30 feet (N) 20 feet (S)	-10feet -20 feet
Side Sum	80 feet	None	-30 feet
Tower	50 feet	30 feet	-20 feet

Note: The current setbacks reflect an overall height not to exceed 200 feet.

Other proposed amendments include modifications to the allowable setback encroachments, as identified in the attached ordinance. These include up to a zero-foot side setback for certain structures, as well as modifications to the rear setback requirements.

Additionally, a reduction in the minimum off-street parking requirements is proposed, along with the allowance for subterranean parking and mechanical parking without the review of the Planning Board. Lastly, a substantial exemption from the requirements of the long frontage standards is also proposed.

In accordance with the requirements noted above for FAR increases, the following are required to be provided as part of the application submission:

1. Impact analysis of the proposed FAR increase. The current maximum permitted floor area for the site is 499,500 square feet and a maximum of 915,750 square feet is proposed. The draft ordinance includes an FAR bonus of up to 416,250 square feet.
2. Infrastructure analysis regarding potential impacts on traffic/mobility, parking, water, sewer, resiliency, parks and open space. The applicant submitted the attached analysis prepared by Schwebke, Shiskin & Associates, which addresses water, sewer, and fire flow requirements. Additionally, the attached traffic and parking impact statement for the proposed development was prepared by Kimley Horn. As it pertains to parks and open space, a preliminary analysis indicates that the addition of 140 residential units would result in a deficiency in basketball courts and tennis/pickleball courts. This will require the payment of concurrency mitigation fees at the time of building permit.
3. Massing Studies. The attached maps and massing studies illustrate the volume and location of the area associated with the proposed FAR increase.
4. Although not technically required, the applicant has also provided the attached Economic Impact Analysis, prepared by the Washington Economics Group.

As part of the initial Planning Board review of the application, the following concerns were noted by staff and all have largely been addressed:

1. Reconstructed floor area. Staff previously noted inconsistencies with the plans submitted to the Historic Preservation Board in 2013 for the redevelopment of the subject property, including a new tower on the site, which indicated that the existing Deauville Hotel structure contained approximately 309,000 square feet of floor area. This issue has largely been addressed in the current submittal; however detailed FAR drawings will be required as part of the building permit review process in order to fully substantiate the prior FAR for the site.
2. Massing Studies. The original massing study provided was inadequate, as it only included one basic site diagram, along with one axonometric drawing with 'ghosted' towers. More detailed floor plans, a section drawing, and various renderings have now been provided.
3. Exemption from long frontage standards. Previously the applicant requested full exemption from the requirements of the long frontage standards, with no explanation as to why compliance cannot be achieved. As these frontage standards are required to ensure the long-term resiliency of the site staff was concerned with a blanket waiver without adequate supporting documentation. The ordinance has been revised to include more specific language relative to the waivers, including for the required circulation zone. Waivers from the Resiliency Standards may also be sought from the Historic Preservation Board (HPB).
4. Deauville Reconstruction. As noted above, only the pedestal is now considered as a partial reconstruction, and due to changes to the overall design and massing of the hotel tower, including a substantial increase in the rear setback, the hotel tower is no longer considered as a partial reconstruction, and will be a re-interpretation of the original design. To date, the applicant has not provided a revised design for this re-interpreted hotel tower. However, approval of all new construction at the site will be subject to the approval of the HPB at a future date.

Comprehensive Plan Amendment and Review Process

The proposal requires an amendment to the Comprehensive Plan for the proposed changes to

the maximum intensity requirements for the property. A separate, companion ordinance is proposed for the required comprehensive plan amendments.

PLANNING BOARD REVIEW

On November 26, 2024, the Planning Board held a public hearing, reviewed the proposed ordinance and continued it to the January 7, 2025, meeting. On December 17, 2024, a public workshop was held after the first review of the Planning Board and additional input was received from the workshop participants.

On January 7, 2025, the Planning Board continued the proposed ordinance to a date certain of February 4, 2025, at the request of the applicant, with no substantive discussion. On February 4, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (6-0).

UPDATE/SUMMARY

The subject ordinance was approved at First Reading on March 19, 2025, with the following additional amendments (**in bold**), as recommended by the Administration:

Sec. 7.3.11 – Development Regulations for the North Beach Oceanfront Overlay

* * *

b. Development Regulations.

*Notwithstanding the development regulations contained in Section 7.2.6, the following regulations shall govern proposed development within the boundaries of this overlay district. **These regulations, including, but not limited to bonus FAR and bonus building height, shall require the partial reconstruction of a previously existing contributing building, as determined by the Historic Preservation Board.** and in In the event of any conflict between the overlay regulations and the requirements of Resiliency Code, these regulations shall control:*

* * *

11. Maximum floor plate. All floors of the residential towers containing residential units shall have a maximum floor plate, exclusive of projections, unenclosed balconies, of 9,500 square feet, per floor.

These amendments have been incorporated into the attached draft ordinance for Second Reading. Additionally, a separate, draft development agreement was referred to the Planning Board by the City Commission for a recommendation. However, the referral of the development agreement was withdrawn from the Planning Board agenda, and First Reading of the development agreement will now be considered as a companion item to the LDR and Comprehensive Plan amendments.

The following additional amendments to the ordinance have been proposed by the applicant, and incorporated into the draft ordinance for Second Reading:

1. The maximum number of residential units has been capped at 140 units.
2. The maximum number of hotel units has been reduced from 280 units to 200 units.
3. The maximum building height has been reduced from 400 feet to 380 feet.

4. Modified text pertaining to side setback encroachments has been included, to clarify that the architectural projections at the south west corner of the reconstructed pedestal, which frames the entrance to the south beach path and references the original Deauville façade length, can be permitted.
5. A limited exception to the resiliency standards has been included to allow the reconstructed retail units fronting Collins Avenue to be developed at or near grade, as elevating these units would create impacts to the reconstructed lobby level above.
6. The residential floor plate restriction of 9,500 square feet, which was proposed by the Administration and approved at First Reading, has been modified slightly to allow residential floor plates up to 10,000 square feet. Additionally, clarifying text has been added to confirm that this floor plate restriction does not apply to the reconstructed hotel building.

The Administration is supportive of the above noted additional modifications, which are also included in the attached ordinance for Second Reading.

Finally, the proposed amendments to the LDRs and the Comprehensive Plan are tethered to a separate development agreement which, if approved by the City Commission at First Reading on April 23, 2025, would be considered for adoption by the City Commission on May 21, 2025. For all three of these components to be considered for adoption together, the applicant has requested that the City Commission waive the annual zoning cycle restriction for the subject LDR amendment, pursuant to Section 2.3.2 of the LDRs, and schedule a Second Reading public hearing for May 21, 2025.

FISCAL IMPACT STATEMENT

No Fiscal Impact

Does this Ordinance require a Business Impact Estimate? No
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 3/24/2025
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends the following:

1. The City Commission open and continue Second Reading of the subject ordinance to May 21, 2025.
2. Pursuant to Section 2.3.2 of the LDRs, the City Commission waive the annual zoning cycle restriction for the subject amendment and schedule a Second Reading public hearing for May 21, 2025.

Applicable Area

North Beach

Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Planning

Sponsor(s)

Private Applicant

Co-sponsor(s)

Condensed Title

9:21 a.m. 2nd Rdg, North Beach Oceanfront Overlay - LDR Amendment. (Priv App) PL 5/7

Previous Action (For City Clerk Use Only)

First Reading Public Hearing on 3/19/2025 - R5 Q