

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Eric Carpenter, City Manager
DATE: April 23, 2025 5:02 p.m. First Reading Public Hearing**

TITLE: ALTON BEACH BAYFRONT OVERLAY DISTRICT – LDR AMENDMENTS
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 ALTON BEACH BAYFRONT OVERLAY, FURTHER AMENDING ARTICLE III, “OVERLAY DISTRICTS,” BY CREATING SECTION 7.3.12, ENTITLED “ALTON BEACH BAYFRONT OVERLAY DISTRICT,” TO CREATE DEVELOPMENT REGULATIONS THAT INCENTIVIZE NON-TRANSIENT RESIDENTIAL DEVELOPMENT ON LOT 3, BLOCK 80 OF BAY GARDEN MANOR CONDO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6, PAGE 12 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) open and continue First Reading of the subject ordinance to May 21, 2025.

The Administration does not recommend that the proposed LDR amendment be approved at First Reading at this time. The reason is that the proposed development agreement has not been properly vetted and may not be commensurate with the extent of development regulation incentives proposed, including the modifications suggested herein. As such, the Administration recommends that the proposed LDR amendment be opened and continued to May 21, 2025.

BACKGROUND/HISTORY

The subject application was submitted on August 11, 2024, by West Ave Owner LLC with respect to the property located at 1250 West 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 Alton Beach Bayfront Overlay within the City’s Future Land Use Map, the text of the City’s 2040 Comprehensive Plan, and the City’s Resiliency Code.

ANALYSIS

Planning Board and City Commission Review Requirements

The application submitted herein is in accordance with Section 7.1.10.2(a) of the Land Development Regulations of the City Code (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 by the Planning Board to the City Commission a similar 3-step review process is required, as follows:

- 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 Alton Beach Bayfront Overlay, as well as amend the RM-3 development regulations specific to properties in the overlay. The proposed amendments to the comprehensive plan and the LDRs would enable the construction of a luxury housing development, including an accessory restaurant, located at 1250 West Avenue.

The attached ordinance includes a proposed increase in maximum FAR from 2.75 up to 5.75, as well as a building height increase from 150 feet to 330 feet. The applicant is also proposing to modify requirements pertaining to minimum setbacks, allowable encroachments into required yards and the review provisions for mechanical parking systems.

The following is a summary of the proposed modifications to the FAR, building height and setback requirements, as compared to the current regulations:

	<u>Current Maximum</u>	<u>Proposed</u>	<u>Difference</u>
FAR:	2.75 (230,194 SF)	5.75 (481,315 SF)	+3.0 / +251,121 SF)
<i>Note: each 1.0 increase in FAR results in an addition of 83,707 SF to the site.</i>			
Height:	150 Feet	330 feet	+180 feet
Front Setback			
Pedestal:	20 feet	20 feet	None
Tower:	50 feet	50 feet	None
Side Setback			
Pedestal:	16 feet	16 feet	0 to -8 feet
Side Sum:	32 feet	42 feet	+10 feet to – 6 feet
Tower:	50 feet	26 feet	-24 feet (each side)
Allowable Projections:	6 feet	10 feet	-4 feet
Rear Setback			
Pedestal:	42 feet	42 feet	None
Tower:	63 feet	63 feet	None

The following is a summary of the proposed FAR and height bonuses:

- FAR bonus of .25 for not exceeding a density of 75 apartments per acre.
- FAR bonus of .25 for executing a covenant prohibiting short term rentals in perpetuity.
- FAR bonus of .50 for the design and construction of a bay walk extensions at adjacent properties on West Avenue.

- FAR bonus of 2.0 for acquiring an existing property on the east side of West Avenue that has a transient use and conveyance of the property to the city.
- A building height bonus of 180 feet above the current maximum height of 150 feet for a project that implements all the above bonuses, allowing for a maximum height of 330 feet.

In accordance with the requirements noted above for FAR increases, the applicant has included the following with the application submission:

Calculation of the actual square footage increase resulting from the FAR increase

The draft ordinance includes an FAR bonus of up to 251,121 square feet. The current maximum permitted square footage for the subject property is 230,194 square feet (2.75 FAR) and a total maximum square footage of 481,315 square feet (5.75 FAR) is proposed.

Infrastructure analysis regarding potential impacts on traffic/mobility, parking, water, sewer, resiliency, parks and open space

The applicant submitted the attached utility analysis prepared by Hazen and Sawyer, and the attached utility report, prepared by Thomas Engineering Group, both of which address water, sewer, and fire flow requirements. Additionally, the attached planning and traffic report for the proposed development was prepared by the Curtis Group, and addresses traffic and mobility impacts. As it pertains to parks and open space, if there is a net addition of residential units to the site, in relation to the residential units in the existing building, a small deficiency in certain recreation facilities may result. This would require the payment of concurrency mitigation fees at the time of building permit.

Massing studies illustrating the volume and location of the area associated with the proposed FAR increase

The attached plans and perspective renderings, which were provided to the Planning Board, illustrate the volume and location of the area associated with the proposed FAR increase. The following is noted based upon the attached plans and drawings:

- The current maximum FAR for the site (2.75 / 230,194 SF) is contained roughly within the first 13 floors of the proposed new building (approximately 158 feet), including 52 apartment units and 180 restaurant seats.
- The increased FAR provides for up to 251,121 of additional square feet of floor area.
- The increased maximum height provides up to 180 feet of additional building height.
- The average unit size proposed is 3,250 square feet.

Economic Analysis

Although not technically required, the applicant has also provided the attached Economic Impact Analysis, prepared by the Washington Economics Group.

The proposed LDR amendment has been modified since the Planning Board transmitted the proposal, and the applicant has reduced the maximum proposed FAR to 5.75 and reduced the maximum proposed building height to 330 feet. Notwithstanding, the proposal still far exceeds the maximum FAR established in the Comprehensive Plan for the RM-3 district, and is still out of scale with the existing buildings in the immediate area, including structures that are non-conforming with today's maximum requirements for height and FAR.

For example, the nearby Waverly condominium at 1330 West Avenue is cited as an example of a non-conforming building that the proposed regulations will be 'compatible' with. For informational purposes, the following is a comparison of the proposal with the permitted plans for the Waverly:

	<u>1330 West Ave</u>	<u>1250 West Ave</u>	<u>Difference</u>
Lot Area:	130,234 SF (3 acres)	83,707 SF (1.9 acres)	-47,145 SF / -1.1 acres
Max Height:	279' to 335'	330'	-5' to +51'
FAR:	546,528 SF (4.2)	481,315 (5.75)	+1.55 FAR / -65,213 SF
Lot Width:	200'	200'	None
Tower Interior Side Setbacks:	>50 feet	26 feet	-24 feet
Tower Frontage Maximum Width:	90 feet	148 feet	+88 feet

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 October 29, 2024, the Planning Board reviewed the proposed ordinance and continued it to the January 7, 2025, Planning Board meeting. On December 19, 2024, a public workshop was held after the first review of the Planning Board and additional input received from the participants.

On January 7, 2025, the application was continued to a date certain of February 4, 2025, at the request of the applicant, with no substantive discussion by the Planning Board. On February 4, 2025, the application was continued to a date certain of March 4, 2025, at the request of the applicant, with no substantive discussion by the Planning Board.

On March 4, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with an unfavorable recommendation (4-3).

SUMMARY

As indicated herein, Planning Department staff have expressed concerns with the proposed amendments pertaining to increases in FAR and building height, as well as the proposed modifications to minimum setbacks. In this regard, careful consideration must be given to the impacts of these proposed modifications to the LDRs, particularly as to how they may impact the established scale, character and context of the West Avenue corridor.

While certain bonuses proposed by the applicant may be appropriate, collectively they still result in an over scaled project that is hostile to its surroundings. Any development bonuses should be commensurate with the actual public benefits that have been proffered separately and should not result in a project that creates an imbalance with the surrounding context in terms of scale, mass and building height.

The Administration is not opposed to sensible bonuses that result in enhanced urban design and are tied to a legitimate public purpose. To address this, should the proposal move forward, the following modifications to the LDR ordinance are recommended:

1. The existing setback requirements should remain, with no modifications. The proposed setback modifications would result in the width of the proposed tower increasing from a maximum of 100 feet in width to 148 feet in width. Additionally, the pedestal portion of the building, at all levels, should fully comply with the minimum side setbacks of 16 feet.
2. The proposed FAR bonuses, collectively, should not exceed 2.0 and the aggregate increase in FAR should not exceed 4.75.

3. The proposed height bonus should be limited to 150 feet and the maximum allowable height should not exceed 300 feet.

Finally, the proposed amendments to the LDRs and the Comprehensive Plan are tethered to a separate development agreement, which is anticipated to be considered by the Land Use and Sustainability Committee (LUSC) on April 15, 2025. The earliest this development agreement can be considered by the City Commission is 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 amendment, pursuant to Section 2.3.2 of the LDRs. If the City Commission were to approve the proposed development agreement on May 21, 2025, the applicant would be requesting that Second Reading for the LDR amendment be set for June 25, 2025.

The Administration does not recommend that the proposed LDR and Comprehensive Plan amendments be approved at First Reading at this time. The reason is that the proposed development agreement has not been properly vetted and may not be commensurate with the extent of development regulation incentives proposed, including the modifications suggested herein. As such, the Administration recommends that the proposed LDR amendment be opened and continued to May 21, 2025.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

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

If applicable, the Business Impact Estimate (BIE) was published on:
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 First Reading of the subject ordinance to May 21, 2025.
2. Pursuant to Section 2.3.2 of the LDRs, the City Commission consider a waiver of the annual zoning cycle restriction for the subject amendment in order for Second Reading of the ordinance to occur prior to October 29, 2025.
3. The ordinance shall be revised for the May 21, 2025 City Commission meeting with the following amendments noted in **bold**:

Sec. 7.3.12 – Development Regulations for Alton Beach Bayfront Overlay

* * *

b. Development Regulations - Underlying RM-3 Zoning

Notwithstanding the development regulations contained in Section 7.2.6, the following regulations shall govern proposed development within the boundaries of this overlay district with underlying RM-3 zoning, and in the event of any conflict between the overlay regulations and the requirements of the Resiliency Code, these regulations shall control:

1. Main Permitted Uses: Only residential uses and associated accessory uses permitted by the underlying RM-3 regulations shall be permitted within the portion of the overlay with underlying RM-3 zoning. Outdoor seating in connection with any restaurant use that is open to the public is prohibited.
2. Floor Area Bonuses: As a voluntary development incentive, subject to the property owner's strict compliance with conditions of this subsection, a project within the overlay shall be eligible for the following floor area bonuses, not to exceed a cumulative bonus FAR of ~~2.0~~ **3.0**:
 - i. The base floor area ratio in the Alton Beach Bayfront Overlay shall be 2.75.
 - ii. New construction limiting density to a maximum of 75 units per acre shall be eligible for a floor area ratio bonus of 0.25; and
 - iii. A property owner who elects, at the owner's sole discretion, to voluntarily execute a restrictive covenant running with the land, in a form approved by the city attorney, affirming that, in perpetuity, that no residential unit on the property shall be leased or rented for a period of less than six months and one day, shall receive a floor area bonus of 0.25. The covenant shall expressly provide that an affirmative vote of six-sevenths of all members of the City Commission shall be required in order to release the covenant or to modify the covenant in such a manner as to impose a less stringent restriction after it is executed; and
 - iv. A property owner who enters into a development agreement for capital improvements along the West Avenue corridor, defined as the area bounded by 5th street on the south, 17th Street on the north, Alton Court on the east, and Biscayne Bay on the west, and other public benefits that could be applied on a City-wide basis, shall receive a floor area ratio bonus not to exceed ~~1.5~~ **2.5**, based on the following improvements or public benefits:
 1. Acquisition of property containing a transient use within the West Avenue corridor and conveyance of the property to the City: up to ~~1.0~~ **2.0**.
 2. Design, permit, and construct the portions of the Bay Walk located at 800 West Avenue 1228 West Avenue, and 1450 Lincoln Road, or, in the event the requisite easements from upland owners cannot be obtained, contribute funds to the City for construction of the Bay Walk or any other lawful public purpose: up to 0.50.
 - v. The total FAR for an eligible site, including base FAR and cumulative bonus FAR, shall not exceed ~~4.75~~ **5.75**.
3. Building Height Bonus: As a voluntary development incentive, subject to the property owner's strict compliance with conditions of this subsection, a project that implements all of the floor area bonuses provided in subsections 2.(i)-(v) above shall receive a height bonus of up to ~~150~~ **180** feet. The maximum building height for an eligible site,

including bonus height, shall not exceed ~~300~~ **330** feet.

4. Setbacks:

a. Front Setback:

- i. Subterranean and Pedestal: 20 feet**
- ii. Tower: 50 feet**

b. Side Interior Setback

- i. Subterranean: 16 feet**
- ii. Pedestal:**
 - 1. North Side:**
 - a. Ground Floor: 16 feet**
 - b. Second Floor: 19 feet**
 - 2. South Side:**
 - a. Ground Floor: 26 feet**
- iii. Tower: 26 feet**
- iv. Sum of Side Yards: 42 feet**

c. Rear Setback:

- i. Pedestal: 42 feet**
- ii. Tower: 63 feet**

Applicable Area

South 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

5:02 p.m. 1st Rdg PH, Alton Beach Bayfront Overlay District-LDR Amendments. (Private Applicant) PL 5/7

Previous Action (For City Clerk Use Only)