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## **VIA ELECTRONIC SUBMITTAL**

August 11, 2024

Michael Belush  
Planning Department, Planning & Design Officer  
City of Miami Beach  
1700 Convention Center Drive, 2nd Floor  
Miami Beach, Florida 33139

RE: **PB24-0698 & PB24-0703 – Letter of Intent** - Private Application for Amendment to the City of Miami Beach 2040 Comprehensive Plan & Resiliency Code Establishing the Alton Beach Overlay District

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Dear Mr. Belush:

This law firm represents JDS Development, LLC (the "Applicant") relating to the property located at 1250 West Avenue identified by Folio No. 02-3233-048-0001 (the "Property") in the City of Miami Beach (the "City"). This letter serves as the required pre-application letter of intent for a private application pursuant to Sections 2.4.1 and 7.1.10 of the Resiliency Code that proposes establishment of the Alton Beach Overlay (the "Overlay") within the City's Future Land Use Map ("FLUM"), the text of the City's 2040 Comprehensive Plan, and the City's Resiliency Code. The Overlay proposes an increase to the maximum zoned Floor Area Ratio ("FAR") and height, as well as modified setbacks. The design of the proposed development that can be achieved within the Overlay will be the subject of a subsequent Design Review Board ("DRB") application.

Proposed Overlay Boundary. The Overlay will apply to Lot 3, block 80 of the Bay Garden Manor Condo, according to the plat thereof, recorded in Plat Book 6, Page 12, of the Public Records of Miami-Dade County, and Lots 8 and 9 of the Bay View Subdivision, according to the plat thereof, recorded in Plat Book 9, Page 110, of the Public Records of Miami-Dade County. See Figure 1, below, Overlay Boundary.



**Figure 1: Proposed Overlay Boundary**

Description of the Properties. The Overlay includes the following four properties within the West Avenue neighborhood: the property located at 1250 West Avenue and identified by Reference Folio No. 02-3233-048-0001 (the "Development Parcel"); and the collection of properties located at 1247, 1255 West Avenue, and 1234 13<sup>th</sup> Street, identified by Folio Nos. 02-3233-018-0110, 02-3233-018-0090, 02-3233-018-0090, respectively, (collectively the "Garage Parcel").

*Development Parcel.* The Development Parcel consists of a single bayfront lot on the west side of West Avenue and 13<sup>th</sup> Street, south of Monad Terrace. The Development Parcel is approximately 83,089 square feet (1.91 acres) in size, and is designated by the City's 2040 Comprehensive Plan Future Land Use Map (the "FLUM") as RM-3 High-Density Multi Family Residential ("RM-3 FLU"). The Property is zoned RM-3, Residential Multifamily, High Intensity ("RM-3") and is located in the West Avenue Bayfront Overlay. The Development's Parcels land use and zoning designations permit a maximum density of 150 units per acre and a maximum floor area of 2.75. Accordingly, the Property can be developed with approximately 286 residential units and 228,000 square feet of floor area. The Development Parcel is developed with a 239-unit apartment building developed in 1964. See, Figure 2, below, Overlay Aerial.

*Garage Parcel.* The Garage Parcel consists of three properties located at the southwest corner of 13<sup>th</sup> Street and West Avenue. The Garage Parcel is approximately 17,252 square feet in size and is designated by the City's 2040 Comprehensive Plan Future

Land Use Map (the "FLUM") as RM-2 Medium-Density Multi Family Residential ("RM-2 FLU"). The Garage Parcel is zoned RM-2, Residential Multifamily, Medium Intensity ("RM-2") and is located in the West Avenue Bayfront Overlay. The Garage Parcel's land use and zoning designations permit a maximum residential density of 100 units per acre and a maximum Floor Area Ratio ("FAR") of 2.0 FAR. Accordingly, the Garage Parcel can be developed with approximately 39 residential units and 34,500 square feet of floor area. The Garage Parcel is developed with several structures being adaptively re-used as a hostel. See Figure 2, Overlay Aerial.



**Figure 2: Overlay Aerial**

Project. The Applicant is seeking approval to develop a luxury twenty-nine (29) story, maximum 100-unit residential multifamily project, along with an approximately 180-seat accessory restaurant (the "Project"). The Project will consist of a sleek and modern residential tower that will enhance the City's bayfront skyline. The Applicant is

proposing a legislative change to allow the floor area, height, and setbacks proposed by the Project.

Proposed Legislation. In order to achieve the Project, the Applicant makes the following legislative requests:

- 1) Amendment to the FLUM of the City's 2040 Comprehensive Plan to create the Alton Beach Overlay within the RM-3 future land use category;
- 2) Amendment to the text of the 2040 Comprehensive Plan, Policies 1.1.6 and 1.1.7, to describe the Alton Beach Overlay and define uses, densities, and intensity limits applicable within the Overlay; and
- 3) Amendment of the City's Resiliency Code to establish the Alton Beach Oceanfront Overlay Zone and define development regulations therein.

(collectively "the Overlay").

To incentivize redevelopment of the Property with high-quality long term residential units, and redevelopment of the existing transient use of the Garage Parcel as a public parking/civic structure, the Overlay provides bonus categories that allow development within the Overlay to obtain additional floor area and height in exchange for certain public benefits. In total, the bonuses would permit a Floor Area Ratio of 7.75 FAR, which amounts to approximately 643,900 square feet of floor area, and a maximum height of 435 feet. Notably, however, development in accordance with the Overlay would result in public benefits including redevelopment of the Garage Parcel into a public parking garage at the developer's sole cost and expense, funding for soft costs associated with extension of the Bay Walk to the south of the Development Parcel, the reduction of maximum permissible residential density to 55 units per acre, amounting to a 65% density reduction. In addition, accessory uses within the Overlay are not permitted outdoor seating to preserve the quiet residential character of the West Avenue neighborhood.

In addition, the Overlay provides modified setbacks that ensure adequate view corridors, allows for transfer of development rights from the Garage Parcel, and facilitates development of subterranean mechanical parking. Development of the Development Parcel in accordance with the Overlay regulations would result in a more slender tower massing, rather than the elongated structure that could be developed under the existing land development regulations. Development of the Development Parcel in accordance

with existing land development regulations would result in conflicts with view corridors of adjacent buildings and negative impacts to the West Avenue neighborhood. The Overlay requires the massing of the proposed residential tower to be distributed vertically within a modern slender tower, resulting in high quality units with bayfront views and minimal impacts to the view corridors of adjacent buildings.

Resiliency Code Amendment Review Criteria. The proposed Overlay complies with the review criteria applicable to amendment to the text of the Resiliency Code in Section 2.4.2(c) as follows:

**1. Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

The Applicant seeks to amend the City's 2040 Comprehensive Plan to ensure consistency between the City's land development regulations and comprehensive plan. The Overlay ensures compatibility by restricting the geographical boundaries to which the proposed floor area and height bonuses apply and ensuring public benefits such as reduced density, funding for Bay Walk completion, and development of a new public parking garage to compensate for the loss of parking spaces that will occur as part of the road raising projects in the West Avenue neighborhood.

**2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

The Overlay does not create an isolated district unrelated to adjacent or nearby districts, as the Overlay is located along the bayfront in an area with other similar multi-family and hotel developments, including the 36-story Waverly to the north. Development permitted by the Overlay is compatible with the development pattern along the West Avenue bayfront. Further, redevelopment of the Garage Parcel as a public parking garage in accordance with the Overlay will eliminate the continued use of that property as an isolated nonconforming transient use.

**3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

The Overlay is not out of scale with the needs of the neighborhood and City. The Overlay incentivizes a low density residential development within an area of the City where the proposed height and floor area will have no negative impacts and be more consistent and compatible with surrounding development than the building that could be constructed in accordance with the current land development regulations.

**4. Whether the proposed change would tax the existing load on public facilities and infrastructure.**

The Applicant has submitted a traffic impact statement and a water and sewer demand analysis that demonstrates that development permitted by the Overlay would not tax the existing load on public facilities and infrastructure. Indeed, the Overlay represents a reduction on impacts on existing public facilities and infrastructure compared to that which can be developed under the Property's present land use and zoning designations.

**5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Existing boundary lines are not illogically drawn. However, the existing built context of West Avenue reasonably justifies establishment of the Overlay.

**6. Whether changed or changing conditions make the passage of the proposed change necessary.**

The conditions along West Avenue have changed significantly since the existing condominium building at the Development Parcel was constructed. There are significantly more residents seeking large multi-family waterfront units well-suited for families within buildings with substantial amenities. Moreover, the impacts of flooding and sea level rise have made West Avenue the focus of a significant road raising project that will significantly alter the relationship of the public right of way to adjacent properties. As a result, properties such as the Development Parcel will need to be redeveloped with buildings elevated above base flood elevation plus free board. The Overlay provides development regulations that result in resilient

development that is more sensitive and compatible with the context of West Avenue than the development that could be constructed in accordance with the existing land development regulations.

**7. Whether the proposed change will adversely influence living conditions in the neighborhood.**

The Overlay will not adversely influence living conditions in the neighborhood. The Proposed Overlay will enhance quality of life in the neighborhood by incentivizing development of a resilient and compatible residential tower.

**8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

The Overlay will not increase traffic beyond permissible levels of service. Due to the reduction in permitted residential density incentivized by the Overlay, development resulting from adoption of the Overlay will reduce traffic congestion and improve levels of service.

**9. Whether the proposed change will seriously reduce light and air to adjacent areas.**

The Overlay will not seriously reduce light and air to adjacent area.

**10. Whether the proposed change will adversely affect property values in the adjacent area.**

The Overlay will not adversely affect property values in the adjacent area. The existing condominium building contains lower than average property values in the neighborhood. Accordingly, the Overlay's incentives to redevelop the Property with new and attractive residential units will result in higher average property values.

**11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

The Overlay will not be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

**12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Development of the Development Parcel in accordance with existing zoning would be incompatible with adjacent existing development, and negatively impact the West Avenue neighborhood.

**13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

The proposed project cannot be achieved on another site within the City.

**14. Whether the proposed change is consistent with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.**

The proposed development resulting from adoption of the Overlay will implement the sea level rise and resiliency review criteria, most notably by ensuring elevation of habitable spaces above base flood elevation plus freeboard.

Conclusion. Adoption of the Overlay will incentivize redevelopment of an aging condominium building with a resilient low-density residential tower while securing substantial additional public benefits. Accordingly, we respectfully request your favorable review and recommendation with respect to the Overlay. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized, flowing line that starts with a small loop on the left, rises to a peak, and then descends to the right.

Michael Larkin

CC:

Michael Stern  
Nicholas J. Rodriguez-Caballero, Esq.