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VIA ELECTRONIC SUBMITTAL

February 25, 2024

Rogelio Madan
Planning Department, Development & Resiliency Officer
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

RE: **PB24-0650 & PB24-0651:** Letter of Intent – Private Application for Amendment to the Resiliency Code and Proposed Amendment to the Comprehensive Plan Requesting the Creation of an Overlay District and an Increase of Floor Area Ratio

Dear Mr. Madan:

This law firm represents Jakeal LLC (the "Applicant") relating to the property located at 1960 Normandy Drive in the City of Miami Beach (the "City"). This letter serves as the required letter of intent for a Private Application to the Planning Board of the City of Miami Beach ("PB") proposing a new Overlay District and Amendment to a City of Miami Beach Comprehensive Plan ("Comprehensive Plan") Land Use Designation. The Applicant also ultimately intends to file two Land Use Board Applications for the approval of new construction at the Property, a Planning Board application, and an application to be considered by the Design Review Board ("DRB").

Description of the Property. The subject property consists of a single lot on the south side of Normandy Drive identified by Folio No. 02-3210-011-0370 (collectively the "Property"). See Exhibit A, Property Appraiser Summary Report. The Property is approximately 25,771 square feet (0.59 acres) in size. The Property is zoned CD-1, Commercial, Low Intensity ("CD-1"). See Figure 1, Aerial.



Figure 1, Aerial.

Project. The Applicant is seeking approval to develop an attractive eight (8) story, 120-unit workforce housing project, along with 5,091 square feet of ground floor retail space (the "Proposed Development" or the "Project."). The Applicant is proposing a legislative change and new overlay district to accomplish the Project, but it is otherwise consistent with the CD-1 zoning regulations. The legislative changes propose a new overlay district and an amendment to the CD-1 Land Use Designation in the Comprehensive Plan ("Proposed Legislation").

Proposed Legislation and Request. The Applicant seeks to accomplish the Proposed Development through an amendment to the City of Miami Beach Resiliency Code ("Resiliency Code"), which will create a new overlay district. The Applicant will initiate the process for the amendment to the Resiliency Code, through a Private Application to the Planning Board. That process was finalized and approved by the City Commission on January 31, 2024. See Exhibit B, Draft Ordinance. The amendment is intended to encourage workforce housing development in the CD-1 zoning district, within the larger, surrounding Residential Multifamily, RM-1 District, that will create a significant benefit to the adjacent neighborhood in Normandy Isles. The effect of this will permit the Applicant to work with the City to add to workforce housing inventory, at a time when the City has a substantial need for workforce housing units. To accomplish this, the Applicant also proposes to modify the following requirements applicable to both the Property, as well as the CD-1 Land Use Designation:

A. Floor Area Ratio

An increase from the allowable floor area ratio ("FAR") at the Property. The CD-1 Zoning District currently has a maximum zoned FAR of 1.25 for mixed-use and residential projects. The Applicant proposes a Project with a FAR of 3.5 at the Property.

B. Height

There is a maximum height of forty (40) feet at the Property. However, in an effort to accommodate the maximum amount of workforce housing units, the Applicant proposes a height of seventy-five (75) feet.

C. Reduced Parking Requirement

The Normandy Isles neighborhood has a substantial need for neighborhood-serving, commercial ground floor uses. As such, the Applicant proposes to maximize ground floor commercial space, to the greatest extent possible. To accomplish this goal, the Applicant is proposing within the overlay district, that there be no parking requirements associated with these commercial ground floor uses.

D. Density

The Applicant proposes 120 residential units, 100% of which will be workforce housing units. The Applicant will also utilize an existing density bonus provided for in the Comprehensive Plan for development of workforce housing. The Applicant proposes a text amendment to the Comprehensive Plan to permit additional density at the Property. The Proposed Legislation would permit a density of 120 units per acre at the Property.

Additional Private Application Requirements. The Applicant has thoughtfully designed the project, considering the increased FAR at the Property and carefully accounting for the City's new requirements for the Private Application requesting a FAR increase. See again, Exhibit B, Draft Ordinance. These additional requirements are as follows:

1. Impact analysis of the proposed FAR increase and calculation of actual square footage increase for affected properties. See Impact and Infrastructure Analysis. The current permitted square footage at the Property is 32,214 square feet, and the Applicant proposes 90,198 square feet.
2. Infrastructure analysis regarding potential impacts on traffic/mobility, parking, water, sewer, resiliency, parks and open space. The Applicant has retained a traffic engineer, civil engineer, and has worked with the City to account for the impact to parks and open spaces. See Impact and Infrastructure Analysis. The Proposed

Development will not have any negative impact on the surrounding area and the current infrastructure levels of service are sufficient to sustain the Proposed Development. Although the Resiliency Code does have requirements for an Applicant to satisfy park and open space requirements, the Proposed Development is exempt from such requirements, as it proposes 100% workforce housing units. See Section 3.1.4(f), Resiliency Code.

3. Massing studies, which illustrate the volume and location of the area associated with the proposed increase in FAR. The Applicant has worked with an architecture team to thoughtfully design and propose the Project. See Architectural Plans.

Conclusion. The Project is an important part of the revitalization of Normandy Drive and addition to the City's workforce housing inventory. Accordingly, we respectfully request your favorable review and recommendation with respect to the Proposed Project. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Michael Larkin

Attachments

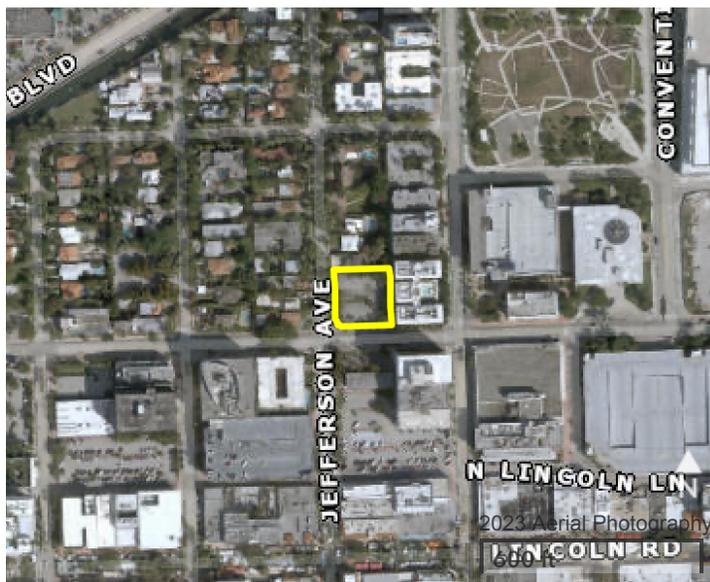


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On: 02/04/2024

| PROPERTY INFORMATION | |
|---------------------------|--|
| Folio | 02-3234-007-0400 |
| Property Address | 1719 JEFFERSON AVE MIAMI BEACH, FL 33139-2445 |
| Owner | MIAMI BEACH DEVELOPMENT GROUP LLC |
| Mailing Address | 18101 COLLINS AVE #3908 SUNNY ISLES BEACH, FL 33160 |
| Primary Zone | 3900 MULTI-FAMILY - 38-62 U/A |
| Primary Land Use | 2865 PARKING LOT/MOBILE HOME PARK : PARKING LOT |
| Beds / Baths /Half | 0 / 0 / 0 |
| Floors | 0 |
| Living Units | 0 |
| Actual Area | 0 Sq.Ft |
| Living Area | 0 Sq.Ft |
| Adjusted Area | 0 Sq.Ft |
| Lot Size | 22,500 Sq.Ft |
| Year Built | 0 |



| ASSESSMENT INFORMATION | | | |
|----------------------------|-------------|-------------|-------------|
| Year | 2023 | 2022 | 2021 |
| Land Value | \$4,950,000 | \$4,455,000 | \$1,650,000 |
| Building Value | \$0 | \$0 | \$0 |
| Extra Feature Value | \$33,970 | \$34,400 | \$34,830 |
| Market Value | \$4,983,970 | \$4,489,400 | \$1,684,830 |
| Assessed Value | \$4,938,340 | \$4,489,400 | \$1,684,830 |

| TAXABLE VALUE INFORMATION | | | |
|---------------------------|-------------|-------------|-------------|
| Year | 2023 | 2022 | 2021 |
| COUNTY | | | |
| Exemption Value | \$0 | \$0 | \$0 |
| Taxable Value | \$4,938,340 | \$4,489,400 | \$1,684,830 |
| SCHOOL BOARD | | | |
| Exemption Value | \$0 | \$0 | \$0 |
| Taxable Value | \$4,983,970 | \$4,489,400 | \$1,684,830 |
| CITY | | | |
| Exemption Value | \$0 | \$0 | \$0 |
| Taxable Value | \$4,938,340 | \$4,489,400 | \$1,684,830 |
| REGIONAL | | | |
| Exemption Value | \$0 | \$0 | \$0 |
| Taxable Value | \$4,938,340 | \$4,489,400 | \$1,684,830 |

| BENEFITS INFORMATION | | | |
|--------------------------|----------------------|----------|-----------|
| Benefit | Type | 2023 | 2022 2021 |
| Non-Homestead Cap | Assessment Reduction | \$45,630 | |

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

| SHORT LEGAL DESCRIPTION |
|--------------------------------|
| GOLF COURSE SUB AMD PL PB 6-26 |
| LOTS 17 THRU 19 BLK 21 |
| LOT SIZE 150.000 X 150 |
| OR 19027-4944 0300 2 (3) |
| COC 22781-0366 10 2004 6 |

| SALES INFORMATION | | | |
|-------------------|--------------|--------------|--------------------------------|
| Previous Sale | Price | OR Book-Page | Qualification Description |
| 11/17/2023 | \$4,350,000 | 34006-2771 | Qual by exam of deed |
| 08/26/2021 | \$49,500,000 | 32711-0107 | Qual on DOS, multi-parcel sale |
| 07/14/2016 | \$48,750,000 | 30158-2137 | Qual on DOS, multi-parcel sale |
| 10/01/2004 | \$19,550,000 | 22781-0366 | Other disqualified |

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

**Process for Future Increases in FAR
(Amended for Second Reading)**

ORDINANCE NO. _____

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, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE I, ENTITLED "GENERAL TO ALL ZONING DISTRICTS," BY CREATING SECTION 7.1.10, ENTITLED "PROCEDURES FOR INCREASING ALLOWABLE FLOOR AREA AND FLOOR AREA RATIO (FAR)," TO ESTABLISH POLICIES, PROCEDURES AND REQUIREMENTS FOR THE REVIEW OF FUTURE INCREASES IN FLOOR AREA AND/OR FLOOR AREA RATIO (FAR); AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Charter Section 1.03(c) provides that "[t]he floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zoned floor area ratio as it exists on the date of adoption of this Charter Amendment [November 7, 2001], . . . unless any such increase in zoned floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach"; and

WHEREAS, on June 28, 2023, the Florida Governor signed into law Senate Bill 718 (2023), which broadly prohibits "[a]n initiative or referendum process in regard to any land development regulation" (the "New Law"), thereby narrowing the applicability of the voter referendum requirement in Charter Section 1.03(c); and

WHEREAS, in light of the foregoing, the City Commission now desires to adopt a more thorough and transparent process for the review of future increases in floor area and/or floor area ratio ("FAR"); and

WHEREAS, the City's Land Development Regulations establish the maximum allowable FAR for all zoning districts in the City; and

WHEREAS, the City has the authority to enact laws which promote the public health, safety, general welfare, and morals of its citizens; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. Chapter 7, entitled "Zoning Districts and Regulations," Article I, entitled "General to All Zoning Districts," is hereby amended in the Resiliency Code of the City of Miami Beach, Florida as follows:

**CHAPTER 7
ZONING DISTRICTS AND REGULATIONS**

ARTICLE I. – GENERAL TO ALL ZONING DISTRICTS

* * *

7.1.10 PROCEDURES FOR INCREASING ALLOWABLE FLOOR AREA AND FLOOR AREA RATIO (FAR)

7.1.10.1 Intent

The regulations set forth in this Section 7.1.10 shall be in addition to the regulations in Chapter 2, Article IV of these Land Development Regulations. In the event of a conflict between this Section 7.1.10 and Chapter 2, Article IV, the provisions of Section 7.1.10 shall control.

7.1.10.2 Eligible applicants

- a. *Private applications.* For FAR increases specific to a private property, unified development site or other development, the property owner shall first be required to file an application directly with the planning board. Subsequent to filing, a copy of the application and all exhibits shall be transmitted to all registered neighborhood association(s) in the affected area. Additionally, for applications for FAR increases within a local historic district, a copy of the application and exhibits shall be transmitted to the Miami Design Preservation League (MDPL).

- b. *City Commission referrals.* For FAR increases that are not limited to a specific private property, unified development site, or other development, and which apply more broadly (e.g. citywide or within defined overlays), as well as modifications to floor area exceptions or new FAR incentives tied to specific uses or benchmarks, an amendment to the Land Development Regulations shall be initiated through a referral by the City Commission to the Planning Board. Any referral to the Planning Board initiated under this paragraph shall require an affirmative 5/7ths vote of the City Commission.

7.1.10.3 Planning Board review

Any ordinance subject to this Section 7.1.10 shall require a 3-step review process before the Planning Board, as follows:

- 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.

7.1.10.4 City Commission review

Any ordinance subject to this Section 7.1.10 shall require a 3-step review process before the City Commission, 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.

7.1.10.5 Exceptions

The city commission, by an affirmative five-sevenths vote, may waive the requirements set forth in Section 7.1.10.1-4 for the following types of amendments:

- a. An FAR increase or modification to a floor area exception resulting in an increase in floor area that is no more than 10% of the allowable floor area for an individual property or site, not to exceed a total of 5,000 additional square feet of floor area per property or site.
- b. A modification to a floor area exception that applies citywide and would not result in a substantial increase in allowable floor area, as determined by the city commission at the city commission's sole discretion.

If the city commission waives the requirements set forth in Section 7.1.10.1-4, the amendment shall otherwise be subject to the applicable notice and amendment provisions in Chapter 2, Article IV of the Land Development Regulations.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of 2024

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION



City Attorney NK 1-4-24
Date

First Reading: December 13, 2023
Second Reading: January 31, 2024

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

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