

PLANNING DEPARTMENT

## MEMORANDUM

TO: Eric Carpenter, City Manager

FROM: Thomas R. Mooney, AICP *TRM*  
Planning Director

DATE: October 2, 2024

SUBJECT: **Planning Analysis of Proposed Air Rights Easement – Between 6 and 7 Ferrey Lane**

### **BACKGROUND**

Section 82-38 of the Code of the City of Miami Beach requires that any proposed sale or lease of City-owned land be analyzed from a planning perspective so that the City Commission and the public are fully apprised of all conditions relating to the proposed sale or lease.

The subject proposal relates to a request for an aerial easement over the Farrey Lane Alley, located between the private properties at 6 and 7 Farrey Lane. The proposed aerial easement is for the construction of a sky bridge to connect two residential structures, and as proposed would consist of 657 square feet and be located between 17.12 feet NGVD and 65.56 feet NGVD, for a volume of 36, 301 cubic feet. The skybridge is proposed to provide enclosed habitable space, a private balcony, decorative architectural features, as well as a pool and roof terrace over the public right-of-way.

The following is an analysis of the proposal based on the criteria delineated in Section 82-38 of the City Code.

### **ANALYSIS**

1. **Whether or not the proposed use is in keeping with city goals and objectives and conforms to the city comprehensive plan.**

**Consistent** – The easement will not impede the use of the right of way as it exists today, as it will remain open below 17.2 feet NGVD. The use will be for residential purposes, which are consistent with the Comprehensive Plan.

2. **The impact on adjacent property, including the potential positive or negative impacts such as diminution of open space, increased traffic, noise level or enhanced property values, improved development patterns and provision of necessary services. Based on the proposed use of the property, the city shall determine the potential impact of the project on city utilities and other infrastructure needs and the magnitude of costs associated with needed infrastructure improvements. Should it become apparent that further evaluation of traffic impact is needed, the proponent shall be responsible for obtaining a traffic impact analysis from a reputable traffic engineer.**

**Consistent** – No negative impacts are anticipated by the proposal. The easement will not impede the functioning of the alley, nor will it result in additional development rights

for either of the adjacent properties. Additionally, the following is noted:

- The alley will continue to remain open at the ground level.
- The existing alley terminates on the west, at the Standard Hotel property, and does not provide any through connectivity.
- The proposed aerial easement will not increase traffic as vehicular and pedestrian access will be maintained. The use of the air rights above the alley will be to provide amenities to the proposed buildings on the adjacent lots, allowing both lots to be utilized as a singly residential building, thereby reducing the potential number of units that would be built. No additional floor area is proposed to be transferred between the adjacent lots, and no increase in peak hour traffic volumes is expected.
- No noise level impacts are anticipated from the proposed aerial easement, as the use of the air-rights will be for residential purposes.
- The proposed aerial easement is not expected to impact adopted levels of service for public infrastructure. Compliance with water, sewer, stormwater, and parks will be determined as part of the building permit process.
- The proposed aerial easement will not impact utilities, such as electric, water, sewer, and stormwater transmission, because the alley will remain open at ground level.

**3. A determination as to whether or not the proposed use is in keeping with a public purpose and community needs, such as expanding the city's revenue base, creating jobs, creating a significant revenue stream, and improving the community's overall quality of life.**

**Consistent** - This proposal expands the City's revenue base by adding untaxed public property to the tax rolls. In addition, the applicant is proposing to pay the City for the easement.

**4. A determination as to whether or not the development is in keeping with the surrounding neighborhood, will block views or create environmental intrusions, and evaluation of the design and aesthetic considerations of the project.**

**Consistent** - The surrounding neighborhood will not be negatively affected and the location of the easement is not expected to block views to Biscayne Bay. No environmental intrusions will be created by the proposal.

**5. The impact on adjacent properties, whether or not there is adequate parking, street and infrastructure needs.**

**Consistent** – The air rights easement will not affect the parking or infrastructure needs of adjacent properties. Surrounding properties are not dependent on the area of the easement for parking, and the ground level will continue to function as is it does today.

6. **Such other issues as the city manager or his authorized designee, who shall be the city's planning director, may deem appropriate in analysis of the proposed disposition.**

**Not applicable** - The Planning Department has no other issues it deems appropriate to analyze for this proposal.

### **CONCLUSION**

The proposed aerial easement is consistent with the applicable criteria delineated in Section 82-38 of the City Code, and as more specifically described herein. The proposed easement is not expected to result in negative impacts for the surrounding area. The ground level of the affected area would continue to serve in the same manner, as utility, vehicular, and pedestrian access will continue to be provided.

TRM/RAM

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