

C7 AZ A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO NEGOTIATE A DEVELOPMENT AGREEMENT WITH WEST HOSPITALITY OWNER LLC (THE "SPONSOR") TO SET FORTH THE TERMS FOR THE PROVISION OF CERTAIN PUBLIC BENEFITS TO BE PROVIDED BY AN AFFILIATE OF THE SPONSOR IN EXCHANGE FOR BONUS HEIGHT AND FLOOR AREA RATIO (FAR) FOR A DEVELOPMENT PROJECT PURSUANT TO AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS; SAID PUBLIC BENEFITS TO INCLUDE, WITHOUT LIMITATION, (1) THE ELIMINATION OF A LEGAL NONCONFORMING TRANSIENT USE IN THE WEST AVENUE NEIGHBORHOOD; (2) THE CONVEYANCE TO THE CITY OF THE PROPERTY LOCATED AT 1247-1255 WEST AVENUE AND 1234 13TH STREET; AND (3) THE DESIGN AND CONSTRUCTION OF MISSING SEGMENTS OF THE BAYWALK; AND FURTHER, DIRECTING THE CITY ADMINISTRATION (A) TO RETURN TO PRESENT A FIRST READING OF THE DEVELOPMENT AGREEMENT AT THE MAY 21, 2025 MEETING OF THE CITY COMMISSION AND (B) TO ENDEAVOR TO PRESENT THE SECOND READING OF THE DEVELOPMENT AGREEMENT AT THE JUNE 25, 2025 MEETING OF THE CITY COMMISSION.

Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: April 23, 2025

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO NEGOTIATE A DEVELOPMENT AGREEMENT WITH WEST HOSPITALITY OWNER LLC (THE "SPONSOR") TO SET FORTH THE TERMS FOR THE PROVISION OF CERTAIN PUBLIC BENEFITS TO BE PROVIDED BY AN AFFILIATE OF THE SPONSOR IN EXCHANGE FOR BONUS HEIGHT AND FLOOR AREA RATIO (FAR) FOR A DEVELOPMENT PROJECT PURSUANT TO AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS; SAID PUBLIC BENEFITS TO INCLUDE, WITHOUT LIMITATION, (1) THE ELIMINATION OF A LEGAL NONCONFORMING TRANSIENT USE IN THE WEST AVENUE NEIGHBORHOOD; (2) THE CONVEYANCE TO THE CITY OF THE PROPERTY LOCATED AT 1247-1255 WEST AVENUE AND 1234 13TH STREET; AND (3) THE DESIGN AND CONSTRUCTION OF MISSING SEGMENTS OF THE BAYWALK; AND FURTHER, DIRECTING THE CITY ADMINISTRATION (A) TO RETURN TO PRESENT A FIRST READING OF THE DEVELOPMENT AGREEMENT AT THE MAY 21, 2025 MEETING OF THE CITY COMMISSION AND (B) TO ENDEAVOR TO PRESENT THE SECOND READING OF THE DEVELOPMENT AGREEMENT AT THE JUNE 25, 2025 MEETING OF THE CITY COMMISSION.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

The attached Resolution was prepared at the request of the sponsor, Commissioner Joseph Magazine.

### **FISCAL IMPACT STATEMENT**

N/A

### **Does this Ordinance require a Business Impact Estimate?**

(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**

## **CONCLUSION**

### **Applicable Area**

Citywide

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

No

**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**

City Attorney

### **Sponsor(s)**

Commissioner Joseph Magazine

### **Co-sponsor(s)**

### **Condensed Title**

Direct Admin. to Negotiate a Dev. Agmt. with West Hospitality Owner, LLC. (Magazine) CA

### **Previous Action (For City Clerk Use Only)**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO NEGOTIATE A DEVELOPMENT AGREEMENT WITH WEST HOSPITALITY OWNER LLC (THE "SPONSOR") TO SET FORTH THE TERMS FOR THE PROVISION OF CERTAIN PUBLIC BENEFITS TO BE PROVIDED BY AN AFFILIATE OF THE SPONSOR IN EXCHANGE FOR BONUS HEIGHT AND FLOOR AREA RATIO (FAR) FOR A DEVELOPMENT PROJECT PURSUANT TO AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS; SAID PUBLIC BENEFITS TO INCLUDE, WITHOUT LIMITATION, (1) THE ELIMINATION OF A LEGAL NONCONFORMING TRANSIENT USE IN THE WEST AVENUE NEIGHBORHOOD; (2) THE CONVEYANCE TO THE CITY OF THE PROPERTY LOCATED AT 1247-1255 WEST AVENUE AND 1234 13TH STREET; AND (3) THE DESIGN AND CONSTRUCTION OF MISSING SEGMENTS OF THE BAYWALK; AND FURTHER, DIRECTING THE CITY ADMINISTRATION (A) TO RETURN TO PRESENT A FIRST READING OF THE DEVELOPMENT AGREEMENT AT THE MAY 21, 2025 MEETING OF THE CITY COMMISSION AND (B) TO ENDEAVOR TO PRESENT THE SECOND READING OF THE DEVELOPMENT AGREEMENT AT THE JUNE 25, 2025 MEETING OF THE CITY COMMISSION.

**WHEREAS**, West Hospitality Owner LLC ("Sponsor"), or an affiliate thereof, is the intended purchaser of the property located at 1247-1255 West Avenue and 1234 13th Street (the "Hostel Site"), which currently contains a legal nonconforming transient use; and

**WHEREAS**, Sponsor is an affiliate of 1250 West Ave Owner LLC, and collectively, such entities are referred to herein as "Sponsor Affiliates"; and

**WHEREAS**, Sponsor Affiliates currently control the Bay Garden Manor Condominium located at 1250 West Avenue (the "Development Property") and intend to acquire 100% ownership thereof in order to carry out certain improvements and redevelopment activities (the "Private Project"); and

**WHEREAS**, as part of the proposed development, the Sponsor and City desire to collaborate to deliver significant public benefits, including but not limited to: (i) acquisition and demolition of the existing improvements at the Hostel Site; (ii) compassionate relocation of any unhoused individuals residing at the Hostel Site; (iii) sodding and fencing of the Hostel Site; and (iv) conveyance of the Hostel Site to the City (collectively, the "Hostel Project"); and

**WHEREAS**, the Sponsor also proposes to acquire necessary easements and riparian rights, and to design and construct missing Baywalk segments adjacent to 800

West Avenue, 1228 West Avenue, and 1450 Lincoln Road (the "Baywalk Project," with all three segments collectively referred to as the "Baywalk Segments"); and

**WHEREAS**, the Hostel Project and Baywalk Project shall collectively be referred to as the "Public Projects," each of which shall be designed, funded, and constructed at Sponsor's sole cost and expense, with an aggregate estimated cost of Twenty-Five Million Dollars (\$25,000,000.00) for the Baywalk Project; and

**WHEREAS**, in exchange for undertaking the Public Projects and conveying the Hostel Site to the City, the Sponsor seeks bonus height and FAR through amendments to the City's Land Development Regulations applicable to the Development Property; and

**WHEREAS**, the Mayor and City Commission find that the proposed public benefits advance the public interest by eliminating a nonconforming transient use, facilitating the expansion of the Baywalk, and enhancing the public realm.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby directs the City Administration to negotiate a Development Agreement with West Hospitality Owner LLC (the "Sponsor") to memorialize the terms for the provision of certain public benefits to be provided by an affiliate of the Sponsor in exchange for bonus height and floor area ratio (FAR) for a development project pursuant to amendments to the City's Land Development Regulations; said public benefits to include, without limitation, (1) the elimination of a legal nonconforming transient use in the West Avenue neighborhood; (2) the conveyance to the city of the property located at 1247-1255 west avenue and 1234 13th street; and (3) the design and construction of missing segments of the Baywalk; and further, directs the City Administration (a) to return to present a first reading of the Development Agreement at the May 21, 2025 meeting of the City Commission and (b) to endeavor to present the second reading of the Development Agreement at the June 25, 2025 meeting of the City Commission.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2025.

**ATTEST:**

\_\_\_\_\_  
Steven Meiner, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Joseph Magazine)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

1/16/2025  
\_\_\_\_\_  
Date