Date: October 14, 2024
TO: Mr. Michael Belush, Planning and Design Officer,
Miami Beach City Commissioners and Mayor,
Planning Department and Miami Beach City Commissioners
Re: PB 24-0698 and PB 24-0703- Alton Beach Overlay District

This letter is in response to letter of intent dated August 11, 2024. In order I will contest several points that were raised or brought up in their initial letter of intent. (hereinafter "LOI")

-Currently there is a 15 story building Bay Harbor Manor height located at 1250 West Avenue-

The developer JDS Development Group (hereinafter "JDS") is proposing a 29-story with a proposed maximum height of 434 feet which would dwarf every building along West Avenue. Even the 36 story Waverly built in 2001 pre-moratorium is only 358 feet tall. For them to propose this would be better than an "elongated structure" that could be built (p. 4 LOI) is disingenuous at best. To further state this new building would result in "minimal impacts to the view corridors" (p. 5 LOI) is hard to fathom as attached pictures indicate. Currently between 13th street and 7th street not one building is over 200 feet tall.

See below buildings and respective heights and/or floors on the West Avenue corridor between 1300 West Avenue and 500 West Avenue:

Waverly - 1330 West Avenue height 358 feet.—(pre-moratorium)
Monad Terrace -1300 West Avenue – height -149 feet- most recently constructed building on West Avenue and built by JDS this **same developer** in 2020
Bay View Terrace - 1228 West Avenue height - 15 stories
Mirador and Mondrian -1200-1100-1000 West Avenue - height- 183 feet
South Gate Towers - 900 West Avenue -14 stories
South Bay Towers - 800 West Avenue -10 stories
Floridian - 650 West Avenue 337 feet- (pre-moratorium)
Bentley Bay Condos 520-540 West Avenue –Height only 259 feet (with 24 & 25 floors)

As these heights indicate there is an 8-block stretch that is very similar to the Art Deco corridor on Ocean Drive from IL Villagio to Fifth Street where there are no 200 plus foot buildings either.

Criteria contested in following ways including but not limited to:

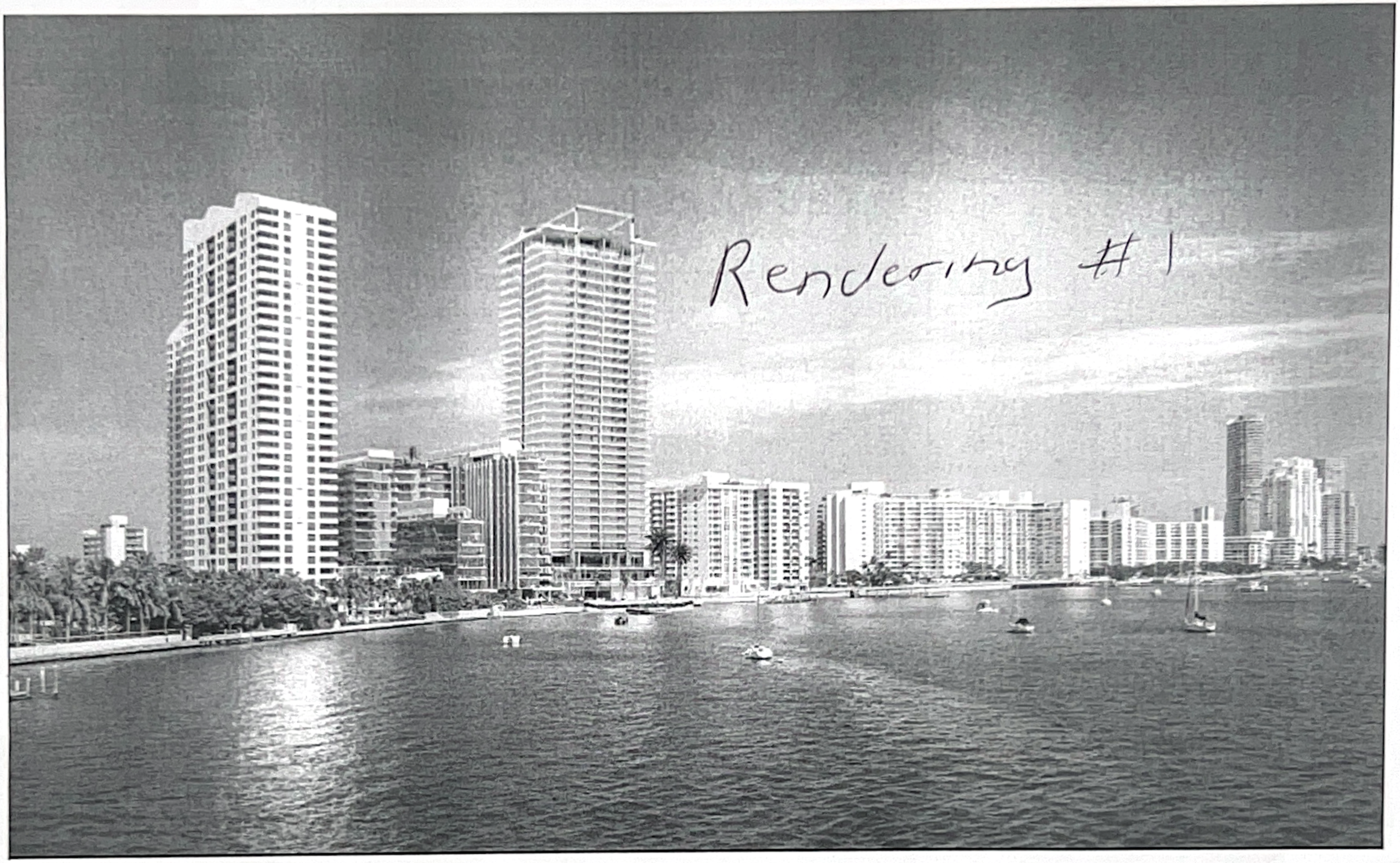
1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**
    a. Public parking garage in exchange for a 200 plus foot variance to county code is hardly a fair exchange and is not compatible with redevelopment plans.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**
    a. Not similar to any buildings in an 8 block stretch, furthermore this same developer JDS built the Monad Terrace (located next door to proposed change at 1250 West Avenue) in 2020; which is the most recent construction on West Avenue and this building is only 149 feet tall and would be more in line with the current neighborhood of West Avenue.
3. **Whether the change suggested is out of scale with the needs of the neighborhood or city.**
    a. Take issue that "proposed height and floor area will have no negative impacts and be more consistent and compatible with surrounding development" (p.6 LOI)- how could a building almost 300 feet bigger than its immediate neighbor be more consistent and compatible?
4. n/a
5. n/a
6. **Whether changed or changing conditions make the passage of proposed change necessary.**
    a. If there are considerably more residents seeking "large multi-family waterfront units for families within buildings with substantial amenities" (p.6 LOI) why is JDS proposing replacing a 239 unit building with a maximum 100-unit building?
7. n/a
8. n/a
9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**
    a. A building that is more than twice the size of the neighboring buildings will certainly impact light to those buildings
10. **Whether the proposed change will adversely affect property values in the adjacent area.**
    a. Take issue with "redevelop the property with new and attractive residential units will result in higher average property values." (p.7 LOI) For those units in the Monad Terrace (right next door; SEE RENDERINGS) where their height is 149 feet to have a 435-foot neighbor next to them may argue that their property values are not increased.
11. n/a
12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**
    a. Disagree with "incompatible with adjacent existing development, and negatively impact the West Avenue neighborhood." (p.8 LOI)- certainly building a more compatible building in existing height limits would be a benefit NOT a negative as this building is proposed to be more that 250 feet taller than its surrounding neighbors. How is that compatible?
13. n/a
14. n/a

Conclusion: For JDS to propose that a new 435-foot building would not impact sight or view lines of the neighborhood is preposterous at best and disingenuous at worse. Further to argue there is no alternative when JDS recently built a luxury building right next door (Monad Terrace) in 2020 that is 13 stories and 149 feet and is described as an "elite residential condominium" which is much more compatible with the West Avenue neighborhood. There would be no objection for JDS to build another similar building that fits in with the comfort and feel that is West Avenue. Not a 435-foot monstrosity that towers over every building around.

Sincerely,

Eric Marshall
Attorney-at-Law
Waverly Board Member
Miami Beach PAL Board Member
West Avenue resident since 2001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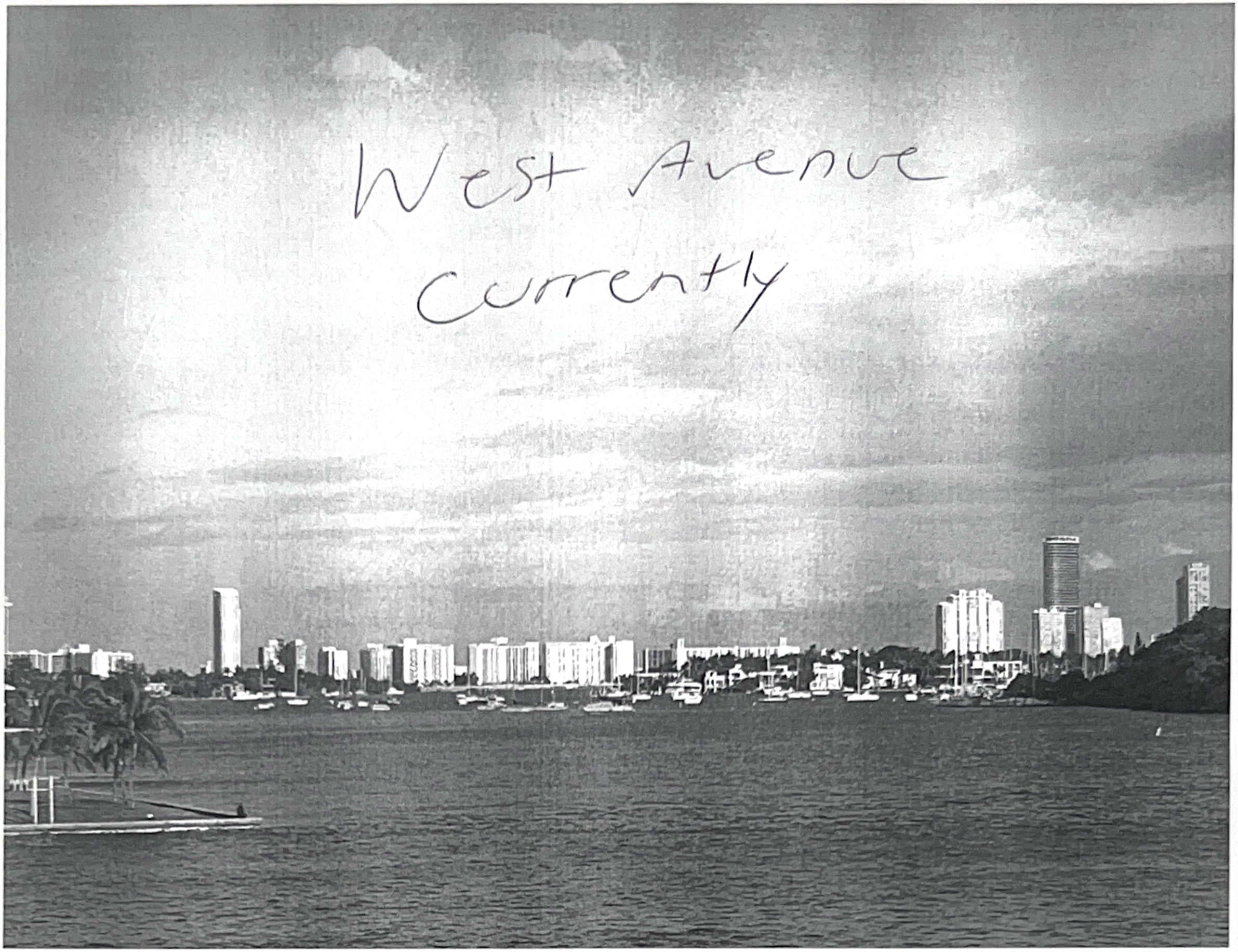
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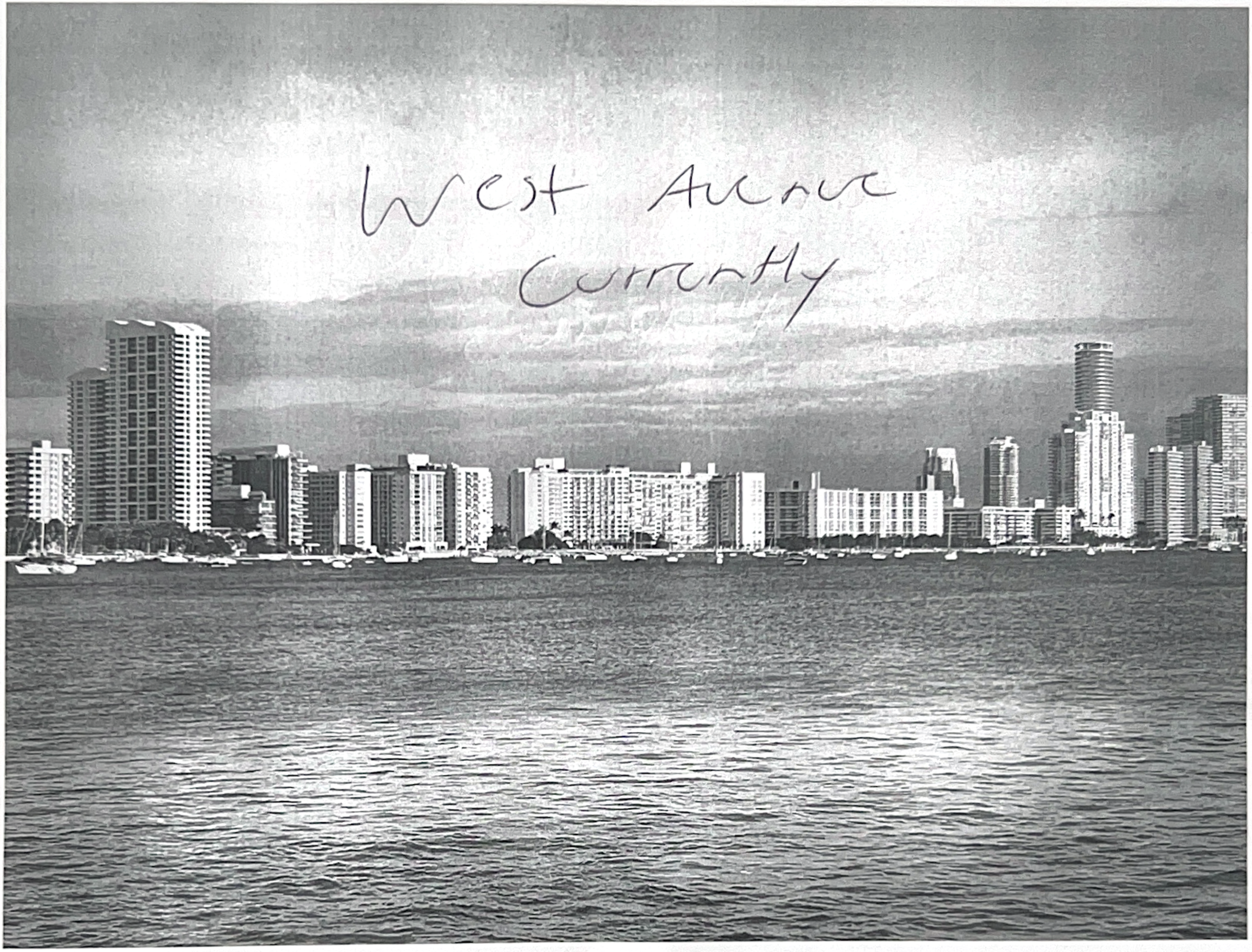
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