



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6231 office

305.377.6222 fax

MLarkin@brzoninglaw.com

VIA ELECTRONIC SUBMITTAL

November 12, 2024

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

RE: **PB24-0693 & PB24-0708 - Letter of Intent** - Application
for Amendment to the City of Miami Beach 2040 Comprehensive
Plan & Resiliency Code Establishing the North Beach Oceanfront
Overlay District

Dear Mr. Belush:

This law firm represents TMG 67 Communities LLC (the "Applicant") with respect to the property located at 6701 Collins Avenue identified by Folio No. 02-3211-007-0420 (the "Property") in the City of Miami Beach (the "City"). This letter serves as the required 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 North Beach Oceanfront 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 and resiliency requirements in order to facilitate substantial reconstruction of the historic Deauville Hotel along with a contemporary addition containing residential units. The design of the proposed substantial reconstruction and residential tower will be the subject of a subsequent Historic Preservation Board ("HPB") application.

Proposed Overlay Boundary. The Overlay will apply to Block 1, lot 44, of the Amended Plat of the Second Oceanfront Subdivision, recorded in Plat Book 28, Page 28 of the Public Records of Miami-Dade County and adjacent lands to the east, west of the Erosion Control Line, as shown in the maps

establishing the Erosion Control Line recorded in Plat Book 105, Page 62 (Sheet 9) of the Public Records of Miami-Dade County.

Description of the Property. The Property is the only property within the Overlay. It is an oceanfront lot on the east side of the intersection of Collins Avenue and 67th Street that is approximately 166,500 square feet (3.82 acres) in size. The Property is currently vacant. See, Figure 1, Aerial, below.



Figure 1: Aerial

Land Use and Zoning. The Property is designated by the Comprehensive Plan Future Land Use Map as RM-3 High-Density Multi Family Residential ("RM-3 FLU") and zoned High Intensity Multi-Family ("RM-3"). See Figure 2, Zoning Map Excerpt, below. The Property's land use and zoning designations permit a maximum of residential density of 150 units per acre, and a maximum Floor Area Ratio ("FAR") of 3.0 FAR. Accordingly, the Property can be developed with approximately 570 residential units, and approximately 499,500 square feet of floor area.



Figure 2: Zoning Map Excerpt

Historic Designation. The Property is designated as contributing within the North Beach Resort Historic District. The Property was formerly developed with a mixed-use hotel building designed by Melvin Grossman known as the "Deauville Hotel." The Deauville Hotel was developed in 1957 and demolished pursuant to an emergency demolition order on November 13, 2022. The Deauville Hotel contained approximately 500,000 square feet of floor area, 576 hotel units, and numerous accessory commercial uses.

Project. The Applicant seeks to substantially reconstruct the Deauville Hotel building as well as develop a contemporary residential structure on the southwest portion of the building pedestal (the "Project"). The substantial reconstruction will accurately replicate architecturally significant portions of the Deauville Hotel within a resilient structure that is elevated to required minimum flood elevations, with modest adaptations that allow the structure to respond better to the existing built context of the historic district. The proposed residential addition will introduce long-term residential uses within two slender towers located above the southwestern portion of the substantially

reconstructed pedestal. The Applicant is proposing legislative changes to the City's 2040 Comprehensive Plan and Resiliency Code in order to facilitate development of 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 North Beach Oceanfront Overlay within the RM-3 future land use category;
- 2) Amendment to the text of the 2040 Comprehensive Plan, Policy 1.1.7, to describe the North Beach Oceanfront Overlay and define density and intensity limits applicable within the Overlay; and
- 3) Amendment of the City's Resiliency Code to establish the North Beach Oceanfront Overlay Zone and define development regulations therein.

(collectively "the Overlay").

To incentivize redevelopment of the Property with a substantially reconstructed Deauville Hotel and residential structure in a manner that is appropriate for the character and context of North Beach, the Overlay provides an additional 400,000 square feet of floor area for the sole purpose of substantially reconstructing the Deauville Hotel, provided that density is limited to 75 units per acre, hotel unit count is limited to 280 hotel units, the property owner provides a pedestrian connection to the Beach Walk from Collins Avenue, the property owner voluntarily prohibits short term rental of residential units, the property obtains a building permit within five (5) years of the approval of the Overlay, and the owner provides a level of service analysis analyzing the project's impacts on the City's applicable levels of service.

If all of the additional floor area is utilized for substantially reconstructing the Deauville Hotel, the maximum Floor Area Ratio for the Property would be approximately 5.5 FAR, amounting to approximately 915,750 square feet of floor area. If all criteria to achieve the floor area bonus for substantial reconstruction of the Deauville Hotel, the maximum height for the residential addition is 400 feet. Notably, development in accordance with the Overlay would result in public benefits including the substantial reconstruction of the Deauville Hotel, the reduction of maximum permissible residential density to 75 units per acre, amounting to a 50% density reduction, and implementation of a cap on hotel units, where nearly 1000 hotel units may currently be developed. In addition, the residential

units within the Project would be prohibited from being used as short-term rentals, and the Property would feature new public beach access for North Beach residents.

In addition, the Overlay modifies setbacks and certain resiliency requirements to allow for substantial reconstruction of the Deauville Hotel, as the original hotel footprint would be nonconforming with respect to multiple elements of the City's Resiliency Code. The modified land development regulations also allow for ideal placement of the proposed new residential structure above the southwestern portion of the Deauville Hotel's pedestal such that the proposed new structures do not negatively impact the substantially reconstructed Deauville Hotel and are in harmony with the as-built context of the surrounding neighborhood.

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 and hotel unit count.

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 within one of the most built out areas of the City. The Overlay only impacts the Property, which is in the RM-3 High Intensity Multi-Family District in the North Beach neighborhood, where there are several similar large additions to historic properties, including the Carillon located 6801 Collins Avenue, which is approximately 350 feet in height and contains approximately 1,011,904 square feet of floor area, and the Akoya located at 6365 Collins Avenue, which is approximately 440 feet in height and contains approximately 600,000 square feet of floor area. The Overlay, which is significantly larger than the Carillon

and Akoya sites, is proposing a maximum floor area of less than 1,000,000 square feet, and a maximum height that is on the same scale as surrounding developments.

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 substantial reconstruction of the Deauville Hotel, a significant historic asset, while introducing low density residential uses to an area of the City reserved for large scale condominium and hotel buildings. As mentioned above, there are a number of properties along the east side of Collins Avenue developed with structures of comparable scale to that which would be developed within the Overlay.

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, given that the Property is one of the largest oceanfront lots in the City, and the Property's historical significance, there are rational bases for establishing an Overlay that only impacts the Property.

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

The character of the City has evolved since the Deauville Hotel was developed in 1957 such that a complete replication of the large-scale mixed-use resort style

hotel would not be viable or beneficial to the City. Further, the adoption of the Resiliency and Safe Structure Act by the Florida Legislature has changed the nature of historic preservation in North Beach. Accordingly, the Overlay is necessary in order to preserve the historical significance of the Property, while adapting the use of the Property to modern conditions.

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 large vacant waterfront property with a substantially reconstructed historic asset.

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 and maximum hotel unit count 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. Vacant undeveloped sites have documented negative impacts on property values. Accordingly, the Overlay's incentives to development of the Property will positively impact property values in the adjacent area.

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.

The substantial reconstruction of the Deauville Hotel cannot be achieved in accordance with existing zoning.

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 substantial reconstruction of the Deauville Hotel cannot be achieved at 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 substantial reconstruction of the historic Deauville Hotel and allow for development of an elegant new oceanfront residential component. Development in accordance with the Overlay would result in 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,



Michael Larkin

CC:

David Martin
Nicholas J. Rodriguez-Caballero, Esq.