



Neisen Kasdin

Akerman LLP
Three Brickell City Centre
98 Southeast Seventh Street
Suite 1100
Miami, FL 33131

D: 305 982 5629
neisen.kasdin@akerman.com

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Via CSS

Mayor and City Commissioners
c/o Thomas Mooney, Planning Director
City of Miami Beach Planning Department
1700 Convention Center Drive, 2nd Floor
Miami Beach, FL 33139

Re: PB25-0765 & PB25-0766: "Urban Core" LDR and Comprehensive Plan Amendment

Dear Tom:

Akerman LLP represents 420 Lincoln Rd. Development, LLC (the "Applicant"), Ambassador Paul Cejas' company, which owns the properties at 1600 Washington Avenue and 1601 Drexel Avenue (collectively, the "Property"). Please allow this to serve as our letter of intent in connection with applications for minor amendments to City of Miami Beach's (the "City") Land Development Regulations (the "Code") and Comprehensive Plan to enable redevelopment of the Property (the "Urban Core Legislation" or the "UCL")

Background. In 2024 the City Commission, recognizing that the City's decline in population is due in part to lack of well-located accessibly priced housing adopted Policy 1.2.8 of the Comprehensive Plan, via Ordinance 2024-4663, which outlines criteria to qualify for voluntary zoning incentives for non-transient residential development. The goal is to incentivize the development of long-term residential housing (no short-term rentals or lodging uses permitted) at a price point that is feasible for entry level professionals, young families and others who are currently priced out of the City. The Commission also adopted amendments to the LDRs to provide these incentives in certain areas such as Mid Beach RM-2 zones, see e.g. 7.2.5.5. of the Code. Other LDR amendments, sponsored by Commissioners, specifically identify Washington Avenue and Lincoln Road as locations where this long-term residential development is needed and are being considered.

Responding to the City's stated need for this type of housing, the Applicant prepared applications to entitle a 210-unit residential project at the Property designed by world-renowned architect Enrique Norten (the "Project"). The Project requires modest FAR and height increases to be realized. The proposed Urban Core Legislation would enable the Project.

Urban Core. Lincoln Road and its immediate surroundings are the cultural, commercial and office hub of the City with a large employment base. This area has historically functioned as the City's downtown. With over 200 businesses including major retailers like Zara and Apple and top caliber restaurants such as Mila and Oro & Elixir, Lincoln Road's pedestrian mall is one of the premier retail streets in the country. This general area also serves as the cultural hub of the City featuring key institutions such as the Colony Theater, the New World Center, the Fillmore and the Miami Beach Convention Center, including the under construction Grand Hyatt hotel. Moreover, Lincoln Road and the parks surrounding it often feature activations such as farmer's markets, free art installations, block parties and more, making it one of the most cherished community spaces for City residents. The area is also an employment hub not only for retail and hospitality workers for the various restaurants, stores and civic institutions in the area, but also for office workers as this is the most important office district in the City. Office buildings such as 1601 Washington Avenue, 407 Lincoln Road and 420 Lincoln Road are located here. The intersection of Lincoln Road and Washington Avenue is the center of the urban core. Washington Avenue is well-served by transit including stops for both the Miami Beach Trolley and various MetroBus routes. As evidenced by zoning amendments under consideration, the City Commission believes that this crucial intersection of Lincoln Road and Washington Avenue would substantially benefit from modern accessible housing to bring new life to this neighborhood when the stores and offices close for the day and to serve the large employment base.

Request. The proposed Urban Core legislation is limited in scope, only applying to CD-3 zoned properties bounded by Drexel Avenue, Lincoln Road, Washington Avenue and 16th Street. These properties already enjoy the highest density available in the City at 150 dwelling units per acre, but the current allowable FAR and height are too restrictive to deliver a high-quality residential product that maximizes permissible density—modest height and FAR increases are needed. The Urban Core legislation proposes an FAR of 3.25 (0.50 bonus) and 150 feet (50 foot bonus) of height for a long term residential development. One hundred and fifty feet is necessary in order to comply with the City's new heightened resiliency requirements and achieve a 15-story building. The requests are reasonable and contextually appropriate considering that a block away oceanfront RM-3 properties, such as the Loews Hotel and the very recently approved Ritz Carlton residences, are substantially taller. By engaging in the legislative process, the City Commission and residents have expressed an interest in increasing residential supply in the Urban Core so long as it is done in a responsible manner – this proposed Urban Core Legislation does just that by providing very modest incentives in order to realize a contextually appropriate 210-unit development in an ideal location. This request directly implements Policy 1.2.8 of the Comprehensive Plan by providing incentives for long-term residential housing in the Urban Core and furthers Policy 1.1.10 by providing adequate FAR and height to better realize the already contemplated 150 dwelling units per acre density for CD-3 zoned properties.

Consistency with Relevant Code Criteria. This Application is consistent with review criteria for Comprehensive Plan amendments outlined in Sec. 2.4.4.(b) of the Code, LDR amendments outlined in Sec. 2.4.2.(c) of the Code, and with the City's Sea Level Rise and Resiliency Review criteria outlined in Section 7.1.2.4.a.2. of the Code.

Review Standards for Comprehensive Plan Amendment. Section 2.4.4.(b) of the Code states that a comprehensive plan amendment request shall meet the criteria for compliance in chapter 163 of the Florida Statutes. This Application proposes a limited Comprehensive Plan amendment to the CD-3 land use category in order to afford a 3.25 FAR for projects in the Urban Core that comply with the residential use incentive criteria in Policy 1.2.8 of the Comprehensive Plan. The existing CD-3 land use category is already compliant with all criteria for future land use elements in Section 163.3177(6) of the Florida Statutes. This limited amendment furthers the goals, policies, objectives and principles of the Comprehensive Plan including, but not limited, to the following:

"PRINCIPLE 4: PRIORITIZING ALTERNATIVE MODES OF TRANSIT - The City shall encourage redevelopment that supports the City's efforts to promote a multi-modal transportation network."

The Application enables development of a significant residential project along Lincoln Road and Washington Avenue, which are two major commercial corridors in the City that are well served by transit. There is existing transit infrastructure in the Urban Core—the Miami Beach Trolley and multiple MetroBus routes run along Washington Avenue.

"POLICY RLU 1.1.10 HIGH INTENSITY COMMERCIAL (CD-3) - ... Density Limits: 150 dwelling units per acre ..."

The Application implements CD-3 land use by providing additional FAR to better realize the permitted density.

"POLICY 1.2.8. RESIDENTIAL USE INCENTIVES - These provisions are hereby adopted to provide voluntary zoning incentives for non-transient residential development. Where authorized in the underlying future land use category and in accordance with all the applicable regulations set forth in the Comprehensive Plan and Land Development Regulations ..."

The Application implements the Residential Use Incentives policy by providing the necessary Comprehensive Plan and LDR amendments to enable use of this policy in the Urban Core in order to develop the Project and deliver significant non-transient residential units.

"GOAL HE 2: NEIGHBORHOOD SUSTAINABILITY - Establish and maintain an energy efficient housing stock that is resilient to a changing climate while maintaining a strong neighborhood and cultural identity."

The Application implements this policy by enabling a significant residential project which complies with the recently adopted Resiliency Standards in the Code. Further, the development of non-transient residential uses in the Urban Core area will strengthen the neighborhood by creating a permanent community that will support existing and forthcoming businesses and potentially reduce traffic by residents commuting to work by walking or via transit.

Review Standards for LDR Amendment. The Application is consistent with the criteria in Sec. 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 Property has a land use designation of CD-3. The CD-3 district already provides for the highest density available in the jurisdiction which encourages residential development in this district. The UCL provides modest FAR and height incentives so that the already available density can be realized in a high-quality project. As such, the proposed change aligns with intent of allocating to CD-3 a density of 150 dwelling units per acre.

2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.

The UCL does not create an isolated district unrelated to adjacent or nearby districts. As discussed in detail above, the UCL applies in the City's Urban Core – a neighborhood that is, and should be, a thriving mixed-use neighborhood where residential units are needed. The nearby properties are zoned CD-3, CD-2 or RM-3, which contemplate similar residential density.

3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

The UCL is proposed as a direct response to the City's stated need for increased accessibly priced high-quality housing. The modest FAR and height incentives necessary to realize development are consistent with the needs and scale of the neighborhood. Within walking distance there are, or will be, buildings of the same or larger height and scale such as the Loews Hotel, the new Ritz Carlton residential tower and the Grand Hyatt Convention Center hotel.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

The UCL does not propose density beyond what is already afforded to CD-3 zoned properties. As such we do not expect a negative impact on public facilities and infrastructure. An impact statement evidencing same is provided as part of this Application.

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

The proposed amendment does not modify district boundaries.

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

Changing conditions warrant adoption of the UCL. As discussed, the City has already determined that the decline in population is partially due to the lack of high quality competitively priced housing and has further identified both Lincoln Road and Washington Avenue as desirable areas for new residential projects. Modern planning favors mixed-use development and 15-minute walkable cities. The modest incentives herein proposed will enable the development of residential use which is currently deficient in the City's Urban Core where commercial, office and lodging uses are plentiful.

7. Whether the proposed change will adversely influence living conditions in the neighborhood.

The proposed amendment will not adversely affect living conditions in the neighborhood. In fact, having more permanent residents in this area can support existing and new businesses thereby reducing traffic as employees could walk or use transit to commute to places of employment. The long-term residential population will also enhance public safety and stabilize the neighborhood.

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 proposed change, which proposes modest height and FAR increase, should not create or increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety. A full traffic study will be provided to the City in connection with a site plan approval application.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

The proposed height increase only will not affect light and air to adjacent areas.

10. Whether the proposed change will adversely affect property values in the adjacent area.

The proposed change will not adversely affect property values in the adjacent areas as adoption of UCL will enable development of a high-quality residential building designed by a world-renowned architect. If anything, adjacent property values may increase.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

The proposed change will not be a deterrent to the improvement or development of adjacent property. To the contrary, successful redevelopment pursuant to the UCL can serve as a model for similar legislation in other adjacent areas where similar incentives are appropriate.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

As discussed above, the current FAR and height allowance does not permit the development of high-quality residential uses that fully utilize currently allowed density. Without these incentives, residential redevelopment—which is the use the City favors—is not financially feasible.

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 UCL does not amend uses in the district.

Sea Level Rise and Resiliency Criteria. The proposed amendment is consistent with the criteria in Section 7.1.2.4.a.2. of the Code, to the extent applicable, as follows:

1. Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.

The proposal does not affect areas that are vulnerable to the impacts of sea level rise in the long term. However, the UCL will enable the redevelopment of nonconforming structures into a new fully compliant residential building.

2. Whether the proposal will increase the resiliency of the city with respect to sea level rise.

The UCL will enable development of parcels that do not conform to FEMA standards into new development will comply with the City Code's resiliency standards and all other state and federal requirements therefore increasing the resiliency of the City.


3. Whether the proposal is compatible with the city's sea level rise mitigation and resiliency efforts

Again, the UCL will enable development of parcels that do not conform to FEMA standards into new development will comply with the City Code's resiliency standards and all other state and federal requirements therefore increasing the resiliency of the City.

We look forward to your support of the Urban Core legislation which will facilitate creation of accessibly priced housing in the urban core. Thank you for your consideration.

Sincerely,

AKERMAN, LLP


Neisen O. Kasdin

Enclosures

cc: Cecilia Torres-Toledo, Akerman LLP (cecilia.torres-toledo@akerman.com)