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VIA EMAIL

June 11, 2020

Thomas Mooney, Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: RM-2 Code Amendment to Increase Permitted Height for Properties of Ten (10) Acres or More with Split Zoning Between RM-2 and RM-3 Districts that Front Biscayne Bay

Dear Tom:

The purpose of this letter is to support and justify the proposed Code amendment to the RM-2 Zoning District regulations, pertaining specifically to properties of ten (10) acres or more with split zoning between RM-2 and RM-3 that front Biscayne Bay. See Exhibit A, Proposed Code Amendment.

Background. In recent years, Miami Beach has wisely focused significant resources towards securing the City's future through measures intended to encourage resilient development and improve stormwater management. In line with these objectives, the City has creatively increased green spaces throughout the City in order to increase permeability and reduce stress on the City's stormwater infrastructure. This focus on increasing permeable open space translates to development and urban planning in the form of taller and sleeker buildings with smaller footprints. These taller more streamlined buildings generate less stormwater runoff, which reduces flood risk and improves water quality in Biscayne Bay. As a barrier island community, Miami Beach is at the forefront of addressing challenges with respect to sea level rise and stormwater management, which requires that the City adopt modern design principles such as

encouraging taller and sleeker buildings, rather than long, wide buildings that create undesirable impacts.

The current 140-foot height restriction for properties fronting Biscayne Bay in the RM-2 District limits development to buildings with large footprints that create stormwater management issues. Properties of ten (10) acres or more with split RM-2 and RM-3 zoning that front Biscayne Bay, such as the Flamingo Point development along Bay Road between 14th and 16th Streets ("Flamingo Point"), hold significant vested development rights, which under current height restrictions can only be distributed horizontally across the property. The long and wide footprints of such buildings eliminate permeable area, which works against the City's efforts to increase green space and permeability, while also obstructing views.

Proposed Code Amendment to Reduce Building Footprints. The proposed Code amendment relaxes height restrictions only for certain properties of ten (10) acres or more with split zoning between RM-2 and RM-3 District and fronting Biscayne Bay. Such unique properties will be permitted to increase height up to a maximum of 300 feet, as well as allow the side interior setback for the tower to match the interior side yard equivalent for the pedestal for a maximum of twenty-five percent (25%) of the length of the side property line. Further, the proposed Code amendment alleviates restrictions applicable to the first and second levels of buildings facing streets and waterways, provided that certain resiliency and aesthetic standards are met. In general, the Code amendment allows for taller more streamlined towers that increases permeability and open view corridors.

The Proposed Project. Flamingo Point is currently entitled to an approximately additional 100,000 square feet of floor area in the RM-2 portion of its property, which under current regulations can only be distributed horizontally throughout the long and narrow lot. In conjunction with the Code amendment, the owners propose an elegantly-designed 300-foot slim tower with approximately 33 to 37 luxury residential units that distributes the floor area vertically on the northern edge of the Flamingo Point property ("Proposed Project"). See Exhibit B, Proposed Project Renderings.

Height – increase from current 140-foot height restriction to up to a maximum of 300 feet. The 140-foot height restriction limits development to buildings with long, wide footprints that create stormwater management and view corridor issues. The additional height will permit more vertical, streamlined structures with a smaller footprint that can increase green space and maximize permeability, much needed for resiliency, while also enhancing views of the waterway. Further, by not seeking any reduction of the rear setback, which for the tower portion is 83'-4" from the seawall, the new building will be

considerably pushed to the east, which preserves the Capri's views of Biscayne Bay. Notably, the Capri's views are already partially obstructed by the existing North Tower at Flamingo Point, which is 15-stories tall and located further to the west than the new tower. This existing condition will remain. See Exhibit C, View Corridors.

Also, Flamingo Point will not use the Code Amendment to add more density. The new tower will only contain 33 to 37 units and simply taking what would otherwise be in a squat horizontal building and transferring the same units up vertically with a markedly small footprint. Moreover, following the completion of comprehensive on-going renovations to the Flamingo North Tower, the total number of units within the entire Flamingo Point development will actually be reduced by approximately 200 units in comparison to before the redevelopment.

The proposed structure will be no taller than other nearby buildings, including the Flamingo Point Center Tower and the Waverly. Therefore, the new but markedly slender structure will be in context with the neighborhood. Heights of other nearby buildings are as follows:

- 32-story Flamingo Point Center Tower;
- 36-story Waverly at South Beach Condominium located at 1330 West Avenue;
- 33-story Floridian Condominium located at 650 West Avenue;
- 26-story Bentley Bay South Tower located at 520 West Avenue;
- 26-story Nine Island Condominium located on Belle Isle immediately west of Flamingo Point; and
- 26-story Grand Venetian Condominiums also located on Belle Isle immediately west of Flamingo Point.

Increased Permeability. A streamlined new tower with a smaller footprint provides ample opportunity to increase the permeable areas of the RM-2 portion of the property. Notably, the existing pervious areas account for only 49%, however, the introduction of the new tower increases this amount to 69%, which as further described below is accomplished through green space, bioswales and permeable pavement. See Exhibit D, Pervious Area Diagrams.

Side Interior Setback. The Code provides side interior setbacks for the pedestal and tower portions of a building, where the pedestal is the first 50 feet and the tower is the portion above the pedestal. Under the current Code, the side interior setback is 18'-3" for the pedestal and 43'-3" for the tower. The proposed Code amendment allows the side interior tower setback to match the pedestal for a sleek, uniform building presence. To keep the overall building footprint small, the Code Amendment restricts the tower

setback, the entire portion above 50 feet, to a maximum of 25% of the length of the side property line.

Liner Requirements. The Code provides that ground floor uses facing a street or waterway and all floors above the ground floor facing a waterway provide a liner of habitable uses. The proposed Code Amendment removes such liner for the first and second levels of buildings, provided that certain resiliency and aesthetic standards are met. Specifically, when facing a street, no liner required where the building is setback a minimum of 200 feet and the area in front of it is at least 70% pervious with elements such as green space, bioswales and permeable pavement. When facing a waterway, residential or commercial liner required on first level, for second level may forego a liner where the length is no greater than 70 feet and parked vehicles or vehicles using ramps to access parking areas are screened from view by active walkways with parapet walls and/or planters with minimum height of 42 inches. Notably, the Proposed Project provides 89% pervious area for the portion in front (east) of the ramps. See again Exhibit D. Overall, these refinements ensure enhanced resiliency and appropriate design to screen movement of vehicles, especially from the waterway.

Economic Impact Analysis. On May 7, 2020 Miami Economic Associates, Inc. completed its economic impact analysis of the Proposed Project and the redevelopment of the Flamingo North Tower. See Exhibit E, Economic Impact Analysis. The analysis estimates that the renovation of the Flamingo North Tower and the construction of Proposed Project will generate approximately 1,185 construction jobs. An additional 781 workers will be employed in business that support the construction or by business where those involved in the construction spend their earnings. Following the construction, approximately twenty-four (24) individuals will be employed on-site to perform leasing and property management functions, and approximately thirty (30) workers will be employed at two (2) on-site restaurants.

Once the Proposed Project is completed and occupied, the analysis estimates that residents of Flamingo Point will spend approximately \$23.24 million annually in retail and food and beverage establishments, a large proportion of which will likely be spent in Miami Beach. In addition, the City will receive direct payments for upfront building and permitting fees. For instance, the City has already received over \$1.9 million in connection with the on-going renovations of the Flamingo North Tower, and additional building and permitting fees will be required for construction of the Proposed Project.

Perhaps the most significant economic benefit results from the increase in premium residential spaces, which are higher value and therefore generate additional ad valorem property taxes on an annually recurring basis. The analysis estimates that the

City of Miami Beach and Miami-Dade County will each receive approximately \$240,000 in ad valorem tax revenue from the Proposed Project annually. Miami-Dade County Public Schools will receive approximately \$285,000 in ad valorem tax revenue annually, and the Miami-Dade County Children's Trust will receive approximately \$18,720 in ad valorem tax revenue a from the Proposed Project annually. The total ad valorem tax revenue that the City of Miami Beach and Miami-Dade County can each expect to receive from the Flamingo Point development is approximately \$1.57 million per year, and the total that Miami-Dade County Public Schools and the Miami-Dade County Children's Trust can expect to receive is approximately \$2 million per year. Thus, the overall reduction in the number of units coupled with the increase of premium spaces results in a net increase of ad valorem tax revenue and a decrease in municipal impacts.

Public Benefits. The owner of Flamingo Point proposes public benefits that directly benefit the residents of Miami Beach. These benefits include:

- (1) *Drainage Infrastructure.* The City has a significant problem with stormwater drainage in the nearby landlocked Flamingo Park neighborhood and the Flamingo Point property is ideally located to help ameliorate flooding in the area. The owner will grant a 20-foot wide easement to the City from Bay Road extending westward along the north property line to connect to an outfall into Biscayne Bay that will accommodate a large, but unobtrusive underground pipe to divert stormwater from the Flamingo Park neighborhood to the Bay.
- (2) *Lincoln Road Street-End.* The City is presently planning a pocket park at the street-end, but that plan includes the co-location of a very large pump station. The owner of Flamingo Point proposes to contribute funds for the specific purpose of enhancing the proposed park and providing much needed screening for the pump station and its infrastructure.

Conclusion. The proposed Code amendment allows for certain unique bayfront properties to utilize their remaining develop rights in a manner that mitigates potential impacts, specifically increasing permeability and ensuring expansive views, while at the same time maintaining the Capri's existing views of Biscayne Bay. Further, through the lower-impact development, approval of the Code amendment will secure a bundle of economic benefits, including much needed improvements for stormwater drainage for the Flamingo Park neighborhood and park beautification that will be a benefit to the local community. As a result, the proposed Code amendment represents an opportunity for Miami Beach to simultaneously improve the quality of life of its residents and protects its municipal interests.

Thomas Mooney, Director

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In light of the foregoing, we look forward to your favorable recommendation. If you have any questions or comments, please call me at 305-377-6231.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized, flowing line that starts with a small loop on the left, rises to a peak, and then descends to the right.

Michael W. Larkin

Attachments

cc: Matthew Amster, Esq.
Nicholas Rodriguez, Esq.