

EXHIBIT G



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

PLANNING DEPARTMENT

MEMORANDUM

TO: Raul Aguila, Interim City Manager

FROM: Thomas R. Mooney, AICP
Planning Director

DATE: April 27, 2021

SUBJECT: **Planning Analysis of Proposed Right of Way (ROW) Vacation – Portion of Southern Half of 21st Street**

BACKGROUND

Section 82-38 of the Code of the City of Miami Beach requires that any proposed sale or lease of City-owned land be analyzed from a planning perspective so that the City Commission and the public are fully apprised of all conditions relating to the proposed sale or lease.

The proposal is to vacate the southern half of 21st Street, generally located between approximately 150 feet east of Collins Avenue and Miami Beach Drive (See the “Right of Way Vacation Area” map at the end of this report). The right of way contains approximately 6,736 SF/0.155 AC in total lot area. A perpetual public access easement will be provided, allowing for the area to continue to function for vehicular and pedestrian access.

In exchange for the vacation, the developer of the adjacent Seagull Hotel will be providing certain public benefits to the City, including the payment of \$7,400,000, a maintenance agreement providing for the installation and perpetual maintenance of additional landscaping within the City’s beach access and Beachwalk area east of Miami Beach Drive, and a perpetual easement in favor of the City over the row, to ensure continued public use of the row for City access, pedestrian and vehicular travel, and utilities. The following is an analysis based on the criteria delineated in the Code:

ANALYSIS

1. **Whether or not the proposed use is in keeping with city goals and objectives and conforms to the city comprehensive plan.**

Consistent – The vacated ROW will continue to be used for public purposes. Public access will continue to be provided. The area will be enhanced with additional landscaping. This is consistent with the Comprehensive Plan Conservation/Coastal Zone Management Element Objective 10, which states the following:

Objective 10: PUBLIC SHORELINE ACCESS

Increase the amount of public access to the beach or shoreline consistent with the estimated public need.

2. **The impact on adjacent property, including the potential positive or negative impacts such as diminution of open space, increased traffic, noise level or enhanced property values, improved development patterns and provision of necessary services. Based on the proposed use of the property, the city shall determine the potential impact of the project on city utilities and other infrastructure needs and the magnitude of costs associated with needed infrastructure improvements. Should it become apparent that further evaluation of traffic impact is needed, the proponent shall be responsible for obtaining a traffic impact analysis from a reputable traffic engineer.**

Consistent – No negative impacts are anticipated by the proposal. The ROW being vacated by the City is within the High Density Multi Family Residential (RM-3) future land use category. This category allows for a maximum floor area ratio (FAR) of 2.0 for oceanfront lots located in the Architectural District. Vacation of the 6,736 SF of ROW will allow approximately 13,472 of additional floor area to be developed within a unified development site with the abutting parcel.

- Though a ROW is proposed to be vacated, no construction is being proposed within the vacated ROW; therefore, there will be no diminution of open space. The vacated area will be rebuilt consistent with additional landscaping and other enhancements.
- Vacation of the ROW will not affect the transportation network, as vehicular access will be maintained. If the use of the floor area that is made available from the vacation of the ROW were used for hotel units, the use would potentially generate up to approximately 18 peak hour trips. This does not represent a significant increase in peak hour volumes. Traffic impacts for any new development will be addressed as part of the land use board process. Any new development will also be subject to pay mobility fees which will help fund mobility transportation improvements in the City.
- No noise level impacts are anticipated from the vacation, as the use of the property will remain open and the use will be similar in nature. Any noise impacts of any new development on the adjacent will be addressed as part of the land use board processes.
- The appearance of the property will improve with the proposed vacation, as the applicant will be providing landscape and other enhancements, as well as improving the development site. These improvements should enhance surrounding property values.
- Vacation of the ROW will allow for improved utilization of the adjacent parcel, and lead to an improved development.
- Vacation of the ROW will not impact adopted levels of service for public infrastructure. Compliance with parks concurrency and mobility fees for the utilization of the floor area that is gained within a unified development site will be determined and mitigated in conjunction with the building permit process;

however, no additional utilities or infrastructure are expected to be necessary.

3. **A determination as to whether or not the proposed use is in keeping with a public purpose and community needs, such as expanding the city's revenue base, creating jobs, creating a significant revenue stream, and improving the community's overall quality of life.**

Consistent - This proposal expands the City's revenue base by adding untaxed public property to the tax rolls. The additional floor area that is made available to the abutting property will improve the viability of a new development and create additional taxable value. In addition, the existing building on the abutting site will be greatly improved.

4. **A determination as to whether or not the development is in keeping with the surrounding neighborhood, will block views or create environmental intrusions, and evaluation of the design and aesthetic considerations of the project.**

Consistent - The surrounding neighborhood will not be negatively affected. The ROW area will remain undeveloped, and a public access easement will be provided. As a result, it will not lead to the blocking of views. No environmental intrusions will be created by the proposed ROW vacation.

5. **The impact on adjacent properties, whether or not there is adequate parking, street and infrastructure needs.**

Consistent – Vacation of this ROW will not affect the parking or infrastructure needs of adjacent properties. Surrounding properties are not dependent on the parking provided within this ROW should it be removed in the future. Additionally, the site is adjacent to a public parking lot.

6. **Such other issues as the city manager or his authorized designee, who shall be the city's planning director, may deem appropriate in analysis of the proposed disposition.**

Not applicable - The Planning Department has no other issues it deems appropriate to analyze for this proposal.

CONCLUSION

Vacation of the public ROW is consistent with the Goals, Objectives, and Policies based on the proposals for the property. The vacation of the Street public ROW will generate no negative impacts for the surrounding area. The property would continue to serve a public purpose; as utility and pedestrian access will continue to be provided.