

# **EXHIBIT 2**

# MIAMIBEACH

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

PLANNING DEPARTMENT

MEMORANDUM

TO: Jimmy L. Morales, City Manager

FROM: Thomas R. Mooney, AICP, Planning Director



DATE: June 24, 2020

SUBJECT: **PLANNING ANALYSIS OF PROPOSED MARINA PARK REDEVELOPMENT PROJECT (INCLUDING LONG-TERM LEASE, SALE DEVELOPMENT SITE AND AIR PARCEL, DEVELOPMENT AGREEMENT, AND VACATION OF A PORTION OF THE ALTON ROAD RIGHT OF WAY).**

## **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 for the following related to the Miami Beach Marina site, located at 300-344 Alton Road:

1. Lease agreement for the Miami Beach Marina, for a term (including renewals) of 99 years. The term includes a commitment to spend an additional \$50 million for improvements to the area.
2. Sale of a portion of the development site and air parcel within which the approximately 275,000 square foot residential portion of the Marina Park Project is to be constructed (Residential Parcel).
3. Approval of a development agreement that grants the developer the rights to use all of the available development rights from the underlying city-owned property and the to-be-vacated ROW (discussed below).
4. The vacation of the western half of the Alton Road right of way (ROW) abutting the City-owned parcels at 300-344 Alton Road, consisting of approximately 25,500 SF. Upon the vacation of the ROW, the ownership of the land would revert to the City, however, the development rights would be incorporated into the development on the abutting parcels.

Together with an amendment to the Comprehensive Plan and the Land Development Regulations, these items would allow for the Marina Park Project, which would include an approximately 385 foot tall building with approximately 275,000 gross square feet containing 60 residential units, and approximately 45,000 square feet for a new marina building and accessory restaurant, retail, office and marina uses. The proposal would also create a one-acre park which would be open to the general public, enhancements to the baywalk, and resiliency improvements.

## **ANALYSIS**

The following is an analysis of the proposal based on the criteria delineated in the Code:

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

**Partially Consistent** – The proposed use would be consistent with the 2040 Comprehensive Plan as proposed to be amended. A separate companion item to amend the Comprehensive Plan and authorize Public-Private Marina Redevelopments on parcels with a “Public Facility: Governmental Uses (PF)” future land use designation is proposed. Should this amendment not be adopted, then the proposed use would be inconsistent with the Comprehensive Plan.

Because the proposed redevelopment would allow for significant resiliency enhancements to be built on the site for the benefit of the surrounding community, the proposal is consistent with Principle 1: Developing a Resilient Future, of the Resilient Land Use Element of the 2040 Comprehensive Plan, which states the “*The City shall encourage redevelopment that contributes to community resiliency by meeting all required peril of flood mitigation and storm hazard standards for on-site development and shall also prioritize energy efficient development that provides stormwater mitigation, and co-benefit features that contribute to the City’s resiliency as a whole.*”

Since the proposal will allow for the development of a new waterfront park, the proposal is consistent with Objective ROS 1.1: Waterfront Parks, which requires that the City “*preserve beach and waterfront parks and continue to improve park access to water-related uses.*”

Since the developer will build a one-acre park, it is consistent with Objective ROS 1.4: Open Space which is “*to requires open space in conjunction with every new public and private sector development project (measurability dependent upon development applications) to maintain levels of service, as well as for increased pervious area to support natural stormwater collection during extreme rain events.*”

Since the development will enhance and improve pedestrian access to the baywalk, the proposal is consistent with Policies ROS 1.1.5 and ROS 1.1.6, which call for waterfront and pedestrian access to Biscayne Bay and the shoreline.

**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. Ownership of the ROW being vacated by the City will remain with the City and function in the same manner. The C-PS4 zoning district allows for a maximum floor area ratio (FAR) of 2.5. Vacation of the 25,500 SF of ROW will allow approximately 63,750 SF of additional floor area to be developed within a unified development site with the adjacent City-owned parcels.

- Though a ROW is proposed to be vacated, no construction is being proposed within the vacated ROW; therefore, there will be no diminution of sidewalks or vehicle travel lanes. While it would not be considered a dedicated ROW, the fee interest in the ROW will be held by the City and the ROW will continue to operate in the same manner, for public pedestrian and vehicular uses.
- Vacation of the ROW will not affect the transportation network, as vehicular access will be maintained.
- The use of the floor area that is made available from the vacation of the ROW could potentially generate up to approximately 21 peak hour trips if used for residential purposes. This does not represent a significant increase in peak hour volumes from what is otherwise permitted on the site. A traffic study will have to be provided as part of the design review process. Additionally, the development will be subject to the payment of Mobility Fees which are used to improve the City's transportation network.
- No noise level impacts are anticipated from the proposal. The anticipated commercial uses on the site should have fewer noise impacts than those existing on the site today.
- The appearance of the property will improve with a public park, an iconic residential building, and better urban design. These improvements should enhance surrounding property values.
- The proposal is not expected to impact adopted levels of service for public infrastructure. The development contains several enhancements that can improve levels of service related to recreation and open space and stormwater management. However, compliance with concurrency must still be determined and mitigated in conjunction with the building permit process.

**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 by increasing the lease payments and adds additional taxable area to the tax rolls. The sale of the Residential Parcel will provide significant revenue to the City. The improvements to the site serve a public purpose and serve a community need by creating a new park, enhancing access to the waterfront, and providing infrastructure for the mitigation of sea level rise and improved stormwater management.

**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 development will contain large side yard setbacks so views from surrounding buildings will be minimally impacted. No environmental intrusions will be created.

**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 needs, as parking for the site will continue to be provided in the same manor and parking requirements must

be met. Infrastructure impacts will be beneficial to adjacent properties, as the proposal calls for making many improvements to the City's stormwater system.

- 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**

The proposed long-term lease, sale of the Residential Parcel, development agreement, and vacation of a portion of the Alton Road right of way is supported the Goals, Objectives, and Policies of the Comprehensive Plan based on the proposals for the property, and the use will be consistent with the Comprehensive Plan as proposed to be amended. The proposal should generate no negative impacts for the surrounding area. The property would continue to serve a public purpose, as a 1.0 acre park will be created for the benefit of the general public, the baywalk will be improved, and new infrastructure will be provided.