

**RESOLUTION NO.**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, TO CONSIDER APPROVAL, FOLLOWING FIRST READING/PUBLIC HEARING, OF A DEVELOPMENT AGREEMENT BY, BETWEEN AND AMONG THE CITY, MIAMI-DADE COUNTY, TCH 500 ALTON LLC, 740 ALTON RD, LLC, TCH 700 ALTON, LLC, AND TCH 663 ALTON, LLC AS AUTHORIZED UNDER SECTION 118-4 OF THE CITY CODE, AND SECTIONS 163.3220 – 163.3243, FLORIDA STATUTES, WHICH DEVELOPMENT AGREEMENT DELINEATES THE CONDITIONS FOR THE DEVELOPMENT OF THE PROPERTIES LOCATED AT 630 ALTON ROAD, 710 ALTON ROAD, 720 ALTON ROAD, 740 ALTON ROAD, FOLIO 02-4203-001-0095 (CANOPY PARK), AND FOLIO 02-4203-001-0090 (CURRENTLY A PARKING LOT SERVING THE FLORIDIAN CONDOMINIUM) TO ACCOMMODATE A NEW MIAMI-DADE COUNTY COMMUNITY HEALTH CENTER AND LIBRARY AT 663 ALTON ROAD AND OTHER TERMS FOR DEVELOPMENT CONTINGENT UPON SATISFACTION OF THE CONDITIONS SET FORTH IN THE DEVELOPMENT AGREEMENT AND ENACTMENT OF CERTAIN AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS, AT ITS SOLE DISCRETION; AND FURTHER, SETTING THE SECOND AND FINAL READING OF THE DEVELOPMENT AGREEMENT FOR A TIME CERTAIN.**

**WHEREAS**, on March 9, 2022, Commissioner Ricky Arriola proposed and sponsored legislation to initiate a City Commission discussion regarding the Miami-Dade County Community Health Center at 710 Alton Road to be furthered discussed at the Land Use and Sustainability Committee (LUSC) and the Planning Board; and

**WHEREAS**, on April 8, 2022, the LUSC discussed the proposal and continued the item to the May 13, 2022 LUSC meeting; and

**WHEREAS**, on May 13, 2022, the LUSC discussed the proposal and moved the item to the Planning Board and the City Commission and directed the developer to continue its community outreach efforts; and

**WHEREAS**, on May 25, 2022, the City Commission approved, at First Reading, Ordinances amending the Comprehensive Plan and Land Development Regulations (LDR) to expand the boundaries of the Alton Gateway Overlay (bounded by Alton Road on the east, West Avenue on the west, 5<sup>th</sup> Street on the south and 8<sup>th</sup> Street to the north), as well as the Floor Area Ratio (FAR) and height increases in the overlay (the "Amendments Ordinance"); and

**WHEREAS**, the Amendments Ordinance was approved on May 25, 2022, subject to voter approval of the proposed FAR increase, and Second Reading / Adoption of both ordinances was scheduled for September 14, 2022; and

**WHEREAS**, the City Commission adopted Resolution No. 2022-32173 on May 25, 2022, which allowed for a special election to be held on August 23, 2022 to request electorate approval via ballot to increase the maximum FAR from 2.0 to 2.6 on the entirety of the Alton Gateway Overlay; and

**WHEREAS**, on August 23, 2022, 62.02 percent of the City's electorate voted in favor of the ballot question that sought to increase the maximum proposed FAR from 2.0 to 2.6, which made the Amendments Ordinance eligible for City Commission adoption; and

**WHEREAS**, the City and the Developer have negotiated a new Development Agreement (the “New DA”) that encompasses the properties located at of 710 Alton Road, 720 Alton Road, 740 Alton Road, the former 6 Street right of way, 630 Alton Road, Folio 02-4203-001-0095 (Canopy Park), and Folio 02-4203-001-0090 (currently a parking lot serving the Floridian Condominium)(the “Development Site”); and

**WHEREAS**, in keeping with the practice of having development agreements and any related amendments to the City’s Land Development Regulations and/or Comprehensive Plan be heard simultaneously, the Amendments Ordinance became a companion to the New DA, as well as the proposed third amendment to the DA that currently governs the properties located at 500-630 Alton Road (the “Existing DA”); and

**WHEREAS**, on September 14, 2022, Second Reading/Adoption of the Amendments Ordinances was opened and continued; and

**WHEREAS**, the replacement of the Community Health Center was the threshold issue and Miami-Dade County (County) had to address pending items regarding the Community Health Center agreement between the Developer and the County, the Developer focused efforts on advancing that portion of the project; and

**WHEREAS**, at the February 1, 2023 City Commission Meeting, an ordinance was referred to the LUSC and Planning Board, amending the Alton Road Historic District Buffer Overlay and Pharmacy Regulations to accommodate the proposed relocation of the Miami Beach Community Health Center (the “Overlay Amendment Ordinance”); and

**WHEREAS**, on April 19, 2023, the LUSC recommended approval of the Overlay Amendment Ordinance; and

**WHEREAS**, on May 23, 2023, the Planning Board transmitted the Overlay Amendment Ordinance to the City Commission with a favorable recommendation; and

**WHEREAS**, a Second reading of the LDR and Comprehensive Plan ordinances are scheduled for July 26, 2023; and

**WHEREAS**, the New DA establishes the terms and conditions applicable to the development of the proposed mixed-use building in the 700 block of Alton Road (the “700 Alton Building”), including ensuring that the City receives a state-of-the-art Community Health Center, public library, additional greenspace for residents and visitors to utilize for years to come; and

**WHEREAS**, the proposed Development Agreement includes, among other provisions, the following terms and conditions:

- Developer shall convey to the County the property located at 633 Alton Road, in fee simple, by special warranty deed (the “Health Center”), on which the Developer shall design, permit and construct, at its sole cost and expense, a Community Health Center as required by a separate agreement between the Developer and the County. The Health Center, once completed, will be owned, maintained, and programmed by the County for public purposes; and

- Developer shall develop the 700 Alton Building in accordance with the City's Land Development Regulations and the limitations set forth in the Development Agreement with respect to the Project, including, without limitation, the following conditions:
  - any private building greater than 60 feet in height built on the Development Site would be located northeast of the existing Park site, and with a height not-to-exceed 150 or 180 feet (to be finalized) to the top of the roof (or such greater height as may be approved by the City Commission); and
  - the tower may contain up to 150 units (including multi-family residential units, single-family detached units, townhomes, condominiums, and apartments), this is an increase from the prior number of 120 units but more than offset by the reduction in units at the 500 Alton project; and
  - a concept plan for the proposed private building is attached as Exhibit "B" to the Memorandum accompanying this Resolution
- In order to permit the 700 Alton Building to be included in a unified development site, the City shall convey to the Developer the additional FAR related to the Canopy Park site by executing a new unity of title as may be required at the time of permit application for the 700 Alton Building
- The Park's boundaries shall be modified resulting in a net gain of 6,838 sq feet of land. The Developer shall design and construct, at the Developer's cost and expense, the improvements on this expanded Park land. The Developer shall design and construct, at the Developer's cost and expense, the improvements on this expanded Park land.
- The boundary modification resulting in the net gain of Park land shall be accomplished through an exchange between the City and Developer of 4,062 sq feet of land from the current Park land located along the western side of the Floridian Parking Lot (i.e., between the parking lot and West Avenue) to provide the private development site connectivity to West Avenue for 10,900 sq feet of park land from the current commercial land located on the Southeast boundary of the Park to provide for a better Park experience and better interface between the Park and commercial development on that site.
- The City will not issue a building permit for the Project until the Developer conveys the new Health Center Site to the County, and all documents required by the Development Agreement have been delivered to the City; and

**WHEREAS**, the Administration recommends approval at First Reading of the negotiated New DA, subject to direction from the Commission as to the following matters:

- a. What the maximum height of the 700 Alton Building should be (height to be determined in accordance with the LDRs);
- b. Whether the 740 Alton Road property and corresponding FAR should be included or excluded from the New DA, and accordingly, from the unified development site; and

- c. Whether the surface parking lot proposed adjacent to the revised one-story retail buildings on the south side of the park should remain as proposed, be removed entirely and/or modified to allow for a limited number of spaces parallel to the driveway, to accommodate drop-off/pick-up, loading as well as parking during non-peak times.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, following first reading/public hearing, that the Mayor and City Commission of the City of Miami Beach approve the Development Agreement sby, between and among the City, Miami-Dade County, TCH 500 Alton LLC, 740 Alton Rd, LLC, TCH 700 Alton, LLC, and TCH 663 Alton, LLC as authorized under Section 118-4 of the City Code, and Sections 163.3220 – 163.3243, Florida Statutes, which Development Agreement delineates the conditions for the development of the properties located at 630 Alton Road, 710 Alton Road, 720 Alton Road, 740 Alton Road, folio 02-4203-001-0095 (Canopy Park), and folio 02-4203-001-0090 (currently a parking lot serving the Floridian Condominium) to accommodate a new Miami-Dade County Community Health Center and library at 663 Alton Road and other terms for development contingent upon satisfaction of the conditions set forth in the Development Agreement and enactment of certain amendments to the City's Comprehensive Plan and Land Development Regulations, at its sole discretion; and further, setting the second and final reading of the Development Agreement for Wednesday, July 26, 2023 at 2:30pm.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of June, 2023.

**ATTEST:**

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RAFAEL E. GRANADO, CITY CLERK

\_\_\_\_\_  
DAN GELBER, MAYOR

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney

6-22-23  
Date