



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

**TO:** Mayor Dan Gelber and Members of the City Commission  
Alina T. Hudak, City Manager

**FROM:** *for* Rafael A. Paz, City Attorney  


**DATE:** October 18, 2023

**SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION TO PROCESS PLANNING BOARD AND HISTORIC PRESERVATION BOARD APPLICATIONS BY 7410, LLC ("DEVELOPER") IN CONNECTION WITH THE PROPOSED REDEVELOPMENT OF 7410 COLLINS AVENUE AND 7401-25 HARDING AVENUE, PROVIDED SUCH APPLICATIONS SHALL NOT BE SUBMITTED TO SUCH BOARDS UNTIL DEVELOPER HAS OBTAINED APPROVAL FROM THE MAYOR AND CITY COMMISSION OF THE AIR RIGHTS EASEMENT ACROSS COLLINS COURT NEEDED TO CONSTRUCT THE PROJECT AS CONTEMPLATED.**

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The attached Resolution was prepared at the request of Vice-Mayor David Richardson following discussion at the October 16, 2023 Finance and Economic Resiliency Committee meeting.

At its July 26, 2023 meeting, the City Commission approved a referral to the Finance and Economic Resiliency Committee ("FERC") meeting to discuss the conveyance of an air rights easement for open vehicular access as part of the proposed redevelopment by 7410, LLC ("Developer") of 7410 Collins Avenue and 7401-25 Harding Avenue (the "Project").

The Developer is engaged in discussions with the Administration relating to the purchase of a perpetual air rights easement consisting of approximately 600 square feet across Collins Court to accommodate an open vehicular bridge that would connect the parking garage elements of the two buildings within the Project.

Pursuant to Section 82-37 of the City Code, the air rights easement requires review of its proposed terms by the FERC and the approval by the City Commission. Section 82-38 of the Code requires a planning analysis of the proposed sale, and Section 82-39 of the Code requires a fair market value appraisal. The Administration has engaged an appraiser to conduct the fair market value appraisal and it is anticipated the fair market value appraisal will be ready by the end of October 2023.

Because of the November 7, 2023 election, this item will not return to FERC until January 2024. Consequently, the soonest the approval of the air rights easement could take place is February 2024. To keep the Project moving forward, the Developer would like to commence processing its Planning Board and Historic Preservation Board applications (the "Land Use Board Applications"). As the Developer does not yet own the air rights easement, it cannot formally submit the Land Use Board Applications. In response to a question posed at the FERC's October 16, 2023 meeting by Vice Mayor Richardson, Chairman of the FERC, the City Attorney advised that the Mayor and City Commission could authorize the Administration to commence processing the City Land Use Board Applications, provided these should not be submitted for consideration by the two bodies until such time as the air rights easement has been approved by the Mayor and City Commission. Based on the foregoing, the FERC unanimously agreed to recommend that the Mayor and City Commission authorize the Administration to commence to process the Developer's Land Use Board Applications.

RAP/RD/ag