



CITY OF NORTH MIAMI BEACH
Special Meeting
City Hall, Commission Chambers, 2nd Floor
17011 NE 19th Avenue
North Miami Beach, FL 33162
Monday, June 22, 2026
6:00 PM

Mayor Michael Joseph
Vice Mayor McKenzie Fleurimond
Commissioner Jay R. Chernoff
Commissioner Daniela Jean
Commissioner Phyllis S. Smith
Commissioner Fortuna Smukler
Commissioner Lynn Su

City Manager Darvin Williams
City Attorneys Greenspoon Marder LLP
City Clerk Andrise Bernard, MMC

Notice to All Lobbyists

Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Commission.

Special Meeting Agenda

- 1. ROLL CALL OF CITY OFFICIALS**
- 2. PLEDGE OF ALLEGIANCE**
- 3. PUBLIC COMMENT**
- 4. ANNOUNCEMENTS**
- 5. LEGISLATION**
 - 5.1. Discussion and Possible Action on Joining Lawsuit Against Property Tax Ballot Question As An Additional Plaintiff (Sponsored by City Attorney)**
 - 1. Review of Lawsuit Filed Against Property Tax Ballot Question**
 - 2. Discussion and Possible Action Regarding Joining Lawsuit as an Additional Plaintiff**
 - 5.2. QUASI-JUDICIAL LEGISLATION -Resolution No. R2026-73 Approving a Site Plan Modification for the Construction of a 572,656 Square Foot, 23 Story Mixed Use Development, Located at 2040 NE 163rd Street (Sponsored by City Manager Darvin Williams)**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING MAJOR MODIFICATION OF THE DEVELOPMENT SITE PLAN APPROVAL GRANTED ON JANUARY 18, 2022 BY RESOLUTION R2022-14, FOR THE CONSTRUCTION OF A BUILDING WITH A TOTAL FLOOR AREA OF 572,456 SQUARE FEET, BUILDING HEIGHT OF 23 STORIES / 255 FEET WITH A MIX OF USES A INCLUDING 30 UNIT HOTEL, 7,328 SQUARE FEET OF RETAIL, 344 RESIDENTIAL DWELLING UNITS, AND 410 PARKING SPACES ALONG WITH THREE VARIANCES; AS AMENDED BY ADMINISTRATIVE MINOR SITE PLAN APPROVAL GRANTED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT ON APRIL 22, 2025, FOR INCREASE IN TOTAL BUILDING FLOOR AREA TO 650,384 SQUARE FEET, INCREASE IN BUILDING HEIGHT TO 25 STORIES / 272 FEET 8 INCHES, INCREASE IN OPEN SPACE FROM 30,177 SQUARE FEET TO 41,326 SQUARE FEET, PROVIDE 10 ADDITIONAL RESIDENTIAL DWELLING UNITS, AND REDUCE RETAIL SPACE TO 4,526 SQUARE FEET; TO ALLOW FOR THE ELIMINATION OF THE APPROVED HOTEL USE, ELIMINATION OF THE VARIANCE FROM MINIMUM LOT SIZE REQUIREMENTS FOR HOTEL USE; AND INCREASE THE NUMBER OF RESIDENTIAL DWELLING UNITS BY 30 TO A TOTAL OF 374 WITH NO OTHER MODIFICATIONS TO THE PRIOR PROJECT APPROVALS FOR THE PROPERTY LOCATED AT 2040 NE 163RD STREET; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

5.3. Charter Review Committee Recommendations (POSTPONED - WILL BE RESCHEDULED AS QUICKLY AS POSSIBLE)

6. ADJOURNMENT



**Legislation
5.1.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	
VIA:	
DATE:	June 22, 2026

RE: Discussion and Possible Action on Joining Lawsuit Against Property Tax Ballot Question As An Additional Plaintiff (Sponsored by City Attorney)

Description

BACKGROUND

ANALYSIS:

RECOMMENDATION:

FISCAL/ BUDGETARY

IMPACT:

ATTACHMENTS:

Description

☐ Property Tax

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

CASE NO.

SAVE OUR VOTERS FROM MISLEADING
BALLOT LANGUAGE, INC.,
a Florida not-for-profit corporation;
THOMAS F. CAMPENNI; and
MICHAEL W. DAVEY,

Plaintiffs,

v.

CORD BYRD, as Secretary of
State, State of Florida and JAMES UTHMEIER,
as Attorney General, State of Florida,

Defendants.

_____ /

COMPLAINT FOR DECLARATORY RELIEF

Plaintiffs, SAVE OUR VOTERS FROM MISLEADING BALLOT LANGUAGE, INC. (“SAVE OUR VOTERS”), a Florida not-for-profit corporation, THOMAS F. CAMPENNI, an individual Florida registered voter, and MICHAEL W. DAVEY, an individual Florida registered voter, bring this complaint for declaratory relief (“Complaint”) as follows:

SAVE OUR VOTERS, THOMAS F. CAMPENNI and MICHAEL W. DAVEY (collectively, the “Plaintiffs”) bring this Complaint against Defendants, CORY BYRD, as Secretary of State (“SECRETARY BYRD”) and JAMES UTHMEIER, as Attorney General (“GENERAL UTHMEIER”), to declare that the

ballot title and summary (“Ballot Statement”) concerning the Constitutional amendment proposed in HJR 1F (“Proposed Constitutional Amendment”) is unconstitutionally biased, misleading and improper.

OVERVIEW

1. The Complaint concerns the Proposed Constitutional Amendment recently enacted by the Florida Legislature. This Legislation suffers from at least three serious constitutional infirmities.

2. First, the Ballot Statement is neither objective nor neutral. The ballot title of the Proposed Constitutional Amendment is "**SAVE OUR HOMES FROM EXCESSIVE PROPERTY TAXES.**" That is not a neutral description of the amendment's chief purpose. It is a campaign slogan. Moreover, the ballot summary does not merely describe the Proposed Constitutional Amendment – it endorses it. The ballot summary expressly tells voters that the amendment "**benefits Florida taxpayers.**" Whether the amendment benefits taxpayers is the central policy question voters are being asked to decide. The ballot summary then sets forth three political taglines - “ensuring funding for core services,” “protecting small businesses,” and “ensuring fairness for Florida residents” – giving reasons why voters should vote for the proposal. But the purpose of a ballot summary is to explain what an amendment does, not to advocate for its adoption.

3. Second, the Proposed Constitutional Amendment contains a highly misleading ballot summary that misrepresents the Proposed Constitutional Amendment in several material respects, including:

- a. The summary states that the Proposed Constitutional Amendment is "[e]nsuring funding for core services." Yet the Proposed Constitutional Amendment does not guarantee funding for police, fire protection, schools, infrastructure, or any other public service. In fact, by substantially reducing the local property tax base, the Proposed Constitutional Amendment is likely to decrease the revenues available to local governments to fund core services. The Proposed Constitutional Amendment cannot fairly be described as "ensuring funding" when it does no such thing.
- b. The summary also claims that the Proposed Constitutional Amendment is "**Protecting small businesses.**" Yet nowhere in the Proposed Constitutional Amendment are small businesses mentioned or given any special protection. Instead, the Proposed Constitutional Amendment broadly limits future assessment increases on all categories of non-homesteaded property, and provides no protection to small businesses, or other non-homesteaded property, from the expected higher taxes resulting from increases in millages rates necessary to offset (at least partially) the loss of tax base caused by the amendment.
- c. The ballot summary goes beyond the proposed amended constitutional text by telling voters that the amendment will ultimately lead to the full elimination of non-school property taxes on homesteaded property ("**requires, through general law, a schedule for full elimination**"). But the actual proposed constitutional language does not require the "full elimination." Rather, it requires the Legislature to establish procedures through which local governments may choose to grant additional exemptions in the future "up to" the full assessed valuation.
- d. The ballot summary concludes by boldly declaring that the Proposed Constitutional Amendment is "**Ensuring fairness for Florida**

residents,” when in fact the proposed amendment would discriminate against Florida residents who rent their homes (single family or multi-family) by providing tax relief only to owners of homesteaded properties and increasing the burdens on renters who will likely pay more when their landlords pass on the increased property taxes resulting from higher millage rates. It also discriminates against Florida residents who establish (or re-establish) residency after December 31, 2026, by forcing them to wait five years before obtaining the higher \$250,000 homestead exemption.

- e. The ballot summary also misleadingly suggests the Proposed Constitutional Amendment would “exempt[] the first \$250,000 of a homestead’s value from taxation,” when, in fact, the Proposed Constitutional Amendment would only exempt the first \$150,000 of value for the first year following adoption.

4. Plaintiffs recognize the great importance of property tax reform, and understand the Legislature’s zeal to enact changes as quickly as possible. However, on an issue as important as this, voters are entitled to a fair, clear, accurate and non-misleading ballot statement to assist them in making this critical decision.

I. JURISDICTION AND VENUE

5. The Court has jurisdiction to grant declaratory relief. *See* Sections 86.011, Florida Statutes; *Armstrong v. Harris*, 773 So.2d 7 (Fla. 2000) (the Secretary of State can be enjoined from placing a misleading summary on a ballot).

6. Venue is proper pursuant to Section 47.011, Florida Statutes, in Leon County, Florida.

7. All conditions precedent to the bringing of this action have been met, satisfied or waived.

II. THE PARTIES

8. SAVE OUR VOTERS is a Florida not-for-profit social welfare corporation whose members are registered Florida voters throughout Florida who share SAVE OUR VOTER's mission to ensure that Florida referendum voters are provided with neutral and accurate ballot questions. SAVE OUR VOTERS's members (1) would, as registered Florida voters, have standing to bring this action in their own right; (2) the interests SAVE OUR VOTERS seeks to protect herein are germane to the organization's purpose; and (3) neither the claim asserted herein nor the relief requested requires the participation of individual members in the lawsuit. SAVE OUR VOTERS accordingly has standing to bring this action.

9. THOMAS F. CAMPENNI is an individual who resides in Stuart, Florida. He is a registered elector and voter in Martin County, Florida. As a voter, THOMAS F. CAMPENNI has standing to challenge the biased and misleading Ballot Statement contained in the Proposed Constitutional Amendment and to bring this action. THOMAS F. CAMPENNI previously served as the Mayor and a Commissioner of the City of Stuart, Florida, Florida, but brings this action solely

in his individual capacity as a voter and does not assert standing based upon his public office.

10. MICHAEL W. DAVEY is an individual who resides in Key Biscayne, Florida. He is a registered elector and voter in Miami-Dade County, Florida. As a voter, MICHAEL W. DAVEY has standing to challenge the biased and misleading Ballot Statement contained in the Proposed Constitutional Amendment and to bring this action. MICHAEL W. DAVEY previously served as a Council Member and Mayor of the Village of Key Biscayne, Florida, but brings this action solely in his individual capacity as a voter and does not assert standing based upon his former public office.

11. SECRETARY BYRD, as head of the Department of State, is responsible for the operation of the Division of Elections. *See* §§ 15.13; 20.10, Fla. Stat. SECRETARY BYRD has the ministerial duty of furnishing to the Supervisor of Elections of each county the designated number, ballot title, and substance of each proposed constitutional amendment that is to appear on the ballot.

12. GENERAL UTHMEIER, as Attorney General, has been delegated the authority, pursuant to Section 101.161(3)(c)2, Florida Statutes, to draft ballot statements when a Court determines that the ballot statements enacted by joint resolutions of the Florida Legislature are defective.

III. THE NATURE OF THE RELIEF SOUGHT

13. Pursuant to the Florida Declaratory Judgment Act, Plaintiffs seek a declaration that the ballot title and ballot summary for the Proposed Constitutional Amendment are biased, misleading and inaccurate, and contrary to certain fundamental and basic constitutional provisions.

DECLARATION THAT THE BALLOT STATEMENT IS DEFECTIVE

14. The Ballot Statement set forth in HJR 1F is unconstitutionally biased, misleading and inaccurate.

15. Florida law provides that ballot statements must be neutral and must not be misleading or inaccurate.

16. The text of the Ballot Statement to be addressed by the Court reads, in full:

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTIONS 4, 6, AND 9
ARTICLE XII

SAVE OUR HOMES FROM EXCESSIVE PROPERTY TAXES. –

This amendment benefits Florida taxpayers by:

Exempting homestead properties from taxation. Exempts the first \$250,000 of a homestead's value from taxation for all levies other than school district levies and requires, through general law, a schedule for full elimination.

Ensuring funding for core services. Requires local governments to use remaining property taxes solely for core public needs including public safety, education and schools, infrastructure, and natural resources.

Protecting small businesses. Limits future property tax assessments on businesses.

Ensuring fairness for Florida residents. Requires any person who establishes Florida residency after January 1, 2027, to maintain Florida residency for five years prior to receiving the increased homestead exemption.

If approved, the amendment would take effect on January 1, 2027.

See HJR 1F, at pp. 19-20.

17. The Ballot Statement, however, does not comply with the requirements of the law.

THE LEGAL REQUIREMENTS FOR BALLOT STATEMENTS

18. The Florida Supreme Court has repeatedly held that ballot titles and summaries that are presented to the voters must be fair and objective, and cannot be inaccurate or misleading. *See, e.g., Askew v. Firestone*, 421 So.2d 151, 155 (Fla.1982) (“the ballot [must] be fair and advise the voter sufficiently to enable him intelligently to cast his ballot.”) (quoting *Hill v. Milander*, 72 So.2d 796, 798 (Fla.1954)). Otherwise “voter approval would be a nullity.” *Roberts v. Doyle*, 43 So.3d 654, 657 (Fla. 2010) (quoting *Armstrong*, 773 So.2d at 12).

19. These requirements “function[] as a kind of ‘truth in packaging’ law for the ballot,” and “appl[y] “across-the-board to *all* proposed constitutional amendments, including those proposed by the Legislature.” *Roberts* at 657 (citing *Armstrong* at 13, 16).

20. The

constitutional amendment process relies on an accurate, objective ballot summary for its legitimacy. Voters deciding whether to approve a proposed amendment to our constitution never see the actual text of the proposed amendment. *See* § 101.161(1), Fla. Stat. They vote based *only* on the ballot title and summary. Therefore, an accurate, objective and neutral summary of the proposed amendment is in *sine qua non* of the ... process of amending our constitution.

In re Advisory Opinion to the Atty. Gen. re Additional Homestead Exemption, 880 So.2d 646, 653-54 (Fla. 2004) (emphasis in original).

21. Thus, the ballot title and summary must (1) “fairly inform the voter”, (2) not, “as written, mislead[] the public,” and (3) be factually “accurate and informative.” *See, e.g., Roberts* at 659.

**THE BALLOT STATEMENT IS BIASED AND
THUS DOES NOT FAIRLY INFORM THE VOTER**

22. The title of the Proposed Constitutional Amendment is "**SAVE OUR HOMES FROM EXCESSIVE PROPERTY TAXES.**" HJR 1F at p. 19.

23. The measure has nothing to do with “Save Our Homes,” which is an existing, well-known reference to the cap on increases of annual assessed value of

homesteaded properties that was approved by the voters in 1992, and fails to reflect what the proposal would do or the manner in which it is commonly referred. The title is neither fair nor neutral, but instead is more akin to a campaign slogan.

24. The ballot title's lack of neutrality and fairness shows up clearly when compared to prior ballot titles that have been submitted by the Legislature for other proposed constitutional amendments to the State's property tax system (some of which have appeared on ballots and passed, and some of which have not):

- AD VALOREM PROPERTY TAXATION: ASSESSMENTS, EXEMPTIONS, LIMITATIONS, AND HOMESTEADS. (2007, SJR 4-B) (removed from ballot)
- PROPERTY TAX LIMIT FOR NONHOMESTEAD PROPERTY; ADDITIONAL HOMESTEAD EXEMPTION FOR NEW HOMESTEAD OWNERS (2010, HJR 532) (removed from ballot)
- HOMESTEAD AD VALOREM TAX CREDIT FOR DEPLOYED MILITARY PERSONNEL (2010, HJR 833) (on ballot, passed)
- PROPERTY TAX LIMITATIONS; PROPERTY VALUE DECLINE; REDUCTION FOR NONHOMESTEAD ASSESSMENT INCREASES; DELAY OF SCHEDULED REPEAL (2012, HJR 381) (on ballot, failed)
- VETERANS DISABLED DUE TO COMBAT INJURY; HOMESTEAD PROPERTY TAX DISCOUNT (2012, SJR 592) (on ballot, passed)
- HOMESTEAD PROPERTY TAX EXEMPTION FOR SURVIVING SPOUSE OF MILITARY VETERAN OR FIRST RESPONDER (2012, HJR 93) (on ballot, passed)

- ADDITIONAL HOMESTEAD EXEMPTION; LOW-INCOME SENIORS WHO MAINTAIN LONG-TERM RESIDENCY ON PROPERTY; EQUAL TO ASSESSED VALUE (2012, HJR 169) (on ballot, passed)
- TANGIBLE PERSONAL PROPERTY TAX EXEMPTION. (2012, HJR 1003) (on ballot, failed)
- HOMESTEAD TAX EXEMPTION FOR CERTAIN SENIOR, LOW-INCOME, LONG-TERM RESIDENTS; DETERMINATION OF JUST VALUE (2016, HJR 25) (on ballot, passed)
- SOLAR DEVICES OR RENEWABLE ENERGY SOURCE DEVICES; EXEMPTION FROM CERTAIN TAXATION AND ASSESSMENT (2016, HJR 193) (on ballot, passed)
- AD VALOREM TAX DISCOUNT FOR SPOUSES OF CERTAIN DECEASED VETERANS WHO HAD PERMANENT, COMBAT-RELATED DISABILITIES (2020 HJR 877) (on ballot, passed)

25. These prior ballot titles demonstrate what a title is supposed to look like – neutral statements of what the measure is and is referred to. In contrast, the ballot title in the current proposal is not neutral and instead uses language (“Save our Homes” and “Excessive Property Taxes”) that is biased and leads a voter to vote for approval.

26. The use of the term “SAVE” constitutes political rhetoric designed to elicit an emotional response and is thus improper. The Supreme Court addressed this precise issue when faced with the proposed ballot title “SAVE OUR EVERGLADES,” which it rejected. *See On re Advisory Opinion to the Attorney General - Save Our Everglades*, 636 So.2d 1336, 1341 (Fla.1994) (“The title of the

present initiative—'SAVE OUR EVERGLADES'—is misleading. It implies that the Everglades is lost, or in danger of being lost, to the citizens of our State, and needs to be 'saved' via the proposed amendment. Yet, nothing in the text of the proposed amendment hints at this peril.”).

27. In contrast, the ballot title for the citizens initiative that placed the provision into the Constitution that capped the annual increases in assessments on homestead properties that is now commonly referred to as “Save Our Homes” (and was proposed by Save Our Homes, Inc.), did not include the words “Save Our Homes.” Rather, the ballot title was the neutral “HOMESTEAD VALUATION LIMITATION,” which the Supreme Court allowed on the ballot (and the voters approved). *In re Advisory Opinion to the Attorney General--Homestead Valuation Limitation*, 581 So.2d 586, 588 (1991).

28. The use of the term “EXCESSIVE PROPERTY TAXES” is also improper in that it also elicits an emotional response and constitutes a political judgment as to what is “excessive.”

29. The ballot summary is similarly biased and unfair. The joint resolution is required to include a “ballot summary that describes the chief purpose of the amendment or revision in clear and unambiguous language” and, of course, must be “fair.” Section 101.161(3)(a), Florida Statutes; *Armstrong*, 773 So.2d at 15. The summary here does neither. Instead the summary tells voters why they

should vote “yes” by stating how “[t]his amendment benefits Florida taxpayers by:” and then listing the purported benefits. That is not a description of the chief purpose, nor is it fair or impartial – by giving only one side, it is clearly biased.

30. The statement that the amendment “benefits Florida taxpayers”, by itself, constitutes advocacy rather than fact. It sets forth a clear position in favor of the proposal and is thus unfair.

31. The statements that follow -- “ensuring funding for core services,” “protecting small businesses,” and “ensuring fairness for Florida residents” -- constitute political taglines encouraging voters to approve the measure. They do not advise the voter what the measure does.

32. The purpose of a ballot summary is to explain what an amendment does “fairly,” “objectively” and “neutrally”; not to introduce the measure to the voters by announcing at the outset that the measure “benefits” them and then give political taglines telling them why they should vote “yes.”

**THE BALLOT STATEMENT IS
FACTUALLY INACCURATE AND MISLEADING**

a. **The Ballot Summary falsely states that the Proposed Constitutional Amendment is “Ensuring funding for core services.”**

33. The ballot summary for the Proposed Constitutional Amendment expressly provides that it is “[e]nsuring funding for core services” because it

“[r]equires local governments to use remaining property taxes solely for core public needs including public safety, education and schools, infrastructure, and natural resources.” See HJR 1F at p. 20 (emphasis supplied).

34. The ballot summary is factually untrue and highly misleading. In fact, if adopted, the Proposed Constitutional Amendment will *not* “ensure funding for core services” in any way whatsoever. In fact, by substantially reducing the local property tax base, the Proposed Constitutional Amendment will decrease the revenues available to local governments to fund *all* services, including core services.

35. Moreover, the Proposed Constitutional Amendment would not “require local governments to use remaining property taxes solely for core public needs”. Although that may have been included in the Governor’s original proposal, the final version adopted by the House and Senate added an additional, very broad category of allowable uses of ad valorem taxes. As a result, the Proposed Constitutional Amendment does not actually add any new restrictions on how local governments can use their remaining property taxes. *See HJR 1F at p. 18 (allowing local governments to use their remaining property taxes for “expenditures approved by ... county officers or municipal governing bodies, except those expenditures prohibited by general law.”)*. Thus, both before and after the Proposed Amendment, local governments may spend property taxes on

any expenditures that are not prohibited by general law – there is no provisions in the new Constitutional amendment that “require[] local governments to use remaining property taxes solely for core public needs.”

b. The Ballot Summary falsely states that the Proposed Constitutional Amendment is "protecting small businesses"

36. The ballot summary expressly represents that the Proposed Constitutional Amendment is “[p]rotecting small businesses,” and “[l]imits future property tax assessments on businesses.”

37. This portion of the ballot summary is also factually untrue and highly misleading. The statement is untrue because, while the Proposed Constitutional Amendment would broadly limit the amount of increase in taxable *valuations* for non-homesteaded property, HJR 1F at p. 7, potential changes (and likely increases) in ad valorem millage *rates* belie any assurance that the amount of taxes assessed on small businesses (and all other non-homesteaded properties) would be “limited.”

38. The ballot summary is also highly misleading because the Proposed Constitutional Amendment would not treat “small businesses” differently in any way from any other non-homesteaded property (i.e., “large” businesses, industrial property, office buildings or residential property not subject to a homestead

exemption). Indeed, “small businesses” are not referenced in the Proposed Constitutional Amendment in any way, however tangentially.

39. Finally, this portion of the ballot summary is misleading because (a) it doesn’t actually “limit assessment” but rather limits *increases* in assessments to 5% per year, and (b) does not disclose that there is already a limit in increases in assessments of 10%.

c. **The Ballot Summary falsely states that the Proposed Constitutional Amendment "requires, through general law, a schedule for full elimination" of homestead property taxes.**

32. The ballot summary expressly represents that the Proposed Constitutional Amendment exempts the first \$250,000 of a homestead’s value from taxation “and requires, through general law, a schedule for *full elimination*.” HJR 1F at p. 19 (emphasis added)

33. The Proposed Constitutional Amendment, however, requires no such thing. Instead, it provides only that “[t]he legislature shall, by general law, prescribe a uniform procedure for counties and municipalities, for their respective levies, to increase the amount of assessed valuation exempt from taxation . . . , up to all remaining assessed valuation.” HJR F1 at p. 12.

34. Thus, the Proposed Constitutional Amendment suggests that counties and municipalities will be authorized, in the future, to increase (or decide not to increase) the amount of the homestead exemption. In any event, even if the

referenced language could be read as suggesting that the legislature will, in the future, mandate counties and municipalities to increase the amount of the homestead exemption, that mandate would be “**up to** all remaining assessed valuation.” The statement in the ballot summary that the Proposed Constitutional Amendment would “require, through general law, a schedule for full elimination” of taxation on homesteaded property is categorically false and would mislead voters who want to fully eliminate such taxation to vote for the proposal.

d. **The Ballot Summary Falsely States that the Proposed Constitutional Amendment is “Ensuring fairness for Florida Residents.”**

35. The ballot summary expressly represents that Proposed Constitutional Amendment would “[e]nsur[e] fairness for Florida residents.” HJR 1F at p. 20.

36. In fact, the Proposed Constitutional Amendment would, for the first time, make the amount of the homestead exemption dependent upon the length of time the homeowner has resided in Florida. In particular, any homeowner who is not a permanent resident of Florida on December 31, 2026 would receive **no** increase in his homestead exemption for five tax years. HJF 1F at p. 9.

37. The current Florida Constitution “ensures fairness” by treating all homesteaded property owners the same. The Proposed Constitutional Amendment, which would begin taxing homeowners **differently** based upon the duration of their residency in this state, is the literal **opposite** of “fairness.”

38. The Proposed Amendment is also unfair to Florida residents who rent their homes, who are likely to see higher costs as landlords pass along higher property taxes resulting from increased millage rates, while Florida residents who own their home are treated to the benefit of a higher exemption.

39. Moreover, the current Save Our Homes protection has created what some view as inequities in that the owners identical, neighboring properties pay substantially different taxes depending upon when (and if) the properties were homesteaded. This new proposal will exacerbate that discrepancy.

e. **The Ballot Title misleadingly suggests that the Proposed Constitutional Amendment would reduce property taxes on all homes.**

40. The ballot title says it will “Save our homes from excessive property taxes.” This suggests to voters that the proposed measure would prevent increases in the amount of property taxes that would need to be paid for their homes so that such taxes do not become “excessive”. That, however, is not necessarily the case.

41. If a voter rents his or her home, the property tax to be paid on the home would not benefit from the increased homestead exemption and would not be subject to a lower tax, and most likely would be subject to a higher property tax (as a result of the likely increase in millage rate) that could be viewed as “excessive”. That higher tax would be paid by the landlord and passed on to the voter tenant in the form of higher rent.

42. Even if a voter owns his or her home and it is a primary residence, the voter still may not be “saved” from higher “excessive property taxes” because the benefit from the higher exemption for a particular homesteaded property (particularly homes with high taxable values) could be offset by a higher millage rate. This precise issue was addressed by the Florida Supreme Court in *In re Advisory Opinion to the Atty. Gen. re Additional Homestead Tax Exemption*, 880 So.2d 646. There, a political committee proposed a constitutional amendment that would have increased the homestead exemption from \$25,000 to \$50,000. *Id.* at 647. The ballot summary stated that the amendment “provides property tax relief to Florida home owners by increasing the homestead exemption . . .” *Id.* The Supreme Court struck it from the ballot, ruling:

The amount a homeowner pays in property tax, therefore, is a function of two factors: the assessed value of the property and the millage rate applied to the property. This amendment affects only the first factor: the property's valuation. It does not, as we stated above, affect a taxing authority's power to determine the millage rate. . . Therefore, even if this amendment is passed, “tax relief” is far from a *fait accompli*.

Of course, whether any local taxing authorities will raise millage rates in response to the amendment is not the issue. As counsel stated at oral argument, an increase in the millage rate is entirely speculative. Equally speculative is that authorities will *not* raise the rates. We simply do not know one way or the other. Yet the summary states that the amendment *will* ‘provide[] property tax relief.’ The fact that the power to raise rates

belongs to the local taxing authorities, however, and that this amendment does not affect that power renders the ballot summary misleading.

Id. at 652-53 (emphasis in original).

43. Thus, the suggestion in the ballot title that homes will be “saved” from “excessive property taxes” is misleading and, for many voters, not true.

f. **The Ballot Summary misleadingly suggests that the Proposed Constitutional Amendment would immediately be “exempting the first \$250,000 of a homestead’s value from taxation”.**

44. The ballot summary states that the Proposed Constitutional Amendment would “[e]xempt[] the first \$250,000 of a homestead’s value from taxation.” HJR 1F at p. 19.

45. In fact, the Proposed Constitutional Amendment would exempt only \$150,000 of the value of homestead property owned by qualifying owners for calendar year 2027. The \$250,000 exemption would take effect for calendar year 2028. HJR 1F at p. 9. No mention of this delayed implementation is mentioned in the ballot summary.

46. A proposed constitutional amendment that would change the amount of the homestead exemption, but whose Ballot Statement does not contain the effective date, is misleading, and must be stricken from the ballot. *Roberts*, 43 So.3d at 660.

ELEMENTS OF ACTION FOR DECLARATORY JUDGMENT

47. All elements necessary to support a cause of action for declaratory relief are present.

- a. There is a bona fide, actual, present need for a declaration that the proposed Ballot Statement is not neutral or objective, and is in fact misleading and materially false.
- b. The declaration sought deals with a present controversy as to an ascertainable set of facts.
- c. Constitutionally provided rights and privileges of Florida voters and homeowners are dependent upon the law applicable to the facts.
- d. Plaintiffs have an actual, present, adverse and antagonistic interest in the subject matter of this Complaint.
- e. The antagonistic and adverse interests are all before this Court.
- f. The relief sought is not merely the giving of legal advice or providing the answer to a question propounded from curiosity, but stem from an actual controversy.

WHEREFORE, SAVE OUR VOTERS, THOMAS F. CAMPENNI and MICHAEL W. DAVEY seek a declaration that the Ballot Statement is unconstitutionally biased, misleading and inaccurate, and an order directing GENERAL UTHMEIER to redraft the Ballot Statement in a manner that will

correct all deficiencies and will be neutral, objective and accurate, and for such other relief as the Court deems appropriate, including, but not limited to, injunctive relief.

Dated: June 11, 2026

Respectfully submitted,

WEISS SEROTA HELFMAN
COLE + BIERMAN, P.L.
Counsel for Plaintiffs
200 East Broward Blvd., Ste. 1900
Fort Lauderdale, FL 33301
Telephone: (954) 763-4242
Telecopier: (954) 764-7770

By: /s/ Daniel L. Abbott

Jamie A. Cole

Florida Bar No. 767573

Primary email: jcole@wsh-law.com

Secondary: msarraff@wsh-law.com

Daniel L. Abbott

Florida Bar No. 767115

Primary: dabbott@wsh-law.com

Secondary: pgrotto@wsh-law.com

Bryan C. Siddique

Florida Bar No. 435066

Primary: bsiddique@wsh-law.com

Secondary: mboschini@wsh-law.com



**Legislation
5.2.**

City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

TO:	Mayor and City Commission
FROM:	Sponsored by City Manager Darvin Williams
VIA:	City Manager Darvin Williams
DATE:	June 22, 2026

RE: QUASI-JUDICIAL LEGISLATION -Resolution No. R2026-73 Approving a Site Plan Modification for the Construction of a 572,656 Square Foot, 23 Story Mixed Use Development, Located at 2040 NE 163rd Street (Sponsored by City Manager Darvin Williams)

Description

BACKGROUND

ANALYSIS:

RECOMMENDATION:

**FISCAL/ BUDGETARY
IMPACT:**

ATTACHMENTS:

Description

- Application
- Resolution

2. QUASI- JUDICIAL PUBLIC HEARING

- a. 25-08 The William Major Modification of Site Plan Approval



**Community Development Department – Planning and Zoning Division
 17050 NE 19th Avenue, 1st Floor
 North Miami Beach, FL 33162
 (305) 948-2966**

STAFF REPORT – CITY COMMISSION MEETING		
Meeting Date: 5/19/2026	Case Number: 25-08	Name: The William Major Modification of Site Plan Approval

REQUEST

A resolution of the City of North Miami Beach approving the request for 2040 NE 163rd Street submitted by Steven J. Wernick, Esq., AICP on behalf of 2040 NE 163rd Holdings, LLC. for modification of site plan approval granted on January 18, 2022 by Resolution R2022-14, for the construction of a 572,656 square foot (SF), 23 story mixed use development including a 30 unit hotel, 7,328 SF of retail, 334 residential dwelling units, and 410 parking spaces along with three variances; as amended by administrative minor site plan approval granted by the Department of Community Development on April 22, 2025, to allow for an increase in total building floor area to 650,384 square feet, increase in building height to 25 stories / 272 feet 8 inches, increase in open space to 41,326 square feet, provide 10 additional residential dwelling units, and reduce ground floor commercial space by 2,930 SF to 4,526 SF; to allow for the elimination of the approved hotel use, an increase in the number of residential dwelling units by 30 to a total of 374 and an increase in parking spaces to 457, with no other modifications to the prior project approvals.

BACKGROUND

The subject property was originally approved by City Commission on January 18, 2022, for development by Resolution R2022-14. This resolution granted approval for a 23 story mixed use development of 572,456 total square feet (SF) containing a 30 unit hotel, 7,328 SF of ground floor retail space, 334 residential dwelling units, and 410 parking spaces. The applicant requested modification of this original site plan approval in 2025, to allow for an increase in total building floor area to 650,384 square feet, increase in building height to 25 stories / 272 feet 8 inches, increase in open space to 41,326 square feet, provide 10 additional residential dwelling units, and reduce ground floor commercial space by 2,930 SF to 4,526 SF. This modification was determined by Community Development to be a “minor modification”

Zoning Application Staff Planner: Javier Parra-Garcia Planner Assisted by: Mitchell S. Austin, AICP, CNU-A Assistant Director Community Development Department	Review Dates: Planning and Zoning Board: 4/13/2026 City Commission Meeting: 5/21/2026	Attachment: I. Staff Report II. Resolution III. Exhibit A to Resolution IV. Application V. TRAD Findings VI. Staff Presentation VII. Applicant Presentation
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under the provisions of Section 24-172.1 Administrative Site Plan Review. As such this modification was approved administratively by the Community Development Department on April 22, 2025. Later in 2025 the applicant requested the current site plan approval modification to eliminate the hotel use, eliminate the variance for minimum lot size of two acres for hotel use, and add 30 additional residential dwelling units. Upon initial review, the Community Development Department determined that this modification request exceed the threshold of a “minor modification” under the provisions of Section 24-172-1 Administrative Site Plan Review. As such this application for site plan modification needed to follow the provisions of Section 24-172 Site Plan Review requiring staff technical review (TRAD), as well as public hearings at Planning and Zoning Board for recommendation and City Commission for final decision.

General Data

Applicant	Steven J. Wernick, Esq., AICP, authorized agent on behalf of 2040 NE 163rd Holdings, LLC
Property Owner	2040 NE 163rd Holdings, LLC
Property Address	2040 NE 163rd Street, North Miami Beach, FL 33162
Folio Number	07-2216-012-0220
Future Land Use Category	Mixed-Use Employment Center
Zoning District	Mixed-Use Employment Center (MU/EC)
Adjacent Zoning Districts:	
North	Mixed-Use Town Center (MU/TC)
South	Mixed-Use International Boulevard – East (MU/IB-E)
East	Mixed-Use Employment Center (MU/EC)
West	Mixed-Use Employment Center (MU/EC)
Existing Land Use	Office Building - Multistory
Existing Building Area	26,766 Square Feet

STAFF FINDINGS

Based on analysis of the complete application package provided by the applicant, the Technical Review of Application for Development (TRAD) committee provided sign-off including the following summarized project findings:

General

Proposed redevelopment of the existing site consists of a single building with a total floor area of 650,384 square feet, a height of 25 stories / 272 feet 8 inches, containing 374 residential dwelling units, 4,526 square feet of ground floor commercial space, and 457 parking spaces along with 41,326 square feet of on-site open space.

Police / Crime Prevention Through Environmental Design (CPTED):

- CPTED appropriate landscape and exterior lighting
- Security cameras for interior and exterior common areas
- Required to participate in the North Miami Beach Police Department Trespass After Warning Program

- Provide the NMB Police Department with access codes to any and all security gates/door and elevators

Utilities:

- Prior to the issuance of a building permit the applicant is required to address the following comments related to the existing sanitary sewer force main located in the recorded 10 foot utility easement along the east side of the site:
 - Existing force main shall be protected by a metallic casing (steel or ductile iron)
 - Permanent, unobstructed access with a minimum vertical clearance of 12 feet shall be provided
 - Civil plans submission shall be submitted for review and approval by NMB Water concurrent with plans submission for all proposed water and sewer improvements for the site
 - Any site work prior to placement of the metallic casing must include plans illustrating all necessary measures proposed to be taken to protect the pipe during this work performed prior to metallic casing installation

Public Works:

- No Comments

Solid Waste:

- No Comments

Planning and Zoning:

- No Comments

Traffic:

- Prior to issuance of building permit applicant is required to address
 - All comments from Miami-Dade County Department of Transportation and Public Works
 - All comments Florida Department of Transportation Access management Review Committee
- Once building is fully operational development operator or owner is required to provide:
 - An updated valet operational analysis should city find that the two valet attendants proposed in the pre-construction analysis have any adverse impact on the adjacent roadway network

Landscape:

- No Comments

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The Major Modification of prior Site Plan Approval for The William is supported by the following goals, objectives, and policies of the City of North Miami Beach Comprehensive Plan

Future Land Use Element

Goal 1

Encourage redevelopment and development to enhance the economic base of the City, improve the aesthetic quality of the commercial corridors and existing neighborhoods, and provide a

range of housing and employment opportunities to accommodate, serve and employ the projected population, while protecting established single family neighborhoods.

Objective 1.6

Facilitate mixed-use and planned unit development projects that are of appropriate intensity, density, land use mix, and urban design to foster walkable neighborhoods, great public spaces, and increase the viability of pedestrian, bicycle and public modes of transportation, and reduce dependency on the automobile.

Policy 1.6.7

The Mixed-Use/Employment Center (MU/EC) land use designation is hereby created to permit economic development supportive of high technology and service-based activities that are compatible with residential uses as specified in the appropriate zoning district in the Land Development Code. Limited auto-oriented uses are considered acceptable in this district but are required to be designed in a manner that encourages pedestrian and transit use. Mixed-use may be vertically or horizontally integrated based on compatibility and other factors. Stand-alone office park-style development as well as live-work buildings are equally appropriate in this district as are stand-alone residential buildings.

Property Rights Element

Goal 1

Consider the rights of property owners in all local decision-making.

Objective 1.1

Apply rules, ordinances, and regulations with sensitivity for private property rights.

Policy 1.1.2

In local decision-making, the City of North Miami Beach shall consider the right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.

STAFF RECOMMENDED CONDITIONS

Based on analysis of the complete application package provided by the applicant, Resolution R2022-14, and the Administrative Site Plan Modification approved on April 22, 2025, the Technical Review of Application for Development (TRAD) committee determined that the proposed Major Modification to the previously granted Site Plan Approval for 25-08 The William 2040 NE 163rd meets all the technical requirements of all applicable provisions of Chapter XXIV Zoning and Land Development of the City Code of Ordinances. This determination includes the recommended project conditions contained in Section 2 of the proposed Resolution for approval.

RECOMMENDED MOTION:

Move to recommend to the Mayor and City Commission of the City of North Miami Beach approval of Resolution R2025-XX for major modification to prior site plan approval granted on January 18, 2022 by R2022-14 and as amended by administrative site plan approval granted on April 22, 2025, to permit the

construction of a mixed-use building with a maximum height of 25 story / 272 feet 8 inches, including 4,526 square feet of ground floor commercial space, 374 residential dwelling units, and 410 parking spaces, finding it is consistent with the applicable provisions of the City of North Miami Beach Zoning and Land Development Code and the City of North Miami Beach Comprehensive Plan.

*** NOTE: The Planning and Zoning Board has the express authority to recommend approval, approval with amendments, or denial of any item. Any motion to approve with amendments or denial should include stated cause or causes of said action.

FISCAL/BUDGETARY IMPACT:

Proposed Resolution for 25-08 The William 2040 NE 163rd Street permitting the development of a 25 story building containing 4,526 square feet of ground floor commercial space, 374 residential dwelling units, and 457 parking spaces, is anticipated to have a positive fiscal impact on the City of North Miami Beach Debt Service of an estimated \$10,450 annually and the City of North Miami Beach Community Redevelopment Area (CRA) budget of an estimated \$548,720 annually upon completion of the proposed development. The following is a summary of operating assumptions and calculations used to reach the stated conclusion:

Subject property, folio 07-2216-012-0220, has a total land area of approximately 48,965 square feet (+/- 1.12 acres), which is occupied by a 26,766 square foot 2-story office building with surface parking. The Miami Dade County Property Appraiser 2025 assesses this property as follows:

Component	Size Square Feet	2025	Value per Square Foot (SF)
Land	48,965	\$ 5,526,150	\$112.86
Building	26,766	\$ 2,105,586	\$78.67
Extra Feature (surface parking lot)		\$ 192,864	
Market Value		\$ 7,824,600	
Assessed Value		\$ 7,640,886	

The Property Appraiser did make a minor correction from their calculated Market Value of \$7,824,600 to arrive at the Assessed (Taxable) Value of \$7,640,886 for the property, for a total tax 2025 tax bill of \$161,994.26. Of this total bill, the taxes due to the City of North Miami Beach, including both the 6.1 mills for operating and 0.2 mills for debt service, were \$48,137.28.

Staff assumed that the assessed value of the actual land would remain the same. Therefore, the increase in assessed value of the property should be directly related to the increase in the total building area (square feet). To test this staff examined the building values assigned by the Miami-Dade County Property Appraiser of other more recently completed buildings in the City of North Miami Beach of similar character to the proposed development. Specifically, these building characteristics were multi-story primarily residential development with structured, not surface, parking which have 2025 building valuations

calculated and published by the Property Appraiser. This resulted in a small sample of two developments, Lazul North Maimi Beach Apartments (Folio: 07-2216-007-0051) an eight (8) story apartment building with structured parking completed in 2018 and Soleste NoMi Beach Apartments (Folio: 07-2216-042-0010) a 23 story mixed-use apartment building with structured parking completed in 2023.

Building	Building Size Square Feet	2025 Assessed Value	Value per SF
NoMi Beach Apartments	879,433	\$ 87,421,402	\$ 99.41
Lazul Apartments	547,797	\$ 64,685,610	\$ 118.08

Between these two parcels the assessed value of the buildings are \$118.08/SF and \$99.41/SF compared to \$78.76/SF for the existing building of 1968 vintage on the subject property. Given the age of the existing building on the subject property and its lack of structured parking and the limited number of comparable buildings in the City of North Miami Beach to the proposed development, staff chose to base the estimate project value on the \$99.00 slightly less than the lower of the two value per square. Based on these assumptions staff calculated the anticipated increase in assessed value of the subject property as follows:

572,456 SF * \$ 99.00/SF = \$ 56,673,144 estimated assessed value of proposed building in 2025 dollars
\$ 56,673,144 – (\$ 2,105,586 + \$ 192,864) = \$ 54,374,694 estimated increase in assessed value

- \$ 2,105,586 is existing building value
- \$ 192,864 is existing extra feature (surface parking lot) value

Adding back in the current land value of \$ 5,526,150 provides an estimated total post development property value of **\$ 59,900,844**.

Estimated taxes for the City of North Miami Beach based on the estimated taxable value of \$59,900,844 at the current millage rates are:

Operating (6.1 mills): \$ 371,385.23

Debt Service (0.2 mills): \$ 11,980.17

Total: \$ 383,365.40

Because the subject property is within the boundary of the City of North Miami Beach Community Redevelopment Area (CRA), the increase in taxable value from the proposed development will accrue to the CRA operating budget not the City of North Miami Beach General Fund Budget. The City of North Miami Beach CRA also receives the majority of the increase in tax collections that would otherwise accrue to Miami-Dade County General Operating Fund. The estimated increase in taxable value for the subject property is \$ 52,259,958. As a result, the CRA is estimated to receive an estimated **\$ 548,729.56** in additional revenues annually upon completion of the proposed development.

The City of North Miami Beach would still receive the total increase in revenue collected through the Debt Service millage rate of 0.2 of **\$11,980.17** in addition to the current value of Operating millage rate of 6.2 mills on the established pre-CRA taxable value of this property in 2005.

RESOLUTION

25-08 The William Major Modification of Site Plan Approval

ATTACHMENT III

RESOLUTION NO. R2025-XX

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING MAJOR MODIFICATION OF THE DEVELOPMENT SITE PLAN APPROVAL GRANTED ON JANUARY 18, 2022 BY RESOLUTION R2022-14, FOR THE CONSTRUCTION OF A BUILDING WITH A TOTAL FLOOR AREA OF 572,456 SQUARE FEET, BUILDING HEIGHT OF 23 STORIES / 255 FEET WITH A MIX OF USES A INCLUDING 30 UNIT HOTEL, 7,328 SQUARE FEET OF RETAIL, 334 RESIDENTIAL DWELLING UNITS, AND 410 PARKING SPACES ALONG WITH THREE VARIANCES; AS AMENDED BY ADMINISTRATIVE MINOR SITE PLAN APPROVAL GRANTED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT ON APRIL 22, 2025, FOR INCREASE IN TOTAL BUILDING FLOOR AREA TO 650,384 SQUARE FEET, INCREASE IN BUILDING HEIGHT TO 25 STORIES / 272 FEET 8 INCHES, INCREASE IN OPEN SPACE FROM 30,177 SQUARE FEET TO 41,326 SQUARE FEET, PROVIDE 10 ADDITIONAL RESIDENTIAL DWELLING UNITS, AND REDUCE RETAIL SPACE TO 4,526 SQUARE FEET; TO ALLOW FOR THE ELIMINATION OF THE APPROVED HOTEL USE, ELIMINATION OF THE VARIANCE FROM MINIMUM LOT SIZE REQUIREMENTS FOR HOTEL USE; AND INCREASE THE NUMBER OF RESIDENTIAL DWELLING UNITS BY 30 TO A TOTAL OF 374 WITH NO OTHER MODIFICATIONS TO THE PRIOR PROJECT APPROVALS FOR THE PROPERTY LOCATED AT 2040 NE 163RD STREET; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach (“City”) Code of Ordinances, Chapter 24, Zoning and Land Development, Article XV, Other Development Review Procedures, 24-172, Site Plan Review provides that the site plan review process is required for any proposed major modification of any previously approved site plan review approval; and

WHEREAS, Steven J. Wernick, Esq., AICP, authorized agent on behalf of 2040 NE 163rd Holdings, LLC (the “Applicant”), request for major modification of the site plan approval granted on January 18, 2022, by R2022-14 for The William (formerly Blue Quinta). The applicant seeks to modify the existing site plan approval to eliminate the hotel use and add thirty (30) additional residential dwelling units to a total of 374 residential dwelling units and 4,526 square feet of

ground floor commercial space and 410 space parking structure all within originally approved 572,456 square foot, 23 story building as detailed more fully in EXHIBIT B located at 2040 NE 163rd Street, North Miami Beach, FL 33162 as otherwise described in EXHIBIT A; and

WHEREAS, on April 22, 2025, the Community Development Department granted approval of a minor modification of prior site plan approval, for the increase of total building floor area of thirteen (13) percent from 572,456 Square Feet to 650,384 square feet, an eight (8) percent increase in building height from: 23 stories / 255 feet to: stories / 272 feet 8 inches, thirty seven (37) percent increase in open space from 30,177 square feet to 41,326 square feet, thirty nine (39) percent decrease in ground floor commercial area from 7,328 square feet to 4,526 square feet, increasing residential dwelling units by 10 from 334 to 344; and

WHEREAS, the proposed major modification of prior site plan approval, eliminates the 30 unit hotel use and increases the number of residential dwelling units by 30 from 344 to 374; and

WHEREAS, the proposed elimination of the hotel use eliminated the need for the variance granted in R2022-14 from the requirement of Section 24-58.2 (G) Table MU/EC-1 which requires a minimum site area of two acres for hotel use; and

WHEREAS, the Technical Review of Application for Development (TRAD) Committee based on the application package, Resolution R2022-14 Site Plan Approval granted on January 14, 2022, and the Administrative Site Plan Approval granted on April 22, 2025, determined this application for major modification of prior site plan approval meets all the applicable requirements of the City Code of Ordinances; and

WHEREAS, the TRAD Committee has recommended conditions of approval identified in Section 2 Project Conditions of this resolution; and

WHEREAS, the City's Planning and Zoning Board, as the Local Planning Agency, held a duly noticed public hearing on **April 13, 2026**, and reviewed the proposed resolution for consistency with the City of North Miami Beach's ZLDC and Comprehensive Plan, and recommended approval by a vote of to ; and

WHEREAS, the Mayor and City Commission find the proposed resolution to be consistent with the North Miami Beach's ZLDC and Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:

Section 1. **Recitals.** The foregoing whereas clauses are true and correct and adopted as the legislative and administrative findings of the City Commission and made a specific part of this Ordinance; all exhibits attached hereto are made a specific part of this Resolution.

Section 2. Findings of Fact. The Mayor and City Commission make the following findings of fact based upon the substantial competent evidence provided by the applicant, pursuant to 24-172 of the Zoning and Land Development Code. This application is a major modification to site plan approval is based on:

1. Approval granted by Resolution R2022-14 on January 14, 2022, construction of a building with a total floor area of 572,456 square feet, building height of 23 stories / 255 feet with a mix of uses including a 30 unit hotel, 7,328 square feet of retail, 334 residential dwelling units, and 410 parking spaces along with three variances
2. Administrative site plan approval amendment granted of April 22, 2025, allowing an increase in total building floor area to 650,384 square feet, a increase in building height to 25 stories / 272 feet 8 inches, an increase in open space from 30,177 square feet to 41,326 square feet, increase of 10 additional residential dwelling units, and a reduction retail space to 4,526 square feet to the approval granted by R2022-14

To allow for the elimination of the hotel use, the elimination of the associated minimum lot size variance for hotel use, and providing an increase of 30 residential dwelling units to a total of 374 dwellings, along with 4,526 square feet of ground floor commercial space, and 448 space parking garage all within a single building with a total floor area of 650,384 square feet, with a height of 25 stories / 272 feet 8 inches, and including 41,326 square feet of on-site open space redeveloping the existing property otherwise described and incorporated herein as attached in EXHIBIT A. Based on these findings the Mayor and City Commission approve the proposed development subject to the following conditions:

Project Conditions:

The conditions of approval for this site plan are binding on the Applicant, the property owners, operators, and all successors in interest. Unless otherwise noted these conditions shall be completed and complied with prior to the issuance of a building permit:

1. Construction of the proposed project shall be in conformance with the plans provided in EXHIBIT B
2. Any future proposed modifications to the approved plans in EXHIBIT B shall be reviewed and approved under the provisions of Section 24-172 Site Plan Review or Section 24-172.1 Administrative Site Plan Review as determined by the Community Development Department.
3. Applicant shall remove the public hearing sign within two business days of the public hearing.
4. Applicant shall comply with all applicable conditions and permit requirements of the Departments of Fire; Water and Sewer; Regulatory and economic Resources; Transportation and Public Works of Miami-Dade County; Florida Department of Transportation; Florida Department of Environmental Protection; South Florida

Water Management District; and any other applicable regulatory agency.

General Conditions:

1. Prior to issuance of any Master Building Permit, the Applicant shall execute a covenant running with the land, binding upon its heirs, successors, and assigns, subject to the approval of the City Attorney, which shall be recorded in the public records of Miami- Dade County, Florida, at Applicant's sole expense, containing all of the conditions and provisions required by this Resolution. This recorded covenant may be amended from time to time and shall be re-recorded after each amendment at the Applicant's sole expense, subject to the approval of the City Attorney
2. Construction of the proposed project shall be in conformance with the following certified plans signed by the Community Development Director on file with the City of North Miami Beach Community Development Department Planning and Zoning Division with file number [CC-XX-YYYY].
3. Prior to the issuance of the Master Building Permit, the Applicant shall submit a Site Management Plan and a Temporary Construction Fencing plan pursuant to Section 16-5 of the North Miami Beach Code of Ordinances.
4. All representations proffered by the Applicant's representatives as a part of the application review at the Planning and Zoning Board and City Commission public hearings.
5. Substantial modifications to the plans submitted and approved as part of the application may require the Applicant to return to the Planning and Zoning Board and Mayor and City Commission for approval. Insubstantial changes shall include proportionate reductions in residential units and parking spaces by less than 5% of the total proposed project, changes that do not alter the project by more than 5% of lot coverage, setbacks, height, density and intensity calculations so long as the proposed amendment does not cause an increase in the number of average daily trips; does not alter the location of any points of ingress, egress, access and vehicular and pedestrian patterns to the site; and does not violate any condition placed upon the site plan as originally approved. Insubstantial changes may be administratively approved by the City Manager or designee. Any de minimis amendments to the plans or site plans which cannot be resolved administratively shall be returned to the Mayor and City Commission for a formal review. However, under no circumstances may any plans, site plans, building, structure, or project be administratively altered by more than 5% lot coverage, setbacks, height limitations, as well as density or intensity calculations set forth in a previously approved site plan.
6. The Applicant shall remove all public hearing signage no later than 48 hours after the final public hearing by the City Commission for the development project.
7. No later than 90 days following the final City Commission approval, the Applicant

shall enter into an agreement with the City to defend, indemnify and hold harmless (using legal counsel acceptable to the City) the City, its agents, servants, and employees, from and against any loss, cost, expense, claim, demand or cause of action of whatever kind or nature arising out of or related to any act or omission related to the variances and for which the City, its agents, servants, or employees, are alleged to be liable or charged with such expense. The Applicant shall pay all costs and expenses related to any legal defense required by the City pursuant to the foregoing.

8. The Applicant shall comply with all applicable conditions and permit requirements of the Miami-Dade County Fire Department, the Water, and Sewer Department, and Department of Regulatory and Economic Resources, the Florida Department of Environmental Protection (FDEP), the Florida Department of Transportation (FDOT) and any other applicable regulatory agency.
9. The words "Aventura", "Miami Beach," and "Sunny Isles Beach" shall not be used by the applicant immediately preceding or following the Project name. The words "Aventura", "Miami Beach" and "Sunny Isles Beach" shall not be part of the website address for the Project. References in the marketing materials to nearby communities shall be limited to descriptions of entertainment, shopping or dining locations, or other landmarks; the Applicant shall identify the Project as being in the City of North Miami Beach, Florida.
10. The Applicant shall post a sign on-site providing contact information in case of any complaint or concern during construction. The sign shall be removed upon the earlier of the City's issuance of a temporary or full Certificate of Occupancy.
11. The Applicant must join the NMBPD Trespass After Warning Program, provide the NMBPD with access to the property at all times, and a safety plan; participate in the NMBPD Rapid Response Training Program; link the alarm systems directly to the NMBPD; and keep former employee information on file after the termination of employment.
12. The Applicant, its successors, and assigns shall comply with all City ordinances applicable to development and permit approvals at the time of the approval of the Resolution, and in the event the Master Building Permit expires, all approvals and prior fees paid, shall be subject to forfeiture. This shall not be applied to the City of North Miami Beach impact fees paid, which would not be refunded but would be credited to the property for any subsequent development.
13. The Applicant shall obtain a Certificate of Occupancy and Certificate of Use from the City upon compliance with all terms and conditions. The Certificate of Use shall be subject to review upon violation of any of the conditions, in accordance with the law.
14. Upon issuance of a hurricane warning by the National Weather Service or similar agency, all removable items from pool decks, roof decks, and other outdoor spaces shall be immediately removed and secured.

Section 5. Limitation of Approval. Pursuant to Section 24-172(I) of the Code of Ordinances of the City of North Miami Beach, the site plan shall remain valid for a period of 18 months from the date of approval with a master building permit issuance required, unless extended pursuant to Section 24-172 (I), or applicable State Law. If a master building permit is not issued prior to the expiration of the resolution, the site plan approval, including any development right entitlements and any subsequent phasing, shall be considered null and void. If a site plan expires, a new submittal shall be required with board approvals. Any further modification to this approval will require site plan review for major site plan modifications requiring board approvals, which will receive a new 18- month period starting from the date of the modified final site plan approval. Additionally, if at any time a building permit lapses, the site plan, including all phases thereof, shall be considered null and void. The issuance of this development permit does not in any way create a vested right(s) on the part of the Applicant to obtain a permit from a county, state, or federal agency, and does not create any liability on the part of the municipality for issuance of the permit if the Applicant fails to obtain requisite approvals or does not fulfill the obligations imposed by a county, state or federal agency or undertakes actions that result in a violation of county, state, or federal law.

Section 6. Conflicts. All resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 7. Effective Date. This Resolution shall be in force and take effect immediately upon its passage and adoption.

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APPROVED AND ADOPTED on reading this ____ day of _____ 2026.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

MICHAEL JOSEPH
MAYOR

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE USE AND
RELIANCE OF THE CITY OF NORTH
MIAMI BEACH:

GREENSPOON MARDER, LLP

BY: _____
CITY ATTORNEYS

Sponsored by:

COMMISSIONERS	YES	NO	ABSTAIN	ABSENT
Mayor Michael Joseph				
Vice Mayor Fortuna Smukler				
Commissioner Jay Chernoff				
Commissioner Daniela Jean				
Commissioner McKenzie Fleurimond				
Commissioner Phyllis Smith				
Commissioner Lynn Su				

EXHIBIT A TO RESOLUTION

25-08 The William Major Modification of Site Plan Approval

SURVEYOR'S REPORT:

- Last day of field work was performed on December 8, 2025.
- Avino & Associates, Inc. and certifying Land Surveyor accept no responsibility for Rights-of-Way Easements, Restrictions of Record or other matters affecting title to lands surveyed other than those recited in current Deed and/or other instruments of record furnished by Client.
- Bearings shown herein are based on an assumed Bearing of N88° 31'28" E along the centerline of NE 163rd Street (SR 826), said line to be considered a well monumented line.
- By scaled determination the subject property appears to lie in Flood Zone X, Elevation N/A, as per Federal Emergency Management Agency (FEMA) Community-Panel Number 120656, Map No. 1206C0141, Suffix L, Revised Date: 09-11-2009. An accurate Zoned determination should be made by the preparer of the map, the Federal Emergency Management Agency, or the Local Government Agency having jurisdiction over such matters prior to any judgments being made from the Zone as noted. The referenced Federal Emergency Management Agency Map states in the notes to the user that "this map is for insurance purposes only".
- The Survey depicted herein is not intended to show the location or existence of any Wetland or Jurisdictional areas, or areas of protected species of vegetation either natural or cultivated.
- Any use of this Survey for purposes other than which it was intended, without written verification, will be the user's sole risk and without liability to the surveyor. Nothing herein shall be construed to give any rights or benefits to anyone than those certified to.
- All Elevations refer to National Geodetic Vertical Datum (NGVD 1929).
- Vertical Control: Field-measured control for elevation information shown upon survey maps or reports shall be based on a level loop or closure to a second benchmark. Closure in feet must be accurate to a standard of plus or minus 0.05 ft. times the square root of the distance in miles. All surveys and maps or reports with elevation data shall indicate the datum and a description of the benchmark(s) upon which the survey is based. Minor elevation data may be obtained on an assumed datum provided the base elevation of the datum is obviously different than the established datum.
- Horizontal Control: The minimum relative distance accuracy for this type of Survey is 1 foot in 10,000 feet. The accuracy obtained by measurement and calculation of closed geometric figures was found to exceed this requirement. Well-identified features as depicted on the Survey Map were measured to an estimated horizontal positional accuracy of 1/10 foot.
- Since no other information other than what is cited in the Sources of Data were furnished, the Client is hereby advised that there may legal restrictions on the Subject Property that are not shown on the Survey Map or contained within this Report that may be found in the Public Records of Miami-Dade County, or the records of any other public and private entities as their jurisdictions may appear. The Surveyor makes no representation as to ownership or possession of the Subject Property by any entity or individual who may appear of public record.
- Fence ownership not determined.
- Legal descriptions provided by client or attesting title company.
- Boundary survey means a drawing and/ or a graphic representation of the survey work performed in the field, could be drawn at a shown scale and/or not to scale; the walls or fences may be exaggerated for clarity purposes.

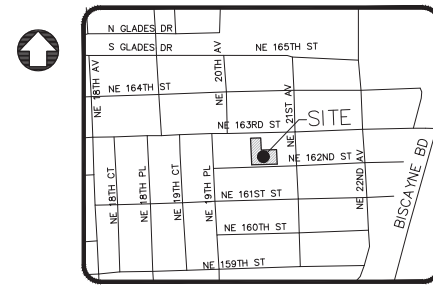
No excavation or determination was made as to how the Subject Property is served by utilities. No improvements were located, other than those shown. No underground foundations and/or improvements were located or shown herein.

This notice is required by the "Standards of Practice for Land Surveying in the State of Florida," pursuant to Chapter 5J-17, Florida Administrative Code and as adopted by the Florida Board of Professional Surveyors and Mappers pursuant to Chapter 472, Florida Statutes.

Notice is hereby given that Sunshine State One Call of Florida, Inc. must be contacted at 1-800-432-4770 at least 48 hours in advance of any construction, excavation or demolition activity within, upon, abutting or adjacent to the Subject Property. This Notice is given in compliance with the "Underground Facility Damage Prevention and Safety Act," pursuant to Chapter 556.101-111 of the Florida Statutes.

STRUCTURE TABLE		
#	STRUCTURE NAME	STRUCTURE DETAILS
1	SEPTIC TANK	RIM ELEV.=8.17 FULL OF GREASE
2	SEPTIC TANK	RIM ELEV.=8.07 FULL OF GREASE
3	SEPTIC TANK	RIM ELEV.=10.14 FULL OF GREASE
4	CATCH BASIN	RIM ELEV.=7.72 INV. ELEV. (N)=6.52 (6" METAL PIPE) INV. ELEV. (S)=6.47 (6" METAL PIPE) BOTTOM ELEV.=6.47
5	CATCH BASIN	RIM ELEV.=7.18 INV. ELEV. (NW)=5.08 (6" METAL PIPE) INV. ELEV. (S)=4.78 (12" CONCRETE PIPE) INV. ELEV. (W)=4.68 (12" CONCRETE PIPE) BOTTOM ELEV.=4.68
6	MANHOLE	RIM ELEV.=7.88 BOTTOM ELEV.=1.58 FULL OF GREASE
7	CATCH BASIN	RIM ELEV.=7.38 INV. ELEV. (S)=4.93 (12" CONC. PIPE) BOTTOM ELEV.=3.78
8	CATCH BASIN	RIM ELEV.=8.06 INV. ELEV. (S)=3.96 (15" PVC PIPE) INV. ELEV. (E)=3.76 (24" METAL PIPE) INV. ELEV. (W)=4.06 (24" PVC PIPE) RIM ELEV.=3.36
9	CATCH BASIN	RIM ELEV.=7.63 INV. ELEV. (S)=3.43 (18" METAL PIPE) INV. ELEV. (W)=3.63 (24" METAL PIPE) BOTTOM ELEV.=2.93
10	CATCH BASIN	RIM ELEV.=7.52 INV. ELEV. (N)=2.52 (15" PVC PIPE) BOTTOM ELEV.=2.12
11	CATCH BASIN	RIM ELEV.=7.48 INV. ELEV. (N)=3.68 (18" METAL PIPE) BOTTOM ELEV.=2.98
12	WELL	RIM ELEV.=8.68

TREE TABLE				
#	NAME	DHB (FT)	HEIGHT (FT)	SPREAD (FT)
1 to 3	PALM	1.5	30	15
4 to 17	PALM	0.5	25	10
18	PALM	1.5	30	15
19	TREE	1.6	35	12.5
20 to 22	TREE	1.5	35	12
23	TREE	1.2	35	12
24	PALM	1.8	15	10
25	TREE	1	25	20
26	TREE	1.6	35	12.5
27	TREE	1.4	35	30
28	TREE	1	25	12
29	TREE	0.3	7	3
30	TREE	1.8	35	25
31	TREE	1.6	35	12.5
32	PALM	0.4	5	4
33	TREE	2	30	25
34	TREE	1.5	25	20
35	TREE	1.6	35	12.5
36	PALM	0.4	5	4
37	TREE	1.6	35	12.5
38	PALM	0.4	10	6
39	PALM	0.4	5	3
40	TREE	0.4	5	4
41	TREE	1	20	15
42	TREE	1	16	8
43 to 44	TREE	1	25	15
45	TREE	1.2	25	20
46	TREE	0.8	15	10
47	TREE	0.5	16	6
48	TREE	1	25	12
49	TREE	1.2	25	20
50	TREE	1.2	20	20
51	TREE	0.3	7	3





PROJECT DATA TABLE		
PARKING TABLE		
BREAKDOWN	DESCRIPTION	PARKING SPACES
RETAIL	4526 SF (4526/1000x2)	9
RESIDENTIAL	374 UNITS (1 PARKING PER 20 UNITS) MIN.	374
VISITOR FOR RESIDENTIAL	1 PARKING PER 20 UNITS	19
ADA SPACES	2% OF TOTAL	10
ELECTRICAL VEHICLE (EVSE) CAR CHARGING STATION		20
ELECTRICAL VEHICLE (20% EV CAPABLE)		76
PARKING REQUIRED	PARKING PROVIDED	SURPLUS PARKING
393	448	55

PARKING SCHEDULE PER TYPE		
TYPE	COUNT	DESCRIPTION
EV	19	REGULAR PARKING SPACE (9' X 18') (+1 ADA EV) = 20
ADA (1#)	10	ADA PARKING SPACE, ACCESS AISLE ONE SIDE (12' X 18')
REGULAR	381	REGULAR PARKING SPACE (9' X 18')
TANDEM	38	TANDEM PARKING SPACE (9' X 18')
TOTAL	448	

Dwelling Unit Mix		
UNIT TYPE	COUNT	PERCENTAGE
1 BEDROOM	185	49%
2 BEDROOMS	145	39%
3 BEDROOMS	15	4%
STUDIO	29	8%
Total	374	100 %

SEAL:



Digitally signed by Javier Font Reason: I am the author of this document Date: 2026.03.02 10:47:33-0500

JAVIER FONT AR No. 12547

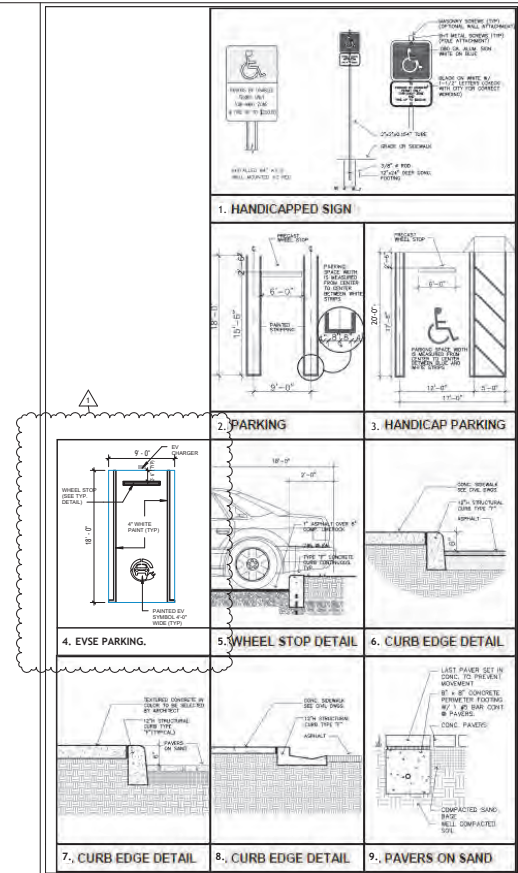
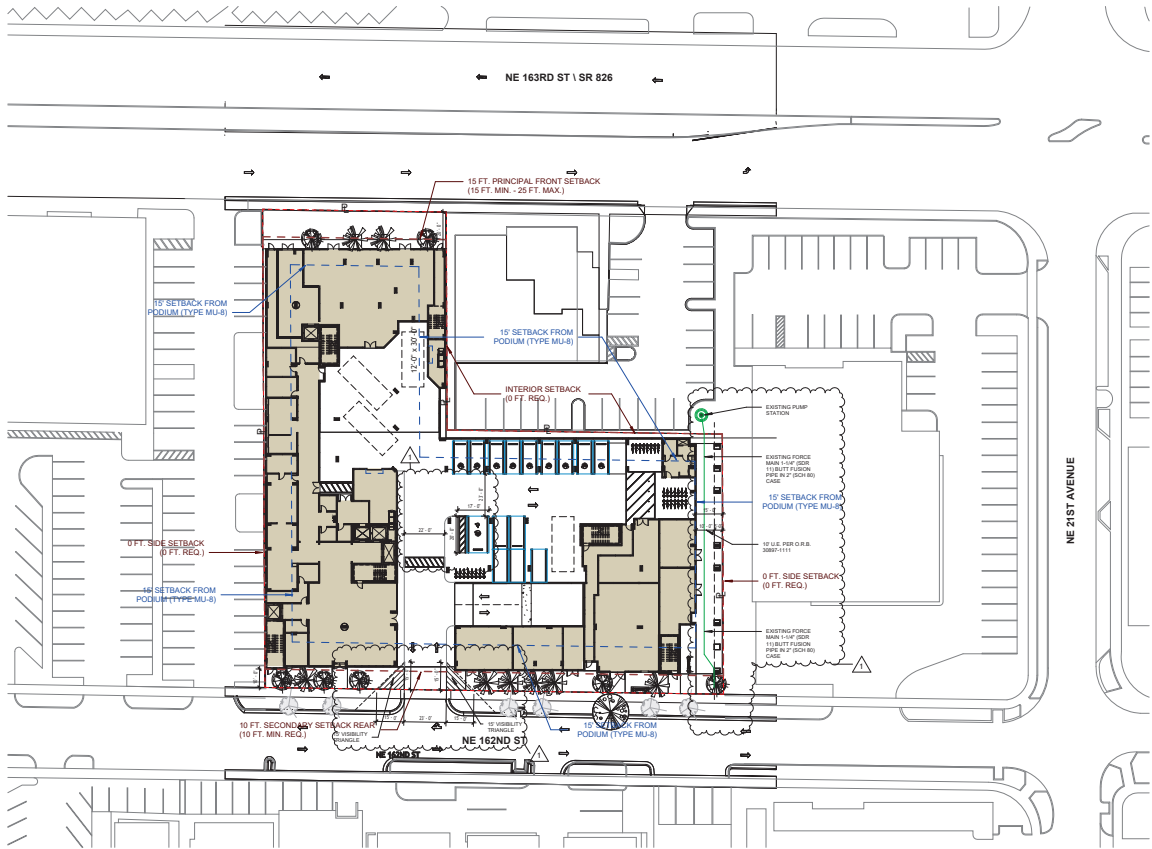
THE WILLIAM
 HR NMB MIXED-USE
 2040 NE 163RD STREET
 NORTH MIAMI BEACH, FLORIDA 33162
 2026 BEHAR FONT PARTNERS, P.A. THE DESIGN AND DRAWINGS FOR THIS PROJECT ARE PROPERTY OF THE ARCHITECT AND ARE PROTECTED UNDER THE COPYRIGHT PROTECTION ACT.

REVISIONS:
 △ TRAD COMMENTS
 12/16/2025

DATE: 10/29/2025
 PROJECT NO: 24-062
 DRAWING NAME: COMPARISON ZONING TABLE
 DRAWN BY: Author
 CHECKED BY: Checker
 SHEET NO: A-800

THE WILLIAM _ COMPARISON ZONING DATA TABLE

General Lot Information				
Municipality	City of North Miami Beach			
Zoning Classification	MU/EC			
Address	2040 NE 163rd St. North Miami Beach, Florida 33162			
Folio	07-2216-012-0220			
Lot Area	47,311 Sq. Ft. or 1.086 Acres			
FEMA Zone	AE Base Flood Elevations 6.0			
Current Use of Property	Office Building (26,766Sq. Ft.)			
Existing Structure Length	85.7 Ft.			
Water Service Provider	City of North Miami Beach (Miami-Dade Water and Sewer Dept. provides effluent treatment only).			
Waste Service Provider	City of North Miami Beach			
	APPROVED (As per Minor Modification Site Plan Approval, dated April 22, 2025)		PROPOSAL	
	Approved		NEW PROPOSAL	
Proposed Uses	Number of Dwelling Units	Sq. Ft.	Number of Dwelling Units	Sq. Ft.
Residential	344	281,306	374	299,529
Hotel	30	18,223		
Total	374	299,529	374	299,529
Retail	N/A	4,526	N/A	4,526
Gross Floor Area	N/A	650,384	N/A	650,384
Lot Occupation	Approved		PROPOSAL	
Lot Area	47,311 Sq. Ft. or 1.086 Acres		N/A	47,311 Sq. Ft. or 1.086 Acres
Lot Width	Range 100' to 250'		200' min - 250' max	Range 100' to 250'
Lot Coverage	Approved		PROPOSAL	
Impervious Area	42,502 Sq. Ft. (89.8%)		Min= N/A - Max = 90%	42,502 Sq. Ft. (89.8%)
Pervious Area	4,809 Sq. Ft. (10.2%)		Min= 10% - Max= N/A	4,809 Sq. Ft. (10.2%)
Floor Area Ratio (FAR)	N/A		N/A	N/A
Primary Frontage (NE 163rd St.)	98%		60%	98%
Secondary Frontage (NE 162nd St.)	99.70%		70%	99.70%
Open Space Requirements	41,326 Sq. Ft. (87%)		10% Lot Area min for Common Area, Private Open Spaces	41,326 Sq. Ft. (87%)
Density	N/A		N/A	
Building Setbacks	Approved		PROPOSAL	
Primary (NE 163rd St.)	15 Ft. ; 15 Ft. - From Podium (10th Level and Up).	20' - 0" Ft	15 Ft. ; 15 Ft. - From Podium (10th Level and Up).	20' - 0" Ft
Secondary (NE 162nd St.)	10 Ft. ; 15 Ft. From Podium (10th Level and Up).	10 Ft.	10 Ft. ; 15 Ft. From Podium (10th Level and Up).	10 Ft.
Building Height	Approved		PROPOSAL	
Building Height	25 Stories / 272'-8"		25 Stories / 272'-8"	
Additional Building Standards	Approved		PROPOSAL	
Minimum dwelling unit size	550 SF	550-1414 SF	550 SF	550-1414 SF
Cumulative average of all dwelling units	Not less than 800 SF	801 SF	Not less than 800 SF	801 SF
Total		448 parking spaces		448 parking spaces
Parking requirements	Approved		PROPOSAL	
Residential + guest Min.: 1 per unit, plus 1 per 20 units for guest parking Max.: 2 per unit, plus 1 per 20 units for guest parking	Min.: 391 Parking Spaces Max.: 767 Parking Spaces	448 Parking Spaes	Min.: 391 Parking Spaces Max.: 767 Parking Spaces	448 Parking Spaces
Hotel 1 per 4 rooms; 1 per 15 rooms for staff	10	10	0	0
Retail Min.: 2 per 1000 sf Max.: 4 per 1000 sf	Min.: 9 Parking Spaces Max.: 18 parking Spaces	9	Min.: 9 Parking Spaces Max.: 18 parking Spaces	9
Total		448 parking spaces		457 Parking Spaces
Additional Parking Requirements	Approved		PROPOSAL	
ADA Min.: ADA spaces required (2% of total)	10		9 Min.	10
Bicycle Rack (1 Bicycle Rack space for every 15 parking spaces)	30 Bicycle Racks		30 Bicycle Racks	31 Bicycle Racks
Loading Residential - spaces for over 200 density units Retail - 1 space for 3000-10000 SF of retail	4 Loading Spaces		4 Loading Spaces	4 Loading Spaces



2 SITE PLAN
SCALE: 1/32" = 1'-0"

3 Curb Details
SCALE: 1" = 100'-0"

1. SUB AREAS REGULATING PLAN



2. STREET NETWORK CONNECTIVITY PLAN



3. OPEN SPACES AND GREENWAY PLAN



4. BUILDING HEIGHTS REGULATING PLAN



SEAL:
Digitally signed by Javier Font
Reason: I am the author of this document
Date: 2026.03.02 10:47:11-05'00'
JAVIER FONT AR No. 12547

THE WILLIAM
HR NMB MIXED-USE
2000 NE 163RD STREET
NORTH MIAMI BEACH, FLORIDA 33162

REVISIONS:
△ TRAD COMMENTS
12/16/2025

DATE: 10/29/2025
PROJECT NO: 24-062
DRAWING NAME: SITE PLAN
DRAWN BY: ILINCE/ALINCE/ARODRIGUEZ
CHECKED BY: JF
SHEET NO: A-006

2026 BEHAR FONT PARTNERS, P.A. THE DESIGN AND DRAWINGS FOR THIS PROJECT ARE PROPERTY OF THE ARCHITECT AND ARE PROTECTED UNDER THE COPYRIGHT PROTECTION ACT.

ATTACHMENT IV

APPLICATION

25-08 The William Major Modification of Site Plan Approval



General information

Date: 10.1.25

Project Name: The William (f/k/a HR NMB Mixed Use Project)

Property Address: 2040 NE 163rd Street, North Miami Beach, FL 33162

Proposed Use: Multi-family Residential and Commercial

Type of Development (Residential, Commercial, or Redevelopment): Mixed-Use

Application request

The undersigned Applicant(s)/Agent(s)/Property Owner(s) request City of North Miami Beach consideration and review of the following application(s). Please check all that apply.

- Abandonment and Vacations of Right of Way, Alleys, or Easements
- Annexation
- Comprehensive Plan Map Amendment - Small Scale
- Comprehensive Plan Map Amendment - Large Scale
- Comprehensive Plan Text Amendment
- Conditional Use
- Special Limited Conditional Use
- Development Agreement
- Development of Regional Impact
- Development of Regional Impact - Notice of Proposed Change
- Planned Unit Development
- Plat/Replat
- Site Plan
- Variance
- Zoning Code Map Amendment
- Zoning Code Text Amendment
- Other: **Major Site Plan Modification** - (Conversion of 30 hotel rooms to 30 MF residential units)

Project information

Street Address(es) of the Property: 2040 NE 163 ST

Property Folio Number(s): 07-2216-012-0220

Property Owner Name(s): 2040 NE 163RD HOLDINGS LLC

Property Owner(s) Mailing Address(es): _____



Telephone: Business (305) 864-3777 Fax _____

Other _____ Email cacciola.marco @ gmail.com

Applicant(s)/Agent(s): Steven J. Wernick, Esq. AICP on behalf of 2040 NE 163RD HOLDINGS LLC

Applicant(s)/Agent(s) Mailing Address: Day Pitney LLP - 396 Alhambra Circle, 14th Floor, Coral Gables, FL 33134

Telephone: Business (786) 208-0753 Fax _____

Other (786) 208-0753 Email swernick @ daypitney.com

Proposed site data and land use(s) information

Please complete and/or respond to all requested information. If "Not Applicable," please note NA.

Current Comprehensive Plan Land Use designation(s): Mixed-Use Employment Center

Current Zoning District designation(s): MU/EC

Proposed Comprehensive Plan Land Use designation(s) (if applicable): N/A

Proposed Zoning District designations(s) (if applicable): N/A

Supporting information

- Aerial.
- Affidavit providing for property owner's authorization to process application.
- Annexation supporting materials.
- Application fees.
- Application representation and contact information.
- Appraisal.
- Architectural/building elevations (color).
- Architectural/building elevations architectural elements (color).
- Building floor plans and roof plan.
- Comprehensive Plan analysis.
- Comprehensive Plan text amendment justification.
- Concurrency Service Demand Analysis (prepared by applicant, separate document).
- Concurrency: Letter of Water & Sewer Availability from City or County.
- Department of Transportation Driveway Connection Permit
- Drainage Plan.
- Elevations.
- Encroachments plan.
- Environmental assessment.
- Landscape plan.
- Land use map (subject property outlined).
- Lighting plan.



- Liquor survey (for only review of location of lounge, bar, or package liquor store).
- Proof of City Lobbyist Registration.
- Massing model and/or 3D computer model.
- Ordinances, resolutions, covenants, development agreements, etc. previously granted for the property.
- Parking study.
- Photographs (color) of property, adjacent uses and/or streetscape.
- Plat.
- Property owners list, including a typewritten list and 2 sets of self-adhesive labels of all properties within 500 feet.
- Property survey and legal description.
- Public Realm Improvements Plan for mixed use projects.
- Public school preliminary concurrency analysis (residential land use/zoning applications only).
- Sign master plan (colored).
- Site plan and supporting information.
- Statement of use and/or cover letter.
- Streetscape master plan.
- Text amendment justification.
- Traffic accumulation assessment.
- Traffic impact statement.
- Traffic impact study.
- Traffic stacking analysis.
- Utilities consent.
- Utilities location plan.
- Vegetation survey.
- Warranty Deed.
- Zoning Code text amendment justification.
- Zoning Map (with subject property outlined)
- Other: _____

Applicant/agent/property owner affirmation and consent

(I) (We) affirm and certify to all of the following:

1. Submission of the following:
 - a. Warranty deed/tax record as proof of ownership for all properties considered as a part of the application request;
or
 - b. Authorized as the applicant(s)/agent(s) identified herein to file this application and act on behalf of all current property owner(s) and modify any valid City of North Miami Beach entitlements in effect during the entire review process.
2. This application, application supporting materials and all future supporting materials complies with all provisions and regulations of the Zoning Code, Comprehensive Land Use Plan and Code of Ordinances of the City of North Miami Beach unless identified and approved as a part of this application request and/or other previously approved applications.



City of North Miami Beach, Florida


Planning and Zoning Application

17050 NE 19th Ave. North Miami Beach, FL 33162 Tel: 305.948.2966 nmbcomdev@citynmb.com

3. That all the answers to the questions in this application, and all data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief.
4. Understand this application must be complete and accurate before a hearing can be advertised. In the event that I or anyone appearing on my behalf is found to have made a material misrepresentation, either oral or written, regarding this application (I)(We) understand that any City review shall be voidable at the option of the City of North Miami Beach.
5. Understand the failure to provide the information necessary pursuant to the established time frames included but not limited to application submittal, submission of revised documents, etc. for review by City Staff and the designated reviewing entity may cause application to be deferred without further review until such time the requested information is submitted.
6. Understand that the application, all attachments, correspondence and fees become a part of the official records of the City of North Miami Beach and are not returnable.
7. Understand that under Florida Law, all the information submitted as part of the application are public records.
8. All representatives of the application have registered with and completed the required lobbyist forms from the City of North Miami Beach City Clerk's Office.
9. The application before the Board or City Council shall be represented by the legal owner, the prospective owner having a bona fide purchase contract or a duly qualified attorney retained by said owner or prospective owner.
10. Additional costs in addition to the application fees may be assessed associated with the review of applications by the City. These are costs that may be incurred by the applicant due to consultant fees paid by City to review the application. The types of reviews that could be conducted may include but are not limited to the following: concurrency review; property appraisals; traffic impact analyses; vegetation/environmental assessments; archeological/historic assessments; market studies; engineering studies or reports; and legal fees. Such fees will be assessed upon finalization of the City application review. Understand that if payment is not received the prior to Final Pubic Hearing Review, the Application shall be postponed by the City until such time all fees are paid.

(See next page(s) for signature information)

(Please complete all below sections and indicate "Not Applicable (N/A)" as appropriate).

Property owner(s) signature(s): 	Property owner(s) print name: Steven J. Wernick, Esq. AICP on behalf of 2040 NE 163RD HOLINGDS LLC
--	--



City of North Miami Beach, Florida

Planning and Zoning Application

17050 NE 19th Ave. North Miami Beach, FL 33162 Tel: 305.948.2966 nmb.comdev@citynmb.com

Property owner(s) signature(s):	Property owner(s) print name:
Property owner(s) signature(s):	Property owner(s) print name:

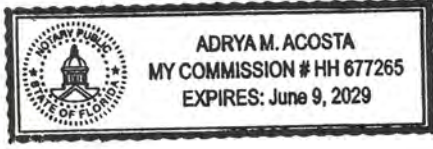
Address(es): Day Pitney, LLP
396 Alhambra Circle, 14th Floor
Coral Gables, FL 33134

Telephone: (786) 208-0753	Fax:	Email: swernick@daypitney.com
---------------------------	------	-------------------------------

NOTARIZATION

STATE OF FLORIDA/COUNTY OF
The foregoing instrument was acknowledged before me this 30 day of September 2025 by
[Signature]
(Signature of Notary Public - State of Florida)

(Print, Type or Stamp Commissioned Name of Notary Public)
 Personally Known OR Produced Identification; Type of Identification Produced _____



Contract Purchaser(s) Signature:	Contract Purchaser(s) Print Name:
Contract Purchaser(s) Signature:	Contract Purchaser(s) Print Name:

Address(es):

Telephone:	Fax:	Email:
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STEVEN J. WERNICK, ESQ. AICP
Attorney at Law

396 Alhambra Circle
North Tower, 14th Floor
Miami, FL 33134
O: (305) 373-4076 M: (786) 208-0753
swernick@daypitney.com

October 1, 2025

Via Electronic Delivery

Zafar Ahmed
Community Development Director
City of North Miami Beach
17050 NE 19th Avenue, 1st Floor
North Miami Beach, FL 33162

Re: **Letter of Intent | 2040 NE 163RD HOLDINGS LLC**
TRAD Application Submittal – Request for Major Site Plan Modification
2040 NE 163 ST, North Miami Beach, FL 33162 / 'The William'

Dear Mr. Ahmed:

Day Pitney LLP (the “Firm”) serves as land use counsel to 2040 NE 163RD HOLDINGS LLC (“Owner”), which owns the property located at 2040 NE 163rd Street (the “Subject Property”)¹. The Subject Property is a 1.086-acre parcel located within the City of North Miami Beach’s (the “City”) Mixed-Use Employment Center District (MU/EC), specifically within the Transition Sub-Area, which is being developed under an approved site plan and active building permit for a 25-story mixed use development referred to herein as *The William*.

The Firm’s Letter of Intent accompanies an application for modification to an approved site plan for the limited purpose of converting thirty (30) hotel units approved under the original site plan into multi-family residential units, pursuant to Section 24-172.1 of the Zoning and Land Development Code (ZLDC).

APPROVED PROJECT – SITE PLAN APPROVAL. On January 18, 2022, the City Commission unanimously approved a request for the construction of a 572,456-square-foot, 23-story mixed-use development (“Project”). The Project included a 30-unit hotel, 7,328 square feet of retail space, three hundred and thirty-four (334) residential units, and four hundred and ten (410) parking spaces. The site plan approval also included three non-use (3) variances:

1. Permitting a hotel use on a lot with an area of less than the mandated two (2) acres.
2. Allowing a zero (0)-foot interior setback from the east Property line.

¹ Folio No. 07-2216-012-0220.

3. Allowing a zero (0)-foot tower setback from the podium.

This approval was granted under Resolution No. 2022-14 (*See Exhibit 1*), a copy of which is attached hereto. A building permit was subsequently applied for under **Permit No. BD-23-0118-NR**, in compliance with the conditions of Resolution No. 2022-14.

MINOR SITE PLAN MODIFICATION APPROVAL. On April 22, 2025, the Community Development Director issued an Administrative Site Plan Review (“ASPR”) approval letter authorizing a minor modification to the Project. *See Exhibit 2.* The approved modification refined certain programmatic and design elements of the Project while maintaining consistency with the original site plan approval granted under Resolution No. 2022-14. Specifically, the ASPR approval confirmed that the proposed changes did not alter the overall character of the Project, nor did they implicate any of the criteria set forth in Section 24-172.1(B) of the ZLDC that would otherwise require processing as a major modification.

PROPOSED MODIFICATION. The Owner proposes to convert the thirty (30) hotel units approved under the original site plan to multi-family residential units. The revised program will consist of studio and one-bedroom units, resulting in a total of three hundred seventy-four (374) dwelling units for the Project. The modification consolidates the two previously separate hotel and residential lobbies into one general lobby and re-programs the hotel units within the same building footprints as studios and one-bedroom residential units, with no additional square footage added. The units remain between 550 square feet and 755 square feet, the same as delineated in the approved site plan.

This modification is responsive to current market demand for multifamily residences within the MU/EC District, and addresses the challenges associated with financing a limited hotel component within a predominantly multi-family development.

No other changes to the Project are proposed. The overall building height, lot area, lot coverage, and setbacks remain unchanged. The required open space continues to be provided in excess of the ZLDC requirements, and accessways, circulation, and off-site traffic impacts are unaffected. The Project also continues to comply with all applicable parking and loading requirements, with no reductions or modifications requested as part of this application, and in fact provides a surplus of fifty-five (55) parking spaces beyond what is required by the ZLDC. The two previously granted non-use variances, permitting a zero-foot interior setback along the east property line and a zero-foot tower setback from the podium, remain applicable. Accordingly, aside from the conversion of hotel units to residential use, the Project remains entirely consistent with prior approvals from the City.

CONSISTENCY WITH COMPREHENSIVE PLAN & ZONING DESIGNATION. The Property is designated as Mixed-Use Employment Center (MU/EC) District – Transition Sub-Area under both the Future Land Use Map and the City’s zoning framework. The MU/EC District is intended to foster economic development supportive of high-technology, service-based, and residential uses in a pedestrian- and transit-oriented environment. Within the Transition Sub-Area, mixed-use development is expressly encouraged, with densities and intensities that step down from the Core Sub-Area while still supporting a balance of residential and non-residential uses.

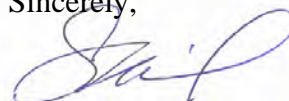
The Project, as modified, remains consistent with these planning objectives as well as the goals of the City's Comprehensive Plan. By converting the thirty (30) previously approved hotel units to residential dwelling units, the Project enhances the residential component while maintaining the mixed-use character envisioned for the District. Specifically, the Project continues to provide a mix of multi-family residential use and commercial/retail use, with 4,526 square feet of habitable ground floor retail accessible from NE 163 Street and NE 162 Street.

Although the proposed modification technically is considered a major modification, the reason is solely based on the change in use. Again, the proposed change from thirty hotel rooms to thirty residential units does not increase the size of the building or the number of units. The anticipated impact to City services and infrastructure is de minimis. Furthermore, by removing the hotel component, the Project no longer requires one of the previously approved non-use variances relating to hotel use on lots less than two (2) acres, thus bringing the Project more into conformance with the applicable zoning regulations under the MU/EC District.

Lastly, the Project continues to advance key Comprehensive Plan objectives, including encouraging residential living within the District, promoting high-quality and compatible urban design, and providing publicly accessible open space. In doing so, the Project continues to align with the FLUM designation, the MU/EC zoning standards, and the City's long-term vision for the area.

CONCLUSION. The Firm respectfully submits this Letter of Intent, along with the supplemental application materials, to facilitate placement on the TRAD Committee October 23, 2025 meeting.

Sincerely,



Steven J. Wernick

Cc: Mitchell Austin, AICP, CNU-A, Assistant Director
Daniel Lozandier, Senior Planner
Javier Parra-Garcia, Planner
Isaiah Valcin, LEED AP BD+C, Day Pitney LLP

EXHIBITS

- Exhibit 1 Site Plan Approval Resolution No. 2022-14
Exhibit 2 04/22/2025 Minor Site Plan Modification Approval Letter

EXHIBIT 1

RESOLUTION NO. R2022-14

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING THE SITE PLAN AND THREE RELATED VARIANCES FROM THE ZONING AND LAND DEVELOPMENT CODE (“CODE”) FOR THE CONSTRUCTION OF 572,456 SQUARE FOOT, TWENTY-THREE STORY MIXED-USE DEVELOPMENT, CONSISTING OF A THIRTY (30) UNIT HOTEL, 7,328 SQUARE FEET OF RETAIL SPACE, 334 RESIDENTIAL UNITS, AND 410 PARKING SPACES; AND GRANTING A VARIANCE FROM SECTION 24- 58.2(G) TABLE MU/EC-1 TO PERMIT A HOTEL ON A APPROXIMATELY 1.086 ACRE PARCEL, WHEREAS THE CODE REQUIRES A MINIMUM OF TWO (2) ACRES; AND GRANTING A VARIANCE FROM SECTION FROM SECTION 24-58(S)(3) FIGURE MU-8 TO PERMIT THE BUILDING TO HAVE A ZERO (0)-FOOT INTERIOR SIDE SETBACK FROM THE EAST PROPERTY LINE, WHERE THE CODE REQUIRES A MINIMUM OF THIRTY (30) FEET WHEN ABUTTING ZERO LOT LINES AND AN ALLEY IS NOT EXISTING OR PROPOSED; AND GRANTING A VARIANCE FROM SECTION FROM SECTION 24-58(S)(3) FIGURE MU-8 TO PERMIT TOWER AT ZERO (0)- FOOT SETBACK FROM THE PODIUM, WHERE THE CODE REQUIRES A MINIMUM SETBACK OF FIFTEEN (15) FEET; ON A 1.086 ACRE PARCEL LOCATED AT 2040 NE 163 STREET, NORTH MIAMI BEACH, FLORIDA; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach (“City”) Code of Ordinances, Chapter 24, “Zoning and Land Development Code” (the “ZLDC”), Article XV, “Other Development Review Procedures,” Section 24-172, “Site Plan Review,” provides that site plan approval is required for new developments, for any significant shift in the type of land use that involves major interior alteration, and any change in required parking or other similar impact determined to be significant by the Community Development Director; and

WHEREAS, Humberto Ramirez Developers, LLC, on behalf of 2040 Investments, Inc. (“Applicant”), requests site plan approval and three (3) non-use variances to develop a 572,476-square foot mixed-use development, consisting of one tower, 30-Unit Hotel, 7,328 of retail

space, 334 dwelling units and 410 parking spaces, on a 1.086-acre parcel located at 2040 NE 163 Street, North Miami Beach, Florida, (“Property”), as legally described in Exhibit “A;” and

WHEREAS, Section 24-176 of the ZLDC provides that the City Commission may grant a variance based on its determination that the non-use variance maintains the basic intent and purpose of the zoning and other land use regulations and Applicant has demonstrated that the necessary criteria identified in the ZLDC have been satisfied; and

WHEREAS, the Applicant requests a variance to permit a hotel in an area of approximately 186 acres, where Section 24-58.2(G) Table MU/EC-1 of the ZLDC requires a minimum site area of two (2) acres; and

WHEREAS, the Applicant requests a variance to permit the building to have a zero (0)-foot interior side setback from the east property line, where Section 24-58(S)(3) Figure MU-8 of the ZLDC requires a minimum of thirty (30) feet setback when abutting a townhouse, zero lot lines, exiting single-family, and an alley is not existing or proposed; and

WHEREAS, the Applicant requests a variance to permit a zero (0)-foot tower setback from the podium, where Section 24-58(S)(3) of the ZLDC requires a minimum setback of fifteen (15) feet; and

WHEREAS, the Property is zoned Mixed-Use Employment Center District (“MU/EC”) which is intended to enable economic development supportive of high technology and service-based activities that are compatible with residential uses. Limited auto-oriented uses are considered acceptable in this district but are required to be designed in a manner that encourages pedestrian and transit use. Mixed-use may be vertically or horizontally integrated based on compatibility and other factors. Stand-alone office park-style development as well as live-work buildings are equally appropriate in this district as are stand-alone residential buildings; and

WHEREAS, after a duly noticed public hearing held on December 13, 2021, the Planning and Zoning Board by vote of 5 to 0, recommended approval of the Variances and Site Plan application, subject to the conditions set forth and included below in Section 2; and

WHEREAS, the City Commission conducted a duly noticed public hearing in accordance with the law; and

WHEREAS, the Mayor and City Commission find the proposed Site Plan application consistent with the North Miami Beach Comprehensive Plan and find that approval of the application furthers the purpose, goals, objectives and policies of the Comprehensive Plan, and is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:

Section 1. Recitals. The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof.

Section 2. Decision. Pursuant to Section 24-172 and Section 24-176 of the Zoning and Land Development Code, the following site plan, attached and incorporated by reference as Exhibit "B," and the three (3) related non-use variances (relief from Sections 24-58.2(G), 24-58(S)(3) (Figure MU-8)), as specified herein and in the Application) for the development of the existing property, on a 1.086-acre parcel, legally described in Exhibit "A," are approved, subject to the following conditions:

1. Unless otherwise provided, all the below mentioned conditions shall be completed and complied with prior to the issuance of the building permit.
2. The conditions of approval for this site plan are binding on the Applicant, the property owners, operators, and all successors in interest. Prior to issuance of any Master Building Permit, Applicant shall execute a covenant running with the land, binding upon its heirs, successors, and assigns, subject to the approval of the City Attorney, which shall be recorded in the public records of Miami-Dade County, Florida, at Applicant's sole expense, containing all of the conditions and provisions required by this Resolution. This recorded

covenant may be amended from time to time and shall be re-recorded after each amendment at the Applicant's sole expense, subject to the approval of the City Attorney.

3. Construction of the proposed project shall be in conformance with the following:

a. Boundary Survey prepared by Jorge Rodolfo Avino.

b. Plans prepared by Bermello Ajamil & Partners, including the following:

A-0	Cover
A-0	Index
A-1	L.O.I. Exhibits
A-2	Survey
A-3	Survey
A-4	Zoning
A-5	Site Map Aerial and Context
A-6	Site Plan
A-7	20 Levels Building Study
A-9	Setbacks Diagram
A-10	Winter Shadow Studies
A-11	Summer Shadow Studies
A-12	Project Data
A-13	Open Area Analysis
A-14	Turning Movement Diagrams
A-100	Ground Floor Plan
A-101	2nd – 6th Level Floor Plan
A-102	7th Level Floor Plan
A-103	8th Level Floor Plan
A-104	9th Level Floor Plan
A-105	10th – 23rd Level Floor Plan
A-106	Roof Plan
A-150	Typical Unit Floor Plan
A-151	Typical Unit Floor Plan
A-152	Typical Unit Floor Plan
A-153	Typical Studio Floor Plans
A-154	Typical Hotel Units Floor Plans
A-200	South Elevation
A-201	North Elevation
A-202	East Elevation
A-203	West Elevation
A-300	Longitudinal Section
A-301	Transverse Section
A-900	Rendering/South Aerial View
A-901	Rendering/NE 163RD Street View Perspective
A-902	Rendering/Amenity Level
A-903	Perspective & Renderings
C-1	Schematic Site Dimension Plan
C-2	Schematic Paving, Grading & Drainage Plan
C-3	Schematic Utility Plan
LA-00	Pervious/Impervious Diagram

LA-01	Ground Floor Landscape Plan
LA-02	Amenities Deck Landscape Plan
LT-1	Tree Disposition Plan & Table
LT-2	Tree Disposition Plan & Table

4. All representations proffered by the Applicant's representatives as a part of the site plan application review at the Planning and Zoning Board and City Commission public hearings.
5. Substantial modifications to the plans submitted and approved as part of the application may require the Applicant to return to the Planning and Zoning Board and Mayor and City Commission for approval. Insubstantial changes shall include proportionate reductions in residential units and parking spaces by less than 5% of the total proposed project, changes that do not alter the project more than 5% of lot coverage, setbacks, height, density and intensity calculations so long as the proposed amendment does not cause an increase in the number of average daily trips; does not alter the location of any points of ingress, egress, access and vehicular and pedestrian patterns to the site; and does not violate any condition placed upon the site plan as originally approved. Insubstantial changes may be administratively approved by the City Manager or designee. Any de minimis amendments to the plans or site plans which cannot be resolved administratively shall be returned to the Mayor and City Commission for a formal review. However, under no circumstances, shall any plans, site plans, building, structure, or project be administratively altered by more than 5% lot coverage, setbacks, height limitations, as well as density or intensity calculations set forth in a previously approved site plan.
6. The Applicant shall remove all public hearing signage no later than 48 hours after the final public hearing for the development project.
7. The Applicant shall comply with all applicable conditions and permit requirements of the Miami-Dade County Fire Department, the Water and Sewer Department, and Department of Regulatory and Economic Resources; and the Florida Department of Environmental Protection (FDEP), the Florida Department of Transportation (FDOT) and any other applicable regulatory agency.
8. The words "Aventura," "Miami Beach," and "Sunny Isles Beach" shall not be used by the Applicant immediately preceding or following the Project name. The words "Aventura," "Miami Beach," and "Sunny Isles Beach" shall not be part of the website address for the Project. References in the marketing materials to nearby communities shall be limited to descriptions of entertainment, shopping or dining locations, or other landmarks; the Applicant shall identify the Project as being located in the City of North Miami Beach, Florida.
9. The Applicant shall post a sign on-site providing contact information in case of any complaint or concern during construction. The sign shall be removed upon the earlier of the City's issuance of a temporary or full Certificate of Occupancy.
10. The Applicant must join the *NMBPD Trespass After Warning Program*, provide the NMBPD with access to the property at all times, and a safety plan.
11. All water and sewer service installations are the responsibility of the Applicant and must be permitted through the NMB Water Department.
12. The Applicant, its successors, and assigns shall comply with all City ordinances applicable to development and permit approvals at the time of adoption of the Resolution, and in the

- event the Master Building Permit expires, all approvals and prior fees paid shall be subject to forfeiture. This shall not be applied to the City of North Miami Beach impact fees paid, which would not be refunded but would be credited to the property for any subsequent development.
13. All above-ground utilities on-site and adjacent public right of ways shall be relocated underground pursuant to Section 24-62(F) of the City's Code of Ordinances, contingent on phasing due to FPL's objection to incremental undergrounding. The applicant shall install conduits for future undergrounding of overhead utilities.
 14. All City impact fees shall be paid prior to the issuance of a Master Building Permit. In the event the Master Building Permit expires, all approvals and prior fees paid, shall be subject to forfeiture. This shall not be applied to impact fees paid to the City of North Miami Beach, which would not be refunded, but credited to the property for any subsequent development.
 15. Prior to the issuance of a Master Building Permit, the City Manager or designee and the City Attorney, may refer any application for review by engineering, planning, legal, technical, environmental, or professional consultant(s) as deemed necessary. The City shall be reimbursed by Applicant for reasonable fees and charges made by such consultant(s) or professional(s) within thirty (30) days of submission of a City voucher. These fees and charges are in addition to any and all other fees required by the City.
 16. Prior to the issuance of the Master Building Permit, the Applicant shall meet all requirements of the Department of Public Works Solid Waste Division and ensure that the solid waste container storage area be visually screened from the ground view of surrounding and adjacent properties.
 17. Prior to the issuance of the Master Building Permit, the Applicant shall submit a Site Management Plan and a Temporary Construction Fencing plan pursuant to Section 16-5 of the North Miami Beach Code of Ordinances.
 18. Prior to the issuance of the Master Building Permit, the Applicant shall revise the development plans to include the total count of proposed ADA parking spaces in the zoning data table (Sheet A-004).
 19. Prior to the issuance of the Master Building Permit, the Applicant shall meet the requirements of Section 24-58.2(M)(2) of the ZLDC, providing a minimum of one (1) shower and changing facility within the building for all tenants.
 20. Prior to the issuance of the Master Building Permit, the Applicant shall meet the requirements of Ordinance Section 24-94 of the ZLDC, providing a minimum of five (5) loading spaces at least twelve (12) feet wide by thirty (30) feet long and have at least fourteen and one-half (14½) feet vertical clearance.
 21. Prior to the issuance of the Master Building Permit, the Applicant shall have the registered engineer certify that the illumination of the enclosed parking facilities has been designed and will be operating according to Section 24-93(G). On-site lighting must not exceed 1.0 Foot-candle beyond all property lines.
 22. Prior to issuance of a Certificate of Occupancy, the Applicant shall have the registered landscape architect, or a certified arborist certify that the landscaping, tree removal, and tree mitigation have been completed in accordance to the landscape plan and tree removal permit.
 23. Prior to the issuance of a Temporary Certificate of Occupancy, the Applicant shall request and complete the address assignment process for the common areas and

- residential units as required, with the U.S. Postal Service, Miami-Dade County Fire Rescue, and the Miami- Dade County Property Appraisers. This Resolution shall be made part of any condominium declaration and other applicable condominium documents if so established.
24. The Applicant and its successors and assigns, including but not limited to the successor property management or condominium's association, if any, shall maintain all landscape and exterior hardscape features and materials on site and throughout all public improvements in good condition, replacing diseased, dying or dead plant material as necessary and repairing / cleaning / painting all hardscape features so as to present a healthy and orderly appearance at all times.
 25. Upon issuance of a hurricane warning by the National Weather Service or similar agency, all removable items from pool decks, roof decks and other outdoor spaces shall be immediately removed and secured.
 26. "No Dumping – Drains to Stream" signage/markers must be installed along the right-of- way.
 27. The hotel component shall obtain applicable State licensing for operation.
 28. The Applicant shall submit the traffic study to FDOT and/or Miami Dade County DTPW for review and approval.
 29. The Applicant shall provide signal timing improvements to improve approach delays at the NE 22nd Avenue/ NE 163rd Street intersection with the approval of Miami Dade County and/or FDOT. If not allowed by Miami Dade County and/or FDOT, the Applicant shall provide to the City written confirmation from Miami Dade County and/or FDOT that the signal timing improvements cannot be provided.
 30. Prior to certificate of occupancy, the Applicant shall design, permit, and construct a turn lane extension for the southbound left turn lane on US-1/Biscayne Boulevard at NE 163rd Street. If not allowed by FDOT, the Applicant shall provide to the City written confirmation from FDOT that the turn lane cannot be constructed.
 31. The Applicant is required to prepare and submit an updated valet operational analysis once the development project is built and is fully operational, said analysis to be reviewed for compliance by the Community Development Director. This would be to ensure that the projected 4 valet parking attendants are sufficient to keep adequate internal traffic circulation with no impacts to the adjacent road network.
 32. The Applicant has agreed to contribute a community benefit to the City. The Applicant and City Staff shall meet to determine the parameters of the community benefit, no later than six months after the date of this Resolution.

Section 3. Findings of Fact. The Mayor and City Commission make the following

FINDINGS OF FACT based upon the substantial competent evidence provided:

The requested site plan meets the applicable Site Plan Review Standards provided for in Section 24-172 of the Code of Ordinances of the City of North Miami Beach. The requested site plan approval is not contrary to the public interest or detrimental to the community and is compatible with the surrounding land uses while maintaining the basic intent and purpose of the zoning and land use regulations.

Section 4. Non-use Variance from Section 24-58.2(G). The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested non-use variance from section 24-58.2(G) Table MU/EC-1 of the Zoning and Land Development Code, to permit a hotel in an area of approximately 1.086 acres, where the code requires a minimum site area of two (2) acres, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

Section 5. Non-use Variance from Section 24-58(S)(3). The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested non-use variance from section 24-58(S)(3) Figure MU-8 of the Zoning and Land Development Code, to permit the building to have a zero (0)-foot interior side setback from the east property line, where the code requires a minimum of thirty (30) feet setback when abutting a townhouse, zero lot lines, existing single-family, and an alley is not existing or proposed, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

Section 6. Non-use Variance from Section 24-58(S)(3). The Mayor and City Commission make the following FINDINGS OF FACTS from Section 24-176(B) based on the substantial competent evidence provided:

The requested non-use variance from section 24-58(S)(3) of the Zoning and Land Development Code, to permit a zero (0)-foot tower setback from the podium, where the code requires a minimum setback of fifteen (15) feet, maintains the basic intent and purpose of the applicable zoning, subdivision and other land use regulations. Moreover, the requested variance is not contrary or detrimental to the public interest because the proposed use and design is

compatible with the surrounding land uses and is in keeping with the surrounding properties.

Section 7. **Time for Building Permit.** Pursuant to Section 24-172(I) of the Code of Ordinances of the City of North Miami Beach, the Applicant must apply for a master building permit from the City within one (1) year of the date of this Resolution or the granted site plan approval and variances shall be deemed null and void, and the Applicant shall be required to reinstate the site plan review process unless the term is extended administratively or by the City Commission prior to its expiration.

Section 8. **Limitation of Approval.** The issuance of this development permit does not in any way create a vested right(s) on the part of the Applicant to obtain a permit from a county, state or federal agency, and does not create any liability on the part of the municipality for issuance of the permit if the Applicant fails to obtain requisite approvals or does not fulfill the obligations imposed by a county, state or federal agency or undertakes actions that result in a violation of county, state, or federal law.

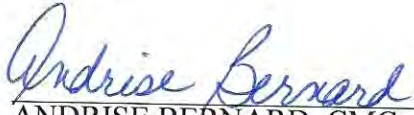
Section 9. **Conflicts.** All resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.


Section 10. **Effective Date.** This Resolution shall be in force and take effect immediately upon its passage and adoption.

[SIGNATURE PAGE TO FOLLOW]

APPROVED AND ADOPTED by the City Commission of the City of North Miami Beach, Florida at regular meeting assembled this **18th day of January, 2022.**


ATTEST:


 ANDRISE BERNARD, CMC
 CITY CLERK


 ANTHONY F. DEFILLIPO
 MAYOR

(CITY SEAL)

APPROVED AS TO FORM &
 LANGUAGE & FOR EXECUTION


 HANS OTTINOT
 INTERIM CITY ATTORNEY

SPONSORED BY: Mayor and City Commission

Commissioners	YES	NO	ABSTAIN	ABSENT
Mayor Anthony DeFillipo	✓			
Vice-Mayor Fortuna Smukler	✓			
Commissioner McKenzie Fleurimond	✓			
Commissioner Barbara Kramer	✓			
Commissioner Michael Joseph	✓			
Commissioner Paule Villard	✓			
Commissioner Daniela Jean	✓			

Exhibit "A"
LEGAL DESCRIPTION

TOWN OF FULFORD PB B-151 LOTS 7 & 8 LESS ST & LOTS 17 THRU 21 BLK
2 LOT SIZE IRREGULAR OR 18248-0326 0898 6

Tax Folio: 07-2216-012-0220

A/K/A

2040 NE 163rd Street

North Miami Beach, Florida

Exhibit "B" SITE PLAN

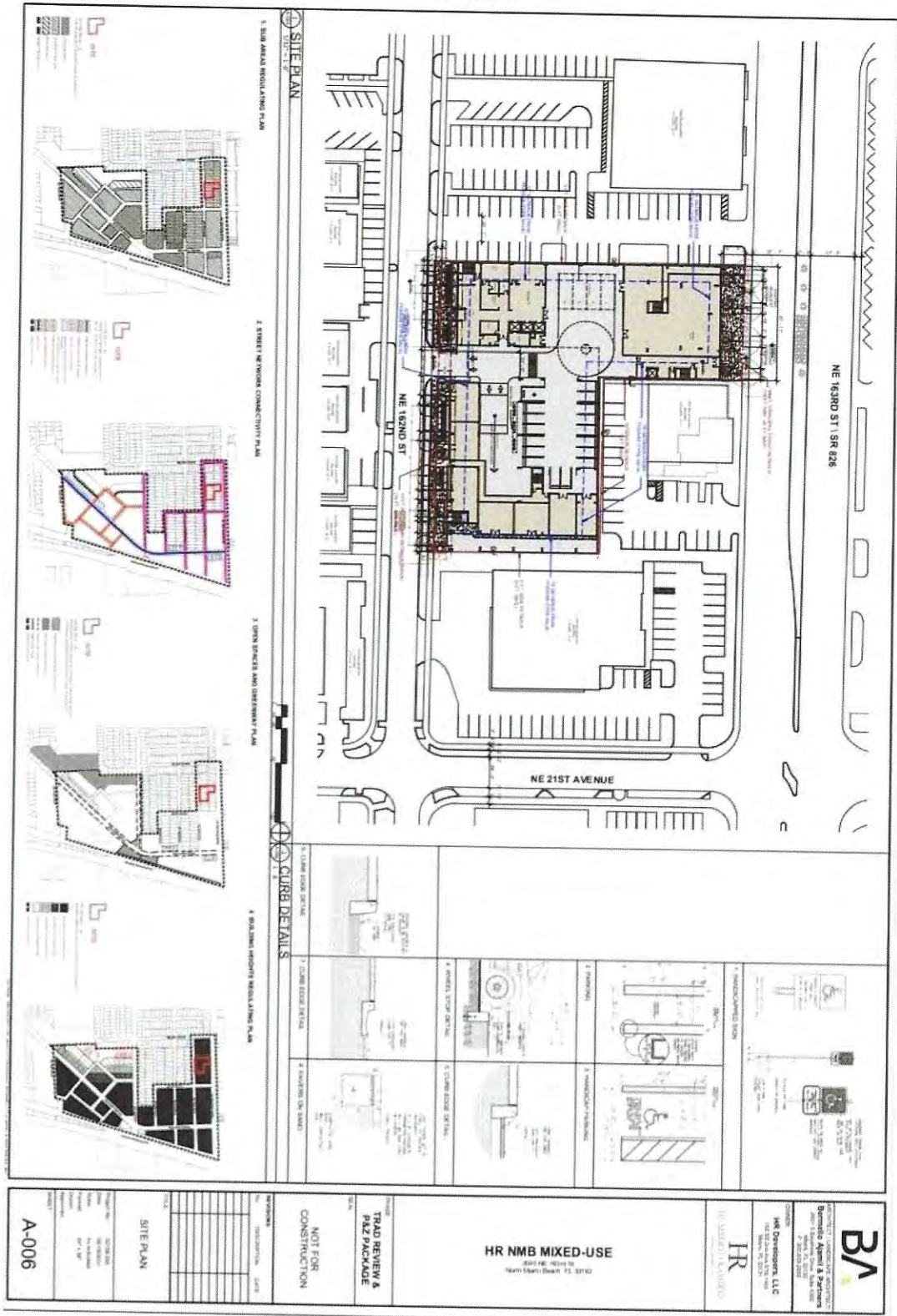


EXHIBIT 2.



PROJECT DATA TABLE		
PARKING TABLE		
BREAKDOWN	DESCRIPTION	PARKING SPACES
RETAIL	4526 SF (4526/1000x2)	9
RESIDENTIAL	374 UNITS (1 PARKING PER 20 UNITS) MIN.	374
VISITOR FOR RESIDENTIAL	1 PARKING PER 20 UNITS	19
ADA SPACES	2% OF TOTAL	10
ELECTRICAL VEHICLE (EVSE) CAR CHARGING STATION		20
ELECTRICAL VEHICLE (20% EV CAPABLE)		76
PARKING REQUIRED	PARKING PROVIDED	SURPLUS PARKING
393	448	55

PARKING SCHEDULE PER TYPE		
TYPE	COUNT	DESCRIPTION
EV	19	REGULAR PARKING SPACE (9' X 18') (+1 ADA EV) = 20
ADA (1#)	10	ADA PARKING SPACE, ACCESS AISLE ONE SIDE (12' X 18')
REGULAR	381	REGULAR PARKING SPACE (9' X 18')
TANDEM	38	TANDEM PARKING SPACE (9' X 18')
TOTAL	448	

Dwelling Unit Mix		
UNIT TYPE	COUNT	PERCENTAGE
1 BEDROOM	185	49%
2 BEDROOMS	145	39%
3 BEDROOMS	15	4%
STUDIO	29	8%
Total	374	100 %

THE WILLIAM _ COMPARISON ZONING DATA TABLE

General Lot Information							
Municipality	City of North Miami Beach						
Zoning Classification	MU/EC						
Address	2040 NE 163rd St. North Miami Beach, Florida 33162						
Folio	07-2216-012-0220						
Lot Area	47,811 Sq. Ft. or 1.086 Acres						
FEMA Zone	AE (Special Flood Hazard Area) Flood Insurance Rate Map (FIRM) 17060C0210E						
Current Use of Property	Office Building (26,766sq. Ft.)						
Existing Structure Length	55.7 Ft.						
Water Service Provider	City of North Miami Beach (Miami-Dade Water and Sewer Dept. provides effluent treatment only).						
Waste Service Provider	City of North Miami Beach.						
Proposed Uses	APPROVED (As per Resolution No. 2022-14)			PROPOSAL		% OF VARIATION	REMARKS
	REQUIRED/ ALLOWED Number of Dwelling Units	APPROVAL Sq. Ft.	Remarks	NEW PROPOSAL Number of Dwelling Units	NEW PROPOSAL Sq. Ft.		
Residential	334	272,860		344	281,308	TOTAL UNITS: 1% INCREASE TOTAL NET FLOOR: 5% INCREASE	
Hotel	30	11,646		30	18,333	EQUAL AMOUNT HOTEL ROOMS AREA INCREASE 56.5%	
Total	364	284,306		374	299,529	TOTAL UNITS: 1% INCREASE TOTAL NET FLOOR: 5% INCREASE	
Retail	N/A	7,328		N/A	4,526	-38.2% DECREASE	
Gross Floor Area	N/A	572,456		N/A	697,061	21.8% INCREASE	PLEASE SEE GROSS FLOOR AREA CALCULATION SCHEMES ATTACHED
Lot Occupation	Required / Allowed	Approval	Remarks	Required / Allowed	NEW PROPOSAL		
Lot Area	N/A	47,311 Sq. Ft. or 1.086 Acres		N/A	47,311 Sq. Ft. or 1.086 Acres	NO CHANGE	
Lot Width	200' min- 250' max	Range 100' to 250'		200' min- 250' max	Range 100' to 250'	NO CHANGE	
Lot Coverage	Required / Allowed	Approval	Remarks	Required / Allowed	NEW PROPOSAL		
Impervious Area	Min= N/A - Max= 90%	42,502 Sq. Ft. (89.8%)		Min= N/A - Max= 90%	42,502 Sq. Ft. (89.8%)	NO CHANGE	
Pervious Area	Min= 10% - Max= N/A	4,809 Sq. Ft. (10.2%)		Min= 10% - Max= N/A	4,809 Sq. Ft. (10.2%)	NO CHANGE	
Floor Area Ratio (FAR)	N/A	N/A		N/A	N/A	NO CHANGE	
Primary Frontage (NE 163rd St.)	60%	98%		60%	98%	NO CHANGE	
Secondary Frontage (NE 162nd St.)	70%	99.70%		70%	99.70%	NO CHANGE	
Open Space Requirements	10% Lot Area min for Common Area, Private Open Spaces	30,177 Sq. Ft. (64%)	All Multi-Family Residential, Live-Work Units and Mixed-use Developments with Residential Dwelling shall reserve a minimum of 10% of the site for Common Areas, Private Open Spaces.	10% Lot Area min for Common Area, Private Open Spaces	41,326 sq. Ft. (87%)	23% INCREASE	_INCLUDING POOL DICK AND ROOF DECK OPEN SPACES AREAS _EXCLUDING MECH. AREAS
Density	Required / Allowed	Approval	Remarks	Required / Allowed	NEW PROPOSAL		
Building Setbacks	Required / Allowed	Approval	Remarks	Required / Allowed	NEW PROPOSAL		
Primary (NE 163rd St.)	15 Ft. ; 15 Ft. From Podium (9th Level and Up).	20' - 10'		15 Ft. ; 15 Ft. From Podium (10th Level and Up).	20' - 0' Ft	DECREASE 4%	** ONE FLOOR ADDED TO THE PODIUM
Secondary (NE 162nd St.)	10 Ft. ; 15 Ft. From Podium (9th Level and Up).	10 Ft.	Non-use variance for 10 Ft Setback from Podium.	10 Ft. ; 15 Ft. From Podium (10th Level and Up).	:0 Ft.	NO CHANGE	** ONE FLOOR ADDED TO THE PODIUM
Building Height	Required / Allowed	Approval	Remarks	Required / Allowed			
Building Height	20 Stories / 255'	23 Stories / 255'	Waiver / administrative interpretation for 23 stories building height. Buildings Higher than eight (8) stories shall only be develop per Tower Building Type Standards. The number of stories may be increased provide overall building height is not exceeded. The Application shall demonstrate that the resulting intensity does not exceed the intensity that would otherwise be accommodated in the maximum number of stories permitted.	20 Stories / 255'	25 Stories / 272'-8"	6.9% HEIGHT INCREASE	Waiver / Administrative interpretation for 25 stories. Buildings Higher than eight (8) stories shall only be develop per Tower Building Type Standards. The number of stories may be increased provide overall building height is not exceeded. The Application shall demonstrate that the resulting intensity does not exceed the intensity that would otherwise be accommodated in the maximum number of stories permitted.
Additional Building Standards	Required / Allowed	Approval					
Minimum dwelling unit size	550 SF	561-1337 SF		550 SF	550-1414 SF	NO CHANGE	
Cumulative average of all dwelling units	Not less than 800 SF	816 SF		Not less than 800 SF	801 SF	-2% DECREASE	
Total	395 parking spaces				448 parking spaces		
Parking requirements	Required / Allowed	Approval					
Residential + guest	Min.: 1 per unit, plus 1 per 20 units for guest parking Max.: 2 per unit, plus 1 per 20 units for guest parking	383 Parking spaces		Min.: 391 Parking Spaces Max.: 767 Parking Spaces	448 Parking Spaces	15% INCREASE	
Hotel	1 per 4 rooms; 1 per 15 rooms for staff	10		10	10	NO CHANGE	
Retail	Min.: 2 per 1000 sf Max.: 4 per 1000 sf	17		Min.: 9 Parking Spaces Max.: 18 parking Spaces	9	47% DECREASE	
Total	395 parking spaces	410 Parking Spaces			448 Parking Spaces	9.2% INCREASE	
Additional Parking Requirements	Required / Allowed	Approval					
ADA	Min.: ADA spaces required (2% of total)	10		10 Min.	10	NO CHANGE	
Bicycle Rack	27 Bicycle Racks	30 Bicycle Racks		30 Bicycle Racks	31 Bicycle Racks	3% INCREASE	
Loading	4 Loading Spaces	4 Loading Spaces	(12' wide x 30' long and 14'-6" vertical clearance)	4 Loading Spaces	4 Loading Spaces	NO CHANGE	(12' wide x 30' long and 14'-6" vertical clearance)

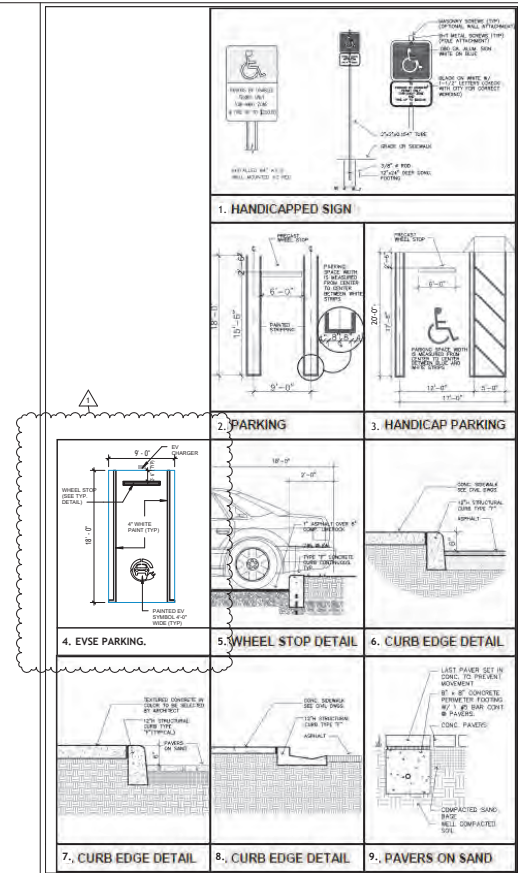
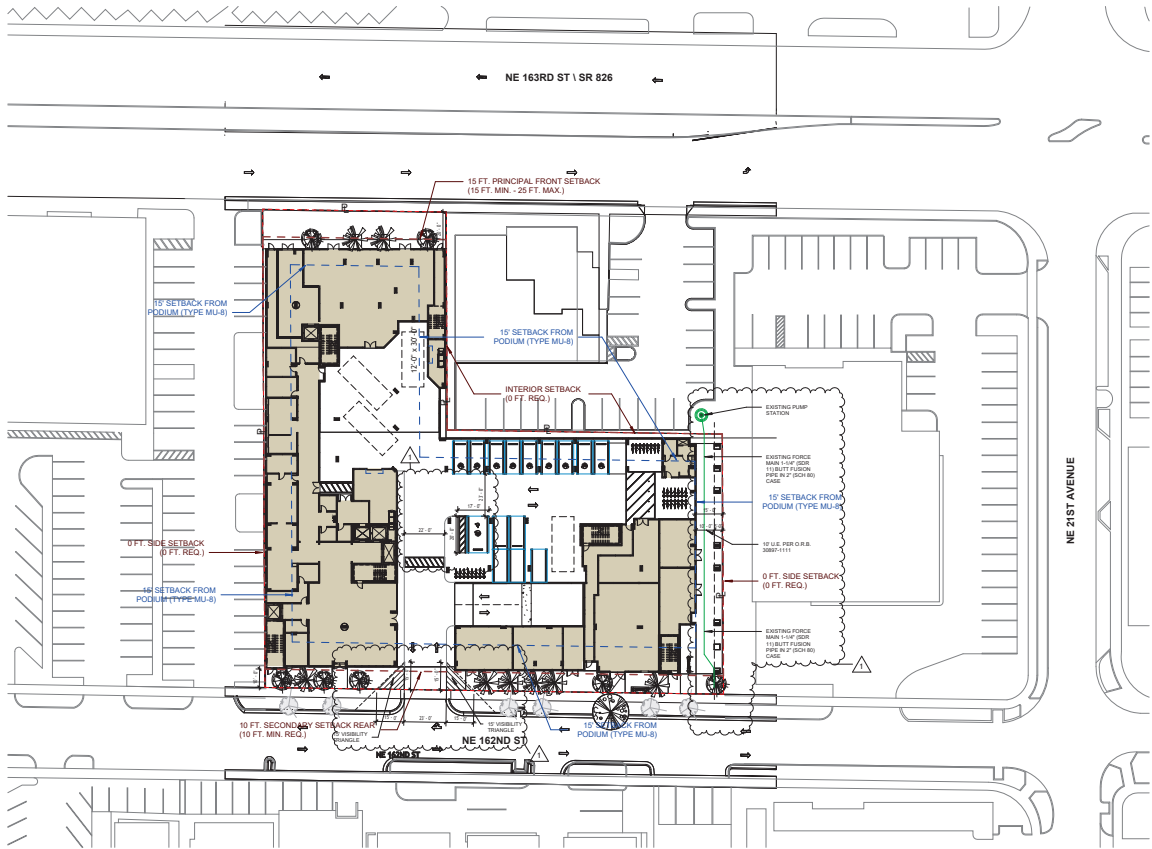


Digitally signed by Javier Font
Date: 2025.02.19
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JAVIER FONT AR No. 12547

THE WILLIAM
 HR NMB MIXED-USE
 2040 NE 163RD STREET
 NORTH MIAMI BEACH, FLORIDA 33162
 2024 BEHAR FORT PARTNERS, P.A. THE DESIGN AND DRAWINGS FOR THE PROJECT ARE PROPERTY OF THE ARCHITECT AND ARE PROTECTED UNDER THE COPYRIGHT PROTECTION ACT.

DATE: 02/11/2025
 PROJECT NO: 24-062
 DRAWING NAME: COMPARISON ZONING TABLE
 DRAWN BY: Author
 CHECKED BY: Checker
 SHEET NO: A-800



2 SITE PLAN
SCALE: 1/32" = 1'-0"

3 Curb Details
SCALE: 1" = 100'-0"

1. SUB AREAS REGULATING PLAN



2. STREET NETWORK CONNECTIVITY PLAN



3. OPEN SPACES AND GREENWAY PLAN



4. BUILDING HEIGHTS REGULATING PLAN



SEAL:
Digitally signed by Javier Font
Reason: I am the author of this document
Date: 2026.03.02 10:47:11-05'00'
JAVIER FONT AR No. 12547

THE WILLIAM
HR NMB MIXED-USE
2000 NE 163RD STREET
NORTH MIAMI BEACH, FLORIDA 33162

REVISIONS:
△ TRAD COMMENTS
12/16/2025

DATE: 10/29/2025
PROJECT NO: 24-062
DRAWING NAME: SITE PLAN
DRAWN BY: ILINCE/ALINCE/ARODRIGUEZ
CHECKED BY: JF
SHEET NO: A-006

2026 BEHAR FOUNTAIN PARTNERS, P.A. THE DESIGN AND DRAWINGS FOR THIS PROJECT ARE PROPERTY OF THE ARCHITECT AND ARE PROTECTED UNDER THE COPYRIGHT PROTECTION ACT.



SEAL :



Digitally signed
By: Javier Font
Date: 2025.02.19
15:14:24-05'00'

JAVIER FONT AR No. 12547

THE WILLIAM
HR NMB MIXED-USE
2040 NE 163RD STREET
NORTH MIAMI BEACH, FLORIDA 33162

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SEAL:



Digitally signed
 by Javier Font
 Date: 2025.02.19
 15:10:43-05'00'

JAVIER FONT AR No. 12547

THE WILLIAM
 HR NMB MIXED-USE
 2040 NE 163RD STREET
 NORTH MIAMI BEACH, FLORIDA 33162

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TRAD FINDINGS

25-08 The William Major Modification of Site Plan Approval



City of North Miami Beach, Florida

Community Development Department

March 20, 2026

Steven J. Wernick, Esq. AICP
Day Pitney LLP on behalf of
2040 NE 163RD HOLDINGS LLC
396 Alhambra Circle, 14Th Floor,
Coral Gables, FL, 33134

RE: Technical Review of Application for Development (TRAD) Approval –
25-08 The William Site Plan Modification (Major)

Address(es): 2040 NE 163 ST.
Folio Number(s): 07-2216-012-0220

Steven J. Wernick, Esq. AICP

The Planning and Zoning Division has received sign-off forms from all TRAD Committee members for your zoning application for The William Major Site Plan Modification. To enable your application to move forward to the required quasi-judicial public hearings at the Planning and Zoning Board for recommendation and the City Commission for final decision, please submit the following:

1. Fifteen (15) physical copies of the complete collated sets of plans and exhibits as approved by TRAD
 - a. One copy for the City Attorney's Office
 - b. Seven copies for Planning and Zoning Board Members
 - c. Seven copies for the City Commissioners
2. One electronic copy of the complete plans and exhibits corresponding to the paper submission, as approved by TRAD

In order to meet internal review and legal advertising deadlines, the requested documents must be submitted to the Planning and Zoning Counter on or before 3:00 PM, Monday, March 27, 2026, for the application to be scheduled for the next available Planning and Zoning Board meeting. If this submission deadline is met the quasi-judicial public hearing will be scheduled for Monday, April 13, 2026 at 6:00 PM, meeting location 17011 NE 19th Avenue, North Miami Beach, FL 33162, 2nd Floor City Commission Chambers.

If the submission deadline stated above is not met, then the submission and Planning and Zoning Board meeting dates will shift into the future. You have a maximum of six months from the date



City of North Miami Beach, Florida

Community Development Department

of this letter to submit the documents listed above to begin the quasi-judicial public hearing process. Failure to do so will render this TRAD approval void.

Applicant will be responsible for the following at least ten (10) calendar days prior to the public hearing date:

1. Posting of signs conforming with the requirements of Section 24-180 (4) on the property

If you have any questions regarding this letter or the quasi-judicial public hearing process, please contact your Application Manager Javier Parra-Garcia by phone 305-948-2966 ext. 31506 or by email at javier.parra-garcia@citynmb.com for further assistance.

Sincerely,

Javier Parra-Garcia
Planner
Planning and Zoning Division
Community Development Department

Attachment: TRAD approvals



City of North Miami Beach, Florida

Community Development Department

17050 NE 19TH AVENUE, 1ST FLOOR
 NORTH MIAMI BEACH, FLORIDA 33162
 PLANNING & ZONING DIVISION: (305) 354-4456

Please return project transmittal letter by email preferred to project planner.


Technical Review of Application for Development (TRAD) Transmittal:

PROJECT NAME: The William Site Plan Modification

PROJECT ADDRESS: 2040 NE 163 St

PLEASE SELECT:

- TRAD application submittal
- TRAD application resubmittal
The applicant has addressed our outstanding comments.

Initial & Date	TRAD - Final Sign Off	
	Police /CPTED	Jonathan Wilson
	NMB Water/ Public Utilities	Karim Rossy
	Public Works	Gregory Christian Sean Compel
	Solid Waste	Nicholas Williams Kenneth Solomon
	Community Development <i>(Planning and Zoning)</i>	Daniel Lozandier
	Community Development <i>(Planning and Zoning)</i>	Javier Parra-Garcia
	Community Development <i>(Urban Forester/Landscape Review)</i>	Maria Furey



City of North Miami Beach, Florida

Community Development Department

17050 NE 19TH AVENUE, 1ST FLOOR
NORTH MIAMI BEACH, FLORIDA 33162

TRAD Conditions of Approvals (if applicable).

The conditions of approval for this site plan and/or request are binding on the Applicant, the property owners, operators, and all successors in interest.

1. Crime Prevention Through Environmental Design (landscaping and appropriate exterior lighting).
2. Security cameras for interior and exterior common areas
3. Participate in the North Miami Beach Police Department Trespass After Warning Program.
4. Provide access codes to any security gates/doors and elevators to the police department.



City of North Miami Beach, Florida

Community Development Department

17050 NE 19TH AVENUE, 1ST FLOOR
 NORTH MIAMI BEACH, FLORIDA 33162
 PLANNING & ZONING DIVISION: (305) 354-4456

Please return project transmittal letter by email preferred to project planner.

Technical Review of Application for Development (TRAD) Transmittal:

PROJECT NAME: The William

PROJECT ADDRESS: 2040 NE 163 ST.

PLEASE SELECT:

TRAD application submittal

xTRAD application resubmittal

The applicant has addressed our outstanding comments.

Initial & Date	TRAD - Final Sign Off	
	Police /CPTED	Jonathan Wilson
Klr 3/16/26	NMB Water/ Public Utilities	Karim Rossy
	Public Works	Gregory Christian Sean Compel
	Solid Waste	Nicholas Williams Kenneth Solomon
	Traffic Engineering	Eric Czerniejewski
	Community Development <i>(Urban Forester/Landscape Review)</i>	Maria Furey
	Community Development <i>(Planning and Zoning)</i>	Javier Parra-Garcia



City of North Miami Beach, Florida

Community Development Department

17050 NE 19TH AVENUE, 1ST FLOOR
NORTH MIAMI BEACH, FLORIDA 33162

TRAD Conditions of Approvals (if applicable).

The conditions of approval for this site plan and/or request are binding on the Applicant, the property owners, operators, and all successors in interest.

1. The existing 1-1/4" SDR 11 HDPE Sanitary sewer force main located in the recorded 10-foot utility easement along the East side of the site will be protected with a 4" metallic casing (Steel or Ductile Iron). In order to protect it. It may need to be re-installed and re-tested with the casing and then reconnected. There is no practical way to encase an already buried pipe. The casing with pipe shall be accessible to the City during its entire service life.
2. There will be a permanent, unobstructed access and a minimum vertical clearance of 12 feet.
3. The above conditions no 1 & no 2 should be incorporated with the Civil plans submission , to be reviewed and approved by NMB Water staff along with the proposed water and sewer improvements for the site.
4. Should there be any site work prior to the referenced pipe be encased, all necessary measures shall be taken to protect the pipe during any and all construction activities, including but not limited to , clearing & grubbing , foundation work and any vertical construction.



City of North Miami Beach, Florida

Community Development Department

17050 NE 19TH AVENUE, 1ST FLOOR
 NORTH MIAMI BEACH, FLORIDA 33162
 PLANNING & ZONING DIVISION: (305) 354-4456

Please return project transmittal letter by email preferred to project planner.

Technical Review of Application for Development (TRAD) Transmittal:

PROJECT NAME: The William

PROJECT ADDRESS: 2040 NE 163 ST.

PLEASE SELECT:

- TRAD application submittal
- TRAD application resubmittal
The applicant has addressed our outstanding comments.

Initial & Date	TRAD - Final Sign Off	
	Police /CPTED	Jonathan Wilson
	NMB Water/ Public Utilities	Karim Rossy
	Public Works	Gregory Christian Sean Compel
	Solid Waste	Nicholas Williams Kenneth Solomon
	Traffic Engineering	Eric Czerniejewski
	Community Development <i>(Urban Forester/Landscape Review)</i>	Maria Furey
<i>Jpg</i> 03/17/26	Community Development <i>(Planning and Zoning)</i>	Javier Parra-Garcia



City of North Miami Beach, Florida

Community Development Department

17050 NE 19TH AVENUE, 1ST FLOOR
 NORTH MIAMI BEACH, FLORIDA 33162
 PLANNING & ZONING DIVISION: (305) 354-4456

Please return project transmittal letter by email preferred to project planner.

Technical Review of Application for Development (TRAD) Transmittal:

PROJECT NAME: The William Site Plan Modification

PROJECT ADDRESS: 2040 NE 163rd Street

PLEASE SELECT:

- TRAD application submittal
- TRAD application resubmittal

The applicant has addressed our outstanding comments.

Initial & Date	TRAD – Final Sign Off	
	Police /CPTED	Jonathan Wilson
	NMB Water/ Public Utilities	Karim Rossy
<i>Sean Compel</i> 11/17/2025	Public Works	Gregory Christian Sean Compel
	Solid Waste	Nicholas Williams Kenneth Solomon
	Community Development <i>(Planning and Zoning)</i>	Daniel Lozandier
	Community Development <i>(Planning and Zoning)</i>	Javier Parra-Garcia
	Community Development <i>(Urban Forester/Landscape Review)</i>	Maria Furey



City of North Miami Beach, Florida

Community Development Department

17050 NE 19TH AVENUE, 1ST FLOOR
 NORTH MIAMI BEACH, FLORIDA 33162
 PLANNING & ZONING DIVISION: (305) 354-4456

Please return project transmittal letter by email preferred to project planner.

Technical Review of Application for Development (TRAD) Transmittal:

PROJECT NAME: The William

PROJECT ADDRESS: 2040 NE 163 ST.

PLEASE SELECT:

- TRAD application submittal
- TRAD application resubmittal
The applicant has addressed our outstanding comments.

Initial & Date	TRAD - Final Sign Off	
	Police /CPTED	Jonathan Wilson
	NMB Water/ Public Utilities	Karim Rossy
	Public Works	Gregory Christian Sean Compel
	Solid Waste	Nicholas Williams Kenneth Solomon
	Community Development <i>(Planning and Zoning)</i>	Daniel Lozandier
	Community Development <i>(Planning and Zoning)</i>	Javier Parra-Garcia
<i>MAF</i> <i>02-23-2026</i>	Community Development <i>(Urban Forester/Landscape Review)</i>	Maria Furey



City of North Miami Beach, Florida

Community Development Department

17050 NE 19TH AVENUE, 1ST FLOOR
 NORTH MIAMI BEACH, FLORIDA 33162
 PLANNING & ZONING DIVISION: (305) 354-4456

Please return project transmittal letter by email preferred to project planner.

Technical Review of Application for Development (**TRAD**) Transmittal:

PROJECT NAME: Williams Mixed Use Project

PROJECT ADDRESS: 2040 NE 163rd St, North Miami Beach

PLEASE CHECK:

- () New Application (x) Resubmittal
- (X) If the applicant **has** adequately satisfied the comments provided with their resubmission.
- () The applicant **has not** satisfied the comments provided with their submission.

Initial & Date	TRAD - Final Sign Off	
	Police /CPTED	Richard Rudow
	NMB Water	Karim Rossy
KS	Solid Waste	Kenneth Solomon
	Public Works	Gregory Christian Sean Compel
	Planning and Zoning	Daniel Lozandier
	Planning and Zoning	Jaaziah Israel
	Planning and Zoning	Jackie Génard



City of North Miami Beach, Florida

Community Development Department

17050 NE 19TH AVENUE, 1ST FLOOR
 NORTH MIAMI BEACH, FLORIDA 33162
 PLANNING & ZONING DIVISION: (305) 354-4456

Please return project transmittal letter by email preferred to project planner.

Technical Review of Application for Development (TRAD) Transmittal:

PROJECT NAME: The William

PROJECT ADDRESS: 2040 NE 163 ST.

PLEASE SELECT:

- TRAD application submittal
- TRAD application resubmittal
The applicant has addressed our outstanding comments.

Initial & Date	TRAD - Final Sign Off	
	Police /CPTED	Jonathan Wilson
	NMB Water/ Public Utilities	Karim Rossy
	Public Works	Gregory Christian Sean Compel
	Solid Waste	Nicholas Williams Kenneth Solomon
ESC 3/10/26	Traffic Engineering	Eric Czerniejewski
	Community Development <i>(Urban Forester/Landscape Review)</i>	Maria Furey
	Community Development <i>(Planning and Zoning)</i>	Javier Parra-Garcia



City of North Miami Beach, Florida

Community Development Department

17050 NE 19TH AVENUE, 1ST FLOOR
NORTH MIAMI BEACH, FLORIDA 33162

TRAD Conditions of Approvals (if applicable).

The conditions of approval for this site plan and/or request are binding on the Applicant, the property owners, operators, and all successors in interest.

1. The applicant is required to address all comments from Miami-Dade County Department of Transportation and Public Works (DTPW) before the building permit issuance.
2. The applicant is required to address all FDOT comments from the Access Management Review Committee (AMRC) pre-application meeting, as amended, before building permit issuance.
3. The applicant is required to provide an updated valet operational analysis once the development project is built and is fully operational. This would ensure that the projected two valet parking attendants are sufficient to maintain adequate internal traffic circulation and have no impact on the adjacent road network.

STAFF PRESENTATION

25-08 The William Major Modification of Site Plan Approval

Staff to provide Presentation during the meeting

APPLICANT PRESENTATION

25-08 The William Major Modification of Site Plan Approval

Staff to provide Presentation during the meeting

RESOLUTION NO. R2026-73

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING MAJOR MODIFICATION OF THE DEVELOPMENT SITE PLAN APPROVAL GRANTED ON JANUARY 18, 2022 BY RESOLUTION R2022-14, FOR THE CONSTRUCTION OF A BUILDING WITH A TOTAL FLOOR AREA OF 572,456 SQUARE FEET, BUILDING HEIGHT OF 23 STORIES / 255 FEET WITH A MIX OF USES A INCLUDING 30 UNIT HOTEL, 7,328 SQUARE FEET OF RETAIL, 344 RESIDENTIAL DWELLING UNITS, AND 410 PARKING SPACES ALONG WITH THREE VARIANCES; AS AMENDED BY ADMINISTRATIVE MINOR SITE PLAN APPROVAL GRANTED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT ON APRIL 22, 2025, FOR INCREASE IN TOTAL BUILDING FLOOR AREA TO 650,384 SQUARE FEET, INCREASE IN BUILDING HEIGHT TO 25 STORIES / 272 FEET 8 INCHES, INCREASE IN OPEN SPACE FROM 30,177 SQUARE FEET TO 41,326 SQUARE FEET, PROVIDE 10 ADDITIONAL RESIDENTIAL DWELLING UNITS, AND REDUCE RETAIL SPACE TO 4,526 SQUARE FEET; TO ALLOW FOR THE ELIMINATION OF THE APPROVED HOTEL USE, ELIMINATION OF THE VARIANCE FROM MINIMUM LOT SIZE REQUIREMENTS FOR HOTEL USE; AND INCREASE THE NUMBER OF RESIDENTIAL DWELLING UNITS BY 30 TO A TOTAL OF 374 WITH NO OTHER MODIFICATIONS TO THE PRIOR PROJECT APPROVALS FOR THE PROPERTY LOCATED AT 2040 NE 163RD STREET; PROVIDING FOR FINDINGS OF FACT; CONFIRMING EXPIRATION AND LIMITATION OF APPROVAL; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach (“City”) Code of Ordinances, Chapter 24, Zoning and Land Development, Article XV, Other Development Review Procedures, 24-172, Site Plan Review provides that the site plan review process is required for any proposed major modification of any previously approved site plan review approval; and

WHEREAS, Steven J. Wernick, Esq., AICP, authorized agent on behalf of 2040 NE 163rd Holdings, LLC (the “Applicant”), request for major modification of the site plan approval granted on January 18, 2022, by R2022-14 for The William (formerly Blue Quinta). The applicant seeks to modify the existing site plan approval to eliminate the hotel use and add thirty (30) additional residential dwelling units to a total of 374 residential dwelling units and 4,526 square feet of ground floor commercial space and 410 space parking structure all within originally approved 572,456 square foot, 23 story building as detailed more fully in EXHIBIT B located at 2040 NE 163rd Street, North Miami Beach, FL 33162 as otherwise described in EXHIBIT A; and

WHEREAS, on April 22, 2025, the Community Development Department granted approval of a minor modification of prior site plan approval, for the increase of total building floor area of thirteen (13) percent from 572,456 Square Feet to 650,384 square feet, an eight (8) percent increase in building height from: 23 stories / 255 feet to: stories / 272 feet 8 inches, thirty seven (37) percent increase in open space from 30,177 square feet to 41,326 square feet, thirty nine (39) percent decrease in ground floor commercial area from 7,328 square feet to 4,526 square feet, increasing residential dwelling units by 10 from 334 to 344; and

WHEREAS, the proposed major modification of prior site plan approval, eliminates the 30 unit hotel use and increases the number of residential dwelling units by 30 from 344 to 374; and

WHEREAS, the proposed elimination of the hotel use eliminated the need for the variance granted in R2022-14 from the requirement of Section 24-58.2 (G) Table MU/EC-1 which requires a minimum site area of two acres for hotel use; and

WHEREAS, the Technical Review of Application for Development (TRAD) Committee based on the application package, Resolution R2022-14 Site Plan Approval granted on January 14, 2022, and the Administrative Site Plan Approval granted on April 22, 2025, determined this application for major modification of prior site plan approval meets all the applicable requirements of the City Code of Ordinances; and

WHEREAS, the TRAD Committee has recommended conditions of approval identified in Section 2 Project Conditions of this resolution; and

WHEREAS, the City's Planning and Zoning Board, as the Local Planning Agency, held a duly noticed public hearing on **April 13, 2025**, and reviewed the proposed resolution for consistency with the City of North Miami Beach's ZLDC and Comprehensive Plan, and recommended approval by a vote of **5 to 0** ; and

WHEREAS, the Mayor and City Commission find the proposed resolution to be consistent with the North Miami Beach's ZLDC and Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:

Section 1. **Recitals.** The foregoing whereas clauses are true and correct and adopted as the legislative and administrative findings of the City Commission and made a specific part of this Ordinance; all exhibits attached hereto are made a specific part of this Resolution.

Section 2. **Findings of Fact.** The Mayor and City Commission make the following findings of fact based upon the substantial competent evidence provided by the applicant, pursuant to 24-172 of the Zoning and Land Development Code. This application is a major modification to

site plan approval is based on:

1. Approval granted by Resolution R2022-14 on January 14, 2022, construction of a building with a total floor area of 572,456 square feet, building height of 23 stories / 255 feet with a mix of uses including a 30 unit hotel, 7,328 square feet of retail, 334 residential dwelling units, and 410 parking spaces along with three variances
2. Administrative site plan approval amendment granted of April 22, 2025, allowing an increase in total building floor area to 650,384 square feet, a increase in building height to 25 stories / 272 feet 8 inches, an increase in open space from 30,177 square feet to 41,326 square feet, increase of 10 additional residential dwelling units, and a reduction retail space to 4,526 square feet to the approval granted by R2022-14

To allow for the elimination of the hotel use, the elimination of the associated minimum lot size variance for hotel use, and providing an increase of 30 residential dwelling units to a total of 374 dwellings, along with 4,526 square feet of ground floor commercial space, and 448 space parking garage all within a single building with a total floor area of 650,384 square feet, with a height of 25 stories / 272 feet 8 inches, and including 41,326 square feet of on-site open space redeveloping the existing property otherwise described and incorporated herein as attached in EXHIBIT A. Based on these findings the Mayor and City Commission approve the proposed development subject to the following conditions:

Project Conditions:

The conditions of approval for this site plan are binding on the Applicant, the property owners, operators, and all successors in interest. Unless otherwise noted these conditions shall be completed and complied with prior to the issuance of a building permit:

1. Construction of the proposed project shall be in conformance with the plans provided in EXHIBIT B
2. Any future proposed modifications to the approved plans in EXHIBIT B shall be reviewed and approved under the provisions of Section 24-172 Site Plan Review or Section 24-172.1 Administrative Site Plan Review as determined by the Community Development Department.
3. Applicant shall remove the public hearing sign within two business days of the public hearing.
4. Applicant shall comply with all applicable conditions and permit requirements of the Departments of Fire; Water and Sewer; Regulatory and economic Resources; Transportation and Public Works of Miami-Dade County; Florida Department of Transportation; Florida Department of Environmental Protection; South Florida Water Management District; and any other applicable regulatory agency.

General Conditions:

1. Prior to issuance of any Master Building Permit, the Applicant shall execute a covenant running with the land, binding upon its heirs, successors, and assigns, subject to the approval of the City Attorney, which shall be recorded in the public records of Miami- Dade County, Florida, at Applicant's sole expense, containing all of the conditions and provisions required by this Resolution. This recorded covenant may be amended from time to time and shall be re-recorded after each amendment at the Applicant's sole expense, subject to the approval of the City Attorney
2. Construction of the proposed project shall be in conformance with the following certified plans signed by the Community Development Director on file with the City of North Miami Beach Community Development Department Planning and Zoning Division with file number [CC-XX-YYYY].
3. Prior to the issuance of the Master Building Permit, the Applicant shall submit a Site Management Plan and a Temporary Construction Fencing plan pursuant to Section 16-5 of the North Miami Beach Code of Ordinances.
4. All representations proffered by the Applicant's representatives as a part of the application review at the Planning and Zoning Board and City Commission public hearings.
5. Substantial modifications to the plans submitted and approved as part of the application may require the Applicant to return to the Planning and Zoning Board and Mayor and City Commission for approval. Insubstantial changes shall include proportionate reductions in residential units and parking spaces by less than 5% of the total proposed project, changes that do not alter the project by more than 5% of lot coverage, setbacks, height, density and intensity calculations so long as the proposed amendment does not cause an increase in the number of average daily trips; does not alter the location of any points of ingress, egress, access and vehicular and pedestrian patterns to the site; and does not violate any condition placed upon the site plan as originally approved. Insubstantial changes may be administratively approved by the City Manager or designee. Any de minimis amendments to the plans or site plans which cannot be resolved administratively shall be returned to the Mayor and City Commission for a formal review. However, under no circumstances may any plans, site plans, building, structure, or project be administratively altered by more than 5% lot coverage, setbacks, height limitations, as well as density or intensity calculations set forth in a previously approved site plan.
6. The Applicant shall remove all public hearing signage no later than 48 hours after the final public hearing by the City Commission for the development project.
7. No later than 90 days following the final City Commission approval, the Applicant shall enter into an agreement with the City to defend, indemnify and hold harmless (using legal counsel acceptable to the City) the City, its agents, servants, and

employees, from and against any loss, cost, expense, claim, demand or cause of action of whatever kind or nature arising out of or related to any act or omission related to the variances and for which the City, its agents, servants, or employees, are alleged to be liable or charged with such expense. The Applicant shall pay all costs and expenses related to any legal defense required by the City pursuant to the foregoing.

8. The Applicant shall comply with all applicable conditions and permit requirements of the Miami-Dade County Fire Department, the Water, and Sewer Department, and Department of Regulatory and Economic Resources, the Florida Department of Environmental Protection (FDEP), the Florida Department of Transportation (FDOT) and any other applicable regulatory agency.
9. The words "Aventura", "Miami Beach," and "Sunny Isles Beach" shall not be used by the applicant immediately preceding or following the Project name. The words "Aventura", "Miami Beach" and "Sunny Isles Beach" shall not be part of the website address for the Project. References in the marketing materials to nearby communities shall be limited to descriptions of entertainment, shopping or dining locations, or other landmarks; the Applicant shall identify the Project as being in the City of North Miami Beach, Florida.
10. The Applicant shall post a sign on-site providing contact information in case of any complaint or concern during construction. The sign shall be removed upon the earlier of the City's issuance of a temporary or full Certificate of Occupancy.
11. The Applicant must join the NMBPD Trespass After Warning Program, provide the NMBPD with access to the property at all times, and a safety plan; participate in the NMBPD Rapid Response Training Program; link the alarm systems directly to the NMBPD; and keep former employee information on file after the termination of employment.
12. The Applicant, its successors, and assigns shall comply with all City ordinances applicable to development and permit approvals at the time of the approval of the Resolution, and in the event the Master Building Permit expires, all approvals and prior fees paid, shall be subject to forfeiture. This shall not be applied to the City of North Miami Beach impact fees paid, which would not be refunded but would be credited to the property for any subsequent development.
13. The Applicant shall obtain a Certificate of Occupancy and Certificate of Use from the City upon compliance with all terms and conditions. The Certificate of Use shall be subject to review upon violation of any of the conditions, in accordance with the law.
14. Upon issuance of a hurricane warning by the National Weather Service or similar agency, all removable items from pool decks, roof decks, and other outdoor spaces shall be immediately removed and secured.

Section 5. **Limitation of Approval.** Pursuant to Section 24-172(I) of the Code of Ordinances of the City of North Miami Beach, the site plan shall remain valid for a period of 18 months from the date of approval with a master building permit issuance required, unless extended pursuant to Section 24-172 (I), or applicable State Law. If a master building permit is not issued prior to the expiration of the resolution, the site plan approval, including any development right entitlements and any subsequent phasing, shall be considered null and void. If a site plan expires, a new submittal shall be required with board approvals. Any further modification to this approval will require site plan review for major site plan modifications requiring board approvals, which will receive a new 18- month period starting from the date of the modified final site plan approval. Additionally, if at any time a building permit lapses, the site plan, including all phases thereof, shall be considered null and void. The issuance of this development permit does not in any way create a vested right(s) on the part of the Applicant to obtain a permit from a county, state, or federal agency, and does not create any liability on the part of the municipality for issuance of the permit if the Applicant fails to obtain requisite approvals or does not fulfill the obligations imposed by a county, state or federal agency or undertakes actions that result in a violation of county, state, or federal law.

Section 6. **Conflicts.** All resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 7. **Effective Date.** This Resolution shall be in force and take effect immediately upon its passage and adoption.

[REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

APPROVED AND ADOPTED by the City of North Miami Beach City Commission at the regular meeting assembled this **22nd day of June 2026**.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

MICHAEL JOSEPH
MAYOR

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF NORTH MIAMI BEACH:

GREENSPOON MARDER, LLP

BY: _____
CITY ATTORNEYS

Sponsored by: Mayor & Commission

COMMISSIONERS	YES	NO	ABSTAIN	ABSENT
Mayor Michael Joseph				
Vice Mayor McKenzie Fleurimond				
Commissioner Jay Chernoff				
Commissioner Daniela Jean				
Commissioner Phyllis Smith				
Commissioner Fortuna Smukler				
Commissioner Lynn Su				