



# Surfside Land

## Offering Memorandum

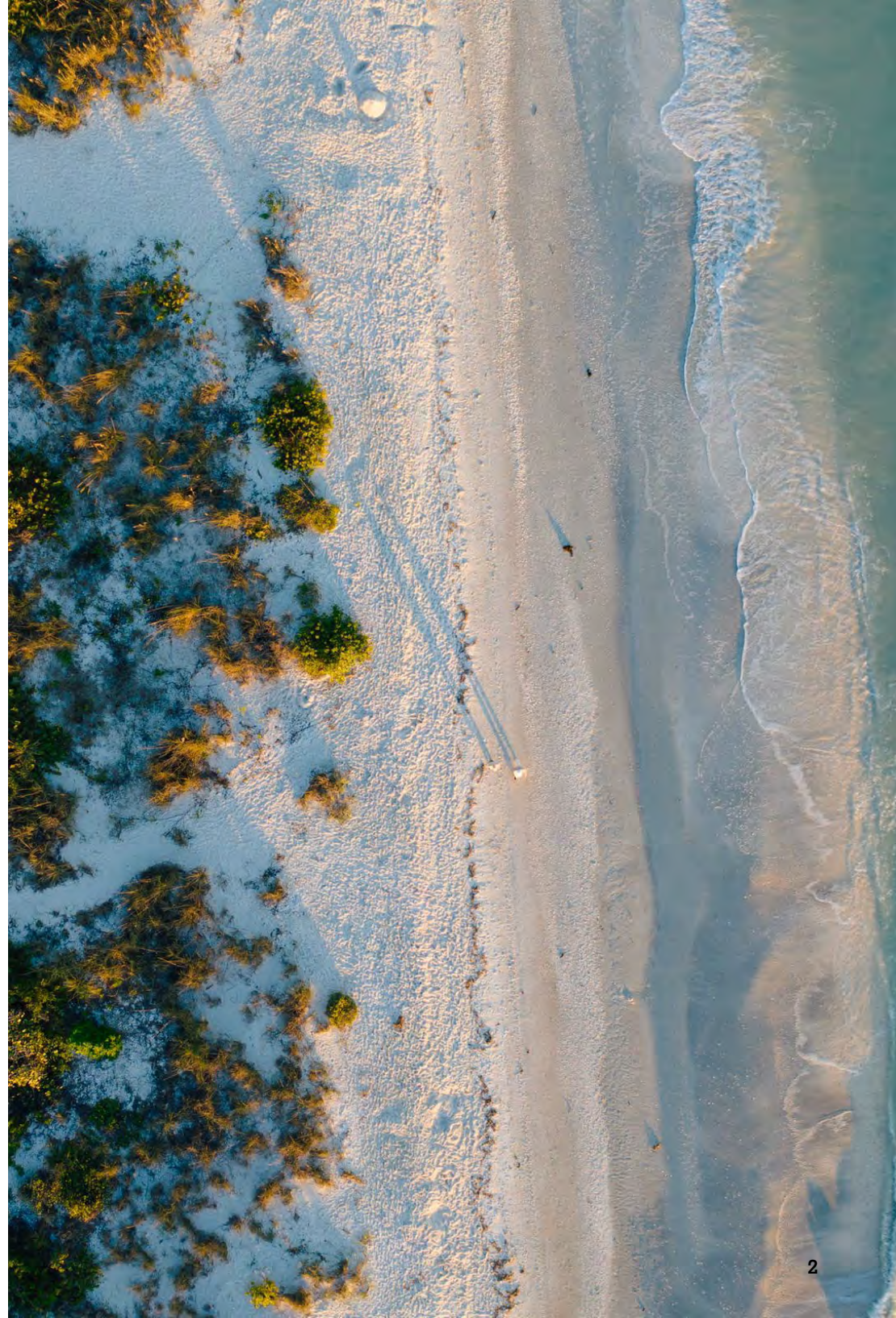
8777 Collins Avenue, Surfside, Florida 33154 | Residential / Hotel Development Sale





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# 01. Executive summary

Introduction

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Executive summary

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# 01. Introduction

**Surfside Land**  
8777 Collins Avenue  
Surfside, Florida 33154

We at Avison Young - Florida, LLC ("Avison Young") are honored to represent the court-appointed receiver for Champlain Towers South, Michael Goldberg, in the aftermath of the tragedy. We are providing our services on a pro-bono basis. The sale of the property is being overseen and subject to the approval of the Honorable Michael A. Hanzman, Judge of the Eleventh Judicial Circuit in and for Miami-Dade County, presiding in Case No. 2021-015089.

Our team is focused on running a transparent process that provides multiple options for the receiver and we will review all offers and options presented at the bid deadline. All offers must then be approved by the receiver and the court.

Respectfully, our primary goal will be to maximize value for the receiver's estate in the final transaction. As we navigate this process, we will have greater clarity on what will be expected of the winning bidder in terms of timing, closing, concessions.

We appreciate your interest in this opportunity to build an iconic beachfront development that will continue the momentum of Surfside as one of the most vibrant communities in Florida.



**Michael T. Fay**  
Principal, Managing Director



**John K. Crotty, CCIM**  
Principal



**David Duckworth**  
Principal



**Brian C. de la Fé**  
Vice President



**Berkley Bloodworth**  
Associate

# 01. Executive summary

Avison Young presents the Surfside Redevelopment Opportunity (“the Property”), a ±1.88 acre (±81,886 SF) oceanfront redevelopment site located in Surfside, Florida. The Property offers approximately 200 feet of direct beach frontage and positioning on Collins Avenue, the barrier island’s major north-south corridor offering access to South Beach and Bal Harbour. The in-place zoning designation is High Density Residential – H120, which can be reviewed in the Town of Surfside’s letter that is found in the Appendix.

Together, the oceanfront location and permissive zoning designation offer the opportunity to redevelop an impressive residential or hotel tower, offering views of the Atlantic Ocean and direct beachfront access, with accessibility to Bal Harbour Shops in less than 10 minutes and to the heart of South Beach in less than half an hour.

Surfside is regarded as one of the most luxurious neighborhoods in Miami, with a high concentration of top-tier hotel flags including Ritz-Carlton, Four Seasons, and St. Regis (in Bal Harbour), as well as a number of luxury-branded condo projects including the Four Seasons Private Residences and the Fendi Chateau Residences. The area’s primary shopping center, the Bal Harbour Shops, has had a waitlist for tenants for decades, and regularly ranks as the top mall in the world by sales per square foot.

With South Florida’s Atlantic coastline virtually fully developed, opportunities to acquire developable sites of scale are extremely rare and in high demand. The Property grants a developer the ability to deliver high-demand beachfront units within a luxury-branded building, with recent sale prices on similar construction in excess of \$2,500 PSF.

## Property Stats

Address	8777 Collins Avenue, Surfside, FL 33154
Folio (Reference)	14-2235-025-0001
Land Area (AC)	±1.88 ac <sup>1</sup>
Land Area (SF)	±81,886 sf <sup>1</sup>
In-Place Zoning	High Density Residential – H120

<sup>1</sup> Property area west of the Erosion Line.



**±1.88  
acre site<sup>1</sup>**



**H120  
zoning**



**Zoning Letter  
in Appendix**



**Maximum height  
of 120 feet**



**Direct  
beachfront access**



**Potential  
12 stories**





## 02. Property overview

Property aerials

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Site survey

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Accessibility

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Comparables

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# 02. Aerial | Looking North

Surfside Land  
8777 Collins Avenue  
Surfside, Florida 33154



Champlain Towers North

Champlain Towers East

Solara

87 Park

8777 Collins Avenue

Collins Avenue

Harding Avenue





# 02. Aerial | Looking West

Surfside Land  
8777 Collins Avenue  
Surfside, Florida 33154



North Beach  
Oceanside Park

87 Park

8777 Collins  
Avenue

Solara

Champlain  
Towers East

Champlain  
Towers North

Indian Creek  
Country Club





# 02. Aerial | Looking South

**Surfside Land**  
8777 Collins Avenue  
Surfside, Florida 33154



**St. Tropez  
North Beach**

**Downtown  
Miami**

**North Beach  
Oceanside Park**

**87 Park**

**8777 Collins  
Avenue**

**Champlain  
Towers East**

**Champlain  
Towers North**





# 02. Aerial | Looking East

Surfside Land  
8777 Collins Avenue  
Surfside, Florida 33154



Champlain  
Towers North

Champlain  
Towers East

Solara

87 Park

North Beach  
Oceanside Park

8777 Collins  
Avenue

Collins Avenue

Harding Avenue





# 02. Aerial | Looking Northeast

Surfside Land  
8777 Collins Avenue  
Surfside, Florida 33154



Fendi Chateau Residences

The Surf Club

Champlain Towers North

Champlain Towers East

Solara

87 Park

8777 Collins Avenue

Harding Avenue

Collins Avenue





# 02. Parcel Aerial

Surfside Land  
8777 Collins Avenue  
Surfside, Florida 33154



North Beach  
Oceanside Park

8777 Collins  
Avenue

Harding Avenue

87th Street

88th Street

89th Street

Collins Avenue

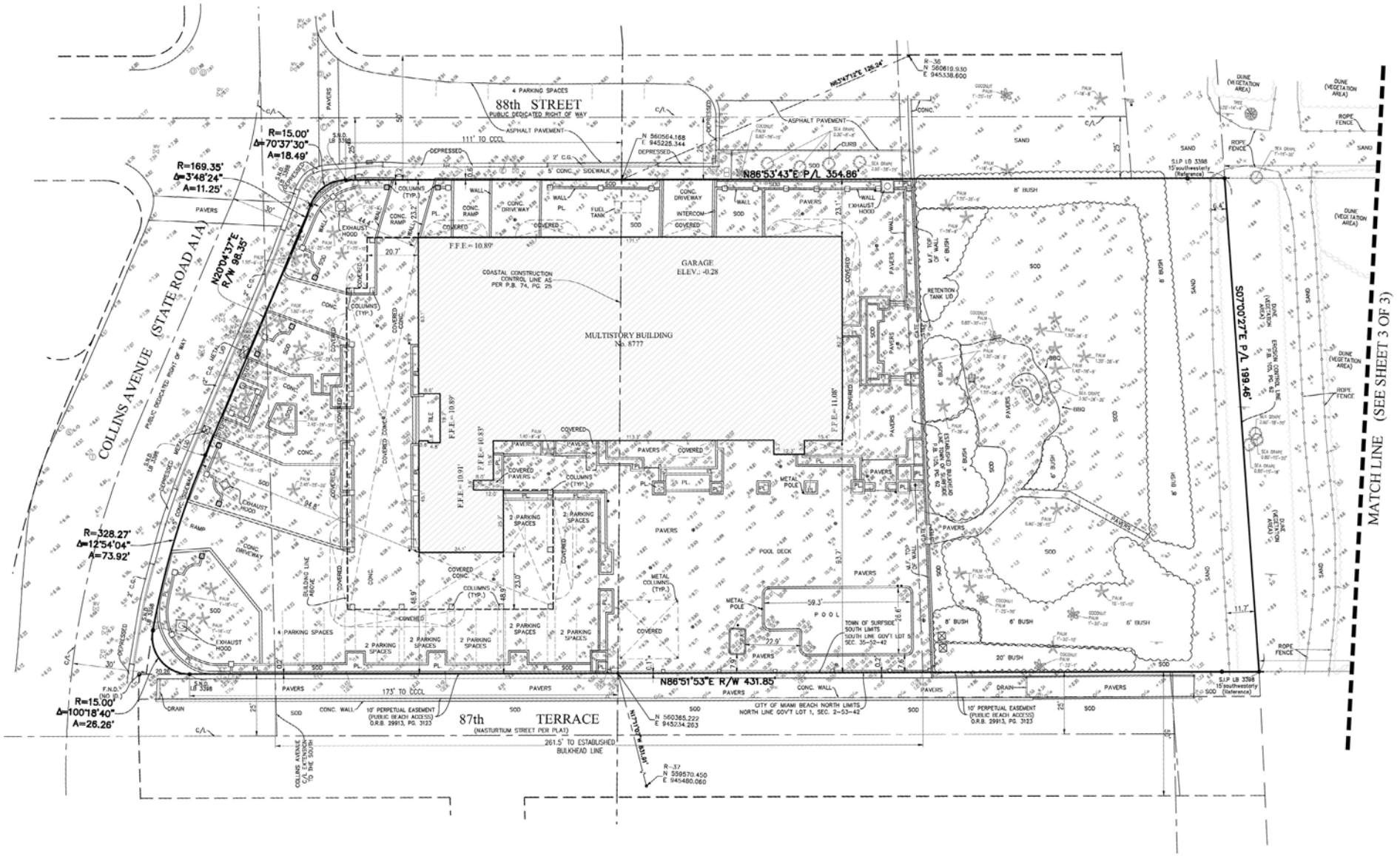
Atlantic Way





# 02. Site survey

Surfside Land  
8777 Collins Avenue  
Surfside, Florida 33154





# 02. Accessibility

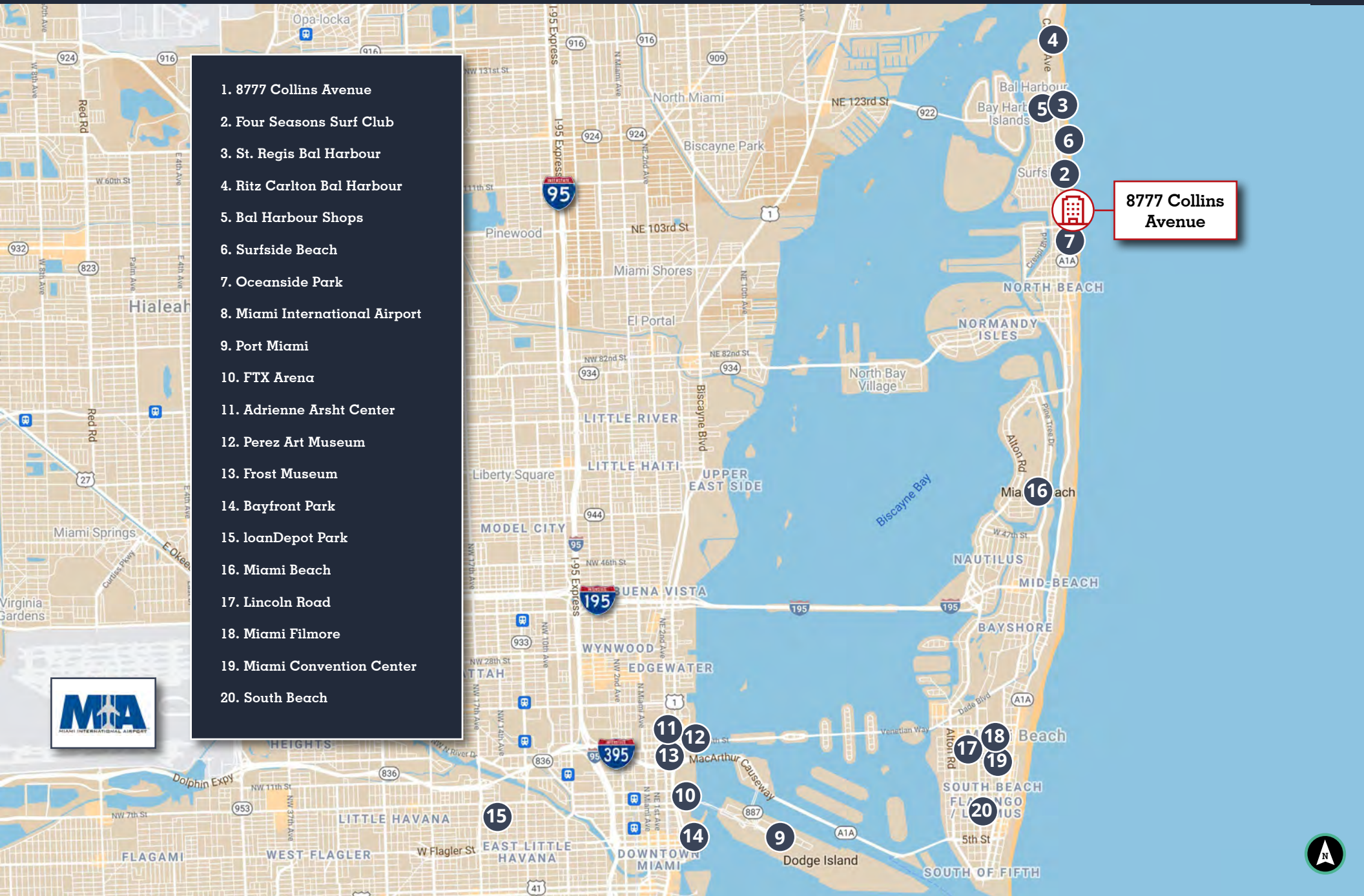
Surfside Land  
8777 Collins Avenue  
Surfside, Florida 33154





# 02. Local destinations

**Surfside Land**  
8777 Collins Avenue  
Surfside, Florida 33154



- 1. 8777 Collins Avenue
- 2. Four Seasons Surf Club
- 3. St. Regis Bal Harbour
- 4. Ritz Carlton Bal Harbour
- 5. Bal Harbour Shops
- 6. Surfside Beach
- 7. Oceanside Park
- 8. Miami International Airport
- 9. Port Miami
- 10. FTX Arena
- 11. Adrienne Arsht Center
- 12. Perez Art Museum
- 13. Frost Museum
- 14. Bayfront Park
- 15. loanDepot Park
- 16. Miami Beach
- 17. Lincoln Road
- 18. Miami Filmore
- 19. Miami Convention Center
- 20. South Beach



**8777 Collins Avenue**





# 02. Condominium sales comparables

**Surfside Land**  
 8777 Collins Avenue  
 Surfside, Florida 33154

	Property	Building Name	Address	Year Built	Condo Count	Sold Out %	Price PSF (Wgt. Avg.)	Avg. Unit Size	Number of Trades
A		Fendi Chateau Residences	9349 Collins Avenue Surfside, FL 33154	2016	57	100%	\$1,742	4,295 SF	57
B		Surf Club Four Seasons	9001 & 9111 Collins Avenue Surfside, FL 33154	2017	150	100%	\$2,591	3,256 SF	129
C		87 Park	8701 Collins Avenue Miami Beach, FL 33154	2019	66	100%	\$2,513	2,276 SF	66
D		Arte Surfside	8955 Collins Avenue Surfside, FL 33154	2020	16	63%	\$3,235	4,356 SF	10



# 02. Condominium sales comparables | map

Surfside Land  
8777 Collins Avenue  
Surfside, Florida 33154







# 03. Area overview

Surfside | Miami

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Economics

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Points of Interest

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Demographics

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# 03. Surfside - coastal paradise

**Surfside Land**  
8777 Collins Avenue  
Surfside, Florida 33154

Surfside is a primarily residential beachside community located on a barrier island near Miami, Florida. With a population of just under 6,000, this small community is nestled between the Atlantic Ocean to the east and the idyllic Biscayne Bay to the west, with the top-tier amenities of the Bal Harbour Shops and world-class resorts just steps away, and the big-city amenities of Miami accessible via the nearby causeways.

The town has been a popular location in recent years for ultra-luxury condominium developments, including the Four Seasons Private Residences, the Fendi Chateau Residences, and the prestigious 87 Park and Arte Surfside buildings. The town also has a collection of high-end hotels, including the Four Seasons, the St. Regis Bal Harbour, and the Ritz-Carlton Bal Harbour.

The town's primary shopping area, the Bal Harbour Shops, is known throughout Miami as the luxury shopping destination, and has been ranked repeatedly as the top-selling mall, per square foot, in the world.





# 03. Miami | A growing city

**Surfside Land**  
8777 Collins Avenue  
Surfside, Florida 33154

Known as the “Magic City,” the City of Miami is located in Southeast Florida, in Miami-Dade County on the Miami River, between the Florida Everglades and the Atlantic Ocean. Miami is one of the state’s – and the world’s – most popular vacation spots with over 15 beaches including South Beach, Bal Harbour Beach and Sunny Isles. Nearby cities include Ft. Lauderdale and Miami Beach.

Miami is home to a huge business market, with countless company headquarters based out of the city including Bacardi, Benihana, Brightstar Corporation, Burger King, Carnival Cruise Lines, Holland & Knight, Inktel Direct, Lennar, Norwegian Cruise Lines, Perry Ellis International, Royal Caribbean Cruise Lines, Ryder Systems, Telemundo, U.S. Century Bank, and World Fuel Services.

Miami was ranked the fifth-most walkable of the largest cities in the United States in 2019, and consistently ranks among the top cities in the United States in terms of finance, commerce, culture, entertainment, fashion, education, and other sectors. The city’s towering skyline is the third largest in U.S.A.

Miami’s cultural attractions draw millions of visitors every year. In addition to the major museums such as the Museum of Contemporary Art, The Miami Art Museum, The Frost Museum of Science and the Perez Art Museum, there are countless galleries in Miami. Miami is also the home to several performing arts companies, large entertainment venues and historic homes, buildings, and churches.

The Miami area offers something for everyone. Vibrant South Beach nightlife is famous for its revelers. Wynwood Walls and the Design District are renowned amongst modern art and architecture fans. Little Havana brings culture and energy to the city of Miami and its visitors. And of course, Miami’s white sand beaches are famous around the world. The city is also known for its numerous high-end shopping areas and local sports teams including the Marlins, Dolphins and Miami Heat.

Its major entry points for trade, business and travel include Miami International Airport, the fifteenth busiest airport in the United States, and the Port of Miami, the busiest passenger seaport in the United States. With an on-going influx of domestic and international visitors and new residents, Miami appears set to continue its impressive track record for the foreseeable future.



**Busiest cruise port  
in the U.S.**



**15<sup>th</sup> busiest airport  
In the U.S.**



**5<sup>th</sup> most walkable  
city in the U.S.**



**Annual visitors  
23,000,000**



# 03. Employment & economic impact

Surfside Land  
8777 Collins Avenue  
Surfside, Florida 33154

The majority of Miami’s economy is centered around tourism, with its extensive beaches, luxurious hotels, and renowned shopping hotspots. The city is visited year-round, especially when northern snow birds flee to the south during the harsh winter months. However, trade has also helped stimulate the economy. The city’s location makes it a top domestic location for entities doing business in the Caribbean and Latin America. As a result, Miami’s employment numbers continue to be strong.

### Region and population

Greater Downtown Miami is the largest metro area of the third most populous state in the United States. Miami-Dade has a population of over 2.7M residents, and Miami ranked 2nd overall among US cities in overall population growth. At current growth rates, Miami Dade county is gaining 225 residents per day. More broadly, South Florida’s population has boomed since 2010, driven in part by domestic immigration from the Northeast United States as mobile, affluent residents of high-tax states continue to relocate to the more favorable tax environment in Florida. Retirees and international immigrants from Latin America also account for a large portion of this growth.

### Miami’s top 7 fastest-growing companies

Company	Two-year revenue % growth
Monat Global	758.86%
Pan American Zink	176.32%
The Revenue Optimization Companies	131.82%
SMP Pharmacy Solutions	80.21%
Century Metals % Supplies	76.25%
City National Bank of Florida	66.27%
UniVista Insurance	64.62%

### Corporate headquarters in Miami

Company
Burger King Worldwide
Carnival Corporation
Embraer North America
FedEx North America
Lennar Corp
Medtronic Latin America
UPS Latin America & Caribbean





# 03. Points of interest

**Surfside Land**  
8777 Collins Avenue  
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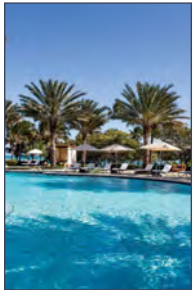
### 1. Four Seasons Hotel at the Surf Club

The Four Seasons Hotel at the Surf Club is a mixed-use luxury property in Surfside that sits on 9 acres of pristine beachfront along the Atlantic Ocean and offers a prestigious home address with all the advantages of living in a grand hotel. It offers hotel rooms as part of the Four Seasons Hotel and resident rooms as part of the Residences at the Surf Club. It is located on Collins Ave between 91st and 90th Street is only 15 miles away from both the Miami and Ft. Lauderdale Airports. The property amenities include a luxury pool, 40 beach Cabanas, a state-of-the-art spa, a Michelin star restaurant, and more.



### 2. St. Regis Bal Harbour

The St. Regis Bal Harbour Resort in Bal Harbour is located on Collins Ave north of 96th street, directly across from the Bal Harbour Shops and about 16 miles away from both the Miami and Ft. Lauderdale Airports. It is a beachfront luxury resort situated on 9 acres of land overlooking the Atlantic Ocean. It was awarded the coveted Forbes five-star and AAA five-diamond awards for 2021. It boasts luxury amenities including a spa, two infinity pools, multiple restaurants, and more.



### 3. Ritz-Carlton Bal Harbour

Set along the Atlantic Ocean, The Ritz-Carlton, Bal Harbour is located at the northern tip of Bal Harbour and marks the end of the North Miami Beach and the beginning of the Sunny Isles Beach. Renovated resort accommodations include multi-room suites set on exclusive floors. A day at the semi-private beach is best enjoyed with a luxury cabana. And the Exhale spa is a wellness destination with head-to-toe services and their signature barre and yoga classes.



### 4. Bal Harbour Shops

Located on the corner of 96th St. and Collins Ave. the Bal Harbour Shops is a premier shopping center that features luxury brands such as Valentino, Gucci, Neiman Marcus and more. It offers a unique experience to its customers by creating a community environment through events such as yoga, product releases, and more. It also offers a variety of top tier dining options that add to the experience. In 2012, Bal Harbour Shops topped the list as the world's most productive shopping center based on sales per square foot. Ideally located near the Ritz-Carlton Bal Harbour and St. Regis Bal Harbour to attract customers on vacation.



### 5. Surfside Beach

Located north of Miami Beach and south of Bal Harbour, Surfside Beach is a quaint, family-oriented beach that is home to both the residents of Surfside and some of the most lavish resorts and hotels. The small town offers a retail strip of boutiques shops and restaurants on Harding Avenue.



### 6. North Beach Oceanside Park

Located in Miami Beach between 78th St. and 87th St. and directly south of Surfside, North Beach Oceanside Park is a park bordered by a row of dunes leading to the beach. It offers trails nearby and has a path close to the beach where you can enjoy the shoreline.



# 03. Access and transportation

**Surfside Land**  
8777 Collins Avenue  
Surfside, Florida 33154

## 1. Collins Avenue (A1A)

Whose daily traffic count is about 44,500 vehicles per day is a major thoroughfare in Miami Beach that runs parallel to the Atlantic Ocean and allows drivers to travel north and south through Miami Beach.

## 2. JFK Causeway

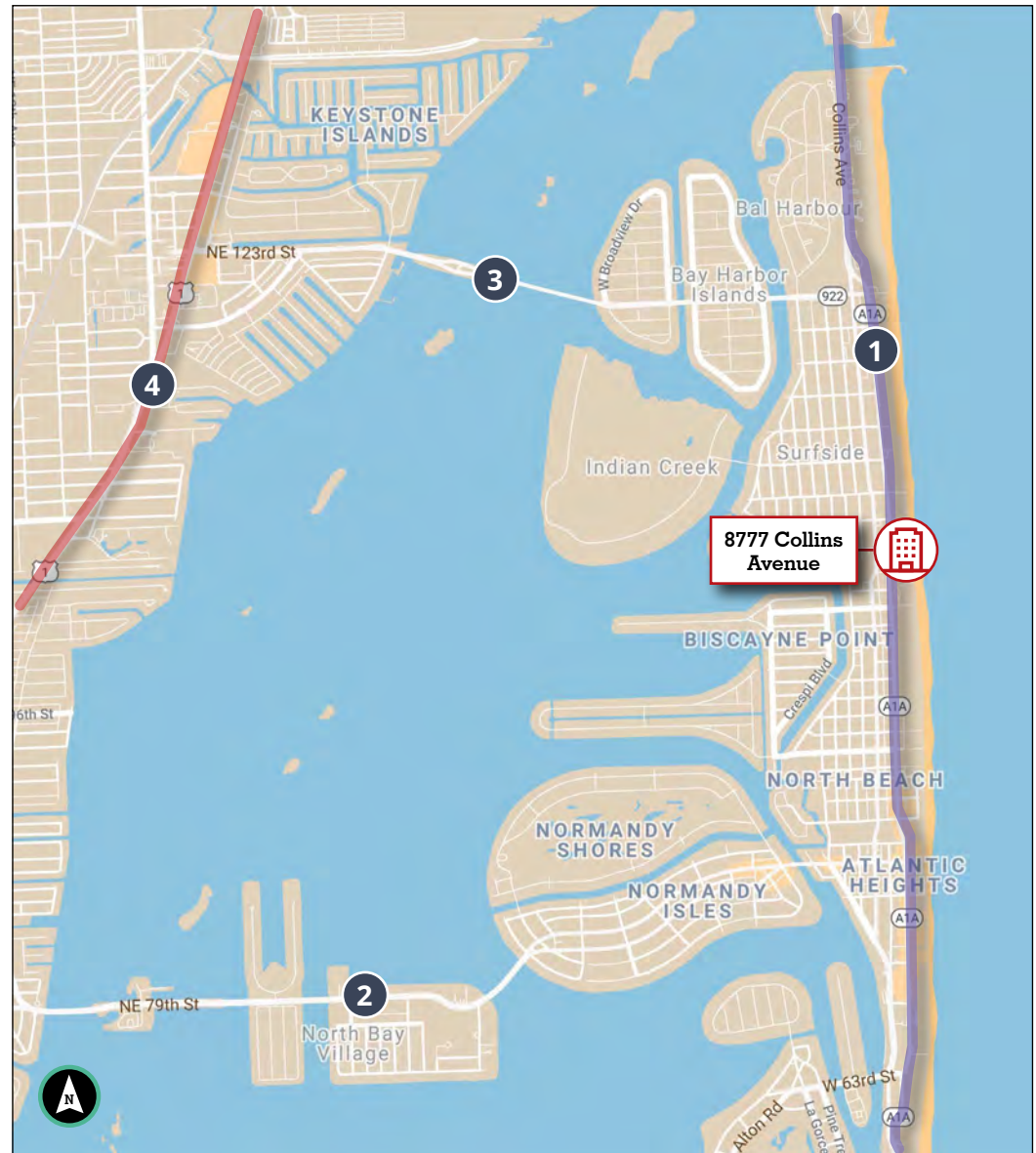
Whose daily traffic count is 37,000 vehicles per day is a 13.1 mile causeway that runs east/west and connects North Miami at 79th St. with North Bay Village, Normandy Island and Miami Beach.

## 3. Broad Causeway

Whose daily traffic count is 31,500 vehicles per day is a 5.5 mile causeway that runs east/west and connects North Miami at 123rd St. with Bay Harbor Islands, and Bal Harbour.

## 4. Biscayne Boulevard

Whose daily traffic count is 41,500 vehicles per day is part of U.S. Route 1 which is a federal highway that runs north/south from Florida to Canada on the eastern part of the U.S. In Florida, Biscayne Boulevard runs north/south from Miami to Hollywood and parallel to the beaches.





# 03. Demographics - 3 miles

**Surfside Land**  
8777 Collins Avenue  
Surfside, Florida 33154

Population	
2021 Estimated population	77,549
2026 Estimated population	80,361
2010 Census population	69,072
2021 Families	18,476
Projected annual growth 2021 to 2026	0.71%

Households	
2021 Estimated households	36,155
2026 Estimated households	37,236
2010 Census households	32,760
Projected household growth 2021 to 2026	0.59%

Household income	
2021 Estimated average household income	\$111,227
2021 Estimated median household income	\$69,573

Business and employees	
2021 Total businesses	4,595
2021 Total employees	24,835
Employee / Resident Ratio (per 100 residents)	32

Data provided by ArcGIS.







# 04. Appendix

Zoning Letter from Town of Surfside

Supplemental Zoning Letter



# 04 Appendix - Zoning letter from Town of Surfside

**Surfside Land**  
8777 Collins Avenue  
Surfside, Florida 33154

The Town of Surfside is in receipt of your July 30, 2021 Zoning Verification Request for 8777 Collins Avenue, Surfside, Florida (the "Property"). Although your letter seeks eight categories of information, we have been asked by Judge Hanzman, the judge presiding over Drezner et al v. Champlain Towers South Condo Assoc. Inc., to focus this letter on confirmation of current zoning and land use in order to expedite its release for inclusion in offering materials.

In connection with your request, a Boundary Survey dated August 7, 2020 prepared by J. Bonfill & Associates, Inc. (the "Survey") was utilized. The Survey includes a notation that the Property contains 81,866 square feet (approximately 1.88 acres). Based on the dimensions provided, it appears the calculated lot area includes the area between the Bulkhead Line and the Erosion Control Line. No dimension is given for the distance between the Bulkhead Line and the Erosion Control Line.

## **Comprehensive Plan/Land Use**

This letter shall confirm the portion of the Property west of the bulkhead is designated "High Density Residential/Tourist" under the Comprehensive Plan. The category allows for single family, duplex, multifamily residential, and hotel at a maximum density of 109 dwelling units per acre. Public schools, places of assembly, and parks and open spaces are also permissible uses under the land use designation. A maximum height of 120 feet is allowed.

The portion of the Property east of the Bulkhead Line is designated "Private Recreation." This designation allows "privately owned open space and land between Bulkhead and Erosion Control Lines (privately owned land)." Development is limited to a floor area ratio of 0.05 and not more than 30 feet in height.

## **Zoning**

This letter shall further confirm the Property is zoned H120. Pursuant to **Section 90-39.4.1**, the purpose of the H120 district is "to permit multifamily dwellings and hotels no more than 120 feet in height."

### **a. Uses**

Uses within H120 are regulated under **Section 90-41** which permits detached single-family, duplex, multi-dwelling structure, townhouse, parks and open space, and playgrounds as permitted uses.

### **Hotels and suite hotels are also permitted subject to the following limitation:**

May provide a beauty/personal services, dining room, and coffee shop, bar or cocktail lounge, telegraph office, tobacco, candy, and newsstand, automobile rentals where rental vehicles are not kept on premises, ready to wear shops, travel agencies, gift and sundry shops, coin operated machines, washing machines, and marble, coin or amusement machines (other than gambling devices), and diet and health spas providing services solely to guests; provided, however, that such facilities may be entered only from the inside of the structure and there shall be no window or evidence of such facilities from outside the hotel or motel.



# 04 Appendix - Zoning letter from Town of Surfside

**Structured parking facilities are permitted after conditional use approval subject to the following limitation:**

The annual permit requirements in **Section 90-23.6** are not applicable to this use. A unity of title and a covenant shall run with the land if a Structured Parking Facility is located on a different lot from the main facility. So long as the main lot remains developed, the parking lot shall remain.

For residential and hotel uses, minimum unit sizes are provided in **Section 90-42** ranging from 600 square feet per efficiency to 1,150 square feet for a 3-bedroom apartment, and 350 square feet per hotel unit to 525 square feet for a suite hotel.

The H120 district allows a number of accessory uses including game courts, recreational amenities, office space, vending machines, outdoor dining and a bar subject to limitations described in **Section 90-41**.

**b. Development Capacity**

There is no floor area or lot coverage limitation within the H120 district. Instead, development capacity within H120 is a function of the permissible building area within the required setbacks and height limitation.

**b1. Setbacks**

Minimum setbacks<sup>1</sup> are set forth in **Sections 90-45(b)(1) and 90-48**. Minimum setbacks for the Property (based on the Survey) are:

Boundary	Abutting	Type	Setback required
West	Collins Avenue frontage	Primary frontage	40 feet
North	88th Street	Secondary frontage	10% of lot frontage, no less than 20 feet
South	87th Terrace <sup>2</sup>	Secondary frontage	10% of lot frontage, no less than 20 feet
East	Oceanfront	Rear	30 feet <sup>3</sup>

<sup>1</sup> Section 90-47.5 allows certain non-habitable projections into setback areas.

<sup>2</sup> The Survey depicts the south frontage as a public right-of-way under the jurisdiction of Miami Beach. If that right-of-way has been vacated, the south boundary may be considered an interior side which requires a setback of 10% of the lot frontage, but no less than 10 feet.

<sup>3</sup> Pursuant to Section 90-60.1, "no permit shall be issued for the construction of any habitable, fully enclosed structure closer than 20 feet to the west of the ocean bulkhead line.



# 04 Appendix - Zoning letter from Town of Surfside

Surfside Land  
8777 Collins Avenue  
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For buildings that exceed 30 feet in height, **Section 90-48.5** provides an additional setback above 30 feet in height as follows: In the H120 district, when a building exceeds a height of 30 feet, the width of each side yard shall be increased by one foot for every three feet of building height above 30 feet, provided however, on a corner lot the minimum width of the side yard adjoining a street need not exceed 20 feet.

## **b2. Height**

Maximum height is set by **Section 90-43** at 120 feet and 12 stories. Height for flat roofs is measured from the “established elevation determined by the Florida Department of Environmental Protection for the first floor<sup>4</sup>” to the “highest point of the roof.” Height for pitched roofs is measured to the top of the tie beam. Height allowances for “architectural elements including cupolas, chimneys, flagpoles, spires, steeples, stair accessways, antennas, ventilators, tanks, parapets, trellises, screens and similar not used for human habitation, are permitted an additional 20 feet of height above the roof and can cover a maximum 30% of the roof. Mechanical equipment rooms, including elevator shafts, and stair access ways are permitted subject to the same limitations provided they are of “high architectural quality integral to the design of the building.”

### **A “story” is defined as:**

That portion of a building other than a basement, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor next above it, then the space between such floor and ceiling next above it.

### **A “basement” is defined as:**

That portion of a building between floor and ceiling which has at least one-half of its height below the grade of the street on which it fronts. The height of a basement above grade shall not exceed one-half of the average height of a story in the building.

Pursuant to **Section 90-55.1**, accessory buildings and structures, such as cabanas, pergolas, gazebos, and trellises must be non-habitable and are allowed up to a maximum height of 12 feet.

## **c. Open Space & Landscape Requirements**

**Section 90-49** requires at least 20% of the lot area be maintained as pervious. Landscape requirements are provided in Article VIII of the Code.

## **d. Parking and Loading**

Parking requirements are set by **Section 90-77(c)**, providing for 1.5 spaces for a 1-bedroom units, 2 spaces for 2-bedroom and 3-bedroom units, and 2.25 parking spaces for each 4-bedroom unit. Pursuant to **Section 90-81.9**, a subsurface/basement parking garage can “extend into the side and rear yards to the property lines, provided the top surface of such extensions is not more than five feet above grade.”

<sup>4</sup> See Section 90-44.3 of the Code which provides an exception for “lots or parcels where construction is regulated by the State of Florida Coastal Construction Code . . .”



Loading requirements are provided in **Sections 90-82 and 90-84** and require a loading space of at least 12 feet wide, 30 feet deep, and 14.5 feet high for every 100,000 square feet of floor area.

## **e. Nonconforming Uses and Structures**

To the extent the structure or uses on the Property were legally established but do not conform to current code requirements, **Section 90-31**, allows for reconstruction following a catastrophic destruction event subject to the following conditions:

Reconstruction after catastrophe. If any nonconforming building or structure is destroyed or damaged by a fire, flood, windstorm, natural disaster or similar event, and the cost of restoring the structure to its condition which existed immediately prior to the event does not exceed 50 percent of the cost of replacing the entire structure, then the structure may be restored to its original nonconforming condition. If any nonconforming building or structure in which there is a nonconforming use, is damaged by fire, flood, windstorm, natural disaster or similar event and the cost of restoring the structure to its original condition will exceed 51 percent of the replacement cost of the same building or structure, then the structure shall not be restored.

See **Section 90-31(3)**.

## **Nonconforming uses are governed by the following:**

Nonconforming use of building or structure. If for any reason the nonconforming use of a building or structure ceases or is discontinued for a period of six months or more, the building or structure shall not thereafter be used for a nonconforming use. **See Section 90-31(b)**.

## **f. Miscellaneous Requirements and Limitations**

Development is further impacted by, among others, architectural requirements in Section 90-50, limits on continuous wall frontages in **Section 90-5**, and required vision clearances in **Section 90-52**. There are other limitations within the Town Code, County Code, and promulgated by the State of Florida, such as the Florida Building Code and Coastal Construction Control Line, which may impact the development capacity of the Property.

## **Rezoning Initiatives**

The Town Commission has been considering the adoption of a new zoning code for approximately 1.5 years. All property within the Town including the Property is currently under Zoning in Progress pursuant to **Section 90-6**, which limits the consideration of development applications to those that meet the stricter of the proposed code limitations or the current code limitations. Zoning in Progress lasts up to 90 days unless extended, but is automatically terminated once the proposed ordinance, in this case the Zoning Code, is adopted.



# 04 Appendix - Zoning letter from Town of Surfside

Surfside Land  
8777 Collins Avenue  
Surfside, Florida 33154

We have attached a copy of the currently applicable Zoning in Progress notice, which was recently extended for an additional 90 days by Commission action on August 10, 2021. The proposed regulations within the Zoning in Progress notice impact the H120 district height (providing for measurement from the crown of road) and density and intensity calculations (based on land westward of the bulkhead line). With respect to the density and intensity calculations being based on the land westward of the bulkhead line, it is important to note that is consistent with the regulation in place at the time the Champlain Towers South site was developed.<sup>5</sup>

Any change in the zoning capacity within the Town is subject to Section 4 of the Town's Charter which provides:

The density, intensity, and height of development and structures within the Town of Surfside shall not exceed the maximum allowable units per acre, floor area ratios or the maximum allowable building heights in stories and feet that are set out in the Town of Surfside Comprehensive Plan or the Code of the Town of Surfside, whichever provisions are most restrictive, which were in effect in 2004. This amendment to the Town of Surfside Charter shall not be repealed, revised, amended, or superseded unless repeal, revision, amendment, or superseding provisions are placed on the ballot at a regularly scheduled election of the Town of Surfside and approved by a vote of the electors of the Town of Surfside.

The Zoning Code is currently under revision and is scheduled to be considered at a Town Commission Workshop on September 9, 2021. It is recommended the activities to develop the new Zoning Code be monitored.

## Historic Resources

Pursuant to **Section 16A-3** of the County Code of Ordinances, the Town is subject to Miami-Dade County Historic Preservation jurisdiction. While the Town is not aware of any historic district or designation affecting the Property, it is suggested this should be confirmed directly with Miami-Dade County Historic Preservation.

Copies of the Comprehensive Plan's Future Land Use Plan and text of land uses and densities are enclosed. The Zoning Map and relevant Zoning Code Sections referenced above are also enclosed in the placement order of the letter, as well as the current Zoning in Progress notices.

See link below:

[Click Here for original Zoning Verification Letter and Appendix pages](#)

<sup>5</sup> Based on a rough calculation of the area of the Property west of the bulkhead line, that area comprises approximately 1.27 acres. At the density permitted under the Comprehensive Plan of 109 units per acre, that area would support 139 dwelling units which is approximately the number of units that were on the Property at the time of the catastrophic collapse.



# 04 Appendix - Supplemental zoning letter

A letter was forwarded on August 13, 2021 to verify the land use and zoning applicable to the Champlain Towers South property. Messrs. Goldberg, Singerman, Kasdin, and Fay have requested a supplemental letter summarizing and confirming the development capacity currently applicable to the property as of the date of this letter. Please note, this letter is not intended to replace or modify the August 13, 2021 zoning verification letter, which should be referred to for the in-depth analysis which supports the summary information stated herein.

Based on the Charter<sup>1</sup>, Comprehensive Plan, Town Code including **Chapter 90** (the Zoning Code), and Zoning in Progress notice dated June 7, 2021, the following are the current development parameters applicable to the property:

1. Multifamily residential and hotel<sup>2</sup> uses are permitted on the portion of the property west of the bulkhead line. Private recreational uses are permitted on the portion of the property east of the bulkhead line.
2. Up to a total of 139<sup>3</sup> residential dwelling and/or hotel units are permitted on the portion of the property west of the bulkhead line.
3. As to the portion of the property west of the bulkhead line, height is limited to 120 feet and 12 stories<sup>4</sup> as measured from the crown of that portion of Collins Avenue abutting the site to the roof slab of the highest roof enclosing habitable floor area. Height is limited to 12 feet (as measured from the crown of that portion of Collins Avenue abutting the site) for the portion of the property east of the bulkhead line.

<sup>1</sup> Section 4 of the Town of Surfside Charter provides: The density, intensity, and height of development and structures within the Town of Surfside shall not exceed the maximum allowable units per acre, floor area ratios or the maximum allowable building heights in stories and feet which are set out in the Town of Surfside Comprehensive Plan or the Code of the Town of Surfside, whichever provisions are most restrictive, which were in effect in 2004. This amendment to the Town of Surfside Charter shall not be repealed, revised, amended, or superseded unless repeal, revision, amendment, or superseding provisions are placed on the ballot at a regularly scheduled election of the Town of Surfside and approved by a vote of the electors of the Town of Surfside.

<sup>2</sup> Pursuant to Section 90-41, hotel and suite-hotel uses: May provide a beauty/personal services, dining room, and coffee shop, bar or cocktail lounge, telegraph office, tobacco, candy, and newsstand, automobile rentals where rental vehicles are not kept on premises, ready to wear shops, travel agencies, gift and sundry shops, coin operated machines, washing machines, and marble, coin or amusement machines (other than gambling devices), and diet and health spas providing services solely to guests; provided, however, that such facilities may be entered only from the inside of the structure and there shall be no window or evidence of such facilities from outside the hotel or motel.

<sup>3</sup> The survey which was previously provided did not include a calculation of the area of the property west of the bulkhead line, however it was estimated the area of that portion of the property was approximately 1.27 acres. At the density permitted under the Comprehensive Plan of 109 units per acre, that area would support 139 dwelling units. This is consistent with the number of units on the property at the time of the catastrophic collapse.

<sup>4</sup> A "story" is defined as: That portion of a building other than a basement, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor next above it, then the space between such floor and ceiling next above it.



# 04 Appendix - Supplemental zoning letter

4. There is no lot coverage limitation.
5. There is no floor area ratio limitation on the portion of the property west of the bulkhead line. Structures on the portion of the property east of the bulkhead line are limited to a total floor area ratio of 0.05.
6. Minimum setbacks are as follows:
  - a. From Collins Avenue: 40 feet
  - b. From 88th Street: 20 feet
  - c. From the south property line: 20 feet for the first 30 feet in height, plus one foot of setback for every three feet in height thereafter<sup>5</sup>
  - d. From bulkhead line: 20 feet for habitable structures; 0 feet for non-habitable structures
  - e. From erosion control line: 30 feet for non-habitable accessory structures that do not exceed 12 feet in height

Development meeting the above parameters is eligible for site plan submittal and consideration by the Town Commission pursuant to **Sections 90-20 and 90-35** of the Town Code.

**See link below:**

[Click Here for original Zoning Verification Letter and Appendix pages](#)

<sup>5</sup> See Section 90-48.5 which provides "In the H120 district, when a building exceeds a height of 30 feet, the width of each side yard shall be increased by one foot for every three feet of building height above 30 feet, provided however, on a corner lot the minimum width of the side yard adjoining a street need not exceed 20 feet.



## Confidential information and disclaimer

Avison Young - Florida, LLC has been appointed by the court to represent the receiver Michael Goldberg under the July 2, 2021 dated court order in Case No. 2021-015089. for the sale of Surfside Land located at 8777 Collins Avenue in Surfside, Florida (the "Property").

The Property is being offered for sale in an "as-is, where-is" condition and Seller and Agent make no representations or warranties as to the accuracy of the information contained in this Offering Memorandum. The enclosed materials are being furnished solely for the purpose of review by prospective purchasers of the interest described herein. Neither the enclosed materials nor any information contained herein is to be used for any other purpose or made available to any other person without the express written consent of the Seller. Each recipient, as a prerequisite to receiving the enclosed, should be registered with Avison Young as a "Registered Potential Investor" or as "Buyer's Agent" for an identified "Registered Potential Investor". The use of this Offering Memorandum and the information provided herein is subject to the terms, provisions and limitations of the confidentiality agreement furnished by Agent prior to delivery of this Offering Memorandum.

The enclosed materials are being provided solely to facilitate the prospective investor's own due diligence, for which it shall be fully and solely responsible. The material contained herein is based on information and sources deemed to be reliable, but no representation or warranty, express or implied, is being made by Agent or Seller or any of their respective representatives, affiliates, officers, employees, shareholders, partners and directors, as to the accuracy or completeness of the information contained herein. Summaries contained herein any legal or other documents are not intended to be comprehensive statements of the terms of such documents, but rather only outlines of some of the principal provisions contained therein. Neither the Agent nor the Seller shall have any liability whatsoever for the accuracy or completeness of the information contained herein or any other written or oral communication or information transmitted or made available or any action taken or decision made by the recipient with respect to the Property. Interested parties are to make their own investigations, projections and conclusions without reliance upon the material contained herein.

**Sale is subject to court approval and subject to higher and better bids per the process that will be approved by the court.** Seller reserves the right, at its sole and absolute discretion, to withdraw the Property from being marketed for sale at any time and for any reason.

Seller and Agent each expressly reserves the right at their sole and absolute discretion, to reject any and all expressions of interest or offers regarding the Property and/or to terminate discussions with any entity at any time, with or without notice. This offering is made subject to omissions, correction of errors, change of price or other terms, prior sale or withdrawal from the market without notice.

Agent is not authorized to make any representations or agreements on behalf of Seller. Seller shall have no legal commitment or obligation to any interested party reviewing the enclosed materials, performing additional investigation and/or making an offer to purchase the Property unless and until a binding written agreement for the purchase of the Property has been fully executed, delivered, and approved by owner and any conditions to owner's obligations there under have been satisfied or waived.

By taking possession of and reviewing the information contained herein, the recipient agrees that (a) the enclosed materials and their contents shall be returned to Agent or Seller promptly upon request; and (b) the recipient shall not contact employees or owners of the Property directly or indirectly regarding any aspect of the enclosed materials or the Property without the prior written approval of the Seller or Agent; and (c) no portion of the enclosed materials may be copied or otherwise reproduced without the prior written authorization of Seller or Agent or as otherwise provided in the Registration Agreement executed and delivered by the recipient(s) to Avison Young. If you have no interest in the property at this time, please return this Offering Memorandum immediately to:

**Avison Young | Attn: Michael T. Fay | Principal, Managing Director  
2020 Ponce de Leon Boulevard | Suite 1200  
Coral Gables, FL 33134  
305.447.7842 | michael.fay@avisonyoung.com**

The information contained herein was obtained from sources believed reliable; however, Avison Young makes no guarantees, warranties or representations as to the completeness or accuracy thereof. The presentation of this property is submitted subject to errors, omissions, change of price or conditions, prior to sale or lease, or withdrawal without notice.



**If you would like more  
information on this offering  
please get in touch.**

### **Broker Team**

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