MIAMI BEACH
PLANNING DEPARTMENT

Staff Report & Recommendation — PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: June 25, 2019

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **PB 19-302. RM-3 Ground Level Height Increase for larger lots and Containing a Contributing Building**

REQUEST

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION V, ENTITLED "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," BY AMENDING SECTION 142-246, ENTITLED "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," TO INCREASE THE HEIGHT LIMIT FOR GROUND FLOOR ADDITIONS MEETING CERTAIN REQUIREMENTS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

HISTORY

On May 8, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the subject discussion item to the Land Use and Development Committee, the Planning Board, and the Historic Preservation Board (Item C4 O). The Ordinance is co-sponsored by Vice-Mayor Joy Malakoff and Commissioner John Elizabeth Aleman.

On June 12, 2019 the Land Use and Development Committee discussed the item and recommended that the Planning Board transmit the attached Ordinance to the City Commission with a favorable recommendation, including the additional modifications recommended by the administration, as noted in the analysis below.

BACKGROUND

The RM-3 zoned oceanfront properties from 16th – 21st Streets, which is the subject area of the proposed ordinance, are also located within the Miami Beach Architectural District (established in 1979) and within the Ocean Drive/Collins Avenue Local Historic District (established in 1986

and expanded in 1992 to include the subject area). The following is a summary of current and previous height limits for the area, as well as code changes, since 1998:

Prior to 1998:

Lots over 100,000 SF:	300 feet
Oceanfront lots over 200,000 SF:	400 feet
Otherwise:	250 feet

1998 (Ord. 98-3150)

New construction on vacant lots:	120 feet
Ground level additions:	50 feet
Roof-top additions:	Prohibited

2007 (Ord. 2007-3589) – proposed by the Seagull/Days Inn on 21st Street
The height allowed for ground level additions was increased up to the height of an existing structure for the expansion of hotel units only, and only along an interior side yard.

2012 (Ord. 2012-3784) – proposed by the South Seas Hotel (1751 Collins)
This expanded upon the 2007 ordinance to allow an increase in height for ground level additions, up to the height of the existing building, for the purpose of relocating hotel rooms. This ordinance contemplated demolishing interior portions of a lower building, while retaining the street and ocean front sides of the structures, and building a new, taller structure, in-between the two, up to the height of the taller existing building on a property. Additionally, no building greater than 25 feet shall be constructed on the eastern portion of the lot.

REVIEW CRITERIA
Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

   Consistent – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

   Not applicable – The proposed amendment does not modify district boundaries.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

   The proposed ordinance amendment is not out of scale with the surrounding neighborhood.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

   Consistent – The proposed ordinance will not affect the load on public facilities and infrastructure.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

   Not applicable. – The proposed amendment does not modify district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

   Consistent – The proposed ordinance is necessary to allow more flexibility in terms of setbacks and height in order to accommodate additions to existing contributing buildings and ensure their long-term viability.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

   Consistent – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

   Consistent – The proposed change will not create or increase traffic congestion from what is currently permitted.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

   Partially Consistent – The proposed change may reduce light and air to adjacent areas compared to current regulations.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

    Consistent – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

    Consistent – The proposed change should not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

    Not Consistent – There are no substantial reasons why properties in the subject area cannot be used in accordance with existing zoning.

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

    Not applicable –

COMPLIANCE WITH SEA LEVEL
COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA
Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

(1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.

The proposal does affect areas that are vulnerable to the impacts of sea level rise.

(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.

The proposal will not affect the resiliency of the City with respect to sea level rise.

(3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

The proposal does not diminish and is compatible with the City's sea level rise mitigation and resiliency efforts.

ANALYSIS
Attached is a proposed amendment to sec. 142-246(b) of the land development regulations of the city code. This amendment has been submitted on behalf of the real estate developer SHVO, who recently acquired the Raleigh, Richmond, and South Seas Hotels on Collins Avenue between 17th and 18th streets. The proposal would increase the maximum allowable height of ground level additions on oceanfront lots in the Architectural District from 50 feet to 200 feet for lots over 115,000 square feet.

As indicated above, in 1998, as part of the downzoning of the City, which included general height and FAR reductions citywide, heights within the subject RM-3 area were reduced to 120 feet for vacant lots and 50 feet for ground level additions to existing structures. These height limits were adopted to ensure that new construction was compatible with the scale and character of the surrounding historic district.

On the RM-3 zoned, oceanfront side of Collins Avenue within the Architectural District (between 16th and 21st Streets), the existing maximum building heights vary, as follows:

16th Street to Lincoln Road:

Loews Hotel:	18 stories / Approx. 200 feet
Georgian Condominium:	10 stories / Approx. 100 feet
Decoplage Condominium:	16 stories / Approx. 170 feet

Lincoln Road to 17th Street:

Dildio/Ritz Carlton:	12 stories / Approx. 130 feet
Sagamore Hotel:	6 stories / Approx. 65 feet
National Hotel:	12 stories / Approx. 125 feet
Delano Hotel:	13 stories / Approx. 135 feet

17th Street to 18th Street:

Ritz Plaza Hotel:	12 stories / Approx. 125 feet
Surfcomber Hotel:	3 stories / Approx. 35 feet

Marsielle Hotel:	8 stories / Approx. 85 feet
South Seas Hotel:	8 stories / Approx. 85 feet
Richmond Hotel:	7 stories / Approx. 75 feet
Raleigh Hotel:	8 stories / Approx. 85 feet

18th Street to 20th Street:

Shelbourne:	14 stories / Approx. 150 feet
Nautilus:	7 stories / Approx. 75 feet
Shoreclub:	19 stories / Approx. 200 feet

20th Street to 21st Street:

Setal Hotel:	7 stories / Approx. 75 feet
Setai Residential Condo:	37 stories / Approx. 400 feet
Days Inn / Seagull:	7 stories / Approx. 75 feet

The overall heights noted above are generally consistent from Lincoln Road to 18th Street, with a small number of sites having lower overall heights. The properties to the south of Lincoln Road are generally taller, as are some of the sites north of 18th Street, most notably the Setai.

The proposal to increase the overall height of additions within the above noted boundaries of the Architectural District would only apply to development sites that are at least 115,000 square feet. Based upon current available FAR and site ownership, as of now, this threshold would apply to two development sites:

1. The proposer's site, which contains the Raleigh, Richmond and South Seas Hotels.

2. The Shoreclub parcel on the south side of 20th Street.

Other properties within the RM-3 district from 16th to 21st Streets could, potentially, be aggregated in the future and meet this 115,000 square foot threshold; this would allow such sites to be eligible for up to 200 feet of height. However, based upon the current ownership make-up of properties from 16th to 21st Street, as well as the availability of FAR, the number of properties that would be eligible via a future lot aggregation is limited. Also, any future properties that would become eligible would still need to meet the certificate of appropriateness criteria for building placement.

Staff does have some concerns with the impact that the proposed height increase may have on the existing, well-established and iconic historic context of the area, as viewed from the west along Collins Avenue, and the east along the beach walk. In order to ensure that the proposed increase in maximum allowable height for additions within this area does not compromise the architectural and historic integrity of the existing structures within a development site, the following additional safeguards are included within the proposed ordinance, and have been endorsed by the Land Use and Development Committee:

1. ***Placement of the structure***. The ground floor addition shall be located internal to a site, and setback a minimum of 100 feet from the front property line, 75 feet from the street side property lines as well as setback a minimum of 100 feet from the rear (oceanfront) property line.

2. ***Limits on the floorplate of additions exceeding 50 feet in height***. The maximum floor plate size for the portion of an addition exceeding 50 feet in height building is 15,000

square feet, excluding projecting balconies, per floor. The historic preservation board may allow for an increase in this overall floor plate, up to a maximum of 20,000 square feet, excluding balconies, per floor, in accordance with the certificate of appropriateness criteria in chapter 118, article X of these land development regulations.

Lastly, staff would note that the overall height for a proposed addition is at the discretion of the historic preservation board. The overall height, as well as the placement of the structure, is not 'as of right', and the historic preservation board has clear authority to review any height and building placement, in addition to architecture and demolition.

SUMMARY

The subject proposal was a tri-referral to the LUDC, Planning Board and Historic Preservation Board. The Historic Preservation Board is scheduled to review the proposed ordinance and provide recommendations on July 9, 2019.

Redeveloping oceanfront sites that contain short buildings whose length runs from the street to the rear pool deck can be challenging. Such buildings, including those between 17th and 18th Streets, are at a competitive disadvantage to the taller, more narrow structures (such as the Raleigh and the Ritz Plaza), which afford ocean views to virtually every room. The longer buildings on narrow lots simply cannot provide the same views and amenities under the current code, particularly as it pertains to an allowable addition. This is an important discussion point, as most of these longer buildings on narrow sites were constructed during or right after the great depression, and were designed for working class tourists. Today's hotel market, however, has expanded and diversified significantly.

This is not to lessen the importance or significance of these structures, as they play a very important role in the historic context and architectural evolution of the area, and the city as a whole. However, on balance, staff believes that it would be beneficial to allow for taller hotel additions to sites with contributing buildings, provided the safeguards noted above are included.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

RM-3 GROUND LEVEL HEIGHT INCREASE FOR LOTS >115,000 SF AND CONTAINING A CONTRIBUTING BUILDING

ORDINANCE NO._____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION V, ENTITLED "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," BY AMENDING SECTION 142-246, ENTITLED "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," TO INCREASE THE HEIGHT LIMIT FOR GROUND FLOOR ADDITIONS MEETING CERTAIN REQUIREMENTS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City of Miami Beach Land Development Regulations ("LDRs") provides for the regulation of land within the City; and

WHEREAS, the amendments set forth below are necessary to accomplish the above objectives.

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

SECTION 1. Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Subdivision V, "RM-3 Residential multifamily, high intensity," is hereby amended as follows:

CHAPTER 142 – ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II. – DISTRICT REGULATIONS

* * *

DIVISION 3. - RESIDENTIAL MULTIFAMILY DISTRICTS

* * *

SUBDIVISION V.- RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY

* * *

Sec. 142-246. - Development regulations and area requirements.

(a) The development regulations in the RM-3 residential multifamily, high intensity district are as follows:

(1) Max. FAR: Lot area equal to or less than 45,000 sq. ft.—2.25; lot area greater than 45,000 sq. ft.—2.75; oceanfront lots with lot area greater than 45,000 sq. ft.—3.0.

(2) Notwithstanding the above, oceanfront lots in architectural district shall have a maximum FAR of 2.0.

(3) Notwithstanding the above, lots which, as of the effective date of this ordinance (November 14, 1998), are oceanfront lots with a lot area greater than 100,000 sq. ft. with an existing building, shall have a maximum FAR of 3.0; however, additional FAR shall be available for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 sq. ft.

(b) The lot area, lot width, unit size and building height requirements for the RM-3 residential multifamily, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)
7,000	50	New construction—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—400 Hotel units: 15%: 300—335 85%: 335+ For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet	New construction—800 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—550 Hotel units—N/A	150 Oceanfront lots—200 Architectural dist.: New construction—120; ground floor additions (whether attached or detached) to existing structures on oceanfront lots—50 (except as provided in section 142-1161)

		minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.		

(c) Notwithstanding the above, for oceanfront lots located within a locally designated historic district or site, but not within the architectural district, with less than 400 feet of lineal frontage along Collins Avenue and containing at least one contributing structure, the maximum building height for ground floor additions to existing structures, whether attached or detached, shall be as follows:

(1) For existing structures greater than five stories in height, the maximum height shall be limited to ten stories or the height of the roof line of the main structure on site, whichever is less. At the discretion of the historic preservation board, the maximum height of the ground floor addition may exceed ten stories if the existing and surrounding structures are greater than five stories in height, provided the addition is consistent with the scale and massing of the existing structure.

(2) For existing structures five stories or less in height, the maximum height shall be limited to five stories.

Additionally, the proposed addition shall not substantially reduce existing or established view corridors, nor impede the appearance or visibility of architecturally significant portions of an existing structure, as determined by the historic preservation board.

(d) Notwithstanding the above, for oceanfront lots located in the architectural district, the overall height of an attached addition may exceed five stories and 50 feet, but shall not exceed the height of the roof line of the structure attached to, provided all of the following conditions are satisfied:

(1) The proposed addition shall consist of the expansion of existing hotel units only and shall not result in an increased number of units.

(2) The proposed addition shall be for hotel units only. A restrictive covenant, running with the land, or other similar instrument enforceable against the owner(s), acceptable to and approved as to form by the city attorney, shall be required to ensure that the units remain as hotel units for a minimum of 30 years. If the applicant is unable to provide such a covenant, this requirement may be waived by the city manager if it is demonstrated that the project provides an extraordinary public benefit to the surrounding area.

(3) The proposed addition shall not be attached to front, street side or oceanfront elevations, nor along any other principal elevations or facades, as determined by the historic preservation board.

(4) The proposed addition shall not substantially reduce existing or established view corridors, nor impede the appearance or visibility of architecturally significant portions of an existing structure, as determined by the historic preservation board.

(e) A ground floor addition relocating existing hotel units shall also meet the following conditions, in addition to subsection (d)(2)—(4) above:

(1) There shall be no neighborhood impact establishment, dancehall or entertainment use in the area of the proposed addition;

(2) No new outdoor or open air entertainment establishment shall be created on the property. Outdoor or open air entertainment establishments existing as of the effective date of this subsection (November 24, 2012) may continue but shall not be expanded if a property avails itself of this provision.

(3) Upon approval of the proposed addition by the historic preservation board, no building greater than two stories or 25 feet in height shall be constructed between the rear of the building and westward line of the dune overlay district. This provision shall not be subject to variance.

(4) Notwithstanding the provisions in subsection 142-1161(d), if the building presently contains unoccupied but built spaces enclosed on at least three sides by existing walls of a height that would conceal a new roof, such as false parapets or storage rooms, those spaces may be further enclosed as habitable floor area, up to the permitted floor area; and

(5) No new commercial uses shall be permitted on the rooftop or any open air decks of the existing structure or proposed addition.

(f) Notwithstanding the above, for oceanfront lots located in the architectural district, with a lot area greater than 115,000 square feet, a ground floor addition, whether attached or detached, may exceed 50 feet in height, but shall not exceed 200 feet in height, in accordance with the following:

(1) *Placement of the structure.* The ground floor addition shall be located internal to a site, and setback a minimum of 100 feet from the front property line, 75 feet from the street side property lines as well as setback a minimum of 100 feet from the rear (oceanfront) property line.

(2) *Limits on the floorplate of additions exceeding 50 feet in height.* The maximum floor plate size for the portion of an addition exceeding 50 feet in height building is 15,000 square feet, excluding projecting balconies, per floor. The historic preservation board may allow for an increase in this overall floor plate, up to a maximum of 20,000 square feet, excluding balconies, per floor, in accordance with the certificate of appropriateness criteria in chapter 118, article X of these land development regulations.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE,

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____, 2019.

ATTEST:

_____
Dan Gelber, Mayor

_____
Rafael E. Granado, City Clerk

First Reading:
Second Reading:

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underline denotes new language
~~Strikethrough~~ denotes deleted language

[Sponsored by Commissioner]