

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139,
www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: February 12, 2020

SUBJECT: **LAND USE AND SUSTAINABILITY COMMITTEE MEETING OF JANUARY 21, 2020**

A Land Use and Sustainability Committee meeting was held on January 21, 2020. Land Use and Sustainability Committee Members in attendance were Commissioners Mark Samuelian, Michael Gongora (until 11am) and Ricky Arriola (until 11:30am), and Micky Steinberg (commencing at 12:30pm). Members from the administration, including Thomas Mooney, Elizabeth Wheaton, Nick Kallergis, Roy Coley, Amy Knowles, David Martinez, Joseph Centorino, Michael Belush and Alyssia Berthoumieux as well as members of public, were also in attendance. Please see the attached sign-in sheet.

The meeting was called to order at 8:06 AM, recessed at 11:20 am, and resumed at 12:30pm.

1. Adaptive Re-Use and Accessory Uses in the North Shore and Tatum Waterway Areas
Deferred from October 30, 2019
October 16, 2019 R5 E
Vice-Mayor Ricky Arriola

AFTER-ACTION:

Commissioner Arriola introduced the item, including background and lack of low impact commercial establishments in the neighborhood.

Thomas Mooney provided additional details, including the expansion of the area as recommended by staff.

Commissioner Samuelian requested information on housing availability and impact on neighborhoods that would result from hotel uses.

Thomas Mooney commented on the hotel requirements, which would only be allowed in contributing buildings, and the requirement to bring the seawall up to current code. Also, the timeframe was limited to 2 years to take advantage of the hotel use.

Daniel Vietia provided a presentation specifically related to hotel uses in North Beach.

Wesley Hevia, Ytech representative, commented in support of the hotel use, but had concerns regarding the tight timeframes for permitting and construction, and if required, 2 years for permitting and 2 years for construction is recommended.

Daniel Ciraldo, MDPL, commented on adaptive reuses, and need for affordable housing, and much of the existing housing is naturally occurring affordable housing.

Alberto Perez, property owner, commented in support of the ordinance

Commissioner Michael Gongora commented on the small accessory uses vs hotel uses, which was added at the Planning Board. Incentives are good, but he is concerned with the hotel use proposed and impact on residents, which will take away lower income rental, and concerned with more people in smaller hotel rooms. He questions whether the number of hotels should be limited.

Thomas Mooney commented on the minimum hotel room size, which is between 300-335 sf, and there would be no parking requirement for the existing buildings. The number of units could be capped.

Commissioner Ricky Arriola commented on the possibility of limiting the number of hotel units, and that a hotel would improve the parking situation as hotel guests would not need a car. He also commented that the most likely user of the hotel units would be for extended stays.

Commissioner Samuelian commented on enhancement of flooding adaptation and economic development, but that it is adding a degree of commercialization, which could change the neighborhood. He also commented on whether or not a higher seawall standard should be required.

Thomas Mooney commented on the challenge of raising the yard and seawall while keeping an existing contributing building which is most likely at a lower elevation.

Roy Coley, commented that a 2 foot raise should be good for 30-50 years, and the cost of a seawall is about \$1000-\$1500 per linear foot.

MOTION – By Acclamation:

Continue to the February 18th, 2020 LUSC, with the following direction:

- a. Establish a cap of more than 100 hotel units, with periodic status reviews.**
- b. Develop additional criteria for hotel restoration, including resiliency and restoration benchmarks, as well as criteria for locking in a hotel unit reservation.**
- c. Work with the Communications Department to provide additional outreach to the neighborhood.**
- d. Recommend that the 2nd Reading of the ordinance pending before City Commission be Deferred to March.**

2. Discussion On Private Seawalls

Continued from September 25, 2019
December 12, 2018 R7 F
City Commission

AFTER-ACTION:

Commissioner Mark Samuelian introduced the item.

Amy Knowles commented on higher elevation standards, affordability, and problems with overtopping, time-frame for repair, as well as fines and fees, and that overtopping legislation is the most urgent at this time.

Commissioner Arriola asked for recommendations from staff, and June is a reasonable timeframe for a plan.

Commissioner Samuelian recommended one community outreach meeting.

Daniel Ciraldo, MDPL, suggested that seawall upgrade should be required with major construction.

Nick Kallergis commented that there is a minimum elevation requirement for new seawalls.

Frank Del Vecchio asked if the city has the power to compel compliance and what evidence is required, and can eminent domain be utilized as a back-up.

Matis Cohen commented on incentives vs punitive measures, and suggested the city build the seawall with an easement granted from property owners, which could be used as a baywalk (along Tatum Waterway).

Commissioner Arriola suggested prioritization of multi-family areas where there are higher populations.

Commissioner Samuelian suggested the city gather the information and resources needed to have available to the public.

Mohamed Islam, a resident, commented on issues of structural feasibility related to repairs and contractor selection.

MOTION - By Acclamation:

1. **Continue the item to the June LUSC meeting with presentation of results from data analysis.**
2. **Staff to hold a community meeting before LUSC meeting in June.**
3. Discuss Private Property Resiliency Adaption.

October 30, 2019 C4 H
Commissioner Mark Samuelian

AFTER ACTION:

Commissioner Samuelian introduced the item.

Amy Knowles shared research on resiliency adaptation programs from municipalities throughout the 100 Resilient Cities network.

Daniel Ciraldo stated this type of program is a good idea and suggested the city should link up with the county for tax incentives for such a program.

Matis Cohen stated that this is a good idea and suggested that the city should look into establishing a fund.

MOTION – By Acclamation:

The administration to hold a community meeting on the topic of private property resiliency adaptation in conjunction with seawall discussion.

4. Discuss Limiting Big Box Formula Retail And Formula Restaurants In Sunset Harbour.
Continued from October 30, 2019
Commissioner Ricky Arriola
June 5, 2019 C4 Q

Deferred to February 18, 2020.

5. Discuss Limiting Big Box Formula Retail And Formula Restaurants On Lincoln Road.
Continued from October 30, 2019
Commissioner Ricky Arriola
June 5, 2019 C4 R

Deferred to February 18, 2020.

6. An Ordinance Amendment Excepting Office Uses Not Also Operating As An Entertainment Establishment Or Dance Hall From The Definition Of Neighborhood Impact Establishment (NIE).

Deferred from September 18, 2019
Commissioner Michael Gongora
June 5, 2019 C4 S

Deferred to February 18, 2020.

7. Discussion Regarding The Establishment Of Penalties For Property Owners Engaging In Demolition By Neglect.

Continued from October 30, 2019
July 17, 2019 C4 O
Commissioner Ricky Arriola

Deferred to February 18, 2020.

8. Discuss The Current Status Of the City's Transition Plan For Gas Blowers

Continued from October 23, 2019
September 11, 2019 C4 O
Commissioner Mark Samuelian

AFTER-ACTION:

Commissioner Samuelian introduced the item.

Jay Fink, Assistant Director of Public Works, gave a status update of the leaf blowers used by Greenspace and Sanitation. The divisions are working on fully moving towards electric leaf blowers.

The item will be removed from the agenda.

MOTION – By Acclamation:

The administration will provide a Letter to Commission (LTC) outlining the planned transition to electric blowers for internal operations.

9. Discuss The Motion Made By The Sustainability Committee To Make The Reduction Of CO2 Emissions A Primary Focus Of The Fleet Assessment.

July 17, 2019 C4 S
Commissioner Mark Samuelian

Deferred to February 18, 2020.

10. Discussion On Requiring All New City Vehicles Purchased After 2020 To Be 100% Electric (Except Emergency Vehicles).

September 11, 2019 C4 R
Commissioner Michael Gongora

Deferred to February 18, 2020.

11. Discussion Pertaining To Amendments To The City Code Regarding Potential Requirements For Higher Elevation For New Commercial Construction That Is Vulnerable To Flooding.

Continued from September 25, 2019
July 31, 2019 C4 D
Commissioner Ricky Arriola

Deferred to March 17, 2020.

12. Review Of Resilience Strategy Workplan – Planned And In Progress Resiliency Projects:
PALM HIBISCUS, INDIAN CREEK, WEST AVENUE AND FIRST STREET

CIP / Public Works
No Sponsor

AFTER-ACTION:

Commissioner Samuelian introduced the item.

Joseph Centorino, Inspector General, stated that his office has started two investigations into the projects (Palm & Hibiscus and Indian Creek) and will provide recommendations by the end of March.

Commissioner Arriola stated they should be mindful of the costs of outside consultants for investigations.

Frank Del Vecchio stated there needs to be a community presentation at South of Fifth Neighborhood Association.

Additional public comment: neighborhood stakeholders have designed two linear parks to replace green space.

MOTION – By Acclamation:

The administration will bring back the results of the community outreach to SOFNA to a future LUSC meeting.

13. Discuss A Proposed Bridge Connecting Fontainebleau To A Proposed South Addition.

December 11, 2019 C4 L
Commissioner Ricky Arriola

Deferred from September 11, 2019 - C4 Y

Deferred to February 18, 2020.

14. Discussion Regarding Permitting Accessory Uses For Historic Hotel Uses In The RM-3 Zoning District To Be Located In An RM-2 Property, So Long As Both Properties Share A Unified Hotel Operation And Are Connected By A Bridge Or Structure; And Modifying The Parking Requirement And Conditional Uses For Those Accessory Uses.

Commissioner Ricky Arriola
December 11, 2019 C4 M

Deferred from September 11, 2019 - C4 W

Deferred to February 18, 2020.

15. Discussion Regarding Tight Urbanism.

Continued from October 30, 2019
September 11, 2019 C4 Z
Commissioner Ricky Arriola

Deferred to February 18, 2020.

16. Discussion Regarding Incentivizing New Development To Include Units For Workforce And Affordable Housing Within New Developments That Seek Development, Height, And/OR Zoning Amendments From The City Of Miami Beach.

Deferred from September 18, 2019
May 8, 2019, C4 M
Commissioner Michael Gongora

AFTER-ACTION:

Commissioner Michael Gongora introduced the item.

MOTION – By Acclamation:

Continued to March 17, 2020 with direction for staff to bring back different options for workforce and affordable housing requirements when zoning changes are requested.

17. Update On The Current Resiliency Communication Plan.

October 16, 2019 C4 L
Commissioner Mark Samuelian

AFTER-ACTION:

Commissioner Samuelian introduced the item.

Tonya Daniels, Marketing & Communications Director, presented an update of the city's MB Rising Above branding and marketing campaign.

Elizabeth Wheaton provided details on the communications training that the Urban Sustainability Directors Network (USDN) will be providing to staff in February.

Commissioner Arriola stated that we should present ourselves as leaders to the general public nationally and internationally, as well as to residents.

Commissioner Samuelian agreed on the opportunity to market our successful programs.

Tonya Daniels stated that Rise Guide will be utilized for the West Avenue project, and once completed, the information will be shared in an LTC.

MOTION – By Acclamation:

- 1. Marketing & Communications staff will be providing a strategic discussion on branding and communications at the next goals conference.**
- 2. The administration will produce targeted communication to the business community, specifically targeting realtors and then developers.**

18. Review The Marine And Waterfront Protection Authority Resolution For The Mitigation Of Damage To Coral Reefs On Miami Beach.

October 16, 2019 C4 M
Commissioner Mark Samuelian

AFTER-ACTION:

Commissioner Samuelian introduced the item.
Elizabeth Wheaton gave an overview of the benefits of coral reefs.

MOTION – By Acclamation:

Environment & Sustainability staff to develop a resolution urging the Florida Department of Environmental Protection, Miami-Dade County, and Miami Dade County DERM to assess the impact of Port Miami deep dredging project and develop a mitigation plan to restore the impacted reef, and bring it straight to Commission meeting.

19. Discuss Prohibiting Banks Located On First-Floor Retail Spaces.

Deferred from November 20, 2019
October 16, 2019 C4 S
Commissioner Ricky Arriola

Deferred to February 18, 2020.

20. Discuss RM-2 Zoning At The West End Of Arthur Godfrey Road/41st Street And Potential For Public Benefits.

October 16, 2019 C4 T
Commissioner Michael Gongora
Co-Sponsored by Commissioner Ricky Arriola

Deferred to February 18, 2020.

21. Proposed Zoning Overlay For The Lehrman Day School At 77th Street And Dickens Avenue.

December 11, 2019 C4 N
Commissioner Micky Steinberg

Deferred to February 18, 2020.

22. Discuss The Frequency Of Water Testing In Miami Beach.

September 11, 2019 R9 S
Commissioner Micky Steinberg

AFTER-ACTION:

Commissioner Steinberg introduced the item. The item was heard in conjunction with item 24. Margarita Kruffy, Assistant Director of Environment and Sustainability Department, provided an overview of water sampling in the city.

MOTION – By Acclamation:

- 1. Staff to look into expanding the Florida Department of Health sampling program.**
- 2. Continue the item in 90 days to receive feedback.**

23. Discussion To Review The Palm Hibiscus Road Elevation Experience.

September 11, 2019 C4 Q
Commissioner Mark Samuelian

AFTER-ACTION:

Commissioner Samuelian introduced the item.

David Martinez, Capital Improvement Projects Director, provided updates and data analysis on performed research.

Nelson Perez-Jacome, City Engineer addressed the cost benefits.

Members of the public addressed the Commission regarding the North Bay Homeowners Association concerns with the aesthetics of the Palm and Hibiscus, and Sunset Harbour projects.

MOTION – By Acclamation:

1. **Continue the item to the February 18, 2020 LUSC meeting.**
2. **CIP Department to provide cost estimates for the road elevations.**

24. Discussion Regarding The Status and Implications Of The Action Items Associated With Ongoing Water Quality Coordination With Miami-Dade County.

July 17, 2019 C4 U
Continued from September 25, 2019 SRC
Commissioner Mark Samuelian
Co-Sponsored by Commissioner Michael Gongora

AFTER-ACTION: The item was heard jointly with item 22.

25. Discussion On Requiring All Commercial Landscapers Working On Miami Beach To Abide By Florida Friendly Landscaping Standards.

September 11, 2019 C4 T
Commissioner Ricky Arriola

AFTER-ACTION:

Margarita Kruff, Assistant Director of Environment and Sustainability Department, introduced the item and discussed the proposed ordinance language and recommended that a resolution be developed to urge Miami-Dade County to pass a countywide fertilizer ban that is consistent with the city's draft ordinance and requires all commercial landscapers working in Miami-Dade County to receive training and abide by Florida-Friendly Landscaping standards.

MOTION – By Acclamation:

Support the proposed resolution and bring to Commission meeting.

26. Discussion Pertaining To Strategic Increases In FAR Related To Resiliency And Other Defined Policy Benchmarks.

January 15, 2020 C4 K
Mayor Dan Gelber

AFTER-ACTION:

Mickey Marrero, representing Infiniti real estate property owners, commented on the need for small changes for low rise contributing buildings for back of house uses and adaptive uses.

Frank Del Vecchio commented on legal implications including city charter, fairness and equal treatment, and referenced a provided memo.

Matis Cohen discussed his concerns with low FAR for RM-1 properties and redevelopment.

Mark Needle commented on the team that wrote the original save Miami Beach amendment and said that the intent has always been that changes can be proposed but the public has the right to review the changes, and that they should be neighborhood focused.

Daniel Ciraldo, MDPL, referenced Allan Shulman's study, and commented that historic preservation is in the public interest, and that scientists concur that development should be limited in flood zones.

Daniel Veitia noted his concerns with housing stock and hurricane events. He also indicated that the amount of square footage lost in common areas such as stairs warrants review.

Commissioner Ricky Arriola indicated support for the dialogue but noted that there is a time crunch for a voter referendum. He also commented on the recently defeated FAR referendums which were not supported by MDPL and MBU. He also mentioned that housing stock is in danger of things like climate change, and that this (FAR) can be used as a tool for resiliency.

Commissioner Mark Samuelian commented that looking at resiliency and contributing historic buildings, and exploring neighborhood opportunities makes sense, and that we need to build consensus.

Thomas Mooney outlined the administration recommendations.

MOTION – By Acclamation:

Continued to February 18, 2020, including a timing plan for the November election.

27. Discuss The November 26, 2019 Sustainability Committee Motion Concerning Recommendations For The West Avenue Renovation Project.

January 15, 2020, C4 L
Commissioner Mark Samuelian

AFTER-ACTION:

Commissioner Samuelian introduced the item.

Tim, a West Avenue resident, expressed his support of the project using the results and recommendations from the Urban Land Institute (ULI) report. He presented three asks: 1) for the pumps to be retrofitted to provide enhanced water quality treatment 2) a successful harmonization plan, and 3) an improvement plan for the Lincoln Road streetend.

Shawn Patrick Bryant suggested working with city departments on an FAQ document addressing harmonization and adding further information as questions come up.

David Doeblar shared a resolution from Sustainability Committee regarding recommendations for the West Avenue Project.

Bernie Sandoval supported the comments of Tim and Shawn and expressed concern over an extension in the proposed timeline.

Roy Coley, Director of the Public Works Department, addressed questions and comments

from the public. He stated that there is currently no plan for a Lincoln Court park, but it would not cause a delay to scope. He added that Jacobs is not currently tasked with studying current pump stations and that would cause a delay.

Elizabeth Wheaton explained the Columbia University Resiliency Accelerator process. Staff stated that piloting storm drain screens would not delay project; they have been piloted before on Ocean Drive but impeded flow and received complaints.

Commissioner Samuelian supports a pilot of storm drain screens with analysis in three locations.

Commissioner Gongora provided support for the pilot.

Commissioner Arriola did not support the pilot.

Commissioner Arriola stated that staff need to do better job communicating resiliency projects to the public.

Mike Alvarez, a City of Bal Harbour staff member, recommended three pressurized wells on Palm and Hibiscus Island.

MOTION –

- 1. The administration will pilot storm drain screens in three locations on West Avenue, given no time impact to the project and at no cost to the city.**
- 2. By Acclamation: Administration to provide a presentation about resilience communications, including an FAQ document, to LUSC.**

28. Discussion On The Latest Project Plan Including Project Charter, Timeline, Communications Outreach Plan, And Enhancements For West Avenue.

January 15, 2020 C4 O
Commissioner Mark Samuelian

AFTER-ACTION: The item was heard jointly with item 27.

29. Discuss The Miami-Dade County Resolution Urging Municipalities To Adopt Post-Disaster Temporary Zoning Relief.

December 11, 2019 C4 S
Commissioner Mark Samuelian

Deferred

30. Discussion To Review The Role Of Land Use Boards In Neighborhood Improvement Projects.

Deferred from December 2, 2019
Commissioner Mark Samuelian
April 11, 2018 C4 N

Deferred

31. Discussion Pertaining To A Transfer Of Development Rights (TDR) Along The Tatum Waterway Area.

Deferred from December 2, 2019
July 17, 2019, C4 R
Commissioner Ricky Arriola

Deferred

32. Matrix Recommendations – Simplification Of Single Family Home Regulations And DRB Administrative Review Procedures.

October 16, 2019 R5 V
No Sponsor

Deferred

33. Proposed Sale of City Owned Lot at 6950 Harding Avenue (PL 84) to Integra Real Estate LLC.

October 30, 2019 C4 A
Commissioner Mark Samuelian

Deferred

34. Discussion On City Of Miami Beach Stormwater, Sanitary, Sewer, And Water Infrastructure Best Management Practices.

May 11, 2016 C4 U
Commissioner Micky Steinberg

Deferred

35. Discuss Having The City Pursue Mitigation Project Funding From The Department Of Housing And Urban Development.

September 11, 2019 C4 P
Commissioner Mark Samuelian

Deferred

36. Discussion On Artificial Reefs.

May 16, 2018 C4 AI
Commissioner Ricky Arriola

Deferred

37. Discussion On Repurposing Our Golf Courses For The Future.

May 16, 2018 C4 AB
Commissioner Ricky Arriola

Deferred

38. Discussion On The Grand Jury Report Regarding Health Of Biscayne Bay With Focus On Hard Debris And An Update On What The City Of Aventura Is Doing In Response.

Last heard October 23, 2019
September 11, 2019 C4 S
Commissioner Mark Samuelian

Deferred

39. Discuss The Use Of Pesticides, Herbicides, And Fertilizers On Both Public And Private Properties.

March 13, 2019 C4 V
No Sponsor

Deferred

40. Discuss Updates To The City Code Referencing Turtle Nesting.

September 25, 2017 C4 F

Commissioner Mark Samuelian

Deferred

41. Discuss Arkup's Luxury Houseboats And Their Effects On Biscayne Bay And The Quality Of Life Of Surrounding Residents.

September 11, 2019 R9 X
Commissioner Ricky Arriola

Deferred

42. Discuss The July 30, 2019 Sustainability Committee Motions.

October 16, 2019 C4 K
Commissioner Mark Samuelian

Deferred

43. Sustainability Committee Update.

No sponsor

Withdrawn

44. Development Regulations For Hotels On Lincoln Road – 500 Block Addition.

Deferred from December 2, 2019
September 11, 2019 R5 L
Commissioner Ricky Arriola

Withdrawn

The meeting adjourned at 1:20 PM

Attachment

JLM/JR/ND/TRM/EW/MAB/FT/AB

LAND USE AND SUSTAINABILITY COMMITTEE MEETING

January 21, 2020

City Commission Chambers

Attendance Sheet

NAME	E-MAIL ADDRESS	PLEASE ADD ME TO THE ELECTRONIC AGENDA LIST
1. Wesley Heura	Wesley, Heura @ Akczman.com	
2. Mebs Ann	MC @ Kahuna.net	
3. Tamika Clear	tamikaclear @ miamibeachfl.gov	
4. Daniel Veitia.	@	
5. Jorge Cano	@	
6. Roy Colby	@	
7. Maria Ruiz	@	
8. Amy Knowles	@	
9. David Martinez	@	
10. Daniel Ciraldo	@	
11. Joe Centorino	@	
12. Shawn Patrick Bryant	@	
13. FRANK DEL VECCHIO	@	CAK#16 FAR increases
14. Mark Needb	@	already on
15. Micky Marrero	@	
16. Michael Larkin	@	
17. Dave Dibbler	@	
18. Bernie Sandoval	@	
19. Mike Alvarez	@	
20.	@	