

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Ricky Arriola
DATE: February 12, 2020

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS A CORRECTIVE TEXT AMENDMENT TO THE WASHINGTON AVENUE OVERLAY.

ANALYSIS

The City Commission adopted an ordinance in October 2019 aimed at further incentivizing development along the Washington Avenue corridor. However, Urbin, one of the firms that advocated for passage of the ordinance, has discovered that the regulations, as adopted, would not make their co-living project feasible. They have submitted a corrective text amendment for the Land Use and Sustainability Committee to review. It is attached here for discussion.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Commissioner Ricky Arriola

ATTACHMENTS:

Description

- Proposed Text Amendment to Washington Ave Overlay

Proposed Modifications to the Washington Avenue Overlay Land Development Regulations

The following modifications to the Washington Avenue Overlay LDR are necessary for clarity and consistency within the legislation.

- Sec. 142-309(2)(e)
 - Previously, the CD-2 regulations contained a special provision for buildings with mixed uses, commercial and residential. When more than 25% of the floor area of buildings contained residential or hotel, then the RM-1, 2, 3 setbacks controlled.
 - The RM-1, 2, 3 setbacks are not compatible with the closely built urban environment in Miami Beach, and led to many setback variance requests.
 - Accordingly, on October 30, 2019, the City Commission passed “Common Variances” Ordinance No. 2019-4315, which included an amendment of the CD-2 district regulations to remove reference to the RM-1, 2, 3 setbacks.
 - However, the Washington Avenue Overlay development regulations were not similarly amended. As a result, these regulations continue to have a sum of the side yard setbacks requirement.
 - We are proposing to eliminate the requirement for sum of the side yard setbacks within the Washington Avenue Overlay to be consistent with the Common Variances Ordinance No. 2019-4315.
 - If this change is adopted, then developments within the Washington Avenue Overlay that have frontages greater than 100 feet will be required to provide the following side setbacks:
 - Side setback facing a street:
 - Subterranean: Zero (0) feet
 - Nonresidential uses: Zero (0) feet
 - Residential and hotel uses: Seven and a half (7 ½) feet
- Sec. 142-309(5)
 - For consistency within the text, all amenity space requirements can be provided within a “unified development site.”
- Sec. 142-309(5)(a)(3)
 - We would like to clarify that a one bedroom co-living unit must provide a washer and dryer within the unit, and co-living units with multiple bedrooms must provide a washer and dryer within the common space of the unit.
- Sec. 142-309(5)(a)(4)

- The additional sub-section confirms that co-living units will not contain more than six (6) bedrooms.
- Separating the requirements from the previous sub-section eliminates conflicting interpretations of “co-living” units.
- Sec. 142-309 (5)(a)(14)
 - Gyms and fitness centers are welcoming, commercial uses that should also be located on the ground floor for easy pedestrian access.
 - Modifying sub-section (5)(a)(14) allows gyms and fitness centers on the ground floor fronting Washington Avenue.
- Sec. 142-309 (5)(a)(15)
 - The co-living residential model is intended for collaborative living spaces.
 - The proposed revision to sub-section (5)(a)(15) clarifies that if a co-living unit does not provide dining, kitchen, and living area within the unit, then it must be provided on the same floor.
 - This ensures that daily use amenities are provided within each co-living unit or on the same level. Ample amounts of amenity spaces will be provided throughout the unified development site, as is required pursuant to Section 142-309 (5).

Sec. 142-309. – Washington Avenue development regulations and area requirements.

(2) For lots that have a frontage that is equal to or less than 100 feet, the setbacks shall be pursuant to section 142-307. For lots that have a frontage that is greater than 100 feet, the setbacks shall be as follows:

c. Side, facing a street:

i. Subterranean: Zero (0) feet;

ii. Nonresidential uses: Zero (0) feet;

iii. Residential and hotel uses: Seven and one-half (7 ½) feet

d. Side, interior:

i. Subterranean: Zero (0) feet;

ii. Nonresidential uses: Zero (0) feet;

iii. Residential and hotel uses: Seven and one-half (7 ½) feet or eight percent of lot width, whichever is greater, up to ten (10) feet. When abutting a nonresidential or non-hotel use, the minimum interior side setback shall be seven and one-half (7 ½) feet.

~~e. Sum of the side yards:~~

~~i. Residential and hotel uses: Sum of the side yard setbacks shall equal 16 percent of the lot width, up to a total sum of the side yards of 20 feet.~~

~~ii. For lots that have a platted frontage equal to or greater than 100 feet, but less than 200 feet, and are eligible for a 75 foot height limit, the sum of the side yards for floors with residential or hotel units shall be no less than 40 percent of the lot width.~~

* * *

(5) For co-living or micro residential units, the minimum unit size may be **275** square feet, provided that a minimum of 20 percent of the gross floor area of the building consists of amenity space on the same [unified development](#) site. Amenity space

includes the following types of uses: common area kitchens; club rooms; business center; retail; screening rooms; fitness center; wellness center; spas; gyms; pools; pool decks; roof decks, restaurant, bar or café above the ground floor; and other similar uses whether operated by a condominium or cooperative association or another operator. Restaurants, bars, or cafes on the ground floor shall not count toward the amenity space requirements set forth herein. These amenities may be combined with the amenities for hotels units on the same unified development site, provided that residents and hotel guests have access to such amenities.

a. Co-living or micro residential units are permitted provided that:

(1) Within the same unified development site, office uses are provided with a minimum of 10,000 square feet;

(2) Each unit is fully furnished and has an individual bathroom;

(3) All ~~micro~~ one bedroom co-living units shall have a washer and dryer machine located within the unit, and ~~all~~ co-living units with two bedrooms or more may have the washer and dryer in the common area of the unit suites, which consist of a minimum of three (3) and a maximum of six (6) co-living units, have a washer and dryer machine located within the co-living suite;

(4) Co-living units may contain a maximum of six (6) bedrooms.

~~(4)~~ (5) The units are only located on the west side of Washington Avenue. In addition, the western lot line of the unified development site must front on a street with an RM-1 or RO zoning designation;

~~(5)~~ (6) A maximum of fifty percent (50%) of the floor area within the unified development site consists of co-living or micro units;

~~(6)~~ (7) The owner must obtain a building permit within thirty-two (32) months of the effective date of this Ordinance;

~~(7)~~ (8) Formula commercial establishments and formula restaurants, as defined in section 114-1, are prohibited on a unified development site with co-living or micro units;

~~(8)~~ (9) The owner/operator shall submit a covenant running with the land, in a form acceptable to the city attorney, agreeing that any owner/operator of co-living or micro units within the unified development site shall be obligated to clean and maintain (or arrange to have cleaned and maintained) each unit;

~~(9)~~ (10) The owner/operator shall submit a covenant running with the land, in a form acceptable to the city attorney, agreeing that any owner/operator of co-living or micro units within the unified development site shall be required to perform background screening investigations of all tenants of co-living or micro units;

~~(10)~~ (11) Any owner/operator of co-living or micro units must provide onsite security guards 24 hours a day, 7 days a week;

~~(11)~~ (12) All exterior windows in any hotel, co-living, or micro units on the unified development site shall contain double-pane glass;

~~(12)~~ (13) The tenants of co-living and micro units shall not be permitted to sublease units;

~~(13)~~ (14) Ground floor uses fronting on Washington Avenue must be retail, restaurant, ~~or bar~~, or gym/fitness center. Residential uses fronting Washington Avenue are prohibited on the ground floor, other than the lobby and required vertical circulation;

~~(14)~~ (15) ~~Every floor containing co-living suites must have amenity space beyond the co-living unit that shall include common dining, living, and kitchen areas~~ A co-living unit must have a dining, kitchen, and living area. If a co-living unit does not provide a dining, kitchen, and living area, these areas must be provided on the same floor;

~~(15)~~ (16) A rooftop lounge seating area, pool, and garden shall be provided within the unified development site; and

~~(16)~~ (17) A wellness center shall be provided within a unified development site building containing co-living or micro units, which wellness center shall have both self-service and personal training offerings such as strength training, yoga, stretching, recovery, mindfulness, cardiovascular equipment, and nutritional planning.

No variances shall be permitted from the provisions of this subsection (5).