

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: March 18, 2020

SUBJECT: **LAND USE AND SUSTAINABILITY COMMITTEE MEETING OF MARCH 18, 2020**

A Land Use and Sustainability Committee meeting was held on February 18, 2020. Land Use and Sustainability Committee Members in attendance were Commissioners Mark Samuelian, Michael Gongora and Ricky Arriola. Members from the administration, including John Rebar, Thomas Mooney, Elizabeth Wheaton, Nick Kallergis, Roy Coley, David Martinez, Jorge Cano, 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 8:05 AM

1. Adaptive Re-Use and Accessory Uses in the North Shore and Tatum Waterway Areas
Continued from January 21, 2020
October 16, 2019 R5 E
Vice-Mayor Ricky Arriola
Planning

AFTER-ACTION:

Thomas Mooney introduced the item.

1315 Daytonia Road resident expressed concerns with the ordinance and quality of life related to traffic and safety, especially pertaining to lack of background checks and possible sex offenders renting in close proximity to schools.

Kirk Pascal, resident, commented on investment in the neighborhood and his support of the proposal.

7900 Tatum Waterway Dr. resident expressed concern with changing the residential character of the neighborhood and not supportive of the ordinance.

Maria Angel, resident of Y-tech, and concerned with people not having background checks and traffic impacts.

Unidentified speaker, a building owner, commented on support of the ordinance and the need for incentives, and providing access to the waterway will be a benefit for residents that do not have access.

Paula King, resident, commented that the ordinance does not protect the residents and there was no discussion at the community meeting regarding hotels. Residents do not want tourists or hotels or large venues.

Resident, commented on the workshop and indicated that half were developers, and believes the

ordinance should be rejected. Commercial activity should remain in the town center and not the residential neighborhood. She also expressed concern with lack of background checks, traffic and displacement of current residents.

Melisa Gabriel, resident, commented that the area is peaceful and not supportive of the ordinance. Need affordable housing and not tourists.

Byron Avenue resident commented in support of ordinance, including hotels and noted it will give residents access to the waterway.

George Marcopolis, property owner, commented in support of the ordinance and need for improvement in the neighborhood.

Matis Cohen commented that economic incentives are needed, including better uses that were originally hotels and vacation rentals, and that the number of hotel units could be limited.

Niesen Kasdin, Y-tech representative, commented on Y-tech building renovations, and impacts of location within an historic district, and supportive of the ordinance, but with no limits on the number of units or timeframe.

Dominique, Byron – 86th Street resident, commented that the neighborhood is not blighted, and most crime happens in south beach. She also commented that 90% of people in support are developers or investors and not residents.

Daniel Vietia indicated agreement with Kirk Pascal, and supportive of the ordinance driving investment to improve buildings. On-site management is needed.

Commissioner Ricky Arriola noted the 4 year history and grass roots efforts of the neighborhood, including morphing of the regulations for adaptive reuse. He noted the challenges from parking, and distance to commercial activity, and indicated that light commercial activity is non-intrusive throughout the City. The hotel use appears to be the concern, but there is merit to some hotel activity along the waterfront. The resiliency of the historic district is important and is an economic challenge. He noted he is supportive of the ordinance.

Commissioner Michael Gongora also commented on the history of the ordinance and that, absent the hotel, he is supportive of the ordinance. Incentives are needed for the property owners to improve their properties.

Commissioner Mark Samuelian indicated support for light commercial activity but not for hotels, which could reduce housing. A more holistic approach is needed for seawalls.

MOTION: MG/MS (2-1)

- a. **Recommend the City Commission adopt the ordinance at second reading without the hotel component.**
- b. **The administration will explore other ways to incentivize the resiliency upgrades needed without hotel uses, including economic and zoning incentives.**

2. Discuss Limiting Big Box Formula Retail And Formula Restaurants In Sunset Harbour.

Deferred from January 21, 2020

Commissioner Ricky Arriola

June 5, 2019 C4 Q

Planning

AFTER-ACTION:

Commissioner Ricky Arriola introduced the item

Matthew Amster, representing 1800 Alton Road, commented that Alton Road should be excluded from the limitations, as it has a much different character from the interior of Sunset Harbour.

Tracy Slavens, representing Sunset Land Associates, commented on the problem with empty storefronts, and concern with more regulations will chill investment in the neighborhood.

Cody Patrick, resident and business owner, indicated a need to protect business owners, increasing pricing, and attracting too many tourists to the neighborhood. Supportive of further restrictions.

Sarah de los Reyes commented on a survey that was provided and indicated more time is needed to review impact of regulations.

Commissioner Michael Gongora indicated support of an ordinance and need to protect the neighborhood.

Commissioner Samuelian requested more information on vacancies and trends.

MOTION: Continued to March 17, 2020 by Acclimation

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

Continued from January 21, 2020
January 15, 2020 C4 K
Mayor Dan Gelber
Planning

AFTER ACTION:

Thomas Mooney introduced the item.

Members of the public provided comments, including Frank Del Vecchio, Niesen Kasdin, Daniel Ciraldo, Mickey Marrero, and Mark Needle.

Commissioner Michael Gongora expressed concerns that some of the questions failed previously at the ballot and emphasized the need for any future questions to be concise and easy to understand. Supportive of bonus for workforce/affordable housing, and resiliency. He also noted that enacting ordinances are needed for review prior to the ballot.

Commissioner Ricky Arriola commented that he would like to see something put forth to the voters that they will find acceptable, including resiliency and workforce/affordable housing.

Commissioner Mark Samuelian commented that he agrees with Comm. Gongora's comments and is open on resiliency related items. He also would like to explore contributions to a bonus pool, and that it is better to have one good idea.

MOTION: By Acclamation, continue to March 17, 2020 with the following directions:

- a. **The administration will further develop the proposed options, with a particular focus on resiliency, workforce/affordable housing, and an FAR bonus pool.**
 - b. **Draft ordinances will be included, as well as potential impacts from a size and intensity standpoint.**
 - c. **The easy to understand, low impact recommendations will be further developed.**
4. Review Of Resilience Strategy Workplan – Planned And In Progress Resiliency Projects: PALM HIBISCUS, FIRST STREET, WEST AVENUE AND INDIAN CREEK.

Recurring Item
Commissioner Mark Samuelian
CIP / Public Works

AFTER ACTION:

Commissioner Samuelian introduced the item.

David Martinez, Capital Improvement Projects Director, gave an update on the Palm Hibiscus project. The issue of harmonization has been addressed for two thirds (2/3) of the properties. Mr. Martinez gave an update on the West Avenue project regarding harmonization.

Commissioner Samuelian asked about the number of signed harmonization agreements that are needed for this project. Mr. Martinez explained that the project is divided into segments and agreements will be obtained segment by segment.

Shawn Patrick Bryant, West Avenue Neighborhood Association representative, expressed the difficulty they have had getting answers to some questions in writing. Staff have answered them orally but have not put any answers in writing.

Alan Frank, West Avenue Neighborhood Association representative, stated that they are trying to help move the project forward, but they would like to get their questions answered so that residents can have clear and consistent information.

Arthur Marcus, representing 1400 Lincoln Rd Condominium, stated that the new structure proposed facing the condominium has received concern from residents. They would like to see alternative locations explored.

Valerie Navarette, Lincoln Road resident, stated that she requested a written letter from the administration explaining why the proposed pump station cannot be relocated a couple of blocks east. She explained that she has not received a response.

Roy Coley, Public Works Director explained the limitations of where the pump station and generator can be located given the present underground and electrical infrastructure.

MOTION:

Continue to the March 17th, 2020 LUSC, with the following direction:

- a. **Discussion about possible alternatives for the location of the generator, including benefits and downsides, and aesthetic improvements.**
 - b. **Provide a timeline of Lincoln Court park project.**
 - c. **Presentation/discussion about resilience communications.**
5. Discuss The November 26, 2019 Sustainability Committee Motion Concerning Recommendations For The West Avenue Renovation Project.

Continued from January 21, 2020
January 15, 2020, C4 L
Commissioner Mark Samuelian
Public Works

AFTER-ACTION: This item was heard jointly with item 4.

6. Discuss Limiting Big Box Formula Retail And Formula Restaurants On Lincoln Road.

Deferred from January 21, 2020
Commissioner Ricky Arriola
June 5, 2019 C4 R
Planning

AFTER-ACTION:

Commissioner Ricky Arriola introduced the item.

MOTION – By Acclamation: Continued to the May 6, 2020 meeting

7. 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 January 21, 2020
Commissioner Michael Gongora
June 5, 2019 C4 S
Planning

Deferred to May 6, 2020

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

Deferred from January 21, 2020
July 17, 2019 C4 O
Commissioner Ricky Arriola
Planning

Deferred to March 17, 2020

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

Deferred from January 21, 2020
July 17, 2019 C4 S
Commissioner Mark Samuelian
Fleet

AFTER-ACTION:

This item was discussed jointly with item 10.

Jorge Cano, Fleet Management Director, presented the item and detailed the city's current efforts to reduce the fleet's CO2 emissions through the acquisition of hybrid electric and fully electric vehicles.

Commissioner Samuelian discussed the opportunity for potential partnerships for the installation of EV charging stations including Florida Power and Light (FPL) and asked about the financial implications of converting the fleet to electric vehicles.

Mr. Cano detailed the total CO2 emissions reduction from use of hybrid electric vehicles and possible future benefits.

Commissioner Gongora suggested setting a target date for the fleet to be carbon emissions neutral.

Mr. Cano explained the limitations to having a fully electric fleet since the majority of vehicles in the city's fleet do not have a fully electric equivalent available in the market.

Item to be removed from agenda. A Letter to Commission (LTC) shall be provided with updates in 6 months.

MOTION: By Acclamation:

Move the item to finance committee.

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

Deferred from January 21, 2020
September 11, 2019 C4 R
Commissioner Michael Gongora
Fleet

AFTER-ACTION:

The item was heard jointly with item 9.

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

Deferred from January 21, 2020

December 11, 2019 C4 L

Commission Ricky Arriola

Deferred from September 11, 2019 - C4 Y

Planning

AFTER-ACTION:

Commissioner Ricky Arriola introduced the item

Micky Marrero, Fontainebleau representative, provided an overview of the proposal, including the need for ballroom space on the site, and inclusion of only employee parking on the site. The uses would be accessory to the Fontainebleau Hotel, which is north of the property.

Don Wolfe, architect, indicated that about 285 parking spaces would be provided, and provided a brief presentation.

Commissioner Michael Gongora indicated that he had not received anything regarding the proposal before today and was reluctant to support.

Commissioner Ricky Arriola indicated support for the employee parking on the site and for the City no longer providing subsidized parking for Fontainebleau employees.

Commissioner Mark Samuelian indicated support for the item.

MOTION – By Acclamation: Recommend that the City Commission approve the bridge.

12. 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.

Deferred from January 21, 2020

Commissioner Ricky Arriola

December 11, 2019 C4 M

Deferred from September 11, 2019 - C4 W

Planning

AFTER-ACTION:

The item was heard jointly with item 11.

MOTION – By Acclamation: Recommend that the Planning Board transmit the ordinance to the City Commission with a favorable recommendation.

13. Discuss Hotel Uses In The RM-1 District For Properties Along Lincoln Road.

January 15, 2020 C4 S

Commissioner Ricky Arriola

Planning

AFTER-ACTION:

Thomas Mooney introduced the item, which would allow hotel units in the RM-1 district abutting Lincoln Lane South when associated with a hotel on Lincoln Road.

Commissioner Mark Samuelian commented on need for review of public benefits.

Commissioner Michael Gongora indicated support of the item.

MOTION – By Acclamation: Recommend that the City Commission refer the ordinance to the Planning Board.

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

Deferred from January 21, 2020
October 16, 2019 C4 S
Commissioner Ricky Arriola
Planning

AFTER-ACTION:

Commissioner Ricky Arriola introduced the item including negative impacts of banks on the ground floor. He suggested limiting the number of banks at the ground floor in limited areas. He also commented on the disappointment of banks coming to the 17th and Alton intersection, which do not add to the community. He also noted concerns with developers choosing banks as a tenant.

Thomas Mooney commented on the negative impact from aggregation of uses. In certain areas they could be disincentivized and limited in number in certain areas. He recommended continuance for development of an ordinance.

Commissioner Michael Gongora noted the concerns with banks in terms of lack of pedestrian activity, but that banks are good tenants, and specific neighborhoods should be reviewed as opposed to a blanket ordinance. He also commented on the Capital One Café.

Commissioner Mark Samuelian agreed with tailoring the approach based on the neighborhood.

Michael Larkin, representative of Capital One Café, commented on its success.

MOTION – By Acclamation: Continued to May 6, 2020 for development of an ordinance based upon the Capital One Café model, in specific areas.

15. Discussion Regarding Tight Urbanism.

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

Deferred to March 17, 2020

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

Deferred from January 21, 2020
December 11, 2019 C4 C
Commissioner Mark Samuelian
Planning

AFTER-ACTION:

No discussion

MOTION – By Acclamation: Continued to May 6, 2020 for development of an ordinance.

17. Discussion Regarding Development Incentives For The Normandy Isle Commercial District.

Continued from October 30, 2019 LUDC
July 17, 2019 C4 P
Vice-Mayor Ricky Arriola
Planning

Item Concluded. No action.

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

Deferred from January 21, 2020
October 30, 2019 C4 A
Commissioner Mark Samuelian
Planning

Deferred to March 17, 2020

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

Deferred from January 21, 2020
May 16, 2018 C4 AB
Commissioner Ricky Arriola

Deferred to March 17, 2020

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

Deferred from January 21, 2020
December 11, 2019 C4 N
Commissioner Micky Steinberg
Planning

Deferred to March 17, 2020

21. Discussion To Explore Increasing The Usage Of Temporary Pumps And Funding It Using Monies From The Convention Center Hotel.

January 15, 2020 C4 N
Commissioner Mark Samuelian
Public Works

AFTER-ACTION:

Roy Coley, Public Works Director, presented the item and handed out maps of recommended locations for temporary pumps.

Mike Llorente provided public comment on behalf of his partner, Alex and Tiffany Heckler, providing gratitude for the city's proactive approach to adapt and discussing the issue of flooding in their neighborhood.

Commissioner Samuelian stated that blue and green infrastructure solutions could help to provide relief in areas that experience flooding.

Mr. Coley explained that the blue green infrastructure solutions may solve nuisance ponding, but it will not mitigate sea level rise impacts.

MOTION: By Acclamation:

Public Works to provide options of locations where immediate blue and green infrastructure solutions may be feasible, as the city works to build permanent long-term solutions in the future.

22. Discuss Piloting The Closure Of 9th Street Between Ocean Drive And Collins Avenue.

January 15, 2020 C4 P
Commissioner Ricky Arriola
Transportation

Deferred to March 17, 2020

23. Discuss Designating Ocean Drive As A Valet Only Street.

January 15, 2020 C4 Q
Commissioner Ricky Arriola
Parking

Deferred to March 17, 2020

24. Discussion And Review Of Allowable Store Signage.

January 15, 2020 C4 R
Commissioner Micky Steinberg
Planning

Deferred to March 17, 2020

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

Continued from January 21, 2020
September 11, 2019 C4 Q
Commissioner Mark Samuelian
CIP

AFTER-ACTION:

Commissioner Samuelian introduced the item.

David Martinez, CIP Director, explained the study performed to analyze different road elevation scenarios.

Aris Papadopoulos stated that the city should educate residents and give them the option of raising their local roads.

Commissioner Samuelian asked if there is an analysis detailing the degree to which water is kept off the street from road raising compared to storm water system improvements.

Roy Coley, Public Works Director, explained that road raising was the strategy for mitigating sea level rise, while pump stations address stormwater so there is no differentiation of the amount of water mitigated between the two methods.

Commissioner Samuelian asked if Jacobs has done an analysis that shows the impacts to homes that are below the street level.

Mr. Coley explained that there was an analysis performed, but not by Jacobs. The hydraulic model which was developed for the 1st Street project showed pre- and post- flood models to show that overall flood risk is reduced in neighborhood with road-raising and pipes and pumps installed.

Commissioner Samuelian suggested performing policy and economic analysis of different scenarios.

Commissioner Arriola explained that we must also consider the cost of doing nothing given that that is the worst-case scenario. If any analysis is done, it should include a scenario where nothing is being done and the analysis should not cause delays.

Commissioner Samuelian stated that projects are still moving forward, but as the city prepares for next wave of projects, it should have that type of analysis completed and considered.

MOTION:

- 1. Provide a document to understand the cost of the current policy which includes a summary of projects completed, pre- and post- road elevation, time they started, time they ended, and results of projects.**
- 2. After the final Jacobs recommendations are presented to Commission, Public Works staff to provide an economic analysis of the cost to implement the Jacobs recommendations.**

Run different scenarios based on different levels residents are willing to live with water, using IPCC models, including the cost of doing nothing.

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

Deferred from January 21, 2020

September 11, 2019 R9 X

Commissioner Ricky Arriola

Legal / Planning / Environment & Sustainability

AFTER-ACTION:

Commissioner Arriola presented the item.

Alex Boksner, City Attorney's Office, explained the legal issues regarding regulating floating structures and recommended regulating the types of vessels the city has the ability to regulate. Commissioner Gongora agreed that the city should regulate where these types of vessels can be docked but that it is challenging given the limitations.

An Arkup representative stated that these houseboats must comply with all regulations like all other yachts.

Nicolas, representing Arkup, extended an invitation to discuss future plans and opportunities with the commission.

Commissioner Gongora agreed with Commissioner Arriola's concern about the logistics of where other houseboats will dock when there is more than one houseboat.

Commissioner Samuelian agreed that we should address this in the forefront.

MOTION – By Acclamation: Continued to May 6, 2020 for development of an ordinance by the City Attorney's Office.

27. Discussion Regarding How Green infrastructure Including Living Or Hybrid Shorelines Can Complement Grey infrastructure In Our Climate Adaptation On-Going Work.

April 13, 2016 C4 N

Commissioner Micky Steinberg

Deferred

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

May 11, 2016 C4 U

Commissioner Micky Steinberg
Environment & Sustainability

Deferred

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

September 25, 2017 C4 F
Commissioner Mark Samuelian
Environment & Sustainability

Deferred

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

Commissioner Mark Samuelian
April 11, 2018 C4 N
Planning

Deferred to March 17, 2020

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

July 17, 2019, C4 R
Commissioner Ricky Arriola
Planning

Deferred to March 17, 2020

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

September 11, 2019 C4 P
Commissioner Mark Samuelian
Grants

Deferred

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

October 16, 2019 C4 K
Commissioner Mark Samuelian
Environment & Sustainability

Deferred

34. 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
Planning

Deferred to March 17, 2020

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

October 16, 2019 R5 V
No Sponsor
Planning

Deferred to March 17, 2020

36. Discussion Regarding Status And Jumpstarting Of First Street Neighborhood Project.

Commissioner Mark Samuelian
January 15, 2020 C4 M
Public Works

Withdrawn

37. Discuss A Corrective Text Amendment To The Washington Avenue Overlay.

Commissioner Ricky Arriola
February 12, 2020 C4 W

AFTER-ACTION:

Michael Larkin introduced the item, including the changes needed.

Thomas Mooney outlined the history and origin of the regulations pertaining to co-living units.

MOTION – By Acclamation: Recommend that the City Commission refer the ordinance to the Planning Board

38. Discuss Permitting Outdoor Theatre Use.

Commissioner Ricky Arriola
February 12, 2020 C4 X

AFTER-ACTION:

Commissioner Ricky Arriola introduced the item which was requested by the owner of 1212 Lincoln Road.

Marisa Galbut provided a brief presentation of the proposed concept, in which the audio would be provided with headphones.

Commissioner Michael Gongora discussed issues related to proximity to residential uses.

Commissioner Mark Samuelian commented on the alcohol component, and recommended community outreach.

MOTION – By Acclamation: Continued to March 17, 2020 with the following direction:

- a. The administration will place a C4 item on the March 18, 2020 City Commission agenda, refer an ordinance to the Planning Board.
- b. The proposer will conduct community outreach and provide a draft ordinance for review.

The meeting adjourned at 11:52 AM

Attachment

JLM/ATH/EC/ND/TRM/EW/MAB/FT/AB