

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: June 23, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB20-0373. Wolfsonian Arts District – Comprehensive Plan Amendment.**

**PB20-0373. Wolfsonian Arts District – Comprehensive Plan Amendment.** An Ordinance amending the City of Miami Beach 2040 Comprehensive Plan, pursuant to the expedited state review process of Section 163.3184(3), Florida Statutes, by amending the “Resilient Land Use Element,” at Objective RLU 1.1, entitled “Establishment of Future Land Use Categories,” at Policy RLU 1.1.9, entitled “Medium Intensity Commercial (CD-2),” to increase the maximum floor area ratio (FAR) within the “Wolfsonian Arts District”; and designating the “Wolfsonian Arts District” on the Future Land Use Map; and providing for inclusion in the Comprehensive Plan, transmittal, repealer, severability, and an effective date.

#### **RECOMMENDATION**

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

#### **BACKGROUND**

On May 13, 2020, at the request of Commissioner David Richardson, the City Commission referred the item to the Land Use and Sustainability Committee (LUSC) and the Planning Board (Item C4B).

On May 26, 2020, the LUSC discussed the item and recommended that the Planning Board transmit the item to the City Commission with a favorable recommendation.

#### **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.**

**Partially Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

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

**Consistent** – The proposal will improve 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.**

**Consistent** – The proposal is compatible with and supports the City's sea level rise mitigation and resiliency efforts.

**ANALYSIS**

In November 2004, as part of the Building Better Communities General Obligation Bonds (BBC-GOB), Miami-Dade County voters approved 10 million dollars for The Wolfsonian-FIU to add 25,000 square feet of new publicly accessible space. As a result, the Wolfsonian-FIU is proposing a renovation and expansion of its existing Museum at 1001 Washington Avenue. Due to the amount of floor area used for the main structure in the early 1990's, coupled with the citywide downzoning in the late 1990's, the site of the Wolfsonian-FIU is legal non-conforming in terms of allowable FAR. In order to accommodate this request, the Wolfsonian-FIU is seeking the following amendments:

1. The subject comprehensive plan amendment to establish the Wolfsonian Arts District on the future land use map and increase the FAR within the district.
2. A companion LDR amendment to increase the maximum FAR to 3.5 and modify development regulations.

As the Wolfsonian is a cultural institution in an historic building, the proposed change is consistent with Principle 3 of the Resilient Land Use element which states the following:

***PRINCIPLE 3: PRESERVING CULTURAL IDENTITY***

*The City shall encourage redevelopment that protects historic resources to the greatest extent feasible, while allowing for adaptation to a changing climate and efficient reuse of historic structures. Local area and incremental adaptation strategies shall be preferred as they allow for the greatest protection of historic resources and promote the preservation of the cultural identity of Miami Beach.*

The request for increasing the FAR a is affected by the following City Charter provision: Sections 1. 03 (c), which partially states:

*The floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zone floor area ratio as it exists on the date of adoption of this Charter Amendment( November 7, 2001), including any limitations on floor area ratios which are in effect by virtue of development agreements through the full term of such agreements, unless such increase in zone floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach.*

Since the current FAR limitation is 1.5, the increase to 3.25 would be subject to voter approval in a general referendum.

**COMPREHENSIVE PLANNING REVIEW PROCESS**

This referral includes a text amendment to Objective 1 of the Future Land Use Element of the Comprehensive Plan. Under Sections 163.3184(2), F.S., this amendment shall follow the expedited state review process for adoption of comprehensive plan amendments. This process requires a public hearing by the local planning agency (Planning Board), a public transmittal hearing before the City Commission, after which the amendment must be transmitted to several state agencies for a 30-day review period, and a final adoption public hearing before the City Commission. The amendment is effective 31-days after it is adopted if there are no appeals.

**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.

## Future Land Use



0 25 50 100 Feet



**Location:**  
East side of Washington Avenue  
between 10th and 11th Streets

**WOLFSONIAN ARTS DISTRICT  
COMPREHENSIVE PLAN AMENDMENT**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CITY OF MIAMI BEACH 2040 COMPREHENSIVE PLAN, PURSUANT TO THE EXPEDITED STATE REVIEW PROCESS OF SECTION 163.3184(3), FLORIDA STATUTES, BY AMENDING THE "RESILIENT LAND USE ELEMENT," OBJECTIVE RLU 1.1 ENTITLED "ESTABLISHMENT OF FUTURE LAND USE CATEGORIES," AT POLICY RLU 1.1.9, ENTITLED "MEDIUM INTENSITY COMMERCIAL (CD-2)," TO INCREASE THE MAXIMUM FLOOR AREA RATIO (FAR) WITHIN THE "WOLFSONIAN ARTS DISTRICT;" AND DESIGNATING THE "WOLFSONIAN ARTS DISTRICT" ON THE FUTURE LAND USE MAP; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; 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**, Miami Beach native Mitchell Wolfson Jr. amassed a world-class collection of artifacts, collectibles, and art that traces society's transition during one of the greatest periods of growth and change humanity has ever known between 1850 and 1950, commonly referred to as the Modern Age; and

**WHEREAS**, the collection was originally stored and amassed in the Washington Storage Company building, a Mediterranean Revival building constructed in 1927 that is a beacon of history and culture in Miami Beach; and

**WHEREAS**, Mitchell Wolfson Jr. founded the Wolfsonian Foundation, which purchased the former Washington Storage Company building to showcase the collection for the benefit of the public, and to attract researchers and scholars from around the world to Miami Beach; and

**WHEREAS**, in 1992 renowned architects Mark Hampton and William Kearns masterfully renovated and expanded the Washington Storage Company building as a state-of-the-art museum and research center to serve as an iconic landmark of Miami Beach's historic Art Deco District (hereinafter referred to as the "Wolfsonian"); and

**WHEREAS**, in 1997 the Wolfsonian was generously gifted to Florida International University, which greatly increased opportunities for community engagement, as well as expanded the Wolfsonian and Florida International University's cultural and scholarly influence; and

**WHEREAS**, in 2009 and 2012 the Wolfsonian was recognized as a world-class cultural institution and awarded grants from the Andrew W. Mellon Foundation and James L. Knight Foundation to expand access to the collection and increase cultural enrichment opportunities both physically and online; and

**WHEREAS**, the City of Miami Beach seeks to enrich and sustain cultural institutions such as the Wolfsonian that solidify Miami Beach as a center of history, culture, and design; and

**WHEREAS**, in order to expand its programs, including children's and education programs, increase community and scholarly engagement with the arts, encourage greater online and physical access, and grow the collection, the Wolfsonian seeks to renovate and expand its prized Washington Avenue building; and

**WHEREAS**, the previous expansion and renovation that permitted the proliferation of the Wolfsonian as an influential cultural institution in combination with the zoning regulations applicable to the property depleted the development rights available for the planned and funded future expansion of the Wolfsonian; and

**WHEREAS**, the City previously created development regulations specific to Washington Avenue pursuant to the input and recommendations of the Mayor's Washington Avenue Blue Ribbon Task Force; and

**WHEREAS**, consistent with the City's efforts the Wolfsonian has contributed to the locally designated Historic District and the improvement of conditions on Washington Avenue; and

**WHEREAS**, the proposed expansion of the Wolfsonian presents a unique opportunity for the City to encourage engagement with the City's historic and artistic roots; and

**WHEREAS**, the Wolfsonian property is located within the CD-2 District that fronts on the east side of Washington Avenue and is uniquely situated to serve as the Wolfsonian Arts District; and

**WHEREAS**, the proposed zoning regulations applicable to the Wolfsonian Arts District will allow for increased Floor Area Ratio and modified setback requirements to reflect the unique opportunity for enhancement of a thriving cultural institution; and

**WHEREAS**, the proposed zoning regulations applicable to the Wolfsonian Arts District will not impact the surrounding properties and will incentivize establishment of arts and cultural institutions in the City; and

**WHEREAS**, the Wolfsonian-FIU is a major cultural institution located on Washington Avenue in the City of Miami Beach; and

**WHEREAS**, in November 2004, as part of the Building Better Communities General Obligation Bonds (BBC-GOB), Miami-Dade County voters approved \$10million for The Wolfsonian-FIU to add 25,000 square feet of new publicly accessible space; and

**WHEREAS**, The FIU-Wolfsonian is located in the CD-2 district which has an FAR limit of 1.5 for non-mixed use buildings; and

**WHEREAS**, in The FIU-Wolfsonian facility is a legal non-conforming building that exceeds the current FAR limits; and



**WHEREAS**, in order to comply with the BBC-GOB, The FIU-Wolfsonian facility will require additional FAR; and

**WHEREAS**, City Charter Section 1.03(c), requires that any increase in zoned FAR for any property in the City must be approved by a majority vote of the electors of the City of Miami Beach; and

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

**WHEREAS**, the City seeks to amend the Comprehensive Plan to update the plan to be consistent with the vote of the residents relating to Cultural Institutions on Washington Avenue; and

**WHEREAS**, the amendments set forth below are necessary to accomplish all of the above objectives and the vote of the electorate.

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

**SECTION 1.** The following amendments to the City's 2025 Comprehensive Plan Future Land Use Element are hereby adopted:

## **RESILIENT LAND USE ELEMENT**

### **OBJECTIVE RLU 1.1: ESTABLISHMENT OF FUTURE LAND USE CATEGORIES**

\* \* \*

#### **POLICY RLU 1.1.9 MEDIUM INTENSITY COMMERCIAL (CD-2)**

*Purpose:* To provide development opportunities for and to enhance the desirability and quality of existing and/or new medium intensity commercial areas which serve the entire City.

*Uses which may be Permitted:* Various types of commercial uses including business and professional offices, retail sales and service establishments, eating and drinking establishments; apartment residential uses; apartment hotels; and hotels.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

*Density Limits:* 100 dwelling units per acre.

*Intensity Limits:* a floor area ratio of 1.5 for commercial; 2.0 for residential or mixed use; 3.25 in the Wolfsonian Arts District.

**SECTION 2.** The "Wolfsonian Arts District" shall be designated on the 2040 Comprehensive Plan Future Land Use Map, for lots 9, 10, 11, 12, and 13, within Block 30, of the plat of Ocean Beach Addition No. 2, recorded in Plat Book 2, Page 56, of the Public Records of Miami-Dade County.

**SECTION 3. REPEALER.**

All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**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. CODIFICATION.**

It is the intention of the City Commission that this Ordinance be entered into the Comprehensive Plan, and it is hereby ordained that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word. The Exhibits to this Ordinance shall not be codified, but shall be kept on file with this Ordinance in the City Clerk's Office.

**SECTION 6. TRANSMITTAL.**

The Planning Director is hereby directed to transmit this ordinance to the appropriate state, regional and county agencies as required by applicable law.

**SECTION 7. EFFECTIVE DATE.**

If no challenge is timely filed, this ordinance shall take effect 31 days after the state land planning agency notifies the City that the plan amendment package is complete pursuant to Section 163.3184(3), Florida Statutes. If challenged within 30 days after adoption, the amendment will not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that the adopted amendment is in compliance.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado City Clerk

First Reading: September \_\_, 2020

Second Reading: December \_\_, 2020

(Sponsors: Commissioners David Richardson)

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director