

# 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: July 29, 2020

SUBJECT: **LAND USE AND SUSTAINABILITY COMMITTEE MEETING OF JUNE 30, 2020**

A Land Use and Sustainability Committee virtual meeting was held on June 30, 2020. Land Use and Sustainability Committee Members participating were Commissioners Mark Samuelian, Michael Gongora, and Ricky Arriola. Commissioner Steven Meiner was also in attendance. Members from the administration, including Alina T. Hudak, Thomas Mooney, Eric Carpenter, Elizabeth Wheaton, Nick Kallergis, Roy Coley, David Martinez and Tonya Daniels as well as members of public, also participated.

The meeting was called to order at 8:05 AM

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

Commissioner Mark Samuelian  
July 31, 2019 C4 D (Deferred from May 26, 2020)  
Planning

### **AFTER-ACTION:**

Thomas Mooney introduced the item.

Rogelio Madan provided a presentation.

Daniel Ciraldo, MDPL, commented on the design problems and that more time is needed to visualize new projects. He also commented that he is supportive of the direction.

Daniel Veitia commented that this is the right direction, and mostly concerned with the Town Center, which should raise the roads to avoid harmonization issues.

Matis Cohen commented that he agrees with Daniel Veitia, and roads must be raised to have walkability for the town center.

Commissioner Michael Gongora commented that this is a step in the right direction and prepared to support the ordinance.

Commissioner Samuelian indicated support for the item and had a question regarding impacts of water overflow on abutting properties.

### **MOTION (MG/MS 3-0):**

**Recommend that the City Commission refer the ordinance to the Planning Board and that the City Commission approve the ordinance.**

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

Commissioner Mark Samuelian  
October 16, 2019 R5 V (Deferred from May 26, 2020)  
Planning

**AFTER-ACTION:**

Thomas Mooney introduced the item.

Steven Williams provided a presentation.

Wayne Roberts indicated that he is concerned with the impact of developers on residents.

Daniel Ciraldo, MDPL, indicated concern with not counting courtyards enclosed on 3 sides, balconies facing neighboring buildings, and double height space.

Matis Cohen commented on the prior item 1 regarding corner conditions and that not all Matrix recommendations are moving forward.

Thomas Mooney responded to the questions presented by Daniel Ciraldo.

Commissioner Michael Gongora commented on the history of single family regulation changes and understory regulations. He noted concerns with the proposal to remove the review of the DRB for understory homes. He also discussed the process of DRB review and approval.

**MOTION:**

**By Acclamation: Continued to July 21, 2020 with additional information on the number of understory homes approved to be provided.**

3. Discuss The Status Of Suite-Hotels In The West Avenue Neighborhood.

Commissioner Mark Samuelian  
February 12, 2020 C4 V (Continued from May 26, 2020)  
Planning

**AFTER-ACTION:**

Commissioner Mark Samuelian introduced the item.

Thomas Mooney provided further details on the proposed ordinance.

Edward Martos, rep for 1201 West Ave, commented on grandfathered hotels, and ability to convert a hotel to a suites hotel.

Wayne Roberts commented in support for the ordinance.

Gayle Durham commented in support of the ordinance.

**MOTION (MG/RA 3-0):**

**Recommend that the City Commission refer the ordinance to the Planning Board with an applicability section.**

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

Commissioner Mark Samuelian  
December 11, 2019 C4 C (Deferred from May 26, 2020)  
Planning

**AFTER-ACTION:**

Commissioner Mark Samuelian introduced the item.

Thomas Mooney provided details on the proposal.

Daniel Ciraldo indicated the public should be able to participate via video.

**MOTION (RA/MG 3-0):**

**Recommend that the City Commission refer the ordinance to the Planning Board.**

5. A) Review Of Resilience Strategy Workplan – Planned And In Progress Resiliency Projects.
- B) Discussion Regarding Establishing Private Property Harmonization And The Residential / Commercial Property Runoff And Public Drainage Infrastructure Policies For The West Avenue Neighborhood.
- C) Discussion On Alternate Harmonization Approach For Improvements At 900 Block West Ave.
- D) Review of Palm Hibiscus Status & Road Elevation Experience.

Commissioner Mark Samuelian  
Re-Occurring Item  
Capital Improvement Projects, Public Works, Communications

**AFTER-ACTION:**

- C) Discussion On Alternate Harmonization Approach For Improvements At 900 Block West Ave.

David Martinez, Capital Improvement Projects Director, provided an update on this item. He reported city staff is preparing for the July 24 Special Commission meeting. He informed the Committee that the design-builder has been approached about looking at other things and looking outside the box. Mr. Martinez informed the Committee that city staff will be bringing for evaluation the following:

1. Current design
2. Recommendation from the LUSC related to relocating components to parking lot and other options

Lastly, Mr. Martinez advised that other things will be brought back for discussion and not moving forward until issues are sorted out.

Commissioner Samuelian asked what are the most important actions that private properties in the West Avenue neighborhood should be getting ready for and aware of as it relates to incremental cost and current new construction on their properties and ways to engage with the residents.

Commissioner Gongora recommended to have this item be brought to Committee on a bi-monthly basis. Commissioner Samuelian stated he will consider this recommendation.

Tonya Daniels, Communications Director, stated the RISE Guide documents have been completed for West Avenue and are available on the city's website. She reported the frequently asked questions propose that there is not a fee for connection and provides information on the outreach the project team is having with the individual property owners along West Avenue. She stated all projects commencing January 1, 2020 forward will have RISE Guide documents.

- D) Review of Palm Hibiscus Status & Road Elevation Experience.

Commissioner Mark Samuelian introduced this item. Alina Hudak, Assistant City Manager, stated that city staff sent a Letter to Commission to the Board providing an overview of project. Mr. Martinez reported the project is currently 95% complete with additional inlets and final harmonization of affected properties, final installation of the generator, placement of final lift of asphalt and street and pavement markings remaining. He stated 83 properties require additional work, 75 properties have been resolved, and seven properties are being reviewed by their owners. He reported 30 private property inlet permits have been received, four inlet permits have been

submitted to Miami-Dade Department of Environmental Resource Management (DERM) last week, and 14 packages are being prepared to be submitted back to DERM. Mr. Martinez provided an update on Hibiscus Island underground utility systems. In respect to the GO Bond landscaping scope of work, 100% of the projects have been completed with 15-20% of work remaining to be completed around the three pump stations and generators.

Commissioner Samuelian asked for an estimate of when the Palm Hibiscus Island project will be completed. Mr. Martinez stated Hibiscus Island has seven inlets remaining to be installed and estimates this will take three months to complete. He reported Palm Island requires additional work with the inlets and final harmonization with affected properties, so he anticipates the work to be completed in about four to five months.

Commissioner Samuelian stated during the most recent extreme rain event, private properties in the west side of Coconut Lane reported flooding and is concerned this was due to the slope and road elevation. Mr. Martinez stated the city received more rainwater that far exceeded the design of the system. He also stated other areas of the city were impacted, including water in their yards, garage, and habitable space. He stated an hour post extreme rain event, the stormwater system was able to keep up with the storm event and the water receded from the properties. The next morning, city staff observed the water had receded off those properties that reported flooding. Roy Coley, Public Works Director, stated similar calls of flooding were received prior to implementation of the project because the properties are extremely low and historically and presently do not drain well. He explained the design of the system is intended to capture the water that falls within the right of way and pump it out, so the condition of the properties is better now than in the past. Mr. Coley stated calls were also received from low laying neighborhoods that have not had improvements yet during this extreme rain event. Ms. Hudak stated the extreme rain event was classified as a 40-year event countywide. Commissioner Samuelian stated there was several habitable spaces that did have flooding and the property owners reported these properties did not have flooding before the road raising project. He expressed concerned that the road raising project is leading to flooding and requests for city staff to continue to monitor the situation.

Commissioner Samuelian expressed he will be looking for additional costs the project will have during the Jacobs Engineering presentation at the July 24 Special Commission meeting.

Commissioner Samuelian asked the Office of Inspector General to provide an update on when the report of this project will be available to the public. Joseph Centorino, Inspector General, reported staff has been completing a comprehensive review and investigation of the project and estimates the report will be completed by the end of July or early August.

Commissioner Samuelian asked to provide an update on the efforts the Office of Inspector General is taking in respect to the West Avenue project. Mr. Centorino stated he assigned an investigator to monitor and oversee the project. The report has been issued of the observations that have been made and his office will investigate the matter further, if necessary.

Wayne Roberts addressed the Committee.

6. 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.

Commissioner Michael Gongora  
May 8, 2019, C4 M (Deferred from May 6, 2020)

Planning

**AFTER-ACTION:**

Commissioner Michael Gongora introduced the item and expressed support with the outline in the memo.

Commissioner Samuelian indicated support for incentives.

**MOTION:**

**By Acclamation: Continue the item to September 22, 2020 with direction to the administration to prepare a draft ordinance.**

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

Commissioner Ricky Arriola  
June 5, 2019 C4 R (Deferred from May 6, 2020)  
Planning / City Attorney's Office

**Deferred to July 21, 2020**

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

Commissioner Michael Gongora  
June 5, 2019 C4 S (Deferred from May 6, 2020)  
Planning

**Withdrawn**

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

Commissioner Ricky Arriola  
July 17, 2019, C4 R (Deferred from May 26, 2020)  
Planning

**Deferred to July 21, 2020**

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

Commissioners Mark Samuelian and Michael Gongora  
July 17, 2019 C4 U (Continued from May 6, 2020)  
Environment & Sustainability & Public Works

**AFTER-ACTION:**

Commissioner Samuelian and Commissioner Gongora reported item is concluded.

**Item concluded.**

11. Discussion Regarding The Frequency Of Water Testing In Miami Beach.

Commissioner Micky Steinberg  
September 11, 2019 R9 S (Deferred from May 6, 2020)  
Environment & Sustainability

**AFTER-ACTION:**

Elizabeth Wheaton, Environment & Sustainability Director, introduced this item. She explained the Florida Department of Health (FDOH) has four monitoring stations where they conduct weekly bacteria samplings of the city's beaches and the process the city disseminates swim advisories from high counts of bacteria in the water to the public. The city has also added two stations to the Florida Healthy Beaches Program at Dog Beach and the Purdy Avenue boat launch.

Ms. Wheaton reported DERM and the city conduct surface water quality monitoring on a monthly basis. The city has added additional monitoring stations throughout the city's waterways to augment DERM's surface water quality monitoring.

Ms. Wheaton explained the Surfrider Foundation Blue Water Task Force and Miami Waterkeeper conduct sampling along Biscayne Bay and the Atlantic Coast across Miami-Dade County and provide their findings, the city's, and FDOH's results to the public via their mobile application.

Commissioner Samuelian asked to provide an overview of the main drivers of swim advisors and if more incidents are being observed or if it is a consistent pattern. Ms. Wheaton explained the many factors that can explain high levels of bacteria count along the beach, which could be due to large rain event run off, heavy winds and active currents stirring up the sediment into the water column, or potential testing after an animal has been in the sampling area. She explained there are no outfalls draining towards the Atlantic Coast in Miami-Dade County. Ms. Wheaton explained University of Miami researchers are studying sargassum along the shore and how that captures bacteria.

Commissioner Samuelian asked if the frequency of swim advisories have changed. Ms. Wheaton stated there has not been a spike in swim advisories but there are other municipalities that are having chronic issues. She explained she is working with Key Biscayne to understand what is causing their spikes in order to prevent it in Miami Beach.

Commissioner Samuelian asked for the status of the Tatum waterway. Ms. Wheaton explained the south way of Tatum waterway has seen high level counts of bacteria since March due to a sanitary sewer main break. The bacteria rates decreased after the break was fixed, however, they still observed high levels of bacteria. Staff was not able to investigate in April and May due to COVID-19 restrictions. At the end of May, a multi-level investigation was instituted by the Public Works department and ruled out the abandon force main in the area is truly abandon and not contributing to the high levels of bacteria. Staff will continue investigating the cause.

**Item concluded.**

12. Discussion Regarding Tight Urbanism.

Commissioner Ricky Arriola  
September 11, 2019 C4 Z (Deferred from May 26, 2020)  
Planning

**Deferred to July 21, 2020**

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

Commissioner Ricky Arriola  
October 16, 2019 C4 S (Deferred from May 26, 2020)  
Planning

**Deferred to July 21, 2020**

14. Discussion And Review Of Allowable Store Signage.

Commissioner Micky Steinberg  
January 15, 2020 C4 R (Deferred from May 6, 2020)  
Planning

**MOTION:**

**By Acclamation: Continued to October 20, 2020**

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

Commissioner Ricky Arriola  
June 5, 2019 C4 Q (Deferred from May 6, 2020)  
Planning / City Attorney's Office

**AFTER-ACTION:**

Commissioner Ricky Arriola introduced the item.

Nick Kallergis commented on the identity of Sunset of Harbour and constitutional constraints.

Rogelio Madan provided details of the proposed ordinances.

Ana Gelabert-Sánchez – Land Use Consultant for the City, commented on her review of the Ordinances, as indicated in the documents provided.

Commissioner Mark Samuelian commented on the process other cities utilize to permit and limit formula retail establishments.

Bruce Backman - Sunset Harbour Neighborhood Association, commented on neighborhood response with the small sample taken which supports the limitation.

Daniel Ciraldo, MDPL, commented that this is progressive legislation, and a good idea for neighborhoods of character.

Icebox Café owner commented on support for the ordinance in order to maintain the uniqueness of the core for Sunset Harbour.

Pam Nelson commented on support of the ordinance and unique diversity of the neighborhood from Bell Isle residents.

Marilyn Froelich commented on concerns with exempting Alton and Dade Blvd.

Commissioner Michael Gongora commented in support of the ordinance.

Commissioner Ricky Arriola commented on other areas of the city where such an ordinance may be warranted.

**MOTION: (RA/MG 3-0)**

**Recommend that the Planning Board transmit the ordinances to the City Commission with a favorable recommendation and that the City Commission approve the ordinances.**

16. Discuss Amending The Land Development Regulations For Properties Of 10 Acres Or More With Split Zoning Between RM-2 And RM-3 That Front Biscayne Bay.

Commissioner Ricky Arriola  
May 13, 2020 C4 A  
Planning

**Deferred to July 21, 2020**

**DEFERRED ITEMS**

17. Discussion Regarding How Green Infrastructure Including Living Or Hybrid Shorelines Can Complement Grey Infrastructure In Our Climate Adaptation On-Going Work.  
Commissioner Micky Steinberg  
April 13, 2016 C4 N  
Environment & Sustainability
18. Discussion On City Of Miami Beach Stormwater, Sanitary, Sewer, And Water Infrastructure Best Management Practices.  
Commissioner Micky Steinberg  
May 11, 2016 C4 U  
Environment & Sustainability
19. Discussion On Repurposing Our Golf Courses For The Future.  
Commissioner Ricky Arriola  
May 16, 2018 C4 AB  
Public Works / Parks
20. Discussion On Artificial Reefs.  
Commissioner Ricky Arriola  
May 16, 2018 C4 AI  
Environment & Sustainability
21. Discussion On Private Seawalls  
December 12, 2018 R7 F  
City Commission  
Environment & Sustainability
22. Discuss Arkup's Luxury Houseboats And Their Effects On Biscayne Bay And The Quality Of Life Of Surrounding Residents.  
September 11, 2019 R9 X  
City Attorney Office & Environment & Sustainability
23. Discuss Private Property Resilience Adaptation.  
October 30, 2019 C4 H  
Commissioner Mark Samuelian  
CRO & Environment & Sustainability
24. Discuss The Potential Implementation Of Adopt-A-Drain Or Similar Program In Miami Beach.  
Commissioner Mark Samuelian  
February 12, 2020 C4 U  
Public Works
25. Parking Requirements in Historic and Conservation Districts – MXE Regulations  
Commissioner Ricky Arriola  
February 12, 2020 R5 H  
Planning



26. Discuss How The Cities Of Miami And Miami Beach Measure Flooding.  
Commissioner Mark Samuelian  
March 18, 2020 C4 X (Continued from May 26, 2020)  
Public Works / CRO
27. Discuss Making Aesthetics A Primary Criterion In Future Resiliency Projects.  
Commissioner Mark Samuelian  
March 18, 2020 C4 Y  
Planning
28. Review The City Of Miami Beach Experience And Perspectives On Pervious/Permeable Pavement And Identify Potential Opportunities For Use.  
Commissioner Mark Samuelian  
March 18, 2020 C4 AA  
Planning
29. Review The City Of Miami Beach's Experience And Perspective On Full Depth Asphalt And Identify Potential Opportunities For Use.  
Commissioner Mark Samuelian  
March 18, 2020 C4 AB  
Public Works
30. A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Directing The City Administration To Develop And Launch An Inspirational Resiliency Vision Campaign, Consistent With The Guidance Set Forth In This Resolution, Which Will Envision How The City Of Miami Beach Will Look Like In Thirty Years Or Longer, And Further Directing The City Administration To Present A Recommended Approach To The Resiliency Vision Campaign Before The Land Use And Sustainability Committee At Its May 26, 2020 Meeting.  
Commissioner Mark Samuelian  
March 18, 2020 C7 AE  
CRO, Communications, Environment & Sustainability
31. Discuss Amending The Faena District Overlay.  
Commissioner Ricky Arriola  
April 22, 2020 C4 D  
Planning

**WITHDRAWN ITEMS**

32. Discuss The July 30, 2019 Sustainability Committee Motions.  
Commissioner Mark Samuelian  
October 16, 2019 C4 K  
Environment & Sustainability

## **ADDENDUM**

33. Ordinance Pertaining To The Replacement Of Floor Plates In Nonconforming Contributing Buildings.

Mayor Dan Gelber  
June 24, 2020 C4 D  
Planning

### **AFTER-ACTION:**

Thomas Mooney introduced the item.

Daniel Ciraldo commented on ballot history where this failed previously.

Graham Penn, Bancroft rep, commented in support of the ordinance, and stated that this ordinance is much more limited than the previous ballot question.

Wayne Roberts indicated that the voters spoke previously, and the Bancroft should pay for the expense of putting this on the ballot.

Commissioner Michal Gongora commented that a better job will be required in educating the voters, especially with the number of questions on the ballot.

Commissioner Ricky Arriola commented in support of the ordinance as it is primarily an historic preservation item.

Henry Stolar commented as a neighbor to the Bancroft in support of the ordinance with the safeguards proposed.

### **MOTION:**

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

The meeting adjourned at 11:15 am.

Attachment

JLM/ATH/EC/EW/TRM/ND/MB/MR

M:\\$CMB\CCUPDATES\Land Use and Sustainability Committee\2020\June 30, 2020\June 30 - Report of the June 30 2020 LUSC Meeting.docx

# LAND USE AND SUSTAINABILITY COMMITTEE MEETING

June 30, 2020

Zoom Meeting

## Attendance Sheet

NAME	E-MAIL ADDRESS	PLEASE ADD ME TO THE ELECTRONIC AGENDA LIST
1. Daniel Ciraldo	@	
2. Daniel Veitia	@	
3. Matis Cohen	@	
4. Wayne Roberts	@	
5. Ana Gelabert-Sanchez	@	
6. Bruce Backman	@	
7. Robert Siegmann	@	
8. Pam Nelson	@	
9. Marilyn Freundlind	@	
10. Edward Martos	@	
11. Gayle Durham	@	
12. Graham Penn	@	
13. Henry Stolar	@	
14. Steven William	@	
15. Rogelio Madan	@	
16. Joseph Centorino	@	
17.	@	
18.	@	
19.	@	
20.		