

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: September 16, 2020

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

A Land Use and Sustainability Committee virtual meeting was held on July 21, 2020. Land Use and Sustainability Committee Members participating were Commissioners Mark Samuelian, Michael Gongora and Ricky Arriola. Members from the administration, including Alina T. Hudak, Thomas Mooney, Eric Carpenter, Amy Knowles, Elizabeth Wheaton, Steven Williams, Rogelio Madan, Nick Kallergis, Roy Coley and Tonya Daniels as well as members of public, also participated.

The meeting was called to order at 8:06 AM

1. Seawalls Ordinance.

Continued from January 21, 2020
December 12, 2018 R7 F (Deferred from June 30, 2020)
City Commission
Environment & Sustainability, Office of the City Manager

AFTER-ACTION: (8:09AM)

Commissioner Mark Samuelian introduced this item. He explained this item pertains to private seawalls, particularly where water is overflowing and going into neighbor's properties and public right of way. Elizabeth Wheaton, Environment & Sustainability Director, explained that out of the 63 miles of seawall, 92% are privately owned. The purpose of this ordinance is to provide the city the enforcement ability to address overtopping in the city's private property seawalls as it relates to sea-level rise.

Ms. Wheaton explained city staff looked to Broward County and the City of Fort Lauderdale for guidance as they recently adopted similar ordinances within their jurisdictions. City staff also engaged with the Marine and Waterfront Protection Committee, the National Flood Insurance Program Community Rating System Program for Public Information, the Sustainability Committee, and Biscayne Point Neighborhood Association and implemented their feedback into the ordinance.

The proposed seawall ordinance establishes a minimum elevation for all new construction and seawalls with substantial improvements and maintenance guidelines. The proposed ordinance is codifying a resolution that was passed in 2016 that is currently being used as the standard. The

city will be enforcing maintenance requirements through the Florida Building code when the seawall is deemed in structural disrepair. The city's Code Compliance department will be responsible for enforcing maintenance issues related to overtopping. The enforcement portion will continue to be developed prior to First Reading at Commission; however, the draft ordinance does include a \$500 per day fine with 550 days to complete repairs from day of violation.

Staff is presenting the draft ordinance at a public meeting on August 11, 2020 for feedback. As affordability remains a concern, staff looked at a special taxing district and special bank programs to assist private properties, however, these were deemed unfeasible. The city issued a request for information to determine if seawall contractors would be interested in providing private property owners with a set rate for certain types of construction. The city began a drone LIDAR survey of all the city's seawalls for overall planning and enforcement purposes; however, this is on pause. The Public Works department obtained a quote of \$250,000 through a consultant to finish the drone LIDAR survey, but this is currently unfunded. Ms. Wheaton suggested that the ordinance can move forward prior to the survey being completed because there are several properties in the city where complaints have been received where the adjacent properties are being impacted by overflowing from their neighbor's deteriorated seawall.

Members of the public addressed the committee.

Commissioner Michael Gongora encouraged city staff to continue moving forward working with seawall contractors to obtain a lower set rate for city private property owners. Commissioner Gongora asked how enforcement will work. Ms. Wheaton stated Code Compliance and Building are still working on enforcement, but staff will be conducting inspections as complaints are received from the public as well as conducting inspections on deteriorating seawalls. The private property owners will then have 550 days from day of violation to comply with the requirements, a time period that has been vetted with regulatory agencies and longer than what is being provided by other municipalities with similar ordinances.

MOTION: By acclamation: (8:25 AM)

Staff to move forward with taking the item to City Commission for 1st Reading, with focus on solidifying enforcement.

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

Commissioner Mark Samuelian
October 16, 2019 R5 V (Continued from June 30, 2020)
Planning

AFTER-ACTION:

Thomas Mooney introduced the item and provided an update.

Max Zabala from Gridics provided a presentation.

Daniel Ciraldo noted his concerns that were previously expressed regarding removing courtyards from inclusion as lot coverage, as well as balconies in side yards.

Rogelio Madan commented on the benefits of Gridics and quicker access of changes to the public. Commissioner Gongora commented on understory homes and DRB process, with questions on courtyards, balconies, and unit size.

MOTION – RA/MS (3-0): Recommend that the City Commission refer the ordinance to the Planning Board.

3. Discuss Amending The Faena District Overlay.

Commissioner Ricky Arriola
April 22, 2020 C4 D (Continued from May 26, 2020)
Planning

AFTER-ACTION:

Thomas Mooney introduced the item.

Niesen Kasdin, with Luis Revuelta and Richard Heisenbottle provided a presentation on behalf of the Faena District.

Anna Marie from the Mid Beach Association noted unanimous support for the ordinance.

Daniel Ciraldo, MDPL, noted the poor state of the Versailles building over the last 10 years, which has been neglected, and stated concerns with the proposed height, and that the focus should be on getting the Versailles hotel back.

Mitch Novick commented on the demo by neglect of the Versailles, which should be required to be rehabilitated before construction of any new tower. He also indicated that the developer should restore the former glass mosaic, and have it reinstalled on the property.

Commissioner Ricky Arriola commented on a forward-looking project that will be great for the city and the mid beach neighborhood.

Commissioner Michael Gongora commented on the past history, and commended the Faena team on the proposal, and especially with the quality of the Aman brand.

Commissioner Mark Samuelian commented on the timing for the restoration of the Versailles tower.

Niesen Kasdin responded that structural restoration of the Versailles tower will happen as soon as possible, with construction to start in early 2021.

MOTION – RA/MG (3-0): Reaffirm support of the ordinance and recommend that the Planning Board transmit the ordinance to the City Commission with a favorable recommendation.

4. Discuss Amending The RPS-4 District Regulations.

Commissioner Ricky Arriola
June 24, 2020 C4 B
Planning

AFTER-ACTION:

Commissioner Ricky Arriola introduced the item.

Thomas Mooney provided details on the proposal.

Michael Larkin, representing Oche, provided an overview of the proposal.

Keith Marks commented on the tremendous outreach to the community and need for something vibrant for the space.

Commissioner Michael Gongora commented in support of the proposal.

Commissioner Mark Samuelian commented on the successful outreach and community consensus.

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

5. Amendment To The Land Development Regulations Of The City Code Pertaining To A Building Height Increase In Strategic Commercial Areas To Incentivize Office Uses.
Mayor Dan Gelber & Co-Sponsored By Commissioner David Richardson

June 24, 2020 C4 C
Planning

AFTER-ACTION:

Thomas Mooney introduced the item.

Bradley Colmer provided a presentation for a proposed project in the Sunset Harbour neighborhood and terminal island.

JP Perez commented on needs of offices and benefits and increase in demand from the northeast. Commissioner Ricky Arriola commented on the need to diversify the economy.

Sarah de los Reyes commented on a survey that was done for Sunset Harbour neighborhood, with most not supportive of the increase in height.

Matis Cohen commented in support of the ordinance and questioned why north beach CD-2 districts are not included in the proposal.

Marilyn Freundlich commented on the survey that was done for the neighborhood, but that it was premature. Height should be in the right place. 75 feet may be too tall for sunset harbour.

Bruce Backman commented in support of diversifying from tourist industries, but that a blanket height increase is not suitable for all areas and zero setbacks are a problem.

Frank Del Vecchio recommended incentivizing the areas with the greatest opportunity now and zones could be added later. CPS-2 south of 5th should be removed from the ordinance.

Thomas Mooney responded to the areas that are part of the draft ordinance, and their location on transportation corridors.

Commissioner Mark Samuelian commented on the need to have more office space to get the incentive, the types of first floor uses needed, and perhaps including a sunset clause.

Commissioner Ricky Arriola commented on need to look at expanding to other commercial areas, and support of the ordinance. Commissioner Arriola also recommended that there be a comparison of total office space on Miami Beach.

Tracy Slavens commented on need to attract office uses and activating a neighborhood during the day.

Commissioner Michael Gongora commented that the ordinance is too broad, and the amount of office space required is not enough. He also noted that he agrees with removing south of 5th area. He also stated he would like a prohibition on short term rentals, and the administration should look at the areas where office space should be incentivized.

MOTION - By Acclamation: Continued to September 22, 2020

6. Discussion Regarding Finding A Plan, A List Of Locations Where Blue And Green Infrastructure Solutions Can Be Applied To, In Areas Prone To Flood During Heavy Rain.

Commissioner Mark Samuelian
January 15, 2020 C4 N (Continued from May 6, 2020)
Public Works

AFTER-ACTION: (11:00AM)

Commissioner Samuelian introduced this item as an update on the pilot program implementing blue and green infrastructure. Roy Coley, Public Works Director, stated one homeowner agreed to have the city install a bioswale in front of their house in an attempt to deal with nuisance ponding and flooding after storms on their property. Since the May 6, 2020 LUSC meeting, the homeowner asked to not have the bioswale installed, as the results would not meet their expectations. As of

today, the city does not have a location identified to install the pilot bioswale. Mr. Coley stated they will bring this item back to committee once they identify a location where the property owner wants to participate in the pilot program.

Keith Marks, South of 5th resident, expressed the South of 5th neighborhood residents are interested in participating in the bioswale pilot program.

Commissioner Samuelian asked if staff could come up with a location in about 2-3 months from now. Mr. Coley stated they are currently talking and meeting with other property owners who have complained about nuisance flooding, and they have not yet committed to the pilot program.

Commissioner Samuelian requested for staff to return to the Committee with an update in 90 days or before if an update is available at that time.

7. 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
Office of the City Manager

AFTER-ACTION: (8:49AM)

Commissioner Mark Samuelian introduced this item. He explained he has envisioned and wondered what Miami Beach's future would be like in 2070. In March 2020, the Commission passed an item sponsored by Commissioner Samuelian to create an inspirational vision of what the city's future will look like. Amy Knowles, Chief Resilience Officer, presented this item. Through the city's ongoing partnership with Florida International University (FIU), they have received a proposal from FIU's Sea Level Solutions Center, the Miami Beach Urban Studios, and Extreme Events Institute. The next steps after hearing feedback from the committee would be to work with FIU to further define and finalize their roles and responsibility, with the intent to kick off in early 2021. She expressed that this will require city staff resources, however, FIU's proposal does not include any out of pocket cost to the city. Due to this being a communications campaign, city resources from the Communications and other departments will be needed.

Aris Papadopoulos, of FIU, explained the proposal is an international competition of visualization ideas with significant local community and stakeholder input. He explained in detail the city and FIU's steps on planning and implementing the resiliency vision campaign. They are predicting the planning phase to continue until the end of 2020 with the competition portion to take approximately the calendar year of 2021. FIU proposed to raise funding to assist with the campaign and award to several finalists.

Luiz Rodrigues, Sustainability Committee board member, addressed the committee.

Commissioner Samuelian believes the city should link the proposed ideas with other entities. He expressed this does provide a positive message. He stated the proposal is extremely thought out

and encourages a balance of life in 50 years with any implications that are found before. He expressed the need to connect with the residents to ensure they are heard and engaged throughout the process.

Commissioner Samuelian asked how long staff needs to develop a Memorandum of Agreement. Ms. Knowles explained they would work through the rest of the year to define roles, responsibilities, resources needed from staff, and to really ensure the city can retain the right amount of control of the process since it is a Miami Beach campaign.

Commissioner Samuelian requested to broadcast the message sooner rather than later that FIU and the city are partnering on this campaign once the partnership has been established.

Commissioner Ricky Arriola asked what the cost to the city is. Ms. Knowles stated the current proposal would be at no cost to the city other than the staff time. The competition would be hosted on the current MBRisingAbove.com website and the city would have to utilize their public engagement team, but the rest of the cost would be handled through FIU. FIU proposed to host a fundraising campaign to create awards for people who engage in the competition.

Commissioner Arriola stated there is extensive marketing throughout the city on sea level rise and resiliency. He stated action is necessary and has been put on pause and is not in favor of this campaign. Commissioner Samuelian agreed that action is necessary, however, action and the proposed vision campaign are synergetic. Commissioner Arriola stated there has been countless studies from engineer firms to outline the city's future to live with water and feels this is duplicative. He does not believe staff should be spending their time on tasks that will not materialize and encourages staff to focus on realistic work.

Commissioner Gongora asked if this is a competition amongst students or professionals. Mr. Papadopoulos explained this is a competition amongst professionals.

Commissioner Gongora asked if anything like this has been done before. Ms. Knowles stated a competition like this has not been done by the city, however, New York is famous for their Rebuild by Design process, which was federally funded and taken on by professionals and included a grassroot approach.

Commissioner Gongora asked if the vision is just for the city or all southeast Florida. Ms. Knowles stated per the resolution, the intent was to begin in City of Miami Beach. She explained the city has several partnerships through Resilient305 and works on many projects with Miami-Dade County and City of Miami, so this campaign can be extended to them. Commissioner Samuelian explained the intent of this initiative is for the City of Miami Beach, however, it is important that the city is sharing with other municipalities and the County if an opportunity for expansion comes forward. Commissioner Gongora stated this initiative would have to become a part of a more regional vision and does not want to isolate the city.

Commissioner Gongora asked what the next step after the competition is over. Mr. Papadopoulos stated there would be 3-5 finalist and further work could be done to address some of the topics such as present strategy/policy and feasibility because the process is an ongoing concept.

Ms. Knowles requested directional feedback from the committee. Commissioner Gongora recommended staff to work out a Memorandum Agreement which staff believes best serves the city and bring it back to the committee. He suggested for more of a regional perspective and see how this vision campaign can be used across Southeast Florida. Commissioner Samuelian

agreed, however, he does not want those efforts to delay the city's overall goal.

MOTION: MG/MS (2-1) (9:20AM)

City staff to draft Memorandum Agreement with direction that best serves the city's goals and bring back to committee for approval.

8. Discussion Regarding Tight Urbanism.

Commissioner Mark Samuelian
September 11, 2019 C4 Z
Planning

AFTER-ACTION:

Thomas Mooney introduced the item proposed for alleyways.
Wesley Keen – Coda design firm, provided a presentation.

Commissioner Mark Samuelian commented on possibility of piloting blue/green infrastructure in Ocean Court.

Commissioner Ricky Arriola commented in support of the proposal.

MOTION – By Acclamation: Recommend that the Administration meet with Wesley Keen and continue the discussion to the September 22, 2020 meeting.

DEFERRED ITEMS

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

Commissioner Ricky Arriola
May 16, 2018 C4 AB

10. Discuss Private Property Resilience Adaptation.

October 30, 2019 C4 H
Commissioner Mark Samuelian

11. Discuss How The Cities Of Miami And Miami Beach Measure Flooding.

Commissioner Mark Samuelian
March 18, 2020 C4 X

12. 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.

May 13, 2020 C4 A

13. Parking Requirements in Historic Districts.

Commissioner Ricky Arriola
June 24, 2020 R5 D

WITHDRAWN ITEMS

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

June 5, 2019 C4 R

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

June 5, 2019 C4 S

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

July 17, 2019, C4 R

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

September 11, 2019 R9 X

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

October 16, 2019 C4 S

The meeting adjourned at 11:21 a.m.

Attachment

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

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LAND USE AND SUSTAINABILITY COMMITTEE MEETING

July 21, 2020

Zoom Meeting

Attendance Sheet

NAME	E-MAIL ADDRESS	PLEASE ADD ME TO THE ELECTRONIC AGENDA LIST
1. Daniel Ciraldo	@	
2. James Case	@	
3. Max Zabala, Gridics	@	
4. Aris Papadopoulos, FIU	@	
5. Luiz Rodrigues	@	
6. Neisen Kasdin	@	
7. Matt Barnes	@	
8. Richard Heisenbottle	@	
9. Kevin Dunn	@	
10. Jrban Health Solution	@	
11. Mitch Novick	@	
12. Michael Larkin	@	
13. Keith Marks	@	
14. Ron Starkman	@	
15. Allison Herman	@	
16. Brad Colmer	@	
17. Tracy Slavens	@	
18. JP Perez	@	
19. Sarah de los Reyes	@	
20. Matis Cohen		

LAND USE AND SUSTAINABILITY COMMITTEE MEETING

July 21, 2020

Zoom Meeting

Attendance Sheet

NAME	E-MAIL ADDRESS	PLEASE ADD ME TO THE ELECTRONIC AGENDA LIST
21. Marilyn Freundlich	@	
22. Bruce Backman	@	
23. Frank Del Vecchio	@	
24. Wesley Kean, KoDA	@	
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