

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: October 14, 2020

SUBJECT: **LAND USE AND SUSTAINABILITY COMMITTEE MEETING OF SEPTEMBER 22, 2020**

A Land Use and Sustainability Committee meeting was held on September 22, 2020 via Zoom. Land Use and Sustainability Committee Members participating were Commissioners Mark Samuelian, Michael Gongora and Ricky Arriola. Commissioner Steven Meiner was also in attendance, as well as members from the administration including Alina T. Hudak, Eric Carpenter, Thomas Mooney, Rafael Paz, Elizabeth Wheaton, Roy Coley, David Martinez, Amy Knowles, Jose Gonzalez, Saul Frances and Aleksandr Boksner. Members of the public also participated.

The meeting was called to order at 8:02 AM

1. A) Parking Requirements in Historic and Conservation Districts – MXE Regulations.
B) Parking Requirements in Historic Districts.

Commissioner Ricky Arriola
February 12, 2020 R5 H (Deferred from May 6, 2020) & June 24, 2020 R5 D
Planning

AFTER-ACTION:

Thomas Mooney introduced the items.

Daniel Ciraldo, MDPL noted that it is hard to evaluate the impact of a parking reduction in the MXE zoning district in combination with other initiatives in the zoning district.

Commissioner Mark Samuelian was concerned about the impact on City financials and the availability of parking.

Commissioner Ricky Arriola noted staff support of the proposed parking reductions.

Matis Cohen requested that the item move forward.

Paula King noted a concern regarding the availability of parking.

Commissioner Samuelian inquired if the City has any data regarding parking demand in these areas and parking impact fee trends.

MOTION – By Acclamation: Transmitted to the City Commission with no recommendation for consideration as a referral to the Planning Board.

2. Discussion Regarding The Palm View Neighborhood Study.

No Sponsor
March 18, 2020 C4 W (Deferred from June 30, 2020)
Planning

AFTER-ACTION: Item Deferred

3. 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 (Continued from July 21, 2020)
Planning

AFTER-ACTION:

Thomas Mooney introduced the item.

Jerry Libbin noted a lack of Class A office space in Miami Beach and the influx of companies to Miami-Dade County. Additionally, he noted that the draft ordinance would attract high quality businesses to Miami Beach.

Lyle Stern commented that ability to deliver Class A office space and recruit companies and employees is essential.

Daniel Ciraldo, MDPL commented on the speculative nature of height increases and asked why the ordinance would apply to the east side of Alton Road.

Tracy Slavens commented that the development of Class A office space is necessary to keep high quality businesses in Miami Beach.

Robin Jacobs, Chair of the Miami Beach Chamber of Commerce. Read a resolution passed by the Board of Governors on September 15, 2020.

Rick Kendle recommended that Terminal Isle be removed from the draft ordinance due to concerns over the security of the Coast Guard Station.

Thomas Mooney noted that the Coast Guard would be notified of any zoning changes on Terminal Isle.

Stephen Rutchik noted a lack of Class A office space on Miami Beach and further noted an exodus of existing Class A tenants from Miami Beach.

Matis Cohen commented that additional height is needed to create Class A office space.

Bradley Colmer noted that the Sunset Harbour project offers a number of public benefits to the neighborhood.

Alexandra Goeski commented that the office project on Terminal Isle is the best fit.

Bruce Backman noted opposition to Sunset Harbor project may be due to a lack of visual presentation and stated he has not received any neighborhood support.

Aaron Tandy commented on the need for economic diversification within the City and the development of Class A office space.

Sara de los Reyes commented on the need for conceptual renderings to visualize proposed projects.

J. P. Perez commented that the providing Class A office space will help to diversity the economy of the City.

Greg Togel commented that new luxury office development requires additional ceiling height and indicated that this is a once in a lifetime opportunity,

Neisen Kasdin commented that the draft ordinance is an opportunity to capitalize on relocation of businesses and high net worth individual from the northeast.

Jane Krupp noted a trend of remote workers.

Raymie Walsh commented on the need of visuals to evaluate Sunset Harbour project.

Wayne Roberts commented that the efforts of the Commission is directed to developers and hotel

and noted his frustration with government.

Tracy Slavens noted that renderings were prepared for both the Sunset Harbour and Terminal Isle projects.

Marilyn Freulich urged support for the draft ordinance and noted the opportunity to diversity the Sunset Harbour neighborhood and economy.

Commissioner Mark Samuelian expressed support for the concept of economic diversification but is concerned on how it is accomplished. He expressed support specifically for the Terminal Isle project. He commented on the need for visual renderings to evaluate projects and impacts to neighborhoods. He stated that the community benefits need to be further developed. He suggested the introduction of a sunset clause to catalyze change. He recommended activation of the ground floor for the benefit of the community.

Commissioner Ricky Arriola noted that this a once in a generation opportunity to attract Class A office market which will provide activation during the day and diversity the economy. He stated that he is supportive of the draft ordinance.

Thomas Mooney noted that the draft ordinance would not apply to the east side of Alton Road.

MOTION – By Acclamation: move the item to the City Commission, in accordance with the following:

- 1. A recommendation in favor of the proposal for a height increase applying to Terminal Island;**
- 2. No recommendation on the areas fronting the west side of Alton Road from 5th Street to Collins Canal;**
- 3. No recommendation on Sunset Harbor.**

The LUSC also recommended that the full City Commission consider the following in its discussion on the matter:

- 1. Requiring visual images and massing studies for the larger areas affected by the proposal, and not just the specific properties seeking the change;**
 - 2. Potential quality of life and community/public benefits;**
 - 3. Consider a sunset provision for the proposal;**
 - 4. Requirements for neighborhood uses and activation at the first level of the building;**
 - 5. The inclusion of North Beach in the scope of the ordinance.**
4. Update on Projects A) West Avenue B) Indian Creek C) Palm & Hibiscus D) First Street
Commissioner Mark Samuelian
Office of Capital Improvement Projects / Public Works

AFTER-ACTION:

Commissioner Mark Samuelian asked for a status update on identifying other locations for the pump station for the South of Fifth Project. Roy Coley, Public Works Director reported city staff is working with the City Attorney's Office to answer a number of legal questions resident have raised.

Once city staff receives direction from the City Attorney's office as it relates to pump station locations, they will confer with the City Manager. Staff will hold a public meeting and then return to either the committee or full commission.

5. 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 (Continued from June 30, 2020)
Planning

AFTER-ACTION:

Commissioner Michael Gongora introduced the item.

Thomas Mooney gave an overview of the draft ordinance.

Commissioner Gongora noted that the intent of the ordinance was to create a public benefit program for future zoning changes.

Thomas Mooney noted that there may be a potential issue with contract zoning and the language as drafted creates a structure for the proffer of public benefits but does not mandate public benefits for future zoning changes.

Commission Mark Samuelian noted that there may be an opportunity to incorporate a resiliency option into the program.

Paula King asked what assurances would be in place to ensure workforce housing is built.

Daniel Ciraldo, MDPL agreed that there should be public benefits on major projects and asked how the public benefits would be tracked.

Alex Tachmes asked what zoning district the draft ordinance would apply to and if the ordinance would apply to hotel development.

Thomas Mooney noted that the draft ordinance sets up a framework for public benefits and that specific zoning districts have not been identified nor have the benchmarks that must be met.

Raymie Walsh expressed concern about the vagueness of the draft ordinance.

Commissioner Gongora noted that the ordinance needs to be further developed.

Commissioner Arriola expressed concern regarding the current approval process which may delay a project.

MOTION – By Acclamation: Continued to October 20, 2020

6. Discussion Regarding Tight Urbanism.

Commissioner Mark Samuelian
September 11, 2019 C4 Z (Continued from July 21, 2020)
Planning

AFTER-ACTION: Item Deferred

7. Discuss Private Property Resilience Adaptation.

October 30, 2019 C4 H (Deferred from July 21, 2020)
Commissioner Mark Samuelian
Office of the City Manager

AFTER-ACTION:

Commissioner Mark Samuelian introduced this item. He explained the importance of encouraging and motivating property owners, residents, and businesses owners to take resilience adaptation action.

Amy Knowles, Chief Resilience Officer, presented this item. She explained the proposed private property adaptation program to incentivize property owners to make flood resilience improvements to their properties through a 50/50 matching grant between the city and grantees.

City staff researched best practices and conducted market research to include an "Invitation to Industry Review Meeting 2020-318-KB for Private Property Flood Mitigation". She presented the preliminary structure recommendations, preliminary practical and implementable options, and next steps to the private property adaptation program.

Commissioner Samuelian suggested to potentially bridge the monies designated for resiliency from the Convention Center Hotel to assist property owners with resilience adaptation.

Daniel Ciraldo, Design Preservation League, addressed the committee.

MOTION: By acclamation.

Staff to move item to full Commission with the direction of John Woodruff, Chief Financial Officer, to provide funding options.

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

Commissioner Ricky Arriola
January 15, 2020 C4 P (Deferred from May 26, 2020)
Transportation & Mobility

AFTER-ACTION: Item withdrawn

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

Commissioner Ricky Arriola
January 15, 2020 C4 Q (Deferred from May 26, 2020)
Parking

AFTER-ACTION: Item withdrawn.

10. 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

AFTER-ACTION:

Commissioner Mark Samuelian introduced this item and explained the benefits of identifying how often, where, and what is causing the flooding throughout the city in order to establish a baseline to use in the future.

Roy Coley, Public Works Director, presented this item. He reported most of the data collected thus far has been driven by complaints or staff observation and currently there is no true analytical method that collects flooding events. In order to obtain this kind of data, he recommended to install observation tools in order to be able to correlate what the water levels are with the various conditions to determine if flooding is related to rain or tidal influence. City staff will continue to work with consultants to develop a scope, cost of the project, and bring back to the committee for consideration.

Commissioner Samuelian clarified he is requesting analytical data going forward that can help understand the nature and frequency of flooding throughout the city.

City staff to return to the committee with the scope and cost of the project for consideration and approval.

11. Discuss Making Aesthetics A Primary Criterion In Future Resiliency Projects.

Commissioner Mark Samuelian
March 18, 2020 C4 Y (Deferred from June 30, 2020)
Planning

AFTER-ACTION:

Commissioner Mark Samuelian introduced the item.

Thomas Mooney provided an overview.

Commissioner Ricky Arriola indicate support, including beautification element, as City policy to reduce negative impacts to community.

Commissioner Samuelian supportive of direction of item. Additionally, he recommended exploration of green buffers as presented in the Buoyant City study.

MOTION – By Acclamation: Staff to draft a resolution for Commission approval to summarize the design efforts, including the Shulman proposal on landscaping.

12. 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 (Deferred from June 30, 2020)
Planning

AFTER-ACTION: Item Deferred

13. 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 (Deferred from June 30, 2020)
Public Works

AFTER-ACTION: Item Deferred

14. Discussion Regarding The Minimum Qualifications For The Appointment Of Residents At-Large To The City's Land Use Boards.

Commissioner Michael Góngora
July 29, 2020 C4 M
Planning

AFTER-ACTION: Item Deferred

15. Discussion On The Current Status And Next Steps For The Capital Improvement Projects On Venetian Islands.

Vice-Mayor Mark Samuelian
July 29, 2020 R9 AB
Office of Capital Improvement Projects

AFTER-ACTION:

Commissioner Mark Samuelian introduced this item. He stated there are issues with the streets along the Venetian Islands and the residents have communicated that they would like to see the street projects completed.

David Martinez, Capital Improvement Projects Director, presented this item. City administration placed an item on this subject on the February 2020 City Commission agenda and withdrew it at the request of the Venetian Islands Homeowner's Association to further discuss the potential options and review Jacobs' recommendations. City staff has met with the homeowner's association and identified several options to complete the asphalt project and is recommending option 2. Mr. Martinez summarized the repair methodology of option 2.

Commissioner Samuelian asked what the current elevations are and for the city's recommendations as it relates to road elevation requirements. Mr. Martinez stated some of the islands, specifically San Marino Island, has elevations as low as one-foot NAVD. He explained that this project began development before the city embarked on road raising and other robust stormwater pumping systems. The project was under construction with a more traditional system of stormwater management and was evaluated on whether the new techniques could be applicable to this project. Due to how advanced it was in construction, road elevation was not possible. He suspects road elevation would be considered if this project was starting today.

Melissa Beattie, President of the Venetian Islands Homeowners Association, expressed the homeowner's association is in favor of option 2.

Commissioner Samuelian asked for an estimate on when the project will begin and finish. Mr. Martinez stated a resolution supporting option 2 is needed from the committee for clarity on the means and methods of finalizing the project. He stated there are contracts currently in place and that they have obtained estimates to have a different contractor perform this work. He stated he will give an update at the next commission meeting on the progress city staff and the City Attorney's office has made regarding the current contractor's agreement.

MOTION: By acclamation - Staff to bring resolution to full Commission in support of option 2 with the direction to encourage city administration and the City's Attorney's office to start working on finalizing the plan and begin work as soon as possible.

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

Commissioner Ricky Arriola
May 16, 2018 C4 AB

AFTER-ACTION: Item withdrawn

17. Discussion On Artificial Reefs.

Commissioner Ricky Arriola
May 16, 2018 C4 AI

AFTER-ACTION: Item withdrawn

18. Discussion Pertaining To Conceptual Illustrations, Visuals, And Massing Studies For City Code Changes Related To Building Height And Setbacks.

Commissioner Michael Gongora
September 16, 2020 C4 L
Planning

AFTER-ACTION:

Commissioner Michael Gongora introduced the item.

Commissioner Mark Samuelian asked for direction regarding what type of documentation should be required.

Thomas Mooney commented that it depends on the nature of the proposed code amendment.

Daniel Ciraldo, MDPL agrees with the concept and noted that it would help with the public process. Commissioner Samuelian noted his support of the concept.

Thomas Mooney noted that the Commission currently has the authority to request proposed plans as well as comparative studies. Additionally, it was noted that the City Code could be amended to formalize illustration requirements for proposed code amendments.

Commissioner Gongora expressed support for a case-by-case concept.

Commissioner Ricky Arriola noted that the proposal may increase costs to development and adds more layers of bureaucracy to the process.

Commissioner Gongora noted that this proposal would be helpful to the Commission.

MOTION – MG/RA (3-0): Staff to draft a resolution to be placed on the October 14, 2020 Commission agenda and meet with item sponsor. The Resolution will set forth a policy for the administration to provide, on a case by case basis, a recommendation as to when conceptual illustrations and visuals would be appropriate for zoning code amendments.

19. An Ordinance Creating A New Section 1423 Of The City Code, Which Shall Prohibit Persons And Business Entities From Providing, Or Engaging In The Rental Or Lease Of Certain Identifiable Vehicles (Which Shall Include, But Not Be Limited To Mopeds, Motorized Bicycles, Golf Carts And Low Speed Vehicles) And Establishing Those Respective Definitions For Such Prohibited Vehicles.

Commissioner David Richardson
September 16, 2020 C4 O
Office of the City Attorney

AFTER-ACTION:

Aleksandr Boksner provided an overview of the draft ordinance.

Irene Bigger commented on a general need to address the issues with scooter operators and renters.

Commissioner Mark Samuelian noted that additional measures were recently adopted regulating the operators of scooters.

Daniel Ciraldo, MDPL had a question about electric scooters on Ocean Drive and possible geofencing and noted a concern for safety.

Paula King commented on the need to make violations punitive to both the scooter renter and operator.

Tim Carr noted that there is a new scooter operation in Sunset Harbour.

Commissioner Meiner noted that the recently approved ordinance focused on scooter operators and he is working on another ordinance that addresses scooter renters.

Commissioner Michael Gongora commented on a need to do more to regulate bad behavior and would like the City to explore ways to enhance penalties on bad operators.

Commissioner Ricky Arriola commented on the need for greater enforcement. He also expressed interest in a moratorium on new operators and to work with the current businesses to improve operations.

Commissioner Samuelian noted that scooters have become a nuisance and expressed support of the item.

Commissioner Gongora clarified that the proposed ordinance would prohibit new scooter businesses in the City and not ban current businesses.

Commissioner Arriola questioned if the proposed ordinance would prohibit a new electric scooter business.

Aleksandr Boksner indicated that the ordinance would prohibit new electric scooter businesses.

Commissioner Gongora asked if there is a way to require the existing operators to phase out gasoline powered scooters and to potentially replace them with electric scooters.

Aleksandr Boksner noted that additional research would be required.

MOTION – MG/RA (3-0):

- 1. Transmit proposed ordinance to the Planning Board;**
- 2. Request that the Planning Board study the gradual elimination of gas-powered scooters and their replacement with non-electric scooters;**
- 3. Recommend a 1-year review of the ordinance by City Commission after adoption to evaluate effectiveness;**
- 4. Recommend that the administration look for ways to improve and enhance enforcement efforts.**

20. Discuss, And Take Action If Necessary, Whether Miami Beach Should Mandate The Installation Of A Generator For All Stormwater Projects, As Is Currently The Case, And Instead Review On A Case-By-Case Basis, Based On A Recent Commitment From Florida Power And Light (FPL) To Supply Multiple Electrical Sources To Miami Beach Stormwater Pump Stations As They Are Designated Essential Infrastructure.

Commissioner Steven Meiner
September 16, 2020 R9 N
Public Works

AFTER-ACTION:

Commissioner Steven Meiner introduced the item. He stated the current mandate is to install generator for all stormwater pump stations. Florida Power and Light (FPL) has committed to supplying multiple electrical sources to the city's stormwater pump stations because they are designated essential infrastructure. The generators will be then deemed redundant; therefore, the mandate should be amended to install generators on a case-by-case basis.

Roy Coley, Public Works Director, stated built in generators were not included in the original stormwater program, however, in September 2017, there was a Commission discussion item on this topic that led to a Letter to Commission committing to including generators at all future designs. There has been both positive and negative feedback on the presence of generators over the years. Recently, city administration met with FPL, in which they committed to treating stormwater pump stations as a critical infrastructure component and can supply multiple power sources to the pump stations in the case that power is lost in order to minimize risk.

Members of the public addressed the committee (Keith Marks and Paula King).

Paula King asked if there are alternative power sources other than FPL that could supply power. Mr. Coley explained city staff have explored several technologies and found that they are not feasible. They continue to ask their consultant to find alternatives to reduce the dependence on engine powered electricity and no other solutions have been found. City staff has had ongoing discussions with FPL that has led to FPL committing to providing multiple power sources as an interim step to reducing alternate power needs while staff looks for more technology.

Commissioner Gongora expressed approval of this item and asked what the next steps are. Mr. Coley stated staff will return to commission with a resolution specifically stating future projects will be looked at on a case-by-case basis and eliminate the current plan of generators at every project.

Commissioner Samuelian requested to be added as co-sponsor to resolution.

MOTION: By acclamation.

Staff to bring resolution to full Commission specifically stating installation of generators for future stormwater projects will be looked at on a case-by-case basis and eliminate the current plan of requiring generators for every project.

The meeting adjourned at 11:45 a.m.

Attachment

JLM/ATH/ND/TRM/JS/EW/MR

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LAND USE AND SUSTAINABILITY COMMITTEE MEETING

September 22, 2020

Zoom Meeting

Attendance Sheet

NAME	E-MAIL ADDRESS	PLEASE ADD ME TO THE ELECTRONIC AGENDA LIST
1. Irene Bigger	@	
2. Daniel Ciraldo	@	
3. Paula King	@	
4. Tim Carr	@	
5. Keith Marks	@	
6. Alex Tachmes	@	
7. Raymie Walsh	@	
8. Matis Cohen	@	
9. Jerry Libbin	@	
10. Lyle Stern	@	
11. Tracy Slavens	@	
12. Robin Jacobs	@	
13. Rick Kendle	@	
14. Stephen Rutchik	@	
15. Bradley Colmer	@	
16. Alexandra G.	@	
17. Bruce Backman	@	
18. Aaron Tandy	@	
19. Sara De Los Reyes	@	
20. JP Perez		
21. Greg Togel		

LAND USE AND SUSTAINABILITY COMMITTEE MEETING
September 22, 2020
Zoom Meeting

Attendance Sheet

NAME	E-MAIL ADDRESS	PLEASE ADD ME TO THE ELECTRONIC AGENDA LIST
22. Neisen Kasdin	@	
23. Jane Krupp	@	
24. Wayne Roberts	@	
25. Marilyn Freudlich	@	
26. Melissa Beattie	@	
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