

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. Land Use and Sustainability Committee Members participating were Commissioners Mark Samuelian, Michael Gongora, Ricky Arriola and Micky Steinberg, Commissioners David Richardson and Commissioner Steven Meiner, as well as members from the administration, including Alina T. Hudak, Eric Carpenter, Thomas Mooney, Nick Kallergis, 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 8:03 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

- A. Parking Requirements in Historic and Conservation Districts – MXE Regulations.

AFTER-ACTION:

MOTION: / (-)

- B. Parking Requirements in Historic Districts.

AFTER-ACTION:

MOTION: / (-)

2. Discussion Regarding The Palm View Neighborhood Study.

No Sponsor

March 18, 2020 C4 W (Deferred from June 30, 2020)
Planning

AFTER-ACTION: Deferred

MOTION: / (-)

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:

MOTION: / (-)

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: (11:49 AM)

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.

MOTION: / (-)

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:

MOTION: / (-)

6. Discussion Regarding Tight Urbanism.
Commissioner Mark Samuelian
September 11, 2019 C4 Z (Continued from July 21, 2020)
Planning

AFTER-ACTION:

MOTION: / (-)

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. (11:30 AM)

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

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

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:

MOTION: / (-)

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:

MOTION: / (-)

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:

Deferred to October 20, 2020.

MOTION: / (-)

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: Deferred to October.

MOTION: / (-)

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. (11:14 AM)

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.

DEFERRED ITEMS

16. Discussion On Repurposing Our Golf Courses For The Future.
Commissioner Ricky Arriola
May 16, 2018 C4 AB
17. Discussion On Artificial Reefs.
Commissioner Ricky Arriola
May 16, 2018 C4 AI

ADDENDUM

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
Updated September 17, 2020

AFTER-ACTION:

MOTION: / (-)

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
Updated September 17, 2020

AFTER-ACTION:

Aleksandr Boksner, Chief Deputy City Attorney, presented this item. The proposed ordinance creates a new provision under new section 142-3 of the city code to prohibit future business entities and future person from renting or leasing of certain identifiable vehicles. The proposed ordinance would allow those businesses that currently rent or lease these identifiable vehicles to continue to legally operate.

Members of the public addressed the committee (Irene Bigger, Daniel Ciraldo, Paula King, and Tim Karr).

Daniel Cirado, Miami Design Preservation League, asked if Bird e-scooters are allowed on the city's right of ways. Mr. Boksner stated he will research if the city is within the legal right to prohibit Bird e-scooters from being rented.

Commissioner Steven Meiner stated he is working with the City Attorney's Office to develop a supplemental ordinance to enforce requirements onto the businesses that rent or lease these vehicles and present it to full commission.

Commissioner Michael Gongora asked if the Planning Board is hearing this item today, as well. Mr. Boksner reported the Planning Board is meeting today and he will be presenting this item at the Planning Board at a later hour. Tom Mooney, Planning Director stated, this item will be heard again at the October 27, 2020 Planning Board meeting to continue further discuss.

Commissioner Gongora asked if the scooter ordinances penalize scooter operators that bring their scooters from outside of Miami Beach and participating in illegal behavior. Mr. Boksner stated the city does not have legal authority to penalize scooter businesses outside of Miami Beach's jurisdiction, but the city can penalize the operator for illegal behavior. Commissioner Gongora wants the ordinances to enhance the penalties against operators. Mr. Boksner stated the city does not have the legal authority to go beyond what is set forth in Chapter 216 but will research further if further penalties can be enforced.

Commissioner Ricky Arriola requested for greater enforcement on the scooter operators. He suggested this might be an opportunity to phase the businesses into renting more electric scooters and phasing out the gas scooters.

Commissioner Mark Samuelian agreed that stronger enforcement is needed.

Commissioner Arriola asked to amend the ordinance to include a provision for a one year look back to see if there has been any identifiable impact. He also requested to amend the ordinance to exempt new businesses that only rent or lease electric scooters. Commissioner Samuelian stated that can be discussed at Commission but wants to continue with the current proposed ordinance as is with the two amendments of enforcement and a one year look back.

Commissioner Gongora recommended to mandate the current businesses to be the only scooter

businesses within the city but are required to segway and convert all scooters to electric within three years. Mr. Boksner expressed he is unsure if this proposal is appropriate at this time given the legal challenges it may bring on and recommended moving forward with the proposed ordinance and two amendments and investigate Commissioner Gongora's suggestion in the future. He stated this item will be brought to full commission for first reading in November. Commissioner Gongora asked if his suggestion can be added to the motion and brought to and voted by the Planning Board in October.

Commissioner Samuelian asked to be included as co-sponsor to this item.

MOTION: By acclamation. (8:42 AM)

- **Staff to amend item to include gradual elimination of non- electric scooters from scooter businesses at the October Planning Board meeting.**
- **Staff to bring item to City Commission for 1st Reading as amended:**
 - o **Staff to bring ordinance back to commission after one year for evaluation regarding its effectiveness.**
 - o **Enforcement language**

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

Updated September 17, 2020

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. (8:58 AM)

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 **11:50 AM.**

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

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