

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: November 17, 2020

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB20-0401³ – Commercial Height Limits for Office Uses – Alton Road and Terminal Island.**

An Ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, amending Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," (1) at Division 5, "CD-2 Commercial, Medium Intensity District," Section 142-306, "Development Regulations;" and (2) at Division 11, "I-1 Light Industrial District," Section 142-486, "Development Regulations," to allow for additional height for developments with significant office components located on Alton Road between 6th Street and Collins Canal and on Terminal Island; and providing for codification, repealer, severability, and an effective date.

RECOMMENDATION

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

BACKGROUND

On June 24, 2020, at the request of Mayor Dan Gelber, the subject item was referred to the Land Use and Sustainability Committee (C4C). At the time of referral, Commissioner David Richardson became a co-sponsor.

The Land Use and Sustainability Committee (LUSC) discussed the proposal on July 21, 2020 and continued the item to September 22, 2020, with the following general direction:

1. Provide additional information regarding existing office space inventory in the City, and where the best locations for office space would be.
2. Further study the areas proposed for office height incentives and look at other commercial areas.
3. Further study the minimum floor area benchmark for offices.

On September 22, 2020 the LUSC discussed the item and moved it to the full 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 Alton Road from 5th Street to Collins Canal.
3. No recommendation on Sunset Harbor

The LUSC also recommended that the 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.

On October 14, 2020, the City Commission referred the draft ordinance related to Terminal Island and Alton Road to the Planning Board for review and recommendation. The City Commission continued the portions of the ordinance related to Sunset Harbour.

REVIEW CRITERIA

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Consistent – The proposed amendment does not change district boundaries.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Consistent - The proposed ordinance amendment is not out of scale with the surrounding neighborhood.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent – The proposed ordinance will not affect the load on public facilities and infrastructure as the maximum FAR is not modified.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Consistent – The proposal does not modify district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – The need to promote the development of Class A office space makes passage of the proposed change necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – The proposed change will not create or increase traffic congestion from what is currently permitted.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Consistent – The height increase is modest and allowed in limited areas, therefore the proposed change will not seriously reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposed change should not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not applicable.

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable.

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 increase the resiliency of the City with respect to sea level rise by encouraging new development that will be more resilient.

- (3) **Whether the proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.**

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

ANALYSIS

Current economic trends indicate that there are many businesses relocating to Florida due to a favorable tax climate. While the current pandemic has reduced demands for office space, anecdotal evidence shows that there is a demand for Class A office space due to these relocations. In order to capitalize on these trends, incentives would be necessary to allow for the development of such spaces. One of the typical features of Class A office space is a high floor to ceiling height. If off-street parking is provided, the existing height limits make providing sufficient floor to ceiling heights very difficult.

The attached draft ordinance text was prepared by the representative of property owners on Terminal Island who are seeking to develop mixed-use projects with an office component. The proposal includes height increases in strategic commercial areas to incentivize office uses.

The proposed ordinance sets a minimum office threshold of .45 FAR in order to qualify for increased height. A minimum lot size of 7,500 square feet is also proposed, to ensure that the higher height is for medium to large size office projects, and so that the site is large enough to absorb the increase in height. Planning staff agrees with these thresholds and believes that they will ensure the increased height will be for a project that is primarily office.

A maximum height of 75 feet has been proposed in the applicable commercial districts. The following is a summary of the specific commercial areas of the City proposed for the increase in height:

1. Alton Road CD-2 District: Increase from 50 feet and 60 feet to 75 feet.
2. Terminal Island I-1 District: Increase from 40 feet to 75 feet.

It is important to note that regarding the CD-2 areas on Alton Road, the west side of Alton Road would be eligible for the proposed height increase. However, pursuant to the regulations in the

Alton Road - Historic District Buffer Overlay in Chapter 142, Article 3, Division 9 of the LDR's, only those properties located between 15th Street and 17th Street on the east side of Alton Road would be eligible for the proposed increase in height. This area on the east side of Alton Road abuts a CD-1 district and a large multifamily building to the immediate east.

The proposed increase in height would allow for the expanded interior floor to ceiling space being sought by office users and office developers. From a practical standpoint, when parking and mixed-use pedestals are included, the current height limitations in the aforementioned areas limit the interior ceiling heights for all uses. Additionally, the areas of the City where this proposal is applicable are along and within transit corridors and have access to public parking facilities.

The proposal would apply to limited, strategic areas and would help diversify the City's economy. The proposal is also consistent with the concept of transit-oriented development (TOD), which is ideal for the identified areas. This is an important point because the City's long-term mobility plan places considerably more emphasis on transit. In turn, this will likely result in less of a need for onsite vehicular storage in the future, which would equate to a reduction in overall building height.

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.

**COMMERCIAL HEIGHT LIMITS FOR OFFICE USES
ALTON ROAD AND TERMINAL ISLAND**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," (1) AT DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," SECTION 142-306, "DEVELOPMENT REGULATIONS;" AND (2) AT DIVISION 11, "I-1 LIGHT INDUSTRIAL DISTRICT," SECTION 142-486, "DEVELOPMENT REGULATIONS," TO ALLOW FOR ADDITIONAL HEIGHT FOR DEVELOPMENTS WITH SIGNIFICANT OFFICE COMPONENTS LOCATED ON ALTON ROAD BETWEEN 6TH STREET AND COLLINS CANAL AND ON TERMINAL ISLAND; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, economic trends indicate that there are increased demands for Class A office space within the City as business are relocating from other states; and

WHEREAS, Class A office space tends to require higher floor to ceiling heights than other classes of office space; and

WHEREAS, it is in the best interest of the City's economy to incentivize the development of Class A office space; and

WHEREAS, the Alton Road corridor and Terminal Island are appropriate locations for Class A office space due to access to the regional transportation network; and

WHEREAS, the proposed changes are necessary in order to promote the development of Class A office space within the City; and

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

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

SECTION 1. Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity District," is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

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ARTICLE II. – DISTRICT REGULATIONS

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DIVISION 5. - CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

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Sec. 142-306. - Development regulations.

(a) The development regulations in the CD-2 commercial, medium intensity district are as follows:

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)
1.5	None, except as provided for mixed-use and commercial buildings as provided herein.	None	New construction—550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel unit: 15%: 300—335; 85%: 335+ For contributing hotel structures located within the Collins Park District, generally bounded by the erosion control line on the east, the east side of Washington Avenue on the west, 23rd Street on the north, and 17th Street on the south, hotel units shall be a minimum of 200	New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel units—N/A. The number of units may not exceed the maximum density set forth in the comprehensive plan.	50 (except as provided in section 142-1161). Notwithstanding the above, the design review board or historic preservation board, in accordance with the applicable review criteria, may allow up to an additional five feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab. Self-storage warehouse - 40 feet, except that the building height shall be limited to 25 feet within 50 feet from the rear property line for lots abutting an alley; and within 60 feet from a residential district for

		<p>square feet. For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does</p>	<p>blocks with no alley. Mixed-use and commercial buildings <u>with a minimum of .45 FAR of office use within the structure and on lots with a minimum size of 7,500 square feet located on that include structured parking for properties on the west side of Alton Road from 6th Street to Collins Canal - 7560 feet.</u></p>
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			<p>not exceed 4 persons. In addition, the minimum hotel unit size for a property formerly zoned HD is 250 square feet, provided that the property does not exceed 25,000 square feet as of March 23, 2019. Hotel units within rooftop additions to contributing structures in a historic district and individually designated historic buildings—200.</p>	
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SECTION 1. Chapter 142, “Zoning Districts and Regulations,” Article II, “District Regulations,” Division 11, “I-1 Light Industrial District,” is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE II. – DISTRICT REGULATIONS

* * *

DIVISION 11. – I-1 LIGHT INDUSTRIAL DISTRICT

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Sec. 142-486. - Development regulations.

There are no lot area, lot width or unit area or unit size requirements in the I-1 light industrial district except as provided herein. The maximum floor area ratio, building height and story requirements are as follows:

- (1) Maximum floor area ratio is 1.0.

- (2) Maximum building height is 40 feet; except maximum building height for commercial and office buildings with a minimum of .45 FAR within the structure of office use and on lots with a minimum size of 7,500 square feet located on Terminal Island is 75 feet.

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 4. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2020.

Dan Gelber
Mayor

Attest:

Rafael E. Granado
City Clerk

(Sponsored by Commissioner Ricky Arriola)

Underline denotes additions
~~Strike through~~ denotes deletions

First Reading: , 2020
Second Reading: , 2020

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

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