

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: January 26, 2021

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB20-0417. Height Limits for Office Uses - Sunset Harbour Neighborhood.**

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," AT DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," SECTION 142-306, "DEVELOPMENT REGULATIONS," TO ALLOW FOR ADDITIONAL HEIGHT AND ESTABLISH DEVELOPMENT CRITERIA FOR OFFICE DEVELOPMENTS LOCATED IN THE SUNSET HARBOUR NEIGHBORHOOD; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

Transmit the proposed Ordinance to the City Commission with a favorable recommendation.

HISTORY

On June 24, 2020, at the request of Mayor Dan Gelber, a discussion item pertaining to strategic increases in height for office uses 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 identify the best locations to incentivize office space.
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 transmitted it to the full City Commission, in accordance with the following:

1. A recommendation in favor of the proposed height increase for Terminal Island.
2. No recommendation as to the areas fronting Alton Road from 5th Street to Collins Canal.
3. No recommendation as to Sunset Harbour.

The LUSC also recommended that the City Commission consider the following:

1. Requiring visual images and massing studies for all areas/future development subject to the proposed height incentive, and not just the specific applicants seeking the change.
2. Potential quality of life and community/public benefits.
3. Sunset provision for the height incentive (i.e. deadline to obtain a building permit).
4. Requirements for neighborhood-serving uses or other activation at the first level of each building.
5. The inclusion of specific areas within North Beach in the scope of the Ordinance.

On October 14, 2020, the City Commission considered the referral request (item C4G), and took the following actions:

1. The Terminal Island and Alton Road portions of the legislation were referred to the Planning Board.
2. The Sunset Harbour portion of the legislation, as well as additional discussion pertaining to the potential inclusion of areas in North Beach, were continued to the November 18, 2020 City Commission meeting, as an R9 discussion item.
3. The Administration was directed to come back with potential options regarding parking requirements in the Sunset Harbour area that could potentially address the compatibility of increased building height.

On November 18, 2020, the City Commission continued the item related to Sunset Harbour to the December 9, 2020 meeting. On December 9, 2020, the City Commission discussed the Sunset Harbour office height proposal, and referred an Ordinance pertaining to a building height increase for a smaller area within the neighborhood to the Land Use and Sustainability Committee and the Planning Board, for review and recommendation.

On December 15, 2020, the LUSC discussed the proposal, and recommended the following:

1. Further study an increase in the minimum lot size to be eligible for the office height incentive.
2. The Administration shall further study allowable height exceptions.

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. The Ordinance would not permit any new uses or

additional intensity than what is already permitted in the CD-2 district. Office development in the subject area is consistent with 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 the boundaries of existing districts.

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

Consistent - The proposal is for a modest height increase. The proposal is compatible with the existing context. The proposed change is therefore not out of scale with the needs of the Sunset Harbour 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.

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

Not applicable – The proposed amendment does not modify district boundaries.

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

Consistent – Changing economic conditions that are drawing class A office uses to South Florida and the need for additional floor-to-ceiling 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 will not adversely affect living conditions in the Sunset Harbour neighborhoods.

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.**

Partially Consistent – The proposed change will have minimal impacts on 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.

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 should encourage development that is more resilient with respect to sea level rise.

(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

The attached draft Ordinance text was prepared by the representative of a property owner in the Sunset Harbour area, who is seeking to develop a mixed-use project with an office component. The draft Ordinance applies to developments located in the block within the Sunset Harbour neighborhood bounded by Dade Boulevard on the south, Purdy Avenue on the west, 18th Street on the north, and Bay Road on the east. Within this area, a height increase from 55 feet to 65 feet may be permitted, provided the following benchmarks are met:

1. The development must consist solely of office use above the ground level of the structure, with the exception of allowable bonus floor area for residential or hotel uses. Residential and hotel uses may be permitted on such properties up to a maximum FAR of 2.0 pursuant to Section 142-307(d)(1), but only if the first 1.5 FAR of development is dedicated to office use and ground floor commercial use.
2. The development must be located on lots with a minimum lot size of 10,000 square feet.
3. A full building permit for a tower pursuant to this Section must be issued no later than December 31, 2022.

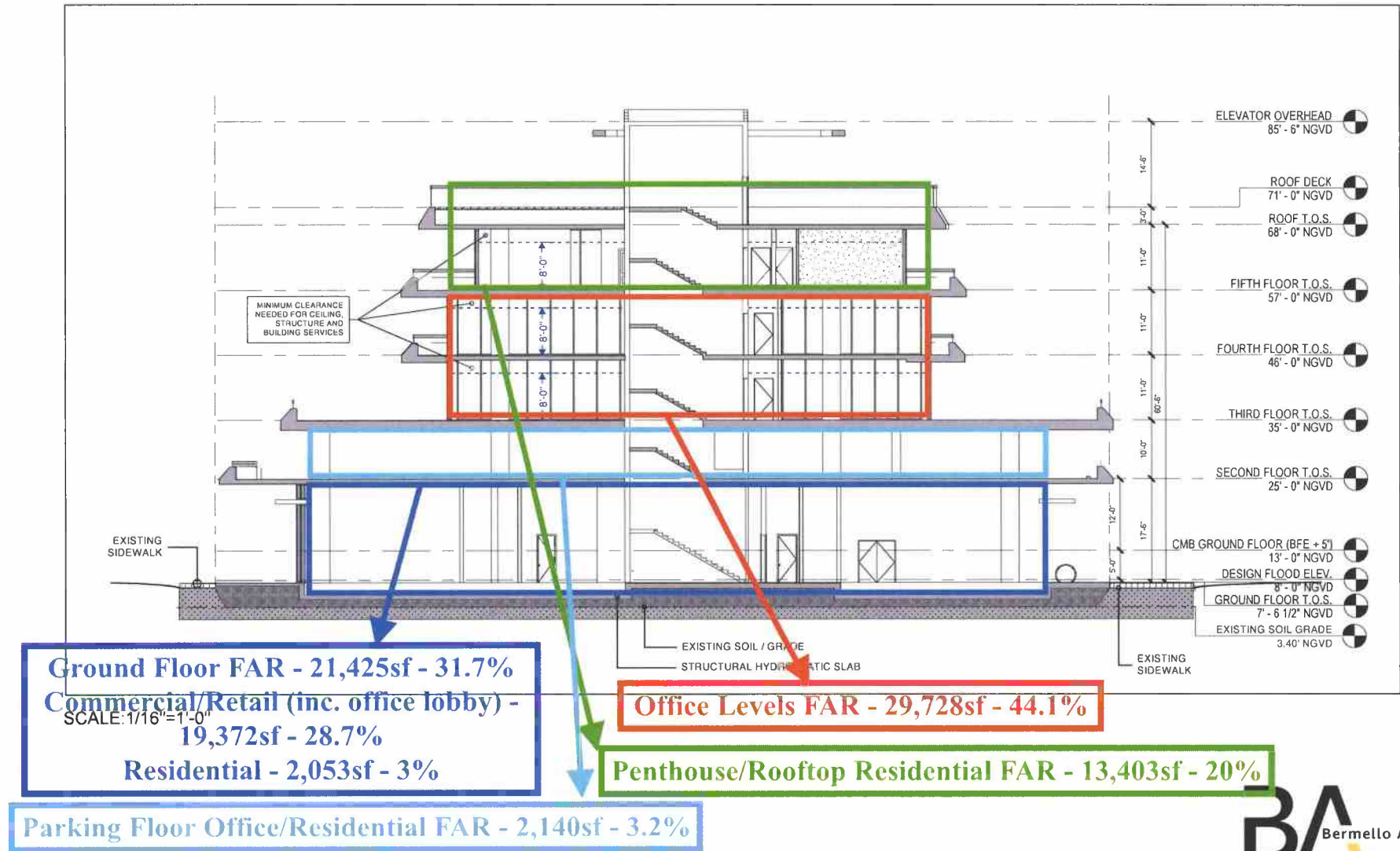
Pursuant to the direction of the LUSC on December 15, 2020, the threshold for eligibility has been increased from a minimum lot size of 7,500 square feet to 10,000 square feet. As it pertains to additional regulations for height exceptions, staff believes that this would be best addressed as part of a broader set of development regulations for the larger Sunset Harbour area, which is currently pending before the LUSC. This proposal includes, among other things, strategic height increases within defined geographic areas, and is expected to be referred to the Planning Board in the coming months.

The proposed Ordinance would allow a previously approved development to seek an additional ten (10) feet of height, provided the development program is not significantly altered from the approved plans. This would permit a developer to increase floor-to-ceiling heights of the office floors to make them more economically viable. A visual study comparing the applicant's proposed development with, and without, the additional ten (10) feet is attached for reference. As shown in these illustrations, within the context of the larger block, the additional height is modest and does not significantly alter the scale of the development.

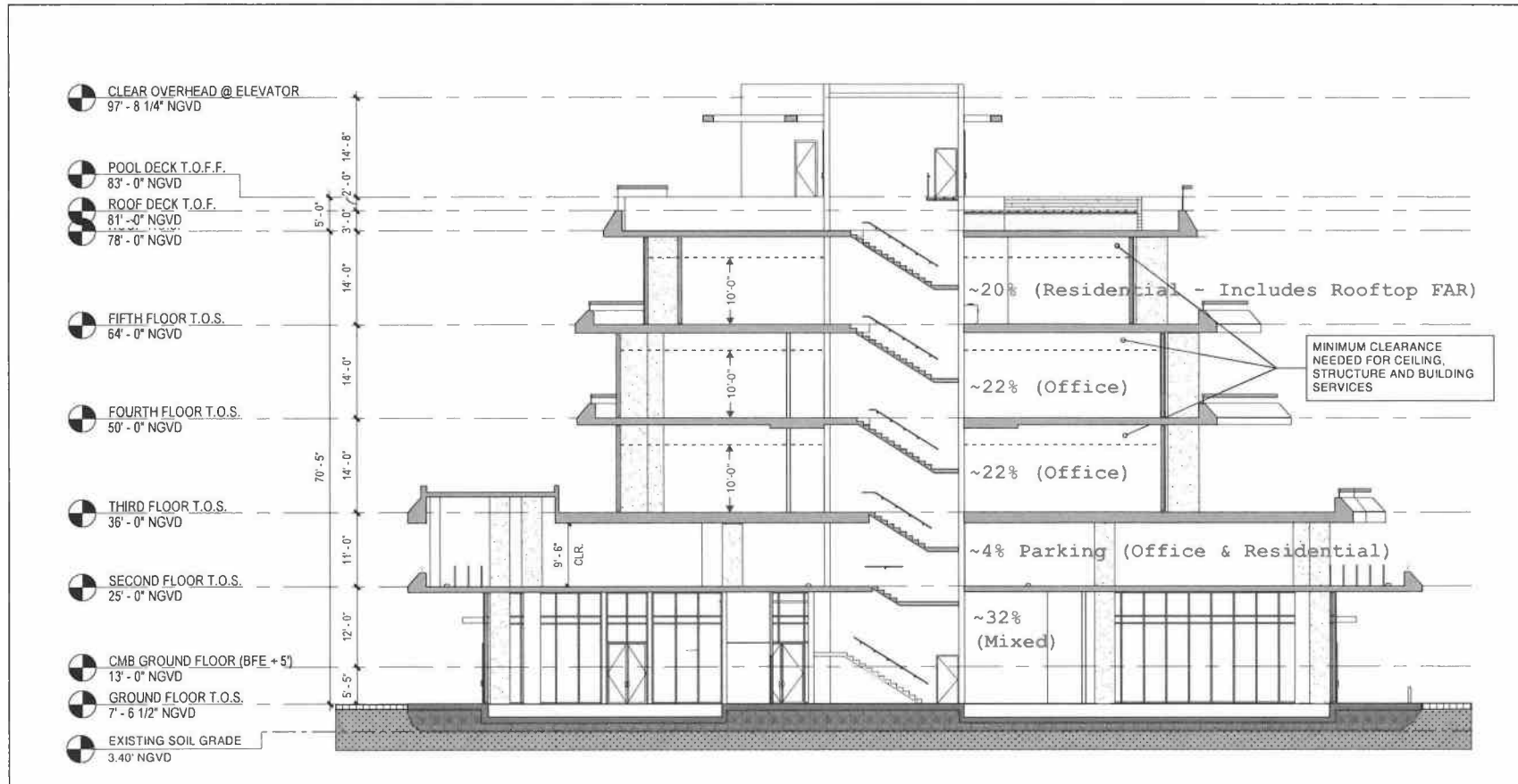
RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed Ordinance to the City Commission with a favorable recommendation.

CROSS SECTION - NO HEIGHT CHANGE



CROSS SECTION - 10'-0" HEIGHT INCREASE



SCALE: 1/16"=1'-0"

ZONING DATA SHEET PROPOSED

Planning Department, 1700 Convention Center Drive
Miami Beach, Florida 33139, www.miamibeachfl.gov
305.673.7550

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Miami Beach, Florida 33139, www.miamibeachfl.gov
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CD-2 - ZONING DATA SHEET

ITEM #	Zoning Information			
1	Address: 1759 PURDY AVENUE, MIAMI BEACH, FLORIDA			
2	Board and file numbers: PB17-0168 DRB17-0198			
3	02-3233-012-0550 (1752 BAY RD Miami Beach, FL 33139-1423) 02-3233-012-0540 (1759 PURDY AVE Miami Beach, FL 33139-1423) 02-3233-012-0530 (1738 BAY RD Miami Beach, FL 33139-1414) 02-3233-012-0520 (1747 PURDY AVE Miami Beach, FL 33139-1423) 02-3233-012-0500 (1743 PURDY AVE Miami Beach, FL 33139-1423) 02-3233-012-0490 (1724 BAY RD Miami Beach, FL 33139-1414) 02-3233-012-0480 (1733 PURDY AVE Miami Beach, FL 33139-1423) 02-3233-012-0510 (91730 BAY RD Miami Beach, FL 33139-1414)			
4	Year constructed:	1957	Zoning District:	CD-2
5	Based Flood Elevation:	+8' 0" NGVD	Grade value in NGVD:	+5.42' NGVD
6	Adjusted grade (Flood-Grade/2):	+6.71' NGVD	Lot Area:	33,750 SQ. FT.
7	Lot width:	250'-0"	Lot Depth:	150'-0"
8	Minimum Unit Size:	SQ. FT.	Average Unit Size:	SQ. FT.
9	Existing use:	COMMERCIAL	Proposed use:	MIXED-USE (RETAIL, OFFICE, & RESIDENTIAL)
10	Height	Maximum: 50'-0" - MAXIMUM HEIGHT IN CD-2 ZONING DISTRICT	Existing: 15.8' NGVD	Proposed: 55'-0" - TO BE APPROVED BY THE DESIGN REVIEW BOARD - NO VARIANCE REQUIRED
11	Number of Stories	5	1	5
12	FAR	2	0.25	1.92186
13	Gross square footage	67,500 SQ. FT.		
14	Square Footage by use	N/A	7500	67,500 SQ. FT.
15	Number of units Residential	N/A	0	2
16	Office square footage	N/A	0	29,728 SQ. FT.
17	Number of seats	N/A	0	
18	Occupancy load	N/A	0	2
CD-2 Commercial Setbacks				
	Commercial Pedestal:	Required	Existing	Proposed
29	Front Setback:	0'-0"		0'-0"
30	Side Setback:	0'-0"		0'-0"
31	Side Setback facing street:	N/A	N/A	N/A
32	Rear Setback:	5'-0"		5'-0"
RM-2 Residential Setbacks				
	Residential Pedestal:	Required	Existing	Proposed
33	Front Setback:	20'-0"	N/A	PURDY ROAD: 34'-10" BAY ROAD: 27'-9"
34	Side Setback:	PURDY AVE: 20'-0" - 16% OF TOTAL WIDTH BAY ROAD: 16'-20'-0" - 16% OF TOTAL WIDTH		PURDY AVE: 27'-0" BAY ROAD: 24'-2" / 31'-10"
35	Side Setback facing street:	N/A	N/A	N/A
36	Rear Setback:	7'-6"	N/A	7'-6"

Residential Tower:				
37	Front Setback:	20'-0" - 1' per 1' above 50' bldg height - 25'-0"	N/A	BAY AVE: 29'-8" PURDY ROAD: 27'-0"
	Side Setback:	PURDY AVE: 20'-6" - 16% OF TOTAL WIDTH - 6" (SEE SHEET A-2.8C FOR ADDITIONAL DIAGRAM INFORMATION) BAY ROAD: 16'-6" - 20'-6" - 16% OF TOTAL WIDTH - 6" (SEE SHEET A-2.8C FOR ADDITIONAL DIAGRAM INFORMATION)		PURDY AVE: 27'-0" - (SEE SHEET A-2.8C FOR ADDITIONAL DIAGRAM INFORMATION) BAY ROAD: 24'-2" / 31'-10" (SEE SHEET A-2.8C FOR ADDITIONAL DIAGRAM INFORMATION)
38	Side Setback facing street:	N/A	N/A	N/A
39	Rear Setback:	11'-3"	N/A	16'-2"
Parking				
	Required	Existing	Proposed	Deficiencies
41	Parking district			
42	Total # of parking spaces	78	0	78
43	# of parking spaces per use (Provide a separate chart for a breakdown calculation)		0	
44	# of parking spaces per level (Provide a separate chart for a breakdown calculation)	SEE SHEET A-1.1	0	SEE SHEET A-1.1
45	Parking Space Dimensions	8.5' X 18'	N/A	8.5' X 18'
46	Parking Space configuration (450,600, 900, Parallel)		N/A	90
47	ADA Spaces		N/A	n/a
48	Tandem Spaces		N/A	22'
49	Drive aisle width		N/A	22'
50	Valet drop off and pick up		NO	
51	Loading zones and Trash collection areas	2	N/A	2
52	Bicycle parking, location and Number of racks		N/A	20 Short Term
Restaurants, Cafes, Bars, Lounges, Nightclubs				
	Required	Existing	Proposed	Deficiencies
53	Type of use	N/A		
54	Number of seats located outside on private property			30 SEATS
55	Number of seats inside			208 SEATS
56	Total number of seats			238 SEATS
57	Total number of seats per venue (Provide a separate chart for a breakdown calculation)			238 SEATS SEE REVISED SHEET A1.1.P
58	Total occupant content			327
59	Occupant content per venue (Provide a separate chart for a breakdown calculation)			SEE SHEET A-1.1.P
60	Proposed hours of operation	N/A		
61	Is this an NIE? (Neighborhood Impact Statement, see CMB 141-1361)	NO		
62	Is dancing and/or entertainment proposed? (see CMB 141-1361)	NO		
63	Is this a contributing building?		Yes or No	
64	Located within a Local Historic District?		No	

Current Allowable Height



Future Allowable Height



Height Limits for Office Uses - Sunset Harbour Neighborhood

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," AT DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," SECTION 142-306, "DEVELOPMENT REGULATIONS," TO ALLOW FOR ADDITIONAL HEIGHT AND ESTABLISH DEVELOPMENT CRITERIA FOR OFFICE DEVELOPMENTS LOCATED IN THE SUNSET HARBOUR NEIGHBORHOOD; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Sunset Harbour neighborhood is generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north, Alton Road to the east, and Dade Boulevard to the south; and

WHEREAS, Sunset Harbour is a neighborhood that has successfully evolved from a primarily industrial neighborhood into a vibrant mixed-use residential neighborhood that is characterized by its unique combination of residential, commercial, and industrial uses;

WHEREAS, economic trends indicate that demand has increased for Class A office space within the City as businesses relocate from other states to Miami Beach; and

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

WHEREAS, the development of Class A office space will promote the growth, diversification, and resiliency of the City's economy; and

WHEREAS, the proposed changes are intended to serve as the initial implementation of a broader Sunset Harbour neighborhood vision plan, creating updated development regulations within the Sunset Harbour neighborhood to reflect current market conditions and the unique identity of the neighborhood; and

WHEREAS, that certain block bounded by Dade Boulevard on the south, Purdy Avenue on the west, 18th Street on the north, and Bay Road on the east in the Sunset Harbour neighborhood is an appropriate and strategic location for Class A office space due to its accessibility to the regional transportation network, and parking facilities; 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

ARTICLE 11. - DISTRICT REGULATIONS

DIVISION 5. CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

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	None	<p>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 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</p>	<p>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.</p>	<p>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, not to exceed a maximum height of 55 feet. In order to utilize the additional height, the first floor shall provide at least 12 feet in 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 blocks with no alley. Mixed-use and commercial buildings that include structured parking for properties on the west side of Alton Road from 6th Street to Collins Canal - 60 feet. <u>For developments in the Sunset Harbour neighborhood that (i) consist solely of office use above the ground level of the structure, and (ii) are located on lots with a minimum lot size of 10,000 square feet, and (iii) are located within the area bounded by Dade Boulevard on the south, Purdy Avenue on the west, 18th Street</u></p>

		<p>minimum unit size is maintained, and provided the maximum occupancy per hotel room does 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>	<p>on the north, and Bay Road on the east - 65 feet, provided that a full building permit for a tower pursuant to this Section must be issued no later than December 31, 2022, and provided that residential and hotel uses may be permitted on such properties up to a maximum FAR of 2.0 pursuant to Section 142-307(d)(1), but only if the first 1.5 FAR of development is dedicated to office use and ground floor commercial use.</p>
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SECTION 2. REPEALER.

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

SECTION 3. 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 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2021.

Dan Gelber, Mayor

ATTEST:

APPROVED AS TO FORM AND LANGUAGE
AND FOR EXECUTION

Rafael E. Granado, City Clerk

City Attorney

Date

First Reading: February 10, 2021

Second Reading: March 17, 2021

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