

# 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: Raul J. Aguila, Interim City Manager

DATE: March 17, 2021

SUBJECT: **LAND USE AND SUSTAINABILITY COMMITTEE MEETING OF FEBRUARY 17, 2021**

A Land Use and Sustainability Committee meeting was held on February 17, 2021. Land Use and Sustainability Committee Members participating were Commissioners Mark Samuelian, Michael Gongora and Ricky Arriola, Commissioner Steven Meiner was also present. Members from the Administration, including Alina T. Hudak, Thomas Mooney, Nick Kallergis, Roy Coley, Amy Knowles and Elizabeth Wheaton, as well as members of the public, also participated.

The meeting was called to order at 8:04 a.m.

1. OCEAN DRIVE MXE LAND USE AND ZONING AMENDMENTS.

Planning  
Mayor Dan Gelber  
October 14, 2020 C4 J (Deferred from January 20, 2021)

### **AFTER-ACTION:**

Thomas Mooney introduced the item.

Commissioner Arriola expressed concerns with the portion of the draft Ordinance requiring a CUP for entertainment venues below 199 occupational content.

Thomas Mooney indicated that it was easier to enforce violations with a CUP as opposed to allowing a use as of right, which relies on the Special master for enforcement.

Commissioner Samuelian asked if it was possible to have a simpler CUP process for uses of a lower threshold.

Members of the public addressed the committee.

Commissioner Gongora had concerns with creating a new process and felt that root of the problems were not indoor operations.

Commissioner Arriola did express support for the additional requirements to allow for rooftop restaurants, since it would require additional investments in the hotels.

Commissioner Samuelian asked if other members felt that there were any mid-ground with a reduced threshold or process for CUPs.

### **MOTIONS:**

**1. By Acclamation: Recommend in favor of the Ordinance pertaining to Chapter 142 MXE regulations, with the exception of the proposal to require a CUP for all indoor**

entertainment establishments.

**2. MG/RA (2-1):** In accordance with the recommendation of the Mayor's Art Deco Cultural District Panel's, the LUSC recommends that the proposal to require a CUP for all indoor entertainment establishments with an occupational content of less than 200 persons not move forward.

**3. MG/RA (3-0):** Direct the Administration study potential options for expediting the CUP process and bring back specific recommendations at the upcoming March or April LUSC meeting.

2. PARKING REDUCTIONS - MXE

Commissioner Ricky Arriola  
January 13, 2021 R5 L  
Planning

**AFTER-ACTION:**

Thomas Mooney introduced the item.

Commissioner Samuelian asked if the Mayor's Art Deco Cultural District Panel (ADCD) reviewed the item and suggested obtaining their input.

Thomas Mooney indicated that the panel did not review this ordinance but they are reviewing a similar ordinance.

Commissioner Gongora indicated that he would be more supportive incentivizing residential uses instead of hotel uses but he was open to the idea. However, he wanted to hear what the ADCD thinks of the ordinance.

Commissioner Arriola wanted information to know when a parking requirement would be triggered. Thomas Mooney described that existing building space has no parking requirements and that it would be triggered only for new construction.

**MOTION – By Acclamation: Continue the item to the April LUSC and direct the Administration to present the item to the ADCD.**

3. COMMERCIAL HEIGHT LIMITS FOR OFFICE USES – ALTON ROAD.

Planning  
Mayor Dan Gelber and Commissioner David Richardson  
December 9, 2020 R5 O (Continued from January 20, 2021)

**AFTER-ACTION:**

Thomas Mooney introduced the item.

Commissioner Arriola expressed support for the item.

Members of the public addressed the committee.

Commissioner Samuelian expressed support for office uses, as they could be less intensive than hotel uses for the neighborhood, with some changes, including more activation and non-office uses on the ground floor, require that the building be fully office via covenant, the inclusion of minimum setbacks for upper level massing, timeframe limitations to encourage things to happen quickly, and look at further limitations for rooftop restaurants, including limitations on use and soundproofing for mechanical equipment.

Commissioner Arriola expressed support for Commissioner Samuelian's ideas with the exception of providing a longer period of time for limitations.

Commissioner Gongora expressed support for encouraging office uses; his major concern is the rooftop activation and wanted a better idea of the number of properties that would be impacted and if any phasing would be warranted.

**MOTION - By Acclamation: Continue the item to the March 2021 LUSC and direct the Administration to incorporate the modifications discussed into a revised draft Ordinance.**

4. 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.

Office of the City Manager

Commissioner Mark Samuelian

March 18, 2020 C7 AE (Deferred from January 20, 2021)

**AFTER-ACTION:** Amy Knowles, Chief Resiliency Officer, presented the item. The original item was adopted on consent at the March 2020 City Commission meeting and discussed at the LUSC committee meeting in July 2020. Ms. Knowles explained staff further discussed developing a memorandum of agreement (MOU) for a global resilience campaign with Florida International University (FIU) using the proposal presented in July 2020. Ms. Knowles recommended the City continue to collaborate with FIU through courses and working with students on inspirational renderings and other resilience related projects at a manageable level that could be achieved with current staffing.

Ms. Knowles also mentioned other next steps that could be completed over time, including: 1) Hosting a virtual community engagement meeting to present renderings from the Harvard study and Buoyant City Study and renderings created by FIU students; 2) Hosting a multi-day charrette with local and global experts with the specific goal of visioning for different parts of the City; and 3) Moving forward with the global competition previously proposed by FIU for the global resilience campaign. Ms. Knowles stressed the importance of having images representing what the City would look like in the next 30-50 years with a predicted 2-3 feet of sea level rise.

City staff worked with Professor John Stuart, who led a graduate level course that provided the opportunity to test out the resilient vision concept. The students studied buildings in the Flamingo Historic District and were given specific guidance to use sea level rise projections to showcase ways buildings could be preserved through blue and green infrastructure, technological innovation, and sustainability.

Commissioner Samuelian stated his specific recommendation is to continue the coursework that FIU has been conducting and host a workshop to present the renderings to give the community the opportunity to provide feedback, ask questions, and provide ideas. He stated his support to create the MOU and help develop the workshop and to identify next steps. Professor Stuart showcased renderings and explained students looked at how to create scenarios that could shape policy. Commissioner Samuelian asked if this would be an ongoing course. Professor Stuart explained he has focused on adaptation in historic neighborhoods for several years and teaches the course every fall and is open to any conversations that invites public input. Commissioner Samuelian restated to continue working with Professor John Stuart, host a workshop to bring the various visions with proper messaging, and finalize the MOU.

Commissioner Gongora and Commissioner Arriola expressed their support for Commissioner Samuelian's recommendations. Ms. Knowles clarified the MOU would have to go to the full City Commission for approval and would be placed on the April agenda.

5. UPDATE ON PROJECTS: A) WEST AVENUE B) INDIAN CREEK C) PALM & HIBISCUS D) FIRST STREET

Office of Capital Improvement Projects / Public Works  
Commissioner Mark Samuelian  
Verbal Report

**AFTER-ACTION: DEFERRED**

6. DISCUSS ENACTING LIMITATIONS ON BIG BOX STORES ON LINCOLN ROAD.

Planning  
Commissioner Ricky Arriola  
October 14, 2020 C4 L (Continued from January 20, 2021)

**AFTER-ACTION:**

Commissioner Arriola described several of the issues on Lincoln Road.

Thomas Mooney introduced the item.

Commissioner Arriola wanted to know if it was possible to have a waiver process for large uses that might be beneficial.

Nick Kallergis indicated that if there could be criteria that could be developed for a waiver.

**MOTION – MG/RA (3-0):**

**1. Recommend that the City Commission refer the draft Ordinance to the Planning Board, with direction to the Planning Board to provide a recommendation on whether the 45,000 square foot threshold for retail uses should be lowered.**

**2. Direct the Administration and the City Attorney to explore a waiver provision for the 45,000 square foot threshold in conjunction with the item sponsor.**

**DEFERRED ITEMS**

7. DISCUSSION REGARDING TIGHT URBANISM.

Commissioner Mark Samuelian  
September 11, 2019 C4 Z  
Planning

8. DISCUSSION ON THE CITY'S DRAFT CLIMATE ACTION PLAN AND PRESENT OPTIONS TO CONTINUE TO REDUCE GREENHOUSE GAS EMISSIONS.

Environment & Sustainability  
Commissioner Michael Gongora  
December 9, 2020 C4 C

9. REVIEW CITY CODE SECTION 90-277 CONCERNING ANY CONTAINERS OR DUMPSTERS LOCATED WITHIN THE CITY REQUIRING A PERMIT.

Commissioner Mark Samuelian  
January 13, 2021, C4 I  
Public Works

## **ADDENDUM**

### 10. DISCUSSION REGARDING AN ALTERNATIVE HARMONIZATION PLAN FOR 959 WEST AVENUE.

Public Works / CIP  
Commissioner Michael Gongora  
December 9, 2020 C4 J (Continued from January 20, 2021)

**AFTER-ACTION:** Commissioner Gongora introduced the item and stated the alternative harmonization plan for 959 West Avenue was acceptable but the on-going issue was whether to tie the harmonization to the opening of the Baywalk. He expressed it would not be a good idea to tie the harmonization to the Baywalk since the Baywalk currently leads to a dead end. In addition, he asked for the committee's recommendation on how to accelerate the opening of the Baywalk at either the South Bay Club or at the Mirador and to tie the opening to one of those properties.

Roy Coley, Public Works Director, stated he had the opportunity to visit the site and understood the concerns. He explained the issue was an operable gate at 10<sup>th</sup> Street that allows pedestrians to access the baywalk behind the property. Pedestrians that reach the southern boundary do not have an outlet back to West Avenue which creates a stopping point because the Baywalk has not been completed further south.

Commissioner Gongora asked what could be done to accelerate the opening of the Baywalk at the South Bay Club or Mirador. David Martinez, CIP Director, stated the permitting for the South Bay Club would be discussed at the G.O. Bond Oversight Committee which would then require City Commission approval. He added there was not another option to expedite or move forward with permitting for that particular area of the Baywalk. Once funding is forwarded through the G.O. Bond tranches, CIP could then begin the permitting process. He explained that even if it occurred immediately, it would take several years to complete due to the permitting process. Commissioner Gongora stated the City Commission could expedite the Baywalk work behind the South Bay Club and tie the opening to the applicant and open both together.

Michael Larkin, representative for 959 West Avenue, stated that the City is proposing a retaining wall with handrail for the section of the Shops of West Avenue. He added the proposed design was unattractive and could impact the applicant because it would be harder to lease out the commercial spaces. They proposed an alternative harmonization plan which the committee supported during a previous meeting. Mr. Larkin added they do not believe it was appropriate for the opening of the Baywalk to be tied to the acceptance of the alternative harmonization plan. The Baywalk was connected to a completely separate property and the opening was governed by Design Review Board (DRB) approval. He explained an earlier opening of the Baywalk would result in pedestrians walking from 10<sup>th</sup> Street to congregate in the dead-end and lead to an increase in crime.

Bernardo Sandoval, resident, reiterated the points made by Mr. Larkin. Timothy Diener, resident, requested the applicant maintain the gate open during the day to allow the appropriate baywalk access similar to other properties such as the Waverly. Aileen Fraser, South Bay Club Board of Directors, stated they are not against the building of the baywalk adjacent to the property, but the dead end has been detrimental to the security of the area.

Commissioner Samuelian stated he supported Commissioner Gongora's recommendation and would like LUSC to take a holistic look at the Baywalk project and how it could be accelerated. He added his decision on the item remained the same in which the administration and applicant

should return with a mutual resolution and bring it back to LUSC for discussion. Mr. Coley stated they have not entered an agreement with the applicant and gathered data. He further added the applicant has an existing DRB order and the Administration does not have any recommendation to change it. Commissioner Samuelian stated he would not support the alternative harmonization plan unless it is tied to the Baywalk. Commissioner Arriola and Commissioner Gongora stated they are both in support of the alternative harmonization and separating it from the Baywalk project. Michael Larkin inquired on next steps for the alternative harmonization plan. Mr. Coley stated the plan would go to Commission for approval as a concept. The final approval could not be provided until the design was complete and reviewed by City's engineers.

**MOTION - RA/MG (2-1): Recommend the City Commission approve the concept plan for the alternative harmonization plan for 959 West Avenue and de-link the Baywalk project. Motion made by Commissioner Ricky Arriola, Seconded by Commissioner Michael Gongora.**

**MOTION: MG/MS (2-1): Support the expediting of the Baywalk and move it up on the G.O. Bond prioritization list with the direction for the administration to present the Baywalk plan at a LUSC meeting. Motion made by Commissioner Michael Gongora, Seconded by Commissioner Mark Samuelian.**

The meeting adjourned at 10:19 am.

Attachment

RJA/ATH/ND/TRM/RAM/EW/YP

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# LAND USE AND SUSTAINABILITY COMMITTEE MEETING

February 17, 2021

Zoom Meeting

## Attendance Sheet

NAME	E-MAIL ADDRESS	PLEASE ADD ME TO THE ELECTRONIC AGENDA LIST
1. Mitch Novick	@	
2. Kent Harrison Robins	@	
3. Alex Tachmes	@	
4. Jane Krupp	@	
5. Gayle Durham	@	
6. John Stuart	@	
7. Michael Larkin	@	
8. JJ Wood	@	
9. Mathew Amster	@	
10. Bernardo Sandoval	@	
11. Tim	@	
12. Aileen Fraser	@	
13.	@	
14.	@	
15.	@	
16.	@	
17.	@	
18.	@	
19.	@	
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