

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: Alina T. Hudak, City Manager

DATE: June 23, 2021

SUBJECT: **LAND USE AND SUSTAINABILITY COMMITTEE MEETING OF MAY 26, 2021**

A Land Use and Sustainability Committee meeting was held on May 26, 2021. Land Use and Sustainability Committee Members participating were Commissioners Mark Samuelian, Michael Gongora and Ricky Arriola. Commissioner Steven Meiner was also present via Zoom. Members from the Administration, including Thomas Mooney, Nick Kallergis, David Martinez, Elizabeth Wheaton, Nelson Perez-Jacome, and Eric Carpenter as well as members of the public, also participated.

The meeting was called to order at 8:12 a.m.

1. DISCUSSION REGARDING HOW GREEN INFRASTRUCTURE INCLUDING LIVING OR HYBRID SHORELINES CAN COMPLEMENT GREY INFRASTRUCTURE IN OUR CLIMATE ADAPTATION ON-GOING WORK.

Environment & Sustainability
Commissioner Micky Steinberg
April 13, 2016 C4 N (Continued from October 20, 2020)

AFTER-ACTION: Elizabeth Wheaton, Environment and Sustainability Director introduced and presented the item. In her presentation, she highlighted the challenges of establishing living shorelines and provided the status of the ongoing living shoreline projects, including Brittany Bay Park, Pinetree Park, Maurice Gibb Park, and Indian Creek Drive. Ms. Wheaton further explained that a coastal engineer would be retained to carry out a seawall assessment. The assessment would include looking at the seawalls the city owns, providing recommendations for upcoming seawalls that are slated to be rehabilitated, identify seawalls that are prime candidates for a living shoreline, and developing concepts. The assessment is a key next step in expanding living shorelines in Miami Beach.

MOTION: Item concluded with the direction to provide quarterly updates via Letter to Commission (LTC).

2. 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: The item was deferred to the June meeting

3. EXPEDITE THE OPENING OF THE BAYWALK AND MOVE THE REOPENING OF THE BAYWALK UP ON THE G.O. BOND PRIORITIZATION LIST; AND PRESENT THE BAYWALK PLAN TO THE LUSC COMMITTEE.

Capital Improvement Projects
Land Use and Development Committee
Commissioner Gongora
March 17, 2021 C7 Q (Deferred from April 29, 2021)

AFTER-ACTION: Item introduced by Commissioner Gongora and Commissioner Samuelian. David Martinez, Capital Improvement Projects Director, explained the conditions related to the baywalk and outlined the sections that are completed but not accessible as well as sections that are not completed. Mr. Martinez highlighted the timeline for the sections as well as funding sources. He read through a series of questions submitted by the West Avenue Neighborhood association which included knowing the agencies in charge of completing the baywalk project.

Commissioner Samuelian inquired on the status of the baywalk at 1450 Lincoln. Mr. Martinez stated the permitting process would begin soon. Commissioner Samuelian added staff should begin preparing a plan on operation, maintenance, and security in sections that are partially and fully completed.

Members of the public addressed the committee and inquired on the accessibility of the baywalk.

Tom Mooney, Planning Director, explained the entirety of the baywalk lies within private property and each property had a different set of orders while under construction. As the city begins permitting the remaining sections, the administration would have to create a uniform set of rules for the use of the baywalk.

MOTION: Item continued with the direction to provide a quarterly update. By acclamation.

4. DISCUSS CLOSING THE LOOPHOLE FOR UN-CALCULATED ROOFTOP HEIGHT AND FLOOR TO AREA RATIO (FAR).

Planning
Commissioner Mark Samuelian
March 17, 2021 C4 D (Deferred from April 29, 2021)

AFTER-ACTION:

Thomas Mooney provided an update on the discussion.

Members of the public addressed the committee.

Commissioner Samuelian expressed concerns with rooftop restaurants.

Thomas Mooney described the regulations regarding rooftop restaurants in various areas of the City.

Commissioner Gongora requested an update regarding the Alton Road height incentives ordinance.

Thomas Mooney provided an update as to the Planning Board's action regarding the ordinance.

Members of the public addressed the committee.

MOTION: The item was concluded by Acclamation.

5. DISCUSS AN ORDINANCE TO ADDRESS SEDIMENT AND EROSION CONTROL AND ILLICIT DISCHARGE INTO THE MUNICIPAL SEPARATE STORMWATER SYSTEM AND BISCAYNE BAY TO REDUCE THE HARMFUL IMPACTS TO WATER QUALITY AT BENTHIC RESOURCES IN BISCAYNE BAY AND ITS CONNECTED WATERBODIES.

Environment and Sustainability
Commissioner Micky Steinberg
April 29, 2021 C4 J

AFTER-ACTION: Elizabeth Wheaton presented the item. She explained the impacts of sediment and illicit discharges on the natural environment. She explained the National Pollution Discharge Elimination System (NPDES) required municipalities to monitor, evaluate, and make recommendations to minimize these impacts. One of the recommendations was to have stronger enforcement for illicit discharges. The ordinance would codify illicit discharges and discharges from construction sites without proper erosion control, particularly for sites that do not have land disturbances or an associated building permit.

MOTION: Motion to move forward with an ordinance to the full commission for first reading in June. By Acclamation.

6. DISCUSS AN ORDINANCE PROVIDING FOR DUNE PROTECTION TO PREVENT THE DESTRUCTION OR MODIFICATION OF THE PROTECTIVE DUNE SYSTEM.

Environment and Sustainability
Commissioner Micky Steinberg
April 29, 2021 C4 K

AFTER-ACTION: Item presented by Elizabeth Wheaton, Environment and Sustainability Director. Ms. Wheaton explained the dune system serves as the city's first line of defense against hurricanes and storm surge. In 2016, a management plan was established which required non-native vegetation to be removed and provided a planting pallet with appropriate species. She added that since then, private properties began entering the dune system, trimming vegetation, and planting unapproved species. The ordinance presented would only allow city staff and approved landscapers to work within the dune system and would prevent individuals from

conducting unpermitted work.

MOTION: Motion to move forward with an ordinance to the full commission. By Acclamation.

7. DISCUSS THE STATUS OF WATER QUALITY IN PARK VIEW ISLAND.

Commissioner Mark Samuelian
Co-sponsored by Commissioner Micky Steinberg
Environment & Sustainability
April 29, 2021 C4 L

AFTER-ACTION: Item presented by Elizabeth Wheaton, Environment and Sustainability Director. She provided a brief background on the ongoing water quality issues found at Parkview Island. In 2020 there was a force main break in the vicinity of 72nd street. As a result of that incident, the city began conducting water quality testing in the area. ESciences was retained to assess the data collected during the sampling and provide feedback. Maria Paituvi led a presentation on the findings.

Commissioner Samuelian inquired on whether staff has all the resources needed to address the problem. Ms. Wheaton explained additional funding may be needed which would be dependent on the next round of results. Commissioner Samuelian asked what kind of help has been provided to residents in the area. Ms. Wheaton explained alternative kayak launches and public access points are available to the public.

Commissioner Gongora inquired on how members of the public could report spills or leakage. Ms. Wheaton provided the phone number to the Public Works Operations Control Room and information on the e-Gov app.

Commissioner Gongora explained Parks and Recreation was working on a pilot program for kayak launches which included the one located in Parkview Island. Ms. Wheaton explained staff was waiting on further analysis of the area before carrying out community initiatives.

Commissioner Gongora inquired on expediting infrastructure upgrades in the area. Nelson Perez, City Engineer, explained staff was finalizing the rehabilitation contract that would allow expediting the upgrades. He added the challenge was identify the source of the water quality issue.

MOTION: The item was continued to the June LUSC Meeting.

8. DISCUSSION REGARDING A PROPOSAL BY CARE RESOURCE TO ALLOW A NON-PROFIT PHARMACY WITHIN AN EXISTING OFFICE BUILDING.

Vice-Mayor Michael Gongora
Planning
April 29, 2021 C4 M

AFTER-ACTION:

Commissioner Gongora introduced the item.

Thomas Mooney described the proposal and indicated that it would have to be reviewed by the Planning Department and the City Attorneys Office due to requirements in state law that require

that pharmacies and medical cannabis dispensaries be treated in the same maner. Michael Larkin and Stewart Stein made a presentation on behalf of Care Resource. Commissioner Samuelian indicated concerns with the potential for additional medical cannabis dispensaries but was open to further studying the proposal. Commissioner Arriola found it acceptable to take a risk in order to allow for the greater good by allowing Care Resources to open a pharmacy.

MOTION: Continue the item to the June meeting and request that the City Administration and City Attorney work with Care Resource to prepare a draft ordinance, by Acclamation.

9. DISCUSS A PROPOSAL PERTAINING TO A CITY PARKING LOT AT 1000 WASHINGTON AVENUE.

Vice-Mayor Michael Gongora
Planning
April 29, 2021 C4 N

AFTER-ACTION: The item was deffered to the June meeting.

DEFERRED ITEMS:

10. REVIEW THE CITY OF MIAMI BEACH EXPERIENCE AND PERSPECTIVES ON PERVIOUS/PERMEABLE PAVEMENT AND IDENTIFY POTENTIAL OPPORTUNITIES FOR USE.

Planning
Commissioner Mark Samuelian
March 18, 2020 C4 AA
(DEFFERRED TO JUNE MEETING)

11. AN ORDINANCE AMENDING CHAPTER 142 OF THE MIAMI BEACH LAND DEVELOPMENT REGULATIONS TO ALLOW SOLAR PANELS AS AN ENCROACHMENT TO REAR AND SIDE YARD SETBACKS.

Commissioner Mark Samuelian
Planning / Environment and Sustainability
April 29, 2021 C4 O
(DEFFERRED TO JUNE MEETING)

12. DISCUSSION ON CITY OF MIAMI BEACH STORMWATER, SANITARY, SEWER, AND WATER INFRASTRUCTURE BEST MANAGEMENT PRACTICES.

Public Works
Commissioner Micky Steinberg
May 11, 2016 C4 U (Deferred from April 29, 2021)
(DEFFERRED TO JUNE MEETING)

13. DISCUSS LITTER GETTING INTO THE CITY'S STORMWATER DRAINS WITH POTENTIAL ACTION IF DEEMED NECESSARY.

Public Works
Commissioner Mark Samuelian
March 17, 2021 C4 C (Deferred from April 29, 2021)
(DEFFERED TO JULY MEETING)

14. DISCUSS THE ENVIRONMENTAL IMPACTS OF THE URBAN FORESTRY MASTER PLAN.

Environment & Sustainability
Commissioner Steven Meiner
March 17, 2021 C4 F (Deferred from April 29, 2021)
(DEFFERED TO JUNE MEETING)

15. AN ORDINANCE AMENDING CHAPTER 126 OF THE MIAMI BEACH CITY CODE, ENTITLED "LANDSCAPE REQUIREMENTS," BY AMENDING SECTION 126-6 THEREOF, ENTITLED "MINIMUM STANDARDS" TO INCLUDE THE PALMS IDENTIFIED IN APPENDIX F OF THE URBAN FORESTRY MASTER PLAN FOR PURPOSES OF CALCULATING THE NUMBER OF REQUIRED STREET TREES, AND THE MINIMUM NUMBER OF TREES REQUIRED PER LOT OR PER ACRE OF NET LOT AREA; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Planning
Commissioner Steven Meiner
March 17, 2021 C4 AK (Deferred from April 29, 2021)
(DEFFERED TO JUNE MEETING)

The meeting adjourned at 9:52 am.

ATH/EC/JMG/TRM/RAM/EW