

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: October 19, 2021

SUBJECT: **LAND USE AND SUSTAINABILITY COMMITTEE MEETING OF October 19, 2021**

A Land Use and Sustainability Committee meeting was held on October 19, 2021. Land Use and Sustainability Committee Members participating were Commissioners Mark Samuelian, Michael Gongora and Ricky Arriola. Commissioner Steven Meiner and David Richardson were also present. Members from the Administration, including Thomas Mooney, Nick Kallergis, Amy Knowles, Eric Carpenter, Mark Fishman, David Martinez, Joe Gomez, and Monica Beltran, as well as members of the public, also participated.

The meeting was called to order at 9:06 a.m.

ACTION ITEMS

1. PROHIBIT NEW PACKAGE STORES ALONG THE ALTON ROAD CORRIDOR.

Commissioner Steven Meiner
Planning
September 17, 2021 C4L

AFTER-ACTION:

Commissioner Meiner introduced the item.

Thomas Mooney described the scheduling for the ordinance.

Commissioner Samuelian indicated that he was supportive of the item but requested if there were any other areas that should be considered for a prohibition.

Commissioner Arriola was supportive, but had concerns over banning liquor stores citywide.

Members of the public addressed the committee.

MOTION - By Acclamation:

1. **Endorse the item and recommend approval of the Ordinance.**
2. **Continue a separate discussion to the December 2021 LUSC with direction to the Administration to explore other areas where liquor stores could be prohibited.**

2. REVIEW AND PROVIDE RECOMMENDATIONS ON POTENTIAL LAND DEVELOPMENT REGULATION AMENDMENTS ALLOWING FOR THE USE OF LOWER IMPACT MEDICAL USE IN RM3 AND RM2 DISTRICTS AS WELL AS PARKING GARAGES IN RM2 DISTRICTS.

Commissioner Mark Samuelian
Planning
September 17, 2021 C4M

AFTER-ACTION:

Thomas Mooney introduced the item.
Members of the public addressed the committee.

MOTION - By Acclamation recommend approval of the Ordinance.

DISCUSSION ITEMS

3. 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
Verbal Report

AFTER-ACTION:

Joe Gomez, Public Works Director provided a First Street Project update. Public Works is currently working on the Purchase Order and expects to give Jacobs an NTP in November to start the design process. It is expected that the design process will take approximately 24 months to complete. Once the design is complete, we will be ready to start construction. LTC was issued on October 26, 2021 advising the full Commission of same.

MOTION: By Acclamation - Continue to December 2021 LUSC

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

Commissioner Mark Samuelian
Planning/CIP
Verbal Report
March 18, 2020 C4 AA (Deferred from May 26, 2021)
(Deferred to Sept)

AFTER-ACTION:

Commission Samuelian introduced the item. Joe Gomez, Director of Public Works, stated one of the things that the consultant, Jacobs, has been tasked with is to look for opportunities to use permeable pavement for the pump station electrical equipment. Mr. Gomez stated that permeable pavement is not suitable for streets because of the required maintenance.

David Martinez, Director of CIP, mentioned the possibility of incorporating permeable pavement in forthcoming projects like Ocean Drive and Lincoln Road. Mr. Martinez added that analyzing the costs and figuring out where it makes sense to incorporate permeable pavement needs to be discussed before incorporating. Commissioner Samuelian asked for clarification regarding a parking lot. David Martinez stated that most renovated parking lots in the city have permeable pavement incorporated in the parking

stalls, not the driveways, because that's where the storage of the vehicle occurs and the pervious surface works better as it is not a driving area that needs a more durable surface. He added that Bayshore Park Project parking lot will have permeable pavement and paver bricks that are pervious in parking stalls.

MOTION: By Acclamation - Continue to the April 2022 LUSC

5. CONCERNING THE NUMBER AND PLACEMENT OF GARBAGE CANS IN THE CITY OF MIAMI BEACH.

Commissioner Mark Samuelian
Public Works
July 28, 2021 C4R

AFTER-ACTION:

Commissioner Samuelian introduced the item, followed by comments from the public. Suggestions were provided including revisiting the cigarette-butts program and identifying whether the City should expand placement of cigarette ash cans and review of doggie waste receptacles citywide.

MOTION: Commissioner Samuelian concluded the item, with the option for the Administration to come back should it need policy direction.

6. DISCUSS THE STATUS OF THE CITY'S TRANSITION FROM GAS LEAF BLOWERS AND ANY POTENTIAL OPPORTUNITIES TO REDUCE USAGE.

Commissioner Mark Samuelian and Co-sponsored by
Commissioners Michael Gongora and Micky Steinberg
Environmental
September 17, 2021 C4D
Time Certain 9 AM

AFTER-ACTION:

Amy Knowles, Interim Environmental & Sustainability Director introduced the item. It was stated that the City's transition and implementation of electric blowers will be completed by spring of 2022. These will be a lot quieter than gas blowers due to advanced technology. They won't be silent, but it will be a vast improvement.

It was requested by Commissioner Arriola to have City staff provide him separately, a comparison in noise reduction (by decibel level) between gas and electric leaf blowers.

Commissioner Samuelian stated for the record that the City is implementing what members of the Committee directed the Administration to do, and by spring of 2022 the City will no longer be using gas blowers.

By acclamation, it is the will of the Committee that the item be moved as quickly as possible for a prohibition of gas blowers citywide, including the private sector, and to ensure there is a proper phase in to allow people to know what's happening.

Nick Kallergis, First Assistant City Attorney, recommended that if the Committee directed Legal to draft legislation it would be important to have a communications outreach period to allow the opportunity for private individuals and landscaping companies to enjoy the benefit of the life use of any equipment before having to upgrade to something that would be compliant. It is recommended to have a phase in period to make full use of equipment. It would also be beneficial to figure out a timeframe of how long this would take.

Amy Knowles suggested to contact other cities to compare (timeframes), to make it comparable.

The next Commission would be December 8, 2021, where a first reading of the Ordinance could be presented.

MOTION: By Acclamation - Move forward with legislation at the next full City Commission meeting scheduled in December.

7. DISCUSS SHORT-TERM FLOODING SOLUTIONS IN AREAS SUSCEPTIBLE TO FLOODING WITH NO FORTHCOMING INFRASTRUCTURE PROJECTS.

Commissioner Mark Samuelian
Public Works
September 17, 2021 C4E

AFTER-ACTION:

Joe Gomez, Public Works Director introduced the item. He shared the department is taking on a holistic approach to urban stormwater management. The Public Works Department has been directed to look into short term interim solutions for nuisance-type flooding that usually takes place during the summer time. It is important to note these are not the ultimate solutions, however they will provide a level of relief. Public Works will be coming back to report these findings in 120 days, with a recommended list of potential projects with some sort of level of cost associated with them, then develop and implement a plan where these can start moving. These short term solutions will be a way to address some of these 'hot spots' or ponding areas that cause short-term flooding.

MOTION: By Acclamation - Continued to the January 2022 LUSC with direction to the Administration to come back with a plan, list of potential projects, including initial associated costs.

8. DISCUSS THE BUILDING DEPARTMENT'S CURRENT BUILDING ASSESSMENTS AND POTENTIAL POLICY CHANGES.

Commissioner Mark Samuelian
Building
September 17, 2021 C4F

AFTER-ACTION:

Commissioner Samuelian introduced the item.

Ana Salgueiro provided an update on unsafe structures.

Commissioner Samuelian asked for an update on what happens to residents when a structure is declared unsafe and how a resident knows the status of their building.

Ana Salgueiro described the details on what happens to residents depending on the circumstances.

Commissioner Gongora agreed that many condo owners do not know the status of their building. He also asked if there was a possibility of the City of Miami Beach creating its own unsafe structures board since the County board had a backlog.

Ana Salegiero stated that the City was working on obtaining information to create a local board. She also stated that the City should look at the recommendations of the Florida Bar regarding unsafe structures.

MOTION: By Acclamation - Continue the item to the December 2021 LUSC meeting.

9. DISCUSS QUALITY OF LIFE STRATEGIES FOR DEALING WITH FUTURE AND EXISTING APARTMENT HOTELS IN SOUTH OF FIFTH.

Commissioner Mark Samuelian
Planning
September 17, 2021 C4G

AFTER-ACTION:

Thomas Mooney introduced the potential options to incentivize a future and existing apartment hotels to convert to other uses that would have a lower impact on the neighborhood.

Members of the public addressed the committee

Commissioner Gongora had concerns over the potential upzoning of the neighborhood.

Thomas Mooney indicated that the Administration could explore the possibility of applying the incentives only to existing apartment hotels.

Commissioner Samuelian felt more comfortable with that approach.

Thomas Mooney described the next portion of the item related to coordinating with other departments to improve quality of life and to incorporate traffic calming into the neighborhood. He noted that it would take time to collect data in order to get county approval. He also described a potential zoning overlay for 4th Street.

Members of the public addressed the committee.

Members of the committee had questions about enforcing the resident requirement of apartment hotels.

Commissioner Samuelian asked about how best to enforce issues related to handicap placards.

Monica Beltran indicated that she would work with the City's ADA coordinator to enforce the illegal use of handicap placards.

MOTION: By Acclamation – Continue the item to the December 2021 LUSC meeting with the following direction:

1. The Administration shall further study potential strategic increases in FAR and height within the R-PS1 and R-PS2 districts for the limited purpose of incentivizing the conversion of existing apartment hotels to residential use.
2. The resident supervisor requirement for apartment hotels shall be fully enforced in conjunction with the Customer Service and Code Compliance Departments. An update will be provided to the LUSC.
3. The Administration will prepare a draft for a 4th Street Overlay.
4. In conjunction with the Parking and Police Departments, the code provisions regarding the use of handicap placards shall be enforced and an update will be provided to the LUSC.
5. A separate meeting with affected residents shall be scheduled with the Transportation Department to provide a status update on the traffic calming initiative for the South of Fifth Street area. The Transportation Department will look at how this traffic calming initiative may be accelerated, as well as temporary improvements such as bumps. An update will be provided to the LUSC.
6. A meeting will be organized with all applicable City Departments and affected stakeholders within the South of 5th area to further discuss ways to improve

residents quality of life and provide an update to the LUSC.

10. DISCUSSION REGARDING PRESERVATION OPTIONS FOR EXISTING SINGLE-FAMILY HOMES IN MIAMI BEACH.

Commissioner Michael Gongora and Commissioner Mark Samuelian
Planning
September 17, 2021 C4H

AFTER-ACTION:

Commissioner Gongora introduced the item.

Commissioner Samuelian agreed to become the new sponsor for the item.

Members of the public addressed the committee.

Thomas Mooney indicated that the DRB would be polled to determine if there is a date to schedule a joint DRB and HPB meeting.

Commissioner Samuelian described that he would like to explore the possibility of establishing a demolition fee to incentivize preservation.

Commissioner Gongora indicated that many residents were concerned about the changing look of the City.

Ana Salgueiro discussed fees related to demolition in the City and County Code.

MOTION - By Acclamation, continue the item to the December 2021 LUSC meeting with the following direction:

- 1. Explore the potential for creating a demolition fee.**
- 2. Explore potential amendments to chapter 54 to include architecturally significant homes as eligible for flood waivers.**
- 3. Explore incentives to encourage the retention of homes, including unit size and rooftop activation.**
- 4. Provide a summary of the joint DRB and HPB workshop pertaining to architecturally significant single family homes.**

- 11. A DISCUSSION ITEM TO CONSIDER AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS TO EXTINGUISH THE GRANDFATHERING OF MOTOR SCOOTER RENTALS AS LEGAL, NON-CONFORMING USES AS OF A DATE CERTAIN, WITH THE FINAL DATE FOR THE TERMINATION OF MOTOR SCOOTER RENTALS IN THE CITY TO BE BASED UPON AN AMORTIZATION TIMELINE TO BE ESTABLISHED AS PART OF THE PROPOSED LEGISLATION.**

Commissioner David Richardson and Co-sponsored by Commissioner Mark Samuelian
and Michael Gongora
City Attorney
September 17, 2021 C4I
Time Certain 10 AM

AFTER-ACTION:

Commissioner Richardson introduced the item.

Commissioner Samuelian agreed to become a co-sponsor.

Mark Fishman detailed the proposal to gradually discontinue or amortize motor scooter rentals in the City. This would entail determining the appropriate length of time for nonconforming establishments. Current businesses are grandfathered in but the proposal would be to allow for the amortization and eventually be phased out.

Commissioner Samuelian indicated that he would support the actions proposed to phase such scooters out.

Commissioner Arriola indicated that with electric vehicles, the noise would be reduced over time. He also indicated that scooters are useful for taking cars off the road for last mile trips. He wanted to be careful that this wouldn't be inconsistent with transportation plans.

Commissioner Richardson indicated that he was intending to address an issue related to scooters from visitors joy riding, not the use of scooters for commuting which tend to be short trips. He indicated that he would be bringing forth an item to address the ability to use electric bikes for commuting to reduce traffic.

Commissioner Gongora wanted clarification that this item only applied to rentals, not ownership. Members of the public addressed the committee.

MOTION - By Acclamation continue the item to the December 2021 LUSC meeting in order for the City Attorney to further refine the proposal.

12. AMEND REGULATIONS ON MINIMUM DISTANCE SEPARATION BETWEEN PACKAGE STORES.

Commissioner Steven Meiner
Planning
September 17, 2021 C4J

AFTER-ACTION:

Commissioner Meiner introduced the item.

Thomas Mooney described the details of the ordinance and indicated that the Administration was supportive of the item.

Commissioner Arriola was supportive of the item but wanted to see if there were other regulations that could be imposed on future liquor stores.

MOTION - By Acclamation:

1. Endorse the proposal and recommend approval of an Ordinance.
 2. Continue a separate discussion to the December 2021 LUSC with direction to the Administration and City Attorney's Office to look at hours and an amortization period for existing liquor stores citywide.
13. CLARIFY THAT HOURS FOR PACKAGE LIQUOR SALES SET FORTH IN CHAPTER 6 OF THE CITY CODE ALSO APPLY TO DELIVERIES FROM PACKAGE STORES.

Commissioner Steven Meiner
Planning
September 17, 2021 C4K

AFTER-ACTION:

Commissioner Meiner introduced the item.

Thomas Mooney described additional details.

Commissioner Samuelian asked if this would apply to retail stores that also sell liquor.

Nick Kallergis indicated that this would apply to all liquor sales regardless of the type of establishment.

MOTION - By Acclamation, endorse the proposal and recommend approval of an Ordinance.

DEFERRED ITEMS

14. OCEAN DRIVE MXE LAND USE AND ZONING AMENDMENTS

Mayor Dan Gelber
Planning
October 14, 2020 C4I
(Deferred to December, 2021)

15. 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.

Commissioners Michael Gongora and Mark Samuelian
March 17, 2021 C7 Q (Deferred from May 26, 2021)
Capital Improvement Projects
(Deferred to January 2022)

16. CONCERNING THE RESIDENT SUSTAINABILITY COMMITTEE'S MOTION URGING THE CITY TO WORK WITH FDOT AND THE COUNTY TO LEAD A SHORELINE RESTORATION PROJECT ALONG THE JULIA TUTTLE CAUSEWAY

Commissioner Mark Samuelian and Co-sponsored by Commissioner Micky Steinberg
July 28, 2021 (C4Q)
Environment and Sustainability
(Deferred to January 2022)

17. DISCUSS THE CREATION OF A 6TH STREET OVERLAY, BETWEEN WASHINGTON AVENUE AND ALTON ROAD.

Commissioner Steven Meiner
July 28, 2021 (C4T)
Planning
(Deferred to December 2021)

The meeting adjourned at 12:21 p.m.

Attachment

ATH/ETC/JMG/TRM/RAM