

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: November 30, 2021

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **PB21-0474. Commercial Height Limits for Office Uses - CPS2 District.**

RECOMMENDATION

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

HISTORY

On July 28, 2021, at the request of former Commissioner Michael Gongora, the City Commission referred a discussion item to the Land Use and Sustainability Committee (LUSC) pertaining to Class A Office incentives in the CPS-2 district (item C4S). The LUSC discussed the item on September 14, 2021 and recommended that the City Commission refer the attached draft Ordinance to the Planning Board. Additionally, Commissioner Mark Samuelian became a co-sponsor of the item.

On October 13, 2021, the City Commission referred the proposed Ordinance to the Planning Board (item R9 AB).

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 create an isolated district unrelated to adjacent or nearby districts.

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

Consistent - The proposed ordinance amendment modestly increases the maximum height for office uses in a very limited area. However, the proposed height for office uses, is the same as the maximum height permitted for residential and hotel uses in the same area. Given the scale of the surrounding neighborhood, the additional height for office uses is not out of scale with the needs of the neighborhood or the city.

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 floor area ratio (FAR) is not modified.

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 – Changes associated with businesses migrating to South Florida from other states and a desire to capture a portion of the economic growth within the City of Miami Beach in order to diversify the City's economy from an overreliance on tourism 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 as it is intended to incentivize uses that would not negatively impact the quality of life of nearby residents.

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, as the FAR is not being modified by this ordinance and the intensity of uses is not proposed to be increased.

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

Partially Consistent – The proposed allows office uses to be developed at the same height as residential or hotel uses. This change could minimally reduce light and air to adjacent areas by encouraging office development on a site that would not otherwise be developed with a residential or hotel use. However, any development in this area would

be subject to the review and approval of a land use board which would take impacts to adjacent areas into account.

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

Consistent – The proposed change will 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 will 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.

Partially Consistent – The proposal will increase the resiliency of the City with respect to sea level rise by encouraging development that will comply with the City's resiliency requirements.

(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 property at 411-419 Michigan Avenue property is located within the C-PS2 zoning district and is within the boundaries of the Ocean Beach Local Historic District. The unified corner site contains an abandoned construction site on the lots fronting 5th Street and two contributing buildings on the lot fronting Michigan Avenue. The attached draft Ordinance was prepared by the representative of the owner of the property, who is seeking to develop a Class A office development on the subject site.

The proposal includes a height increase for properties with a C-PS2 zoning designation on the south side of 5th Street, to the west of Jefferson Avenue, in order to incentivize office uses (see the zoning and historic districts maps at the end of this report). While this area currently permits a maximum height of 75'-0" for hotel and residential development, office buildings are limited to a maximum height of 50'-0". The proposal would allow office buildings to be developed at the same 75'-0" height limit as residential and hotel developments. The area east of Michigan Avenue and two lots fronting Lennox Avenue are located within the Ocean Beach Historic District.

The proposed increase in height for office use buildings 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. This limits the viability for the development of Class A office space, which the City has been seeking to incentivize.

Staff believes that the subject Ordinance is good policy and will be an incentive that will help to diversify the City's economy. The proposal is also consistent with the concept of transit-oriented development (TOD), which is ideal for the 5th Street commercial corridor.

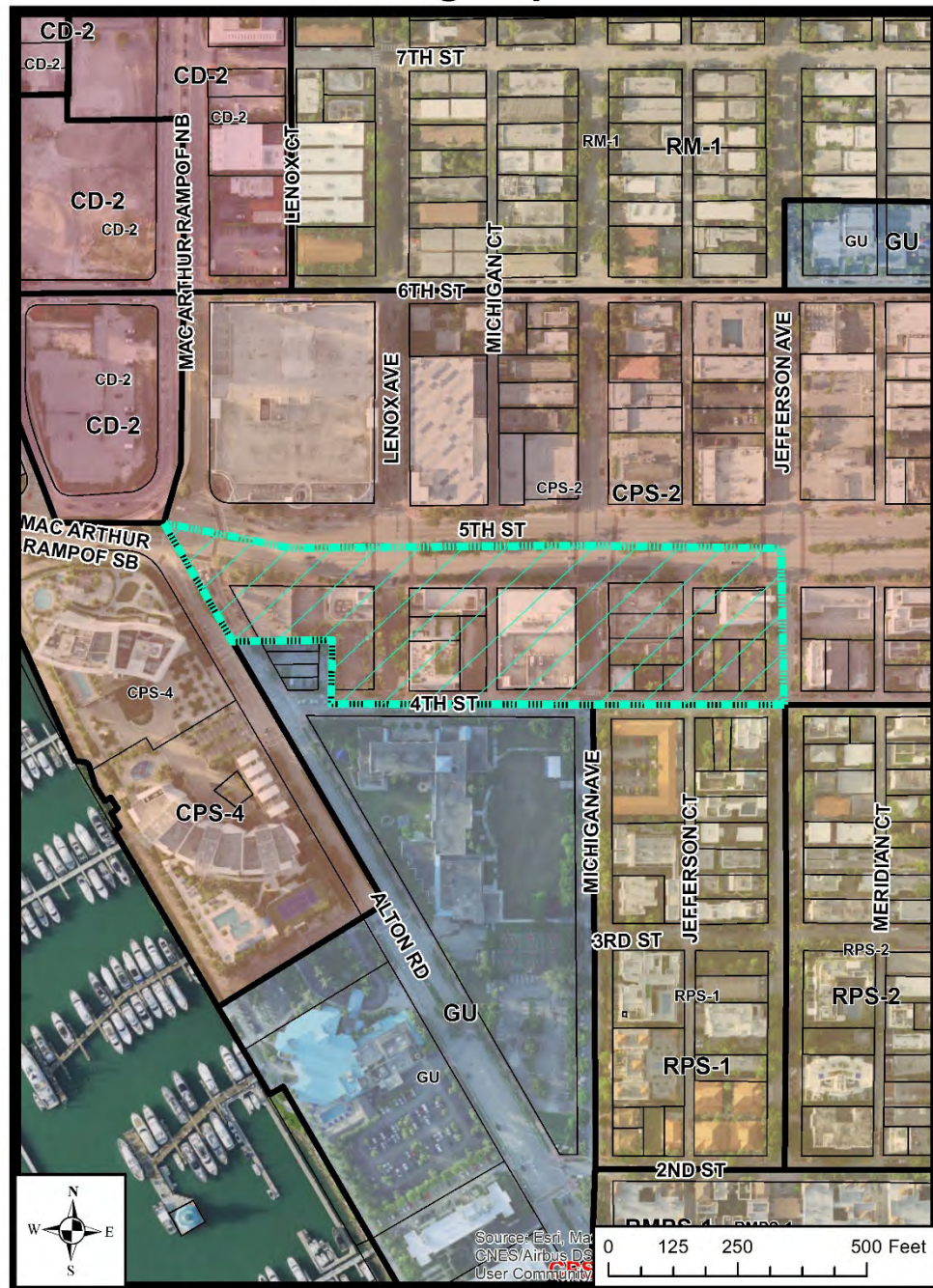
Given that residential and hotel uses are already permitted to be developed at 75 feet, this Ordinance does not result in an increase in the developable scale of buildings for the affected area, as the 75-foot height limit is compatible with the surrounding context. Additionally, the Design Review Board or the Historic Preservation Board, as applicable, will consider the design, massing and scale of any proposed new structure as part of their review.

The proposed Ordinance is also consistent with other recently adopted Code amendments in Sunset Harbour, Alton Road, and Terminal Island, which are intended to incentivize office uses. Since allowing for modest height increases in these areas earlier this year, the City's land use boards have approved two Class A office developments, with more expected in the coming year. The proposed Code amendment would be applicable to a proposed office development that is expected to be considered by the Planning Board and the Historic Preservation Board early next year. Given the existing built environment of this area, it is unlikely that this Ordinance would result in the development of more than one or two new office buildings.

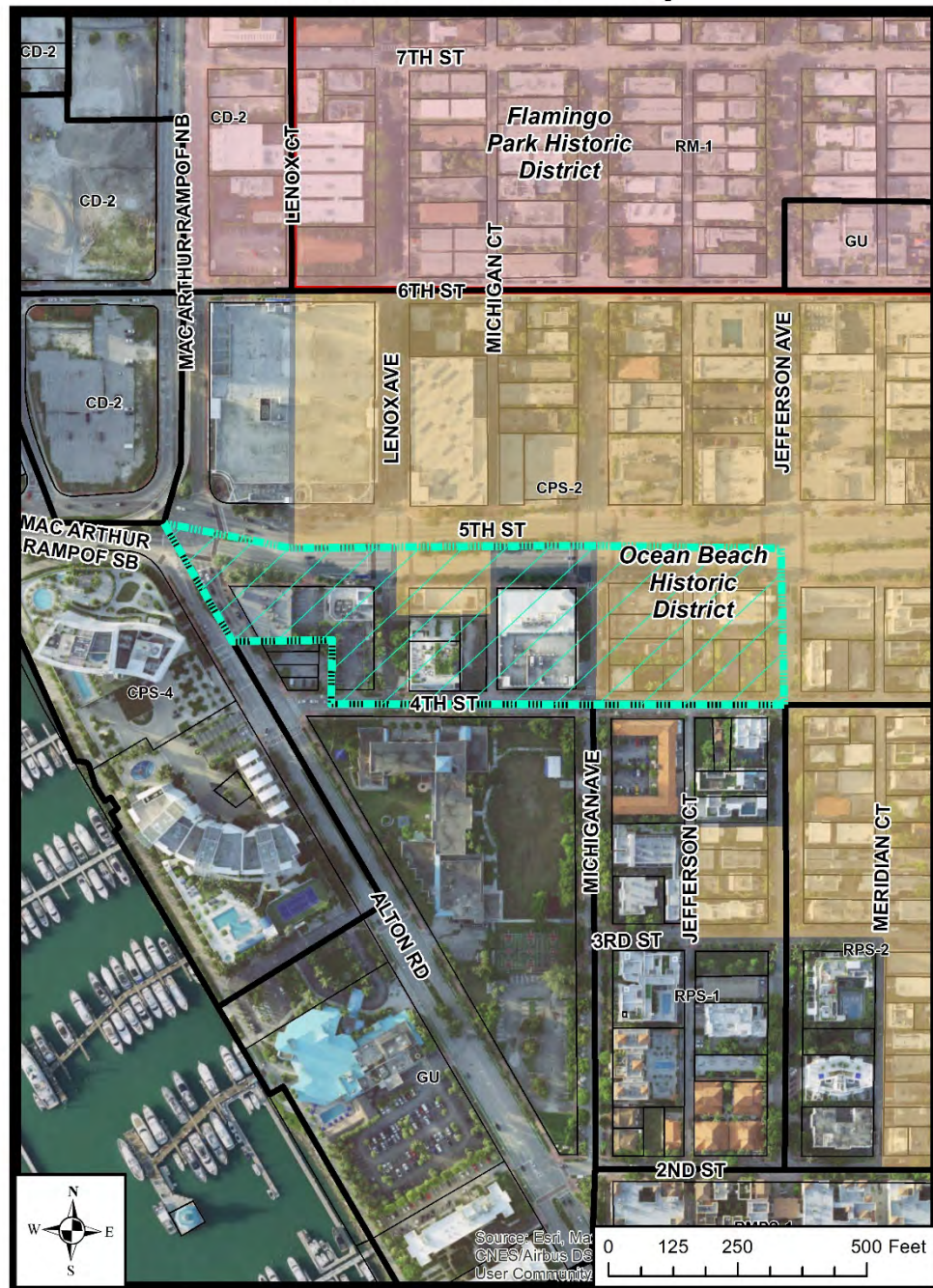
RECOMMENDATION

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.

Zoning Map



Historic Districts Map



Commercial Height Limits for Office Uses – CPS-2 District

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 18, ENTITLED "PS PERFORMANCE STANDARD DISTRICT," BY AMENDING SECTION 142-698, ENTITLED "COMMERCIAL PERFORMANCE STANDARD AREA REQUIREMENTS," TO MODIFY THE MAXIMUM BUILDING HEIGHT FOR OFFICE USES ON CERTAIN PROPERTIES; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

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 5th Street corridor is an ideal area for the development of new Class A office space due to its accessibility to the regional transportation network; and

WHEREAS, the proposed changes below are necessary to promote the development of Class A office space within the City.

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," at Article II, entitled "District Regulations," at Division 18, entitled "PS Performance Standard District" of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE II. DISTRICT REGULATIONS

* * *

DIVISION 18. PS PERFORMANCE STANDARD DISTRICT

* * *

Sec. 142-698. Commercial performance standard area requirements.

* * *

(b) The commercial performance standard area requirements are as follows:

Performance Standard	Commercial Subdistricts			
	C-PS1	C-PS2	C-PS3	C-PS4
Minimum lot area	6,000 square feet	6,000 square feet	6,000 square feet	6,000 square feet
Minimum lot width	50 feet	50 feet	50 feet	50 feet
Maximum building height	40 feet; 75 feet for the Block 51 Properties, the Block 51 Swap Property, Block 52 Properties, and Block 1 Properties	50 feet—East of Lenox Avenue 75 feet—West of Lenox Avenue	Non-oceanfront—80 feet Oceanfront—100 feet	150 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. This provision shall not apply to existing historic districts or existing overlay districts (existing as of 7/26/2017), or commercial buildings immediately adjacent to residential district not separated by a street. However, an applicant may seek

				approval from the historic preservation board or design review board, as may be applicable, to increase height in accordance with the foregoing within any historic district or overlay district created after 7/26/2017
Maximum floor area ratio	1.0; 1.5 for the Block 51 Properties and Block 52 Properties, and 2.0 for the Block 1 Properties	2.0	2.5	2.5
Residential and/or hotel development	Pursuant to all R-PS2 district regulations, except maximum building height for residential and mixed use buildings shall be 75 feet	Pursuant to all R-PS3 district regulations, except maximum building height for residential and mixed use buildings shall be 75 feet	Pursuant to all R-PS4 district regulations except maximum floor area ratio shall be 2.5; on the Goodman Terrace and Hinson Parcels, the FAR shall be that necessary to achieve 305,500 sq. ft. (estimated at 3.2 FAR), and 300 ft. height maximum for the Goodman Terrace and Hinson Parcels, and open space ratio 0.60 measured at or above grade	Pursuant to all R-PS4 district regulations, except maximum floor area ratio shall be 2.5, and open space ratio 0.60 measured at or above grade
Minimum apartment unit	New construction—	New construction—	New construction—	New construction—

size (square feet)	650 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400	600 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400	550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400	550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400
Average apartment unit size (square feet)	New construction—900 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400	New construction—850 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400	New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400	New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400
Minimum floor area per hotel unit (square feet)	15% = 300—335 square feet; 85% = 335 + square feet in all districts.			
Minimum parking requirements	Pursuant to chapter 130 and section 142-702 requirement.			
Minimum off-street loading	Pursuant to chapter 130.			
Signs	Pursuant to chapter 138.			

- (c) Notwithstanding the above height restrictions, existing structures within a local historic district are subject to section 142-1161.
- (d) Notwithstanding the above floor area ratio limits, 75 spaces of required parking located on Block 51 for the Retail Parcel pursuant to a covenant under section 130-36, shall not be counted as permitted floor area. Further, the floor area on the Block 51 Properties and the Block 51 Swap Property may be distributed among such properties by covenant in lieu of unity of title; and the floor area on the Block 1 Properties may be distributed among such properties within the block by covenant in lieu of unity of title.
- (e) Notwithstanding the building height regulations set forth above, for unified development sites in the CPS-2 district with a lot line on the south side of 5th Street, which are located west of Jefferson Avenue, the maximum building height for office buildings is 75 feet.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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 renumbered or relettered 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 2022.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION



City Attorney

NK

10-26-21

Date

First Reading: December 8, 2021

Second Reading: January ____, 2022

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