

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: March 22, 2022

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **PB22-0490 - Height Increase for Office Buildings in the CD-3 District**

#### **RECOMMENDATION**

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

#### **HISTORY**

On February 9, 2022, at the request of Commissioner Ricky Arriola, the City Commission referred the proposed Ordinance to the Land Use and Sustainability Committee (LUSC) and the Planning Board for review and recommendation (item C4 P).

On March 4, 2022, the LUSC recommended that the Planning Board transmit the item to the City Commission with a favorable recommendation.

#### **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 CD-3 zoned lots fronting 17th Street in the same area. Additionally, within the City Center Area just south of the subject site, the maximum building height limit is 100 feet. 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.**

**Consistent** – 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.**

**Consistent** – The proposed allows office uses to be developed at the same height as adjacent CD-3 zoned lots fronting 17th Street. This change could minimally reduce light and air to adjacent areas by encouraging office development. However, the proposed change does not modify setbacks and 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**

A property owner is seeking to develop Class A office space along the east side of Washington Avenue, between Lincoln Road and 17<sup>th</sup> Street, and is requesting a limited height increase to 80 feet for office space in the CD-3 zoning district to make the project possible. Under the current regulations of the City Code, the maximum building height for this property is 50 feet, as it is located within the Architectural District. Attached is the proposed office plan and illustrations.

Currently, CD-3 zoned lots fronting 17th Street have a maximum building height limit of 80 feet. Additionally, within the City Center Area just south of the subject site, the maximum building height limit is 100 feet.

The attached Ordinance amends Sec. 142-337(c) of the LDR's to allow a maximum building height of 80 feet for main use office buildings, on lots fronting Washington Avenue between Lincoln Road and 17th Street. As the area for the proposed height increase is limited in scope, and the proposed height of 80 feet is consistent with the allowable heights for new construction to the immediate north and south, staff is supportive of the proposal.

### **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.

## Height Increase for Office Buildings in the CD-3 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 6, ENTITLED "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," BY AMENDING SECTION 142-337, ENTITLED "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," TO INCREASE THE HEIGHT LIMIT FOR OFFICE USES MEETING CERTAIN LOCATION REQUIREMENTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, the City's Land Development Regulations ("LDRs") provide for the regulation of land within the City; and

**WHEREAS**, the City wants to facilitate the construction of new office buildings, which promotes a live, work and play environment; and

**WHEREAS**, With the construction of new office buildings, the City would be able to diversify from a tourism-based economy; and

**WHEREAS**, this Ordinance provides for a height increase for buildings with office as the main use, located in the CD-3 district, and fronting Washington Avenue between Lincoln Road and 17th Street.

**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 6, "CD-3 Commercial, High Intensity District," is hereby amended as follows:

### CHAPTER 142 - ZONING DISTRICTS AND REGULATIONS

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#### ARTICLE II. - DISTRICT REGULATIONS

\* \* \*

#### DIVISION 6. - CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

\* \* \*

**Sec. 142-337. Development regulations and area requirements.**

- (a) The development regulations in the CD-3 commercial, high intensity district are as follows:
- (1) Max FAR: Lot area equal to or less than 45,000 square feet—2.25; lot area greater than 45,000 square feet—2.75; oceanfront lots with lot area greater than 45,000 square feet—3.0.
  - (2) Notwithstanding the above, oceanfront lots in architectural district shall have a maximum FAR of 2.0.
  - (3) Notwithstanding the above, lots located between Drexel Avenue and Collins Avenue and between 16th Street and 17th Street shall have a maximum FAR of 2.75.
  - (4) Notwithstanding the above, lots which, as of the effective date of this ordinance (November 14, 1998), are oceanfront lots with a lot area greater than 100,000 square feet with an existing building, shall have a maximum FAR of 3.0; however, additional FAR shall be available for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 square feet.
- (b) However, the floor area ratio maximum for residential development, inclusive of hotels, in the architectural district shall be 2.50.
- (c) The lot area, lot width, unit size and building height requirements for the CD-3 commercial, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)
None	None	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 hotel structures located within the Collins Park	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	75 feet. Lots on the north side of Lincoln Road between Pennsylvania Avenue and Lenox Avenue, with a minimum lot area of 30,000 square feet, and which contain a contributing building and an attached addition providing a minimum of 100 hotel units,

		<p>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</p>	<p>comprehensive plan.</p>	<p>where the addition is set back at least 75 feet from the Lincoln Road property line, and has a street side setback of no less than 25 feet - 75 feet. Notwithstanding the foregoing requirements for lots within the architectural district, for lots fronting on James Avenue, bounded by 17<sup>th</sup> Street to the north and Lincoln Road to the south, the historic preservation board, in accordance with the certificate of appropriateness criteria in chapter 118, article X, shall have discretion to allow up to 75 feet in height for those properties that provide a minimum of five stories of parking, of which a minimum of 250 spaces must be unencumbered by any use at the property and provided further that a minimum setback of 75 feet shall be required from</p>
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		<p>structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square foot minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons. For new hotel units within attached or detached additions to contributing buildings on the north side of Lincoln Road, between Pennsylvania Avenue and Lenox Avenue, with at least 5% of the total floor area dedicated to amenity space, the minimum unit size shall be 200 square feet.</p>		<p>Collins and Washington Avenue for any portion of a building above 50 feet in height. Lots within the architectural district: 50 feet. Lots fronting on 17th Street: 80 feet.</p> <p><b><u>Lots fronting Washington Avenue between Lincoln Road and 17<sup>th</sup> Street for main use office building: 80 feet</u></b></p> <p>City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue and the south property line of those lots fronting on the south side of Lincoln Road): 100 feet. 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</p>
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				second floor slab.
		For new hotel units within attached or detached additions to contributing buildings on the south side of Lincoln Road, between Pennsylvania Avenue and Lenox Avenue, with at least 5% of the total floor area dedicated to amenity space, the average unit size shall be 250 square feet. Hotel units within rooftop additions to contributing structures in a historic district and individually designated historic buildings—200.		Notwithstanding the foregoing requirement for City Center Area, the following additional shall apply: The height for lots fronting on Lincoln Road and 16th Street between Drexel Avenue and Washington Avenue are limited to 50 feet for the first 50' of lot depth. The height for lots fronting on Drexel Avenue is limited to 50 feet for the first 25' of lot depth (except as provided in section 142-1161).

\* \* \*

**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 renumbered or relettered to accomplish such intention; and that the word “ordinance” maybe 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.

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk.

\_\_\_\_\_  
Dan Gelber, Mayor

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

First Reading: \_\_\_\_\_, 2022  
Second Reading: \_\_\_\_\_, 2022

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

# ONE SOUNDSCAPE PARK

JANUARY 2022



SHVO



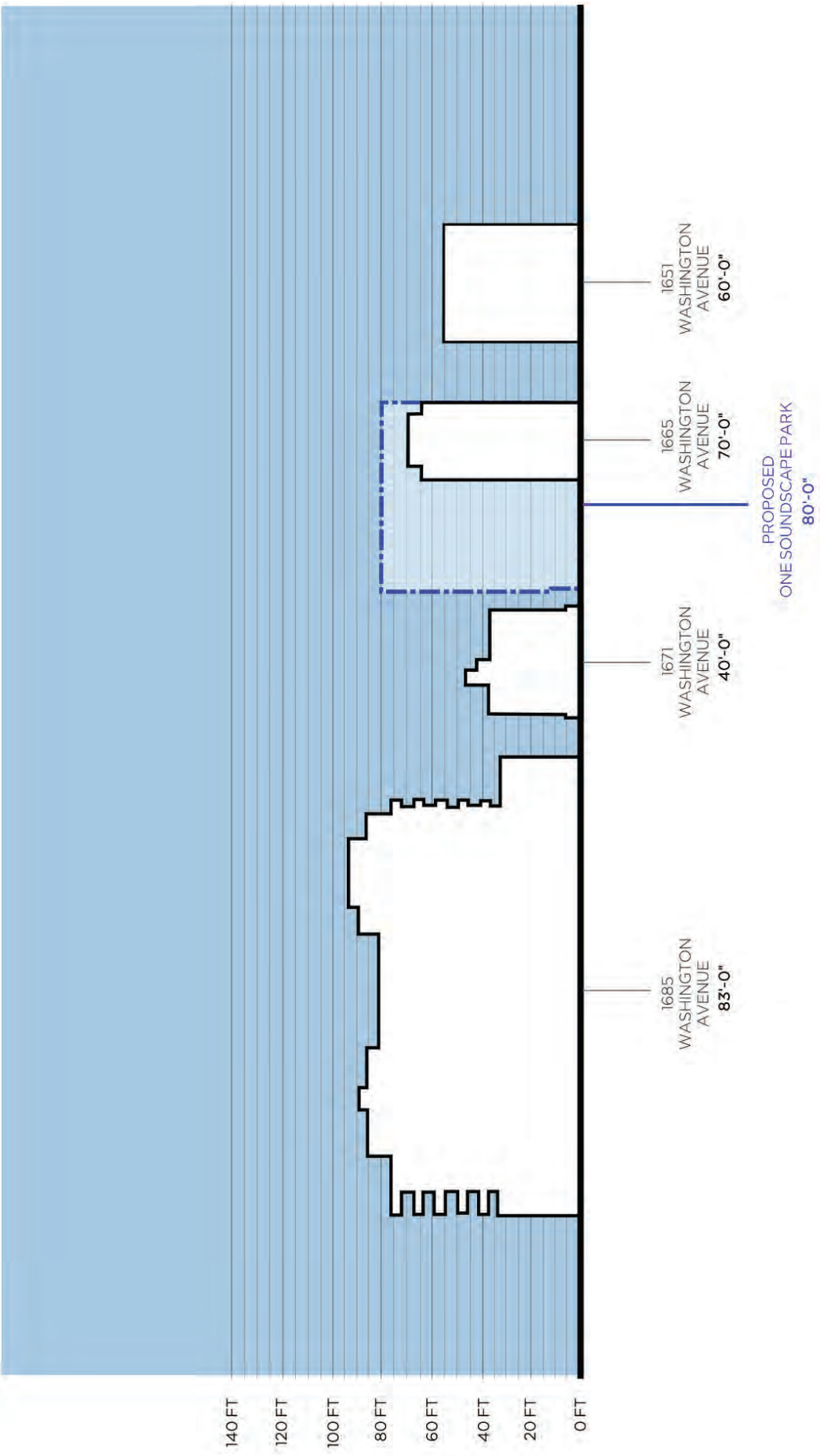
## EXISTING SITE CONTEXT

Elevation and zoned heights of existing properties.



SHVO

WASHINGTON AVENUE ELEVATIONS





ROOF TERRACE VIEW



**SHVO**