

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: April 26, 2022

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB22-0507 - Lincoln Lane North RFP - Residential Use in PF Category – Comprehensive Plan Amendment**

PB22-0508 - Lincoln Lane North RFP – Chapter 130 Parking Regulations - LDR Amendment

PB22-0509 - Lincoln Lane North RFP - GU Height Regulations - LDR Amendment

RECOMMENDATION

Transmit the Comprehensive Plan and Land Development Regulations amendments to the City Commission with a favorable recommendation.

HISTORY

On February 23, 2022, (item R7B), the City Commission referred the subject Ordinance Amendments to the Land Use and Sustainability Committee (LUSC) and the Planning Board. The sponsor of the proposal is Commissioner Ricky Arriola.

On April 8, 2022, the LUSC recommended that the Planning Board transmit the following Ordinances to the City Commission with a favorable recommendation:

- Ordinance regarding parking requirements; and
- Comprehensive Plan amendment with a modification that it only applies to the area bounded by Lincoln Lane North on the south, Alton Road on the west, 17th Street on the north, and Washington Avenue on the east.

The LUSC also recommended that the Planning Board discuss the Ordinance for the proposed height increase but did not provide a 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.**

Partially Consistent – The proposed ordinances are consistent with the goals, objectives, and policies of the Comprehensive Plan, as proposed to be amended.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Consistent – The proposed amendments do not amend district boundaries nor 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 affects the scale of development for the affected parcels. However, these are expected to facilitate uses that would improve the quality of life for residents. Additionally, the scale is compatible with other structures in the vicinity.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent – The proposed ordinances will not affect the load on public facilities and infrastructure as the increases in the maximum floor area ratio (FAR) and density limits are not affected by these ordinances.

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 – Impacts on the quality of life of residents due to great increases in the number of tourists and the need to diversify the cities economy from on 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 positively affect living conditions in the neighborhood as it is intended to incentivize uses that will improve living conditions in the vicinity.

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 impact or increase traffic congestion beyond what is currently allowed, as FAR and density limits are not being modified. However, a traffic impact analyses for new developments shall be required pursuant to the requirements for the land use board processes.

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

Consistent – The proposed change may modestly reduce light and air to adjacent areas beyond what is currently allowed, as slight height increases are proposed for the affected parcels. Given the nature of surrounding uses, it is not expected that the additional height will seriously impact surrounding sites. However, these impacts will be addressed on a case-by-case basis through the land use board process.

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.

Consistent – The proposal will increase the resiliency of the City with respect to sea level rise by encouraging new developments 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.

BACKGROUND

On March 17, 2021, the City Commission adopted Resolution No. 2021-31617, authorizing the preparation of a RFP for mixed-use development incorporating Class A office space at three City-owned sites along Lincoln Lane North as well as the 17th Street parking garage (G5). On June 23, 2021, the Mayor and City Commission approved the issuance of Request for Proposals (RFP) 2021-173-KB for mixed-use developments incorporating Class A office space on City-owned parking lots P25, P26, P27, and parking garage G5. The RFP included multiple site options for proposed development.

Key RFP Goals

The key goals of the RFP included:

1. encouraging the development of Class A office space to meet the growing demand from targeted industries;
2. providing world-class commercial space in concert with increasing market demand;
3. maintaining parking capacity while providing alternative and sustainable transportation and mobility options;
4. transforming and activating North Lincoln Lane from a service alley to a vibrant and pedestrian-friendly street with amenities that will enhance the urban experience; and
5. connecting the Convention Center District with Lincoln Road.

Key RFP Terms

The following are the key terms of the RFP:

Key RFP Terms	
Required Class A Office & Retail	<ul style="list-style-type: none">• 50% floor area ratio (FAR) available at each site must be Class A office space.• Ground floor portions of the project facing a street, sidewalk, or Lincoln Lane North must include an activated liner of retail, restaurant, personal service, or similar active uses.

Replacement Parking	<ul style="list-style-type: none"> Projects must provide in-kind replacement of existing public parking spaces displaced by the development, in addition to satisfying City Code off-street parking requirements applicable to proposed uses. Project must be staged to minimize the number of parking spaces temporarily displaced during development.
Lease Term	<ul style="list-style-type: none"> 99-year maximum lease term. Each ground lease structured as a “triple net” lease, with lessee solely responsible for all real estate taxes, utilities, assessments or other public charges, insurance, maintenance, and all other costs and expenses associated with the operation of the Project.
Voter Referendum for Lease Approval	<ul style="list-style-type: none"> Lease of all three lots would require approval by a majority of voters (i.e., greater than 50%) in a citywide referendum (Referendum). Development agreement and ground lease between City and one or both Developers must be in final form and approved by City Commission prior to placement of Referendum question on the ballot. To qualify for November 8, 2022 General Election, ballot items due to Supervisor of Elections by July 29, 2022. At City Commission’s sole discretion, the Referendum could be scheduled for a special election on a different date if: (1) the development agreement and lease for the applicable Option(s) are finalized and approved by City Commission and (2) the Developer pays its pro-rated share (based on total number of ballot questions) of the cost of a special election (approximately \$400,000).

Award & Authorization to Negotiate

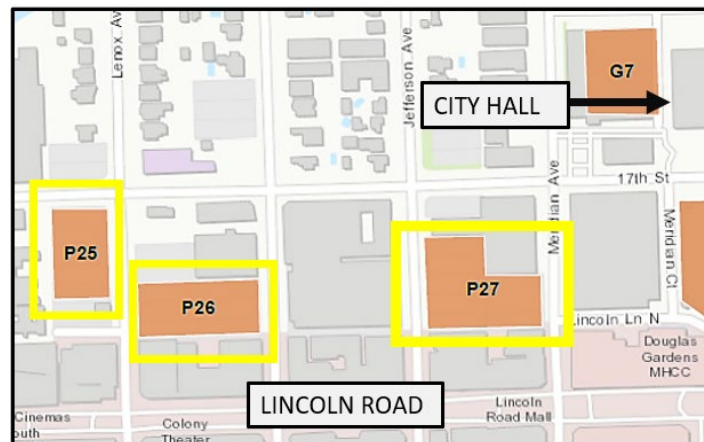
RFP responses were due and received on January 12, 2022. The City received proposals from three (3) firms: Infinity Collective LLC, Lincoln Road Holdings LLC, and Lincoln Road Property Owners, L.P. On February 1, 2022, the Evaluation Committee reviewed and evaluated all proposals. Upon review of the results of the Evaluation Committee and an assessment of the proposals, the City Manager recommended that the Mayor and City Commission authorize the City Administration to:

- Negotiate with Lincoln Road Property Owner, L.P., (a joint venture among Integra Investments, Starwood Capital Group, and The Comras Company (“Integra”) with regards to P25 and P26 (Option 5), and, if the Administration is not successful in negotiating an agreement with Integra, authorizing the Administration to negotiate with TPC; and

- Negotiate with Lincoln Road Holdings LLC (a joint venture among The Peebles Corporation, Scott Robins Companies, Inc., and the Baron Corporation, aka “TPC”) with regards to P27 (Option 3). Additionally, if the Administration is not successful in negotiating an agreement with TPC, authorizing the Administration to negotiate with Integra regarding this option.

On February 23, 2022, via Resolution No. 2022-32054, the Mayor and City Commission accepted the recommendation of the City Manager and authorized the Administration to negotiate with the proposers. At present, negotiations concern only the following sites:

- P25 (1680 Lenox Avenue) and P26 (1080 Lincoln Lane North) combined.
- P27 (1664 Meridian Avenue).



ANALYSIS

Attached are three separate Ordinances that are specific to the RFP proposals for the Lincoln Lane North lots. The following is a summary of each of the proposed Ordinances:

1. Comprehensive Plan Amendment – Resilient Land Use Element

An amendment to Policy RLU 1.1.17 of the Resilient Land Use Element of the 2040 Comprehensive Plan, to allow for all types of residential uses, including market rate housing, as part of mixed-use developments in the Public Facility Government Uses (PF) future land use category. This allowance for market rate residential uses would be limited to sites within the area bounded by Lincoln Lane North on the south, Alton Road on the west, 17th Street on the north, and Washington Avenue on the east.

Currently only workforce and affordable housing types are permitted within the PF future land use category, citywide. Workforce and affordable housing are also able to utilize an 80% density bonus; market rate housing cannot utilize this bonus. As such, the proposal does not increase the maximum residential density beyond what is currently permitted. It is expected that providing some market rate units, could facilitate workforce or attainable units as part of

mixed-use developments.

The proposal would incentivize more of a mixed-use neighborhood, with offices, residential, retail, and restaurant uses, fostering the concept of 'live, work, and play'. The amendment would also help assist transforming the area from one that primarily serves tourists, to one that serves a broader mix of tourists, residents, and workers.

2. LDR Amendment – Section 130-33

An amendment to Chapter 130 of the Land Development Regulations (LDR's) of the City Code pertaining to certain developments on city owned land in parking district no. 2. Parking district no. 2 is composed of those properties with a lot line on Lincoln Road from the west side of Washington Avenue to the east side of Alton Road, and those properties north of Lincoln Road and south of 17th Street from the west side of Washington Avenue to the east side of Lenox Court.

The proposed amendment creates a new parking requirement for designated accessory off-street public parking spaces for projects on city-owned land in parking district no. 2. Specifically, for projects approved pursuant to a development agreement, public parking spaces are required, at up to 200% of the otherwise required parking spaces for the project.

The intent of this regulation is to ensure that, at a minimum, the existing public parking spaces on the existing surface lots will be replaced within the parking garage of the mixed-use development. Since the public parking would now be required, the replacement parking spaces, as well as additional public parking spaces (not to exceed 200% of the otherwise required parking for the private uses), can be provided as an exception to FAR.

Additionally, the proposal creates the ability for developments in parking districts 2 and 3 to provide additional parking spaces in accordance with the minimum requirements set forth in parking district no. 1, without having to count those spaces in the FAR calculations. Currently, retail and restaurant use have no parking requirements in parking districts 2 and 3 and this proposal would allow developments the option of providing parking for restaurant and retail uses without counting such spaces in the available FAR for the site.

3. LDR Amendment – Section 142-425

An amendment to Chapter 142 of the Land Development Regulations (LDR's) of the City Code to allow for a maximum building height of 100 feet for GU zoned properties developed by the private sector that incorporate public parking spaces owned by and/or operated for the City, within the structure. The area for the proposed height increase is bounded by 17th Street on the north, North Lincoln Lane on the south, Alton Road on the west, and Washington Avenue on the East.

Currently, the height limits for the applicable GU zoned properties are based on the average height limits of the surrounding properties. Generally, the properties surrounding the affected parcels have a height limit of 75 – 80 feet. Although the proposal is for a moderate height increase, the additional height would not result in structures that are out of scale with the surrounding vicinity, as there are several other structures of similar heights; see the table below for reference. Additionally, the approved convention center hotel, which is located in

relative proximity to the subject sites is approved for 185 feet.

Property	Height	Zoning
1700 Alton Rd. (Variety Hotel)	73'	CD-2
1698 Alton Rd. (Trader Joes)	63'	CD-2
1111 Lincoln Rd.	124'	CD-3
1680 Michigan Av.	80'	CD-3
1691 Michigan Av. (The Lincoln)	75'	CD-3
846 Lincoln Rd. (Van Dyke)	~78'	CD-3
1688 Meridian Av.	101'	CD-3
605 Lincoln Rd. (Sony Music)	~90'	CD-3
401 Lincoln Rd. (Bank of America)	~168'	CD-3

It is important to note that any proposed structure at the increased height would require the review and approval of the Design Review Board, which would consider massing and the impacts on surrounding structures.

COMPREHENSIVE PLANNING REVIEW PROCESS

This referral includes a text amendment to the Comprehensive Plan. Under Section 163.3184(2), Florida Statutes, this amendment shall follow the expedited state review process for adoption of comprehensive plan amendments. This process requires a public hearing by the local planning agency (Planning Board), a public transmittal hearing before the City Commission, after which the amendment must be transmitted to several state agencies for a 30-day review period, and a final adoption public hearing before the City Commission. The amendment is effective 31-days after it is adopted if there are no appeals.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the Comprehensive Plan and Land Development Regulations amendments to the City Commission with a favorable recommendation.

PB22-0507

Lincoln Lane North RFP

Residential Use in PF Category

Proposed Comprehensive Plan Amendment

Lincoln Lane North PF Properties – Comprehensive Plan Amendment

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CITY OF MIAMI BEACH COMPREHENSIVE PLAN POLICY RLU 1.1.17, ENTITLED "PUBLIC FACILITY: GOVERNMENTAL USES (PF)", TO CLARIFY THAT DEVELOPMENTS INCLUDING PARKING FACILITIES, RESIDENTIAL, COMMERCIAL, BUSINESS AND PROFESSIONAL OFFICES, RETAIL AND SERVICE, EATING AND DRINKING ESTABLISHMENTS, OR MIXED-USE WITH ANY OR ALL OF SAID USES MAY BE PERMITTED IN THE PF FUTURE LAND USE CATEGORY; PURSUANT TO THE PROCEDURES IN SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission has expressed an interest in diversifying the City's economy and its revenue sources by capitalizing on the economic growth opportunities presented by the current and projected business growth in the region, particularly by making a concerted effort to increase Class A office space inventory throughout the City; and

WHEREAS, in furtherance of this objective, on October 9, 2020 the Administration issued a Request for Letters of Interest 2021-029-KB (RFLI) seeking expression of interest from developers interested in building Class A office developments on City-owned land in the City's center area; and

WHEREAS, based on the results of the RFLI, on February 19, 2021, the Finance and Economic Resiliency Committee (FERC) recommended that the Administration seek City Commission authorization to prepare a Request for Proposals (RFP) for ground leases and development agreements for the development of Class A office space on the three surface parking lots (P25, P26 and P27) and one structured parking garage (G5); and

WHEREAS, on April 8, 2021, the Administration conducted a public industry meeting to promote the RFP and solicit industry input on the proposed projects; and

WHEREAS, On June 23, 2021, the Mayor and City Commission approved the issuance of Request for Proposals (RFP) 2021-173-KB for mixed-use developments incorporating Class A office space on City-owned parking lots P25, P26, P27, and parking garage G5; and the proposed changes are necessary in order to promote the development of Class A office space within the City; and

WHEREAS, RFP responses were due and received on January 12, 2022; and

WHEREAS, on December 6, 2021, the City Manager appointed the following individuals to serve on an advisory Evaluation Committee to review and score the proposals submitted: Monica Beltran, Director, Parking Department; Ozzie Dominguez, Asset Management Division Director, Facilities and Fleet Management Department; Paul Freeman, Resident, Palm View Neighborhood; David Gomez, Assistant Director, Capital Improvement Projects Department; Rogelio Madan, Chief of Community Planning and Sustainability, Planning Department; Sara

Patino, Treasury Manager, Finance Department; and Lyle Stern, President, Lincoln Road Business Improvement District; and

WHEREAS, on February 1, 2022, the Evaluation Committee convened to consider the proposals received and for oral presentations by the bidders for each of the options submitted; and

WHEREAS, after reviewing the various proposals submitted, the Evaluation Committee's process and rankings, and the assessments of staff and the City's consultant the City Manager has determined to proceed with negotiations for the redevelopment for parking lots P25, P26, and P27; and

WHEREAS, to ensure an adequate mix of uses and the success of future developments on these City-owned lands, this Ordinance amends City Of Miami Beach Comprehensive Plan Policy RLU 1.1.17, entitled "Public Facility: Governmental Uses (PF)", to clarify that developments including residential, commercial, business and professional offices, retail and service, and eating and drinking establishments may be permitted in the PF future land use category; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives; and

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, the City of Miami Beach Commission has an adopted Comprehensive Plan; and

WHEREAS, the City Commission has provided procedures, codified as Chapter 118, Article III, of the City's Land Development Regulations, to amend, modify, add to, or change the Comprehensive Plan; and

WHEREAS, City's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Chapter 163, Part II, Florida Statutes, including the process for adoption comprehensive plan amendments set forth in section 163.3184, Florida Statutes; and

WHEREAS, the City of Miami Beach Planning Board, which serves as local planning agency, transmitted the text amendment to the City Commission with a favorable recommendation; and

WHEREAS, the City Commission held a duly noticed public hearing, at which time it voted to transmit the text amendment for review by state, regional, and local agencies, as required by law; and

WHEREAS, the City Commission hereby finds that the adoption of this text amendment is in the best interest and welfare of the residents of the City.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Comprehensive Plan Policy RLU 1.1.17, Entitled "Public Facility: Governmental Uses (PF)" is hereby amended as follows:

POLICY RLU 1.1.17 PUBLIC FACILITY: GOVERNMENTAL USES (PF)

Purpose: To provide development opportunities for existing and new government uses.

Uses which may be permitted: Government uses, parking facilities, affordable or workforce housing, various types of commercial uses including business and professional offices, retail sales and service establishments, ~~and~~ eating and drinking establishments. Additionally, market rate residential uses may be permitted as part of mixed-use developments for properties located between Lincoln Lane North on the south, Alton Road on the west, 17th Street on the north, and Washington Avenue on the east.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio of 3.5.

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 re-numbered or re-lettered 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. TRANSMITTAL.

The Planning Director is hereby directed to transmit this ordinance to the appropriate state, regional and county agencies as required by applicable law.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect 31 days after the state land planning agency notifies the City that the plan amendment package is complete pursuant to Section 163.3184(3), Florida Statutes.

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

First Reading: May 4, 2022
Second Reading: June 22, 2022

City Attorney Date

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

F:\PLAN\PLB\2022\4-26-22\PB22-0507 - Lincoln Lane North RFP - Residential Use in PF Category - Comp Plan Amdment\Lincoln Lane North GU Properties- Comp Plan Amendment PF ORD April 26 2022 PB.docx

PB22-0508

Lincoln Lane North RFP
Chapter 130 Parking Regulations
LDR Amendment

Lincoln Road GU Properties – Parking Amendments

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 130, ENTITLED "OFF-STREET PARKING," BY AMENDING ARTICLE II, ENTITLED "DISTRICT REQUIREMENTS," BY AMENDING SECTION 130-33, ENTITLED "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICTS NOS. 2, 3, 4, 5, 6, 7, 8, AND 9" TO MODIFY THE PARKING REQUIREMENTS IN PARKING DISTRICTS 2, 3 AND 4, AND TO ESTABLISH NEW OFF-STREET PARKING REQUIREMENTS FOR DEVELOPMENTS ON CITY-OWNED LAND LOCATED WITHIN PARKING DISTRICT NO. 2; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission has expressed an interest in diversifying the City's economy and its revenue sources by capitalizing on the economic growth opportunities presented by the current and projected business growth in the region, particularly by making a concerted effort to increase Class A office space inventory throughout the City; and

WHEREAS, in furtherance of this objective, on October 9, 2020 the Administration issued a Request for Letters of Interest 2021-029-KB (RFLI) seeking expression of interest from developers interested in building Class A office developments on City-owned land in the City's center area; and

WHEREAS, based on the results of the RFLI, on February 19, 2021, the Finance and Economic Resiliency Committee (FERC) recommended that the Administration seek City Commission authorization to prepare a Request for Proposals (RFP) for ground leases and development agreements for the development of Class A office space on the three surface parking lots (P25, P26 and P27) and one structured parking garage (G5); and

WHEREAS, on April 8, 2021, the Administration conducted a public industry meeting to promote the RFP and solicit industry input on the proposed projects; and

WHEREAS, On June 23, 2021, the Mayor and City Commission approved the issuance of Request for Proposals (RFP) 2021-173-KB for mixed-use developments incorporating Class A office space on City-owned parking lots P25, P26, P27, and parking garage G5; and the proposed changes are necessary in order to promote the development of Class A office space within the City while also providing required parking; and

WHEREAS, RFP responses were due and received on January 12, 2022; and

WHEREAS, on December 6, 2021, the City Manager appointed the following individuals to serve on an advisory Evaluation Committee to review and score the proposals submitted: Monica Beltran, Director, Parking Department; Ozzie Dominguez, Asset Management Division Director, Facilities and Fleet Management Department; Paul Freeman, Resident, Palm View Neighborhood; David Gomez, Assistant Director, Capital Improvement Projects Department; Rogelio Madan, Chief of Community Planning and Sustainability, Planning Department; Sara

Patino, Treasury Manager, Finance Department; and Lyle Stern, President, Lincoln Road Business Improvement District; and

WHEREAS, on February 1, 2022, the Evaluation Committee convened to consider the proposals received and for oral presentations by the bidders for each of the options submitted; and

WHEREAS, after reviewing the various proposals submitted, the Evaluation Committee's process and rankings, and the assessments of staff and the City's consultant the City Manager has determined to proceed with negotiations for the redevelopment for parking lots P25, P26, and P27; and

WHEREAS, Parking Lots P25, P26, and P27 are located within parking district no. 2, and

WHEREAS, to ensure adequate replacement of municipal parking and the success of future developments on these City-owned lands, this Ordinance amends City Section 130-33, entitled "off-street parking requirements for parking districts nos. 2, 3, 4, 5, 6, 7, 8, and 9" to provide for accessory parking requirements for developments on City-owned land located within parking district no. 2 that are approved under a development agreement that is fully executed pursuant to City Code Section 118-4; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 130, entitled "Off-Street Parking", Article II, entitled "District Requirements", Section 130-33, entitled "off-street parking requirements for parking districts nos. 2, 3, 4, 5, 6, 7, 8, and 9" is hereby amended as follows:

CHAPTER 130 OFF STREET PARKING

* * *

ARTICLE II. - DISTRICT REQUIREMENTS

* * *

Sec. 130-33. Off-street parking requirements for parking districts nos. 2, 3, 4, 5, 6, 7, 8, and 9.

- (a) *[Parking district nos. 2, 3, and 4.]* Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking districts nos. 2, 3, and 4 accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows. There shall be no off-street parking requirement for uses in this parking district except for those listed below:

* * *

- (6) *Development on City-owned land. In addition to the off-street parking spaces required pursuant to other provisions in this Section 130-33, developments on City-*

owned land located within parking district no. 2 that are approved under a development agreement that is fully executed pursuant to Section 118-4 of this code shall be required to provide designated accessory off-street public parking spaces not to exceed 200 percent of the otherwise required parking spaces calculated without reduction for alternative parking incentives under Section 130-40.

- (7) *Theaters:* One space for every four seats.
- (8) *Religious institutions, schools, nursing homes:* As per section 130-32.
- (9) *Any building or structure erected in parking district no. 2, 3 or 4 ~~M~~ay provide required parking on site as specified in parking district no. 1. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in chapter 114 of these land development regulations.*

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 re-numbered or re-lettered 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

First Reading: May 4, 2022
Second Reading: June 22, 2022

City Attorney

Date

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

F:\PLAN\PLB\2022\4-26-22\PB22-0508 - Lincoln Lane North RFP - Chapter 130 Parking Regulations - LDR Amendment\Lincoln
Road GU Properties - Parking Amendments ORD April 26 2022 PB.docx

PB22-0509

Lincoln Lane North RFP
GU Height Regulations LDR
Amendment

Lincoln Lane North GU Properties – Height Amendment

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 9, ENTITLED "GU GOVERNMENT USE DISTRICT," BY AMENDING SECTION 142-425 TO CREATE A HEIGHT LIMITATION FOR PRIVATE USES THAT INCORPORATE PUBLIC PARKING SPACES WITHIN THE STRUCTURE THAT ARE OWNED BY THE CITY AND OR OPERATED FOR THE CITY IN THE AREA BOUNDED BY 17TH STREET ON THE NORTH, NORTH LINCOLN LANE ON THE SOUTH, ALTON ROAD ON THE WEST, AND WASHINGTON AVENUE ON THE EAST PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City Commission has expressed an interest in diversifying the City's economy and its revenue sources by capitalizing on the economic growth opportunities presented by the current and projected business growth in the region, particularly by making a concerted effort to increase Class A office space inventory throughout the City; and

WHEREAS, in furtherance of this objective, on October 9, 2020 the Administration issued a Request for Letters of Interest 2021-029-KB (RFLI) seeking expression of interest from developers interested in building Class A office developments on City-owned land in the City's center area; and

WHEREAS, based on the results of the RFLI, on February 19, 2021, the Finance and Economic Resiliency Committee (FERC) recommended that the Administration seek City Commission authorization to prepare a Request for Proposals (RFP) for ground leases and development agreements for the development of Class A office space on the three surface parking lots (P25, P26 and P27) and one structured parking garage (G5); and

WHEREAS, on April 8, 2021, the Administration conducted a public industry meeting to promote the RFP and solicit industry input on the proposed projects; and

WHEREAS, On June 23, 2021, the Mayor and City Commission approved the issuance of Request for Proposals (RFP) 2021-173-KB for mixed-use developments incorporating Class A office space on City-owned parking lots P25, P26, P27, and parking garage G5; and the proposed changes are necessary in order to promote the development of Class A office space within the City; and

WHEREAS, RFP responses were due and received on January 12, 2022; and

WHEREAS, on December 6, 2021, the City Manager appointed the following individuals to serve on an advisory Evaluation Committee to review and score the proposals submitted: Monica Beltran, Director, Parking Department; Ozzie Dominguez, Asset Management Division Director, Facilities and Fleet Management Department; Paul Freeman, Resident, Palm View Neighborhood; David Gomez, Assistant Director, Capital Improvement Projects Department; Rogelio Madan, Chief of Community Planning and Sustainability, Planning Department; Sara Patino, Treasury Manager, Finance Department; and Lyle Stern, President, Lincoln Road

Business Improvement District; and

WHEREAS, on February 1, 2022, the Evaluation Committee convened to consider the proposals received and for oral presentations by the bidders for each of the options submitted; and

WHEREAS, after reviewing the various proposals submitted, the Evaluation Committee's process and rankings, and the assessments of staff and the City's consultant the City Manager has determined to proceed with negotiations for the redevelopment for parking lots P25, P26, and P27; and

WHEREAS, to ensure adequate replacement of municipal parking and the success of future developments on these City-owned lands, a separate Ordinance is amending City Code Section 130-33, entitled "off-street parking requirements for parking districts nos. 2, 3, 4, 5, 6, 7, 8, and 9" to provide for accessory public parking requirements for developments on City-owned land located within parking district no. 2 that are approved under a development agreement that is fully executed pursuant to City Code Section 118-4; and

WHEREAS, the required accessory public parking spaces will occupy a significant portion of the development envelope potentially limiting the success of the city's expressed goal of diversifying the City's economy and its revenue sources by capitalizing on the economic growth, and particularly by making a concerted effort to increase Class A office space inventory throughout the City; and

WHEREAS, in order to balance the goal requiring adequate replacement accessory public parking and the desire to diversify the economy and increase available Class A office space on these City-owned lands the City Commission now desires to amend the GU Development Regulations to incorporate the modifications set forth in this ordinance by amending City Code Section 142-425 to provide for additional height to accommodate both the accessory public parking and to encourage new class A office space for projects that are approved under a development agreement that is fully executed pursuant to City Code Section 118-4.

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 9, entitled "Government Use District," is hereby amended as follows:

Sec. 142-425. - Development regulations.

- (a) The development regulations (setbacks, floor area ratio, signs, parking, etc.) in the GU government use district shall be the average of the requirements contained in the surrounding zoning districts as determined by the planning and zoning director, which shall be approved by the city commission.
- (b) Upon the sale of GU property, the zoning district classification shall be determined, after public hearing with notice pursuant to Florida Statutes, by the city commission in a manner consistent with the comprehensive plan. Upon the expiration of a lease to the city or other government agency, the district shall revert to the zoning district and its regulations in effect at the initiation of the lease.

- (c) Setback regulations for parking lots and garages when they are the main permitted use are listed in subsection 142-1132(n).
- (d) Following a public hearing, the development regulations required by these land development regulations, except for the historic preservation and design review processes, may be waived by a five-sevenths vote of the city commission for developments pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or used by not-for-profit, educational, or cultural organizations, or for convention center hotels, or convention center hotel accessory garages, or city utilized parking lots, provided they are continually used for such purposes.
- (e) Notwithstanding the above, no GU property may be used in a manner inconsistent with the comprehensive plan.
- (f) The following shall apply to the use of GU property by entities other than the City:
 - 1. In all cases involving the use of GU property by the private sector, or joint government/private use, development shall conform to all development regulations in addition to all applicable sections contained in these land development regulations and shall be reviewed by the planning board prior to approval by the city commission. All such private or joint government/private uses are allowed to apply for any permitted variances but shall not be eligible for a waiver of any regulations as described in this paragraph. However, not-for-profit, educational, or cultural organizations as forth herein, shall be eligible for a city commission waiver of development regulations as described in this paragraph, except for the historic preservation and design review processes.
 - 2. In cases involving the use of GU property by the private sector, for developments incorporating public parking spaces within the structure(s), owned by and/or operated by or for the benefit of the City, the permitted building height shall be 100 feet for those sites located within the area bounded by 17th Street on the north, North Lincoln Lane on the south, Alton Road on the west, and Washington Avenue on the East.
 - 3. ~~Additionally, p~~Private uses on the GU lots fronting Collins Avenue between 79th and 87th Streets approved by the city commission for a period of less than ten years shall be eligible for a city commission waiver of the development regulations, as described in this paragraph, for temporary structures only. Such waivers applicable to GU lots fronting Collins Avenue between 79th and 87th Streets may include, but not be limited to, the design review process, provided the city commission, as part of the waiver process, evaluates and considers all applicable design review requirements and criteria in chapter 118 of the land development regulations.
- (g) If a waiver for eligible GU property under this subsection pertains to building height, and the subject property is located within a local historic district. the city commission shall first refer the proposed height waiver to the historic preservation board for the board's review and to obtain an advisory recommendation as to whether the proposed waiver should be approved or denied. The historic preservation board shall review the proposed waiver and provide an advisory recommendation within 45 days of the referral by the city commission. Notwithstanding the foregoing, the requirement set forth in this paragraph shall be deemed to have been satisfied in the event that the board fails, for any reason whatsoever, to review a proposed height waiver and/or provide a recommendation to the city commission within the 45-day period following the referral.
- (h) When a public hearing is required to waive development regulations before the city commission, the public notice shall be advertised in a newspaper of general paid circulation in the city at least 15 days prior to the hearing. Fifteen days prior to the public hearing date, both a description of the request and the time and place of such hearing

shall be posted on the property, and notice shall also be given by mail to the owners of land lying within 375 feet of the property. A five-sevenths vote of the city commission is required to approve a waiver or use that is considered under this regulation.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

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

Date

First Reading: May 4, 2022
Second Reading: June 22, 2022

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