

## COMMISSION MEMORANDUM

**To:** Mayor Philip Levine  
Members of the City Commission  
Jimmy Morales, City Manager

**cc:** Raul J. Aguila, City Attorney  
Rafael Granado, City Clerk

**From:** Commissioner John E. Alemán

**Date:** October 18, 2017

**Subject:** **MOTION TO REPEAL AND RESCIND RESOLUTION NO. 2017-30019, WHICH AMENDED THE OCEAN DRIVE SIDEWALK CAFE DESIGN GUIDELINES TO REQUIRE THAT ALL FURNITURE AND OTHER ELEMENTS ASSOCIATED WITH SIDEWALK CAFES LOCATED ON OCEAN DRIVE BETWEEN 5<sup>TH</sup> AND 15<sup>TH</sup> STREETS BE MOVED TO THE WEST PART OF THE SIDEWALK.**

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At the October 18, 2017 City Commission meeting, I intend to propose a motion to repeal and rescind Resolution No. 2017-30019 (attached hereto), which was adopted by the City Commission on September 25, 2017.

Resolution No. 2017-30019 amended the Ocean Drive Sidewalk Cafe Design Guidelines (“Design Guidelines”) to require that all furniture and other elements associated with sidewalk cafes located on Ocean Drive between 5th and 15th Streets be moved to the west part of the sidewalk.

Prior to the adoption of the subject Resolution, the Design Guidelines included an exception to the general rule that all furniture and other elements of a sidewalk cafe must be moved to the west part of the sidewalk. Specifically, this exception (which was recommended in the Ocean Drive Ten Point Plan) allowed for the retention of sidewalk cafe furnishings on the east side of the sidewalk in limited instances, in the event that relocating furnishings to the west side of the sidewalk would not be feasible due to the layout of a particular property and/or other related factors.

RESOLUTION NO. 2017-30019

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OCEAN DRIVE SIDEWALK CAFE DESIGN GUIDELINES TO REQUIRE THAT ALL FURNITURE AND OTHER ELEMENTS ASSOCIATED WITH SIDEWALK CAFES LOCATED ON OCEAN DRIVE BETWEEN 5<sup>TH</sup> AND 15<sup>TH</sup> STREETS BE MOVED TO THE WEST PART OF THE SIDEWALK.**

**WHEREAS**, Ocean Drive is a unique, historic, and highly significant promenade containing hotels, restaurants, and retail establishments, which serve tourists and residents alike; and

**WHEREAS**, on September 27, 2016, and pursuant to Resolution No. 2016-29590, the Mayor and City Commission adopted the Ten Point Plan for Ocean Drive between 5<sup>th</sup> and 15<sup>th</sup> Streets (the "Ten Point Plan"); and

**WHEREAS**, on October 14, 2016, the Mayor and City Commission adopted Resolution No. 2016-29606, adopting the City of Miami Beach Ocean Drive Sidewalk Cafe Design Guidelines ("Design Guidelines") for sidewalk cafes located on Ocean Drive between 5<sup>th</sup> and 15<sup>th</sup> Streets; and

**WHEREAS**, the Design Guidelines establish design standards intended to ensure the compatibility between sidewalk café furnishings and Ocean Drive's historic architecture; and

**WHEREAS**, the Design Guidelines require that, with limited exceptions, all sidewalk elements of a sidewalk cafe must be moved to the west part of the sidewalk, abutting each respective property; and

**WHEREAS**, specifically, the Design Guidelines contain an exception (which was recommended in the Ten Point Plan) allowing for the retention of sidewalk café furnishings on the east side of the sidewalk in limited instances, in the event that relocating furnishings to the west side of the sidewalk would not be feasible due to the layout of a particular property and/or other related factors; and

**WHEREAS**, the sidewalk café furnishings currently located on the east side of the sidewalk interrupt the continuous 5'-0" wide pedestrian path, and adversely impact pedestrian safety, security and ADA access; and


**WHEREAS**, accordingly, the Mayor and City Commission desire to amend the Design Guidelines to remove the current exception and require that all sidewalk cafe furniture and other elements associated with sidewalk cafes located on Ocean Drive be relocated to the west side of the sidewalk.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby amend the Ocean Drive Sidewalk Cafe Design Guidelines to require that all

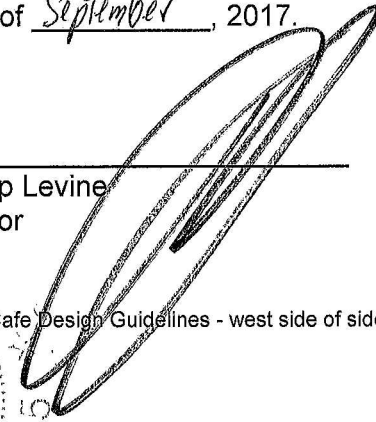
furniture and other elements associated with sidewalk cafes located on Ocean Drive between 5<sup>th</sup> and 15<sup>th</sup> Streets be moved to the west part of the sidewalk.

**PASSED** and **ADOPTED** this 25 day of September, 2017.

**ATTEST:**

  
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Rafael E. Granado  
City Clerk

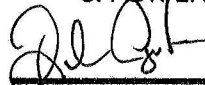
10/4/17

  
\_\_\_\_\_  
Philip Levine  
Mayor

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APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

8/29/17  
Date

NK

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: September 13, 2017

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OCEAN DRIVE SIDEWALK CAFE DESIGN GUIDELINES TO REQUIRE THAT ALL FURNITURE AND OTHER ELEMENTS ASSOCIATED WITH SIDEWALK CAFES LOCATED ON OCEAN DRIVE BETWEEN 5TH AND 15TH STREETS BE MOVED TO THE WEST PART OF THE SIDEWALK.

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### **RECOMMENDATION**

The Administration recommends that the City Commission adopt the Resolution.

### **ANALYSIS**

On September 27, 2016, the Mayor and City Commission adopted the Ten Point Plan for Ocean Drive between 5<sup>th</sup> and 15<sup>th</sup> Streets (Resolution No. 2016-29590).

On October 14, 2016, the Mayor and City Commission adopted a Resolution approving Ocean Drive Sidewalk Café Design Guidelines ("Design Guidelines"). These guidelines are specific to all sidewalk café operations located on Ocean Drive between 5<sup>th</sup> and 15<sup>th</sup> Streets (Resolution No. 2016-29606).

On February 8, 2017, the Mayor and City Commission adopted a Resolution allowing the Historic Preservation Board to review and approve umbrella fabric colors not specifically listed in the Design Guidelines (Resolution No. 2017-29752).

The Design Guidelines require that, with limited exceptions, all sidewalk café elements including umbrellas, tables, chairs and menu boards, be moved to the western portion of the sidewalk, abutting each respective property. Specifically, the Design Guidelines contain an exception (which was recommended in the Ten Point Plan), allowing for the retention of sidewalk café furnishings on the eastern portion of the sidewalk in limited instances, in the event that relocating furnishings to the west side of the sidewalk would not be feasible due to the layout of a particular property and/or other related factors.

There are four sidewalk cafés that have been approved to retain furnishings within the eastern portion of the sidewalk. These furnishings interrupt the continuous 5'-0" wide pedestrian path and adversely impact pedestrian safety, security and ADA access. The subject Resolution would amend the adopted Ocean Drive guidelines by removing this exemption, allowing for sidewalk cafes to be located on the western portion of the sidewalk only. This is consistent with the intent of the Design Guidelines to ensure compatibility between sidewalk café furnishings, the pedestrian experience and

Ocean Drive's historic architecture.

**CONCLUSION**

The Administration recommends that the City Commission adopt the Resolution

**KEY INTENDED OUTCOMES SUPPORTED**

Revitalize Key Neighborhoods, Starting With North Beach And Ocean Drive

**Legislative Tracking**

Office of the City Manager

**Sponsor**

Commissioner Ricky Arriola

**ATTACHMENTS:**

**Description**

- ▣ Ocean Drive Sidewalk Cafe Amendment Reso