

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, ON SECOND AND FINAL READING OF THIS RESOLUTION AND FOLLOWING A DULY NOTICED PUBLIC HEARING, THE GRANTING OF THE WAIVER OF CERTAIN DUNE PRESERVATION OVERLAY REGULATIONS, BY A 5/7TH VOTE OF THE CITY COMMISSION, PURSUANT TO SECTION 142-425(D), OF THE CITY'S LAND DEVELOPMENT REGULATIONS (LDR), FOR THE ALTOS DEL MAR PARK PROJECT, LOCATED AT 76TH STREET AND COLLINS AVENUE, WITHIN THE HARDING TOWNSITE/SOUTH ALTOS DEL MAR HISTORIC DISTRICT AND WITHIN THE ALTOS DEL MAR NEIGHBORHOOD, IN ORDER TO WAIVE LDR SECTIONS 142-774, 142-774(4) AND SECTION 142-774(6), IN ORDER TO CONSTRUCT THREE (3) CONCRETE BEACHWALK LINKAGES AND A BEACH SHOWER BETWEEN THE OLD CITY BULKHEAD LINE AND THE EROSION CONTROL LINE (ECL).

WHEREAS, Altos Del Mar Park is located east of Collins Avenue between 76th and 77th Street and is one of the few remaining beach front parcels within Miami Beach that is designated park land; and

WHEREAS, on July 12, 2016, the Historic Preservation Board (HPB) approved the City's application for a Certificate of Appropriateness for the design of a new park design for Altos Del Mar, including the landscape design and the construction of a new 1-story restroom facility; and

WHEREAS, on October 18, 2017, pursuant to the City's Invitation for Bids (ITB) No.: 2017-146-ZD, the Mayor and City Commission awarded the contract responsive to the ITB to West Construction, Inc. (Contractor), for the construction of the Altos Del Mar Park Project; and

WHEREAS, the contract was executed on January 23, 2018, and on April 12, 2018, the Office of Capital Improvement Projects issued the Notice to Proceed to the Contractor for the construction of the Altos Del Mar park project; and

WHEREAS, in order to construct in compliance with the Historic Preservation Board approval, and to be consistent with the land development regulations, the City Administration is seeking waiver of the City's Land Development Regulations (LDR); and

WHEREAS, the City is seeking to waive LDR Sections 142-774, 142-774(4), and 142-774(6), in order to install three (3) concrete pathways ranging in width from six to twelve feet (6'-12'), and to install a beach shower between the old city bulkhead and the erosion control line (ECL); and

WHEREAS, the development regulations are designed to accommodate and promote recreational, open space and related uses and structures that are compatible and supportive of the beachfront park system and natural environment and structures permitted under this division shall be designed to accommodate and channel pedestrian movement in such a manner as to protect and enhance vegetation and the beach; and

WHEREAS, LDR Section 142-774(4), states, "promenade linkages shall be constructed of wood materials and shall conform to the design specifications established in the beachfront park and promenade plan and sites having less than 300 linear feet of oceanfront frontage shall be limited to one dune crossing and/or promenade linkage"; and

WHEREAS, sites having more than 300 linear feet of oceanfront frontage shall be permitted one crossing or linkage per each additional 100 linear feet of frontage or part thereof and in no instance, shall the total aggregate number of crossings and linkages exceed four per site"; and

WHEREAS, this request seeks to waive the beachwalk link limitation of a maximum of two (2) crossings, and allow the project to construct a total of three (3) links (crossings); and

WHEREAS, LDR Section 142-774(6), allows, "[w]alkways and ramps constructed of wood materials and which are not more than six (6) feet in width"; and

WHEREAS, this waiver request also seeks to waive this requirement by allowing concrete walkways, abutting the existing concrete beachwalk, in lieu of wood material, and allowing up to twelve (12) feet in width; and

WHEREAS, LDR Section 142-774, states that "no land or structure shall be used, in whole or in part, except for one of the following permitted uses; and

WHEREAS, the proposed beach shower is not one of the permitted uses identified in the Dune Preservation Overlay; and

WHEREAS, this request also seeks to waive the permitted uses to allow for the installation of the proposed beach shower; and

WHEREAS, these waiver requests were presented to the City's Planning Department and it was determined that the waivers are minor, did not warrant a specific planning analysis and are consistent with the intent of the code; and

WHEREAS, on May 16, 2018, the City Commission approved scheduling a Public Hearing for June 6, 2018, to consider the waiver of Development Regulations pursuant to Section 142-425 (d) of the Land Development Regulations, after a dully

noticed public hearing, advertised in the newspaper at least fifteen (15) days prior to the hearing, 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 at least fifteen (15) days prior to the hearing, for the Altos del Mar Park Project.

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 , approve, on second and final reading of this resolution and following a duly noticed public hearing, the granting of the waiver of certain Dune Preservation Overlay Regulations, by a 5/7th vote of the City Commission, after a public hearing, pursuant to Section 142-425(d), Of the City's Land Development Regulations (LDR), for the Altos Del Mar Park Project, located at 76th Street and Collins Avenue, within the Harding Townsite/South Altos Del Mar Historic District and within the Altos Del Mar Neighborhood, in order to waive LDR Sections 142-774, 142-774(4) and Section 142-774(6), in order to construct three (3) concrete beachwalk linkages and a beach shower between the old city bulkhead line and the Erosion Control Line (ECL).

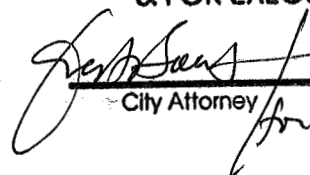
PASSED and ADOPTED this _____ day of _____, 2018.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

5/30/18

Date