

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: May 17, 2017

FIRST READING – PUBLIC HEARING

SUBJECT: **Sea Level Rise and Resiliency Review Criteria.**

(ADVERTISED TITLES IN NOVUS)

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the Ordinance at First Reading and set a Second Reading Public Hearing for June 7, 2017.

BACKGROUND

On December 14, 2016, the City Commission, at the request of Commissioner John Elizabeth Alemán, referred this item (R9F) to the Land Use and Development Committee (LUDC) and the Planning Board.

On January 18, 2017, the LUDC recommend that the Planning Board transmit the proposal to the City Commission with a favorable recommendation.

PLANNING ANALYSIS

The City has four Land Use Boards which are authorized to review and approve various types of development projects and make certain recommendations to the City Commission. These boards, with the assistance of City staff, utilize City Code mandated criteria to make their decisions and recommendations. The general duties of the four (4) Land Use Boards are as follows:

- Planning Board
 - Amendments to Comp Plan and Land Development Regulations
 - Conditional Use Permits
 - Division of Land/Lots Splits
- Design Review Board
 - Design Review Approval
- Board of Adjustment
 - Variances and Administrative Appeals
- Historic Preservation Board
 - Historic Designation Recommendations

- Certificates of Appropriateness

As the City is facing an increase in flooding due to Sea Level Rise, it is important that Land Use Boards incorporate criteria to mitigate the effects of sea level rise and improve the City's Resiliency. Additionally, the recently adopted amendment to the City's Comprehensive Plan related to "Peril of Flood," establish the City as an Adaption Action Area (AAA), which among other things, requires that the City incorporate strategies into the Land Development Regulations to improve the community's adaptability and resiliency capacities, with regards to the Sea Level Rise and Climate Change.

The attached draft ordinance amendment establishes Sea Level Rise and Resiliency Review Criteria within Chapter 133, entitled "Sustainability and Resiliency," of the Land Development Regulations. It also references these criteria within the individual review criteria for each board. The following is a summary of the draft criteria for the Land Use Boards when reviewing development applications:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
- (4) If resilient landscaping (salt and drought tolerant, native plants species) will be provided.
- (5) Whether adopted Southeast Florida regional Climate Action Plan sea level rise projections, including a study of land elevation and elevation of surrounding properties were considered.
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.
- (7) Where feasible and appropriate, all critical mechanical and electrical systems will be located above base flood elevation.
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet and dry flood proofing systems will be provided in accordance with Chapter 54 of the City Code.
- (10) Where reasonably feasible and appropriate, water retention systems shall be provided.

When considering ordinances, adopting resolutions, or making recommendations, the following criteria would apply:

- (1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.
- (2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.
- (3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

As part of the initial draft of this legislation, separate criteria pertaining to a prohibition on below grade vehicular storage was included. At the direction of the Land Use Committee, this was relocated to Chapter 130 of the Code (Off-Street Parking).

PLANNING BOARD REVIEW

On February 28, 2017, the Planning Board discussed the proposed Ordinance Amendment and requested that there be further study on the prohibition of underground parking; the Board continued the item to the April 25, 2017 meeting. On April 25, 2017, the Planning Board transmitted the proposed Ordinance Amendment to the City Commission, with a favorable recommendation. The Planning Board also recommended the following modifications:

1. Below grade parking shall not be prohibited.
2. A separate amendment to the Land Development Regulations of the City Code shall be referred to the Planning Board by the City Commission to address the following:
 - a. That there be sufficient setbacks for ramping and access to below grade levels from adjacent streets and rights-of-way, in order to ensure sufficient dimensions to accommodate the future raising of public sidewalks, streets and public right-of-way, and without ramps encroaching into the public right-of-way.
 - b. That the minimum setback requirements for all below grade structures be increased to meet the applicable pedestal setback requirements, in order to allow for permeable areas on the site and natural drainage of stormwater.
 - c. That there be sufficient pumping capacity to ensure all below grade levels remain dry without affecting surrounding properties.
 - d. For properties containing a 'contributing' building, and located within a Local Historic District or Designated Historic Site, the Historic Preservation Board shall have the ability to waive the setback requirements for below grade parking levels, in accordance with the applicable Certificate of Appropriateness criteria.

SUMMARY

The proposed sea level rise and resiliency criteria has been extensively vetted at the administrative and committee levels, and should provide a tangible and appropriate set of tools for all Land Use Boards to be able to utilize. Such criteria will also be beneficial to design professionals as they put together land development projects in the early, conceptual stages.

As it pertains to the proposal for prohibiting below grade parking, the Administration is cognizant of the significant urban design and above grade aesthetic benefits associated with placing vehicular parking underground. However, staff has always looked holistically at how future development projects affect the long-term health of the environment, even if it means that a less than desirable urban design / architectural option is required in limited instances.

In this regard, planning staff, as well as the City Engineer, continue to have concerns with below grade parking levels as they present serious challenges when roadways are raised to mitigate the impacts of sea level rise because they require increased ramp length which could encroach into the public right-of-way. Additionally, below grade parking levels typically require continuous pumping of water to be kept dry. Of the utmost concern, however, is during catastrophic weather and/or tidal events, should a

pumping system fail, the submersion of a multi-level, below grade parking facility could lead to significant property damage, as well as untold environmental issues.

Should the City Commission remove the prohibition on underground parking, it is recommended that the criteria endorsed by the Planning Board be referred back to the Planning Board as a separate ordinance amendment.

CONCLUSION

The Administration recommends that the City Commission approve the subject Ordinance, as drafted and **inclusive of the prohibition on below grade parking**, at First Reading and set a Second Reading Public Hearing for June 7, 2017.

In the event that the City Commission elects NOT to prohibit below grade parking, it is further recommended that a separate amendment to the Land Development Regulations of the City Code be referred to the Planning Board to address the following:

1. Sufficient setbacks for ramping and access to below grade levels from adjacent streets and rights-of-way, in order to ensure sufficient dimensions to accommodate the future raising of public sidewalks, streets and public right-of-way, and without ramps encroaching into the public right-of-way.
2. The minimum setback requirements for all below grade structures be increased to meet the applicable pedestal setback requirements, in order to allow for permeable areas on the site and natural drainage of stormwater.
3. There be sufficient pumping capacity to ensure all below grade levels remain dry without affecting surrounding properties.
4. For properties containing a 'contributing' building, and located within a Local Historic District or Designated Historic Site, the Historic Preservation Board shall have the ability to waive the setback requirements for below grade parking levels, in accordance with the applicable Certificate of Appropriateness criteria.

JLM/SMT/TRM

T:\AGENDA\2017\5 - May\Planning\Sustainable Roofing - First Reading MEM.docx