

MIAMIBEACH

Commission Meeting (Special)

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
December 5, 2016 - 3:00 PM – continued to December 9, 2016 – 12:00 PM**

Mayor Philip Levine (Absent on 12.5.16)
Commissioner John Elizabeth Alemán
Commissioner Ricky Arriola
Commissioner Michael Grieco
Commissioner Joy Malakoff
Commissioner Kristen Rosen Gonzalez
Commissioner Micky Steinberg

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to an alternate meeting. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

AFTER-ACTION

Vice-Mayor Malakoff called the meeting to order at 3:05:29 p.m. on December 5, 2016, and explained that the meeting is to discuss the North Beach Local Historic District, boundaries and Conservation District boundaries.

Pledge of Allegiance led by Jeff Donnelly.

Vice-Mayor Malakoff announced that Mayor Philip Levine and Miami-Dade County Mayor Carlos Gimenez are in Atlanta meeting with the Center for Disease Control (CDC) Director with reference to Zika. Mayor Levine will attend on Friday, December 9, 2016 for the continuation of this meeting,

when the vote will take place. Today is a fact-finding meeting, and they are going to follow the regular agenda for this event.

Jimmy L. Morales, City Manager, wanted to give a moment of historical background, due to the comments staff may have regarding the recommendation. He explained that two years ago, before the City had a Chief Resiliency Officer, and prior to the existing City Commission, the Planning Board brought the same recommendation with the same map in front of the City Commission. At that time, the Historic Preservation Board (HPB) endorsed that map, and the Commission decided not to move forward, pending the Master Plan. At the end of the process, the staff went back and reached the same conclusion. Therefore, there it is not a new agenda. The City Manager clarified that this is the same recommendation staff made two years ago, even before they were informed by some of the resiliency information that has come forward. He emphasized that whichever process is acted on, it needs to have clear design criteria built into it. City Manager Morales encouraged the City Commission to take action on Friday, December 9, 2016 that includes, within the recommendation and as part of the Designation Report, the development of design criteria guidelines, to determine what happens in that District and whether the decision process will be made by the HPB or the Design Review Board (DRB). He then introduced Assistant City Manager Susanne M. Torriente.

City Clerk's Note: Memorandum submitted by Nancy Liebman was inadvertently excluded by the Planning Department from the original Commission Agenda package. Ms. Liebman's memorandum was distributed at the dais.

REGULAR AGENDA

R9 - New Business and Commission Requests

12.5.16 - 3:06:43 p.m.

12.9.16 – 12:19:35 p.m.

R9 A DISCUSSION REGARDING NORTH BEACH LOCAL HISTORIC DISTRICTS BOUNDARIES AND CONSERVATION DISTRICT BOUNDARIES.

Planning
Commissioner John Elizabeth Alemán

ACTION: Discussion held. See motions below. **Thomas Mooney to handle.**

ACTIONS:

MOTION NO. 1:

Motion made by Commissioner Arriola to extend the demolition moratorium expiring January 13, 2017 (clarified that it only pertains to Section "A") for another six months; seconded by Commissioner Alemán; Voice vote: 7-0. **Office of the City Attorney to prepare the Ordinance for the January 11, 2017 Commission Agenda. Thomas Mooney to Handle.**

MOTION NO. 2 & REFERRAL TO LAND USE & DEVELOPMENT COMMITTEE:

Motion made by Commissioner Alemán to request that the Planning Department initiate an application for the creation of a Neighborhood Conservation District Overlay, and to refer

the item to the Land Use and Development Committee; seconded by Commissioner Steinberg. Voice vote: 7-0. **Thomas Mooney to handle.**

MOTION NO. 3:

Motion made by Commissioner Alemán to accept the HPB's recommendation to designate Sections "C," "E" and "G" as Local Historic Districts, and to authorize the Planning Department to prepare a Designation Report based on those findings; seconded by Commissioner Malakoff. Ballot vote: 7-0. **Thomas Mooney to handle.**

MOTION NO. 4:

Motion made by Commissioner Alemán to modify the HPB's recommendation and deny the proposed request for Local Historic District designation as to section "A," the Tatum Waterway; seconded by Commissioner Grieco. Ballot vote: 5-2; Opposed: Commissioner Rosen Gonzalez and Steinberg. **Thomas Mooney to handle.**

MOTION NO. 5:

Motion made by Commissioner Alemán to modify the HPB's recommendation, and deny the proposed request for Local Historic District designation as to Section "D," South Shore Drive; seconded by Commissioner Grieco as courtesy, but will be voting "no" on the motion. Ballot vote: 1-6. (Opposed Mayor Levine, Vice-Mayor Malakoff, and Commissioner Arriola, Grieco, Rosen Gonzalez and Steinberg) Motion failed. **Thomas Mooney to handle**

12.5.06 - 3:08:20 p.m.

I. Introduction by Susanne M. Torriente.

This special meeting was called to discuss important matters of historic designation in the areas of North Beach, and to discuss the complexity of the issue concerning the privatization process, from the professional planner's recommendation, and what they presently know about sea level rise. The information received will contribute to the decision the City Commission makes, including choices about designation, either historic or conservation. This is an opportunity to discuss one area and two options at the same time; the historic designation process has been making its way through the HPB, and the conservation process was just referred. Planning staff is prepared to describe the historic preservation designation and conservation district overlay processes, its timeline, their elements, similarities and differences. They will be pointing out the current designation process, which currently is at number four (4) out of seven (7) steps. Assistant City Manager Torriente added that the 2014 Planning Department recommendation is the same as the 2016 recommendation, with some additional points: 1) earlier this year the City Commission adopted the South Beach Florida Climate Compacts Unified Sea Level Rise Projections, and so they are using these projections for planning purposes: 2) six (6) to ten (10) inches of sea level rise by 2030, starting at the 1992 baseline; anywhere from 14 to 34 by 2060, and 2100 is anywhere from 31 to 81. The baseline that the Unified Sea Level Rise uses is 1992, and they know that since 1992 to the present, they have seen about three levels of sea level rise; 3) the City has made an investment to adapt to sea level rise, with investment in stormwater programs and the new elevation standards adopted by the City Commission, base flood elevation, grade, seawall elevation, etc.; 4) the Mayor's Blue Ribbon Panel on Sea Level Rise has been dealing with historic preservation discussions in the face of climate change by doing research, attending conferences and recently engaging the University of Miami (UM), to assist with the development of

those design guidelines mentioned by the City Manager. Professor Sonia Chao, from UM, will explain the work she is doing in the City. The October Planning Department's recommendation is still based primarily on the greatest concentration of architecturally significant buildings, with an additional level of information. As the Chief Resiliency Officer, Assistant City Manager Torriente believes her task is to give the City Commission all the information available in order for the City Commission to be able to make these important decisions.

- II. Planning Department Staff Report Summary – Thomas Mooney and Debbie Tackett
 - a. Historic Preservation Board Preliminary Evaluation
 - b. Outline of Neighborhood Conservation Districts

12.5.06 - 3:13:38 p.m.

Thomas Mooney, Planning Department Director, briefly explained the primary differences between neighborhood Conservation District and Local Historic Designation. Within the larger area of the National Registry boundaries, on Normandy Isle and North Shore there have been areas recommended for local designation as will be shown in the presentation. The remainder of the National Registry District that was not proposed for local designation could potentially become a Neighborhood Conservation District. The City has the Gilbert Fein Conservation District currently in the West Avenue area. In this instance, as the City Manager mentioned, there was a previous recommendation for designation in 2014. There was also an Ordinance adopted by the City Commission that proposed to amend the RM-1 regulations in the North Beach area. Based upon direction of the Land Use & Development Committee (LUDC), staff will be putting together zoning overlay regulations that could become part of a Neighborhood Conservation District. Some of the things discussed as part of the overlay were: reducing setbacks on the front, increasing setbacks on the side, reducing heights in certain portions of buildings, and modifying parking requirements. As part of the Master Planning process, lot aggregation had been suggested, so that any new construction or redevelopment in that area would be more consistent with the existing low scale character of the neighborhood. As a zoning overlay, these types of regulations can be imposed on a larger National Registered Boundaries, and would be applicable whether the area is zoned or whether the area is designated as a Local Historic District, those zoning regulations will apply for new constructions or additions. If the direction is to move forward with the preparation of Neighborhood Conservation District zoning Ordinance amendments, staff can do that quickly if the item is referred to the Land Use & Development Committee or the Planning Board, and they can bring back to the City Commission in a relatively short period of time. He introduced Debbie Tackett.

12.5.06 - 3:17:04 p.m.

Debbie Tackett, Chief Historic Preservationist, Planning Department, presented a [slide show](#). At the request of the City Commission, the Planning Department presented two preliminary evaluations and a recommendation report to the HPB on October 11, 2016. These reports were developed in accordance with the boundaries identified in the North Beach Master Plan. On the maps, areas in the North Shore are labeled as "A" and "C," and in Normandy, they are labeled "D," "E" and "G." The boundaries identified in the Master Plan were consistent with the recommended boundaries by the Planning Department in 2014 and expanded upon. In the proposed North Shore Local Historical District, the Master Planner included area "A", which is the property surrounding the Tatum Waterway, and in Normandy Isle, the North Beach Master Plan expanded

staff's original recommendation of "E" and "G" to also include "D," which is the area north of the Normandy Waterway on South Shore Drive. At the October meeting, the HPB did recommend that the boundaries for the proposed Local Historic Districts be consistent with the boundaries as noted in the Master Plan. Staff evaluated all of the areas in the National Register District in 2014 and again in 2016, and they found that the areas identified satisfied the criteria for local designation as outlined in City Code Chapter 118-592. Most notably, these areas are directly associated with the significant events that took place following America's success in World War II. Additionally they believed that the character and quality of the post-war modern architecture - Miami Modern, better known as MiMo, which is a style of architecture from the Post World War II era (1945 to mid-1960s) - satisfied the criteria for eligibility for local designation. Typical examples of post-war modern architecture are found in Harding and Byron Avenues. In the Normandy Isle Historic District, they have Bay Drive, Normandy and Marseilles. There are two areas in question that staff did not recommend being included within the North Shore Local Historic District to the HPB: In this area of North Beach, they identified large, non-contributing structures, which they believe interrupted the continuity of a proposed Local Historic District. Specifically on Tatum Waterway, there are contributing buildings and large, non-contributing buildings that interrupt continuity of architectural features, style and period of construction. On Crespi Boulevard they identified a different situation; with mostly similar scale buildings (one to two-story buildings); however, they identified a significant number of one-story buildings. Being informed on sea level rise and what Public Works is doing with the raising of the streets, they believe that those structures would be the most challenging to adapt to sea level rise. For example, on Tatum Waterway Drive, there is a lack of cohesiveness seen in terms of the scale and quality of buildings in the area. The second area they deferred both from the Master Plan and the HPB recommendation, is the area along South Shore Drive. Similar to Tatum Waterway, the South Shore area has large, non-contributing buildings, mid-block, in these proposed Historic Districts, with large parcels of vacant land, which staff believes interrupts the cohesiveness and continuity of historic architecture. The map, put together by the Planning Department, demonstrates how staff came to the recommendation concerning cohesiveness and continuity of the architectural fabric. At the South Shore area, there is very little cohesion in terms of the streetscape, with significant concentration of historic buildings. In talks with the Resiliency and the Public Works Departments, in terms of street elevation, existing grade elevation in the area, not just on South Shore Drive, but in the entire proposed areas, it was found that parcels "D," "E" and "G" are relatively low lying areas, and those streets will most likely have to be raised two (2) feet or more. In this case, they evaluated properties primarily on cohesiveness, concentration and the significance of the architecture, and staff is still recommending, being informed by the sea level rise discussion, and also evaluating this for its architectural merit, and consistent with the 2014 recommendation, that areas "E" and "G" be considered for local designation, as they believe these areas contain a high degree of significant architecture, and every effort should be made to protect and preserve these highly concentrated areas, with the understanding that design guidelines will have to be developed once these streets are raised, not only for the individual buildings, but also the urban streetscape. In conclusion, staff believes, that the overriding purpose in the creation of Local Historic Districts in North Beach is to protect, revitalize and preserve exceptional and cohesive post-war modern architecture. Staff believes the boundaries identified in "C," "E" and "G" will successfully showcase, promote and protect the aesthetic, architectural and historic importance of the highest concentration of the most significant post-war modern style buildings in the North Beach area. Staff is also in

agreement with the HPB, in recommending that design guidelines be developed, individual to these areas, to encourage resiliency and sustainable development in the future. In answering Commissioner Rosen Gonzalez, Ms. Tackett explained that parcels "E" and "G" are slightly nominally higher than some of the areas along the Tatum Waterway, and in "G" there are larger parcels for the most part; those would be easier to adapt in terms of raising grade elevation, then the more narrow on Crespi with 50 foot wide lots, they believe would be creating a challenge. This was not the overriding factor in their determination. The overriding factor was the concentration, significance of the actual architecture, and the cohesiveness of architectural features, which is one of the most important themes in terms of creating Local Historic Districts.

Discussion held.

Commissioner Rosen Gonzalez asked how is it that the National Register of Historic Places (NRHP) came to find the value in these areas, but the Planning Department did not.

Ms. Tackett explained that it is not that they do not find value in the areas, but staff does not believe these are the priority areas to become Local Historic Districts. They identified the areas believed to be priority for the City in moving forward, regardless of sea level rise or not, in order to protect or preserve.

Discussion continued.

12.5.06 - 3:28:39 p.m.

- III. Flood Mitigation Strategies Within North Beach Historic District Areas – Eric Carpenter [Presentation made](#). Mr. Carpenter explained the color-coded map showing elevation of the streets, and indicated that the blue areas are the lowest in elevation, below 2 feet NAVD (North American Vertical Data); areas in green are between 2.7 and 3.5 feet NAVD; yellow is between 3.5 and 4 feet, and brown are higher than 4 up to 6 feet NAVD elevations. As they get closer to the waterway, the elevation of the streets is significantly lower. They have been looking at recent king tides of approximately 2.2 feet NAVD, and are probably looking at 3.2-foot tidal elevation within the next 15 years. They are designing the minimum road elevation of 3.7 to accommodate that, and are trying to make the City more resilient. He clarified that they are not designing the streets in a way to flood the properties, but are designing the streets to hold the water that falls on the streets, and to help with some of the water that may fall on the properties. Ultimately, the goal is to build an opportunity for the City to continue to thrive and build out of this sea level rise situation. They have not done any formal design work for the North Shore neighborhood improvement, but ultimately they did some evaluations, particularly on Tatum Waterway Drive, by taking the average finish floor elevations across the stretch, and on average these are about 4.8 feet NAVD finish floor elevations, but the existing grade elevations are approximately 2.4 feet NAVD, which means they are within 2/10 of a foot, less than 3 inches difference between the king tide elevation and the average grade surrounding these properties. If a road were to be built along Tatum Waterway, they suggest the road be built to be able to last for the next 30 years, and bringing the road up to an elevation of 3.7 at the crown, making the back sidewalk at 3.7 so the water shedding on the right-of-way stays within the right-of-way. They would certainly have challenges and transitions to the adjacent grades that would be about 1½ foot lower to those roadway elevations, but still less than the finish floor elevations of the properties out there, on average.

There are some that are below the 3.7 NAVD, and others that are higher than 4.8, but they would be looking at similar scenarios. This City Commission has taken a proactive approach to protect the City's assets by making property owners raise the seawall elevations, both in public and private sides. He added that public seawall elevations are going up to 5.7 NAVD in the future.

Commissioner Rosen Gonzalez stated that this is based on a plan by AECOMB and explained that this neighborhood needs an alternate plan because of the differences in elevation. She asked if the City received a second opinion, given the current circumstances.

Mr. Carpenter stated that AECOMB worked with staff on the Building Code modifications and the Zoning Code modifications, to see how they can incorporate existing buildings stock, and where they are going to adjust the future of the City, based on where they want to be, and where they are today. Ultimately, there are a great deal of challenging questions, and they are looking for out of the box solutions, but they have not specifically asked AECOMB to design this particular street, since they are probably about 24 months from beginning construction in the area. The intensive design work will probably take place in the last six to twelve months prior. They will evaluate all scenarios, but ultimately they want to build something that will last for the long-term and will not experience frequent flooding.

Commissioner Alemán inquired as of when and how high the road is going to be elevated along Tatum Waterway, and similarly, from the seawall, recognizing that those are private seawalls, from where they are now, what will be the incremental height to meet Code.

Mr. Carpenter explained that they are looking at about an 18 inch, 1½ feet elevation change in the roadway, and approximately that same amount of elevation change on the private seawalls. For the public seawalls, that becomes 3 feet.

Discussion continued.

Commissioner Alemán asked if the seawall is a permanent solution, as it helps with storm surge and tidal flooding over the seawall, where they are looking at 1½ feet of sea level rise in the next 35 years; but what about the limestone bedrock.

Mr. Carpenter explained that seawalls are not made to hold water out; they are made to hold soil back, and seawalls are not the optimal solution. Seawalls do restrict the flow; if the Tatum Waterway were to rise and overflow; the seawall is meant to help overcome the underground flow that they will also be experiencing through the lime rock base, and that is where the pumps and seawalls work in tandem. They have been clear all along, seawalls and pumps are meant to gain the City another 50 years; but they are not meant to be a permanent solution. If the sea rises by 3 feet, they will need to be built out of that in addition to seawalls and pumps.

Commissioner Rosen Gonzalez asked Planning staff if historic designation is a "death sentence" for a neighborhood. If there is water intrusion on a certain property, and the property owner can show that there are property damages from that water intrusion, what is the process under historic designation versus conservation in being able to raise the property or demolish the property and build higher? If it is a Historic District,

there are cases throughout the City where properties are completely rebuilt and only the façade is kept. She wants to understand the process.

Mr. Mooney explained that if someone proposes to make any modifications to a property, if that property is located within a locally designated Historic District, the review authority is under the HPB; unlike properties that are not locally designated, if they were to propose to level the entire property, a Certificate of Appropriateness for demolition from the HPB would have to be obtained. If the HPB did not approve the request, they would need to look at other options for addressing water intrusion issues, such as demolishing the back part of the building, or raising the building; so there are a number of ways to address that, but it is difficult to ascertain how it would be done across the board. Every property must be looked at on a case-by-case basis.

Discussion continued.

Commissioner Rosen Gonzalez asked what the process would be in the Conservation District.

Mr. Mooney stated that in Conservation Districts, since it does not require review by the HPB, a property owner could potentially demolish the building and build something new.

Discussion held.

Commissioner Rosen Gonzalez asked if there are cases in the City's current Historic Districts, where there is property damage and they cannot be salvaged, and they are allowed to rebuild at the current Building Code within the historic guidelines, and has the HPB denied repairing the damages. Mr. Mooney answered that there are no cases to his knowledge.

Commissioner Alemán asked what the cost is for the private property owners that have to raise the seawall where the most urgent remediation is needed. What is the cost per linear foot in bringing seawalls up to proper code to 4 feet?

Mr. Carpenter explained that the prices range between \$1,500 and \$2,000 per linear foot.

Discussion continued.

Vice-Mayor Malakoff informed her colleagues that they would have a discussion at the end of the presentations and testimonies.

12.5.06 - 3:47:32 p.m.

- IV. Presentation by North Beach Master Planner – Dover Kohl and Jorge Kupperman
Jason King, Dover Kohl Partners, stated that they headed a very talented, multi-disciplinary team that worked on the Master Plan. They worked with the North Beach Steering Committee and had representatives from the different interests in the community. The Steering Committee and the consultant team were tasked to create a compromise plan. When they started the project a year and a half ago, North Beach was a much more divided community. The question to the Steering Committee was how small of an area of Local District designation would be accepted, or compromise

can be reached. In their professional experience, Dover Kohl has created plans that created Historic Districts around the country. The whole of the National Districts have enough cohesiveness, concentration and merit to be turned into Local Districts. He is working in other municipalities where they wished they had as much cohesiveness and merit as the Districts in Miami Beach, and ultimately it comes down to values and balance. They have done climate change plans in Louisiana and in the State of Florida. Twelve years ago, he did his first climate change plan in the Florida Keys, and people came out and discouraged him, especially after the big storms, Katrina and Ivan, but that Historic District that was created 12 years ago is still there, and the people that live there are happy that it is there. The plan does talk about climate change and sea level rise. The plan recommends walls, building pumps, and collective actions, which are not incompatible with the preservation. In terms of Miami Beach's ultimate solution, he stated that the predictions are dire. The climate change, the compact talks about 9 inches and 4 feet by 2050, but the plan does not give an ultimate solution. The water is coming up from underneath and the City understands the challenges. The plan; however, makes it clear that historic preservation is not at odds with sea level rise and climate change adaptation.

Commissioner Alemán thanked Jason King for attending the meeting, and asked how they arrived at the boundaries that are referenced in the presentation (A through G).

Mr. King explained that in working with the Steering Committee, if all of the National Districts have enough merit to become Local Districts; understanding that this is a debatable assertion, but if they do, they would work with the Steering Committee. When creating Historic Districts they must ask what the community values are. This community wanted the view, the experience from the waterways, their view from porches, bridges, boats, and that was how those two areas were prioritized.

Commissioner Alemán added that she receives often feedback as to why they would question the Dover Kohl recommendation of where the boundaries are, and the response they received as to why Dover Kohl recommended historic designation for the larger area was that the plan was really created by the Steering Committee. This is a distinction.

Mr. King explained that the question comes up all the time, if it is the Consultant's Plan or the Steering Committee's plan; and the answer is that it is both. The Steering Committee guides it, but they are not going to let them do anything inadvisable; however, in their experience, the recommendations are choice worthy. He recognized the Planning Department staff for doing an excellent job in working together, but he added that it was not sufficient for the Steering Committee. For a year and a half, they reached out to thousands of people, and they did not feel that Planning Department staff recommendation was sufficient.

Commissioner Alemán asked if their decision was due to the demolition control or because the community thought it was very important to control height, scale and massing and architectural design style.

Mr. King stated that the answer to that is both. Even though they recommended the Conservation Districts, the plan still recommended historic boundaries, because for the Steering Committee and for the community they talked to, the Conservation Districts were not sufficient. The Conservation Districts do a good job, scale, massing, and

things people are most afraid of; but even through the Steering Committee and the public did not see it sufficient just to do Conservation Districts.

Commissioner Rosen Gonzalez stated that Mr. King mentioned that around Miami-Dade County, they go into other communities and see that they do not have a significant inventory of historic properties, and these other municipalities in Miami-Dade County wished they had what the City of Miami Beach has now. She asked him to elaborate on those municipalities and what they are going through.

Mr. King explained that in Laredo, Texas, there is a Historic District people would like to see, but it does not have the merit. In Alabama, there is a Historic District, streets and trees are beautiful, but it does not have the cohesiveness, and even in parts of Coral Gables, there are talks about expanding the Historic Districts. Therefore, there are areas where they have had a hard time championing the position that the District should be expanded.

Commissioner Rosen Gonzalez asked if Mr. King would say that Miami Beach probably has the largest inventory of these pristine, Historic Districts, with a building or two in between, but overall they have a tremendous inventory compared to any other place.

Mr. King stated that due to the special architectural style, Miami Modern, there is a large example. In continuing answering Commissioner Rosen Gonzalez's questions, he explained that they did not look at other areas in South Florida when doing this plan.

Vice-Mayor Malakoff asked that if, as a Master Planner, they are looking at lower lying areas, such as the Crespi Waterway, where there are lots of one or two story buildings, and they were made into a Conservation District, where aggregation of lots was prohibited and height was controlled, where new buildings will be built at base flood elevation plus free board, protecting them from further sea level rise, would that be also acceptable to the neighborhood because the scale and context would be the same, or would something be lost by doing that.

Mr. King opined that there is no question that Conservation Districts would do a great deal of good, and also in terms of those one-story structures, it would be helpful to have flexibility to adapt. Yet the Plan could not stop there, because it was not sufficient for the Steering Committee. As a Master Planner, the argument can be made both ways. The City Commission's job is a difficult one, and there is no formula to apply, unfortunately.

Discussion continued.

Commissioner Alemán mentioned diagrams that show how many lots are one-story or even vacant lots, and it is interesting when looking at the map, there are no three or four story buildings. The five story and higher buildings exceed height in FAR and will probably stay as they are. She asked if it was explored with the Steering Committee that more than half of the properties are one story or less along the Tatum Waterway.

Mr. King stated that most Historic Districts are one-story, but they did not go parcel by parcel.

12.5.06 - 3:55:16 p.m.

- V. Comments from Applicable Land Use Board Chairs
- a. Historic Preservation Board Chair, Dominique Bailleul

Dominique Bailleul, HPB member and Chairman, explained that HPB members, his colleagues and former colleagues, have been involved and have studied the North Beach designation. They have been to the bus tour and have done their own work. The process by which they came to the recommendation included a choice of four maps; they listened to all sides; the government, the public and the developer's side. They also looked at the Master Plan and came to the recommendation of what is the Master Plan, what does it offer, and what does it present. After taking everything into consideration, they made their recommendation to the City Commission.

Commissioner Alemán asked what is the obligation of the HPB to consider the unique situation of a property, as it relates to climate change, proximity to the water and elevation.

Mr. Bailleul thinks that when looking at the history of older buildings, that is what made Miami Beach successful, and what has made Miami Beach a destination is not rebuilding brand new. He has been in the City for 26 years, and has heard that North Beach is blighted, and it never has been revived, with or without designation. Now with the issue of sea level rise, he does not think it is a North Beach problem. There are different ways of solving sea level rise, but he sees that this may be the catalyst to bring back North Beach, with this Master Plan, to not only upgrade buildings, build new buildings, but also creating a Historic District.

12.5.06 - 3:59:39 p.m.

- b. Planning Board Chair

Jeff Feldman, Planning Board Vice-Chairman, speaking on behalf of himself, explained that for the last six years they have been discussing these complicated issues. This is an issue he has been vocal, and it is an extremely complicated issue for all of them. They have been trying to find ways to address a compromise. In regards to the Affordable Advisory Committee that he serves on, he commented that they would be bringing a proposal to the City Commission regarding how to address the complicated and difficult issue of workforce housing in the City. He thinks that it behooves them at this point not to include workforce housing on a much deeper level through the Master Plan; and he felt it should have been included. He believes that sea level rise is something that they have to weave into the fabric of the City and should be considered when making laws. He has heard things on the level of raising properties, as it was done on Star Island by a wealthy developer, but as a developer and a professional, that is not a viable solution. He has heard people talking about waiting until the sea level rise issue is actually upon them until they find solutions for it, and that is the wrong approach as well. Now is the time to find solutions. He does not understand how the City can have a Master Plan that does not include being able to aggregate properties, but if they truly want to build affordable workforce housing for the thousands of workers, they need to find creative ways to build.

Vice-Mayor Malakoff explained that the subject of workforce housing is not the topic for discussion, but the HPB's recommendation, and she asked if he approved or rejected the recommendation, or suggests modifications.

Discussion held.

Commissioner Rosen Gonzalez explained that this meeting is to discuss issues regarding designating Districts, and expressed her frustration for the discussion on the workforce housing.

Mr. Feldman stated that one of his concerns, as a Planner, a Real Estate professional and a developer, is that if there is a problem on the property due to sea level rise damage, and the property is raised 2 to 4 feet, that puts that property 2 to 4 feet above the neighboring properties, which can create inconsistencies in the heights of surrounding properties. He is a proponent of pumping the brakes on the most restrictive of all designations, as it pertains to affordable housing and as a resident, in planning into the future.

Discussion continued.

12.5.06 - 4:06:44 p.m.

- c. Design Review Chair – No speakers.

12.5.06 - 4:07:07 p.m.

VI. Public Comment:

Raul J. Aguila, City Attorney, stated that 22 people have signed up to speak on the matter.

Vice-Mayor Malakoff asked the speakers to limit their presentations to three minutes, and only present new information to avoid repeating what has already been said.

Commissioner Alemán asked if the speakers who were invited to present expert testimony could speak for five minutes, to which Vice-Mayor Malakoff agreed.

Commissioner Rosen Gonzalez expressed her objection to permitting certain speakers to have more time to speak than others, and does not believe this is fair and balanced.

12.5.06 - 4:08:23 p.m.

- a. Reinaldo Borges, Pillar Trustees Chair of the Miami Beach Chamber of Commerce, spoke as an architect and activist. The vast amounts of heat industries put into the atmosphere will continue the thermal expansion through the years, and it is undeniable. Currently, architects are designing structures to deal with a six-foot sea level rise in 100 years. It is a significant amount of water to think about, and quite frankly frightening given the amount of flooding that happens in this community. How much flooding in the streets of Miami Beach is needed before the community begins taking action? The North Beach area in question does not need to be labeled entirely historic to preserve the area; in fact, he prefers the Conservation area alternative. Public Works is already elevating roads for the impacts that will take place in 50 to

60 years. This is the pioneering era of sea level rise adaptation; there is no previous knowledge on the matter. He added that raising structures and buildings is very difficult, and does not believe it is a viable option.

Commissioner Rosen Gonzalez expressed her disapproval of Mr. Borges' presentation by calling it the worst kind of ambassadorship the Miami Beach Chamber of Commerce could have presented to Miami Beach.

12.5.06 - 4:19:53 p.m.

- b. Wayne Pathman, Board of Governors Chair for the Miami Beach Chamber of Commerce, stated that Miami Beach is in a unique position because of its geology, Historic Districts, and the fact that it is an island. This City is looked at differently by insurance companies because of these factors. He assured everyone present that the insurance companies will be driving the train concerning the policies for the North Beach area being discussed today. There is an expected two to eight foot sea level rise by the end of the century, and insurance companies need to make money first before they encounter risk. Historic properties at low-lying areas are at the greatest risk, and flood insurance will continue to get more expensive. He cited the Biggert-Waters Flood Insurance Act of 2012, which reduced flooding insurance subsidies across the board resulting in even higher insurance rates. He recounted his experience working with the Palau development, which halfway through construction; the City elevated the surrounding roads and sidewalks, and now, along with many establishments in the area will be flooded unless the pumps are working properly.

Vice-Mayor Malakoff asked how this presentation is related to the designation of a Historic District in North Beach.

Mr. Pathman replied that the proposed Historic District will not work, because there are no resilient solutions to sea level rise aside from raising the roads and installing pumps, and the insurance rates will be astronomically high.

12.5.06 - 4:32:18 p.m.

- c. Sari Libbin, addressed Commissioner Rosen Gonzalez, and stated that she is present not on the behalf of the Miami Beach Chamber of Commerce, but as a concerned resident. This is a very important issue for her, and she believes it is important to maintain the integrity of the unique boutique style of North Beach, but creating Local Historic Districts is not the solution. A middle ground can be reached with the right expertise of innovative architects, engineers and sea level rise specialists. This is a good opportunity to maintain the look, feel and charm of North Beach as an affordable and attractive option to live, work and play. She opposes the Historic Preservation Board's recommendation to establish two Historic Districts in North Beach.

Commissioner Rosen Gonzalez stated that the Town Center on 71st Street will be directed towards millennials.

12.5.06 - 4:34:59 p.m.

- d. Sonia Chao, Director of the Center for Urban and Community Design at the University of Miami's School of Architecture, stated that her department at the

University of Miami has been working with local communities since 1992 after hurricane Andrew hit Florida. This is no longer the preservation world she was trained under, it is the preservation world that is being challenged by pausing instead of coming up with immediate guidelines for preservationists. Preservation needs to take the lead and move forward to protect not only physical but also cultural heritage. She addressed the low floor-to-ceiling heights in the North Beach buildings, which is because they were built before air conditioning was available. She recommended establishing a Conservation District with multiple designations within it.

Commissioner Rosen Gonzalez stated that just because it is a historic area does not mean it cannot be amended nor have properties demolished. By having a Conservation District, the jurisdiction would go from the HPB to the DRB, and she would prefer the jurisdiction to stay with the HPB.

Dr. Chao stated that she is not opposed to having the area eventually becoming a Historic District, but at this point in time, it would be better to label it a Conservation District, and have staff review the buildings, to get a better assessment of preservation needs.

Commissioner Rosen Gonzalez stated that the only difference between a preservation and Conservation District is the governing body. She wants to preserve buildings, not just their façades.

Dr. Chao explained that a Preservation District is different from a Conservation District. A Conservation District looks at the overall environment of an area, whereas a Preservation District looks at each individual building at a time.

Commissioner Alemán explained that a Local Historic Designation can only be undone by referendum. A Conservation District can control height, scale, mass, architectural design, allows resiliency to property owners, and is a legislative act of this body.

Discussion held.

12.5.06 - 4:48:01 p.m.

- e. Daniel Ciraldo, MDPL, stated that this is not about a method, but about two neighborhoods that were deemed important by the National Register of Historic Places. The significance comes from the time they were developed during and after World War II. He believes a great deal can be done about development and renovations of these areas, but they should go through the HPB.

Discussion continued regarding MDPL and Dr. Chao's relationship with the City.

12.5.06 - 4:54:23 p.m.

- f. Daniel Veitia stated that he does not know of another way to make Miami Beach housing affordable without subsidy. He sat on the Miami Beach Community Development Board for many years, and explained how that

board worked hard to preserve buildings and provide affordable housing. However, it comes down to economics; the FAR will need to be increased in order to bring down the per-unit-cost to keep rents affordable.

12.5.06 - 4:59:32 p.m.

- g. Nancy Liebman stated that she was one of the original members of the HPB. She was also an advisor to the Florida and National Trusts. She has spent years doing this. Sea level rise is a problem that needs to be addressed, but it should not be the excuse to tear down Historic Districts. There is currently hysteria to get rid of the old and build a new City, and that cannot happen. Art Basel would not want to be hosted in Miami Beach if there were only high rises. She explained how many people and organizations including the Miami Beach Chamber of Commerce were opposed to the preservation of the Art Deco District, and now they are opposed to the creation of the North Beach Historic Districts. Miami Beach is risking becoming a “concrete canyon.”

Commissioner Alemán stated that she is not looking to build a new City or raise all the buildings, but more than 50% of the structures on Tatum Waterway Drive are one-story buildings that will be severely affected by sea-level rise and this needs to be addressed.

Discussion held regarding Daniel Veitia’s connections with real estate developers.

12.5.06 - 5:11:45 p.m.

- h. John Breistol informed that his company owns 22 buildings and 182 individual units in Miami Beach. Although he does not live in the City, he has a stake in what happens here. He believes this is a very complex issue, but agreed with Mr. Veitia’s point that it will be very difficult from a financial point of view to make these properties work if too many restrictions are implemented.

12.5.06 – 5:13:25 p.m.

- i. Jeff Donnelly stated that these buildings are historic, and they are in a Historic District. He thanked Mr. Pathman for all of his efforts regarding sea level rise. There is nothing that makes these historic buildings less valuable because of sea level rise. The problem will not be solved by demolishing old structures and replacing them with new ones.

12.5.06 – 5:16:41 p.m.

- j. Jack Finglass stated that he considers sea level rise and historic preservation seriously, and believes the conversations should include the opinions of Federal agencies. He clarified a statement he made that was taken out of context in social media by Commissioner Alemán.

12.5.06 – 5:20:32 p.m.

- k. Paul Muhka, President of Fairway Park Neighborhood Association, stated that in this neighborhood, 90% of the buildings are contributing structures; by comparison, the Flamingo neighborhood only has 85% contributing structures. All of the buildings are at a 3.7 elevation. He does not know why the City wants to raise the streets, when there is a great deal of more flooding on 71st

Street. He asked the City to include this neighborhood in the historic designation.

12.5.06 – 5:22:47 p.m.

- i. David Goldman stated the real issue is historic designation and is not necessarily related to sea level rise. The connection being made is not proven or demonstrated, but somehow ascertained. He sees no compelling evidence to ignore the recommendations of the Dover Kohl, which would really disadvantage residents. This powerful interest keeps coming back, and he urged the City Commission not to succumb.

12.5.06 5:25:57 p.m.

- m. Paula King stated that historic preservation and sea level rise are not exclusive mutually. She lives in a Jared Pitt designed house elevated above the NAVD. There are few houses not risible in the area; but many people would like to have assistance from the City to make it work.

Vice-Mayor Malakoff clarified that the City maintains and pays for public seawalls but private owners pay for their own.

12.5.06 – 5:28:48 p.m.

- n. Rubin Konister, tax attorney, stated that Section of the IRS incentivizes developers to develop distress zones; and North Beach is a distressed zone. This tax credit is an important financial tool that the Federal Government brings; build something, develop something or change it. If you want the community to be eligible for these dollars, they need to make changes too.

Commissioner Alemán asked staff to look into the eligibility for funds.

Debbie Tackett is not aware of Federal or other monies for that purpose. FEMA would make money available if a disaster occurs.

12.5.06 – 5:31:10 p.m.

- o. Kirk Pascal stated that there are 16 out of 72 contributing parcels on the Tatum Waterway. It is the authenticity that it is important, and with sea level rise in mind, and in finding ways for preservation and resilience, Miami Beach is challenged with unique situation. He challenged the City Commission to try to figure out a way that if there is a one-story structure that is vulnerable with a façade, there must be criteria to keep the character of the neighborhood. In addition, he believes the HPB take hardships seriously. The balance of this Master Plan is important, and to undermine the public confidence by not figuring out a solution or go forward.

12.5.06 – 5:35:34 p.m.

- p. Katie Comer stated that this City Commission cannot undo what has been proposed in the Master Plan, otherwise, there will be a lack of faith and trust from the residents of North Beach.

12.5.06 – 5:37:40 p.m.

- q. Paul Markowitz stated that if Art Deco was not preserved, it would have been gone. This Commission and residents should be jumping with joy to have

another Local Designated area. It is appalling to him that elected officials are not hearing the people, the residents, the voters of Miami Beach, but they can elect to have people with financial interests developers give their presentations. They were not elected to serve the will of developers to make more money, but legally responsible to uphold the will of the people.

12.5.06 – 5:51:13 p.m.

- r. Tanya K. Bhatt introduced herself and stated that she has heard ideas that should be incorporated in the process. She showed a PowerPoint Presentation showing other options for seawall construction. She encouraged them “Not to throw the baby out with the bathwater.”

Commissioner Alemán clarified that they are talking about Sections “A” and “D” along the waterway, and local designations for “C” and “G” is not being discussed today. She suggested going back, look at the survey, count the parcels that have one or five stories plus. In October, there were 12 high tides, higher than ever before, with properties being inundated. By 2050, that is one mortgage cycle, and it is really material.

Ms. Bhatt suggested a house-by-house assessment.

12.5.06 – 5:51:21 p.m.

- t. Matis Cohen stated that there are ramifications of the decisions this City Commission makes. He has listened carefully to all individuals, and there is no consensus. The City, not knowing the danger they are facing, to take specific action that could potentially harm the ability of the property owner’s insurance, and to limit them into a specific issue to control, whether they go the Planning or HPB route. It is unfortunate that there are no guidelines under which they make their consideration. If there were guidelines, property owners would trust the board’s decision.

Discussion held.

12.5.06 – 5:55:06 p.m.

- u. Christina LaBuzetta stated that North Beach has a different architecture and attracts media and fashion, but it is a sought out architecture that she thinks can turn around, as it did in South Beach. The architecture drives the success of an area and people have started to invest in that area. She hopes that they take that in consideration.

Debbie Tackett clarified that in the area outlined as “A” on the map, the Tatum Waterway, there are 94 parcels; 20 one-story buildings; 29 classified as non-contributing buildings.

12.5.06 – 5:59:09 p.m.

- v. Carolina Jones thanked the City Commission for the forum. She stated that at the Steering Committee they addressed adaptation, preservation and sea level rise; there is no blueprint, and Susanne M. Torriente said that they are challenging the process; they need to come up with a preservation strategy overall for the City. They need to come up with a preservation strategy that takes into account sea level rise. The HPB needs to be educated and

understand fully before they opine. She suggested moving forward but including guidelines.

12.5.06 – 6:02:07 p.m.

VII. Commission Discussion and Deliberation

Commissioner Alemán stated that Dover Kohl explained in the North Beach Master Plan that the North Beach Districts are composed of reinforced concrete structures, which result in incredibly strong buildings. She believes that these structures would be good candidates for elevation. She asked if anyone present has sufficient knowledge to explain whether this is a viable option.

Commissioner Rosen Gonzalez replied that experts will be present on the December 9, 2016 meeting, and can answer that question then.

Mr. Feldman stated that it is unrealistic to raise buildings. It is possible, as evident on Star Island, but it is absurd to do this mainstream to apartment buildings. Not a cost-effective solution.

Vice-Mayor Malakoff asked if the tides come up to the one-story buildings along the waterway, would the HPB allow those buildings to be demolished and new ones to be built.

Commissioner Alemán added that it is not fair to have every owner have to prove hardship individually; when the hardship is evident as seen in the photos present in the City Commission chambers.

Thomas Mooney, Planning Department Director, replied to Vice-Mayor Malakoff's question. Once a property is included within a Local Historic District boundary, they are subject to HPB review. The only way not to have the HPB review would be not to include the property in the Historic District. In response to the second question, new language could be added concerning the review of one-story buildings. He is not sure whether this would be possible, but guidelines could help the HPB have an easier review for single-story homes. He explained that with a Conservation District, the application would not come to the HPB; it would be subject to DRB approval. The DRB does not have the authority to prohibit demolition. It can, however, place limits on new construction and further limits on existing buildings.

Commissioner Arriola asked Mr. Mooney if a Local Historic Designation were placed, what would be the process to catalogue each structure in the Historic District, including the non-contributing and one-story buildings.

Mr. Mooney replied that the next step in the process would be for the HPB to designate a report that is a much bigger than the preliminary evaluation, and include a detailed analysis of every property in the District. Every property will have a recommendation of contributing or non-contributing. The City Commission does have the ability to modify the classification. Limits could be placed on what the HPB can or cannot do within a District, but that would best be consulted with the City Attorney.

Commissioner Arriola stated there is a strong consensus on designating Local Historic Districts. The debate is where the designations should be, and how to protect best buildings at risk from sea level rise. The facts of sea level rise must be taken into consideration.

Vice-Mayor Malakoff clarified that today's meeting will only present information. Action will be taken on the December 9, 2016, Special City Commission meeting.

Commissioner Steinberg challenged her colleagues to look at preserving the local architecture while dealing with the sea level rise problem. The community had consensus, and the City Commission needs to take that into consideration.

Commissioner Alemán stated that when she voted to ratify the North Beach Master Plan, it was the understanding that there would be further discussion on the historic designation. The Miami Beach Planning Board was the only group that furthered its study, and it arrived at a different answer than that provided by the Master Plan. She explained that requesting this meeting took a great deal of effort, and she in fact has been vilified by many preservationists for simply wanting to discuss the issue. She is concerned because water is already coming into the buildings, and the sea level rise will affect everyone in this community. There is an obligation to protect people's property rights.

Discussion held regarding comparing Miami Beach to Detroit.

Commissioner Rosen Gonzalez stated that she is an active Florida Realtor, and is aware of the housing market situation. Miami Beach is facing an existential crisis, but it does not wholly rest on Tatum Waterway. She showed a video of a previous City Commission meeting where several Commissioners and the Mayor agreed to approve the Local Historic Districts proposed by the North Beach Master Plan. Commissioner Rosen Gonzalez stated that at some point, something happened and the City Commission started questioning the historic designation. She does not believe there is damage or water intrusion, or that people will no longer be able to afford flood insurance because of historic designation. She claimed 750 buildings are in the District, and 380 buildings are in the Conservation District, making it a potential 10,000 residents who may be displaced.

Commissioner Arriola interjected and exclaimed that Commissioner Rosen Gonzalez is presenting false facts. The area being addressed is the Tatum Waterway, and the statement that 10,000 residents could be displaced is incorrect.

Discussion continued regarding Tatum Waterway.

Commissioner Alemán pledged her support to Historic Districts.

Vice-Mayor Malakoff requested the figures for the amount of residents being displaced, if all buildings disappeared in areas "A" and "D." **Planning Department to handle.**

Commissioner Alemán suggested verifying the facts. The population in the five-story or higher buildings will not be displaced. In regards to displacement, preservation is not a form of rent control. To add resiliency to historic structures is more expensive than to non-historic structures. Most residences in this area are not homesteaded and, as such, are not protected against property tax increases. Flood insurance has gone up more than 500%, and there is not enough City money to cover the necessary improvements to all of the City's seawalls. Preservation has nothing to do with the increase in housing costs.

Discussion continued regarding resident displacement.

Debbie Tackett stated that there are a total of 28 buildings in the South Shore Drive area; three of them are non-contributing and over five stories high. In the North Shore District, Tatum Waterway, there are 100 individual buildings, 29 of which are considered non-contributing, and over the current maximum FAR. These areas do not have the number of residents suggested by Commissioner Rosen Gonzalez.

Discussion continued.

Thomas Mooney, Planning Department Director, stated that between now and the December 9, 2016 meeting, the Planning Department will provide the City Commission with the figures of people who may face displacement. **Planning Department to handle.**

Commissioner Alemán stated for the record that the Conservation District will protect height, scale, and have Local Historic Designation. The discussion is about the waterfront properties that are vulnerable to sea level rise.

Mr. Mooney added that the Conservation Zoning Overlay is different from the guidelines recommended to the HPB regarding specific projects. Zoning Overlay will address things specific to the Code, and is legislative in nature.

Commissioner Alemán stated that the problem is that the Miami Beach preservation community does not trust the DRB to be a good custodian; and property owners do not trust the HPB. Qualified and credible people are needed for both boards.

Commissioner Arriola thanked Commissioner Alemán for having the courage to bring this discussion on. He apologized to Commissioner Rosen Gonzalez for having raised his voice earlier, but this is a passionate topic for him, just as it is for her.

Commissioner Rosen Gonzalez claimed that the City's residents do not trust the City Commission as evident by the numerous failed ballot questions during recent elections.

Discussion continued.

Commissioner Aleman stated that the only way rent will stay at the same level is if there are no improvements done to the properties.

Meeting adjourned at 6:38:23 p.m.

December 9, 2016 – 11:59:11 a.m.

Vice-Mayor Malakoff announced that there will be a 15 minute delay before commencement of the continuation of the December 5, 2016 Special Commission Meeting today and apologized for the inconvenience.

City Clerk's Note: Mayor Levine and all City Commissioners are in attendance.

12:19:35 p.m.

Mayor Levine called the meeting to order. He announced that there will be no public comment, as public comment was previously heard on December 5, 2016.

Pledge of Allegiance led by former Commissioner Jerry Libbin.

Mayor Levine recognized Jerry Libbin's daughter, Sara, for her valuable public comments on the subject during the December 5, 2016 portion of the meeting.

Commissioner Alemán referred to maps and charts distributed on the dais showing typical sections of the Tatum Waterway, with the lowest and highest finish floor elevation; and it shows where the existing natural ground, seawall and roads are, and what the application of the adaptations the City is planning for will be. She summarized that the issue has been thoroughly discussed during the North Beach Master Planning process, with public input from several Commission Meetings and testimony from the December 5, 2016 Special Commission Meeting.

[PowerPoint presented.](#)

Mayor Levine introduced Wyn Bradly, HPB member, and as courtesy, requested allowing her to speak for at least two minutes.

Wyn Bradly, Architecture Professor at the University of Miami, member of the HPB and Mayor's Blue Ribbon Panel Sea Rise, informed the City Commission that she has been documenting, designing and building on Miami Beach since the 1990s. She comes with a historic preservation perspective, and resiliency, which is a new issue for them, professionally and those that live in the community. The two are not mutually exclusive, as they can, and do, exist together, and so solutions will be finding a middle ground between the two. She was a member on the HPB in 2014, when the designation issue came up for review, and at that time the Board voted in favor of a District that is what Dover Kohl came to see as their District. It came in 2014 before the City Commission, and it was turned down in lieu of needing to obtain additional information. During the past two years, additional information was obtained, and the result is a Dover Kohl re-draft in the Master Plan. The issue came before the HPB recently, and the HPB staff recommended a smaller District than what Dover Kohl was recommending. The HPB decided to vote for a larger District and agreed with what Dover Kohl recommended. However, at that meeting, they had

neither discussions related to Conservation Districts nor issues of sea level rise. Most of the HPB members have not been educated on issues of sea level rise, but she understands that Assistant City Manager Susanne M. Torriente and her team will advise the HPB members on the issue. A vote was had and the greater Dover Kohl boundaries were recommended. The only reason she is speaking today is simply to say that it is important that there is a District designated and defined; if it is going to be a larger or smaller, in her purview it is almost irrelevant, as they will have to deal with sea level rise in already existing designated Historic Districts that are already, and have been for a number of years in South Beach. UM together with the City's team are looking at overlays and doing design guidelines of what that would look like in those already existing Historic Districts. Everyone agrees that they are going to preserve these Historic Districts, as they are part of their cultural identity. If it were a larger District, those overlays would need design guidelines to be placed over them; if small Districts, then that would incorporate a Conservation District.

Discussion held.

Commissioner Alemán stated that this legislation will shape the City for the next 30 to 50, 80 years, and the City is one of the 100 resilient cities and rising above, so this is a key component of those objectives. She announced that she was going make several motions. See below:

Initial Motion No. 1 - Conservation District

Commissioner Alemán stated that the Conservation District footprint that is in the Master Plan is too small. The Conservation District affords protections of height, scale, massing, architectural style, but can also include more than that. She suggested including the protection of the Conservation District across the entire footprint, as that gives them a safety net for height, massing, and architectural design, no matter what happens now or years from now. They will always have the protection of the Conservation District. Her motion is to modify what the Master Plan says to extend the Conservation District to the entire footprint of the National Historic Register; seconded by Commissioner Grieco.

Commissioner Rosen Gonzalez requested to hear all four motions before she can vote on them and understand what is happening. Ms. Bradley gave testimony that they should designate it, as they will have to deal with it, and that is a broken promise and trickery.

Commissioner Alemán agrees in listing all motions prior to voting. She referred to maps distributed with Sections "A" through "G." In the Tatum Waterway Area, they have "A," "B" and "C," and both the Planning Department and the Historic Preservation Board agreed that Section "C" makes sense for Local Designation, and in the Normandy Isles Local Historic Area, both the Planning Department and the Historic Preservation Board recommended that Sections "E" and "G" be Local Historic Districts. Since there is agreement between staff, the HPB and the Planning Department, her second motion is to proceed with Local Historic Designation of parcels labeled "C" "E" and "G." The two sections where there is a different conclusion between the Planning Department and HPB, she suggested to bifurcate into Motion 3 and 4.

Discussion continued.

Initial Motion 2:

On the three sections where the Planning Department and the HPB agree, which are Areas "C", "E" and "G," Commissioner Alemán moved that the City Commission approve a Local Historic Register District.

Initial Motion 3:

Motion made by Commissioner Alemán to remove Section A, which is the Tatum Waterway section, and include as conservation, but not Local Historic.

Initial Motion 4.

Motion made by Commissioner Alemán to remove South Shore Drive Area "D."

Discussion held.

Click [here](#) for Map for Sections "D," "E," "F" and "G."

Click [here](#) for Map for Sections "A," "B" and "C."

Commissioner Rosen Gonzalez asked for a point of order, and stated that they have never seen these map before; they are here to designate the Districts as proposed and drawn by Dover Kohl, that was the promise that was made; and now with the Conservation Overlay, removing Tatum Waterway, removing South Shore and not allowing public input, she believes this is an outrage and they are going back on the promise the City Commission made.

Mayor Levine explained that there are seven elected officials and each one has a vote and free will. He believes Commissioner Alemán broke this down into four specific areas, and they can vote for or against the proposals as they see fit. They had four hours of public discussion, and he believes everyone on the dais is for historic preservation and they want areas designated, but if someone decides that because a small section may go underwater it does not make sense, they have the free will to vote.

Commissioner Rosen Gonzalez stated that when the Commission makes a promise to the people they represent, those promises must be kept; and Ms. Wyn gave her expert testimony that they need to designate and continue historic preservation across the City. This is setting a dangerous precedent, and if they allow this Conservation District instead of Historic Districts to take place, the Historic Districts in South Beach can be in danger. She is disappointed that the promise made is not being kept.

Mayor Levine stated that he promised historic preservation areas, and the Commission is in the cusp of doing so; but it may be 90% rather than 100%. He stated that when he became Mayor he promised that they would incentivize and energize the North Beach area, and with an incredible Panel it was done; he promised the Master Plan for North Beach and they did it; he also promised Historic Conservation Districts in North Beach, and they are about to do it, but it may be 95%, and that is called a "compromise." He urged his colleagues to vote "yes" or "no." on each of the motions.

Discussion held.

Vice-Mayor Malakoff clarified that the first motion by Commissioner Alemán was not to make it all a Conservation District, but to do overlay conservation; in other words, if there are Local Historic Districts, is this an Overlay District for Design Guidelines.

Commissioner Alemán explained that her motion is not intended to conflict with any Local Historic Districts, and Planning staff has confirmed that, and this is important; if a property is under hardship and has to be demolished, then the Conservation District guidelines will apply and they will have the required guidelines as to height, scale and massing.

Vice-Mayor Malakoff added that it would also control the aggregation of lots, so that large buildings built out of scale cannot be built.

Raul J. Aguila, City Attorney, stated that Planning Director Thomas Mooney and he would like to assist the City Commission and the public with the motions. In Commissioner Alemán's motion, she is accepting the HPB's recommendations regarding Sections "C," "E" and "G" of the proposed Local Historic District, and is requesting to modify the HPB's recommendation by removing Sections "A" and "D" from the Local Historic District. He thinks this can be done as one motion or they can be bifurcated. The next motion would be to initiate the creation of a Neighborhood Conservation Overlay District.

Discussion held.

Commissioner Alemán added that anyone who lives or owns property in a currently existing Locally Historic Designated Area, such as South Beach, those areas could not be repealed without a referendum; therefore, it is protected. Secondly, Commissioner Alemán reminded everyone that Dr. Chao, from UM, had explained that there was a difference between South Beach, Art Deco buildings, and North Beach MiMo, as it comes to ceiling heights and adaptations being different. Since Art Deco predates air condition, ceilings are very high and the adaptation can be raised up to 4 NAVD. With MiMo, buildings were built post air condition, the ceilings are lower, and raising the finish floor is not an adaptation that is probably going to help most structures. There are differences between these neighborhoods that need to be explored.

Thomas Mooney, Planning Department Director, confirmed the motions made. The first motion was to create a Conservation District Overlay for the boundaries of both National Registered Districts. The Normandy Isles area, the National Register Area that is currently in place comprises of areas "D," "E" and "F," so the Conservation District overlay. There is a similar type of overlay that exists in the Flamingo Park area, which involves amending the Zoning Ordinance to create definable regulations that would be required by Code and it would be applicable, whether or not the DRB is reviewing a project outside of a Local Historic District, or the HPB is reviewing a project in a Locally Designated District. The same would apply to the North Shore National Register District, which comprises areas "A," "B" and "C." He asked that the motion be amended to refer that item to the Land Use & Development Committee and the Planning Board, as it is an Ordinance amendment. Commissioner Alemán accepted referring the item.

Commissioner Rosen Gonzalez wants everything conserved, and is strongly opposed to not designating what Dover Kohl recommended as historic.

Discussion continued.

Commissioner Steinberg recommended referring the issue of the Conservation Overlay Historic District to Land Use & Development Committee and Planning Board to draft the language and design guidelines for the historic areas.

Motion To Refer:

Motion made by Commissioner Steinberg; seconded by Commissioner Alemán to refer item.

Commissioner Arriola believes that they all share the same sentiments on the dais, but his end goal is to preserve as much as possible in the North Beach area, especially the MiMo architecture. In order to accomplish this, one method is to designate them historical, although there are some downsides to it as discussed previously. He added that those individuals that are in favor of preservation designation are concerned that in the interim, buildings will be torn down. He asked Mr. Mooney what they can do to protect them, and suggested extending the existing moratorium to ensure important buildings will not be lost.

Thomas Mooney, Planning Department Director, stated that if areas in question, "A" in the North Shore Area, Tatum Waterway, and "D" in Normandy Isle, which is the South Shore Drive area, if they were not included within the Local Designation District boundaries, an extension of the demolition moratorium must be included in order to require that demolition of any of those building goes through the HPB process.

Commissioner Arriola stated the moratorium expires in January 2017 and they should renew it at that time. He would like to see some additional protection so that concern of demolition is addressed.

Discussion continued.

Vice-Mayor Malakoff is in agreement with extending the moratorium for six months, since they do not want buildings demolished.

Raul J. Aguila, City Attorney, explained that the City Commission should extend the current Ordinance for the moratorium.

Motion For Extension of Demolition Moratorium:

Motion made by Commissioner Alemán, seconded by Vice-Mayor Malakoff to extend the moratorium. No vote taken.

Commissioner Arriola suggested having some areas designated as Local Historic Districts and others as Conservation Districts, but with the additional protection of extending the moratorium, to address concerns and the issue of sea level rise.

Mayor Levine stated that these design guidelines can be brought back to Dover Kohl to come up with design guidelines for sections "A" and "D," and Margueritte Ramos, Kirk Paskal and other North Beach Steering Committee members can work together and bring back the guidelines for the City Commission to review.

Commissioner Rosen Gonzalez reiterated her concerns with the waterway, and added that she is unable to understand broken promises. All matters across North Beach are still subject to board reviews; reports are from 2014, which she feels are old. Everyone on this City Commission made a promise, and she just cannot understand why everything is resting on the Tatum Waterway.

Mayor Levine stated that Miami Beach has a long history of having the most incredible historic preservation, and it is part of the City's main attraction, one of the main assets of

the entire City. Before this Administration came onboard, North Beach had zero historic preservation; what this City Commission has done is actually put together a plan and a vision for North Beach to come up with conservation, historic preservation areas, and areas that will make the charm, beauty and the uniqueness of North Beach permanent. A few years ago, this conversation never took place, but now it is happening. Unfortunately, climate change is a horrible, terrible thing that is affecting all coastal communities around the world, and no one wants it or envisioned it, but the City has been flooded for the past several years in various areas, and they have spent hundreds of millions of dollars to protect the safety of residents and citizens of Miami Beach. The world is watching Miami Beach; media, national media, newspapers, and they are looking to see at how this City handles this threat of sea level rise. If they ignore the fact that water is going up to a certain level and will cover the first floor of a building, and they want to protect that small section over and above the threat of sea level, the message they are putting out to the world is a very regressive message. He used an analogy to explain further. In the future, they want to see a smaller section of a much larger historic preserved section, be an area that becomes a postcard for sea level rise and instead of a small section, put preservation over resiliency. This is a City that wants to protect everything and they will continue to do so. Thousands of years ago, the great community of Atlantis had historic preservation too. The fact is that if they are going to preserve, they have to preserve the first floors, which are condemned to a wet future. As a body, they are not acting responsibly by not realizing what the world scientists are telling and what they are experiencing. He thinks this is selfish for the entire community. He added that certain people did not want pumps on the Venetian Causeway, but they were installed; if the islands are flooded, the media will generalized that "Miami Beach is flooding" and this will affect everyone in the community. It is all for one, and one for all, and that requires compromise.

Commissioner Rosen Gonzalez stated that they all want the best for the future of Miami Beach and the need for resiliency, but she does not think that historic preservation versus resiliency is relevant. She did not want to vote on the height increase on 71st Street, but she believed in all her colleagues that promised on the dais "so help me God" that they would approve the Historic Districts as drawn by the Master Planner. This is what the North Beach Steering Committee agreed to; thousands of residents wanted the historic designation and that was a compromise. If buildings need seawall, they will build, and if other buildings need to be demolished, just because they are designated historic, does not mean that it cannot be demolished and be rebuilt.

Discussion held.

Vice-Mayor Malakoff commented that the 2014 HPB, when they approved the areas that should be in the Local Historic Districts, they are the same as Commissioner Alemán stated in her motions, except they did not necessarily say that "A" and "D" would become Conservation Districts.

Commissioner Alemán stated that it is actually more protection actually than what was approved in 2014, and in fact, they are committing to designate today. In fact, if one or both of these sections are not included today, nothing stops those property owners from self-designating. If they wish to designate, they have the right for local designation.

Discussion continued.

Raul J. Aguila, City Attorney, suggested taking the motions in order. He explained that the current moratorium on demolition permits, which was sponsored by Commissioner Arriola and Vice-Mayor Malakoff expires on January 13, 2017, and as it was done by Ordinance with 30-days' notice; therefore, if this City Commission approves proceeding with the designation of "C," "E" and "G," that would automatically put a stay on demolition permits for those areas. Commissioner Arriola suggested extending the moratorium approved prior to that. If this is done in that manner, then they can add the item for First Reading, with retroactive application at First Reading, at the January 11, 2017 Commission Meeting. If approved, they have 30 days to notice. **Thomas Mooney to handle.**

City Attorney Aguila clarified the order of the motions:

MOTION NO. 1:

Motion made by Commissioner Arriola to extend the demolition moratorium expiring January 13, 2017 (clarified that it only pertains to Section "A") for another six months; seconded by Commissioner Alemán; Voice vote: 7-0. **Office of the City Attorney to prepare the Ordinance for the January 11, 2017 Commission Agenda. Thomas Mooney to Handle.**

MOTION NO. 2 & REFERRAL TO LAND USE & DEVELOPMENT COMMITTEE:

Motion made by Commissioner Alemán to request that the Planning Department initiate an application for the creation of a Neighborhood Conservation District Overlay, and to refer the item to the Land Use and Development Committee; seconded by Commissioner Steinberg. Voice vote: 7-0. **Thomas Mooney to handle.**

MOTION NO. 3:

Motion made by Commissioner Alemán to accept the HPB's recommendation to designate Sections "C," "E" and "G" as Local Historic Districts, and to authorize the Planning Department to prepare a Designation Report based on those findings; seconded by Commissioner Malakoff. Ballot vote: 7-0. **Thomas Mooney to handle.**

MOTION NO. 4:

Motion made by Commissioner Alemán to modify the HPB's recommendation and deny the proposed request for Local Historic District designation as to section "A," the Tatum Waterway; seconded by Commissioner Grieco. Ballot vote: 5-2; Opposed: Commissioner Rosen Gonzalez and Steinberg. **Thomas Mooney to handle.**

MOTION NO. 5:

Motion made by Commissioner Alemán to modify the HPB's recommendation, and deny the proposed request for Local Historic District designation as to Section "D," South Shore Drive; seconded by Commissioner Grieco as courtesy, but will be voting "no" on the motion. Ballot vote: 1-6. (Opposed Mayor Levine, Vice-Mayor Malakoff, and Commissioner Arriola, Grieco, Rosen Gonzalez and Steinberg) Motion failed. **Thomas Mooney to handle**

Mayor Levine stated that, historically, they have preserved, for the first time, almost 90% of North Beach, with the exception of Tatum Waterway, and Dover Kohl will come up with design guidelines that everyone agrees of, and to prevent high-rises. There is also the addition of the six months moratorium.

Commissioner Alemán reiterated that anyone can apply for historic designation along Tatum Waterway, and it will be consistent within the context of the Conservation District.

Eve Boutsis, Chief Deputy City Attorney, explained that there is a process in the Code that says one cannot demolish buildings unless the HPB reviews those areas to be designated. She asked if the City Commission is looking for a demolition moratorium additional to that provision for North Beach, or are they looking at a demolition prohibition in the area excluded.

Vice-Mayor Malakoff explained that once is designated to be part of the Local Historic District there can be no demolitions, except if authorized by HPB; however, the area excluded, the Tatum Waterway, does need the moratorium, to keep buildings from being demolished before the design guidelines and conservation are in place.

Chief Deputy City Attorney Boutsis added that she is modifying the scope of the moratorium to only that area.

Commissioner Arriola clarified that today's vote, as far as the areas designated as historic, will in essence put a moratorium on demolition, and it would be appropriate for the moratorium to apply in Section "A," Tatum Waterway.

Commissioner Steinberg asked her colleagues to look at the processes for hardship when it comes to sea level rise with the HPB, and have a separate referral item to discuss hardship.

Raul J. Aguila, City Attorney, added that Commissioner Alemán has requested that the criteria for designation, as well as for Design Review and Planning Board Conditional Use approvals be included, taken into account resiliency and sea level rise.

Mr. Mooney informed that this item would be discussed at Land Use & Development Committee next week.

Mayor Levine congratulated the community.

Meeting adjourned at 1:13 p.m.

Handouts and Reference Materials:

1. Memorandum to Mayor and Commissioners from Nancy Liebman regarding Item R9A.
2. Email from John Vice-Mayor Alemán dated December 5, 2016 RE: 12/5 Mtg speaker John Breistol.
3. Email from Rafael Granado dated December 5, 2016 RE: North Beach designations – Email from Ms. Susan Askew, Co-Chair of the Miami Beach of Commerce Real Estate Council.
4. Ad 1243 and 1251 published in The Miami Herald.
5. Abstract titled THE EFFECTS OF SEA LEVEL RISE ON HISTORIC DISTRICTS AND THE NEED FOR ADAPTATION.
6. Email from jeffdonn@aol.com dated December 5, 2016 RE: Request to speak at the December 5, 2016 workshop.
7. Email from Pierre Elmaleh sent by email to Thomas Mooney on December 5, 2016, RE: City Commission on North Beach.
8. Speakers List
9. Letters in support and opposition distributed by Sari Libbin.

10. Timeline for the creation of Historic Districts in North Beach.
11. Letter dated December 5, 2016 from Jeff Donnelly RE: Local Designation of the North Shore and Normandy Isles National Register Districts.
12. Email from Jamie Rose Maniscalco, Founder & CEO, Rose Relations, LLC, forwarded by Commissioner John Elizabeth Alemán, dated December 6, 2016, RE: Response to the Dec 5 North Beach Commission Meeting.
13. Email from Daniel Ciraldo dgc223@gmail.com dated December 7, 2016, RE: Raising Sea Wall on Crespi Boulevard 50 foot lot, with attached document titled 8011 Crespi blvd seawall proposal.pdf.
14. Email from Commissioner John Alemán dated December 9, 2017 RE: **PLEASE READ – Important Photos Attached.
15. Email from Commissioner John Alemán dated December 9, 2016 RE: Dover Kohl clarification on Historic Districts.
16. Area D – Proposed Normandy Isles Local Historic District – 27 total buildings showing map color-coded including buildings with non-conforming FAR, 1 story Contributing buildings (5); 2-story Contributing buildings (19); Non-Contributing buildings (3), and 6 Vacant Sections in the area of South Shore Drive.
17. Area A – Proposed North Shore Historic District – 104 total buildings showing map color-coded including buildings with non-conforming FAR, 1 story Contributing buildings (21); 2+ story Contributing buildings (53); Non-Contributing buildings (30), and 5 Vacant Sections in the area of Tatum Waterway Drive and Crespi Boulevard.
18. List of approximate number of units based on data from the US Census 2010 and Miami-Dade County Property Appraiser, including a total number of parcels in North Shore, Area A of 92; in Area total buildings 104 and number of residential units 848; in Normandy Isles, Area D, a total number of parcels is 29 with the total number of buildings being 27. The total number of residential units in Area D is 219.

Notices

1. REQUEST TO HOLD A SPECIAL MEETING OF THE CITY COMMISSION.
2. ADVERTISEMENT FOR THE DECEMBER 5, 2016 SPECIAL COMMISSION MEETING.