




MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City
Commission

FROM: Raul J. Aguila, Interim City Manager 

DATE: January 13, 2021

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD AND QUALITY OF LIFE COMMITTEE AT ITS DECEMBER 16, 2020 MEETING, DIRECTING THE CITY ADMINISTRATION TO ALLOW SIDEWALK CAFE PERMITEES TO CONTINUE TO OPERATE PURSUANT TO THEIR EXISTING SIDEWALK CAFE PERMITS; EXTENDING SUCH PERMITS (COMMENCING RETROACTIVELY FROM JANUARY 1, 2021), ON A MONTH-TO-MONTH BASIS, UNTIL SUCH TIME AS HEIGHTENED IDENTIFIABLE CRITERIA IS DEVELOPED FOR THE APPROVAL OR DENIAL OF SIDEWALK CAFE PERMITS.

RECOMMENDATION

The Administration supports the NQLC's recommendation to allow sidewalk cafe permittees to continue to operate pursuant to their existing sidewalk cafe permits, on a month-to-month basis, commencing retroactively for January 21, 2021, until such time as heightened identifiable criteria is set forth for the approval or denial of sidewalk cafe permits.

BACKGROUND/HISTORY

The Police Citizen Relations Committee at its September 15, 2020 meeting, expressed concerns regarding the City's approval of sidewalk cafe permits, and urged the Manager and City Commission to enhance the review process of sidewalk cafe permit applications.

The sidewalk cafe permitting process is primarily managed by the Public Works Department's Right-of-Way Section. Upon submission of these applications, Public

Works reviews them pursuant to certain identifiable requirements and provisions set forth in the City Code.

In order to ensure the thorough review of these applications, the City's Finance, Code Compliance, and Police Department correspondingly assess such applications; review for any outstanding violations or citations; and determine whether the applications are deemed compliant for approval and issuance of a sidewalk café permit.

The Neighborhood & Quality of Life Committee (NQLC), at its December 16, 2020 meeting, held a discussion regarding concerns related to the sidewalk cafe permitting approval process.

The NQLC made a motion directing the City Administration to allow sidewalk cafe permittees to continue their operations (for the permit year which commenced on October 1, 2019), on a month-to-month basis, until such time that the City Manager and City Commission develop identifiable criteria, which will outline heightened standards to be utilized by the Administration for the approval of sidewalk cafe permits.

ANALYSIS

The City has allowed the establishment and operation of sidewalk cafés on the City's governmental property in order to extend its residents and visitors an environment where they can relax and enjoy the consumption of food and/or beverage(s) amongst the City's tropical and vibrant scenery.

A sidewalk café permit is a privilege and not a right, and the approval, issuance and continued operation of a permitted sidewalk café is conditional at all times. Additionally, those business establishments granted the privilege to operate a sidewalk café on the City's property are subject to certain identifiable standards, criteria, requirements, and conditions.

The City issues sidewalk cafe permits for the duration of one (1) year, effective from October 1 to September 30 of the following calendar year.

With regard to the permit year which commenced on October 1, 2019, the Mayor and City Commission adopted Resolution Nos 2020-31275 and 2020-31405, respectively, directing the City Manager to suspend or prorate annual sidewalk café permit fees from May 13, 2020, through September 30, 2020, and October 1, 2020, through December 31, 2020.

As a result of the ongoing COVID-19 State of Emergency declaration, the Administration has not renewed the sidewalk café permits for next permit year, but rather extended the sidewalk café permits for the permit year which commenced on October 1, 2019, through December 31, 2020.

SUPPORTING SURVEY DATA

Results from the 2019 Resident Survey show that 69% of resident's perception of the City with regards to overall quality of City services rated as very satisfied, satisfied. In order to continue maintaining excellent standards in this area, the Administration will be in support the NQLC's recommendation to allow sidewalk cafe permittees to continue to operate pursuant to their existing sidewalk cafe permit on a month-to-month basis, until such time as identifiable criteria are set forth for the approval or denial of sidewalk cafe permits.

CONCLUSION

The Administration supports the NQLC's recommendation to allow sidewalk cafe permittees to continue to operate pursuant to their existing sidewalk cafe permits, on a month-to-month basis, commencing retroactively on January 21, 2021, until such time as heightened identifiable criteria is set forth for the approval or denial of sidewalk cafe permits.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Neighborhoods - Increase compliance with City code.

Legislative Tracking

Public Works

Sponsor

Commissioner Mark Samuelian and Commissioner Steven Meiner