

# MIAMI BEACH

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

## COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Raul J. Aguila, Interim City Manager

DATE: February 10, 2021

**SUBJECT: LAND USE AND SUSTAINABILITY COMMITTEE MEETING OF JANUARY 20, 2021**

A Land Use and Sustainability Committee meeting was held on January 20, 2021. Land Use and Sustainability Committee Members participating were Commissioners Mark Samuelian, Michael Gongora, Ricky Arriola, and Steven Meiner as well as members from the administration, including Alina T. Hudak, Thomas Mooney, Nick Kallergis, Roy Coley, David Martinez, Flavia Tonioli, and Elizabeth Wheaton. Members of the public also participated.

The meeting was called to order at 8:02 a.m.

### 1. PALM VIEW NEIGHBORHOOD STUDY.

**AFTER-ACTION:** Thomas Mooney introduced the item.

Members of the public addressed the committee.

Commissioner Samuelian requested that Mr. Mooney clarify the action item before the committee. Commissioner Arriola expressed that he was sympathetic to the homeowners in the area.

Commissioner Gongora also expressed that he was sympathetic to the homeowners of the area and indicated that the City could support infrastructure improvements and LDR amendments that could be beneficial to the neighborhood. He indicated that he wasn't sure if voters would support dedesignation.

Commissioner Samuelian indicated that this could feed into making infrastructure improvements for this neighborhood a higher priority. He also indicated that it would be good to bring together the neighborhood, MDPL, and the Historic Preservation Board for one or two discussion forums.

**MOTION: By Acclamation - Continued the item to the March 2021 meeting with the following direction:**

1. Recommend that the City Commission discuss and move ahead with potential infrastructure improvements in Palm View, including prioritizing the area.
2. City staff shall coordinate a discussion forum with residents of the Palm View Neighborhood and MDPL.
3. City staff shall provide any additional recommendations of the Historic Preservation Board.

2. DISCUSSION PERTAINING TO SIZE, LOT AGGREGATION AND PARKING REQUIREMENTS IN THE SUNSET HARBOR NEIGHBORHOOD.

**AFTER-ACTION:** Commissioner Arriola introduced the item. Thomas Mooney described the details of the draft ordinance. Members of the public addressed the committee. Commissioner Arriola and Commissioner Samuelian discussed the popularity of outdoor dining in parking areas during the pandemic. Thomas Mooney described options to incorporate changes to allow outdoor cafés on a permanent basis. Commissioner Samuelian asked Mr. Mooney to describe how the parapet height could be better regulated. Thomas Mooney indicated that the ordinance could limit parapets to four feet. Commissioner Samuelian asked Mr. Mooney to discuss the concern about the additional height not being limited to office uses. Thomas Mooney indicated that the Sunset Harbour Vision Plan did not incorporate a limitation that the additional height be limited to office uses, but that could be incorporated into the ordinance if that was the will of the committee. Commissioner Arriola indicated that he was supportive of incorporating a limit that the additional height be limited to office uses. Commissioner Samuelian echoed support to limit the additional height to office uses and that perhaps a covenant could be used to limit the buildings, with the exception of ground floors to office uses. Commissioner Góngora expressed support for the ordinance, including limits for a four foot parapet, that outdoor cafes have been very successful and expanding it should be explored. He indicated that he wanted to limit the parking exemption to office uses and wanted to be understand how much parking would be exempted and potential loss of revenue for the City. Thomas Mooney indicated that because the area is not a local historic district that there would not be eligibility to participate in the fee in lieu of parking program. The reason to remove the parking requirement is to allow office developers to determine for themselves. Commissioner Samuelian echoed Commissioner Góngora's concerns over parking. Commissioner Arriola indicated that he was comfortable with the parking recommendation in the ordinance. Commissioner Samuelian indicated that the direction was to support the ordinance with the changes discussed, but to continue looking at parking requirements; and to look at allowing sidewalk cafes in other neighborhoods in the city. Additional members of the public addressed the committee. Commissioner Samuelian asked about the possibility of office uses that took advantage of height increases in the future changing use. Thomas Mooney described that the as long as the code was worded that the extra height was limited for office uses that the use could not change to any other use without a code amendment. Additionally, he made clarifications for eligibility of the fee in lieu of parking program for parking district no. 5.

**MOTION: Recommend the following by Acclamation:**

- 1. Recommend that outdoor parklets for dining connected to outdoor cafes continue to be promoted and that any code amendments that are needed to expand the program be brought to the City Commission.**
- 2. Recommend the City Commission refer the draft ordinance to the Planning Board with the following modifications:**

- a. That the increase in building height to 65 feet apply to office uses only.
- b. Require a minimum 100 foot separation from residential uses at Bay Road and 20<sup>th</sup> Street and the increased height.
- c. Limit the height of parapets to four feet above the main roof deck.
- d. The LUSC is not providing a recommendation on the proposed parking reductions and requests that the Planning Board provide a specific recommendation on the proposed reductions.

3. DISCUSSION REGARDING THE OCTOBER 20 AFFORDABLE HOUSING COMMITTEE MOTION SUPPORTING FEE WAIVERS TO INCENTIVIZE AFFORDABLE HOUSING.

**AFTER-ACTION:** Commissioner Góngora introduced the item.

Thomas Mooney described the details of the ordinance and resolution and indicated that it applied to low and moderate income housing, which is affordable housing.

Commissioner Gongora was comfortable with the ordinance and reso only incorporating affordable housing.

**MOTION – MG/RA (3-0): Recommend that the City Commission refer the Ordinance to the Planning Board and that the City Commission approve the Resolution.**

4. DISCUSS THE RENOVATION OF THE SEAGULL HOTEL.

**AFTER-ACTION:** Commissioner Arriola introduced the item.

Thomas Mooney described the proposed ordinances.

Carter McDowell made a presentation on behalf of the applicant.

Members of the public addressed the committee.

Commissioner Arriola expressed support for the proposal.

Commissioner Gongora was supportive of the proposal, but had concerns over the vacation of the adjacent right of way and wanted to ensure that the ordinance could stand on its own without the vacation.

Nick Kallergis confirmed that the ordinance did not rely on the right of way vacation.

Commissioner Samuelian expressed support for the ordinance as well.

**MOTION: By Acclamation**

**Recommend that the City Commission refer the draft Ordinance to the Planning Board for review and recommendation.**

5. UPDATE ON PROJECTS: A) WEST AVENUE B) INDIAN CREEK C) PALM & HIBISCUS D) FIRST STREET

**AFTER-ACTION:** Item deferred to the February 17, 2021 meeting.

6. DISCUSS HOW THE CITIES OF MIAMI AND MIAMI BEACH MEASURE FLOODING.

**AFTER-ACTION:** Commissioner Mark Samuelian introduced the item.

Roy Coley, Director of Public Works, provided an update. Mr. Coley explained city staff has explored methods to develop flooding scorecards. He explained existing information was anecdotal and complaint based. He added to acquire proper data, sensors would need to be installed. Mr. Coley further explained staff met with vendors and estimated that an approximate \$600,000.00 to \$700,000.00 would be needed as an initial investment for the equipment. The

equipment would also have an additional annual cost of \$100,000 for maintenance. Mr. Coley explained that a funding source did not exist for this type of program and recommended placing the initiative on hold to evaluate finances.

Daniel Ciraldo, Miami Design Preservation League, inquired on whether other communities which experienced flooding were contacted to learn more about their existing resilience efforts. Mr. Ciraldo expressed that data was important and the city should continue studying the program.

Raquel Pacheco, Miami Beach United member, and resident stated that if the program could not be in the budget in the current year, it should be listed in the budget for the upcoming year. She explained the impossibility of measuring success without measuring performance.

Commissioner Samuelian asked how neighboring communities were using data.

Mr. Coley explained the administration was not aware of neighboring cities with similar programs but have met with national vendors to learn about industry best practices.

Commissioner Michael Gongora asked for more information about the benefits of the program and expressed that the item should be heard in June so that it could be included in the upcoming budget cycle.

Mr. Coley explained the city paid Jacobs to review and evaluate historical data to develop recommendations. He clarified the city was using data to make its decisions and that data was based on tidal elevations recorded at Virginia Key by NOAA and compared to neighborhood elevations.”

**MOTION – By Acclamation: Continue item to the June 2021 LUSC meeting with direction to the administration to explore what other communities are doing in terms of resilience, provide an annual Letter to Commission (LTC) with measured data, and provide localized data for future projects that have not been advanced.**

7. REVIEW THE CITY OF MIAMI BEACH EXPERIENCE AND PERSPECTIVES ON PERVIOUS/PERMEABLE PAVEMENT AND IDENTIFY POTENTIAL OPPORTUNITIES FOR USE.

**AFTER-ACTION:** Commissioner Samuelian introduced the item.

Thomas Mooney provided an update on the item.

Roy Coley described the recommendations for pervious pavement in the Jacobs engineering study.

Commissioner Samuelian indicated that he wanted the City to lead by example and find opportunities to incorporate pervious pavement.

Members of the public addressed the committee.

Commissioner Gongora indicated that he agreed staff should identify where this could work best and that Ocean Drive should only be considered for this if it is determined that it will be a pedestrianized road in the future.

**MOTION: By Acclamation – Continue the item to the March 2021 meeting with the following direction:**

1. **The LUSC recommends that when a determination is made regarding the utilization of Ocean Drive, permeable pavement shall be seriously considered.**
2. **The Administration shall identify two or three pilot options where pervious pavement can be incorporated, including the overall cost and construction timing, and present those options to the LUSC.**

8. DISCUSS ALLOWING BUSINESSES ON 41ST STREET TO UTILIZE SIDEWALKS FOR A-FRAME SIGNAGE TO ADVERTISE MERCHANDISE.

**AFTER-ACTION:** Item deferred to the March 2021 meeting.

9. DISCUSS ENACTING LIMITATIONS ON BIG BOX STORES ON LINCOLN ROAD.

**AFTER-ACTION:** Commissioner Arriola introduced the item. Thomas Mooney described the options that have been explored. Members of the public addressed the committee. Commissioner Gongora wants to direct the administration to continue discussion with the BID in order to come up with regulations on use and size.

**MOTION: By Acclamation - Continue the item to the February 17, 2021 meeting with direction to prepare a draft ordinance that regulates use and size.**

10. DISCUSSION REGARDING BISCAYNE BAY WATER QUALITY AND IDEAS FOR IMPROVING WATER QUALITY.

**AFTER-ACTION:** Item withdrawn.

11. DISCUSS THE HISTORIC PRESERVATION BOARD'S OCTOBER 13, 2020 RECOMMENDATION CONCERNING AMENDMENTS TO LAND USE DEVELOPMENT REGULATIONS.

**AFTER-ACTION:** Thomas Mooney discussed the HPB's recommendations. Commissioner Samuelian expressed support for sending items to the HPB but that it should be more tailored. Commissioner Arriola was hesitating to mandate this, because the Commission generally sought the input of the HPB. Commissioner Gongora did not support amending the ordinance but would be supportive for a tailored resolution that provide the HPB with input on controversial items with a limited timeframe. Thomas Mooney indicated that if the committee was supportive of a resolution that it perhaps be limited to height increases over 25 feet, and that the timeframe for review be limited and occur simultaneously with the Planning Board review.

**MOTION: By Acclamation - Recommend that the Administration draft a resolution that incorporates the following:**

1. The review by HPB will be for ordinances that involve height increases over 25 feet.
2. The HPB review and recommendation shall be simultaneous to the Planning Board review.

12. DISCUSSION REGARDING THE RACE TO ZERO AND UNDER2 COALITION PLEDGES.

**AFTER-ACTION:** Commissioner Gongora presented the item. He explained he worked with the administration to identify initiatives the city could support to reduce emissions and mitigation strategies. He mentioned Race to Zero, Under2 Coalition, and United Nations (UN) Climate Change's Climate Neutral Now as pledges the city could commit to. Flavia Tonioli, Sustainability Manager, explained these pledges support work the city is already doing to mitigate climate change and reduce greenhouse gases. She stated the administration

recommended bringing the item to the full city commission.

**MOTION – By Acclamation: Motion to support the adoption of all pledges and bring a resolution to City Commission.**

13. DISCUSSION ON THE CITY'S DRAFT CLIMATE ACTION PLAN AND PRESENT OPTIONS TO CONTINUE TO REDUCE GREENHOUSE GAS EMISSIONS.

**AFTER-ACTION:** Commissioner Gongora presented the item.

Elizabeth Wheaton, Environment and Sustainability Director, explained staff was in contact with City of Miami which recently began working on their Climate Action Plan. Ms. Wheaton stated that it would be important to have actionable recommendations to successfully implement the Climate Action Plan. She added staff was working to develop the plan and scope of work required by consultant.

**MOTION – By Acclamation:** Item continued to February 2021 LUSC meeting.

14. DISCUSSION REGARDING AN ALTERNATIVE HARMONIZATION PLAN FOR 959 WEST AVENUE.

**AFTER-ACTION:** Commissioner Michael Gongora presented the item.

Roy Coley, Director of Public Works, explained that Public Works did not have any objections at the time but requested to review the final harmonization design prior to providing feedback. He explained the administration recommended the designers to come to an agreement of when the Baywalk would open and present to staff to review.

Michael Larkin, Bercow Radell Fernandez Larkin & Tapanes, provided a brief presentation on the project and an overview on the impacts to nearby properties.

JJ Wood, Urban Robot Associates, shared a presentation. Mr. Wood described existing conditions of harmonization at the Faena district, West Avenue, and Sunset Harbor. He stated there were some undesirable storm drains as well as other elements and presented a proposed harmonization.

Gayle Durham, resident, provided comments. Ms. Durham urged the South Gate Towers to open the Baywalk. She explained she reviewed the 2013 contract and according to the contract, the Baywalk should have been opened a long time ago.

Mr. Larkin clarified the document referenced by Gayle Durham was the Design Review Board order which had some conditions that would trigger the requirement to open the Baywalk.

Nicole Leon, property manager for South Bay Club, explained that residents sent a letter stating that it would not be beneficial to open the South Gate Baywalk until the South Bay Club Baywalk was completed. She added the harmonization agreement and Baywalk are two separate issues and should be treated separately.

Aileen, treasurer of South Bay Club, reiterated residents are in favor of having the Baywalk but do not want a dead-end at their property given the potential risks.

Commissioner Gongora asked if staff was in favor of the proposed harmonization.

Mr. Coley stated staff did not have any objections to the concept but would like to review a final design before providing any recommendations.

Commissioner Ricky Arriola explained he was interested in having the Baywalk open and supported the proposed harmonization.

**MOTION – By Acclamation: Item continued to future LUSC meeting with support of the proposed harmonization pending review of design and request for the administration to engage with applicant.**

15. COMMERCIAL HEIGHT LIMITS FOR OFFICE USES – ALTON ROAD.

**AFTER-ACTION:** Thomas Mooney introduced the item.

Commissioner Arriola expressed support for the item.

Commissioner Samuelian wanted some timing elements considered in the ordinance to get projects moving.

**MOTION: Continue the item to the February 21, 2021 meeting by Acclamation.**

**DEFERRED ITEMS**

16. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO DEVELOP AND LAUNCH AN INSPIRATIONAL RESILIENCY VISION CAMPAIGN, CONSISTENT WITH THE GUIDANCE SET FORTH IN THIS RESOLUTION, WHICH WILL ENVISION HOW THE CITY OF MIAMI BEACH WILL LOOK LIKE IN THIRTY YEARS OR LONGER, AND FURTHER DIRECTING THE CITY ADMINISTRATION TO PRESENT A RECOMMENDED APPROACH TO THE RESILIENCY VISION CAMPAIGN BEFORE THE LAND USE AND SUSTAINABILITY COMMITTEE AT ITS MAY 26, 2020 MEETING.

Office of the City Manager  
Commissioner Mark Samuelian  
March 18, 2020 C7 AE

17. OCEAN DRIVE MXE LAND USE AND ZONING AMENDMENTS.

Planning  
Mayor Dan Gelber  
October 14, 2020 C4 J

The meeting adjourned at 11:36 AM

Attachment

RJA/ATH/ND/TRM/RAM/EW/MR

# LAND USE AND SUSTAINABILITY COMMITTEE MEETING

January 21, 2021

Zoom Meeting

## Attendance Sheet

<b>NAME</b>	<b>E-MAIL ADDRESS</b>	<b>PLEASE ADD ME TO THE ELECTRONIC AGENDA LIST</b>
1. Bruce Backman	@	
2. Mike Ruvin	@	
3. Marcela Sardi	@	
4. Marilyn Freundlich	@	
5. Marge Hamilton	@	
6. Zalman Fellig	@	
7. Michael Larkin	@	
8. Daniel Ciraldo	@	
9. Raquel Pacheco	@	
10. Carter McDowell	@	
11. Kent Robins	@	
12. Dave Aitel	@	
13. Stephan Ginez	@	
14. Richard Silverman	@	
15. David Grieser	@	
16. Jay Levy	@	
17. Paul Freeman	@	
18. Luz Latorre	@	
19. Jack Johnson	@	
20. JJ Wood		



LAND USE AND SUSTAINABILITY COMMITTEE MEETING

January 21, 2021

Zoom Meeting

**Attendance Sheet**

<b>NAME</b>	<b>E-MAIL ADDRESS</b>	<b>PLEASE ADD ME TO THE ELECTRONIC AGENDA LIST</b>
21. Gayle Durham	@	
22. Nicole Leon	@	
23. Eileen, South Bay Club	@	
24.	@	
25.	@	
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27.	@	
28.	@	
29.	@	
30.	@	
31.	@	
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