

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: Alina T. Hudak, City Manager

DATE: September 14, 2021

SUBJECT: **LAND USE AND SUSTAINABILITY COMMITTEE MEETING OF September 14, 2021**

A Land Use and Sustainability Committee meeting was held on September 14, 2021. Land Use and Sustainability Committee Members participating were Commissioners Mark Samuelian, Michael Gongora and Ricky Arriola. Commissioner Steven Meiner was also present. Members from the Administration, including Thomas Mooney, Nick Kallergis, Betsy Wheaton, David Martinez, Joe Gomez, Nelson Perez-Jacome, and Robert Rosenwald, as well as members of the public, also participated.

The meeting was called to order at 9:06 a.m.

ACTION ITEMS

1. PROPOSED ORDINANCE PROHIBITING APARTMENT HOTELS IN THE R-PS1 AND R-PS2 DISTRICTS

Commissioner Mark Samuelian
Planning
July 28, 2021 R9M

AFTER-ACTION:

Commissioner Samuelian introduced the item.

Commissioner Gongora expressed support for the item and offered to move the item.

Members of the public addressed the committee.

Commissioner Gongora indicated that there was going to be a discussion item on the permits that were approved for apartment hotels.

Commissioner Meiner indicated that he had also scheduled a discussion to get a handle on short term rentals coming into neighborhoods.

MOTION: Recommend that the City Commisison approve the item and conclude the item by Acclamation.

2. SIDEWALK CAFÉ PERMIT FEES AND SUBSIDY PROGRAM.

Mayor Dan Gelber
Public Works

July 28, 2021 R5P and R5Q

AFTER-ACTION:

Robert Rosenwald, First Assistant City Attorney, introduced four items related to sidewalk cafes and parklets. He stated one item is an upcoming second reading of an ordinance that raises the price of sidewalk café area from \$27 per square foot to \$150 per square foot. The second ordinance, also coming up for second reading, would give businesses who participate in the program the opportunity to receive a City subsidy in the amount of \$125 per square foot if they voluntarily agree to follow certain rules. The third item, coming up for first reading, would raise the parklet fee from \$34 per parking space per day to \$150 per square foot per year of parklet space, based upon a maximum of two standard 187 square foot parking spaces. Finally, the fourth item was a resolution approving the subsidy program participation agreement, which incorporated the program rules. These are restrictions on hookahs, large drinks, and staff would be required to wear uniforms. This which would be applied city-wide.

Commissioner Arriola clarified the rules can be changed if the City decides to remove sidewalk cafes from Ocean Drive. He stated that because the program is voluntary, he is in favor of moving it forward.

Commissioner Samuelian stated that he believes that sidewalk cafes need to comply especially on public land.

Commissioner Gongora stated the uniform requirement is unnecessary. Mr. Rosenwald answered the rules can be changed before the upcoming commission meeting.

Members of the public addressed the committee.

Commissioner Gongora added that he would like to work on the language for uniforms but is in support of the program overall.

MOTION: Motion to move all four items with favorable recommendation. By acclamation.

DISCUSSION ITEMS

3. EXPEDITE THE OPENING OF THE BAYWALK AND MOVE THE REOPENING OF THE BAYWALK UP ON THE G.O. BOND PRIORITIZATION LIST; AND PRESENT THE BAYWALK PLAN TO THE LUSC COMMITTEE.

Capital Improvement Projects
Commissioners Michael Gongora and Mark Samuelian
March 17, 2021 C7 Q (Deferred from May 26, 2021)

AFTER-ACTION:

David Martinez, Director of Capital Improvement Projects, introduced the item. He explained there are currently eight gaps in the Baywalk and one that is completed but not open to the public. Mr. Martinez provided an updated on each section.

Commissioner Samuelian inquired on the Lincoln Bay Tower section and when construction would begin. Mr. Martinez explained the design was complete and would need to be submitted for permits. This required signatures from adjacent properties which have been reluctant to sign.

A letter was drafted by the City Attorney's Office addressed to the adjacent properties to help expedite the process.

Commissioner Gongora stressed the importance of understanding the agreement with the Board of Directors for each of those properties.

MOTION: Item continued to January meeting.

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

Commissioner Mark Samuelian
Planning/CIP
Verbal Report

March 18, 2020 C4 AA (Deferred from May 26, 2021)
(Deferred to Sept)

AFTER-ACTION:

MOTION: Deferred to the October 19, 2021 meeting.

5. DISCUSSION PERTAINING TO THE MEASUREMENT OF ALLOWABLE BUILDING HEIGHT AND HEIGHT EXCEPTIONS IN THE ALTOS DEL MAR HISTORIC DISTRICT

Commissioner Michael Gongora
Planning

June 23, 2021 C4-G
(Deferred to Sept)

AFTER-ACTION: No discussion; Item withdrawn by sponsor.

6. DISCUSS LITTER GETTING INTO CITY'S STORMWATER DRAINS WITH POTENTIAL ACTION IF DEEMED NECESSARY

Commissioner Mark Samuelian
Public Works

March 17, 2021 C4 C (Deferred from April 29, 2021)
(Deferred to Sept)

AFTER-ACTION:

Commissioner Samuelian introduced the item. He stated the community wants to ensure the City was doing its best to protect the Bay. He introduced Joe Gomez, Public Works Director; Nelson Perez, City Engineer; and Stanley Payne, Stormwater Supervisor. Mr. Perez discussed pilot projects to test different types of grates to pollution. He explained there were many service requests due to litter accumulation near the grates despite being serviced daily. The grates were also found to cause flooding.

Commissioner Samuelian asked if the recommendation on the grates is to not proceed. Mr. Perez agreed.

Commissioner Samuelian inquired on Purdy Avenue. Mr. Perez explained there was a smell in Sunset Harbour due to the fact that the neighborhood was constructed on mangroves. Their nutrient rich soil releases hydrogen sulfides. He stated the West Avenue Project would be designed to limit dissolved solids, but there was no direct harm or pollution.

MOTION: Item concluded.

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

Commissioner Mark Samuelian
Office of Capital Improvement Projects / Public Works
Verbal Report
(Deferred to Sept)

AFTER-ACTION:

Joe Gomez, Public Works Director provided an update on the 1st Street project and explained Public Works worked with Jacobs to finalize the scope. Nelson Perez, City Engineer, stated the City has finalized the fee at \$5.98 million and are ready to proceed.

Commissioner Samuelian asked about the next steps for the item. Tom Mooney, Planning Director, stated it is a publicly funded item, and can be move forward with or without a brief presentation at the City Commission.

Commissioner Samuelian stated he would prefer to bring it to the full City Commission.

Commissioner Gongora inquired on what the location of the project would be. Mr. Perez explained the project would entail the construction of a new pump station and the possible replacement of an existing pump station within the project area. .

MOTION: Motion to move the item to the full commission with a favorable recommendation by acclamation. Discussion item to remain on Committee agenda.

8. DISCUSSION REGARDING MIAMI BEACH JOINING THE BLUE ZONE PROJECT

Commissioner Michael Gongora
Organizational Development and Education Department
May 12, 2021 C4O
(Deferred to September)

AFTER-ACTION:

Commissioner Gongora introduced the item.

Dr. Leslie Rosenfeld described the blue zone project.

Dan Buettner, Jr. described blue zones and the health benefits to the community.

Dr. Rosenfeld described options for a potential resolution.

Commissioner Gongora preferred the option that begins with a no cost community feedback meeting before moving on to a full community meeting.

Commissioner Samuelian indicated that he supported the initiative and anything related to walkability.

Commissioner Arriola indicated that he supported the initiative and others that support health and wellness.

MOTION: Recommend that the City hold a community feedback meeting at no charge, subsequently hold a full community meeting at a cost of \$10,000, and proceed with joining the blue zone project and conclude the item by Acclamation.

9. A RESOLUTION DIRECTING THE CITY ADMINISTRATION TO DEVELOP A PUBLIC SEAWALL ACTION PLAN THAT INCLUDES AN UPDATED 2011 SEAWALL INVESTIGATION REPORT.

Vice-Mayor Mark Samuelian
Public Work

October 14, 2020 C7 T (Continued from June 21, 2021)

AFTER-ACTION:

Nelson Perez, City Engineer, presented on the item and provided background information on seawalls in Miami Beach and the technology being used to assess them. Elizabeth Wheaton, Environment and Sustainability Director, introduced living shorelines. She mentioned Cummins & Cederberg was retained to provide recommendations and designs for seawalls that would support living shorelines. Ms. Wheaton explained the report would be completed in the upcoming months and could provide opportunities for grants. Mr. Perez added that the administration recommended adopting the item with the flexibility to move the prioritization of certain seawalls.

Commissioner Samuelian clarified that the program would need funding but the goal was to move forward with the resolution. He emphasized the importance of communicating with stakeholders that 90% of seawalls are private and setting the example is imperative.

Members of the public addressed the Committee.

MOTION: Motion to accept the administration's recommendation and move forward with the resolution. By acclamation. Funding to be discussed at the next Finance and Economic Resilience meeting.

Item concluded.

10. DISCUSS THE STATUS OF WATER QUALITY IN PARK VIEW ISLAND

Commissioner Mark Samuelian and Co-sponsored by Commissioner Micky Steinberg
Environment & Sustainability
April 29, 2021 C4 L

(Continued from May 26, 2021 and Deferred to Sept)

AFTER-ACTION:

Elizabeth Wheaton, Environment and Sustainability Director, explained there is a no-contact advisory at 73rd street. She stated that water samples indicated that canine sources were the cause of bacteria in the water and education campaign was launched along with over 200 outreach events to educate the community on the impacts of dog waste. She further explained that additional source sampling was recently done and came back negative for both canine and human. Staff believes the campaign is working.

Commissioner Samuelian asked when the no-contact advisory would be lifted. Ms. Wheaton answered that it could be lifted after 2 consecutive days of clean samples. Next steps would be to conduct additional sampling.

Commissioner Samuelian asked if the item should be closed and continued via Letter to Commission (LTC). Ms. Wheaton agreed.

MOTION: Item concluded. Administration to provide updates via Letter to Commission (LTC).

11. DISCUSSION REGARDING A PROPOSED AMENDMENT TO CHAPTER 106 OF THE CITY CODE TO PROVIDE FOR A LIMITED WAIVER OF THE PERMENANT REMOVAL FEE FOR ON-STREET PARKING SPACES, WHEN SUCH REMOVAL IS REQUESTED IN CONNECTION WITH AFFORDABLE HOUSING DEVELOPMENT

Commissioner Michael Gongora
Planning and Parking
June 23, 2021 C4-F

AFTER-ACTION:

Commissioner Gongora introduced the item.

Thomas Mooney indicated that the Administration was supportive of the item.

MOTION: By Acclamaiton - Accept the recommended of the Administration and recommend that the City Commission consider the and approve the Ordinance in October.

12. CONCERNING THE RESIDENT SUSTAINABILITY COMMITTEE'S MOTION URGING THE CITY TO WORK WITH FDOT AND THE COUNTY TO LEAD A SHORELINE RESTORATION PROJECT ALONG THE JULIA TUTTLE CAUSEWAY

Commissioner Mark Samuelian and Co-sponsored by Commissioner Micky Steinberg
Environment and Sustainability
July 28, 2021 C4Q

AFTER-ACTION:

Elizabeth Wheaton, Environment and Sustainability Director, explained the purpose of the item is to urge the City to work with the Florida Department of Transportation (FDOT) to incorporate living shorelines on the Julia Tuttle Causeway. Ms. Wheaton stated this project would allow the City to bring in native fauna to Biscayne Bay. She further explained there are concerns from FDOT due to permitting and because it is a transportation route. She stated the Chief Bay Officer is on board with this project and the county would be creating a living shorelines toolkit to

develop potential designs. Ms. Wheaton recommended that quarterly updates be provided to the Committee.

Commissioner Samuelian accepted the recommendation.

MOTION: Continued to January meeting.

13. CONCERNING THE NUMBER AND PLACEMENT OF GARBAGE CANS IN THE CITY OF MIAMI BEACH.

Commissioner Mark Samuelian
Public Works
July 28, 2021 C4R

MOTION: The item was deferred to the October 19, 2021 meeting, subject to the input of the residents sustainability committee.

14. DISCUSSION REGARDING INCENTIVES TO ATTRACT CLASS A OFFICE DEVELOPMENT.

Commissioner Michael Gongora
Planning
July 28, 2021 C4S

AFTER-ACTION:

Commissioner Mark Samuelian was added to the item as a co-sponsor.

Commissioner Gongora introduced the item.

Thomas Mooney described the ordinance.

Commissioner Arriola indicated that he would be supportive of including the entire 5th Street corridor.

Commissioner Samuelian was prepared to support the item as drafted today.

Members of the public addressed the committee.

Commissioner Gongora was supportive of moving forward with the item as drafted but would consider expanding the area in a future meeting.

MOTION: Recommend that the City Commission transmit the Ordinance to the Planning Board for review and recommendation by Acclamation.

15. DISCUSS THE CREATION OF A 6TH STREET OVERLAY, BETWEEN WASHINGTON AVENUE AND ALTON ROAD.

Commissioner Steven Meiner
Planning
July 28, 2021 C4T

AFTER-ACTION:

Commissioner Gongora was added as a cosponsor.

Commissioner Meiner introduced the ordinance.

Thomas Mooney described the ordinance.

Members of the public addressed the committee.

MOTION: Continue the item to the October 19, 2021 meeting by Acclamation.

16. DISCUSSION REGARDING CITY OUTREACH EFFORTS TO NEIGHBORHOOD ASSOCIATIONS ON LAND USE AND ZONING MATTERS.

Commissioner Steven Meiner
Communications
July 28, 2021 C4U

AFTER-ACTION:

Commissioner Meiner introduced the item.

Thomas Mooney indicated that the City was moving forward with new land development regulations and that these issues could be incorporated into future public outreach.

Kevin Pulido indicated that communications staff would support the Planning Department with any outreach.

Commissioner Samuelian indicated that he would like to ensure that a baseline of what is allowed today is incorporated into outreach.

Members of the public addressed the committee.

MOTION: By acclamation the item was concluded with the following direction:

- a. **The Administration will work directly with the item sponsor regarding outreach to neighborhoods and setting up town hall meetings to discuss current zoning, allowable uses and upcoming projects and new uses.**
- b. **As part of the drafting of the new Resiliency Code and updates to the Land Development Regulations presentations to community groups and neighborhoods regarding existing and allowable uses will take place.**

17. DISCUSSION PERTAINING TO DIFFERENT OPTIONS FOR STREAMLINING THE REVIEW PROCESS AND REDUCING FEES FOR SINGLE FAMILY HOMES.

Planning Department
Land Use and Sustainability Committee
(Continued from June 21, 2021)

AFTER-ACTION:

Thomas Mooney introduced the item.

MOTION: The item was discussed and concluded by Acclamaition.

DEFERRED ITEMS

18. OCEAN DRIVE MXE LAND USE AND ZONING AMENDMENTS

Mayor Dan Gelber
Planning
October 14, 2020 C4I
(Continued from June 21, 2021)

MOTION: The item was deferred to the October 19, 2021 meeting

The meeting adjourned at 11:38 am.

Attachment

ATH/ETC/JMG/TRM/RAM/EW

M:\\$CMB\CCUPDATES\Land Use and Sustainability Committee\2021\September