

Monday, November 28, 2016

To: Mayor, Commissioners and City Manager

I love my community. There is no place like North Beach. Most exciting to me is the outlook towards the future. Thanks to all of you, mayor, commission, city administration and community members we now have a completed Master Plan. We finally have a roadmap to improve our community without losing everything that residents cherish and admire about it. I realize the important decisions ahead are challenging from both a political and practical perspective. For these reasons, I wanted to contribute my thoughts regarding the conversation about Local and Conservation Districts, their importance and relation to the North Beach Master Plan.

Following years of community involvement in past plans, involvement in planning issues, along with my professional experience specific to North Beach, I have come to the following personal conclusions. I thank you in advance for the opportunity to express them.

## North Beach Master Plan

The North Beach Master Plan tells us many things but it also reminds us of the complexity of adopting and implementing change. Specifically, the plan provides direction for both the public and private sectors regarding physical development in our community. It centered around 5 big ideas. Each of those ideas have strong relations to each other. We need to focus on all 5 to insure the overall success of the plan.

5 Big Ideas: Town Center, Mobility, Neighborhoods, Public Lands, Build to Last

Although important but not a new concept, the protection of the RM-1 neighborhoods in North Beach is a key component to the plan and likely the easiest idea to tackle first. In the coming months, as elected officials, you will make decisions which will shape the future of these districts and we must have a clear understanding of the impact these changes will have for years to come. We must also remind ourselves of what we are trying to accomplish with the creation of Local and Conservation Districts.

## Preservation Local versus Conservation Districts

Throughout the master plan process, preserving the character and scale of new development was the leading sentiment when it came to the RM-1 neighborhoods. The plan talks about the need to implement policies that would impact new and resilient development to be compatible with the existing and pronounced fabric found in the National Registry Districts. The creation of Local and Conservation Districts was one of the many tools outlined to achieve this goal.

I believe in and agree with recent discussions at the November Commission LUDC to insure the underlining development code for both districts, regardless of their boundaries, are the same throughout portions of the National Registry Districts. We don't need to redefine our neighborhoods; we just need to pave a way for the future development of our community. After all, the plan calls for the improvement of these districts. This could be through preservation and/or new development. Regardless, the private market will need to act and make the investment. Once again, why the 5 big

ideas are so important to one another and why we must remind ourselves what we are trying to achieve in the policies we adopt.

The only difference we are contemplating is how to create a higher level of scrutiny for new development within specific areas where increased development pressures are expected. Historically the areas most targeted for development have been the along the waterfronts, but not exclusively. It has always been important to insure the new is compatible with the existing architectural fabric of North Beach. Even prior to the beginning of the master plan process, there was already community concerns about the current development code not doing enough to insure new construction is compatible within the National Registry Districts.

## Conservation Districts

I would ask you consider the following amendments to the development regulations (section 142 of our city code) in order to preserve the scale and character when allowing for the introduction of new development in the National Registry Districts. The master plan anticipates the introduction of new development when you start to consider factors such as sea level rise, intensifying storms and increasing cost of ownership. Naturally, for these reasons the master plan contemplates the introduction of new construction within the Local Historic Districts.

## Stories

The number of stories should be reduced from 5 to 4. Once again, this is not a new concept. In July 2014 an ordinance, first discussed at the now sunset Blue Ribbon Panel on North Beach, was introduced and discussed at Planning Board and reviewed by Commission. The ordinance previously introduced goes on to reduce heights and revise set-back regulations intended to govern the relationship of new construction with the existing streetscape of the individual and varying neighborhoods (Normandy Isle, North Shore, Biscayne Beach). Should the changes be adopted to the existing National Registry Districts, they would insure the scale of new development in both Local and Conservation Districts. A copy of the ordinance is enclosed.

## Parking

Often overlooked as a key component in our existing development code (Sec 130-32), the parking requirement has a direct relationship to the compatibility of new construction when introduced next to historic structures since a high percentage of buildings built in the 50s and 60s did not provide on-site parking. As a result, it is challenging to insure new development, providing on-site parking, can maintain its relation and be compatible with the existing massing of the historic buildings. Although architects have tools to insure against this incompatibility in massing, the reduction of the current parking requirement will insure the compatibility of the old and new.

The previously referenced ordinance above also insures the relationship between the built context of the districts remain the same as the massing associated with new development is introduced.

Important enough to be recognized as one of the big 5 ideas in the master plan, dealing with the increased impacts of traffic and finding ways to reduce our dependency on cars is important for the overall success of our city. With the introduction and funding of a comprehensive trolley service, as well as an aggressive and updated Master Transportation Plan, we need to embrace the benefits of reducing

our reliability on cars and adjust our parking requirements accordingly. The added benefit will be a reduced and more compatible massing associated with the introduction of new buildings. Consideration should be given to remove the use of mechanical parking and the parking should be limited to ground floor use only.

I have enclosed photos of new development approved prior to the amendment of the parking code for the RM-1 districts which increased the required parking for new development. You can immediately see the impact when comparing the new construction next to the existing two story building.



## Density

An added challenge in dealing with the parking requirements of new development is the developers natural and instinctive urge to increase the density of any new development to insure its economic viability. Simple amendments curbing the minimum and average unit size in our development code can go a long way in reducing the number of units permitted for new construction. More importantly, such amendments would produce added long term benefits towards our goal to preserve the character and scale of our existing neighborhoods.

The code should look to reduce the reward that would allow for an increased level of density when demolishing a developed and existing structure for the introduction of new development. This would decrease overall density for areas prone to sea level rise effects, storm water inundation and storm surge, in accordance with FEMA guidelines and the Climate Compact. Further reducing the long term risk to life and property on the barrier island.

The reduction in density would provide an incentive to retain the historic and current density of existing buildings. This incentive already exists in Local Historic Districts which allows for increased density without triggering a parking requirement, so long as you are not adding additional square footage. In addition, unique to the North Beach National Registry Districts, you can add an additional 2500 sqft of living space without triggering a parking requirement or parking impact fee.

Reducing the density will insure new development would not replicate the existing housing stock already prevalent throughout the RM-1 districts in North Beach. Instead, new development can provide affordable housing for middle class and working families within the RM-1 districts. Providing for an increase in the availability of 3 or 4 bedroom units, something rarely found and in high demand in our family oriented community.

## Land Assemblage

There is a clear need to address the massing associated with the introduction of new development for aggregated lots in the RM-1 districts. Forcing for the breaking of the massing to mimic the existing fabric of the streetscape is important for the compatibility of new development. I would not go as far as to limit the number of continuous lots one can assemble, rather, codifying the need to break up the massing of new development. You can introduce additional guidelines to insure air and light between every lots; insuring the preservation of the existing streetscape and pedestrian views to the water. Today's existing county code already requires 20% of the lot width fronting waterfront lots is left open, creating view corridors to the water. The code should look to address this concern and recommendation in the master plan.

## Local Historic Districts

The master plan acknowledges the need to designate areas for Local Historic designation but it also confirms the city's need to further examine the proposed boundaries. Once completed, the city should review the designation report drafted by staff, along with its findings, to confirm the proper boundaries and areas for Local Historic Districts.

Referencing the area along Harding Ave and the southeast section of Normandy Isle for the introduction of the initial Local Historic Districts, the Master Plan explains the added considerations necessary when expanding the creation of Local Historic Districts. This includes the creation of a TDR like program to insure the financial mechanism for renovating historic buildings. The city must also look to introduce added incentives for the preservation of its districts while remaining sensitive to SLR adaptation strategies to insure they are commensurate with the challenge at hand. This is especially true along the waterfront where SLR is already having an impact.

I would suggest we wait for the final designation report prepared by the city before arriving at a final opinion for the boundaries of our proposed Local Historic Districts and would support staff's recommendation. Regardless, designation alone is not enough to prepare us for the future and to fulfill the vision outlined in the Master Plan. As roads are raised and SLR is bluntly apparent, we must allow for the adaptation of our structures and in many cases, redevelopment. Whether this is under the scrutiny of the HPB or DRB should not be the determining factor on how to protect our RM-1 districts. The overlay of the Conservation District would provide this protection.

## Resiliency

It is not a question of "If" but rather "When". The reality of our future can no longer be ignored. Often talked up as rhetoric from developers and land owners, sea level rise is real. In the last 5 years I have seen a constant rise in the high tide water levels. Action must be taken and thankfully the city has budgeted hundreds of millions of dollars to make us more resilient.



Property owners must be allowed to adopt and protect their property in conjunction with city improvements towards resiliency. Simply stated, if the city raises the street in front of a property, the property owner must be permitted to raise the grade of their property to be equal to that of the raised street. Overtime this is simply a reality we need to face. As the master plan reminds us, we can build all the seawalls we want, the water will simply bubble up through our porous substrate limestone. We must be prepared to raise the first level of a property to be at grade with the street.

Even more frightening is the future potential of a major storm which will remind us of the vulnerability of our barrier island and its concerning exposure to these natural events. We can't wait until a natural disaster hits us in the future to protect and make properties resilient. The introduction and allowance for new and compatible development is essential for the future of North Beach, well beyond our involvement and time.

## Economics

It was not until the recent crash in the real estate market when we started to see a large increase in the interest from investors in North Beach. Coupled with the low cost of property and increasing rental rates, North Beach was a great place to invest, improve and create a mutual benefit between property owners and residents. As a result, we have seen the private sector make substantial investments into our existing MiMo buildings.

Recently the market has changed, property costs have gone up sharply since the market crash in late 2008, insurance cost are increasing with the introduction of new FEMA guidelines, operating cost such as water continue to increase and rental rates have stabilized as overdevelopment in Miami hits a peak with the introduction of an additional 11,000 units over the next two years. It's a concerning time for the private market and I am only hopeful we have not seen the peak for the private market's appetite to bring improvements to properties in North Beach.

Below are examples of the increase in cost (Insurance, taxes, water) in comparison to gross rents. It shows a clear increase in the cost and a reduction in the return for the investments which is the determining factor when a private property looks to make improvements to an existing structure.

Property	2013 Insurance Costs	2014 Insurance Costs	2015 Insurance Costs	2013 Property Taxes	2014 Property Taxes	2015 Property Taxes	2013 Water Costs	2014 Water Costs	2015 Water Costs	2013 Gross Rents	2014 Gross Rents	2015 Gross Rents	Ratio (Ins. + Taxes + Water)/ Rents		
													2013	2014	2015
A - S Shore Drive	\$9,279	\$10,692	\$13,366	\$10,780	\$11,921	\$14,791	\$3,798	\$4,601	\$6,044	\$106,000	\$100,300	\$117,650	22.51%	27.13%	29.07%
B - Crespi Blvd	\$22,488	\$25,744	\$33,118	\$34,087	\$37,240	\$42,775	\$16,030	\$20,520	\$24,947	\$230,892	\$249,792	\$272,991	31.45%	33.43%	36.94%
C - Harding Ave	\$4,881	\$5,384	\$7,105	\$16,970	\$17,738	\$19,676	\$5,697	\$7,222	\$8,630	\$126,322	\$127,055	\$132,851	21.81%	23.88%	26.65%
D - Carlyle Ave	\$18,986	\$20,711	\$25,962	\$18,998	\$21,976	\$24,761	\$11,099	\$12,811	\$14,490	\$161,535	\$170,465	\$182,999	30.39%	32.56%	35.64%

We must be concerned with the private market if we are expecting investors to make the necessary improvements to preserve our historic buildings.

I can't thank our city enough for all they have done to bring focus on our community. The Mayor, Commission, City Administration and Dover & Kohl have done so much in such a short period of time. I look forward to the discussions planned for December 5<sup>th</sup>. Thank you for your consideration and review of the information and thoughts presented.

Sincerely,

Daniel Veitia  
North Beach Resident  
1525 Normandy Drive  
Miami Beach, FL 33141

## North Beach RM-1 Zoning Amendments

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," SUBDIVISION 2, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SECTION 142-155, "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS", AND SECTION 142-156, "SETBACK REQUIREMENTS," BY ADDING NEW HEIGHT AND SETBACK REGULATIONS FOR MULTIFAMILY BUILDINGS IN NORTH BEACH; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the North Beach multifamily neighborhoods were largely developed between 1935 and 1963 with low scale, Mid Century Modern buildings on 50 feet lots, giving the area a cohesive and distinctive character; and

**WHEREAS**, In the summer of 2009, the North Shore and Normandy Isles National Register Historic Districts were placed on the National Register of Historic places by the United States Department of the Interior; and

**WHEREAS**, the Planning Department conducted an analysis of existing conditions, issues and opportunities in the RM-1 Multifamily; and

**WHEREAS**, the City desires to reduce parking requirements with certain conditions in the North Shore and Normandy Isles National Register Historic Districts in order to encourage the retention and preservation of existing contributing structures within the districts and to promote walking, bicycling and public transit modes of transportation, as well as to reduce the scale and massing of new development in the residential neighborhoods.

**WHEREAS**, the amendments set forth below are necessary to accomplish all of the above objectives.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**SECTION 1.** Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article II – "District Regulations," Subdivision II. – "RM-1 Residential Multifamily Low Intensity" is hereby amended as follows:

**Sec. 142-155. - Development regulations and area requirements.**

- (a) The development regulations in the RM-1 residential multifamily, low density district are as follows:

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(4) In the National Register Historic Districts in North Beach, the following shall apply:

- a. The maximum building height shall be 30 feet for the first 30 feet of building depth, as measured from the minimum required front setback and a maximum of 40 feet for the remainder of the lot depth for non-bayfront lots and a maximum of 50 feet for bayfront lots.
- b. The maximum number of stories shall be 3 for the first 30 feet of building depth, as measured from the minimum required front setback and a maximum of 4 stories for the remainder of the lot depth for non-bayfront lots and a maximum of 5 stories for bayfront lots.
- c. Stairwell bulkheads shall not be permitted to extend above the maximum building height.
- d. Elevator bulkheads extending above the main roofline of a building shall be required to meet the line-of-sight requirements set forth in section 142-1161 herein and such line-of-sight requirement cannot be waived by the historic preservation board or design review board, as applicable.
- e. Shade structures, including awnings and canopies shall be permitted as an allowable height exception, not to exceed 10 feet in height above the associated roof deck, subject to the review and approval of the historic preservation board or design review board, as applicable.
- f. Balconies, porches, platforms and terraces shall not be permitted as allowable projections in a required sideyard when the required pedestal setback is less than 7.5 feet.

(b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
5,000	50	New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—400	New construction—800 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—550	Historic district—40 Flamingo Park Local Historic District—35 (except as provided in section 142-1161 <u>North Beach National Register Districts – see section 142-155(a)(4)</u> Otherwise—50	Historic district—4 Flamingo Park Local Historic District—3 (except as provided in section 142-1161 <u>North Beach National Register Districts – see section 142-155(a)(4)</u> Otherwise—5



Sec. 142-156. - Setback requirements.

- (a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (c) below is applicable	20 feet	5 feet, or 5% of lot width, whichever is greater	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots—5 feet Oceanfront lots—50 feet from bulkhead line. <u>Waterfront lots within North Beach National Register Districts – 20% of lot depth, maximum 40 feet</u>
Subterranean	20 feet	5 feet, or 5% of lot width, whichever is greater (0 feet if lot width is 50 feet or less)	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots—0 feet Oceanfront lots—50 feet from bulkhead line
Pedestal	20 feet Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or 8% of lot width, whichever is greater	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or 8% of lot width, whichever is greater	Non-oceanfront lots—10% of lot depth Oceanfront lots—20% of lot depth, 50 feet from the bulkhead line whichever is greater

Tower	20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231—237 of the Amended Plat of First Ocean Front Subdivision—50 feet	The required pedestal setback plus 0.10 of the height of the tower portion of the building. The total required setback shall not exceed 50 feet	Sum of the side yards shall equal 16% of the lot width Minimum—7.5 feet or 8% of lot width, whichever is greater	Non-oceanfront lots—15% of lot depth Oceanfront lots—25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater
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- (d) In the National Register Historic Districts in North Beach, the following setback requirements shall apply for the pedestal portions of all buildings. Setbacks for tower, at-grade parking and subterranean levels shall be the same as set forth in (a) above.

	<u>Front</u>	<u>Side</u>	<u>Rear</u>
<u>North Shore</u>	<u>10</u>	<u>7.5 feet, or 8% of lot width, whichever is greater (5 feet if lot width is 60 feet or less)</u>	<u>Non waterfront lots - 5 feet</u> <u>Waterfront lots – 10% of lot depth</u>
<u>Biscayne Beach</u>	<u>10</u>	<u>7.5 feet, or 8% of lot width, whichever is greater (5 feet if lot width is 50 feet or less)</u>	<u>10% of lot depth</u>
<u>Normandy Isle and Normandy Shores</u>	<u>20</u>	<u>7.5 feet, or 8% of lot width, whichever is greater (5 feet if lot width is 60 feet or less)</u>	<u>5</u>

<u>Normandy waterfront</u>	<u>25</u>	<u>7.5 feet, or 8% of lot width, whichever is greater (5 feet if lot width is 50 feet or less)</u>	<u>10% of lot depth, maximum 20 feet</u>
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### **SECTION 3. CODIFICATION.**

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

### **SECTION 4. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

### **SECTION 5. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

### **SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2014.

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**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: \_\_\_\_\_, 2014

Second Reading: \_\_\_\_\_, 2014

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

