

MIAMI BEACH

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

COMMITTEE MEMORANDUM

TO: Members of the Land Use and Sustainability Committee

FROM: Alina T. Hudak, City Manager

DATE: March 4, 2022

SUBJECT: **LAND USE AND SUSTAINABILITY COMMITTEE MEETING OF MARCH 4, 2022**

A Land Use and Sustainability Committee meeting was held on February 11, 2022. Land Use and Sustainability Committee Members participating were Commissioners Ricky Arriola, David Richardson and Mark Samuelian. Alternate Member Alex Fernandez, as well as Commissioner Steven Meiner were also present. Members from the Administration, including Eric Carpenter, Thomas Mooney, Nick Kallergis, Amy Knowles, Jose Gonzalez, Joe Gomez, and Christina Ortega, as well as members of the public, also participated.

The meeting was called to order at 9:40 a.m.

ACTION ITEMS

1. CONSIDER THE PROPOSED EXPANSION OF THE ART DECO/MIMO COMMERCIAL CHARACTER OVERLAY DISTRICT TO INCLUDE WASHINGTON AVENUE, BETWEEN 5TH STREET AND DADE BOULEVARD, AS WELL AS THOSE PROPERTIES FROM 16TH STREET TO 23RD STREET TO THE EAST OF WASHINGTON AVENUE (DUAL REFERRAL TO PLANNING BOARD).

Commissioner Alex Fernandez
Planning
Dec 8, 2021 C4 X

MOTION – By Acclamation: Recommend that the Planning Board transmit the Ordinance to the City Commission with a favorable recommendation.

2. AMENDMENT TO THE AUTOMATIC STAY PROVISIONS IN SECTION 118-9 OF THE LAND DEVELOPMENT REGULATIONS, TO REPEAL THE EXCEPTION PERMITTING AN APPLICANT TO OBTAIN A BUILDING PERMIT WHILE AN APPEAL OF THE APPLICANT'S CONDITIONAL USE PERMIT IS PENDING APPLICATIONS.

Commissioner Kristen Rosen Gonzalez
Planning
January 20, 2022 C4 Z

MOTION - By Acclamation: Continue to the April 8, 2022 LUSC meeting with direction to the Administration to reach out to the item sponsor.

3. PROPOSED AMENDMENT TO CHAPTER 118, ARTICLE X OF THE LAND DEVELOPMENT REGULATIONS TO PROVIDE THAT, WHEN A CONTRIBUTING BUILDING IS DEMOLISHED WITHOUT A CERTIFICATE OF APPROPRIATENESS, THE PRESUMPTION SHALL BE THAT THE BUILDING MUST BE REPLICATED, IF CERTAIN CRITERIA ARE SATISFIED.

Commissioner Alex Fernandez
Planning
February 9, 2022 C4 A

MOTION – MS/DR (3-0): Recommend that the City Commission refer the proposed Ordinance to the Planning Board.

4. DISCUSS A HEIGHT INCREASE TO 80 FEET FOR OFFICE SPACE IN THE CD-3 DISTRICT ON WASHINGTON AVENUE BETWEEN LINCOLN ROAD AND 17TH STREET (DUAL REFERRAL TO PLANNING BOARD).

Commissioner Ricky Arriola
Planning
February 9, 2022 C4 P

MOTION – DR/RA (3-0): Recommend that the Planning Board transmit the proposed Ordinance to the City Commission with a favorable recommendation.

DISCUSSION ITEMS

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

Commissioner Steven Meiner
Planning
July 28, 2021 C4T

MOTION – By Acclamation: Continue to the May 13, 2022 LUSC meeting with the following direction:

1. Engage in follow-up outreach to the affected stakeholders and provide a summary of the applicable comments and input.
2. Modify the northeast boundary of the overlay to remove Washington Avenue.

6. DISCUSS AMENDING REGULATIONS ON HOURS OF OPERATION AND PROHIBITED AREAS FOR PACKAGE LIQUOR STORES.

Commissioner Mark Samuelian
Planning
September 17, 2021 C4J and C4L
October 19, 2021 LUSC

MOTION – By Acclamation: Continue to the May 13, 2022 LUSC meeting with direction to the Administration and the City Attorney's Office to work with the item sponsor to further develop boundaries for additional prohibited areas and limits on

hours of operation, and to further study the feasibility of an amortization clause.

7. DISCUSS SHORT-TERM FLOODING SOLUTIONS IN AREAS SUSCEPTIBLE TO FLOODING WITH NO FORTHCOMING INFRASTRUCTURE PROJECTS.

Commissioner Mark Samuelian
Public Works
September 17, 2021 C4E

MOTION – DR/RA (2-1): Recommend that the City Commission discuss funding of the proposal as part of the FY 2023 budget process.

8. DISCUSS THE APPLICABILITY OF THE CITY'S LAND DEVELOPMENT REGULATIONS (LDR'S) TO THE CO-OWNERSHIP OF SINGLE FAMILY HOMES AND WHETHER AMENDMENTS TO THE LDR'S ARE NECESSARY TO ADDRESS EMERGING BUSINESS MODELS.

Commissioner Mark Samuelian
City Attorney
October 13, 2021 C4 G

MOTION – By Acclamation: Continue to the April 8, 2022 LUSC meeting with direction to the City Attorney's Office and the Administration to discuss potential legislative options with the item sponsor.

9. DISCUSSION REGARDING WHETHER TO PROHIBIT APARTMENT HOTELS IN ADDITIONAL DISTRICTS OR THROUGHOUT THE CITY OF MIAMI BEACH.

Commissioner Steven Meiner
Planning
October 13, 2021 C4 H

MOTION – By Acclamation: Continue to the April 8, 2022 LUSC meeting with the following direction:

- 1. In the revised definition of apartment-hotel, include a minimum lobby size and further study the minimum number of apartment units.**
- 2. Further study the provision for allowing unit access from outside the lobby.**
- 3. Provide information on resort taxes and the impact of increasing the minimum number of required apartment units.**

10. DISCUSSION REGARDING THE REVIEW AND APPROVAL OF CERTIFICATES OF APPROPRIATENESS.

Commissioner Steven Meiner
Planning

MOTION – By Acclamation: Continue to the May 13, 2022 LUSC meeting with direction to the Administration to discuss the requirements of a certificate of appropriateness with the item sponsor.

11. DISCUSS THE SUSTAINABILITY COMMITTEE'S MOTION RECOMMENDING THAT THE \$25,000 ALLOCATED FOR THE ENHANCEMENT AND CONSERVATION OF FLAGLER MONUMENT ISLAND BE ALLOCATED TO PROJECTS THAT WILL STOP MOTORIZED VESSELS FROM REACHING THE ISLAND WHILE ENHANCING THE ISLAND'S ECOLOGICAL FEATURES.

Commissioner Mark Samuelian
Environment and Sustainability
December 8, 2021 C4 Z

MOTION – MS/DR (3-0): Continue to the May 13, 2022 LUSC meeting with the following direction:

1. Provide more detail on long and short term options.
2. Recommend that the City Commission refer the funding component to the Finance and Economic Resiliency Committee (FERC).
3. Seek approval from Miami-Dade County for additional security.

12. DISCUSS THE CENSUS FINDINGS PUBLISHED BY THE BEACH.

Commissioner Mark Samuelian
Planning
December 8, 2021 C4 M

The item was deferred to the April 8, 2022 LUSC meeting.

13. DISCUSS POTENTIAL CRITERIA TO ADDRESS NOISE ASSOCIATED WITH CONDITIONAL USE PERMIT (CUP) APPLICATIONS.

Commissioner Alex Fernandez
Planning
December 8, 2021 C4 AB

The item was deferred to the April 8, 2022 LUSC meeting.

14. DISCUSS THE RAISING OF PRIVATE HOMES.

Commissioner Mark Samuelian
Planning
January 20, 2022 C4 AA

MOTION – DR/MS (3-0): Continue the item to the April 8, 2022 LUSC meeting and recommend that the City Commission refer the item to the Finance and Economic Resiliency Committee (FERC).

15. DISCUSSION PERTAINING TO PROPOSED AMENDMENTS TO CHAPTER 46 OF THE CITY CODE PERTAINING TO HERITAGE TREE DESIGNATION.

Commissioner Steven Meiner
Environment and Sustainability
December 8, 2021 R5 N

The item was deferred to the April 8, 2022 LUSC meeting.

16. **VERBAL REPORT:** DISCUSS A CHARTER AMENDED RELATING TO CHARTER SECTION 1.03(C) TO CLOSE A "LOOPHOLE" IN THE LAW THAT ALLOWS THE TRANSFER OF FLOOR AREA RATIO (FAR) TO DEVELOPMENT PROJECTS WITHOUT THE APPROVAL OF THE ELECTORATE.

Commissioner Kristen Rosen Gonzalez
Planning/CAO
January 20, 2022 C4 F

MOTION – By Acclamation: Continue to the April 8, 2022 meeting with direction to reach out to the item.

17. DISCUSS CRIMINAL PENALTIES FOR DEMOLITION BY NEGLECT.

Commissioner Alex Fernandez
Planning
February 9, 2022 C4 B

MOTION – By Acclamation: Continue to the May 13, 2022 LUSC meeting with direction to the City Attorney's Office and the Administration to explore different options and provide a summary, including budget implications.

DEFERRED ITEMS

The following items are deferred to April 8, 2022:

18. 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

19. 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
Environment and Sustainability
July 28, 2021 C4Q

20. A DISCUSSION ITEM TO CONSIDER AMENDING THE CITY'S LAND DEVELOPMENT REGULATIONS TO EXTINGUISH THE GRANDFATHERING OF MOTOR SCOOTER RENTALS AS LEGAL, NON-CONFORMING USES AS OF A DATE CERTAIN, WITH THE FINAL DATE FOR THE TERMINATION OF MOTOR SCOOTER RENTALS IN THE CITY TO BE BASED UPON AN AMORTIZATION TIMELINE TO BE ESTABLISHED AS PART OF THE PROPOSED LEGISLATION.

Commissioner David Richardson
City Attorney
September 17, 2021 C4I

The meeting adjourned at 2:12 p.m.