



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

## COMMISSION MEMORANDUM

TO: The Honorable Mayor Steven Meiner and Members of the City Commission  
FROM: Alina T. Hudak, City Manager  
DATE: April 3, 2024  
SUBJECT: **Report of the February 26, 2024, Land Use and Sustainability Committee (LUSC) Meeting.**

A Land Use and Sustainability Committee (LUSC) meeting was held on February 26, 2024. Committee Members participating were Commissioners Alex Fernandez (Chair), Tanya K. Bhatt (Vice-Chair), Laura Dominguez, and David Suarez. Commissioners Kristen Rosen Gonzalez and Joseph Magazine also participated. Members from the Administration, including Thomas Mooney and David Martinez, Nick Kallergis from the City Attorney's Office, as well as members of the public, also participated.

**The meeting was called to order at 4:00 p.m.**

### **PRIORITY ITEMS**

1. DISCUSS EFFORTS THE CITY CAN TAKE TO RECRUIT QUALIFIED ARCHITECTS AND LANDSCAPE ARCHITECTS FOR APPOINTMENT TO THE CITY'S LAND USE BOARDS (BOARD OF ADJUSTMENT, DESIGN REVIEW BOARD, HISTORIC PRESERVATION BOARD, AND PLANNING BOARD).

Commissioner Tanya K. Bhatt  
Planning  
December 13, 2023 C4 Q

**Motion – LD/TB (4-0): Move the item to the City Commission with the following recommendations:**

- a. **Approve the proposals to enhance recruitment efforts, as set forth in the LUSC memo.**
  - b. **Refer an ordinance amendment to the Planning Board to provide more options within the architect and landscape architect categories of all land use boards.**
2. CONSIDER WHETHER TO PROHIBIT EXISTING WATERCRAFT RENTAL ESTABLISHMENTS IN THE WD-1 WATERWAY DISTRICT, SUBJECT TO AN AMORTIZATION SCHEDULE.

Commissioner David Suarez  
City Attorney / Planning  
December 13, 2023 C4 M

**Motion – DS/TB (4-0): Move the item to the City Commission with the following recommendations:**

- a. **The City Commission authorize the City Manager to retain an outside consultant to conduct an economic analysis pertaining to amortizing existing watercraft rental uses in the WD-1 district.**
  - b. **A capacity analysis be conducted to determine the ability of existing, legally established marinas, to absorb the existing uses in the WD-1 district.**
3. **REPEAL CO-LIVING INCENTIVES ALONG WASHINGTON AVENUE AND RESTRICT THE MAXIMUM NUMBER OF COLIVING UNITS IN THE NORTH BEACH TOWN CENTER CORE (TCC) DISTRICT, TO PROHIBIT THE APPROVAL OF ANY NEW CO-LIVING DEVELOPMENT IN THE CITY (Dual Referral to Planning Board).**

Commissioner Alex Fernandez, and Commissioners Tanya K. Bhatt and Joseph Magazine  
Planning  
December 13, 2023 C4 T

**Motion – TB/DS (4-0): Move the item to the City Commission with the following recommendations:**

- a. **Recommend the Planning Board transmit an ordinance to the City Commission with a favorable recommendation to repeal the co-living regulations along Washington Avenue and reduce the cap for co-living units in the North Beach TC-C district to 529 units.**
  - b. **Refer a discussion item to the LUSC to explore incentives for the conversion of existing co-living and transient uses in the North Beach Town Center to permanent residential.**
4. **DISCUSS PROPOSED 6<sup>TH</sup> STREET OVERLAY.**

Mayor Steven Meiner and Commissioner Laura Dominguez  
Planning  
October 18, 2023 C4 A

**Motion – LD/TB (4-0): Continue the item to the March 19, 2024 LUSC meeting.**

5. **DISCUSS A PROPOSAL TO DESIGNATE THE STANDARD HOTEL (FORMER LIDO SPA) PROPERTY AT 40 ISLAND AVENUE AS A LOCAL HISTORIC SITE.**

Commissioner Kristen Rosen Gonzalez  
Planning  
February 1, 2023 C7 W

**Motion – By Acclamation: Conclude the item with no recommendation.**

6. **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.**

Commissioner Alex Fernandez and Laura Dominguez

**Motion – By Acclamation: Continue the item to the March 19, 2024 LUSC meeting.**

7. DISCUSS USE OF COLOR IN ART DECO ARCHITECTURE, INCLUDING THE COLOR PALETTE DEVELOPED BY LEONARD HOROWITZ; DISCUSS HOW TO ENCOURAGE PROPERTY OWNERS TO INCORPORATE COLOR IN EXTERIOR PAINT FOR ART DECO BUILDINGS; AND IDENTIFY A CITY BUILDING THAT COULD BE PAINTED IN A MANNER THAT HIGHLIGHTS ITS ARCHITECTURAL FEATURES (FOR EXAMPLE, BY USING THE LEONARD HOROWITZ PALETTE)..

Commissioner Kristen Rosen Gonzalez  
Planning  
January 31, 2024 C4 G

**Motion – TB/AF (4-0): Move the item to the City Commission with the following recommendations:**

- a. Re-painting the Colony Theater and Beach Patrol Headquarters in a color scheme that utilizes the Leonard Horowitz color palette and highlights architectural features, including consulting with Ms. Barbara Hulanicki on the color scheme.
- b. Performing outreach to paint companies for sponsorship of painting additional buildings in the City, utilizing the Horowitz color palette.
- c. Conducting a media campaign to promote the Horowitz color palette.
- d. Exploring whether the North Beach Façade Improvement Program could provide funding for paint projects on eligible buildings in North Beach.

**REGULAR ITEMS**

8. AMEND HEIGHT AND OTHER DEVELOPMENT REGULATIONS IN THE RESILIENCY CODE FOR ZONING DISTRICTS IN NORTH BEACH IN ORDER TO PROTECT THE CHARACTER OF THE NEIGHBORHOOD, INCLUDING NORTH BEACH HISTORIC DISTRICTS (Dual Referral to Planning Board).

Commissioner Alex Fernandez  
Planning  
January 31, 2024 C4 D

**Motion – LD/AF (4-0): Recommend the Planning Board transmit an ordinance to the City Commission with a favorable recommendation based on the proposals set forth in the LUSC memo.**

9. AMEND THE LAND DEVELOPMENT REGULATIONS TO EXEMPT STI TESTING FROM THE RESTRICTIONS IN THE CITY'S MEDICAL USE REGULATIONS, IN ORDER TO INCREASE THE AVAILABILITY OF STI TESTING AND MITIGATE THE RECENT SPIKE IN HIV AND OTHER STI TRANSMISSIONS IN MIAMI BEACH (Dual Referral to Planning Board).

Commissioner Alex Fernandez  
Planning  
January 31, 2024 C4 E

**Motion – TB/AF (4-0): Recommend the Planning Board transmit an ordinance to the City Commission with a favorable recommendation based on the proposals set forth in the LUSC memo.**

10. CONSIDER CONVENING AN AD HOC HISTORIC PRESERVATION ORDINANCE REVIEW TASK FORCE TO CONDUCT A COMPREHENSIVE REVIEW OF THE CITY'S HISTORIC PRESERVATION REGULATIONS AND MAKE RECOMMENDATIONS TO IMPROVE/STREAMLINE THE REVIEW PROCESS FOR PROJECTS LOCATED IN HISTORIC DISTRICTS OR ON INDIVIDUAL HISTORIC SITES.

Commissioner Alex Fernandez  
Planning  
January 31, 2024 C4 H

**Motion – DS/TB (4-0): Move the item to the City Commission with a recommendation to establish an Ad Hoc Committee for the purpose of reviewing current historic preservation regulations and making recommendations to the Mayor and City Commission.**

11. REVIEW LAND DEVELOPMENT REGULATIONS APPLICABLE TO NEW CONDITIONAL USE PERMIT APPLICATIONS FOR NEIGHBORHOOD IMPACT ESTABLISHMENTS, DISCUSS WHETHER NIE'S SHOULD BE REQUIRED TO APPLY FOR RENEWAL FROM THE PLANNING BOARD AFTER A SPECIFIC TERM OF YEARS, AND DISCUSS ADOPTING PROPERTY MAINTENANCE STANDARDS SPECIFIC TO NIE'S.

Commissioner Alex Fernandez and Commissioner Tanya K. Bhatt  
Planning  
December 13, 2023 C4 P

**Motion – TB/DS (4-0): Move the item to the City Commission with the following recommendations:**

- a. Refer an ordinance amendment to the Planning Board to establish mandatory progress report requirements for future Neighborhood Impact Establishments (NIE).
- b. Refer a separate discussion item to the LUSC to discuss an initiative to install noise meters in the entertainment district, in conjunction with enhanced enforcement efforts and the use of decibel readers.

12. REVIEW THE CITY'S CURRENT MAXIMUM DEVELOPMENT CAPACITY FOR WATER, SEWER, ELECTRICAL AND OTHER UTILITIES AND PUBLIC FACILITIES, AND HOW TO BETTER USE UPDATED MODELING AND DATA FOR PROJECTED FUTURE DEMAND TO INFORM CITY'S PLANNING AND LEGISLATIVE EFFORTS RELATING TO DEVELOPMENT.

Mayor Steven Meiner and Commissioner Tanya K. Bhatt  
Planning  
December 13, 2023 C4 R

**Motion – By Acclamation: Continue the item to the May 1, 2024 LUSC meeting.**

## **DEFERRED ITEMS**

The following items were deferred to March 19, 2024 with no discussion:

13. DISCUSS A PROPOSAL TO CONVERT THE CLEVELANDER TO A RESIDENTIAL PROJECT WITH NO OUTDOOR BAR/ENTERTAINMENT

City Attorney  
Planning and City Attorney  
January 31, 2024 C4 AF

14. REVIEW CODE SECTIONS RELATING TO EXPIRATION OF LAND USE BOARD ORDERS.

Commissioner Alex Fernandez  
Planning  
December 13, 2023 C4 AA

15. DISCUSS PROPOSED ORDINANCE ESTABLISHING THE CENTURY AND FARREY LANE OVERLAY ON BELLE ISLE.

Commissioner Alex Fernandez  
Planning  
October 18, 2023 R5 A

16. DISCUSS A PROPOSED LOCAL TECHNICAL AMENDMENT TO THE FLORIDA BUILDING CODE, IN ACCORDANCE WITH SECTION 553.73(4), FLORIDA STATUTES, WHICH WOULD REQUIRE EXISTING BUILDINGS AND NEW CONSTRUCTION TO PROVIDE AIR CONDITIONING IN THE ENTIRE BUILDING RATHER THAN MERELY PROVIDING VENTILATION, AS CURRENTLY REQUIRED BY THE FLORIDA BUILDING CODE.

Commissioner Alex Fernandez  
Building  
September 13, 2023 C4 F

17. DISCUSS THE NEW SHORT-TERM RENTAL LAW PASSED IN NEW YORK CITY, KNOWN AS 'LOCAL LAW 18.'

Commissioner Alex Fernandez  
Planning  
September 13, 2023 C4 Q

18. DISCUSS FPL'S STORM SECURE UNDERGROUND PROGRAM (THE "PROGRAM") AND OPPORTUNITIES TO IDENTIFY THE CITY OF MIAMI BEACH NEIGHBORHOODS THAT MAY BE ELIGIBLE FOR UNDERGROUNDING OF POWER LINES THROUGH THE PROGRAM, AT NO COST OR EXPENSE TO CITY RESIDENTS OR BUSINESSES.

Mayor Steven Meiner and Commissioners Laura Dominguez and Alex Fernandez  
Public Works  
May 17, 2023 R9 F

19. DISCUSS LDR INCENTIVES TO RETAIN AND REHABILITATE HISTORIC BUILDINGS (Dual Referral to Planning Board).

Commissioner Alex Fernandez  
Planning  
April 28, 2023 C4 D

20. AMEND CERTAIN LANDSCAPING REQUIREMENTS IN CHAPTER 126 OF THE CITY CODE RELATING TO PALM TREES, TO PERMIT PALMS TO COUNT TOWARD THE MINIMUM NUMBER OF STREET TREES (Dual Referral to Planning Board).

Mayor Steven Meiner  
Planning  
February 1, 2023 C4 C

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

Mayor Steven Meiner  
Planning / Environment and Sustainability  
December 8, 2021 R5 N

**WITHDRAWN ITEMS**

The following items were withdrawn by the sponsor:

22. INCREASING ALLOWABLE FLOOR AREA RATIO FOR WORKFORCE HOUSING.

Commissioner Laura Dominguez  
Planning  
November 16, 2022 C4 V

23. AMEND LAND DEVELOPMENT REGULATIONS TO MODIFY THE COMPOSITION OF THE PLANNING BOARD TO INCLUDE AN EX OFFICIO, NON-VOTING SEAT FOR A MEMBER OF THE TRANSPORTATION, PARKING, AND BICYCLE-PEDESTRIAN FACILITIES COMMITTEE.

Commissioner Alex Fernandez  
Planning  
January 31, 2024 C4 F

**The meeting adjourned at 6:43 p.m.**