MIAMIBEACH

Land Use and Sustainability Committee
City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
February 18, 2020 - 8:00 AM

Commissioner Mark Samuelian, Chair
Commissioner Michael Gongora, Vice-Chair
Commissioner Ricky Arriola, Member
Commissioner Micky Steinberg, Alternate

Thomas Mooney, Liaison
Naima De Pinedo, Support Staff

LAND USE AND SUSTAINABILITY COMMITTEE AGENDA
COMMISSION CHAMBERS 1700 CONVENTION CENTER DRIVE 3RD FL.

Tuesday, February 18, 2020, 8:00 AM

ACTION ITEMS

1 Ordinance Pertaining to Adaptive Re-Use and Accessory Uses in the Tatum Waterway Areas

Commissioner Ricky Arriola
October 16, 2019 R5 E (Continued from January 21, 2020)

Time Certain 9 a.m.

2 Discussion: Limiting Big Box Formula Retail And Formula Restaurants In Sunset Harbour

Commissioner Ricky Arriola
June 5, 2019 C4 Q (Deferred from January 21, 2020)

Time Certain 9:30 a.m.

DISCUSSION ITEMS

3. Discussion Pertaining To Strategic Increases In FAR Related To Resiliency And Other Defined Policy Benchmarks

Mayor Dan Gelber
January 15, 2020 C4 K (Continued from January 21, 2020)

4. Discussion on Planned And In Progress Resiliency Projects: Palm Hibiscus, First Street, West Avenue and Indian Creek

Commissioner Mark Samuelian
Recurring Item

5. Discuss The November 26, 2019 Sustainability Committee Motion Concerning Recommendations For The West Avenue Renovation Project.

Commissioner Mark Samuelian
January 15, 2020, C4 L (Continued from January 21, 2020)

6. Discussion: Limiting Big Box Formula Retail And Formula Restaurants On Lincoln Road

Commissioner Ricky Arriola

June 5, 2019 C4 R (Deferred from January 21, 2020)

7. Discussion: Ordinance Amendment Excepting Office Uses Not Also Operating As An Entertainment Establishment Or Dance Hall From The Definition Of Neighborhood Impact Establishment (NIE)

Commissioner Michael Gongora

June 5, 2019 C4 S (Deferred from September 18, 2019 LUDC)

8. Discussion: Establishment Of Penalties For Property Owners Engaging In Demolition By Neglect

Commissioner Ricky Arriola

July 17, 2019 C4 O (Deferred from January 21, 2020)

9. Discuss The Motion Made By The Sustainability Committee To Make The Reduction Of CO2 Emissions A Primary Focus Of The Fleet Assessment.

Commissioner Mark Samuelian

July 17, 2019 C4 S (Deferred from January 21, 2020)

10. Discussion On Requiring All New City Vehicles Purchased After 2020 To Be 100% Electric (Except Emergency Vehicles).

Commissioner Michael Gongora

September 11, 2019 C4 R (Deferred from January 21, 2020)

11. Discussion: A Proposed Bridge Connecting Fontainebleau To A Proposed South Addition

Commissioner Ricky Arriola

December 11, 2019 C4 L (Deferred from January 21, 2020)

12. Discussion: Permitting Accessory Uses For Historic Hotel Uses In The RM-3 Zoning District To Be Located In An RM-2 Property, So Long As Both Properties Share A Unified Hotel Operation And Are Connected By A Bridge Or Structure; And Modifying The Parking Requirement And Conditional Uses For Those Accessory Uses

Commissioner Ricky Arriola

December 11, 2019 C4 M (Deferred from January 21, 2020)

13. Discussion: Hotel Uses in the RM-1 District for Properties Along Lincoln Road

Commissioner Ricky Arriola

January 15, 2020 (C4S)

14. Discussion on Banks Located on First-Floor Retail Spaces

Commissioner Ricky Arriola

October 16, 2019 C4 S (Deferred from January 21, 2020)

15. Discussion Regarding Tight Urbanism

Commissioner Ricky Arriola

September 11, 2019 C4 Z (Deferred from January 21, 2020)

16. Miami-Dade County Resolution Urging Municipalities To Adopt Post-Disaster Temporary Zoning Relief

Commissioner Mark Samuelian

December 11, 2019 C4 C (Deferred from January 21, 2020)

17. Development Incentives for the Normandy Isle Commercial District

Commissioner RIcky Arriola

July 17, 2019 C4 P (Continued from October 30, 2019 LUDC)

18. Proposed Sale of City Owned Lot at 6950 Harding Avenue (PL 84) to Integra Real Estate LLC

Commissioner Mark Samuelian

October 30, 2019 C4 A (Deferred from January 21, 2020)

Continued to March 17, 2020

19. Discussion On Repurposing Our Golf Courses For The Future.

Commissioner Ricky Arriola

May 16, 2018 C4 AB (Deferred from January 21, 2020)

20. Proposed Zoning Overlay For The Lehrman Day School At 77th Street And Dickens Avenue

Commissioner Micky Steinberg

December 11, 2019 C4 N (Deferred from January 21, 2020)

21. Discussion To Explore Increasing The Usage and Funding Of Temporary Pumps

Commissioner Mark Samuelian

January 15, 2020 C4 N

22. Discuss Piloting The Closure Of 9th Street Between Ocean Drive And Collins Avenue.

Commissioner Ricky Arriola

January 15, 2020 C4 P

23. Discuss Designating Ocean Drive As A Valet Only Street.

Commissioner Ricky Arriola

January 15, 2020 C4 Q

24. Discussion: Review of Allowable Store Signage

Commissioner Micky Steinberg

January 15, 2020 C4 R

SUPPLEMENTAL

25. Discussion To Review The Palm Hibiscus Road Elevation Experience.

Commissioner Mark Samuelian

September 11, 2019 C4 Q

Updated February 13, 2020

26. Arkup Luxury Houseboats and Their Effects on Biscayne Bay and the Quality of Life of Surrounding Residents

Commissioner Ricky Arriola

September 11, 2019 (R9X)

Updated February 11, 2020

DEFERRED ITEMS

27. Discussion Regarding How Green infrastructure Including Living Or Hybrid Shorelines Can Complement Grey infrastructure In Our Climate Adaptation On-Going Work.

Commissioner Micky Steinberg

April 13, 2016 C4 N

28. Discussion On City Of Miami Beach Stormwater, Sanitary, Sewer, And Water Infrastructure Best Management Practices.

Commissioner Micky Steinberg

May 11, 2016 C4 U

29. Discuss Updates To The City Code Referencing Turtle Nesting.

Commissioner Mark Samuelian
September 25, 2017 C4 F

30. Discussion To Review The Role Of Land Use Boards In Neighborhood Improvement Projects

Commissioner Mark Samuelian
April 11, 2018 C4 N

31. Discussion Pertaining To A Transfer Of Development Rights (TDR) Along The Tatum Waterway Area.

Commissioner Ricky Arriola
July 17, 2019, C4 R

32. Discuss Having The City Pursue Mitigation Project Funding From The Department Of Housing And Urban Development.

Commissioner Mark Samuelian
September 11, 2019 C4 P

33. Discuss The July 30, 2019 Sustainability Committee Motions.

Commissioner Mark Samuelian
October 16, 2019 C4 K

34. Discuss RM-2 Zoning At The West End Of Arthur Godfrey Road/41st Street And Potential For Public Benefits.

Commissioner Michael Gongora, Co-Sponsored by Commissioner Ricky Arriola
October 16, 2019 C4 T

35. Matrix Recommendations – Simplification Of Single Family Home Regulations And DRB Administrative Review Procedures.

No Sponsor
October 16, 2019 R5 V

WITHDRAWN ITEMS

36. Discussion Regarding Status And Jumpstarting Of First Street Neighborhood Project.

Commissioner Mark Samuelian
January 15, 2020 C4 M

ADDENDUM

37. Discuss A Corrective Text Amendment To The Washington Avenue Overlay.

Commissioner Ricky Arriola
February 12, 2020 C4 W

Item added February 12, 2020

38. Discuss Permitting Outdoor Theatre Use.

Commissioner Ricky Arriola
February 12, 2020 C4 X

Item added February 12, 2020

MIAMIBEACH

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

Item 1

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **ORDINANCE PERTAINING TO ADAPTIVE RE-USE AND ACCESSORY USES IN THE TATUM WATERWAY AREAS**

ACTION REQUESTED:
Discuss the item and provide a favorable recommendation on the proposed ordinance for second reading.

ADMINISTRATION RECOMMENDATION:
Conclude the item and recommend that the City Commission adopt the ordinance at second reading on March 11, 2020.

HISTORY:

On October 16, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the discussion item to the Land Use and Development Committee (Item R5E). The item was approved at first reading on October 16, 2019, in accordance with the following:

1. The applicable area for non-residential accessory uses shall be limited to properties along the Tatum Waterway.
1. Hotel uses must include compliance with minimum seawall requirements and a specific timeline for allowing hotel uses shall be included.
1. The uses not requiring conditional use approval shall be clearly delineated. Permit paradigm list to know what is bypassed by Planning Board.

Second reading of the ordinance was set for December 11, 2019 and the item was referred to the October 30, 2019 Land Use and Development Committee meeting to discuss the expanded areas beyond Tatum Waterway, including conditional use for hotels.

On October 30, 2019, the item was discussed and continued to the December 2, 2019 LUDC, with the following direction:

1. Include a map of eligible buildings for hotels along the Tatum Waterway.
2. Further modify the benchmarks and timeframes for required seawalls on eligible hotel sites.
3. Provide available data on the number of residential to hotel conversions that have taken place over the last 10 years.
4. Provide available data on the number of new hotel units over the last 10 years.

The December 21, 2019 LUDC meeting was cancelled, and all agenda items were moved to January 2020. The item was placed on the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee (LUSC).

On January 21, 2020 the item was discussed and continued to the February 18, 2020 LUSC, with the

following direction:

1. Establish a cap of no more than 100 hotel units, with periodic status reviews.
2. Develop additional criteria for hotel restoration, including resiliency and restoration benchmarks, as well as criteria for locking in a hotel unit reservation.
3. Work with the Communications Department to provide additional outreach to the neighborhood.
4. Recommend that the 2nd Reading of the ordinance pending before City Commission be deferred to March.

ANALYSIS:

On October 30, 2019, a revised ordinance, which reflected the action of the City Commission at first reading on October 16, 2019, was presented to the LUDC for discussion. The revised ordinance included the following:

- The applicable area for the legislation has now been limited to properties along the Tatum Waterway.

- Hotel uses are required to meet minimum seawall standards, and must be operational within a two year timeframe, with the ability of the planning board to allow for up to an addiitonal year. This two year window (up to three years with an extension) is a resonable amount of time for a property owner to receive conditional use approval, as well as sustnatially complete any required seawall upgrades.

With regard to the listing of specific uses that do not require a CUP, these are included under section 142-902, Specifically, the following accessory uses may be permitted without a CUP, subject to all applicable regualtions:

1. Café.
2. Retail.
3. Office.
4. Personal service uses.

Additionally, the following uses are prohibited:

1. Tobacco and vape dealers.
2. Package liquor stores.
3. Check cashing stores.
4. Occult science establishments.
5. Tattoo studios.

On January 21, 2020, a revised ordinance was presented to the LUSC. The following is a summary of the responses to the direction provided at the October 30, 2019 LUDC meeting:

1. A map of buildings along the Tatum Waterway that would be eligible for hotels was provided. There are 66 contributing buildings along Tatum Waterway and, according to the Miami-Dade County Property Appraiser, 555 units within these buildings.

2. The subject ordinance was modified with regard to the benchmarks and timeframes for seawalls on hotel sites. Specifically, for existing buildings on lots fronting the Tatum Waterway and classified as 'contributing' within the North Shore Local Historic District, hotels may be permitted as a conditional use, in accordance with the following provisions:

(1) The entire property shall be required to make all necessary improvements to comply with minimum

applicable seawall standards, as specified in this Code or in the public works manual, prior to the issuance of a business tax receipt (BTR) for a hotel. At a minimum, seawalls shall be raised to a minimum elevation of 4.0 feet NAVD with the ability to raise it to 5.7 feet NAVD.

(2) A completed application to comply with the minimum applicable seawall standards, as specified in this Code or in the public works manual, shall be filed no later than June 30, 2020, and prior to a request for conditional use approval from the planning board. Such application shall include, but not be limited to, all seawall permit documents required by the City and all outside agencies, as well as proof of submittal of such documents to all outside agencies. Failure to meet this deadline shall result in the subject property not being eligible to make application for conditional use approval.

(3) A BTR for the hotel use shall be issued no later than June 30, 2022.

(4) In the event that the permit for seawall improvements is issued by June 30, 2022, but construction of the seawall improvements encounters unforeseen delays, the planning board may grant an extension of the June 30, 2022 deadline to complete the construction of the seawall and obtain a BTR for a hotel use. In no instance shall such extension of time exceed one year, or June 30, 2023.

3. There was no readily available data on the number of residential to hotel conversions that have taken place over the last 10 years. Neither the GMCVB nor their consultant, STR, track or have any data on such conversions. City staff checked with Costar and they don't track this information either.

4. Per the GMCVB there have been a total of 7,742 new hotel rooms in Miami Beach since 2008.

UPDATE

In accordance with the direction of the LUSC on January 21, 2020, the subject ordinance has been modified as follows:

1. The ordinance has been clarified and only the portion of the existing building that is retained may contain hotel units. Additionally, the entire building must be substantially renovated, rehabilitated and restored.

2. A completed application to comply with the minimum applicable seawall standards must be filed no later than June 30, 2021. Additionally, the previous outside dates for seawall permit issuance and completion have been removed, as there is a cap proposed on the number of hotel units that would be permitted in the area.

3. Language has been added to address potential unforeseen delays in the completion of permitted seawalls that would allow for the issuance of a BTR for a hotel use prior to the completion of the seawall improvements. In this regard, the planning board would have the authority to allow for BTR issuance, as part of a modification to the CUP and provided the property owner can show good cause. However, if the property owner fails to diligently complete the seawall, the City reserves the right to not renew the hotel BTR.

4. The maximum number of hotel units on lots fronting Tatum Waterway within the North Shore Local Historic District shall not exceed 100; the hotel units shall be applied for and allocated on a first-come, first serve basis concurrent with a completed application for planning board approval. Additionally, specific criteria have been developed to manage the allocation of hotel units, including placing priority on properties with a building that contains legally established hotel units and properties that have

already obtained a seawall permit.

5. In order to address an instance where an eligible building proposes hotel units and the available pool is less than 100 units, the planning director may permit an increase above the limit of 100 hotel units, in order to allow that particular building to avoid having a mix of hotel and apartment units. However, no additional increase in the limit on hotel units shall be permitted after an eligible building exceeds the limit of 100 hotel units.

CONCLUSION:

The administration recommends that the LUSC endorse the revisions contained in the attached draft ordinance and recommend approval at second reading.

Applicable Area

North Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	Does this item utilize G.O. Bond Funds?
Yes	No

Departments

Planning

ATTACHMENTS:

Description	Type
Draft ORD - 2nd Reading REVISED	Memo
Hotel Eligibility MAP	Memo

Adaptive Re-use and Accessory Uses in the ~~North Shore and~~ Tatum Waterway Area~~s~~
(Revised in accordance with the direction of the City Commission at first reading on October 16, 2019 and the LUSC recommendations of January 21, 2020)

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, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, ENTITLED "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SECTION 142-152, ENTITLED "MAIN PERMITTED AND PROHIBITED USES," AND SECTION 142-153, ENTITLED "CONDITIONAL USES," TO MODIFY USE REGULATIONS AND AMEND THE LIST OF CONDITIONAL USES FOR RM-1 PROPERTIES WITHIN THE NORTH SHORE NATIONAL REGISTER HISTORIC DISTRICT, TO INCLUDE ACCESSORY ALCOHOLIC BEVERAGE ESTABLISHMENTS AND HOTEL USES; BY AMENDING ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 2, ENTITLED "ACCESSORY USES," SECTION 142-902, ENTITLED "PERMITTED ACCESSORY USES," TO MODIFY THE ACCESSORY USES FOR HOTELS IN THE NORTH SHORE LOCAL HISTORIC DISTRICT AND EXPAND THE ALLOWABLE ACCESSORY USES FOR EXISTING APARTMENT BUILDINGS IN THE NORTH SHORE NATIONAL REGISTER DISTRICT TO ALLOW FOR ACCESSORY CAFÉ, OFFICE, RETAIL, PERSONAL SERVICE, AND NON-MOTORIZED WATERCRAFT RENTAL USES; AND BY AMENDING CHAPTER 130, ENTITLED "OFF-STREET PARKING," ARTICLE II, ENTITLED "DISTRICTS; REQUIREMENTS," SECTION 130-31, ENTITLED "PARKING DISTRICTS ESTABLISHED," TO PROVIDE FOR AN EXCEPTION TO OFF-STREET PARKING REQUIREMENTS FOR CERTAIN ACCESSORY AND CONDITIONAL USES ON RM-1 PROPERTIES IN THE NORTH SHORE NATIONAL REGISTER HISTORIC DISTRICT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City seeks to encourage and incentivize the retention and restoration of contributing historic waterfront structures within the North Shore National Register District in the North Beach area; and

WHEREAS, the City seeks to enhance the pedestrian-friendly allure, and promote the unique sense of place and community culture, along North Beach's historic Tatum Waterway through low-intensity and compatible mixed-uses, while providing greater accessibility to neighborhood amenities for residents; and

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, "Zoning Districts and Regulations," Article II "District Regulations," Division 3, "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity", is hereby amended as follows:

CHAPTER 142 – ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II. – DISTRICT REGULATIONS

* * *

DIVISION 3. – RESIDENTIAL MULTIFAMILY DISTRICTS

* * *

Subdivision II. – RM-1 Residential Multifamily, Low Intensity

* * *

Sec. 142-152. - Main permitted and prohibited uses.

(a) *Main permitted uses.* The main permitted uses in the RM-1 residential multifamily, low density district are:

(1) single-family detached dwelling;
(2) townhomes;
(3) apartments;
(4) hotels, for properties fronting Harding Avenue or Collins Avenue, from the City Line on the north, to 73rd Street on the south; and
(5) bed and breakfast inn (pursuant to article V, division 7 of this chapter).

(b) *Prohibited uses.* Alcoholic beverage establishments pursuant to the regulations set forth in chapter 6, of the City Code, are prohibited uses, unless otherwise specified. Moreover, all uses not listed as a main permitted or conditional use are also prohibited.

Sec. 142-153. - Conditional uses.

(a) The conditional uses in the RM-1 residential multifamily, low density district are

(1) adult congregate living facility;
(2) day care facility;
(3) nursing home;
(4) religious institutions;
(5) private and public institutions;
(6) schools; and
(7) commercial or noncommercial parking lots and garages.

(b) For properties located in the Collins Waterfront Local Historic District, which are designated as a Local Historic Site, a hall for hire use within the interior of an existing building shall require conditional use approval and shall comply with the following:

(1) The conditional use shall only be permitted within an existing structure that is on a property designated as a "Historic Site" and such limitation shall be recorded in the Public Records;

(2) Dance halls, entertainment establishments and neighborhood impact establishments may only be permitted as part of a hall for hire;

(3) The hall for hire use shall close by 11:00 p.m. Sunday through Thursday, and by 12:00 a.m. Friday and Saturday;

(4) Events at the hall for hire shall be for the exclusive use of the property owner (and its subsidiaries) and invited guests. Events at the hall shall not be for the general public, with the exception of adjacent schools and community organizations within the Collins Park and Flamingo Drive areas, which may use the hall until 9:00 p.m.;

(5) Restaurants, stand-alone bars and alcoholic beverage establishments, not functioning as a hall-for-hire, shall be prohibited;

(6) Outdoor dining, outdoor entertainment and open-air entertainment uses shall be prohibited;

(7) Private or valet parking for any event at the hall shall be prohibited from using Flamingo Drive, Flamingo Place or Lake Pancoast Drive to facilitate access to the site.

(8) There shall be no variances from the provisions of Section 142-153(b).

(c) For apartment buildings located north of 41st Street with a minimum of 100 apartment units, a restaurant serving alcoholic beverages shall require conditional use approval and shall comply with the following:

(1) The restaurant shall only be open to residents of the apartment building and their invited guests. All invited guests shall be required to park on the subject property.

(2) The kitchen shall be limited to a maximum size of 500 square feet.

(3) The conditional use application for a restaurant with outdoor seating and outdoor dining areas shall specify the proposed maximum number of seats, and locations of seating in the outdoor areas, which shall be subject to Planning Board review and approval.

(4) A hall for hire, dance hall, open-air entertainment establishment, outdoor entertainment establishment or entertainment establishment shall be prohibited.

(5) There shall only be one restaurant on the subject property.

(6) The hours of operation of the Restaurant may be from 8 a.m. to midnight (no orders to be taken after 11 p.m.) and for any exterior areas then only until 11p.m. (no orders to be taken after 10 p.m.)

(7) Without limiting the foregoing, in the outdoor areas of the restaurant there shall not be any entertainment or Special Events.

~~There shall be no variances from the provisions of Section 142-153(b).~~

(d) For existing apartment buildings located **on lots fronting the Tatum Waterway and** within the North Shore National Register Historic District and which are classified as 'contributing,' accessory restaurants serving alcoholic beverages may be permitted as a conditional use in accordance with the following provisions:

(1) The interior restaurant area, inclusive of all seating and back-of-house areas, shall be located at the first level of the building and shall not exceed 25 percent of the floor area of the existing structure.

(2) The maximum number of seats shall not exceed 40; however, the maximum number of seats may be increased to 60, subject to planning board approval.

(3) Outdoor seating and outdoor dining shall only be permitted in buildings with internal courtyards, which are part of a unified development site under common ownership. All such outdoor seating and dining areas shall be located within the internal courtyard. The maximum number of exterior seats shall not exceed 20; however, the maximum number of seats may be increased to 40, subject to planning board approval.

(4) Pass-through windows shall not be permitted.

(5) Beer and wine may be served; however, full liquor shall not be permitted.

(6) A fully enclosed, air-conditioned trash room shall be required.

(7) The hours of operation may be from 11:00 am to 10:00 pm (no orders to be taken after 9:00 p.m.)

(8) A plan for loading operations shall be provided for the review and approval of the planning board and parking department. Loading shall only take place between the hours of 10:00 am and 3:00 pm.

(9) Exterior speakers shall be prohibited, except as may be required under the Florida Life Safety Code.

(10) A hall for hire, dance hall, open-air entertainment establishment, outdoor entertainment establishment, entertainment establishment, or special event shall be prohibited.

(11) There shall only be one restaurant on the subject property.

(12) The minimum distance separation between accessory restaurants serving alcoholic beverages shall be 1,000 feet. However, the planning board may approve an accessory restaurant serving alcoholic beverages at a lesser distance than 1,000 feet, but in no event shall such use be located at a distance less than 500 feet from another accessory restaurant serving alcoholic beverages. No variances from this distance separation requirement may be granted.

(e) For existing buildings **on lots fronting the Tatum Waterway and** classified as 'contributing' within the North Shore Local Historic District, hotels may be permitted as a conditional use, **in accordance with the following provisions:**

(1) Only that portion of the existing building that is retained may contain hotel units.

(2) The entire building shall be substantially renovated, rehabilitated and restored in a manner to be approved by the planning director or designee and in full accordance with the Secretary of the Interior's Guidelines and Standards for the Rehabilitation of Historic Buildings.

(3) The entire property shall be required to make all necessary improvements to comply with minimum applicable seawall standards, as specified in this Code or in the public works manual. At a minimum, seawalls shall be raised to a minimum elevation of 4.0 feet NAVD with the ability to raise it to 5.7 feet NAVD, prior to the issuance of a business tax receipt (BTR) for a hotel.

(4) A completed application to comply with the minimum applicable seawall standards, as specified in this Code or in the public works manual, shall be filed no later than June 30, 2021, and prior to a request for conditional use approval from the planning board. Such application shall include, but not be limited to, all seawall permit

documents required by the City and all outside agencies, as well as proof of submittal of such documents to all outside agencies. Failure to meet this deadline shall result in the subject property not being eligible to make application for conditional use approval.

(5) In the event that the permit for seawall improvements is issued and construction of the seawall improvements commences, but encounters unforeseen delays in the completion of the seawall, the planning board may allow for the issuance of a BTR for a hotel use prior to the completion of the seawall improvements, provided the property owner can show good cause. However, in the event that the property owner fails to diligently complete the seawall, the City reserves the right to not renew the hotel BTR.

(6) The maximum number of hotel units on lots fronting Tatum Waterway within the North Shore Local Historic District shall not exceed 100. The number of hotel units shall be applied for and allocated on a first-come, first serve basis concurrent with an a completed application for planning board approval that includes the number of desired units and meets all other zoning requirements, as determined by the planning director, The allocation of hotel units shall also be subject to the following:

1. The allocation of hotel units shall occur simultaneously with an application for planning board approval. In the event of multiple planning board applications, unit allocation shall be prioritized in accordance with the following:

a. Properties with a building that contains legally established hotel units.

b. Properties that have obtained a seawall permit.

2. If the allocation of hotel units occurs simultaneously with an application for planning board approval, the allocation shall expire concurrent with the expiration of the planning board approval. Upon expiration of the allocation, the units shall become available to new applicants. In the event that an application is not approved by the planning board, or in the event that an applicant with an approved planning board application fails to obtain a building permit before the board order expires, all units allocated pursuant to the filing of the planning board application shall be released to the pool and become available to new applicants.

2. If the allocation of hotel units occurs simultaneously with an application for planning board approval, and such application is withdrawn or abandoned, said allocation shall also be withdrawn or abandoned and the hotel units shall become available to new applicants. Upon the issuance of a building permit for hotel units approved pursuant to a planning board order, the allocation of such units shall remain reserved. In the event that the building permit expires or is abandoned, any hotel units allocated pursuant to the building permit shall be released to the pool and become available to new applicants. At that time, it shall be the property owners responsibility to secure a unit allocation from the Planning Department before an expired or abandoned building permit is reactivated.

3. If the hotel use approved by the planning board changes to a use that does not require an allocation of units, the allocation of hotel units shall become available to new applicants.

4. The planning director may permit an increase above the limit of 100 hotel units if an eligible building proposes hotel units and the available pool is less than 100 units. However, no additional increase in the limit on hotel units shall be permitted after an eligible building exceeds the limit of 100 hotel units.

(7) Accessory alcoholic beverage establishments (pursuant to article IV, division 2 of this chapter) associated with such hotel may also be permitted as a conditional use.

Sec. 142-154. - Accessory uses.

(a) The accessory uses in the RM-1 residential multifamily, low density district are as required in article IV, division 2 of this chapter.

* * *

SECTION 2. Chapter 142, "Zoning Districts and Regulations," Article IV "Supplementary District Regulations," Division 2, "Accessory Uses," is hereby amended as follows:

CHAPTER 142 – ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE IV. – SUPPLEMENTARY DISTRICT REGULATIONS

* * *

DIVISION 2. – ACCESSORY USES

* * *

Sec. 142-902. - Permitted accessory uses.

The following are permitted accessory uses:

(1) a. Hotels not located in the RM-1 or RM-2 district are permitted to have any accessory use that is customarily associated with the operation of a hotel or apartment building.

b. Hotels located in the RM-2 district are permitted to have any accessory use that is customarily associated with the operation of a hotel or apartment building, except for dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments or open air entertainment establishments.

c. Where permitted, hotels located in the RM-1 district may have accessory uses based upon the below criteria:

1. A dining room operated solely for registered hotel visitors and their guests, located inside the building and not visible from the street, with no exterior signs, entrances or exits except as required by the South Florida Building Code.

2. Other accessory uses customarily associated with the operation of an apartment building, as referenced in subsection 142-902(2), for the use of registered hotel visitors and their guests only.

3. Notwithstanding the above, hotels located **on lots fronting the Tatum Waterway and** in the North Shore Local Historic District are permitted to have any accessory use that is customarily associated with the operation of a hotel or apartment building, except for dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments, or open air entertainment establishments.

d. Hotels located in the RM-1, 2 or 3 districts are permitted to have religious institutions as a matter of right up to 199 occupancy, and over that occupancy shall be a conditional use.

(2) Apartment buildings may have accessory uses based upon the below criteria:

a. Mechanical support equipment and administrative offices and uses that maintain the operation of the building.

b. Washers and dryers shall be located inside a structure or not visible from a right-of-way.

c. A dining room which is operated solely for the residents in the building shall be located inside the building and shall not be visible from the street with no exterior signs, entrances or exits except for" those required by the South Florida Building Code. However, a dining room shall not be allowed in the RM-1 district except for those dining rooms associated with adult congregate living facilities.

d. Public telephones and vending machines shall only be permitted to be located inside buildings; however, one public telephone may also be permitted outside, as long as it is not located in a required front yard, required side yard facing a street, or on a facade facing a street; the exact location and manner of placement of all public telephones shall be subject to design review approval. One automatic teller machine shall be permitted on the exterior walls of buildings, when associated with an accessory commercial use allowed under subsection 142-902(2)e., except in historic districts. The exact location and manner of placement for automatic teller machines shall be subject to design review approval.

e. Buildings in the RM-3 and R-PS4 districts may have:

1. Commercial, office, eating or drinking uses with access from the main lobby or from the street if they are either located on the ground floor, subterranean level or on the highest floor of a building.

2. A retail store and/or a cafe with less than 30 seats (either or both of which could be open to residents and their guests) may occupy space on the amenity level of an apartment building located within an RM-3 district.

3. Office space, when originally constructed on the second level of an existing building may be retained or re-introduced. When located on the ground floor, office space shall be at least 50 feet from the front property line.

f. Solarium, sauna, exercise studio, health club or massage service for use by residents or open to the public by an individual licensed by the state or other appropriate agencies.

g. Any accessory commercial use as permitted herein shall be located on the lobby or first floor if there are no apartment units on such levels. This provision shall not apply to home based business offices as provided for in section 142-1411.

h. Family day care centers as defined in subsection 142-905(b)(1).

i. One property management office for the purpose of managing residential units within the building as well as residential units located in other buildings under common beneficial ownership, as long as the total number of units does not exceed a maximum of 100 units.

j. Buildings in the RM-2 district in the area bounded by Indian Creek Drive, Collins Avenue, 41st Street and 44th Street that face the RM-3 district may have restaurant, coffee house, sundry shops, or food market uses located in ground floor space not to exceed 70 percent of the ground floor. These uses may have direct access to the street. Dance halls, entertainment establishments, neighborhood impact

establishments, outdoor entertainment establishments, or open air entertainment establishments are not permitted. Outdoor music (including background music) is prohibited. Any outdoor uses on Indian Creek Drive shall be limited to no tater than 11:00 p.m. Parking requirements for accessory commercial uses in newly constructed buildings must be satisfied by providing the required parking spaces, and may not be satisfied by paying a fee in lieu of providing parking. There shall be no variances from these provisions.

k. Apartment buildings located in the RM-1, 2 or 3 districts are permitted to have religious institutions as a matter of right up to 199 occupancy, and over that occupancy shall be a conditional use.

l. Existing apartment buildings **on lots fronting the Tatum Waterway** ~~**located along Tatum Waterway Drive, Byron Avenue, and Crespi Boulevard**~~**,** which are also located within the North Shore National Register Historic District and which are classified as 'contributing,' may have accessory office uses and may provide for the rental of non-motorized watercraft. These accessory uses shall comply with the following regulations:

1. The accessory use areas shall not exceed 25 percent of the floor area of the existing structure.

2. The hours of operation for which the use is open to the public may be from 12:00 pm to 8:00 p.m.

3. No exterior speakers shall be permitted, except as may be required under the Florida Life Safety Code.

m. For existing apartment buildings **on lots fronting the Tatum Waterway and** located within the North Shore National Register District, which are classified as 'contributing,' the following accessory uses may be permitted:

1. Café;
2. Retail;
3. Office; and
4. Personal services.

Notwithstanding the foregoing, the following uses shall be prohibited: tobacco and vape dealers, package liquor stores, check cashing stores, occult science establishments and tattoo studios. Additionally, all accessory uses that may be permitted under this subsection (2)(m) shall comply with the following provisions:

i. All uses shall be located within the interior of the premises. Outside or sidewalk seating shall be prohibited.

ii. The minimum distance separation between accessory uses shall be 500 feet. There shall be no variances from this distance separation requirement.

iii. The accessory use areas shall not exceed 25 percent of the floor area of the structure.

iv. The hours of operation for which the use is open to the public may be from 7:00 a.m. to 8:00 p.m. The hours of operation for any of the above noted uses may be extended to 10:00 p.m. at the discretion of the planning board.

v. No exterior speakers shall be permitted, except as may be required under the Florida Life Safety Code.

vi. A hall for hire, dance hall, open-air entertainment establishment, outdoor entertainment establishment, entertainment establishment, or special event permit shall be prohibited.

* * *

SECTION 3. Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements" is hereby amended as follows:

CHAPTER 130 – OFF-STREET PARKING

* * *

ARTICLE II. – DISTRICTS; REQUIREMENTS

* * *

Sec. 130-31 Parking districts established.

* * *

(b) There shall be no off-street parking requirement for main or accessory uses associated with buildings that existed prior to October 1, 1993, which are:

(1) Located within the architectural district,

(2) A contributing building within a local historic district, or

(3) Individually designated historic building.

This provision shall not apply to renovations and new additions to existing buildings which create or add floor area, or to new construction which has a parking requirement.

(c) There shall be no off-street parking requirement for accessory uses associated with buildings in the RM-1 zoning district that existed prior to December 31, 2009, which are located in the North Shore National Register Historic District.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY.

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

SECTION 7 EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2020.

_____
Dan Gelber
Mayor

ATTEST:

_____
Rafael E. Granado
City Clerk

First Reading: October 16, 2019
Second Reading: March 11, 2020

Verified by:_____
Thomas Mooney, AICP
Planning Director

M:\$CMB\CCUPDATES\Land Use and Sustainability Committee\2020\2 - February 2020\Accessory Uses along the Tatum Waterway - Second Reading ORD Feb 18 2020 LUSC.docx

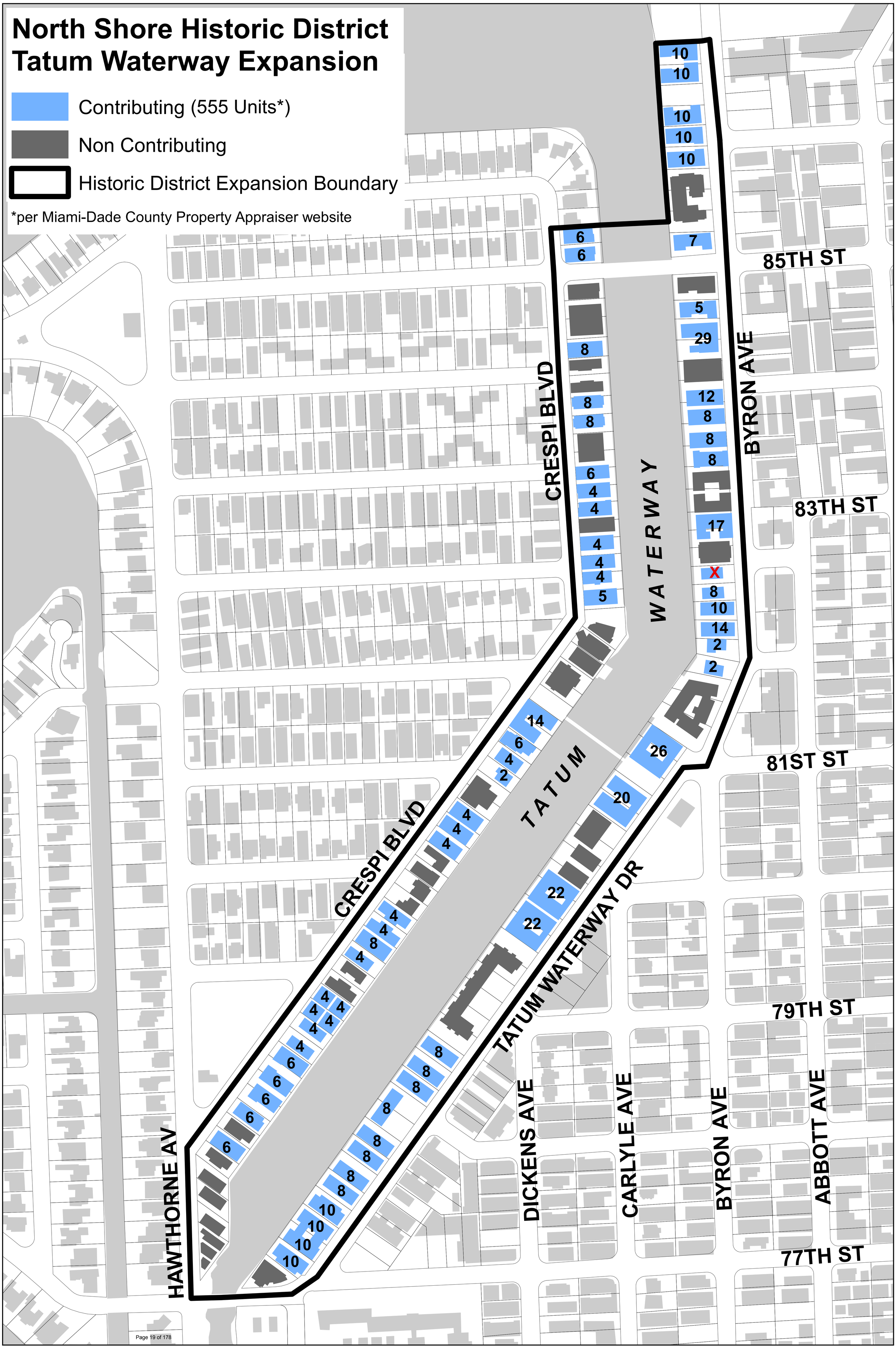
North Shore Historic District
Tatum Waterway Expansion

Contributing (555 Units*)

Non Contributing

Historic District Expansion Boundary

*per Miami-Dade County Property Appraiser website



MIAMIBEACH

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

Item 2

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **DISCUSSION: LIMITING BIG BOX FORMULA RETAIL AND FORMULA RESTAURANTS IN SUNSET HARBOUR**

ACTION REQUESTED:
Discuss the item and provide a favorable recommendation on the proposed ordinance to the Planning Board.

ADMINISTRATION RECOMMENDATION:
Conclude the item and recommend that the Planning Board transmit the ordinance to the City Commission with a favorable recommendation.

HISTORY:

On June 5, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4 Q). The item was discussed at the September 18, 2019 LUDC meeting, and continued to the October 30, 2019 meeting with direction to include copies of existing formula establishment regulations for reference.

On October 30, 2019, the item was discussed and continued to the December 2, 2019 LUDC, with the following direction:

1. The City Attorney will draft an ordinance for review by the LUDC.

2. The Administration will place a C4 referral item on the December 11, 2019 City Commission agenda, as a place holder, in anticipation of a recommendation for referral to the Planning Board.

The December 2, 2019 LUDC meeting was cancelled, and the item was moved to the January 2020 agenda of the newly created Land Use and Sustainability Committee (LUSC). On December 11, 2019, the City Commission referred the proposed ordinance to the Planning Board (Item C4I).

On January 21, 2019 the LUSC deferred the item to the February 18, 2020 meeting.

ANALYSIS:

On October 28, 2019, a town hall meeting was held in Sunset Harbour to discuss the above proposal. The discussion, led by Commissioner Arriola, focused on (i) the current mix of restaurants and retailers that primarily serve residents in the Sunset Harbour neighborhood, and (ii) the appropriateness of adopting regulations on formula commercial establishments. Sixteen residents attended the meeting, and a consensus of the residents present expressed support for placing restrictions on formula commercial establishments in the neighborhood, in order to ensure that restaurants and retailers in Sunset Harbour continue to serve the needs of local residents.

The following is a summary of additional issues raised at the meeting:

• The need to achieve a balance between zoning restrictions vs incentives to businesses and property owners;
• The need for a diversity of uses;
• The high rents in the area; and
• The need to ensure a proper mix of retail and restaurant uses around a vision for the area.

The following additional suggestions were proposed:
• Consider hosting a focus group with restauranteurs;
• Consider additional activation of the area through special events; and
• Conduct a survey of residents on what they would like to see in their community;

The administration and the City Attorney's office have retained a land use consultant to study the appropriateness of regulations on formula commercial establishments in Sunset Harbour.

The attached draft ordinance establishes the "Sunset Harbour Mixed-Use Neighborhood" overlay district. The overlay prohibits formula commercial establishments and formula restaurants. Similar prohibitions exist in portions of the Art Deco/MiMo Commercial Character Overlay District that front Ocean Drive and Ocean Terrace. As it may be difficult to establish whether a business is a formula establishment from floor plans, the ordinance is primarily enforced through the requirement that an applicant provide a signed affidavit affirming that the applicant's business operation is not a formula retail or formula restaurant establishment.

The Art Deco/MiMo Commercial Character Overlay District also contains restrictions on Pawnshops, Tobacco/Vape Dealers, Check Cashing Stores, Convenience Stores, Grocery Stores, Occult Science Establishments, Souvenir and T-Shirt Shops, and Tattoo Studios. Accordingly, the administration recommends that the LUSC consider recommending a separate referral to the Planning Board regarding the prohibition of the aforementioned uses in the Sunset Harbour neighborhood.

The subject ordinance and a companion comprehensive plan amendment are scheduled to be reviewed by the Planning Board on February 25, 2020. The City's land use consultant is in the process of finalizing a planning analysis of the appropriateness of regulations on formula commercial establishments in Sunset Harbour. The consultant's analysis, which will inform the final version of the draft legislation, is expected to be issued prior to Planning Board action.

The administration also recommends that the boundaries of the district be further discussed in order to address the planning goal of preserving and promoting the Sunset Harbour

neighborhood's unique 'small-town' character. The businesses within Sunset Harbour that promote the neighborhood's unique identity (namely, its vibrant, neighborhood-serving restaurants and retailers) are primarily concentrated in the interior of the neighborhood. Planning staff therefore recommends that the proposed overlay exclude properties fronting Alton Road, which currently contain businesses that have a greater tendency to draw customers from outside of the neighborhood, as opposed to the businesses in the interior. The Alton Road corridor, which is a major arterial road, is a more appropriate location for non-neighborhood-oriented retail uses. However, the LUSC may wish to consider size restrictions for the Alton Road corridor to ensure greater compatibility between the businesses along the corridor and the interior of the neighborhood.

CONCLUSION:

The Administration recommends that the Land Use and Sustainability Committee:

1) Recommend that the Planning Board transmit the proposed amendment to the Comprehensive Plan to the City Commission with a favorable recommendation;

2) Recommend that the Planning Board transmit the proposed amendment to the Land Development Regulations to the City Commission with a favorable recommendation;

3) Recommend that the City Commission refer a separate ordinance to Planning Board and LUSC to prohibit Pawnshops, Tobacco/Vape Dealers, Check Cashing Stores, Convenience Stores, Grocery Stores, Occult Science Establishments, Souvenir and T-Shirt Shops, and Tattoo Studios within the Sunset Harbour Neighborhood; and

4) Recommend that the City Commission refer a separate ordinance to the Planning Board and LUSC to limit nuisance uses and provide size restrictions for retail uses for properties fronting Alton Road within the Sunset Harbour neighborhood.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
Yes	No

Departments

Planning

ATTACHMENTS:

	Description	**Type**
🗋	Draft ORD	Memo

SUNSET HARBOUR MIXED-USE NEIGHBORHOOD OVERLAY DISTRICT

ORDINANCE NO._____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," AT ARTICLE III, ENTITLED "OVERLAY DISTRICTS," TO ESTABLISH DIVISION 14, ENTITLED "SUNSET HARBOUR MIXED-USE NEIGHBORHOOD OVERLAY DISTRICT," TO PROVIDE REGULATIONS ON FORMULA RESTAURANT AND FORMULA COMMERCIAL ESTABLISHMENTS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Sunset Harbour neighborhood is generally bounded by Purdy Avenue to the west, 20th Street and the waterway to the north, Alton Road to the east, and Dade Boulevard to the south; and

WHEREAS, Sunset Harbour has evolved, and continues to evolve, from a primarily industrial and commercial neighborhood into a vibrant mixed-use residential neighborhood that provides area residents with a unique retail and dining experience; and

WHEREAS, formula commercial establishments and formula restaurants are establishments with multiple locations and standardized features or a recognizable appearance, where recognition is dependent upon the repetition of the same characteristics of one store or restaurant in multiple locations; and

WHEREAS, formula commercial establishments and formula restaurants are increasing in number in the City of Miami Beach; and

WHEREAS, the uniformity of formula commercial establishments, while providing clear branding for retailers, is inconsistent with the City's Vision Statement which includes creating "A Unique Urban and Historic Environment"; and

WHEREAS, notwithstanding the marketability of a retailer's goods or services or the visual attractiveness of the storefront, the standardized architecture, color schemes, decor and signage of many formula commercial establishments detract from the distinctive character and aesthetics of unique mixed-use residential neighborhoods; and

WHEREAS, specifically, the proliferation of formula commercial establishments may unduly limit or eliminate business establishment opportunities for independent or unique businesses, thereby decreasing the diversity of retail activity and dining options available to local residents; and

WHEREAS, the increased level of homogeneity detracts from the uniqueness of residential and mixed-use neighborhoods, which thrive on a high level of interest maintained by a mix of retail and dining experiences that are not found elsewhere in the city, state, or country; and

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WHEREAS, sidewalk cafes are central to the economy of Sunset Harbour and enhance the pedestrian experience and dining amenities available to neighborhood residents; and

WHEREAS, the Mayor and City Commission desire to promote a mix of unique restaurants and retail uses that primarily serve residents in the Sunset Harbour neighborhood; and

WHEREAS, it is the intent of the City that if an establishment that has multiple locations and standardized features or a recognizable appearance seeks to locate within Sunset Harbour, that such establishment provide a distinct array of merchandise, façade, décor, color scheme, uniform apparel, signs, logos, trademarks, and service marks; and

WHEREAS, the amendments set forth below are necessary to accomplish the objectives identified herein.

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

SECTION 1. The following provisions of Chapter 114 of the City Code, entitled "General Provisions," are hereby provided for reference purposes:

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CHAPTER 114
GENERAL PROVISIONS

Sec. 114-1. Definitions.

The following words, terms and phrases when used in this subpart B, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Establishment, as used in the definitions of Formula restaurant and Formula commercial establishment, means a place of business with a specific store name or specific brand. Establishment refers to the named store or brand and not to the owner or manager of the store or brand. As an example, if a clothing store company owns four (4) brands under its ownership umbrella and each branded store has 10 locations, the term "Establishment" would refer only to those stores that have the same name or brand.

* * *

Formula restaurant means (i) a restaurant with 75 or more establishments in operation or with approved development orders in the United States or a restaurant with more than five (5) establishments in operation or with approved development orders in Miami Beach. With respect to the preceding sentence, in addition to the numerical thresholds the establishments maintain two (2) or more of the following features: a standardized (formula) array of merchandise; a standardized façade; a standardized decor or color scheme; uniform apparel for service providers, food, beverages or uniforms; standardized signs, logos, trademarks or service marks. For the purpose of this definition, the following shall apply:

(1) *Standardized (formula) array of merchandise or food* means that 50 percent or more of in-

stock merchandise or food is from a single distributor and bears uniform markings.

(2) *Trademark* means any word, name, symbol, or device, or any combination thereof, used by a person to identify and distinguish the goods of such person, including a unique product, from those manufactured or sold by others, and to indicate the source of the goods, even if the source is unknown. A trademark may be registered with the U.S. Patent and Trademark Office and/or the Florida Department of State. However, an unregistered trademark may also be protected under common law.

(3) *Service mark* means any word, name, symbol, or device, or any combination thereof, used by a person to identify and distinguish the services of such person, including a unique service, from the services of others, and to indicate the source of the services, even if that source is unknown. Titles, character names, and other distinctive features of radio or television programs may be registered as service marks notwithstanding that the person or the programs may advertise the goods of the sponsor. A service mark may be registered with the U.S. Patent and Trademark Office and/or the Florida Department of State. However, an unregistered service mark may also be protected under common law.

(4) *Decor* means the style of interior or exterior furnishings, which may include but is not limited to, style of furniture, wall coverings or permanent fixtures.

(5) *Color scheme* means the selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the facade.

(6) *Facade* means a face (usually the front) of a building, including awnings, that looks onto a street or an open space.

(7) *Uniform food, beverages or apparel/uniforms* means standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hats, and pins (other than name tags) as well as standardized colors of clothing, food or beverages listed on the menus of such establishments or standardized uniforms worn by employees.

* * *

Formula commercial establishment means a commercial use, excluding office, restaurant and hotel use, that has ten (10) or more retail sales establishments in operation or with approved development orders in the United States of America; provided, however, for those businesses located in a building that is two (2) stories or less with frontage on Ocean Drive, *formula commercial establishment* means a commercial use, excluding office, restaurant and hotel, which has five (5) or more other establishments in operation or with approved development orders in Miami Beach. In addition to meeting or exceeding the numerical thresholds in the preceding sentence, the definition of formula commercial establishment also means an establishment that maintains two or more of the following features: a standardized (formula) array of merchandise; a standardized façade; a standardized decor or color scheme; uniform apparel; standardized signs, logos, trademarks or service marks. For the purpose of this definition, the following shall apply:

(1) *Standardized (formula) array of merchandise* means that 50 percent or more of in-stock merchandise is from a single distributor and bears uniform markings.

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(2) *Trademark* means any word, name, symbol, or device, or any combination thereof, used by a person to identify and distinguish the goods of such person, including a unique product, from those manufactured or sold by others, and to indicate the source of the goods, even if the source is unknown. A trademark may be registered with the U.S. Patent and Trademark Office and/or the Florida Department of State. However, an unregistered trademark may also be protected under common law.

(3) *Service mark* means any word, name, symbol, or device, or any combination thereof, used by a person to identify and distinguish the services of such person, including a unique service, from the services of others, and to indicate the source of the services, even if that source is unknown. Titles, character names, and other distinctive features of radio or television programs may be registered as service marks notwithstanding that the person or the programs may advertise the goods of the sponsor. A service mark may be registered with the U.S. Patent and Trademark Office and/or the Florida Department of State. However, an unregistered service mark may also be protected under common law.

(4) *Decor* means the style of interior or exterior furnishings, which may include but is not limited to, style of furniture, wall coverings or permanent fixtures.

(5) *Color scheme* means the selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the facade.

(6) *Facade* means a face (usually the front) of a building, including awnings, that looks onto a street or an open space.

(7) *Uniform apparel* means standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hats, and pins (other than name tags) as well as standardized colors of clothing.

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* * *

Section 2. Chapter 142 of the City Code, entitled “Zoning Districts and Regulations,” at Article III, entitled "Overlay Districts," is hereby amended as follows:

CHAPTER 142
ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE III. – OVERLAY DISTRICTS

* * *

DIVISION 14 – SUNSET HARBOUR MIXED-USE NEIGHBORHOOD OVERLAY DISTRICT

Sec. 142-870.19. – Location and purpose.

(a) There is hereby created the Sunset Harbour Mixed-Use Neighborhood Overlay District (the “Overlay District”). The Overlay District consists of the properties in the Sunset Harbour Area, which is generally bounded by Purdy Avenue to the west, 20th Street and the

waterway to the north, Alton Road to the east, and Dade Boulevard to the south, as further identified in the map below:

[MAP]

(b) The purpose of this Overlay District is to limit the proliferation of uses which may diminish the character of a unique mixed-use residential neighborhood within the City. This Overlay District is designed based on and intended to achieve the following facts and intents:

a. Sunset Harbour has evolved, and continues to evolve, from a primarily industrial and commercial neighborhood into a vibrant mixed-use residential neighborhood that provides area residents with a unique retail and dining experience;

b. Formula commercial establishments and formula restaurants are establishments with multiple locations and standardized features or a recognizable appearance, where recognition is dependent upon the repetition of the same characteristics of one store or restaurant in multiple locations;

c. Formula commercial establishments and formula restaurants are increasing in number in mixed-use and commercial districts within the City;

d. The sameness of formula commercial establishments, while providing clear branding for retailers, counters the City's Vision Statement which includes creating "A Unique Urban and Historic Environment";

e. Notwithstanding the marketability of a retailer's goods or services or the visual attractiveness of the storefront, the standardized architecture, color schemes, decor and signage of many formula commercial establishments detract from the distinctive character and aesthetics of unique mixed-use residential neighborhoods; and

f. Specifically, the proliferation of formula commercial establishments may unduly limit or eliminate business establishment opportunities for independent or unique businesses, thereby decreasing the diversity of retail activity and dining options available to local residents; and

g. The increased level of homogeneity detracts from the uniqueness of residential and mixed-use neighborhoods, which thrive on a high level of interest maintained by a mix of retail and dining experiences that are not found elsewhere in the city, state, or country;

h. Sidewalk cafes are central to the economy of Sunset Harbour and enhance the pedestrian experience and dining amenities available to neighborhood residents; and

i. It is the intent of the City that if an establishment that has multiple locations and standardized features or a recognizable appearance seeks to locate within certain areas affected by this ordinance that such establishment provide a distinct array of merchandise, façade, décor, color scheme, uniform apparel, signs, logos, trademarks, and service marks.

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Sec. 142-870.20. – Compliance with regulations.

The following regulations shall apply to the Overlay District. There shall be no variances allowed from these regulations. All development regulations in the underlying zoning district and any other applicable overlay regulations shall apply, except as follows:

(a) The following limitations shall apply to the commercial uses listed below:

(1) Formula commercial establishments and formula restaurants shall be prohibited in the Overlay District.

(b) Review procedures.

(1) Commercial establishments in the Overlay District that are not identified in section 142-870.20(a) shall comply with the following regulations:

a. A signed affidavit indicating that they are not an establishment that is regulated by section 142-870.20(a) shall be provided to the city as part of the application for obtaining a business tax receipt, certificate of use, and/or building permit, as applicable.

b. If the establishment is found not to be in compliance with the applicable requirements of the signed affidavit, the business tax receipt will be revoked, and the establishment shall immediately cease operation.

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* * *

SECTION 3. Repealer.

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

SECTION 4. 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 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 _____, 2020.

ATTEST:

_____
Dan Gelber, Mayor

_____
Rafael E. Granado, City Clerk

First Reading:
Second Reading:

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Sponsored by Commissioner Ricky Arriola

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Item 3.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **DISCUSSION PERTAINING TO STRATEGIC INCREASES IN FAR RELATED TO RESILIENCY AND OTHER DEFINED POLICY BENCHMARKS**

ACTION REQUESTED:
Discuss and narrow the options provided with a recommendation to the full City Commission.

ADMINISTRATION RECOMMENDATION:
Provide recommendations to the City Commission for review and referral to the Planning Board.

HISTORY:

On January 15, 2020, at the request of Mayor Dan Gelber, the City Commission referred a discussion item to the Land Use and Sustainability Committee (LUSC) regarding strategic increases in FAR citywide. The item was discussed briefly at the January 21, 2020 LUSC meeting and continued to the February 18, 2020 meeting.

ANALYSIS:

BACKGROUND

The maximum square footage (intensity) of a building is regulated by the Floor Area Ratio (FAR), which applies to all zoning districts except for single-family districts. Floor area ratio (FAR) is a defined term in Section 114-1 of the Land Development Regulations (LDRs) and is essentially a multiplier used to regulate the maximum size of a building based on the lot size. For example, a 10,000 square foot lot with an FAR of 2.0 would be allowed to build up to a 20,000 square foot building.

Floor area is also a defined term in Section 114-1 of the LDRs and provides the specific requirements for the calculation of floor area. Under section 114-1, floor area consists of the gross horizontal areas of the floors of a building, unless such areas are specifically exempted. The only exceptions to the definition of floor area are expressly listed in Section 114-1.

The purpose of the regulation of floor area, including FAR, both in the City of Miami Beach and in other municipalities, is to provide a quantifiable mechanism to control both the size and intensity, as well as the overall exterior mass, of a building. That is why floor area is measured to the exterior face of exterior walls or from the exterior face of an architectural projection. Under the Miami Beach City Code,

it is from this total floor area volume that certain areas are excluded.

The current requirements for FAR and floor area have been in place since 1989 (Ordinance 89-2665), and the only amendments subsequent to 1989 have been to the exceptions from floor area.

PLANNING ANALYSIS

Any increase in FAR, either through a bonus/incentive provision, percent increase, or additional exclusions, must be effectuated in a deliberate and thoughtful manner, and needs to be supported by a thorough planning analysis. This will promote thoughtful development incentives, prevent unintended consequences related to FAR increases, as well as ensure the continuation of a predictable method of plan review.

The definition of floor area in the City Code, as well as the application of FAR regulations in general, has not been evaluated comprehensively since 1989. In this regard, staff believes that the subject discussion is much needed and well over due. Additionally, the decisions and recommendations made as part of this exercise will better inform the resiliency code.

In order to provide structure and organization for this FAR analysis, the administration has divided the discussion into five separate categories:

1. Bonus FAR/incentives related to resiliency and other defined policy benchmarks.

2. New exclusions from the calculation of floor area to address evolving building and life safety code requirements.

3. Strategic FAR increases within specific zoning districts.

4. The creation of Transfer of Development Rights (TDR) Programs in specified areas of the City.

5. Removing all exemptions, counting everything including parking, and increasing the FAR across the City.

Some of these categories include FAR increases that are fairly minor and easy for voters to understand; these can move forward in 2020, either as individual amendments, or as part of a more comprehensive amendment. Others will require more study before a fully developed proposal can be presented. They will also require additional time for education purposes.

The following is a detailed analysis of each category, along with a specific recommendation as to when the proposal should move forward. Staff has recommended prioritizing FAR increases that are easier to understand as part of a ballot question:

1. Bonus FAR/incentives related to resiliency and other defined policy benchmarks.

a. **Exclusions for the conversion of non-required enclosed parking spaces facing a waterway**. The City has many non-conforming parking areas facing a waterway, including the ocean. The Code was modified many years ago to require active uses at all levels of a building when facing a waterway. Such existing non-conforming parking areas are typically characterized by blank walls, often several stories high, or open parking structures. Such structures have a significant negative impact on the City's overall character, especially when viewed from the public beach walk or bay walk. Conversion of such spaces would allow active

uses with glazing and architectural treatment that would improve the visual character along the waterfront.

The administration should note that a ballot measure including this proposal failed last November. Additional restrictions and protections may need to be contemplated to limit the area and depth of non-conforming parking to be converted.

RECOMMENDATION: Move forward in 2020 with an amendment to allow for the conversion of a fixed number of non-required parking spaces to active retail or back of house spaces, within oceanfront parking structures in local historic districts that expand public access to the beach.

b. **Introduction of original floor plates in contributing buildings**. Re-introducing original, historic floors to buildings where the floors may have been removed in years past. In this regard, if a hotel building had floors removed to create volumetric space, and they seek to re-introduce those floors, this would not be possible under the regulations of the code if the building or building site is legal non-conforming as to maximum FAR.

Unfortunately, the floor plates of many contributing buildings have been severely modified or removed in order to transfer the square footage of the contributing building to a new building. Only the MXE zoning district restricts the percentage of demolition allowed for interior floor plates of contributing building. This option would allow the re-introduction of original floor plates in contributing buildings.

The administration should note that a ballot measure including a variation of this proposal failed last November. Limiting the types of uses to residential or hotel uses (not including accessory uses), or including some variation of a public benefit, may make this proposal more acceptable. Additionally, the proposal should be contingent on the full restoration of the structure.

RECOMMENDATION: Move forward in 2020 with an amendment to allow for the re-introduction of original floor plates within contributing structures in local historic districts that were previously removed prior to December 31, 2019, provided such structure is substantially renovated and restored.

c. **Resiliency and adaptation bonuses**. This would apply to all zoning districts, and the actual bonus number would be conditioned upon tangible improvements that substantially increase and improve the sustainability of new and existing structures. These improvements would go above and beyond minimum code requirements and the bonuses are intended to incentivize such improvements. The actual bonus points would be added to the maximum FAR permitted on the property and would be capped at a fixed number. For example, an RM-2 property, which has a maximum FAR of 2.0, would be able to increase the overall FAR to a maximum of 2.5 with resiliency bonus points.

RECOMMENDATION: Move forward in 2020 with an amendment to create FAR bonus points, not to exceed .5 for all zoning districts, in accordance with the following schedule:

i. Elevating the first floor of an existing structure to a minimum of BFE + 1 foot: .25 points (note, this bonus only applies to existing structures, not new construction).

ii. Improving a seawall and raising the height to a minimum of 5.7 feet NAVD: .10 points (note: this bonus only applies to new permit applications).

iii. Self-sustaining electrical and surplus stormwater retention and reuse. This shall include stormwater retention that is over and above the minimum requirements in order to accommodate offsite stormwater, including the reuse of such stormwater through purple pipes throughout the building. Additionally, the entire building shall be fully self-contained in terms of electrical power using solar panels and similar electricity generating devices: .25 points.

iv. Provide active recreation facilities that are available to the general public, and serve a recreational need for the immediate area, in consultation with and subject to the approval of the city's parks and recreation department: .10 points.

v. Achieve LEED platinum certification, in accordance with the requirements of chapter 133 of the City Code: .15 points.

vi. Provide onsite adaptation areas, which are fully accessible from the public right of way and provide tangible drainage, stormwater retention and related resiliency and sustainability benefits: .10 -.35 points depending upon the overall size and level of improvement.

d. **First level interior transitional access for non-residential buildings**. This would include stairs, ramps, and lifts required to get from the sidewalk level up to a higher finished first floor level. This would encourage commercial properties to elevate their first floor to be more resilient to flooding, while still providing a transparent, active storefront at the sidewalk level.

RECOMMENDATION: Move forward in 2020 with an amendment to allow for interior stairs, ramps, and lifts at the first level of a non-residential building, which are required to get from the sidewalk level up to a higher finished first floor level.

e. **New floor area within volumetric buildings such as historic theatres.** In this regard, there are historic theatres in the City that need adaptive re-purposing, such as a conversion to retail or food & dining establishments. However, if the building is legal non-conforming as to maximum FAR, there is no opportunity under the code to add additional floor plates within the structure, even though they will not be visible.

RECOMMENDATION: In order to identify all eligible structures, as well as determine a fixed cap on the amount of additional FAR that may be added, it is recommended that this proposal move forward in 2021 or later. It is further recommended that the amendment be limited to the introduction of new floor plates within contributing structures in local historic districts, as well as designated historic sites, that are legal non-conforming in terms of FAR and were originally constructed as theatres.

f. **Exempting the floor area of existing contributing buildings which are elevated**. Although any demolition is subject to a Certificate of Appropriateness from the Historic Preservation Board, such exemption could encourage elevating such structures to ensure their long-term viability, as the added square footage could help offset the costs to elevate these buildings.

RECOMMENDATION: In order to identify all eligible structures, as well as determine a fixed

cap on the amount of FAR that would be exempt, it is recommended that this proposal move forward in 2021 or later. It is further recommended that the amendment be informed by the forthcoming resiliency code, as well as the historic and adaptation guidelines developed for the City's historic districts.

g. **Bonus for providing affordable and/or workforce housing, as defined in the City Code**. The Comprehensive Plan already has increased density allowances for affordable and workforce housing. As such, an FAR bonus for providing such types of units should not require modifying the density limitations of the Comprehensive Plan. This should be limited to rental housing to ensure that the constructed units are available for the long-term.

RECOMMENDATION: In order to identify applicable areas of the City, as well as determine the potential impact on density, it is recommended that this proposal move forward in 2021 or later.

h. **Bonus for providing Transit Oriented Development (TOD) along defined corridors in the City**. TOD's are an excellent tool for promoting development that minimizes the impact of single car vehicles. As TOD's are located adjacent to or abutting dedicated transit lines, as well as multiple transit modes, they are ideal for end users who do not own or rely on a single motor vehicle. In order to encourage these types of uses, additional FAR in the form of a bonus or TDR is ideal.

RECOMMENDATION: In order to identify defined transit corridors in the City, as well as better assess the expected operational dates of the beach corridor, it is recommended that this proposal move forward after 2021.

2. New exclusions from the calculation of floor area to address evolving City Code, Florida Building Code and Life Safety Code requirements.

a. **Bicycle Parking**. Exclusions for secured bicycle parking, whether required or not.

b. **Stairwells and elevators above main roof decks**.

c. **FPL Transformer vaults**. These vault rooms have becoming increasingly larger, and often include additional infrastructure required by FPL to also help serve neighboring properties. Their location within an enclosed building is preferable to any exterior pad-mounted option.

d. **Fire control rooms and related public safety spaces, not accessible to the general public.**

RECOMMENDATION: Move forward in 2020 with an amendment to allow for the aforementioned areas to be excluded from the definition of floor area.

3. Strategic FAR increases within specific zoning districts. Existing low intensity districts, such as RM-1, low intensity residential districts, and CD-1, commercial low intensity districts, currently have very low maximum FAR and face challenges with regard to meeting minimum building and life safety code requirements. In the administration's prior analysis, the areas of stair and elevators consume, on average, about 8% of a building's available FAR. For an RM-1 zoned property, an increase of 8% would result in an FAR of 1.35, vs the typical maximum of 1.25. For an 8,000 SF lot, the

resulting FAR or 1.35 would result in an area of 10,800 SF, vs the current maximum of 1.25 or 10,000 SF.

RECOMMENDATION: Move forward in 2020 with an amendment to increase the maximum FAR in RM-1 districts to 1.35 and in CD-1 districts to 1.25.

4. The creation of Transfer of Development Rights (TDR) Programs in specified areas of the City. Allowing properties, within defined transfer and receiver districts, to transfer some or all their development rights to another property has two significant benefits. First, it does not result in an overall increase in intensity within the larger area. Second. It provides a vehicle for vulnerable and at-risk properties to become adaptation areas.

A process to manage a TDR program would need to be developed, and transfer and receiving districts would need to be established. Transfer districts could, potentially, be limited to lower-density zoning districts such as RM-1, as well as more vulnerable areas on the west side of the City. Receiving districts should be areas with higher intensity and higher density zoning, such as the CD-2 and CD-3 Commercial Districts, and RM-3 high intensity residential district. Additionally, receiving districts should be located within defined transportation corridors.

A cap on the maximum percentage beyond the FAR of the underlaying zoning district would also need to be established, as well as a review of potential height increases to go along with an increased FAR.

RECOMMENDATION: In order to identify applicable areas for a TDR program, it is recommended that this proposal move forward after 2021.

5. Removing all exemptions, counting everything within a building envelope, including parking, and increasing the FAR across the City. This would incentivize less parking and more efficient circulation. However, the actual increases in FAR would need to be evaluated on a district basis.

RECOMMENDATION: In order to properly study this concept, it is recommended that this proposal move forward in 2021 or later. It is further recommended that the proposal, if recommended, be informed by the forthcoming resiliency code.

Although increases in FAR will increase the bulk and mass of buildings, as well as the intensity, the existing density limitations in the City's Comprehensive Plan will ensure that residential density would not be increased. Any increase in density would require an amendment to the Comprehensive Plan. Additionally, changes pertaining the calculation of FAR will have no impact on single family home regulations or single family districts, as they are regulated by unit size and lot coverage, as separately defined in Section 142-105.

CITY CHARTER

In order to amend the Land Development Regulations of the City Code to allow an increase in zoned floor area, pursuant to City Charter Section 1.03(c), approval of the City's voters will be required. The following is the language in Section 1.03(c):

> *The floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zoned floor area ratio, unless any such increase in zoned floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach.*

An increase in zoned FAR includes, but is not limited to, modifications of the definition of floor area, amendments to the exclusions of floor area and a direct increase in the FAR number. All of the potential options identified above would require a ballot question for an amendment that would allow a property to add FAR, as they would result in an increase in zoned FAR "by zoning, transfer, or any other means" pursuant to City Charter Section 1.03(c).

SUMMARY

July 31, 2020 is the deadline for adopting a resolution to place a ballot question(s) on the City's November 3, 2020 ballot. As such, the City Commission will need to reach consensus on any proposed FAR questions in time for the July Commission meetings. If the proposed FAR measures require an ordinance(s) to be approved at first reading, the Commission should make any referrals to the Planning Board no later than the April 22, 2020 City Commission meeting, so that such legislation can be considered and transmitted by the Planning Board at their May meeting. This would allow for first reading to occur in June.

The administration is seeking direction based upon the recommendations noted above. Additionally, the administration recommends that individual, narrowly crafted ballot questions, which are easy to understand, be proposed, as opposed to larger, more cumbersome ballot questions.

CONCLUSION:

The administration recommends that the LUSC discuss the options presented herein and provide recommendations to the City Commission.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
Yes	No

Departments

Planning

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Item 4.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **DISCUSSION ON PLANNED AND IN PROGRESS RESILIENCY PROJECTS: PALM HIBISCUS, FIRST STREET, WEST AVENUE AND INDIAN CREEK.**

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
Yes	Yes

Departments

Office of Capital Improvement Projects

ATTACHMENTS:

	Description	**Type**
🗋	LUSC Planned And In Progress Resiliency Projects	Memo

LAND USE AND SUSTAINABILITY COMMITTEE PROJECTS PROGRESS REPORT

	Project Name	District	Scope of Work	Project Budget	Current Status	Anticipated Completion
Design						
1	First Street Imp Alton & Washington	South Beach	Improvements on First Street to include complete roadway reconstruction, elevation of the roadway to a minimum 3.7 NAVD elevation, utility removal/replacement, new storm drainage line installation, new storm pump station (120,000 gpm), force main installation, landscaping and lighting. Its also includes the installation of storm drainage trunk lines along Alton Road & Washington avenue from South Point Drive to 5th Street.	$24,000,000	Coordinating with SOFNA and other project stake holders the proposed typical section and the location of the proposed stormwater outfall. Design will continue once the typical section and the location of the outfall are selected.	March 2022
2	Indian Creek -Street Drainage Imp. - Phase III	Middle Beach	Storm water drainage improvements on Indian Creek Drive and side streets from 25 Street to 41 Street, including completing the stormwater pump station at 32nd Street. Final pavement restoration of the roadway and sidewalk on Collins Avenue between 25 Street and 26 Street; Rebuilding and raising the roadway and sidewalk on Indian Creek Drive between 26 Street and 41 Street and new street lighting, signage and pavement markings.	$33,000,000	NTP#1 was issued on October 21, 2019, for pre-construction work. DERM Class II permit was issued on January 31, 2019. Contractor obtaining all the permits. Anticipated NTP#2 issuance to start construction by mid-February 2020.	Fall 2021
3	Maurice Gibb Park Redesign (GOB)	Middle Beach	Renovation of the park to include soil remediation, a new playground with shade canopy, pavilion(s), a dog park, walkways, minor restroom renovations, landscaping with open sodded areas, irrigation, signage and park furnishings.	$7,020,681	Design is proceeding to 90 % completion. The permit process with the Army Corps of Engineers, FDEP and Miami Dade County DERM has been initiated.	Summer 2022
4	Bayshore Park (Par 3) (GOB)	Middle Beach	A new passive community park to include environmental remediation, a central lake; open meadows and informal open play field areas; site grading; pavilion; 6 tennis courts with restroom facilities; children's playground; dog park; boardwalk and pathways; security lighting; vita course and fitness cluster; butterfly garden; linear water feature and parking lot. Resilient strategies proposed at the park include stormwater retention system, pervious pavement; solar panels for pedestrian lighting, energy efficient lighting and roof mounted solar panels.	$21,160,190	Park design is proceeding to 90%, including the incorporation of the resiliency concept to retain storm water in proposed lake. Staff continues to meet with DERM to evaluate the design and approach. Additional ground water sampling is necessary. Sampling ground water modeling is completed and forwarded to DERM on January 29, 2019. Requested a meeting with DERM to continue the ground water modeling. This will allow the city to proceed with the DERM permit. If successful, staff anticipates starting the procurement process by Summer 2020. So far, there has been a six month overall delay due to the coordination with DERM. Project completion is now expected by the end of 2022.	Summer 2022
5	Middle Beach Recreational Corridor Ph 3 (GOB)	Middle Beach	Construction of approximately 3,500 linear feet of an on-grade pedestrian walkway and the demolition of the existing wooden boardwalk from 24th to 45th street. Dune enhancements such as native dune vegetation species and beach compatible dune fill and irrigation systems will be provided for the landscaping. Path lighting will meet Florida Fish and Wildlife Commission's marine turtle nesting requirements.	$13,215,000	Demolition of the existing boardwalk has advanced North from 28 Street to 32 Street. The demolition activity is scheduled to be completed in March. Root raking, earthwork, and tree relocation activities has commenced at 24 Street. The construction sequencing continues from South to North.	Winter 2021
6	North Beach Oceanside Park Renovation	North Beach	Renovation of the park to include pedestrian entrances with new gates, pedestrian beach access, walkways with lighting, refurbished restrooms and picnic shelters, site furnishings, open sodded areas, landscape and irrigation.	$12,700,000	Bids were received and the proposals exceeded the construction budget. Consultant is revising the documents and implementing changes to bring the project back into budget.	Spring 2022

LAND USE AND SUSTAINABILITY COMMITTEE PROJECTS PROGRESS REPORT

	Project Name	District	Scope of Work	Project Budget	Current Status	Anticipated Completion
7	Sunset Harbor Pump Station #3 Screen	Middle Beach	A perforated metal enclosure is being designed to screen the equipment at the Sunset Harbour Pump Station #3. The height of the screen will vary from 9'-0" above the traffic barricade adjacent to the generator, to 3'-0" at the westernmost portion of the pump station. At the eastern side, the enclosure will also serve as an entrance sign for the neighborhood.	$750,000	Estimates have been procured for the fabrication and construction of the screen, in excess of the project budget. Staff has worked with fabricators and the general contractor to reduce the cost of the project. A request will be made for funding to cover additional construction cost. Upon approval of funding the contract will be awarded for construction. Fabrication of the screen is estimated to require 8-18 weeks. Construction is estimated to take 3 months.	Winter 2020
Preconstruction						
8	Brittany Bay Park	North Beach	This project includes the creation of a living shoreline between the existing remaining seawall and the concrete retaining / seawall. ADA-Accessible overlook that will allow park patrons to walk from the Park to the existing seawall's edge. The project is intended to enhance the surrounding riparian and intertidal environment by creating a new habitat for aquatic and terrestrial species and improving water quality via filtration of upland runoff. The Park renovations also include new concrete walkways, milling and resurfacing the existing parking lot, new trees, new exercise equipment, furniture, lighting and new landscaping.	$1,400,000	The plans are being reviewed by the City of Miami Beach Building Department, Miami Dade County DERM, FDEP and the Army Corps of Engineers. The Army Corp is severely delayed in reviewing projects, resulting in delays with other agencies. Upon approval for permits, the project will enter the procurement phase for the selection of a contractor.	Spring 2021
Construction						
9	Palm & Hibiscus Island Neighborhood Improvements	South Beach	This project includes a variety of aboveground and underground improvement such as new water main and service, new storm water drainage system including 3 pump stations, lining of the sanitary sewer system and replacing all the sewer laterals, raising the elevation and reconstruction of the roadways including installation of Geo Textile, new decorative street lights, speed tables, landscape, hardscape improvements, harmonization with private properties and undergrounding the franchise utilities on Hibiscus Island. Additional scope of services was added to the project to install 3 bi-fuel generators as well as, implementation of the new drainage criteria to install and harmonize a yard drain in each private property with the finished floor elevation (FFE) lower than the crown of road.	$48,938,882	The private drains are designed and meetings have been held with 90% of the property owners. The permit modification package to close storm water permit for Hibiscus Island has been submitted to DERM and Palm Island package is being submitted. Permit packages for new drainage connections for Palm are being submitted by mid-February 2020.	Summer 2020
10	Stormwater Pump Station at 19th Street East of Meridian	Middle Beach	Installation of a stormwater pump station, including an emergency generator and seawall reconstruction along Collins Canal near 19th Street and Meridian Avenue. A change order was approved for the extension of the Botanical Garden along the Dade Canal and a seawall at the Carl Fisher Clubhouse.	$8,400,000	Pump station is currently operational. DERM final certification is pending. Botanical Garden expansion, drainage installation completed. Currently installing electrical and irrigation conduits. Carl Fisher Seawall, SFWM, DERM, US Army Corps of Engineers permits are approved, and work commenced on February 3, 2020.	Completed Spring 2020 Summer 2020

LAND USE AND SUSTAINABILITY COMMITTEE PROJECTS PROGRESS REPORT

	Project Name	District	Scope of Work	Project Budget	Current Status	Anticipated Completion
11	Venetian Islands Neighborhood Improvements	South Beach	Work includes site preparation, earthwork, demolition, storm drainage, roadway, concrete valley gutters, paving and grading, water main, lighting, and planting. Additional scope added included installation of six (6) stormwater pump stations, two per island, and automated meter reading technology.	$37,382,720	EOR submitted final report with recommendations for pavement rehabilitation. Staff has evaluated the recommendation and impacts, and will submit a recommendation to the Commission on February's meeting on how to proceed with completion of the road. All six pump stations are operational and pending DERM final approvals.	TBD
12	Venetian Islands Seawalls	South Beach	This project entails seawall replacement, at two (2) locations consisting of precast concrete bulkhead panels, king piles, batter piles and concrete cap; and seawall cap raising at five (5) locations consisting in new concrete cap, batter piles and retaining walls, all locations within the Venetian Islands.	$650,000	Construction on hold. Revised plans submitted to DERM for permit modifications as per field conditions. Original DERM permit was extended, waiting for permit modification.	TBD
13	West Avenue - Phase II Improvements - North of 14 Street	South Beach	West Avenue - Phase II Improvements North of 14th St - Scope includes Water, Sewer, Storm and above ground improvements from 14th Street north to the Collins Canal and include a new stormwater Pump Station and Baywalk at the end of Lincoln Road. Project is being re-designed to include the following resiliency items: Road elevation 3.7 NAVD; 10 year storm event; Mobility – 2 lanes with center continuous turn lane; Protected bike path; Street ends enhanced design; Permanent generators and 120,000 gpm pump station.	$79,158,564	Design of Water and Sewer System is 100% complete. Roadway, Landscaping, lighting, drainage and Pump Station Design is 90% complete. Meetings with the community occurred in October to find an alternate location for pump station above ground components. City staff and consultant continue to explore alternate locations and obtain necessary approvals. Directive was given to the contractor to add to the design 15 gravity wells in total for both projects to meet DERM's requests for additional Water Quality requirements. It is anticipated that the plans will be submitted to DERM for permitting in the next 30 days. Harmonization meetings with properties owners commenced and are ongoing. The expected start is Spring of 2020.	Summer 2023
14	West Avenue - Phase II Improvements - South of 14th Street	South Beach	West Avenue - Phase II Improvements South of 14th St. The scope includes Water, Sewer, Storm and above ground improvements from 14th Street south to 5th Street. Project is being re-designed to include the following resiliency items: Road elevation 3.7 NAVD; 10 year storm event; Mobility – 2 lanes with center continuous turn lane; Protected bike path; Street ends enhanced design; Elimination of street paving to allow for wider pedestrian sidewalks and more green areas; Permanent generators for existing pump stations.		Design of Water and Sewer System is 100% complete. Roadway, Landscaping, lighting, drainage and Pump Station Design is 90% complete. Directive was given to the contractor to add to the design 15 gravity wells in total for both projects to meet DERM's requests for additional Water Quality requirements. It is anticipated that the plans will be submitted to DERM for permitting in the next 30 days. Harmonization meetings with properties owners commenced and are ongoing. The expected start is Spring of 2020.	Winter 2022
TOTAL				**$287,776,037**		

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Item 5.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **Discuss The November 26, 2019 Sustainability & Resiliency Committee Motion Concerning Recommendations For The West Avenue Renovation Project.**

HISTORY:

At its January 21, 2020 meeting, the Land Use and Sustainability Committee (LUSC) discussed the November 26, 2019 Sustainability and Resiliency Committee motion concerning recommendations for the West Avenue Renovation Project, under agenda item 27.

West Avenue residents who were at the Committee showed their support of the project which incorporates the results and recommendations from the Urban Land Institute (ULI) report. Inquiries were raised over an extension in the proposed timeline. The Public Works Director stated that there is currently no plan for a Lincoln Court park, but it would not cause a delay to scope.

At the end of the discussion, a motion was made to provide a presentation about resilience communications, including a FAQ document, to the LUSC.

ANALYSIS:

Results from the 2019 Resident Survey show that 50% of residents were very satisfied/satisfied with the efforts to manage stormwater drainage and flooding, and 37% were very satisfied/satisfied with the City's efforts to reduce pollution from stormwater runoff through filtration systems. In order to continue maintaining excellent standards in this area, the City is planning a West Avenue Renovation Project.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
Yes	No

Departments

Public Works

ATTACHMENTS:

	Description	Type
🗋	FAQ	Memo
🗋	PW West Avenue Resiliency Communications - Land Use and Sustainability Committee	Other

FACT SHEET

West Avenue Phase 2 Neighborhood Improvement Project

MIAMIBEACH RISING ABOVE

February 2020

Project Overview and Benefits

This crucial project will help the West Avenue neighborhood stay dry and remain a walkable, active community for many years to come. This design-build project includes underground improvements, installing a pump station and raising the elevation of the roadway to minimize street flooding. It will complete the previous work performed in the neighborhood.

Scope of Work

Infrastructure Improvements

- Storm water drainage system, including a pump station at the western street end of Lincoln Road
- Fire hydrants
- Sanitary sewer main
- Water main, service lines
- New drainage model

Roadway Improvements

- Elevating the roadway
- Constructing new curb, gutter and sidewalks
- Installing new crosswalk pavers at various intersections
- Installing new signage and pavement markings
- Installing new protected bicycle lanes along West Avenue
- Installing new street and pedestrian lighting and traffic signals
- Resurfacing Alton Court between Lincoln Road and 16 Street
- Matching the new roadway elevation to existing driveways (Harmonization)
- Constructing a section of the Baywalk at Lincoln Road street end
- Installing new landscaping
- Enhancing street ends with pavers and additional landscape
    - Lincoln Court
    - Bay Road
    - Lincoln Terrace
    - 16 Street
    - 14 Street
    - 10 Street

Please note this schedule may change due to weather or other unforeseen conditions.

Timeline

Construction will begin once all construction plans are finalized and all necessary permits are secured. This coordination is underway with city departments and agencies.

Contact

To receive project updates via email, please contact:

Heather M. Leslie
Public Information Liaison
305.905.5876
heather@hmlpublicoutreach.com

To learn more about the city's innovative initiatives, visit **www.MBRisingAbove.com**.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

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WEST AVENUE PROJECT

Resilience Communications Overview

FOR: Land Use and Sustainability Committee

Roy Coley | February 2020

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ABOVE

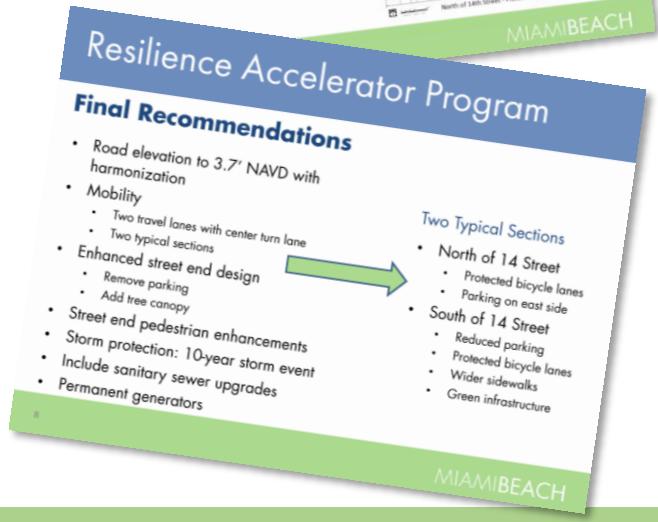
1

Outreach Timeline

- Outreach began in November 2017 and continued through January 2020
- NOFNA and WAvNA have been involved throughout the process

Public Outreach Overview

- Public Information Meeting #1: November 14, 2017
- Project paused and then went through Southeast Florida Resilience Accelerator Workshops: August 6 and August 8, 2018
- Public Information Meeting #2: May 2, 2019. Included an update on the outcome of the accelerator workshops and what was being included in the project scope.
- NOFNA project update: July 23, 2019
- WAvNA project update: October 1, 2019
- WAvNA walkthrough January 7, 2020
- Held a bi-weekly meeting with WAvNA members and maintained office hours at CIP



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2

Community Presentation

- Delivered in various public meetings and community engagements by the Capital Improvements Projects team and the Environmental team.

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West Avenue
Neighborhood Improvement Project Phase 2
Thursday, May 2, 2019

Presented by:

Elizabeth Wheaton
City of Miami Beach
Director, Environment and Sustainability Department

Sabrina Baglieri
City of Miami Beach
Senior Capital Projects Coordinator
Office of Capital Improvement Projects

Michael Fischer
RIC-MAN Construction Florida, Inc.
Chief Operating Officer
Design-Build Firm

Presentation Outline

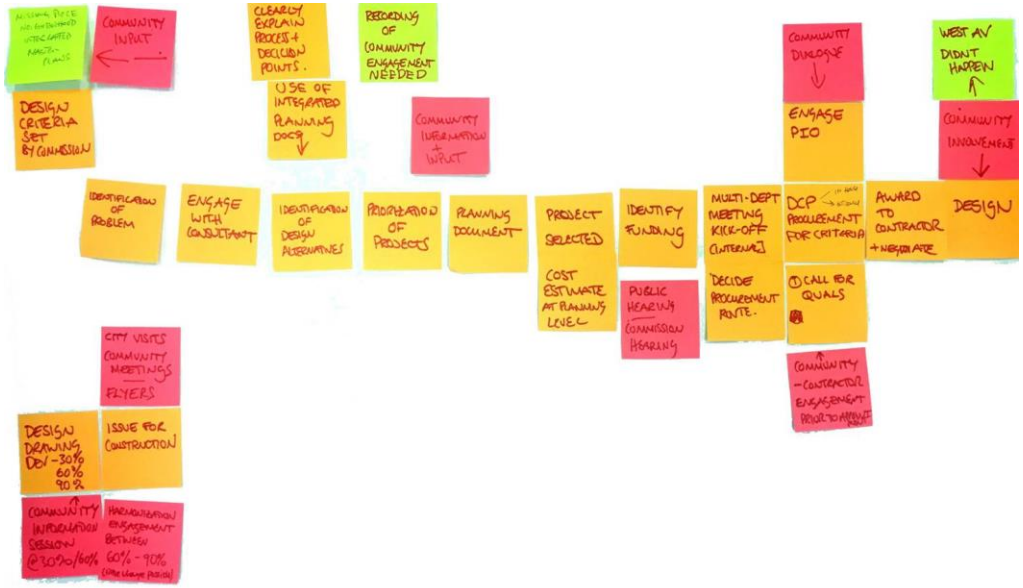
1. Resilience Accelerator Program Update
2. Why is this Project Needed/Overview
3. What to Expect During Construction
4. Segmented Construction
5. Where We Are Now
6. Questions/Comments

1 Resilience Accelerator Program Update

Resilience Accelerator Program

Community Feedback

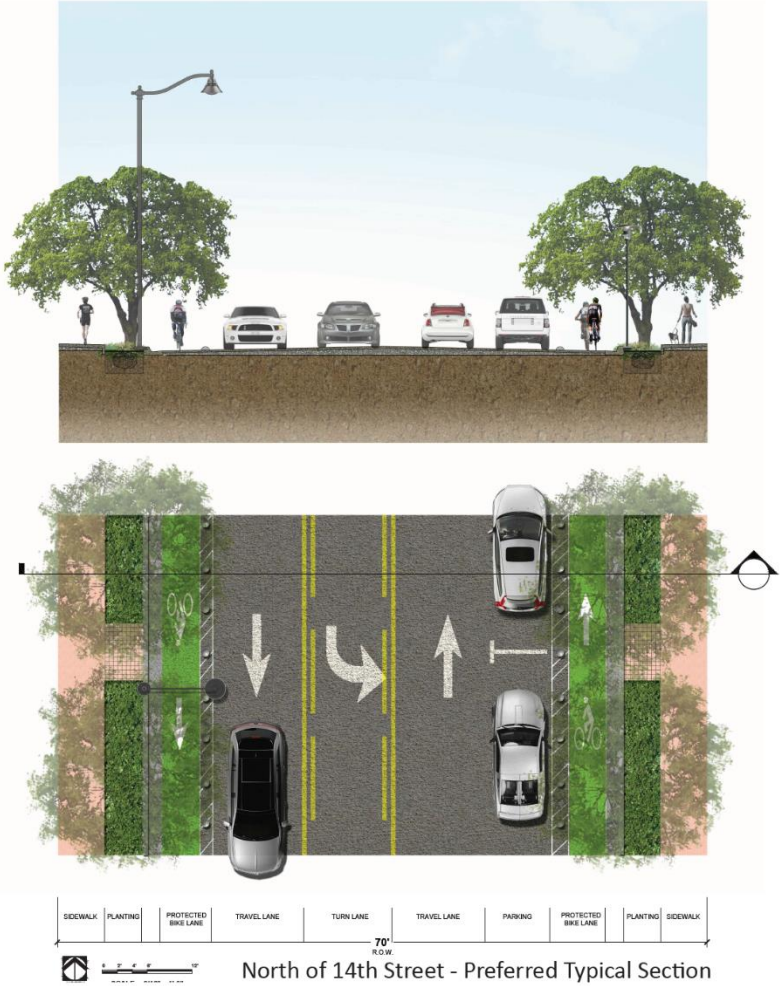
- Aging infrastructure
- Road raising/harmonization/ drainage on private property
- Road width
- Bicycle facilities
- Walkability
  - Sidewalks
  - Tree Canopy
  - Landscaping
- Construction phasing



Resilience Accelerator Program

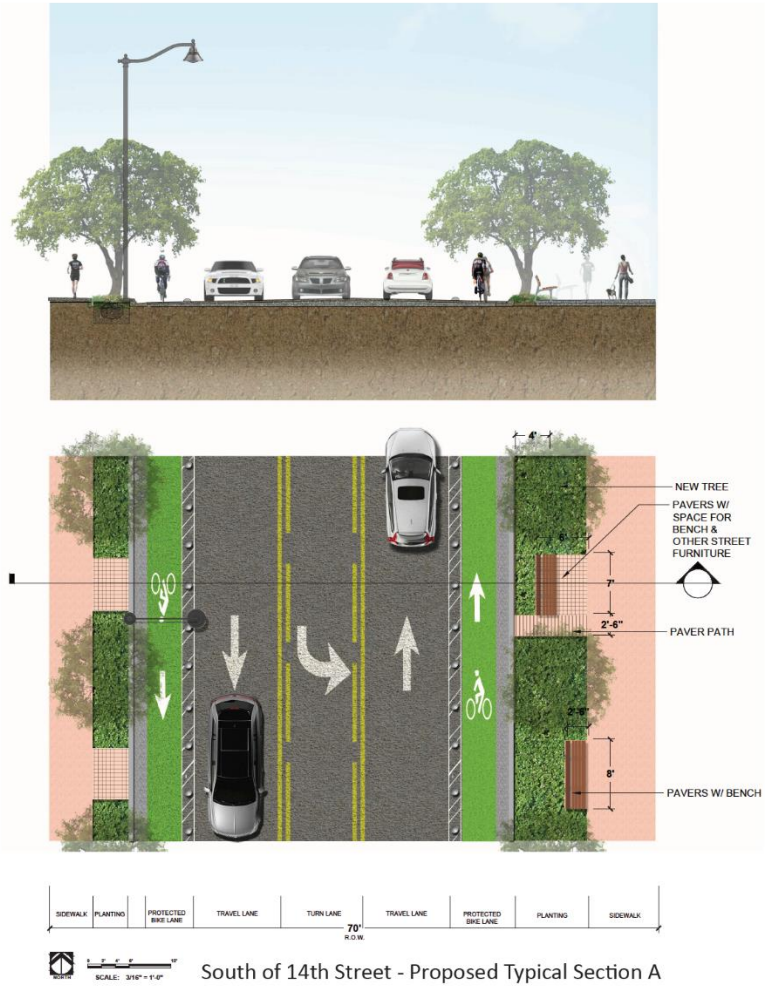
Improved Typical Section

- Prioritizing pedestrians, bicycle lanes
- Optimizing space
  - Parking
  - Use of green infrastructure
  - Aesthetics, street furniture
  - Ensure safety for first responders

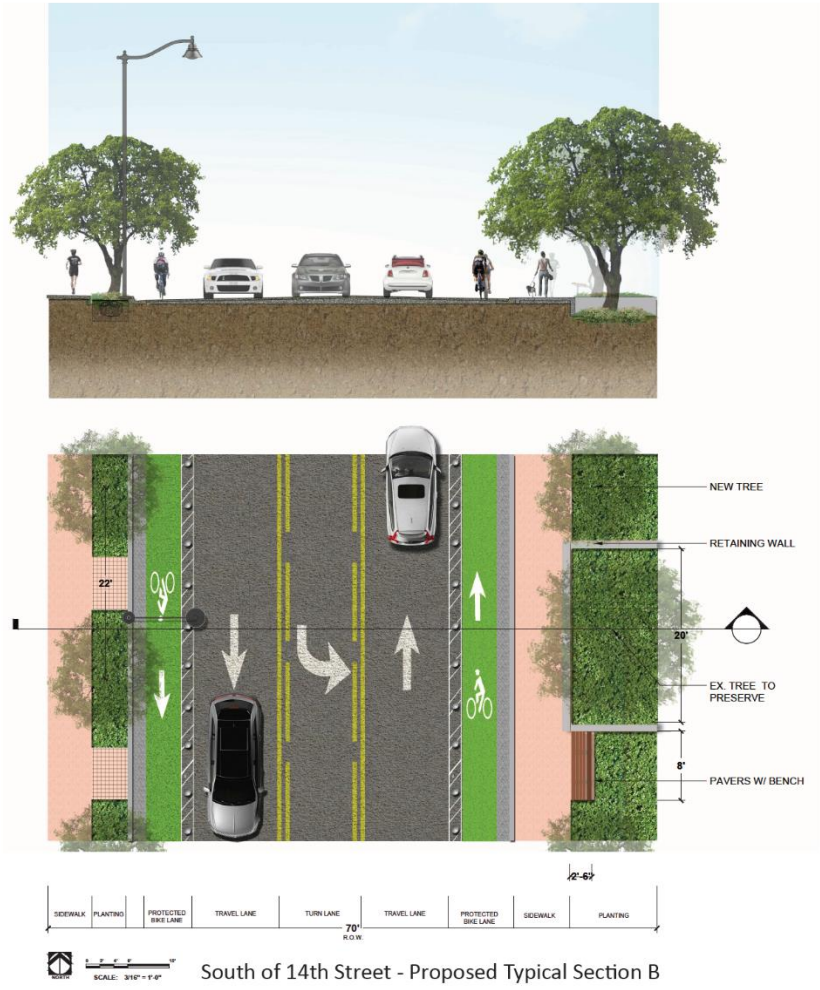


North of 14th Street - Preferred Typical Section

Resilience Accelerator Program



South of 14th Street - Proposed Typical Section A



South of 14th Street - Proposed Typical Section B

Final Recommendations

- Road elevation to 3.7′ NAVD with harmonization
- Mobility
  - Two travel lanes with center turn lane
  - Two typical sections
- Enhanced street end design
  - Remove parking
  - Add tree canopy
- Street end pedestrian enhancements
- Storm protection: 10-year storm event
- Include sanitary sewer upgrades
- Permanent generators

Two Typical Sections

- North of 14 Street
  - Protected bicycle lanes
  - Parking on east side
- South of 14 Street
  - Reduced parking
  - Protected bicycle lanes
  - Wider sidewalks
  - Green infrastructure

2 Why is this Project Needed/Overview?

Project Need/Overview

Pre-Construction Conditions

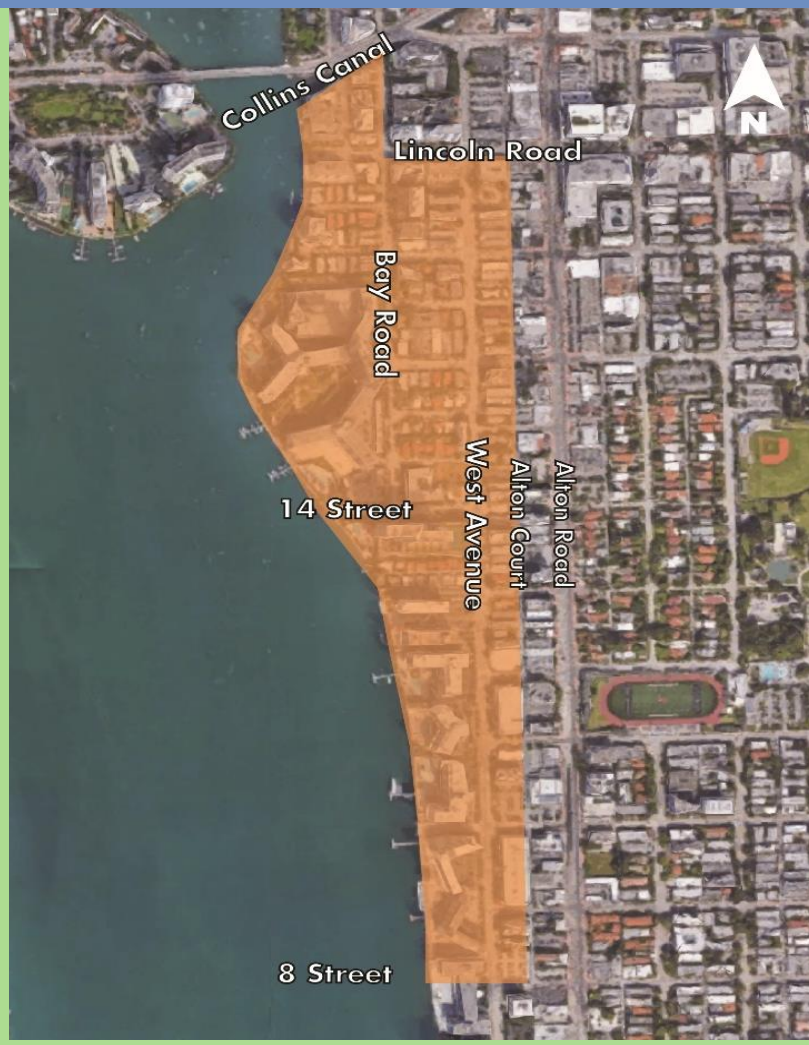
Project Overview

Limits

- West Avenue between 8 Street and Lincoln Road, including side streets
- Bay Road between 14 Street and Collins Canal

Project Schedule

- Plans currently being developed
- Construction sequencing is being finalized



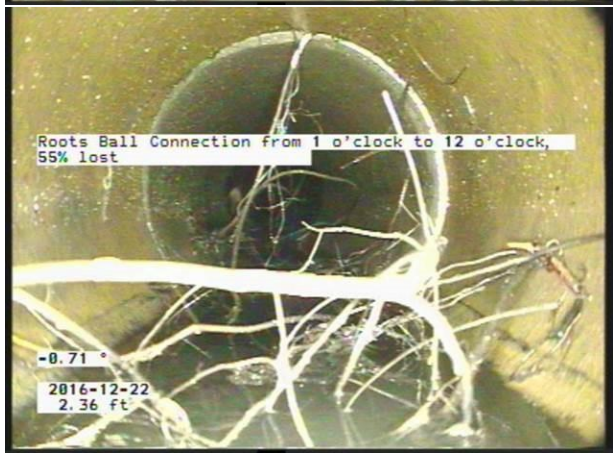
Project Overview

Infrastructure Improvements

Installing new features including:

- Storm water drainage system, including a pump station at the western street end of Lincoln Road
- Fire hydrants
- Sanitary sewer main
- Water main, service lines
- New drainage model

Drinking water critical needs



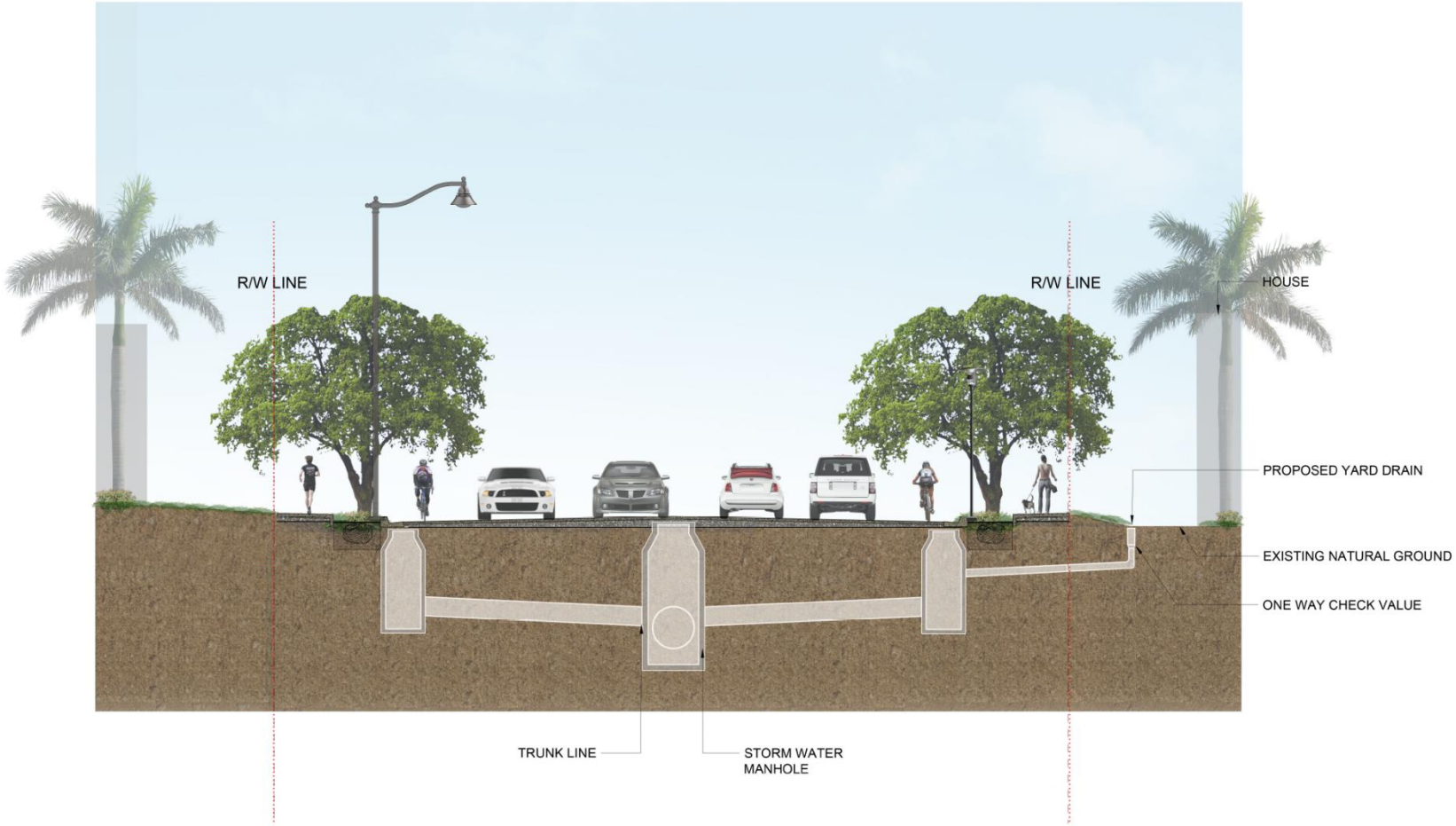
Sewer critical needs

Project Overview

Roadway Improvements

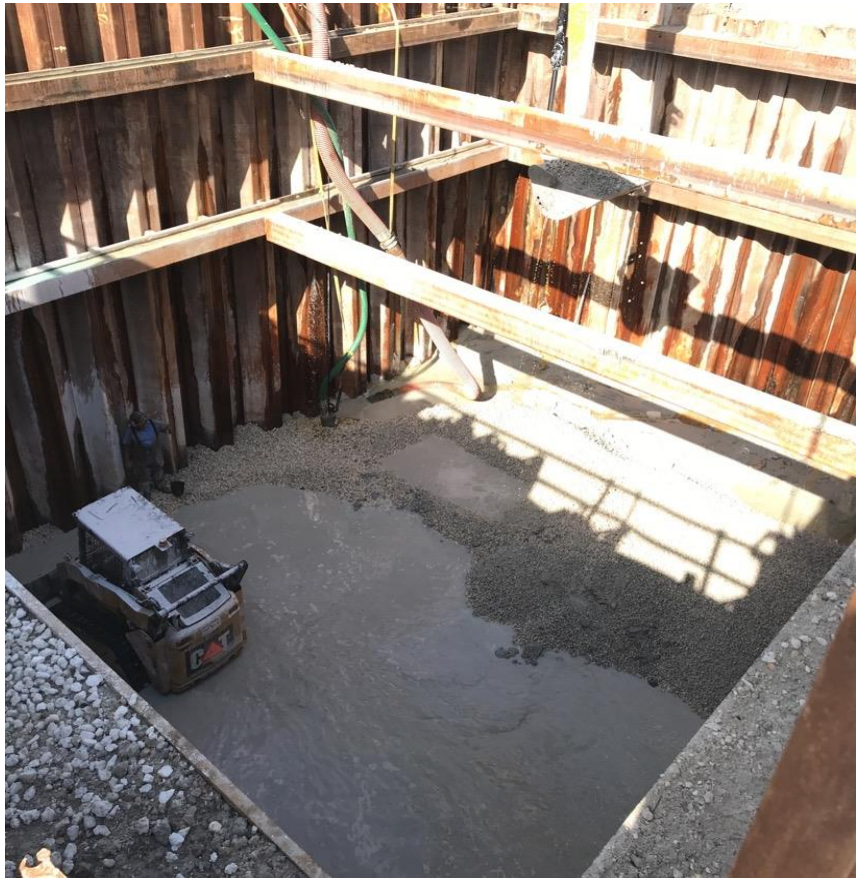
- Elevating the roadway
- Constructing new curb, gutter and sidewalks
- Installing new crosswalk pavers at various intersections
- Installing new signage and pavement markings
- Installing new protected bicycle lanes along West Avenue
- Installing new street and pedestrian lighting and traffic signals
- Resurfacing Alton Court between Lincoln Road and 16 Street
- Matching the new roadway elevation to existing driveways (Harmonization)
- Constructing a section of the Baywalk at Lincoln Road street end
- Installing new landscaping
- Enhancing street ends with pavers and additional landscape
  - Lincoln Road
  - Lincoln Court
  - Bay Road
  - Lincoln Terrace
  - 16 Street
  - 14 Street
  - 10 Street

Typical Infrastructure Layout



3 What to Expect During Construction?

What to Expect…



What to Expect…

4 Segmented Construction

Segmented Construction

How Does it Work?

- Divides overall project into smaller work zones
- Design-build firm works in one designated area at a time to complete as much work as possible before moving onto next segment
  - One segment north of 14 Street
  - One segment south of 14 Street
- Only final layer of asphalt will remain pending in a section
  - Will be placed all at once toward end of project
- Engineer of Record (EOR) and team members will meet with representatives from each individual property
  - To discuss harmonization
  - Develop plans
  - Meetings being scheduled based on segmented construction phasing

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North Project

Estimated timeframe:

December 2019 through November 2022

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South Project

Estimated timeframe:

December 2019 through August 2021

Segmented Construction

Benefits

- Fully dedicates resources to one segment at a time
- Shortens the overall duration of work in a given area
- Community will see progress within each segment rather than experiencing work in multiple phases
- Minimizes construction traffic impacts along West Avenue as the entire street will not be an open work zone
- Local traffic will be maintained within active segment
    - General traffic will be detoured around the work

5 Where We Are Now?

Where We Are Now

Ongoing Activities

- 10-year storm drainage analysis and design development
- Water and sanitary sewer design at 90% securing permits
- Master planning for utility relocations
- Roadway, lighting, landscaping concepts complete – pending City approval
- Existing tree study nearing completion by the contractor's arborist and will be coordinated with the city's Urban Forester.
- Encroachment analysis and policy directives are in progress.
- Harmonization plans at 60% completion – all properties
- Baywalk concepts complete – discussion with agencies and interfacing properties underway
- Lincoln Road pump station design development
- Meetings with Segment 1 and 2 building representatives

For more information please contact:
Heather M. Leslie, Public Information Liaison
305.905.5876
Heather@hmlpublicoutreach.com

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ABOVE

3

Outreach Plan

- The following Rise Guide document was created by in mid-2019 to plan project outreach.

Rise Guide Created For The Project

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Project R.I.S.E. Plan

Project Name: West Avenue Phase 2 Neighborhood Improvement Project

Assigned CMB Department: CIP

Assigned CMB Project Liaison: Lauren Firtel

Assigned Public Information Officer (PIO) and firm: Heather M. Leslie, HML Public Outreach

Project Location:
West Avenue Phase 2 Neighborhood Improvement Project
The project limits will include the following areas:

- West Avenue between 8 Street and Lincoln Road, including side streets
- Bay Road between 14 Street and Collins Canal

Introduction

Overview of RISE Plan Purpose and Objectives

This Project R.I.S.E. Plan (PRP) is developed as an effective way to ensure community outreach effort are being coordinated and executed for all transportation projects within the City of Miami Beach. The PRP objectives are as follows:

- ✓ Include the information received from the project charter and approved outreach strategies based on the type of project, communication level and potential community concerns.
- ✓ Outline communication levels and decided-on communications plans
- ✓ Defines project roles, project scope, timelines, deliverables and affected stakeholders
- ✓ Detail the informational outreach materials that are to be developed as part of the project.

The PRP will serve as a living document that is continuously reviewed and revised by the CMB project liaison and the PIO throughout the life of the project.

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PROJECT TEAM

Title/Role	Name	Department /Agency	Phone	Email
Senior Capital Projects Coordinator	Sabrina Baglieri	CIP	786-383-9319	sabrinabaglieri@miamibeachfl.gov
Capital Projects Coordinator	Jorge Rodriguez	CIP	305-673-7071	jorgerodriguez@miamibeachfl.gov
Public Information Specialist	Lauren Firtel	CIP	305-986-6403	laurenfirtel@miamibeachfl.gov
RCMF Project Manager	Tyson DiPetrillo	RMCF	954-448-6994	tdipetrillo@Ric-ManFL.com

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Rise Guide Created For The Project

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PROJECT OVERVIEW

Project Overview and Scope of Services

Description of the project limits or boundaries, existing elements of the corridor or neighborhood, proposed scope of services.

The project limits will include the following areas:

- West Avenue between 8 Street and Lincoln Road, including side streets
- Bay Road between 14 Street and Collins Canal

This project has been partly constructed through the previous phase of work. It is comprised of high-density condos, single-family homes and businesses. This corridor is a highly walkable community.

Installing new features including:

- Storm water drainage system, including a pump station at the western street end of Lincoln Road
- Fire hydrants
- Sanitary sewer main
- Water main, service lines
- New drainage model
- Storm water drainage system, including a pump station at the western street end of Lincoln Road
- Fire hydrants
- Sanitary sewer main
- Water main, service lines
- New drainage model

Construction Schedule, Contract Time and Budget

Design initially started in 2017 and is ongoing
Construction start TBD
Construction duration: once it starts is expected to take approximately 2.5 years
Budget: approximately $72 million

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LOCATION MAP

WEST AVE - PROPOSED CONSTRUCTION SEGMENTS - NORTH 091

WEST AVE - PROPOSED CONSTRUCTION SEGMENTS - SOUTH 090

Rise Guide Created For The Project

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PROJECT DETAILS

Potential Controversial Issues
Commission approval, resident acceptance, License Agreement meetings and signatures, acceptance on the final location of the pump station generator and FPL power, gathering permits from all appropriate agencies. Improved water quality, reduced frequency of stormwater flooding, faster drainage.
Maintenance of Traffic
All plans still in development phase.
Construction Phasing
Please see above maps.

AFFECTED STAKEHOLDERS

Potential Controversial Issues
Obtaining Commission and public acceptance on the project, obtaining all needed permits, utility relocations, securing all harmonization agreements and removal of encroachments, stormwater policy for private properties. Parking removal, encroachments, harmonization, roadway elevation, stormwater drainage policy.
Maintenance of Traffic
Project is still in design phase. Access to properties will be maintained at all times unless coordinated in advance and impacts will be discussed at harmonization meetings. Because of segmented construction approach, detours will be in place around the work and be signed as local traffic only.
Construction Phasing
Please see above maps.

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PUBLIC INVOLVEMENT

Public Involvement Level
High: Level 3
Outreach Activities and Deliverables
Public meetings Community presentations Harmonization meetings One-on-one meetings Electronic updates Citywide e-blast/e-newsletter Social media messaging Door-to-door distribution of project information along the project limits E-Blast via Constant Contact Elected Official/ Briefings via letter to commission (LTC) Groundbreaking/Ribbon Cutting Ceremonies/Other special events (for construction) Pop-up outdoor events Public Meetings/Charrettes Website project page development and regular updates Stakeholder emails Calls with team
Identification of Affected Stakeholders
Public: residents, business owners, visitors Local Agencies Elected and appointed officials Special interest groups Community groups: WAVNA, NOFNA, Lincoln Court Neighborhood Association

SPECIAL EVENTS OR PROJECT REQUIREMENTS

Special Events/Holidays to Consider
Team will follow City's calendar of events once construction starts.
Legal Documents for Signature
License Agreements DERM documents for Baywalk permit
Other Accommodations

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QUESTIONS

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Item 6.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **DISCUSSION: LIMITING BIG BOX FORMULA RETAIL AND FORMULA RESTAURANTS ON LINCOLN ROAD**

ACTION REQUESTED:
Discuss the item and provide policy direction.

ADMINISTRATION RECOMMENDATION:
Discuss and continue the item to the March 17, 2020 LUSC meeting.

HISTORY:

On June 5, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4 R). The item was discussed briefly at the September 18, 2019 LUDC meeting, and continued to the October 30, 2019 meeting.

On October 30, 2019, the item was discussed and continued to the January, 2020 LUDC, with the following direction:

1. The City Attorney will draft an ordinance for review by the LUDC, which will include limits on big box establishments.

2. The Administration will place a C4 referral item on the City Commission agenda, as a place holder, in anticipation of a recommendation for referral to the Planning Board.

3. The administration will meet with the Lincoln Road BID for further input.

The item was placed on the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee. The item was deferred to the February 18, 2020 meeting.

ANALYSIS:

The administration met with the Lincoln Road BID Executive Committee on January 16, 2020. The members of the Executive Committee expressed concerns and reservations with the proposal, as well as a desire to address the LUSC with their specific concerns.

If an ordinance should move forward, the administration and the City Attorney's office would recommend that the City perform a planning analysis and establish a solid record for any legislative changes. As is the case with Sunset Harbor, such an analysis will be an important component of any legislation. In order to take into consideration the input of the Lincoln Road BID, it is recommended that the item be continued to the March 17 2020 LUSC meeting.

CONCLUSION:

The Administration recommends that the Land Use and Sustainability Committee continue the item to the March 17, 2020 LUSC meeting.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
Yes	No

Departments

Planning

Item 7.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **DISCUSSION: ORDINANCE AMENDMENT EXCEPTING OFFICE USES NOT ALSO OPERATING AS AN ENTERTAINMENT ESTABLISHMENT OR DANCE HALL FROM THE DEFINITION OF NEIGHBORHOOD IMPACT ESTABLISHMENT (NIE)**

HISTORY:

On June 5, 2019, at the request of Commissioner Michael Gongora, the City Commission referred the subject item to the Land Use and Development Committee for discussion (item C4S).

ANALYSIS:

BACKGROUND

We Work Offices, which have two locations in the City, seek to provide free beer and wine for their office tenants; each of these locations have an occupant content that exceeds 300 persons. Additionally, by serving beer and wine, this office use also meets the technical definition of an alcoholic beverage establishment.

Under section 142-1361 of the city code, an alcoholic beverage establishment that has an occupant content exceeding 300 persons is considered a neighborhood impact establishment (NIE). Establishments meeting NIE thresholds require Planning Board approval for a CUP.

PLANNING ANALYSIS

The NIE regulations in section 142-1361 were designed to address alcohol uses such as destination restaurants, bars, nightclubs and entertainment establishments. These regulations were not intended to apply to office uses that provide free beer and wine to tenants on occasion.

The following is a potential amendment to Chapter 142, Article V, Divisions 6 of the LDR's, to create an exception from the definition of an NIE, for office uses only, which are not operating as an entertainment establishment or dance hall, from the definition of neighborhood impact establishment (NIE):

DIVISION 6. – ALCOHOLIC BEVERAGE AND ENTERTAINMENT ESTABLISHMENTS

Sec. 142-1361. - Definitions.

For the purpose of this division, the following terms, phrases and words shall have the meaning given in this section:

After-hours dance hall means a commercial establishment where dancing by patrons is allowed, including, but not limited to, restaurants and entertainment establishments, which by its nature as an establishment not licensed or operating as an alcoholic beverage establishment, is not subject to the regulations on hours of sale for alcoholic beverage establishments contained in section 6-3 of this Code.

Entertainment means any live show or live performance or music amplified or nonamplified. Exceptions: Indoor movie theater; big screen television and/or background music, amplified or nonamplified, played at a volume that does not interfere with normal conversation.

Neighborhood impact establishment means:
(1) An alcoholic beverage establishment or restaurant, not also operating as an entertainment establishment or dance hall (as defined in section 114-1), with an occupant content of 300 or more persons as determined by the chief fire marshal; or
(2) An alcoholic beverage establishment or restaurant, which is also operating as an entertainment establishment or dance hall (as defined in section 114-1), with an occupant content of 200 or more persons as determined by the chief fire marshal.
Notwithstanding the above, an office use, not also operating as an entertainment establishment, where the self-service of beer and/or wine is offered for consumption on the premises only, and only for office employees and office clients, shall not be considered a neighborhood impact establishment, regardless of occupant content.

Open air entertainment establishment means a commercial establishment which provides entertainment, as defined in this section, indoors or in an enclosed courtyard or area which by its design is open to the outside, thereby enabling the entertainment to be audible outdoors.

Outdoor entertainment establishment means a commercial establishment which provides outdoor entertainment as defined in this section.
The aforementioned modification is not expected to have an adverse impact on surrounding properties, as large offices are primarily located in commercial districts. Additionally, the serving of alcohol would be limited to existing office occupants only.

CONCLUSION:

The Administration recommends that the Land Use and Sustainability Committee transmit the aforementioned ordinance amendment to the full City Commission for referral to the Planning Board.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Does this item utilize G.O. Bond Funds?

Yes No

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Item 8.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **DISCUSSION: ESTABLISHMENT OF PENALTIES FOR PROPERTY OWNERS ENGAGING IN DEMOLITION BY NEGLECT**

ACTION REQUESTED:
Discuss the item and continue to March 17, 2020.

ADMINISTRATION RECOMMENDATION:
Discuss the item and continue to March 17, 2020.

HISTORY:

On July 17, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4 O). The item was discussed at the September 18, 2019 LUDC meeting, and continued to the October 30, 2019 meeting with the following direction:

1. The administration and City Attorney's office will research and provide recommendations regarding a process for imposing proportional fines, development and use reductions, and building registrations.

2. The administration will bring a discussion item to the October 8, 2019 meeting of the Historic Preservation Board for recommendations on posting unsafe structures on the city's website.

On October 30, 2019, the item was discussed and continued to the December 2, 2019 LUDC, with the following direction:

1. The administration and the City Attorney will further evaluate the recommendations noted in the LUDC memo regarding proportional fines and building registry, as well as creating a process for as-built drawings of contributing structures.

2. Recommend that the City Commission refer the proposed amendment to chapter 118, article X, pertaining to a presumption clause, to the Planning Board.

3. The addresses of properties that have both an active unsafe structures violation and have been

referred to the Miami-Dade County Unsafe Structures Board by the Building Official will be posted on the City website. This list shall be posted within the Building Department webpage, and the Planning Department webpage shall contain a direct link.

The December 2, 2019 LUDC meeting was cancelled, and the item was moved to the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee. On January 21, 2020 the item was continued to the February 18, 2020 LUSC meeting.

ANALYSIS:

PLANNING AND LEGAL ANALYSIS

On October 8, 2019, the Historic Preservation Board discussed the matter and recommended that the City begin the process of posting the addresses of properties that have an active unsafe structures violation and have been referred to the Miami-Dade County Unsafe Structures Board by the Building Official on the City website. The Board also recommended that this information be available on either the Building Department or Planning Department page.

As indicated on October 30, 2019, planning staff and the City Attorney's office have researched and discussed other options to address demolition by neglect in historic districts. The following is an update and summary of these efforts:

1. Fines. The way properties are currently fined is general and not specific to the size of the building. The administration and the City Attorney's office have researched the concept of proportional fines and it appears that it is not pre-empted under State law. The administration and the City Attorney are exploring potential amendments that would result in more proportional fines for larger buildings.

2. Building Registry. The Building Department is researching and evaluating a method to establish a building registry process.

UPDATE

The administration has been reviewing a model building registry ordinance from the City of Riviera Beach, as well as an updated list of abandoned commercial properties, which is color coded based on priority. Also included in the list of properties is the number of stories and the square footage to assist with determining appropriate, proportional fees.

About as-built drawings, there are a couple of different options; each, however, would have a budget impact and would need to be part of a budget enhancement for FY 2021. These include hiring an architectural firm or local University to do built drawings based upon available archival plans and a field assessment. Another potential option would be laser scanning and point cloud files that are then rendered. While this option is expensive, it is becoming more affordable with increased availability. Further research in terms of required computer software would need to be done.

In order to develop an ordinance specific to Miami Beach, as well as a potential process for as-built drawings of contributing structures, it is recommended that the item be discussed and continued to the March 17, 2020 meeting of the LUSC.

CONCLUSION:

The administration recommends that the item be continued to the March 17, 2020 LUSC meeting, in order for the administration to provide the following

1. A draft ordinance specific to Miami Beach, creating a vacant building registry process, inclusive of appropriate, proportional fees.

2. A potential process for requiring as-built drawings of contributing structures.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
Yes	No

Departments

Planning

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Item 9.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **Discuss The Motion Made By The Sustainability Committee To Make The Reduction Of CO2 Emissions A Primary Focus Of The Fleet Assessment.**

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
Yes	No

Departments

Fleet

ATTACHMENTS:

	Description	**Type**
🗋	Reduction Of CO2 Emissions	Memo

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COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

SUBJECT: **DISCUSS THE MOTION MADE BY THE SUSTAINABILITY COMMITTEE TO MAKE THE REDUCTION OF CO_2 EMISSIONS A PRIMARY FOCUS OF THE FLEET ASSESSMENT**

At the July 17, 2019 City Commission meeting, Commissioner Mark Samuelian referred a discussion to the Land use and Sustainability Committee regarding the motion made by the Sustainability Committee to make the reduction of CO_2 greenhouse gas (GHG) emissions a primary focus of the fleet assessment.

HISTORY

The reduction of CO_2 emissions has been a primary focus of our three-pronged approach to improve the operating efficiency and greening of the City's fleet. The strategy encompasses right-sizing/down-sizing, vehicle standardization, and reducing the vehicle replacement cycle through more timely investments in fuel efficient vehicles, primarily hybrid-electric vehicles (HEVs).

Throughout the years, Fleet Management has worked with the various City departments to right-size, where appropriate, from full/mid-size sedans to mid-size/compact models. The Vehicle Utilization Study, completed in December of 2018 also supplemented on-going downsizing efforts by identifying 18 vehicles that could be eliminated from the City's fleet, representing capital savings of approximately $1,000,000 in avoided costs in future replacement cycles (per cycle), as well as annual maintenance and repair cost reductions of approximately $20,000. As a result of these on-going efforts, approximately 95% of staff sedans (excluding detective vehicles) are the more fuel-efficient compact vehicles. The compact vehicle fleet accounts for approximately 4% of the City's annual gasoline consumption.

HEVs are a proven, widely accepted technology. Twenty-two (22) HEVs (14 compact and eight mid-size models) placed into service in 11 City departments, within the past three and a half years, have logged nearly 600,000 miles of reliable service, with operating costs over 40% lower than that of comparable, mostly compact, gasoline models. The Hybrid Electric Vehicle Policy outlined in LTC #316-2019, dated May 31, 2019, identified the replacement of gasoline police patrol vehicles with the newly introduced Hybrid Police Utility Interceptor as the most cost-effective opportunity to significantly reduce GHG emissions in the City's fleet.

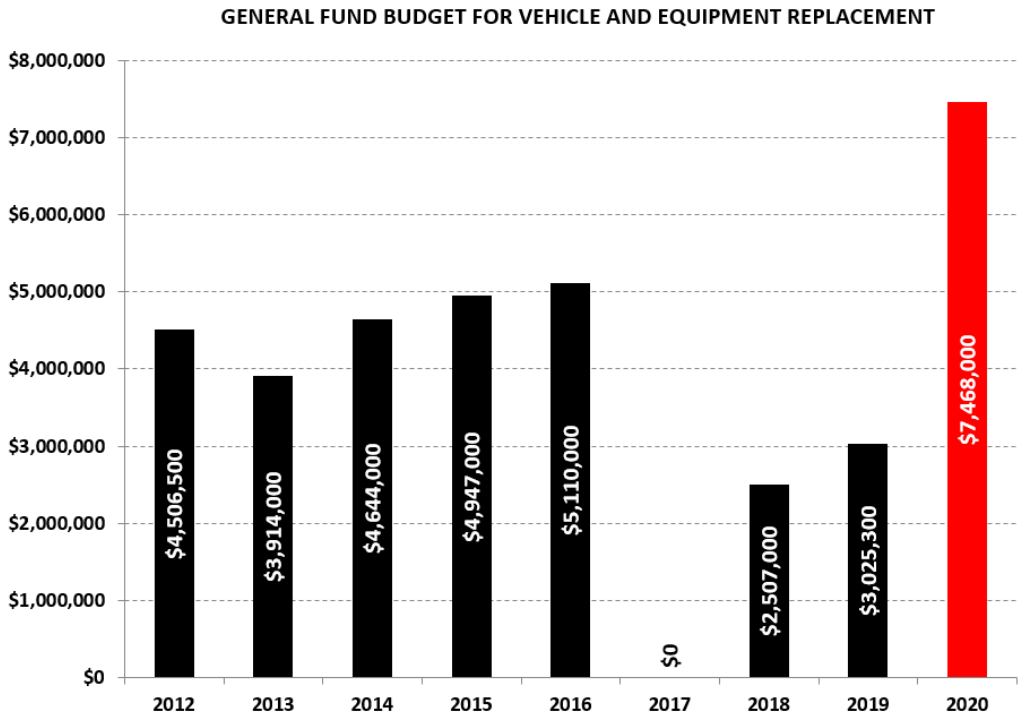
FLEET REPLACEMENT PLAN AND FUNDING

Key to continuing the greening of the City's Fleet will be securing adequate vehicle replacement funding, which has been a past challenge and contributed to an extended replacement cycle

during recent years. Failure to adequately fund vehicle replacements according to recommended replacement cycles has been shown to cause several problems, including higher maintenance and fuel costs, increased vehicle breakdowns, and a lower level of fleet readiness that impacts the ability of City departments to effectively conduct operations and deliver services.

A Vehicle Replacement Study (VRS) completed in May of 2018, by the Matrix Consulting Group, recommended a five-year funding plan that would improve the vehicle replacement cycle, and supported improved funding levels used to increase the number of energy-efficient vehicles in the City's fleet. In line with the VRS recommendations, the adopted FY20 budget (red bar) reflects improved funding levels for the purchase of over 250 vehicles and equipment, including 102 HEVs and two electric vehicles. The remaining units are primarily comprised of specialty trucks and vehicles and specialized equipment. This will effectively more than quadruple the City's hybrid vehicle fleet.

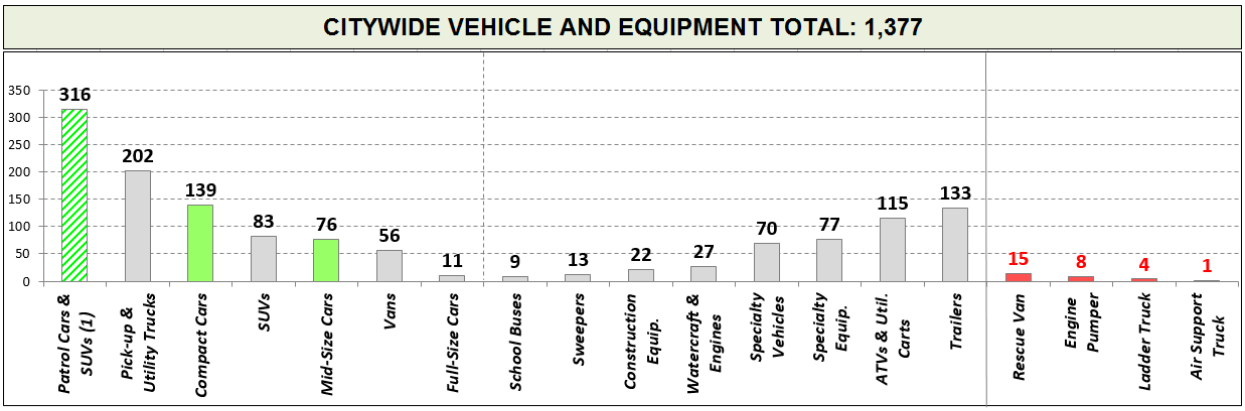
The chart below shows the General Fund budget for the replacement of vehicles and equipment for recent years through FY20.



<u>CITYWIDE VEHICLE AND EQUIPMENT INVENTORY</u>.

The City's inventory of standard vehicles, heavy-duty trucks, construction and specialized utility and landscaping maintenance vehicles, marine vessels, and other smaller specialized equipment such as trailers, light towers, pumps, compressors, generators, forklifts, compactors, wave runners, ATVs, and utility carts is approximately 1,300. This number fluctuates as units are added, retired, or not replaced.

The following chart and table reflect the distribution of the fleet inventory across the various vehicle and equipment classes:



VEHICLE CLASSES	FLEET MANAGEMENT DEPARTMENT															FIRE & RESCUE DEPT.			
	SEDANS, SUVs TRUCKS & VANS 65%							SPECIALTY TRUCKS, VEHICLES & EQUIPMENT 35%								FIRE SUPPRESSION & RESCUE VEHICLES			
	883							466											
	1,349															28			
	316	202	139	83	76	56	11	9	13	22	27	70	77	115	133	15	8	4	1
	36%	23%	16%	9%	9%	6%	1%	2%	3%	5%	6%	15%	17%	25%	29%	54%	29%	14%	4%
	PI SEDAN	F150	FOCUS	EXPLORER	FUSION	TRANSIT	TAURUS	THOMAS	TENNANT	CRANE	WAVE RUNNER	SWAT VAN	SAND SIFTER	ATVs	UTILITY	TERNATIONAL	PIERCE	PIERCE	PIERCE
	PI UTILITY	F250	OCUS ELEC	ESCAPE	FUSION HEY	UTILITY	IMPALA	27-PASS.	STREET	CEMENT MIX	33-36 FT.	PADDY WAG	SWK VACS	UTIL. CARTS	SIGN - SOLAR	FREIGHTLINER	LAFRANCE		
	CROWN VIC	F350	CMAX HEY	EXPEDITION		MINI CARGO	MALIBU	72-PASS.	PARKING LOT	SKID STEER	32-FT.	STAKE BODY	GROOMERS	EZ-GO	ENCLOSED				
	IMPALA	CREW CAB	CRUZE	EQUINOX		MINI WAGON				EXCAVATOR	25-29 FT.	DUMP TRUCK	HYD. BREAKER		BOAT				
	CAPRICE	UTILITY BODY		ACADIA						LOADER	20-FT	LIQUID DISTRIB	COMPACTORS		LIGHT TOWER				
		FLAT BED								BACKHOE	18-FT.	TANKWAGON	PRESS. CLEAN		SKYWATCH				
										PAVER	ROW BOAT	SEWER CLNR	CONC. CUTTER		PORTABLE RR				
												VAC TRUCKS	STRIPER		LAWN				
												WRECKERS	SPEED RADAR		VACUUM				
												BUCKET	MOWERS		MOTORCYCLE				
												TRENCHER	FORK LIFTS		GENERATOR				
												STUMP GRIND.	ROLL-OFFS	COMPRESSOR	PRESS. CLNR				
												CHIPPER	ZAMBONI	GENERATOR	CEMENT MIX				

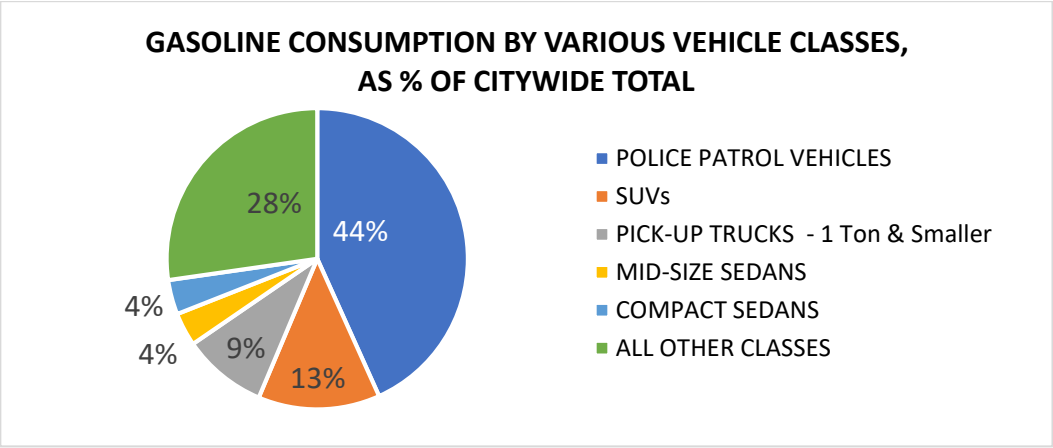
POLICE PATROL VEHICLES ACCOUNT FOR APPROX. 44.1% OF CITYWIDE GASOLINE USAGE. IN LATE 2019, FORD WILL ROLL OUT THE FIRST HYBRID ELECTRIC POLICE UTILITY INTERCEPTOR OFFERING POTENTIAL TO ACHIEVE AS MUCH AS 40% REDUCTION IN FUEL

THE CITY FLEET INCLUDES 22 HYBRID ELECTRIC VEHICLES (HEV) AND ONE FULLY ELECTRIC VEHICLE (EV)

Approximately 65% of the units are sedans, SUVs, light trucks and vans. The other 35% is comprised of specialty trucks, vehicles and specialized equipment.

GASOLINE CONSUMPTION AND GHG REDUCTION

The City fleet's gasoline consumption totals approximately 767,000 gallons per year. This is equivalent to approximately 13.5 million Lbs. of CO_2 GHG emissions per year. Police Department vehicles, marine vessels, and specialty equipment account for nearly 64% of citywide gasoline usage. Police patrol vehicles (316) consume approximately 338,000 gallons of fuel annually, or 44.1% of the City's total gasoline volume. The chart below illustrates five major gasoline vehicle classes that account for 72% of the city's annual gasoline consumption that are being targeted for replacement with primarily hybrid, as well as electric vehicles.



Our current strategy for greening the City's fleet will primarily focus on replacing gasoline powered vehicles with HEVs, in the five vehicle classes shown above, as part of the annual vehicle replacement cycle, and encompasses the following:

- Police Patrol Vehicles – This vehicle class presents the most cost-effective opportunity to reduce GHGs and is targeted for full conversion to Ford Motor Company's recently introduced Hybrid Police Interceptor Utility vehicle within the next five years. Over 60 gasoline units will be replaced with the new hybrid model in 2020. Upon full conversion to hybrid units, this vehicle class will have achieved a reduction of approximately 2.24 million Lbs. of CO_2 GHG emissions per year.
- SUVs (Non-Patrol) – This is a highly versatile vehicle class with a higher ground clearance that is popular with first responder and field operations departments. The compact SUV class has grown in popularity with various field operations departments and represents over 40% of the City's SUV fleet. The vehicle's wheelbase is comparable to that of compact sedans, with the added benefit of a larger cargo area for tools, plans and equipment, and improved driver visibility. A hybrid version of this small SUV is being reintroduced in 2020. The replacement rate to hybrids will pick up in 2021, in accordance with the vehicle replacement schedule. Upon full conversion to hybrid units, this vehicle class will have achieved a reduction of approximately 0.18 million Lbs. of CO_2 GHG emissions per year.
- Pick-up Trucks – The City's fleet includes (103) F150 pick-up trucks. The hybrid version of this truck is anticipated to be introduced in 2020 and conversion of this construction and utility operations vehicle class is projected to commence in 2021. The conversion to hybrid units in this vehicle class should achieve a reduction of approximately 0.32 million Lbs. of CO_2 GHG emissions per year by 2024.
- Mid-sized Sedans – The highly reliable hybrid vehicles in this class have an excellent track record with the City. They are mostly used by detectives in the Crime Investigation Division of the Police Department and conversion to the hybrid version should be mostly completed by 2023. Upon full conversion to hybrid units, this vehicle class will have achieved a reduction of approximately 0.19 million Lbs. of CO_2 GHG emissions per year.
- Compact Sedans – A wide range of hybrid replacement options are available for the 124 low-mileage vehicles that account for 4% of the City fleet's total gasoline consumption. This total includes over 40 vehicles in Police, Fire, Public Works, and other field operations departments for which a compact SUV hybrid vehicle would be more suitable. The compact sedans class is also the logical vehicle group within which to introduce the predominantly compact line of electric vehicles available in the marketplace. Some of the units in this group will not be replaced as a result of the vehicle utilization study, while others will be replaced with compact SUV HEVs. The remaining staff vehicles are projected to be replaced with compact SUV HEVs and 24 to 34 EVs by 2024. Gasoline vehicles replaced with EVs are projected to be primarily within the Building Dept. fleet, with additional units for the Planning, Code and other Departments. Upon full conversion to HEVs and EVs, this vehicle class will have achieved a reduction of approximately 0.31 million Lbs. of CO_2 GHG emissions per year.

CONCLUSION

If current levels of vehicle replacement funding remain available in the coming years, the City will continue to make significant reductions in its fleet gasoline consumption and CO_2 GHG emissions, building upon the progress that will have been achieved through the 104 HEVs and EVs being acquired with the FY20 budget. In addition to the 22 HEVs and 1 EV currently in the City fleet, these green vehicles are projected to achieve a reduction of approximately 0.67 million Lbs. of CO_2 GHG emissions per year BY 2021.

With an anticipated green fleet of 564 HEVs and 25 EVs by 2025, it's projected that a reduction of approximately 3.3 million Lbs. of CO_2 GHG emissions per year will be achieved from the decreased annual gasoline consumption of approximately 187,000 gallons, equivalent to a 24.4% reduction.

Our vehicle replacement strategy will adjust in accordance with technology innovations in the rapidly-evolving HEV and EV industry. We will continue to implement the most cost-effective options to minimize GHG emissions.

JMT/JC

MIAMIBEACH

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Item 10.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **Discussion On Requiring All New City Vehicles Purchased After 2020 To Be 100% Electric (Except Emergency Vehicles).**

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
Yes	No

Departments

Fleet

ATTACHMENTS:

	Description	**Type**
🗋	Electric Vehicles	Memo

MIAMIBEACH

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

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

SUBJECT: **Discussion On Requiring All New City Vehicles Purchased After 2020 To Be 100% Electric (Except Emergency Vehicles).**

At the May 28, 2019, Sustainability Committee meeting, the following motion was made: "Motion to support all efforts to make the reduction of CO_2 emissions a primary focus of the fleet assessment, including providing appropriate funding, considering total cost of ownership, and prioritizing the use of electric vehicles". At the Sept. 11, 2019 City Commission meeting, Commissioner Michael Gongora referred a discussion to the Sustainability and Resiliency Committee, which has been merged and renamed the Land Use and Sustainability Committee, regarding requiring that all new City vehicles purchased after 2020 be 100% electric (except emergency vehicles).

HISTORY

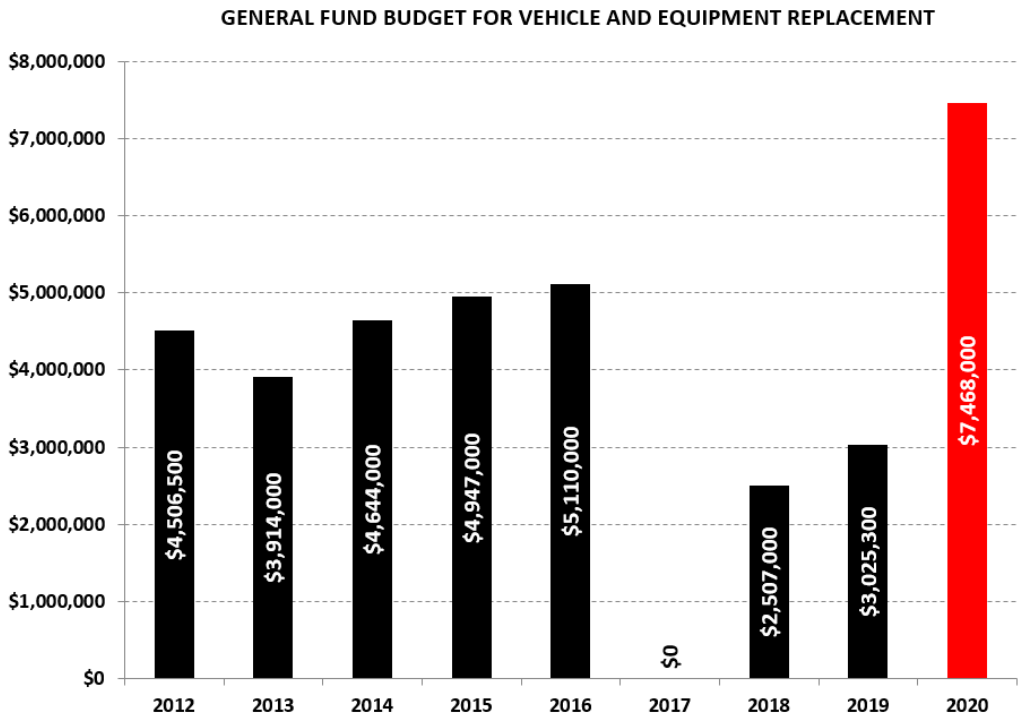
Gasoline-powered sedans, SUVs and light trucks, represent the vehicle classes, within the City's fleet, that are primarily targeted for replacement with hybrid electric vehicles (HEVs), as well as with fully electric vehicles (FEVs). These vehicle classes account for approximately 72% of the total gasoline consumed by the City's vehicle and equipment inventory and the corresponding CO_2 greenhouse gas (GHG) emissions.

Presently, the City's vehicle fleet includes 22 HEVs and one FEV. The GHG emissions reduced by these "green" vehicles exceed 50,000 Lbs. of CO_2 per year. Key to continuing the greening of the City's Fleet will be securing adequate vehicle replacement funding. A Vehicle Replacement Study (VRS) completed in May of 2018, by the Matrix Consulting Group, recommended a five-year funding plan that would improve the vehicle replacement cycle, and supported improved funding levels used to increase the number of energy-efficient vehicles in the City's fleet.

In line with the VRS recommendations, the adopted FY20 budget reflects improved funding levels for the purchase of over 250 vehicles and equipment, including 102 HEVs and two electric vehicles. This will effectively more than quadruple the City's hybrid vehicle fleet.

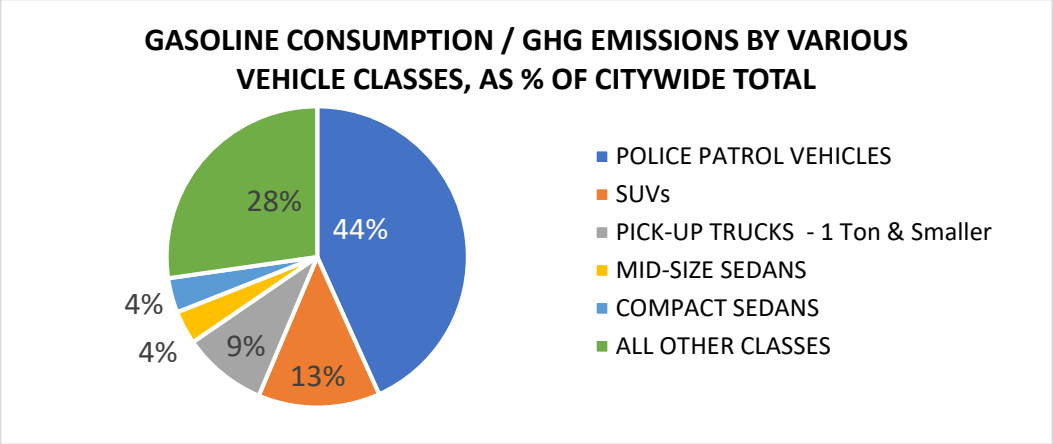
Over 60% of the FY20 vehicle replacement budget is earmarked for the replacement of gasoline-powered vehicles with HEVs and FEVs. The remaining units are primarily comprised of specialty trucks and vehicles and specialized equipment – such as utility, maintenance, construction and fire suppression vehicles - for which no HEV or FEV replacements are presently available.

The chart below shows the General Fund budget for the replacement of vehicles and equipment for recent years through FY20 (red bar).



ANALYSIS

The City fleet's gasoline consumption totals approximately 767,000 gallons per year. This is equivalent to approximately 13.5 million Lbs. of CO_2 GHG emissions per year. Police Department vehicles, marine vessels, and specialty equipment account for nearly 64% of citywide gasoline usage. Police patrol vehicles (316) consume approximately 338,000 gallons of fuel annually, or 44.1% of the City's total gasoline volume. The chart below illustrates five major gasoline vehicle classes that account for 72% of the city's annual gasoline consumption that are being targeted for replacement with primarily hybrid, as well as electric vehicles.



These vehicle classes represent approximately 730 vehicles, of which 124, or 17%, fall in the compact sedan category. These compact vehicles, with the highest miles-per-gallon ratings are also, typically, the ones with the least miles driven, when compared to the other vehicle classes. For this reason, they only account for approximately 4% of the City's total gasoline consumption.

Electric vehicles are predominantly available as replacements within the compact vehicle class. This makes the compact sedan class the logical vehicle group to target for replacement with EVs.

The scheduled replacement of compact sedan vehicles includes the following projections and considerations:

- The entire compact sedan fleet is scheduled for replacement by 2024.
- Seven (7) vehicles will not be replaced as a result of the VRS study recommendations and other downsizing opportunities.
- Approximately (50) of these older vehicles in the Police, Fire, Public Works, and other field operations, will be primarily replaced by compact hybrid SUV vehicles that will more suitably meet their current operational needs. In some cases, these may include light trucks. The versatility of the compact SUV class has grown in adoption by various field operations departments and represents over 40% of the City's SUV fleet.
- As part of a pilot EV program with the Building Dept., approximately two-thirds of their compact vehicles (18) will be replaced with FEVs and (9) will be replaced with compact hybrid SUVs.
- Six (6) vehicles assigned to the Planning, Public Safety Communications Division, and Community Services will be replaced with FEVs.
- Given the round-the-clock and cross-department support operations of the Code Compliance Department, four (4) vehicles will be replaced with FEVs and (15) will be replaced with a combination of hybrid compact SUVs and hybrid compact sedans. This number may change with further analysis.
- Of ten (10) compact vehicles in Parking Dept. operations, five (5) are being replaced with small pick-up trucks and the rest will be a combination of HEVs and one or two FEVs pending further analysis of their shift operations.
- The four (4) vehicles in the Parks Dept. are shared by multiple employees across various park facilities where the overnight parking location may not offer the level of security preferred for an electric charging station. For this reason, these vehicles will be likely replaced with compact HEVs (EPA combined 52 MPG rating).
- FEVs require the installation of charging stations. This involves the planning, design and permitting needed for the modification of existing electrical facilities and the extension and installation of electrical conduit, wiring, and switches to safely provide power to the charging pedestal. A cross-departmental team has been actively evaluating these options to ensure that the most cost-effective options to charge City FEVs at the most convenient location(s) are implemented.

CONCLUSION

As the City aggressively pursues the greening of its vehicle fleet with the most cost-effective options to reduce CO_2 GHG emissions, a balanced approach needs to be followed as various HEV and FEV options are considered. Relevant considerations include: client department needs, vehicle operating requirements and specifications; the sustainable challenges of operating in a low-elevation barrier island; continued availability of vehicle replacement funding; and the cost of electrical infrastructure installations.

The City's gasoline-powered compact sedan fleet – the target vehicle class for replacement with EVs – only accounts for approximately 4% of the City's total gasoline consumption. As the FEV industry evolves, electric battery technology is improved, FEV ranges increase, and new fully electric vehicle classes are introduced, the size of the City's FEV fleet will grow.

Annual GHG emission reductions, from the replacement of gasoline vehicles with HEVs and FEVs, is expected to grow from approximately 50,000 Lbs. of CO_2 in 2020 to 3.3 million Lbs. by 2025. The City's electric vehicle fleet is projected to grow to at least 30 vehicles by 2025, representing approximately 11% of the non-patrol vehicle classes targeted for HEV and FEV replacement. These FEVs will account for approximately 324,000 Lbs. of CO_2 GHG reductions per year.

JMT/JC

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Item 11.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **DISCUSSION: A PROPOSED BRIDGE CONNECTING FONTAINEBLEAU TO A PROPOSED SOUTH ADDITION**

ACTION REQUESTED:
Discuss the item and provide a recommendation to the full City Commission.

ADMINISTRATION RECOMMENDATION:
Conclude the item with a recommendation to the City Commission.

HISTORY:

On December 11, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4 L). The item was placed on the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee. The item was deferred to the February 18, 2020 meeting.

ANALYSIS:

The proposer of the bridge structure has indicated that the existing surface parking lot to the south of the main Fontainebleau site (at the southeast corner of 44th Street and Indian Creek Drive) is intended to be developed with a main ballroom and a junior ballroom structure. The proposed uses within this new building, which would be used for events or conference facilities, as well as approximately 285 parking spaces, requires separate amendments to the land development regulations, which are a separate discussion item before the LUSC.

The proposed pedestrian bridge will connect the new ballroom building to the main campus. Parking in the building will be for employees only, which is what the current site is used for. All guest access to the new building will be through the pedestrian bridge from the existing main campus. Additionally, vehicular valet service would occur at the main building location and no guest drop-off/pick-up is proposed at the new building.

The proposer will be providing developed illustrations and graphics of the bridge structure at the meeting. The administration has not been able to review the details of the bridge structure and cannot provide a formal recommendation on the proposal at this time. Prior to the item going before the full City Commission, the Public Works and Transportation Departments will provide a

more detailed review. Additionally, should the proposal move forward, approval from the Historic Preservation Board will be required.

CONCLUSION:

The Administration recommends that the Land Use and Sustainability Committee conclude the item with a recommendation to the City Commission.

Applicable Area

Middle Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
Yes	No

Departments

Planning

Item 12.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **DISCUSSION: PERMITTING ACCESSORY USES FOR HISTORIC HOTEL USES IN THE RM-3 ZONING DISTRICT TO BE LOCATED IN AN RM-2 PROPERTY, SO LONG AS BOTH PROPERTIES SHARE A UNIFIED HOTEL OPERATION AND ARE CONNECTED BY A BRIDGE OR STRUCTURE; AND MODIFYING THE PARKING REQUIREMENT AND CONDITIONAL USES FOR THOSE ACCESSORY USES**

ACTION REQUESTED:
Discuss the item and provide a recommendation on the proposed ordinance to the Planning Board and City Commission.

ADMINISTRATION RECOMMENDATION:
Conclude the item with a favorable recommendation to the Planning Board and City Commission.

HISTORY:

On December 11, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the item to the Land Use and Development Committee and the Planning Board (Item C4M). The item was placed on the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee. The item was deferred to the February 18, 2020 meeting.

ANALYSIS:

Attached is a draft ordinance prepared by the Fontainebleau hotel, which would allow for ballrooms and meeting space as a stand alone use in the RM-2 distirct. Addiitonally, modifications to the minimum required parking for such uses is proposed. This proposal is concurrent with a separate discussion item pertaining to a bridge structure that would connect the new ballroom building to the main campus.

The following are the specific text amendments proposed in the attached draft ordinance;

Sec. 130-32. - Off-street parking requirements for parking district no. 1.

(7) Auditorium, ballroom, convention hall, gymnasium, meeting rooms or other similar places of assembly: One space per every four seats or one space per every 60 square feet of floor area available

for seats. For ballrooms and meeting rooms in buildings when associated with a hotel located in the RM-3 district, and such hotel property is within 100 feet of the ballroom and meeting room property, one space per every eight seats or one space per every 120 square feet of floor area available for seats.

Section 142-213. Conditional Uses.

(a) The conditional uses in the RM2 residential multifamily, medium intensity district are day care facility; stand-alone religious institutions; private and public institutions; schools; commercial or noncommercial parking lots and garages; stand-alone ballrooms and meeting rooms when associated with a hotel located in the RM-3 district, and such hotel property is within 100 feet of the ballroom and meeting room property; and accessory neighborhood impact establishment; as set forth in article V, division 6 of this chapter.

The administration is supportive of the proposed text amendments. In this regard, the allowance of non-residential uses in the RM2 district would be limited to locations such as the site on the southeast corner of 44th Street and Indian Creek Drive, which is buffered by a standalone parking structure. Additionally, the proposed reduction in the minimum parking requirements for ballroom and meeting space, as proposed, would be limited to sites such as this, which have full access to a larger parking structure on the adjacent RM3 site.

CONCLUSION:

The Administration recommends that the Land Use and Sustainability Committee endorse the attached ordinance and provide a favorable recommendation to the Planning Board and City Commission.

Applicable Area

Middle Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
Yes	No

Departments

Planning

ATTACHMENTS:

	Description	**Type**
🗋	Draft ORD	Memo

DEVELOPMENT REGULATIONS FOR BALLROOM AND MEETING ROOM STRUCTURES LOCATED IN THE RM-2 DISTRICT

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 130 ENTITLED "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," BY AMENDING THE OFF-STREET PARKING REQUIREMENTS FOR BALLROOMS AND MEETING ROOMS FOR BUILDINGS ASSOCIATED WITH HOTELS; AMENDING CHAPTER 142 ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED 'DISTRICT REGULATIONS" BY AMENDING BY AMENDING THE ALLOWABLE CONDITIONAL USES IN THE RM-2 ZONING DISTRICT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City's land development regulations permit hotels in the RM-3 zoning district to have common accessory uses such as ballrooms and meeting rooms; and

WHEREAS, the land development regulations presently do not permit these uses to be located on an adjacent site that is under a different zoning designation; and

WHEREAS, these proposed changes are desirable to allow for responsible hotel redevelopment where certain accessory uses are necessary to allow for the continued growth of hotel and tourism in Miami Beach.

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

SECTION 1. That Section 130-32, "Off Street parking requirements for parking districts no. 1" is hereby amended as follows:

Sec. 130-32. - Off-street parking requirements for parking district no. 1.

(7) Auditorium, ballroom, convention hall, gymnasium, meeting rooms or other similar places of assembly: One space per every four seats or one space per every 60 square feet of floor area available for seats. For ballrooms and meeting rooms in buildings when associated with a hotel located in the RM-3 district, and such hotel property is within 100 feet of the ballroom and meeting room property, one space per every eight seats or one space per every 120 square feet of floor area available for seats.

* * *

SECTION 2. That Section 142-213, "Conditional Uses" is hereby amended as follows:

Section 142-213. Conditional Uses.

(a) The conditional uses in the RM2 residential multifamily, medium intensity district are day care facility; stand-alone religious institutions; private and public institutions; schools; commercial or noncommercial parking lots and garages; stand-alone ballrooms and meeting rooms when associated with a hotel located in the RM-3 district, and such hotel property is within 100 feet of the ballroom and meeting room property; and accessory neighborhood impact establishment; as set forth in article V, division 6 of this chapter.

SECTION 3. Repealer.

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

SECTION 4. Codification.

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida, as amended. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. Severability.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 6. Effective Date.

This Ordinance shall take effect the ____ day of _____, 2020.

PASSED and **ADOPTED** this ____ day of _____, 2020.

_____

MAYOR

ATTEST:

_____

CITY CLERK

First Reading:
Second Reading:

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

Verified by:_____
Planning Director

_____
City Attorney Date

Underscore denotes new language

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Item 13.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **DISCUSSION: HOTEL USES IN THE RM-1 DISTRICT FOR PROPERTIES ALONG LINCOLN ROAD**

ACTION REQUESTED:
Discuss the item and provide a recommendation on the proposed ordinance to the City Commission.

ADMINISTRATION RECOMMENDATION:
Conclude the item and recommend that the City Commission refer the attached draft ordinances to the Planning Board.

HISTORY:

On January 15, 2020, at the request of Commissioner Ricky Arriola, the City Commission referred the item to the Land Use and Sustainability Committee.

ANALYSIS:

Attached are draft LDR and comprehensive plan ordinances, prepared by representatives of the Lincoln Center building at Euclid Avenue and Lincoln Road, which would allow for hotel uses in the RM-1 district, under limited circumstances and limited locations. The owner of the Lincoln Center is seeking to redevelop a parcel of land to the immediate south of Lincoln Lane South, as hotel units. All operational aspects of the hotel, including accessory uses and check in, would occur within the Lincoln Center site fronting Lincoln Road. The following is a summary of the amendments proposed in the attached draft ordinances:

Apartment hotels, hotels, and suite hotels may be permitted for RM-1 properties abutting Lincoln Lane South, from Drexel Avenue to Lennox Avenue, in accordance with the following:

• The RM-1 property shall not exceed 100 feet in width;

• Lobby access to the property is located within a property fronting on Lincoln Road and directly across Lincoln Lane South from the RM-1 property;

• The RM-1 property must be owned by the same owner of the Lincoln Road property; and

• No accessory uses shall be located within the RM-1 district.

The parking requirements in Chapter 130 are proposed to be modified by removing the minimum off-street parking requirement for the subject hotels.

The administration is supportive of the proposed text amendments. In this regard, the allowance of hotel uses in the RM-1 district would be limited to locations abutting Lincoln Lane South, and no accessory uses would be permitted in the RM-1 property. Additionally, the same entity must own both the Lincoln Road and RM-1 properties, which provides a higher level of control. Finally, given the limited size of the properties, as well as the availability of parking with existing garages just to the north of Lincoln Road, the administration is supportive of the proposed amendment to the off-street parking requirements.

CONCLUSION:

The Administration recommends that the Land Use and Sustainability Committee endorse the proposal and recommend that the City Commission refer the attached ordinances to the Planning Board.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	Does this item utilize G.O. Bond Funds?
Yes	No

Departments

Planning

ATTACHMENTS:

Description	Type
Draft Text - LDR Amendment	Memo
Draft Text - Comprehensive Plan Amendment	Memo

RM1 Hotel Uses Adjacent to Lincoln Road – LDR Amendment

Sec. 142-152. - Main permitted and prohibited uses.

(a) The main permitted uses in the RM-1 residential multifamily, low density district are single-family detached dwelling; townhomes; apartments; apartment hotels, hotels, and suite hotels for properties fronting Harding Avenue or Collins Avenue, from the city line on the north, to 73rd Street on the south (pursuant to section 142-1105 of this chapter); bed and breakfast inn (pursuant to article V, division 7 of this chapter), and apartment hotels, hotels, and suite hotels for properties abutting Lincoln Lane South, from Drexel Avenue to Lennox Avenue, subject to all of the following:

(1) The lot width of the property shall not exceed 100 feet;

(2) The lobby granting access to the property shall be located within a property fronting Lincoln Road and directly across Lincoln Lane South from the RM-1 property;

(3) The RM-1 property shall be owned by the same owner of the Lincoln Road property directly across Lincoln Lane South from the RM-1 property and the hotel shall be operated by a single operator; and

(4) No accessory uses shall be located or permitted within the RM-1 district.

* * *

Sec. 130-32. - Off-street parking requirements for parking district no. 1.

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

* * *

(26) *Hotel, suites hotel, motel, or motor lodge:* One space per unit, except as follows:

Properties located within a local historic district or National Register Historic District		
	New floor area for hotel rooms, associated with retaining, preserving and restoring a building or structure that is classified as "contributing" as of March 13, 2013, as defined below	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units
	Other (e.g., new construction or substantial demolition of contributing building)	1 space per unit

Properties abutting Lincoln Lane South, from Drexel Avenue to Lenox Avenue		No off street parking requirement
Properties bounded by 62nd Street on the south, 73rd Street on the north, Indian Creek on the west and the Atlantic Ocean on the east		.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units
Properties located south of Fifth Street and properties zoned residential and located south of 17th Street, west of Alton Court, east of Biscayne Bay and north of 6th Street		1 space per unit
Properties not listed above:		
	Hotels, limited by covenant to no restaurants or pools open to the public, no outdoor bar counters, entertainment or special events, and located in a commercial zoning district within 1,000 feet of the boundary of an area that is (1) zoned CD-3 and (2) part of an historic district	.5 spaces per unit, up to a maximum of 100 units and 1 space per unit for all units in excess of 100 units, up to a maximum cap of 150 rooms total
	Within 150 feet of a single-family district or RM-1 district, notwithstanding the above	1 space per unit
	Other	1 space per unit

* * *

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Low Density Multi Family Residential Category (RM-1)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new low density multi family residential areas.

Uses which may be permitted: Single family detached dwellings; single family attached dwellings, townhouse dwellings and multiple family dwellings, and hotels for properties fronting Harding Avenue or Collins Avenue from the City Line on the north to 73rd Street on the south.

Non-conforming buildings containing nonconforming hotel uses, located on the north side of Belle Isle, and not within a local historic district, may be reconstructed to a maximum of 50% of the floor area of the existing building, provided that the uses contained within the hotel are not expanded in any way, including but not limited to, the number of hotel units and accessory food and beverage uses, the nonconformity of the building is lessened, and required parking for the surrounding neighborhoods with a minimum reduction of 50% of the daily trips on adjacent, two lane, arterial roadways, and improving the resiliency of the building.

Bed and breakfast inns are permitted in RM-1 only in the Flamingo Park Historic District and the West Avenue Bay Front Overlay District, both of which are described in the Land Development Regulations. Within the RM-1, and only in the Flamingo Park Historic District, apartment hotels, hotels, and suite hotels are permitted for properties abutting Lincoln Lane South, from Drexel Avenue to Lennox Avenue, provided that the lobby granting access to the property is located within a property fronting on Lincoln Road and directly across Lincoln Lane South from the RM-1 property, the RM-1 property is owned by the same owner of the Lincoln Road property, the hotel is operated by a single operator, and no accessory uses are located within the RM-1 district. Residential office and suite hotel uses are permitted in the West Avenue Bay Front Overlay District only.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

Density Limits: 60 dwellings units per acre.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio of 1.25, except for the following:

- the west side of Collins Avenue between 76th and 79th Streets shall not exceed a floor area ratio of 1.4; and
- Public and private institutions on a lot area equal to or less than 15,000 sq. ft shall not exceed a floor area ratio of 1.25, or for a lot area greater than 15,000 sq. ft. the floor area ratio shall not exceed 1.4

MIAMIBEACH

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Item 14.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **DISCUSSION ON BANKS LOCATED ON FIRST-FLOOR RETAIL SPACES**

ACTION REQUESTED:
Discuss the item and provide appropriate policy direction.

ADMINISTRATION RECOMMENDATION:
Conclude the item with a recommendation to the City Commission, if applicable, or continue the item to a future date with direction to staff to draft an ordinance.

HISTORY:

On October 16, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred this Item to the Land Use and Development Committee (Item C4 S). The item was placed on the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee; the item was deferred to the February 18, 2020 meeting.

ANALYSIS:

The administration has researched cities like Miami Beach, but did not locate any specific regulations or prohibitions on banks located at the first floor of retail spaces. Within Miami Beach, one approach in lieu of banning banks at the first level of stores city wide would be to create defined areas where first floor banks would be prohibited. Alternatively, banks could be disincentivized as a use on the ground floor; some potential options would include the following:

1. Revise the parking requirements for banks at the first floor in certain areas. This could include either incorporating a minimum parking requirement or increasing the parking requirement.

2. Placing maximum size limits on banks located on the ground floor in certain areas. For example, the maximum square footage could be limited to 2,500 SF.

While not all banks create undesirable sidewalk connections, when multiple banks coalesce within an urban corner it can have an impact on the sidewalk and pedestrian character of the streetscape. In this regard, if there is consensus to create regulations for banks at the first floor, the administration recommends that the item be continued, with direction to prepare a draft ordinance.

CONCLUSION:

The administration recommends that the Land Use and Sustainability Committee discuss the item and provide policy direction. If there is consensus to create regulations for banks at the first floor, the administration recommends that the item be continued, with direction to prepare a draft ordinance.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
Yes	No

Departments

Planning

MIAMIBEACH

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

Item 15.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **DISCUSSION REGARDING TIGHT URBANISM**

ACTION REQUESTED:
Discuss the item and provide appropriate policy direction.

ADMINISTRATION RECOMMENDATION:
Conclude the item with a recommendation to the City Commission, if applicable.

HISTORY:

On September 11, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4Z). On October 30, 2019 the Land Use Committee (LUDC) discussed and continued the item to the January 2020 LUDC meeting with direction to the administration to meet internally and with the item proposer to identify different options for a potential pilot, including budget and operational impacts.

The item was placed on the January 21, 2020 agenda of the newly constituted Land Use and Sustainability Committee (LUSC). The item was deferred to the February 18, 2020 LUSC meeting.

ANALYSIS:

As indicated in the referral memo, KoDA, a Miami Beach-based architecture firm, submitted a proposal that contemplates the exploration of Miami Beach's alleyways. The firm aims to examine ways we can adapt our alleys to be in line with the Urban Land Institute's recommendations for stormwater management while maximizing the value of alleys to better serve pedestrians and cyclists. KoDa's exploration would be guided by the tenets of "tight urbanism."

There is also a potential to partner with the University of Miami (UM) on this project since the principal of KoDA, Mr. Wes Keen, is a professor at the UM School of Architecture. Attached is KoDA's proposal regarding alleyway improvements. This concept centers on improvements to streets and alleys, particularly those rights of way that are used primarily for service purposes.

Subsequent to the October 30, 2019 LUDC, the administration met internally to discuss the operational and budget aspects of the proposal. In this regard, the following areas were identified:

1. Synchronization with the James Comer Field Lincoln Road Master Plan; specifically, the proposal for Lincoln Lane north and south.

2. A building by building analysis would be required for any fixtures that would be affixed to.

3. The need to address alley sections on a block by block basis, particularly regarding loading, grease trap access, as well as storm water and sewer access point.

4. Existing and proposed bike lanes.

KoDA has since been following up with the public works department regarding specific information related to waste management pick up schedules, routes, quantities, and costs. Additionally, KoDA has been reviewing the City atlas, including utility information such as sewer, stormwater, rain outfalls, and pump systems, as well as the initial recommendations from Jacobs Engineering Blue/Green Infrastructure proposals.

At this point, KoDA would like to address the LUSC regarding whether there may be an opportunity for funding the proposal. Currently, there is no funding for a pilot project in the FY 2020 budget. However, this could, potentially, be considered a budget proposal for FY 2021.

CONCLUSION:

The administration recommends that the item be discussed and concluded. Additionally, if there is consensus, it is further recommended that the LUSC make an applicable recommendation to the City Commission.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	Does this item utilize G.O. Bond Funds?
Yes	No

Departments

Planning

ATTACHMENTS:

Description	Type
Alley Outline - KoDA	Memo

The Space Between

PROJECT OUTLINE.

1] MASTER PLAN

- RESEARCH COMPONENT
- INTERVIEWS / MEETINGS
- MAPPING
- PRECEDENT
- GRAPHICS

History of Miami Beach
- Original Land Use
- Development Spur
- Early Economic Drivers — Coconut Plantation > Avocado/Mangoes > Real Estate + Tourism
- Open Space [Planned vs. Unplanned]

Original land use by Collins was for a **coconut plantation** with coconut palms imported from Trinidad and Cuba. Due to native rabbits eating crop - planting efforts stopped. Later - Collins started planting avocados and mango brought over from Miami to develop business. Production did well and the movement of crops lead to the construction of the **Collins Wooden Bridge in 1912**.

Originally farming by Collins, first of coconuts then of avocados/mangoes. Then after the potential of Miami Beach as a resort was realized, the **first hotel was built in 1915** along with a golf course. As development started it quickly became a sought after destination for both wealthy snowbirds and tourists. The **"Florida Boom" continued from 1917 to 1926, ended by the Great Miami Hurricane.** The 1930s continued to see a tourist boom - developers began to construct small stucco hotels and rooming houses for seasonal travelers - these formed the famous **Art Deco** Historical District still prominent today.

History of MB Ecology
- Original Species:
  - Animals: Rabbits, Sea Turtles, Manatees, Dolphins, Sea Birds, Armadillos, Opossum, Gopher Tortoise, Rattlesnakes, American Flamingo, White Ibis, Brown Pelicans, Cranes, Osprey
  - Insects: Carpenter Ants, Termites, Am. Cockroach, Blue Butterfly, Americanized Bee, Grizzled Mantis

STAKEHOLDERS
- Residents — Flamingo Park Association / So. Of 5th?
- City Staff — Planning
- Visitors — 16.5 Million Annually
- Commercial — Lincoln Rd. Bid / Ocean Dr. Bid
- Mayor + City Commission

MB Population: 92,307

Demographics (City of MB)
- Population: **94,300**
- Elevation: **4 feet**
- Land area: **7.03 square miles.**
- Population density: **13,124 people per square mile** (very high).
- Est. Median household income (2017): **$50,152** (it was $27,322 in 2000)
- Est. Median house/condo value (2017): **$458,800** (it was $138,700 in 2000)
- Median resident age: **42.8 yrs**
- Median gross rent in 2017: **$1,306.**

Hotels
Bus stops
City Bikes
Bike lanes
Cultural Points
Entertainment*

Heat map
Flood Map
Elevation
Parking Garage
Green Space

Lincoln Road
High-Line — Treatment of alleyways on secondary roads in the district. Specifically ones with existing retail and retail opportunity.

Salty Urbanism — LID interventions to existing urban conditions.

Colors
Graphic Standards

2] DESIGN GUIDE-LINES

- RESEARCH
- DRAWINGS + DIAGRAMS
- PRECEDENT

Flora + Fauna
- Existing **Native Species**
- Define Species (LID)

Gumbo Limbo - Bursera simaruba
Dahoon Holly - Flex Cassine
Shortleaf Fig- Ficus Citrifolia
Marlberry - Ardisia Escallonioides
Silver Palm - Coccothrinax Argentata
Live Oak - Quercus Virginiana
Wax Myrtle - Myrica Cerifera
Wild Coffee - Psychotria Nervosa
Saw Palmetto - Serenoa Repens
Firebush - Hamelia Patens
Seagrape - Coccoloba Uvifera

LID+ / Non-Native
Gallberry - Llex Glabra
Elderberry - Sambucus
Red Maple - Acer Rubrum
Live Oak - Quercus Virginiana
Royal Poinciana - Delonix Regia
Jacarabda - Jacaranda Mimosifolia
Red Mulberry - Morus Rubra

Service
Trash Pick-Up
Meters
- What conditions are needed? **Solutions?**
- Electric
- Water

At **18%**, Miami-Dade county has the **lowest recycling rate** in the state. — **"Wish-cycling"** — Implementing recycling Educating / sorting bins at Specific locations in alleys.

Having designated trash pick up points at the ends of blocks. All trash (in sorted bags) would end up in dumpsters at access points for each blocks making it more efficient for garbage truck to access and take away --- Leaving space in the alley for designed intervention. **D. Toole**

Mobility / Usage
- Pedestrian — **Current perceptions of Alleys? Solutions?** — Start by hosting Alley parties or movie screenings - to bring back public awareness and all residents to begin to take back the idea of the residential alley.
- Car — Limit vehicle access (examine parking in Alley)
- Bike / Scooter — Coordinate isolated bike and scooter rental in alleys. Create bike /scooter lanes/areas.

Unsafe: Adding street lighting to remove the "dark" idea of an alley. Lighting should be more thought out and inviting rather than typical street lamps.

Trash + Odor Implement localized trash holding units that have ample space to avoid overflows. Liquid run-off from trash will be collected and filtered through LID implementations. Adding potent aromatic plants to alleys.

Crime Start with ample light - crime is attracted to places with low visibility. Adding cameras and blue-phones for a sense of safety and connection to authorities. (An alley can feel long and confined when one feels nervous).

Tagging Allow street art and tagging in specific areas. Hold art events to bring awareness back to alleys and inspire local artists and youth.

LID
- **Ground Treatment**
- Vegetation
- Systems

"The average urban lawn could produce **several hundred pounds of food per year.**" — **What LID+ food producing plants can be used for community agriculture?**

- **Design + Implement Hydrology in Distributed Networks**
- **Maximize Water Infiltration / Retention and Eliminate Excess Runoff**
- **Enhance Biodiversity**
  - Turf Pavers
  - Pervious Surfaces
  - Xeriscape Lawn / Landscape
  - Pervious Concrete
  - Alternative paving systems - recycled rubber pavers
  - Grass/Turf + Concrete Pavers
  - Bioswales / Dryswales (In Alleyways)
  - Rainwater Harvesting - for irrigation etc.
  - Sub-pavers Filtering Fabrics
  - Shading (with non heat resistant paving conditions)

Street Sections
- Residential
- Cultural
- Commercial
- Transitional

LID
Plant Selections
Alley Typology

Salty Urbanism
LR Design Toolkit
- Vegetation — Creating a vegetation palette or design tool kit to choose from. See **Flora + Fauna**
- Retail conditions — Look into the conditions of which retail exists on the alley way. Is there a way to create more **within the existing built environment?** **How was this done on the Lincoln Road alley?**

3] SPECIFIC INTERVENTION(S)

- DRAWINGS
- BASE FILES
- MODEL
- RENDERINGS
- DATA
- LOCATION(s)

Presentation Dwgs
Graphic Standards
- Plan(s)
- Alley Sections
- Detailed Sections
- Section Perspectives
- Axon Diagrams
- Axon View
- Renders

Select Alleys for Audit

MB 3d Map
Alley District 3d — Rhino File
Plan(s) — Plans for each intervention
Master Plans — One overall master plan

District? — Define Working Area
Materials — Wood (type?) + White 3d print-ed interventions
Scale

Style — Define Working Area — **Block or Entire Alley?** — Possible Locations:
Site Photos
- Render View Base file
- Specific Material Patterns
- People + Context

Data for use of Alley — Residential Cultural Commercial Transitional
- Access to Parking?
- Loading
- Delivery
- Trash Pick-up

Residential
Commercial
Cultural

4] NARRATIVE

- DEFINE NARRATIVE

Define Narrative
Main Points

The Start of the "Art Deco District"
The Miami Beach Alley Way
A new urban culture.

"The over 800 multiple-dwelling structures of South Beach represent not only 'the largest concentration of 1920s and 1930s era resort architecture in the US' **but a humanistic alternative to the disjointed urbanism of many American cities**". - A. Shulman

The current iconic element of the city was a result of the adaptation to economic and environmental change/crisis..... The Space Between is doing the same, creating a new iconic identity piece.

Detaching from the typical American urban planning
The Miami Beach Alley Way
Redefining urban planing ... Again

"Miami Beach was envisioned with romantic qualities and used design strategies focused on health, relaxation, and leisure - rare for it's time and essentially a pioneer in detaching from traditional American urban planning practices. These **'strategies comprised the articulation of building masses to form public spaces, and the relationship of buildings to spaces'**." - A. Shulman

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With the unique articulation of buildings on lots with the ever changing relationships to the street edge. Miami Beach has a unique continuity of voids in the built environment, creating a network of open spaces running from ocean to bay. ***Utilizing the otherwise forgotten about alleyway would act as a datum - connecting some of these open space on the island.***

"'Style was used to create scenography, vistas, and perspectives as the backdrop to the theatrical movements of the tourists. Style was certainly significant to Miami Beach's hotelier. It was used as a wrapper to identify the public faces of residential buildings. **Conversely, the service alleys and the non-public facades remained informal and undecorated.'"** - A. Shulman

"Using the alley as a way of detaching from the grander scale of the city and the chaos that goes with it - allowing one to transfer themselves to a more intimate setting while on a commute, walk, run, etc".

" A community of voids"

1] MASTER PLAN

RESEARCH

INTERVIEWS +MEETINGS

MAPPING

PRECEDENT

GRAPHICS

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- Early Economic Drivers
- Open Space [Planned vs. Unplanned]

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Coconut Plantation > Avocado/Mango > Real Estate + Tourism

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    - Dolphins
    - Sea Birds
    - Armadillos
    - Opossum
    - Gopher Tortoise
    - Rattlesnakes
    - American Flamingo
    - White Ibis
    - Brown Pelicans
    - Cranes
    - Osprey
  - **Insects**
    - Carpenter Ants
    - Termites
    - Am. Cockroach
    - Blue Butterfly
    - Americanized Bee
    - Grizzled Mantis

STAKEHOLDERS
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Green Space

Lincoln Road
High-Line
Salty Urbanism

Treatment of alleyways on secondary roads in the district. Specifically ones with existing retail and retail opportunity.

LID interventions to existing urban conditions.

Colors
Graphic Standards

2] DESIGN GUIDELINE + BOOKLET

RESEARCH

DRAWINGS + DIAGRAMS

PRECEDENT

Flora + Fauna

Existing **Native Species**
Define Species (LID)

Gumbo Limbo - Bursera simaruba
Dahoon Holly - Flex Cassine
Shortleaf Fig- Ficus Citrifolia
Marlberry - Ardisia Escallonioides
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LID+ / Non-Native
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Royal Poinciana - Delonix Regia
Jacarabda - Jacaranda Mimosifolia
Red Mulberry - Morus Rubra

Service

Trash Pick-Up

What conditions are needed?
Solutions?

How much (volume) trash is collected on Miami Beach? [...]

How many....
- Dumpsters per block?
- Dumpsters per alley?
- Weekly trash pick ups?
- Gallons of trash can a typical dumpster hold?
- Pick up locations per block?

At **18%**, Miami-Dade county has the **lowest recycling rate** in the state.

"Wish-cycling" — Implementing public **recycling education** + sorting bins at specific locations in alleys.

Having designated trash pick up points at the ends of blocks. All trash (in sorted bags) would end up in dumpsters at access points for each blocks making it more efficient for garbage truck to access and take away --- Leaving space in the alley for designed intervention. **D. Toole**

How can the trash pick-up process be streamlined to reduce the impact on alley ways?

Place a public emphasis on ***"Reuse"*** rather than ~~*"Recycle"*~~

Composting?

What can be composted...
- Leaves
- Grass clippings
- Brush trimmings
- Manure (preferably organic)
- **Any non-animal food scraps:** Fruits, vegetables, peelings, bread, cereal, coffee grounds and filters, tea leaves and tea bags. (Minus the staples)
- Old wine.
- Pet bedding from herbivores ONLY
- Dry cat or dog food
- Dust from sweeping and vacuuming
- Dryer lint
- Old herbs and spices

With prep / extra time...
- Shredded newspaper, receipts, paper bags, etc (any non-glossy paper)
- Tissues, paper toweling, and cotton balls — unless soaked with bacon fat, kerosene, makeup, or other stuff that doesn't belong in the pile!
- Cardboard, egg cartons, toilet rolls
- Used clothes, towels, and sheets made from natural fabrics — cotton, linen, silk, wool, bamboo
- Old string & twine made of natural fabrics
- Pine needles
- Pine cones
- Saw dust
- Wood chips
- Nut shells
- Twigs
- Hair, human or otherwise
- Old, dry pasta
- Nut shells
- Corn cobs
- Pits from mangoes, avocados, peaches, plums, etc.
- Toothpicks, wine corks

Meters

Electric + Water

Mobility / Usage

Start by hosting Alley parties or movie screenings - to bring back public awareness and all residents to begin to take back the idea of the residential alley.

Pedestrian

Current perceptions of Alleys? Solutions?

Unsafe: Adding street lighting to remove the "dark" idea of an alley. Lighting should be more thought out and inviting rather than typical street lamps.

Trash + Odor — Implement localized trash holding units that have ample space to avoid overflows. Liquid run-off from trash will be collected and filtered through LID implementations. Adding potent aromatic plants to alleys.

Crime — Start with ample light - crime is attracted to places with low viability. Adding cameras and blue-phones for a sense of safety and connection to authorities. (An alley can feel long and confined when one feels nervous).

Tagging — Allow street art and tagging in specific areas. Hold art events to bring awareness back to alleys and inspire local artists and youth.

Car

Limit vehicle access (examine parking in Alley)

Bike / Scooter

Coordinate isolated bike and scooter rental in alleys.
Create bike /scooter lanes/areas.

LID

Ground Treatment
Vegetation
Systems

"The average urban lawn could produce **several hundred pounds of food per year.**"

What LID+ food producing plants can be used for community agriculture?

- Design + Implement Hydrology in Distributed Networks
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Turf Pavers
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Shading (with non heat resistant paving conditions)

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LID
Plant Selections
Alley Typology

Planting Design Tool-Kit
Vegetation Pallet

Residential
Cultural
Commercial
Transitional

Salty Urbanism
LR Design Toolkit

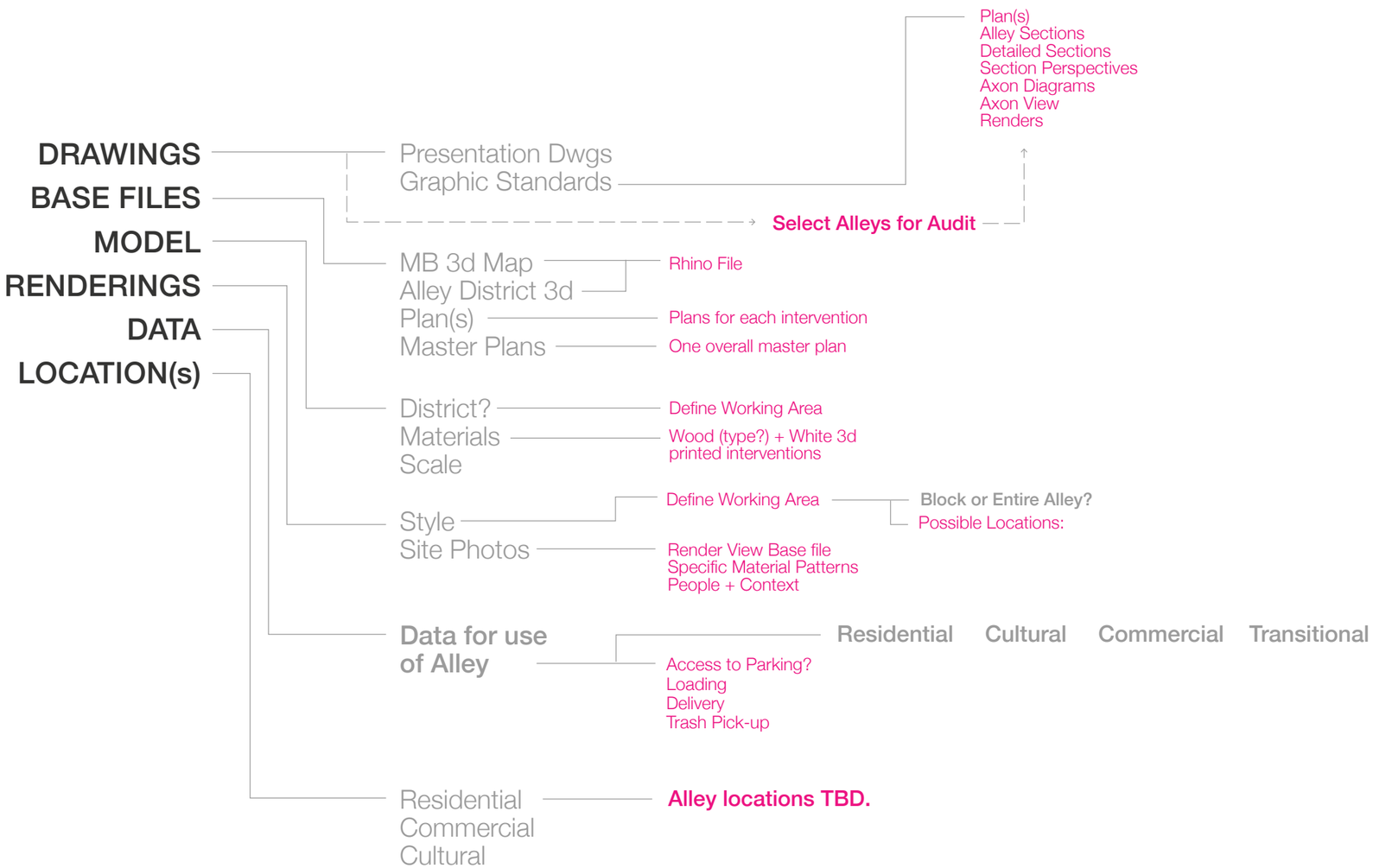
Vegetation — Creating a vegetation palette or design tool kit to choose from.

See **Flora + Fauna**

Retail conditions — Look into the conditions of which retail exists on the alley way. Is there a way to create more **within the existing built environment?**

How was this done on the Lincoln Road alley?

3] SPECIFIC INTERVENTION(S)



4] NARRATIVE

Define Narrative
Main Points

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MIAMIBEACH

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Item 16.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **MIAMI-DADE COUNTY RESOLUTION URGING MUNICIPALITIES TO ADOPT POST-DISASTER TEMPORARY ZONING RELIEF**

ACTION REQUESTED:
Discuss the item and continue to the May 6, 2020 LUSC meeting.

ADMINISTRATION RECOMMENDATION:
Continue the item to the May 6, 2020 LUSC Meeting with direction to prepare a draft ordinance.

HISTORY:

On December 11, 2019, at the request of Commissioner Mark Samuelian, the City Commission referred the item to the Sustainability and Resiliency Committee (Item C4C). The item was placed on the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee (LUSC). The item was deferred to the February 18, 2020 LUSC meeting.

ANALYSIS:

The Miami-Dade County Resolution pertains to the use of home improvement stores and RV's subsequent to catastrophic weather events. A similar ordinance for Miami Beach could be beneficial, as our LDR's require all business and commerce transactions to be conducted within an enclosed structure. Additionally, the Miami Beach Code does not have temporary provisions for the use of RV's.

CONCLUSION:

The administration recommends that the item be discussed and continued to the May 6, 2020 LUSC meeting, with direction to prepare a draft ordinance for further discussion.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Does this item utilize G.O. Bond Funds?

Yes No

Departments

Planning

MIAMIBEACH

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Item 17.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **Development Incentives for the Normandy Isle Commercial District**

ACTION REQUESTED:
Discuss the item and provide a recommendation to the full City Commission.
ADMINISTRATION RECOMMENDATION:
Conclude the item with a recommendation to the City Commission.

HISTORY:

On July 17, 2019, at the request of Commissioner Ricky Arriola, the City Commission referred the discussion item to the Land Use and Development Committee (Item C4P). The item was discussed at the September 18, 2019 LUDC meeting and continued to the October 30, 2019 meeting, with the following direction:

1. The administration will provide a status update on the water tanks and fencing.
2. The administration will identify shovel ready street beautification projects for the Normandy isle commercial districts including sidewalks, street trees and lighting.

On October 30, 2019, the item was discussed and continued to the February 2020 meeting.

ANALYSIS:

UPDATE

On October 30, 2019, the following updates were provided to the LUDC:

- The painting of water tanks at 75th Street was completed by both the Public Works operations division and the artist. Fence repairs were scheduled to commence on October 18, 2019 and be completed within two weeks.

- At this time, the only funded project within the Normandy commercial district is the permanent conversion of Rue Vendome to a public plaza. The project was awarded for construction on October 16, 2019 by the City Commission and construction is scheduled to commence in March 2020.

- The Public Works and CIP departments are continuing to explore improvements to sidewalks, street trees and lighting along the commercial corridor.

Additionally, information regarding a number of GOB projects, which are funded and planned for the larger Normandy Isle area, was provided. The following is a summary of these projects:

GO#33: Street Tree Master Plan Project. Dozens of new trees have already been planted in Normandy Isle. This work was completed last month.

GO#34: Above Ground Improvement Project. Normandy Isle South will be receiving $8 million dollars of lighting, landscaping, and blue/green infrastructure improvements. This project is not scheduled to start until Tranche 2 and lasts throughout Tranche 4.

GO#37: Sidewalk Improvements Project. Small sections of faulty sidewalk on Calais Drive, Rue Vendome and Rue Versailles Drive have been completed already in the Normandy Isle and Normandy Shores areas.

GO#38 Street Pavement Project. The re-paving of Biarritz Drive from Normandy Drive to South Shore Drive, and Miamonides Street from Rue Notre Dame to Vichy Drive has already been completed. Additionally there are a handful of other streets that are scheduled to receive street pavement work. The remainder of Biarritz Drive is slated to be done in the next couple months. Finally, the following streets will be re-paved in Tranche 1: South Shore Drive and Calais Drive, Rue Versailles Drive, Vardon Street, Shore Lane, Mitchell Street, and Sarazen Street.

GO#42: Traffic Calming Project. The Normandy Isle neighborhood will receive $114,000 in traffic calming measures within Tranche 1, starting next year.

GO#47: License Plate Readers Project. A stationary LPR is being installed now, which will capture the license plates coming to the city via 71 Street. This project is expected to be complete by the first week of November.

GO#52: LED Lighting in Parks Project. Normandy Isle Park will be receiving new LED lighting fixtures next month, and the installation is expected to be complete by mid-December.

GO#55: Street Lighting Improvements Project. The 71st Street area will receive new street lighting. However, there is no timeline for when this project will begin.

The item was continued to the February 2020 meeting of the LUDC for any additional updates. In this regard, the following is noted:

1. The Normandy Isles Business Association has been established. City staff have participated, as quests, in the monthly meetings, in order to provide information regarding issues such as permitting, parking and transportation.

2. An ordinance is pending before the City Commission regarding parking requirements in local historic and conservation districts. The scope and boundaries of the proposed ordinance has been reduced, but includes the Normandy isles commercial district.

CONCLUSION:

The administration recommends that the item be concluded and that the LUSC make a recommendation to the City Commission to adopt the proposed legislation regarding minimum parking requirements on Normandy Isle.

Applicable Area

North Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Departments

Planning

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Item 18.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **PROPOSED SALE OF CITY OWNED LOT AT 6950 HARDING AVENUE (PL 84) TO INTEGRA REAL ESTATE LLC**

ACTION REQUESTED:
Discuss the item and continue to the March 17, 2020 LUSC meeting.

ADMINISTRATION RECOMMENDATION:
Continue the item to the March 17, 2020 LUSC Meeting.

HISTORY:

On October 30, 2019, at the request of Commissioner Mark Samuelian, the City Commission referred the item to the Land Use and Development Committee (Item C4A). The item was placed on the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee (LUSC). The item was deferred to the February 18, 2020 LUSC meeting.

ANALYSIS:

A companion item pertaining to the potential sale of the City owner parking lot at 6950 Harding Avenue (PL 84) to Intgregra Real Estate, LLC, is pending before the Finance and Economic Resiliency Committee (FERC). The subject property iz zoned GU, Government Use, and any future development on the site would be subject to the TC-C, Town Center Core development regulations.

The administration is recommending the item be discussed and continued, to allow the FERC adequate time to provide a recommendation on the appraisal and public benefits package.

CONCLUSION:

The administration recommends that the item be discussed and continued to the March 17, 2020 LUSC meeting, with direction to the proposer to provide more detailed information.

Applicable Area

North Beach

Is this a "Residents Right **Does this item utilize G.O.**

to Know" item, pursuant to City Code Section 2-14?	Bond Funds?
Yes	No

Departments

Planning

Item 19.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **Discussion On Repurposing Our Golf Courses For The Future.**

HISTORY:

At the May 16, 2018 Commission Meeting, the City Commission approved a referral to the Sustainability and Resiliency Committee to discuss the repurposing of municipal golf courses in the future.

The City of Miami Beach has over 500 acres of public green space of which 275 are reserved for our municipal golf courses. The sponsor of the item requested that the Sustainability and Resiliency Committee explore the environmental impact of the City's golf courses and how they could be repurposed to optimize the citywide resiliency plan, taking into consideration the Urban Land Institute's recommendations and the Harvard University Graduate School of Design's study.

CURRENT STATUS

Jacobs Engineering, the City's Design Consultant working on an integrated water management plan, has developed a Blue-Green Stormwater Infrastructure (BGSI) Strategy for Parks and Open Space, see attached Fact Sheet. As part of Task 1 of the BGSI work order Jacobs Engineering has provided recommendations that summarize their vision on the future use of municipal golf courses in the City of Miami Beach. This vision is briefly described below.

Golf Courses

By their size and open nature, Miami Beach's two public golf courses (Miami Beach and Normandy Shores Golf Courses) offer unique opportunities to capture large volumes of water. Larger Blue-Green Stormwater Infrastructure (BGSI) practices that have limited applicability in other sites (i.e., detention basins/surface storage, wet ponds, and constructed wetlands) can be readily integrated into golf courses, especially those that can be reconfigured or repurposed. Fairways can be used for temporary storage when surrounded by perimeter earthen berms while wet ponds can store and treat water before it is used for irrigation.

Given the potential of repurposing golf courses, the Jacobs team developed and presented three

high-level preliminary options for the Miami Beach Golf Course involving a range of BGSI options for implementation:

Option 1

The lowest level would maintain all 18 holes of golf – existing water hazards and edges of the golf club would be enhanced and redesigned with blue green practices.

Option 2

Repurposes the back nine holes of the Miami Beach Golf Club to create a new signature park focused on integrating passive and active recreation with a robust BGSI program to mitigate stormwater volumes and improve water quality. In this high-level concept the front nine holes of the Golf Club remain intact as an executive course.

Option 3

Re-imagines the entire golf course to establish a 21st century "Central Park" for Miami Beach. This initial concept sketch explores the potential of a new neighborhood predicated on a Living with Water theme, a recreation hub, and a signature wetland park with hiking and biking trails and passive and active recreation opportunities.

As these are only preliminary concepts, highest and best use analyses should be conducted for the two public golf courses to inform planning discussions regarding the degree to which BGSI could be implemented at these locations.

ANALYSIS:

Results from the 2019 Resident Survey related to perception satisfaction of the City show that 79% of residents were very satisfied/satisfied and rated the City of Miami Beach as a place to live; and 70% were very satisfied/satisfied with the overall image of the City. In order to continue maintaining excellent standards in this area, Jacobs Engineering has developed a BGSI Strategy for golf courses for the Committee member's consideration.

CONCLUSION:

The following is presented to the members of the Land Use and Sustainability Committee for discussion and further direction.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
Yes	No

Departments

Public Works

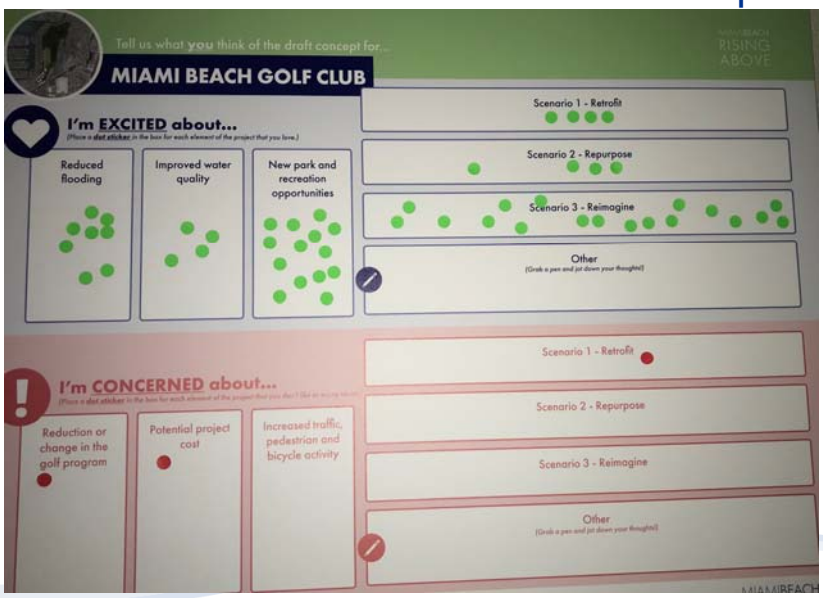
ATTACHMENTS:

Description	Type
GolfCourseConceptsAndPublicInput	Other

Miami Beach Golf Course

Public Comments on MB Golf Club Concepts

A lot of excitement about the reimagine scenario in which there is no golf.



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Item 20.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **PROPOSED ZONING OVERLAY FOR THE LEHRMAN DAY SCHOOL AT 77TH STREET AND DICKENS AVENUE.**

ACTION REQUESTED:
Discuss the item and continue to the March 17, 2020 LUSC meeting.

ADMINISTRATION RECOMMENDATION:
Continue the item to the March 17, 2020 LUSC Meeting.

HISTORY:

On December 11, 2019, at the request of Commissioner Micky Steinberg, the City Commission referred the item to the Land Use and Development Committee and the Planning Board (Item C4N). The item was placed on the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee (LUSC). The item was deferred to the February 18, 2020 LUSC meeting.

ANALYSIS:

The Lehrman Day School is a long standing, community institution that has served the residents of Miami Beach for decades. In order to accommodate modest expansion plans, inclusive of a new gym facility and internal drop-off and pick-up area, the school is seeking modifications to the RM-1 development regulations. These modifications would be specific to an overlay for the institutional use.

The Lehrman School has not yet provided a draft of the proposed overlay and LDR amendments. Subsequent to a recommendation by the LUSC, the proposal, including all applicable ordinances, may then proceed to the Planning Board for a formal review and recommendation. The administration is recommending the item be discussed and continued, to allow the Lehrman School adequate time to provide the require draft ordinances.

CONCLUSION:

The administration recommends that the item be discussed and continued to the March 17, 2020 LUSC meeting, with direction to the proposer to provide more detailed information.

Applicable Area

North Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Departments

Planning

MIAMIBEACH

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Item 21.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **Discussion To Explore Increasing The Usage Of Temporary Pumps And Funding It Using Monies From The Convention Center Hotel**

HISTORY:

To meet the stormwater needs of the City of Miami Beach, the City is investing over $650 million in various infrastructure improvements, which improvements will need to be made over an estimated span of 10 years. The infrastructure improvements include installing larger pipes, building pump stations, and raising roads to ensure that the roads do not flood in future tidal and rainfall events.

During King Tide events, to prevent localized street flooding in areas where the roadway elevation is lower than the high tide levels, temporary pumps have been installed to mitigate standing water and the water has been pumped to the adjacent canal or Biscayne Bay. Typically, pumps have been deployed in these lower areas, such as along upper North Bay Road, Orchard Park, Indian Creek, Tatum Waterway, and other North Beach areas.

In Fiscal Year 2018, $325,410 was spent on the renting and deployment of temporary pumps, not including the cost of fuel and labor to operate the equipment. Costs associated with the increased use of, and requests for, temporary pumps will continue to increase as higher tides occur during each King Tide season. The City' s current stormwater rates do not include components for widespread usage of rental temporary pump installations.

A resolution regarding the utilization of temporary pumps and generators was placed on the July 25, 2018 City Commission meeting agenda and a discussion was referred to the Sustainability and Resiliency Committee (SRC).

At its September 26, 2018 meeting, the SRC moved to have the Administration: (1) identify a targeted level of service for temporary pumps; (2) develop a Fiscal Year 2019 proposed budget for the deployment of temporary pumps; (3) find a permanent funding source; and (4) implement a recommended process for deployment of the temporary pumps; and to (5) bring the item back to the City Commission for approval.

Consistent with the direction of the SRC, the Administration determined the City's level of service would require the deployment of at least 25 temporary pumps, at an estimated cost of $270,000 (assuming three (3) months of King Tides, in the Spring, and three (3) months of King Tides in the

Fall).

At its January 16, 2019 meeting, the City Commission approved the SRC recommendation via Resolution No. 2019-30682 and to have the Administration identify $272,000 in the Fiscal Year 2019 Stormwater Maintenance and Operations Fund.

At its January 15, 2020 meeting, the City Commission also approved a referral to the Land Use and Sustainability Committee to explore increasing the usage of temporary pumps and funding it using monies from the Convention Center Hotel.

At its January 27, 2020 Commission Workshop on Resilience, the Public Works Department offered the Commission members, a presentation on Temporary Pumps (attached), which depicts citywide locations where temporary pumps are deployed. Two scenarios are being offered to the Committee members for discussion and further direction: 14 pumps or 28 pump deployment for six months at a cost of $454,000 or $890,000 respectively.

ANALYSIS:

Results from the 2019 Resident Survey related to perception satisfaction of the City show that 79% of residents were very satisfied/satisfied and rated the City of Miami Beach as a place to live; and 70% were very satisfied/satisfied with the overall image of the City. In order to continue maintaining excellent standards in this area, the City is considering increasing the usage and funding of temporary funds.

CONCLUSION:

The following is presented to the members of the Land Use and Sustainability Committee for discussion and further direction.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	Does this item utilize G.O. Bond Funds?
Yes	No

Departments

Public Works Department

ATTACHMENTS:

Description	Type
Resolution 2019-30682, temporary pumps	Other
Temp. Pumps - Workshop - Roy Coley	Other

RESOLUTION NO. 2019-30682

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE SUSTAINABILITY AND RESILIENCY COMMITTEE AT ITS SEPTEMBER 26, 2018 MEETING, FOR THE ADMINISTRATION TO: (1) IDENTIFY A TARGETED LEVEL OF SERVICE FOR THE DEPLOYMENT OF TEMPORARY PUMPS, (2) DEVELOP A FISCAL YEAR 2019 (FY2019) BUDGET AND (3) FIND A FUNDING SOURCE FOR THE DEPLOYMENT OF TEMPORARY PUMPS; AND (4) RECOMMEND AN IMPLEMENTATION PROCESS FOR THE DEPLOYMENT OF TEMPORARY PUMPS; WHICH PLAN, BUDGET, AND FUNDING SOURCE ARE SPECIFICALLY DELINEATED IN THIS RESOLUTION, AND ACCEPTED BY THE MAYOR AND CITY COMMISSION.

WHEREAS, to meet the stormwater needs of the City of Miami Beach (the "City"), the City is investing over $650 million in various infrastructure improvements, which improvements will need to be made over an estimated span of 10 years; and

WHEREAS, the infrastructure improvements include installing larger pipes, building pump stations, and raising roads to ensure that the roads do not flood in future tidal and rainfall events; and

WHEREAS, during King Tide events, to prevent localized street flooding in areas where the roadway elevation is lower than the high tide levels, temporary pumps have been installed at and the water has been pumped to the adjacent canal or Biscayne Bay; and

WHEREAS, typically, pumps have been deployed in these lower areas, such as along upper North Bay Road, Orchard Park, Indian Creek, Tatum Waterway, and other North Beach areas; and

WHEREAS, all temporary pump locations have been permitted through DERM, which deployment incorporates best management practices to protect water quality (including, but not limited to, cleaning of the stormwater system in the area adjacent to the temporary pumps to remove potential pollutants); and

WHEREAS, in Fiscal Year 2018, $325,410 was spent on temporary pumps, not including the cost of fuel and labor to operate the equipment; and

WHEREAS, costs associated with the increased use of, and requests for, temporary pumps will continue to increase as higher tides occur during each King Tide season; and

WHEREAS, the City's current stormwater rates do not include components for widespread usage of rental temporary pump installations; and

WHEREAS, a continued reliance on temporary equipment to alleviate flooding will require a permanent source of funding, as, until now, the costs have been paid from the stormwater utility's operations and maintenance fund; and WHEREAS, the stormwater utility operations and maintenance fund, in its current design, is unable to continue to fund this temporary pump practice into the future without neglecting the intended operations and maintenance obligations for the stormwater system; and

WHEREAS, a resolution regarding the utilization of temporary pumps and generators was placed on the July 25, 2018 City Commission meeting agenda and the City Commission took up the item; and

WHEREAS, after several members provided comments with regards to the draft resolution, the item was referred to the Sustainability and Resiliency Committee for further discussion; and

WHEREAS, at its September 26, 2018 meeting, the Sustainability and Resiliency Committee moved to have the Administration: (1) identify a targeted level of service for temporary pumps; (2)

develop a Fiscal Year 2018 proposed budget for the deployment of temporary pumps; (3) find a permanent funding source; and (4) implement a recommended process for deployment of the temporary pumps; and to (5) bring the item back to the City for approval; and

WHEREAS, consistent with the direction of the Sustainability and Resilience Committee, the Administration has determined that the targeted level of service for temporary pumps, during King Tide events, for previously identified low laying areas not equipped with permanent stormwater pumping stations, will be to maintain the roads passable for vehicles and pedestrians; and

WHEREAS, this level of service will require the City to deploy of at least 25 temporary pumps, at an estimated cost of $270,000.00 [assuming three (3) months of King Tides, in the Spring, and three (3) months of King Tides, in the Fall], which plan for deployment for temporary pump stations is attached hereto as Exhibit 1; and

WHEREAS, consistent with the direction of the Sustainability and Resiliency Committee, the Administration has identified $272,000.00 in the Fiscal Year 2019 Stormwater Maintenance and Operations Fund; and

WHEREAS, it is expected that the pumps can keep the roadways free of standing water; provided, however, some additional roadways may experience temporary flooding depending on the magnitude of the tides; and

WHEREAS, the Public Works Department will closely monitor the National Oceanic and Atmospheric Administration (NOAA) tidal predictions for our area and implement deployment of temporary pumps, as needed, and at the discretion of the Public Works Director; and

WHEREAS, the Administration recommends that the recommendation of the Sustainability and Resilience Committee, and the proposed plan and budget for Fiscal Year 2019, relating to the deployment of temporary pumps be approved by the Mayor and City Commission.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, the Mayor and City Commission accept the recommendation of the Sustainability and Resiliency Committee, at its September 26, 2018 meeting, for the Administration to: (1) identify a targeted level of service for the deployment of temporary pumps, (2) develop a Fiscal Year 2019 (FY 2019) budget, and (3) fund the deployment of temporary pumps; and (4) recommend an implementation process for the deployment of temporary pumps; which plan, budget, and funding source are specifically delineated in this Resolution, and accepted by the Mayor and City Commission.

PASSED and ADOPTED this 16 day of January, 2019

Dan Gelber, Mayor

ATTEST:

2/1/19

Rafael E. Granado, City Clerk

MIAMI BEACH INCORPORATED MARCH 26TH 1915

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney

12-18-18

Date

Pump ID	Address
01	85th St. & Byron Ave. (Bridge)
03	82nd Terr. & Byron Ave
05	499 81 St
06	7632 Dickens Ave
07	77th St. & Tatum Waterway
08	1076 Marseille Dr
09	Rue Notre Dame & Marseille Dr
10	1300 Marseille Dr
11	7175 Rue Granville
12	1021 Biraritz Dr
13	1022 Bay Dr
14	6440 N Bay Rd
15	6437 N Bay Rd
16	5860 N Bay Rd
17	5619 N Bay Rd
18	5201 N Bay Rd
19	5161 N Bay Rd
20	Muss Park
21	4343 N Bay Rd
22	4300 Indian Creek Dr
23	3405 Chase Ave
23	37 ST/Indian Creek (DMSI)
24	32 ST/Indian Creek (DMSI)
25	Indian Creek (DMSI)
26	28 ST/Indian Creek (DMSI)
27	26 ST/Indian Creek (DMSI)
29	Sunset Island III (Ricman)
30	Sunset Island IV (Ricman)
32	Di Lido Island North (Lanzo)
33	19th St. & Jefferson Ave
34	Rivo Alto Island North (Lanzo)
35	San Marino Island North (Lanzo)
38	1261 17th St
41	San Marino Island South (Lanzo)
42	Di Lido Island South (Lanzo)
43	Hibiscus Island West (Lanzo)
46	Palm Island West (Lanzo)
47	11th ST (DMSI)
48	Hibiscus Island East (Lanzo)
51	800 West Ave
52	630 Alton Rd (City)
54	Commerce St. & Alton Rd

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000000 | SHEET NO. 1 | OF 1 | DATE 9/17/2018 | DRAWN WORKMAN | SCALE 1 inch = 1,500 feet | DO NOT USE AS | Roy Coley | FILENAME Temp Pump Stations_24x36_091718

Temporary Pump Stations
Miami Beach
Miami-Dade County, FL

PumpStations
Temporary Pump Stations Managed By Contractors

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: January 16, 2019

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE SUSTAINABILITY AND RESILIENCY COMMITTEE AT ITS SEPTEMBER 26, 2018 MEETING, FOR THE ADMINISTRATION TO: (1) IDENTIFY A TARGETED LEVEL OF SERVICE FOR THE DEPLOYMENT OF TEMPORARY PUMPS, (2) DEVELOP A FISCAL YEAR 2019 (FY 2019) BUDGET AND (3) FIND A FUNDING SOURCE FOR THE DEPLOYMENT OF TEMPORARY PUMPS; AND (4) RECOMMEND AN IMPLEMENTATION PROCESS FOR THE DEPLOYMENT OF TEMPORARY PUMPS; WHICH PLAN, BUDGET, AND FUNDING SOURCE ARE SPECIFICALLY DELINEATED IN THIS RESOLUTION, AND ACCEPTED BY THE MAYOR AND CITY COMMISSION.

RECOMMENDATION

The Administration recommends the approval of the resolution accepting the recommendation of the Sustainability and Resiliency Committee at its September 26, 2018 meeting to identify a target level of service, come up with a FY 19 budget, find a funding source, and implement a recommended process for deployment of temporary pumps.

ANALYSIS

To meet the stormwater needs of the City of Miami Beach, the City is investing over $650 million in various infrastructure improvements, which improvements will need to be made over an estimated span of 10 years. The infrastructure improvements include installing larger pipes, building pump stations, and raising roads to ensure that the roads do not flood in future tidal and rainfall events.

During King Tide events, to prevent localized street flooding in areas where the roadway elevation is lower than the high tide levels, temporary pumps have been installed and the water has been pumped to the adjacent canal or Biscayne Bay. Typically, pumps have been deployed in these lower areas, such as along upper North Bay Road, Orchard Park, Indian Creek, Tatum Waterway, and other North Beach areas.

All temporary pump locations have been permitted through DERM, which deployment

incorporates best management practices to protect water quality (including, but not limited to, cleaning of the stormwater system in the area adjacent to the temporary pumps to remove potential pollutants).

In Fiscal Year 2018, $325,410 was spent on temporary pumps, not including the cost of fuel and labor to operate the equipment. Costs associated with the increased use of, and requests for, temporary pumps will continue to increase as higher tides occur during each King Tide season. The City's current stormwater rates do not include components for widespread usage of rental temporary pump installations.

A continued reliance on temporary equipment to alleviate flooding will require a permanent source of funding, as, until now, the costs have been paid from the stormwater utility's operations and maintenance fund. The stormwater utility operations and maintenance fund, in its current design, is unable to continue to fund this temporary pump practice into the future without neglecting the intended operations and maintenance obligations for the stormwater system.

A resolution regarding the utilization of temporary pumps and generators was placed on the July 25, 2018 City Commission meeting agenda and the City Commission took up the item. After several members provided comments with regards to the draft resolution, Commissioner John Aleman moved to refer the discussion to the Sustainability and Resiliency Committee for further discussion; the motion was seconded by Commissioner Góngora; and the item passed 6 – 0 (Commissioner Rosen Gonzalez was absent during the vote).

At its September 26th, 2018 meeting, the Sustainability and Resiliency Committee moved to have the Administration: (1) identify a targeted level of service for temporary pumps; (2) develop a Fiscal Year 2019 proposed budget for the deployment of temporary pumps; (3) find a permanent funding source; and (4) implement a recommended process for deployment of the temporary pumps; and to (5) bring the item back to the City Commission for approval.

Consistent with the direction of the Sustainability and Resilience Committee, the Administration has determined that the targeted level of service for temporary pumps, during King Tide events, for previously identified low lying areas not equipped with permanent stormwater pumping stations, will be to maintain the roads passable for vehicles and pedestrians. This level of service will require the City to deploy of at least 25 temporary pumps, at an estimated cost of $270,000.00 (assuming three (3) months of King Tides, in the Spring, and three (3) months of King Tides, in the Fall), which plan for deployment for temporary pump stations.

Consistent with the direction of the Sustainability and Resiliency Committee, the Administration has identified $272,000.00 in the Fiscal Year 2019 Stormwater Maintenance and Operations Fund.

It is expected that the pumps can keep the roadways free of standing water; provided, however, some additional roadways may experience temporary flooding depending on the magnitude of the tides and coinciding rainfall events.

The Public Works Department will closely monitor the National Oceanic and Atmospheric Administration (NOAA) tidal predictions for our area and implement deployment of temporary pumps, as needed, and at the discretion of the Public Works Director.

CONCLUSION

The Administration recommends the approval of the resolution accepting the recommendation of the Sustainability and Resiliency Committee at its September 26, 2018 meeting to identify a target level of service, come up with a FY 19 budget, find a funding source, and implement a recommended process for deployment of temporary pumps.

Legislative Tracking

Public Works

Sponsor

Commissioner John Elizabeth Aleman

ATTACHMENTS:

Description

- MAP
- Resolution

Pump ID	Address
01	85th St. & Byron Ave. (Bridge)
03	82nd Terr. & Byron Ave
05	499 81 St
06	7632 Dickens Ave
07	77th St. & Tatum Waterway
08	1076 Marseille Dr
09	Rue Notre Dame & Marseille Dr
10	1300 Marseille Dr
11	7175 Rue Granville
12	1021 Biraritz Dr
13	1022 Bay Dr
14	6440 N Bay Rd
15	6437 N Bay Rd
16	5860 N Bay Rd
17	5619 N Bay Rd
18	5201 N Bay Rd
19	5161 N Bay Rd
20	Muss Park
21	4343 N Bay Rd
22	4300 Indian Creek Dr
23	3405 Chase Ave
23	37 ST/Indian Creek (DMSI)
24	32 ST/Indian Creek (DMSI)
25	Indian Creek (DMSI)
26	28 ST/Indian Creek (DMSI)
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46	Palm Island West (Lanzo)
47	11th ST (DMSI)
48	Hibiscus Island East (Lanzo)
51	800 West Ave
52	630 Alton Rd (City)
54	Commerce St. & Alton Rd

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SHEET NO. 1 | DATE 9/17/2018 | DRAWN WORGWatch | SCALE 1 inch = 1,500 feet | REQUESTED Roy Coley

Temporary Pump Stations
Miami Beach
Miami-Dade County, FL

- TemporaryPumpStations
- Temporary Pump Stations Managed By Contractors

MIAMIBEACH
RISING ABOVE

Temporary Pumps

Presented by: Roy Coley

Commission Workshop on Resilience

January 27, 2020

OBJECTIVES PROTECT AND ENHANCE OUR ENVIRONMENT AND INVEST IN INFRASTRUCTURE PROJECTS AND ASSETS THAT BUILD RESILIENCE BENEFITS LIKE REDUCING FLOOD RISK AND INCREASING SUSTAINABILITY.

COMMISSION GOALS

- Clean water strategy (2020)
- Improved infrastructure (2050)
- Stormwater, water, and sewer planning (2020)

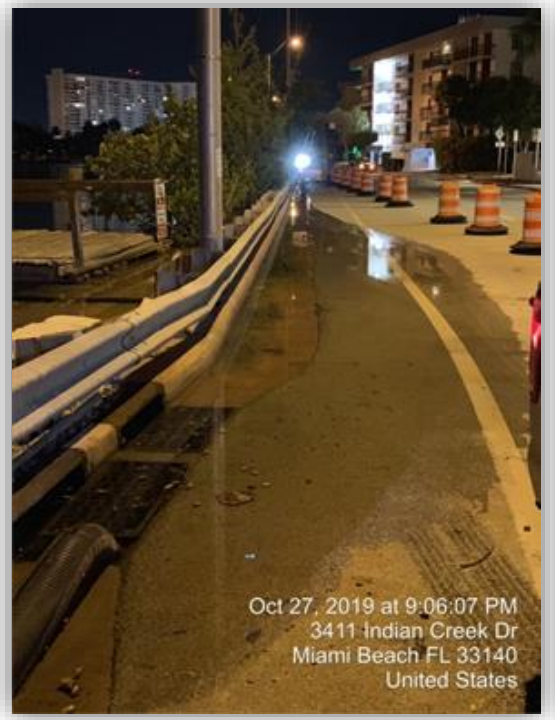
The City has a robust Stormwater Plan to address "sunny day" flooding…

MIAMIBEACH
RISING ABOVE

Indian Creek and 32nd Street

While the plan is implemented…

- During **emergency conditions** the City deploys **temporary pumps** and **personnel with vacuum trucks** to mitigate flooding

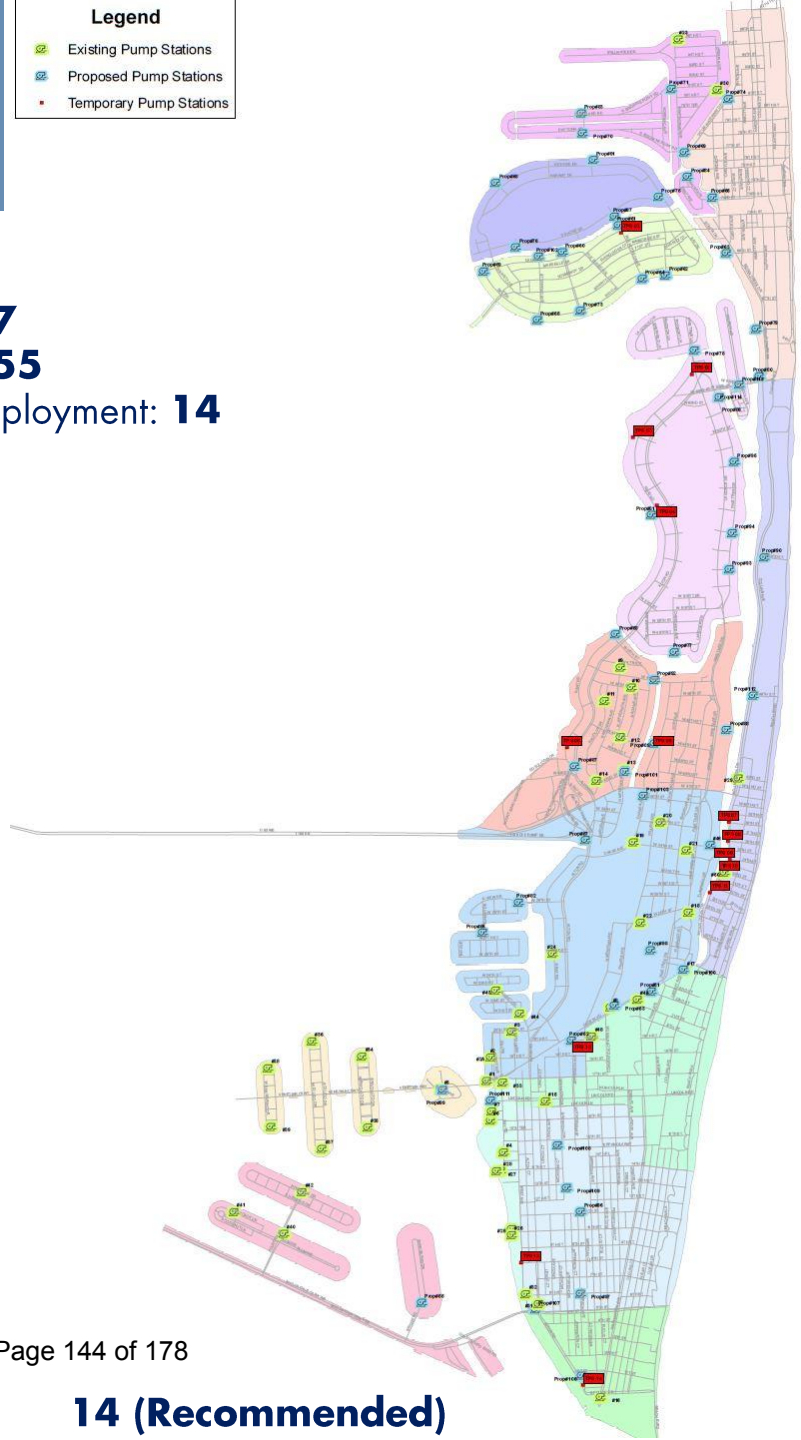


Indian Creek and 34th Street

West Ave and 8th Street

This effort needs to continue…

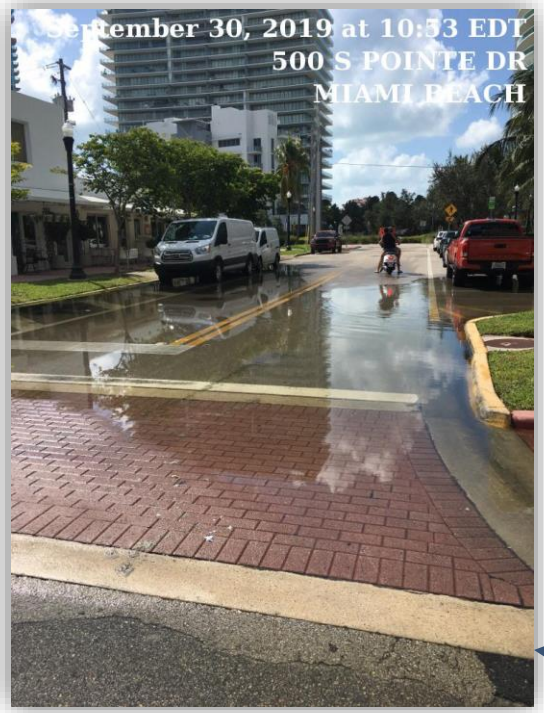
Existing Permanent Active Pump Stations: **47**
Proposed Future Permanent Pump Stations: **55**
Proposed locations for temporary pumps deployment: **14**
Recommended/ 28 Possible

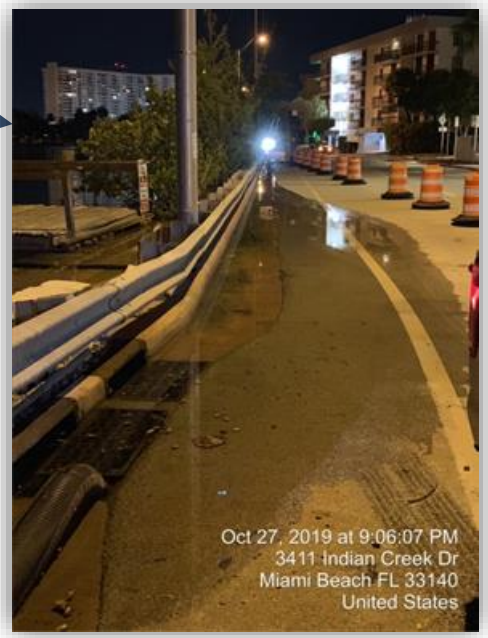


14 (Recommended)

28 (Possible)

MIAMIBEACH
RISING
ABOVE





MIAMIBEACH
RISING
ABOVE

Temporary Pumps Deployment - 2020

Cost of Temporary Deployment 2017-2020

	Duration	No. of Pumps	Equipment	Fuel	Personnel	Total
FY 16/17	5-months	13 to 28	$ 152,742.38	$ 139,574.40	$ 100,800.00	**$ 393,116.78**
FY 17/18	11-months	27	$ 325,410.73	$ 307,063.68	$ 221,760.00	**$ 854,234.41**
FY 18/19	4-months	10 to 14	$ 65,026.57	$ 51,842.96	$ 53,760.00	**$ 170,629.53**
FY 19/20	3-months	14	$ 147,701.10	$ 38,882.22	$ 40,320.00	**$ 226,903.32**

Estimated Cost of 2020 Deployment:

14-Pump deployment for 6 months:

Deployment Duration: **6-months**

No. of Pumps: **14**

Equipment Cost: **$295,420.20**

Fuel Cost: **$77,764.44**

Personnel: **$80,640.00**

Total estimated cost for 6 months: **$453,824.64**

28-Pump deployment for 6 months:

Deployment Duration: **6-months**

No. of Pumps: **28**

Equipment Cost: **$601,670.40**

Fuel Cost: **$167,486.28**

Personnel: **$120,960.00**

Total estimated cost for 6 months: **$890,119.68**

RESOLUTION NO. 2019-30682

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE SUSTAINABILITY AND RESILIENCY COMMITTEE AT ITS SEPTEMBER 26, 2018 MEETING, FOR THE ADMINISTRATION TO: (1) IDENTIFY A TARGETED LEVEL OF SERVICE FOR THE DEPLOYMENT OF TEMPORARY PUMPS, (2) DEVELOP A FISCAL YEAR 2019 (FY2019) BUDGET AND (3) FIND A FUNDING SOURCE FOR THE DEPLOYMENT OF TEMPORARY PUMPS; AND (4) RECOMMEND AN IMPLEMENTATION PROCESS FOR THE DEPLOYMENT OF TEMPORARY PUMPS; WHICH PLAN, BUDGET, AND FUNDING SOURCE ARE SPECIFICALLY DELINEATED IN THIS RESOLUTION, AND ACCEPTED BY THE MAYOR AND CITY COMMISSION.

WHEREAS, to meet the stormwater needs of the City of Miami Beach (the "City"), the City is investing over $650 million in various infrastructure improvements, which improvements will need to be made over an estimated span of 10 years; and

WHEREAS, the infrastructure improvements include installing larger pipes, building pump stations, and raising roads to ensure that the roads do not flood in future tidal and rainfall events; and

WHEREAS, during King Tide events, to prevent localized street flooding in areas where the roadway elevation is lower than the high tide levels, temporary pumps have been installed at and the water has been pumped to the adjacent canal or Biscayne Bay; and

WHEREAS, typically, pumps have been deployed in these lower areas, such as along upper North Bay Road, Orchard Park, Indian Creek, Tatum Waterway, and other North Beach areas; and

WHEREAS, all temporary pump locations have been permitted through DERM, which deployment incorporates best management practices to protect water quality (including, but not limited to, cleaning of the stormwater system in the area adjacent to the temporary pumps to remove potential pollutants); and

WHEREAS, in Fiscal Year 2018, $325,410 was spent on temporary pumps, not including the cost of fuel and labor to operate the equipment; and

WHEREAS, costs associated with the increased use of, and requests for, temporary pumps will continue to increase as higher tides occur during each King Tide season; and

WHEREAS, the City's current stormwater rates do not include components for widespread usage of rental temporary pump installations; and

WHEREAS, a continued reliance on temporary equipment to alleviate flooding will require a permanent source of funding, as, until now, the costs have been paid from the stormwater utility's operations and maintenance fund; and WHEREAS, the stormwater utility operations and maintenance fund, in its current design, is unable to continue to fund this temporary pump practice into the future without neglecting the intended operations and maintenance obligations for the stormwater system; and

WHEREAS, a resolution regarding the utilization of temporary pumps and generators was placed on the July 25, 2018 City Commission meeting agenda and the City Commission took up the item; and

WHEREAS, after several members provided comments with regards to the draft resolution, the item was referred to the Sustainability and Resiliency Committee for further discussion; and

WHEREAS, at its September 26, 2018 meeting, the Sustainability and Resiliency Committee moved to have the Administration: (1) identify a targeted level of service for temporary pumps; (2)

WHEREAS, it is expected that the pumps can keep the roadways free of standing water; provided, however, some additional roadways may experience temporary flooding depending on the magnitude of the tides; and

WHEREAS, the Public Works Department will closely monitor the National Oceanic and Atmospheric Administration (NOAA) tidal predictions for our area and implement deployment of temporary pumps, as needed, and at the discretion of the Public Works Director; and

WHEREAS, the Administration recommends that the recommendation of the Sustainability and Resilience Committee, and the proposed plan and budget for Fiscal Year 2019, relating to the deployment of temporary pumps be approved by the Mayor and City Commission.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, the Mayor and City Commission accept the recommendation of the Sustainability and Resiliency Committee, at its September 26, 2018 meeting, for the Administration to: (1) identify a targeted level of service for the deployment of temporary pumps, (2) develop a Fiscal Year 2019 (FY 2019) budget, and (3) fund the deployment of temporary pumps; and (4) recommend an implementation process for the deployment of temporary pumps; which plan, budget, and funding source are specifically delineated in this Resolution, and accepted by the Mayor and City Commission.

PASSED and ADOPTED this 16 day of January 2019.

ATTEST: Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney Date 12-13-18

Resolution No. 2019-30682

Q and A

MIAMIBEACH
RISING ABOVE

Indian Creek and 27th Street

MIAMIBEACH

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

Item 22.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **DISCUSS PILOTING THE CLOSURE OF 9 STREET BETWEEN OCEAN DRIVE AND COLLINS AVENUE**

HISTORY:

The entertainment district serves many visitors and residents on a daily basis. Ocean Drive in particular serves as the focal point for many special events attracting millions of people every year. The City Commission would like to improve safety and functionality of Ocean Drive through the use of activations, placemaking, and tactical urbanism.

The National Association of City Transportation Officials (NACTO) defines tactical urbanism as a methodology which allows cities to experiment, expedite project implementation, and gather immediate results for mobility and safety by using mostly temporary materials and tactical interventions that are low-risk and temporary.

The City has implemented temporary and semi-permanent tactical urbanism projects in previous years, including the closure of Rue Vendome between 71 Street and Normandy Drive (Attachment) which allowed for programming and place-making. A tactical urbanism event that was successful on a temporary basis in the City was Ciclovia along Washington Avenue from 5th Street to Lincoln Road which closed the street to vehicles and allowed bicycles and other non-motorized modes as well as event programming and family-friendly activations.

At the January 15, 2020 City Commission meeting, a discussion item regarding piloting the closure of 9 Street between Ocean Drive and Collins Avenue was sponsored by Commissioner Ricky Arriola and referred to the Land Use and Sustainability Committee.

ANALYSIS:

9th Street between Ocean Drive and Collins Avenue is a City street; however, pursuant to Miami-Dade County home-rule charter, all traffic engineering functions including traffic control, traffic signalization, and street closures are under the County's purview and jurisdiction. In advance of this item, Transportation and Mobility Department staff communicated with County staff to discuss the process for a pilot. The County advised that if the street is closed for a special activation during a weekend or short-term special event, the City would only need to obtain a maintenance-of-traffic permit from the County, such as the case for the temporary one-way traffic flow modification implemented by Police during special events.

However, given that the County does not have a formal process for the approval of pilot projects consisting of street closures, the County advised that the City is required to follow the Miami-Dade

County Traffic Flow Modification Procedure for County approval. As per the County's procedure, the City is required to perform a traffic study to determine the impact of the closure on the adjacent streets. The traffic study must be reviewed and approved by the County prior to the closure taking place. In addition, any closure of or modification to the intersection of 9 Street and Collins Avenue requires review and approval from the Florida Department of Transportation (FDOT) given that Collins Avenue is a state road under FDOT's jurisdiction.

CONCLUSION:

The closure of 9 Street between Ocean Drive and Collins Avenue to vehicular traffic, even as a pilot, requires a traffic study for County and FDOT review and approval.

Should the Land Use and Sustainability Committee desire that the Administration move forward with the required traffic study, the Transportation and Mobility Department would engage a traffic consultant to conduct the required traffic analysis for the closure, subject to budget availability. Given that the findings of the traffic study are not anticipated to be controversial or impactful, the Administration expects to secure County and FDOT approval of the closure of 9 Street.

As such, in parallel to the traffic study and street closure approval process, the Economic Development Department will work with the Ocean Drive Association on potential event programming and funding for such activation. It is important to note that both the tactical urbanism infrastructure improvements and event programming are essential components for the success of the street closure pilot.

Applicable Area

South Beach

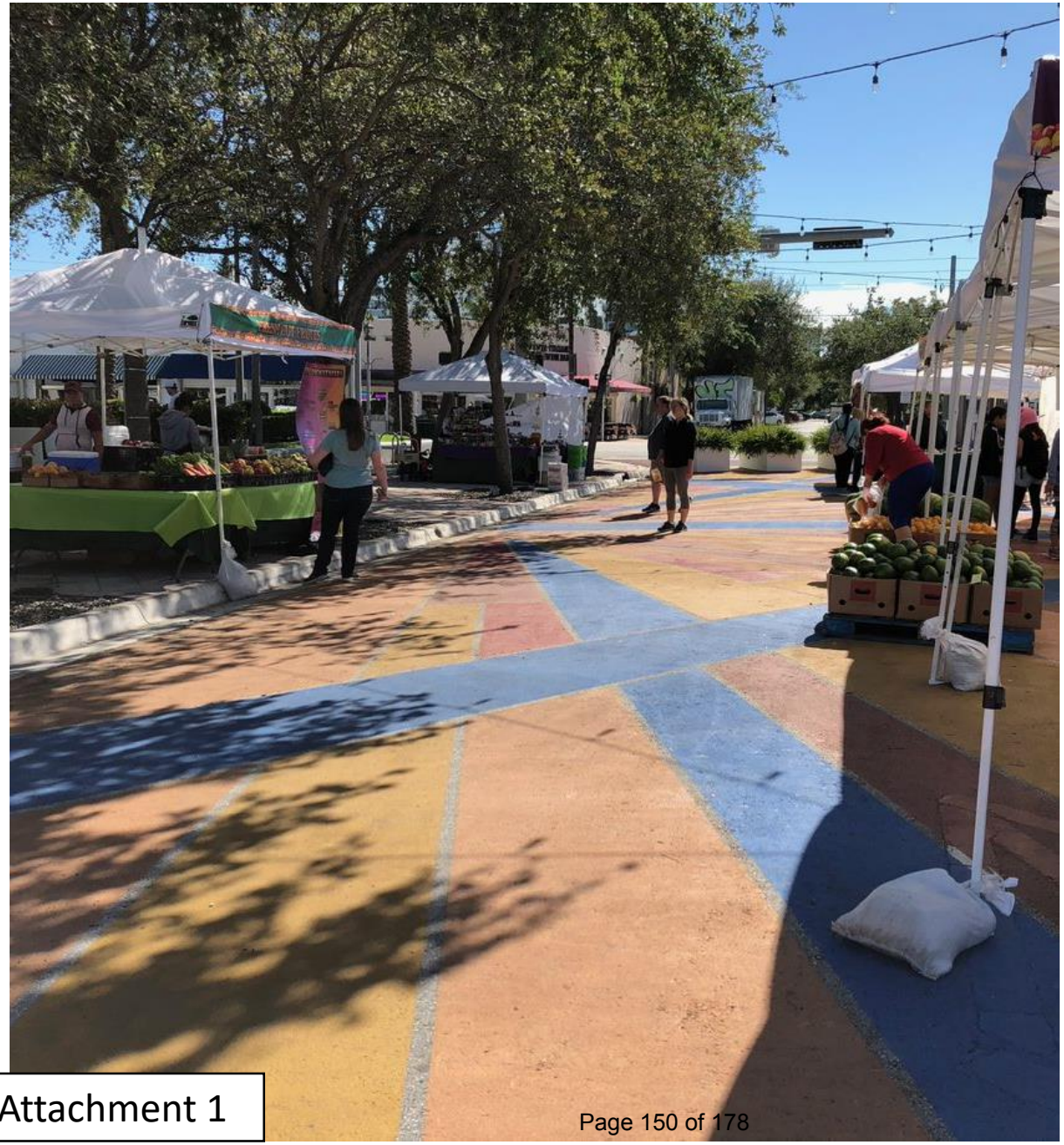
Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	Does this item utilize G.O. Bond Funds?
Yes	No

Departments

TRANSPORTATION & MOBILITY

ATTACHMENTS:

Description	Type
ATTACHMENT 1	Memo



Attachment 1

MIAMIBEACH

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

Item 23.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **Discuss Designating Ocean Drive As A Valet Only Street.**

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
Yes	No

Departments

Parking

ATTACHMENTS:

Description	Type
C4 Q	Memo

MIAMIBEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Ricky Arriola
DATE: January 15, 2020

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS DESIGNATING OCEAN DRIVE AS A VALET ONLY STREET.

ANALYSIS

The Miami Beach Police Department has had issues with vehicles parked on Ocean Drive that serve as de facto open bars and hang outs that blast music. I propose for the City to pilot designating Ocean Drive as a valet only street to curb this loitering,

Applicable Area

South Beach

Is this a Resident Right to Know item?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Commissioner Ricky Arriola

MIAMIBEACH

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

Item 24.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **DISCUSSION: REVIEW OF ALLOWABLE STORE SIGNAGE**

ACTION REQUESTED:
Discuss the item and provide appropriate policy direction.

ADMINISTRATION RECOMMENDATION:
Conclude the item with a recommendation to the City Commission, if applicable.

HISTORY:

On January 15, 2020, at the request of Commissioner Micky Steinberg, the City Commission referred the discussion item to the Land Use and Sustainability Committee (Item C4R).

ANALYSIS:

Attached are the storefront signage regulations, pursuant to Chapter 138 of the City Code. These regulations should assist to better inform this discussion item.

CONCLUSION:

The administration recommends that the item be discussed and concluded. Additionally, if there is consensus, it is further recommended that the LUSC make an applicable recommendation to the City Commission.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	Does this item utilize G.O. Bond Funds?
Yes	No

ATTACHMENTS:

Description	Type
Chapter 138 Regulations	Memo

ARTICLE II. - DESIGN STANDARDS, WINDOW, AWNING, WALL, PROJECTING, AND DETACHED (MONUMENT) SIGNS

Sec. 138-13. - General sign requirements and design standards.

The following standards shall apply to all signs unless otherwise exempted in this chapter or these land development regulations:

(1) Direct access to the street or waterway from the licensed establishment is required for a sign that faces a public right-of-way or waterway.

(2) Signs shall front a street or waterway. Signs may be permitted to front alleys where the alley frontage provides a means of public entrance, or is adjacent to a parking lot or garage.

(3) Signs located above the ground floor shall be limited to the name of the building or the use that encompasses the largest amount of floor area in the building.

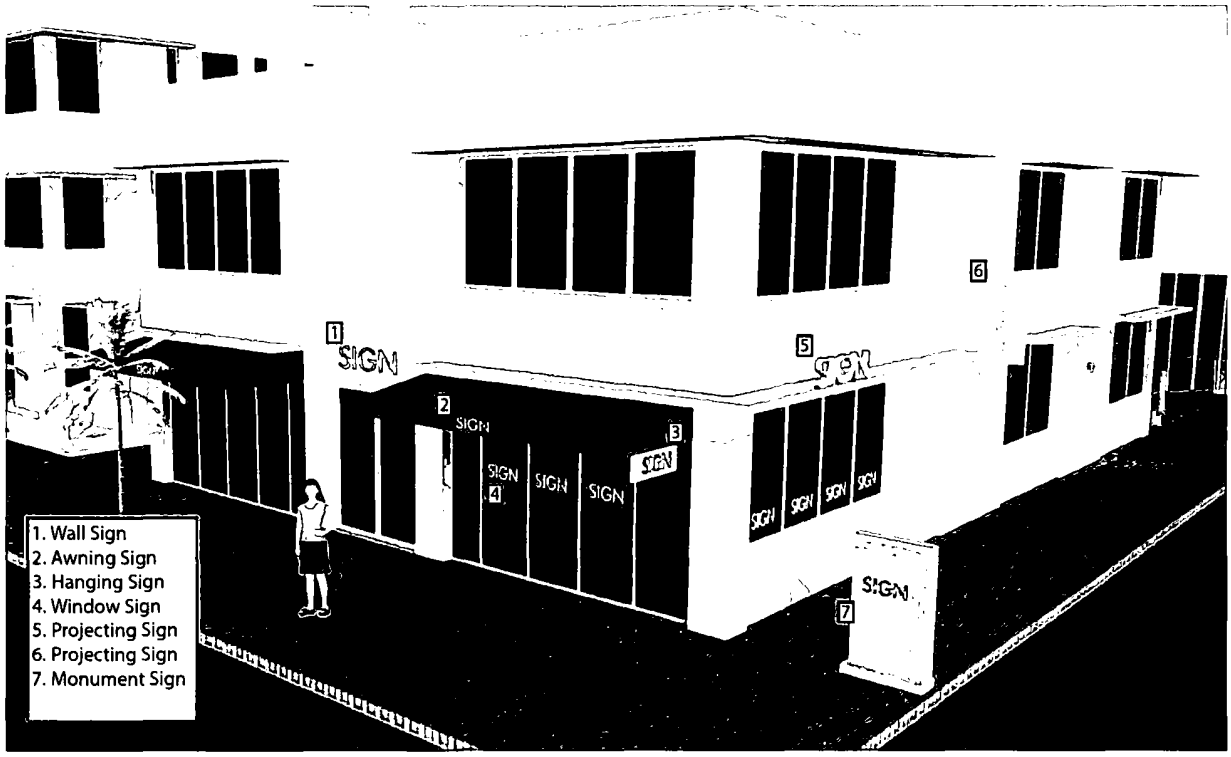
(4) Electrical conduit, support structures, receptacle boxes, or any other operational devices associated with a sign shall be designed in such a manner as to be visually unnoticeable.

(5) Sign copy for main business signs, with the exception of window signs, shall be limited to licensed permitted uses.

(6) Only one wall, projecting, or detached sign shall be permitted per allowed frontage for each principal or licensed accessory use, unless otherwise allowed in this chapter.

(7) All signs shall be subject to design review procedures.

The following diagram shows an example of the signs described within this article:



(Ord. No. 2016-4045, § 1, 10-19-16)

Sec. 138-14. - Window signs.

(a) In addition to other permitted signs licensed commercial establishments, are permitted one sign on one window or door with copy limited to the address, phone number and hours of operation, in accordance with the following:

(1) The size of the numerals for the address shall not exceed six inches in height.

(2) The numerals and letter size for the phone number and hours of operation shall not exceed two inches in height.

(3) The name of the establishment may be repeated more than once subject to design review approval. The letters shall not exceed six inches in height.

(b) An "open"/"closed" sign, illuminated or non-illuminated shall be permitted. Such "open"/"closed" sign shall not exceed two square feet, letters shall not exceed 12 inches in height, and shall be subject to the design review process.

(c) The aggregate area of the above signs of this section shall not exceed five percent of the total glass window area and door area.

(d) When there are no other signs associated with the use, the main permitted sign or signs may be located on the window with a total aggregate size not to exceed 20 square feet.

(e) Restaurants may also have a menu board besides other signs provided herein. When a menu board is affixed to a window, it shall be limited to an area of three square feet. If a menu display case is affixed to the building wall, it shall be limited to an overall area of four square feet.

(f) Commercial uses may also have one establishment services identification sign located on one window or door with letters no higher than two inches and a total area of two square feet.

(g) Commercial establishments that offer for sale or lease products which are not located on the premises (e.g., real estate) may place up to three display board type signs on the window. Such display boards shall be limited to six square feet each and are subject to design review approval.

(Ord. No. 2016-4045, § 1, 10-19-16)

Sec. 138-15. - Signs located on the valance and underside of awnings or canopies.

(a) *Signs under awnings or canopies.* In all districts except RS (1-4), and in addition to other permitted signs, one non-illuminated sign, not exceeding three square feet in area with letters not exceeding six inches in height, hanging from the underside of an awning or canopy with a minimum height clearance of seven feet six inches is permitted.

(b) *Signs on the valance of an awning or canopy.* For purposes of this section, a valance is defined as that vertical portion of the awning that hangs down from the structural brace. Signs on other surface areas of an awning, canopy or roller curtain are not permitted.

In all districts except RS (1-4), and in addition to other permitted signs, one sign on the valance of an awning or canopy may also be permitted in accordance with the following:

(1) The length of such sign shall not exceed 25 percent of the length of a single awning, or the length of that portion of the awning or canopy associated with the establishment, up to a maximum of ten square feet.

(2) Letters shall not exceed eight inches in height.

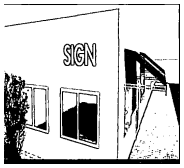
(3) Signs on continuous awnings shall be placed centered on the portion of the valance that corresponds to the individual storefront and be a uniform color.

(4) All valance signs shall be subject to the design review process.

(Ord. No. 2016-4045, § 1, 10-19-16)

Sec. 138-16. - Wall sign.

Wall signs are signs attached to, and erected parallel to, the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 12 inches from the building wall. Such signs shall be governed by the following chart:

Wall Sign Design Standards per District			
	Zoning Districts		
	CD (1-3) C-PS (1-4) I-1 MXE TC (C, 1-2) RM-3 HD MR	RM (1-2) R-PS (1-4) RO TC-3 RM-PS1 TH WD (1-2)	RS (1-4) SPE GC
Maximum area percentage	0.75 square feet for every foot of linear frontage	0.33 square feet for every foot of linear frontage	
Maximum area	• Max.: 100 square feet • Min.: 15 square feet	• Max.: 30 square feet • Min.: 20 square feet	GC and SPE: 30 square feet RS (1-4): Two square feet
Height restrictions	Shall not be located above ground floor		
Maximum quantity per frontage	Multiple signs for the same establishment may be permitted through the design review process if the aggregate sign area does not exceed the largest maximum permitted area	One wall, projecting or detached	One
Accessory use	• Maximum 75% of main use sign, or 20 square feet, whichever is less • For uses located in hotel and apt. buildings, must have direct		Not permitted

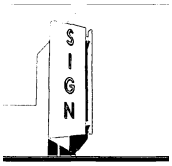
	access to street/sidewalk; follows same regulations as main permitted use		
Special conditions	Corner buildings may provide one combined sign instead of the two permitted signs. This sign shall be located on the corner of the building visible from both streets and shall have a maximum size of 40 square feet		Residential use: Copy limited to address and name of building
Supplemental standard	Hotels, apartments-hotels, and commercial buildings two stories or higher may be permitted one building identification sign above the roofline, with an area not to exceed one percent of the wall area on which it is placed. The placement and design of the sign shall be subject to approval through the design review process		

(Ord. No. 2016-4045, § 1, 10-19-16; Ord. No. 2019-4273, § 2, 6-5-19)

Sec. 138-17. - Reserved.

Sec. 138-18. - Projecting sign.

Projecting signs are signs attached to and projecting more than 12 inches from the face of a wall of a building. This includes marquee signs. A projecting sign which extends more than 36 inches above a roof line or parapet wall shall be designated as a roof sign. Such signs shall be governed by the following chart:

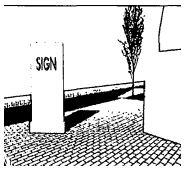
Projecting Sign Design Standards per District			
	Zoning Districts		
	CD (1-3) C-PS (1-4) I-1 MXE TC (C, 1-2) RM-3 HD	RM (1-2) R-PS (1-4) RO TC-3 RM-PS1 TH WD (1-2)	RS (1-4) SPE GC

	MR		
Maximum area	15 square feet		Not permitted
Height restrictions	• Minimum nine feet per subsection 82-411(b)		
Maximum quantity per frontage	Multiple signs for the same establishment may be permitted through the design review process if the aggregate sign area does not exceed the largest maximum permitted area	One wall, projecting or detached	
Accessory uses		Main permitted use	
Special conditions	• May be illuminated by an external lighting source through design review • No permitted in HD		

(Ord. No. 2016-4045, § 1, 10-19-16; Ord. No. 2019-4273, § 2, 6-5-19)

Sec. 138-19. - Detached sign.

Detached signs are signs not attached to or painted on a building but which are affixed to the ground. A sign attached to a surface detached from a building, such as a fence or wall, shall be considered a detached sign. All sides of a detached sign displaying signage will be calculated towards the max area. Such signs shall be governed by the following chart:

Detached Sign Design Standards per District			
	Zoning Districts		
	CD (1-3) C-PS (1-4) I-1 MXE TC (C, 1-2) RM-3 HD	RM (1-2) R-PS (1-4) RO TC-3 RM-PS1 TH WD (1-2)	RS (1-4) SPE GC

	MR		
Maximum area	• 15 square feet • 5 feet if on perimeter wall	• 15 square feet • if sign setback 20 feet from property line, maximum area may reach 30 square feet • 5 feet if on perimeter wall	Not permitted
Height Restrictions	• Five feet maximum • Height may be permitted to exceed the maximum through the design review process. However at no time shall height exceed ten feet		
Max Quantity per Frontage	Multiple signs for the same establishment may be permitted through the design review process if the aggregate sign area does not exceed the largest max permitted area	One Wall, Projecting, or Detached	
Setback Requirements	• Front yard: Ten feet • Interior side yard: Seven and one-half feet • Side yard facing a street: Ten feet • Perimeter wall sign: 0 feet		
Accessory Use	Main permitted use		
Special Conditions	Not permitted in MXE	• In RO, maximum area ten square feet	

(Ord. No. 2016-4045, § 1, 10-19-16; Ord. No. 2019-4273, § 2, 6-5-19)

Sec. 138-20. - Directory signs.

Commercial buildings are allowed an exterior directory sign, attached to the building, up to six square feet in area, listing the names of all licensed uses within the building is permitted; sign material and placement shall be subject to approval through the design review process.

(Ord. No. 2016-4045, § 1, 10-19-16)

Sec. 138-21. - Minimum design standards and guidelines.

All signs permissible within this article shall comply with the following minimum design standards:

(a) The framework and body of all signs shall consist of aluminum or similar alloy material.

(b) Wall signs shall consist of individual letters, or routed out aluminum panels offset a minimum of four inches from the wall.

(c) Wall sign individual letters shall have a minimum depth of four inches.

(d) Wall sign individual letters shall be pin-mounted or flush-mounted. Raceway or wireway mounting shall only be permitted where the structural conditions of the wall do not allow for the direct mounting of letters. Raceways or wireways, if permitted, shall not exceed the width or height of the sign proposed and shall be subject to the design review process.

(e) The placement and location of all signs shall be compatible with the architecture of the building, and shall not cover or obscure architectural features, finishes or elements.

(Ord. No. 2016-4045, § 1, 10-19-16)

Sec. 138-22. - Supplemental standards.

(a) Wall signs which meet the following additional design specifications may be increased in size from 0.75 square feet per linear feet of store frontage to one square foot per linear feet of store frontage (up to the maximum size permitted in section 138-17):

(1) The sign shall consist of individual letters, and shall be pin-mounted or flush-mounted (no raceways or wireways).

(2) Sign letters shall consist of aluminum or similar alloy, and shall have a minimum depth of six inches.

(3) Sign letters shall be open face with exposed neon or similar lighting, or reverse channel letters.

(Ord. No. 2016-4045, § 1, 10-19-16)

MIAMIBEACH

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Item 25.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **Discussion To Review The Palm Hibiscus Road Elevation Experience**

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
Yes	No

ATTACHMENTS:

Description	Type
Palm Hibiscus Road Elevation Memo	Memo

MIAMIBEACH

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: Jimmy L. Morales, City Manager

DATE: February 18, 2020

SUBJECT: **DISCUSSION TO REVIEW THE PALM AND HIBISCUS ROAD ELEVATION EXPERIENCE**

BACKGROUND

On January 21, 2020, the Land Use and Sustainability Committee discussed the Palm and Hibiscus project's road elevation experience, and as requested by the City Commission, the discussion also included the Venetian Islands, Lower North Bay Road, Sunset Harbour, and Alton Road projects. Staff was asked to return to the following meeting, and present estimated costs associated with raising the roads.

ANALYSIS

The request by the Committee to identify these costs is complicated by the significant variability in project scope, the degree to which contractors are willing to accept risk, unforeseen conditions, and resident engagement. That said, staff has made certain assumptions regarding roadway assemblies and pre-existing conditions. For example, we have assumed a standard, two-way, 22 feet wide residential road, with 2 feet valley gutters on each side, within a 50 feet right-of-way. We have also assumed that existing conditions are such that there would be no remediation of unsuitable soils or contaminants. Finally, it was assumed that the hypothetical project would require full roadway reconstruction.

Typical roadway assemblies, for residential streets in Miami Beach, consist of a compacted 12 inch layer of suitable fill (sub-grade), a compacted 8 inch layer of limerock base and a 2 inch layer of asphalt pavement. The table and diagrams included in Attachment A represent the estimated incremental costs to raise roadway assemblies. The base cost represents the cost per linear foot of roadway constructed at existing elevations. The subsequent line items reference raising the roads an average amount (12 inches) and an anticipated maximum amount (24 inches). All costs assume the re-use of existing suitable fill, to the extent possible. Due to the aforementioned variability in project scope, staff could not include in the estimated costs certain items such as adjustments to existing non-city owned utility structures or harmonization to private properties. The estimated costs include the tapering of the surface outside the paved areas, at a 4:1 slope. It does not account for additional items which would be difficult to establish without further design analysis for specific conditions. For example, tree relocations, driveway modifications, adjustment of street lights, relocation of fire hydrants, private drainage inlets or other unknown items.

CONCLUSION

While it is difficult to estimate the incremental added cost of road raising with any degree of certainty, the table provided presents staff's best estimate of those costs. Each future project would need to be evaluated more thoroughly, taking into account the specific scope of each project, in order to more accurately determine cost impact.

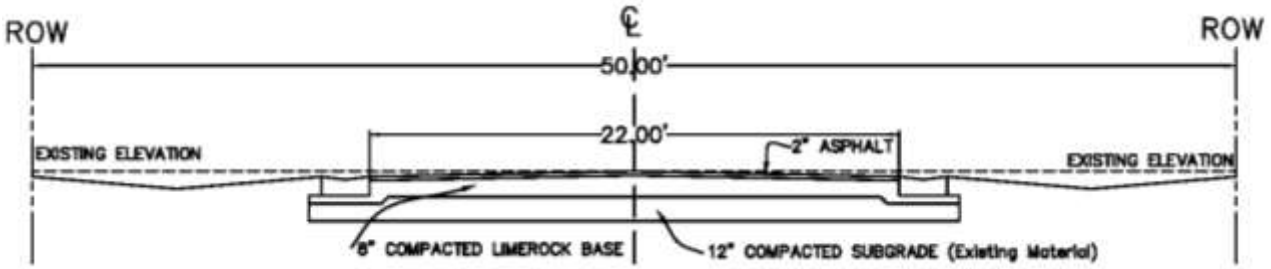
JLM/ETC/DM

Attachments A: Costs to Raise Roads with Associated Diagrams

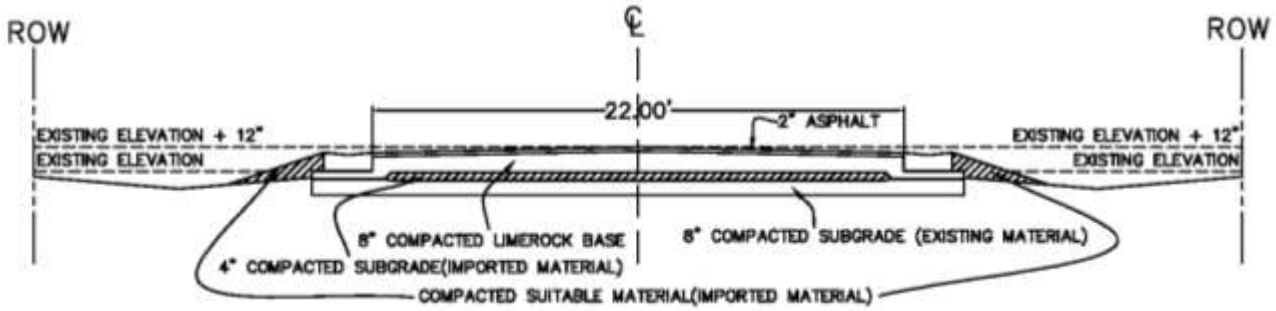
Cost to Raise Roads

22 Feet Wide, Two-Way, Road with 2 feet Valley Gutters

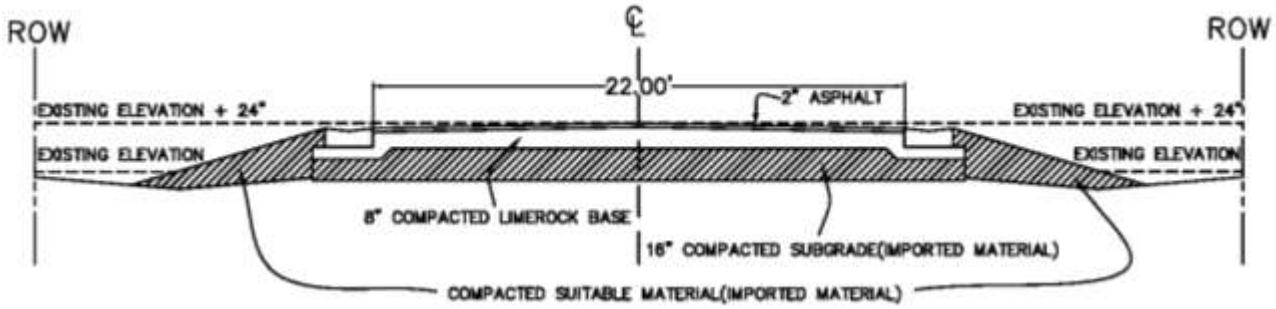
Assembly	Hard Cost	Soft Costs	Total Costs	Cost Increase per Mile of Roadway	Cost to Construct One Mile of Roadway
Base Cost	$210/LF	$74/LF	$284/LF	$0	$1,499,520
Raise 12 inches	$6/LF	$2/LF	$8/LF	$42,240	$1,541,760
Raise 24 inches	$27/LF	$9/LF	$36/LF	$190,080	$1,689,600



Min (Road Construction - Existing Elevation)



Avg (Road Construction - Existing Elevation +12 Inches)



Max (Road Construction - Existing Elevation +24 Inches)

Imported Suitable Fill

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Item 26.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **ARKUP LUXURY HOUSEBOATS AND THEIR EFFECTS ON BISCAYNE BAY AND THE QUALITY OF LIFE OF SURROUNDING RESIDENTS**

ACTION REQUESTED:
Discuss the item and provide a recommendation to the full City Commission if applicable.

ADMINISTRATION RECOMMENDATION:
Discuss and conclude the item, as well as provide a recommendation to the City Commission if applicable.

HISTORY:

On September 11, 2019, the City Commission referred the discussion item to the Sustainability and Resiliency Committee (Item R9X). The City Commission also referred the item to the Marine and Waterfront Protection Authority and requested that the City Attorney draft a legal memorandum/LTC as to the City's jurisdiction.

The November and December 2019 SRC meetings were cancelled, and the item was placed on the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee. On January 21, 2020 the item was deferred to the February 18, 2020 LUSC meeting.

ANALYSIS:

City staff reviewed the City Code and identified definitions, as well as requirements for single family districts that are relevant to this discussion (Attachment A). Based on the definitions in the City Code, staff determined that a luxury vessel such as Arkup is not considered a housebarge, but does qualify as a motorboat, a pleasure vessel and a watercraft. As such, provisions of the City Code pertaining to these would apply.

The Land Development Regulations of the City Code do not provide any type of use or operating restrictions for live aboard vessels, including houseboats. In single-family districts, vessels are not permitted as a main permitted use on a property. A homeowner may have an accessory dock with such a vessel, but the entire property, including the dock must be rented together for no less than six (6) months and a day. The owner of such a vessel could not rent a dock from a homeowner,

without also renting the entire property, and for the minimum timeframe. As it pertains to other zoning districts, such a vessel would be allowed to potentially dock in a zoning district that allows a marina, such as the MR (Marine Recreation District). It should be noted that any amendments to the LDR's in this regard would need to comply with applicable State law.

Marine and Waterfront Protection Authority Summary
The Marine and Waterfront Protection Authority held a discussion at their November 12, 2019 meeting regarding Arkup Luxury Houseboats. The conversation touched on whether there is a distinction between houseboats and yachts, and shifted toward general concern with boats and mega yachts that are anchoring throughout the city's waterways. Additional comments included a reference to the city's ban of houseboats within Indian Creek in the 1980s and a brief discussion of environmental considerations associated with vessel use. No motions or resolutions were made as a result of the discussion.

City Attorney Legal Analysis
Pursuant to Florida law, the City of Miami Beach (the "City") has the legal authority to regulate the anchoring and mooring of certain vessels and entities within its territorial jurisdiction. To that effect, Section 327.60 of the Florida Statutes specifically provides, in pertinent part:

"This section does not prohibit local governmental authorities from the enactment or enforcement of regulations that prohibit or restrict the mooring or anchoring of floating structures, live-aboard vessels, or commercial vessels, excluding commercial fishing vessels, within their jurisdictions or of any vessels within the marked boundaries of mooring fields permitted as provided in s. 327.40."
Fla. Stat. §327.60(3)

Therefore, pursuant to the above-provision set forth in §327.60(3), the City may restrict, or completely prohibit, the mooring or anchoring of any floating structures or live-aboard vessels within the City's jurisdiction. To the extent that any Arkup Solar-Electric Livable Yacht ("Arkup Livable Yacht") is deemed to be a floating structure or live-aboard vessel, then such Arkup Livable Yacht would be subject to any duly-enacted City Ordinance regulating the anchoring or mooring of such entities or vessels.

In determining whether an Arkup Livable Yacht shall be considered a floating structure or live-aboard vessel, Section 327.02 of the Florida Statutes provides guidance by supplying definitions for the terms "Floating Structure" and "Live-Aboard Vessel," as follows:

"Floating structure" means a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term includes, but is not limited to, an entity used as a residence, place of business or office with public access; a hotel or motel; a restaurant or lounge; a clubhouse; a meeting facility; a storage or parking facility; or a mining platform, dredge, dragline, or similar facility or entity represented as such. Floating structures are expressly excluded from the definition of the term "vessel" provided in this section. Incidental movement upon water or resting partially or entirely on the bottom does not, in and of itself, preclude an entity from classification as a floating structure.
Fla. Stat. §327.02(14)

“Live-aboard vessel” means:

(a) A vessel used solely as a residence and not for navigation;
(b) A vessel for which a declaration of domicile has been filed pursuant to s. 222.17; or
(c) A vessel used as a residence that does not have an effective means of propulsion for safe navigation.
A commercial fishing vessel is expressly excluded from the term “live-aboard vessel.”
Fla. Stat. §327.02(22)

However, in order to ascertain the appropriate classification for an Arkup Livable Yacht, a comprehensive evaluation (which must necessarily encompass and include a complete factual determination of those identifying characteristics surrounding the Arkup Livable Yacht in question) must be undertaken. Accordingly, to the extent that Arkup Livable Yacht(s) are deemed to be floating structures or live-aboard vessels, based upon objective, factual criteria, the City may regulate the anchoring or mooring of such entities or vessels within its jurisdiction if the Mayor and City Commission determine the exercise of such power is reasonably calculated to advance the City’s valid public, navigational, and/or environmental health, safety, and welfare interests.

Environmental Considerations
The potential environmental considerations for Arkup Luxury Houseboats are consistent with those of other vessels. One consideration is potential damage to seagrass from anchoring, contact with the vessel, or shading. However, vessel design, such as the use of spuds or mooring instead of anchoring, as well as operational adjustment that limit the time spent at one location can assist in minimizing potential impacts to seagrass. Another consideration is potential water quality degradation from improper waste disposal. This concern can be addressed by ensuring a vessel has proper access to pump out and trash facilities.

CONCLUSION:
The administration recommends that the item be discussed and concluded. If there is consensus, it is further recommended that the LUSC make any applicable recommendations to the City Commission.

Applicable Area
Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	Does this item utilize G.O. Bond Funds?
Yes	No

Departments
Planning

ATTACHMENTS:

Description	Type
Attachment A - Planning Regulations	Memo

The following are the definitions in the City Code that are relevant to this discussion:

Sec. 66-4. – Definitions.

Housebarge *means a residence floating on water, usually permanently moored, not manufactured with a system of propulsion.*

Marina *means any installation operated for profit which exclusively provides any accommodations or facilities for watercraft, including mooring, docking, storing, leasing, sale or servicing of watercraft, located in the waters of the city.*

Marine facility *means any device, structure, building or component of a marina.*

Marine structure *means any device or structure built or constructed, erected, driven or installed in, over or adjacent to any of the waters of the city. The term shall include, but not be limited to, docks, seawalls, piles, davits, hoists and similar structures. The term shall be construed to include the words "or part thereof."*

Mooring *means any appliance used to secure a vessel to a dock or pier, which may or may not be carried aboard such vessel as regular equipment when under way; also the attaching of a vessel to a permanent or floating structure or other vessel.*

Motorboat *means a vessel equipped with machinery for propulsion, irrespective of whether the propulsion machinery is in actual operation.*

Vessel *includes every description of watercraft used or capable of being used as a means of transportation on water. The term shall mean any watercraft, and all vessels shall belong to one of the following classes:*

(1) ***Commercial vessel*** *means and includes every vessel used or operated for commercial purposes on the navigable waters of the city; that is either carrying passengers, carrying freight, towing, or for any other use; for which a compensation is received, either directly or where provided as an accommodation, advantage, facility or privilege at any place or public accommodation, resort or amusement.*

(2) ***Pleasure vessel*** *means and includes every vessel not within the classification of commercial vessel. The provisions of this chapter shall apply to rowboats, canoes, sailboats, except as otherwise expressly provided. The term shall not include a crew racing shell, which means any shell, gig, barge or other boat designed primarily for the practice of racing conducted by a private or public educational institution, school, academy, college, university or association of any of the preceding, or by an amateur sports club or association or by the United States or International Olympics Committee, and shall not include canoes, rowboats or lifeboats. The term "vessel" and "boat" are interchangeable for the purpose of this chapter.*

Watercraft *means any contrivance used or capable of being used for navigation upon water whether or not capable of self-propulsion.*

Based upon the above definitions, a luxury vessel such as Arkup, **is not** a housebarge, **is** a motorboat, **is** a vessel (pleasure), and **is** a watercraft.

As it pertains to the Land Development Regulations, and specifically single-family districts, such vessels are not permitted as an main permitted use on a property. A homeowner may have an accessory dock with a such as vessel, but the entire property, including the dock must be rented together for no less than six (6) months and a day. The owner of such a vessel could not rent a dock from a homeowner, without also renting the entire property, and for the minimum timeframe.

Below are the applicable code requirements for single family districts.

Sec. 142-102. - Main permitted uses.

The main permitted uses in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are single-family detached dwellings.

Sec. 142-104. - Accessory uses.

The accessory uses in the RS-1, RS-2, RS-3, RS-4 single-family residential districts are those uses customarily associated with single-family homes. (See article IV, division 2 of this chapter.)

Sec. 142-905. - Permitted accessory uses in single-family districts.

(a) Generally. Permitted accessory uses in single-family districts are those uses which are customarily associated with single-family houses such as, but not limited to, decks, swimming pools, spas, ornamental features, tennis courts. However, in no instance shall landing or storage areas for a helicopter, or other aircraft, be permitted as an accessory use. The planning and zoning director may allow other accessory uses if the director finds after consultation with the chairman of the planning board that they will not adversely affect neighboring properties, based upon the criteria listed in section 142-901. Appeal of the director's decision is to the board of adjustment pursuant to chapter 118, article VIII.

(b) Permitted accessory uses. The following are permitted accessory uses in single-family districts:

(5) Leases of single-family homes to a family (as defined in section 114-1) for not less than six months and one day, including extensions for lesser periods of leases permitted under this subsection to original leaseholders.

As it pertains to other zoning districts, such vessel would be allowed to potentially dock in a zoning district which allows a marina, such as the MR (Marine Recreation District).

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Item 37.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **Discuss A Corrective Text Amendment To The Washington Avenue Overlay.**

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
Yes	No

Departments

Planning

ATTACHMENTS:

Description	Type
C4 W	Memo

MIAMIBEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Ricky Arriola
DATE: February 12, 2020

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS A CORRECTIVE TEXT AMENDMENT TO THE WASHINGTON AVENUE OVERLAY.

ANALYSIS

The City Commission adopted an ordinance in October 2019 aimed at further incentivizing development along the Washington Avenue corridor. However, Urbin, one of the firms that advocated for passage of the ordinance, has discovered that the regulations, as adopted, would not make their co-living project feasible. They have submitted a corrective text amendment for the Land Use and Sustainability Committee to review. It is attached here for discussion.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	Does this item utilize G.O. Bond Funds?
Yes	No

Legislative Tracking

Commissioner Ricky Arriola

ATTACHMENTS:

Description

- Proposed Text Amendment to Washington Ave Overlay

Proposed Modifications to the Washington Avenue Overlay Land Development Regulations

The following modifications to the Washington Avenue Overlay LDR are necessary for clarity and consistency within the legislation.

- Sec. 142-309(2)(e)
  - Previously, the CD-2 regulations contained a special provision for buildings with mixed uses, commercial and residential. When more than 25% of the floor area of buildings contained residential or hotel, then the RM-1, 2, 3 setbacks controlled.
  - The RM-1, 2, 3 setbacks are not compatible with the closely built urban environment in Miami Beach, and led to many setback variance requests.
  - Accordingly, on October 30, 2019, the City Commission passed "Common Variances" Ordinance No. 2019-4315, which included an amendment of the CD-2 district regulations to remove reference to the RM-1, 2, 3 setbacks.
  - However, the Washington Avenue Overlay development regulations were not similarly amended. As a result, these regulations continue to have a sum of the side yard setbacks requirement.
  - We are proposing to eliminate the requirement for sum of the side yard setbacks within the Washington Avenue Overlay to be consistent with the Common Variances Ordinance No. 2019-4315.
  - If this change is adopted, then developments within the Washington Avenue Overlay that have frontages greater than 100 feet will be required to provide the following side setbacks:
    - Side setback facing a street:
      - Subterranean: Zero (0) feet
      - Nonresidential uses: Zero (0) feet
      - Residential and hotel uses: Seven and a half (7 ½) feet
- Sec. 142-309(5)
  - For consistency within the text, all amenity space requirements can be provided within a "unified development site."
- Sec. 142-309(5)(a)(3)
  - We would like to clarify that a one bedroom co-living unit must provide a washer and dryer within the unit, and co-living units with multiple bedrooms must provide a washer and dryer within the common space of the unit.
- Sec. 142-309(5)(a)(4)

- The additional sub-section confirms that co-living units will not contain more than six (6) bedrooms.
- Separating the requirements from the previous sub-section eliminates conflicting interpretations of "co-living" units.

- Sec. 142-309 (5)(a)(14)
  - Gyms and fitness centers are welcoming, commercial uses that should also be located on the ground floor for easy pedestrian access.
  - Modifying sub-section (5)(a)(14) allows gyms and fitness centers on the ground floor fronting Washington Avenue.
- Sec. 142-309 (5)(a)(15)
  - The co-living residential model is intended for collaborative living spaces.
  - The proposed revision to sub-section (5)(a)(15) clarifies that if a co-living unit does not provide dining, kitchen, and living area within the unit, then it must be provided on the same floor.
  - This ensures that daily use amenities are provided within each co-living unit or on the same level. Ample amounts of amenity spaces will be provided throughout the unified development site, as is required pursuant to Section 142-309 (5).

Sec. 142-309. – Washington Avenue development regulations and area requirements.

(2) For lots that have a frontage that is equal to or less than 100 feet, the setbacks shall be pursuant to section 142-307. For lots that have a frontage that is greater than 100 feet, the setbacks shall be as follows:

c. Side, facing a street:

i. Subterranean: Zero (0) feet;

ii. Nonresidential uses: Zero (0) feet;

iii. Residential and hotel uses: Seven and one-half (7 ½) feet

d. Side, interior:

i. Subterranean: Zero (0) feet;

ii. Nonresidential uses: Zero (0) feet;

iii. Residential and hotel uses: Seven and one-half (7 ½) feet or eight percent of lot width, whichever is greater, up to ten (10) feet. When abutting a nonresidential or non-hotel use, the minimum interior side setback shall be seven and one-half (7 ½) feet.

~~e. Sum of the side yards:~~

~~i. Residential and hotel uses: Sum of the side yard setbacks shall equal 16 percent of the lot width, up to a total sum of the side yards of 20 feet.~~

~~ii. For lots that a have a platted frontage equal to or greater than 100 feet, but less than 200 feet, and are eligible for a 75 foot height limit, the sum of the side yards for floors with residential or hotel units shall be no less than 40 percent of the lot width.~~

* * *

(5) For co-living or micro residential units, the minimum unit size may be **275** square feet, provided that a minimum of 20 percent of the gross floor area of the building consists of amenity space on the same unified development site. Amenity space

includes the following types of uses: common area kitchens; club rooms; business center; retail; screening rooms; fitness center; wellness center; spas; gyms; pools; pool decks; roof decks, restaurant, bar or café above the ground floor; and other similar uses whether operated by a condominium or cooperative association or another operator. Restaurants, bars, or cafes on the ground floor shall not count toward the amenity space requirements set forth herein. These amenities may be combined with the amenities for hotel~~s~~ units on the same unified development site, provided that residents and hotel guests have access to such amenities.

a. Co-living or micro residential units are permitted provided that:

(1) Within the same unified development site, office uses are provided with a minimum of 10,000 square feet;

(2) Each unit is fully furnished and has an individual bathroom;

(3) All ~~micro~~ one bedroom co-living units shall have a washer and dryer machine located within the unit, and ~~all~~ co-living units with two bedrooms or more may have the washer and dryer in the common area of the unit ~~suites, which consist of a minimum of three (3) and a maximum of six (6) co-living units, have a washer and dryer machine located within the co-living suite~~;

(4) Co-living units may contain a maximum of six (6) bedrooms.

~~(4)~~ (5) The units are only located on the west side of Washington Avenue. In addition, the western lot line of the unified development site must front on a street with an RM-1 or RO zoning designation;

~~(5)~~ (6) A maximum of fifty percent (50%) of the floor area within the unified development site consists of co-living or micro units;

~~(6)~~ (7) The owner must obtain a building permit within thirty-two (32) months of the effective date of this Ordinance;

~~(7)~~ (8) Formula commercial establishments and formula restaurants, as defined in section 114-1, are prohibited on a unified development site with co-living or micro units;

~~(8)~~ (9) The owner/operator shall submit a covenant running with the land, in a form acceptable to the city attorney, agreeing that any owner/operator of co-living or micro units within the unified development site shall be obligated to clean and maintain (or arrange to have cleaned and maintained) each unit;

~~(9)~~ (10) The owner/operator shall submit a covenant running with the land, in a form acceptable to the city attorney, agreeing that any owner/operator of co-living or micro units within the unified development site shall be required to perform background screening investigations of all tenants of co-living or micro units;

~~(10)~~ (11) Any owner/operator of co-living or micro units must provide onsite security guards 24 hours a day, 7 days a week;

~~(11)~~ (12) All exterior windows in any hotel, co-living, or micro units on the unified development site shall contain double-pane glass;

~~(12)~~ (13) The tenants of co-living and micro units shall not be permitted to sublease units;

~~(13)~~ (14) Ground floor uses fronting on Washington Avenue must be retail, restaurant, ~~or~~ bar, or gym/fitness center. Residential uses fronting Washington Avenue are prohibited on the ground floor, other than the lobby and required vertical circulation;

~~(14)~~ (15) ~~Every floor containing co-living suites must have amenity space beyond the co-living unit that shall include common dining, living, and kitchen areas~~ A co-living unit must have a dining, kitchen, and living area. If a co-living unit does not provide a dining, kitchen, and living area, these areas must be provided on the same floor;

~~(15)~~ (16) A rooftop lounge seating area, pool, and garden shall be provided within the unified development site; and

~~(16)~~ (17) A wellness center shall be provided within a unified development site ~~building~~ containing co-living or micro units, which wellness center shall have both self-service and personal training offerings such as strength training, yoga, stretching, recovery, mindfulness, cardiovascular equipment, and nutritional planning.

No variances shall be permitted from the provisions of this subsection (5).

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Item 38.

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 18, 2020

TITLE: **Discuss Permitting Outdoor Theatre Use.**

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
Yes	No

Departments

Planning

ATTACHMENTS:

Description	Type
C4 X	Memo

MIAMIBEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Ricky Arriola
DATE: February 12, 2020

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS PERMITTING OUTDOOR THEATRE USE.

ANALYSIS

The owner of the soon to be completed 1212 Lincoln project is seeking to bring a tenant to Miami Beach that will provide an outdoor theatre use. I ask that the Land Use and Sustainability Committee look into permitting this use.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
Yes	No

Legislative Tracking

Commissioner Ricky Arriola