

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: October 10, 2024

TITLE: DISCUSSION ON AMENDING THE LAND DEVELOPMENT REGULATIONS (LDRS) AND COMPREHENSIVE PLAN (CP) TO REQUIRE A HOUSING IMPACT STATEMENT FOR ALL DEVELOPMENT APPLICATIONS, TO INCLUDE MITIGATION MEASURES, AND MODIFY REVIEW CRITERIA TO CONSIDER HOUSING IMPACTS.

RECOMMENDATION

The Administration recommends that the Land Use and Sustainability Committee (LUSC) endorse the proposed amendments to the Land Development Regulations of the City Code (LDRs) and Comprehensive Plan and recommend that the Mayor and City Commission (City Commission) refer draft ordinances to the Planning Board.

BACKGROUND/HISTORY

On September 11, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred the item (C4 T) to the LUSC.

ANALYSIS

As indicated in the attached referral memorandum, the item sponsor has requested the LUSC discuss and consider amendments to the LDRs and Comprehensive Plan to mandate a "housing impact statement" as part of every development application process, including specific criteria for the housing impact statement. The item sponsor has also requested the LUSC discuss and consider potential amendments to the review criteria for applications before the Board of Adjustment (BOA), Design Review Board (DRB), Historic Preservation Board (HPB), and Planning Board (PB) to allow these bodies to consider the housing impact of development applications in their decision-making processes.

The following is draft text for amendments to the Comprehensive Plan and LDRs to effectuate this proposal:

Housing Impact Statement – Comprehensive Plan Policy

The housing element of the Comprehensive Plan would be amended to create a new policy specific to a housing impact statement, as follows:

OBJECTIVE HE 1.1: CREATION AND/OR PRESERVATION OF WORKFORCE AND AFFORDABLE HOUSING

* * *

POLICY HE 1.1.13

The City shall create a definition for a housing impact statement in the Land Development Regulations and shall include a review of such statement for applicable projects as part of the development review process for all land use boards.

Housing Impact Statement - Definition

Chapter 1 of the LDRs would be amended to create a definition for housing impact statement, as follows:

1.2.2 USE DEFINITIONS

* * *

1.2.2.1 Residential

* * *

Housing impact statement shall be defined as a written analysis provided by an applicant seeking approval from a city land use board, which outlines how a development project will impact existing residential units within the property that is the subject of the application and how such impacts will be mitigated. At a minimum, this document shall contain the following:

- a. A detailed analysis of the impact of the proposed development comparing current housing availability on the affected property before execution of the development with future housing availability after the development is completed.
- b. A full disclosure as to whether any residents currently or within the past year occupied the property, specifying how many of those households were affordable, Section 8, or workforce housing units.
- c. Identify any voluntary mitigation measures offered by the developer to assist affected residents with relocation or identifying alternate housing.

Land Use Board Review Criteria – Historic Preservation Board

Chapter 2 of the LDRs would be amended to create a requirement for a housing impact statement in the application requirements and review criteria for the BOA, DRB, HPB and PB. The following

draft text is specific to the HPB but would be included in the applicable sections pertaining to the BOA, DRB and PB.

2.13.7 ISSUANCE OF CERTIFICATE OF APPROPRIATENESS/CERTIFICATE TO DIG/CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION

a. General requirements.

* * *

b. Application

1. An application for a [certificate of appropriateness](#) may be filed with the historic preservation board at the same time or in advance of the submission of an application for a building permit. Copies of all filed applications shall be made available for inspection by the general public.
2. All applications for historic preservation board review involving demolition, new building construction, alteration, rehabilitation, renovation, restoration or any other physical modification of any building, structure, improvement, landscape feature, public interior or site individually designated in accordance with section [2.13.9](#), or located within an historic district shall be on a form provided by the planning department and shall include such information and attached exhibits as the board and the planning department determine are needed to allow for complete evaluation of the proposed demolition, construction and other physical improvements, alterations or modifications including, but not limited to, the following:

* * *

J. For applications on a property containing at least one residential unit, a housing impact statement, as defined in section 1.2.2.1, shall be required.

* * *

d. Decisions on certificates of appropriateness.

1. Any applicant requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in subsection [2.2.3.5](#). No application shall be considered complete until all requested information has been submitted and all applicable fees paid.
2. A decision on an application for a [certificate of appropriateness](#) shall be based upon the following:

* * *

C. The examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The historic preservation

board and planning department shall review plans based upon the below stated criteria and recommendations of the planning department may include, but not be limited to, comments from the building department. The criteria referenced above are as follows:

- I. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
- II. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
- III. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section [2.13.1\(c\)](#).
- IV. The proposed structure, or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and enhance the appearance of the surrounding properties, or the purposes for which the district was created.
- V. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
- VI. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.
- VII. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a city master plan, where applicable.
- VIII. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
- IX. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
- X. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
- XI. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.
- XII. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
- XIII. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
- XIV. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

- XV. *The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.*
- XVI. *In addition to the foregoing criteria, [subsection 104-6](#) (t) and the requirements of [chapter 104](#), of the General Ordinances, shall apply to the historic preservation board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.*
- XVII. *The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in [chapter 7, article I](#), as applicable.*
- XVIII. *In addition to the foregoing criteria, a housing impact statement, as defined in section 1.2.2.1, if required, shall be mandatory for historic preservation board review of any proposal that contains at least one existing residential unit, except for single-family homes. The housing impact statement shall be provided for tracking purposes and to inform future policy discussions of the board and/or the City Commission but may not serve as a basis for the approval or denial of a certificate of appropriateness application.*

The proposal herein would provide all land use boards with additional criteria to consider when evaluating projects that have an existing residential housing component. If there is consensus on this proposal, a separate referral by the City Commission to the Planning Board would be required.

FISCAL IMPACT STATEMENT

No Fiscal Impact

Does this Ordinance require a Business Impact Estimate? No
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends that the LUSC endorse the proposed LDR amendments and Comprehensive Plan amendments and recommend that the City Commission refer draft ordinances to the Planning Board.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Planning

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Condensed Title

Discussion on Amending The Land Development Regulations (LDRs) And Comprehensive Plan (CP) To Require A Housing Impact Statement For All Development Applications, To Include Mitigation Measures, And Modify Review Criteria To Consider Housing Impacts.