

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Eric Carpenter, City Manager
DATE: February 3, 2025 11:05 a.m. First Reading Public Hearing*

TITLE: WASHINGTON AVENUE RESIDENTIAL PLAN - LDR AMENDMENT
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 1, ENTITLED "GENERAL PROVISIONS," ARTICLE II, ENTITLED "DEFINITIONS," SECTION 1.2.1, ENTITLED "GENERAL DEFINITIONS," BY AMENDING THE DEFINITION OF FLOOR AREA AND CREATING A DEFINITION FOR MICRO-MOBILITY STATION; BY AMENDING CHAPTER 5, ENTITLED "OFF-STREET PARKING," ARTICLE II, ENTITLED "VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENTS," AT SECTION 5.2.4, ENTITLED "VEHICLE OFF-STREET PARKING REQUIREMENTS," BY AMENDING THE PARKING REQUIREMENTS FOR PARKING TIER 2; BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE I, ENTITLED "GENERAL TO ALL ZONING DISTRICTS," BY AMENDING SECTION 7.1.11, ENTITLED "RESIDENTIAL USE INCENTIVES," TO ESTABLISH RESIDENTIAL USE INCENTIVES SPECIFIC TO PROPERTIES FRONTING WASHINGTON AVENUE FROM 5TH STREET TO 17TH STREET; BY AMENDING ARTICLE II, ENTITLED "DISTRICT REGULATIONS," SECTION 7.2.5, ENTITLED "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," AT SUBSECTION 7.2.5.5, ENTITLED "MID BEACH RESIDENTIAL USE INCENTIVE AREA (RM-2)," TO ESTABLISH RESIDENTIAL USE INCENTIVES SPECIFIC TO PROPERTIES IN APPLICABLE RM-2 ZONING DISTRICTS FRONTING WASHINGTON AVENUE FROM 6TH STREET TO 7TH STREET; BY AMENDING SECTION 7.2.11, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," AT SUBSECTION 7.2.11.5, ENTITLED "WASHINGTON AVENUE (CD-2)," TO MODIFY EXISTING DEVELOPMENT REGULATIONS SPECIFIC TO PROPERTIES FRONTING WASHINGTON AVENUE AND TO CREATE A RESIDENTIAL INCENTIVE AREA SPECIFIC TO WASHINGTON AVENUE; BY AMENDING SECTION 7.2.12, ENTITLED "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," BY CREATING SUBSECTION 7.2.12.5, ENTITLED "WASHINGTON AVENUE RESIDENTIAL INCENTIVE AREA (CD-3)," TO CREATE A RESIDENTIAL INCENTIVE AREA SPECIFIC TO WASHINGTON AVENUE; BY AMENDING SECTION 7.2.15, ENTITLED "PERFORMANCE STANDARD DISTRICT (PS)," AT SUBSECTION 7.2.15.3, ENTITLED "COMMERCIAL PERFORMANCE STANDARDS DISTRICTS (C-PS)," TO CREATE A RESIDENTIAL INCENTIVE AREA SPECIFIC TO WASHINGTON AVENUE; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) approve the subject ordinance at First Reading and schedule a Second Reading public hearing for April 23, 2025.

BACKGROUND/HISTORY

On May 15, 2024, at the request of Commissioner David Suarez, the City Commission referred a proposal for establishing incentives for non-transient residential uses on Washington Avenue (C4 AA) to the Land Use and Sustainability Committee (LUSC) and the Planning Board. On June 10, 2024, the LUSC discussed the item, and recommended that the Planning Board approve the proposed ordinances amending the Land Development Regulations of the City Code (LDRs) and the Comprehensive Plan, inclusive of the following amendments:

1. Incorporate adequate setbacks.
2. Provide minimum parking for service workers and building staff.
3. Limit the total amount of floor area that can be exempt for micro-mobility areas.
4. Limit the sunset provision to no more than 5 years.

Additionally, Commissioner Tanya K. Bhatt and Joseph Magazine were added as co-sponsors of the proposal.

On July 30, 2024, the Planning Board reviewed the proposed ordinances and continued each to the September 24, 2024, Planning Board meeting. On September 10, 2024, a public workshop was held after the first review of the Planning Board and additional input received from the participants.

On September 24, 2024, the ordinances were continued to a date certain of October 29, 2024, at the request of the item sponsor, to consider modifications to the proposed incentives. Since an increase in the maximum floor area ratio (FAR) is being proposed, the process was required to restart at step 1.

On October 29, 2024, the Planning Board reviewed the proposed ordinances and continued each to a date certain of November 26, 2024.

On November 5, 2024, the LUSC discussed the proposed ordinances and recommended the following:

1. Remove the maximum unit size requirement of 1,200 square feet.
2. The Planning Board discuss and provide a recommendation regarding the potential incorporation of a Transfer of Development Rights (TDR) program.
3. The Planning Board discuss and provide a recommendation regarding the potential inclusion of an attainable housing requirement for a certain percentage of the increased floor area.

Additionally, Commissioner Alex Fernandez became a co-sponsor of the item.

On November 7, 2024, an additional required public workshop after the October 29, 2024, review of the Planning Board was held, and additional input was received. On November 26, 2024, the Planning Board reviewed and transmitted the proposed ordinances to the City Commission.

ANALYSIS

The proposed amendments to the LDRs and the Comprehensive Plan create tangible incentives for non-transient residential uses on Washington Avenue, from 5th to 17th Street. The proposed incentives are predicated on the following:

- Non-transient, residential apartment units only.
- A minimum micro-mobility component within the interior of the structure, accessible by all residential units.
- The minimum lot size for an eligible project shall not be less than 13,000 square feet.

The following is a summary of the key amendments associated with the proposed incentives:

1. Parking Tier 2.c is proposed to be modified to eliminate the minimum off-street parking requirement for non-transient, residential projects. Additionally, a cap on the number of off-street parking spaces that may be provided within an eligible project shall not exceed 20% of the number of off-street parking spaces required under parking tier 1. This limitation shall not apply to CD-3 zoned properties that have existing publicly accessible parking facilities on the same lot that were approved prior to January 1, 2024.
2. The maximum FAR shall be increased from 2.0 to 4.0 for C-PS2, RM-2 and CD-2 zoned properties and 3.25 for CD-3 zoned properties. This proposed increase in FAR is only applicable to projects meeting the requirements for non-transient residential projects.
3. The interior portions of a project dedicated to micro-mobility shall be exempt from the definition of floor area.
4. The maximum building height for non-transient residential buildings shall be increased from 50 feet to 75 feet and the current maximum height for hotels and transient residential shall be decreased from 75 feet to 50 feet. Up to an additional 25 feet in building height may be permitted, not to exceed 100 feet, for C-PS2, RM-2 and CD-2 zoned properties and up to an additional 75 feet in building height may be permitted, not to exceed 150 feet, for CD-3 zoned properties, subject to the following:
 - a. Off-street parking shall be prohibited, except for projects located within the CD-3 district that have existing publicly accessible parking facilities on the same lot that were approved prior to January 1, 2024.
 - b. The project shall exceed minimum micro-mobility requirements, as well as participate in a public micro-mobility network.
 - c. An elimination of the mobility fee, for projects that have obtained a full building permit by September 1, 2032.
 - d. A sunset provision has been included, which requires that any project eligible for these incentives obtain a full building permit by September 1, 2032.
5. Maximum density is increased from 100 -106 units per acre to 175 units per acre.
6. The Historic Preservation Board (HPB) may consider a waiver of the minimum front and street side setback requirements.

Finally, the proposed ordinance includes the following applicability section:

The Ordinance shall not apply to properties fronting Washington Avenue that have an active land use board application, with a hearing file number, and where a notice to proceed to public hearing has been issued by the City no later than July 1, 2024.

Attached are maps showing the specific areas applicable to the proposed ordinance.

REVIEW REQUIREMENTS

The application submitted herein is in accordance with Section 7.1.10.2(a) of the LDRs, for amendments increasing maximum allowable FAR, and which requires the following review process:

a. Step One – Planning Board Preliminary Review.

The Planning Board, at a duly noticed public hearing, shall perform an initial review of the proposed ordinance. Notice of the Planning Board preliminary review hearing shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations. If the proposed ordinance involves less than ten (10) contiguous acres, the notice requirements for the preliminary Planning Board review shall also include a minimum 30-day mail notice for all properties within 375 feet of the properties subject to the proposed floor area or FAR increase, and a 30-day published notice.

Prior to the Planning Board's preliminary review stage, the Administration, either internally or with the assistance of an outside consultant, will perform an impact analysis of the proposed FAR increase; and such impact analysis shall include, but not be limited to, the following:

1. Calculation of the actual square footage increase for affected properties such as, for example, the maximum allowable square footage for residential, office, retail, hotel or other uses resulting from the FAR increase.
2. An infrastructure analysis regarding potential impacts on traffic/mobility, parking, water, sewer, resiliency, parks and open space, as well as any other area of concern identified by the City Commission or the Administration.
3. Massing studies, which illustrate the volume and location of the area associated with the proposed increase in FAR.

For private applications, the applicant shall be required to provide all data and exhibits related to the above noted impact analysis as part of the application submission. The findings of this impact analysis shall be presented to the Planning Board at the preliminary review stage.

b. Step Two – Community Outreach Meeting:

Subsequent to the Planning Board's preliminary review meeting, the City shall facilitate a public meeting for all affected stakeholders, in order to solicit additional input and feedback, as well as for City staff to address any outstanding issues or questions. A reasonable effort shall be made to ensure that such public meeting is held no later than 45 days from the date of the preliminary review by the Planning Board. Courtesy notice of the meeting shall be given by the applicable City department, in coordination with the Planning Department, in a manner consistent with the City's courtesy notices for other community meetings, workshops, or presentations.

c. Step Three – Planning Board Transmittal:

At a second duly noticed public hearing, which is separate and apart from the preliminary review hearing, the Planning Board shall consider and transmit the proposed ordinance to the City Commission with a recommendation. Notice of this transmittal hearing shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations.

After transmittal by the Planning Board to the City Commission, the review requires a similar 3-step process:

a. Step One – First Reading Public Hearing:

After transmittal of the ordinance by the Planning Board, the City Commission shall hold

a first reading public hearing. Notice of the first reading shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations. If the proposed ordinance involves less than ten (10) contiguous acres, the notice requirements for first reading shall also include a minimum 30-day mail notice for all properties within 375 feet of the properties subject to the proposed floor area or FAR increase, and a 30-day published notice.

b. Step Two – Community Workshop:

Subsequent to the approval of the ordinance at first reading, and prior to second reading, at least one additional community workshop, which is separate and apart from the first reading public hearing, shall be held. This additional community workshop shall be considered a courtesy meeting, and open to participation by all affected stakeholders, including residents, property owners, or businesses in the surrounding area that may be affected by the proposed floor area or FAR increase, as determined by the City Commission. Such community workshops may be held in a virtual, in-person or hybrid formats, at the discretion of the City Commission, and shall be noticed in a manner to be determined by the City Commission.

c. Step Three – Second Reading / Adoption Public Hearing:

After the community workshop described above, the City Commission shall hold a second reading public hearing to consider final adoption of the proposed ordinance. Notice of the second reading shall be given in accordance with the applicable provisions in Chapter 2, Article IV of the Land Development Regulations.

Additionally, as the proposed ordinance includes an increase in maximum allowable FAR, an affirmative vote of 6/7th of the City Commission is required for approval.

INFRASTRUCTURE IMPACTS

Per section 7.1.10.3 of the LDRs, the Administration is required to perform an impact analysis of the proposed FAR increase. This impact analysis must include but not be limited to, the following:

1. Calculation of the actual square footage increase for affected properties such as, for example, the maximum allowable square footage for residential, office, retail, hotel or other uses resulting from the FAR increase.
2. An infrastructure analysis regarding potential impacts on traffic/ mobility, parking, water, sewer, resiliency, parks and open space, as well as any other area of concern identified by the City Commission or the Administration.
3. Massing studies, which illustrate the volume and location of the area associated with the proposed increase in FAR.

Attached is the impact analysis provided to the Planning Board as part of their review. Additionally, a massing study prepared by Arquitectonica is attached. This massing study includes site plans, sections and perspectives, with views along Washington Avenue showing potential development at a maximum height of 75 feet and 100 feet, as well as FAR options up to 4.0. The following properties were used for this massing study:

- 705–739 Washington Avenue
- 1260 Washington Avenue
- 1261 Washington Avenue
- 1359 Washington Avenue
- 930 Washington Avenue

NOTE: No development projects have been submitted for any of these sites, and they were used solely to illustrate the potential impact of the increase in building height and intensity, as proposed in the draft ordinance.

PUBLIC OUTREACH SUMMARY

Following the Planning Board's preliminary review meeting on July 30, 2024, a public meeting was held on September 10, 2024, via Zoom, for all affected stakeholders, to solicit additional input and feedback. The following is a link to the meeting: <https://youtu.be/wzk0viU1NUE>.

Following the Planning Board's October 29, 2024 review, another public meeting was held on November 7, 2024, via Zoom, for all affected stakeholders, to solicit additional input and feedback. The following is a link to the meeting: <https://youtu.be/Ja2q14yGik0>.

COMPREHENSIVE PLAN AMENDMENT AND REVIEW PROCESS

The proposal requires an amendment to the Comprehensive Plan for the proposed increases in intensity (FAR) and density (units per acre of land). A companion amendment to the Comprehensive Plan will be considered as a separate ordinance by the City Commission.

PLANNING BOARD REVIEW

On November 26, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance, as well as a separate, companion ordinance amending the Comprehensive Plan, to the City Commission with a favorable recommendation (7-0). The Planning Board also made the following additional recommendations, each by separate vote:

1. Establish a maximum unit size of 1300 square feet (4-3).
2. Reduce the 50% micro-mobility requirement at the first level (7-0).
3. Establish a minimum percentage of housing units that must be below market rates (7-0).
4. The inclusion of a Transfer of Development Rights (TDR) program (7-0).
5. Recommended that the larger Washington Avenue area be reviewed regarding maximum allowable FAR and height (4-3).

PROPOSAL SUMMARY

The Administration is supportive of the proposed amendments to the LDRs and Comprehensive Plan, as they provide tangible incentives for the development of non-transient residential uses on Washington Avenue. It is important to note that the incentives contained herein are not a blanket increase in development rights for any property and any type of use. To the contrary, they are strategic incentives and limited solely to non-transient uses.

As shown on the attached massing illustrations, potential future development is not expected to be out of scale with the established context of the neighborhood. Additionally, there are minimum setback requirements set forth in the LDRs, and all new proposals will require a rigorous certificate of appropriateness review from the Historic Preservation Board.

The additional increase in FAR is intended to jump start non-transient residential development along Washington Avenue, and the timeframe to utilize the incentives is limited. Although residential use has been permitted on Washington Avenue for decades, including an existing 0.5 FAR bonus for residential uses, there has been little interest among private developers, to date, in pursuing non-transient residential projects. The goal of the proposed incentives is to create opportunities for aggregating enough parcels to make non-transient residential projects feasible.

Attached is a map illustrating existing transit and mobility routes in and around the incentive area. The proposed incentives would take advantage of the established transit network on Washington Avenue and the larger area south of 17th Street, as well as promote and expand opportunities for micro-mobility options by future residents. The reduced parking requirements and defined boundaries of the incentive area is aimed primarily at urban dwellers who either live and work in city, and/or do not rely on a car for everyday mobility purposes. This type of development model has shown success in areas across the country, and Miami Beach is well set up to accommodate it.

In closing, the introduction of non-transient residential uses will go a long way in improving and upgrading the character of Washington Avenue by increasing full time residents. As has been shown in other areas of the city such as Sunset Harbor and South of Fifth, a core residential population will eventually lead to commercial uses that support the residential community, as opposed to uses oriented toward visitors. The proposal herein is a long-term strategy, and establishing the foundation for tangible incentives is the first step. In the coming years if the City Commission concludes that this strategy is not working as intended, there is a built-in safety valve in the form of a sunset provision that will ensure the incentives are limited in duration.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends the following:

1. The City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for April 23, 2025.
2. If the ordinance is approved at First Reading, an additional public outreach meeting, pursuant to Section 7.1.10.2(a) of the LDRs, shall be held prior to Second Reading.

Applicable Area

South Beach

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 David Suarez

Co-sponsor(s)

Commissioners Tanya K. Bhatt
Commissioner Alex Fernandez
Commissioner Joseph Magazine

Condensed Title

11:05 a.m. 1st Rdg PH, Washington Ave Residential Plan-LDR Amendments. (DS/TB/AF/JM)
5/7

Previous Action (For City Clerk Use Only)