



**COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: November 20, 2024 1:30 p.m. Public Hearing

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING PURSUANT TO SECTION 7.2.16.3 OF THE CITY'S RESILIENCY CODE THE WAIVER OF CERTAIN LAND DEVELOPMENT REGULATIONS APPLICABLE TO THE CITY-OWNED COLLINS PARK GARAGE, LOCATED AT 340 23RD STREET, MIAMI BEACH, FLORIDA, WHICH IS LOCATED IN A GU (GOVERNMENT USE) DISTRICT; WAIVING BY A 5/7TH VOTE OF THE CITY COMMISSION, FOLLOWING A PUBLIC HEARING, THE DEVELOPMENT REGULATIONS IN CHAPTER 6 OF THE RESILIENCY CODE PERTAINING TO TEMPORARY CONSTRUCTION SIGNS, IN ORDER TO WAIVE THE REQUIREMENTS AND REVIEW CRITERIA RELATING TO TEMPORARY CONSTRUCTION SIGNAGE AND AUTHORIZE THE INSTALLATION OF A TEMPORARY ARTISTIC STOREFRONT WINDOW COVERING THAT HIGHLIGHTS MIAMI NEW DRAMA, INC., A NOT-FOR-PROFIT CORPORATION, WHICH IS THE LESSEE OF THE FUTURE COLLINS PARK CULTURAL ARTS FACILITY, LOCATED ON THE GROUND FLOOR OF THE COLLINS PARK GARAGE.

**RECOMMENDATION**

The Administration recommends that the Mayor and City Commission conduct a public hearing and adopt the Resolution, by a 5/7ths vote, to approve a waiver of the Government Use (GU) district development regulations, allowing the installation of a temporary artistic storefront window covering at the ground floor of the Collins Park Garage. The artistic display will highlight Miami New Drama, Inc., and the future Collins Park Cultural Arts Facility.

**BACKGROUND/HISTORY**

On January 27, 2021, the Mayor and City Commission waived competitive bidding to accept an unsolicited proposal from Miami New Drama, Inc. (MiND) for a lease of approximately 16,000 square feet of ground-floor interior and exterior space at the City-owned Collins Park Garage at 340 23rd Street. MiND's proposal outlined a vision for the space as their primary performance venue and headquarters, encompassing a black box theater, rehearsal space, dressing rooms, administrative offices, and a standalone restaurant/café.

Subsequently, on October 27, 2021, the Mayor and City Commission approved a Lease Agreement (Resolution No. 2021-31914) with MiND, designating that MiND would fund and deliver the design and architectural services for the space, while the City would finance and manage the construction. The Lease was formally executed on April 18, 2022.

Following Miami Beach residents' approval of the General Obligation Bond for Arts and Culture (GOBAC) program on November 8, 2022, the City Commission allocated \$7.67 million toward the facility's buildout on July 26, 2023 (Resolution No. 2023-32713).

Since February 2024, the Administration has engaged in discussions with MiND regarding the project's future, culminating in a September 11, 2024 City Commission referral to the Finance and

Economic Resiliency Committee to consider amending the lease terms to reflect a proposed update to responsibilities in managing and constructing the space. On November 8, 2024, the FERC discussed MiND's proposed Lease modifications and supported the delegation of construction management responsibilities to MiND as long as the amendment of the Lease provides for significant City oversight throughout all stages of the development process. The Committee also recommended a grant agreement associated with the GOBAC funds.

Currently, the ground floor of the Collins Park Garage remains an unimproved, vacant space behind a glass window storefront. This current configuration is not befitting of the future facility, envisioned as a cultural amenity that will enhance the cultural fabric of the Collins Park neighborhood. The City Code dictates that vacant commercial spaces throughout Miami Beach should be screened from public view. To promote this goal, the City's Vacant Storefront Cover Program uses attractive designs approved by the Planning Department to wrap empty storefront windows citywide, at no cost to tenants and property owners.

In this case, the Administration approached MiND with the opportunity to design window covers that would highlight the not-for-profit theater company and its upcoming presence in the neighborhood as future tenant of the premises. In the event that MiND was unable to timely prepare an artistic design that complies with the City Code's signage criteria in historic districts, the City was prepared to install window covers, for example, using the Vacant Storefront Cover Program's pre-approved designs.

The Administration determined that MiND's initial design iterations did not meet the Resiliency Code's guidelines on commercial type graphics and signage size limits; for example, the restriction of text in temporary signs to 25% of the total storefront window area. Although the Administration suggested modifications to explore compliant design options, MiND's shared that further revisions to the current design could compromise its artistic integrity and conflict with union guidelines concerning the MiND performers depicted in the graphics. **(Attachment 1: Proposed Window Cover Design)**

## **ANALYSIS**

The Administration collaborated with representatives from MiND and the Collins Park Neighborhood Association (CPNA) to devise a plan that accommodates MiND's artistic vision while complying with City Code standards. The plan entails:

1. **Special Event Permit:** A short-term permit for initial display in advance of Art Week Miami Beach 2024, processed through the Tourism and Culture Department's Special Events Office.
2. **Development Regulation Waiver:** The proposed Resolution seeks City Commission approval to waive certain GU district regulations pertaining to temporary construction signage under Chapter 6 of the Resiliency Code. This waiver would permit MiND's artistic storefront display for a temporary but extended duration during the facility's buildout.

As authorized in Section 7.2.16.3 of the Resiliency Code, the Mayor and City Commission may waive, by a 5/7ths vote and following a public hearing, certain land development regulations for City-owned properties used by not-for-profit, educational, or cultural organizations. In compliance with public hearing requirements of Section 7.2.16.3, the City has ensured proper notice through newspaper, mail notice to the owners of land lying within 375 feet of the property, and on-site posting. A 5/7ths vote of the City Commission is required to approve a waiver or use that is considered under this regulation.

The design was shared at the Collins Park Neighborhood Association's (CPNA) October 15, 2024 membership meeting. According to leadership from CPNA's board of directors, more than 50 residents of Collins Park attended, and feedback was overwhelmingly supportive of MiND's proposed artistic display, suggesting favorable community support for this neighborhood enhancement.

## **FISCAL IMPACT STATEMENT**

Window coverings, administered via the City's Vacant Storefront Program, are installed through a pre-approved, registered vendor, with a per square foot cost for the design and installation of colored window graphics. The cost for the Collins Park Garage window covering, estimated at approximately \$18,000, will be borne by the City via the Economic Development Department.

## **Does this Ordinance require a Business Impact Estimate?**

(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-notices/>

## **FINANCIAL INFORMATION**

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## **CONCLUSION**

The temporary artistic covering for the Collins Park Garage will elevate the appearance of the unoccupied space and conceal the interior while being designed, furnished, and equipped by the future tenant, MiND. Moreover, the window covering design will generate anticipation and excitement around the Collins Park Cultural Arts Facility while promoting the City's tenant and cultural anchor.

Given the codified policy promoting window coverings and the neighborhood's support of this specific design, the Administration recommends that the City Commission adopt the Resolution following the duly noticed public hearing, thereby approving the waiver for a temporary installation.

## **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?**

Yes

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** Yes

If so, specify the name of lobbyist(s) and principal(s): Miami New Drama, Inc. / Nick Richberg

## **Department**

Economic Development

## **Sponsor(s)**

## **Co-sponsor(s)**

**Condensed Title**

1:30 p.m. PH, Waive LDRs for Temporary Signage at Collins Park Garage - Miami New Drama.  
ED 5/7