

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: October 27, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **Ordinance Amendment**
File No. 2289 – Traffic Studies Ordinance

REQUEST

File No. 2289. TRAFFIC STUDY REQUIREMENTS. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE VI, "DESIGN REVIEW PROCEDURES," AT SECTION 118-253, BY INCLUDING APPLICATION REQUIREMENTS FOR DESIGN REVIEW BOARD APPLICATIONS, TO INCLUDE THRESHOLD REQUIREMENTS FOR THE SUBMISSION OF TRAFFIC STUDIES, AND BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE X, "HISTORIC PRESERVATION," DIVISION 3, "ISSUANCE OF CERTIFICATE OF APPROPRIATENESS TO DIG / CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION," AT SECTION 118-562, BY INCLUDING THRESHOLD REQUIREMENTS FOR THE SUBMISSION OF TRAFFIC STUDIES FOR HISTORIC PRESERVATION BOARD APPLICATIONS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

HISTORY/ BACKGROUND

On June 10, 2015, at the request of Commissioner Micky Steinberg, the City Commission referred this item to the Land Use and Development Committee and the Neighborhoods Committee (Item C4H).

On June 17, 2015, the Land Use Committee directed the Administration to draft an Ordinance establishing broader requirements for the submission of traffic studies, and continued the matter to July 29, 2015.

On July 29, 2015 the Land Use Committee discussed the item and continued it to the September 9, 2015 meeting. The Committee also recommended that the City Commission refer the item to the Planning Board.

On September 2, 2015, the City Commission referred the subject Ordinance to the Planning Board (Item C4B).

On September 9, 2015, the Land Use Committee discussed the item and continued the matter to October 7, 2015, in order for the Administration to provide threshold traffic study standards for the Ordinance. On October 7, 2015, the Land Use and Development Committee endorsed the threshold standards proposed herein.

REVIEW CRITERIA

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

- 1. Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed ordinance is consistent with the Goals, Objectives, and Policies of the *City of Miami Beach 2025 Comprehensive Plan*.

The amendment is consistent with *Future Land Use Element Policy 1.1* of the *Comprehensive Plan* which states the following:

7. Ensure safe and convenient traffic flow and vehicle parking needs.

- 2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Not applicable – The proposed amendment does not modify district boundaries.

- 3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Consistent – The proposed Ordinance does not affect the scale of development.

- 4. Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent – The proposed ordinance will not increase the level of intensity of development and will not affect the load on public facilities.

- 5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not applicable – The proposed change does not modify existing district boundaries.

- 6. Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – Increases in traffic congestion as a result of new development makes passage of the proposed change necessary.

- 7. Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed change will not adversely affect living conditions in the

neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – The proposed change will not create or increase traffic congestion.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Consistent – The proposed ordinance will not reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposed change should not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not applicable.

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable.

ANALYSIS

As part of the planning process for approval of private development projects, the City Code requires that, under certain conditions, the applicant prepare a traffic impact study for approval by the City. Below are excerpts from the City Code related to the provision of traffic studies in relation to applications reviewed by the Planning Department:

Sec. 118-6. - Use of, and cost recovery for, consultants for applications for development approval.

- (a) *Purpose and summary.* The City Commission declares that new procedures are required to provide for preparation and review of traffic and other technical studies and/or reports to restore and instill confidence in the development approval process. Further, such new procedures are necessary to confirm that adverse effects of development are adequately evaluated for property owners, citizens, residents and taxpayers in the City of Miami Beach. The new procedures will provide for the creation and maintenance of an approved list of qualified consultants to provide impartial expertise for preparation and/or review of studies and reports required for assessment of impacts of applications for

development approval, upon which applicants for development approval, affected citizens, and the city can rely.

- (d) *Requirements for selection of a city consultant and procedures for payment.* Prior to the applicant submitting an application for development approval, the applicant shall meet with city staff to determine the types of studies and/or reports required for the proposed project, as well as the methodology to be followed as part of the production of the study.
- (1) When an applicant is required to submit, as part of an application for development approval, a traffic or any other technical study and/or report, the applicant may elect either:
- A. To authorize the city to commission the study/report, to be prepared by a city-approved consultant selected by city staff from the approved list maintained by the procurement division; or
 - B. To prepare a required study/report using its own consultant.

The process described as part of the City Code has been recently modified to expedite the peer review process. Under the current process for Planning Board applications, the applicant retains a traffic engineering consultant who attends the pre-application meeting with City staff in order to discuss the methodology of the traffic study, prior to submittal. The City has a peer reviewer under contract to provide review of all traffic studies related to Planning Board Conditional Use applications.

At the pre-application meeting, the traffic study methodology is discussed and developed. Subsequent to the pre-application meeting, the applicant's traffic engineering consultant will submit to the City the written study methodology for approval prior to initiating the production of the study. At this meeting, the applicant is also informed of the cost of the peer review. A check in the amount indicated must be submitted to the City prior to initiating the peer review process.

Once a traffic study is submitted to the City as part of the Planning Board application, a copy is sent to the peer reviewer for review and comments. Within seven (7) days after receiving the traffic studies, city Transportation staff submits comments to the applicant. These comments are also coordinated with the peer reviewer.

The goal is to address all traffic/transportation issues related to a development project at least 20 days prior to the Planning Board meeting. After all the traffic related issues have been addressed, the Transportation Department submits a memorandum with recommendations to the Planning Department. The Planning Department takes the transportation considerations into account in making a recommendation to the Planning Board, including adding specific conditions of approval if needed.

In many instances development projects are required to obtain both Conditional Use approval (from the Planning Board), as well as either Design Review Board or Historic Preservation Board approval. In these instances traffic impacts are addresses as part of the Planning Board application review.

Unlike Planning Board applications, Historic Preservation Board (HPB) and Design Review Board (DRB) applications follow a different review process. In general, the traffic impact resulting from a private development project is not a consideration in HPB and DRB

applications. Thus, projects approved by the HPB and DRB are currently not required to conduct a traffic impact study as part of the initial Board review. As part of the Building Permit review process, the City can require that a traffic impact study be submitted. However at this point the permit plans have been fully developed and modifications to the plans can come at great expense to the applicant.

PROPOSED REQUIREMENTS

Planning and Transportation Departments have put together draft thresholds under which applications to the DRB and HPB would be required to submit a traffic impact study. While the level of review would not be as intense as the current process required as part of a Planning Board application, it would provide a sufficient level of assessment by the Transportation and Planning Departments in order to identify any major concerns or issues with an application, which could be addressed early in the development review process.

In the attached draft ordinance, the sections of the Land Development Regulations that would be best suited for DRB and HPB required traffic studies have been identified, as well as the specific thresholds for mandating the submission of a traffic study for these particular boards. Specifically, the following new language is proposed for both the DRB and HPB submission requirements:

- (1) Transportation Study and Mitigation Plan, which shall include strategies to mitigate traffic generated by the development, and shall encourage the use of alternative modes of transportation, in accordance with the following:
 - a. A traffic circulation analysis and plan, prepared by a Professional Traffic Engineer registered in the State of Florida, which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated, shall be required in the following instances:
 1. Within the City's Transportation Concurrency Management Areas (TCMA's), as amended from time to time, all new development projects exceeding 15,000 gross square feet.
 2. Development projects that propose new floor area or an increase in floor area, and are located within a ½ mile radius from any roadway segment with a level of service E or F.
 - b. Developments excluded from performing a Transportation Study and Mitigation Plan are limited to:
 1. Single family homes.
 2. Multi-family projects (exclusive of mixed-use projects) with less than 15,000 gross square feet.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

TRM/MAB/RAM

TRAFFIC STUDY REQUIREMENTS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE VI, "DESIGN REVIEW PROCEDURES," AT SECTION 118-253, BY INCLUDING APPLICATION REQUIREMENTS FOR DESIGN REVIEW BOARD APPLICATIONS, TO INCLUDE THRESHOLD REQUIREMENTS FOR THE SUBMISSION OF TRAFFIC STUDIES, AND BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE X, "HISTORIC PRESERVATION," DIVISION 3, "ISSUANCE OF CERTIFICATE OF APPROPRIATENESS TO DIG / CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION," AT SECTION 118-562, BY INCLUDING THRESHOLD REQUIREMENTS FOR THE SUBMISSION OF TRAFFIC STUDIES FOR HISTORIC PRESERVATION BOARD APPLICATIONS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

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

WHEREAS, the City of Miami Beach Land Development Regulations ("LDRs") provides for the regulation of land within the City; and

WHEREAS, the City currently has in place policies and procedures as part of the planning process for review of traffic impacts from private development projects; and

WHEREAS, although the Planning Board as part of the Conditional Use process reviews and evaluates traffic impacts from development, currently the Design Review Board and Historic Preservation do not generally consider the traffic impact resulting from a private development project; and

WHEREAS, it is in the best interest of the City to consider and evaluate traffic impacts and mitigation measures from development projects even when a Conditional Use review and approval from the Planning Board is not required; and

WHEREAS, the City desires to establish certain threshold requirements for the submission of traffic impact studies for Design Review Board and Historic Preservation Board applications; and

WHEREAS, the Planning Board, at its meeting dated _____, by a vote of _____ recommended in favor of the Ordinance; and

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

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

SECTION 1. That Section 118-253, "Application for design review", is hereby amended as follows:

Sec. 118-253. - Application for design review.

(a) The applicant shall obtain a design review application from the planning department, which shall be responsible for the overall coordination and administration of the design review process. When the application is complete, the planning department shall place the application on the agenda and prepare a recommendation to the design review board. The planning department shall determine the date on which the application will be heard by the board; however, the board shall consider the application and planning department recommendation at the next available meeting date after the submission of a completed application to the planning department.

* * *

(d) All applications 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 in accordance with section Section 118-252 of the Miami Beach Code 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:

- (1) Completed board application, affidavits & disclosures of Interest.
- (2) Written description of proposed action with details of application request.
- (3) Survey (original signed & sealed) dated less than 6 months old at the time of application (lot area shall be provided by surveyor), identifying grade (If no sidewalk, provide a letter from Public Works, establishing grade), spot elevations and Elevation Certificate.
- (4) All applicable zoning information.
- (5) Complete site plan.
- (6) Materials containing detailed data as to architectural elevations and plans showing proposed changes and existing conditions to be preserved.
- (7) Preliminary plans showing new construction in cases of demolition.
- (8) All available data and historic documentation regarding the building, site or feature, if required.
- (9) A transportation study and mitigation plan, which shall include strategies to mitigate traffic generated by the development, and shall encourage the use of alternative modes of transportation, in accordance with the following:

a. A traffic circulation analysis and plan, prepared by a professional traffic engineer registered in the State of Florida, which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated, shall be required in the following instances:

1. Within the City's Transportation Concurrency Management Areas (TCMA's), as amended from time to time, all new development projects exceeding 15,000 gross square feet.
2. Development projects that propose new floor area or an increase in floor area, and are located within a half mile of any roadway segment with a level of service E or F, as defined by the Transportation Research Board's Highway Capacity Manual, as amended from time to time.

b. Developments specifically excluded from performing a transportation study and mitigation plan are limited to:

1. Single family homes; and
2. Multi-family projects (exclusive of mixed-use projects) with less than 15,000 gross square feet.

SECTION 2. That Section 118-562, "Application", is hereby amended as follows:

Sec. 118-562. - Application.

* * *

(b) All applications 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 sections 118-591, 118-592 and 118-593, 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:

- (1) Written description of proposed action.
- (2) Survey.
- (3) Complete site plan.
- (4) Materials containing detailed data as to architectural elevations and plans showing proposed changes and existing conditions to be preserved.
- (5) Preliminary plans showing new construction in cases of demolition.
- (6) An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
- (7) Any application which involves substantial structural alterations to or the substantial or full demolition of any building, structure, improvement, significant landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district, with the exception of non substantial exterior structural repairs,

alterations and improvements (as may be more specifically defined by the board in its by-laws and application procedures), shall be required to include a structural evaluation and corrective action report prepared by a professional (structural) engineer, licensed in the state as a part of the application at time of submission. A financial analysis or feasibility study addressing the demolition proposed shall not be required by the historic preservation board in their evaluation. For nonsubstantial exterior structural repairs, alterations and improvements (as may be more specifically defined by the board in its by-laws and application procedures), a signed and sealed engineering drawing shall be required. The structural evaluation and corrective action report shall include, but not be limited to, the following:

* * *

(8) The historic preservation board, for applications involving the full demolition of any contributing building, structure or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district, may request the city to retain a licensed independent structural engineer, with expertise in historic structures, to perform an independent evaluation of the structure proposed to be demolished. The city commission, in its sole discretion, may review the request and appropriate funds to cover the costs associated with the retention of such engineer. The planning department shall select the independent structural engineer from a qualified list it maintains. If it is determined by the independent structural engineer that the building, structure or site can be retained, preserved or restored, and a certificate of appropriateness is issued based upon such determination, then the property owner shall reimburse the city for all costs it paid to such engineer, and the property may be liened to assure payment. If it is determined by the independent structural engineer that the building, structure or site cannot be retained, preserved or restored, then the city shall bear the responsibility of all costs incurred by such independent structural engineer.

(9) A traffic transportation study and mitigation plan, which shall include strategies to mitigate traffic generated by the development, and shall encourage the use of alternative modes of transportation, in accordance with the following:

a. A traffic circulation analysis and plan, prepared by a professional traffic engineer registered in the State of Florida, which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated, shall be required in the following instances:

1. Within the City's Transportation Concurrency Management Areas (TCMA's), as amended from time to time, all new development projects exceeding 15,000 gross square feet.
2. Development projects that propose new floor area or an increase in floor area, and are located within a half mile of any roadway segment with a level of service E or F, as defined by the Transportation Research Board's Highway Capacity Manual, as amended from time to time.

b. Developments specifically excluded from performing a transportation study and mitigation plan are limited to:

1. Single family homes; and
2. Multi-family projects (exclusive of mixed-use projects) with less than 15,000 gross square feet.

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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 _____, 2016.

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:
Second Reading:

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

Underscore denotes new language
~~Strikethrough~~ denotes deleted language