



CITY OF NORTH MIAMI BEACH

City Council Meeting
City Hall, Council Chambers, 2nd Floor
17011 NE 19th Avenue
North Miami Beach, FL 33162
Tuesday, November 3, 2015
7:30 PM

Mayor George Vallejo
Vice Mayor Phyllis S. Smith
Councilman Anthony F. DeFillipo
Councilwoman Barbara Kramer
Councilwoman Marlen Martell
Councilman Frantz Pierre
Councilwoman Beth E. Spiegel

City Manager Ana M. Garcia
City Attorney Jose Smith
City Clerk Pamela L. Latimore, CMC

Notice to All Lobbyists

Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council.

City Council Meeting Agenda

- 1. ROLL CALL OF CITY OFFICIALS**
- 2. INVOCATION**
TBA
- 3. PLEDGE OF ALLEGIANCE**
- 4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO THE AGENDA**
- 5. PRESENTATIONS / DISCUSSIONS**
 - 5.1. Citizens Appreciation Award Recognizing Terrance Camenzuli (Councilwoman Kramer)**
 - 5.2. Proclamation for Rodney Baltimore, WHQT Hot 105 Morning Show Co-Host, For His Commitment to Community Service (Councilwoman Kramer)**
- 6. PUBLIC COMMENT**

To All Citizens Appearing Under Public Comment

The Council has a rule which does not allow discussion on any matter which is brought up under Public Comment. We are, however, very happy to listen to you. The reason for this is that the Council must have Staff input and prior knowledge as to the facts and figures, so that they can intelligently discuss a matter. The Council may wish to ask questions regarding this matter, but will

not be required to do so. At the next or subsequent Council meeting you may have one of the Councilpersons introduce your matter as his or her recommendation. We wish to thank you for taking the time to bring this matter to our attention. Under no circumstances will personal attacks, either from the public or from the dais, be tolerated.

Speaking Before the City Council

There is a three (3) minute time limit for each speaker during public comment and a three (3) minute time limit for each speaker during all public hearings. Your cooperation is appreciated in observing the three (3) minute time limit policy. If you have a matter you would like to discuss which requires more than three (3) minutes, please feel free to arrange a meeting with the appropriate administrative or elected official. In the Council Chambers, citizen participants are asked to come forward to the podium, give your name and address, and the name and address of the organization you are representing, if any. If you are speaking on a public hearing item, please speak only on the subject for discussion. Thank you very much, in advance, for your cooperation.

Pledge of Civility

A resolution was adopted by the Mayor and City Council of the City of North Miami Beach recognizing the importance of civility, decency, and respectful behavior in promoting citizen participation in a democratic government. The City of North Miami Beach calls upon all residents, employees, and elected officials to exercise civility toward each other. (Resolution Nos. R2007-57, 11/06/07 and R2011-22, 4/26/11)

7. APPOINTMENTS

7.1. Appointing Adele Garber to the Commission on the Status of Women Committee (Pamela L. Latimore, City Clerk)

Application for appointment to the Commission on the Status of Women Committee. (Councilwoman Spiegel Liaison)

7.2. Appointing Anh Kaul to the Recreation Committee (Pamela L. Latimore, City Clerk)

Application for appointment to the Recreation Committee. (Councilman DeFillipo Sponsor)

8. CONSENT AGENDA

8.1. Regular Meeting Minutes of October 6, 2015 (Pamela L. Latimore, City Clerk)

8.2. Regular Meeting Minutes of October 20, 2015 (Pamela L. Latimore, City Clerk)

9. CITY MANAGER'S REPORT

9.1. New Police Initiatives: Police Body Camera Pilot Program and Police Policy Enhancement Update (William Hernandez, Interim Chief of Police)

9.2. Introduction of the new CRA Administrator, Patrick Brett

10. CITY ATTORNEY'S REPORT

10.1. Litigation List (Jose Smith, City Attorney)

As of November 3, 2015

11. MAYOR'S DISCUSSION

- 12. MISCELLANEOUS ITEMS - None
- 13. BUSINESS TAX RECEIPTS - None
- 14. DISCUSSION ITEMS - None
- 15. LEGISLATION

15.1. Resolution No. R2015-88 (Mac Serda, Deputy City Manager)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTY LOCATED AT 15458 W. DIXIE HIGHWAY, NORTH MIAMI BEACH, FL 33162, IDENTIFIED BY MIAMI-DADE COUNTY FOLIO NO. 07-2216-000-0220, AS FURTHER IDENTIFIED BY THE MAP IN THE ATTACHED EXHIBIT "A" AND COMMONLY REFERRED TO AS TAYLOR PARK, AS THE TAYLOR PARK GREEN REUSE AREA PURSUANT TO SECTION 376.80, FLORIDA STATUTES, FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION, JOB CREATION AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION.

15.2. Resolution No. R2015-89 (Mac Serda, Deputy City Manager)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, MAKING CERTAIN FINDINGS AND AUTHORIZING NEGOTIATION AND EXECUTION OF A BROWNFIELD SITE REHABILITATION AGREEMENT FOR REAL PROPERTY LOCATED AT 15458 W. DIXIE HIGHWAY, NORTH MIAMI BEACH, FL 33162, IDENTIFIED BY MIAMI-DADE COUNTY FOLIO NO. 07-2216-000-0220, AS FURTHER IDENTIFIED BY THE MAP IN THE ATTACHED EXHIBIT "A" AND COMMONLY REFERRED TO AS TAYLOR PARK PURSUANT TO SECTION 376.80, FLORIDA STATUTES.

15.3. Resolution No. R2015-90 (Richard Lorber, Director of Community Development)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL TO CONSTRUCT A 1,505,544 SQUARE FOOT, 32, 30 AND 18 STORY, THREE-TOWER MIXED-USE DEVELOPMENT; INCLUDING 730 RESIDENTIAL UNITS IN THE 32-STORY AND 30-STORY TOWERS, 177 HOTEL ROOMS IN THE 18-STORY TOWER AND 9,178 SQUARE FEET OF COMMERCIAL SPACE AND CONDITIONAL USE APPROVAL FOR THE PROPOSED HOTEL COMPONENT, ON TWO LOTS WITH A COMBINED TOTAL OF 4.15 ACRES, AS PROPOSED; IN THE SOUTHERN MIXED-USE WATERFRONT DISTRICT, AT 16375/16395 BISCAYNE BOULEVARD.

15.4. Resolution No. R2015-91 (Richard Lorber, Director of Community Development)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN AND CONDITIONAL-USE APPROVAL TO CONSTRUCT A 231,045 SQUARE FOOT, 11-STORY HOTEL ON A .86 ACRE LOT, CONSISTING OF 165

HOTEL ROOMS, 8,640 SQUARE FEET OF MEETING SPACE AND 18,036 SQUARE FEET OF COMMERCIAL SPACE, AS PROPOSED; IN THE TRANSITION SUB-AREA OF THE FULFORD MIXED-USE TOWN CENTER DISTRICT, WITHIN THE CRA BOUNDARY, LOCATED AT 16300 NE 19 AVENUE.

15.5. Resolution No. R2015-92 (Richard Lorber, Director of Community Development)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL TO CONSTRUCT A 638,855 SQUARE FOOT, EIGHT-STORY MIXED-USE DEVELOPMENT PROJECT ON 2.57 ACRES, INCLUDING 349 RESIDENTIAL UNITS AND 15,229 SQUARE FEET OF COMMERCIAL SPACE, AS PROPOSED; AND GRANTING A VARIANCE FROM TABLE MU/TC-4 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THE MAXIMUM REQUIRED PRIMARY STREET SETBACK OF 10 FEET ALONG WEST DIXIE HIGHWAY BY 20 FEET AND 4 INCHES, WHERE A GREATER FRONT PRIMARY STREET SETBACK OF 30 FEET AND 4 INCHES IS PROPOSED; IN THE CORE SUB-AREA OF THE FULFORD MIXED-USE TOWN CENTER DISTRICT, WITHIN THE CRA BOUNDARY, ON PROPERTY LOCATED AT 2145 NE 164 STREET.

15.6. Ordinance No. 2015-16 On Second and Final Reading, Panhandling Prohibited in Certain Public Areas (Councilwoman Kramer)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER IX OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, ENTITLED OFFENSES AND MISCELLANEOUS PROVISIONS, TO CREATE SECTION 9-33, ENTITLED PANHANDLING PROHIBITED IN CERTAIN PUBLIC AREAS, PROVIDING DEFINITIONS, EXCEPTIONS, ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

15.7. Ordinance No. 2015-17 On Second and Final Reading, Lobbyists Sign-in Sheet (Jose Smith, City Attorney)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL AMENDING THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY AMENDING CHAPTER II "STRUCTURE OF CITY GOVERNMENT", ARTICLE IX "ADMINISTRATIVE PROCEDURES AND POLICIES", SECTION 2-78 ENTITLED "LOBBYING" BY REQUIRING LOBBYISTS TO COMPLETE A SIGN-IN LOG WHEN MEETING WITH THE MAYOR, COUNCILMEMBERS, BOARD/COMMITTEE MEMBERS, CITY ADMINISTRATION AND CITY STAFF; AND REQUIRING THE CITY CLERK TO DISTRIBUTE THE LIST OF REGISTERED LOBBYISTS TO THE MAYOR, CITY COUNCIL, BOARD/COMMITTEE MEMBERS, CITY MANAGER AND CITY ATTORNEY, NO LATER THAN JANUARY 15TH OF EACH YEAR AND PROMPTLY UPON ANY CHANGES TO THE LIST OF REGISTERED LOBBYISTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

**15.8. Ordinance No. 2015-18 On Second and Final Reading (William Hernandez,
Interim Chief of Police)**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER IX OF THE CODE OF ORDINANCES OF NORTH MIAMI BEACH, FLORIDA, ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS," CREATING SECTION 9-34, ENTITLED "CAMPING PROHIBITED," PROHIBITING CAMPING IN PUBLIC AREAS LOCATED WITHIN THE CITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

15.9. Ordinance No. 2015-19 (First Reading by Title Only)

AN ORDINANCE OF THE MAYOR AND COUNCIL AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER XXIV "ZONING AND LAND DEVELOPMENT", ARTICLE XV "OTHER DEVELOPMENT REVIEW PROCEDURES", SECTION 24-170 "RESERVED" AND SECTION 24-180 "DENIALS, NOTICES, AND FEES" TO REQUIRE THAT CHARGES INCURRED BY THE CITY FOR CONSULTANTS NECESSARY FOR REVIEW OF ANY ZONING APPLICATION BE PAID BY THE APPLICANT IN ACCORDANCE WITH THE ACTUAL HOURLY RATES AND IN ADDITION TO ANY OTHER APPLICATION FEES REQUIRED BY LAW; PROVIDING THAT THE APPLICANT SHALL REIMBURSE THE CITY FOR THE COST OF CONSULTANT SERVICES UPON SUBMISSION OF A VOUCHER; PROVIDING FOR THE ESTABLISHMENT OF AN ESCROW ACCOUNT FROM WHICH WITHDRAWALS MAY BE MADE TO REIMBURSE THE CITY FOR THE PROFESSIONAL REVIEW SERVICES; PROVIDING THAT THE BALANCE IN THE ESCROW ACCOUNT, WHEN REDUCED TO ONE-THIRD OF THE INITIAL AMOUNT, SHALL BE REPLENISHED BY THE APPLICANT AND THAT THE CITY MAY SUSPEND REVIEW OF THE APPLICATION FOR FAILURE TO REPLENISH THE ESCROW ACCOUNT; AND FURTHER PROVIDING THAT A BUILDING PERMIT OR CERTIFICATE OF USE AND OCCUPANCY SHALL NOT BE ISSUED UNLESS ALL PROFESSIONAL REVIEW FEES CHARGED IN CONNECTION WITH THE APPLICANT'S PROJECT HAVE BEEN REIMBURSED; PROVIDING THAT ALL FEES REQUIRED UNDER THIS ORDINANCE SHALL BE COLLECTED BY THE CITY MANAGER OR DESIGNEE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

16. CITY COUNCIL REPORTS

17. NEXT REGULAR CITY COUNCIL MEETING

November 17, 2015

18. ADJOURNMENT



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council

FROM: Pamela L. Latimore, CMC, City Clerk

VIA:

DATE: Tuesday, November 3, 2015

RE: Appointing Adele Garber to the Commission on the Status of Women Committee (Pamela L. Latimore, City Clerk)

BACKGROUND

ANALYSIS:

RECOMMENDATION:

FISCAL/BUDGETARY

IMPACT:

ATTACHMENTS:

▣ [Adele Garber Application for Appointment to COSW Committee](#)



City of North Miami Beach, Florida

APPLICATION FOR MUNICIPAL APPOINTMENT TO A BOARD, COMMITTEE, COMMISSION

RECEIVED
15 OCT 19 2:21 PM
CITY CLERK'S OFFICE
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CHAPTER 2, SECTIONS 2-32.4 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH PROVIDES "RESIDENCY REQUIREMENT: MEMBERS OF ALL BOARDS, COMMITTEES AND COMMISSIONS SHALL BE RESIDENTS OF THE CITY OF NORTH MIAMI BEACH, EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED. SHOULD ANY BOARD, COMMITTEE OR COMMISSION MEMBER MOVE OUTSIDE THE CITY LIMITS DURING THE TERM OF HIS/HER APPOINTMENT, HE/SHE SHALL AUTOMATICALLY IMMEDIATELY BE REMOVED FROM THE POSITION HE/SHE HOLDS." (ORD. NO 79-20, § 4, 9-4-79) APPOINTMENTS ARE ALSO SUBJECT TO ORDINANCE 2001-4.

I HEREBY FILE AN APPLICATION FOR APPOINTMENT TO THE FOLLOWING BOARD, COMMISSION OR COMMITTEE:

COSW

(PLEASE PRINT CLEARLY)

1. NAME: Adele Garber
2. HOME ADDRESS: 15525 NE 17th Ave.
CITY: North Miami Beach STATE: FL ZIP: 33162
3. BUSINESS NAME: N/A
BUSINESS ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
4. HOME PHONE: 305-947-2085 BUSINESS PHONE: _____
CELL PHONE: _____ FAX: _____
EMAIL ADDRESS: _____
5. DO YOU RESIDE IN NORTH MIAMI BEACH DURING ALL TWELVE MONTHS OF THE YEAR?
YES: ☒ NO: ☐
6. HAVE YOU EVER BEEN CONVICTED OF A FELONY? YES: ☐ NO: ☒
7. HIGHEST LEVEL OF EDUCATION: (Youth Advisory Board Applicants: Please indicate current grade level as well as the name and telephone number of the school you are currently attending.)
High School — 2 yrs CC

8. ARE YOU RELATED TO A CITY EMPLOYEE? YES _____ NO ✓
(IF YES, PLEASE STATE THE NAME OF THE EMPLOYEE AND THE DEPARTMENT IN WHICH HE/SHE WORKS: _____)
9. EMPLOYMENT HISTORY (PLEASE INCLUDE EMPLOYER, POSITION, YEARS SERVED):
PRESENT STATUS: _____
20 _____ to 20 _____
19 _____ to 19 _____ N/A
19 _____ to 19 _____ Retired
10. HAVE YOU EVER SERVED ON AN ADVISORY COMMITTEE IN THE PAST? (IF YES, PLEASE DESCRIBE: _____)
No
11. IF NOT SELECTED FOR THE BOARD/COMMITTEE/COMMISSION INDICATED ABOVE, PLEASE LIST ANY ADDITIONAL BOARDS/COMMITTEE/COMMISSIONS FOR WHICH YOU WOULD LIKE YOUR APPLICATION SUBMITTED (PLEASE RANK IN ORDER OF PREFERENCE):
(1) Library (2) _____
(3) L (4) _____
12. DESCRIBE YOUR PROFESSIONAL AND/OR VOLUNTEER EXPERIENCE OR BACKGROUND THAT WOULD BEST QUALIFY YOU FOR AN APPOINTMENT TO THE BOARD/COMMITTEE/COMMISSION YOU HAVE SELECTED:

13. IF YOU ARE APPLYING FOR A BOARD/COMMITTEE/COMMISSION THAT HAS SPECIFIC REQUIREMENTS, PLEASE DETAIL HOW YOUR BACKGROUND AND/OR EXPERIENCE MEETS THE REQUIRED CRITERIA:

CERTIFICATION

I CERTIFY UNDER OATH, AND PENALTY OF PERJURY, THAT ALL INFORMATION SHOWN ABOVE IS TRUE AND CORRECT. I DO UNDERSTAND THAT ANY APPOINTMENT TO A BOARD, COMMITTEE, COMMISSION OBTAINED ON A MISREPRESENTATION OF A MATERIAL FACT SHALL BE NULL AND VOID.

APPLICATION DATE: 10/19/15 APPLICANT'S SIGNATURE: [Signature]

LIAISON: _____ APPOINTMENT DATE: _____



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council

FROM: Pamela L. Latimore, CMC, City Clerk

VIA:

DATE: Tuesday, November 3, 2015

RE: Appointing Anh Kaul to the Recreation Committee (Pamela L. Latimore, City Clerk)

BACKGROUND

ANALYSIS:

RECOMMENDATION:

FISCAL/BUDGETARY

IMPACT:

ATTACHMENTS:

▣ [Anh Kaul Application for Appointment to the Recreation Committee](#)



City of North Miami Beach, Florida

APPLICATION FOR MUNICIPAL APPOINTMENT TO A BOARD, COMMITTEE, COMMISSION

CHAPTER 2, SECTIONS 2-32.4 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH PROVIDES "RESIDENCY REQUIREMENT: MEMBERS OF ALL BOARDS, COMMITTEES AND COMMISSIONS SHALL BE RESIDENTS OF THE CITY OF NORTH MIAMI BEACH, EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED. SHOULD ANY BOARD, COMMITTEE OR COMMISSION MEMBER MOVE OUTSIDE THE CITY LIMITS DURING THE TERM OF HIS/HER APPOINTMENT, HE/SHE SHALL AUTOMATICALLY IMMEDIATELY BE REMOVED FROM THE POSITION HE/SHE HOLDS." (ORD. NO 79-20, § 4, 9-4-79) APPOINTMENTS ARE ALSO SUBJECT TO ORDINANCE 2001-4.

I HEREBY FILE AN APPLICATION FOR APPOINTMENT TO THE FOLLOWING BOARD, COMMISSION OR COMMITTEE:

Recreation Committee

(PLEASE PRINT CLEARLY)

1. NAME: ANH KAUL
2. HOME ADDRESS: 2174 NE 180 ST
CITY: N. MIAMI BEACH STATE: FL ZIP: 33162
3. BUSINESS NAME: N/A
BUSINESS ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
4. HOME PHONE: / BUSINESS PHONE: /
CELL PHONE: 305-332-2904 FAX: _____
EMAIL ADDRESS: MIAMI BEACH CONDO 12 @ YAHOO.COM
5. DO YOU RESIDE IN NORTH MIAMI BEACH DURING ALL TWELVE MONTHS OF THE YEAR?
YES: ☒ NO: _____
6. HAVE YOU EVER BEEN CONVICTED OF A FELONY? YES: _____ NO: ☒
7. HIGHEST LEVEL OF EDUCATION: (Youth Advisory Board Applicants: Please indicate current grade level as well as the name and telephone number of the school you are currently attending.)
BACHELOR - INTERNATIONAL BUSINESS & FINANCE
AMERICAN UNIVERSITY IN PARIS

RECEIVED
2015 OCT 27 PM 2:35
CNMB CITY CLERK'S OFFICE

8. ARE YOU RELATED TO A CITY EMPLOYEE? YES _____ NO X
(IF YES, PLEASE STATE THE NAME OF THE EMPLOYEE AND THE DEPARTMENT IN WHICH HE/SHE WORKS: _____)

9. EMPLOYMENT HISTORY (PLEASE INCLUDE EMPLOYER, POSITION, YEARS SERVED):

PRESENT STATUS: PHILANTROPIST - REAL ESTATE BROKER
1989
2010 to 2015 PRESENT

19 _____ to 19 _____

19 _____ to 19 _____

10. HAVE YOU EVER SERVED ON AN ADVISORY COMMITTEE IN THE PAST? (IF YES, PLEASE DESCRIBE: _____)

SUNNY ISLES BEACH MAYORAL ADVISORY COMMITTEE 2010

11. IF NOT SELECTED FOR THE BOARD/COMMITTEE/COMMISSION INDICATED ABOVE, PLEASE LIST ANY ADDITIONAL BOARDS/COMMITTEE/COMMISSIONS FOR WHICH YOU WOULD LIKE YOUR APPLICATION SUBMITTED (PLEASE RANK IN ORDER OF PREFERENCE):

(1) COSW (2) _____

(3) _____ (4) _____

12. DESCRIBE YOUR PROFESSIONAL AND/OR VOLUNTEER EXPERIENCE OR BACKGROUND THAT WOULD BEST QUALIFY YOU FOR AN APPOINTMENT TO THE BOARD/COMMITTEE/COMMISSION YOU HAVE SELECTED:

2014 KIWANIS OUTSTANDING HUMANITARIAN AWARDS
CITY OF SUNNY ISLES PROCLAMATION FOR VOLUNTEERING
NATIONAL VOLUNTEER AWARD 2015

13. IF YOU ARE APPLYING FOR A BOARD/COMMITTEE/COMMISSION THAT HAS SPECIFIC REQUIREMENTS, PLEASE DETAIL HOW YOUR BACKGROUND AND/OR EXPERIENCE MEETS THE REQUIRED CRITERIA:

CERTIFICATION

I CERTIFY UNDER OATH, AND PENALTY OF PERJURY, THAT ALL INFORMATION SHOWN ABOVE IS TRUE AND CORRECT. I DO UNDERSTAND THAT ANY APPOINTMENT TO A BOARD, COMMITTEE, COMMISSION OBTAINED ON A MISREPRESENTATION OF A MATERIAL FACT SHALL BE NULL AND VOID.

APPLICATION DATE: 10/24/15 APPLICANT'S SIGNATURE: [Signature]

LIAISON: _____ APPOINTMENT DATE: _____



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MEMORANDUM

 **Print**

TO: Mayor and City Council

FROM: Pamela L. Latimore, CMC, City Clerk

VIA:

DATE: Tuesday, November 3, 2015

RE: Regular Meeting Minutes of October 6, 2015 (Pamela L. Latimore, City Clerk)

BACKGROUND

ANALYSIS:

RECOMMENDATION: Approval

FISCAL/BUDGETARY

IMPACT:

ATTACHMENTS:

 [Regular Meeting Minutes of October 6, 2015](#)



CITY OF NORTH MIAMI BEACH

City Council Meeting
Council Chambers, 2nd Floor
City Hall, 17011 NE 19th Avenue
North Miami Beach, FL 33162

**Tuesday, October 6, 2015
7:30 PM**

Mayor George Vallejo
Vice Mayor Phyllis S. Smith
Councilman Anthony F. DeFillipo
Councilwoman Barbara Kramer
Councilwoman Marlen Martell
Councilman Frantz Pierre
Councilwoman Beth E. Spiegel

City Manager Ana M. Garcia
City Attorney Jose Smith
City Clerk Pamela L. Latimore, CMC

REGULAR MEETING MINUTES

ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:34pm. Present at the meeting were Mayor George Vallejo, Vice Mayor Phyllis S. Smith, Council Members Anthony F. DeFillipo, Barbara Kramer, Marlen Martell, Frantz Pierre, and Beth E. Spiegel. Also present were City Manager Ana M. Garcia, City Attorney Jose Smith, and City Clerk Pamela L. Latimore.

INVOCATION by Chrislyn Florence, Assistant Program Manager at Branches Fulford.

PLEDGE OF ALLEGIANCE was led by Mayor and Council.

REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA

There were no requests for withdrawals, deferments, and additions to the agenda.

PRESENTATIONS/DISCUSSIONS

Interim Police Chief William Hernandez recognized Detective Alex Morales as the MDCACP Officer of the Month for August 2015 and Detective Nelson Camacho as the South Florida Optimist Law Enforcement Officer of the Year and Special Task Force Sgt. William Beauparlant was given a recognition award.

Major Vallejo opened the meeting for **PUBLIC COMMENT**.

City Clerk Latimore read the rules of public comment into the record. The following person(s) made comments on the record:

1. Trisha Harris - 2251 N.E. 136th St., North Miami Beach, FL
2. Augusto Santos - 2158 N.E. 168th St., North Miami Beach, FL
3. Timothy Laboy - 2345 N.E. 137th St., North Miami Beach, FL
4. Terrence Camenzuli - 17151 N.E. 17th Ave., North Miami Beach, FL

Mayor Vallejo closed the meeting for **PUBLIC COMMENT**.

APPOINTMENTS

Appointing Michael Joseph to the Code Enforcement Board (Pamela Latimore, City Clerk)

Motion to approve the appointment of Michael Joseph as an alternate to the Code Enforcement Board made by Councilman DeFillipo, seconded by Councilwoman Martell. **MOTION PASSED 4-2** with Councilman Pierre and Councilwoman Spiegel opposed. Vice Mayor Smith was off the dais.

CONSENT AGENDA

Regular Meeting Minutes of August 18, 2015 (Pamela L. Latimore, City Clerk)

Motion to approve the Consent Agenda made by Councilman DeFillipo, seconded by Councilwoman Martell. **MOTION PASSED 6-0** with Vice Mayor Smith off the dais.

CITY MANAGER'S REPORT

Interim Police Chief Hernandez gave an overview of LETF Overtime Expenditures.

Director of Public Works Esmond Scott discussed updates on the Uleta Traffic Calming Circle project, new job categories within the Solid Waste Department, and the 163rd Street Median project. Vice Mayor Smith stated for the record that most of the workers out in the field on Saturdays and Sundays are from the contracting company and not city employees working overtime.

City Manager Garcia acknowledged Deputy Director of Human Resources Audrea Hinds and introduced the new Director of Human Resources Nadine Lewis-Sevilla.

Director of Parks and R.E.C. Paulette Murphy asked for approval to use the city logo to promote Hollywood Director Bobby Roth's MasterClass at the Littman Performing Arts Theater on November 15, 2015.

Motion to approve the use of the city logo was made by Councilwoman Martell, seconded by Vice Mayor Smith. **MOTION PASSED 7-0**.

Assistant City Manager Candido Sosa-Cruz gave a detailed Code Compliance End of Year update report. Assistant Director of Public Works Fernando Rodriguez announced that Golden Passport Transit program representatives will be at City Hall to assist with the application process.

Jose Fuentes from Becker and Poliakoff gave an update about the annexation services application process.

CITY ATTORNEY'S REPORT

City Attorney Jose Smith said there are four current forfeiture cases filed on behalf of the North Miami Beach Police Department totaling approximately \$100,000. He also discussed the two pending appeals cases involving Braha Dixie.

LEGISLATION

Ordinance 2015-16 (Councilwoman Barbara Kramer)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER IX OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, ENTITLED OFFENSES AND MISCELLANEOUS PROVISIONS, TO CREATE SECTION 9-33, ENTITLED PANHANDLING PROHIBITED IN CERTAIN PUBLIC AREAS, PROVIDING DEFINITIONS, EXCEPTIONS, ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

Motion to approve Ordinance 2015-16 made by Councilman DeFillipo, seconded by Councilwoman Martell.

City Attorney Smith and Interim Police Chief Hernandez provided background and details about the ordinance.

Mayor Vallejo opened the meeting for **PUBLIC HEARING**.

1. Terrence Camenzuli - 17151 N.E. 17th Ave., North Miami Beach, FL
2. Vitaly Falkovich - Palmetto Bay, FL.
3. Ketley Joachim - 210 N.E. 170th St., North Miami Beach, FL

Mayor Vallejo closed the **PUBLIC HEARING**.

ROLL CALL VOTE: DeFillipo - **Yes**, Kramer - **Yes**, Martell - **Yes**, Pierre -**Yes**, Smith - **Yes**, Spiegel - **Yes**, Vallejo - **Yes**. **MOTION PASSED 7-0**

Ordinance 2015-17 (Jose Smith, City Attorney)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL AMENDING THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY AMENDING CHAPTER II "STRUCTURE OF CITY GOVERNMENT", ARTICLE IX "ADMINISTRATIVE PROCEDURES AND POLICIES", SECTION 2-78 ENTITLED "LOBBYING" BY REQUIRING LOBBYISTS TO COMPLETE A SIGN-IN LOG WHEN MEETING WITH THE MAYOR, COUNCILMEMBERS, BOARD/COMMITTEE MEMBERS, CITY ADMINISTRATION AND CITY STAFF; AND REQUIRING THE CITY CLERK TO DISTRIBUTE THE LIST OF REGISTERED LOBBYISTS TO THE MAYOR, CITY COUNCIL, BOARD/COMMITTEE MEMBERS, CITY MANAGER AND CITY ATTORNEY, NO LATER THAN JANUARY 15TH OF EACH YEAR AND PROMPTLY UPON ANY CHANGES TO THE LIST OF REGISTERED LOBBYISTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

Motion to approve Ordinance 2015-17 made by

City Attorney Smith and Assistant City Attorney Sarah Johnston explained the basis of the ordinance and provided further details.

Mayor Vallejo opened the meeting for **PUBLIC HEARING**.

1. Ketley Joachim - 210 N.E. 170th St., North Miami Beach, FL
2. Terrence Camenzuli - 17151 N.E. 17th Ave., North Miami Beach, FL
3. Volney Nerette - P.O. Box 611354, North Miami, FL.

Mayor Vallejo closed the **PUBLIC HEARING**.

ROLL CALL VOTE: Kramer - **Yes**, Martell - **Yes**, Pierre - **Yes**, Smith - **Yes**, Spiegel - **Yes**, DeFillipo - **No**, Vallejo - **Yes**. **MOTION PASSED 6-1** with Councilman DeFillipo dissenting.

CITY COUNCIL REPORTS

Councilman DeFillipo credited the Police Department for making the city a safe and better place to live and work. He informed residents about joining the Recreation Committee and praised Candido Sosa-Cruz and the Code Compliance department for all the hard work dealing with residential and commercial properties.

Councilwoman Kramer wished everyone a good evening.

Councilwoman Martell thanked the three law enforcement officers who were honored earlier in the evening. She said the job of the council is to utilize tax dollars to the very maximum. She also welcomed the new Human Resources director to the city and invited residents to join the Education Committee and the Committee for Disabled Individuals.

Councilman Pierre wished everyone a good night.

Vice Mayor Smith thanked the Police Department staff members for organizing the Domestic Violence Walk event and expressed appreciation to all city employees.

Councilwoman Spiegel announced the upcoming Relay for Life meeting and spoke about the Commission on the Status of Women. She mentioned future events for the year 2016 including the Heart Health Walk, the Youth Symposium, and the Mother's Day Breakfast.

Mayor Vallejo thanked the Police Department, Public Works, Code Compliance, and all city departments for the continued effort and hard work.

NEXT COUNCIL MEETING DATE is October 20, 2015.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:50pm.

ATTEST:

(SEAL)

Pamela L. Latimore, CMC



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council

FROM: Pamela L. Latimore, CMC, City Clerk

VIA:

DATE: Tuesday, November 3, 2015

RE: Regular Meeting Minutes of October 20, 2015 (Pamela L. Latimore, City Clerk)

BACKGROUND

ANALYSIS:

RECOMMENDATION: Approval

FISCAL/BUDGETARY

IMPACT:

ATTACHMENTS:

 [Regular Meeting Minutes of October 20, 2015](#)



CITY OF NORTH MIAMI BEACH

City Council Meeting
Council Chambers, 2nd Floor
City Hall, 17011 NE 19th Avenue
North Miami Beach, FL 33162

**Tuesday, October 20, 2015
7:30 PM**

Mayor George Vallejo
Vice Mayor Phyllis S. Smith
Councilman Anthony F. DeFillipo
Councilwoman Barbara Kramer
Councilwoman Marlen Martell
Councilman Frantz Pierre
Councilwoman Beth E. Spiegel

City Manager Ana M. Garcia
City Attorney Jose Smith
City Clerk Pamela L. Latimore, CMC

REGULAR MEETING MINUTES

ROLL CALL OF THE CITY OFFICIALS

The meeting was called to order at 7:38pm. Present at the meeting were Mayor George Vallejo, Vice Mayor Phyllis S. Smith, Council Members Anthony F. DeFillipo, Barbara Kramer, Marlen Martell, Frantz Pierre, and Beth E. Spiegel. Also present were City Manager Ana M. Garcia, City Attorney Jose Smith, and City Clerk Pamela L. Latimore.

INVOCATION by City Clerk Pamela L. Latimore.

PLEDGE OF ALLEGIANCE led by Mayor and Council.

REQUESTS FOR WITHDRAWALS, DEFERMENTS, AND ADDITIONS TO THE AGENDA

A proclamation was added by Councilman DeFillipo to recognize City Government Week.

PRESENTATIONS/DISCUSSIONS

City Manager Garcia introduced Director of Public Works Esmond Scott who presented the Service of Excellence Award to city employee LaVonne 'Cookie' Cook.

The Citizens' Appreciation awards were announced and Councilwoman Kramer honored Terrance Camenzuli (who was unable to attend), Councilwoman Spiegel honored William Dean, Councilwoman Martell honored Margie Love, Councilman Pierre honored Gina Rocker, Vice Mayor Smith honored Pam Sims-Campbell, Councilman DeFillipo honored Larry Thompson, and Mayor Vallejo honored Samantha Suaya.

Councilman DeFillipo presented a proclamation to Florida Blue for Community Involvement.

Councilman DeFillipo, along with the Mayor and Council, recognized October 18 - October 25 as City Government Week in the state of Florida.

Mayor Vallejo opened the meeting for **PUBLIC COMMENT**.

City Clerk Latimore read the rules of public comment into the record. The following person(s) made comments on the record:

1. Rolland Veilleux - 13730 Highland Dr., North Miami Beach, FL.
2. Tricia Harris - 2251 N.E. 136TH St., North Miami Beach, FL.
3. Mubarak Kazan - 15564 N.E. 12th Ave., North Miami Beach, FL.

Mayor Vallejo closed the meeting for **PUBLIC COMMENT**.

There were no **APPOINTMENTS**.

CONSENT AGENDA

Regular Meeting Minutes of September 8, 2015 (Pamela L. Latimore, City Clerk)

Regular Meeting Minutes of September 21, 2015 (Pamela L. Latimore, City Clerk)

Resolution R2015-86 (William Hernandez, Interim Chief of Police)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO TAKE THE FOLLOWING ACTIONS: 1) SUBMIT AN APPLICATION TO THE UNIVERSITY OF SOUTH FLORIDA BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH FLORIDA'S CENTER FOR URBAN TRANSPORTATION RESEARCH FOR FUNDING IN THE APPROXIMATE AMOUNT OF \$20,088.00, FOR PARTICIPATION IN THE HIGH VISIBILITY ENFORCEMENT FOR PEDESTRIAN AND BICYCLE SAFETY PROGRAM; 2) SUBMITTAL OF A GRANT APPLICATION TO EDWARD BYRNE MEMORIAL JUSTICE GRANT ASSISTANCE GRANT PROGRAM IN THE APPROXIMATE AMOUNT OF \$21,011.00, FOR THE COMMUNITY POLICING UNIT FOR USE IN THE "OFFICER FRIENDLY PROGRAM"; 3) SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT 2016 JUSTICE ASSISTANCE GRANT FOR FUNDING IN THE APPROXIMATE AMOUNT OF \$5,217.00, TO SUPPORT OVERTIME PAY FOR THE

VICTIMS ADVOCATE OUTREACH EFFORTS ; 4) SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES IN THE APPROXIMATE AMOUNT OF \$20,068.00, FOR THE CITY OF NORTH MIAMI BEACH PUBLIC LIBRARY; 5) SUBMITTAL OF AN APPLICATION TO THE UNITED STATES BUREAU OF JUSTICE, BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE APPROXIMATE AMOUNT OF \$8,172.00, FOR REIMBURSEMENT OF ELIGIBLE BODY ARMOR PURCHASES; AND TO RETROACTIVELY APPROVE 6) SUBMITTAL OF A GRANT APPLICATION TO THE OFFICE OF ATTORNEY GENERAL VICTIMS OF CRIME ACT IN THE APPROXIMATE AMOUNT OF \$58,007.00, FOR USE TOWARDS THE SALARY AND BENEFITS OF A VICTIM ADVOCATE; APPROVING AND AUTHORIZING THE APPROPRIATION OF THE ABOVE GRANTS AND FUNDING REQUESTS, INCLUDING ANY REQUISITE MATCHING FUNDS AND CITY EXPENSES; AND FURTHER AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO TAKE ALL NECESSARY STEPS AND EXECUTE ALL NECESSARY DOCUMENTS IN CONNECTION WITH THE AFORESTATED GRANTS AND FUNDING REQUESTS, INCLUDING, WITHOUT LIMITATION, APPLICATIONS, GRANT, AND FUNDING AGREEMENTS AND AUDITS.

Resolution R2015-87 (William Hernandez, Interim Chief of Police)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE A VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH THE CITY OF NORTH MIAMI, FLORIDA, FOR THE PURPOSE OF COORDINATING LAW ENFORCEMENT PLANNING, OPERATIONS, AND MUTUAL AID BENEFIT BETWEEN THE CITY OF NORTH MIAMI BEACH AND THE CITY OF NORTH MIAMI, FLORIDA.

Motion to approve the Consent Agenda made by Councilman DeFillipo, seconded by Vice Mayor Smith. **MOTION PASSED 6-1** with Councilwoman Spiegel dissenting.

CITY MANAGER'S REPORT

Interim Police Chief William Hernandez gave a LETF Overtime Expenditures Report.

City Manager Garcia announced the unveiling, ribbon cutting, and dedication ceremony of the new 163rd St. sign on October 31, 2015.

Assistant City Manager Candido Sosa-Cruz announced the Monster Mash Bash Halloween event at the Gwen Margolis Amphitheater on October 31, 2015.

CITY ATTORNEY'S REPORT

City Attorney Smith discussed a mortgage forfeiture case that the city is currently defending.

MAYOR'S DISCUSSION

Mayor Vallejo announced that he will attending the Mayor's Institute on City Design at the University of Arkansas for three days starting on October 21, 2015.

LEGISLATION

Ordinance No. 2015-13 (Richard Lorber, Director of Community Development)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN, THE FUTURE LAND USE MAP AND TEXT CHANGES TO THE FUTURE LAND USE ELEMENT; AMENDING POLICY 1.8.2 OPEN WATER AND TRANSPORTATION CORRIDORS; AMENDING THE FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF CERTAIN PROPERTY AND APPLY THE AMENDED OPEN WATER AND TRANSPORTATION CORRIDORS DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT "A"); PROVIDING FOR CERTIFIED COPIES OF THIS ORDINANCE AND COMPREHENSIVE PLAN TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER UNITS OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCIES AS REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CITY OF NORTH MIAMI BEACH COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; SEVERABILITY; AND FOR AN EFFECTIVE DATE.

City Attorney Jose Smith read the ordinance into the record.

Motion to approve Ordinance 2015-13 made by Councilman DeFillipo, seconded by Councilwoman Kramer.

Mayor Vallejo asked if this was a Jennings Disclosure item and City Attorney Smith confirmed that it wasn't.

Attorney Dwayne Dickerson of Dunay, Miskel, and Backman stated that he represented the property owner of Maule Lake, the Williams Family Trust, and notified the council that he submitted a letter requesting a deferral of this item on the agenda.

Director of Community Development Richard Lorber explained the history and details of the ordinance. He said the items would help eliminate the uncertainty and ambiguity that currently exists with respect to potential development of the site. He also stated that the Community Development department recommended the adoption of these amendments as proposed.

Mayor Vallejo opened the meeting for **PUBLIC COMMENT**.

1. Dwayne Dickerson - 14 S.E. 4th St., Boca Raton, FL.

Mayor Vallejo asked if choosing to proceed with the hearing of the Ordinance instead of deferring to a later date was within the rights of the council and City Attorney Smith confirmed that it was legally under the discretion of the council.

2. Scott Weires of Murdoch, Weires, and Neuman - 14 S.E. 4th St., Boca Raton, FL.
3. Fane Lozman - address withheld
4. Mubarak Kazan - 15564 N.E. 12th Ave., North Miami Beach, FL.
5. Fortuna Smukler – 3207 N.E. 168th St., North Miami Beach, FL.
6. Carol Paine – 16546 N.E. 26th Ave., North Miami Beach, FL.
7. Richard Paiz – 16570 N.E. 26th Ave., North Miami Beach, FL.

The meeting was closed for **PUBLIC COMMENT**.

ROLL CALL VOTE: DeFillipo - Yes, Kramer - Yes, Martell - Yes, Pierre - Yes, Smith - Yes, Spiegel - Yes, Vallejo - Yes **MOTION PASSED 7-0.**

Ordinance No. 2015-14 (Richard Lorber, Director of Community Development)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA AMENDING THE ZONING AND LAND DEVELOPMENT CODE OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER XXIV “NORTH MIAMI BEACH ZONING AND LAND DEVELOPMENT CODE” ARTICLE V “ZONING USE DISTRICTS” TO ADD SECTION 24-59 “CONSERVATION ZONING DISTRICT” CREATING A CONSERVATION ZONING DISTRICT; AMENDING THE OFFICIAL ZONING MAP, REFERENCED IN SECTION 24-31 OF THE NORTH MIAMI BEACH CODE OF ORDINANCES, TO ZONE CERTAIN PROPERTY AND APPLY THE CONSERVATION ZONING DISTRICT DESIGNATION TO THOSE CERTAIN PROPERTIES (AS PROVIDED FOR IN THE ATTACHED EXHIBIT “A”); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

City Attorney Jose Smith read the ordinance into the record.

Motion to approve Ordinance 2015-14 made by Councilman DeFillipo, seconded by Councilwoman Kramer.

Mayor Vallejo opened the meeting for **PUBLIC COMMENT**.

1. Dwayne Dickerson - 14 S.E. 4th St., Boca Raton, FL.

Mr. Dickerson requested to use the same evidence and testimony that was submitted and presented for Ordinance 2015-13 to be supplemented and sufficient for Ordinance 2015-14 to expedite the process. City Attorney Smith stated that he had no objection and he requested Mr. Lorber and the City do the same.

2. Scott Weires - 14 S.E. 4th St., Boca Raton, FL.
3. Fane Lozman - address withheld
4. Fortuna Smukler - 3207 N.E. 168th St., North Miami Beach, FL.
5. Carol Paine - 16546 N.E. 26th Ave., North Miami Beach, FL.
6. Mubarak Kazan - 15564 N.E. 12th Ave., North Miami Beach, FL.
7. Mark Antonio - 2811 N.E. 164th St., North Miami Beach, FL.
8. Leslie Sardinia - 16480 N.E. 29th Ave., North Miami Beach, FL.
9. Richard Paiz - 16570 N.E. 26th Ave., North Miami Beach, FL.

The meeting was closed for **PUBLIC COMMENT**.

ROLL CALL VOTE: Kramer - Yes, Martell - Yes, Pierre - Yes, Smith - Yes, Spiegel - Yes, DeFillipo - Yes, Vallejo – Yes **MOTION PASSED 7-0.**

Ordinance No. 2015-18 (William Hernandez, Interim Chief of Police)

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER IX OF THE CODE OF ORDINANCES OF NORTH MIAMI BEACH, FLORIDA, ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS," CREATING SECTION 9-34, ENTITLED "CAMPING PROHIBITED," PROHIBITING CAMPING IN PUBLIC AREAS LOCATED WITHIN THE CITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

City Attorney Smith read the Ordinance into the record.

Motion to approve Ordinance 2015-18 made by Councilman DeFillipo, seconded by Councilwoman Martell.

Interim Police Chief William Hernandez explained the details of the ordinance.

Mayor Vallejo opened the meeting for **PUBLIC COMMENT**.

There were no speakers.

Mayor Vallejo closed the meeting for **PUBLIC COMMENT**.

ROLL CALL VOTE: Martell - Yes, Pierre - Yes, Smith - Yes, Spiegel - Yes, DeFillipo - Yes, Kramer - Yes, Vallejo - Yes **MOTION PASSED 7-0.**

CITY COUNCIL REPORTS

Councilman DeFillipo thanked the citizens of North Miami Beach who serve on boards and help out in the community. He wished City Manager Garcia a happy upcoming birthday and he acknowledged City Attorney Smith for putting the city in the right direction with his guidance.

Councilwoman Kramer wished City Manager Garcia a happy upcoming birthday and she announced Homeless Awareness Day and the Sock Drive event. She thanked the police department and city staff members for their hard work, including Lazaro Remond, Patrick Rosiak, Greg Williams, Mark Perkins, Nicole Gomez, and Mitch Abrahams.

Councilwoman Martell announced that she is looking for members to join the Education Committee and the Advisory Committee for Disabled Individuals and she talked about the Neighbor to Neighbor website that helps residents be aware and prevent criminal activity. She thanked the citizens who were honored for their dedication to the city and she wished City Manager Garcia a happy upcoming birthday.

Councilman Pierre said good evening and good night.

Vice Mayor Smith congratulated the citizens who were honored and would like more people to attend the meetings and share their opinions. She wished a happy birthday to City Manager Garcia and to her grandson. She also wished her husband a happy anniversary.

Councilwoman Spiegel gave a report about the new projects and developments discussed at the recent Planning and Zoning board meeting. She asked for volunteers to join the Commission on the Status of Women and she said a recycling pick-up will be next week.

Mayor Vallejo thanked the members of the Planning and Zoning board and talked about the royal palms that are being planted on medians in the city. He wished a happy upcoming birthday to City Manager Garcia and his son Antonio.

NEXT REGULAR CITY COUNCIL MEETING is Tuesday, November 3, 2015.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:33pm.

ATTEST:

(SEAL)

Pamela L. Latimore, CMC



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305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council

FROM: Ana M. Garcia, City Manager

VIA: William Hernandez, Interim Chief of Police

DATE: Tuesday, November 3, 2015

RE: New Police Initiatives: Police Body Camera Pilot Program and Police Policy Enhancement Update (William Hernandez, Interim Chief of Police)

BACKGROUND ANALYSIS:

Body Cameras

The Body Worn Camera (BWC) Policy will be adopted for the time period in which the pilot program is being utilized by selected personnel. Officers selected to pilot test the BWC's will download any recordings at the end of their shifts, and store the recordings in their assigned agency computers. This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law.

It is the policy of this department that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with the department policy and law. The department policy does not govern the use of surreptitious recording devices used in undercover operations.

Police Policy Enhancement

During the last several weeks the police department's staff has discussed policy changes to limit liability, streamline some processes, and to improve moral. The police department is continuing to consult with JLB Consulting in regards to our training policies and procedures, and our community policing and our outreach programs such as Club Law and Order, and Police

and Community Coming Together (PACT).

PACT is a new approach in crime-fighting is making North Miami Beach safer. PACT is an initiative that allows the police, and the citizens they serve, to come together in a cooperative spirit of helping each other to achieve a crime free community. After crime information has been gathered and analyzed by the police, the police will deploy the PACT Team into specific neighborhoods, to help reduce specific crime problems and at a later time, see how their efforts are working.

RECOMMENDATION:

**FISCAL/BUDGETARY
IMPACT:**

ATTACHMENTS:

None



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MEMORANDUM

 [Print](#)

TO: Mayor and City Council
FROM: Ana M. Garcia, City Manager
VIA:
DATE: Tuesday, November 3, 2015
RE: Introduction of the new CRA Administrator, Patrick Brett

**BACKGROUND
ANALYSIS:**

Mr. Brett is a redevelopment and economic development specialist who previously worked for the City from 2004 – 2005. During that time, he participated in the multi-departmental collaborative team effort that successfully established our CRA. Mr. Brett has been a CRA executive director and an owner of a consulting business. He is a board member of the Heart of Florida Legal Aid Society, and calls the NMB community his home.

**RECOMMENDATION:
FISCAL/BUDGETARY
IMPACT:**

ATTACHMENTS:

None



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MEMORANDUM

 [Print](#)

TO: Mayor and City Council
FROM: Jose Smith, City Attorney
VIA:
DATE: Tuesday, November 3, 2015
RE: Litigation List (Jose Smith, City Attorney)

**BACKGROUND
ANALYSIS:**

RECOMMENDATION:

**FISCAL/BUDGETARY
IMPACT:**

ATTACHMENTS:

 Litigation List

LITIGATION LIST

TO: Mayor and City Council

FROM: Jose Smith, City Attorney

DATE: November 3, 2015

LITIGATION LIST

I. Civil Rights:

II. Personal Injury:

III. Other Litigation:

IV. Forfeitures:

V. Mortgage Foreclosures:

- **Midfirst Bank v. The Unknown Heirs, Grantees, Devisees, Lienors, Trustees, and Creditors of Shirley G. Horton, Deceased, et al.**
- **Wells Fargo Bank, N.A., v. The Unknown Heirs, Devisees, Grantees, Assignees, Lienors, Creditors, Trustees, or Other Claimants Claiming By, Through, Under, Or Against Jeffrey E. Bates a/k/a Jeffrey Edward Bates, Deceased, et al.**

VI. Bankruptcies:

- **New Case**



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MEMORANDUM

 **Print**

TO: Mayor and Council

FROM: Ana M. Garcia, City Manager

VIA: Mac Serda, Deputy City Manager

DATE: Tuesday, November 3, 2015

RE: Resolution No. R2015-88 (Mac Serda, Deputy City Manager)

BACKGROUND ANALYSIS: See Attached Memorandum

RECOMMENDATION:

FISCAL/BUDGETARY IMPACT:

ATTACHMENTS:

- | |
|---|
| <input type="checkbox"/> Taylor Park Green Reuse Cover Memo |
| <input type="checkbox"/> Resolution No. R2015-88 |
| <input type="checkbox"/> Exhibit A |
| <input type="checkbox"/> Exhibit B |

City of North Miami Beach

Interoffice Memorandum



City Manager's Office

TO: Mayor and City Council

FROM: Ana M. Garcia, City Manager

DATE: October 28, 2015

RE: Green Reuse Area Designation for Taylor Park, 15458 West Dixie Highway, North Miami Beach, FL 33162; Folio Number 07-2216-000-0220

Request

Taylor Park has been closed for more than 10 years while our residents have been waiting for the park to be remediated and cleaned. The clean-up of this centerpiece of our community was included as a priority in the unanimously adopted Strategic Plan. As we continue to execute our Strategic Plan by becoming a more beautiful, safe and livable City as well as being a financially sound City, we also look for opportunities where we can encourage the development of our major corridors, such as West Dixie Highway, and increase opportunities for more active and healthy living. The designation of Taylor Park as the Taylor Park Green Reuse Area and execution of the Brownfield Site Rehabilitation Agreement with Miami-Dade County will allow the City to further its efforts to re-open Taylor Park and put our Strategic Plan into action.

This resolution designates approximately 21.1 acres owned by our City and located at 15458 W. Dixie Highway, North Miami Beach, Miami-Dade County, FL 33162, as the Taylor Park Green Reuse Area pursuant the Florida's Brownfields Redevelopment Act ("FBRA"). The site map attached as Exhibit A shows the location of the Subject Property. This designation will enable our City to take advantage of important financial and liability protection incentives, support ongoing efforts to clean up and reopen Taylor Park, and implement the critical elements of our Strategic Plan.

Former site uses at the Subject Property, mainly occurring during ownership by Miami-Dade County, have resulted in documented on-site soil and groundwater exceedances of state regulatory cleanup target levels and require clean up in accordance with applicable environmental regulatory standards. Designating the Subject Property a Green Reuse Area will enable our City to pursue brownfield-related financial incentives and liability protections in connection with such environmental cleanup. It will also accelerate the process for reopening the park, providing an important conservation and

recreation amenity for the residential community and spurring economic revitalization along the West Dixie Corridor.

Since 1997, the Florida Brownfields Program (“FBP”) has made a wide array of financial, regulatory, and technical incentives available to local governments, businesses, and communities to catalyze environmental cleanup and economic redevelopment of marginalized or otherwise underutilized properties. As of September 30, 2015, there have been 381 areas covering 264,136.31 acres that have been designated through FBRA.

The Designation Process and Analysis

In 2014 FBRA was amended to streamline the designation process for property owned by local governments within certain redevelopment areas, including community redevelopment areas. The Subject Property is located in a community redevelopment area and, accordingly, the substantive criteria applicable to determining whether a brownfields designation is appropriate that would otherwise apply, which can be found at Section 376.80(2)(a), Florida Statutes, does not apply to Taylor Park. Instead, the City is only required to comply with the Resolution adoption criteria in Section 376.80(1)(c)1. and 2, Florida Statutes. The City has not only complied with such Resolution adoption criteria but has exceeded such criteria in terms of public notice by publicly advertising a community meeting for October 30, 2015, to discuss the designation. The notice of the community meeting and pending designation was first posted at the Subject Property on October 24, 2015, and published in the Miami Herald on October 27, 2015. In addition, the City published notice of the two formal public hearings for the designation in the Miami Herald on October 26, 2015 and utilized electronic means of communication.

Although not required to be considered by statute, your staff has evaluated the substantive designation criteria set forth at Section 376.80(2)(a), Florida Statutes, that would apply to any city-owned property outside of specified redevelopment redevelopments. Such criteria consist of the following:

1. whether the proposed brownfield area warrants economic development and has a reasonable potential for such activities;
2. whether the proposed brownfield area represents a reasonably focused approach and is not overly large in geographic coverage;
3. whether the proposed brownfield area has potential to interest the private sector in participating in rehabilitation; and
4. whether the proposed brownfield area contains a portion of the site suitable for limited recreational open space, cultural or historical preservation purposes.

After careful consideration, staff concludes that designating the Subject Property a Green Reuse Area satisfies all four criteria were they to apply.

As to the first criterion, reuse of park space in infill communities, in addition to providing important recreation, conservation, and wellness benefits, has a widely acknowledged economic benefit, including but not limited to increasing residential property values and making a community more attractive to creation of new businesses and expansion of existing businesses. Numerous studies across the years have conclusively linked the expansion and/or renewal of parks and park systems to various key economic metrics, including a rise in residential property values.

As to the second criterion, limiting the designation to the Subject Property represents a reasonably focused approach in that it is intended to benefit not only the existing, stabilized neighborhoods but also support emerging development along the West Dixie Highway Corridor. It is also not overly large in geographic, and in fact of the total brownfield designations in Florida, approximately 25% are the general size of Taylor Park.

As to the third criterion, staff believes that restoration and reuse of the Subject Property, creating an important conservation, recreation, and wellness amenity for the West Dixie Highway corridor, will make it more likely that the private sector will become interested in rehabilitation matters, including rehabilitation needed for the 17 plus acre fallow site, adjacent to the north.

Finally, the fourth criterion is squarely met because the Subject Property is intended for reuse for recreational open space.

Fiscal/Budgetary Impact of the Designation

Regardless of the designation, the clean-up initiative from Miami Dade County will require the expenditure of approximately \$15,000 every 2 or three years to maintain the soil cap. However, with the designation 75% of the expenses are eligible for tax credits which can be sold at approximately \$0.88 per eligible dollar.

The liability protection aspect of the designation is anticipated to save the taxpayers between \$150,000.00 and \$250,000.00 in legal fees to defend any environmental claims that may be brought in the future. Over the lifetime of the cleanup, the incentive could be expected to generate between \$75,000.00 and \$187,500 in Florida corporate income tax credits, which can be sold on the secondary market. Such credits are currently selling for approximately 88 cents on the dollar, which would net the City \$66,000.00 – to \$140,625.00 in cash. Finally, the designation and the liability protection associated with it will make it more likely that nearby vacant and/or underutilized properties in the West Dixie Highway Corridor will be redeveloped or better utilized, resulting in an increase in residential and commercial property values as well as tax revenues for the City. Other than staff time, there are no recurring costs associated with approval of the Green Reuse Area designation request.

Conclusion/Recommendation

Based on the above analysis, staff recommends approval of the designation as the Green Reuse Area designation directly aligns with the City's efforts to accelerate

restoration and reuse of Taylor Park specifically and spark environmental rehabilitation and increase redevelopment along the West Dixie Highway corridor generally. The designation is also supportive of and will further implementation of numerous key elements of the City's Strategic Plan adopted by the Mayor and City Council on September 23, 2014. Additionally, staff concludes that the City has complied with all applicable requirements for designation of in accordance with Section 376.80, Florida Statutes. Therefore, staff recommends that the Mayor and City Council approve the attached resolution for the Subject Property. Thank you.

Attachments:

1. Exhibit A - Resolution

RESOLUTION NO. R2015-88

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTY LOCATED AT 15458 W. DIXIE HIGHWAY, NORTH MIAMI BEACH, FL 33162, IDENTIFIED BY MIAMI-DADE COUNTY FOLIO NO. 07-2216-000-0220, AS FURTHER IDENTIFIED BY THE MAP IN THE ATTACHED EXHIBIT “A” AND COMMONLY REFERRED TO AS TAYLOR PARK, AS THE TAYLOR PARK GREEN REUSE AREA PURSUANT TO SECTION 376.80, FLORIDA STATUTES, FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION, JOB CREATION AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION.

WHEREAS, the State of Florida has provided, in Chapter 97-277, Laws of Florida, which is codified at Sections 376.77 through 376.86, Florida Statutes (2015), for designation of certain specified areas by local government adoption of a resolution in order to promote environmental remediation, sustainable land redevelopment and/or reuse, and economic revitalization; and

WHEREAS, the City of North Miami Beach (the “City”) owns property located at 15458 W. Dixie Highway, North Miami Beach, FL 33162, identified by Miami-Dade County Folio No. 07-2216-000-0220 (hereinafter the “Subject Property”) as shown in the attached Exhibit “A” and more particularly described in Exhibit “B” (both attached hereto), which warrants environmental remediation, sustainable land redevelopment and/or reuse, and economic revitalization; and

WHEREAS, the City intends to utilize the regulatory, financial, and other benefits associated with Florida’s Brownfield Redevelopment Program by designating the Subject Property a “Green Reuse Area” pursuant to Section 376.80, Florida Statutes (2015); and

WHEREAS, the Mayor and City Council have reviewed the relevant procedures that apply effectuating this designation, as specified in Section 376.80, Florida Statutes (2015), and find the City in compliance with the statutory requirements; and

RESOLUTION NO. R2015-88

WHEREAS, proper notice of the designation of the proposed brownfield area has been provided in accordance with Section 376.80(1)(c) and Section 166.041(3)(c)2, Florida Statutes (2015); and

WHEREAS, the City Council finds as follows:

1. The proposed brownfield area warrants economic development and has a reasonable potential for such activities;
2. The proposed brownfield area represents a reasonably focused approach and is not overly large in geographic coverage;
3. The proposed brownfield area has potential to interest the private sector in participating in rehabilitation; and
4. The proposed brownfield area contains a portion of the site suitable for limited recreational open space; and

WHEREAS, the Mayor and City Council have determined that the proposed designation of the Subject Property as a Green Reuse Area is in the best interest of the City, and advantageous to the public health, safety and welfare; and

WHEREAS, the City desires to notify the Florida Department of Environmental Protection of its Resolution designating the Subject Property the “Taylor Park Green Reuse Area” for the purposes enunciated under Sections 376.77 through 376.86, Florida Statutes (2015); and

WHEREAS, the Mayor and the City Council desires for the City Manager, through her designee, to negotiate and enter into a Brownfield Site Rehabilitation Agreement for the Subject Property, with Miami-Dade County.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by this reference.

Section 2. Adoption of Representations. The Mayor and City Council of the City of North Miami Beach, Florida, find that the City has satisfied the requirements to effectuate the designation contemplated by Section 376.80, Florida Statutes (2015).

Section 3. Property Designation. The Mayor and City Council of the City of North Miami Beach, Florida, hereby designate the area depicted on Exhibit “A” and described on

Exhibit “B”, attached hereto and incorporated herein by reference, as the Taylor Park Green Reuse Area for purposes of Sections 376.77 through 376.86, Florida Statutes (2015).

Section 4. **Authorization to City Clerk.** The Mayor and City Council of the City of North Miami Beach, Florida, hereby authorize the City Clerk to notify the Florida Department of Environmental Protection of the City Council’s Resolution designating the Subject Property as the “Taylor Park Green Reuse Area” for purposes of Sections 376.77 through 376.86, Florida Statutes (2015).

Section 5. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the Mayor and City Council of the City of North Miami Beach, Florida, this **3rd day of November, 2015**.

ATTEST:

PAMELA L. LATIMORE, CMC
CITY CLERK

GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM &
LANGUAGE FOR EXECUTION

JOSE SMITH
CITY ATTORNEY

SPONSORED BY: Mayor and City Council.

Exhibit A

BOUNDARY OF PROPOSED TAYLOR PARK
GREEN REUSE AREA

PARCEL IDENTIFICATION NUMBER:
07-2216-000-0220

SIZE: APPROXIMATELY 21.1 ACRES

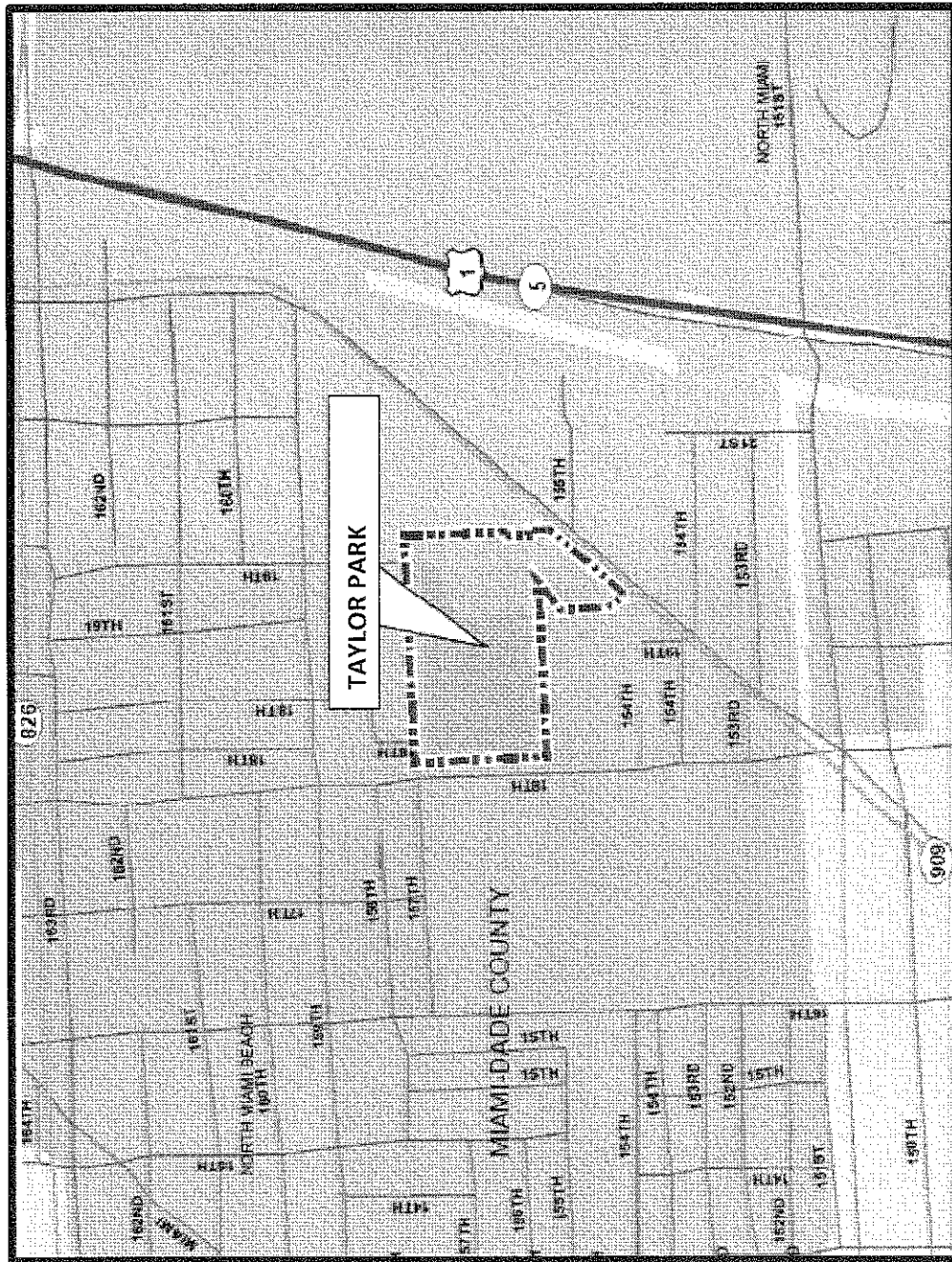


Exhibit B

Exhibit B

Legal Description

Property located at 15458 W. Dixie Highway, North Miami Beach, FL 33162

Folio Number: 07-2216-000-0220

All of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, Township 52 South, Range 42 East and that portion of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, Township 52 South, Range 42 East, described as follows: Beginning at the northeast corner of the said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, run thence West along the North line thereof for a distance of 99.21 feet to the point of beginning of this description; run thence southerly along a line 99.21 feet West of an parallel to the East line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, a distance of 169.85 feet to a point, the said point being the Northeast corner of Dade County Rock Pit No. 3 as the same is conveyed and described in Deed Book 1267 page 385, public records of Dade County, Florida; run thence westerly at right angles to the last described course a distance of 300 feet to a point, the said point being the Northwest corner of Dade County Rock Pit No. 3 above mentioned; run thence southerly along a line parallel to the East line of the said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, a distance of 501.46 feet, more or less, to the South line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, the said line being also the West line of Dade County Rock Pit No. 3, above mentioned run thence West along the South line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 265.67 feet more or less to the Southwest corner thereof; run thence North along the West line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ to the Northwest corner thereof; run thence East along North line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, a distance of 566.24 feet, more or less to the point of beginning, the said lands containing 15.701 acres, more or less;

ALSO

Starting at the intersection of the east line of the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 16-52-42, and the North line of the Dixie Highway right of way; thence southwesterly along the North line of the Highway 140.69 feet to the point of beginning, from said point of beginning run northerly and parallel to the East line of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said section, a distance of 577.6 feet; thence westerly and at an angle of 90 degrees from aforesaid line a distance of 300 feet; thence southerly and parallel to the East line of the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of said section, a distance of 874.4 feet to the intersection of the North line of the Dixie Highway right of way; thence northwesterly along the north line of the Dixie Highway right of way to the point of beginning, said tract containing 5 acres and being located in W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 16-52-42.



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council

FROM: Ana M. Garcia, City Manager

VIA: Mac Serda, Deputy City Manager

DATE: Tuesday, November 3, 2015

RE: Resolution No. R2015-89 (Mac Serda, Deputy City Manager)

BACKGROUND ANALYSIS: See Attached Memorandum

RECOMMENDATION:

FISCAL/BUDGETARY IMPACT:

ATTACHMENTS:

- | |
|--|
| <input type="checkbox"/> BSRA Cover Memo |
| <input type="checkbox"/> Resolution No. R2015-89 |
| <input type="checkbox"/> Exhibit A |
| <input type="checkbox"/> Exhibit B |
| <input type="checkbox"/> Exhibit C |

Staff Report

TO: Mayor and City Council

FROM: Ana M. Garcia, City Manager

DATE: October 28, 2015

ITEM: Brownfield Site Rehabilitation Agreement (BSRA) for Taylor Park, 15458 West Dixie Highway, North Miami Beach, FL 33162; Folio Number 07-2216-000-0220

Request

This is a companion request to the Taylor Park Green Reuse Resolution, enclosed as Exhibit A, designating the approximately 21.1 acre property owned by the City and located at 15458 W. Dixie Highway, North Miami Beach, Miami-Dade County, FL 33162, (the "Subject Property"), as the Taylor Park Green Reuse Area pursuant to § 376.80, Florida Statutes, of Florida's Brownfields Redevelopment Act ("FBRA"). Specifically, staff is recommending that the Mayor and City Council authorize the Manager or her designee to execute the enclosed Brownfield Site Rehabilitation Agreement ("BSRA") with the Miami-Dade County Department of Regulatory and Economic Resources-Division of Environmental Resources Management ("DERM"). Execution of the BSRA is required in order to take advantage of important financial and liability protection incentives that would be available to the City under FBRA. A copy of the BSRA is enclosed as Exhibit B.

Background

The southeastern section of the Subject Property has historically been utilized as a baseball field, dating back to the late 1950s. Former site uses at the Subject Property, mainly occurring during ownership by Miami-Dade County, have resulted in documented on-site soil and groundwater exceedances of state regulatory cleanup target levels and require clean up in accordance with applicable environmental regulatory standards. Executing the BSRA will enable the City to access critical financial and liability incentive protections in connection with such environmental cleanup.

Brownfield Site Rehabilitation Agreement

In order to take advantage of the liability protection and financial incentives for the Subject Property, the City will be required to enter a BSRA with Miami-Dade County, which is authorized by Section 376.80(2)(d), Florida Statutes, once Taylor Park is properly designated a Green Reuse Area pursuant to FBRA. The BSRA will obligate the City to undertake site assessment and remediation activities as set forth in Chapter 62-780, Florida Administrative Code, pursuant to a definitive timeline and ultimately obtain regulatory closure through issuance of a Conditional Site Rehabilitation Completion Order. Notwithstanding the foregoing such activities will continue to be implemented and funded by Miami-Dade County pursuant to the Taylor Park Landfill Remediation and Closure Interlocal Agreement. The BSRA also provides an important mechanism for improving public participation associated with the cleanup and reopening of Taylor Park through the creation of an advisory committee as set forth in Section 376.80(4), Florida Statutes.

Fiscal/Budgetary Impact Associated with Execution of BSRA

The clean-up initiative from Miami Dade County will require the expenditure of approximately \$15,000 every 2 or 3 years to maintain the soil cap. However, with the designation and executed BSRA, 75% of the expenses are eligible for tax credits which can be sold at approximately \$0.88 per eligible dollar.

The liability protection element aspect of the BSRA is anticipated to save the taxpayers between \$150,000.00 and \$250,000.00 in legal fees to defend environmental claims that may be brought in the future. Over the lifetime of the cleanup, the incentive could be expected to generate between \$75,000.00 and \$187,500 in Florida corporate income tax credits, which can be sold on the secondary market. Such credits are currently selling for approximately 88 cents on the dollar, which would net the City \$66,000.00 – to \$140,625.00 in cash. Other than staff time, there are no recurring costs associated with execution of the BSRA.

Conclusion

Based on the above analysis, staff is of the opinion that execution of the BSRA provides for important financial and liability protection incentives that support the City's ongoing efforts to be both "financially sound" and "beautiful, safe and livable". Therefore, staff recommends that the Mayor and City Council approve the attached Resolution.

Attachments:

1. Exhibit A – Taylor Park Green Reuse Area Resolution
2. Exhibit B – Brownfield Site Rehabilitation Agreement (Miami-Dade County DERM Template)

RESOLUTION NO. R2015-89

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, MAKING CERTAIN FINDINGS AND AUTHORIZING NEGOTIATION AND EXECUTION OF A BROWNFIELD SITE REHABILITATION AGREEMENT FOR REAL PROPERTY LOCATED AT 15458 W. DIXIE HIGHWAY, NORTH MIAMI BEACH, FL 33162, IDENTIFIED BY MIAMI-DADE COUNTY FOLIO NO. 07-2216-000-0220, AS FURTHER IDENTIFIED BY THE MAP IN THE ATTACHED EXHIBIT “A” AND COMMONLY REFERRED TO AS TAYLOR PARK PURSUANT TO SECTION 376.80, FLORIDA STATUTES.

WHEREAS, the State of Florida has provided, in Chapter 97-277, Laws of Florida, which is codified at Sections 376.77 through 376.86, Florida Statutes (2015), for access to certain financial incentive and liability protection incentives in order to promote remediation, sustainable land redevelopment and/or reuse, and economic revitalization of environmentally impaired sites; and

WHEREAS, the City of North Miami Beach (the “City”) owns property located at 15458 W. Dixie Highway, North Miami Beach, FL 33162, identified by Miami-Dade County Folio No. 07-2216-000-0220 (hereinafter the “Subject Property”) as shown in the attached Exhibit “A” and more particularly described in Exhibit “B” (both attached hereto), which warrants environmental remediation, sustainable land redevelopment and/or reuse, and economic revitalization; and

WHEREAS, the City desires to utilize the regulatory, financial, and other benefits associated with Florida’s Brownfield Redevelopment Program; and

WHEREAS, the City further desires to maximize its eligibility for regulatory, financial, and other benefits associated with Florida’s Brownfield Redevelopment Program by entering into a Brownfield Site Rehabilitation Agreement (Exhibit “C”) pursuant to Section 376.80, Florida Statutes (2015); and

WHEREAS, the Mayor and the City Council desires for the City Manager, through her designee, to negotiate and enter into a Brownfield Site Rehabilitation Agreement (Exhibit “C”) for the Subject Property, with Miami-Dade County.

RESOLUTION NO. R2015-89

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by this reference.

Section 2. Authorization to City Manager. The Mayor and City Council of the City of North Miami Beach, Florida, hereby authorize the City Manager, through her designee, to negotiate and enter into a Brownfield Site Rehabilitation Agreement for the Subject Property, in substantially the attached form (Exhibit "C"), with Miami-Dade County and in a form acceptable to the City Attorney.

Section 3. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the Mayor and City Council of the City of North Miami Beach, Florida, this **3rd day of November, 2015**.

ATTEST:

PAMELA L. LATIMORE, CMC
CITY CLERK

GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM &
LANGUAGE FOR EXECUTION

JOSE SMITH
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

Exhibit A

**PROPOSED TAYLOR PARK
GREEN REUSE AREA**

BOUNDARY OF PROPOSED TAYLOR PARK
GREEN REUSE AREA

ADDRESS: 15458 W. DIXIE HIGHWAY,
NORTH MIAMI BEACH, FL 33162

PARCEL IDENTIFICATION NUMBER:
07-2216-000-0220

PROPERTY OWNER: CITY OF NORTH
MIAMI BEACH

SIZE: APPROXIMATELY 21.1 ACRES

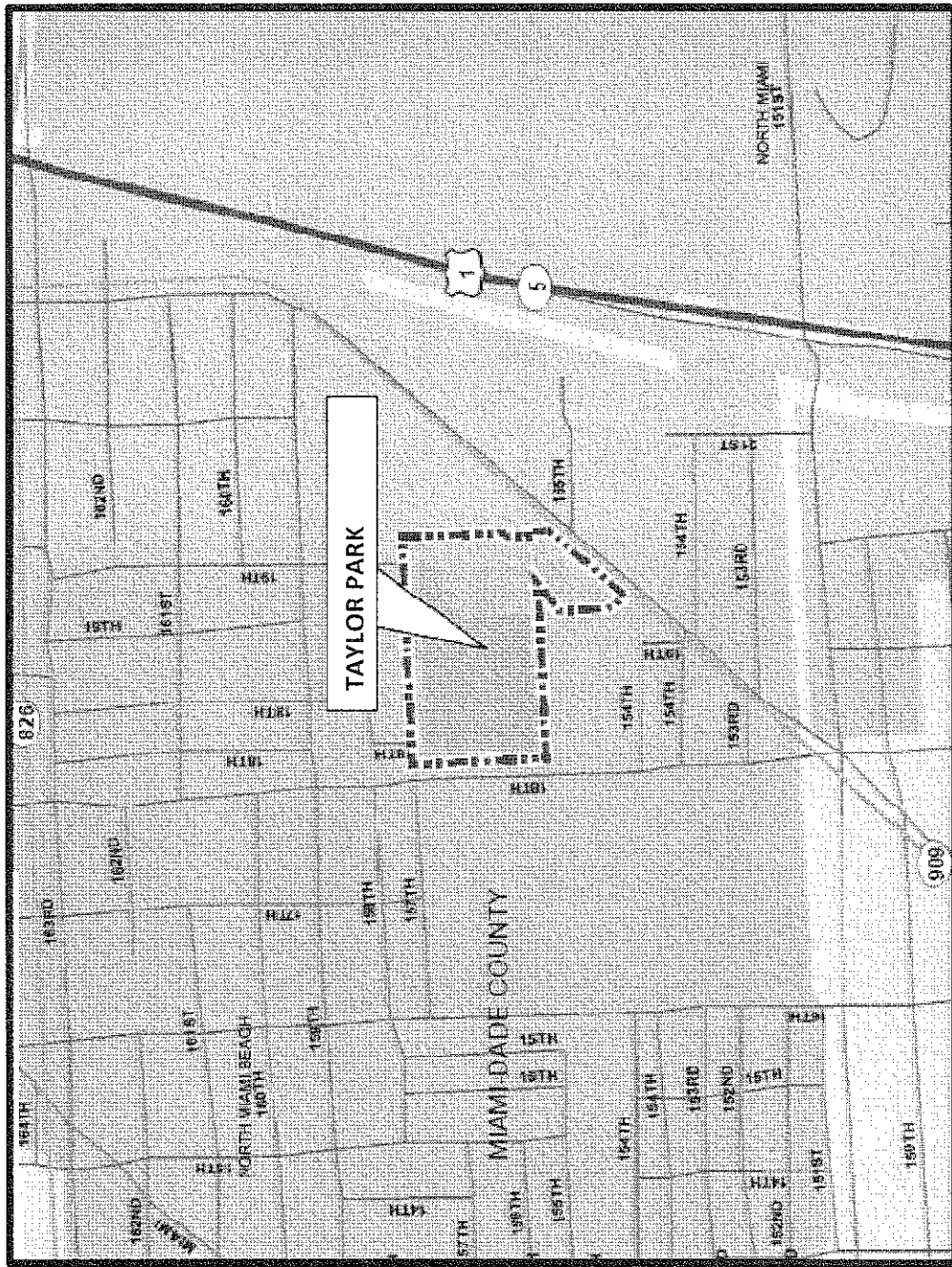


Exhibit B

Legal Description

Property located at 15458 W. Dixie Highway, North Miami Beach, FL 33162

Folio Number: 07-2216-000-0220

All of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, Township 52 South, Range 42 East and that portion of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, Township 52 South, Range 42 East, described as follows: Beginning at the northeast corner of the said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, run thence West along the North line thereof for a distance of 99.21 feet to the point of beginning of this description; run thence southerly along a line 99.21 feet West of an parallel to the East line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, a distance of 169.85 feet to a point, the said point being the Northeast corner of Dade County Rock Pit No. 3 as the same is conveyed and described in Deed Book 1267 page 385, public records of Dade County, Florida; run thence westerly at right angles to the last described course a distance of 300 feet to a point, the said point being the Northwest corner of Dade County Rock Pit No. 3 above mentioned; run thence southerly along a line parallel to the East line of the said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, a distance of 501.46 feet, more or less, to the South line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, the said line being also the West line of Dade County Rock Pit No. 3, above mentioned run thence West along the South line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 265.67 feet more or less to the Southwest corner thereof; run thence North along the West line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ to the Northwest corner thereof; run thence East along North line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, a distance of 566.24 feet, more or less to the point of beginning, the said lands containing 15.701 acres, more or less;

ALSO

Starting at the intersection of the east line of the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 16-52-42, and the North line of the Dixie Highway right of way; thence southwesterly along the North line of the Highway 140.69 feet to the point of beginning, from said point of beginning run northerly and parallel to the East line of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said section, a distance of 577.6 feet; thence westerly and at an angle of 90 degrees from aforesaid line a distance of 300 feet; thence southerly and parallel to the East line of the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of said section, a distance of 874.4 feet to the intersection of the North line of the Dixie Highway right of way; thence northwesterly along the north line of the Dixie Highway right of way to the point of beginning, said tract containing 5 acres and being located in W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 16-52-42.

Exhibit C

BEFORE MIAMI-DADE COUNTY,
A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA

**IN RE: City of North Miami Beach
Taylor Park Green Reuse Site
15458 W. Dixie Highway, North Miami Beach, FL 33162
Taylor Park Green Reuse Area
Brownfield Area Identification Number:
Brownfield Site Identification Number:**

BROWNFIELD SITE REHABILITATION AGREEMENT PURSUANT TO §376.80(5),
Florida Statutes (F.S.)

WHEREAS, the Brownfields Redevelopment Act was enacted to reduce public health and environmental hazards on existing commercial and industrial sites by offering incentives to encourage responsible persons to voluntarily develop and implement cleanup plans; and

WHEREAS, Miami-Dade County ("MDC") has been delegated the authority to administer the Florida Brownfields Program on behalf of the State of Florida's Department of Environmental Protection ("Department") and administer and enforce the provisions of Chapters 403 and 376, F.S., and the rules promulgated thereunder, Chapters 62-777 and 62-780, Florida Administrative Code (F.A.C.), as amended; and

WHEREAS, MDC has jurisdiction over the matters addressed in this Brownfield Site Rehabilitation Agreement ("BSRA"); and

WHEREAS, the Department and MDC, through its delegation have the authority, pursuant to §376.81, F.S., to establish by rule, criteria for determining the rehabilitation program tasks that comprise a site rehabilitation program and the level at which a rehabilitation program task and a site rehabilitation program may be deemed complete;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, it is agreed as follows:

This BSRA is entered into between MDC and City of North Miami Beach, hereinafter the Person Responsible for Site Rehabilitation ("PRSR") (collectively referred to as the "parties"), for the rehabilitation of a brownfield site within a designated brownfield area pursuant to §376.80(5), F.S. MDC and the PRSR agree to the following:

1. MDC

The Department of Regulatory and Economic Resources (RER) is the agency of MDC with authority and power to enforce the provisions of Chapters 376 and 403, F.S.

2. PERSON RESPONSIBLE FOR SITE REHABILITATION

City of North Miami Beach, is the PRSR as defined in §376.79(13), F.S., for the real property described in the map and legal description in **Attachment A** (the "Brownfield Site"), incorporated herein, that has been designated by City of North Miami Beach in Resolution Number _____ as a brownfield area as defined in §376.79(4), F.S. **Attachment A** is a composite exhibit that includes: (a) the legal description and map of the Brownfield Site; and (b) the City of North Miami Beach resolution with all attachments including the map of the designated brownfield area. The brownfield site consists of 21.1 acres.

3. PRSR'S DUTIES

The PRSR agrees:

- (a) to conduct "site rehabilitation" of any "contaminated site(s)" as defined in §376.79, F.S., whose source originates on the real property described in **Attachment A as the Brownfield site**. If such contaminated site(s) extend(s) beyond the boundary of the Brownfield site, then PRSR agrees to conduct site rehabilitation to address the entire contaminated site;
- (b) to conduct site rehabilitation and submit technical reports and rehabilitation plans in a timely manner according to the attached brownfield site rehabilitation schedule agreed upon by the parties (see **Attachment B**), and incorporated herein;
- (c) to conduct site rehabilitation activities under the observation of professional engineers or professional geologists, as applicable, who are registered in accordance with the requirements of Chapters 471 or 492, F.S., respectively. Submittals provided by the PRSR must be signed and sealed by a professional engineer registered under Chapter 471, F.S., or by a professional geologist registered under Chapter 492, F.S., as applicable, certifying that the submittal and associated work comply with the laws, rules, and applicable ordinances of MDC and those governing the profession. Upon completion of the approved remedial action, a professional engineer registered under Chapter 471, F.S., or a professional geologist registered under Chapter 492, F.S., as applicable, must certify that the corrective action was, to the best of his or her knowledge, completed in substantial conformance with the plans and specifications approved by MDC;
- (d) to conduct site rehabilitation in accordance with Chapter 62-160, F.A.C., as the same may be amended from time to time;
- (e) to obtain any local, state or federal approvals or permits required for the site rehabilitation work and to conduct the necessary site rehabilitation consistent with local, state, and federal laws, rules and ordinances. All site

City of North Miami Beach
Brownfield Site Rehabilitation Agreement
Brownfield Site ID #

rehabilitation shall be consistent with the cleanup criteria in §376.81, F.S., the requirements of Chapters 62-780, F.A.C., Contaminated Site Cleanup Criteria, and 62-777, F.A.C., Contaminant Cleanup Target Levels;

- (f) to allow access by MDC or the Department during the entire site rehabilitation process, as evidenced by the attached documentation (see **Attachment C**) incorporated herein, establishing that such site access has been secured by agreement with the **real property owner**. Upon the transfer of any real property interest in any portion of the Brownfield Site before site rehabilitation is complete, the PRSR shall notify MDC within 15 days from the date that such an interest is effective. With notice the PRSR shall provide a copy of an access agreement in substantially the same form as that in **Attachment C** with any successor in interest to the **real property owner** of the Brownfield Site or with any party with a real property interest in the Brownfield Site after the effective date of this agreement, granting such access to MDC and the Department; and
- (g) to consider appropriate pollution prevention measures and to implement those that the PRSR determines are reasonable and cost-effective, taking into account the ultimate use or uses of the real property described in **Attachment A**.

4. CERTIFICATION

The PRSR certifies that he/she has consulted with the local government with jurisdiction over the brownfield area about the proposed redevelopment of the brownfield site, that the local government is in agreement with or approves the proposed redevelopment, and that the proposed redevelopment complies with applicable laws and requirements for such redevelopment. Documentation that supports this certification is provided as **Attachment D**.

5. SITE CONTRACTOR

The PRSR must ensure that the contractor who is performing the majority of the site rehabilitation program tasks pursuant to this BSRA or supervising the performance of such tasks by licensed subcontractors in accordance with the provisions of § 489.113(9), F.S., has provided certification to MDC that the contractor meets the requirements listed below. If the identity of the contractor is known at the time of the execution of this BSRA, a Brownfields Redevelopment Program Contractor Certification Form (CCF) shall be submitted as **Attachment E** to this BSRA. If the contractor has not yet been determined, the PRSR shall ensure that the CCF is submitted to the RER Brownfields Coordinator and approved by MDC before the contractor begins performing any site rehabilitation tasks at the site.

The PRSR must submit to MDC documentation as **Attachment F**, which shows a National Environmental Laboratory Accreditation Program ("NELAP")-recognized

authority has accredited the laboratory(s) that will perform the analyses required by this agreement.

Any contractor that performs site rehabilitation tasks at a contaminated site originating on the real property as described in Attachment A shall provide documentation in accordance with the provisions of the paragraph above and with **Attachments E and F**, if applicable, showing that any contractor that performs site rehabilitation tasks:

- (a) meets all certification and license requirements imposed by law; and
- (b) performs, or has laboratory analyses performed, pursuant to NELAP certification requirements and performs, or has field sampling work performed, in accordance with the Standard Operating Procedures provided in Chapter 62-160, F.A.C., as amended, if applicable to performance of site rehabilitation tasks.

6. CONTINUOUS COMPLIANCE

During the entire site rehabilitation process, the PRSR agrees to ensure that the contractor continues to comply with the requirements of **Paragraph 5** of this BSRA pursuant to the requirements of §376.80(6), F.S.

7. VOLUNTARY CLEANUP TAX CREDIT PROGRAM

Not all activities that are approved or performed in association with a BSRA are eligible for the state's Voluntary Cleanup Tax Credit (VCTC). In accordance with Section 376.30781, F.S., only costs incurred and paid that are either integral, necessary and required for site rehabilitation or for solid waste removal, are eligible for the VCTC. "Site rehabilitation" means the assessment of site contamination and the remediation activities that reduce the levels of contaminants at a site through accepted treatment methods to meet the cleanup target levels established for that site. For purposes of sites subject to the Resource Conservation and Recovery Act, as amended, the term includes removal, decontamination, and corrective action of releases of hazardous substances. "Solid waste removal" means removal of solid waste from the land surface or excavation of solid waste from below the land surface and removal of the solid waste from the brownfield site. Nothing contained herein is intended to limit the VCTC otherwise available to the PRSR under applicable law. General information about the VCTC Program is available at <http://www.dep.state.fl.us/waste/categories/vctc/default.htm>. For specific questions regarding the VCTC Program, please contact the Department's Bureau of Waste Cleanup at (850) 245-8927.

8. ADVISORY COMMITTEE

The PRSR shall establish an advisory committee pursuant to the requirements of §376.80(4), F.S., for the purpose of improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area, future land use, local employment opportunities, community safety, and environmental justice. The advisory committee should include residents within or adjacent to the brownfield area, businesses operating within the brownfield area, and others deemed appropriate. However, if an appropriate local advisory committee already exists, this committee may be used for requesting public participation and for the purposes of complying with this paragraph.

The PRSR shall provide the advisory committee a copy of the final proposed draft BSRA and a copy of the executed BSRA. When the PRSR submits a site assessment report or the technical document containing the proposed course of action following site assessment to MDC for review, the PRSR shall hold a meeting or attend a regularly scheduled meeting to inform the advisory committee of the findings and recommendations in the site assessment report or the technical document containing the proposed course of action following site assessment.

The names, addresses, and contact numbers for all advisory committee members are included as **Attachment G**.

9. INDEMNIFICATION

The PRSR shall save and hold harmless and indemnify MDC and the Department against any and all liability, claims, judgments or costs of whatsoever kind and nature for injury to, or death of any person or persons and for the loss or damage to any property resulting from the use, service, operation or performance of work under the terms of this BSRA and from the negligent acts or omissions of the PRSR, or its employees, agents, contractors, subcontractors, or other representatives, to the extent allowed by law.

10. LIABILITY PROTECTION

The liability protection provided under §376.82 F.S. shall become effective upon execution of this BSRA and shall remain effective, provided the PRSR complies with the terms of this BSRA.

11. TERMINATION

If the PRSR fails to comply with this BSRA, MDC shall notify the PRSR and allow 90 days for the PRSR to return to compliance with the provision at issue or to negotiate a modification to the BSRA with MDC for good cause shown. If an imminent hazard exists the 90-day grace period shall not apply. If the project is not returned to compliance with this BSRA and a modification cannot be negotiated, MDC shall terminate this BSRA.

The PRSR may terminate this BSRA at any time upon written notice to MDC.

Termination of this BSRA by either party will revoke the immunity provision of §376.82, F.S.

12. IMMINENT HAZARD

Nothing herein shall be construed to limit the authority of MDC to undertake any action in response to, or to recover the costs of responding to, conditions at or from the real property described in **Attachment A** that require MDC to take action to abate an imminent hazard to the public health, welfare or the environment.

13. RELEASE OF LIABILITY

Upon successful completion of this BSRA as evidenced by the issuance of a Site Rehabilitation Completion Order (SRCO) for each contaminated site originating from the real property described in Attachment A, the PRSR and his or her successors and assigns, shall be relieved from further liability for site rehabilitation as described in paragraph 3.a. of this BSRA to MDC and third parties and of liability in contribution to any other party who has or may incur cleanup liability for the contaminated site(s). This release of liability is subject to the reopener provisions of §376.82(3), F.S.

14. GOVERNING LAW

This BSRA has been delivered in MDC and shall be construed in accordance with the laws of Florida and any applicable local regulations. Wherever possible, each provision of this BSRA shall be interpreted in such manner as to be effective and valid under applicable law. If any provision of this BSRA shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this BSRA. Any action hereon or in connection herewith shall be brought in Miami-Dade County, Florida.

15. SUBMITTALS

The PRSR shall submit two hard (paper) copies or one hard copy and one electronic (digital) copy of any certifications or documentation required in **Paragraph 5** ("Site Contractor") above, and all data, reports, responses, addenda, or modifications to reports and plans required by this BSRA to:

Wilbur Mayorga
Chief, Environmental Monitoring & Restoration Division
Miami-Dade County Department of Regulatory and Economic Resources
701 NW 1st Court, 4th Floor
Miami, Florida 33136

MDC encourages the submittal of documents for review in an electronic format rather than the submittal of paper copies. All electronic copies of documents shall be in the format listed in Section 8 of the Instructions and attached as **Attachment H**. Time frames for MDC's review of technical reports and plans and submittal of documents by the PRSR shall be governed by the attached schedule (see **Attachment B**), incorporated herein. After final MDC approval of each report or plan, an electronic copy shall be submitted to MDC within 30 days. The electronic copy of the report shall be submitted on Compact Disc (CD) for archiving purposes in the format listed in **Attachment H**.

16. DOCUMENT REVIEW

During the site rehabilitation process, if MDC fails to complete the review of a technical document within the time frame specified in this BSRA, with the exceptions of "no further action proposals," "monitoring only proposals," and feasibility studies, which must be approved prior to implementation, the PRSR may proceed to the next site rehabilitation task. However, the PRSR does so at its own risk and may be required by MDC to complete additional work on a previous task.

17. FEES

MDC may charge and retain applicable fees for use in supporting the administration of the Brownfields Program. Any such fees shall be charged in accordance with the current fee schedule that has been reviewed and approved by the Board of County Commissioners. Nothing in this provision shall preclude MDC from charging and collecting administrative fees, investigative costs, or other costs incurred by MDC resulting from performing enforcement and compliance functions. Nothing in this Agreement shall prohibit MDC from seeking penalties, damages, costs, or attorney fees as provided by law or ordinance. All civil penalties and damages recovered by MDC shall be deposited in a separate county fund which shall be used as set forth in Section 24-31, of the Code of Miami-Dade County, Florida.

18. ASSIGNMENT

The PRSR shall not assign any rights or responsibilities under this BSRA to any other party without the written consent of MDC and the local government with jurisdiction over the real property described in **Attachment A**. However, the MDC shall not withhold its consent to such an assignment if: (a) the proposed assignee meets all of the eligibility criteria under §376.82, F.S.; (b) the proposed assignee has agreed, in writing, to assume all obligations of the PRSR under the terms of this Agreement; and (c) the assignment of PRSR obligations under any agreement with the local government with jurisdiction over the real property has been approved, in writing, by the local government.

19. WAIVER

By entering into this BSRA, the PRSR waives its right to challenge the contents of this BSRA in an administrative hearing afforded by §120.569 and §120.57, F.S., or an appeal afforded by the terms of §120.68, F.S. This BSRA does not deny the PRSR a right to challenge MDC actions taken pursuant to this BSRA. No delay or failure to exercise any right, power or remedy accruing to either party upon breach or default by either party under this BSRA, shall impair any such right, power or remedy of either party; nor shall such delay or failure be construed as a waiver of any such breach or default, or any similar breach or default thereafter.

20. EFFECTIVE DATE AND ADMINISTRATIVE HEARING

This BSRA (Order) is final and effective on the date of execution unless a timely petition for an administrative hearing is filed under §§120.569 and 120.57, F.S., within 21 days after the date of receipt of notice of agency action. Upon the timely filing of such petition, this BSRA will not be effective until further order of MDC. The liability protection for the PRSR pursuant to §376.82(2), F.S., becomes effective upon execution of the brownfield site rehabilitation agreement. The procedures for petitioning a hearing are set forth below.

Persons other than the PRSR who are affected by this BSRA have the following options:

- (a) If you choose to accept MDC's decision regarding this BSRA, you do not have to do anything. This BSRA is final and effective 21 days after the date of execution.
- (b) If you choose to challenge MDC's decision, you may do the following:
 - (i) File a request for an extension of time to file a petition for hearing with the office of the Director of MDC RER at 701 NW 1st CT, 4th Floor, Miami, Florida 33136 within **21** days of receipt of this BSRA; such a request should be made if you wish to meet with MDC in an attempt to informally resolve any disputes without first filing a petition for hearing.

Or

- (ii) File a petition for administrative hearing with the office of the Director of MDC RER at 701 NW 1st CT, 4th Floor, Miami, Florida 33136 within **21** days of receipt of this BSRA.

Please be advised that mediation of this decision pursuant to §120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for Hearing:

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., MDC may grant a request for an extension of time to file a petition for hearing. Such a request shall be filed with (received by) the office of the Director of MDC RER at 701 NW 1st CT, 4th Floor, Miami, Florida 33136, within **21** days of receipt of this BSRA. Petitioner shall mail a copy of the request to the PRSR at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing:

A person whose substantial interests are affected by this BSRA may petition for an administrative proceeding (hearing) under §§120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the office of the Director of MDC RER at 701 NW 1st CT, 4th Floor, Miami, Florida 33136, within **21** days of receipt of this BSRA. Petitioner shall mail a copy of the petition to the PRSR at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right to request an administrative proceeding under Chapter 120, F.S.

Pursuant to §120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

1. The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the PRSR's name and address; the Department's Brownfield Area and Brownfield Site Identification Numbers; the name and address of the Brownfield Site; the name and address of each agency affected;
2. A statement of when and how each petitioner received notice of MDC's action or proposed action;
3. An explanation of how each petitioner's substantial interests are or will be affected by MDC's action or proposed action;
4. A statement of the disputed issues of material facts, or a statement that there are no disputed facts;
5. A concise statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of MDC's action or proposed action;
6. A statement of the specific rules or statutes the petitioner contends requires reversal or modification of MDC's action or proposed action; and

7. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes MDC to take with respect to MDC's action or proposed action.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that MDC's final action may be different from the position taken by it in this BSRA. Persons whose substantial interests will be affected by any such final decision of MDC have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

21. JUDICIAL REVIEW

Except for the PRSR, any party has the right to seek judicial review of this BSRA under §120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with office of the Director of MDC RER at 701 NW 1st CT, 4th Floor, Miami, Florida 33136, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice of appeal must be filed within **30** days after this BSRA is filed with the Clerk of RER (see below).

22. CONTACTS FOR GENERAL AND LEGAL QUESTIONS

Any questions about the content of this BSRA, MDC's review of the BSRA, or technical questions should be directed to the RER Brownfields Coordinator at:

**Miami-Dade County Department of Regulatory and Economic Resources
701 NW 1st Court, 4th Floor
Miami, FL 33136
(305) 372-6700**

or to the PRSR's representative at:

**Michael R. Goldstein, Esq.
The Goldstein Environmental Law Firm, P.A.
1 SE Third Avenue, Suite 2120
Miami, Florida 33131
(305) 777-1682**

Questions regarding legal issues should be referred to the MDC's County Attorney's Office at 305-375-5151. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

23. ENTIRETY OF AGREEMENT

This BSRA represents the entire agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this BSRA shall only be valid when they have been reduced to writing, duly signed by each of the parties hereto, and attached to the original of this BSRA, unless otherwise provided herein.

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

City of North Miami Beach
Brownfield Site Rehabilitation Agreement
Brownfield Site ID #

IN WITNESS WHEREOF, each of the parties has made and executed this Brownfield Site Rehabilitation Agreement on the date set forth for each signature of each representative below: Jack Osterholt, MDC Deputy Mayor, or his designee, and the City of North Miami Beach, the Person Responsible for Site Rehabilitation, signing by and through Ana M. Garcia, City Manager, duly authorized to execute same.

PERSON RESPONSIBLE FOR
SITE REHABILITATION

MIAMI-DADE COUNTY

By: _____
(PRSR Authorized Signatory)

Ana M. Garcia, City Manager
City of North Miami Beach, a Florida municipal
Corporation


By: _____
Deputy Mayor/Director
Regulatory and Economic Resources

Date: _____

Date: _____

Approved as to form and legality:

Approved as to form and legality:

 10/29/15
Jose Smith, City Attorney

MDC Assistant County Attorney

Date: _____

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.

Pamela L. Latimore, CMC, City Clerk

Clerk (or Deputy Clerk)

Date: _____

Date: _____

cc: Kim Walker, FDEP Brownfields Liaison
Art Torvela, P.E., Brownfields Coordinator, Southeast District, FDEP
Sandra Rezola, Brownfield Coordinator, DRER
Michael R. Goldstein, Esq., Environmental Counsel to City of North Miami Beach

List of Attachments

Attachment A	Local Government Resolution for the Brownfield Area and Map and Legal Description of the Brownfield Site
Attachment B	Brownfield Site Rehabilitation Schedule
Attachment C	Site Access Agreement
Attachment D	Certification of Redevelopment Agreement
Attachment E	Contractor Certification Form
Attachment F	Quality Assurance Certificate
Attachment G	Advisory Committee Members
Attachment H	Format for Submittal of Technical Documents



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 [Print](#)

TO: Mayor and City Council

FROM: Ana M. Garcia, City Manager

VIA: Richard G. Lorber, AICP, Director of Community Development

DATE: Tuesday, November 3, 2015

RE: Resolution No. R2015-90 (Richard Lorber, Director of Community Development)

BACKGROUND ANALYSIS:

The applicant, Omar A. Morales, representing Biscayne Cove, LLC, requests site plan approval in order to construct a 1,505,544 square foot, 32, 30, and 18-story, three-tower mixed-use development, including 730 residential units in the 32-story and 30-story towers, 177 hotel rooms in the 18-story tower and 9,178 square feet of commercial space consisting of 4,767 square feet of retail and 4,411 square feet of restaurant space, and conditional-use approval for the proposed hotel component, on two lots with a combined total of 180,935 square feet (4.16 acres), at 16375/16395 Biscayne Boulevard in the MU/SWF, Southern Mixed-use Waterfront District.

The purpose and intent of the MU/SWF, Southern Mixed-use Waterfront [\[JS1\]](#) District is “to establish a mixed-use area that provides for multi-family housing that enables residents to live on the waterfront.”

The proposed mixed-use and multi-family development is in accordance with the intent of the district through its classification as a permitted use [\[JS2\]](#). It complies with the district’s purpose of enhancing the visual character of Biscayne Boulevard, ensuring public access to and the beautification of the waterfront, stimulating neighborhood commercial and retail activities and encouraging people to reside in the newly established district.

In the MU/SWF, Mixed-Use Southern Waterfront District, Hotel Use is permitted as a Conditional Use. As per Section 24-175 of

the City Code, Conditional Use application standards have been reviewed.

[\[JS1\]](#)Some places this is MU/SWF and some it is the southern Mixed-use Waterfront District – lets pick one and be consistent...

[\[JS2\]](#)Maybe this should be clarified to explain that the residential, retail, office, and restaurant are permitted so that the only use not addressed as permitted it hotel which is clarified in the next paragraph...

RECOMMENDATION:

The Community Development Department recommends approval of this project subject to the conditions listed in the draft Resolution. The item was approved by the Planning and Zoning Board on October 19, 2015 by a vote of 6 to 1 (Smukler against).

**FISCAL/BUDGETARY
IMPACT:**

No impact for the current fiscal year. However this development, once completed, will result in increased annual property tax revenues.

ATTACHMENTS:

- | |
|--|
| <input type="checkbox"/> Staff Report |
| <input type="checkbox"/> Letter of Intent |
| <input type="checkbox"/> Application |
| <input type="checkbox"/> Concurrency |
| <input type="checkbox"/> Traffic Study Analysis |
| <input type="checkbox"/> School Concurrency |
| <input type="checkbox"/> Resolution No. R2015-90 |



City of North Miami Beach, Florida

COMMUNITY DEVELOPMENT DEPARTMENT

CITY COUNCIL STAFF REPORT

TO: City Council
FROM: Richard G. Lorber, AICP, Director of Community Development
DATE: November 3, 2015
RE: Riverwalk Mixed-Use Development

P&Z ITEM # 15-011	THE RIVERWALK AT NORTH MIAMI BEACH
OWNER OF PROPERTY	BISCAYNE COVE, LLC
ADDRESS OF PROPERTY	16375 / 16395 BISCAYNE BOULEVARD
FOLIO NUMBER	07-2216-042-0010 & 07-2216-042-0020
LEGAL DESCRIPTION	TRACTS "A" AND "B" OF NORTH MIAMI BEACH PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 155 AT PAGE 86 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA
EXISTING ZONING	MU/SWF, SOUTHERN MIXED-USE WATERFRONT DISTRICT
EXISTING LAND USE	COMMERCIAL
FUTURE LAND USE DESIGNATION	MU/SWF, SOUTHERN MIXED-USE WATERFRONT

◆ ----- ◆

BACKGROUND:

The applicant, Omar A. Morales, representing Biscayne Cove, LLC, requests site plan approval in order to construct a 1,505,544 square foot, 32, 30, and 18-story, three-tower mixed-use development, including 730 residential units in the 32-story and 30-story towers, 177 hotel rooms in the 18-story tower and 9,178 square feet of commercial space consisting of 4,767 square feet of retail and 4,411 square feet of restaurant space, and conditional-use approval for the proposed hotel component, on two lots with a combined total of 180,935 square feet (4.16 acres), at 16375/16395 Biscayne Boulevard in the MU/SWF, Southern Mixed-use Waterfront District.

SURROUNDING LAND USES:

Location	Zoning Designations	Existing Land Uses	Future Land Use Designations
North	N/A	Snake Creek Canal	N/A
South	MU/SWF, Southern Mixed-Use Waterfront District	Commercial	MU/SWF, Southern Mixed-Use Waterfront
East	<ul style="list-style-type: none"> ▪ B-2, General Business District ▪ MU/SWF, Southern Mixed-Use Waterfront District 	Vacant	MU/SWF, Southern Mixed-Use Waterfront
West	MU/TC, Fulford Mixed-Use Town Center District	Commercial	MU/TC, Fulford Mixed-Use Town Center

THE SITE:

The subject site is an 180,935 square foot property and currently contains an active restaurant on the southern half and a vacant commercial building on the northern half.

THE PROJECT:

The project involves the construction of a 1,505,544 square foot development featuring three towers. The north tower (Building A) is a 32-story luxury apartment building with a dedicated parking structure and a wide mix of residential units ranging from street level townhouse type units to luxury two-bedroom units. The two south towers (Building B) are a luxury 18-story 177 room hotel and a 30-story luxury condominium tower, which includes a parking structure, full service restaurant and retail spaces at the ground floor. The proposed mixed-use and multi-family three-tower development is in accordance with the permitted uses of the MU/SWF District.

Staff has reviewed the application for consideration by the City Council; in this report, Staff presents the applicable Zoning and Land Development Code regulations with recommendations.

Sec. 24-58.5 MU/SWF, Southern Mixed-Use Waterfront District, Tower Building Type***Uses Permitted***

Permitted	Proposed	Recommendation/Comments
<ul style="list-style-type: none"> ▪ Multi-family residential ▪ Retail ▪ Hotel (conditional use) 	<ul style="list-style-type: none"> ▪ Multi-family residential ▪ Retail component ▪ Hotel component 	<ul style="list-style-type: none"> ▪ Complied ▪ Complied ▪ Permitted with Conditions

Site Development Standards

Required	Proposed	Recommendation/Comments
Minimum lot area: N/A	180,935 sq.ft.	Complied
Minimum lot width: 200 feet (250' max.)	204'-6" / 212'-8"	Complied
Minimum lot depth: 200 feet	309' / 341'-1"	Complied
Minimum setbacks: <ul style="list-style-type: none"> Interior side setback: 0' (30' min. when abutting townhouse, zero lot lines and existing single family and an alley is not existing or proposed) Rear setback: 0' (30' min. when abutting townhouse, zero lot lines and existing single family and an alley is not existing or proposed) Tower setback: 15' (from podium) Front/side primary street setback: 15' (30' max.) (70% building frontage along ground floor only) Front/side secondary street setback: 0' (20' max.) (90% building frontage) Waterfront Promenade front/side setback: 20' (60' max.) (90% building frontage) Along South Florida Water Management site interior side setback: 10' (20% 	<ul style="list-style-type: none"> Interior side setback: 21'-4" / 15'-1" / 64'-7" Rear setback: 10' / 20'-6" 22' – 6" Front/side primary street setback: 16'-4" / 7'-4" (from ROW) Front/side secondary street setback: 1'-8" Waterfront Promenade front/side setback: 20' Along South Florida Water Management site interior side setback: 10'-2" 	<ul style="list-style-type: none"> Complied Complied Complied Complied Complied Complied Complied

building frontage on ground floor only)		
Maximum building height: 30 stories/375 feet (number of stories may be increased provided the overall building height is not exceeded)	30 stories/375 feet 32 stories/ 359 feet	Complied Complied
Minimum open space area: 10%	98,268 sq.ft. (54%)	Complied
Minimum pervious area: 10%	18,400 sq.ft. (10%)	Complied
Minimum space requirements: <ul style="list-style-type: none"> ▪ 2 per 1,000 sq.ft.(retail, restaurant, or commercial): 19 spaces ▪ 1 per 4 rooms plus 1 per 800 sq.ft. for restaurant, public meeting areas; 1 per 15 rooms for staff (hotel): 57 spaces ▪ 1 per unit plus 1 per 20 units for guest parking: 790 spaces ▪ Total handicapped spaces required: 12 ▪ 1 bike rack space per every 15 parking spaces: 58 racks ▪ Loading spaces: 6 (3 multi-family, 2 hotel, 1 retail) 	<ul style="list-style-type: none"> ▪ 19 spaces ▪ 57 Spaces ▪ 1224 Spaces ▪ 31 handicapped spaces ▪ 72 bike racks ▪ 8 loading spaces 	<ul style="list-style-type: none"> ▪ Complied ▪ Complied ▪ Complied (434 extra) ▪ Complied (19 extra) ▪ Complied (14 extra) ▪ Complied (2 extra)

Article IX Off-Street Parking and Loading
Sec. 24-93 Parking Lot Design Standards

Required	Proposed	Recommendation
Paving and Drainage: <ul style="list-style-type: none"> ▪ Surfaced w/6 inch rolled rock and 1 inch weatherproof 	<ul style="list-style-type: none"> • Concrete and pavers 	<ul style="list-style-type: none"> • Complied

pavement ▪ Proper drainage	Drainage conceptual provided	Complied
Minimum parking space sizes ▪ Standard 9' x 18' ▪ Handicapped 12' x 20' plus 5' access ramp	9' x 18' 12' x 20' with 5' access ramp	<ul style="list-style-type: none"> • Complied • Complied
Traffic Study	<ul style="list-style-type: none"> ▪ Traffic Impact Analysis Review conducted by RMA for entire zoning district. ▪ Traffic study submitted. 	<ul style="list-style-type: none"> • Complied • Complied

Article XI. Landscaping

Sec. 24-122

Required	Proposed	Recommendation
Site landscape plan	Complete landscape plan provided.	<ul style="list-style-type: none"> • Complied

Article X Subdivision and Floodplain Standards

Sec. 24-106(E)(2)(a)(2)

Required	Proposed	Recommendation
Zone AE (EL 7)	Building: 9.5' N.V.G.D. Garage: 8.5' N.V.G.D.	<ul style="list-style-type: none"> • Complied • Complied

PLANNING AND ZONING DEPARTMENT ANALYSIS:

The purpose and intent of the MU/SWF, Southern Mixed-use Waterfront District is “to establish a mixed-use area that provides for multi-family housing that enables residents to live on the waterfront.”

The proposed mixed-use and multi-family development is in accordance with the intent of the district through its classification as a permitted use. It complies with the district’s purpose of enhancing the visual character of Biscayne Boulevard, ensuring public access to and the beautification of the waterfront, stimulating neighborhood commercial and retail activities and encouraging people to reside in the newly established district.

In the MU/SWF, Mixed-Use Southern Waterfront District, Hotel Use is permitted as a Conditional Use. As per Section 24-175 of the City Code, Conditional Use applications shall be reviewed for the following standards:

- (1) The proposed use will be compatible with the existing natural environment and other properties within the neighborhood;

The applicant has agreed to provide substantial enhancements and public access to the Bay Walk component of this mixed-use project.

- (2) The proposed use will create no substantial detrimental effects on neighborhood property values;
This is a substantial mixed-use development with a hotel component. This quality development should certainly have a positive effect on property values along the Biscayne Boulevard Corridor, and will help anchor future redevelopment in this key area of North Miami Beach.
- (3) The proposed use can be accommodated by adequate community facilities such as schools, streets, parks, and utilities;
The proposed Hotel is part of a mixed-use project which has complied with all required concurrency for the Miami-Dade County Public Schools. Adequate utilities are required to accommodate the project, as detailed in the applicable conditions contained in this report. The required transportation study finds that the level of service will not be diminished.
- (4) The proposed use will have adequate provisions for vehicular and pedestrian traffic movement, both internal to the use and in the area that will serve the use;
Ample pedestrian access has been provided into this mixed-use project. The approved traffic study indicates that vehicular traffic can be adequately handled by the existing street system.
- (5) The proposed use will have adequate drainage systems to service the use with particular attention to the necessity for on-site retention systems to alleviate runoff and pollution problems;
A preliminary engineering plan has been submitted with the applicant's plan. A more detailed drainage plan will be submitted and a more in-depth review of drainage will be conducted at the time of submittal for building permit. Adequate drainage, including retention of all stormwater on site, as well as pollution control is, and will be, a standard condition of project approval.
- (6) The proposed use will have adequate setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust, and other nuisances;
The proposed structure meets the newly adopted mixed-use development regulations with respect to design and architecture, building massing and setbacks, and requirements for active street frontage, and should be a very positive addition to the urban fabric of the Biscayne Boulevard Corridor.
- (7) The proposed use will be located on property which is sufficient, appropriate and adequate for any reasonably anticipated expansion thereof;
There is no additional expansion anticipated on the site. Developable property exists to the south of the site in case there is future demand for additional development.

- (8) Any other conditions as may be stipulated and made a requirement in granting any conditional uses, when it is considered necessary to further the intent and general welfare, including, but not limited to:
- (a) Limitations on the hours of commercial or industrial operations.
By its nature, a hotel is a 24 hour operation. Restaurants and public facilities shall follow applicable City regulations regarding operating hours.
 - (b) Limitations on the number of occupants of any building at any one time.
Both the Building Department, through use of the Florida Building Code, and the Miami-Dade County Fire Department limit the maximum occupancy of a structure.

PLANNING AND ZONING DEPARTMENT RECOMMENDATION:

The attached draft Resolution contains the conditions of approval recommended for this project, including the following highlights:

- Prior to issuance of any Master Building Permit, Applicant shall provide the City Manager or designee with a draft schedule for the construction of the Project, (the "Construction Schedule").
- Construction workers are prohibited from parking on residential streets or public parking lots. Prior to application for the Master Building Permit, the Applicant shall submit a construction parking plan providing off-street parking for construction workers during the period of construction to the City Manager or designee for review and approval. The construction parking plan shall provide: (a) Applicant's general contractor shall direct all workers to park at off street sites; (b) no workers shall park their vehicles in residential neighborhoods; and (c) Applicant shall provide reports as needed to the City Manager or designee detailing any problems and complaints regarding the parking.
- Prior to the issuance of the Master Building Permit, the Applicant shall submit plans for the construction of an appropriate barrier between the construction site and adjoining properties in order to minimize blowing of dust and construction debris. Applicant shall comply with the regulations of the Code of Ordinances the City of North Miami Beach relating to construction site operations, including but not limited to the installation of a chain link construction fence with a windscreen displaying a rendering of the Project. Applicant shall use its good faith efforts to minimize vibration and noise during construction of the Project.
- The applicant shall submit an MOT (Maintenance of Traffic) to Public Works Department staff for review and approval prior to the issuance of a master building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
- As the Applicant proposes to develop this project in phases, each phase must stand alone with respect to amenities and infrastructure. Additionally, any public improvements, in addition to any project features to be open to the public must be constructed as part of the associated building or phase.

- The first phase master building permit from the City must be applied for within eighteen (18) months of site plan approval. The second and final phase master building permit must be applied for within thirty-six (36) months of site plan approval.
- The Applicant shall post a sign on-site providing contact information in case of any complaint or concern during construction. The sign shall be removed upon the earlier of the City's issuance of a temporary or full certificate of occupancy.
- The site plan and any conditional use or variance approvals shall remain valid for a period of 18-months from the date of adoption of the Resolution by the City Council. If the first master building permit is not applied for within the 18-month time period, the approvals shall be considered null and void and of no force and effect unless extensions of time are obtained pursuant to applicable law.
- The Applicant agrees the applicant agrees to permit a police antenna on the roof of the building, to be determined by the Chief of Police prior to final issuance of the certificate of occupancy.
- Live, amplified music shall be prohibited outdoors. Recorded music no greater than 75 decibels shall be allowed from 10:00 a.m. to 10:00 p.m. If applicable, this shall be reviewed annually through the Conditional Use approval.
- The publicly-accessible bay walk shall be open to the public between the hours of 8:00 am and 7:00 pm, seven days a week, including holidays.
- The Applicant agrees to contribute a sum of money equivalent to 1.0% of the total Project cost to the City's Art in Public Places Fund, prior to or at the time of issuance of the Master Building Permit for each phase, or provide artwork, of a quality and design acceptable to the City Manager or designee, on-site.
- Dumpsters shall be serviced wholly within the building envelope and only by the City of North Miami Beach or its approved contractor. All dumpsters shall be delivered to the trash room no later than 7 a.m. on collection days. The servicing of the dumpsters and their locations shall not be visible from pedestrians or passing motorists on the sidewalks, abutting rights-of way, adjacent streets or public beach.

The Planning and Zoning Department recommends **approval** of this project subject to the conditions contained in the attached draft Resolution.

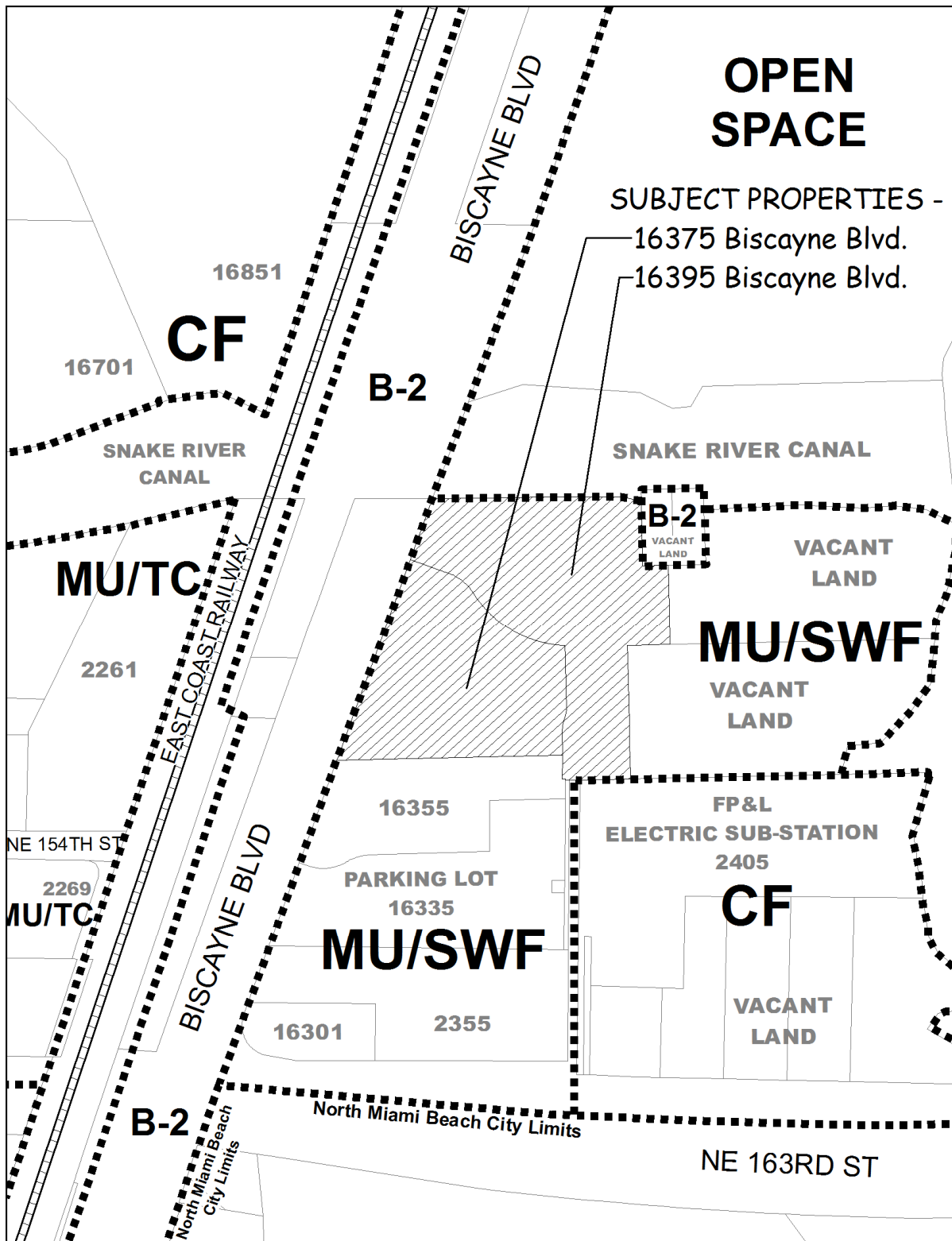
SUBMITTAL HISTORY:

TRAD (August 13, 2015)

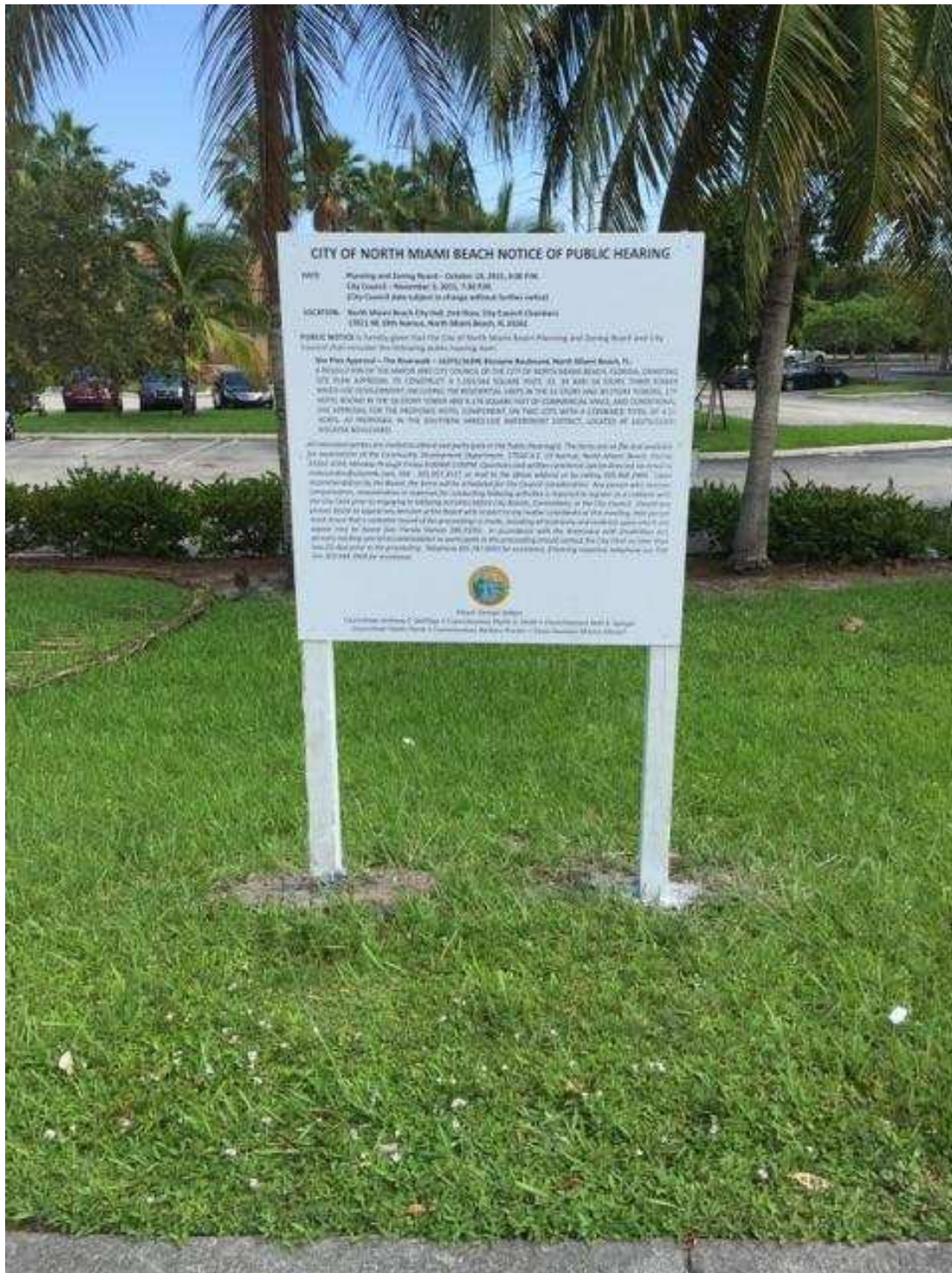
PLANNING & ZONING BOARD (October 19, 2015) Approved by 6-1 vote (Smukler against)

CITY COUNCIL (November 3, 2015)

LOCATION AND ZONING MAP



ADVERTISEMENT HISTORY:



10/8/2015



Title:

Category: Hearings

Adnumber: 2485117

CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING DATE/TIME: Monday, October 19, 2015, 6:00 P.M.
 LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers 17011 NE 19th Avenue, North Miami Beach, FL 33162 PUBLIC NOTICE is hereby given that the City of North Miami Beach Planning and Zoning Board shall consider the following public hearing item: Site Plan Approval - The Riverwalk - 16375/16395 Biscayne Boulevard, North Miami Beach, FL: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL TO CONSTRUCT A 1,505,544 SQUARE FOOT, 32, 30 AND 18 STORY, THREE-TOWER MIXED-USE DEVELOPMENT; INCLUDING 730 RESIDENTIAL UNITS IN THE 32-STORY AND 30-STORY TOWERS, 177 HOTEL ROOMS IN THE 18-STORY TOWER AND 9,178 SQUARE FEET OF COMMERCIAL SPACE, AND CONDITIONAL USE APPROVAL FOR THE PROPOSED HOTEL COMPONENT, ON TWO LOTS WITH A COMBINED TOTAL OF 4.15 ACRES, AS PROPOSED; IN THE SOUTHERN MIXED-USE WATERFRONT DISTRICT, LOCATED AT 16375/16395 BISCAYNE BOULEVARD. All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to nmbcomdev@citynmb.com, FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0105). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance. 10/8 15-115/2485117M

10/22/2015



Title:

Category: Hearings

Adnumber: 2487832

CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING DATE/TIME: Tuesday, November 3, 2015, 7:30 P.M.
 LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers 17011 NE 19th Avenue, North Miami Beach, FL 33162 PUBLIC NOTICE is hereby given that the City of North Miami Beach City Council shall consider the following public hearing item: Site Plan Approval – The Riverwalk – 16375/16395 Biscayne Boulevard, North Miami Beach, FL: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL TO CONSTRUCT A 1,505,544 SQUARE FOOT, 32, 30 AND 18 STORY, THREE-TOWER MIXED-USE DEVELOPMENT; INCLUDING 730 RESIDENTIAL UNITS IN THE 32-STORY AND 30-STORY TOWERS, 177 HOTEL ROOMS IN THE 18-STORY TOWER AND 9,178 SQUARE FEET OF COMMERCIAL SPACE, AND CONDITIONAL USE APPROVAL FOR THE PROPOSED HOTEL COMPONENT, ON TWO LOTS WITH A COMBINED TOTAL OF 4.15 ACRES, AS PROPOSED; IN THE SOUTHERN MIXED-USE WATERFRONT DISTRICT, LOCATED AT 16375/16395 BISCAYNE BOULEVARD. All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to nmbcomdev@citynmb.com, FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0105). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance. 10/22 15-62/2487832M

October 21, 2015

Mr. Carlos M. Rivero, City Planner
City of North Miami Beach
17050 NE 19th Avenue
North Miami Beach, FL 33162

Re: **The Riverwalk at North Miami Beach**
Letter of Intent

Dear Mr. Rivero,

It is with great pleasure that we submit the attached application package to your department for Site Plan Review and Conditional Use approval for the development project known as The Riverwalk at North Miami Beach. Biscayne Cove, LLC, the property Owner, has been working with the City for some time now on this application and we believe that the current project meets the City's new vision for the development of this site. The Project recently received a 6-1 vote in favor of approval at the Planning and Zoning Board meeting on October 19th and we look forward to final review at the Community Council level. The project is located at 16375/16395 Biscayne Boulevard and is part of the new Southern Mixed-Use Waterfront District. This site forms a prominent point in the City and we believe the proposed project will become a major destination for locals and visitors alike.

The proposed project is a mixed-use development with two high-rise towers bisected by a prominent access road and features a public waterfront river walk along the service canal leading to the Oleta River. The North Tower, referred to as Tower A, is a 32-story luxury apartment building with a dedicated parking structure and a wide mix of residential units ranging from street level townhouse type units to luxury two-bedroom units. The South Tower (Tower B) is made up of a luxury 160 room hotel and a 32-story luxury condominium tower and includes a full service restaurant and retail spaces at ground floor. The combined project includes just over 1.5million square feet and approximately 730 residential units and along with the Hotel and retail uses will form a significant development. In addition to the Site Plan Approval we are seeking approval of the Conditional Use for the proposed Hotel.

Here are a few features of the project that we feel will make a significant contribution to the City and its development vision:

- A. The Riverwalk is enhancing community assets by way of the improvements proposed along the pedestrian shoreline access path. As a result of this proposal, the public will now enjoy the continuous access from Biscayne Boulevard to the lakefront by way of a pleasantly landscaped and improved walkway. Seating areas along the walkway along with extensive landscaping will provide the opportunity for the public to enjoy this underutilized waterway.
- B. The project proposes several unit types which will subsequently result in a wide range of prices. Units will include traditional Studio, 1-bedroom, and 2-bedroom apartments and condominium units along with ground level townhouse units and live-work units.

- C. The project proposes an extensive series of private sidewalks which will pedestrian traffic to access all areas of the project. Public access is controlled but visitors will be able to walk from Biscayne Boulevard to each of the building entries with ease.
- D. The Riverwalk creates a distinctive and attractive living experience with a strong sense of place and unique architectural qualities.
- E. The project creates not only public waterfront access but also creates extensive upper level recreation terraces. The recreation terraces at the roofs of the parking structures are heavily landscaped and contain common amenities such as exercise facilities, residential lounges, and covered terraces.
- F. The Riverwalk greatly enhances the quality of place within the City and will boost the local economy by way of increased tax contributions which currently do not exist on the site. The project will add greatly to the neighborhood identity by establishing a contemporary architectural vocabulary and will greatly improve accessibility to the waterway which is currently completely underutilized.
- G. The project expands the current transportation choices by providing a variety of accessibility options to the site such as pedestrian sidewalks, bicycle parking, and cross access for vehicles. The site will be pedestrian friendly by allowing pedestrian access to all points within the project.

We hope that you will find the proposed project meets the goals and intent of the new zoning district and that you will find the application worthy of approval. We remain committed to working with you and the Owner to make this project a great success and you are welcome to contact me with any questions you may have or if I may be of assistance in any way.

On behalf of the Owner, thank you for your attention and support throughout this process and we look forward to your comments and eventual approval.

Feel free to contact me with any questions you may have

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'O' followed by a series of loops and a long horizontal stroke.

Omar A. Morales, AIA
Principal Architect

General information

Property/project name: The RIVERWALK at North Miami Beach Submittal date 9/10/15, 2015

Street address(es) of the property: 16375 / 16395 Biscayne Blvd

Proposed use: Mixed-Use/Multi Family / Hotel

Applicant(s)/agent(s): Biscayne Cove, LLC / Omar A. Morales, FORMGROUP, Inc.

Application request

The undersigned Applicant(s)/Agent(s)/Property Owner(s) request City of North Miami Beach consideration and review of the following application(s). Please check all that apply.

- ☐ Abandonment and Vacations
- ☐ Annexation
- ☐ Comprehensive Plan Map Amendment - Small Scale
- ☐ Comprehensive Plan Map Amendment - Large Scale
- ☐ Comprehensive Plan Text Amendment
- ☒ Conditional Use
- ☐ Conditional Use – Special Limited
- ☐ Development Agreement
- ☐ Development of Regional Impact
- ☐ Development of Regional Impact - Notice of Proposed Change
- ☐ Planned Unit Development
- ☐ Plat/Replat
- ☒ Site Plan
- ☐ Variance
- ☐ Zoning Code Map Amendment
- ☐ Zoning Code Text Amendment
- ☒ Other: Hotel Use

Project information

Street address(es) of the property: 16375/16395 Biscayne Blvd, North Miami Beach, FL

Legal description: Lot(s) Tract A&B of North Miami Beach Place, PB155, Pg.86

Block(s) _____ Section (s) _____

Property folio numbers (list all numbers) 07-2216-042-0010 / 07-2216-042-0020



City of North Miami Beach, Florida

Community Development Department Public Hearing Application

17050 NE 19th Ave. North Miami Beach, FL 33162 Tel: 305. 948.2966 nmbcomdev@citynmb.com

Property owner name(s): Biscayne Cove, LLC

Property owner(s) mailing address(es): 10 NW 42nd Avenue, Suite 700 Miami, FL 33142

Telephone: Business 305-567-1577 Fax 305-529-1134

Other _____ Email epuig @ keystoneholdings.com

Applicant(s)/agent(s): Omar A. Morales, FORMGROUP, Inc.

Applicant(s)/agent(s) mailing address: 4300 SW 73 Avenue, Suite 106 Miami, FL 33155

Telephone: Business 305-443-4244 Fax 305-443-3338

Other cell: 786-281-2535 Email _____ omar @ formgroup.net

Proposed site data and land use(s) information

Please complete and/or respond to all requested information. If "Not Applicable," please note NA.

Current Comprehensive Plan Land Use designation(s): MU/SWF

Current Zoning District designation(s): MU/SWF

Proposed Comprehensive Plan Land Use designation(s) (if applicable): n/a

Proposed Zoning District designations(s) (if applicable): n/a

Proposed non-residential land uses (list of intended uses), gross square footage, required parking and parking provided.

Use: <u>Hotel</u>	Square footage: <u>104,773 s.f.</u>	Required parking: <u>57</u>	Parking provided: _____
Use: <u>Restaurant</u>	Square footage: <u>4,411 s.f.</u>	Required parking: <u>9</u>	Parking provided: _____
Use: <u>Retail</u>	Square footage: <u>4,767 s.f.</u>	Required parking: <u>10</u>	Parking provided: _____
Use: _____	Square footage: _____	Required parking: _____	Parking provided: _____
Use: _____	Square footage: _____	Required parking: _____	Parking provided: _____
Use: _____	Square footage: _____	Required parking: _____	Parking provided: _____

Non-residential totals: Square footage: 113,951 s.f. Required parking: 76 Parking provided: 76

Residential unit size, number by unit type, gross square footage by type, required parking and parking provided:

Unit size: Studio: _____ One-bedroom: 660 (avg.) Two-bedroom: 922 (avg.) Three-bedroom: 1,120 (avg.)

Studio:	Square footage: _____	Required parking: _____	Parking provided: _____
One-bedroom: <u>322</u>	Square footage: <u>660 avg.</u>	Required parking: <u>322</u>	Parking provided: <u>498</u>
Two-bedroom: <u>355</u>	Square footage: <u>922 avg.</u>	Required parking: <u>355</u>	Parking provided: <u>620</u>
Three-bedroom: <u>53</u>	Square footage: <u>1,120 avg.</u>	Required parking: <u>53</u>	Parking provided: <u>106</u>
		Guest Parking <u>37</u>	

Residential totals: 730 Square footage: 631,796 s.f. Required parking: 767 Parking provided: 1,224

Site data information:

Total lot area (square footage/acreage): 180,935sf / 4.16acre Lot width: 204ft Lot depth: 309ft
 Setbacks: Front: 1'-8" from new ROW Rear: 10' Side: 21'-4" Side (Interior): 15'-1"
 Building height (feet/inches): 359'-0" Number of floors: 32
 Minimum pervious area: 18,400 s.f. Maximum lot coverage: 82,667 s.f.
 Total required parking: 843 Parking provided: 1,300 Additional parking: 457

Supporting information

A Preapplication Conference is required with the Community Development Staff in advance of application submittal to determine the information necessary to be filed with the application(s). Staff will advise and check the required items at the Preapplication Conference. If necessary, attach additional sheets to application. Staff reserves the right to request additional information as necessary throughout the entire City review process.

- ☒ Aerial.
- ☐ Affidavit providing for property owner's authorization to process application.
- ☐ Annexation supporting materials.
- ☒ Application fees.
- ☐ Application representation and contact information.
- ☐ Appraisal.
- ☒ Architectural/building elevations (color).
- ☒ Architectural/building elevations architectural elements (color).
- ☒ Building floor plans and roof plan.
- ☐ Comprehensive Plan analysis.
- ☐ Comprehensive Plan text amendment justification.
- ☐ Concurrency review application.
- ☐ Department of Transportation Driveway Connection Permit
- ☒ Drainage Plan.
- ☒ Elevations.
- ☐ Encroachments plan.
- ☐ Environmental assessment.
- ☐ Exterior architectural materials board.
- ☒ Landscape plan.
- ☐ Land use map (subject property outlined).
- ☐ Lighting plan.
- ☐ Liquor survey (for only review of location of lounge, bar, or package liquor store).
- ☐ Lobbyist form (City form).
- ☒ Massing model and/or 3D computer model.

- ☐ Ordinances, resolutions, covenants, development agreements, etc. previously granted for the property.
- ☐ Parking study.
- ☐ Photographs (color) of property, adjacent uses and/or streetscape.
- ☐ Plat.
- ☒ Property owners list, including a typewritten list and 2 sets of self-adhesive labels of all properties within 500 feet.
- ☒ Property survey and legal description.
- ☐ Public Realm Improvements Plan for mixed use projects.
- ☐ Public school preliminary concurrency analysis (residential land use/zoning applications only).
- ☐ Sign master plan (colored).
- ☐ Site plan and supporting information.
- ☒ Statement of use and/or cover letter.
- ☒ Streetscape master plan.
- ☐ Text amendment justification.
- ☐ Traffic accumulation assessment.
- ☐ Traffic impact statement.
- ☒ Traffic impact study.
- ☐ Traffic stacking analysis.
- ☐ Utilities consent.
- ☒ Utilities location plan.
- ☐ Vegetation survey.
- ☐ Warranty Deed.
- ☐ Zoning Code text amendment justification.
- ☐ Zoning Map (with subject property outlined)
- ☐ Other: _____

Application submittal requirements – Number of copies

1. Table of Contents. Please provide a Table of Contents identifying all documents provided on all paper and electronic copies. Please clearly indicate date on all pages of plans and drawings.
2. Hard copies.
 - a. Fifteen (15) paper copies (11 inch by 17 inch format with binding) of this application and entire application shall be submitted including all the items identified in the Pre-application Conference.
 - b. One (1) paper full-size (24 inch by 36 inch format, signed and sealed, stapled and folded) plans of all drawings, illustrations, etc.
 - c. One (1) copy of exterior architectural materials board (if applicable).
 - d. Fifteen (15) sets of the application.
 - e. Fifteen (15) sets of the letter of intent for the project.
 - f. Fifteen (15) sets of the most recent survey of the property.
3. Digital media copies. One (1) compact discs (CD ROMs) of the entire application including all items identified in the Pre-application Conference. Each document shall be separated into separate PDF files (i.e., application; site plan,

landscape plan; etc.). Please include a "Table of Contents" identifying all PDF file name(s). Each PDF file size shall not exceed 10 Mb. All discs shall be labeled with the applicant(s) name, project name and date of submittal.

Applicant/agent/property owner affirmation and consent

(I) (We) affirm and certify to all of the following:

1. Submission of the following:
 - a. Warranty deed/tax record as proof of ownership for all properties considered as a part of the application request; or
 - b. Authorized as the applicant(s)/agent(s) identified herein to file this application and act on behalf of all current property owner(s) and modify any valid City of North Miami Beach entitlements in effect during the entire review process.
2. This application, application supporting materials and all future supporting materials complies with all provisions and regulations of the Zoning Code, Comprehensive Land Use Plan and Code of Ordinances of the City of North Miami Beach unless identified and approved as a part of this application request and/or other previously approved applications.
3. That all the answers to the questions in this application, and all data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief.
4. Understand this application must be complete and accurate before a hearing can be advertised. In the event that I or anyone appearing on my behalf is found to have made a material misrepresentation, either oral or written, regarding this application (I)(We) understand that any City review shall be voidable at the option of the City of North Miami Beach.
5. Understand the failure to provide the information necessary pursuant to the established time frames included but not limited to application submittal, submission of revised documents, etc. for review by City Staff and the designated reviewing entity may cause application to be deferred without further review until such time the requested information is submitted.
6. Understand that the application, all attachments, correspondence and fees become a part of the official records of the City of North Miami Beach and are not returnable.
7. Understand that under Florida Law, all the information submitted as part of the application are public records.
8. All representatives of the application have registered with and completed the required lobbyist forms from the City of North Miami Beach City Clerk's Office.
9. The application before the Board or City Council shall be represented by the legal owner, the prospective owner having a bona fide purchase contract or a duly qualified attorney retained by said owner or prospective owner.
10. Additional costs in addition to the application fees may be assessed associated with the review of applications by the City. These are costs that may be incurred by the applicant due to consultant fees paid by City to review the application. The types of reviews that could be conducted may include but are not limited to the following: concurrency review; property appraisals; traffic impact analyses; vegetation/environmental assessments; archeological/historic assessments; market studies; engineering studies or reports; and legal fees. Such fees will be assessed upon finalization of the City application review. Understand that if payment is not received the prior to Final Pubic Hearing Review, the Application shall be postponed by the City until such time all fees are paid.

(See next page for signature information)

Applicant(s)/Agent(s) Signature(s):

Applicant(s)/Agent(s) Print Name:

[Signature]

ENRIQUE PUIG

Address(es):

10 NW 42 Ave, Suite 700, Miami, FL 33126

Telephone:

305 796 4639

Fax:

Email:

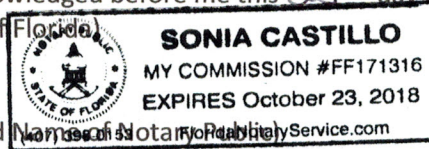
epuig@keystoneholdings.com

NOTARIZATION

STATE OF FLORIDA/COUNTY OF

The foregoing instrument was acknowledged before me this 25th day of September by Enrique Puig

(Signature of Notary Public - State of Florida)



(Print, Type or Stamp Commissioned Notary Public)

Notary Public Service.com

☐ Personally Known OR ☒ Produced Identification; Type of Identification Produced P200-216-57-309-0

Office Use Only

Preapplication conference was completed on _____, 2015
 Month Day

Application submittal date _____, 2015
 Month Day

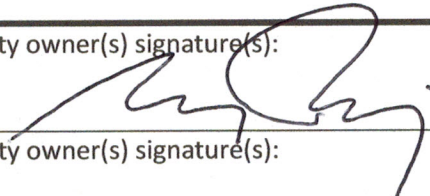
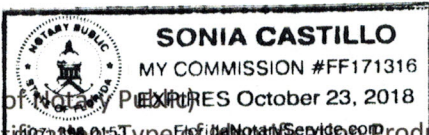
Fee(s) received ☐ Yes ☐ No Amount: \$ _____

Fee(s) received for : _____

Check No. _____ City Account No: 010-341201

Upon completion - Scan and insert application into Department "Project" computer file directory. Revision date 06.02.2015

(Please complete all below sections and indicate "Not Applicable (N/A)" as appropriate).

Property owner(s) signature(s): 	Property owner(s) print name: <u>ENRIQUE PUIG FOR Biscayne Core.</u>	
Property owner(s) signature(s):	Property owner(s) print name:	
Property owner(s) signature(s):	Property owner(s) print name:	
Address(es): <u>10 NW 42 AVE. SUITE 700, Miami FL 33126</u>		
Telephone: <u>305 796 4639</u>	Fax:	Email: <u>epuig@keystoneholdings.com</u>
NOTARIZATION		
STATE OF FLORIDA/COUNTY OF		
The foregoing instrument was acknowledged before me this <u>25th</u> day of <u>September</u> by <u>Enrique Puig</u>		
(Signature of Notary Public - State of Florida)		
 <p>SONIA CASTILLO MY COMMISSION #FF171316 EXPIRES October 23, 2018</p>		
(Print, Type or Stamp Commissioned Name of Notary Public)		
<input type="checkbox"/> Personally Known OR <input checked="" type="checkbox"/> Produced Identification; Type of Identification Produced <u>P200-216-57-3090</u>		

Contract Purchaser(s) Signature:	Contract Purchaser(s) Print Name:	
Contract Purchaser(s) Signature:	Contract Purchaser(s) Print Name:	
Address(es):		
Telephone:	Fax:	Email:
NOTARIZATION		
STATE OF FLORIDA/COUNTY OF		
The foregoing instrument was acknowledged before me this _____ day of _____ by _____		
(Signature of Notary Public - State of Florida)		
(Print, Type or Stamp Commissioned Name of Notary Public)		
<input type="checkbox"/> Personally Known OR <input type="checkbox"/> Produced Identification; Type of Identification Produced _____		



CITY OF NORTH MIAMI BEACH - CONCURRENCY REVIEW

DATE OF REVIEW: October 8, 2015

PROJECT APPLICANT: Biscayne Cove, LLC

PROJECT NAME: The Riverwalk

APPLICATION NUMBER: 15-011

PROJECT LOCATION: 16375/95 Biscayne Blvd.

PROJECT REQUEST: Site Plan Approval

PROJECT DESCRIPTION: A 1,505,544 square foot, three-tower mixed-use and multi-family residential development, including 730 residential units in 32 and 30 story towers and 177 hotel rooms in a 18 story tower; and, 9,178 square feet of commercial space consisting of 4,767 square feet of retail and 4,411 square feet of restaurant, on two lots totaling 180,935 square feet (4.16 acres).

ZONING DISTRICT: Mixed Use South Waterfront (MU/SWF)

Level of Service Analysis

This Level of Service Analysis is based on those standards contained in Chapter 24, Article XIV Public Facility Capacity; Concurrency Management.

Transportation:

See "Traffic Impact Analysis Review" Memo dated October 8, 2015.

Potable Water:

The City has an adopted potable water level of service standard for multi-family residential of 144 gals./person/day, 200 gals./hotel room/day, 10 gals./100 sq. ft. for retail uses/day and 50 gals./seat/day for restaurants (assume 100 seats). These uses, in total, would increase demand by **341,520** gallons per day on the existing potable water facilities. Adequate water supply and treatment capacities exist to service the use.

Due to increased conservation and lower water usage the City may wish to revisit its standard at a future date.

Sanitary Sewer:

The City has an adopted sanitary level of service standard for multi-family residential of 85 gals./person/day, 200 gals./hotel room/day, 10 gals./100 sq. ft. for retail uses/day and 50 gals./seat/day for restaurants (assume 100 seats). These uses, in total, would increase demand by **218,340** gallons per day on the existing potable water facilities. Adequate sanitary sewer and treatment capacities exist to service the use.

Due to increased conservation and lower water usage the City may wish to revisit its standard at a future date.

Solid Waste:

Solid Waste needs vary greatly based on type of use. The City has adopted a multi-family residential level of service standard for solid waste of 7 lbs./unit/day (hotels will utilize the same standard), 5 lbs./100 sq. ft. for retail and 2 lbs./meal/day for restaurants (assume 200 meals/day). The proposed uses would increase demand by 6,987 on the Miami-Dade County solid waste facilities. Adequate MD solid waste capacities exist to service the use.

For purposes of Solid Waste level of service the Miami-Dade County LOS is described herein.

The County Solid Waste Management System, which includes County-owned solid waste disposal facilities and those operated under contract with the County for disposal, shall, for a minimum of five (5) years, collectively maintain a solid waste disposal capacity sufficient to accommodate waste flows committed to the System through long-term interlocal agreements or contracts with municipalities and private waste haulers, and anticipated non-committed waste flows.

Drainage:

Reviewed by City Engineer

Parks & Recreation:

The level of service standard for recreation and open space is based on resident population and park acreage of 2 acres of park and recreation space per 1000 population. In North Miami Beach the average household contains 2.86 persons. The proposed project contains 730 units with a total population of 2,088. Therefore, this residential use will generate a demand for **2.09 acres** of recreation and open space. **Note:** The Applicant may be required to mitigate if the City determines there is a deficiency in recreation and open space.

Public Schools

CMS Application submitted by City on 7/31/15 (MDCPS CMS # SP0715073101051).

Impact determined by MDCPS

MDCPS School Concurrency Determination Letter Attached.

Attachments:

Traffic Impact Analysis Review
School Concurrency Determination

Date: October 15, 2015

From: Stephen K. Bryan, PE, PTOE

Project: Traffic Impact Study Review (2nd Review)
The Riverwalk at North Miami Beach (Dated October 15, 2015)
16375/16395 Biscayne Boulevard
North Miami Beach, Florida
Prepared by: Richard Garcia & Associates

MEMORANDUM

To whom it may concern:

This memorandum documents the findings of the 2nd review of the proposed The Riverwalk at North Miami Beach Traffic Impact Study dated October 15, 2015 and prepared by Richard Garcia & Associates. The changes made to the report were based on the original review comments dated October 8, 2015. This reviewer notes that no traffic study report was submitted for the 2nd review and this review is based upon the responses that were submitted. From this review, all of the previous comments have been addressed, and the overall analyses and results of the traffic study are satisfactory.

After your review, if you have any questions, please feel free to contact me or Salman Rathore to discuss.

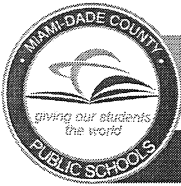
Sincerely,

THE CORRADINO GROUP, INC.



Stephen K. Bryan, P.E., PTOE
sbryan@corradino.com
(615) 982-6204

CC: Alex David, Bell David Planning Group
Salman Rathore, The Corradino Group



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Perla Tabares Hantman, Chair
Dr. Lawrence S. Feldman, Vice Chair
Dr. Dorothy Bendross-Mindingall
Susie V. Castillo
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Lubby Navarro
Dr. Marta Pérez
Raquel A. Regalado

August 13, 2015

VIA ELECTRONIC MAIL

Omar A. Morales, AIA
FORMGROUP - Architecture+Planning
4300 SW 73 Ave, Suite 106
Miami, FL 33155
omar@formgroup.net

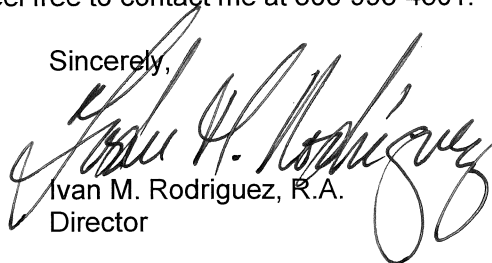
**RE: SCHOOL CONCURRENCY DETERMINATION
THE RIVERWALK - 15-011
LOCATED AT 16375 & 16395 BISCAYNE BOULEVARD
SP0715073101051 - Folio Nos.: 0722160420010 AND 0722160420020**

The above-reference application was submitted by the City of North Miami Beach for a School Concurrency Determination. The review determined that this application is considered vested from the requirements of public school concurrency because there is a monetary proffer via a recorded Declaration of Restrictions in Favor of the School Board of Miami-Dade County (Covenant).

The referenced application was reviewed under the 2003 Interlocal Agreement for Public School Facility Planning and pursuant to the District's procedures; the applicant voluntarily proffered a Covenant providing for a monetary donation over and above educational facilities impact fees in the amount of \$204,786 (CFN2007R12081500) for the development of 295 residential dwelling units. Since this application is now requesting 751 multifamily units, the monetary proffer will be pro-rated accordingly. The Covenant was approved by the School Board at its meeting of December 13, 2006 with the monetary donation due prior to issuance of first building permit.

Should you have any questions, please feel free to contact me at 305-995-4501.

Sincerely,


Ivan M. Rodriguez, R.A.
Director

IMR:ir
L-083

Enclosure

cc: Ms. Ana Rijo-Conde, AICP
Mr. Michael A. Levine
Ms. Vivian G. Villaamil
City of North Miami Beach
School Concurrency Master File

Planning, Design & Sustainability

Ms. Ana Rijo-Conde, Deputy Chief Facilities & Eco-Sustainability Officer • 1450 N.E. 2nd Ave. • Suite 525 • Miami, FL 33132
305-995-7285 • 305-995-4760 (FAX) • arijo@dadeschools.net

Miami-Dade County Public Schools

Concurrency Management System

School Concurrency Determination

MDCPS Application Number: SP0715073101051 Local Government (LG): North Miami Beach
 Date Application Received: 7/31/2015 11:55:45 AM LG Application Number: 15-011
 Type of Application: Site Plan Sub Type: Public
 Applicant's Name: The Riverwalk
 Address/Location: 16375/16395 Biscayne Blvd
 Master Folio Number: 0722160420010
 Additional Folio Number(s): 0722160420020,

PROPOSED # OF UNITS 751
 SINGLE-FAMILY DETACHED UNITS: 0
 SINGLE-FAMILY ATTACHED UNITS: 0

MULTIFAMILY UNITS: 751

CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
2081	FULFORD ELEMENTARY				<u>Vested</u>	
6301	JOHN F KENNEDY MIDDLE				<u>Vested</u>	
7541	NORTH MIAMI BEACH SENIOR				<u>Vested</u>	

COMMENTS

The referenced application was reviewed under the 2003 Interlocal Agreement for Public School Facility Planning and pursuant to the District's procedures; the applicant voluntarily proffered a Covenant providing for a monetary donation over and above educational facilities impact fees in the amount of \$204,786 (CFN2007R12081500) for the development of 295 residential dwelling units. Since this application is now requesting 751 multifamily units, the monetary proffer will be pro-rated accordingly. The Covenant was approved by the School Board at its meeting of December 13, 2006 with the monetary donation due prior to issuance of first building permit.

MDCPS has conducted a public school concurrency review for this application and has determined that it is **(Vested)**.
 This application is considered vested and therefore exempt from the requirements of public school concurrency because of one of the following conditions applies:
 1) the development has a valid, unexpired site plan or final plat or functional equivalent, as of December 31, 2007;
2) the development had an executed and recorded covenant and/or provided monetary mitigation payments, as of December 31, 2007, under the School Board's previous voluntary mitigation procedures; or
 3) the development is a Development of Regional Impact for which a development order was issued, pursuant to Chapter 380, Florida Statutes, prior to July 1, 2005 or for which an application was submitted prior to May 1, 2005.

RESOLUTION NO. R2015-90

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL TO CONSTRUCT A 1,505,544 SQUARE FOOT, 32, 30 AND 18 STORY, THREE-TOWER MIXED-USE DEVELOPMENT; INCLUDING 730 RESIDENTIAL UNITS IN THE 32-STORY AND 30-STORY TOWERS, 177 HOTEL ROOMS IN THE 18-STORY TOWER AND 9,178 SQUARE FEET OF COMMERCIAL SPACE AND CONDITIONAL USE APPROVAL FOR THE PROPOSED HOTEL COMPONENT, ON TWO LOTS WITH A COMBINED TOTAL OF 4.15 ACRES, AS PROPOSED; IN THE SOUTHERN MIXED-USE WATERFRONT DISTRICT, AT 16375/16395 BISCAYNE BOULEVARD.

WHEREAS, the property described herein is zoned SOUTHERN MIXED-USE WATERFRONT DISTRICT; and

WHEREAS, the applicant requests site plan approval and conditional use approval in order to construct a 1,505,544 square foot, 32, 30, and 18-story, three-tower mixed-use development, including 730 residential units in the 32-story and 30-story towers, 177 hotel rooms in the 18-story tower and 9,178 square feet of commercial space consisting of 4,767 square feet of retail and 4,411 square feet of restaurant space, on two lots with a combined total of 180,935 square feet at 16375/16395 Biscayne Boulevard; and

WHEREAS, after a public hearing on October 19, 2015, the Planning and Zoning Board, by a 6 to 1 vote, recommended approval of the site plan and conditional use, subject to the conditions set forth and included herein below in Section 1.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

Section 1. Site plan and conditional-use approval in order to construct a 1,505,544 square foot, 32, 30, and 18-story, three-tower mixed-use development including 730 residential units, 177 hotel rooms, and 9,178 square feet of commercial space on 4.16 acres, on property legally described as:

TRACTS "A" AND "B" OF NORTH MIAMI BEACH PLACE,
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK
155 AT PAGE 86 OF THE PUBLIC RECORDS OF MIAMI-DADE
COUNTY, FLORIDA;

A/K/A
16375 / 16395 BISCAYNE BOULEVARD
North Miami Beach, Florida

is HEREBY **GRANTED** SUBJECT TO THE FOLLOWING CONDITIONS:

1. Unless otherwise provided, all of the below conditions shall be completed/complied with prior to the issuance of the building permit.
2. The conditions of approval for this site plan and conditional-use approval are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
3. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following:
 - a. Sketch of Survey prepared by Juan R. Martinez & Associates, Inc.
 - b. Plans prepared by Form Group, Inc. including the following:
 - Cover Sheet, Overall Site Plan
 - Sheet A-100, Data
 - Sheet DIAG-1, Easement Diagram
 - Sheet A-001, Renderings: Northwest Aerial View and View from Biscayne Blvd
 - Sheet A-002, Renderings: Southwest Aerial View and View along Royal Glades Drive
 - Sheet A-003, Renderings: Southeast View and View from across Royal Glade Canal
 - Sheet A-101, Ground Site Plan
 - Sheet A-102, Mezzanine Level Site Plan
 - Sheet A-103, Garage Level Site Plan
 - Sheet A-104, Recreation Deck Level Site Plan
 - Sheet A-105, Typical Floor Level Site Plan
 - Sheet A-106, Overall Roof Plan
 - Sheet A-107, Building A Ground Floor Plan
 - Sheet A-108, Building A Mezzanine Floor Plan
 - Sheet A-109, Building A Typical Garage Floor Plan
 - Sheet A-110, Building A Amenities Deck Floor Plan – Level 9
 - Sheet A-111, Building A Typical Unit Floor Plan – Levels 10 to 32
 - Sheet A-112, Building A Roof Plan
 - Sheet A-113, Building B Ground Floor Plan
 - Sheet A-114, Building B Mezzanine Floor Level
 - Sheet A-115, Building B Typical Garage Level Floor Plan

- Sheet A-116, Rec Deck Floor Plan – Building B
 - Sheet A-117, Building B Typical Unit Floor Plan – Levels 9 to 30
 - Sheet A-118, Roof Plan Building B
 - Sheet A-200, West Building Elevation
 - Sheet A-201, East Building Elevation
 - Sheet A-202, Building A – North Elevation
 - Sheet A-203, Building A – South Elevation
 - Sheet A-204, Building B – North Elevation
 - Sheet A-205, Building B – South Elevation
 - Sheet A-300, Overall Building Section
 - Sheet A-301, Building Section
 - Sheet LD-1, Drainage Site Plan
 - Sheet L-1, Overall Landscape Plan
 - Sheet L-2, Landscape Plan Building A
 - Sheet L-2.1, Landscape Plan Building A – Recreation Deck
 - Sheet L-3, Landscape Plan Building B
 - Sheet L-3.1, Landscape Plan Building B – Recreation Deck
 - Sheet L-4, Landscaping Notes
 - Sheet FS-1, Fire Set-up Plan
- c. All representations and exhibits as prepared and provided to the Community Development Department as part of the Application Submittal Package, as amended.
 - d. All representations proffered by the Applicant's representatives as a part of the review of the application at public hearings.
4. The City Council shall retain jurisdiction of this Conditional Use Permit which shall be subject to modification. The City Manager or the City Council shall retain the right to call the owner, applicant, and/or operator back before them for a progress report or to modify the Conditional Use permit if it is determined there are legitimate complaints and/or code violations by the Code Compliance Department. The City Council may impose additional conditions to address problems, complaints, or code violations and to determine the timing and need for future progress reports. Nothing in this provision shall be deemed to limit the right of the City Council to call back the owner, applicant and/or operator for other reasons and for other modifications of this Conditional Use Permit.
 5. Prior to issuance of any Master Building Permit, Applicant shall provide the City Manager or designee with a draft schedule for the construction of the Project, (the "Construction Schedule").
 6. Applicant shall provide a unity of title or a covenant in lieu of unity of title, in a form acceptable to the City Attorney, for all parcels prior to issuance of the Building Permit. The unity of title or covenant in lieu shall be recorded in the Public Records of Miami-Dade County, FL, at the expense of the Applicant.
 7. Substantial modifications to the plans submitted and approved as part of the application may require the applicant to return to the Planning and Zoning Board and Mayor and City Council for approval. Insubstantial changes shall include proportionate reductions in residential units and parking spaces by less than 5% of the total proposed project, changes that do not alter the project more than 5% of lot coverage, setbacks, height, density and intensity calculations so long as the proposed amendment does not cause an increase in the number of average daily trips; does not alter the location of any points of ingress, egress, access and vehicular and pedestrian patterns to the site; and does not violate any condition placed upon the site plan as originally approved. Insubstantial changes may be

administratively approved by the City Manager or designee. Any de minimis amendments to the plans or site plans which cannot be resolved administratively shall be returned to the Mayor and City Council for a formal review. However, under no circumstances, may any plans, site plans, building, structure, or project be administratively altered by more than 5% lot coverage, setbacks, height limitations, as well as density or intensity calculations set forth in a previously approved site plan.

8. Prior to the issuance of a Master Building Permit, the City Manager or designee and the City Attorney, may refer any application for review by engineering, planning, legal, technical, environmental, or professional consultant(s) as deemed necessary. The City shall be reimbursed by Applicant for reasonable fees and charges made by such consultant(s) or professional(s) within thirty (30) days of submission of a City voucher. These fees and charges are in addition to any and all other fees required by the City.
9. Construction workers are prohibited from parking on residential streets or public parking lots. Prior to application for the Master Building Permit, the Applicant shall submit a construction parking plan providing off-street parking for construction workers during the period of construction to the City Manager or designee for review and approval. The construction parking plan shall provide: (a) Applicant's general contractor shall direct all workers to park at off street sites; (b) no workers shall park their vehicles in residential neighborhoods; and (c) Applicant shall provide reports as needed to the City Manager or designee detailing any problems and complaints regarding the parking.
10. Prior to issuance of any Master Building Permit, Applicant shall execute a covenant running with the land, binding upon its heirs, successors and assigns, subject to the approval of the City Attorney, which shall be recorded in the public records of Miami-Dade County, Florida at Applicant's sole expense, containing all of the conditions and provisions required by this Resolution. This recorded covenant may be amended from time to time and shall be re-recorded after each amendment at the Applicant's sole expense, subject to the approval of the City Attorney.
11. Prior to the issuance of the Master Building Permit, a bond or equivalent amount of cash shall be posted with the City to replace public property damaged during the construction of the Project pursuant to the terms of Sections 14-1.10 and 14-1.11 of the City's Code of Ordinances in the amount of \$750.00. The final determination regarding property to be replaced shall be made by the City Manager or designee.
12. Prior to the issuance of the Master Building Permit, the Applicant shall provide a bond not to exceed a one-half percent (.05%) of the construction cost, as required by the Building Official. These funds shall be used to secure property and the construction site for the Project in the event construction is abandoned, or ceases prior to completion, or to repair public infrastructure damaged by construction, and to maintain the site during abandonment.
13. Applicant shall furnish payment and performance bonds, cash, or letter(s) of credit issued in a form and by a bank reasonably acceptable to the City to ensure Applicant's performance and/or payment of the public improvements; The payment and performance bond(s) required by this Resolution shall be issued by a surety having a minimum rating of A-1 in the Best's Key Rating Guide, Property/Casualty edition, shall be subject to the approval of the City and shall include this legend: "This bond (these bonds) may not be cancelled or allowed to lapse until thirty (30) days after receipt by the City of North Miami Beach, by certified mail, returned receipt requested, addressed to: CITY MANAGER with a copy to: CITY ATTORNEY, both addressed to: 17011 NE 19 Avenue, North Miami Beach, FL 33162-3111 of written notice from the issuer of the bond of its intent to cancel or to not renew." As improvements and payments are made in accordance with the terms of this

Resolution, the City, in its sole discretion, may reduce or eliminate the bond amount. These rights reserved by the City with respect to any construction bond or other performance or payment bond established pursuant to this section are in addition to all other rights and remedies the City may have under this Resolution, in law or in equity.

14. No building permits shall be issued (except for signage, demolition, foundation, temporary power, construction trailers and sales center) unless the Applicant has submitted all documents required under this approval as of that date, subject to the approval of the City Attorney and the City Manager or designee, and shall have paid all professional reimbursements and other payments required by the Code of Ordinances of the City of North Miami Beach.
15. Prior to the issuance of the Master Building Permit, the Applicant shall submit plans for the construction of an appropriate barrier between the construction site and adjoining properties in order to minimize blowing of dust and construction debris. Applicant shall comply with the regulations of the Code of Ordinances the City of North Miami Beach relating to construction site operations, including but not limited to the installation of a chain link construction fence with a windscreen displaying a rendering of the Project. Applicant shall use its good faith efforts to minimize vibration and noise during construction of the Project.
16. The applicant shall submit an MOT (Maintenance of Traffic) to Public Works Department staff for review and approval prior to the issuance of a master building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
17. As the Applicant proposes to develop this project in phases, each phase must stand alone with respect to amenities and infrastructure. Additionally, any public improvements, in addition to any project features to be open to the public must be constructed as part of the associated building or phase.
18. The first phase master building permit from the City must be applied for within eighteen (18) months of site plan approval. The second and final phase master building permit must be applied for within thirty-six (36) months of site plan approval.
19. All engineering (paving and drainage) plans at time of permitting must be signed and sealed by a State of Florida Certified Engineer and must be stamped approved by Miami-Dade County DRER and FDOT.
20. All City impact fees shall be paid prior to issuance of a master building permit, for each phase of the project.
21. The Applicant agrees to contribute a sum of money equivalent to 1.0% of the total Project cost to the City's Art in Public Places Fund, prior to or at the time of issuance of the Master Building Permit for each phase, or provide artwork, of a quality and design acceptable to the City Manager or designee, on-site.
22. The Applicant shall comply with all applicable conditions and permit requirements of the Miami-Dade County Fire Department, the Water and Sewer Department, Department of Regulatory and Economic Resources, Miami-Dade County Public Health Department, the Florida Department of Environmental Protection (FDEP), the Florida Department of Transportation (FDOT) and any other applicable regulatory agency.
23. Prior to the issuance of the Master Building Permit, the Applicant shall meet all requirements of the Department of Public Works Solid Waste Division for trash containers.
24. Any gates within the Project shall be of a decorative design to enhance the aesthetics of the buildings, as determined by the City Manager or designee. All vehicular service roll gates shall be at least fifteen (15) feet high and shall be of a decorative material to enhance the building.

25. If applicable, prior to the issuance of any Master Building Permit for any phase (building) of the Project, any driveway permit along any State Right-of-Way must be approved and permitted by Florida Department of Transportation ("FDOT"), and proof of an FDOT permit shall be required prior to any work being performed within any State right of way.
26. The Applicant shall post a sign on-site providing contact information in case of any complaint or concern during construction. The sign shall be removed upon the earlier of the City's issuance of a temporary or full certificate of occupancy.
27. The site plan and any conditional use or variance approvals shall remain valid for a period of 18-months from the date of adoption of the Resolution by the City Council. If the first master building permit is not applied for within the 18-month time period, the approvals shall be considered null and void and of no force and effect unless extensions of time are obtained pursuant to applicable law.
28. The Applicant, its successors and assigns shall comply with all City ordinances applicable to development and permit approvals at the time of adoption of the Resolution and in the event the Master Building Permit expires, all approvals and prior fees paid, shall be subject to be forfeited. This shall not applied to City of North Miami Beach impact fees paid, which would not be refunded but would be credited to the property for any subsequent development.
29. Garbage collection service will be provided by the City of North Miami Beach or designee.
30. The Applicant agrees the applicant agrees to permit a police antenna on the roof of the building, to be determined by the Chief of Police prior to final issuance of the certificate of occupancy.
31. Applicant must provide the NMBPD with access to the property at all times.
32. Applicant must provide the NMBPD with a safety plan.
33. Applicant must join the NMBPD ***Trespass After Warning*** Program.
34. Live, amplified music shall be prohibited outdoors. Recorded music no greater than 75 decibels shall be allowed from 10:00 a.m. to 10:00 p.m. If applicable, this shall be reviewed annually through the Conditional Use approval.
35. The Applicant and its successors and assigns, including but not limited to the successor homeowners' association, if any, shall maintain all landscape and exterior hardscape features and materials on site and throughout all public improvements in good condition, replacing diseased, dying or dead plant material as necessary and repairing / cleaning / painting all hardscape features so as to present a healthy and orderly appearance at all times.
36. The words "Aventura", "Miami Beach," and "Sunny Isles Beach" shall not be used by the applicant immediately preceding or following the Project name. The words "Aventura", "Miami Beach" and "Sunny Isles Beach" shall not be part of the website address for the Project. References in the marketing materials to nearby communities shall be limited to descriptions of entertainment, shopping or dining locations, or other landmarks; the Applicant shall identify the Project as being located in the City of North Miami Beach, Florida.
37. As part of the Project's marketing materials and to the extent appropriate for purposes of the marketing campaign, including any sales brochures or similar information provided to potential purchasers, tenants and/or real estate sales personnel engaged in marketing the Project, Applicant shall use good faith efforts to promote the City of North Miami Beach and feature local businesses located in the City of North Miami Beach.
38. The publicly-accessible bay walk shall be open to the public between the hours of 8:00 am and 7:00 pm, seven days a week, including holidays.

39. Dumpsters shall be serviced wholly within the building envelope and only by the City of North Miami Beach or its approved contractor. All dumpsters shall be delivered to the trash room no later than 7 a.m. on collection days. The servicing of the dumpsters and their locations shall not be visible from pedestrians or passing motorists on the sidewalks, abutting rights-of way, adjacent streets or public beach.
40. Upon issuance of a hurricane warning by the National Weather Service or similar agency, all removable items from pool decks, roof decks and other outdoor spaces shall be immediately removed and secured.
41. The Applicant shall obtain a certificate of occupancy and certificate of use from the City upon compliance with all terms and conditions. The certificate of use shall be subject to review upon violation of any of the conditions, in accordance with the law.

Section 2. The City Council makes the following FINDINGS OF FACT based upon the substantial competent evidence provided:

The requested conditional use approval is not contrary to the public interest or detrimental to the community and is compatible with the surrounding land uses while maintaining the basic intent and purpose of the zoning and land use regulations.

Section 3. Pursuant to Section 24-172(I) of the Code of Ordinances of the City of North Miami Beach, the Applicant must apply for a master building permit, for the first phase of the project, from the City within eighteen (18) months of the date of this Resolution or the site plan approval granted shall be deemed null and void and the applicant shall be required to reinstate the site plan review process unless the term is extended administratively or by the City Council prior to its expiration.

Section 4. Pursuant to Section 24-175(C) of the Code of Ordinances of the City of North Miami Beach, the applicant must obtain a Business Tax Receipt within one year of the issuance of a Certificate of Occupancy or within one year of conditional use approval, whichever is longer. This may be extended administratively for good cause for one six-month period by the City Manager or designee. This period may be extended by the Mayor and City Council for good cause.

APPROVED AND ADOPTED by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this **3rd day of November, 2015**.

RESOLUTION R2015-90

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION

JOSE SMITH
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

COUNCILPERSON	YES	NO	ABSTAIN	ABSENT
Mayor George Vallejo				
Vice-Mayor Phyllis Smith				
Councilwoman Barbara Kramer				
Councilwoman Marlen Martell				
Councilman Frantz Pierre				
Councilman Anthony DeFillipo				
Councilwoman Beth Spiegel				



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council

FROM: Ana M. Garcia, City Manager

VIA: Richard G. Lorber, AICP, Director of Community Development

DATE: Tuesday, November 3, 2015

RE: Resolution No. R2015-91 (Richard Lorber, Director of Community Development)

BACKGROUND ANALYSIS:

The applicant, 163 ST Executive Center, LLC, requests site plan and conditional-use approval in order to construct a 231,045 square foot, 11-story / 130 foot hotel on a 37,550 square foot (.86 acre) lot, consisting of 165 hotel rooms, 8,640 square feet of meeting space and 18,036 square feet of commercial space at 16300 NE 19 Avenue, in the Transition Sub-Area of the Fulford Mixed-Use Town Center District, within the CRA boundary.

The purpose and intent of the MU/TC, Fulford Mixed-Use Town Center District is to enable transit-oriented development that contributes to the creation of an urban downtown and the formation of a quality pedestrian-oriented, mixed-use district. The objective is to shape development to create a place, an exciting, enlivened social gathering point and a destination, which encourages the establishment of a wide mix of commercial and residential uses that offer flexibility to meet a variety of market needs.

The proposed mixed-use development is in accordance with the overall intent of the district through its classification as a permitted use and complies with the district's purpose of ensuring a high quality and architecturally compatible development, stimulating retail trade activities, and encouraging people to reside in the district.

In the MU/TC, Fulford Mixed-Use Town Center District, Transition Sub-Area, Hotel Use is permitted as a Conditional

Use. As per Section 24-175 of the City Code, Conditional Use application standards have been reviewed.

RECOMMENDATION:

The Community Development Department recommends approval of this project subject to the conditions listed in the draft Resolution. The item was approved by the Planning and Zoning Board on October 19, 2015 by a vote of 6 to 1 (Mosher against).

**FISCAL/BUDGETARY
IMPACT:**

ATTACHMENTS:

- | |
|---|
| <input type="checkbox"/> Staff Report |
| <input type="checkbox"/> Letter of Intent and Application |
| <input type="checkbox"/> Concurrency |
| <input type="checkbox"/> Traffic Study Analysis |
| <input type="checkbox"/> Resolution No. R2015-91 |



City of North Miami Beach, Florida

COMMUNITY DEVELOPMENT DEPARTMENT

CITY COUNCIL STAFF REPORT

TO: City Council
FROM: Richard G. Lorber, AICP, Director of Community Development
DATE: November 3, 2015
RE: Cambria Hotel & Suites Mixed-Use Development

P&Z ITEM # 15-015	CAMBRIA HOTEL & SUITES
OWNER OF PROPERTY	163 ST EXECUTIVE CENTER, LLC
ADDRESS OF PROPERTY	16300 NE 19 AVE
FOLIO NUMBER	07-2216-001-0640
LEGAL DESCRIPTION	LOTS 9 THROUGH 14, BLOCK 83, FULFORD BY THE SEA SECTION "F", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 64, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
EXISTING ZONING	MU/TC, FULFORD MIXED-USE TOWN CENTER DISTRICT, TRANSITION SUB-AREA
EXISTING LAND USE	COMMERCIAL BUILDING
FUTURE LAND USE DESIGNATION	MU/TC, FULFORD MIXED-USE TOWN CENTER

◆-----◆

BACKGROUND:

The applicant, 163 ST Executive Center, LLC, requests site plan and conditional-use approval in order to construct a 231,045 square foot, 11-story / 130 foot hotel on a 37,550 square foot (.86 acre) lot, consisting of 165 hotel rooms, 8,640 square feet of meeting space and 18,036 square feet of commercial space at 16300 NE 19 Avenue, in the Transition Sub-Area of the Fulford Mixed-Use Town Center District , within the CRA boundary.

SURROUNDING LAND USES:

Location	Zoning Designations	Existing Land Uses	Future Land Use Designations
North	MU/TC, Fulford Mixed-Use Town Center District	Commercial	MU/TC, Fulford Mixed-Use Town Center
South	B-2, General Business District	Commercial	Business
East	MU/TC, Fulford Mixed-Use Town Center District	Commercial	MU/TC, Fulford Mixed-Use Town Center
West	MU/TC, Fulford Mixed-Use Town Center District	Commercial	MU/TC, Fulford Mixed-Use Town Center

THE SITE:

The subject site is a 37,550 square foot property containing an active commercial building.

THE PROJECT:

The project involves the construction 231,045 square foot, eleven-story mixed-use development featuring 165 hotel rooms, 8,640 square feet of meeting space within the hotel, a 6,000 square foot hotel dining area, and 18,036 square feet of commercial space. The proposed mixed-use development is in accordance with the permitted uses of the transition sub-area of the MU/TC, Fulford Mixed-Use Town Center District.

Staff has reviewed the application for consideration by the City Council; in this report, Staff presents the applicable Zoning and Land Development Code regulations with recommendations.

Sec. 24-58.1 MU/TC, Fulford Mixed-Use Town Center District, Transition Sub-Area, Flex Building Type

Uses Permitted

Permitted	Proposed	Recommendation/Comments
<ul style="list-style-type: none"> ▪ Retail ▪ Hotel (conditional use) 	<ul style="list-style-type: none"> ▪ Retail Component ▪ Hotel Component 	<ul style="list-style-type: none"> ▪ Complied ▪ Permitted with Conditions (see below)

Site Development Standards

Required	Proposed	Recommendation/Comments
Minimum lot area: N/A	37,550 sq.ft.	Complied

Minimum lot width: 75 feet (200' max.)	125 feet	Complied
Minimum lot depth: 130 feet	300 feet	Complied
Minimum setbacks: <ul style="list-style-type: none"> Interior side setback: 0' (30' min. when abutting townhouse, zero lot lines and existing single family and an alley is not existing or proposed) Rear setback: 0' (30' min. when abutting townhouse, zero lot lines and existing single family and an alley is not existing or proposed) Front/side primary 164th street setback: 0' (20' max.) (90% building frontage) Front/side primary NE 19 Avenue setback: 0' (20' max.) (90% building frontage) Front/side secondary 163rd street setback: 15' (25' max.) (60% building frontage) 	<ul style="list-style-type: none"> Interior side setback: 0' Rear setback: 18' Front/side primary 164th street setback: 0' Front/side primary NE 19 Avenue setback: 2' Front/side secondary 163rd street setback: 15' 	<ul style="list-style-type: none"> Complied Complied Complied Complied Complied
Maximum building height: 20 stories/255 feet (number of stories may be increased provided the overall building height is not exceeded)	<ul style="list-style-type: none"> 11 stories/ 130 feet 	<ul style="list-style-type: none"> Complied
Minimum open space area: N/A	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> Complied
Minimum pervious area: 10%	<ul style="list-style-type: none"> 2,949 sq.ft. 	<ul style="list-style-type: none"> Waived per Table MU-2 Lot Standards by Building Type
Min. space requirements: <ul style="list-style-type: none"> 2 per 1,000 sq.ft. (retail, rest., or comm.): 36 spaces 	<ul style="list-style-type: none"> 39 spaces 	<ul style="list-style-type: none"> Complied (3 extra)

<ul style="list-style-type: none"> ▪ 1 per 4 rooms plus 1 per 800 sq.ft. for restaurant, public meeting areas; 1 per 15 rooms for staff (hotel): 72 spaces ▪ Total handicap spaces required: 5 spaces ▪ 1 bike rack space per every 15 parking spaces for commercial use: 3 bicycle racks ▪ Loading spaces: 5 (3 for hotel component; 2 for retail component) 	<ul style="list-style-type: none"> ▪ 203 spaces ▪ 6 handicapped spaces ▪ 5 bike racks ▪ 5 loading spaces 	<ul style="list-style-type: none"> ▪ Complied (131 extra) ▪ Complied (1 extra) ▪ Complied (2 extra) ▪ Complied
---	--	--

Article IX Off-Street Parking and Loading
Sec. 24-93 Parking Lot Design Standards

Required	Proposed	Recommendation
Paving and Drainage: <ul style="list-style-type: none"> ▪ Surfaced w/6 inch rolled rock and 1 inch weatherproof pavement ▪ Proper drainage 	<ul style="list-style-type: none"> ▪ Concrete and pavers ▪ Conceptual Plans Provided 	<ul style="list-style-type: none"> ▪ Complied ▪ Complied
Minimum parking space sizes <ul style="list-style-type: none"> ▪ Standard 9' x 18' ▪ Handicapped 12' x 20' plus 5' access ramp 	<ul style="list-style-type: none"> ▪ 9' x 18' ▪ 12' width provided 	<ul style="list-style-type: none"> ▪ Complied ▪ Complied
Traffic Study	<ul style="list-style-type: none"> ▪ Traffic Impact Analysis Review conducted by RMA for entire zoning district. ▪ Traffic study submitted 	<ul style="list-style-type: none"> ▪ Complied ▪ Complied

Article XI. Landscaping
Sec. 24-122

Required	Proposed	Recommendation
Site landscape plan	Provided	Complied

Article X Subdivision and Floodplain Standards
Sec. 24-106(E)(2)(a)(2)

Required	Proposed	Recommendation
Zone AE (EL 6)	7.75' N.G.V.D.	Complied

PLANNING AND ZONING DEPARTMENT ANALYSIS:

The purpose and intent of the MU/TC, Fulford Mixed-Use Town Center District is to enable transit-oriented development that contributes to the creation of an urban downtown and the formation of a quality pedestrian-oriented, mixed-use district. The objective is to shape development to create a place, an exciting, enlivened social gathering point and a destination, which encourages the establishment of a wide mix of commercial and residential uses that offer flexibility to meet a variety of market needs.

The proposed mixed-use development is in accordance with the overall intent of the district through its classification as a permitted use and complies with the district's purpose of ensuring a high quality and architecturally compatible development, stimulating retail trade activities, and encouraging people to reside in the district.

In the MU/TC, Fulford Mixed-Use Town Center District, Transition Sub-Area, Hotel Use is permitted as a Conditional Use. As per Section 24-175 of the City Code, Conditional Use applications shall be reviewed for the following standards:

- (1) The proposed use will be compatible with the existing natural environment and other properties within the neighborhood;
The applicant has agreed to provide substantial enhancements and perpetual maintenance of the median of NE 19 Avenue between NE 163 and NE 164 Street.
- (2) The proposed use will create no substantial detrimental effects on neighborhood property values;
This is a substantial development of a national brand hotel. Cambria Hotels is the modern, upscale branch of Choice Hotels International, one of the largest lodging companies in the world (Quality, Comfort, Sleep Inn, Clarion, etc.) Choice currently franchises more than 6,300 hotels worldwide. This quality development should certainly have a positive effect on property values in the Town Center district, and will help anchor future redevelopment in this key area of North Miami Beach.
- (3) The proposed use can be accommodated by adequate community facilities such as schools, streets, parks, and utilities;

The proposed Hotel project has no residential component and does not result in impacts to schools or parks. Adequate utilities are required to accommodate the project, as detailed in the applicable conditions contained in this report. The required transportation study finds that the level of service will not be diminished.

- (4) The proposed use will have adequate provisions for vehicular and pedestrian traffic movement, both internal to the use and in the area that will serve the use;
Ample pedestrian access has been provided into the hotel building and street level retail areas. The approved traffic study indicates that vehicular traffic can be adequately handled by the existing street system.
- (5) The proposed use will have adequate drainage systems to service the use with particular attention to the necessity for on-site retention systems to alleviate runoff and pollution problems;
A preliminary engineering plan has been submitted with the applicant's plan. A more detailed drainage plan will be submitted and a more in-depth review of drainage will be conducted at the time of submittal for building permit. Adequate drainage, including retention of all stormwater on site, as well as pollution control is, and will be, a standard condition of project approval.
- (6) The proposed use will have adequate setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust, and other nuisances;
The proposed structure meets the newly adopted mixed-use development regulations with respect to design and architecture, building massing and setbacks, and requirements for active street frontage, and should be a very positive addition to the urban fabric of the Town Center.
- (7) The proposed use will be located on property which is sufficient, appropriate and adequate for any reasonably anticipated expansion thereof;
There is no additional expansion anticipated on the site. Developable property exists to the west of the site in case there is future demand for additional development.
- (8) Any other conditions as may be stipulated and made a requirement in granting any conditional uses, when it is considered necessary to further the intent and general welfare, including, but not limited to:
 - (a) Limitations on the hours of commercial or industrial operations.
By its nature, a hotel is a 24 hour operation. Restaurants and public facilities shall follow applicable City regulations regarding operating hours.
 - (b) Limitations on the number of occupants of any building at any one time.
Both the Building Department, through use of the Florida Building Code, and the Miami-Dade County Fire Department limit the maximum occupancy of a structure.

PLANNING AND ZONING DEPARTMENT RECOMMENDATION:

The attached draft Resolution contains the conditions of approval recommended for this project, including the following highlights:

- Prior to issuance of any Master Building Permit, Applicant shall provide the City Manager or designee with a draft schedule for the construction of the Project, (the "Construction Schedule").
- Construction workers are prohibited from parking on residential streets or public parking lots. Prior to application for the Master Building Permit, the Applicant shall submit a construction parking plan providing off-street parking for construction workers during the period of construction to the City Manager or designee for review and approval. The construction parking plan shall provide: (a) Applicant's general contractor shall direct all workers to park at off street sites; (b) no workers shall park their vehicles in residential neighborhoods; and (c) Applicant shall provide reports as needed to the City Manager or designee detailing any problems and complaints regarding the parking.
- Prior to the issuance of the Master Building Permit, the Applicant shall submit plans for the construction of an appropriate barrier between the construction site and adjoining properties in order to minimize blowing of dust and construction debris. Applicant shall comply with the regulations of the Code of Ordinances the City of North Miami Beach relating to construction site operations, including but not limited to the installation of a chain link construction fence with a windscreen displaying a rendering of the Project. Applicant shall use its good faith efforts to minimize vibration and noise during construction of the Project.
- In order to satisfy the requirements of Code Section 24-58.1(o)(3) for Public Art, the Applicant shall agree to voluntarily provide artwork, of a quality and design acceptable to the City Manager or designee, on-site.
- The Applicant shall post a sign on-site providing contact information in case of any complaint or concern during construction. The sign shall be removed upon the earlier of the City's issuance of a temporary or full certificate of occupancy.
- The site plan and any conditional use or variance approvals shall remain valid for a period of 12-months from the date of adoption of the Resolution by the City Council. If no building permit is issued within the 12-month time period, the approvals shall be considered null and void and of no force and effect unless extensions of time are obtained pursuant to applicable law.
- The Applicant shall improve and maintain, in perpetuity, the median on NE 19th Avenue between NE 163rd and 164th Streets. The improvements shall include landscape

lighting of all Royal Palms and installation of rotating annual flower beds at a minimum of twice per year.

- The applicant shall follow the guidance provided on August 13, 2015 from the City's TRAD staff review (see attachment).
- Live, amplified music shall be prohibited outdoors. Recorded music no greater than 75 decibels shall be allowed from 10:00 a.m. to 10:00 p.m. If applicable, this shall be reviewed annually through the Conditional Use approval.
- The Applicant shall ensure that hotel deliveries, special events, and all hotel operations do not interfere with access to adjacent properties via the rear alleyway. Failure to comply with this condition, as may be determined by the Code Compliance Department, will subject the Applicant to modification of the Conditional Use as per the City Code.
- Dumpsters shall be serviced wholly within the building envelope and only by the City of North Miami Beach or its approved contractor. All dumpsters shall be delivered to the trash room no later than 7:00 a.m. on collection days. The servicing of the dumpsters and their locations shall not be visible from pedestrians or passing motorists on the sidewalks, abutting rights-of way and adjacent streets.
- Upon issuance of a hurricane warning by the National Weather Service or similar agency, all removable items from pool decks, roof decks and other outdoor spaces shall be immediately removed and secured.
- The Applicant, subject to availability, agrees to offer the City, at a reduced rate, rooms and meeting space for events serving a legitimate public purpose, as determined by the City Attorney, and at the request of the City Manager.

The Planning and Zoning Department recommends **approval** of this project subject to the conditions contained in the attached draft Resolution.

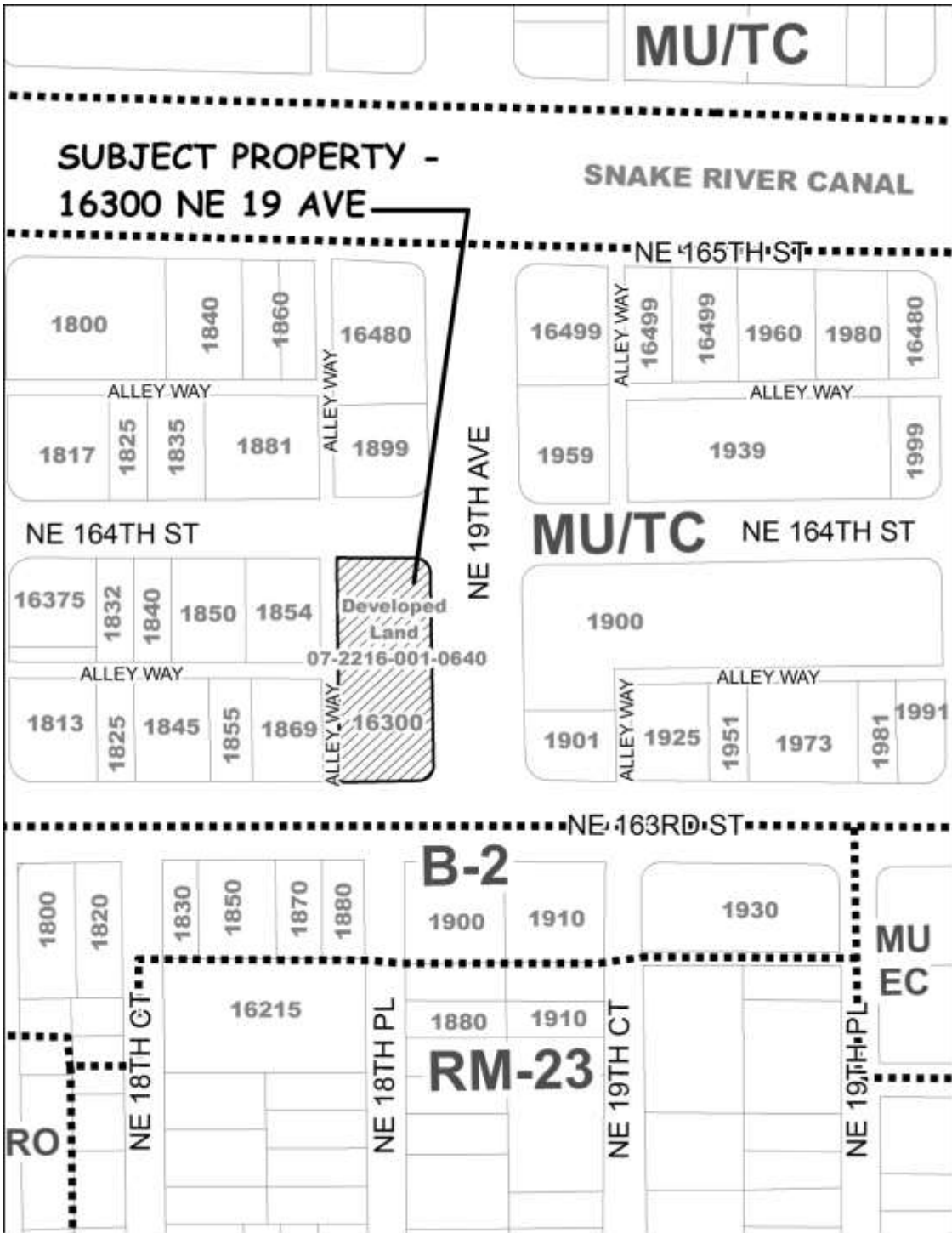
SUBMITTAL HISTORY:

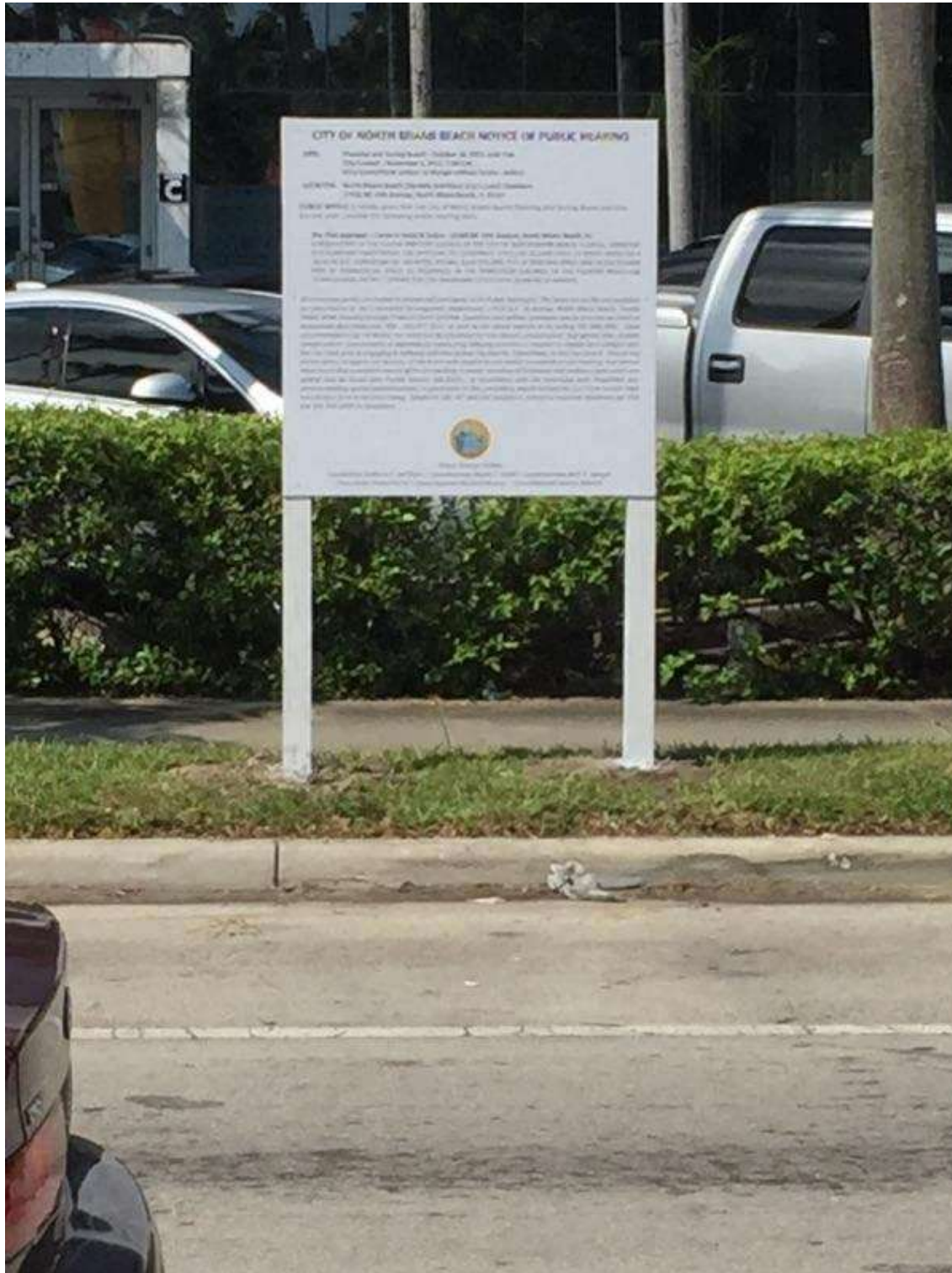
TRAD (September 10, 2015)

PLANNING & ZONING BOARD (October 19, 2015) Approved by 6-1 vote (Litowich against)

CITY COUNCIL (November 3, 2015)

LOCATION AND ZONING MAP



ADVERTISEMENT HISTORY:

10/8/2015



Title:

Category: Hearings

Adnumber: 2485116

CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING DATE/TIME: Monday, October 19, 2015, 6:00 P.M.
 LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers 17011 NE 19th Avenue, North Miami Beach, FL 33162 PUBLIC NOTICE is hereby given that the City of North Miami Beach Planning and Zoning Board shall consider the following public hearing item: Site Plan Approval - Cambria Hotel & Suites - 16300 NE 19 Avenue, North Miami Beach, FL: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN AND CONDITIONAL USE APPROVAL TO CONSTRUCT A 231,045 SQUARE FOOT, 11-STORY HOTEL ON A .86 ACRE LOT, CONSISTING OF 165 HOTEL ROOMS, 8,640 SQUARE FEET OF MEETING SPACE AND 18,036 SQUARE FEET OF COMMERCIAL SPACE, AS PROPOSED; IN THE TRANSITION SUB-AREA OF THE FULFORD MIXED-USE TOWN CENTER DISTRICT, WITHIN THE CRA BOUNDARY, LOCATED AT 16300 NE 19 AVENUE. All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to nmbcomdev@citynmb.com, FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0105). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance. 10/8 15-114/2485116M

10/22/2015



Title:

Category: Hearings

Adnumber: 2487831

CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING DATE/TIME: Tuesday, November 3, 2015, 7:30 P.M.
 LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers 17011 NE 19th Avenue, North Miami Beach, FL 33162 PUBLIC NOTICE is hereby given that the City of North Miami Beach City Council shall consider the following public hearing item: Site Plan Approval – Cambria Hotel & Suites — 16300 NE 19 Avenue, North Miami Beach, FL: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN AND CONDITIONAL USE APPROVAL TO CONSTRUCT A 231,045 SQUARE FOOT, 11-STORY HOTEL ON A .86 ACRE LOT, CONSISTING OF 165 HOTEL ROOMS, 8,640 SQUARE FEET OF MEETING SPACE AND 18,036 SQUARE FEET OF COMMERCIAL SPACE, AS PROPOSED; IN THE TRANSITION SUB-AREA OF THE FULFORD MIXED-USE TOWN CENTER DISTRICT, WITHIN THE CRA BOUNDARY, LOCATED AT 16300 NE 19 AVENUE. All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to nmbcomdev@citynmb.com, FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0105). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance. 10/22 15-61/2487831M

Letter of Intent

Proposed- New Cambria Suites Hotel at 16300 NE 19th Ave. 170 Rooms, Retail space and Parking structure

The existing office building located at 16300 NE 19th Ave., is owned by 163 St. Executive Center, LLC, an affiliate of Afin Developer Group. The proposed hotel, 170 rooms plus retail space and parking garage structure, will be a joint venture between Afin Developer Group and CGI Merchant Group.

The venture already has a commitment from Choice Hotels to bring a new 170 room “Cambria Suites” to the City of North Miami Beach (NMB), per the attached letter. Choice Hotels recognizes the potential for the City of NMB and it is very excited about this project.

The principal of Afin Developer Group, Alejandro Araujo, is an experienced developer in the City of North Miami Beach (NMB) for the last 10 years. He was responsible for the development of Office 163 building, at 3363 NE 163rd Street, in 2006. He is currently developing a new office building next door at 3323 NE 163rd Street, Canal Park, as co-developer, which was approved approximately a year ago, and is now in the process of finalizing the building permit to start construction in the next couple of months.

Afin’s proposed joint venture partner is CGI Merchant Group LLC, which is the developer of the renovation of a 129 room “Me by Melia” hotel, located at 1100 Biscayne Blvd, Miami. The first “Me by Melia” hotel in the United States, a recognized and fast growing brand, “Me” expects to open its doors in January 2016. It is now in the final stages of the construction renovation. With the financial capacity brought by CGI Merchant Group and the local experience of Afin, the Cambria NMB project, which is the next focus for development by the group, is sure to be successful.

CGI Merchant Group

Investment management with_____ experience and ingenuity.

CGI Merchant Group (CGI) is a private-equity, alternative investment manager that capitalizes on commercial real estate and infrastructure opportunities by using an entrepreneurial approach to building stakeholder value. Within the past six months, the Firm has deployed more than \$150 million of capital in multiple assets classes including retail, office, and leisure. The Firm has a wealth of knowledge of the capital markets – which combined with their ingenuity and experience – distinguishes them from other alternative investment managers.

The CGI team is comprised of contrarian, value-oriented investors in real estate and infrastructure focused on risk management. Leveraging the capabilities of partnerships with institutional investment managers and our related family office, these dedicated resources facilitate integrated solutions to best serve the unique needs of our Investment Management Platform. www.cgimg.com

Afin Developer Group LLC

Afin Developer Group offers a wide range of research and development services to capitalize on opportunities in the real estate market according to its investors. desired level of risk and participation.

Since its inception, ADG has built its reputation by challenging the definition of "development concept" which most other developers maintain in regard to how a development company should operate and manage its growth.

We've created an organization that promotes creativity, innovation and financial prudence. Our team is passionate about developing novel ideas which push the boundaries of conventional development functions while also incorporating traditional and time-tested methods of operating.

We leverage the skills, reputation, and experience that the company and its principals possess, as well as that of our strategic partners, to minimize the inherent risk in any project and optimize the profitability of our initiatives. www.afindg.com

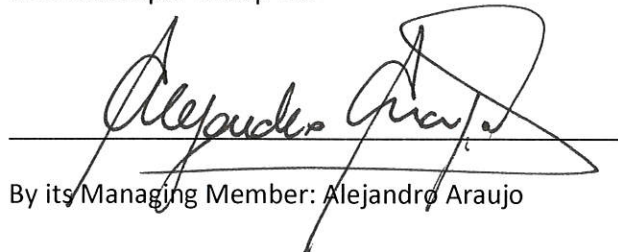
We look forward to a successful partnership with the City of North Miami Beach on this exciting project.

163 St Executive Center, LLC



By its Manager: Alejandro Araujo

Afin Developer Group LLC



By its Managing Member: Alejandro Araujo



**Choice Hotels International, Inc.
One Choice Hotels Circle Suite 400
Rockville, MD 20850**

Monday, August 10th 2015

Alejandro Araujo
16300 NE 19TH Ave Suite D
North Miami Beach, FL 33162

Re: Cambria hotels & suites Franchise

To Whom It May Concern:

Please accept this letter as confirmation that Choice Hotels has approved and executed a franchise agreement for a Cambria Hotel and Suites located at 16300 NE 19th Ave. We view the North Miami Beach hotel market as a vibrant one with a varied base of demand generators and believe the Cambria Hotel brand is properly suited to cater to the mix of business and higher end leisure travel.

We have the utmost confidence in the development partner for this project, which is a joint venture between Alejandro Araujo and Raoul Thomas. Collectively, their development experience combined with the prime location and the Cambria brand should prove to be a winning combination. Furthermore, this project should serve as a highly competitive and welcomed addition to the lodging options in North Miami Beach and the development plan for the 163rd St corridor.

Sincerely,

A handwritten signature in blue ink that reads "Shaun Winters".

CHOICE HOTELS INTERNATIONAL, INC.

Shaun Winters
Director – Development,
Cambria hotels & suites

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11	Exhibit A – Deed Legal Description
12	Exhibit B – Loan Documents
13	City of North Miami Beach Annual Lobbyist Registration



City of North Miami Beach, Florida

Community Development Department Public Hearing Application

17050 NE 19th Ave. North Miami Beach, FL 33162 Tel: 305. 948.2966 nmbcomdev@citynmb.com

General information

Property/project name: 163 ST. EXECUTIVE CENTER, LLC Submittal date Sept. 2, 2015

Street address(es) of the property: 16300 NE 19th Ave., North Miami Beach, FL 33162

Proposed use: New Hotel (Aprox. 170 Rooms) 49,000 sf Retail (Ground Floor) + Parking Deck

Applicant(s)/agent(s): 163 ST. EXECUTIVE CENTER, LLC / Joseph S. Geller, Greenspoon Marder, PA

Application request

The undersigned Applicant(s)/Agent(s)/Property Owner(s) request City of North Miami Beach consideration and review of the following application(s). Please check all that apply.

- ☐ Abandonment and Vacations
- ☐ Annexation
- ☐ Comprehensive Plan Map Amendment - Small Scale
- ☐ Comprehensive Plan Map Amendment - Large Scale
- ☐ Comprehensive Plan Text Amendment
- ☒ Conditional Use
- ☐ Conditional Use – Special Limited
- ☐ Development Agreement
- ☐ Development of Regional Impact
- ☐ Development of Regional Impact - Notice of Proposed Change
- ☐ Planned Unit Development
- ☐ Plat/Replat
- ☒ Site Plan
- ☐ Variance
- ☐ Zoning Code Map Amendment
- ☐ Zoning Code Text Amendment
- ☐ Other: _____

Project information

Street address(es) of the property: 16300 NE 19th Ave., North Miami Beach, FL 33162

Legal description: Lot(s) Lots 9 through 14

Block(s) B3 Section (s) "F"

Property folio numbers (list all numbers) 07-2216-001-0640

According to the Plat thereof, as recorded in Plat Book 8, Page 64, of the Public Records of Miami-Dade County, Florida

CAMBRIA NMB

EXHIBIT "A"
LEGAL DESCRIPTION

Lots 9 through 14, Block 83, FULFORD BY THE SEA SECTION "F", according to the Plat thereof, as recorded in Plat Book 8, Page 64, of the Public Records of Miami-Dade County, Florida.

Folio: 07-2216-001-0640
Address: 16300 NE 19th Ave., North MiamiBeach, FL 33162
Owner: 163 ST. EXECUTIVE CENTER, LLC



City of North Miami Beach, Florida

Community Development Department Public Hearing Application

17050 NE 19th Ave. North Miami Beach, FL 33162 Tel: 305. 948.2966 nmbcomdev@citynmb.com

Property owner name(s): 163 ST. EXECUTIVE CENTER, LLC

Property owner(s) mailing address(es): 2020 NE 163rd St., North Miami Beach, FL

Telephone: Business 786-274-1414 Fax _____

Other _____ Email aaraujo @_afindg.com

Applicant(s)/agent(s): 163 ST. EXECUTIVE CENTER, LLC / Joseph S. Geller, Greenspoon Marder, PA

Applicant(s)/agent(s) mailing address: 200 East Broward Blvd., Suite 1800, Fort Lauderdale, FL 33301

Telephone: Business 954-491-1120 x 1238 Fax 954-331-2037

Other _____ Email Joseph.Geller @_gmlaw.com

Proposed site data and land use(s) information

Please complete and/or respond to all requested information. If "Not Applicable," please note NA.

Current Comprehensive Plan Land Use designation(s): MUTC - MIXED USE TOWN CENTER

Current Zoning District designation(s): MUTC - MIXED USE TOWN CENTER

Proposed Comprehensive Plan Land Use designation(s) (if applicable): _____

Proposed Zoning District designations(s) (if applicable): _____

Proposed non-residential land uses (list of intended uses), gross square footage, required parking and parking provided.

Use: <u>Hotel (170 Keys)</u>	Square footage: <u>95,024</u>	Required parking: <u>58</u>	Parking provided: <u>58</u>
Use: <u>Hotel Meeting</u>	Square footage: <u>2,500</u>	Required parking: <u>4</u>	Parking provided: <u>4</u>
Use: <u>Hotel Lounge</u>	Square footage: <u>6,000</u>	Required parking: <u>134</u>	Parking provided: <u>134</u>
Use: <u>Hotel Staff (170/15)</u>	Square footage: <u>NA</u>	Required parking: <u>12</u>	Parking provided: <u>12</u>
Use: <u>Retail</u>	Square footage: <u>19,000</u>	Required parking: <u>38</u>	Parking provided: <u>39</u>
Use: <u>Parking Garage</u>	Square footage: <u>86,091</u>	Required parking: _____	Parking provided: _____

Non-residential totals: Square footage: 208,615 Required parking: 247 Parking provided: 247

Residential unit size, number by unit type, gross square footage by type, required parking and parking provided:

Unit size: Studio: _____ One-bedroom: _____ Two-bedroom: _____ Three-bedroom: _____

Studio: _____	Square footage: _____	Required parking: _____	Parking provided: _____
One-bedroom: _____	Square footage: _____	Required parking: _____	Parking provided: _____
Two-bedroom: _____	Square footage: _____	Required parking: _____	Parking provided: _____
Three-bedroom: _____	Square footage: _____	Required parking: _____	Parking provided: _____

Residential totals: _____ Square footage: _____ Required parking: _____ Parking provided: _____



City of North Miami Beach, Florida

Community Development Department Public Hearing Application

17050 NE 19th Ave. North Miami Beach, FL 33162 Tel: 305. 948.2966 nmbcomdev@citynmb.com

Site data information:

Total lot area (square footage/acreage): 37,549.83 Lot width: 125.12' Lot depth: 300.17'
Setbacks: Front: 15'-0" Rear: 0'-0" Side: 0'-0" Side (Interior): 0'-0"
Building height (feet/inches): 124'-0" Number of floors: 11 Floors
Minimum pervious area: 3,090 Maximum lot coverage: 34,452
Total required parking: 246 Parking provided: 247 Additional parking: 1

Supporting information

A Preapplication Conference is required with the Community Development Staff in advance of application submittal to determine the information necessary to be filed with the application(s). Staff will advise and check the required items at the Preapplication Conference. If necessary, attach additional sheets to application. Staff reserves the right to request additional information as necessary throughout the entire City review process.

- ☐ Aerial.
- ☐ Affidavit providing for property owner's authorization to process application.
- ☐ Annexation supporting materials.
- ☐ Application fees.
- ☐ Application representation and contact information.
- ☐ Appraisal.
- ☒ Architectural/building elevations (color).
- ☒ Architectural/building elevations architectural elements (color).
- ☒ Building floor plans and roof plan.
- ☐ Comprehensive Plan analysis.
- ☐ Comprehensive Plan text amendment justification.
- ☐ Concurrency review application.
- ☐ Department of Transportation Driveway Connection Permit
- ☐ Drainage Plan.
- ☐ Elevations.
- ☐ Encroachments plan.
- ☐ Environmental assessment.
- ☐ Exterior architectural materials board.
- ☐ Landscape plan.
- ☐ Land use map (subject property outlined).
- ☐ Lighting plan.
- ☐ Liquor survey (for only review of location of lounge, bar, or package liquor store).
- ☒ Lobbyist form (City form).
- ☒ Massing model and/or 3D computer model.

- ☐ Ordinances, resolutions, covenants, development agreements, etc. previously granted for the property.
- ☐ Parking study.
- ☐ Photographs (color) of property, adjacent uses and/or streetscape.
- ☐ Plat.
- ☒ Property owners list, including a typewritten list and 2 sets of self-adhesive labels of all properties within 500 feet.
- ☐ Property survey and legal description.
- ☐ Public Realm Improvements Plan for mixed use projects.
- ☐ Public school preliminary concurrency analysis (residential land use/zoning applications only).
- ☐ Sign master plan (colored).
- ☐ Site plan and supporting information.
- ☐ Statement of use and/or cover letter.
- ☐ Streetscape master plan.
- ☐ Text amendment justification.
- ☐ Traffic accumulation assessment.
- ☐ Traffic impact statement.
- ☒ Traffic impact study.
- ☐ Traffic stacking analysis.
- ☐ Utilities consent.
- ☐ Utilities location plan.
- ☐ Vegetation survey.
- ☐ Warranty Deed.
- ☐ Zoning Code text amendment justification.
- ☐ Zoning Map (with subject property outlined)
- ☐ Other: _____

Application submittal requirements – Number of copies

1. Table of Contents. Please provide a Table of Contents identifying all documents provided on all paper and electronic copies. Please clearly indicate date on all pages of plans and drawings.
2. Hard copies.
 - a. Fifteen (15) paper copies (11 inch by 17 inch format with binding) of this application and entire application shall be submitted including all the items identified in the Pre-application Conference.
 - b. One (1) paper full-size (24 inch by 36 inch format, signed and sealed, stapled and folded) plans of all drawings, illustrations, etc.
 - c. One (1) copy of exterior architectural materials board (if applicable).
 - d. Fifteen (15) sets of the application.
 - e. Fifteen (15) sets of the letter of intent for the project.
 - f. Fifteen (15) sets of the most recent survey of the property.
3. Digital media copies. One (1) compact discs (CD ROMs) of the entire application including all items identified in the Pre-application Conference. Each document shall be separated into separate PDF files (i.e., application; site plan,

landscape plan; etc.). Please include a "Table of Contents" identifying all PDF file name(s). Each PDF file size shall not exceed 10 Mb. All discs shall be labeled with the applicant(s) name, project name and date of submittal.

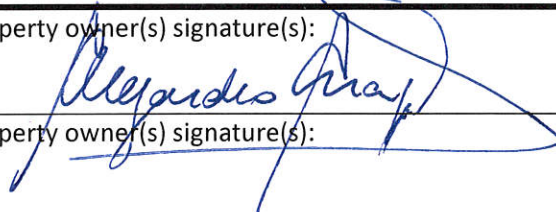
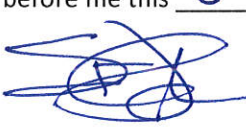

Applicant/agent/property owner affirmation and consent

(I) (We) affirm and certify to all of the following:

1. Submission of the following:
 - a. Warranty deed/tax record as proof of ownership for all properties considered as a part of the application request; or
 - b. Authorized as the applicant(s)/agent(s) identified herein to file this application and act on behalf of all current property owner(s) and modify any valid City of North Miami Beach entitlements in effect during the entire review process.
2. This application, application supporting materials and all future supporting materials complies with all provisions and regulations of the Zoning Code, Comprehensive Land Use Plan and Code of Ordinances of the City of North Miami Beach unless identified and approved as a part of this application request and/or other previously approved applications.
3. That all the answers to the questions in this application, and all data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief.
4. Understand this application must be complete and accurate before a hearing can be advertised. In the event that I or anyone appearing on my behalf is found to have made a material misrepresentation, either oral or written, regarding this application (I)(We) understand that any City review shall be voidable at the option of the City of North Miami Beach.
5. Understand the failure to provide the information necessary pursuant to the established time frames included but not limited to application submittal, submission of revised documents, etc. for review by City Staff and the designated reviewing entity may cause application to be deferred without further review until such time the requested information is submitted.
6. Understand that the application, all attachments, correspondence and fees become a part of the official records of the City of North Miami Beach and are not returnable.
7. Understand that under Florida Law, all the information submitted as part of the application are public records.
8. All representatives of the application have registered with and completed the required lobbyist forms from the City of North Miami Beach City Clerk's Office.
9. The application before the Board or City Council shall be represented by the legal owner, the prospective owner having a bona fide purchase contract or a duly qualified attorney retained by said owner or prospective owner.
10. Additional costs in addition to the application fees may be assessed associated with the review of applications by the City. These are costs that may be incurred by the applicant due to consultant fees paid by City to review the application. The types of reviews that could be conducted may include but are not limited to the following: concurrency review; property appraisals; traffic impact analyses; vegetation/environmental assessments; archeological/historic assessments; market studies; engineering studies or reports; and legal fees. Such fees will be assessed upon finalization of the City application review. Understand that if payment is not received the prior to Final Public Hearing Review, the Application shall be postponed by the City until such time all fees are paid.

(See next page for signature information)

(Please complete all below sections and indicate "Not Applicable (N/A)" as appropriate).

Property owner(s) signature(s): 	Property owner(s) print name: 163 ST. EXECUTIVE CENTER, LLC
Property owner(s) signature(s):	Property owner(s) print name:
Property owner(s) signature(s):	Property owner(s) print name:
Address(es): 2020 NE 163rd St., North Miami, FL	
Telephone: 786-274-1414	Fax:
Email: aaaraujo@afindg.com	
<p align="center">NOTARIZATION</p> <p>STATE OF FLORIDA/COUNTY OF _____</p> <p>The foregoing instrument was acknowledged before me this <u>3rd</u> day of <u>SEPTEMBER</u> ²⁰¹³ by <u>ALEJANDRO ARAUJO</u></p> <p>(Signature of Notary Public - State of Florida) </p> <p>(Print, Type or Stamp Commissioned Name of Notary Public)</p> <p><input checked="" type="checkbox"/> Personally Known OR <input type="checkbox"/> Produced Identification; Type of Identification Produced _____</p> <p align="right">  STEVEN J. GLUECK NOTARY PUBLIC STATE OF FLORIDA Comm# FF079131 Expires 3/6/2018 </p>	

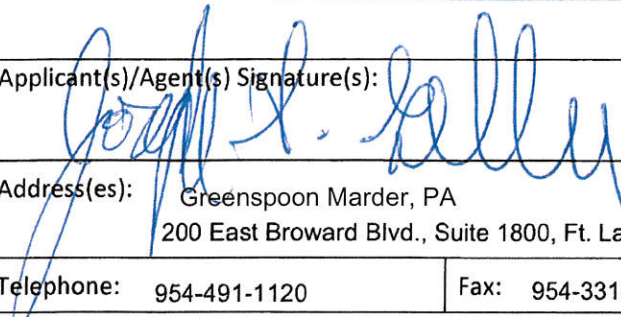

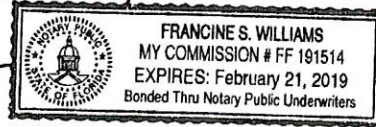
Contract Purchaser(s) Signature:	Contract Purchaser(s) Print Name:
Contract Purchaser(s) Signature:	Contract Purchaser(s) Print Name:
Address(es):	
Telephone:	Fax:
Email:	
<p align="center">NOTARIZATION</p> <p>STATE OF FLORIDA/COUNTY OF _____</p> <p>The foregoing instrument was acknowledged before me this _____ day of _____ by _____</p> <p>(Signature of Notary Public - State of Florida)</p> <p>(Print, Type or Stamp Commissioned Name of Notary Public)</p> <p><input type="checkbox"/> Personally Known OR <input type="checkbox"/> Produced Identification; Type of Identification Produced _____</p>	



City of North Miami Beach, Florida

Community Development Department Public Hearing Application

17050 NE 19th Ave. North Miami Beach, FL 33162 Tel: 305.948.2966 nmbcomdev@citynmb.com

Applicant(s)/Agent(s) Signature(s): 		Applicant(s)/Agent(s) Print Name: Joseph S. Geller, Greenspoon Marder, PA	
Address(es): Greenspoon Marder, PA 200 East Broward Blvd., Suite 1800, Ft. Lauderdale, FL 33301			
Telephone: 954-491-1120	Fax: 954-331-2037	Email: Joseph.Geller@gmlaw.com	
NOTARIZATION STATE OF FLORIDA/COUNTY OF The foregoing instrument was acknowledged before me this <u>2nd</u> day of <u>Sept. 2015</u> by <u>Joseph S. Geller</u> (Signature of Notary Public - State of Florida)  (Print, Type or Stamp Commissioned Name of Notary Public)  <input type="checkbox"/> Personally Known OR <input type="checkbox"/> Produced Identification; Type of Identification Produced _____			

Office Use Only

Preapplication conference was completed on _____, 2015 Month Day
Application submittal date _____, 2015 Month Day
Fee(s) received <input type="checkbox"/> Yes <input type="checkbox"/> No Amount: \$ _____
Fee(s) received for : _____
Check No. _____ City Account No: 010-341201
Upon completion - Scan and insert application into Department "Project" computer file directory. Revision date 06.02.2015



CFN 20130306321
OR Bk 28589 Pgs 2062 -- 2065 (4pgs)
RECORDED 04/18/2013 14:33:16
DEED BDC TAX 13,695.00
SURTAX 10,271.25
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Record and Return to:

Alex D. Sirulnik, P.A.
2199 Ponce de Leon Blvd, Suite 301
Coral Gables, FL 33134
305 443-7211

Tax Identification Number: 07-22160010640

DEED IN LIEU OF FORECLOSURE

THIS DEED IN LIEU OF FORECLOSURE ("Deed") is made and effective as of this 28 day of December, 2012, by OFFICE 19, LLC, a Florida limited liability company ("Grantor"), whose mailing address is 2020 NE 163 Street, Suite 300, North Miami Beach, FL 33162, in favor of 163 ST EXECUTIVE CENTER LLC, a Florida limited liability company ("Grantee"), whose mailing address is 16300 NE 19th Avenue, Suite D, North Miami Beach, FL 33162.

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH:

Whereas, that for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to it in hand paid by Grantee, the receipt and adequacy whereof is hereby acknowledged, Grantor has granted, bargained, and sold to Grantee, its heirs, successors and assigns, all right, title and interest in and to, the following described property, situate and being in Miami-Dade County, Florida, to-wit:

See Exhibit "A", attached hereto and incorporated herein by this reference (the "Property").

TOGETHER WITH all easements, tenements, hereditaments and appurtenances belonging to the Property; and

TOGETHER WITH all buildings and other improvements now or hereafter located on the Property; and

TO HAVE AND TO HOLD in fee simple; SUBJECT, HOWEVER, TO (1) real estate taxes for the years 2012, and all subsequent years thereafter, (2) the Loan Documents (as defined below), (3) all applicable building, zoning, land use and environmental ordinances, codes and regulations, and (4) all other covenants, conditions, restrictions, easements, reservations, declarations, limitations and other matters of record (collectively, the "Permitted Exceptions"). Grantor does hereby warrant the title to the Property, and will defend the same against the lawful claims of all persons claiming under or through Grantor (but not otherwise), subject to the Permitted Exceptions.

This deed is an absolute conveyance to Grantee of the title to the Property, and is not intended to serve or operate as a mortgage, security agreement, trust conveyance, or security interest of any kind.

The lien, operation, effect and dignity of the mortgages and other loan documents owned and held by Lender (as listed as part of Exhibit "B") establishing and evidencing outstanding liens on the Property (the "Loan Documents") shall remain unimpaired and unaffected by this Deed (subject to the remainder herein), and this Deed is not intended to, and shall not, operate to effect any merger of the right, title and interest conveyed to Grantee hereunder, and the right and interest of the holder of the Loan Documents, regardless of whether or not such holder is one and the same party as Grantee.

Notwithstanding the foregoing, Grantee acknowledges that Grantor shall have no personal liability to Grantee under or in connection with the Loan Documents, it being agreed that Grantor has been separately released in respect thereto, for good and valuable consideration pursuant to that certain Release of Guaranty entered into on even date herewith.

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.



IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Name: Orlando S. Greene

[Signature]
Name: Robert D. Greene

Grantor:

OFFICE 19, LLC., a Florida limited liability company

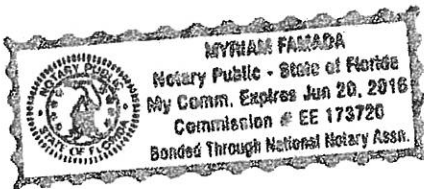
By: [Signature]
Name: Alfred S. Greer
Title: Manager

STATE OF FLORIDA

COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 12-28-12 day of December, 2012, by _____, as Manager of OFFICE 19, LLC., a Florida limited liability company, on behalf of the company. He/She is personally known to me or has produced a State of _____ Driver's License as identification.

(NOTARY SEAL)



[Signature]
Notary Public, State of Florida
Print Name: Mythian Farmada
Commission No.: _____
My Commission Expires: _____

EXHIBIT "A"
LEGAL DESCRIPTION

Lots 9 through 14, Block 83, FULFORD BY THE SEA SECTION "F", according to the Plat thereof, as recorded in Plat Book 8, Page 64, of the Public Records of Miami-Dade County, Florida.

EXHIBIT "B"

LOAN DOCUMENTS*

1. Promissory Note from Office 19, LLC, in favor of TotalBank, dated March 31, 2006 in the original principal amount of \$4,125,000.00.
2. Mortgage and Security Agreement dated March 31, 2006, and recorded April 6, 2006, in Official Records Book 24398, at Page 4058, of the Public Records of Miami-Dade County, Florida, securing the property referenced in Schedule 2 to Loan Sale Agreement attached hereto.
3. Collateral Assignment of Rents and Leases dated March 31, 2006, and recorded April 6, 2006, in Official Records Book 24398, at Page 4082, of the Public Records of Miami-Dade County, Florida.
4. UCC-1 Financing Statement recorded April 6, 2006, in Official Records Book 24398, at Page 4087, of the Public Records of Miami-Dade County, Florida.
5. UCC-1 Financing Statement filed with the Secretary of State of Florida on April 10, 2006 under File No. 200602329734.
6. Maturity Extension Letter dated September 28, 2007.
7. First Modification of Note Agreement dated September 29, 2008.
8. Second Modification of Note Agreement dated September 29, 2008.
9. Amended and Restated Promissory Note (Note A) from Office 19, LLC, in favor of TotalBank, dated June 28, 2010 in the original principal amount of \$1,848,000.00.
10. Amended and Restated Promissory Note (Note B) from Office 19, LLC, in favor of TotalBank, dated June 28, 2010 in the original principal amount of \$2,282,500.00.
11. Loan Forbearance and Modification Agreement dated June 28, 2010.
12. Settlement Stipulation dated June 28, 2010 regarding litigation styled: IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT, IN AND FOR MIAMI-DADE COUNTY, FLORIDA, CASE NO.: 10-02157 CA 15, TOTALBANK, a Florida banking corporation, Plaintiff, v. OFFICE 19, LLC, a Florida limited liability company, et al., Defendants.

- Per Section 3.6 of the Loan Sale Agreement, all Guarantees are excluded from the sale.

STATE OF FLORIDA, COUNT OF DADE

HEREBY CERTIFY that this is a true and correct copy of the original filed in this office on April 13 day of

April, A.D. 2010
WITNESS my hand and Official Seal.

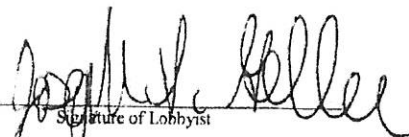
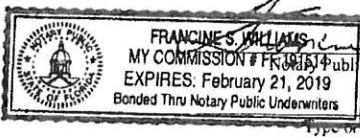
HARVEY RUVIN, CLERK, of Circuit and County Courts

Harvey Ruvin 10-02157





CITY OF NORTH MIAMI BEACH
ANNUAL LOBBYIST REGISTRATION
City of North Miami Beach Ordinance No. 2013-21

DATE REGISTERED: <u>Sept. 1, 2015</u>				RECEIVED (TYPE OR PRINT IN INK) 15 SEP - 1 PM 1:27	
NAME OF LOBBYIST:					
Mr./Ms.	LAST NAME	FIRST NAME	MI	Geller	
	Geller	Joseph	S.		
BUSINESS/FIRM NAME Greenspoon Marder, P.A.					
ADDRESS 200 East Broward Blvd., Suite 1800					
CITY	Fort Lauderdale	STATE	FL	ZIP	33027
BUSINESS PHONE	954-491-1120	CELL PHONE	305-409-4431	FAX	954-331-2037
PRINCIPAL'S NAME:		E-MAIL Joseph.Geller@gmlaw.com			
163 ST EXECUTIVE CENTER, LLC					
MAILING ADDRESS:			E-MAIL ADDRESS:		
2020 N.E. 163rd, Suite 300, N. Miami Beach, FL 33162					
PRINCIPAL'S CONTACT PERSON: Alejandro Araujo					
BUSINESS PHONE NUMBER:		CELL PHONE:		FAX:	
786-274-1414		305-299-1770		305-942-0002	
DATE OF EMPLOYMENT BY LOBBYIST: July 29, 2015					
THE LOBBYIST IS EMPLOYED FOR THE FOLLOWING SPECIFIC ISSUE: Approval of site plan and CRA funding for Cambria Hotel and related issues, 163rd Street and N.E. 19th Avenue.					
OATH					
LOBBYIST AND PRINCIPAL CONFIRMATION OF ACKNOWLEDGEMENT AND RECEIPT OF A COPY OF ORDINANCE NO. 2013-21					
I do solemnly swear that all of the foregoing facts contained in this Annual Lobbyist Registration are true and correct, and that I, <u>Joseph Geller</u> hereby confirm acknowledgement and receipt of a copy of Ordinance No. 2013-21. I further hereby attest and solemnly swear that I have not spent money on meals, gifts, entertainment, food and beverage(s) beyond the City, County, State regulations and/or prohibitions.					
State of Florida County of Miami-Dade					
Sworn to and subscribed before me by the above-described lobbyist on this <u>28th</u> day of <u>August</u> , 20 <u>15</u> .					
 Signature of Lobbyist		 Type or Print Name		<u>Williams</u>	
Lobbyists shall pay all registration fees (\$250.00 annually, plus \$125.00 for each principal represented and for each issue a lobbyist has been retained to lobby on behalf of any one principal), and specifically define the issue for which they are employed. The Clerk shall reject any statement which does not detail the issue for which the lobbyist has been employed.					
PENALTIES: Failure to register pursuant to the City of North Miami Beach Ordinance Number 2013-21. Once the Office of the City Clerk has been notified of a failure to comply with the registration requirement the lobbyist may be subject to double the administrative (late) registration fee and the lobbyist may be registered. In addition, if the Mayor and City council determines, that further action is necessary, the Mayor and City Council may set additional fines, reprimand, suspend or prohibit the lobbyist from lobbying before the City Council, a City Board, a City Committee or members thereof, for a period not to exceed two (2) years.					
For Office Use Only:					
Data Entry Date _____, 20____			Entered By _____		



CITY OF NORTH MIAMI BEACH - CONCURRENCY REVIEW

DATE OF REVIEW: October 7, 2015

PROJECT APPLICANT: Afin Developer Group/CGI Merchant Group LLC

PROJECT NAME: Cambria Suites Hotel

APPLICATION NUMBER: 15-015

PROJECT LOCATION: 16300 NE 19th Avenue

PROJECT REQUEST: Site Plan Approval

PROJECT DESCRIPTION: A 165 Room Hotel and 18,036 square feet of retail space on a lot totaling 37,550 square feet.

ZONING DISTRICT: Fulford Mixed Use Town Center (MU/TC)

Level of Service Analysis

This Level of Service Analysis is based on those standards contained in Chapter 24, Article XIV Public Facility Capacity; Concurrency Management.

Transportation:

See "Traffic Impact Analysis Review" Memo dated October 8, 2015.

Potable Water:

The City has an adopted potable water level of service standard for hotels of 200 gals./room and 10 gals./100 sq. ft. for retail uses/day. These uses, in total, would increase demand by **34,804** gallons per day on the existing potable water facilities. Adequate water supply and treatment capacities exist to service the use.

Due to increased conservation and lower water usage the City may wish to revisit its standard at a future date.

Sanitary Sewer:

The City has an adopted sanitary level of service standard for hotels of 200 gals./day and 10 gals./100 sq. ft. for retail uses/day. These uses, in total, would increase demand by **34,804** gallons per day on the existing potable water facilities. Adequate sanitary sewer and treatment capacities exist to service the use.

Due to increased conservation and lower water usage the City may wish to revisit its standard at a future date.

Solid Waste:

Solid Waste needs vary greatly based on type of use. The City has not adopted a level of service standard for solid waste for hotels therefore, the standard for multi-family will be utilized which is 7 lbs./unit/day and 5 lbs./100 sq. ft. will be used for retail. The proposed uses would increase demand by 1,400 lbs. for the hotel and 902 lbs. on the Miami-Dade County solid waste facilities or, **2,302 lbs./day**. Adequate MD solid waste capacities exist to service the use.

For purposes of Solid Waste level of service the Miami-Dade County LOS is described herein.

The County Solid Waste Management System, which includes County-owned solid waste disposal facilities and those operated under contract with the County for disposal, shall, for a minimum of five (5) years, collectively maintain a solid waste disposal capacity sufficient to accommodate waste flows committed to the System through long-term interlocal agreements or contracts with municipalities and private waste haulers, and anticipated non-committed waste flows.

Drainage:

Reviewed by City Engineer

Parks & Recreation:

The level of service standard for recreation and open space is based on resident population and park acreage of 2 acres of park and recreation space per 1000 population.

The proposed hotel and retail uses are non-residential uses therefore exempt from recreation and open space requirements.

Public Schools

The proposed hotel and retail uses are non-residential uses therefore exempt from school concurrency requirements.

Attachment:

Traffic Impact Analysis Review

Date: October 13, 2015

From: Stephen K. Bryan, PE, PTOE

Project: Traffic Impact Study Review (2nd Review)
Cambria Hotel & Retail (Dated October 13, 2015)
16300 NE 19th Avenue
North Miami Beach, Florida
Prepared by: Richard Garcia & Associates

MEMORANDUM

To whom it may concern:

This memorandum documents the findings of the 2nd review of the proposed Cambria Hotel & Retail Traffic Impact Study dated October 13, 2015 and prepared by Richard Garcia & Associates. The changes made to the report were based on the original review comments dated October 8, 2015. This reviewer notes that a full traffic study report was not submitted for the 2nd review and this review is based upon the responses and information that were submitted. From this review, all of the previous comments have been addressed, and the overall analyses and results of the traffic study are satisfactory.

After your review, if you have any questions, please feel free to contact me or Salman Rathore to discuss.

Sincerely,

THE CORRADINO GROUP, INC.



Stephen K. Bryan, P.E., PTOE
sbryan@corradino.com
(615) 982-6204

CC: Alex David, Bell David Planning Group
Salman Rathore, The Corradino Group

RESOLUTION NO. R2015-91

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN AND CONDITIONAL-USE APPROVAL TO CONSTRUCT A 231,045 SQUARE FOOT, 11-STORY HOTEL ON A .86 ACRE LOT, CONSISTING OF 165 HOTEL ROOMS, 8,640 SQUARE FEET OF MEETING SPACE AND 18,036 SQUARE FEET OF COMMERCIAL SPACE, AS PROPOSED; IN THE TRANSITION SUB-AREA OF THE FULFORD MIXED-USE TOWN CENTER DISTRICT, WITHIN THE CRA BOUNDARY, LOCATED AT 16300 NE 19 AVENUE.

WHEREAS, the property described herein is zoned FULFORD MIXED-USE TOWN CENTER DISTRICT, TRANSITION SUB-AREA; and

WHEREAS, the applicant requests site plan and conditional-use approval in order to construct a 231,045 square foot, eleven-story hotel, consisting of 165 hotel rooms, 8,640 square feet of meeting space, and 18,036 square feet of commercial space on a .86 acre lot at 16300 NE 19th Avenue; and

WHEREAS, after a public hearing on October 19, 2015, the Planning and Zoning Board, by a 6 to 1 vote, recommends approval of the site plan and conditional-use, subject to the conditions set forth and included herein below in Section 1.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

Section 1. Site plan and conditional-use approval in order to construct a 231,045 square foot, eleven-story hotel, consisting of 165 hotel rooms, 8,640 square feet of meeting space, and 18,036 square feet of commercial space on a .86 acre lot, on property legally described as:

LOTS 9 THROUGH 14, BLOCK 83, FULFORD BY THE SEA SECTION "F", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 64, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA;

A/K/A
16300 NE 19th Avenue
North Miami Beach, Florida

is HEREBY **GRANTED** SUBJECT TO THE FOLLOWING CONDITIONS:

1. Unless otherwise provided, all of the below conditions shall be completed/complied with prior to the issuance of the building permit.
2. The conditions of approval for this site plan and conditional-use approval are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
3. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following:
 - a. Sketch of Survey prepared by Fortin, Leavy, Skiles, Inc.
 - b. Plans prepared by Fortin, Leavy, Skiles, Inc. and dlw architects including the following:
 - Sheet A000, Cover Sheet
 - Sheet C1, Conceptual Paving, Drainage, Water & Sewer Plans
 - Sheet C2, Conceptual Paving & Drainage Plans
 - Sheet C3, Conceptual Water & Sewer Plans
 - Sheet C4, Conceptual Paving, Drainage, Water & Sewer Details
 - Sheet C5, Conceptual Paving, Drainage, Water & Sewer Details
 - Sheet C6, Conceptual Paving, Drainage, Water & Sewer Details
 - Sheet C7, Conceptual Paving, Drainage, Water & Sewer Details
 - Sheet C8, Conceptual Storm Water Pollution Prevention Plan
 - Sheet LP-1, Landscape Site Plan
 - Sheet LP-2, Landscape Specifications and Details
 - Sheet A100, Site Plan
 - Sheet A200, First Floor Plan
 - Sheet A201, Second Floor Plan
 - Sheet A202, Third and Fourth Floor Plan
 - Sheet A206, Fifth to Ninth Floor Plan
 - Sheet A207, Tenth Floor Plan
 - Sheet A208, Roof Plan / Pool Deck
 - Sheet A300, West Elevation
 - Sheet A301, East Elevation
 - Sheet A302, North and South Elevations
 - Sheet A400, Building Sections 1 & 2
 - Sheet A401, Building Section 3
 - Sheet R01, Northwest View, East View, and Southwest View Renderings
4. All representations and exhibits as prepared and provided to the Community Development Department as part of the Application Submittal Package, as amended.
5. All representations proffered by the Applicant's representatives as a part of the review of the application at public hearings.
6. The City Council shall maintain jurisdiction of this Conditional Use Permit which shall be subject to modification provided that the ability to operate a hotel with 165 keys is not modified or revoked. The City Manager or the City Council shall retain the right to call the owner, applicant, and/or operator back before them for a progress report or to modify the Conditional Use permit if it is determined there are legitimate complaints and/or code violations by the Code Compliance Department. The City Council may impose additional conditions to address problems, complaints, or code violations and to determine the timing and need for future progress reports. Nothing in this provision shall be deemed to limit the

right of the City Council to call back the owner, applicant and/or operator for other reasons and for other modifications of this Conditional Use Permit.

7. The Applicant shall ensure that hotel deliveries, special events, and all hotel operations do not interfere with access to adjacent properties via the rear alleyway. Failure to comply with this condition, as may be determined by the Code Compliance Department, will subject the Applicant to modification of the conditional use permit as per the city code, provided that the ability to operate a hotel with 165 keys is not modified or revoked.
8. Prior to issuance of any Master Building Permit, Applicant shall provide the City Manager or designee with a draft schedule for the construction of the Project, (the "Construction Schedule").
9. Substantial modifications to the plans submitted and approved as part of the application may require the applicant to return to the Planning and Zoning Board and Mayor and City Council for approval. Insubstantial changes shall include proportionate reductions in residential units and parking spaces by less than 5% of the total proposed project, changes that do not alter the project more than 5% of lot coverage, setbacks, height, density and intensity calculations so long as the proposed amendment does not cause an increase in the number of average daily trips; does not alter the location of any points of ingress, egress, access and vehicular and pedestrian patterns to the site; and does not violate any condition placed upon the site plan as originally approved. Insubstantial changes may be administratively approved by the City Manager or designee. Any de minimis amendments to the plans or site plans which cannot be resolved administratively shall be returned to the Mayor and City Council for a formal review. However, under no circumstances, may any plans, site plans, building, structure, or project be administratively altered by more than 5% lot coverage, setbacks, height limitations, as well as density or intensity calculations set forth in a previously approved site plan.
10. Prior to the issuance of a Master Building Permit, the City Manager or designee and the City Attorney, may refer any application for review by engineering, planning, legal, technical, environmental, or professional consultant(s) as deemed necessary. The City shall be reimbursed by Applicant for reasonable fees and charges made by such consultant(s) or professional(s) within thirty (30) days of submission of a City voucher. These fees and charges are in addition to any and all other fees required by the City.
11. Construction workers are prohibited from parking on residential streets or public parking lots. Prior to application for the Master Building Permit, the Applicant shall submit a construction parking plan providing off-street parking for construction workers during the period of construction to the City Manager or designee for review and approval. The construction parking plan shall provide: (a) Applicant's general contractor shall direct all workers to park at off street sites; (b) no workers shall park their vehicles in residential neighborhoods; and (c) Applicant shall provide reports as needed to the City Manager or designee detailing any problems and complaints regarding the parking.
12. Prior to issuance of any Master Building Permit, Applicant shall execute a covenant running with the land, binding upon its heirs, successors and assigns, subject to the approval of the City Attorney, which shall be recorded in the public records of Miami-Dade County, Florida at Applicant's sole expense, containing all of the conditions and provisions required by this Resolution. This recorded covenant may be amended from time to time and shall be re-recorded after each amendment at the Applicant's sole expense, subject to the approval of the City Attorney.
13. Prior to the issuance of the Master Building Permit, a bond or equivalent amount of cash shall be posted with the City to replace public property damaged during the construction of

the Project pursuant to the terms of Sections 14-1.10 and 14-1.11 of the City's Code of Ordinances in the amount of \$750.00. The final determination regarding property to be replaced shall be made by the City Manager or designee.

14. The Applicant shall provide a bond not to exceed .05% of the construction cost, as required by the Building Official. These funds shall be used to secure property and the construction site for the Project in the event construction is abandoned, or ceases prior to completion, or to repair public infrastructure damaged by construction, and to maintain the site during abandonment.
15. If the Applicant proposes to develop this project in phases, each phase must stand alone with respect to amenities and infrastructure. Additionally, any public improvements, in addition to any project features to be open to the public must be constructed as part of the initial phase.
16. No building permits shall be issued (except for signage, demolition, foundation, temporary power, construction trailers and sales center) unless the Applicant has submitted all documents required under this approval as of that date, subject to the approval of the City Attorney and the City Manager or designee, and shall have paid all professional reimbursements and other payments required by the Code of Ordinances of the City of North Miami Beach.
17. Prior to the issuance of the Master Building Permit, the Applicant shall submit plans for the construction of an appropriate barrier between the construction site and adjoining properties in order to minimize blowing of dust and construction debris. Applicant shall comply with the regulations of the Code of Ordinances the City of North Miami Beach relating to construction site operations, including but not limited to the installation of a chain link construction fence with a windscreen displaying a rendering of the Project. Applicant shall use its good faith efforts to minimize vibration and noise during construction of the Project.
18. The applicant shall submit an MOT (Maintenance of Traffic) to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
19. The master building permit from the City must be applied for within one (1) year of site plan approval. Extension requests may be extended administratively for good cause for one six (6) month period by the City Manager or designee upon the payment of the appropriate fee, otherwise reapplication is necessary. Such extension must be administratively documented and filed with the appropriate department. This period may be extended by the Mayor and City Council for good cause.
20. The Applicant shall comply with all applicable conditions and permit requirements of the Miami-Dade County Fire Department, the Water and Sewer Department, Department of Regulatory and Economic Resources, Miami-Dade County Public Health Department, the Florida Department of Environmental Protection (FDEP), the Florida Department of Transportation (FDOT) and any other applicable regulatory agency.
21. All engineering (paving and drainage) plans at time of permitting must be signed and sealed by a State of Florida Certified Engineer and must be stamped approved by Miami-Dade County DRER and FDOT.
22. All City impact fees shall be paid prior to issuance of a master building permit, for each phase of the project.
23. In order to satisfy the requirements of Code Section 24-58.1(o)(3) for Public Art, the Applicant shall agree to voluntarily provide artwork, of a quality and design acceptable to the City Manager or designee, on-site.

24. The applicant shall satisfy the requirements of Code Section 24-58.1(o)(1) for Public Infrastructure and Streetscape, for improvement to and maintenance of the public infrastructure and streets in the MU/TC zoning district, prior to or at the time of issuance of the Master Building Permit.
25. The Applicant shall post a sign on-site providing contact information in case of any complaint or concern during construction. The sign shall be removed upon the earlier of the City's issuance of a temporary or full certificate of occupancy.
26. The site plan and any conditional use or variance approvals shall remain valid for a period of 12-months from the date of adoption of the Resolution by the City Council. If no building permit is issued within the 12-month time period, the approvals shall be considered null and void and of no force and effect unless extensions of time are obtained pursuant to applicable law.
27. The Applicant, its successors and assigns shall comply with all City ordinances applicable to development and permit approvals at the time of adoption of the Resolution and in the event the Master Building Permit expires, all approvals and prior fees paid, excluding impact fees, shall be subject to be forfeited.
28. Garbage collection service will be provided by the City of North Miami Beach or designee.
29. Applicant must provide the NMBPD with access to the property at all times.
30. Applicant must provide the NMBPD with a safety plan.
31. Applicant must join the NMBPD *Trespass After Warning* Program.
32. The Applicant shall improve and maintain, in perpetuity, at its expense, the median on NE 19th Avenue between NE 163rd and 164th Streets. The improvements shall include landscape lighting of all Royal Palms and installation of rotating annual flower beds at a minimum of twice per year.
33. Applicant shall furnish payment and performance bonds, cash, or letter(s) of credit issued in a form and by a bank reasonably acceptable to the City to ensure Applicant's performance and/or payment of the improvements to public property, including improvements of the median on NE 19th Avenue between NE 163rd and 164th Streets (see Condition No. 32 herein). The payment and performance bond(s) required by this Resolution shall be issued by a surety having a minimum rating of A-1 in the Best's Key Rating Guide, Property/Casualty edition, shall be subject to the approval of the City and shall include this legend: "This bond (these bonds) may not be cancelled or allowed to lapse until thirty (30) days after receipt by the City of North Miami Beach, by certified mail, returned receipt requested, addressed to: CITY MANAGER with a copy to: CITY ATTORNEY, both addressed to: 17011 NE 19 Avenue, North Miami Beach, FL 33162-3111 of written notice from the issuer of the bond of its intent to cancel or to not renew." As improvements and payments are made in accordance with the terms of this Resolution, the City, in its sole discretion, may reduce or eliminate the bond amount. These rights reserved by the City with respect to any construction bond or other performance or payment bond established pursuant to this section are in addition to all other rights and remedies the City may have under this Resolution, in law or in equity.
34. Live, amplified music shall be prohibited outdoors. Recorded music no greater than 75 decibels shall be allowed from 10:00 a.m. to 10:00 p.m. If applicable, this shall be reviewed annually through the Conditional Use approval.
35. The Applicant and its successors and assigns, including but not limited to the successor homeowners' association, if any, shall maintain all landscape and exterior hardscape features and materials on site and throughout all public improvements in good condition,

- replacing diseased, dying or dead plant material as necessary and repairing / cleaning / painting all hardscape features so as to present a healthy and orderly appearance at all times.
36. The words "Aventura", "Miami Beach," and "Sunny Isles Beach" shall not be used by the applicant immediately preceding or following the Project name. The words "Aventura", "Miami Beach" and "Sunny Isles Beach" shall not be part of the website address for the Project. References in the marketing materials to nearby communities shall be limited to descriptions of entertainment, shopping or dining locations, or other landmarks; the Applicant shall identify the Project as being located in the City of North Miami Beach, Florida.
 37. As part of the Project's marketing materials and to the extent appropriate for purposes of the marketing campaign, including any sales brochures or similar information provided to potential purchasers, tenants and/or real estate sales personnel engaged in marketing the Project, Applicant shall use good faith efforts to promote the City of North Miami Beach and feature local businesses located in the City of North Miami Beach.
 38. Dumpsters shall be serviced wholly within the building envelope and only by the City of North Miami Beach or its approved contractor. All dumpsters shall be delivered to the trash room no later than 7:00 a.m. on collection days. The servicing of the dumpsters and their locations shall not be visible from pedestrians or passing motorists on the sidewalks, abutting rights-of way, adjacent streets or public beach.
 39. Prior to issuance of the Temporary Certificate of Occupancy, the design of any public property litter receptacles shall be determined by the City Manager or designee. The Applicant shall fund the cost of litter receptacles along all street frontages in a quantity, design and location acceptable to the City Manager or designee.
 40. Upon issuance of a hurricane warning by the National Weather Service or similar agency, all removable items from pool decks, roof decks and other outdoor spaces shall be immediately removed and secured.
 41. The Applicant, subject to availability, agrees to offer the City, at a reduced rate, rooms and meeting space for events serving a legitimate public purpose, as determined by the City Attorney, and at the request of the City Manager.
 42. The Applicant shall obtain a certificate of occupancy and certificate of use from the City upon compliance with all terms and conditions. The certificate of use shall be subject to review upon violation of any of the conditions, in accordance with the law.

Section 2. The City Council makes the following FINDINGS OF FACT based upon the substantial competent evidence provided:

The requested conditional use approval is not contrary to the public interest or detrimental to the community and is compatible with the surrounding land uses while maintaining the basic intent and purpose of the zoning and land use regulations.

Section 3. Pursuant to Section 24-172(I) of the Code of Ordinances of the City of North Miami Beach, the Applicant must apply for a master building permit from the City within one (1) year of the date of this Resolution or the site plan approval granted shall be deemed null and void and the applicant shall be required to reinstate the site plan review process unless the term is extended administratively or by the City Council prior to its expiration.

Section 4. Pursuant to Section 24-175(C) of the Code of Ordinances of the City of North Miami Beach, the applicant must obtain a Business Tax Receipt within one year of the issuance of a Certificate of Occupancy or within one year of conditional use approval, whichever is longer. This may be extended administratively for good cause for one six-month period by the City Manager or designee. This period may be extended by the Mayor and City Council for good cause.

APPROVED AND ADOPTED by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this **3rd day of November, 2015**.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION

JOSE SMITH
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

COUNCILPERSON	YES	NO	ABSTAIN	ABSENT
Mayor George Vallejo				
Vice-Mayor Phyllis Smith				
Councilwoman Barbara Kramer				
Councilwoman Marlen Martell				
Councilman Frantz Pierre				
Councilman Anthony DeFillipo				
Councilwoman Beth Spiegel				



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council

FROM: Ana M. Garcia, City Manager

VIA: Richard G. Lorber, AICP, Director of Community Development

DATE: Tuesday, November 3, 2015

RE: Resolution No. R2015-92 (Richard Lorber, Director of Community Development)

BACKGROUND ANALYSIS:

The applicant, Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., representing Aventura Property Holdings LLC, requests site plan approval and a setback variance in order to construct a 638,855 square foot, eight-story mixed-use development project on a 112,205 square foot (2.57 acres) lot, including 349 residential units and 10,985 square feet of commercial space at 2145 NE 164 ST in the Core Sub-Area of the Fulford Mixed-Use Town Center District (MU/TC), within the CRA boundary.

The purpose and intent of the MU/TC District is to enable transit-oriented development that contributes to the creation of an urban downtown and the formation of a quality pedestrian-oriented, mixed-use district. The objective is to shape development to create a place, an exciting, enlivened social gathering point and a destination, which encourages the establishment of a wide mix of commercial and residential uses that offer flexibility to meet a variety of market needs.

The proposed mixed-use development is in accordance with the overall intent of the district through its classification as a permitted use and complies with the district's purpose of ensuring a high quality and architecturally compatible development, stimulating retail trade activities, encouraging the beautification of the Snake Creek Canal greenway, and encouraging people to reside in the district. Additionally, the requested maximum setback increase is not detrimental to the

community as it is actually an increase of the maximum allowed setback.

RECOMMENDATION:

The Planning and Zoning Department recommends approval of this project subject to the conditions listed on your staff report and Resolution. The item was approved by the Planning and Zoning Board on October 19, 2015 by a vote of 6 to 1.

**FISCAL/BUDGETARY
IMPACT:**

No impact for the current fiscal year. However this development, once completed, will result in annual property tax revenues in the range of \$1 to \$1.1 million dollars.

ATTACHMENTS:

- | |
|--|
| <input type="checkbox"/> Staff Report |
| <input type="checkbox"/> Letter of Intent |
| <input type="checkbox"/> Application |
| <input type="checkbox"/> Concurrency Review |
| <input type="checkbox"/> Traffic Study Analysis |
| <input type="checkbox"/> School Concurrency |
| <input type="checkbox"/> Resolution No. R2015-92 |



City of North Miami Beach, Florida

COMMUNITY DEVELOPMENT DEPARTMENT

CITY COUNCIL STAFF REPORT

TO: City Council
FROM: Richard G. Lorber, AICP, Director of Community Development
DATE: November 3, 2015
RE: Read Capital Apartments Mixed-Use Development

P&Z ITEM # 15-014	READ CAPITAL APARTMENTS
OWNER OF PROPERTY	AVENTURA PROPERTY HOLDINGS LLC
ADDRESS OF PROPERTY	2145 NE 164 ST
FOLIO NUMBER	07-2216-007-0051
LEGAL DESCRIPTION	16 52 42 2.57 AC PB 47-46 2 ND AMD PL OF 1 ST ADD TO FULFORD THAT PT TR B LYG N & W OF LINE DESC BEG ON E/L OF TR B 50 FT S OF X OF N & E/L EXTD W & PARR TO N/L 200 FT S & PARR TO E/L 215 FT M/L TO S/L LOT SIZE SITE VALUE COC 24806-0008 07 2006 6
EXISTING ZONING	MU/TC, FULFORD MIXED-USE TOWN CENTER DISTRICT, CORE SUB-AREA
EXISTING LAND USE	VACANT COMMERCIAL LOT
FUTURE LAND USE DESIGNATION	MU/TC, FULFORD MIXED-USE TOWN CENTER

BACKGROUND:

The applicant, Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., representing Aventura Property Holdings LLC, requests site plan approval and a setback variance in order to construct a 638,855 square foot, eight-story mixed-use development project on a 112,205 square foot (2.57 acres) lot, including 349 residential units and 10,985 square feet of commercial space at 2145 NE 164 ST in the Core Sub-Area of the Fulford Mixed-Use Town Center District (MU/TC), within the CRA boundary.

SURROUNDING LAND USES:

Location	Zoning Designations	Existing Land Uses	Future Land Use Designations
North	N/A	Snake Creek Canal	N/A
South	MU/TC, Fulford Mixed-Use Town Center District	Commercial	MU/TC, Fulford Mixed-Use Town Center
East	MU/TC, Fulford Mixed-Use Town Center District	Commercial	MU/TC, Fulford Mixed-Use Town Center
West	MU/TC, Fulford Mixed-Use Town Center District	Multi-Family Residential	MU/TC, Fulford Mixed-Use Town Center

THE SITE:

The subject site is a 112,205 square foot property containing a vacant commercial building.

THE PROJECT:

The project involves the construction of a 638,855 square foot, eight-story, mixed-use development featuring 349 residential units, 10,985 square feet of ground level commercial space, and an ancillary parking structure. The proposed mixed-use development is in accordance with the permitted uses of the core sub-area of the Fulford Mixed-Use Town Center District.

Staff has reviewed the application for consideration by the City Council; in this report, Staff presents the applicable Zoning and Land Development Code regulations with recommendations.

Sec. 24-58.1 MU/TC, Fulford Mixed-Use Town Center District, Core Sub-Area, Courtyard Building Type B

Uses Permitted

Permitted	Proposed	Recommendation/Comments
<ul style="list-style-type: none"> ▪ Multi-family residential ▪ Commercial 	<ul style="list-style-type: none"> ▪ Multi-family residential ▪ Commercial component 	<ul style="list-style-type: none"> ▪ Complied ▪ Complied

Site Development Standards

Required	Proposed	Recommendation/Comments
Minimum lot area: N/A	112,205 sq.ft.	Complied
Minimum lot width: 150 feet (200' max.)	280.08 feet	Waived per Table MU-2 (Lot Standards by Building Type)
Minimum lot depth: 160 feet	280 feet	Complied
Minimum setbacks: <ul style="list-style-type: none"> Interior side setback: 0' (30' min. when abutting townhouse, zero lot lines and existing single family and an alley is not existing or proposed) Rear setback: 0' (30' min. when abutting townhouse, zero lot lines and existing single family and an alley is not existing or proposed) Front/side primary 164th street setback: 0' (20' max.) (90% building frontage) Front/side primary West Dixie Hwy (west side) setback: 0' (10' max.) (90% building frontage) Front/side secondary street setback: 10' (20' max.) (80% building frontage) Canal greenway setback (CG1): 15' (25' max.) (90% building frontage) 	<ul style="list-style-type: none"> Interior side setback: 10' Rear setback: 16' Front/side primary 164th street setback: 12' Front/side primary West Dixie Hwy setback: 30'-4" Front/side secondary street setback: 10' (NE 21 Ave) Canal greenway setback: 15' 	<ul style="list-style-type: none"> Complied Complied Complied Variance of 20'-4" Complied Complied
Maximum building height: 30 stories/375 feet (number of stories may be increased provided the overall building	<ul style="list-style-type: none"> 8 stories/115' 	<ul style="list-style-type: none"> Complied

height is not exceeded)		
Minimum open space area: 10%	▪ 11, 260 sq.ft.	▪ Complied
Minimum pervious area: 10%	▪ 13,622 sq.ft.	▪ Complied
Minimum space requirements: <ul style="list-style-type: none"> ▪ 2 per 1,000 sq.ft.(retail, restaurant, or commercial): 22 spaces ▪ 1 per residential unit plus 1 per 20 units for guest parking spaces: 367 spaces ▪ Total handicap spaces required: 7 spaces ▪ 1 bike rack space per every 15 parking spaces: 26 bicycle racks ▪ Loading spaces: 5 (3 for multi-family units; 2 for retail component) 	<ul style="list-style-type: none"> ▪ 38 spaces ▪ 536 spaces ▪ 16 handicapped spaces ▪ 27 bicycle racks ▪ 5 on-site loading spaces 	<ul style="list-style-type: none"> ▪ Complied (16 extra) ▪ Complied (169 extra) ▪ Complied (9 extra) ▪ Complied (1 extra) ▪ Complied

Article IX Off-Street Parking and Loading
Sec. 24-93 Parking Lot Design Standards

Required	Proposed	Recommendation
Paving and Drainage: <ul style="list-style-type: none"> ▪ Surfaced w/6 inch rolled rock and 1 inch weatherproof pavement ▪ Proper drainage 	<ul style="list-style-type: none"> ▪ Concrete and pavers ▪ To be provided at time of permitting 	<ul style="list-style-type: none"> ▪ Complied ▪ (Condition)
Minimum parking space sizes <ul style="list-style-type: none"> ▪ Standard 9' x 18' ▪ Handicapped 12' x 20' plus 5' access ramp 	<ul style="list-style-type: none"> ▪ 9' x 18' ▪ 12' wide with 5' access ramp 	<ul style="list-style-type: none"> ▪ Complied ▪ Complied
Traffic Study	<ul style="list-style-type: none"> ▪ Traffic Impact Analysis Review conducted by RMA for entire zoning district. 	<ul style="list-style-type: none"> ▪ Complied

	▪ Submitted	▪ Complied
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Article XI. Landscaping

Sec. 24-122

Required	Proposed	Recommendation
Site landscape plan	Complete landscape plan provided	Complied

Article X Subdivision and Floodplain Standards

Sec. 24-106(E)(2)(a)(2)

Required	Proposed	Recommendation
Zone AE (EL 6)	8'-0" NGVD	Complied

Variance requested as follows:

Request variance from Section 24-58.1(K)(2)Table MU-TC – 4 Minimum and Maximum Front and Side Street Setbacks and Building Frontage:

- To increase the maximum 10 feet front primary West Dixie Hwy setback by 20 feet and 4 inches, where a front primary West Dixie Hwy setback of 30 feet and 4 inches is proposed; due to the irregular shape of the lot along the east.

Sec. 24-176 (C) Variance Review Standards

Is the requested variance contrary to the public interest? The proposed mixed-use and multi-family development is architecturally designed to uniquely and fully accommodate the lot for a permitted use. The setback variance is a part of the design element and is not contrary to the public interest.	No
Is the requested variance detrimental to the community? The requested maximum setback increase is not detrimental to the community. The proposed mixed-use and multi-family development is in accordance with the City's goal of revitalization and enhances the character of the newly established zoning district.	No
Is the requested variance compatible with the surrounding land uses? The design of the proposed mixed-use and multi-family development is high quality and architecturally compatible with the surrounding uses.	Yes
Does the requested variance maintain the basic intent and purpose of the zoning and land use regulations? The requested variance does not hinder or interfere with the intent and purpose of the MU/TC Zoning District; the variance strengthens the project as a suitable site for development.	Yes

PLANNING AND ZONING DEPARTMENT ANALYSIS:

The purpose and intent of the MU/TC District is to enable transit-oriented development that contributes to the creation of an urban downtown and the formation of a quality pedestrian-oriented, mixed-use district. The objective is to shape development to create a place, an exciting, enlivened social gathering point and a destination, which encourages the establishment of a wide mix of commercial and residential uses that offer flexibility to meet a variety of market needs.

The proposed mixed-use development is in accordance with the overall intent of the district through its classification as a permitted use and complies with the district's purpose of ensuring a high quality and architecturally compatible development, stimulating retail trade activities, encouraging the beautification of the Snake Creek Canal greenway, and encouraging people to reside in the district.

PLANNING AND ZONING DEPARTMENT RECOMMENDATION:

The attached draft Resolution contains the conditions of approval recommended for this project, including the following highlights:

- Prior to issuance of any Master Building Permit, Applicant shall provide the City Manager or designee with a draft schedule for the construction of the Project, (the "Construction Schedule").
- Construction workers are prohibited from parking on residential streets or public parking lots. Prior to application for the Master Building Permit, the Applicant shall submit a construction parking plan providing off-street parking for construction workers during the period of construction to the City Manager or designee for review and approval. The construction parking plan shall provide: (a) Applicant's general contractor shall direct all workers to park at off street sites; (b) no workers shall park their vehicles in residential neighborhoods; and (c) Applicant shall provide reports as needed to the City Manager or designee detailing any problems and complaints regarding the parking.
- Prior to the issuance of the Master Building Permit, the Applicant shall submit plans for the construction of an appropriate barrier between the construction site and adjoining properties in order to minimize blowing of dust and construction debris. Applicant shall comply with the regulations of the Code of Ordinances the City of North Miami Beach relating to construction site operations, including but not limited to the installation of a chain link construction fence with a windscreen displaying a rendering of the Project. Applicant shall use its good faith efforts to minimize vibration and noise during construction of the Project.
- In order to satisfy the requirements of Code Section 24-58.1(o)(2) for Public Open Space, the Applicant shall provide Park impact fees to the City of North Miami Beach in the amount prescribed in Code Section 24, Article 17, prior to or at the time of issuance of the Master Building Permit.

- In order to satisfy the requirements of Code Section 24-58.1(o)(3) for Public Art, the Applicant shall agree to voluntarily contribute a sum of money equivalent to 1.0% of the total Project cost to the City's Art in Public Places Fund, prior to or at the time of issuance of the Master Building Permit, or provide artwork, of a quality and design acceptable to the City Manager or designee, on-site.
- The Applicant shall post a sign on-site providing contact information in case of any complaint or concern during construction. The sign shall be removed upon the earlier of the City's issuance of a temporary or full certificate of occupancy.
- The site plan and any conditional use or variance approvals shall remain valid for a period of 12-months from the date of adoption of the Resolution by the City Council. If no building permit is issued within the 12-month time period, the approvals shall be considered null and void and of no force and effect unless extensions of time are obtained pursuant to applicable law.
- The applicant shall follow the guidance provided on August 13, 2015 from the City's TRAD staff review (see attachment).
- Live, amplified music shall be prohibited outdoors. Recorded music no greater than 75 decibels shall be allowed from 10:00 a.m. to 8:00 p.m. If applicable, this shall be reviewed annually through the Conditional Use approval.
- Dumpsters shall be serviced wholly within the building envelope and only by the City of North Miami Beach or its approved contractor. All dumpsters shall be delivered to the trash room no later than 7:00 a.m. on collection days. The servicing of the dumpsters and their locations shall not be visible from pedestrians or passing motorists on the sidewalks, abutting rights-of way, adjacent streets or public beach.
- Upon issuance of a hurricane warning by the National Weather Service or similar agency, all removable items from pool decks, roof decks and other outdoor spaces shall be immediately removed and secured.

The Planning and Zoning Department recommends **approval** of this project subject to the conditions contained in the attached draft Resolution.

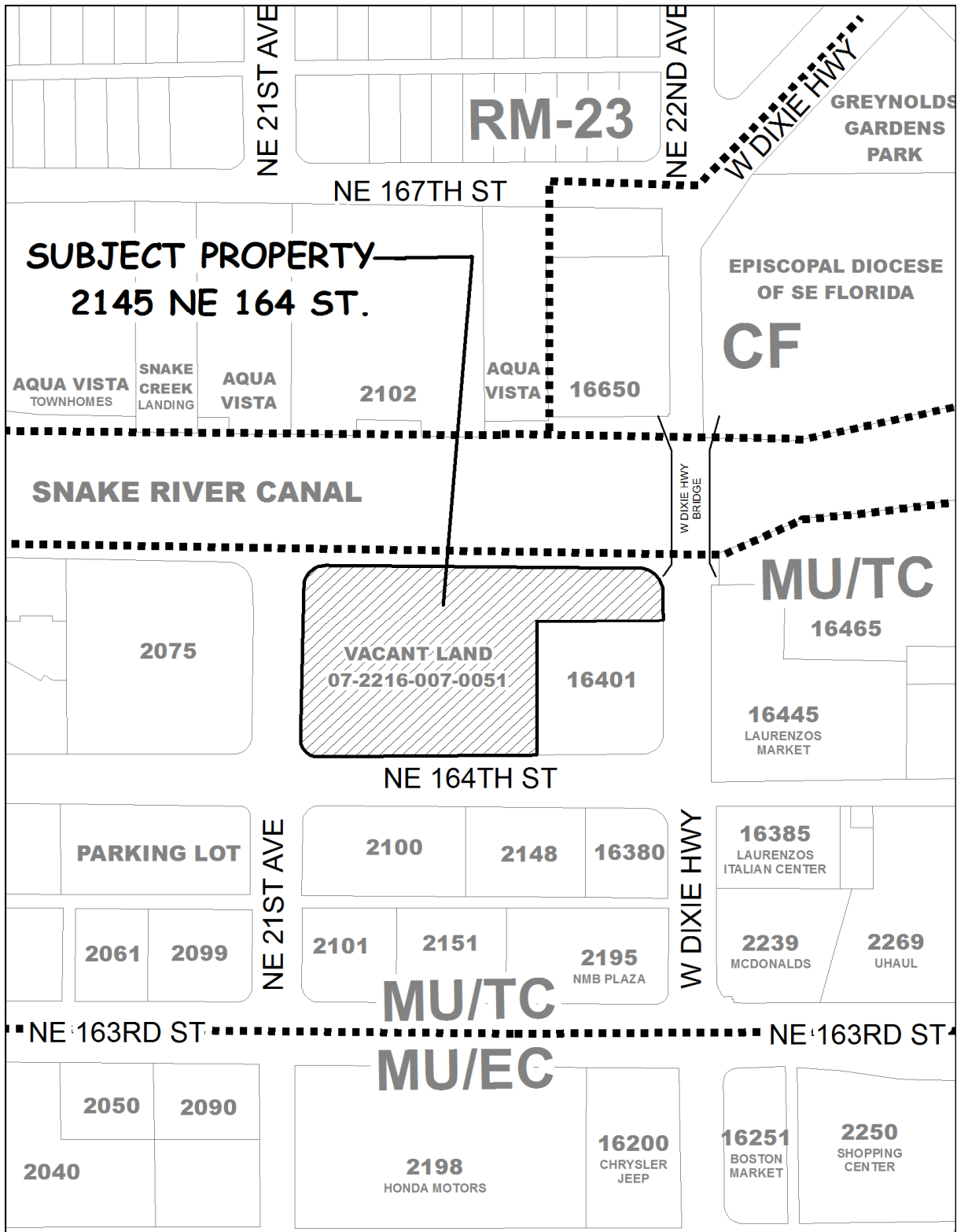
SUBMITTAL HISTORY:

TRAD (August 13, 2015)

PLANNING & ZONING BOARD (October 19, 2015) Approved by 6-1 vote (Mosher against)

CITY COUNCIL (November 3, 2015)

LOCATION AND ZONING MAP



ADVERTISEMENT HISTORY:



10/8/2015



Title:

Category: Hearings

Adnumber: 2485115

CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING DATE/TIME: Monday, October 19, 2015, 6:00 P.M.
 LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers 17011 NE 19th Avenue, North Miami Beach, FL 33162 PUBLIC NOTICE is hereby given that the City of North Miami Beach Planning and Zoning Board shall consider the following public hearing item: Site Plan Approval - READ Capital Apartments - 2145 NE 164 Street, North Miami Beach, FL: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL TO CONSTRUCT A 638,855 SQUARE FOOT, EIGHT-STORY MIXED-USE DEVELOPMENT PROJECT ON A 2.57 ACRE LOT, INCLUDING 349 RESIDENTIAL UNITS AND 10,985 SQUARE FEET OF COMMERCIAL SPACE, AS PROPOSED; AND GRANTING A VARIANCE FROM TABLE MU/TC-4 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THE MAXIMUM PERMITTED PRIMARY STREET SETBACK OF 10 FEET ALONG WEST DIXIE HIGHWAY BY 20 FEET AND 4 INCHES, WHERE A GREATER FRONT PRIMARY STREET SETBACK OF 30 FEET AND 4 INCHES IS PROPOSED; IN THE CORE SUB-AREA OF THE FULFORD MIXED-USE TOWN CENTER DISTRICT, WITHIN THE CRA BOUNDARY, LOCATED AT 2145 NE 164 STREET. All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to nmbcomdev@citynmb.com, FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0105). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance. 10/8 15-113/2485115M

10/22/2015



Title:

Category: Hearings

Adnumber: 2487833

CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING DATE/TIME: Tuesday, November 3, 2015, 7:30 P.M.
 LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers 17011 NE 19th Avenue, North Miami Beach, FL 33162 PUBLIC NOTICE is hereby given that the City of North Miami Beach City Council shall consider the following public hearing item: Site Plan Approval – READ Capital Apartments - 2145 NE 164 Street, North Miami Beach, FL: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL TO CONSTRUCT A 638,855 SQUARE FOOT, EIGHT-STORY MIXED-USE DEVELOPMENT PROJECT ON A 2.57 ACRE LOT, INCLUDING 349 RESIDENTIAL UNITS AND 10,985 SQUARE FEET OF COMMERCIAL SPACE, AS PROPOSED; AND GRANTING A VARIANCE FROM TABLE MU/TC-4 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THE MAXIMUM PERMITTED PRIMARY STREET SETBACK OF 10 FEET ALONG WEST DIXIE HIGHWAY BY 20 FEET AND 4 INCHES, WHERE A GREATER FRONT PRIMARY STREET SETBACK OF 30 FEET AND 4 INCHES IS PROPOSED; IN THE CORE SUB-AREA OF THE FULFORD MIXED-USE TOWN CENTER DISTRICT, WITHIN THE CRA BOUNDARY, LOCATED AT 2145 NE 164 STREET. All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to nmbcomdev@citynmb.com, FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0105). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance. 10/22 15-63/2487833M

STEARNS WEAVER MILLER
WEISSLER ALHADEFF & SITTERSON, P.A.

Javier E. Fernández
150 West Flagler Street, Suite 2200
Miami, FL 33130
Direct: (305) 789-3501
Fax: (305) 789-2620
Email: jefernandez@stearnsweaver.com

September 25, 2015

Mr. Carlos Rivero
City Planner
Community Development Department
17050 N.E. 19th Avenue
North Miami Beach, FL 33162-3100

Re: READ Capital Apartments Mixed-Use Development – 2145 N.E. 164th St., N. Miami Beach, FL
Planning & Zoning Board – Site Plan & Variance Application

Dear Mr. Rivero:

Our firm represents the Aventura Property Holdings, LLC (the "Applicant" or "Developer") in this matter. We are proud to submit this application for the approval of the attached site plan and variance request (the "Application") to the Planning & Zoning Board (the "Board") for its consideration.

On or about June of 2014, the Applicant acquired the subject parcel located at 2145 N.E. 164th Street (the "Property") for the purpose of redeveloping the same. The Property is presently unimproved/vacant and was previously the home of a grocery store. The Property is located within the boundaries of the North Miami Beach Community Redevelopment Area ("CRA") and is listed as a priority site for land acquisition/redevelopment in the CRA's Amended Redevelopment Plan ("Plan"). Applicant intends to redevelop the site consistent with the goals set forth in Section 11 of the CRA Plan.

Developer's intends to construct an 8-story, 638,855 square foot building comprised of 349 residential units, 10,985 square feet of ground floor commercial space, and ancillary parking structure (the "Project"). Developer further intends to substantially improve publicly-owned property along the southern bank of the Snake Creek Canal creating the first segment of a greenway system long-desired by the CRA and City of North Miami Beach ("City") and a waterfront, recreational amenity for area residents. When constructed, the Project's residential, commercial and recreational components will serve to activate both N.E. 164th Street and the Snake Creek Canal.

As noted in the Application, the Property carries a zoning designation of Mixed-Use/Town Center, Fulford Mixed-Use Town Center District, Core Sub Area (the "District"). This designation is intended to enable the development of transit-oriented projects that contribute to the creation of an urban downtown and a pedestrian-friendly, mixed-use district. Consistent with the goals of the District, the Project will result in the introduction day and evening activities so that the street is activated by residents, visitors, business owners and operators. The Project will further advance the District goals, identified in Sec. 24-58.1 of the City's Land Development Regulations ("LDRs"), through the: (i) construction of a high-quality, architecturally compatible building; (ii) stimulation of commercial and retail trade activities along N.E. 164th Street; (iii) advancement of a redevelopment project that enhances the visual character of the area; (iv) creation of pleasant shopping areas

through streetscape enhancements along N.E. 164th Street; and (v) introduction of residency within the District the construction of modern residential units.

▪ SITE PLAN APPROVAL. Each site plan submitted for consideration by the City must comply with the review standards set forth in Sec. 24-172(G) of the City's LDRs. The Application is consistent with each of the applicable standards as evidenced by the following:

- (1) *Natural environment*: All proposed development shall be designed in such a manner as to preserve, perpetuate and improve the existing natural character of the site. Existing trees and other landscape features shall, to the maximum extent possible, be preserved in their natural state and additional landscape features shall be provided to enhance architectural features, to relate to structural design to the site, and to conceal unattractive areas and uses. Special attention shall be devoted to natural vegetation along waterfronts...

The Project has been designed in a manner that relates and enhances both the existing natural character of the site and the neighboring waterfront. Presently, the site is devoid of trees and landscape features. The proposed improvements will incorporate new trees and landscaping that will substantially improve the existing condition and enhance the architectural features of the building. Special attention has been devoted to the Snake Creek Canal waterfront to create a lushly landscaped, attractive community amenity.

- (2) *Open Space*: Adequate open space shall be provided which meets the particular needs and demands of the proposed development and all specific zoning requirements. The type and distribution of all open space shall be determined by the character, intensity, and anticipated residential or user composition of the proposed development.
 - (a) Passive open space (those areas not planned for intensive activity) shall be arranged as to enhance internal spatial relationships between proposed structures, to provide buffers between the project and adjacent less intensive uses, to facilitate pedestrian movements within the development, and to improve the overall visual quality site.
 - (b) Active open spaces (those areas containing activities such as playgrounds, tennis courts, swimming pools and other recreational facilities) shall be located so as to permit easy access for all residents and users within a development. Private recreational facilities within specific projects shall, wherever possible, complement rather than duplicate nearby public recreational facilities.

Open Space is provided both at the center and along the edges of the Project. Perimeter Open Space has been provided to enhance the experience of pedestrians walking in the vicinity of the Project, create a buffer and transition between the Project and the waterfront park, and improve the architectural aesthetic of the proposed building. The centralized Open Space consists of landscaped and hardscaped amenity space for Project residents. Such Project recreational amenities have been centralized so as to provide Project residents easy access from within the development.

- (3) *Circulation and parking*: All circulation and parking facilities shall be designed and located in a manner that: (a) clearly defines the vehicular circulation system and creates a circulation system that is compatible with outside development; (b) locates off-street parking areas in such a manner as to not create any incompatible visual relationships; and (c) creates safe and efficient access to the development for emergency and service vehicles.

The Project satisfies the Code's circulation and parking standards in so far as it provides for a clearly defined circulation system for Project residents through the design of the multi-level parking structure to accommodate the demand generated by uses on-site. Defined spaces within the garage structure have been segregated for service vehicles to ensure that all traffic movements from such vehicles are fully internalized within the site and not visible from the thoroughfare. Finally, the Project's parking structure has been improved with an architectural treatment that reinforces the architectural pattern of the building and masks the overwhelming majority of vehicular spaces from view.

- (4) *Community services and utilities.* All proposed development shall be designed and located in such a manner as to insure the adequate provision, use and compatibility of necessary community services and utilities.

The proposed building will be serviced by City water service with sanitary sewer service provided by Miami-Dade County. Trash collection and recycling systems have been incorporated into the building design and consolidated in a location so as to facilitate the efficient collection and removal of such receptacles. Finally, the Project will be designed in a manner that will satisfy all applicable life and safety standards in the applicable fire and building codes, including the incorporation of fire hydrants and suppression systems as required by the same.

- (5) *Building and structures.* All buildings and structures proposed to be located within a development shall be oriented and designed in such a manner as to enhance, rather than detract, from the overall quality of the environment. Specifically, the building shall: (a) relate harmoniously to other buildings and the surrounding neighborhood, and should not create through their location, scale, style, color or texture incompatible physical or visual relationships; (b) maximize the privacy of individual residential units and outdoor living spaces;...

The proposed building has been oriented and designed in a manner to enhance the overall quality of the environment and enhance the City's vision for the District. Ground floor retail has been incorporated along the NE 164th Street to reinforce the commercial nature of the corridor and retail uses located across the street and elsewhere along the corridor. The proposed scale, intensity and design of the Project is consistent with the existing context and the vision for the District as articulated in the controlling LDRs. Finally, residential units and outdoor living spaces have been designed in a manner that provides the necessary privacy and appropriate segregation of private and public spaces.

- (6) *Signs:* Shall be reviewed in the context of Article XIII.

Project signage included in the plans submitted as part of this Application are consistent with the standards set forth in Article XIII of the LDRs. Future retail tenant signage shall be developed and reviewed in accordance with the aforementioned standards.

- (7) *Crime Prevention Through Environmental Design:* All proposed development shall be designed to discourage and reduce the possibility of nuisance and criminal activity...The Police Department shall analyze and make recommendation regarding all factors that affect crime prevention...

Developer and their architects, Arquitectonica and One Seed, have sought to design the Project in a manner that complies with CPTED standards/best practices with regard to promoting safe and defensible spaces. Notwithstanding its efforts to date, Developer will continue to cooperate with the City Police and Community Development Departments to make further refinements that will further discourage and reduce the prospect of nuisance and criminal activity at or nearby the proposed development.

- (8) *Landscaping:* All locations of plant materials shall be coordinated with the location of other elements of the site plan, particularly lighting fixtures and poles...
- (9) *Lighting:* Placement of the lighting fixtures shall be coordinated with the placement of landscape materials, as noted above.

Landscaping and lighting on the proposed site plans submittal has been coordinated to avoid conflicts and reinforce the CPTED goals addressed in criteria No. 7 of the Sec. 24-172(G) of the City's LDRs.

▪ VARIANCE. In addition addressing the site plan criteria set forth in Sec. 24-172(G) of the City's LDRs, the Applicant is also seeking the approval of a variance from the maximum setback on a primary frontage (W. Dixie Highway) of 10' to 30' 4". As such, the Project submittal must also satisfy the following variance criteria enumerated in Sec. 24-176(C) of the LDRs:

- (1) Is the requested variance contrary to the public interest?

No, the Project has been architecturally designed to uniquely and fully accommodate the lot for the permitted use. The proposed setback is part of design element of the proposed landscaping plan for the portion of the Property abutting the public, linear park that will serve to enhance that area's sense of arrival. Therefore, the requested variance is not contrary to the public interest.

- (2) Is the requested variance detrimental to the community?

No, the requested maximum setback variance is not detrimental to the community as the proposed project is consistent with the City's goal to revitalize and enhance the quality of the District and serves to further enhance the sense of arrival/place at the entrance to the public, linear park proposed along the south bank of the Snake Creek Canal.

- (3) Is the requested variance compatible with the surrounding districts?

Yes, the variance is compatible with the surrounding districts as the Project consists of a high-quality architectural design that is appropriate given the surrounding uses.

- (4) Does the requested variance maintain the basic intent and purpose of the zoning and land use regulations?

Yes, the variance helps to implement the intent and purpose of the LDRs governing the District by both helping advance a mixed-use project of the type envisioned by the LDRs, as well a long-sought-after linear park along the southern bank of the Snake Creek Canal.

For each of the foregoing reasons, we respectfully request the Board's favorable recommendation of the Application for approval by the City Commission.

Respectfully submitted,



Javier E. Fernández, Esq.



City of North Miami Beach, Florida

Community Development Department Public Hearing Application

17050 NE 19th Ave. North Miami Beach, FL 33162 Tel: 305.948.2966 nmbcomdev@citynmb.com

General information

Property/project name: READ Capital Apartments Submittal date September 25, 2015

Street address(es) of the property: 2145 N.E. 164 Street

Proposed use: Residential and ground floor retail

Applicant(s)/agent(s): Aventura Property Holdings, Inc.

Application request

The undersigned Applicant(s)/Agent(s)/Property Owner(s) request City of North Miami Beach consideration and review of the following application(s). Please check all that apply.

- ☐ Abandonment and Vacations
- ☐ Annexation
- ☐ Comprehensive Plan Map Amendment - Small Scale
- ☐ Comprehensive Plan Map Amendment - Large Scale
- ☐ Comprehensive Plan Text Amendment
- ☐ Conditional Use
- ☐ Conditional Use – Special Limited
- ☐ Development Agreement
- ☐ Development of Regional Impact
- ☐ Development of Regional Impact - Notice of Proposed Change
- ☐ Planned Unit Development
- ☐ Plat/Replat
- ☒ Site Plan
- ☒ Variance
- ☐ Zoning Code Map Amendment
- ☐ Zoning Code Text Amendment
- ☐ Other: _____

Project information

Street address(es) of the property: 2145 N.E. 164 Street

Legal description: Lot(s) See attached exhibit

Block(s) _____ Section (s) _____

Property folio numbers (list all numbers) 07-2216-007-0051



City of North Miami Beach, Florida

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17050 NE 19th Ave. North Miami Beach, FL 33162 Tel: 305.948.2966 nmbcomdev@citynmb.com

Property owner name(s): Aventura Property Holdings, LLC

Property owner(s) mailing address(es): 2699 S. Bayshore Drive, PH, Miami, Florida 33133

Telephone: Business 786-899-2540 Fax _____
Other 305-458-4401 Email jmalabet @ readcapitalgroup.com

Applicant(s)/agent(s): Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A.

Applicant(s)/agent(s) mailing address: 150 W. Flagler Street, Suite 2200, Miami, FL 33130

Telephone: Business 305-789-3501 Fax 305-789-3200
Other 305-761-2274 Email jefernandez @ stearnsweaver.com

Proposed site data and land use(s) information

Please complete and/or respond to all requested information. If "Not Applicable," please note NA.

Current Comprehensive Plan Land Use designation(s): MU/TC, Fulford Mixed-Use Town Center

Current Zoning District designation(s): MU/TC, Fulford Mixed-Use Town Center District - Core Sub Area

Proposed Comprehensive Plan Land Use designation(s) (if applicable): N/A

Proposed Zoning District designations(s) (if applicable): N/A

Proposed non-residential land uses (list of intended uses), gross square footage, required parking and parking provided.

Use: <u>Retail</u>	Square footage: <u>10,985</u>	Required parking: <u>22</u>	Parking provided: <u>49</u>
Use: _____	Square footage: _____	Required parking: _____	Parking provided: _____
Use: _____	Square footage: _____	Required parking: _____	Parking provided: _____
Use: _____	Square footage: _____	Required parking: _____	Parking provided: _____
Use: _____	Square footage: _____	Required parking: _____	Parking provided: _____
Use: _____	Square footage: _____	Required parking: _____	Parking provided: _____

Non-residential totals: Square footage: 10,985 Required parking: 22 Parking provided: 49

Residential unit size, number by unit type, gross square footage by type, required parking and parking provided:

Unit size: Studio: 570 One-bedroom: 719 Two-bedroom: 1,094 Three-bedroom: 1,279

Studio: <u>44</u>	Square footage: <u>26,903</u>	Required parking: <u>44</u>	Parking provided: <u>90</u>
One-bedroom: <u>148</u>	Square footage: <u>105,554</u>	Required parking: <u>148</u>	Parking provided: <u>173</u>
Two-bedroom: <u>130</u>	Square footage: <u>137,156</u>	Required parking: <u>130</u>	Parking provided: <u>210</u>
Three-bedroom: <u>27</u>	Square footage: <u>34,985</u>	Required parking: <u>27</u>	Parking provided: <u>75</u>

Residential totals: _____ Square footage: _____ Required parking: 367 Parking provided: 548

Site data information:

Total lot area (square footage/acreage): 112,205 Lot width: 280.08' Lot depth: 280'
 Setbacks: Front: 12' Rear: 15' Side: 10' Side (Interior): 0'
 Building height (feet/inches): _____ Number of floors: _____
 Minimum pervious area: _____ Maximum lot coverage: _____
 Total required parking: 367 Parking provided: 548 Additional parking: -

Supporting information

A Preapplication Conference is required with the Community Development Staff in advance of application submittal to determine the information necessary to be filed with the application(s). Staff will advise and check the required items at the Preapplication Conference. If necessary, attach additional sheets to application. Staff reserves the right to request additional information as necessary throughout the entire City review process.

- ☒ Aerial.
- ☐ Affidavit providing for property owner's authorization to process application.
- ☐ Annexation supporting materials.
- ☐ Application fees.
- ☐ Application representation and contact information.
- ☐ Appraisal.
- ☒ Architectural/building elevations (color).
- ☒ Architectural/building elevations architectural elements (color).
- ☒ Building floor plans and roof plan.
- ☐ Comprehensive Plan analysis.
- ☐ Comprehensive Plan text amendment justification.
- ☐ Concurrency review application.
- ☐ Department of Transportation Driveway Connection Permit
- ☐ Drainage Plan.
- ☒ Elevations.
- ☐ Encroachments plan.
- ☐ Environmental assessment.
- ☐ Exterior architectural materials board.
- ☒ Landscape plan.
- ☒ Land use map (subject property outlined).
- ☐ Lighting plan.
- ☐ Liquor survey (for only review of location of lounge, bar, or package liquor store).
- ☒ Lobbyist form (City form).
- ☐ Massing model and/or 3D computer model.

- ☐ Ordinances, resolutions, covenants, development agreements, etc. previously granted for the property.
- ☐ Parking study.
- ☒ Photographs (color) of property, adjacent uses and/or streetscape.
- ☐ Plat.
- ☒ Property owners list, including a typewritten list and 2 sets of self-adhesive labels of all properties within 500 feet.
- ☒ Property survey and legal description.
- ☐ Public Realm Improvements Plan for mixed use projects.
- ☐ Public school preliminary concurrency analysis (residential land use/zoning applications only).
- ☐ Sign master plan (colored).
- ☒ Site plan and supporting information.
- ☐ Statement of use and/or cover letter.
- ☐ Streetscape master plan.
- ☐ Text amendment justification.
- ☐ Traffic accumulation assessment.
- ☒ Traffic impact statement.
- ☐ Traffic impact study.
- ☐ Traffic stacking analysis.
- ☐ Utilities consent.
- ☐ Utilities location plan.
- ☐ Vegetation survey.
- ☒ Warranty Deed.
- ☐ Zoning Code text amendment justification.
- ☒ Zoning Map (with subject property outlined)
- ☐ Other: _____

Application submittal requirements – Number of copies

1. Table of Contents. Please provide a Table of Contents identifying all documents provided on all paper and electronic copies. Please clearly indicate date on all pages of plans and drawings.
2. Hard copies.
 - a. Fifteen (15) paper copies (11 inch by 17 inch format with binding) of this application and entire application shall be submitted including all the items identified in the Pre-application Conference.
 - b. One (1) paper full-size (24 inch by 36 inch format, signed and sealed, stapled and folded) plans of all drawings, illustrations, etc.
 - c. One (1) copy of exterior architectural materials board (if applicable).
 - d. Fifteen (15) sets of the application.
 - e. Fifteen (15) sets of the letter of intent for the project.
 - f. Fifteen (15) sets of the most recent survey of the property.
3. Digital media copies. One (1) compact discs (CD ROMs) of the entire application including all items identified in the Pre-application Conference. Each document shall be separated into separate PDF files (i.e., application; site plan,

landscape plan; etc.). Please include a "Table of Contents" identifying all PDF file name(s). Each PDF file size shall not exceed 10 Mb. All discs shall be labeled with the applicant(s) name, project name and date of submittal.

Applicant/agent/property owner affirmation and consent

(I) (We) affirm and certify to all of the following:

1. Submission of the following:
 - a. Warranty deed/tax record as proof of ownership for all properties considered as a part of the application request; or
 - b. Authorized as the applicant(s)/agent(s) identified herein to file this application and act on behalf of all current property owner(s) and modify any valid City of North Miami Beach entitlements in effect during the entire review process.
2. This application, application supporting materials and all future supporting materials complies with all provisions and regulations of the Zoning Code, Comprehensive Land Use Plan and Code of Ordinances of the City of North Miami Beach unless identified and approved as a part of this application request and/or other previously approved applications.
3. That all the answers to the questions in this application, and all data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief.
4. Understand this application must be complete and accurate before a hearing can be advertised. In the event that I or anyone appearing on my behalf is found to have made a material misrepresentation, either oral or written, regarding this application (I)(We) understand that any City review shall be voidable at the option of the City of North Miami Beach.
5. Understand the failure to provide the information necessary pursuant to the established time frames included but not limited to application submittal, submission of revised documents, etc. for review by City Staff and the designated reviewing entity may cause application to be deferred without further review until such time the requested information is submitted.
6. Understand that the application, all attachments, correspondence and fees become a part of the official records of the City of North Miami Beach and are not returnable.
7. Understand that under Florida Law, all the information submitted as part of the application are public records.
8. All representatives of the application have registered with and completed the required lobbyist forms from the City of North Miami Beach City Clerk's Office.
9. The application before the Board or City Council shall be represented by the legal owner, the prospective owner having a bona fide purchase contract or a duly qualified attorney retained by said owner or prospective owner.
10. Additional costs in addition to the application fees may be assessed associated with the review of applications by the City. These are costs that may be incurred by the applicant due to consultant fees paid by City to review the application. The types of reviews that could be conducted may include but are not limited to the following: concurrency review; property appraisals; traffic impact analyses; vegetation/environmental assessments; archeological/historic assessments; market studies; engineering studies or reports; and legal fees. Such fees will be assessed upon finalization of the City application review. Understand that if payment is not received prior to Final Public Hearing Review, the Application shall be postponed by the City until such time all fees are paid.

(See next page for signature information)



City of North Miami Beach, Florida

Community Development Department Public Hearing Application

17050 NE 19th Ave. North Miami Beach, FL 33162 Tel: 305. 948.2966 nmbcomdev@citynmb.com

(Please complete all below sections and indicate "Not Applicable (N/A)" as appropriate).

Property owner(s) signature(s):		Property owner(s) print name:
Property owner(s) signature(s):		Property owner(s) print name:
Property owner(s) signature(s):		Property owner(s) print name:
Address(es):		
Telephone:	Fax:	Email:
NOTARIZATION		
STATE OF FLORIDA/COUNTY OF _____		
The foregoing instrument was acknowledged before me this _____ day of _____ by _____		
(Signature of Notary Public - State of Florida)		
(Print, Type or Stamp Commissioned Name of Notary Public)		
<input type="checkbox"/> Personally Known OR <input type="checkbox"/> Produced Identification; Type of Identification Produced _____		

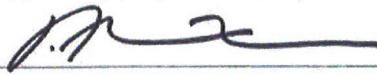
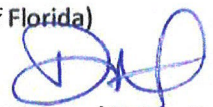
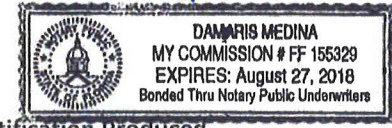
Contract Purchaser(s) Signature:		Contract Purchaser(s) Print Name:
Contract Purchaser(s) Signature:		Contract Purchaser(s) Print Name:
Address(es):		
Telephone:	Fax:	Email:
NOTARIZATION		
STATE OF FLORIDA/COUNTY OF _____		
The foregoing instrument was acknowledged before me this _____ day of _____ by _____		
(Signature of Notary Public - State of Florida)		
(Print, Type or Stamp Commissioned Name of Notary Public)		
<input type="checkbox"/> Personally Known OR <input type="checkbox"/> Produced Identification; Type of Identification Produced _____		



City of North Miami Beach, Florida

Community Development Department Public Hearing Application

17050 NE 19th Ave. North Miami Beach, FL 33162 Tel: 305.948.2966 nmbcomdev@citynmb.com

Applicant(s)/Agent(s) Signature(s): 		Applicant(s)/Agent(s) Print Name: ALFONSO JURADO	
Address(es): 2900 OAK AVE, MIAMI, FL. 33133			
Telephone: 305.372.1812	Fax:	Email: AJURADO@ABOUTTECHNICAL.COM	
NOTARIZATION			
STATE OF FLORIDA/COUNTY OF			
The foregoing instrument was acknowledged before me this <u>31</u> day of <u>July</u> by <u>Alfonso Jurado</u>			
(Signature of Notary Public - State of Florida)			
			
(Print, Type or Stamp Commissioned Name of Notary Public)			
<input checked="" type="checkbox"/> Personally Known OR <input type="checkbox"/> Produced Identification; Type of Identification Produced _____			

Office Use Only

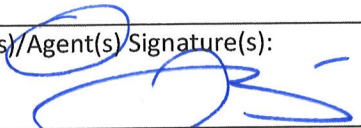

Preapplication conference was completed on _____, 2014	
Month Day	
Application submittal date _____, 2014	
Month Day	
Fee(s) received <input type="checkbox"/> Yes <input type="checkbox"/> No Amount: \$ _____	
Fee(s) received for : _____	
Check No. _____ City Account No: 010-341201	
Upon completion - Scan and insert application into Department "Project" computer file directory.	
Revision date 01.02.2014	



City of North Miami Beach, Florida

Community Development Department Public Hearing Application

17050 NE 19th Ave. North Miami Beach, FL 33162 Tel: 305. 948.2966 nmbcomdev@citynmb.com

Applicant(s)/Agent(s) Signature(s): 		Applicant(s)/Agent(s) Print Name: Javier Fernandez, Esq.
Address(es): Stearns Weaver Miller Weisler Alhadeff & Sitterson, P.A. 150 W. Flagler Street, Suite 2200, Miami, FL 33130		
Telephone: 305-789-3501	Fax: 305-789-3200	Email: jefernandez@stearnsweaver.com
<p style="text-align: center;">NOTARIZATION</p> <p>STATE OF FLORIDA/COUNTY OF _____ The foregoing instrument was acknowledged before me this <u>25th</u> day of <u>Sept.</u> by Javier Fernandez (Signature of Notary Public - State of Florida)  (Print, Type or Stamp Commissioned Name of Notary Public) <input checked="" type="checkbox"/> Personally Known OR <input type="checkbox"/> Produced Identification; Type of Identification Produced _____</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin-left: auto;"><p style="text-align: center;">SILVIA J. ANDERSON MY COMMISSION # FF 141157 EXPIRES: July 13, 2018 Bonded Thru Notary Public Underwriters</p></div>		

Office Use Only

Preapplication conference was completed on _____, 2015 Month Day
Application submittal date _____, 2015 Month Day
Fee(s) received <input type="checkbox"/> Yes <input type="checkbox"/> No Amount: \$ _____
Fee(s) received for : _____
Check No. _____ City Account No: 010-341201
Upon completion - Scan and insert application into Department "Project" computer file directory. Revision date 06.02.2015



CITY OF NORTH MIAMI BEACH - CONCURRENCY REVIEW

DATE OF REVIEW: October 7, 2015

PROJECT APPLICANT: Read Capital Group

PROJECT NAME: Read Capital Apartments

APPLICATION NUMBER: 15-014

PROJECT LOCATION: 2145 NE 164th Street

PROJECT REQUEST: Site Plan Approval

PROJECT DESCRIPTION: A 349 unit multi-family residential development and, 15,229 **(Traffic Study)** square feet of commercial space on a lot totaling 2.58 acres.

ZONING DISTRICT: Fulford Mixed Use Town Center (MU/TC)

Level of Service Analysis

This Level of Service Analysis is based on those standards contained in Chapter 24, Article XIV Public Facility Capacity; Concurrency Management.

Transportation:

See "Traffic Impact Analysis Review" Memo dated October 7, 2015.

Potable Water:

The City has an adopted potable water level of service standard for multi-family residential of 144 gals./person/day and 10 gals./100 sq. ft. for retail uses/day. These uses, in total, would increase demand by **145,255** gallons per day on the existing potable water facilities. Adequate water supply and treatment capacities exist to service the use.

Due to increased conservation and lower water usage the City may wish to revisit its standard at a future date.

Sanitary Sewer:

The City has an adopted sanitary level of service standard for multi-family residential of 85 gals./person/day and 10 gals./100 sq. ft. for retail uses/day. These uses, in total, would increase demand by **86,365** gallons per day on the existing potable water facilities. Adequate sanitary sewer and treatment capacities exist to service the use.

Due to increased conservation and lower water usage the City may wish to revisit its standard at a future date.

Solid Waste:

Solid Waste needs vary greatly based on type of use. The City has adopted a multi-family residential level of service standard for solid waste of 5.5 lbs./capita/day and 5 lbs./100 sq. ft. for retail. The proposed uses would increase demand by 5,490 lbs. for the M-F units and 761 lbs. on the Miami-Dade County solid waste facilities or **6,251 lbs./day**. Adequate MD solid waste capacities exist to service the use.

For purposes of Solid Waste level of service the Miami-Dade County LOS is described herein.

The County Solid Waste Management System, which includes County-owned solid waste disposal facilities and those operated under contract with the County for disposal, shall, for a minimum of five (5) years, collectively maintain a solid waste disposal capacity sufficient to accommodate waste flows committed to the System through long-term interlocal agreements or contracts with municipalities and private waste haulers, and anticipated non-committed waste flows.

Drainage:

Reviewed by City Engineer

Parks & Recreation:

The level of service standard for recreation and open space is based on resident population and park acreage of 2 acres of park and recreation space per 1000 population. In North Miami Beach the average household contains 2.86 persons. The proposed project contains 349 units with a total population of 998. Therefore, this residential use will generate a demand for **1.00 acre** of recreation and open space. **Note:** The Applicant may be required to mitigate if the City determines there is a deficiency in recreation and open space.

Public Schools

CMS Application submitted by City on 8/3/15 (MDCPS CMS # SP0715080301060).

Impact determined by MDCPS

MDCPS School Concurrency Determination Letter Attached.

Attachments:

Traffic Impact Analysis Review
School Concurrency Determination

Date: October 12, 2015

From: Stephen K. Bryan, PE, PTOE

Project: Traffic Impact Study Review
Read Capital Apartments (Dated October 12, 2015)
2145 NE 164th Street
North Miami Beach, Florida
Prepared by: Caltran Engineering Group

MEMORANDUM

To whom it may concern:

This memorandum documents the findings of the 2nd review regarding the proposed Read Capital Apartments Traffic Impact Study prepared by Caltran Engineering Group and dated October 12, 2015 (via digital signature by Juan S. Calderon, P.E., PTOE). The changes made to the report were based on the original review comments dated October 8, 2015. From this review, all of the previous comments have been addressed. The overall analyses and results of the traffic study are satisfactory; however the following comment is provided.

1. Since mitigation is provided in the form of signal optimization and modification, please coordinate and work with Public Works and Waste Management Department, Traffic Engineering Division, the Miami-Dade County Signal Division, and the City of North Miami Beach to develop strategy in order to provide modified and acceptable signal timing plans.

After your review, if you have any questions, please feel free to contact me or Salman Rathore to discuss.

Sincerely,

THE CORRADINO GROUP, INC.



Stephen K. Bryan, P.E., PTOE

sbryan@corradino.com

(615) 982-6204

CC: Alex David, Bell David Planning Group
Salman Rathore, The Corradino Group



Concurrency Management System (CMS)

Miami Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System School Concurrency Determination

MDCPS Application Number: SP0715080301060 Local Government (LG): North Miami Beach
 Date Application Received: 8/3/2015 4:14:05 PM LG Application Number: 15-014
 Type of Application: Site Plan Sub Type: Public
 Applicant's Name: Read Capital Apartments
 Address/Location: 2145 NE 164 ST
 Master Folio Number: 0722160070051
 Additional Folio Number(s):

PROPOSED # OF UNITS 341
 SINGLE-FAMILY DETACHED UNITS: 0
 SINGLE-FAMILY ATTACHED UNITS: 0
 MULTIFAMILY UNITS: 341

CONCURRENCY SERVICE AREA SCHOOLS

CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
2081	FULFORD ELEMENTARY	0	26	0	NO	Current CSA
2081	FULFORD ELEMENTARY	0	26	0	NO	Current CSA Five Year Plan
6301	JOHN F KENNEDY MIDDLE	56	14	14	YES	Current CSA
7541	NORTH MIAMI BEACH SENIOR	401	16	16	YES	Current CSA

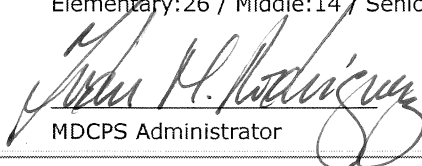
ADJACENT SERVICE AREA SCHOOLS

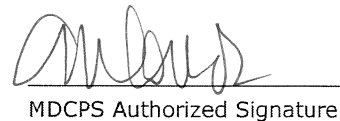
3941	NORTH MIAMI ELEMENTARY	177	26	26	YES	Adjacent CSA
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*An Impact reduction of 22.36% included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a public school concurrency review for this application and has determined that it **DOES MEET (Concurrency Met)** all applicable LOS Standards for a Final Development order as adopted in the local Government's Educational Element and incorporated in the Interlocal Agreement for Public School Facility Planning in Miami-Dade County.

Master Concurrency Number: MA0715080301060 Total Number of Units: 341
 Issue Date: 8/10/2015 12:00:47 PM Expiration Date: 8/10/2016 12:00:47 PM
 Capacity Reserved: Elementary:26 / Middle:14 / Senior: 16


 MDCPS Administrator


 MDCPS Authorized Signature

1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7634 / 305-995-4760 fax /
 concurrency@dadeschools.net

RESOLUTION NO. R2015-92

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, GRANTING SITE PLAN APPROVAL TO CONSTRUCT A 638,855 SQUARE FOOT, EIGHT-STORY MIXED-USE DEVELOPMENT PROJECT ON 2.57 ACRES, INCLUDING 349 RESIDENTIAL UNITS AND 15,229 SQUARE FEET OF COMMERCIAL SPACE, AS PROPOSED; AND GRANTING A VARIANCE FROM TABLE MU/TC-4 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH TO WAIVE THE MAXIMUM REQUIRED PRIMARY STREET SETBACK OF 10 FEET ALONG WEST DIXIE HIGHWAY BY 20 FEET AND 4 INCHES, WHERE A GREATER FRONT PRIMARY STREET SETBACK OF 30 FEET AND 4 INCHES IS PROPOSED; IN THE CORE SUB-AREA OF THE FULFORD MIXED-USE TOWN CENTER DISTRICT, WITHIN THE CRA BOUNDARY, ON PROPERTY LOCATED AT 2145 NE 164 STREET.

WHEREAS, the property described herein is zoned FULFORD MIXED-USE TOWN CENTER DISTRICT, CORE SUB-AREA; and

WHEREAS, the applicant requests site plan approval and a setback variance in order to construct a 638,855 square foot, eight-story mixed-use development project on a 2.57 acre lot, consisting of 349 residential units and 10,985 square feet of commercial space located at 2145 NE 164th Street in the Fulford Mixed-Use Town Center District, within the CRA boundary; and

WHEREAS, after a public hearing on October 19, 2015, the Planning and Zoning Board, by a 6 to 1 vote, recommended approval of the site plan and related variances, subject to the conditions set forth and included herein below in Section 1.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

Section 1. Site plan approval in order to construct a 638,855 square foot, eight-story mixed-use development on a 2.57 acres, on property legally described as:

16 52 42 2.57 AC PB 47-46 2ND AMD PL OF 1ST ADD TO FULFORD THAT PT TR B LYG N & W OF LINE DESC BEG ON E/L OF TR B 50 FT S OF X OF N & E/L EXT D W & PARR TO N/L 200 FT S & PARR TO E/L 215 FT M/L TO S/L LOT SIZE SITE VALUE COC 24806-0008 07 2006 6;

A/K/A
2145 NE 164th Street
North Miami Beach, Florida

is HEREBY **GRANTED** SUBJECT TO THE FOLLOWING CONDITIONS:

1. Unless otherwise provided, all of the below conditions shall be completed/complied with prior to the issuance of the building permit.
2. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following:
 - a. Sketch of Survey prepared by Suarez Surveying and Mapping Inc.
 - b. Plans prepared by Arquitectonica and OneSeed including the following:
 - Sheet A0-00, Cover Sheet
 - Sheet A0-01, Project Data
 - Sheet A0-02, Aerial View
 - Sheet A0-03, Context Photographs
 - Sheet A0-04, Ground Level Floor Plan
 - Sheet A0-05, Ground Level Floor Plan
 - Sheet A0-06, Level 2 Floor Plan
 - Sheet A0-07, Level 3 Floor Plan
 - Sheet A0-08, Level 4 Floor Plan
 - Sheet A0-09, Level 5 Floor Plan
 - Sheet A0-10, Level 6 Floor Plan
 - Sheet A0-11, Level 7 Floor Plan
 - Sheet A0-12, Level 8 Floor Plan
 - Sheet A0-13, Roof Level Floor Plan
 - Sheet A0-14, Parking Details
 - Sheet A0-15, South Elevation
 - Sheet A0-16, East Elevation
 - Sheet A0-17, North Elevation
 - Sheet A0-18, West Elevation
 - Sheet A0-19, Architectural Elements
 - Sheet A0-20, Section 1
 - Sheet A0-21, Section 2
 - Sheet A0-22, Rendering
 - Sheet LP-1, Proposed Landscaping
3. All representations and exhibits as prepared and provided to the Community Development Department as part of the Application Submittal Package, as amended.
4. All representations proffered by the Applicant's representatives as a part of the review of the application at public hearings.
5. All comments made by all Staff Reviewers and submitted to the applicant on August 13, 2015 shall be addressed prior to Building permit.
6. Prior to issuance of any Master Building Permit, Applicant shall provide the City Manager or designee with a draft schedule for the construction of the Project, (the "Construction Schedule").
7. Prior to issuance of any Master Building Permit, Applicant shall execute a covenant running with the land, binding upon its heirs, successors and assigns, subject to the approval of the

RESOLUTION R2015-92

City Attorney, which shall be recorded in the public records of Miami-Dade County, Florida at Applicant's sole expense, containing all of the conditions and provisions required by this Resolution. This recorded covenant may be amended from time to time and shall be re-recorded after each amendment at the Applicant's sole expense, subject to the approval of the City Attorney.

8. Construction workers are prohibited from parking on residential streets or public parking lots. Prior to application for the Master Building Permit, the Applicant shall submit a construction parking plan providing off-street parking for construction workers during the period of construction to the City Manager or designee for review and approval. The construction parking plan shall provide: (a) Applicant's general contractor shall direct all workers to park at off street sites; (b) no workers shall park their vehicles in residential neighborhoods; and (c) Applicant shall provide reports as needed to the City Manager or designee detailing any problems and complaints regarding the parking.
9. Substantial modifications to the plans submitted and approved as part of the application may require the applicant to return to the Planning and Zoning Board and Mayor and City Council for approval. Insubstantial changes shall include proportionate reductions in residential units and parking spaces by less than 5% of the total proposed project, changes that do not alter the project more than 5% of lot coverage, setbacks, height, density and intensity calculations so long as the proposed amendment does not cause an increase in the number of average daily trips; does not alter the location of any points of ingress, egress, access and vehicular and pedestrian patterns to the site; and does not violate any condition placed upon the site plan as originally approved. Insubstantial changes may be administratively approved by the City Manager or designee. Any de minimis amendments to the plans or site plans which cannot be resolved administratively shall be returned to the Mayor and City Council for a formal review. However, under no circumstances, may any plans, site plans, building, structure, or project be administratively altered by more than 5% lot coverage, setbacks, height limitations, as well as density or intensity calculations set forth in a previously approved site plan.
10. Prior to the issuance of a Master Building Permit, the City Manager or designee and the City Attorney, may refer any application for review by engineering, planning, legal, technical, environmental, or professional consultant(s) as deemed necessary. The City shall be reimbursed by Applicant for reasonable fees and charges made by such consultant(s) or professional(s) within thirty (30) days of submission of a City voucher. These fees and charges are in addition to any and all other fees required by the City.
11. The applicant shall submit an MOT (Maintenance of Traffic) to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
12. The master building permit from the City must be applied for within one (1) year of site plan approval. Extension requests may be extended administratively for good cause for one six (6) month period by the City Manager or designee upon the payment of the appropriate fee, otherwise reapplication is necessary. Such extension must be administratively documented and filed with the appropriate department. This period may be extended by the Mayor and City Council for good cause.
13. The Applicant shall comply with all applicable conditions and permit requirements of the Miami-Dade County Fire Department, the Water and Sewer Department, and Department of Regulatory and Economic Resources; and the Florida Department of Environmental

Protection (FDEP), the Florida Department of Transportation (FDOT) and any other applicable regulatory agency.

14. All engineering (paving and drainage) plans at time of permitting must be signed and sealed by a State of Florida Certified Engineer and must be stamped approved by Miami-Dade County DRER and FDOT.
15. Prior to sign off of the final inspection & Certificate of Occupancy, applicant must submit Letter of Substantial Compliance from Engineer of Record and As-built (for work on public right-of-way only) drawing from certified Provide Erosion & Sediment Control Plan.
16. Prior to the issuance of the Master Building Permit, a bond or equivalent amount of cash shall be posted with the City to replace public property damaged during the construction of the Project pursuant to the terms of Sections 14-1.10 and 14-1.11 of the City's Code of Ordinances in the amount of \$750.00. The final determination regarding property to be replaced shall be made by the City Manager or designee.
17. Applicant shall furnish payment and performance bonds, cash, or letter(s) of credit issued in a form and by a bank reasonably acceptable to the City to ensure Applicant's performance and/or payment of the public improvements; (the term "public improvements" does not include any voluntary proffers; however, if the City has completed the public improvements prior to issuance of the Temporary Certificate of Occupancy, the City shall be paid the sums due in cash immediately upon demand. The payment and performance bond(s) required by this Resolution shall be issued by a surety having a minimum rating of A-1 in the Best's Key Rating Guide, Property/Casualty edition, shall be subject to the approval of the City and shall include this legend: "This bond (these bonds) may not be cancelled or allowed to lapse until thirty (30) days after receipt by the City of North Miami Beach, by certified mail, returned receipt requested, addressed to: CITY MANAGER with a copy to: CITY ATTORNEY, both addressed to: 17011 NE 19 Avenue, North Miami Beach, FL 33162-3111 of written notice from the issuer of the bond of its intent to cancel or to not renew." As improvements and payments are made in accordance with the terms of this Resolution, the City, in its sole discretion, may reduce or eliminate the bond amount. These rights reserved by the City with respect to any construction bond or other performance or payment bond established pursuant to this section are in addition to all other rights and remedies the City may have under this Resolution, in law or in equity.
18. No building permits shall be issued (except for signage, demolition, foundation, temporary power, construction trailers and sales center) unless the Applicant has submitted all documents required under this approval as of that date, in form and content subject to the approval of the City Attorney with the City Manager or designee, and shall have paid all professional reimbursements and other payments required by the Code of Ordinances of the City of North Miami Beach.
19. Prior to the issuance of the Master Building Permit, the Applicant shall submit plans for the construction of an appropriate barrier between the construction site and adjoining properties in order to minimize blowing of dust and construction debris. Applicant shall comply with the regulations of the Code of Ordinances the City of North Miami Beach relating to construction site operations, including but not limited to the installation of a chain link construction fence with a windscreen displaying a rendering of the Project. Applicant shall use its good faith efforts to minimize vibration and noise during construction of the Project.
20. The applicant shall satisfy the requirements of Code Section 24-58.1(o)(1) for Public Infrastructure and Streetscape, for improvement to and maintenance of the public infrastructure and streets in the MU/TC zoning district, prior to or at the time of issuance of the Master Building Permit.

21. In order to satisfy the requirements of Code Section 24-58.1(o)(2) for Public Open Space, the Applicant shall provide Park impact fees to the City of North Miami Beach in the amount prescribed in Code Section 24, Article 017, prior to or at the time of issuance of the Master Building Permit.
22. In order to satisfy the requirements of Code Section 24-58.1(o)(3) for Public Art, the Applicant shall agree to voluntarily contribute a sum of money equivalent to 1.0% of the total Project cost to the City's Art in Public Places Fund, prior to or at the time of issuance of the Master Building Permit, or provide artwork, of a quality and design acceptable to the City Manager or designee, on-site.
23. Prior to the issuance of the Master Building Permit, the Applicant shall meet all requirements of the Department of Public Works Solid Waste Division for trash containers.
24. Any gates within the Project shall be of a decorative design to enhance the aesthetics of the buildings, as determined by the City Manager or designee. All vehicular service roll gates shall be at least fifteen (15) feet high and shall be of a decorative material to enhance the building.
25. All City impact fees shall be paid prior to the issuance of a master building permit.
26. If applicable, prior to the issuance of the Master Building Permit for the Project, any driveway permit along any State Right-of-Way must be approved and permitted by Florida Department of Transportation ("FDOT"), and proof of an FDOT permit shall be required prior to any work being performed within any State right of way.
27. The Applicant shall post a sign on-site providing contact information in case of any complaint or concern during construction. The sign shall be removed upon the earlier of the City's issuance of a temporary or full certificate of occupancy.
28. The site plan and variance approvals shall remain valid for a period of 12-months from the date of adoption of the Resolution by the City Council. If no building permit is issued within the 12-month time period, the approvals shall be considered null and void and of no force and effect unless extensions of time are obtained pursuant to applicable law.
29. All water service installations are the responsibility of the owner / developer must be permitted through the City's Engineering Dept.
30. Pavement restoration resulting from the water main extension crossing West Dixie Highway must meet all FDOT requirements.
31. Sewer connection charges will be calculated and be payable at time of permitting. Any credits for any previous allocation on site will be evaluated.
32. All Miami-Dade County sewer connection fees will be calculated by the County at time of permitting and are the responsibility of the owner / developer.
33. Prior to issuance of the Temporary Certificate of Occupancy, the design of any public property litter receptacles shall be determined by the City Manager or designee. The Applicant shall fund the cost of litter receptacles along all street frontages in a quantity, design and location acceptable to the City Manager or designee.
34. The Applicant and its successors and assigns, including but not limited to the successor homeowners' association, if any, shall maintain all landscape and exterior hardscape features and materials on site and throughout all public improvements in good condition, replacing diseased, dying or dead plant material as necessary and repairing / cleaning / painting all hardscape features so as to present a healthy and orderly appearance at all times.
35. The words "Aventura", "Miami Beach," and "Sunny Isles Beach" shall not be used by the applicant immediately preceding or following the Project name. The words "Aventura", "Miami Beach" and "Sunny Isles Beach" shall not be part of the website address for the Project. References in the marketing materials to nearby communities shall be limited to

descriptions of entertainment, shopping or dining locations, or other landmarks; the Applicant shall identify the Project as being located in the City of North Miami Beach, Florida.

36. As part of the Project's marketing materials and to the extent appropriate for purposes of the marketing campaign, including any sales brochures or similar information provided to potential purchasers, tenants and/or real estate sales personnel engaged in marketing the Project, Applicant shall use good faith efforts to promote the City of North Miami Beach and feature local businesses located in the City of North Miami Beach.
37. Dumpsters shall be serviced wholly within the building envelope and only by the City of North Miami Beach or its approved contractor. All dumpsters shall be delivered to the trash room no later than 7 a.m. on collection days. The servicing of the dumpsters and their locations shall not be visible from pedestrians or passing motorists on the sidewalks, abutting rights-of way, adjacent streets or public beach.
38. Upon issuance of a hurricane warning by the National Weather Service or similar agency, all removable items from pool decks, roof decks and other outdoor spaces shall be immediately removed and secured.
39. The Applicant shall obtain a certificate of occupancy and certificate of use from the City upon compliance with all terms and conditions. The certificate of use shall be subject to review upon violation of any of the conditions, in accordance with the law.
40. Live, amplified music shall be prohibited outdoors. Recorded music no greater than 75 decibels shall be allowed from 10:00 a.m. to 10:00pm.
41. Garbage collection service will be provided by the City of North Miami Beach or designee.
42. Applicant must provide the NMBPD with access to the property at all times.
43. Applicant must provide the NMBPD with a safety plan.
44. Applicant must join the NMBPD *Trespass After Warning* Program.

Section 2. The City Council makes the following FINDINGS OF FACT based upon the substantial competent evidence provided:

The requested variance from Table MU/EC-4 of the Code, to waive the maximum required front yard setback of 10 feet, where a minimum front yard setback of 30 feet, four inches is proposed, is not contrary or detrimental to the public interest because the proposed use and design is compatible with the surrounding land uses and is in keeping with the surrounding properties.

Section 3. A variance from Table MU/EC-4 of the Code, to waive the maximum required front yard setback of 10 feet, where a minimum front yard setback of 30 feet, four inches is

proposed, on the property legally described in Section 1 above, is hereby GRANTED subject to the aforementioned conditions.

Section 4. Pursuant to Section 24-172(I) of the Code of Ordinances of the City of North Miami Beach, the Applicant must apply for a master building permit from the City within one (1) year of the date of this Resolution or the site plan approval granted shall be deemed null and void and the applicant shall be required to reinstate the site plan review process unless the term is extended administratively or by the City Council prior to its expiration.

Section 5. Pursuant to Section 24-176(C)(4)(a) of the Code of Ordinances of the City of North Miami Beach, any variance granted shall automatically expire if a permit has not been applied for within one year from the date of this Resolution or, if the permit is issued, expires or is revoked pursuant to the Florida Building Code.

APPROVED AND ADOPTED by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this **3rd day of November, 2015**.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION

JOSE SMITH
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

COUNCILPERSON	YES	NO	ABSTAIN	ABSENT
Mayor George Vallejo				
Vice-Mayor Phyllis Smith				
Councilwoman Barbara Kramer				
Councilwoman Marlen Martell				
Councilman Frantz Pierre				
Councilman Anthony DeFillipo				
Councilwoman Beth Spiegel				



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council

FROM: Ana M. Garcia, City Manager

VIA: Candido Sosa-Cruz, Assistant City Manager

DATE: Tuesday, November 3, 2015

RE: Ordinance No. 2015-16 On Second and Final Reading,
Panhandling Prohibited in Certain Public Areas (Councilwoman
Kramer)

BACKGROUND ANALYSIS:

The City has a substantial interest in promoting and protecting the City's economic base by attracting and maintaining new investments and creating an attractive infrastructure that encourages quality development. Panhandling undermines these efforts and in certain public areas contributes to disturbance of the peace and tranquility of the public and neighborhoods of the City. There are several locations within the City of North Miami Beach where panhandling commonly occurs. Despite enforcement efforts, panhandling continues to be an issue throughout the City.

Currently, Section 9-32, Chapter IX of the Code of Ordinances of the City of North Miami Beach makes soliciting in an aggressive manner illegal. Enforcement of the City's "Aggressive Panhandling" Ordinance has been unsuccessful in abating the problems associated with panhandling in the City. Panhandling activities threaten the City's economic vitality as well as the existence of a pleasant, safe, and enjoyable environment free of nuisance activity.

The attached proposed ordinance creates a new section of the Code of Ordinances providing for definitions, prohibitions and penalties for panhandling in certain public areas. Without proper regulation, panhandling by individuals in certain areas of City owned property or public areas within the City limits is contrary to the health, safety, and welfare of the City's residents, business

owners and visitors.

The following areas are proposed as no panhandling areas:

1. Within 20 feet in any direction of any outdoor café, outdoor restaurant, sidewalk café or establishment serving food or beverages for immediate consumption;
2. Within 20 feet in any direction of an ATM or financial institution;
3. Within 20 feet in any direction of commercial building entrances/exit;
4. Within 20 feet in any direction of a school campus;
5. Within 20 feet in any direction of a public transit stop;
6. Within 20 feet in any direction of a convenience store, drug store, liquor store, restaurant, gas station or grocery store;
7. At highway exits/entrances;
8. At any high volume intersections in the City with traffic signals.

All public roadways shall include the entire width of the public right-of-way unless otherwise specified.

RECOMMENDATION:

The administration supports the proposed amendment prohibiting panhandling, an activity that undermines economic activity and business vitality. Similar prohibitions have been successfully adopted in other cities and will promote greater safety for our residents and business owners.

**FISCAL/BUDGETARY
IMPACT:**

No funds are being requested for this item.

ATTACHMENTS:

▣ [2015-16 NMB Ordinance Prohibiting Panhandling in Certain Public Areas](#)

ORDINANCE NO. 2015-16

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER IX OF THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS," TO CREATE SECTION 9-33, ENTITLED "PANHANDLING PROHIBITED IN CERTAIN PUBLIC AREAS," PROVIDING DEFINITIONS, EXCEPTIONS, ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach ("City") has substantial governmental interests in promoting and protecting tourism, encouraging the expansion of the City's economic base by attracting and maintaining new investments, creating an attractive infrastructure that encourages quality development, and protecting the City's economy; and

WHEREAS, tourism in south Florida is an important economic industry and the City of North Miami Beach has a significant governmental interest in providing its visitors, tourists, and residents with a pleasant, enjoyable, and safe environment free of nuisance activity; and

WHEREAS, panhandlers often disturb the daily activities that occur at outdoor cafes, shops, restaurants, nightclubs, and entertainment venues by disrupting business and physically approaching, harassing, or intimidating residents, visitors, and tourists in places where it is difficult to exercise the right to decline to listen to them or avoid their requests; and

WHEREAS, panhandlers also obstruct the sidewalks located within the City, causing safety concerns for pedestrians, motorists and the safety of others; and

WHEREAS, panhandling activities threaten the City's economic vitality as well as the existence of a pleasant, safe, and enjoyable environment, and enforcement of the City's

ORDINANCE NO. 2015-16

"Aggressive Panhandling" Ordinance has been unsuccessful in abating the problems associated with panhandling in the City; and

WHEREAS, the City of North Miami Beach recognizes that panhandling is entitled to First Amendment protection and its regulation must be content-neutral and narrowly tailored to serve a significant government interest while leaving open ample alternative channels of communication; and

WHEREAS, the regulations set forth in this Ordinance are content neutral and narrowly tailored to address and curb the problems unique to the subject areas and do not unreasonably interfere with constitutionally protected rights; and

WHEREAS, there are ample alternative public areas throughout the City of North Miami Beach where panhandling is permitted; and

WHEREAS, the regulations set forth in this Ordinance further the City's interests and are not intended to prohibit the exercise of a person's constitutional right to lawfully picket, protest, or speak; and

WHEREAS, this Ordinance will preserve and enhance the various economic and tourism interests of the City of North Miami Beach; and

WHEREAS, the City Council finds that the passage of this Ordinance regulating panhandling on City-owned property or public areas within the City limits is in the best interest of the health, safety and welfare of the City's residents, business owners and others, and is necessary for the effective administration and operation of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida:

Section 1: Findings. The foregoing recitals are true and correct.

ORDINANCE NO. 2015-16

Section 2: Code Amended to Add Section 9-33. Chapter IX of the Code of the Ordinances of the City of North Miami Beach, titled “Offenses and Miscellaneous Provisions” is amended to create section 9-33, titled “Panhandling Prohibited in Certain Public Areas,” as follows:

9-33 – SOLICITING AND PANHANDLING PROHIBITED IN CERTAIN PUBLIC AREAS.

- a. Definitions. As used in this section, the following words and terms shall have the following meanings:

Financial institution means an establishment for the custody, loan, exchange, or issue of money; for the extension of credit, and facilitation of transmission of funds, and includes but is not limited to lending institutions, banks, credit unions, and check-cashing businesses.

Food store selling alcoholic beverages means any food or convenience store which has a license for package sales of alcoholic beverages from the state division of beverages and tobacco in the classification of 1-APS, 2-APS or PS.

High-volume intersections means intersections in the City with levels of service (LOS) of "E" or "F" pursuant to the City's rating of LOS in the municipal mobility plan, as may be amended from time to time.

Outdoor cafe or outdoor restaurant means a use characterized by outdoor table service of food or beverages prepared for service in an adjacent or attached main structure for consumption on the premises. The term also includes outdoor bars and outdoor ice cream parlors.

Package store means a store primarily engaged in the business of selling alcoholic beverages for off-premises consumption that has a license for package sales of alcoholic beverages from the state division of beverages and tobacco in the classification of 1-APS, 2-APS or PS.

Panhandling means begging, asking or soliciting, in person, either by words, bodily gestures, signs or other means, indicating one is seeking an immediate donation or other thing of value.

Person means any individual, school, party, church, religious or other association, organization, trust, foundation, group, association, partnership, corporation, society or other entity.

Sidewalk cafe means a use located on a public sidewalk which is associated with a full service restaurant where food and beverages are prepared, served and sold and are delivered for consumption on the sidewalk. It is characterized by tables and chairs and may be shaded by awnings, canopies, or umbrellas if permits are obtained for such awnings, canopies or umbrellas. It shall also include the public right-of-way connecting the main restaurant to the sidewalk cafe.

Solicitation means all direct person-to-person requests for immediate contributions in the form of money or other thing of value.

- b. Applicability of section. This section does not affect any applicable laws against aggressive or obstructive panhandling.
- c. Purpose. The purpose of this section is to regulate and enforce the regulation of panhandling or solicitation that occurs at prohibited locations specified herein, and is not intended to punish the status or condition of any person. Regulation of panhandling in certain areas is required because panhandling threatens certain area's economic vitality, impairing the City's long-term goals of attracting residents, businesses and tourists to these areas and, consequently, to the City. The regulations in this section further the City's substantial interests in protecting the City's economy, tourism, its investment in these areas, and encouragement of economic expansion. This section is not intended to proscribe any demand for payment for services rendered or goods delivered, nor is this section intended to prohibit the lawful exercise of an individual's constitutional right to legally picket, protest or speak.
- d. Notwithstanding the City's regulations regarding charitable solicitations and prohibition against aggressive or obstructive panhandling, it shall be unlawful for any person to panhandle or solicit on public property in the following areas:
 - 1. Within 20 feet in any direction from the outside perimeter, as indicated in the site plan attached to the city issued permit, of any outdoor cafe, outdoor restaurant, sidewalk cafe or other establishment serving food or beverages for immediate consumption;

2. Within 20 feet in any direction of an automated teller machine (ATM) or financial institution;
3. Within 20 feet in any direction of commercial building entrances/exits;
4. Within 20 feet in any direction of a school campus;
5. Within 20 feet in any direction of a public transit stop;
6. Within 20 feet in any direction of a convenience store, drug store, liquor store, restaurant, gas station or grocery store;
7. At highway exits/entrances;
8. At any high volume intersections in the City with traffic signals.

All public roadways shall include the entire width of the public right-of-way unless otherwise specified.

- e. Penalties. The first violation of this provision shall be punishable by a fine of not more than \$100.00 and/or 30 days imprisonment; second and subsequent violations shall be punishable by a fine of not more than \$200.00 and/or 60 days imprisonment.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall be held invalid by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Repealer. All other City ordinances and resolutions or parts thereof in conflict with the provisions of this Ordinance are hereby superseded and repealed.

Section 5. Codification. It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or re-lettered to accomplish this intention and the word “Ordinance” may be changed to “Section,” “Article” or other appropriate word as the codifier may deem fit.

Section 6. Effective Date. This Ordinance shall be effective upon its adoption by the City Council.

APPROVED BY TITLE ONLY on first reading this **6th day of October, 2015.**

APPROVED AND ADOPTED on second reading this _____ day of _____, 2015.

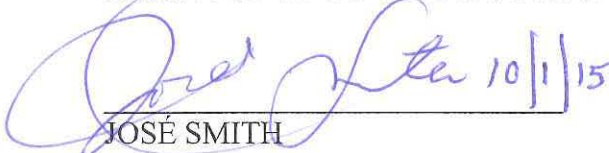
ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM
& LANGUAGE & FOR EXECUTION



JOSÉ SMITH
CITY ATTORNEY

Sponsored by: Councilwoman Barbara Kramer

Note: Proposed additions to existing City Code text are indicated by underline.



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council
FROM: Jose Smith, City Attorney
VIA:
DATE: Tuesday, November 3, 2015
RE: Ordinance No. 2015-17 On Second and Final Reading, Lobbyists Sign-in Sheet (Jose Smith, City Attorney)

**BACKGROUND
ANALYSIS:**

A number of cities in Miami-Dade County have a requirement that lobbyists, in addition to registering with the City Clerk, must complete a sign-in sheet when meeting with the Mayor, Councilmembers, City Attorney, City Manager, and/or City staff. The proposed amendment would require lobbyists to complete a sign-in sheet (in substantially the attached form) when meeting with the Mayor, Councilmembers, Board/Committee members, City Manager, City Attorney and City staff. In addition, the City Clerk would be required to distribute the list of registered lobbyists to the Mayor, City Council, Board/Committee members, City Manager and City Attorney, no later than January 15th and promptly upon any changes to the list of registered lobbyists.

RECOMMENDATION: Approval
**FISCAL/BUDGETARY
IMPACT:** None

ATTACHMENTS:

- | |
|---|
| <input type="checkbox"/> Ordinance 2015-17 Lobbyist Sign-in Sheet |
| <input type="checkbox"/> Lobbyist Sign-In Sheet Sample |

ORDINANCE NO. 2015-17

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL AMENDING THE CODE OF THE ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA BY AMENDING CHAPTER II “STRUCTURE OF CITY GOVERNMENT”, ARTICLE IX “ADMINISTRATIVE PROCEDURES AND POLICIES”, SECTION 2-78 ENTITLED "LOBBYING" BY REQUIRING LOBBYISTS TO COMPLETE A SIGN-IN LOG WHEN MEETING WITH THE MAYOR, COUNCILMEMBERS, BOARD/COMMITTEE MEMBERS, CITY ADMINISTRATION AND CITY STAFF; AND REQUIRING THE CITY CLERK TO DISTRIBUTE THE LIST OF REGISTERED LOBBYISTS TO THE MAYOR, CITY COUNCIL, BOARD/COMMITTEE MEMBERS, CITY MANAGER AND CITY ATTORNEY, NO LATER THAN JANUARY 15TH OF EACH YEAR AND PROMPTLY UPON ANY CHANGES TO THE LIST OF REGISTERED LOBBYISTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council propose to amend its Code of Ordinances to require lobbyists to complete a sign-in sheet; and

WHEREAS, a number of cities in Miami-Dade County have a requirement that lobbyists, in addition to registering with the City Clerk, must complete a sign-in sheet when meeting with the Mayor, Councilmembers, Board/Committee members, City Attorney, City Manager, and City staff; and

WHEREAS, the proposed amendment is consistent with the City’s Strategic Plan Guiding Principles to provide excellent municipal services by using “best practices” in City policies and procedures; and

WHEREAS, the Mayor and City Council believes it is in the best interests of the City to amend the policies and procedures pertaining to lobbying within the City to require lobbyists to complete a sign-in sheet and to require that the City Clerk provide the list of the registered lobbyists to the Mayor, City

ORDINANCE NO. 2015-17

Council. Board/Committee members, City Manager and City Attorney no later than January 15th of each year, and promptly upon changes to the list.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida:

Section 1. The foregoing recitals are true and correct.

Section 2. Chapter II “Structure of City Government”, Article IX “Administrative Procedures and Policies”, Section 2-78 “Lobbying” is amended as follows:

2-78 - LOBBYING.

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

Expenditure: A payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal paid or provided directly or indirectly to or for the benefit of any elected official or employee of the City for the purpose of lobbying.

Lobbyist: An individual, corporation, partnership, or other legal entity employed or retained, whether paid or not, by a principal who seeks to encourage the approval, disapproval, adoption, repeal, passage, defeat, or modifications of (a) any ordinance, resolution, action or decision of any elected official or City Council; (b) any action, decision, recommendation, any city board or committee, including but not limited to Quasi-Judicial, Advisory Board, Trust, Authority, or Council.

Person: Any individual, corporation, partnership or other legal entity or an agent or employee thereof.

Principal: The person that has employed or retained the services of a lobbyist.

* * *

5. ~~Expenditures Prohibited. Except as expressly allowed by state law, all non-nominal expenditures, as defined herein, are prohibited.~~ Sign-in Logs. In addition to the registration and reporting requirements included herein, all City departments, including the Office of the Mayor and City Council, Board/Committee members, and the offices of the City Manager and City Attorney, shall require any lobbyist, as defined in Section 2-78.1, to complete a sign-in log for all meetings.

Sign-in logs shall also be completed by lobbyists attending meetings of City boards and/or committees. The sign-in logs shall be maintained by the City Clerk and electronically available on the City's website.

* * *

9. The City Clerk shall provide the Mayor and City Council, Board/Committee members, and the City Manager and City Attorney the list of registered lobbyists no later than January 15th of each year and shall promptly notify the same of changes to the list of registered lobbyists.

Section 3. All ordinances or parts of ordinances in conflict therewith be and the same are hereby repealed.

Section 4. If any section, subsection, clause or provision of this Ordinance is held invalid, the reminder shall not be affected by such invalidity.

Section 5. It is the intention of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word Ordinance” may be changed to “Section”, “Article”, or other appropriate word as the Codifier may deem fit.

APPROVED BY TITLE ONLY on first reading this ____ day of ____, 2015.

APPROVED AND ADOPTED on second reading this ____ day of ____, 2015.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION

JOSÉ SMITH

CITY ATTORNEY

Sponsored by: Councilwoman Beth E. Spiegel

Note: Proposed additions to existing City Code text are indicated by underline.

Commissioner
Jorge Gonzalez



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 **Print**

TO: Mayor and City Council

FROM: Ana M. Garcia, City Manager

VIA: William Hernandez, Interim Chief of Police

DATE: Tuesday, November 3, 2015

RE: Ordinance No. 2015-18 On Second and Final Reading (William Hernandez, Interim Chief of Police)

BACKGROUND ANALYSIS:

The attached proposed ordinance prohibiting camping on City property and public areas within the City limits was drafted at the request of Councilperson Barbara Kramer to address the absence of regulation in the City's Code of Ordinances concerning the use of public areas for camping by homeless people.

This ordinance would amend Chapter IX, "Offenses and Miscellaneous Provisions" to create section 9-34, declaring it unlawful for people to engage in camping on public property without specific written authorization from the City.

An ordinance prohibiting camping on City property and public areas is needed to supplement Florida Statute § 337.406, which prohibits camping on any portion of the right-of-way of the State Highway System that is within 100 feet of a bridge, causeway, overpass, or ramp. Violation of the statute constitutes a misdemeanor of the second degree.

RECOMMENDATION:

Residents as well as City employees have expressed concern with people engaging in long-term camping in public areas, and the accumulation of personal property, shopping carts, and camping equipment. The public and the North Miami Beach Police Department would greatly benefit from an ordinance prohibiting camping in public areas.

The ordinance would act as a tool for law enforcement officers to use direct enforcement to deter unwanted camping and its attendant problems of loitering, excessive noise, public

disturbances, public urination and defecation, accumulations of trash, and other harmful activities associated with people using the City's public areas as makeshift living spaces, and will keep the City's public areas cleaner, safer, and more inviting.

The City acknowledges and agrees that individuals who have made campsites on public property have a legitimate interest in their personal property, even when it is left unattended. The City will not summarily destroy personal property it removes, but instead, the ordinance provides for a fair and reasonable process by which prohibited items may be removed for the good of the public and retrieved by the owners. Staff will establish procedures for safekeeping of personal belongings removed and collected under the proposed Ordinance.

FISCAL/BUDGETARY None.
IMPACT:

ATTACHMENTS:

- | |
|--|
| <input type="checkbox"/> Ordinance 2015-18 |
| <input type="checkbox"/> Encampment picture15 |
| <input type="checkbox"/> Encampment picture 12 |
| <input type="checkbox"/> Encampment picture 16 |

ORDINANCE NO. 2015-18

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER IX OF THE CODE OF ORDINANCES OF NORTH MIAMI BEACH, FLORIDA, ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS," CREATING SECTION 9-34, ENTITLED "CAMPING PROHIBITED," PROHIBITING CAMPING IN PUBLIC AREAS LOCATED WITHIN THE CITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach has the authority under the Municipal Home Rule Powers Act, Fla. Stat. § 166.021 et seq., to enact regulations for the public peace, morals, and welfare of the City; and

WHEREAS, the City of North Miami Beach has the authority to regulate activities on City property and public areas that unreasonably interfere with the City's and the public's use of those areas; and

WHEREAS, it is the policy of the City of North Miami Beach that public sidewalks, streets, alleyways, parks, and pedestrian malls should be readily accessible and available to the public for their safe enjoyment; and

WHEREAS, City property and public areas in the City of North Miami Beach should be maintained in a clean and sanitary condition for the safe enjoyment of the public; and

WHEREAS, the use of City property and public areas in the City by individuals for camping purposes interferes with the rights of the public to freely use the areas for which they were intended; and

WHEREAS, the City of North Miami Beach finds that camping and the storage of personal property on City property and in public areas interferes with the public's access to such areas and interferes with the City's and the public's ability to use those areas; and

WHEREAS, the City of North Miami Beach finds that storage of personal property on City property and public areas causes blight and constitutes a threat to the health and safety of the public and attracts vermin; campfires or the use of cooking equipment create fire and other safety hazards, especially when propane gas is used; camping on City property and in public areas with no sanitary facilities increases instances of public urination and defecation, resulting in health and safety hazards to people and the environment; and

WHEREAS, these locations often contain shopping carts unlawfully removed from grocery stores, litter, discarded refuse, and other debris, as demonstrated in the attached photographs showing a campsite currently in use on City property; and

WHEREAS, prohibiting camping on City property and public areas in the City furthers the health, safety, and general welfare of the public and will protect the aesthetic nature of these areas; and

WHEREAS, the City of North Miami Beach finds that individuals have a legitimate interest in personal property left unattended on City property and public areas, and such personal property may include important items such as identification papers, heirlooms, medications, toiletries, and clothing; and

WHEREAS, the City of North Miami Beach finds that the public's interest in having blight-free City property and public areas is outweighed by the more immediate interests of individuals in not having their personal belongings summarily destroyed; and

WHEREAS, provision for a fair and reasonable process by which personal property may be returned to its owner strikes the appropriate balance between the City's interest in keeping City property and public areas safe, clean, and blight-free, and the legitimate rights of individuals to their personal property.

NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of North Miami Beach, Florida:

Section 1. The foregoing recitals are true and correct.

Section 2. Section 9-34 of Chapter IX of the Code of Ordinances of the City of North Miami Beach, Florida, entitled "Camping Prohibited," is established, and which shall read as follows:

9-34 CAMPING PROHIBITED.

a. Definitions. As used in this section, the following words and terms shall have the following meanings:

Camp paraphernalia includes, but is not limited to, tents, tarpaulins, cots, beds, sleeping bags, hammocks, cooking facilities, and similar equipment.

Camping means:

1. Sleeping in or occupying a tent or temporary shelter out-of-doors; or
2. Building a campfire or cooking over an open flame or fire out-of-doors or utilizing non-city designated cooking facilities out-of-doors.

Prohibited items means camp paraphernalia and any personal property used in connection with camping.

Public area means any public street, sidewalk, alley, berm, open green space, bridge, or other public right-of-way, pedestrian mall, park, playground, or government-owned area within the city.

b. Prohibited Acts.

1. It shall be unlawful for any person to engage in camping on any public area within the city unless specifically authorized in writing for that purpose by the appropriate governmental authority.
 2. It shall be unlawful for any person to start, maintain, or use a campfire, warming fire, or other similar open flame within the boundary of any public area unless specifically authorized in writing for that purpose by the appropriate governmental authority.
- c. *Evidence of camping.* Prior to enforcing a violation of this section, a law enforcement officer must consider the following:
1. Being asleep in a public area is insufficient to constitute a violation of this section;
 2. Camping must be taking place in a public area;
 3. The person engaged in camping must be occupying a temporary shelter, or covered with material which provides temporary cover from the elements, including but not limited to, a tent, sleeping bag, hammock, blankets, cot, bed, tarpaulins, newspaper, or cardboard; or the person has built a campfire.
- d. *Enforcement.* Any person observed engaged in camping in a public area shall vacate the public area upon the request of a law enforcement officer. If a law enforcement officer encounters a person engaged in camping who states that he or she has no home or other permanent shelter, he or she must be given an opportunity to enter a homeless shelter or similar facility if available. If no such facility is available, an arrest may not be made.
- e. *Penalties.* The willful refusal to vacate a public area shall be punished in accordance with section 9-1.1 of this Code.
- f. *Removal of Prohibited Items.*
1. *Prohibited area* for the purposes of this section means a public area where prohibited items cannot be placed without violating this section.
 2. A person shall not be charged with a violation of this section if that person immediately removes or causes to be removed all prohibited items from a prohibited area and does not return any prohibited items within 10 days.
 3. If the person fails or refuses to remove the prohibited items and is cited or arrested for a violation of this section, the law enforcement officer shall cause the prohibited items to be removed to a secure location and

held for a maximum period of 90 days. Items not claimed within the 90 days shall be deemed abandoned property and may be disposed of pursuant to chapter 705, Florida Statutes.

4. If prohibited items are found and no person is present to claim ownership of such items, the law enforcement officer shall cause the prohibited items to be removed to a secure location and held for a maximum period of 90 days. The law enforcement officer shall make a reasonable attempt to ascertain the owner of the items and shall cause a notice to be affixed to the ground in the area where the removed items were located, providing a telephone number and location to obtain information for the retrieval of the items. Such notice may be removed after five days. Items not claimed by a person with sufficient proof of ownership within 90 days shall be deemed abandoned property and may be disposed of pursuant to chapter 705, Florida Statutes.
5. When removing prohibited items pursuant to this section, other personal property inside or around the prohibited items may also be removed and stored with the prohibited items.
6. Notwithstanding the prohibition to arrest a person found camping in a public area due to the unavailability of homeless shelter or similar facility, as set forth in sub-section (d) above, nothing shall limit the City's authority to immediately remove prohibited items from public areas which:
 - (a) Pose an imminent life/safety hazard to the public, including, but not limited to, propane gas tanks, fireworks, firearms, highly combustible chemicals such as sterno, gasoline and the like; or
 - (b) Pose a health hazard to the public, including but not limited to accumulations of rotting or decaying matter, debris, and the like; or
 - (c) Cannot legally be possessed.

Section 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall be held invalid by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. All other City ordinances and resolutions or parts thereof in conflict with the provisions of this Ordinance are hereby superseded and repealed.

Section 5. It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or re-lettered to accomplish this intention and the word “Ordinance” may be changed to “Section,” “Article,” or other word as the codifier may deem appropriate.

Section 6. This Ordinance shall be effective upon its adoption by the City Council.

APPROVED BY TITLE ONLY on first reading this **20th day of October, 2015.**

APPROVED AND ADOPTED on second reading this ____ day of ____, 2015.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION

JOSÉ SMITH
CITY ATTORNEY

Sponsored by: Councilperson Barbara Kramer

Note: Proposed additions to existing City Code text are indicated by underline.









City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 [Print](#)

TO: Mayor and City Council

FROM: Ana M. Garcia, City Manager

VIA: Sarah Johnston, Assistant City Attorney
Richard Lorber, Director of Community Development

DATE: Tuesday, November 3, 2015

RE: Ordinance No. 2015-19 (First Reading by Title Only)

**BACKGROUND
ANALYSIS:**

In light of the recent changes to the City's Comprehensive Plan and Zoning and Land Development Code, adopted to encourage redevelopment of certain areas within the City, the City has identified an area for improvement within our development review process. From time to time it is necessary for the City of North Miami Beach to retain independent consultants in connection with zoning applications, including engineering, traffic, planning, legal, technical, environmental, or professional(s) in order to assess and make recommendations on the applications. The fees for these consultants are in addition to existing charges and accordingly the City needs a process by which to be reimbursed for those charges.

RECOMMENDATION:

The Community Development Department recommends **approval** of this ordinance on first reading in order to facilitate the reimbursement to the City for charges incurred for consultants necessary in the review of a zoning application. The item was unanimously approved by the Planning and Zoning Board on October 19, 2015 by a vote of 6 to 0 with one Board Member absent.

**FISCAL/BUDGETARY
IMPACT:**

No fiscal impact anticipated.

ATTACHMENTS:
<input type="checkbox"/> Staff Report
<input type="checkbox"/> Ordinance



City of North Miami Beach, Florida

Community Development Department

City Council Staff Report

TO: City Council

FROM: Richard G. Lorber, AICP, Director of Community Development

DATE: November 3, 2015

ITEM: 16-001

RE: Cost Recovery Ordinance for purposes of reimbursement to the City for charges incurred for consultants necessary in the review of a zoning application. (First reading)

Request:

The Planning and Zoning Department is requesting the approval of a Cost Recovery Ordinance in order to assist in streamlining the development review process. This will improve the turnaround time for required professional review and analysis of proposed projects and will allow the City to recoup the costs associated with the required review. This will also ensure that all projects are reviewed for consistency and compliance with the City's code, improving the level of service for the residents of the City. Per the attached ordinance draft, the proposed amendment to the Zoning and Land Development Code is the establishment of a process by which the City is reimbursed for engineering, planning, legal, technical, or environmental consultant or professional(s) needed to assess and make recommendations for projects seeking approval by the City.

The proposed ordinance provides that applicants seeking approval shall pay the actual costs of the consultants/professionals retained. Depending on the complexity of the application and anticipated costs, the City may require an escrow account be established and maintained for the duration of the review process.

Background:

In light of the recent changes to the City's Comprehensive Plan and Zoning and Land Development Code, adopted to encourage redevelopment of certain areas within the City, the City has identified an area for improvement within our development review process. From time

to time it is necessary for the City of North Miami Beach to retain independent consultants in connection with zoning applications, including engineering, traffic, planning, legal, technical, environmental, or professional(s) in order to assess and make recommendations on the applications. The fees for these consultants are in addition to existing charges and accordingly the City needs a process by which to be reimbursed for those charges.

Planning and Zoning Department Recommendation:

The Planning and Zoning Department recommends **approval** of this ordinance on first reading in order to facilitate the reimbursement to the City for charges incurred for consultants necessary in the review of a zoning application.

Submittal History:

Planning and Zoning Board (October 19, 2015) Approved by 6-0 vote, one Board Member absent.
Council First Reading (November 3, 2015)

Advertisement History:

SECTIONS		dbr DAILY BUSINESS REVIEW	
10/12/2015			
			
Title:			
Category:	Hearings		
Adnumber:	2486670		
<p>CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING DATE/TIME: Monday, October 19, 2015, 6:00 P.M. LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers 17011 NE 19th Avenue, North Miami Beach, FL 33162 PUBLIC NOTICE is hereby given that the City of North Miami Beach Planning and Zoning Board shall consider the following public hearing item: Zoning and Land Development Code Amendment - North Miami Beach, FL: AN ORDINANCE OF THE MAYOR AND COUNCIL AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER XXIV "ZONING AND LAND DEVELOPMENT", ARTICLE XV "OTHER DEVELOPMENT REVIEW PROCEDURES", SECTION 24-170 "RESERVED" AND SECTION 24-180 "DENIALS, NOTICES, AND FEES" TO REQUIRE THAT CHARGES INCURRED BY THE CITY FOR CONSULTANTS NECESSARY FOR REVIEW OF ANY ZONING APPLICATION BE PAID BY THE APPLICANT IN ACCORDANCE WITH THE ACTUAL HOURLY RATES AND IN ADDITION TO ANY OTHER APPLICATION FEES REQUIRED BY LAW; PROVIDING THAT THE APPLICANT SHALL REIMBURSE THE CITY FOR THE COST OF CONSULTANT SERVICES UPON SUBMISSION OF A VOUCHER; PROVIDING FOR THE ESTABLISHMENT OF AN ESCROW ACCOUNT FROM WHICH WITHDRAWALS MAY BE MADE TO REIMBURSE THE CITY FOR THE PROFESSIONAL REVIEW SERVICES; PROVIDING THAT THE BALANCE IN THE ESCROW ACCOUNT, WHEN REDUCED TO ONE-THIRD OF THE INITIAL AMOUNT, SHALL BE REPLENISHED BY THE APPLICANT AND THAT THE CITY MAY SUSPEND REVIEW OF THE APPLICATION FOR FAILURE TO REPLENISH THE ESCROW ACCOUNT; AND FURTHER PROVIDING THAT A BUILDING PERMIT OR CERTIFICATE OF USE AND OCCUPANCY SHALL NOT BE ISSUED UNLESS ALL PROFESSIONAL REVIEW FEES CHARGED IN CONNECTION WITH THE APPLICANT'S PROJECT HAVE BEEN REIMBURSED; PROVIDING THAT ALL FEES REQUIRED UNDER THIS ORDINANCE SHALL BE COLLECTED BY THE CITY MANAGER OR DESIGNEE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE. All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to jmbcomdev@citynmb.com, FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 296.0105) in accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance. 10/12 15-77/2486670M</p>			

Planning and Zoning Department
City Council Meeting - Tuesday, November 3, 2015

10/23/2015

Public Notices Search | Daily Business Review

10/23/2015



Title:

Category: Hearings

Adnumber: 2488599

CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING DATE/TIME: Tuesday, November 3, 2015, 7:30 P.M. (1st Reading by Title Only) LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers 17011 NE 19th Avenue, North Miami Beach, FL 33162 PUBLIC NOTICE is hereby given that the City of North Miami Beach City Council shall consider the following public hearing item: Zoning and Land Development Code Amendment — North Miami Beach, FL: AN ORDINANCE OF THE MAYOR AND COUNCIL AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER XXIV "ZONING AND LAND DEVELOPMENT", ARTICLE XV "OTHER DEVELOPMENT REVIEW PROCEDURES", SECTION 24-170 "RESERVED" AND SECTION 24-180 "DENIALS, NOTICES, AND FEES" TO REQUIRE THAT CHARGES INCURRED BY THE CITY FOR CONSULTANTS NECESSARY FOR REVIEW OF ANY ZONING APPLICATION BE PAID BY THE APPLICANT IN ACCORDANCE WITH THE ACTUAL HOURLY RATES AND IN ADDITION TO ANY OTHER APPLICATION FEES REQUIRED BY LAW; PROVIDING THAT THE APPLICANT SHALL REIMBURSE THE CITY FOR THE COST OF CONSULTANT SERVICES UPON SUBMISSION OF A VOUCHER; PROVIDING FOR THE ESTABLISHMENT OF AN ESCROW ACCOUNT FROM WHICH WITHDRAWALS MAY BE MADE TO REIMBURSE THE CITY FOR THE PROFESSIONAL REVIEW SERVICES; PROVIDING THAT THE BALANCE IN THE ESCROW ACCOUNT, WHEN REDUCED TO ONE-THIRD OF THE INITIAL AMOUNT, SHALL BE REPLENISHED BY THE APPLICANT AND THAT THE CITY MAY SUSPEND REVIEW OF THE APPLICATION FOR FAILURE TO REPLENISH THE ESCROW ACCOUNT; AND FURTHER PROVIDING THAT A BUILDING PERMIT OR CERTIFICATE OF USE AND OCCUPANCY SHALL NOT BE ISSUED UNLESS ALL PROFESSIONAL REVIEW FEES CHARGED IN CONNECTION WITH THE APPLICANT'S PROJECT HAVE BEEN REIMBURSED; PROVIDING THAT ALL FEES REQUIRED UNDER THIS ORDINANCE SHALL BE COLLECTED BY THE CITY MANAGER OR DESIGNEE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE. All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17090 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194.

10/23/2015

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Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to nmbcomdev@citynmb.com, FAX - 305.967.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0105). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance. 10/23 15-184/2488599M

ORDINANCE NO. 2015- 19

AN ORDINANCE OF THE MAYOR AND COUNCIL AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER XXIV “ZONING AND LAND DEVELOPMENT”, ARTICLE XV “OTHER DEVELOPMENT REVIEW PROCEDURES”, SECTION 24-170 “RESERVED” AND SECTION 24-180 “DENIALS, NOTICES, AND FEES” TO REQUIRE THAT CHARGES INCURRED BY THE CITY FOR CONSULTANTS NECESSARY FOR REVIEW OF ANY ZONING APPLICATION BE PAID BY THE APPLICANT IN ACCORDANCE WITH THE ACTUAL HOURLY RATES AND IN ADDITION TO ANY OTHER APPLICATION FEES REQUIRED BY LAW; PROVIDING THAT THE APPLICANT SHALL REIMBURSE THE CITY FOR THE COST OF CONSULTANT SERVICES UPON SUBMISSION OF A VOUCHER; PROVIDING FOR THE ESTABLISHMENT OF AN ESCROW ACCOUNT FROM WHICH WITHDRAWALS MAY BE MADE TO REIMBURSE THE CITY FOR THE PROFESSIONAL REVIEW SERVICES; PROVIDING THAT THE BALANCE IN THE ESCROW ACCOUNT, WHEN REDUCED TO ONE-THIRD OF THE INITIAL AMOUNT, SHALL BE REPLENISHED BY THE APPLICANT AND THAT THE CITY MAY SUSPEND REVIEW OF THE APPLICATION FOR FAILURE TO REPLENISH THE ESCROW ACCOUNT; AND FURTHER PROVIDING THAT A BUILDING PERMIT OR CERTIFICATE OF USE AND OCCUPANCY SHALL NOT BE ISSUED UNLESS ALL PROFESSIONAL REVIEW FEES CHARGED IN CONNECTION WITH THE APPLICANT'S PROJECT HAVE BEEN REIMBURSED; PROVIDING THAT ALL FEES REQUIRED UNDER THIS ORDINANCE SHALL BE COLLECTED BY THE CITY MANAGER OR DESIGNEE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

WHEREAS, from time to time it is necessary for the City of North Miami Beach to retain independent consultants in connection with zoning applications, including engineering, traffic, planning, legal, technical, environmental, or professional(s) in order to assess and make a recommendation on the applications; and

WHEREAS, the City should be reimbursed for the actual charges for such services, provided it maintains a separate escrow account for these amounts; and

ORDINANCE NO. 2015-19

WHEREAS, these fees are in addition to any and all other fees required by any other law, rule, or regulation of the City Code; and

WHEREAS, the City's Planning and Zoning Board, as the Local Planning Agency, held a duly noticed public hearing on October 19, 2015, and reviewed the proposed amendment for consistency with the City of North Miami Beach's Comprehensive Plan, and recommends approval by a vote of 6 to 0 ; and

WHEREAS, the City Council believes the proposed amendment is consistent with the North Miami Beach Comprehensive Plan and is in the best interests of the City.

NOW THEREFORE, BE IT ORDAINED by the City Council of the city of North Miami Beach, Florida, as follows:

Section 1. The foregoing "Whereas" clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. The City Council of the City of North Miami Beach, Florida Zoning and Land Development Code is amended as follows:

Chapter XXIV Zoning And Land Development

Article XV Other Development Review Procedures

Sec. 24-170 - ~~Reserved.~~ Cost Recovery for Consulting Services.

- A) Established. The City Manager or designee in the review of any application, may refer any such application presented to it to such engineering, planning, legal, technical, or environmental consultant or professional(s) retained by the City as the Manager shall deem reasonably necessary to enable him/her to review such application as required by law. Charges made by such consultant shall be in accord with the charges customarily made for such services in Miami-Dade County, and pursuant to an existing contractual agreement by and between the City and such consultant. Charges made by the City shall be in accord with the hourly rates charges by such consultants or hourly rates of employed professionals and shall be paid on submission of a City voucher. The applicant shall reimburse the City for the cost of such consultant or employed professional services upon submission of a copy of the voucher and within thirty (30) days of submission of a copy of the voucher. These fees are in addition to any and all other fees required by other law, rule, or regulation of the City code.

- B) Escrow Accounts. At the time of submission of any application or thereafter, the City Manager or designee based on his/her evaluation of the nature and complexity of the application, may require an escrow account be established. The applicant shall then provide funds to the City for deposit into the account, in an amount determined by the City Manager or designee. Withdrawals from that account shall be made to reimburse the City for the cost of professional review services. The applicant shall be provided with copies of any City voucher for such services as they are submitted to the City. When the balance in the escrow account is reduced to one-third (1/3) of its initial amount, the applicant shall deposit additional funds to bring the balance up to the amount of the initial deposit. If the account is not replenished within thirty (30) days after the applicant is notified, in writing, of the requirement for such additional deposit, the City may suspend its review of the application. An application shall be deemed incomplete if any amount is outstanding. A building permit or certificate of use and occupancy shall not be issued unless all professional review fees charged in connection with the applicant's project have been reimbursed to the City. Once all pertinent charges have been paid, the City shall refund to the applicant any funds remaining on deposit.
- C) Collection of Fees. All fees required pursuant to this chapter shall be collected by the City Manager or designee.

Sec. 24-180 - Denials, Notices and Fees.

- (C) Filing Fees. All applications shall be accompanied by an official filing fee which shall be used to defray expenses for administration, notices and advertisements, additional fees may be required pursuant to Section 24-170. The fees are specified in the Land Development Fee Schedule which is Appendix A of this Chapter.

Section 3. It is the intention of the City Council of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and word "Ordinance" may be changed to "Section," "Article" or other appropriate word as the codifier may deem fit.

Section 4. Repealer. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 5 Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be

affected by such invalidity.

Section 6. Effective Date. This Ordinance shall become effective ten days after adoption on second reading.

APPROVED BY TITLE-ONLY on first reading this **3rd day of November, 2015.**

APPROVED AND ADOPTED on second reading this ____ day of _____, 2015.

ATTEST:

PAMELA L. LATIMORE
CITY CLERK

GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JOSE SMITH
CITY ATTORNEY

SPONSORED BY: Mayor and City Council



City of North Miami Beach
17011 NE 19 Avenue
North Miami Beach, FL 33162
305-947-7581
www.citynmb.com

MEMORANDUM

 [Print](#)

TO: Mayor and City Council

FROM:

VIA:

DATE: Tuesday, November 3, 2015

RE: November 17, 2015

BACKGROUND
ANALYSIS:
RECOMMENDATION:
FISCAL/BUDGETARY
IMPACT:

ATTACHMENTS:

None
