




COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: January 15, 2014

SUBJECT: **REFERRAL TO THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE
– A DISCUSSION REGARDING BEACHFRONT CONCESSION BUFFER
ZONES**

ADMINISTRATION RECOMMENDATION

Refer the matter to the Neighborhood/Community Affairs Committee for discussion.

BACKGROUND

Subject to receipt of the appropriate application, documentation and fees (if applicable), the City of Miami Beach (the "City") issues a beachfront concession letter agreement (the "Letter Agreement") to the upland owner of a beachfront property. The Letter Agreement authorizes the upland owner to operate a beachfront concession (the "Beachfront Concession") on the section of beach east of the upland property.

The upland owner is typically a hotel or condominium. The Beachfront Concession may be operated directly by the upland owner and/or by a third party contractor hired by the upland owner (collectively, the "Concessionaire"). There are up to three uses which are authorized in conjunction with a Beachfront Concession. These uses are 1) beach equipment (chairs, umbrellas, etc.), 2) food and non-alcoholic beverages, and 3) water sports (jet skis, etc.).

Historically, upon issuing the Letter Agreement, the City has attached a Beachfront Concession layout (the "Site Plan"), attached hereto as "Attachment 1". The Site Plan specifies the dimensions and boundaries of the beachfront property and illustrates the concession area and buffer zones. Typically, the middle sixty percent (60%) of the beachfront property is the workable area (the "Concession Area") and a twenty percent (20%) area to the north of the Concession Area, and a twenty percent (20%) area to the south of the Concession Area, act as a buffer between adjacent properties (the "Buffer Zones").

The specific requirements regulating the use of the Buffer Zones are unclear and make enforcement difficult. The City is in the process of revising the Beachfront Concession Rules and Regulations, including the specific requirements regulating the use of the Buffer Zones. Until such time as said revisions are finalized, or unless directed otherwise by the Neighborhood/Community Affairs Committee, the City will allow Concessionaires to operate in a manner consistent with current practices.

As such, Concessionaires will be allowed to place storage boxes and stacked chairs in the Buffer Zones. The stacked chairs must be in a direct line (east/west) with the storage boxes so as to minimize obstruction of view corridors. Beach equipment (chairs, umbrellas, etc.) will not be allowed to be placed in the Buffer Zones upon initial deployment in the morning. Concessionaires will be permitted to deploy beach equipment in the Buffer Zones throughout the day if the amount of equipment needed to meet demand does not fit within the Concession Area, or if a customer requests that the equipment be moved/placed in the Buffer Zone.

The Administration seeks direction from the Neighborhood/Community Affairs Committee regarding this matter. In the meantime, the City will regulate the Buffer Zones as described above.

CONCLUSION

The Administration recommends that the Mayor and the City Commission refer the matter to the Neighborhood/Community Affairs Committee for discussion and further direction.

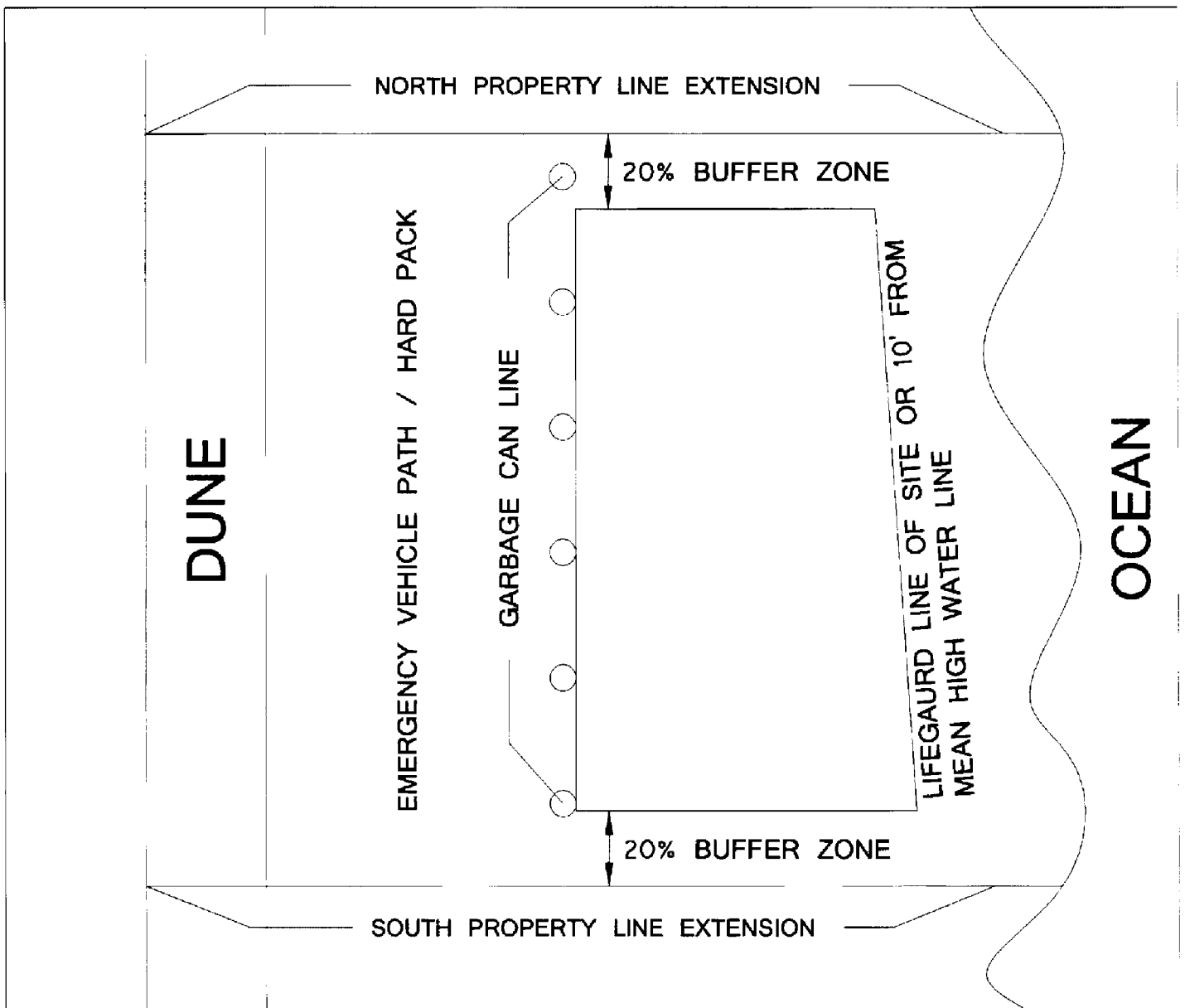
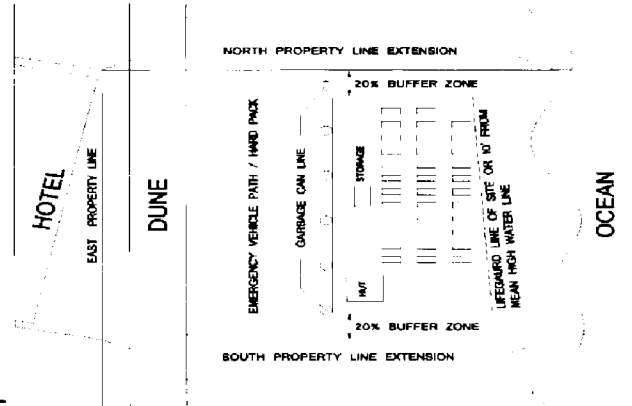

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Attachment 1

BEACHFRONT CONCESSION LAYOUT

In the space provided below draw the dimensions of the space you are proposing to use. Include the specific number of items and equipment as listed on the Operational Plan. (See sample to the right)



Upland Owner Acknowledgement (please initial here) _____

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