



MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Micky Steinberg, Commissioner

DATE: February 26, 2014

SUBJECT: Referral to the Land Use and Development Committee

Please place on the March 5th City Commission Meeting a referral item to discuss amending Sec. 106-55 parking rates, fees and penalties to exempt single family homes.

Thank you!

If you have any questions please do not hesitate to call our office.

MIAMIBEACH

Commissioner Micky Steinberg

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7103 / Fax: 305-673-7096 / www.miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

Granado, Rafael

From: Steinberg, Micky
Sent: Wednesday, February 26, 2014 11:44 AM
To: Morales, Jimmy; Granado, Rafael; Smith, Jose; Held, Gary; saulfrancis@miamibeachfl.gov
Subject: Email re Land Use referral item
Attachments: Building Card-1.pdf; Original Plans.pdf; plans for chimney garage.pdf; plans chimney driveway part two.pdf

From: sarah wright [sarahw93@yahoo.com]
Sent: Monday, February 17, 2014 3:01 PM
To: Steinberg, Micky
Cc: Trofino, Tathiane; andrea@startupperia.com
Subject: meeting request by Miami Beach resident (friend of Alex Orlofsky)

Dear Commissioner Steinberg,

I hope this email finds you well. Alex Orlofsky suggested I reach out to you about an issue my husband Andrea Macario and I are having with the Parking Department regarding a restoration project that we are undergoing at our house at 837 Espanola Way. In short, the Parking Department has indicated that we must pay a \$35,000 fee to restore a previously-existing driveway to our house.

The project under consideration is the partial restoration of an existing 1935 single-family residence located in the Espanola Way Historic District. The residence was designed by architect L. Murray Dixon in 1935. Attached please find the CMB Building Card and original plan drawing.

My husband and I purchased the residence with the hope of restoring the home and returning it to its original use. A previous owner had illegally converted the original garage into an apartment in the 1970's, creating a non-conforming two-family residence. Under the recent CMB permit B1300995, the original garage was restored to its original use. Attached please find our A-3 sheet from this permitted and completed project showing the restored garage.

We have recently been approved for additional restoration work under Permit Application B1305146. This work includes the restoration of the original garage driveway and curbcut. This Permit Application was approved by all CMB departments, including Planning, Zoning, Historic Preservation, Parking and Public Works.

The Parking Department has now indicated that we are required to pay a \$35,000 fee since one street parking spot will be removed in order to allow access to the driveway.

At issue here is the application of Sec.106-55 of the City Code. It states the following:

Sec. 106-55 Parking rates, fees, and penalties

(h) Parking space removal.

(2) Private requests for permanent parking space or loading zone removal prohibited: Private requests for permanent parking space or loading zone removal shall only be allowed for the purpose of creating access to an off-street parking facility or other vehicular access to the property. Private requests for the permanent removal of a parking space or loading zone for any other reason shall be prohibited. When permitted, the fee for the private permanent removal of a parking space or loading zone shall be the same rate as the fee in lieu of required parking, or \$35,000.00 per space, whichever is greater.

Director Frances said that this section was created in response to commercial entities attempting to remove street parking in order to allow for commercial purposes such as outdoor seating. He did not believe that it was meant to address a situation such as ours where a private residence would like to restore a previously-existing driveway in order to access its garage. He said that the way that this section was written, however, prevented him from waiving the fee in our case.

Given the legislative intent of this section, I believe that we should not have to pay \$35,000 in order to access our garage. In addition, our application has already been approved by Planning, Zoning, Historic Preservation, Public Works, and the Parking Department, and there was no mention of the \$35,000 fee. We were not given notice of the fee at the time of permit approval, and it is unreasonable to now come back and require us to pay \$35,000 in order to have access to our driveway, restoration of which was approved by the aforementioned 5 City of Miami Beach departments. Also, by converting the garage apartment back to a garage, the City would be netting one street parking spot as the house would be converted back to a single-family dwelling, thereby reducing the number of residents requiring street parking.

I would very much welcome an opportunity to discuss this issue with you when you have a moment. I can be reached by email (sarahw93@yahoo.com<<mailto:sarahw93@yahoo.com>>).

Thanks in advance for the consideration, and I look forward to hearing from you.

Kind regards,
Sarah

Sarah Wright

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