

MIAMI BEACH

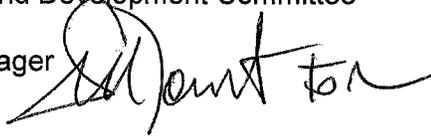
City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Members of the Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 3, 2016



SUBJECT: **SPECIAL LAND USE AND DEVELOPMENT COMMITTEE MEETING OF FEBRUARY 3, 2016**

A special meeting of the Land Use and Development Committee has been scheduled for February 3, 2016 at 3:00 p.m. in the City Commission Chambers.

1. Presentation Of The Mayor's Ocean Drive Task Force Final Report.

(Sponsored By Mayor Philip Levine
January 13, 2016 Item R9D)

2. Sidewalk Café Ocean Drive Umbrellas

An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 82, Entitled "Public Property," Article Iv, Entitled "Uses In Public Rights-Of-Way," Division 5, Entitled "Sidewalk Cafes," Subdivision 2, Entitled "Permit," By Creating Section 82-389, Entitled "Additional Minimum Standards, Criteria, And Conditions For Operation Of Sidewalk Cafes On Ocean Drive Between 5th Street And 15th Street" To Provide Minimum Standards For Umbrellas And Awnings, Require Regular Maintenance Of Umbrellas, And Provide Prohibitions; And Providing For Repealer, Severability, Codification, And An Effective Date.

(Continued from the January 20, 2016 LUDC Meeting
Sponsored By City Commission
May 20, 2015 City Commission Meeting, Item R5B)

2016 Meeting Schedule

Wednesday February 17, 2016

Wednesday March 30, 2016

Wednesday April 20, 2016

Wednesday May 18, 2016

Wednesday June 15, 2016

Wednesday July 20, 2016 at 2 p.m.

Wednesday September 21, 2016

Wednesday October 26, 2016 at 2 p.m.

Wednesday November 16, 2016

Monday December 12, 2016

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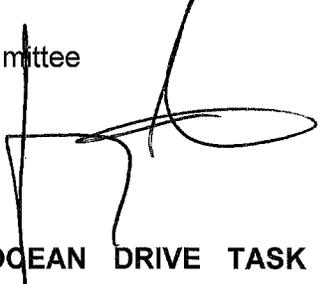
COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: February 3, 2016

SUBJECT: **DISCUSSION – MAYOR’S OCEAN DRIVE TASK FORCE FINAL REPORT**



BACKGROUND

In May, 2015, Mayor Levine appointed the Ocean Drive Task Force. The purpose of the Task Force was to review conditions on Ocean Drive and make recommendations to the Mayor and City Commission regarding improvements to enhance the experience of those who visit Ocean Drive.

The Task Force set a goal of preparing recommendations that would aid in making Ocean Drive a better experience for visitors, as well as a place that residents would be comfortable visiting and returning regularly. In addition, the Task Force sought to do this while keeping in mind the on-going concerns of Ocean Drive business operators and their needs.

The Task Force met a total of ten (10) times between June 2015 and November 2015 to discuss relevant issues, as well as meet with experts, residents, business owners, property owners, and City officials. The Task Force discussed a number of issues including, but not limited to, the following:

- Sidewalk cafés;
- Lummus Park activation;
- Visibility of police officers;
- Noise in the area;
- The dimensions of the sidewalks;
- Appropriateness of City codes and compliance with the Code;
- Issues related to homeless in the area.

The issue pertaining to sidewalk café conditions was of great importance to the task force and the Chair created an “Umbrella and Appearance” Subcommittee. This subcommittee met a total of six times to fully investigate issues such as umbrella design, common code compliance issues, sidewalk café furniture, as well as the interaction between pedestrians and sidewalk cafés, and the available space for each. The subcommittee made recommendations to the full Task Force that were discussed and became the basis for many of the recommendations in the Task Force’s final report.

On January 13, 2016, the Final Report of the Mayor's Ocean Drive Task Force, including recommendations for consideration, was presented to the Mayor and City Commission. The Commission referred further discussion of the recommendations of the task force to the Land Use and Development Committee and requested that the Committee present its findings to the City Commission by March 9, 2016.

ANALYSIS

The Administration has prepared the attached spreadsheet to better evaluate and act upon the specific recommendations of the task force. The specific actions necessary, as well as required approvals and potential fiscal impact have been identified in separate columns for each recommendation.

CONCLUSION

The Administration recommends that the Land Use and Development Committee discuss the Task Force recommendations further and provide appropriate policy direction. The recommendations have been outlined in the attached spreadsheet.

Attachment (1)

JLM/SMT/TRM/DJT

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: January 13, 2016

SUBJECT: **PRESENTATION OF THE MAYOR'S OCEAN DRIVE TASK FORCE FINAL REPORT**

ADMINISTRATION RECOMMENDATION

N/A

BACKGROUND

In May, 2015, Mayor Levine appointed a nine member (with one alternate for a total of ten members) Ocean Drive Task Force. The purpose of the Task Force was to review conditions on Ocean Drive and make recommendations to the Mayor and City Commission as to methods or improvements that could be implemented to enhance the experience of those who visit Ocean Drive.

The Task Force eagerly took on their mission and set a goal for themselves of preparing recommendations that would aid in making Ocean Drive a better experience for visitors as well as a place residents would be comfortable visiting and returning regularly. In addition, the Task Force wished to do this while keeping in mind the on-going business concerns on Ocean Drive and their needs.

The Task Force met a total of ten (10) times between June 2015 and November 2015 to discuss relevant issues and meet with experts, residents, business owners, property owners, and City officials. The Task Force discussed a wide breath of issues ranging including, but not limited to: sidewalk café issues, Lummus Park activation, visibility of police officers, noise in the area, size of the sidewalks, appropriateness of City codes and compliance with the Code, and issues related to homeless in the area.

One item, sidewalk café conditions, was of great importance to the group and thus Chair Plutzik created an Umbrella and Appearance Subcommittee. This sub-committee was chaired by Steve Boucher and met a total of six (6) times to fully investigate issues such as umbrella design, common code compliance issues, sidewalk café furniture, and interaction between pedestrians and sidewalk cafés and the available space for each. The sub-committee made recommendations to the full Task Force that were discussed and became the basis for many of the recommendations in the Task Force's final report.

CONCLUSION

The Task Force approved a slate of recommendations for consideration by the Mayor and Commission. The recommendations are contained within the Final Report which

Presentation of the Mayor's Ocean Drive Task Force Final Report
January 14, 2016
Page 2 of 2

will be presented to the Mayor and Commission by Jonathan Plutzik, Chair of the Mayor's Ocean Drive Task Force

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CITY OF MIAMI BEACH

MAYOR'S OCEAN DRIVE TASK FORCE

FINAL REPORT

JANUARY 13, 2016

Mayor's Ocean Drive Task Force

Honorable Philip Levine
Mayor
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Dear Mayor Levine:

On behalf of the members of the Ocean Drive Task Force, I am pleased to share with you our final report.

I want to make special note of the excellent support we received from all city departments in connection with our months of meetings and relating to the preparation of our final recommendations. In addition I want to salute the other members of our Task Force and participating members from the public. While we didn't agree on everything, we had a collaborative and constructive exchange about the many complex issues facing our community.

We look forward to the opportunity to present this report to you and the entire City Commission.

With best wishes for the holidays.



Jonathan Plutzik
Chair
Ocean Drive Task Force

cc: City Commission: Commissioner John Elizabeth Aleman, Commissioner Ricky Arriola, Commissioner Kristen Rosen Gonzalez, Commissioner Michael Grieco, Commissioner Joy Malakoff, Commissioner Micky Steinberg
Mayor's Ocean Drive Task Force Members: Frank Amadeo, Jonathan Bennett, Steven Boucher, Jeff Feldman, Joyce Garret, Mitch Novick, Reagan Pace, Rich Tampico, Alex Tonarelli
Jimmy L. Morales, City Manager
Raul J. Aguila, City Attorney
Rafael E. Granado, City Clerk

Mayor's Ocean Drive Task Force

Members

Jonathan Plutzik, Chair

Frank Amadeo

Jonathan Bennett

Steven Boucher

Jeff Feldman

Joyce Garret

Mitch Novick

Reagan Pace

Alex Tonarelli

Rich Tampico (alternate)

MAYOR'S OCEAN DRIVE TASK FORCE

BACKGROUND

On May 12, 2015, Mayor Philip Levine created the Mayor's Ocean Drive Task Force (the "Task Force"). The purpose of the Task Force was to undertake an examination of conditions on Ocean Drive, from 5th to 15th Streets, and to make recommendations to the Mayor and City Commission that will enhance the Ocean Drive experience for the City's visitors and residents. This report is intended to summarize the conclusions of the Task Force, and to provide a series of clear and immediately actionable items for the Mayor and City Commission to consider.

The Task Force is grateful for the support provided by all City departments that participated in the fact-finding portion of this exercise. Of particular note has been the active engagement of the Police, Code Compliance, Public Works and Planning Departments. Staff support from Jeff Oris (Economic Development) and Nick Kallergis (City Attorney's Office) is gratefully noted. We also note and appreciate the active participation and input of the public in all of our meetings. The testimony offered by the public was of great value to the Task Force.

CONCLUSION

Ocean Drive, as a function of its location, architectural significance, global brand identity, operation of some of its more well run businesses, and the tax dollars it generates, represents the emotional and commercial heart of Miami Beach.

The Task Force has substantial concerns about current conditions on Ocean Drive, in Lummus Park, and on adjacent streets in the Mixed Use Entertainment ("MXE") District. Despite their overwhelming importance to all of Miami Beach, without immediate attention, Ocean Drive, Lummus Park and much of the balance of the MXE District risk further deterioration and risk being left behind in the great evolution occurring in our community.

We support immediate action by the Mayor and City Commission.

OUR OCEAN DRIVE VISION

An Ocean Drive and immediately surrounding community that is welcoming and safe to both local residents and tourists, is family friendly, thoughtfully highlights its internationally acclaimed architecture, park, and beach, without diminishing its commercial energy, and further enhances its reputation as one of the world's most iconic destinations.

OUR TASK FORCE MISSION

Recommend changes to the Mayor and City Commission concerning the Ocean Drive environment that will elevate the experience and safety for all residents and visitors, maintain and improve its commercial vitality, and grow its reputation as a great place to live and as a destination for great architecture, culture, and cuisine. It is essential that we create an environment in both the commercial areas and the adjacent park that is conducive to resident and family participation.

SUMMARY RECOMMENDATIONS

1. Implement all recommendations by 11/1/2016. The sooner the better.
2. Devote additional Police and Code Compliance resources to enforcement.
3. Implement premium on-street parking rates for non-residents, to fund improvements.
4. Extend the west sidewalk eastward up to five feet.
5. Explore a more limited extension of the east sidewalk for pedestrian usage only.
6. Specify differentiated color pavers to designate a clear pedestrian pathway.
7. Install City-specified uniform lighting on entire extended west sidewalk.
8. Use innovative technology to seasonally optimize lighting for both sea turtles and tourists.
9. Install new City-specified low profile umbrellas on entire west sidewalk.
10. Request direction from the Planning Department and HPB on uniform rules for awnings.
11. Eliminate real and artificial food displays wherever visible from the sidewalk, to the extent permitted by law.
12. Limit the use of operator-installed “mistifiers” to the months when the use of heaters is prohibited by the City Code.
13. Transfer primary oversight and review of sidewalk cafe permits to the Planning Department.
14. Prohibit music projection from open-air commercial passenger vehicles in the MXE District.
15. Establish licensing procedures which include permitted hours of operation for tourist buses.
16. Enforce automobile noise restrictions with appropriate police discretion.
17. Activate Lummus Park as a magnet for community and family engagement.
18. Identify concessionaire(s) to implement regular art and craft shows in Lummus Park.
19. Partner with community art patrons and institutions to install exhibitions in Lummus Park.
20. Install west-facing benches on east sidewalk, to encourage architectural appreciation.
21. Activate Lummus Park, west of the dunes, for further athletic engagement.
22. Consider periodic early evening activation of Lummus Park and adjacent areas.
23. Consider periodic closure of Ocean Drive to vehicles, in order to attract families.
24. Acquire permanent, modern, attractive tourist arrival electronic signage.
25. Identify a City employee to act as a liaison and to lead the upgrade of Ocean Drive.
26. Cooperate in an operator-led training program for hospitality employees.
27. Cooperate in operator-led initiative to increase off-duty police and private security efforts.
28. Consider the creation of a special taxing district to improve oversight of Ocean Drive.
29. Consider 1-year extension of the Task Force to monitor implementation of the program.

DETAILED RECOMMENDATIONS

1. SET NOVEMBER 2016 AS THE TARGET DATE FOR COMPLETION OF APPROVED PLANS AND FOR IMPLEMENTATION OF NEW CITY RULES AND REGULATIONS THAT ARE ADOPTED BY THE MAYOR AND CITY COMMISSION.

The Task Force is committed to ensuring that (i) Ocean Drive businesses comply with new and existing rules and regulations and (ii) capital improvements (both private and public) take place as expeditiously as possible. The Task Force acknowledges that certain costs will be borne by business operators and property owners and some additional planning and study is required. However, the Task Force strongly believes that improvements on Ocean Drive need to happen very rapidly to achieve our collective goals.

2. DEDICATE TWO (2) ADDITIONAL POLICE SERGEANTS AND TWELVE (12) POLICE OR CODE COMPLIANCE OFFICERS TO THE MXE DISTRICT.

The Task Force acknowledges that it is not comprised of public safety experts. As a consequence, the commentary that follows is based on extensive observation of neighborhood conditions and feedback from the community.

The Task Force heard repeatedly from the public that they longed for a more visible police presence on Ocean Drive and in the MXE District generally. Stories were frequently shared of individuals approached on Ocean Drive by individuals involved in drug sales or prostitution. In general, while certain crime statistics are trending favorably, Ocean Drive is not viewed as a family-friendly, upscale environment for either visitors or residents. The Task Force believes that these and many other issues in the area would improve substantially if more Police and Code Compliance resources were dedicated to this neighborhood.

In addition, the Task Force recommends that **police personnel on foot patrol** be prioritized as a regular feature among the range of police strategies employed. The Task Force believes that the increased visibility of uniformed police on the sidewalks will contribute to the perception and reality of an enhanced level of personal safety.

- 3. ESTABLISH PREMIUM ON-STREET PARKING RATES FOR NON-RESIDENTS ON OCEAN DRIVE BETWEEN 5th AND 15th STREETS, AND, IF LEGALLY PERMISSIBLE, DEDICATE EXCESS REVENUE TO FUND A CONSISTENT MULTI-LAYER PROGRAM TO IMPROVE PUBLIC CONDITIONS ON OCEAN DRIVE (INCLUDING LUMMUS PARK).**

The Task Force recognizes that costs are associated with the implementation of its recommendations. The Task Force recommends that the City establish premium on-street parking rates for non-resident visitors to Ocean Drive in order to contribute to the funding of various improvements to Ocean Drive, including Lummus Park.

Modern parking management techniques include consideration of surge pricing and the recognition that some areas are simply more valuable than others. The Task Force believes that Ocean Drive is such a location.

- 4. CONSTRUCT UP TO A FIVE-FOOT (5') EXTENSION OF THE WEST SIDEWALK (SUCH EXTENSION SHOULD BE LIMITED, IF POSSIBLE, TO PERMIT THE EXISTING TWO LANES OF TRAFFIC AND TWO LANES OF ON-STREET PARKING TO REMAIN). THE GOAL OF THE SIDEWALK EXTENSION IS TO IMPROVE PUBLIC SAFETY, ACCOMMODATE THE SUBSTANTIAL GROWTH IN PEDESTRIAN TRAFFIC WHICH HAS ALREADY OCCURRED, AND CREATE A MORE UNIFIED, UPGRADED VISUAL PRESENTATION OF ICONIC OCEAN DRIVE.**

CREATE A DEDICATED PEDESTRIAN PATHWAY ALONG EASTERN PORTION OF WEST SIDEWALK. SHIFT ALL SIDEWALK CAFE FURNITURE TOWARD THE BUILDINGS WHICH HOUSE THE RESTAURANTS AND BARS, ALONG THE WEST SIDE OF OCEAN DRIVE, THEREBY ELIMINATING THE PEDESTRIAN "TUNNEL" BETWEEN TWO ROWS OF SIDEWALK CAFE TABLES, AND CREATING AN OPEN PEDESTRIAN PATH ALONG THE EASTERN SIDE OF THE WESTERN SIDEWALK ON OCEAN DRIVE.

RESTRICT THE USE OF THE NEW PEDESTRIAN PATH TO PEDESTRIANS, AND CITY OR COUNTY-OWNED FIXTURES/STREET FURNITURE.

The Task Force reviewed conditions for pedestrians in the area and determined that one of the most significant issues has been created by the pedestrian “tunnel” or “gauntlet” that runs the length of Ocean Drive. Task Force members and representatives of the public overwhelmingly indicated that the current condition creates an unsafe and inhospitable environment for pedestrians, and difficult service conditions for café owners and staff. The Task Force also heard troubling reports concerning pedestrians, wait staff, and other café employees being groped and otherwise accosted during high-traffic times. Members of the Miami Beach Police Department expressed concern that the tunnel effect created by umbrellas and awnings makes it exceptionally difficult for officers to see what is happening in these areas, leading to public safety enforcement challenges, including drug sales and thefts of personal items such as purses and cell phones.

After extensive Task Force discussion and public input, the Task Force concluded that the most effective way to mitigate the adverse pedestrian experience of the sidewalk “tunnel” or “gauntlet” effect would be to modestly expand the west sidewalk. The Task Force believes that three (3’) to five feet (5’) of additional sidewalk would be a sufficient width to move all sidewalk cafés against the buildings to the west of the pedestrian walkway. The expanded sidewalk would allow for an expansion of the dedicated pedestrian walkway width to at least six (6’) to eight feet (8’) (from the current five feet (5’)) while accommodating fire hydrants, traffic control signs, and other public elements contained near the curb. The additional width of the sidewalk would create a more effective buffer between café customers and pedestrians. As noted later in this report, the Task Force encourages the utilization of differentiated sidewalk finish materials to delineate pedestrian traffic areas.

The expansion of the sidewalk is specifically NOT intended to create additional seating areas for Ocean Drive restaurants. This sidewalk expansion is solely intended to enhance the appearance and functionality of the area by separating diners from pedestrians and expanding the pedestrian zone. In addition, café-owned street furniture and equipment should not, in any way, impede or interfere with pedestrian movement.

5. EXPLORE A LIMITED EXPANSION OF THE EAST SIDEWALK

The Task Force believes that much care must be given to preserve the beauty of Lummus Park, as it is an important asset of the community. At the same time, we believe that comprehensive planning should include an exploration of capturing a few additional feet of sidewalk to accommodate the growth in pedestrian traffic that has occurred. We support such an examination.

6. THE CITY SHOULD INSTALL CONCRETE SIDEWALKS OR PAVERS OF DIFFERENT COLORS OR PATTERNS TO DELINEATE DEDICATED PEDESTRIAN PATHWAYS FROM AREAS AVAILABLE FOR DINING, IN ORDER TO FACILITATE ENFORCEMENT.

The Task Force observed that the sidewalks on Ocean Drive have substantially variable appearance, from 5th to 15th Streets. The Miami Beach Red concrete that is used for sidewalks throughout the City has a significant drawback; it wears and fades unevenly. Additionally, when a section is replaced, the newly installed section can have a completely different color. The goal should be to make sidewalk appearance as uniform as possible by considering different materials, such as pavers, that will more effectively delineate pedestrian and restaurant areas.

7. INSTALL UNIFORM LIGHTING ON THE ENTIRE EXTENDED SIDEWALK ON OCEAN DRIVE FROM 5th TO 15th STREETS.

We believe that the City has a unique opportunity, in the context of a possible west sidewalk extension, to install uniform, variable, and attractive lighting along this length of Ocean Drive. It is critical that such lighting be installed even in areas where there are no sidewalk cafe operators. It is often those darkened areas of Ocean Drive that are the most unwelcoming to pedestrians. At the moment, lighting on Ocean Drive is uneven, uninviting, insufficient and unattractive.

8. INSTALL NEW LIGHTING ON OCEAN DRIVE AND IN LUMMUS PARK REFLECTING THE SEASONALITY OF ENVIRONMENTAL ISSUES (I.E., SEA TURTLES) AS WELL AS RESIDENT AND TOURIST SAFETY NEEDS (I.E., LIGHTS SHOULD HAVE THE ABILITY TO CHANGE GIVEN THE SPECIFIC SEASONAL REQUIREMENTS).

The Task Force believes that the design and implementation of a uniform lighting system along the entire length of Ocean Drive, from 5th to 15th Streets, and within Lummus Park, is essential to both appearance and public safety. Current lighting in Lummus Park and along Ocean Drive is dim in many areas in order to minimize the impact of light pollution on sea turtle nesting. However, sea turtle nesting season is not year-round. Interestingly, sea turtle nesting season runs from April to October each year, while Miami Beach's peak tourist season runs approximately from October to April. Therefore, the City should explore seasonally variable lighting solutions, to maximize visibility and public safety during its peak tourism months.

Much of the Task Force's discussion with the Police Department focused on the lack of visibility created by both the sidewalk cafe umbrellas and insufficient illumination along the sidewalks. Without (the very unattractive) temporary police lighting, certain sections of the sidewalk are very dark. The Police Department suggested that the installation of enhanced lighting along the entire length of Ocean Drive would meaningfully contribute to improved police oversight and public safety.

The Task Force believes that modern lighting technology allows for fixtures that could be controlled to change lumens (brightness) on a seasonal basis. Given that sea turtle nesting season only lasts six months, the entire district should be illuminated more brightly during the sea turtle nesting off-season. The Task Force recommends that the City research the feasibility of uniform lighting fixtures along Ocean Drive, from 5th to 15th Streets, that will adjust to seasonal, environmental, and public safety requirements. Any plan to expand the western sidewalk must include a detailed lighting plan. We believe that the implementation of such an improved lighting plan need not compromise the evening mood and environment for diners on Ocean Drive.

9. RECOMMENDATIONS REGARDING SIDEWALK CAFÉ UMBRELLAS

The Task Force believes that the single change that would contribute most to an improved Ocean Drive experience would be to mandate an umbrella and awning upgrade for all buildings. The poor, inconsistent, and often dirty condition of umbrellas and awnings on Ocean Drive creates three significant issues:

The current conditions create (i) an unsightly environment that is entirely inconsistent with a world-class destination; (ii) an obscuring of our historically important Art Deco architecture; and (iii) a public safety concern. The various umbrella styles and configurations currently installed along Ocean Drive make it substantially more difficult for the Police and Code Compliance Departments to monitor activity on the west sidewalk. In addition, many of the umbrellas are of a darker color, which further contributes to the shadowy, claustrophobic, tunnel-like, and often frightening conditions on the west sidewalk.

The examination of umbrellas and other sidewalk café issues was of such importance to the Task Force and representatives of the public (residents, operators and property owners) that the Task Force created the Umbrella and Aesthetics Subcommittee to focus specifically on these issues. The Subcommittee held six meetings during a three-month period from July 2015, through September 2015. The Subcommittee formulated a slate of recommendations that were then transmitted to the Task Force for further consideration and approval. The Subcommittee's work was the basis for the following recommendations related to umbrellas that were adopted by the full Task Force:

A. Require umbrellas to have low-profile canopies.

The umbrellas utilized by sidewalk cafés on Ocean Drive are often oversized, too tall, poorly maintained, and severely detract from the architecture of the historic buildings. The public voiced a belief that the current appearance of the often tattered and dirty umbrellas "cheapened" the Ocean Drive experience.

The Task Force (and the Umbrella and Aesthetics Subcommittee) recognize the need for umbrellas to protect café patrons from both the strong South Florida sun and periodic rainfall. The identification of modern, cantilevered low-profile umbrella canopies is part of a package of recommendations that include minimum and maximum canopy heights; a color palette for umbrella canopies; and the extension of the west sidewalk.

B. Restrict the canopy color of sidewalk cafe umbrellas to a palette of pastel colors, to be recommended by City Planning Department staff and the Historic Preservation Board.

The Task Force recommends that the Planning Department, with the input of the Historic Preservation Board, identify a specific palette of light, pastel-like colors, for the Mayor and City Commission to approve, that would provide a cleaner, more consistent, and brighter appearance, and would be more compatible with the goal of highlighting the historic architecture along the Drive. A limited color palette would also mitigate dark conditions on the sidewalks.

C. Limit umbrella canopies to one solid color per sidewalk café and allow the sidewalk café to print its name, in a contrasting color and in a font no larger than 12 inches, on the umbrella canopies or valences.

In addition to defining a limited color palette for umbrellas, the Task Force believes that the adverse visual impact of large umbrellas would be further minimized through the use of a single umbrella color for each sidewalk cafe operator, with a single, contrasting color utilized for the cafe name. Such a restriction would optimize umbrella appearance and allow for easy identification of each business, without detracting from Ocean Drive's historic architecture.

D. Restrict umbrella canopies to a square or rectangular shape only.

The Task Force recommends that the Mayor and City Commission adopt regulations regarding umbrella shape and design. Input was received from many of the area businesses and by a shade structure professional. The Task Force recommends that the canopies of sidewalk cafe umbrellas be limited to square or rectangular shapes. The Task Force believes that umbrellas of a square or rectangular shape would optimize umbrella coverage while highlighting – and not obstructing – the Art Deco architecture of the buildings.

E. Increase the minimum clearance under umbrella canopies to seven feet (7') and the maximum height of the umbrella canopies to nine feet (9').

The City Code currently requires that no portion of an umbrella be less than six feet, eight inches (6'-8") above the right-of-way, without prescribing a maximum height. The Task Force recommends a minimum clearance of seven (7') feet and a maximum height of nine (9') feet, in order to ensure that umbrellas have a low profile and to create a more open environment for pedestrians and diners.

F. Allow minimal tilting of umbrella canopies, to an extent determined by City Planning Department staff.

This recommendation is designed to allow operators some allowance for the low-profile umbrellas to track movement of the sun and rain for the comfort of café diners. The members expressed a desire for City Planning Department staff to conduct and/or review shade studies to determine an appropriate amount of umbrella tilt.

G. Allow umbrellas and umbrella canopies to remain closed and on the sidewalk during hours when a business is closed.

The Task Force recognizes that the removal and storage of umbrellas from the sidewalk each night is a difficult task. The umbrellas are large and cumbersome, and are not easily removed.

H. Allow bolting/permanent affixing of umbrellas, subject to Public Works Department review, as part of a package to expand the sidewalk.

The Task Force recommends, subject to Public Works oversight and review, that umbrellas be affixed to the sidewalk as a space management and safety measure. The Task Force concluded that the ability to remove large, unsightly, free standing base supports for umbrellas would make the area substantially more attractive and lead to a better utilization of space.

The affixing of umbrellas to the sidewalk requires proper planning with respect to the underlying structure of the sidewalk. The sidewalk must be engineered to support the wind loads that may be experienced by the umbrellas and for umbrellas to have a quick-release mechanism to easily separate an umbrella from its base. This issue is best addressed in connection with the planning of the recommended extension of the west sidewalk.

10.FURTHER DEVELOP, WITH THE INPUT OF THE PLANNING DEPARTMENT AND HISTORIC PRESERVATION BOARD, THE CITY'S DESIGN GUIDELINES WITH REGARD TO AWNINGS AND CANOPIES ATTACHED TO BUILDINGS, INCLUDING DISCOURAGING CONTINUOUS AWNINGS, SUBJECT TO THE CERTIFICATE OF APPROPRIATENESS CRITERIA.

The Task Force is deeply concerned with the appearance of awnings attached to buildings along Ocean Drive, which are within the purview of the Planning Department and Historic Preservation Board. The Task Force likewise requests that the City Commission consider how such awnings interact with allowable umbrella colors and design. To ensure compatibility, the Task Force recommends that the City develop more consistent and stringent guidelines, with the input of the Planning Department and Historic Preservation Board. Such guidelines should require clear compatibility and consistency between the design and color palette of allowable umbrellas and that of awnings and canopies (which are currently subject to a different approval process).

The Task Force also believes that 100% continuous awnings along the front of historically significant buildings reduce natural light and obscure important architecture. The Task Force acknowledges the importance of providing sun and rain cover to patrons. The Task Force believes that by mandating "lower profile" umbrellas, selecting pastel colors with a lighter hue, and directing operators to generally upgrade and clean up umbrella appearance, only limited breaks between and among awnings and umbrellas are necessary. The Task Force recommends that the Planning Department and Historic Preservation Board determine appropriate location and scope of limited breaks between and among awnings and umbrellas.

11. PROHIBIT, TO THE EXTENT PERMITTED BY LAW, BOTH REAL AND ARTIFICIAL FOOD DISPLAYS IN OUTDOOR AREAS THAT ARE VISIBLE FROM THE RIGHT-OF-WAY.

The Task Force believes that displays of real or artificial food on the sidewalk, immediately adjacent to the sidewalk, or easily visible from the sidewalk are inconsistent with a world-class destination. Further, such displays meaningfully diminish the Ocean Drive experience by impeding pedestrian traffic. The Task Force recommends that such displays be eliminated and be subject to strong enforcement.

Food displays are currently prohibited on the sidewalk. However, the Task Force recommends that the City explore whether it can legally prohibit such displays on private property.

12. AUTHORIZE, BUT LIMIT, THE USE OF WATER MISTING DEVICES AT SIDEWALK CAFES DURING THE MONTHS WHEN THE USE OF HEATERS IS PROHIBITED BY THE SIDEWALK CAFE ORDINANCE (I.E., PROHIBIT THE USE OF MISTERS FROM OCTOBER 1ST THROUGH APRIL 30TH).

The Task Force recognizes that misting devices assist in cooling patrons and are appropriate, given the heat in South Florida. To minimize sidewalk clutter and improve the general appearance of Ocean Drive, the Task Force recommends limiting the use of misting devices to the months when the use of heaters is prohibited by the Sidewalk Cafe Ordinance. In addition, misting devices should be pointed only in the direction of seated patrons.

13. TRANSFER PRIMARY OVERSIGHT OF SIDEWALK CAFÉS, INCLUDING PERMIT REVIEW AND APPROVAL, AND DESIGN REVIEW, TO THE PLANNING DEPARTMENT.

THE PLANNING DEPARTMENT SHOULD PROVIDE GREATER CLARITY AND OVERSIGHT THROUGH APPROPRIATE REGULATION OF:

A. OPTIMAL SPACING BETWEEN SIDEWALK CAFE FURNITURE, INCLUDING TABLES, CHAIRS, AND UMBRELLAS;

**B. THE TYPES/STYLES OF SIDEWALK CAFE FURNITURE PERMITTED; AND
C. THE SIZE/APPROPRIATENESS OF FURNITURE ALLOWED.**

The Task Force observed that there are two central elements to sidewalk cafe review: (1) design, physical appearance, and layout, and (2) public safety. In the Task Force's judgment, the current review of sidewalk café permit applications and site plans (including the layout of chairs, tables, planters, umbrellas) is insufficient.

The City Code limits the area in which sidewalk café furniture can be placed; however, there are no regulations defining, for instance, appropriate chairs or tables, or how many seats a café may have within the allotted space. This has led to the inappropriate placement of couches and all variations of other types of furniture, including chairs and tables, on the sidewalk.

The Task Force believes that the Planning Department is best suited to have primary responsibility for permitting and for design review of sidewalk cafes. The Public Works Department, along with all other City departments that currently review sidewalk café permit applications, should continue to review applications for compliance with the City Code, Building Code, Fire Code, etc. However, the Planning Department should oversee sidewalk café applications and should act as the primary point of contact for permit applicants. The design and layout of a sidewalk café must play a more important role in the City's permit review.

14. MUSIC SHOULD BE PROHIBITED FROM GOLF CART AND OTHER OPEN-AIR COMMERCIAL VEHICLES PROVIDING FREE RIDES IN THE CITY.

Golf carts and other open-air commercial vehicles that cruise the MXE District often operate very loud sound systems that are utilized to attract passengers and attention to the vehicles. This noise is unnecessary and disturbs visitors and residents. While the Task Force does not object to the presence of the vehicles or their bright lighting, the Task Force recommends that such vehicles be prohibited from projecting music outside of the vehicle. To the extent that the Noise Ordinance prohibits loud noise emanating from such vehicles, the Task Force recommends that the Police Department increase its enforcement efforts.

15. INITIATE A CITY LICENSING PROCEDURE REQUIRING COMMERCIAL VEHICLE AND TOUR OPERATORS TO OPERATE ON OCEAN DRIVE WITHOUT DROP-OFFS AND PICK-UPS; RESTRICT NOISE EMANATING FROM THE OPEN AIR PORTION OF THE VEHICLE; AND LIMIT HOURS OF OPERATION TO NON-PEAK HOURS OF 9:00 A.M. TO 6:00 P.M.

This recommendation has two elements. The first is noise related, as many party buses operate in the MXE District late at night and in the early morning. These buses often have loud music emanating from them. For instance, one of the party buses, which is sponsored by a local restaurant, travels the MXE District while blaring music and encouraging the passengers to yell and sing, all of which is easily audible from the street. The Task Force recommends that the City crack down on noise projecting from open-air commercial vehicles, including noise projecting from such party buses.

The second part is a recommendation as to traffic control. The Task Force is concerned about the traffic congestion caused by tour bus operators stopping on Ocean Drive to pick up and drop off passengers. In addition, many tour buses are large and do not easily navigate the roadway. Tour buses snarl traffic and can cause significant vehicular delays. The Task Force recommends that the City limit the hours of such bus activity on Ocean Drive.

Note: The Task Force was informed, by City staff, of the City's limited ability to regulate such vehicles. However, the Task Force requested that this recommendation remain in this report.

16. THE MAYOR AND CITY COMMISSION SHOULD ISSUE A DIRECTIVE TO THE POLICE DEPARTMENT TO ENFORCE THE NOISE ORDINANCE AGAINST DRIVERS OF VEHICLES, WITH APPROPRIATE DISCRETION.

Currently there are only two options to cite a vehicle operator for loud noise: 1) Issue a violation under the City Code, which imposes civil fines for noise violations, and must be enforced by Code Compliance; or 2) Issue a violation under the County Code, which imposes criminal penalties.

Both of these enforcement options are problematic. Citing a driver under City Code is often ineffective as the City is limited in its ability to collect its civil fines.

However, citing a driver under the County Code imposes criminal penalties. Outside of the golf carts, party buses, and tour buses, the majority of (often inadvertent or Code-ignorant) violators are young people. A criminal citation can irreparably damage a young person's future and thus, enforcement must be undertaken with great care.

The Task Force recommends that the City explore ways to better enforce the noise ordinances against drivers of vehicles, and requests that the Commission direct the Police Department to do so.

17.PURSUE THE CAREFUL ACTIVATION OF LUMMUS PARK AS A PLACE OF PUBLIC ART/CULTURE. LUMMUS PARK SHOULD BE AN ATTRACTIVE DESTINATION FOR RESIDENTS AND TOURISTS.

18.IDENTIFY CONCESSIONAIRE(S) TO IMPLEMENT REGULAR LUMMUS ART AND CRAFT SHOWS.

19.PARTNER WITH COMMUNITY ART PATRONS AND INSTITUTIONS TO INSTALL SCULPTURAL EXHIBITIONS.

20.INSTALL WEST-FACING BENCHES ON/ADJACENT TO EAST SIDEWALK FOR ARCHITECTURAL APPRECIATION.

21.CONSIDER ACTIVATION OF AREAS WEST OF THE DUNES IN LUMMUS PARK FOR FURTHER ATHLETIC ENGAGEMENT.

22.CONSIDER PERIODIC EARLY EVENING ACTIVATION OF PARK AND ADJACENT AREAS.

Lummus Park is a substantially underutilized resource. Given its proximity to the Art Deco District, residential areas, and beach, Lummus Park should be considered one of the world's great urban parks. Presently, the Park is primarily a gathering place for homeless people. The Park is an often dark and inhospitable zone separating Ocean Drive from the beach.

The City should pursue the careful activation of Lummus Park with arts and cultural activities (i.e. crafts fairs, small limited performances, sports activities). Such events could be particularly effective during, but not necessarily limited to,

weekend mornings when activity in the area is currently limited. It is essential that this activation be resident and family friendly. The Task Force recommends that the Mayor and City Commission direct staff to explore the retention of a concessionaire(s) to develop a periodic craft fair/art show program.

In addition, the installation of public art, and upgrading of the existing elements in the park, such as the restrooms, benches, lighting, and playgrounds, is critical to Ocean Drive's future. Lighting that is seasonably adjustable to provide low level lighting during sea turtle nesting season and brighter lighting during peak tourist season is also critical. The City should seek to create important annual art installations in the Park. It is striking, for example, that there are no public benches on or adjacent to the east sidewalk, which faces our acclaimed Art Deco buildings.

The Task Force was impressed with the efforts undertaken by the City's Homeless Outreach Office and Police Department Homeless Outreach Unit to assist and work with the homeless population. Naturally, our broader Ocean Drive goals can only be accomplished if these units continue to work successfully to respond to the needs of the homeless in Lummus Park, on Ocean Drive and throughout the City.

23. CONSIDER PERIODIC SUNDAY CLOSURES OF OCEAN DRIVE TO VEHICULAR TRAFFIC TO PROMOTE FAMILY UTILIZATION.

One of the principal goals of the Task Force was to discuss ways to encourage the return of families to Ocean Drive and Lummus Park.

The Task Force suggests that the City periodically close Ocean Drive to vehicular traffic, on a regular schedule (e.g., once a quarter, or once a month), to allow for activities such as arts and crafts fairs, a fresh food market, or other family friendly activities. Additionally, jazz breakfasts or other well-managed, park-appropriate activities, should be promoted within Lummus Park to draw more locals to the area.

24. EXPLORE THE ACQUISITION OF MORE MODERN AND ATTRACTIVE PUBLIC INFORMATIONAL SIGNAGE TO BE INSTALLED IN STRATEGIC LOCATIONS AND BE USED TO PROMOTE, AMONG OTHER MESSAGING, BETTER VISITOR BEHAVIOR.

This recommendation is based on Task Force concerns that the mobile messaging boards utilized by the City are often placed in gateway locations and are not attractive. While recognizing the need for such communication, as currently deployed, these signs are not consistent with the upgraded Ocean Drive image that we believe should be projected. The Task Force recommends that the City explore alternative signage options while preserving the ability to deliver important public safety (e.g., messages regarding open containers, noise, drug enforcement, etc.) and event information.

25. IMPLEMENT A MODEL SIMILAR TO THE CITY'S MODEL OF MANAGEMENT FOR LINCOLN ROAD, ON OCEAN DRIVE.

The Task Force would like to see a City employee, or employee of a special taxing district, whose sole task is to liaise between the City and the owners and operators on Ocean Drive. Further, this person should be responsible for promoting ongoing efforts to enhance Ocean Drive. The model for this position is a similar position held by a Public Works Department employee who currently coordinates efforts on Lincoln Road.

26. ENCOURAGE THE CITY TO WORK WITH PRIVATE OPERATORS TO CREATE A UNIFORM, REGULAR, OPERATOR-DRIVEN TRAINING PROGRAM SPECIFIC TO THE NEEDS OF OCEAN DRIVE.

Of particular concern to the Task Force is the unsatisfactory interaction of sidewalk café employees with our tourist and resident Ocean Drive guests. While there are exceptions, the training of Ocean Drive employees is generally inadequate.

During early meetings of the Task Force, an idea germinated that there be periodic mandatory certificated training for all sidewalk café/restaurant employees on Ocean Drive. Such a program could provide basic hospitality training for these employees, promoting good behavior (e.g. appropriate customer solicitation, menu pricing, and transparency surrounding automatic gratuity charges). In addition,

training could be provided to inform Ocean Drive employees about City regulations on hawking, placement of tables and chairs on the sidewalk, and maintenance of the required five-foot pedestrian walkway. After some discussion it was concluded that this type of program would be best managed by the operator community themselves. However, the Task Force urges the City to support such efforts by collaborating with Ocean Drive operators to provide employees with accurate information about City rules and policies.

For instance, the City's Code Compliance Department has successfully conducted training programs for Ocean Drive employees, and is experienced in working with business operators on Ocean Drive.

27. ENCOURAGE SUPPORT OF OPERATOR-DRIVEN POLICE/PUBLIC SAFETY INITIATIVE

The business community is embarking on a plan to utilize off-duty police officers to increase police visibility during peak periods on Ocean Drive. We encourage the City to support such efforts.

28. CONSIDER CREATING A SPECIAL TAXING DISTRICT (I.E., BUSINESS IMPROVEMENT DISTRICT) TO STREAMLINE THE RECEIPT AND EFFECTIVE ALLOCATION OF FUNDS ON OCEAN DRIVE.

As was recently approved for Lincoln Road, the Task Force expressed an interest in the City's creation of a business improvement district ("BID") or other special taxing district to assist in paying for desired elements and/or to create a sense of more unified neighborhood purpose around the proposed Ocean Drive improvements. An Ocean Drive BID would create a funding mechanism to stabilize and improve the Drive through promotion, management, marketing, and other similar services. The Task Force believes that the creation of a taxing district will force business owners to take more responsibility for the conditions in the community in which they operate.

29. EXTEND THE OCEAN DRIVE TASK FORCE FOR A PERIOD OF ONE YEAR.

The members of the Task Force desire to convey their willingness to continue to meet for one year to monitor progress on Ocean Drive. The group believes that continued meetings for a one-year period will provide a forum to convene the Ocean Drive community and will allow for structured follow-up to the Task Force's recommended improvements in the area.

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MIAMI BEACH

To: Mayor Philip Levine
Members of the City Commission
Jimmy Morales, City Manager

Date: June 17, 2015

MEMORANDUM

From: Raul Aguila, City Attorney

Subject: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82, ENTITLED "PUBLIC PROPERTY," ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," DIVISION 5, ENTITLED "SIDEWALK CAFES," SUBDIVISION 2, ENTITLED "PERMIT," BY CREATING SECTION 82-389, ENTITLED "ADDITIONAL MINIMUM STANDARDS, CRITERIA, AND CONDITIONS FOR OPERATION OF SIDEWALK CAFES ON OCEAN DRIVE BETWEEN 5TH STREET AND 15TH STREET" TO PROVIDE MINIMUM STANDARDS FOR UMBRELLAS AND AWNINGS, REQUIRE REGULAR MAINTENANCE OF UMBRELLAS, AND PROVIDE PROHIBITIONS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Introduction

This item was heard during the May 20, 2015 City Commission meeting, and was referred by the Commission to the Land Use Committee.

The attached Ordinance is submitted for consideration by the Mayor and City Commission. The ordinance modifies Chapter 82, at Article IV, Division 5, which regulates Sidewalk Cafes. Section 82-389 was added to the code to incorporate specific provisions relating to the utilization of umbrellas along the sidewalk cafes located on Ocean Drive between 5th Street and 15th Street (hereinafter Ocean Drive sidewalk cafes).

There is an existing need for outdoor eating establishments (sidewalk cafes) in certain areas of the city to provide a unique environment for relaxation and food and/or beverage consumption. Sidewalk cafes encourages additional pedestrian traffic to the city's historic districts, and commercial use areas. The sidewalk widths along Ocean Drive are narrow, and the presence of sidewalk cafes may impede the free and safe flow of pedestrian traffic. As a result, there is a need for additional regulation and standards for the existence and operation of sidewalk cafes along Ocean Drive between 5th Street and 15th Street, to facilitate and ensure a safe pedestrian environment in these areas. In addition, it is important to regulate the use of umbrellas within the sidewalk cafe, particularly as the conditions on Ocean Drive have deteriorated by having large umbrellas attached to one another, which are then attached to awnings projecting from the buildings, thus creating a tunnel effect along the pedestrian pathway.

A majority of the buildings along Ocean Drive between 5th Street and 15th Street are listed as contributing buildings within the Ocean Drive – Collins Avenue Local Historic District, and the National Register of Historic Places Miami Beach Architectural District, the umbrellas and awnings hide all the architectural beauty that is South Beach. Oversized umbrellas and awnings have the potential to block historically and aesthetically significant architectural features.

In order to protect the health, safety, welfare and tranquility of the community, has established permit conditions and safety standards, including conditions and standards relating to street furniture, for sidewalk cafes within the Ocean Drive sidewalk café area, which are necessary to protect and promote the general health, safety, and welfare of the residents of the City. The draft ordinance is a second step by the City (the first step being the Mayor's ordinance amendment as to the hours of alcohol consumption and sales at sidewalk cafes) to protect the integrity of Ocean Drive.

Content of Ordinance:

The proposed supplemental regulations would provide the following requirements as it relates to the use of umbrellas within the Ocean Drive sidewalk café area:

- (1) All umbrella canopies shall be supported by no more than one center post or one cantilevered post.
- (2) All umbrella canopies shall provide a minimum clearance of seven (7) feet in height as measured from the sidewalk. The highest point of the umbrella canopy or frame shall not exceed nine (9) feet in height as measured from the sidewalk.
- (3) All umbrella canopies shall be installed parallel to the sidewalk. No canopy shall be allowed to tilt or be installed on a bias. All open canopies shall remain in a horizontal position, parallel to the sidewalk.
- (4) All umbrella posts or frames shall be installed perpendicular to the sidewalk. No post or frame may be allowed to tilt or be installed on a bias.
- (5) When the canopy is closed the umbrella shall be removed from the sidewalk café and stored inside the permittee's restaurant, cafe, or bar.
- (6) All umbrella canopies shall be round or octagonal.
- (7) The umbrella canopy shall bear a circumference of no greater than 36 square feet.
- (8) All umbrella bases shall be bolted down into the sidewalk, and the sidewalk cafe permittee shall obtain a right-of-way revocable permit pursuant to chapter 82, article III, division 2 of this Code. The pole or frame shall be removable from the base.
- (9) The minimum distance or spacing between umbrella canopies shall be two (2) feet.

(10) Each sidewalk café permit shall require a uniform color pattern for installed umbrellas subject to planning staff approval. The umbrella canopy may consist of no more than two colors. No umbrella canopies may contain fringes, scallops, or other ornamentation.

(11) The business name or logo may be placed on the umbrella, but may not exceed one foot in height.

(12) All umbrella canopies shall be fire-retardant, pressure-treated or manufactured of fire-resistant material.

(13) Rechargeable – battery operated lights facing the table may be installed on the post or frame, within inside of canopy.

Advertising would be prohibited. Also prohibited would be the clipping, zipping, or fastening of umbrellas together. No clear plastic or other material could be fastened to the umbrellas. Further, no awnings or canopies other than those umbrellas specifically authorized in this new ordinance may be installed on or over a sidewalk cafe.