



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

Transportation and Public Works Committee (TPWC) Meeting

May 10, 2018
9:30 A.M.
Commission Chambers

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Director, Policy and Legislation
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**Item No. 1G1
File No. 180540**

Researcher: SM Reviewer: TD

ORDINANCE RELATING TO THE FIXED-GUIDEWAY RAPID TRANSIT SYSTEM-DEVELOPMENT ZONE; CREATING SECTION 33C-10 AND AMENDING SECTIONS 33C-2, 33C-3, 33C-4, AND 33C-9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR EXPANSION OF THE RAPID TRANSIT ZONE AND CREATING THE BRICKELL STATION SUBZONE; PROVIDING USES, SITE PLAN REVIEW STANDARDS, AND PROCEDURES FOR APPROVAL OF SUCH SITE PLAN IN THE SUBZONE; REQUIRING SUPERMAJORITY VOTES BY THE BOARD IN CERTAIN CIRCUMSTANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the proposed ordinance creating Section 33C-10 of the County Code, related to the Fixed-Guideway Rapid Transit System-Development Zone and amending Sections 33C-2, 33C-3, 33C-4, and 33C-9 of the County Code, in effect creating the Brickell Station Subzone and providing for expansion of the Rapid Transit Zone.

APPLICABLE LEGISLATION/POLICY

Section 33C of the County Code establishes and governs the Rapid Transit System for the Metrorail Transit System.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH33CFIIDRATRSYEVZO

Section 33-314 of the County Code addresses direct applications and appeals to the County Commission, delineating which applications are within the jurisdiction of the County Commission.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH33ZO_ARTXXXVIZOPR_S33-314DIAPAPCOCO

PROCEDURAL HISTORY

Prime Sponsor: Chairman Esteban L. Bovo, District 13

Department/Requester: None

The proposed Ordinance was adopted on first reading and set for public hearing before the Transportation and Public Works Committee meeting on Thursday, May 10, 2018

FISCAL IMPACT

The Fiscal Impact Statement for this item has not yet been published and is therefore unknown at this time.

ANALYSIS

This item seeks to provide uniform regulation to the properties surrounding the Brickell Metrorail Station which the Ordinance includes within the Rapid Transit Zone (RTZ).

The Social Equity Statement states that the proposed ordinance expands the RTZ to include a block bound by SW 11th Street to the north SW 12 Street to the south, SW 2nd Avenue to the west, and SW 1st Avenue/Metrorail station to the east, within the City of Miami. The properties would be developed under the same regulations that govern the All Aboard Florida Brightline site at the Government Center. The proposed ordinance establishes the Brickell Sub-Zone and the regulatory framework for development within the Sub-Zone and aligns with Miami-Dade County's effort of intensifying land uses surrounding mass transit stations and corridors.

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The following are the proposed amendments to the County Code. The proposed changes are underlined.

The County Code as it Currently Reads	Proposed Changes to the County Code
<p>Sec. 33C-2. - Rapid Transit Zone.</p> <p>(B) <i>Designation of lands included.</i> The Board of County Commissioners hereby designates all land areas (including surface, subsurface, and appurtenant airspace) shown on Exhibits 1 through 16, bearing the following effective dates: Exhibit 1, July 31, 1998, Exhibits 2 through 9 and Exhibits 11 through 16, July 13, 1979, Exhibit 10, May 26, 1983, and Exhibit 17, February 13, 2014 as superseded by Ordinance No. 16-122, effective November 11, 2016, certified by the Clerk of the Board as a portion of this Chapter, incorporated hereby by reference, and transmitted to the custody of the Department of Regulatory and Economic Resources or its successor Department, as the Rapid Transit Zone for the Stage I Fixed-Guideway Rapid Transit System. The Director of the Department of Regulatory and Economic Resources or its successor Department shall submit to each affected municipality an official map or maps designating the Rapid Transit Zone which may from time to time be altered, enlarged, added to, amended or deleted by ordinance, after a public hearing within each municipality affected.</p> <p style="text-align: center;">* * *</p> <p>(D) <i>Uses.</i> No land, body of water, or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, structurally altered, or maintained for any purpose in the Rapid Transit Zone, except as provided in this article.</p> <p style="text-align: center;">* * *</p> <p>(2) <i>Other uses; procedures for approval of such uses within the Rapid Transit Zone.</i> The following additional uses shall be permitted in conformance with the requirements set forth herein:</p> <p style="text-align: center;">* * *</p> <p style="padding-left: 40px;">(e) <i>Process for City of Miami.</i></p> <p style="text-align: center;">* * *</p>	<p>Sec. 33C-2. - Rapid Transit Zone.</p> <p>(B) <i>Designation of lands included.</i> The Board of County Commissioners hereby designates all land areas (including surface, subsurface, and appurtenant airspace) shown on Exhibits 1 through 16, bearing the following effective dates: Exhibit 1, July 31, 1998, Exhibits 2 through 9 and Exhibits 11 through 16, July 13, 1979, Exhibit 10, May 26, 1983, Exhibit 17, February 13, 2014, <u>and Exhibit 18, [insert effective date]</u> certified by the Clerk of the Board as a portion of this chapter, incorporated hereby by reference, and transmitted to the custody of the Department of Regulatory and Economic Resources or its successor Department, as the Rapid Transit Zone for the Stage I Fixed-Guideway Rapid Transit System. The Director of the Department of Regulatory and Economic Resources or its successor Department shall submit to each affected municipality an official map or maps designating the Rapid Transit Zone which may from time to time be altered, enlarged, added to, amended or deleted by ordinance, after a public hearing within each municipality affected.</p> <p style="text-align: center;">* * *</p> <p>(D) <i>Uses.</i> No land, body of water, or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, structurally altered, or maintained for any purpose in the Rapid Transit Zone, except as provided in this article.</p> <p style="text-align: center;">* * *</p> <p>(2) <i>Other uses; procedures for approval of such uses within the Rapid Transit Zone.</i> The following additional uses shall be permitted in conformance with the requirements set forth herein:</p> <p style="text-align: center;">* * *</p> <p style="padding-left: 40px;">(e) <i>Process for City of Miami.</i></p> <p style="text-align: center;">* * *</p> <p>(3) <u>Brickell Station Subzone. Notwithstanding any other provision of this code to the contrary, whenever uses authorized by subparagraphs (D)(2)(a) and (D)(2)(b) above are proposed within the Brickell Station Subzone of the Rapid Transit Zone as designated in subsection 33C-10 herein, the</u></p>

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procedures and development standards adopted pursuant to subsection 33C-10 shall control.

Sec. 33C-3. - Rapid Transit Developmental Impact Committee.

(a) There is hereby established a Rapid Transit Developmental Impact Committee Executive Council composed of the County's Developmental Impact Committee Executive Council (established by Section 33-303.1, Miami-Dade County Code) and two (2) representatives from each of the following municipalities: City of South Miami, City of Coral Gables, City of Miami, and the City of Hialeah. It is provided, however, that for developments located within the Downtown Intermodal District Corridor Subzone established by subsection 33C-9, however, the Rapid Transit Developmental Impact Committee shall be composed of the County's Developmental Impact Committee Executive Council and three (3) representatives from the City of Miami. In addition, there shall be an RTDIC Staff Council composed of members of the County Departments identified in Section 33-303.1(A) of this Code and three (3) representatives from the City of Miami. The Rapid Transit Developmental Impact Committee shall, subject to the procedures specified in 33-303.1, Miami-Dade County Code, perform the duties specified in Section 33C-2 and Section 33C-4 of this chapter.

(b) Except for the Downtown Intermodal District Corridor Subzone established by subsection 33C-9 herein, mailed notice of hearings before the Rapid Transit Development Impact Committee pursuant to Section 33C-2(D)(2)(d) shall be provided in the same manner as hearings on applications filed before the Community Zoning Appeals Board pursuant to Section 33-310(d)(3) for the special exceptions expressly enumerated in that subsection. Mailed notice of the hearing shall also be provided simultaneously to the municipality in which the application site is located. Applications shall

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(b) Except for the Downtown Intermodal District Corridor Subzone established by subsection 33C-9 and the Brickell Station Subzone established by section 33C-10 herein, mailed notice of hearings before the Rapid Transit Development Impact Committee pursuant to Section 33C-2(D)(2)(d) shall be provided in the same manner as hearings on applications filed before the Community Zoning Appeals Board pursuant to Section 33-310(d)(3) for the special exceptions expressly enumerated in that subsection. Mailed notice of the hearing shall also be provided simultaneously to the municipality in which the application site is

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<p>comply with the procedural requirements of Section 33-304.</p> <p>(c) Notwithstanding any other provision of this code to the contrary, for the Downtown Intermodal District Corridor Subzone established by subsection 33C-9 herein, notice of meetings before the Rapid Transit Developmental Impact Committee shall comply with the procedures set forth in 33C-9.</p>	<p>located. Applications shall comply with the procedural requirements of Section 33-304.</p> <p>(c) Notwithstanding any other provision of this code to the contrary, for the Downtown Intermodal District Corridor Subzone established by section 33C-9 and the <u>Brickell Station Subzone established by section 33C-10</u> herein, notice of meetings before the Rapid Transit Developmental Impact Committee shall comply with the procedures set forth in <u>those respective sections</u>.</p>
<p>Sec. 33C-4. - Rapid Transit Development Impact Zone.</p> <p align="center">* * *</p> <p>(b) Except for the Downtown Intermodal District Corridor Subzone established by subsection 33C-9 herein, and notwithstanding anything to the contrary herein, mailed notice of hearings before the Rapid Transit Development Impact Committee pursuant to Section 33-2(D)(2)(e)(1) shall be provided in the same manner as hearings on applications filed before the Community Zoning Appeals Board pursuant to Section 33-310(d)(3) for the special exceptions expressly enumerated in that subsection. Mailed notice of hearings shall also be provided simultaneously to the municipality in which the application site is located. Applications shall comply with the procedural requirements of Section 33-304.</p>	<p>Sec. 33C-4. - Rapid Transit Development Impact Zone.</p> <p align="center">* * *</p> <p>(b) Except for the Downtown Intermodal District Corridor Subzone established by section 33C-9 <u>and the Brickell Station Subzone established by section 33C-10</u> herein, and notwithstanding anything to the contrary herein, mailed notice of hearings before the Rapid Transit Development Impact Committee pursuant to Section 33-2(D)(2)(e)(1) shall be provided in the same manner as hearings on applications filed before the Community Zoning Appeals Board pursuant to Section 33-310(d)(3) for the special exceptions expressly enumerated in that subsection. Mailed notice of hearings shall also be provided simultaneously to the municipality in which the application site is located. Applications shall comply with the procedural requirements of Section 33-304.</p>
	<p>Sec. 33C-10. Brickell Station Sub-Zone.</p> <p><u>(A) Purpose and Intent. The following development review standards and criteria shall govern applications for Initial Plan Approval of the general site development plan and applications for Final Site Plan Review for all development to be located within the boundaries of the Brickell Station Sub-Zone established in this section. The standards set forth herein further the unique land use characteristics of this area, which lies within the City of Miami Urban Core, as defined in section 33-84, and within the Downtown Regional Urban Center, as designated on the Land Use Plan Map of the County's Comprehensive Development Master Plan, and are consistent with, and support the City's commitment to, principles of urban planning, including responding to the existing conditions of the City, its downtown corridor, and its natural features, infrastructure, and buildings, improved mobility, enhanced pedestrian environment, and the reduction of urban sprawl. Development in this</u></p>

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sub-zone also addresses government service and infrastructure needs of this quickly growing area, and therefore projects within this sub-zone are encouraged to incorporate public service, public infrastructure, or public benefit components, including, but not limited to, a police or fire station, regional sewer pump station, and affordable housing.

(B) *Boundaries.* The Brickell Station Sub-zone of the Rapid Transit Zone is hereby established; the boundaries of the Sub-zone are identified in Exhibit 18 of section 33C-2(B). The legal description and a full-scale map of the boundaries are on file with the Miami-Dade County Department of Regulatory and Economic Resources or its successor Department (the "Department").

(C) *Permitted Uses:* The following uses shall be permitted in the Brickell Station Sub-zone, either alone or as mixed uses in horizontal or vertical integration. "Vertical integration" means any combination of primary uses (such as passenger transit systems or businesses) located on the ground floor, and residential and accommodation uses such as hotels on the upper floors. "Horizontal integration" means any combination of parcels or buildings and structures with different primary uses within the same development.

- (1) hotels;
- (2) commercial/retail;
- (3) offices;
- (4) residential;
- (5) bars and restaurants;
- (6) rental car facilities;
- (7) parking lots and parking structures, including commercial parking lots and garages that charge fees for parking;
- (8) governmental;
- (9) convention halls and showrooms;
- (10) institutional;
- (11) health care facilities, except hospitals;
- (12) public parks and open spaces; and
- (13) other similar uses, as approved by the Director of the Department.

(D) *Pre-application conference.* The applicant shall participate in at least one pre-application conference with the Rapid Transit Development Impact Committee (RTDIC) prior to filing the application. The applicant shall provide a general outline of the proposal through schematics and sketch plans including narrative information sufficient for the understanding of the proposed development.

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(E) Initial Review.

(1) Application. Following the pre-application conference, a request for approval of a general site development plan for development within the Brickell Station Sub-zone, shall be made by filing an application with the RTDIC in accordance with the provisions of section 33-304. Said application shall be considered a special exception for approval of a general site development plan to be considered and acted upon directly by the Board of County Commissioners pursuant to the development regulations established in this section. Applications shall comply with the procedural requirements of section 33-304 of this code.

(2) RTDIC recommendation. Within 60 days after the filing of the application, the RTDIC Staff Council shall review the application, and the RTDIC shall issue a recommendation upon such application. The recommendation shall reflect the consensus of the members present. In the event that the City representatives present do not concur with a recommendation for approval, the recommendation shall be for denial. The recommendation shall be transmitted to the Board of County Commissioners for final action. In the event of a recommendation of denial by the RTDIC, approval of the application shall require the affirmative vote of 9 members of the Board of County Commissioners.

(3) Phased development. Projects within the sub-zone may be constructed in phases, and the construction of public buildings and infrastructure to serve future development may accordingly need to be completed in phases. Where a phased development is requested, the Board of County Commissioners, in approving a phased site plan, shall specify building footprints, heights, density, intensity, and gross square footage of buildings as future development parameters. The RTDIC may review and approve specific land uses and design details of said future development in subsequent phases pursuant to the Final Review criteria enumerated herein, provided that the development parameters approved by the Board of County Commissioners in the phased site plan are not exceeded and that the development regulations set forth herein are met.

(4) Required exhibits for Initial Development. The

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following exhibits shall be submitted with the application for a general site development plan:

- (a) A narrative describing the project's scope, including but not limited to: vision statement, the project's consistency with the intent and purpose of these regulations, size of project and location, and prominent components of the development; phasing of the development if necessary; scale; relevance to the region; its connection to the surrounding urban context; economic impact on the local economy; design concept(s); significance of the project as a gateway to the community; and any additional information necessary to explain the development.
- (b) Schematic site plan(s), at a scale of not less than 1 inch equals 100 feet, indicating: prominent structural components of the development; permitted land uses; existing and proposed streets; major points of egress/ingress of the development; public open space locations and area in square feet; floor area ratio; pedestrian circulation; residential density; and square feet of retail, office, institutional, governmental, and other proposed land uses, not to exceed the development thresholds contained in the administrative site plan development parameters included herein.
- (c) Information on adjoining and adjacent uses, on a plan at a scale no less than 1 inch equals 100 feet, to indicate the relationship(s) between the proposed development and adjacent areas including, but not limited to: existing land uses and their intensities; densities, vehicular and pedestrian circulation systems, blocks and lots, and unique geographical features.
- (d) Perspectives, isometrics, elevations and other drawings illustrating proposed development.
- (e) Any additional information specified by the RTDIC at the pre-application conference to evaluate the character and impact of the proposed development.

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(F) Final Review.

(1) Final Review for development of the Brickell Subzone. Following approval of the special exception, final review for all or a portion of the development, including phased development, shall be made and approved administratively by the RTDIC in accordance with the plans and documents approved by the Board of County Commissioners. The RTDIC review shall be guided by development standards established in this section. Applications to modify a site plan approved pursuant to this section, including applications to approve a subsequent phase of a previously-approved phased site plan, shall be considered and acted upon administratively by the RTDIC without the necessity of public hearing.

(2) In the event that the City representatives present do not concur with approval of the application, the decision of the RTDIC shall be for denial. The affirmative vote of 9 members of the Board of County Commissioners shall be required to reverse a decision of denial by the RTDIC.

(3) Notice.

(a) Mailed notices of the RTDIC Executive Council meeting shall be accomplished by placing in the United States mail a written notice to all property owners of record, as reflected on the Miami-Dade County Property Appraiser's tax roll as updated, within 500 feet of the subject property. Such mailed notices shall contain general information, including, but not limited to, the date, time and place of the meeting, the property's location (and street address, if available), and nature of the application shall be sent no sooner than 30 days and no later than 20 days prior to the meeting.

(b) The property shall be posted no later than 20 days prior to the meeting in a manner conspicuous to the public, by a sign or signs containing information including, but not limited to, the applied for zoning action, application number, and the time and place of the public meeting. The property owner shall be responsible for ensuring that the sign is maintained on the site until completion of the public meeting and for removal of the sign within

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two weeks following completion of the public meeting.

(c) In addition, notice shall be published in a newspaper of general circulation in Miami-Dade County, as follows: a full legal notice, to be published no later than 20 days and no earlier than 30 days prior to the meeting, to contain the date, time and place of the meeting, the property's location and street address, if available.

(3) Required Exhibits. The following exhibits must be included with an application. It is provided, however, that the Director of the Department shall have the authority to waive any of the items because of the nature or timing of the development or because the information cannot be furnished at the time of this review. The application shall be deemed complete if all items in this subsection are included in the application.

(a) Master plan, at a scale of not less than 1 inch equals 100 feet, which shall include the following information:

(i) Lot lines and setbacks.

(ii) Proposed floor area of all permitted uses.

(iii) Height, size, shape, and location of existing and proposed buildings.

(iv) Location of off-street parking and layouts showing number of parking spaces required and provided.

(v) Proposed grades if significantly altered.

(vi) Signage, street and lot lighting, and street and lot furniture.

(vii) Total number of dwelling units and hotel rooms, if applicable.

(viii) Location and amount of open space required and provided.

(ix) Phase lines, if applicable.

(x) Figures indicating gross and net acreage, and areas to be dedicated for public rights-of-way.

(xi) Vehicular and pedestrian circulation system, including blocks, streets, major points of access into and out of the development, pedestrian crosswalks, medians, and on-street parking.

(xii) Location of pedestrian access points, including connections to existing

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or proposed bridges, roadways, or sidewalk areas.

(xiii) Location of loading facilities, waste collection areas, and other service areas.

(b) Floor plans and elevations of all structures, including gross square footage of each floor.

(c) Sections of major structures.

(d) Isometrics or perspectives of the proposed development.

(e) Landscape plan(s) in accordance with Chapter 18(A), except as modified herein.

(f) Such other design data as may be specified to satisfy a condition of approval of the Initial _____ Review.

(G) Administrative Site plan development parameters. The following development regulations shall apply to all development within the sub-zone.

(1) Parking: The table below indicates minimum parking for each type of use.

<u>Use</u>	
<u>Commercial/Retail, Restaurants, Bars, Convention Halls and Showrooms</u>	
<u>Office, Government, Institutional, Health Care Facilities</u>	
<u>Residential</u>	
<u>Hotels</u>	
<u>Transit systems including Maintenance Facilities</u>	
<u>Other Uses</u>	

(a) To minimize adverse visual effects of the structure(s), multi-story parking garages facing public and private streets, rights-of-way, and/or public open space shall use screening methods, including, without limitation: liner buildings; glazing; building wall extensions; vertical planted walls; berms; landscaping; architectural fenestration; sculpture; design features; and/or other innovative screening methods.

(b) Surface parking lots fronting streets shall be located a minimum of 10 feet from the right-of-way and screened at the 10-foot line with a wall having a maximum height of 3'6". The setback shall incorporate a combination of hard-scape

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and landscape elements finished to match the existing sidewalk.

- (c) Mechanized parking shall be allowed and, when provided, shall be exempt from the provisions of Section 33-122. For the purpose of this sub-zone, mechanized parking shall be defined as a mechanism with vertical and horizontal transport capability that provides for automobile storage and retrieval. A mechanized parking space shall be counted toward the parking requirements of this Section. Mechanized parking may not be provided unless a queuing analysis is submitted and approved during the Administrative Site Plan Review process.
- (d) Required off-street parking for uses located within this Sub-zone may be located within one mile of the boundaries of the sub-zone. An applicant for approval of development with off-site parking shall execute and record in the public records of this County a declaration of restrictions, approved by the Director of the Department, covenanting that such development shall cease and terminate upon the elimination of such parking area, and that no development requiring such parking shall be made of such property until the required parking area is available and provided.

(2) Setbacks, cubic content, and lot size:

- (a) Due to the unique characteristics associated with the high-density or high-intensity, mixed-use developments contemplated for this sub-zone, there shall be no minimum setback from streets at grade and above the eighth floor, interior/rear property lines, and park rights-of-way.
- (b) There shall be no maximum or minimum limitation on the size of a floor plate.
- (c) The minimum lot size required to develop pursuant to these regulations is 32,000 square feet.

(3) Encroachments:

- (a) Buildings and structures above the ground floor may be built above colonnades and/or encroach into street setbacks but shall not extend into the public or private right-of-way unless permitted by State law and approved by the Miami-Dade County Department of

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Transportation and Public Works or successor agency (“DTPW”) or by other agency with authority over the right-of-way. It is provided, however, that, to the extent permitted by State law and subject to the approval of DTPW or other agency with authority over the right-of-way, and for the transportation purpose of providing a connecting pedestrian or vehicular corridor, the street may be covered above the first floor with publicly-accessible structures connecting buildings, including: platforms fitted with trains and passenger waiting areas; roofs; upper story terraces, pedestrian bridges, and automobile bridges between parking garages. Adequate clearance for structures above streets shall be maintained.

(b) Cantilevered balconies, awnings, weather protection elements and similar features with adequate vertical clearance may encroach into street rights-of-way but shall not extend closer than six (6) inches from the curb face.

(4) Floor Area Ratio and lot coverage: The floor area ratio, lot coverage, and maximum square footage of buildings to be developed within the sub-zone shall not be limited.

(5) Building Height: The maximum building height shall be the maximum allowed by the Federal Aviation Administration.

(6) Open Space: The minimum open space requirement shall be 15 percent of the gross development area. Open space shall include parks, plazas, balconies, terraces, courtyards, arcades/colonnades, pedestrian paths, rooftop green spaces above buildings and parking garages, and transit platform areas improved for pedestrian comfort.

(7) Signs: Signs visible from public rights-of-way or public areas shall comply with section 33-284.87 of this Code, except that Class C signs may be permitted in accordance with section 33-107 of this Code. The signage plan submitted with the application for final site plan review shall contain criteria, locations and sizes of signs.

(8) Density: Residential density shall not exceed 500 units per gross acre.

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(9) Architectural Expression: Building facades facing public and private street rights-of-way or public open space or both shall be a minimum 40 percent glazed. Glazing is not required for building facades that face the Metrorail or Metromover rights-of-way or for above-grade parking garage structures that face public and private street rights-of-way or public open space; however, parking garages shall conform to the parking standards included herein. Blank walls facing public and private street rights-of-way and public open space shall be prohibited unless furnished with some type of artistic expression, such as sculpture, mosaic and similar features.

(10) Landscaping: Landscaping shall conform to the standards set forth in section 18A-6, Code of Miami-Dade County, as applicable to non-residential development, with the following exceptions:

- (a) A minimum of 30 trees per net acre of open space shall be provided. Trees may be placed in the lot, or in greens, squares, plazas and street medians within or in close proximity to this sub-zone. Lot trees shall have a minimum 2-inch diameter at breast height.
- (b) Street trees shall be planted at a maximum of 30 feet average on center, with a minimum 3-inch diameter at breast height. Street trees shall be placed inside landscaped strips, tree planters, and in medians in the right-of-way or on private property where demonstrated to be necessary due to right-of-way obstructions, as determined by the Department of Transportation and Public Works or its successor Department or other agency with jurisdiction.

(11) Service areas and mechanical equipment: Service areas and fixtures shall be screened and located so as not to be visible from public and private rights-of-way or public open space. Mechanical equipment installed on roofs shall be screened from view by parapets or other architectural elements. Fixtures, including but not limited to backflow preventers, pumps, underground ventilation exhausts, and electrical vaults, shall be located within or to the side or rear of buildings; such fixtures shall not be located within the street

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setback area. Backflow preventers shall be shielded from view, as required by section 32-157(d).

(12) Alcoholic Beverages: The restrictions on premises used for the sale of alcoholic beverages set forth in chapter 33, article X of this code regarding hours and days of sale, distance from other premises used for the sale of alcoholic beverages, and distance from schools or religious facilities shall not apply in this sub-zone.

(H) Plan Review Standards. The purpose of the plan review standards is to encourage the creation of development within the Brickell Subzone that is consistent with the intent and purposes of these regulations, acts as a significant gateway for and destination to the Brickell area, and facilitates its future growth by designing and arranging buildings, public open space, transit, and street circulation in a manner that fosters around-the-clock pedestrian activity, serves the local and regional transit demands of the community, contributes to the urban revitalization of the City of Miami, and encourages public service, infrastructure, or public benefit components to address the needs of a growing population.

(1) A mix of uses in the design of development projects is encouraged to the maximum extent possible. Mixed-use buildings, including, without limitation, residential, commercial, office, hotel, and restaurants, are highly encouraged in combination with transit and other governmental facilities.

(2) Developments shall provide direct pedestrian and vehicular connections to the adjacent block and street network. Pedestrian crosswalks providing safe passage from adjoining streets and blocks into the development project of the sub-zone shall be installed at street corners and, if practicable, midblock locations. Crosswalks shall be distinguished from other street elements by the use of conspicuous materials, texture and color.

(3) Public open space in the form of plazas, squares, greens, and landscaped areas shall be incorporated in the design of all development projects at grade or on above-grade surfaces. The public open spaces should have a scale that is compatible and complementary with the intensity of proposed development, and their design should relate to the development's

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concept. Landscaping, furniture, art, paved pedestrian paths, and lighting, among other features, should be used to enhance the open spaces pedestrian experience.

- (4) Consideration should be given to providing landscaping in a manner that reduces the heat island effect of the development on the urban environment.
- (5) All new development shall strive to meet certification standards from Florida Green Building Coalition or a similar organization.
- (6) Developments shall be designed with a coordinated outdoor lighting and signage system that is an integral part of the project and compatible and harmonious with existing and proposed development in the sub-zone and with surrounding uses. Signage should clearly indicate locations of, and guide pedestrians and vehicles to, proposed parking areas, transit facilities, permitted uses, and surrounding activities and uses.
- (7) Proposed building scale should be in harmony with building scales allowed by applicable City of Miami regulations for surrounding properties. Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have abundant fenestration, windows and doors and design elements that create interest for the pedestrian.
- (8) Proposed development in the sub-zone shall provide connections via bridges, paths, sidewalks, or a combination of such features to adjacent or nearby Metrorail and Metromover systems.

(I) Platting. Separate parcels located within the sub-zone and made subject to a unity of title or covenant in lieu of unity of title shall not be deemed a subdivision and shall be exempt from the platting requirements of chapter 28.

(J) Conflicts. The development review procedures, standards, and criteria set forth in this section 33C-10 shall govern in the event of conflicts with other zoning, subdivision, or landscape regulations of the Miami-Dade County Code or with the Miami-Dade County Public Works Manual.

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(K) Amendments. At least six weeks prior to the scheduled public hearing of any amendments to this section 33C-10, the County shall mail or e-mail a copy of the proposed ordinance to the City Clerk and the City Attorney of the City of Miami. The communication to the City shall include the date of the scheduled public hearing.

Sec. 33-314. Direct applications and appeals to the County Commission.

* * *

(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

* * *

(9) Upon application for, hear and decide appeals of decisions of the Rapid Transit Developmental Impact Committee pertaining to site plan approvals and related zoning actions issued pursuant to Section 33C-2(D)(2)(d) and (2)(e) or Section 33C-9 of the Code of Miami-Dade County.

Sec. 33-314. Direct applications and appeals to the County Commission.

* * *

(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

* * *

(10)* Upon application for, hear and decide appeals of decisions of the Rapid Transit Developmental Impact Committee pertaining to site plan approvals and related zoning actions issued pursuant to section 33C-2(D)(2)(d) and (2)(e) section 33C-9, or section 33C-10.

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Item No. 2A

File No. 180589

Researcher: MF Reviewer: TD

ORDINANCE RELATING TO VEHICLES FOR-HIRE, AMENDING CHAPTER 31, ARTICLE III OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REGULATING PASSENGER MOTOR CARRIERS; AMENDING VEHICLE STANDARDS; AMENDING VEHICLE AGE REQUIREMENTS FOR PASSENGER MOTOR CARRIER VEHICLES PROVIDING JITNEY SERVICE AND TRANSIT VEHICLES ON A FIXED ROUTE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Chapter 31, Article III of the Code of Miami-Dade County to modify vehicle standards, and vehicle age requirements for passenger motor carrier vehicles providing Jitney service and transit vehicles on a fixed route.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Chapter 31, Article III, Section 31-105, governs the chauffeur's registration for passenger motor carriers.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch31_artiii_sec31-105

Miami-Dade County Code, Chapter 31, Article III, Section 31-107, provides the vehicle age limits and inspection schedules for passenger motor carriers.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch31_artiii_sec31-107

Ordinance No. 17-30, adopted by the Board on June 6, 2017, relates to vehicles for hire; amends Chapter 31, Article III of the Code of Miami-Dade County regulating passenger motor carriers.

<http://intra/gia/matter.asp?matter=172943&file=false&yearFolder=Y2017>

PROCEDURAL HISTORY

Prime Sponsor: Bruno A. Barreiro, District 5

The proposed ordinance was adopted by the Board on first reading on March 20, 2018, and set for public hearing before the Transportation and Public Works (TPW) Committee meeting on Thursday, April 19, 2018.

At the TPW Committee meeting, Commissioner Sosa expressed her concerns regarding this item, which was recommending extending the life of Jitney vehicles, and removing the requirement for drivers of these vehicles to take examinations aimed at ensuring that the drivers were able to read and write English, and had a sufficient knowledge of Miami-Dade County's geography.

Ms. Alice Bravo, Director, Transportation and Public Works Department (TPWD), confirmed that the proposed ordinance was recommending removing the oral and written exam requirement. However, she clarified, all of the other drivers (school buses, trolleys) were required to take this examination.

Commissioner Sosa said this was the reason she could not support the proposed ordinance. She stressed the importance of ensuring that drivers could speak and read English, and had a good understanding of Miami-Dade's geography.

Commissioner Heyman said she agreed with Commissioner Sosa's concerns regarding the removal of courses and examinations for drivers of Jitney vehicles otherwise required for all other chauffeurs. She noted the motor carriers and coaches in her district worked very well; however, the Jitneys made frequent stops, yet their back lights did not work. Commissioner Heyman stated that she objected to combining motor carriers and Jitneys in the same legislation; and she suggested that the item be deferred in order to be revised to target specifically motor carriers.

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Discussion ensued among the commissioners and the Assistant County Attorneys regarding whether the item should be withdrawn, deferred or laid on the table.

Commissioner Heyman suggested that the item be deferred in order to be amended to target specifically motor carriers.

The proposed ordinance was deferred to the next Committee meeting.

FISCAL IMPACT

According to the Fiscal Impact Statement, the implementation of the proposed ordinance will not have a fiscal impact for Miami-Dade County as it will not result in additional staffing needs or future operational costs.

ANALYSIS

The proposed ordinance seeks to amend Chapter 31, Article III of the Code of Miami-Dade County to modify vehicle standards, and vehicle age requirements for passenger motor carrier vehicles providing Jitney service and transit vehicles on a fixed route, as follows:

Section 31-105 – Any person wishing to drive a passenger motor carrier vehicle over any street in Miami-Dade County must first obtain a chauffeur’s registration from the Department of Transportation and Public Works. A chauffeur registered pursuant to Chapter 31, Article III of the Code, providing jitney service, shall not be required to take specified courses or oral or written examinations otherwise required by Chapter 31, Article V of the Code.

Section 31-107 (b) – Passenger motor carrier vehicles providing jitney service or fixed route service shall meet the following vehicle age requirements: any vehicle initially placed into service shall be no greater than 15 model years of age. Any vehicle over 15 model years of age shall not operate as a passenger motor carrier vehicle for jitney service or as a passenger motor carrier for fixed route service.

According to the Social Equity Statement, the amendment to Section 31-105, which exempts registered chauffeurs who provide Jitney service from taking courses and examinations otherwise require for passenger motor carrier chauffeurs, will enable chauffeurs of Jitney and fixed-route service vehicles to acquire the chauffeur’s registration more quickly. However, it will deprive these drivers from the material that is imparted during the training course, including customer service, personal safety/defensive driving and County Code rules and regulations.

The Social Equity Statement further states that the amendment to Section 31-107 (b), which deletes a prohibition against passenger motor carrier vehicles that have rebuilt or salvage titles, and increases the vehicle age requirement to 15 model years, will benefit operators by allowing them to obtain more affordable vehicles. The passenger motor carrier vehicle age limit was originally 15 model years and was reduced to 10 years by Ordinance No. 17-30. Every for-hire vehicle is required to pass an annual vehicle safety standard inspection for continued operation. Approval of these amendments, may cause an increase in complaints regarding the maintenance, upkeep or aesthetics of such vehicles by tourists and /or local patrons, which may indirectly negatively impact the hospitality industry.

Chapter 31

VEHICLES FOR HIRE

Article III. PASSENGER MOTOR CARRIERS

Sec. 31-105 – Chauffeur’s Registration	Sec. 31-105 – Chauffeur’s Registration
It shall be unlawful for any person to drive a passenger motor carrier vehicle over any street in Miami-Dade County without first having obtained a chauffeur’s	It shall be unlawful for any person to drive a passenger motor carrier vehicle over any street in Miami-Dade County without first having obtained a chauffeur’s registration from the [[CSD]] >>DTPW<< pursuant to

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<p>registration from the CSD pursuant to Chapter 31, Article V of the Code.</p>	<p>Chapter 31, Article V of the Code. >>Notwithstanding any provision to the contrary, a chauffeur registered pursuant to this article providing jitney service shall not be required to take specified courses or oral or written examinations otherwise required by Chapter 31, Article V of the Code.<<</p>
<p>Sec. 31-107 – Vehicle Standards</p>	<p>Sec. 31-107 – Vehicle Standards</p>
<p>***</p> <p>(b) Vehicle age limits and inspection schedules. Vehicle age limits and frequency of for-hire vehicle inspections are as stated in this subsection; provided, however, that the DTPW may inspect a for-hire vehicle at any time. All motor vehicles currently in service as of the effective date of this ordinance shall be permitted to remain in service until the motor vehicle reaches its fifteenth model year. Said motor vehicles must continue to pass inspection and meet all applicable vehicle standards. Any vehicle initially placed into service following the effective date of this ordinance shall be no greater than 10 model years of age. No passenger motor carrier vehicle shall have a “rebuilt” or “salvage” title and shall be no greater than 10 model years of age. Any vehicle over 10 model years of age shall not be operated as a passenger motor carrier vehicle. Passenger motor carrier vehicles shall be inspected annually.</p> <p>***</p>	<p>***</p> <p>(b) Vehicle age limits and inspection schedules. Vehicle age limits and frequency of for-hire vehicle inspections are as stated in this subsection; provided, however, that the DTPW may inspect a for-hire vehicle at any time. All motor vehicles currently in service as of the effective date of this ordinance shall be permitted to remain in service until the motor vehicle reaches its fifteenth model year. Said motor vehicles must continue to pass inspection and meet all applicable vehicle standards. Any vehicle initially placed into service following the effective date of this ordinance shall be no greater than 10 model years of age. [[No passenger motor carrier vehicle shall have a “rebuilt” or “salvage” title and shall be no greater than 10 model years of age.]] Any vehicle over 10 model years of age shall not be operated as a passenger motor carrier vehicle. >>Notwithstanding the foregoing, passenger motor carrier vehicles providing jitney service or fixed route service shall meet the following vehicle age requirements: any vehicle initially placed into service shall be no greater than 15 model years of age. Any vehicle over 15 model years of age shall not operate as a passenger motor carrier vehicle for jitney service or as a passenger motor carrier for fixed route service.<< Passenger motor carrier vehicles shall be inspected annually.</p> <p>***</p>

Words [[double bracketed]] shall be deleted. **Words in bold** and >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

ADDITIONAL INFORMATION

A Jitney is a bus or other vehicle carrying passengers for a low fare. For more information on riding a Jitney in Miami-Dade County, read the article posted on March 16, 2017, entitled “Watch and learn: How to ride Miami’s jitney”.

<https://thenewtropic.com/jitney/>

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Item No. 2B
File No. 180922

Researcher: SM Reviewer: TD

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF MIAMI IN CONNECTION WITH THE PROPOSED EXPANSION OF THE RAPID TRANSIT ZONE TO INCLUDE PRIVATE PROPERTY ADJACENT TO THE BRICKELL METRORAIL STATION; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT IN SUBSTANTIALLY THE FORM ATTACHED AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve an Interlocal Agreement between Miami-Dade County (County) and the City of Miami (City) in connection with the proposed expansion of the Rapid Transit Zone (RTZ) to include private property adjacent to the Brickell Metrorail Station.

APPLICABLE LEGISLATION/POLICY

Section 1.01(A) (17) of the Home Rule Charter of Miami-Dade County authorizes the County to enter into a contract with other governmental units for the performance by one unit of government on behalf of the other.

<https://www.miamidade.gov/charter/library/charter.pdf>

Section 33C of the County Code establishes and governs the Rapid Transit System for the Metrorail Transit System.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33CFIIDRATRATRSYEVZO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33CFIIDRATRATRSYEVZO)

Section 33-314 of the County Code addresses direct applications and appeals to the County Commission, delineating which applications are within the jurisdiction of the County Commission.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXVIZOPR_S33-314DIAPAPCOCO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXVIZOPR_S33-314DIAPAPCOCO)

PROCEDURAL HISTORY

Prime Sponsor: Chairman Esteban L. Bovo, District 13

Department/Requester: None

FISCAL IMPACT

The Interlocal Agreement for development of property surrounding Brickell Metrorail Station (The agreement) states that the County and City agree to allocate the payment of development and permitting fees as follows:

- The County will collect from the City of Miami and Southside Place, LLC, its parents, affiliates, and successors (Owners) all fees related to regulatory reviews and approvals and construction permits.
- The City will collect from the Owner, all impact fees payable, and any fees for developments of regional impact fees, if any, associated with the development and operation of a City of Miami Fire Station, public-private parking garage, and mixed-use center(The Project).
- Additional impact fees, if any, associated with the Project shall be collected from the Owner by the City and the County in accordance with their respective impact fee ordinance.

ANALYSIS

This Resolution will approve an agreement between Miami-Dade County and the City of Miami-Dade as it relates to the proposed expansion of the RTZ to include private property adjacent to the Brickell Metrorail Station. Furthermore, the City wishes to transfer to the County all zoning and permitting authority for the development of this property.

Chapter 33C of the Code of Miami-Dade County establishes the RTZ and grants exclusive jurisdiction to the County for purposes of building and zoning approvals, water and sewer installations, environmental compliance, street maintenance, and

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utility regulation for all property located within the RTZ. It also provides for municipal participation in the design, review, zoning, and development process through the Rapid Transit Development Impact Committee, which includes representation from the municipality in which the Project is located. Under the RTZ, the properties would be developed under the same regulations that govern the All Aboard Florida Brightline site at Government Center.

There has been a coordinated review and analysis of mass transit facilities which shows it is necessary to carry on a central metropolitan government in Miami-Dade County and that coordinated review and analysis of the mass transit system is most effectively carried on under a uniform plan of regulation applicable to the County.

The agreement further states that the Project is of Countywide and regional importance and will bring substantial public health and safety benefits to the residents of the City, economic and quality-of-life benefits to the residents of the County and the City by increasing mobility to and from and throughout the City and the County, and reducing area traffic congestion and pollution as well as providing improved public safety for this area of the City.

The term of this agreement will remain in effect for 30 years, and thereafter automatically renew for successive 10 year terms unless terminated by mutual agreement of the County and the City, as approved by majority vote of their respective governing bodies.

The County will exercise its jurisdiction over the Project in a manner that addresses the transportation needs of counties and urban centers throughout the State of Florida and that is consistent with, and supports the City's commitment to, principles of urban planning, including responding to the existing conditions of the City, its downtown corridor, and its natural features, infrastructure, and buildings.

The City agrees and reconfirms that its previous acknowledgment of the RTZ and the requirement that development within the RTZ conform with applicable provisions of Chapter 33C, as amended, remains in full force and effect.

The City-owned Southside Park is located within the boundaries of the Subzone, and County and City agree that Southside Park shall remain as a park in perpetuity.

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**Item No. 3A
File No. 181032**

Researcher: BM Reviewer: TD

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$2,756,000.00 FOR PREQUALIFICATION POOL NO. 1046-1/21-1 FOR PURCHASE OF REFRIGERANT GASES FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS

ISSUE/REQUESTED ACTION

Whether the Board should approve a resolution additional expenditure authority for Prequalification Pool No. 1046-1/21-1, Refrigerant Gases, for Department of Transportation and Public Works in the amount of \$2,756,000 for the for purchase of refrigerant gases for air conditioning units on the Metrorail and Metromover cars and Metrobuses.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code, Contracts and purchases generally, relates to the bid requirement for certain purchases. Per the County Code, the Board of County Commissioners, upon written recommendation of the Mayor or Mayor's designee, may, by resolution adopted by two-thirds vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County.

Below is a link relating to Section 2-8.1 of the County Code:

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Implementing Order 3-38, Master Procurement Implementing Order, establishes the roles and responsibilities of the Internal Services Department (ISD), methods of purchasing goods and services, and the authority to award contracts. Additional policies and procedures relating to the County's procurement processes are detailed in the ISD Procurement Guidelines, other A.O.s and the County Code.

Below is a link relating to Implementing Order 3-38:

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

Resolution No. R-187-12, adopted by the Board on February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

Below is a link to Resolution No. R-187-12:

<http://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

Resolution No. R-279-12, adopted by the Board on April 3, 2012, established the prequalification pool for the purchase of refrigerant gases for various County departments.

<http://intra/gia/legistarfiles/MinMatters/Y2012/120290min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item has no procedural history.

FISCAL IMPACT

The \$2,756,000 additional expenditure allocation request is based on estimated usage by the Department of Transportation and Public Works. If the proposed resolution is approved by the Board, the cumulative contract value for prequalification pool will be \$7,247,000 and will expire on May 31, 2022. The additional expenditure requested is solely allocated to the Department of Transportation and Public Works.

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Per information found in the Bid Tracking System on May 9, 2018, \$2,245,200 has been allocated to the current contract's Blanket Purchase Order, of which \$847,247 has been released leaving a balance of \$1,397,953. As it relates to Department of Transportation and Public Works, \$1,276,200 has been allocated to the current contract's Blanket Purchase Order, of which \$684,993 has been released leaving a balance of only \$591,207.

ANALYSIS

Prequalification Pool No. 1046-1/21-1, Refrigerant Gases, for various County departments was approved by the Board on April 3, 2012, pursuant to Resolution No. R-279-12 for a five-year term, with one, five-year option to renew term. The pool currently expires on May 31, 2022. The pool is in its first option to renew which is valued at \$2,245,200.

Refrigerant gases are fluids used in the cooling process for refrigerators, walk-in coolers, freezers, ice machines, air conditioners, central air conditioning systems, dehumidifiers, and automotive air conditioners. The Department of Transportation and Public Works is requesting the additional expenditure authority to continue purchasing refrigerant gases for air conditioning units on the Metrorail and Metromover cars and Metrobuses to provide transit users a comfortable and safe environment.

The request for additional expenditure is due to the increase of use of refrigerant gases caused by the aging of the fleet. The department currently spends approximately \$65,000 per month on its fleet. The use of refrigerant gases peaks in the summer. A spot market quote was issued January 2018 which resulted in a price of approximately \$2,120 per unit.

There are currently approximately 835 buses and 135 train cars. The department is currently in the process of receiving a new fleet which is expected to begin late-2018 or early 2019. The request for additional expenditure authority is made to sustain operation of the aging fleet until the end of the contract and the new cars/buses are operational.

Per information on the Bid Tracking System, as of May 9, 2018, there are currently nine prequalified vendors in the pool. Only one of the awarded vendors has local addresses. The pool is meant to remain open so that vendors can be added to the pool at any time. A search of the Sunbiz website revealed that all of the vendors, except for Coolgas, Inc., are currently registered to do business in the state of Florida. Below is a list of the prequalified vendors in the pool:

- Trane U S Inc.
- JD Distributors Automotive Supplies Inc.
- American Refrigerants Inc.
- Airgas Refrigerants Inc.
- Aspen Refrigerants Inc.
- The Ware Group LLC.
- W W Grainger Inc.
- RTR Suppliers Inc.
- Coolgas Inc.

A search of the Miami-Dade County Small Business Enterprise Certified Firms list, as April 27, 2018, resulted in the following local vendors under Commodity Code 74055 - Refrigerant Gases (Except Ammonia): Done Wright A/C And Electric Service and Electropower Utility Sales Company. Per information on the Bid Tracking System, neither of the SBEs has submitted a bid proposal. These vendors are not currently in the prequalification pool.

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Item No. 3B

File No. 180979

Researcher: BM Reviewer: TD

RESOLUTION GRANTING PETITION TO CLOSE NW 186 STREET FROM NW 107 AVENUE TO NW 132 AVENUE AND NW 182 STREET BEGINNING APPROXIMATELY 165 FEET WEST OF THEORETICAL NW 129 AVENUE WEST FOR APPROXIMATELY 165 FEET (ROAD CLOSING PETITION NO. P-930)

ISSUE/REQUESTED ACTION

Whether the Board should approve a resolution granting petition to close NW 186 Street from NW 107 Avenue to NW 132 Avenue and NW 182 Street.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Section 33-422, Rock Mining Overlay Zoning Area, relates to the permitted rock mining uses of the article.

[https://library.municode.com/fl/miami_-](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH33ZO_ARTXLIROOVZOARRO_S33-422USPEAR)

[dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH33ZO_ARTXLIROOVZOARRO_S33-422USPEAR](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH33ZO_ARTXLIROOVZOARRO_S33-422USPEAR)

Florida State Statutes, Section 336.09, Closing and abandonment of roads, relates to the process of closing public streets.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0336/Sections/0336.09.html

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jose “Pepe” Diaz, District 12

Department/Requester: Transportation and Public Works

This item has no procedural history.

FISCAL IMPACT

The rights-of-way, assessed by the Property Appraiser’s Office, have an estimated value of \$271,462. If closed and vacated, the properties will be placed on the tax roll, and generate an estimated \$4,752 annually in property taxes. The road closure fee is \$29,106.

ANALYSIS

This item grants a petition to close NW 186 Street from NW 107 Avenue to NW 132 Avenue and NW 182 Street which are located in District 12, represented by Commissioner Jose “Pepe” Diaz. The agreement has been signed by all abutting property owners.

The closed right-of-way will be used for access to the remaining lake excavation operations, and for access to construct and maintain the littoral shelves along the perimeter of the lakes, as required by the approval lake excavation mitigation plans and permits. Approval shall not create any landlocked properties nor will it adversely affect access to any properties not owned or controlled by the applicant.

A littoral shelf is a shallow shelf in a water body that is planted with native aquatic vegetation normally located by an out flow structure. The purpose of a littoral shelf is to help filter out the nutrients and minerals in the water prior to it leaving the pond via the out flow structure.

The benefit to the county due to the approval of the road closures are listed below:

- Removes the County’s responsibility for the care and maintenance of the unimproved roads and right-of-ways.
- Eliminates the County liability that might result from unauthorized access and use of the areas.

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- Returns the responsibility for controlling access to the lakes to the property owners.
- Protects the water quality in the lakes by reducing the possibility of illegal dumping of trash and harmful substances.
Returns the right-of-way area to a County tax roll.

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Research Notes**

**Item No. 3C
File No. 180872**

Researcher: BM Reviewer: TD

RESOLUTION APPROVING A MAINTENANCE MAP FOR A PORTION OF NE 2 AVENUE BETWEEN NE 20 STREET AND NE 36 STREET, IN SECTIONS 25 AND 36, TOWNSHIP 53 SOUTH, RANGE 41 EAST, AND SECTIONS 30 AND 31, TOWNSHIP 53 SOUTH, RANGE 42 EAST, AUTHORIZING THE CHAIRMAN AND THE CLERK OF THE BOARD TO CERTIFY THE MAINTENANCE MAP, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME, AND AUTHORIZING THE RECORDING THEREOF AMONG THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

ISSUE/REQUESTED ACTION

Whether the Board should approve a Maintenance Map for a portion of NE 2 Avenue between NE 20 Street and NE 36 Street, authorizing the Chairman and the Clerk of the Board to certify same, and authorizing the recordation thereof in the Public Records of the County.

APPLICABLE LEGISLATION/POLICY

Florida Statutes, Section 95.361, Roads presumed to be dedicated, states that the filing of a map in the office of the clerk of the circuit court of the county where the road is located showing the lands and reciting on it that the road has vested in the state, a county, or a municipality in accordance with subsection (1) or subsection (2) or by any other means of acquisition... shall be prima facie evidence of ownership of the land by the state, county, or municipality, as the case may be.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0095/Sections/0095.361.html

Resolution No. R-974-09, adopted by the Board on July 21, 2009, directs the County Mayor that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County.

<http://intra/gia/legistarfiles/MinMatters/Y2009/091900min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Audrey M. Edmonson, District 3

Department/Requester: Transportation and Public Works

This item has no procedural history.

FISCAL IMPACT

This item does have a negative fiscal impact to the County as there is no increase in maintenance costs to the County.

ANALYSIS

This item approves a Maintenance Map for a portion of NE 2 Avenue between NE 20 Street and NE 36 Street.

Pursuant to Florida Statutes, Section 95.361, a road that is maintained by a County over a seven-year period vests to the County. As the County has maintained the road continuously for seven years, a filing of Maintenance Map, executed by the Assistant Director of the Construction and maintenance of the Department of Transportation and Public Works, with the Office of the Clerk of the Court is deemed prima facie evidence of ownership by the County, pursuant to the Statutes.

Pursuant to Resolution No. R-974-09, the County Mayor shall record in the public records of the County any resolution authorizing the execution of instruments creating a County interest in real property. Copies of the Maintenance Map is reference on the Mayoral memo.

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Below is a summary of items related to maintenance map brought before the Board:

Number	Date	Title
180872	4/4/2018	RESOLUTION APPROVING A MAINTENANCE MAP
170665	3/14/2017	RESOLUTION APPROVING A MAINTENANCE MAP
162356	10/17/2016	MAINTENANCE MAP FOR A PORTION OF NE 2 AVENUE
162334	10/12/2016	MAINTENANCE MAP FOR A PORTION OF SW 57 AVENUE
162011	9/9/2016	MAINTENANCE MAP FOR A PORTION OF SW 184
160578	3/16/2016	RESOLUTION APPROVING MAINTENANCE MAP
160572	3/16/2016	MAINTENANCE MAP FOR PORTION OF WEST DIXIE HIGHWAY

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Item No. 3D

File No. 181045

Researcher: SM Reviewer: TD

RESOLUTION APPROVING TERMS OF AND ACCEPTING THE CONVEYANCE BY DEED OF THE MIAMI INTERMODAL CENTER CENTRAL STATION PROPERTY PARCEL 5016 AND THE DEVELOPMENT LAND PARCEL 5016 FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION TO THE COUNTY AND APPROVING OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE ATTACHED ASSIGNMENTS, LEASES AND ANY DOCUMENTS NECESSARY TO COMPLETE THE TRANSFER AND OPERATION AND MAINTENANCE OF SAID PROPERTY, TO EXERCISE ALL RIGHTS CONFERRED THEREIN, AND TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE SAME

ISSUE/REQUESTED ACTION

Whether the Board will approve this Resolution approving the terms of and accepting the conveyance by deed of the Miami Intermodal Center's Central Station property (MIC) and the Development Land Parcel from the Florida Department of Transportation (FDOT).

APPLICABLE LEGISLATION/POLICY

Resolution No. R-974-09 adopted July 21, 2009 directs that any resolution authorizing the execution of instruments creating a County Interest in real property shall require such instruments to be recorded in public records of Miami-Dade County.

<http://intra/gia/legistarfiles/MinMatters/Y2009/091900min.pdf>

Resolution R-1115-15 adopted December 1, 2015 directs the County Mayor to develop a plan identifying potential uses of the Miami Intermodal Center by Miami-Dade County in the event the Florida Department of Transportation were to transfer the Miami Intermodal Center property to Miami-Dade County; directing the County Mayor to present a report on such plan to the Board of County Commissioners within 90 days.

<http://intra/gia/legistarfiles/MinMatters/Y2015/152275min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebecca Sosa, District 6

Department/Requester: Transportation and Public Works

This item has no procedural history.

FISCAL IMPACT

The development, advertising, and concession right to a portion of the property through competitive Request for Proposal (RFP) process could bring revenues estimated to provide enough for the County to have a positive cash flow beginning on the seventh year after these contracts are awarded. The first eight years will produce a negative fiscal impact of approximately \$4,000,000. FDOT has agreed to subsidize the County's deficit until the County reaches a break-even point. The County will reimburse the subsidy beyond \$1,200,000 through a Joint Participation Agreement (JPA) between the County and FDOT. This will be accomplished through a capital contribution to a FDOT project or through other funding sources. The mayoral memo states that future state-of-good repair costs need to be budgeted, however these costs are expected to be paid for by surplus revenues from the joint development and funding opportunities from federal and state grants.

ANALYSIS

This item will approve the terms of, and authorize the County Mayor or County Mayor's designee to accept the conveyance of, the Miami Intermodal Center's Central Station property and the Development Land Parcel from FDOT and to execute the following documents:

- Quitclaim Deed Conveying MIC Central Station and Joint Development Parcel

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- Agreement for Conveyance of Fee Simple Interest and Assignment of Third Party Agreements between the State of Florida, Department of Transportation and Miami-Dade County for Miami Intermodal Center Property
- Assignment and Assumption Agreement for the Transfer of The Miami Intermodal Center
- Railroad Agreement Grade Separation South Florida Rail Corridor
- Use and Occupancy Agreement MIC Office Building
- Assignment of Facility Management Agreement, the Urban Group.

The purpose of the Agreement is to set forth the terms of conveyance of the MIC Property from the State of Florida to Miami-Dade County. At the completion of the FDOT portion of the project, the County assumes responsibility, on the transfer date, for all operations, inspection, management, fiscal obligations and liabilities for the MIC Property, and shall pay any costs or expenses related to the governance, operation, maintenance, inspection and administration of the MIC Property. This includes but is not limited to, insurance and contribution to any reserve funds for operation, maintenance, renewal, or replacement.

The agreement further states that revenues collected from the MIC Property shall initially be used for the further support of the operation, management, repair, replacement, improvements and for any other matter related to the support, enhancement and benefit of the MIC Property.

Miami Intermodal Center serves an important public purpose as the transportation gateway to Miami-Dade County by integrating a variety of transportation modes adjacent to Miami International Airport, including buses, taxis, trains, rental cars, private vehicles, bicycles and pedestrians. The MIC includes the Rental Car Center, which is the facility owned and operated by the County, and the central station at the MIC, which includes, but is not limited to, transit, rail and intercity bus facilities and components, and is currently owned and operated by the Department.

There will be a 15 year lease which the County would receive for an office building adjacent to the MIC to help oversee operations on the site. The County will not incur any expenses related to the lease since, It will be free of charge. FDOT hired a consultant to overseeing the operation and maintenance of the property.

Each entity is responsible to operate and maintain the areas assigned. The County will be responsible for the common area maintenance. The leases which would be transferred with this agreement will bring in revenue to help offset the costs associated will maintaining the common area. The costs of the operation, management, repair, replacement, improvements and any other related costs for the improvement of the MIC Property will be supported by the revenue collected from the MIC Property.

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Research Notes**

**Item No. 3E
File No. 180892**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING AN OFF-SYSTEM CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF IMPROVEMENTS ALONG HIALEAH GARDENS BOULEVARD/NW 92 AVENUE FROM W 80 STREET TO SOUTH OF WEST 84 STREET/GRAHAM DAIRY ROAD AT AN ESTIMATED ANNUAL COST TO THE COUNTY OF \$216.61; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the Off-System Construction and Maintenance Agreement between the County and the Florida Department of Transportation (FDOT) for the construction of improvements along Hialeah Gardens Boulevard/NW 92 Avenue, from West 80 Street to South of West 84 Street/Graham Dairy Road at an estimated annual cost to the County of \$216.61.

APPLICABLE LEGISLATION/POLICY

Florida Statutes Chapter 337 governs public transportation, i.e., contracting, acquisition, disposal and use of property.
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0337/0337.html

Section 339.135(6)(a) of the Florida Statutes relates to the execution of the Department of Transportation's budget and provides that the department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The department shall require a statement from the comptroller of the department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the department which are for an amount in excess of \$25,000 and which have a term for a period of more than 1 year.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0339/Sections/0339.135.html

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Transportation and Public Works

FISCAL IMPACT

The project is estimated to cost \$335,000 and will be built by FDOT with federal funds. The County is required to provide maintenance operations upon completion of the project which will be funded through DTPW General Fund Allocation at an estimated annual cost of \$216.61.

ANALYSIS

This item is requesting Board approval of an Off-System Construction and Maintenance Agreement between the County and FDOT for the construction of improvements along Hialeah Gardens Boulevard/NW 92 Avenue from West 80 Street to South of West 84 Street/Graham Dairy Road. The project is located in the City of Hialeah, which is in Commission District 12, represented by Commissioner Jose "Pepe" Diaz. The construction is anticipated to commence in January 2020. The anticipated project completion date is not included in the agenda item nor is information pertaining to whether the project will impact traffic and pedestrian mobility in the surrounding area.

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The County and FDOT agree that it is in the best interest of each party for FDOT to undertake and to complete all aspects of the project, including but not limited to, the design, construction, construction inspection, utilities, permits, easements and other associated tasks. The project includes construction of sidewalk and curb ramps, retrofitting 2 luminaires, and installation of 1 Arterial Dynamic Message Sign (ADMS). Additionally, the project includes all activities associated with, or arising out of the construction of the local roadway improvements. In the event that the project requires the acquisition of additional right-of-way within the project limits, FDOT shall acquire such right-of-way in order to complete the project. FDOT shall maintain the ADMS and any future required relocation of the ADMS shall be at the sole cost of FDOT.

Summarized below are key provisions under the agreement:

- FDOT shall have final decision authority with respect to the design, the design review process, and construction of the Local Roadway Improvements, and the relocation of any utilities that FDOT may determine to be required.
- The County will review the Project Design Plans and shall submit its comments, if any, via Electronic Reviewer Comments (ERC). Once the review process is concluded, the County shall authorize its DTPW to issue a permit to FDOT's construction Contractor authorizing FDOT to construct the project in accordance with the Final Project Design Plans submitted through ERC.
- The County shall perpetually maintain the Local Roadway Improvements. To maintain means to perform normal maintenance operations for the preservation of the Local Roadway Improvements, which shall include but is not limited to, roadway surfaces, shoulders, roadside structures, drainage, signing and pavement markings, and such traffic control devices as are necessary for the safe and efficient use of the Local Roadway Improvements.
- FDOT shall transfer the permit to the County as the operational maintenance entity and the County agrees to accept said transfer and to be fully responsible to comply with all operational and maintenance conditions of the permit, at its sole cost and expense.
- Upon issuance of the Notice of Final Acceptance to the Contractor, FDOT shall provide a copy of said notice to the County. As of the date of the Notice of Final Acceptance, the County shall be immediately responsible for the maintenance of the Local Roadway Improvements.
- Upon completion of all work related to construction of the project, FDOT will be required to submit to the County final as-built plans for the Local Roadway Improvements and an engineering certification that construction was completed in accordance with the plans.

Note that FDOT may, in its sole discretion, terminate the agreement if it determines that it is in the best interest of the public to do so.

ADDITIONAL INFORMATION

See the link below to access FDOT Work Program and budget information relating to transportation construction projects.

<http://www2.dot.state.fl.us/fmsupportapps/workprogram/WorkProgram.aspx>

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Research Notes**

**Item No. 3F
File No. 181010**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING THE TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN MIAMI-DADE COUNTY AND THE CITY OF CORAL GABLES TO PROVIDE UP TO \$15,000,000.00 FROM CITY PARK AND MOBILITY IMPACT FEES TO BE USED FOR ELIGIBLE EXPENSES FOR THE UNDERLINE PROJECT; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS AS SPECIFIED IN THE AGREEMENT; AND AUTHORIZING RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS FOR THE PROJECT AS SPECIFIED IN THE AGREEMENT SHOULD THEY BECOME AVAILABLE(Transportation and Public Works)

ISSUE/REQUESTED ACTION

Whether the Board should approve a Memorandum of Understanding (MOU) between the County and the City of Coral Gables for the city of provide up to \$15,000,000 in city park and mobility impact fees to be used for eligible expenses for the Underline project.

APPLICABLE LEGISLATION/POLICY

Section 163.01 of the Florida Statutes sets forth the Florida Interlocal Cooperation Act which permits local governmental units to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/0163.html

Directive 150056 sets forth the County's Implementation Plan for the Underline project, including the feasibility, cost, available funding sources and a timeline for construction.

<http://intra/gia/matter.asp?matter=151214&file=true&yearFolder=Y2015>

Resolution No. R-150-18, adopted by the Board on February 6, 2018, urged the Florida Legislature to enact HB 2597 or similar legislation providing an appropriation to help fund the Underline, waiving requirements of Resolution No. R-764-13 limiting the number of state legislative priorities and amending Resolution No. R-947-17 to include the Underline as an additional state legislative priority for the 2018 session.

<http://intra/gia/matter.asp?matter=180225&file=true&yearFolder=Y2018>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Transportation and Public Works

FISCAL IMPACT

The City of Coral Gables will provide the County with up to \$15,000,000 in city park and mobility impact fees on an as-available basis. No County matching funds will be required. It is estimated that the cost of the entire Underline is \$100,000,000 with approximately 26.4 percent of the project located within the city.

ANALYSIS

This item is requesting Board approval of a MOU between the County and the City of Coral Gables whereby the city will provide the County up to \$15,000,000 to support the Underline Project.

The Underline will connect neighborhoods in Miami by transforming a 10-mile stretch beneath the Metrorail system, between Brickell Station and Dadeland South, into a linear park. This is a public-private partnership between the Miami-Dade Parks and Transit departments and the Friends of the Underline. The Underline will become a world-class urban trail creating a walkable, bikeable corridor to improve connectivity between surrounding neighborhoods with downtown destinations. The

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New York design consulting firm of James Corner Field Operations has been selected to develop the master plan for the project. The firm is renowned for high-profile projects, such as the New York City High Line, Seattle's Central Waterfront and South Park of London's Queen Elizabeth Olympic Park.

Under the MOU, the City of Coral Gables agrees to make available to the County funds to be used for the design, development and enhancement of the Underline. The City shall provide grant funds to the County on an as-available basis and the County shall be required to deposit such funds in a segregated account. Grant funds shall be expended solely for qualifying expenses incurred in connection with the planning, design, development and enhancement of the Underline within the city's territorial boundaries. Such expenses include the costs of land acquisition and development, expansion of existing surfaces, surveying, site testing, construction, engineering, construction management and inspection, and permitting. Qualifying expenses exclude costs related to the operation and maintenance of the Underline.

The MOU provides the City of Coral Gables the right to conduct audits of all of the County's records pertaining to the grant and to visit any site on which grant funds have been expended in order to conduct monitoring and evaluation activities. Finally, the MOU requires the County to mention in all Underline marketing material that the development of the Underline was supported and funded by the City of Coral Gables on all approved signage within the territorial limits of the city, promotional media and brochures, publications and similar documents or data pertaining to the development of the Underline.

ADDITIONAL INFORMATION

Click on the link below to access the Underline Framework Plan and Demonstration Projects prepared by James Corner Field Operations, the firm selected to create the master plan for the underline.

<https://www.theunderline.org/wp-content/uploads/2016/02/The-Underline-Framework-Plan-and-Demonstration-Projects-screen-revised-0205-2016-FINAL.pdf>

The link below is for the Friends of the Underline website; Friends of the Underline is a nonprofit organization advocating to transform the underutilized land below Miami's Metrorail into a 10-mile neighborhood park, urban trail and canvas for artistic expression to create a safer, healthier, more connected, mobile and engaged community. The Underline will be open to all and serve all with amenities and art that will connect people to place and each other.

<https://www.theunderline.org/>