

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: July 02, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB18-0355
555 17th Street, 1701-1799 Convention Center Drive—Convention Center Hotel

DRB18-0355, 555 17th Street, 1701-1799 Convention Center Drive—Convention Center Hotel. An application has been filed requesting Design Review Approval for the construction of a new convention center hotel to replace an existing surface parking lot, one-story office building and one and two story portions of the rear of the Fillmore Miami Beach at the Jackie Gleason Theater building.

RECOMMENDATION:

Approval with conditions

HISTORY:

On November 6, 2018, Miami Beach residents voted in favor of the following ballot question:

Question #3: Should City lease 2.6 acre property at northeast corner of 17th Street and Convention Center Drive to MB Mixed Use Investment, LLC for 99 years, requiring, per Resolution 2018-30425

This approved the future construction and operation of an 800-room hotel (maximum height of 185 feet), connected to the Convention Center. The design of the hotel complex is subject to the review and approval by the Design Review Board.

On March 5, 2019, this item was discussed at the Design Review Board meeting and continued at the request of the applicant. At the April 02, 2019 DRB meeting, the item was continued to the June 4, 2019 meeting at the request of the applicant.

On March 13, 2019, the City Commission adopted an Ordinance that modified the setback and parking requirements for the hotel. On May 8, 2019, the City Commission referred an ordinance amendment pertaining to setback and mechanical parking requirements for the hotel, to the Land Use Committee and the Planning Board. On May 22, 2019 the Land Use and Development Committee discussed the item and recommended that the Planning Board transmit the attached Ordinance to the City Commission with a favorable recommendation. On June 25, 2019, the Planning Board will review the modifications to the regulations to address design components for the proposed convention center hotel development, and reduced setbacks for the pedestal and tower, and to remove the requirement for mechanical parking review.

On June 4, 2019, the Design Review Board continued the item to the July 2, 2019 DRB meeting.

LEGAL DESCRIPTION:

See 'Exhibit A'

SITE DATA:

Zoning: Civic and Convention Center District (CCC)
Future Land Use: Public Facility (CCC)
Total Lot Size: 1,578,000 SF (36.32 acres) not including CCD
Existing FAR: 1,578,884 SF
Proposed Hotel GSF: 657,896 SF
Proposed FAR: 2,236,780 SF
Remaining FAR: +/-2,104,920 SF
Maximum FAR: 2.75 (+/-4,341,700 SF)
Hotel parcel A size: 110,864 SF (+/-2.55 acres)
Proposed Height: 185'-0" from BFE +5 | 13' NGVD (198'-0")
Hotel Units: 800 rooms
Parking spaces required: 320 spaces (800 rooms / .4) | Provided: 320
Loading spaces required: 4 spaces | Provided: 4

Grade: + 4.07' NGVD (based on CL of CCD as indicated in the survey submitted)
Base Flood Elevation (BFE): +8.00' NGVD
First Floor Elevation: +9.00' NGVD Entry Lobby

SURROUNDING PROPERTIES:

East: Fillmore Miami Beach at the Jackie Gleason Theater | Museum Historic District
West: City Hall | Surface Parking lot (New Park)
South: Lincoln Road Parking Garage / New World Symphony and Soundscape Park
North: Miami Beach Convention Center | Collins Canal / Miami Beach Senior High School

THE PROJECT

The applicant has submitted revised plans entitled "Miami Beach Convention Center Hotel", as prepared by **Arquitectonica**, dated, signed and sealed June 06, 2019.

The proposal consists of a new 800 room convention center hotel located at the northeast corner of 17th Street and Convention Center Drive—just south of the newly renovated Miami Beach Convention Center. The applicant is proposing to construct a 17-story hotel with two L-shaped tower wings at the southernmost end of the new Convention Center project. The new hotel tower will replace a surface parking lot, a one-story office building and portions of the rear of the Fillmore Miami Beach at the Jackie Gleason theatre. The design is oriented in an L-shape manner, in the northeast corner of the site, opening up towards Convention Center Drive and 17th Street with its tower's delineated by glass balconies that tightly wrap around the building and its corners. Vehicular access to the proposed hotel will be from Convention Center Drive, while a new alleyway is proposed off of 17th Street for delivery purposes. The multi-story parking podium occupies most of the site.

A breakdown of the project's floor plan is delineated hereto:

Ground Floor: 23,220 SF retail
23,275 SF front of house (FOH) hotel operations lounge and bar
4,736 SF back of house (BOH) hotel operations
Hotel drop off
Loading spaces

	22 surface parking spaces (Fillmore)
	FPL vault/mechanical room building
Parking Level:	320 valet spaces (x quadruple stacked tandem parking spaces)
	16,180 SF lobby area, FOH hotel operations
	1,833 SF Sky bridge to Convention Center
	19,314 SF BOH hotel operations
	15,751 SF meeting rooms
Level 3:	35,653 SF FOH hotel operations 9,761 SF BOH
	52,178 SF ballrooms
Level 3 Mezz:	3,768 SF Office
	12,658 SF BOH
Level 4:	30,313 SF FOH hotel operations 5,408 SF BOH
	23,150 SF fitness and spa
	16,108 SF meeting rooms
Level 5:	20,042 SF FOH (restaurant and bar, and fitness and spa)
	5,268 SF BOH
	27 Units ranging in size 370 SF-793 SF 14,259 SF
	Outdoor pool deck and seating areas
Level 6:	34 Units ranging in size 370 SF-793 SF 15,901 SF
Level 7:	68 Units ranging in size 370 SF-793 SF 32,003 SF
Level 8:	67 Units ranging in size 370 SF-854 SF 31,751 SF
Level 9:	69 Units ranging in size 370 SF-854 SF 32,167 SF
Level 10:	70 Units ranging in size 370 SF-669 SF 31,989 SF
Level 11:	70 Units ranging in size 370 SF-774 SF 32,331 SF
Level 12:	69 Units ranging in size 370 SF-800 SF 32,065 SF
Level 13:	71 Units ranging in size 370 SF-487 SF 32,162 SF
Level 14:	70 Units ranging in size 370 SF-560 SF 31,950 SF
Level 15:	71 Units ranging in size 370 SF-582 SF 32,436 SF
Level 16:	71 Units ranging in size 370 SF-610 SF 32,540 SF
Top Level 17:	43 Units ranging in size 370 SF-1319 SF 21,790 SF
	5,035 Bar and Terrace
	2,522 SF BOH

The proposed convention headquarter hotel will serve as an "on-site" hotel option for conference attendees and will be large enough to provide group room blocks necessary to support and secure national and international conferences and conventions at the Convention Center. Shopping, dining, the beach, parks, as well cultural amenities are all within a short walking distance of the Convention Center hotel location, and other areas of Miami Beach are easily accessible by public transportation, or with Citi-Bikes and ride-sharing services. As such, the overall operational parking needs for the hotel will be minimized.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code:

- **SETBACK:** Currently, the setback regulations apply to all uses within the district and are an average of the requirements contained in the surrounding zoning districts. A proposal to modify the setback requirements is pending before the Planning Board and would allow more flexibility of the placement of the hotel, and most particularly the pedestal

portion of the hotel. Currently, the subterranean, pedestal, and tower setback requirements for a hotel use is 10'-0" along Convention Center Drive and 17th Street. The proposed ordinance seeks to reduce that to 0 feet above 15 feet in height.

- **MECHANICAL LIFTS:** The revised plans indicate the utilization of mechanical parking lifts, which are required to be reviewed by the Planning Board under the current code. A proposal to exempt the hotel from Planning Board review of the mechanical lifts is currently pending before the Planning Board.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit. Additionally, the issuance of a building permit for the hotel shall be subject to the City Commission adoption of the aforementioned code amendments, or the project would have to be modified to meet the requirements of the current code.

CONSISTENCY WITH COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **convention center hotel** is **consistent** with the Public Facility: Convention Center Facilities (PF-CCC) designation of the Future Land Use Map of the 2025 Comprehensive Plan. The main permitted uses in the CCC District include hotels.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures,
Satisfied
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; code amendments pertaining to mechanical parking and setbacks are required, based on the proposed plans.
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.
Satisfied
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other

applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.

Satisfied

6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.

Satisfied

7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.

Satisfied

8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.

Satisfied

9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

Not Satisfied; a lighting plan has not been submitted.

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

Satisfied

11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Satisfied

12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Satisfied

13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential

or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied

14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Satisfied

15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

Not Applicable

16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.

Satisfied

17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Not Applicable

18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.

Not Applicable

19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

Not Satisfied; see below

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.

Not Satisfied

A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

Satisfied

- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Satisfied

- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.

Satisfied

- (5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

Satisfied

- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.

Satisfied

- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

Satisfied

- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Not Applicable

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Not Applicable

- (10) In all new projects, water retention systems shall be provided.

Satisfied; a cistern has been proposed

- (11) Cool pavement materials or porous pavement materials shall be utilized.

Not Satisfied

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

Not Satisfied

STAFF ANALYSIS:

DESIGN REVIEW

The subject site is a corner parcel located within the boundaries of the Convention Center District. The applicant is proposing to demolish the existing surface lot, single-story office structure and portions of the rear of the Fillmore Miami Beach at the Jackie Gleason Theater and develop the site with a contemporary hotel building. The proposed hotel will be 185'-0" in height with ground level retail, a parking deck and meeting spaces on the second level, multiple ballroom and additional meeting spaces on levels 3, 3 Mezzanine and 4 to complete the podium.

A pool deck sits on this along with level 5 programmed with over 20,000 SF of restaurant and fitness use, and hotel rooms. The remainder of the levels, 6-17, are programmed with hotel rooms. The proposed hotel is designed to compliment and serve the neighborhood as a functional addition to the renovated Convention Center, the Convention Center Park that is soon-to-be under construction, Lincoln Road and other tourist attractions.

This item was previously presented at the March 5, 2019 Design Review Board meeting and was continued at the request of the applicant to further refine the design of the towers, to address both board and staff comments. The application returned to the Design Review Board on June 4, 2019 with a modified design that incorporated Board comments as well as programmatic changes to the podium design. The Board continued the application to allow the applicant to reconcile design discrepancies between the submitted application drawings and the drawings and images presented.

Visually, the four-story pedestal has increased in height from 66'-0" to 72'-0", and now includes a mezzanine on level three. The pedestal has also expanded in breadth, sitting conterminously within the confines of the defined project site and bringing the levels of the hotel podium to the edge of the site. This architectural move is due to the increased ballroom size required to meet the programmatic needs of the hotelier. However, it, has also impacted the urban street edge, most notably along 17th Street, where the ground floor is now further recessed from the upper pedestal stories in an undulating form. Along 17th Street, the first level continues to house substantial retail space and the Miami Beach Welcome Center, yet it now proposes an elevated outdoor terrace with associated sloped walkways and stairs for accessibility. The applicant has worked with staff to arrive at a dynamic ground floor design along 17th Street that engages the pedestrian realm. The design proposes the retail and associated terraces at an increased setback to allow for an expansive at-grade walkway that mitigates the change of elevation through plantings and meandering sloped pathways.

The remainder of the podium floors, levels 2-4, cantilever beyond the ground floor with programmatic modifications. The pedestal is still predominately finished in glass and mesh at the parking level 2, but the wall planes that were once undulating have been streamlined with curvilinear corners and projecting horizontal metal fins that wrap the pedestal volume at frequent intervals. The second level, once predominately dedicated to parking and the pedestrian sky bridge, now includes pre-function rooms, meeting rooms and other back of house hotel spaces. The third level has been redesigned to allow for two (2) column-less ballrooms, which has resulted in an increased floor height to allow for required structural support. A mezzanine level has been added to the voluminous third floor and contains employee offices and break rooms. The remaining pedestal level includes additional hotel operations and meeting rooms. Level 5, with an open-air pool deck and gardens, contains dining venues, a spa and fitness center and hotel rooms.

The two liner buildings/towers, comprising 12 stories (levels 6-17), contain the majority of hotel rooms that vary in size. While the previously presented design had subtle movement along the hotel towers' expansive elevations, the revised design further activates the facades, specifically the north tower's south façade that faces 17th Street, the east tower's east façade facing the ocean, and the east tower's south elevation. The rounded exterior walls at the narrow ends of the hotel tower shift inward more frequently, and with more exaggerated gestures, creating an illusion of undulating floor plates as the towers rise. The south elevation of the north tower incorporates such a gesture along its northwest corner, midway up the tower, that extends into its south elevation, while the south end of the east tower tapers upward as it rises. Additionally, the east tower's eastern façade has incorporated a "dimpled" wall plane above the existing

Jackie Gleason Theater. The proposed modifications have rendered the hotel towers' elevations more dynamic.

In addition to the modifications of the hotel tower's facades, the Board has requested that the ground floor elevation integrate the saved keystone from the existing mid-century municipal building, built by Henry Hohausser and slated for demolition as part of this project, potentially as additional visual articulation to the Miami Beach Welcome Center on 17th Street. The architect proposes a keystone feature wall within the Welcome Center. Furthermore, the adjacent FPL and mechanical building is designed as a replicate of the Hohausser building, clad in keystone and featuring the recognizable large square window with gridded screen. Staff is supportive of the architectural tribute.

Overall staff is highly supportive of the proposed design of the convention center hotel and commends the architecture firm on an elegant design that not only compliments the newly renovated Convention Center, but also stands on its own as a dynamic and forward-thinking addition to the Miami Beach city center and skyline. The modifications to the project suggested herein can be easily addressed administratively, as indicated in the recommendation.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and Sea Level Rise criteria.

EXHIBIT A

LEGAL DESCRIPTION:

BEING A PARCEL OF LAND LYING IS SECTION 34, TOWNSHIP 53 SOUTH, RANGE 42 EAST, CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 22, ACCORDING TO THE AMENDED PLAT OF GOLF COURSE SUBDIVISION OF THE ALTON BEACH REALTY COMPANY, AS RECORDED IN PLAT BOOK 6, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE N88°00'53"E, ALONG THE EASTERLY PROLONGATION OF THE NORTHERLY RIGHT OF WAY LINE OF 17TH STREET, SAID RIGHT OF WAY BEING 70 FEET IN WIDTH AS SHOWN ON SAID PLAT BOOK 6, PAGE 26, A DISTANCE 368.16 FEET; THENCE NO2°04'00"W, ALONG THE EASTERN EDGE OF AN EXISTING 15 FEET WIDE SIDEWALK LYING ON THE EAST SIDE OF CONVENTION CENTER DRIVE AS NOW LAID OUT AND IN USE, A DISTANCE OF 39.94 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NO2°04'00"W ALONG SAID EXISTING SIDEWALK, A DISTANCE OF 238.58 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 40.00 FEET, A CHORD WHICH BEARS N42°58'54"E; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 62.90 FEET, THROUGH A CENTRAL ANGLE OF 50°05'48"; THENCE N88°01'48"E A DISTANCE OF 13.05 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE CONTINUE N88°01'48"E A DISTANCE OF 297.49 FEET; THENCE SO1°56'26"E, TO THE INTERSECTION WITH SAID EASTERLY PROLONGATION OF THE NORTHERLY RIGHT OF WAY OF 17TH STREET, A DISTANCE OF 318.50 FEET; THENCE S88°00'53"W, ALONG SAID EASTERLY PROLONGATION OF THE NORTHERLY RIGHT OF WAY OF 17TH STREET, A DISTANCE OF 309.96 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 40.00 FEET, A CHORD WHICH BEARS N47°01'33"W; THENCE NORTHWESTERLY ALONG THE ARC SAID CURVE A DISTANCE OF 62.78 FEET, THROUGH A CENTRAL ANGLE OF 89°55'08" TO THE POINT OF RFOINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 110,884 SQUARE FEET OR 2.55 ACRES MORE OR LESS.

TOGETHER WITH:

AN AIRSPACE PARCEL BEING A PARCEL OF LAND LYING IS SECTION 34, TOWNSHIP 53 SOUTH, RANGE 42, CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA, HAVING AS ITS LOWER BOUNDARY, A HORIZONTAL PLANE AT ELEVATION 23.69 FEET (NORTH AMERICAN VERTICAL DATUM OF 1988), HAVING AS ITS UPPER BOUNDARY, A HORIZONTAL PLANE AT ELEVATION 52.44 FEET (NORTH AMERICAN VERTICAL DATUM OF 1988), THE PERIMETRICAL BOUNDARIES OF WHICH ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT SAID POINT "A"; THENCE NO3°29'22"W A DISTANCE OF 53.99 FEET; THENCE N86°30'38"E A DISTANCE OF 30.00 FEET; THENCE SO3°29'22"E A DISTANCE OF 54.78 FEET; THENCE S88°01'48"W A DISTANCE OF 30.01 FEET TO 11-IE POINT OF BEGINNING SAID POINT ALSO BEING POINT "A".

**DESIGN REVIEW BOARD
City of Miami Beach, Florida**

MEETING DATE: July 02, 2019

FILE NO: DRB18-0355

PROPERTY: **555 17th Street, 1701-1799 Convention Center Drive – Convention Center Hotel**

APPLICANT: MB Mixed Use Investment, LLC

LEGAL: See 'Exhibit A'

IN RE: The Application for Design Review Approval for the construction of a new convention center hotel to replace an existing surface parking lot, one-story office building and one and two story portions of the rear of the Fillmore Miami Beach at the Jackie Gleason Theater building.

ORDER

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 9 and 19 in Section 118-251 of the Miami Beach Code.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 1, 9, 10, 11 and 12 in Section 133-50(a) of the Miami Beach Code.
- D. The project would remain consistent with the criteria and requirements of Section 118-251 and/or Section 133-50(a) if the following conditions are met:
 1. Revised elevation, site plan, and floor plan drawings for the proposed new Convention Center Hotel and 555 17th Street shall be submitted, at a minimum, such drawings shall incorporate the following:

- a. A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department, in a manner to be reviewed and approved by staff.
- b. The Applicant has voluntarily proffered and agreed to display a plaque on the ground floor of the building, which includes an image of the original structure, referencing Henry Hohausser as the original structure's architect, and describes the original structure's history and evolution. Prior to the issuance of a Building Permit, the Applicant shall submit the design for the plaque to the Planning department to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- c. The Applicant has voluntarily proffered and agreed to install keystone cladding, or other architectural elements of the Henry Hohausser building, on portions of the interior of the Miami Beach Welcome Center, which shall be located within the property, and visible from the adjacent sidewalk along 17th Street, to recall the characteristics of the original structure on the site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions of the Board.
- d. A grade-level clear pedestrian pathway fully integrated with the abutting public sidewalks shall be provided along 17th Street and Convention Center Drive, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions of the Board.
- e. The design of the pedestrian pathway on 17th Street shall be further refined to dynamically integrate the sidewalk with the project, and may include access stairs and ramps, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions of the Board.
- f. Further details of the railings and handrails shall be provided for all balconies and terraces in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and shall require a separate permit.
- g. Any railings at the ground or pedestal level shall be designed as glass or tension wire in order to minimize obstruction and maintain transparency within both side yards for all balconies and terraces in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and shall require a separate permit.
- h. Further details and material samples for the proposed mechanical ancillary building shall be provided in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- i. Further details and material samples for the proposed metal screen on level 2 shall be provided in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

Board, and shall require a separate permit.

- j. Further details and material samples for the proposed “metal fins” shall be provided in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and shall require a separate permit.
- k. Further details and material samples for the proposed “metal edge” along the balconies shall be provided in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and shall require a separate permit.
- l. Material samples for all exterior paving areas shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- m. All exterior walkways and drives shall consist of decorative pavers, set in sand or other semi-pervious material, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- n. The final design details of exterior lighting shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- o. Any fence or gate at the front and street side of the property shall be designed in a manner consistent with the architecture of the new structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- p. All exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff.
- q. The final design details of the exterior materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- r. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
- s. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- t. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.

2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. The applicant shall abide by the mitigation procedures for tree preservation outlined in Chapter 46, Division 2 of the City Code, where relevant, and the applicant shall cooperate with the City with regard to any proposed tree relocation provided that the City cover costs of **said** relocation.
 - b. Any existing plant material within the public **right-of-way** may be required to be removed, at the discretion of the **Public Works** Department.
 - c. A fully automatic irrigation system **with 100% coverage** and an automatic rain sensor in order to render **the system inoperative in the event of rain**. **Right-of-way areas shall also be incorporated as part of the irrigation system.**
 - d. The utilization of root barriers **and/or structural soils** Silva Cells, shall be clearly delineated on the revised landscape plan. A suspended pavement system shall be **required** for instances **where** the proposed street trees are to be planted and **where root system of the proposed tree will need to grow under impervious surfaces to obtain optimal growth for the selected species, in a manner that provides adequate soil volume as determined by the city's Urban Forester for the proper growth of the proposed trees. In instances where the root systems of proposed trees will be able to grow under impervious surfaces and later enter into a pervious greenspace area, the use of structural based soils may be used upon the approval of the city's Urban Forester.**
 - e. The applicant shall verify, prior to the issuance of a Building Permit, the **exact location** of all backflow preventers and all other related devices and fixtures. The location of backflow preventers, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
 - f. The applicant shall verify, prior to the issuance of a Building Permit, the **exact location** of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right-of-way shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - g. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

II. Variance(s)

- A. No variance(s) were filed as part of this application.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Design Review Approval and 'II. Variances' noted above.

- A. The approval herein, and the issuance of a building permit, shall be subject to the adoption of pending ordinances pertaining to pedestal setbacks and mechanical parking by the City Commission. In the event such ordinances are modified, or not adopted, the applicant shall be required to modify the plans in order to comply with the requirements of the current code.
- B. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- C. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- D. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- E. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- F. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board.
- G. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

- I. The proposed curved elements above the driveways along Convention Center Drive and 17th Street may encroach into the r-o-w, and may require a revocable right of way permit approved by the City Commission through the Public Works Department.
- J. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- K. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- L. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- M. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations which were adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "Miami Beach Convention Center Hotel Final Submittal", as designed by **Arquitectonica Architecture and Interior Design**, dated, signed, and sealed June 06, 2019, and as approved by the Design Review Board, as determined by staff.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of Design Review Approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this Order shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20___ by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:
City Attorney's Office: _____ (_____)

Filed with the Clerk of the Design Review Board on _____ (_____)

EXHIBIT A

LEGAL DESCRIPTION:

BEING A PARCEL OF LAND LYING IS SECTION 34, TOWNSHIP 53 SOUTH, RANGE 42 EAST, CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 22, ACCORDING TO THE AMENDED PLAT OF GOLF COURSE SUBDIVISION OF THE ALTON BEACH REALTY COMPANY, AS RECORDED IN PLAT BOOK 6, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE N88°00'53"E, ALONG THE EASTERLY PROLONGATION OF THE NORTHERLY RIGHT OF WAY LINE OF 17TH STREET, SAID RIGHT OF WAY BEING 70 FEET IN WIDTH AS SHOWN ON SAID PLAT BOOK 6, PAGE 26, A DISTANCE 368.16 FEET; THENCE N02°04'00"W, ALONG THE EASTERN EDGE OF AN EXISTING 15 FEET WIDE SIDEWALK LYING ON THE EAST SIDE OF CONVENTION CENTER DRIVE AS NOW LAID OUT AND IN USE, A DISTANCE OF 39.94 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N02°04'00"W ALONG SAID EXISTING SIDEWALK, A DISTANCE OF 238.58 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 40.00 FEET, A CHORD WHICH BEARS N42°58'54"E; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 62.90 FEET, THROUGH A CENTRAL ANGLE OF 50°05'48"; THENCE N88°01'48"E A DISTANCE OF 13.05 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE CONTINUE N88°01'48"E A DISTANCE OF 297.49 FEET; THENCE S01°56'26"E, TO THE INTERSECTION WITH SAID EASTERLY PROLONGATION OF THE NORTHERLY RIGHT OF WAY OF 17TH STREET, A DISTANCE OF 318.50 FEET; THENCE S88°00'53"W, ALONG SAID EASTERLY PROLONGATION OF THE NORTHERLY RIGHT OF WAY OF 17TH STREET, A DISTANCE OF 309.96 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 40.00 FEET, A CHORD WHICH BEARS N47°01'33"W; THENCE NORTHWESTERLY ALONG THE ARC SAID CURVE A DISTANCE OF 62.78 FEET, THROUGH A CENTRAL ANGLE OF 89°55'08" TO THE POINT OF RFOINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 110,884 SQUARE FEET OR 2.55 ACRES MORE OR LESS.

TOGETHER WITH:

AN AIRSPACE PARCEL BEING A PARCEL OF LAND LYING IS SECTION 34, TOWNSHIP 53 SOUTH, RANGE 42, CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA, HAVING AS ITS LOWER BOUNDARY, A HORIZONTAL PLANE AT ELEVATION 23.69 FEET (NORTH AMERICAN VERTICAL DATUM OF 1988), HAVING AS ITS UPPER BOUNDARY, A HORIZONTAL PLANE AT ELEVATION 52.44 FEET (NORTH AMERICAN VERTICAL DATUM OF 1988), THE PERIMETRICAL BOUNDARIES OF WHICH ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT SAID POINT "A"; THENCE N03°29'22"W A DISTANCE OF 53.99 FEET; THENCE N86°30'38"E A DISTANCE OF 30.00 FEET; THENCE S03°29'22"E A DISTANCE OF 54.78 FEET; THENCE S88°01'48"W A DISTANCE OF 30.01 FEET TO THE POINT OF BEGINNING SAID POINT ALSO BEING POINT "A".