MIAMIBEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: May 7, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **DRB24-0999, a.k.a. DRB18-0355**
1901 Convention Center Drive & 555 17th Street – Convention Center Hotel

An application has been filed requesting modifications to a previously issued Design Review Approval for the construction of a new convention center hotel. Specifically, the application includes modifications to the prior conditions of approval, refinement of the overall design, and variances from the ground floor setback requirements along Convention Center Drive and 17th Street.

RECOMMENDATION:
Approval of the design.
Approval of the variance.

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*

The approval of this ballot measure authorized the future construction and operation of up to an 800-room hotel with a maximum building height of 185 feet, connected to the Convention Center. On June 4, 2019, the Design Review Board approved a new convention center hotel.

On April 2, 2024, the Design Review Board reviewed the proposed modifications to the previously approved design and continued the application to a date certain of May 7, 2024. The Board requested that the architect further study the design of the roofline, southeast tower corner, and building identification signage.

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~~ 791,933 SF
Proposed FAR:	~~2,236,780 SF~~ 2,370,817 SF |1.50 FAR
Remaining FAR:	+/-1,970,883 SF
Maximum FAR:	+/-4,341,700 SF | 2.75 FAR
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 / 0.4)~~ 307 spaces (767 rooms / 0.4) | 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 sheets **A2-07** and **A1-41,** as prepared by **Arquitectonica,** dated, signed and sealed on 2024.04.08.

COMPLIANCE WITH ZONING CODE:
A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the requirements of the City Code with the exception of the new variance(s) requested.

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.

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.
Satisfied; however the application includes setback variances.

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; however, the application includes setback variances.

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

(11) Cool pavement materials or porous pavement materials shall be utilized.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.

(12) The project design shall minimize the potential for a project causing a heat island effect on site.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.

STAFF ANALYSIS:

DESIGN REVIEW

The previous design modifications changed the design of the roofline from the original approved design to accommodate a change in structure and mechanical equipment layout. The Board concluded that modified roofline compromised the overall design of the tower and the architect has submitted a new roof / mechanical level plan and elevation.

As proposed, the roofline elevation continues the form and envelope of the tower below, enforcing a strong horizontal line that crowns the overall south tower volume, as well as encases the mechanical equipment from view. As requested by the Board, the roofline elevation now includes the building sign of the future hotel group within the mechanical level parapet wall. Additionally, the design of the southwest corner notch of the tower, at levels 15, 16 and 17, has been revised.

The design has also been revised to conceal the previously exposed column, while still maintaining the breadth of the corner notch that is integral to the elevation. As such, staff finds that the architectural elements have been revised in harmony with the overall design concept of the Convention Center Hotel.

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, Sea Level Rise criteria, and Practical Difficulty and Hardship criteria, as applicable.

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'O4'00"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: April 2, 2024 & May 7, 2024

PROPERTY/FOLIO: **1901 Convention Center Drive 02-3227-000-0090**

FILE NOS: DRB24-0999 (aka DRB18-0355)

IN RE: An application has been filed requesting modifications to a previously issued Design Review Approval for the construction of a new convention center hotel. Specifically, the application includes modifications to the prior conditions of approval, refinement of the overall design, and variances from the ground floor setback requirements along Convention Center Drive and 17th Street

LEGAL: See 'Exhibit A'

APPLICANTS: MB Mixed Use Investment, LLC

CONSOLIDATED ORDER

This document consolidates the conditions of the previously issued order for DRB18-0355 dated July 2, 2019, and this current order, DRB24-0999, dated April 2, 2024 & May 7, 2024. Note: Underline denotes added language and ~~strikethrough~~ denotes stricken language from the previous 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 2.1.3.1 of the Land Development Regulations. 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 consistent with Design Review Criteria in Section 2.5.3.1 of the Land Development Regulations.

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 in Section 7.1.2.4(a)(i) of the Land Development Regulations.

D. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:

1. The design and detailing of the following areas of the project shall be further refined and explored: (1) the architectural "dimple" on the east façade shall be moved southward and enlarged to greater emphasis and visual effect, (2) the ground floor welcome center shall be further emphasized and more visible from 17th Street, (3) the Hohauser building details shall be further refined and detailed in there materials, location and prominence in the welcome center and along the stand alone mechanical vault building, (4) the final design details, color, material, location and connection of structural attachment systems of the proposed balcony dividers shall be submitted, (5) landscape plans clearly identifying the ground materials for the hardscape area, the areas where root barriers and/or structural soils Silva Cells, or suspended pavement systems, are proposed, and (6) all onsite trees proposed for retention and relocation. ~~These design details shall be subject to the review and approval of staff and shall be submitted to the Design Review Board at a future meeting date to provide the Board with a design progress report for further input.~~ The above requirements were approved by the Board on April 2, 2024 and May 7, 2024, with the final details to be submitted as part of the building permit, in a manner to be reviewed and approved by staff.

2. Revised elevation, site plan, and floor plan drawings for the new Convention Center Hotel, 1901 Convention Center Drive 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 Hohauser 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 Hohauser 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~~, approved as proposed, 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

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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.~~, 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. 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.

l. 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.

m. 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.

n. 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.

o. 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.

p. 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.

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q. 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.

r. 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.

3. 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.

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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 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.

II. Variance(s)

A. The applicant filed applications with the Planning Department for the following variance(s):

1. A variance to reduce by 10'-0" from the minimum required setback of 10'-0" along both 17th Street and Convention Center Drive.

B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, as noted above allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

Additionally, the Board has concluded that the plans and documents submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 2.8.3 of the Land Development Regulations:

i. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

ii. The special conditions and circumstances do not result from the action of the applicant;

iii. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;

iv. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;

v. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

vi. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

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vii. The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan; and

viii. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

C. The Board hereby **Approves** the variance requests and imposes the following condition based on its authority in Section 2.8.4 of the Land Development Regulations:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

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.

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.

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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 amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Finding 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" as prepared by **Arquitectonica Architecture and Interior Design,** dated, signed, and sealed 2019.07.02, and as modified by plans entitled "Miami Beach Convention Center Hotel – Final Submittal", as prepared by **Arquitectonica,** dated, signed and sealed 2024.02.02; and as modified by revised sheets **A2-07 and A1-41**, as prepared by **Arquitectonica,** dated, signed and sealed 2024.04.24; and as approved by the Design Review Board, as determined by staff.

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 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 Building permit, the plans

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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 Section 2.2.4.6 of the Land Development Regulations; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall 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 2 of the Land Development Regulations, 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 2 of the Land Development Regulations, for revocation or modification of the application.

Dated _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY:_____
Rogelio A. Madan, AICP
Development & Resiliency Officer
For Chairman

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Michael Belush, Planning & Design Officer of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

{NOTARIAL SEAL]

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

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

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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'O4'00"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".

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