Docusign Envelope ID: F45C3E6C-1E91-4416-9EC0-215719E42D95

CFN: 20240528544 BOOK 34312 PAGE 2033
DATE:07/12/2024 01:29:55 PM
JUAN FERNANDEZ-BARQUIN
CLERK OF THE COURT & COMPTROLLER
MIAMI-DADE COUNTY, FL

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:

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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, and (7) the architectural "dimple" on the southeast corner of floors 15 through 17 shall be removed and made consistent with the remainder of the glazing on the façade. ~~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

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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.~~, 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.

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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.

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

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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 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

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of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

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

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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 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

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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 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 7/9/2024 | 1:23 PM EDT.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: DocuSigned by: Rogelio Madan CB1FD35D134F4AE

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 10 day of July 2024 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.

{NOTARIAL SEAL} MIRIAM HERRERA Notary Public - State of Florida Commission # HH 470768 My Comm. Expires Dec 16, 2027 through National Notary Assn.

Notary: Miriam Herrera
Print Name Miriam Herrera
Notary Public, State of Florida
My Commission Expires: 12-16-27
Commission Number: HH470768

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Approved As To Form:
City Attorney's Office: DocuSigned by: Farrat Andasheva (7/9/2024 | 10:41 AM EDT)

Filed with the Clerk of the
Design Review Board on DocuSigned by: Jessica Gonzalez (7/10/2024 | 9:06 AM EDT)

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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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