

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: Jan 22, 2019

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB18-0255. CCC Civic and convention center district hotel regulations.**

#### **REQUEST**

**PB 18-0255. CCC CIVIC & CONVENTION CENTER DISTRICT HOTEL REGULATIONS.** AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142 OF THE CITY CODE ENTITLED, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED, "DISTRICT REGULATIONS," DIVISION 7, ENTITLED, "CCC CONVENTION CENTER DISTRICT", SECTION 142-366, ENTITLED, "SETBACK REQUIREMENTS"; AND AMENDING CHAPTER 130 OF THE CITY CODE, ENTITLED "OFF-STREET PARKING", ARTICLE II, ENTITLED, "DISTRICT REQUIREMENTS", SECTION 130-32, ENTITLED, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1"; AND BY AMENDING CHAPTER 130 OF THE CITY CODE, ENTITLED, "OFF-STREET PARKING", ARTICLE IX, ENTITLED, "VALET AND TANDEM PARKING", AT SECTION 130-251, ENTITLED, "REQUIREMENTS" TO MODIFY THE DEVELOPMENT REGULATIONS PERTAINING TO SETBACK REQUIREMENTS AND PARKING REQUIREMENTS TO ACCOMMODATE THE DEVELOPMENT OF A CONVENTION HOTEL; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

#### **RECOMMENDATION**

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

#### **HISTORY**

On December 12, 2018, at the request of Mayor Dan Gelber, the City Commission referred the proposed Ordinance Amendment to the January 2019 meetings of the Land Use and Development Committee and Planning Board (Item C4M).

The Land Use and Development Committee is scheduled to review the proposed amendment on January 23, 2019.

#### **REVIEW CRITERIA**

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

**Consistent** – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Not applicable** – The proposed amendment does not modify district boundaries.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

The proposed ordinance amendment is not out of scale with the surrounding neighborhood.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

**Consistent** – The proposed ordinance will not affect the load on public facilities and infrastructure.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Not applicable.** – The proposed amendment does not modify district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – The proposed ordinance is necessary to allow a convention hotel development to have more flexibility in terms of setbacks to accommodate a project like this in the CCC zoning district.

Reducing the parking and limiting loading requirements with more flexibility on parking layout and stacking goes with the City goals to encourage other modes of transportation first. While the parking requirements have been modified in other zoning districts, parking and loading within the CCC zoning district has not been updated.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Consistent** – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Consistent** – The proposed change will not create or increase traffic congestion from what is currently permitted.

**9. Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed change will not reduce light and air to adjacent areas.

**10. Whether the proposed change will adversely affect property values in the adjacent area.**

**Consistent** – The proposed change should not adversely affect property values in the adjacent areas.

**11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Consistent** – The proposed change should not be a deterrent to the improvement or development of properties in the City.

**12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Consistent** – The proposed modification are required in order to create a more efficient use of space and flexibility in the design and placement of a new hotel structure.

**13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

**Not applicable** –

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

**(1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Partially Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise.

**(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Consistent** – The proposal will not affect the resiliency of the City with respect to sea level rise.

**(3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal does not diminish and is compatible with the City's sea level rise mitigation and resiliency efforts.

## **ANALYSIS**

The attached draft ordinance consists of minor text amendments to the applicable sections of Chapter 130, Off-Street Parking, and Chapter 142, Zoning Districts and Regulations in the Civic and Convention Center (CCC) District. These amendments address design components for the proposed convention center hotel development, and are summarized as follows:

1. Revision to Section 142-366, to establish separate setback requirements for hotel uses in the CCC district, as follows:
  - Subterranean, pedestal, and tower setback requirements for hotel use shall be as follows:
    - i. Fronting 17<sup>th</sup> Street: 10 feet
    - ii. Fronting Convention Center Drive: 10 feet
    - iii. Interior Side: five (5) feet
    - iv. Rear: zero (0) feet
  - Balcony projections for hotel use: 0 feet.

Currently, the setback regulations apply to all uses within the district and are an average of the requirements contained in the surrounding zoning districts. The proposal modification to the setback requirements will allow more flexibility of the placement of the hotel, and most particularly the tower portion of the hotel (above 50 feet in height).

2. Revisions to Section 130-32, as follows:
  - Clarify that accessory uses to hotels shall have no parking requirement.
  - Limit the off-street loading requirement for hotels and accessory uses to hotels to a minimum of four (4) spaces.
  - Allow valet and tandem parking spaces to stack more than 2 vehicles per space.

It is the City's desire to promote economic development within the City of Miami Beach by attracting a more robust mix of conferences and conventions to the Miami Beach Convention Center, including "fly-in" conferences and conventions drawing national and international attendance that would reduce the MBCC's reliance on "drive-in" events that primarily attract local/commuter attendance.

The development of a convention headquarter hotel that will serve as an "on-site" hotel option for conference attendees, and large enough to provide the group room blocks necessary to support and secure national and international conferences and conventions at the Convention Center, will reduce the parking needs for such a hotel. Shopping, dining, the beach, and 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.

## **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

## CCC CIVIC & CONVENTION CENTER DISTRICT HOTEL REGULATIONS

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142 OF THE CITY CODE ENTITLED, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED, "DISTRICT REGULATIONS," DIVISION 7, ENTITLED, "CCC CONVENTION CENTER DISTRICT", SECTION 142-366, ENTITLED, "SETBACK REQUIREMENTS"; AND AMENDING CHAPTER 130 OF THE CITY CODE, ENTITLED "OFF-STREET PARKING", ARTICLE II, ENTITLED, "DISTRICT REQUIREMENTS", SECTION 130-32, ENTITLED, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1"; AND BY AMENDING CHAPTER 130 OF THE CITY CODE, ENTITLED, "OFF-STREET PARKING", ARTICLE IX, ENTITLED, "VALET AND TANDEM PARKING", AT SECTION 130-251, ENTITLED, "REQUIREMENTS" TO MODIFY THE DEVELOPMENT REGULATIONS PERTAINING TO SETBACK REQUIREMENTS AND PARKING REQUIREMENTS TO ACCOMMODATE THE DEVELOPMENT OF A CONVENTION HOTEL; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the Mayor and City Commission desire to promote economic development within the City of Miami Beach by attracting a more robust mix of conferences and conventions to the Miami Beach Convention Center ("MBCC" or "Convention Center"), including "fly-in" conferences and conventions drawing national and international attendance that would reduce the MBCC's reliance on "drive-in" events that primarily attract local/commuter attendance; and

**WHEREAS**, in support of the foregoing and in an effort to maintain the competitiveness of the Convention Center as a local and regional asset that supports the South Florida tourism economy, the City is in the process of completing the Miami Beach Convention Center Renovation and Expansion Project (the "MBCC Renovation Project"), a public construction project that includes a complete renovation of the MBCC, expansion of ballroom and auxiliary spaces, parking above portions of the MBCC, exterior landscaping and creation of a six (6) acre public park; and

**WHEREAS**, in addition to, and separate from, the MBCC Renovation Project, the City desires to attract more "fly-in" conferences and conventions to the MBCC through the development of a convention headquarter hotel that is (i) entirely privately-funded; (ii) sufficiently close to the Convention Center to serve as an "on-site" hotel option for conference attendees, and (iii) large enough to provide the group room blocks necessary to support and secure national and international conferences and conventions at the Convention Center; and

**WHEREAS**, on November 19, 2014, the Mayor and City Commission adopted Resolution No. 2014-28836, approving an Amended and Restated Interlocal Cooperation Agreement between the City and Miami-Dade County ("County"), whereby, in recognition that a convention hotel in the proximity of the Convention Center will generate additional

Convention Development Tax ("CDT") and resort tax revenues, the County has agreed to provide the City with up to \$1,500,000 per year in an additional allocation of CDT revenues once a convention hotel opens, with such additional payments to the City continuing annually until 2048; and

**WHEREAS**, on April 13, 2016, the Mayor and City Commission established the Mayor's Ad Hoc Blue Ribbon Steering Committee on the Convention Center Hotel (the "Committee"), chaired by Commissioner Ricky Arriola and vice-chaired by Commissioner Kristen Rosen-Gonzalez; and

**WHEREAS**, on February 14, 2018, the Mayor and City Commission considered the Committee's report regarding potential options for a Convention Center Hotel development, including options with respect to a proposed Hotel's location, size, height, and related issues such as traffic mitigation, and the like, and directed the Administration to prepare a Request for Proposals ("RFP"); and

**WHEREAS**, on May 16, 2018, the Mayor and City Commission approved Resolution No. 2018-30310, authorizing the issuance of an RFP for the Convention Center Hotel for a lease of the approximately 2.6 acre site located adjacent to the Convention Center; and

**WHEREAS**, on May 17, 2018, the City issued Request for Proposals No. 2018-238-KB (the RFP) for the Development of a Convention Headquarter Hotel Adjacent to the Miami Beach Convention Center; and

**WHEREAS**, on November 6, 2018, the electorate of Miami Beach voted for the City to lease the 2.6 acre property at the northeast corner of 17<sup>th</sup> Street and Convention Center Drive to MB Mixed-Use Investment, LLC for 99 years, for construction/operation of a 800 room hotel; and

**WHEREAS**, the City of Miami Beach Land Development Regulations ("LDRs") require modification to accommodate the proposed hotel in the CCC Civic and Convention Center District; and

**WHEREAS**, the amendments set forth below are necessary to accomplish all of the above objectives.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**SECTION 1.** Chapter 142, "Zoning Districts and Regulations," at Article II, entitled "District Regulations," Division 7, "CCC Civic and Convention Center District," of the City Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 142  
ZONING DISTRICTS AND REGULATIONS**

**ARTICLE II  
DISTRICT REGULATIONS**

\* \* \*

**Division 7. CCC Civic and Convention Center District**

\* \* \*

**Sec. 142-366. - Setback requirements.**

- (a) Other than the specifically delineated setbacks provided for under subsections (b) and (c), below, the development regulations (setbacks, floor area ratio, signs, parking, etc.) shall be the average of the requirements contained in the surrounding zoning districts as determined by the planning and zoning director. Setback regulations for parking lots and garages when they are the main permitted use are listed in subsection 142-1132(n).
- (b) Subterranean, pedestal, and tower setback requirements for hotel use shall be as follows:
- 1) Fronting 17<sup>th</sup> Street: 10 feet
  - 2) Fronting Convention Center Drive: 10 feet
  - 3) Interior Side: five (5) feet
  - 4) Rear: zero (0) feet
- (c) Balcony projections setback for hotel use: 0 feet.

**SECTION 2.** Chapter 130, "Off-Street Parking," Article II, entitled "Districts; Requirements," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 130  
OFF-STREET PARKING**

**ARTICLE II  
DISTRICTS; REQUIREMENTS**

\* \* \*

**Sec. 130-32. - Off-street parking requirements for parking district no. 1.**

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

\* \* \*

- (25A) *CCC civic and convention center district:* The following parking regulations shall apply to structures situated in the CCC civic and convention center district. The number of off-street parking spaces required for any structure shall be determined by the primary use of the structure in accordance with the requirements as follows:
- a. Auditorium, convention hall or meeting rooms: One space per every 1,000 square feet of floor area available for seats.
  - b. Hotel, convention: 0.4 spaces per unit.

- c. When not listed above, the parking requirement for primary uses listed in this section shall apply.
- d. Accessory uses not listed above shall have no parking requirement.
- e. Notwithstanding the requirements of Section 130-101, pertaining to off-street loading, the off-street loading requirement for hotels and accessory uses to hotels shall be four (4) spaces. However, additional loading spaces may be provided on site.

The city commission may waive the total amount of required parking for uses in the CCC district by up to 20 percent. Valet and tandem parking shall not be required to comply with the stacking cap of section 130.251(b).

**SECTION 3.** Chapter 130, "Off-Street Parking," at Article IX, entitled "Valet and Tandem Parking," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

## CHAPTER 130 OFF-STREET PARKING

### ARTICLE IX VALET AND TANDEM PARKING

\* \* \*

#### **Sec. 130-251. - Requirements.**

- (a) Commercial parking garages and lots may consist of 100 percent valet parking spaces. Required parking for commercial establishments, hotels, hotel accessory uses, multifamily residential buildings, residential accessory uses, and alcoholic beverage establishments may be satisfied by providing 100 percent valet parking spaces. If the parking spaces are located off-site, they shall comply with the requirements of section 130-36 in order to satisfy minimum parking requirements. In addition, any required parking valet spaces for a multifamily residential building shall be governed by a restrictive covenant, approved as to form by the city attorney's office and recorded in the public records of the county as a covenant running with the land, stipulating that a valet service or operator must be provided for such parking for so long as the use continues.
- (b) Dimensions for valet and tandem parking spaces shall be 8½ feet in width by 16 feet in depth. Dimensions for tandem parking spaces shall be a minimum of 8½ feet in width by 32 feet in depth, with a maximum stacking of two vehicles per space, except as provided for in subsection 130-32(25A).
- (c) Tandem parking spaces may be utilized for self-parking only in multifamily residential buildings and shall have a restrictive covenant, approved as to form by the city attorney's office and recorded in the public records of the county as a covenant running with the land, limiting the use of each pair of tandem parking spaces to the same unit owner.
- (d) Commercial parking garages and lots may utilize tandem parking spaces if they are operated exclusively by valet parking. A restrictive covenant, approved as to form by the city attorney's office and recorded in the public records of the county as a covenant running

with the land, shall be required and shall affirm that a valet service or operator must be provided for such parking for so long as the tandem parking spaces exist.

**SECTION 4. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

**SECTION 5. CODIFICATION.**

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

**SECTION 6. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Dan Gelber, Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: February 13, 2019

Second Reading: March 13, 2019

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director