

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A FUNDING ALLOCATION OF UP TO \$400,000 AS PART OF THE FY 2022 CAPITAL BUDGET, FOR ALL WORK, INCLUDING CHARRETTES AND PREPARATION OF CONCEPTUAL DESIGN OPTIONS FOR THE BYRON CARLYLE THEATER RENOVATION WITH A GROUND FLOOR CULTURAL CENTER COMPONENT, WITH THE FINAL COST OF ALL WORK TO BE COMPETITIVELY NEGOTIATED, AND WITH THE FINAL PROPOSED CONCEPTUAL DESIGN TO BE SUBJECT TO THE PRIOR APPROVAL OF THE MAYOR AND CITY COMMISSION.

WHEREAS, the Byron Carlyle Theater, located at 500 71st Street between Byron Avenue and Carlyle Avenue ("Byron Carlyle"), originally opened in 1968 as twin cinemas hosting first-run movies in the heart of North Beach; and

WHEREAS, the Byron Carlyle continued to operate until being purchased by the City in 2001, and was leased to O-Cinema, a non-profit, independent cinema until approximately 2018; and

WHEREAS, being uninhabited since 2018, the Byron Carlyle's western portion is in poor condition due to flooding, deferred interior maintenance, poor air circulation, mold, and a series of electrical deficiencies; and

WHEREAS, the Byron Carlyle's eastern portion of the building, which is in similar disrepair as its western portion, consists of vacant office spaces that would require significant improvements and repairs to be suitable for occupancy; and

WHEREAS, due to its uninhabitable condition, the property is at risk of being demolished in accordance with Chapter 8-5 of the Miami-Dade County Code; and

WHEREAS, various discussions over Byron Carlyle's poor condition have been held at multiple City Committees, including the Neighborhood and Quality of Life Committee, Finance and Economic Resiliency Committee, the North Beach CRA Advisory Committee, and at City Commission meetings; and

WHEREAS, on January 18, 2019, the City issued Request for Proposals No. 2019-100-KB for development of a mixed-use project with a cultural component at the Byron Carlyle Theater site ("RFP"); and

WHEREAS, on October 19, 2019, the City Commission adopted Resolution No. 2019-30149 and authorized negotiations with the two entities that provided responses to the RFP, then on February 24, 2021, the City Administration recommended the City

Commission approve a proposed Term Sheet and authorize the Administration to negotiate final agreements with Menin Hospitality/KGTC, LLC ("Developer"); and

WHEREAS, on February 24, 2021, the City Commission rejected the RFP proposal and terminated negotiations; and

WHEREAS, with no obvious "Plan B" in existence and no funding being dedicated towards reactivating Byron Carlyle, the City Administration lacks direction; and

WHEREAS, the Administration engaged a third-party firm to conduct a facility assessment of the Byron Carlyle, and the assessment report indicates that the repairs of the existing conditions alone would cost an estimated \$15-19 million; and

WHEREAS, the Byron Carlyle's activation was approved as part of North Beach's Master Plan on October 19, 2016 because it presented a unique opportunity for the City to create a catalyst project to help facilitate the vision for the Town Center with a mixed-use, multi-story development; and

WHEREAS, the Byron Carlyle development will encourage further development along 71st Street and spur entrepreneurship in the area; and

WHEREAS, activation of the Byron Carlyle as a full Cultural Center is not only supported by City residents, but as the building also located within the City's North Beach CRA, tax increment funding opportunities exist for its renovation and future development as part of the North Beach CRA Redevelopment Plan; and

WHEREAS, in view of the need for a vision for the Byron Carlyle and the strong desire or a Byron Carlyle cultural center to serve as the impetus for the revitalization of North Beach, the Mayor and City Commission desire to allocate funding for the purpose of developing conceptual design options for the Byron Carlyle cultural center project ("Conceptual Design"); and

WHEREAS, the cost estimates for this Conceptual Design recommendation was created in close consultation with the City Administration; and

WHEREAS, in order to effectuate resident input and the desire for activation and cultural programming at the Byron Carlyle, the Conceptual Design options would incorporate the input provided at community charettes as well as an on-going community survey that is currently being undertaken, with the intent that survey results and other outreach efforts will assist in informing future actions with respect to the Conceptual Design; and

WHEREAS, residents have crafted a preliminary vision for the Byron Carlyle, a

copy of which is attached as Exhibit "A" to this Resolution, and which should be given the fullest consideration as part of the Conceptual Design; and

WHEREAS, at the September 15, 2021 meeting of the North Beach CRA Advisory Committee ("Committee"), the Committee unanimously recommended that the City Commission allocate funding for the Conceptual Design for the Byron Carlyle cultural center; and

WHEREAS, this Resolution, sponsored by Commissioner Mark Samuelian, will ensure that dedicated funding is available to generate and evaluate alternative plans for the development of the Byron Carlyle with a state-of-the-art cultural center, so as to not delay the City Commission's consideration of this important project for North Beach; and

WHEREAS, this Resolution is limited to the allocation of a not-to-exceed funding amount only, as any engagement of architectural professionals shall be subject to competitive negotiations in accordance with Section 287.055 of the Florida Statutes, and the final proposed Conceptual Design shall be subject to the prior approval of the Mayor and City Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve a funding allocation of \$400,000 as part of the FY 2022 Capital Budget, for all work, including charrettes and preparation of conceptual design options for the Byron Carlyle Theater renovation with a ground floor Cultural Center component, with the final cost of all work to be competitively negotiated, and with the final proposed conceptual design to be subject to the prior approval of the Mayor and City commission.

PASSED AND ADOPTED this ____ day of September 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

Sponsored by Commissioner Mark Samuelian

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney PAZ
Date 9-22-21