

# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: September 5, 2024

TITLE: **REVIEW AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS TO AMEND THE HOTEL APPROVAL PROCESS**

### **RECOMMENDATION**

The Administration recommends that the Land Use and Sustainability Committee (LUSC) discuss the item and provide a recommendation to the Mayor and City Commission (City Commission).

### **BACKGROUND/HISTORY**

On December 13, 2023, at the request of Commissioner Joseph Magazine, the Mayor and City Commission referred a discussion regarding the hotel approval process, pursuant to item R9 G, to the LUSC. Commissioners Tanya K. Bhatt, Alex Fernandez and Kristen Rosen Gonzalez were co-sponsors of the item.

On March 5, 2024, the LUSC combined and discussed the item with other hotel related items referred by the City Commission on December 13, 2023 (C4 O and C4 S) and took the following actions:

1. Continue the discussion pertaining to the regulation of future hotels to May 1, 2024 for the Administration to explore different options for City Commission approval of future hotels, where permitted.
2. Recommend that the City Commission refer an ordinance amendment to the Planning Board to prohibit hotels in the R-PS3, R-PS4, C-PS2, CD-3 (41<sup>st</sup> Street only), TC-C, TC-1, TC-2 and TC-3 zoning districts. Prior to the City Commission considering a referral item, feedback on the proposal shall be obtained from 41<sup>st</sup> Street stakeholders, the North Beach Community Redevelopment Agency (Advisory Committee) and the Washington Avenue Business Improvement District (BID). The referral to the Planning Board is pending before the City Commission.
3. Recommend that the City Commission refer a separate discussion item to the LUSC pertaining to amending the average unit size requirements for residential buildings. On April 3, 2024, the City Commission referred this discussion item to the LUSC. On June 10, 2024, the LUSC discussed and concluded the item with no action.

On May 1, 2024, the LUSC deferred the discussion pertaining to the regulation of future hotels to the June 10, 2024 meeting. At the June 10, 2024, meeting the LUSC discussed and continued the item to the July 9, 2024, LUSC meeting with direction to draft an ordinance in accordance with the following:

- a. City Commission review should occur at the beginning of the approval process.
- b. City Commission approval would apply to non-oceanfront and non-waterfront hotel projects, with option 2 in the LUSC memo used as a framework.

c. Commission review criteria should include impacts on residential uses.

On July 9, 2024, the item was deferred to a future LUSC meeting.

## **ANALYSIS**

Currently, any new hotel development consisting of ground up construction or additions to existing structures, requires the review and approval of the Design Review Board (DRB) or Historic Preservation Board (HPB). In those instances where a separate conditional use permit (CUP) may be required, Planning Board approval would also be needed.

In accordance with the direction of the LUSC on June 10, 2024, attached is draft ordinance amending the City Commission Warrant Process for hotel approvals. The following is a summary of the proposal:

Approval from the City Commission would be required prior to the review of any Land Use Board application or the approval of any building permit for hotel projects that exceed the following thresholds:

- New hotel construction exceeding 15,000 square feet of floor area; or
- New hotel construction exceeding 30 hotel units; or
- The conversion of more than 25 existing residential apartments or more than 5,000 square feet of office or commercial space within a single development site to hotel, suite hotel or hostel.

The following hotel developments would not require a City Commission Warrant:

- Hotel is proposed to be located on a bayfront or oceanfront property; or
- Hotel is proposed within an existing contributing building within a local historic district, provided that any new addition contain no more than 50 hotel units.

The warrant for hotel use, if applicable, would be granted by resolution of the City Commission, and an affirmative vote of five-sevenths (5/7) of all members of the City Commission would be required. The procedure for granting a warrant shall also require a public hearing by the city commission prior to the acceptance of an application to the Planning Board, Design Review Board or Historic Preservation Board, as applicable. The warrant hearing must also be noticed in accordance with the notice requirements of the applicable land use board.

Finally, review criteria for the City Commission to consider in reviewing warrant applications for hotel uses has been developed, as follows:

- Whether the proposed hotel use is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.
- Whether the hotel will negatively affect the availability of existing affordable and work force housing.
- Whether the proximity of the proposed hotel to residential uses will create adverse impacts and how such impacts are mitigated.
- Whether adequate off-street parking and loading spaces will be provided.
- The impact of the employees of the hotel development on the demand in the city for housing, public transit, childcare and other social service taking into consideration the impact of the part-time or seasonal nature of work at the hotel and the hotel employees' classifications.
- The impact of the hotel on existing infrastructure based on its operational plan including the number of employees, number of guests and proposed accessory uses.
- Whether the applicant will take measures to employ residents of neighborhoods adjoining the hotel development project in order to minimize increased demand for regional transportation and to reduce demand for vehicle trips and vehicle miles traveled.

- Whether the applicant will take measures to encourage hotel workers and guests to use public transportation, micromobility and other non-automotive means of transportation.
- Whether the hotel development will support small businesses in the immediate vicinity and whether the applicant will adopt any measures to increase demand for local goods and services.

If there is consensus on the provisions in the attached ordinance, or other options, a separate referral to the Planning Board, by the City Commission, to amend the LDRs would be required.

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact

**Does this Ordinance require a Business Impact Estimate?** No  
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

### **FINANCIAL INFORMATION**

N/A

### **CONCLUSION**

The Administration recommends that the Land Use and Sustainability Committee discuss the item and provide a recommendation to the City Commission.

### **Applicable Area**

Citywide

**Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

### **Department**

Planning

### **Sponsor(s)**

Commissioner Alex Fernandez

### **Co-sponsor(s)**

Commissioner Tanya K. Bhatt  
Commissioner Joseph Magazine  
Commissioner David Suarez

**Condensed Title**

Review Amendments To The Land Development Regulations To Amend The Hotel Approval Process