

18. PB24-0724, Hotel Approval Process

MIAMIBEACH

PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: www.miamibeachfl.gov/planning

LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

| Application Information | | | |
|---|--|---|----------------------|
| FILE NUMBER PB24-0724 | | Is the property the primary residence & homestead of the applicant/property owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if "Yes," provide office of the property appraiser summary report) | |
| Board of Adjustment <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision <input type="checkbox"/> Modification of existing Board Order | | Design Review Board <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order | |
| Planning Board <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Lot Split <input checked="" type="checkbox"/> Amendment to the Land Development Regulations or Zoning Map <input type="checkbox"/> Amendment to the Comprehensive Plan or Future Land Use Map <input type="checkbox"/> Modification of existing Board Order | | Historic Preservation Board <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic District/Site Designation <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order | |
| <input type="checkbox"/> Other: | | | |
| Property Information – Please attach Legal Description as "Exhibit A" | | | |
| ADDRESS OF PROPERTY N/A | | | |
| FOLIO NUMBER(S) | | | |
| Property Owner Information | | | |
| PROPERTY OWNER NAME N/A | | | |
| ADDRESS | | CITY | STATE |
| | | | ZIPCODE |
| BUSINESS PHONE | | CELL PHONE | EMAIL ADDRESS |
| | | | |
| Applicant Information (if different than owner) | | | |
| APPLICANT NAME City of Miami Beach | | | |
| ADDRESS 1700 Convention Center Drive | | CITY Miami Beach | STATE FL |
| | | | ZIPCODE 33139 |
| BUSINESS PHONE 3056737550 | | CELL PHONE | EMAIL ADDRESS N/A |
| | | | |
| Summary of Request | | | |
| PROVIDE A BRIEF SCOPE OF REQUEST SEE AFFIDAVIT | | | |

| | | | |
|--|------------|---|--|
| Project Information | | | |
| Is there an existing building(s) on the site? | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If previous answer is "Yes", is the building architecturally significant per sec. 142-108? | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Does the project include interior or exterior demolition? | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Provide the total floor area of the new construction. | | | SQ. FT. |
| Provide the gross floor area of the new construction (including required parking and all usable area). | | | SQ. FT. |
| Party responsible for project design | | | |
| NAME | | <input type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____ | |
| ADDRESS | | CITY | STATE ZIPCODE |
| BUSINESS PHONE | CELL PHONE | EMAIL ADDRESS | |
| Authorized Representative(s) Information (if applicable) | | | |
| NAME | | <input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____ | |
| ADDRESS | | CITY | STATE ZIPCODE |
| BUSINESS PHONE | CELL PHONE | EMAIL ADDRESS | |
| NAME | | <input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____ | |
| ADDRESS | | CITY | STATE ZIPCODE |
| BUSINESS PHONE | CELL PHONE | EMAIL ADDRESS | |
| NAME | | <input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____ | |
| ADDRESS | | CITY | STATE ZIPCODE |
| BUSINESS PHONE | CELL PHONE | EMAIL ADDRESS | |

Please note the following information:

- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Please read the following and acknowledge below:

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- All disclosures must be submitted in CMB Application format and be consistent with CMB Code Sub-part A Section 2-482(c):
 - (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.
- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

☐ Owner of the subject property☒ Authorized representative

SIGNATURE

David Martinez

PRINT NAME

11/13/24

DATE SIGNED

AFFIDAVIT

I, David Martinez, being duly sworn, depose and say that I am the (Interim Assistant) City Manager of the City of Miami Beach and as such, have been authorized by the city, to file the following application for a Planning Board public hearing:

PB24-0724, Hotel Approval Process. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE VII, ENTITLED "COMMISSION WARRANT," TO CREATE SECTION 2.7.2, ENTITLED "HOTEL APPROVAL PROCEDURES"; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

This instrument is executed pursuant to the requirements of the Planning Department and attests to the accuracy of the above statement. Execution hereof does not constitute approval or disapproval of the application which it addresses.



ASSISTANT CITY MANAGER'S SIGNATURE


STATE OF FLORIDA)

) SS

COUNTY OF MIAMI-DADE)

Sworn to and subscribed before me this 13th day of November, 2024. The foregoing instrument was acknowledged before me by David Martinez, who is personally known to me and who did/did not take an oath.

My commission expires:



NOTARY PUBLIC
STATE OF FLORIDA
(Type, print or stamp name)



NAIMA DE PINEDO
Notary Public
State of Florida
Comm# HH284392
Expires 9/26/2026

MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: November 26, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

^{DS}


for TRM

SUBJECT: **PB24-0724. Hotel Approval Process**

RECOMMENDATION

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

HISTORY/BACKGROUND

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 Land Use and Sustainability Committee (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 continued the discussion pertaining to the regulation of future hotels to May 1, 2024, with direction to the Administration to explore different options for City Commission approval of future hotels, where permitted. On May 1, 2024, the LUSC deferred the discussion pertaining to the regulation of future hotels to the June 10, 2024 meeting. On June 10, 2024, 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:

1. City Commission review should occur at the beginning of the approval process.
2. City Commission approval would apply to non-oceanfront and non-waterfront hotel projects, with option 2 in the LUSC memo used as a framework.
3. Commission review criteria should include impacts on residential uses.

On July 9, 2024, the item was deferred to a future date. On September 5, 2024, the LUSC recommended that the proposed draft ordinance be referred to the Planning Board. On October 30, 2024, at the request of Commissioner Joseph Magazine, the Mayor and City Commission referred the subject ordinance to the Planning Board (item C4 J).

REVIEW CRITERIA

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), 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 amendment 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.**

Not applicable – The proposed Ordinance does not affect the overall scale of development.

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

Consistent – The proposed amendment does not increase loads on public facilities or infrastructures.

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

Not applicable – The proposed change does not modify existing district boundaries.

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

Consistent – The potential to adversely impact the availability of existing affordable and workforce housing, city infrastructure, and resident quality of life, makes the passage of the proposed change necessary.

The proposed change is necessary in order to ensure that potential negative impacts from new hotel uses are sufficiently reviewed and mitigated.

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 increase traffic congestion.

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 will 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 will not be a deterrent to the improvement or development of adjacent properties.

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

Not applicable –

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 7.1.2.4 of the LDRs 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.**

Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

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

Consistent – The proposal does not affect the resiliency of the City.

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

Consistent – The proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.

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 is also needed.

The attached draft ordinance establishes a City Commission warrant process for future 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 a hotel project. Hotel developments located on oceanfront properties are exempt and would not require a City Commission Warrant.
- The warrant for hotel use, if applicable, would be granted by resolution of the City Commission, and an affirmative vote of five-sevenths of all members of the City Commission would be required.
- The procedure for granting a warrant for a hotel would require a public hearing that must be noticed in accordance with the notice requirements of the applicable land use board.
- Review criteria for the City Commission to consider in reviewing warrant applications for hotel uses has been established.
- An applicability provision is included, which provides an exception for properties fronting Washington Avenue that have an active land use board application with a hearing file number and where a notice to proceed to public hearing has been issued by the City prior to July 1, 2024.

Staff has no objection to the proposal, as it is largely ministerial. However, the proposed warrant process would add another layer of review, as part of the overall development review process.

RECOMMENDATION

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

Hotel Approval Process

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 2, ENTITLED “ADMINISTRATION AND REVIEW PROCEDURES,” ARTICLE VII, ENTITLED “COMMISSION WARRANT,” TO CREATE SECTION 2.7.2, ENTITLED “HOTEL APPROVAL PROCEDURES” AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, hotel development has the potential to adversely impact the availability of existing affordable and work force housing, city infrastructure, and resident quality of life; and

WHEREAS, the City of Miami Beach (“City”) recognizes that additional review of new hotel projects is necessary to mitigate these potential adverse impacts; and

WHEREAS, on September 5, 2024, the Land Use and Sustainability Committee discussed the item and issued a favorable recommendation; and

WHEREAS, the City has the authority to enact laws which promote the public health, safety, general welfare, and morals of its citizens; 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 2, entitled “Administration and Review Procedures,” Article VII, entitled “Commission Warrant”, is hereby amended as follows:

CHAPTER 2 - ADMINISTRATION AND REVIEW PROCEDURES

* * *

ARTICLE VII - Commission Warrant

* * *

2.7.2 HOTEL APPROVAL PROCEDURES

Where authorized in the underlying zoning district or overlay district, and in accordance with all applicable regulations set forth in such zoning district or overlay district, the City Commission may grant a warrant for hotel use.

- a. Applicability. Approval from the City Commission shall be required prior to the review of any Land Use Board application or the approval of any building permit for a hotel, suite hotel, apartment hotel or hostel that includes new construction and/or the conversion of existing floor area to a transient hotel use.

- b. Exemptions. Notwithstanding Section 7.7.2(a), where authorized in the underlying zoning district or overlay district, hotel use shall not require a review under this section if the hotel is proposed to be located on an oceanfront property.
- c. The warrant shall be granted by resolution of the city commission, and an affirmative vote of five-sevenths of all members of the city commission shall be necessary in order to approve such resolution. The procedure for granting a warrant shall require a public hearing by the commission prior to the acceptance of an application to the planning board, design review board or historic preservation board, as applicable, and noticed in accordance with the notice requirements of the planning board, design review board or historic preservation board.
- d. In reviewing an application for a commission warrant, the commission shall consider the following criteria:
 - 1. Whether the proposed hotel use is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.
 - 2. Whether the hotel will negatively affect the availability of existing affordable and work force housing. This criteria shall be considered for tracking purposes and to inform future policy discussions of the City Commission but may not serve as a basis for the approval or denial of a warrant application.
 - 3. Whether the proximity of the proposed hotel to residential uses will create adverse impacts and how such impacts are mitigated.
 - 4. Whether adequate off-street parking and loading spaces will be provided.
 - 5. 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.
 - 6. 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.
 - 7. 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.
 - 8. Whether the applicant will take measures to encourage hotel workers and guests to use public transportation, micromobility and other non-automotive means of transportation.
 - 9. 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.

SECTION 2. 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 3. 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 4. SEVERABILITY.

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

SECTION 5. APPLICABILITY.

This Ordinance shall not apply to properties fronting Washington Avenue that have an active land use board application with a hearing file number and where a notice to proceed to public hearing has been issued by the City prior to July 1, 2024.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2025

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

City Attorney

Date

First Reading: December 11, 2024

Second Reading: January ____, 2025

Verified by: _____
Thomas R. Mooney, AICP
Planning Director