

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: August 25, 2020

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB20-0387 – West Avenue Overlay – Suite Hotel Prohibition.**

REQUEST

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, entitled “Zoning Districts and Regulations,” Article III, entitled “Overlay Districts,” Division 5, entitled “West Avenue Bay Front Overlay,” to remove suite hotel and suite hotel units as allowable uses in the West Avenue Bay Front Overlay; and providing for Repealer, Codification, Severability, and an Effective Date.

RECOMMENDATION:

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

HISTORY

On February 12, 2020, at the request of Commissioner Mark Samuelian, the City Commission referred a discussion to the Land Use and Sustainability Committee (Item C4V), regarding uses in the West Avenue Bayfront Overlay. The item was placed on the March 17, 2020 agenda of the Land Use and Sustainability Committee (LUSC). The March 17, 2020 LUSC meeting was postponed and the item was moved to the May 26, 2020 LUSC agenda. On May 26, 2020 the LUSC discussed the item and continued it to the June 30, 2020 meeting, with direction to the administration to prepare a draft ordinance that removes suites hotels as an allowable use in the West Avenue Overlay District.

On June 30, 2020 the LUSC discussed the draft ordinance and recommended that the City Commission refer it to the Planning Board. The LUSC also recommended that an applicability section be included, which would allow those applications that obtained a building permit process number prior to the effective date of the ordinance to proceed. On July 29, 2020 at the request of the Commissioner Mark Samuelian, the City Commission referred the ordinance (C4F) to the Planning Board for review and recommendation.

BACKGROUND

The West Avenue Bayfront Overlay District is comprised of RM-1, residential multifamily low intensity and RM-2, residential multifamily medium intensity zoning districts. There are no historic districts or individually designated historic sites with the overlay district. The attached map indicates the area of the West Avenue Bayfront Overlay District. The darker shading denotes the area zoned RM-2, and the lighter shading denotes the area zoned RM-1.

The City Commission adopted the Overlay District on June 19th, 2002, (Ord. No. 2002-3374). The primary reason for the creation of the overlay was to preserve the character and quality of the neighborhoods fronting West Avenue, which was being impacted by infill development that did not reflect the cohesive low scale character of the area. The subject overlay, by expanding the list of main permitted uses for existing low-scale buildings in the neighborhood to include suite hotels and bed and breakfast inns, created incentives to retain and adaptively re-use existing single family and/or multifamily buildings that are no more than three (3) stories in height. Additionally, the parking regulations were modified to include the allowance for a limited number of parking spaces within required front yards.

On October 16, 2013, the City Commission adopted Ordinance No. 2013-3820, prohibiting hotel uses within the West Avenue area. This applies to the properties zoned RM-2 and RM-3. Elsewhere in the City, hotels are a main permitted use within RM-2 and RM-3 zoning districts, except for the West Avenue and Palm View neighborhoods. The concern with hotel uses in the neighborhood initially arose after the introduction of the Mondrian Hotel at 1100 West Avenue. In order to address the concerns expressed by the hotels that were legally operating within the West Avenue Overlay, the amended code included the following provisions:

Section 142-212(b) - Main Permitted uses (RM-2):

“...A property that has a “legal conforming use” as used in this subsection prior to May 28, 2013, may retain all, and apply for new, expansions and modifications to, permitted, conditional and/or accessory uses permitted in the zoning category as of May 28, 2013, and apply for building permits to add, improve and/or expand existing structures, or construct new structures for permitted, conditional and/or accessory uses permitted in the zoning category, if FAR remains available.”

Section 142-245. Prohibited uses (RM-3):

“The prohibited uses in the RM-3 residential multifamily, high intensity district are...; for property located within the West Avenue corridor, hostels; for properties located within the West Avenue corridor, hotels and apartment hotels, except to the extent preempted by F.S. § 509.032(7), and unless a legal conforming use. Properties that voluntarily cease to operate as a hotel for a consecutive three-year period shall not be permitted to later resume such hotel operation. Without limitation, (a) involuntary hotel closures due to casualty, or (b) cessation of hotel use of individual units of a condo-hotel, shall not be deemed to be ceasing hotel operations pursuant to the preceding sentence.”

Separate from the West Avenue Overlay District there are citywide regulations pertaining to bed and breakfast inns and Suite Hotels. When the West Avenue Overlay District was created in 2002, more specific regulations for Suite Hotels and Bed and Breakfast Inns were included, which were tailored for the neighborhood.

REVIEW CRITERIA

In accordance with Section 118-163 (3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where applicable:

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

Consistent – The proposed modifications are consistent with the Comprehensive Plan.

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

Consistent – 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.**

Consistent – The proposed amendment is not out of scale with the needs of the neighborhood.

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

Consistent – The proposed ordinance will not increase the level of intensity of development and will not affect the load on public facilities.

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.**

Partially Consistent – Preserving the character and quality of the neighborhoods are important, however removing suite hotels from the list of incentives for the adaptive re-use of existing low-scale buildings in the neighborhood could result in more demolition and new construction. See analysis.

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

Consistent - The proposed changes should not adversely influence living conditions in the surrounding 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.

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

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

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

Consistent – Property values should not be negatively impacted by the proposed

changes.

- 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 changes would not be a deterrent to the redevelopment or improvement of any adjacent property.

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

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

- 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.**

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.**

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.**

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

ANALYSIS

Prior to the creation of the West Avenue Overlay District, hotels, apartment-hotels, and suite hotels were permitted uses in the RM-2 and RM-3 zoning districts in the West Avenue area. In the RM-1 zoning district before the overlay, and within the subject area, only single family homes, townhomes, apartments and bed and breakfast inns were permitted. In 2002, the creation of the West Avenue Overlay District allowed suite hotels and offices within existing structures in the overlay. Attached is a list of current BTR's for hotel uses in the overlay.

At the direction of the Land Use and Sustainability Committee on May 26, 2020, the administration drafted the attached ordinance, which removes suite hotels as an allowable use within the overlay. Currently, suite hotel, office and bed & breakfast (single family homes) may be introduced as part

of the renovation of existing structures in the overlay. Under the proposed draft ordinance, suite hotels would no longer be allowed, but office and bed & breakfast would continue to be permitted. The applicability section recommended by the LUSC on June 30, 2020, which would allow those applications that obtained a building permit process number prior to the effective date of the ordinance to proceed, is included in the draft ordinance.

Staff is supportive of the proposed ordinance, as it addresses concerns of area residents regarding transient uses. However, removing suite hotels from the list of incentives for the adaptive re-use of existing low-scale buildings in the neighborhood could result in more demolition of such structures and the replacement with larger buildings, up to the maximum FAR allowed in the underlying zoning district. For the RM-1 zoned properties, a maximum FAR of 1.25 is permitted, with a maximum height of up to 55 feet, and for the RM-2 zoned properties, a maximum FAR of 2.0 is permitted with a maximum height of 65 feet.

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.



Current BTRs

companyName	addressLin	addressLine2	licenseStatus	# of Rooms
1100 WEST INVESTMENTS, LLC dba Mondrian South Beach	1100	WEST AVE	Active	276
1201 CHELSEA LLLP/ R POWER HOLDINGS INC / ABAE HOTEL	1215	WEST AVE	Active	45
1247 BAYVIEW BIKINI HOSTEL CAFE & BEER GARDEN	1247	WEST AVE	Pending	16
1409 HOTEL INC DBA HOTEL GAYTHERING	1409	LINCOLN RD	Active	25
BIKINI HOSTEL CAFE & BEER GARDEN	1234	13TH ST	Pending	2
GIUEDO REALTY LLC	1311	WEST AVE	Active	8
GUMENICK FAMILY INVEST. NRO. 3	910	WEST AVE	Active	111
JACQUELINE CONDOMINIUM ASSOCIATION, INC	1321	15 ST	Active	15
SSDM BAYBREEZE LLC	1565	WEST AVE	Active	31
				529