

January 11, 2021

PURPOSE OF THE OPERATIONAL STANDARDS PROPOSED HEREIN FOR RESTAURANT USE IN THE CONDITIONAL USE APPROVAL FOR THE “ONE ISLAND PARK” TERMINAL ISLAND OFFICE BUILDING. PB20-0352, January 26, 2021.

*The purpose of this memorandum is to tailor commercial restaurant uses in the proposed Terminal Island “One Island Park” development to support emerging standards in the configuration of Class A office space, so as to include necessary safeguards for residential neighborhoods that would be unduly impacted by noise from the proposed outdoor rooftop open-air restaurant.**

In the ordinance expected to be approved by the Miami Beach city commission January 13, 2021 “Commercial Height Limits for Office Uses – Terminal Island”, the city commission is taking the facilitating step of increasing authorized building height from the current 40’ maximum to 75’ feet for Class A office space construction so as to accommodate higher ceilings; (expressed in the ordinance’s six WHEREAS clauses).

The “REPEALER” section of the ordinance repeals ordinances that are in conflict with that objective.

This gives the planning director discretion under the applicable provisions of the Land Development Regulations to accept as “main permitted uses”, uses on the site that are compatible with the district’s purpose. [Sec. 142-482(13) – “*Commercial uses that provide support to the light industrial uses . . . including . . . coffee shops . . . restaurants, and alcoholic beverage establishments.*” Sec. 142-482(14) “*Marine-related uses.*” Sec. 142-482(16) – “*Any use similar and compatible to the uses described in this district and the district purpose as determined by the planning director.*”]

The other provisions of the Land Development Regulations applying to Terminal Island, including the Conditional Use requirements, remain intact.

Accordingly, I submit the following Operational Conditions for Restaurant Uses, for inclusion by the planning director in recommended conditions of approval.

Prohibited uses: “[A]ccessory outdoor bar counters, bars, dance halls, or entertainment establishments . . . outdoor entertainment establishments, neighborhood impact establishments, open air entertainment establishments . . .” Reiterating Sec. 142-485. Prohibited uses. [In I-1.]

Outdoor speakers and television set prohibition:

“Except as may be required by any applicable fire prevention code or building code, outdoor speakers shall not be permitted.”* [Sec. 142-488(a)(3) Applicable to alcoholic beverage establishments in I-1 Sunset Harbour.]

“Outdoor or open air television sets shall not be permitted.” [Television set prohibition applies the South of Fifth standard, to obviate “sports bar” noise outdoors, that carries.* Unnecessary for restaurant service in the Terminal Island I-1 district.].

Prohibition on outdoor alcoholic beverage operations after 12:00 a.m. midnight and indoor alcoholic beverage operations after 2:00 a.m. [Applies the Sunset Harbour I-1 standard, Sec. 142-488(a)(1)].

Special events shall not be permitted in any alcoholic beverage establishment. [Applies the Sunset Harbour I-1 standard, Sec. 142-488(a)(4).]

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**The One Island Park rooftop outdoor/open air restaurant located at 90’ height NGVD [Sheet AO-15], would be the highest point on Terminal Island.*

Experience has shown that outdoor loudspeakers from restaurants on Biscayne Bay islands, and from boomboxes on Flagler Memorial Island, as well as pleasure craft in the bay, carry across the waters to residential development.

Records retained by the “*Coalition Against Causeway Chaos, Inc.*” show continuous noise complaints from residents of the 1000 Venetian Causeway Condominium for outdoor restaurant noise from Jungle Island, .25 miles distant on Watson Island, (within Miami city limits).

Numerous City of Miami Beach noise complaints have been lodged against revelers with boom boxes on Flagler Memorial Island (“Monument Island”). .375 miles west of West Avenue.

The Terminal Island rooftop restaurant would be .375 miles from Icon and Murano Grande condominiums on Alton Road, and .5 miles from Murano at Portofino and Bentley Bay condominiums.

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Background info.

The below is from the applicant’s submission:

C. Review Guidelines For New Structures 50,000 Square Feet and Over

“The proposed Project is in compliance with Section 118-192(b)(1)-(11) of the LDRs, as follows:
PB20-0352 – Amended and Restated Letter of Intent
November 9, 2020

(1) Whether the proposed business operations plan has been provided, including hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application, and that such plan is compatible with the neighborhood in which it is located.

An operation plan has been thoughtfully prepared for the uses within the Project. The operations of the Project will be compatible with the character of the area where the Property is located. Overall, levels 1 through 4 of the building are intended to be Class-A office space, with operations during normal business hours, and access will be secured through the implementation of appropriate security systems.

The office areas, consisting of ±161,671 square feet, have a maximum occupancy load of ±1,616 individuals, and are expected to generate ±275 employees. An operational plan is not required for office uses.

The restaurant or food service use on the roof level is intended to be an open-air restaurant, with approximately ±60 outdoor seats plus additional patron area, and the following maximum hours of operation: 7 AM to 3 AM, Sunday through Saturday. [Maximum occupant content of approximatel ± 299 persons, if permitted by Fire Marshal.] Access through the restaurant will be via an elevator accessible through the main lobby. The restaurant is expected to generate approximately 30 employees per shift, during normal operation (not including special events). The restaurant is not designed as a neighborhood impact establishment.

[Special Events may take occur on the premises subject to City ordinances, rules or regulations, and may exceed the hours of operation and occupancy loads specified herein, if permitted by the Fire Marshal.]

(8) Whether a noise attenuation plan has been provided that addresses how noise will be controlled in the loading zone, parking structures and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.

This Application results in no significant new noise impacts. Terminal Island is an industrial area with existing intense uses, including the City's Fleet Management and Sanitation Department operations, ferry landings, an FPL substation, and the U.S. Coast Guard Base Miami Beach. The proposed office and restaurant uses are significantly less intense than other uses permitted, and, therefore, do not create a use or condition that causes an undue negative impact directly or indirectly to other uses or conditions in the area. The off-street loading zone, parking facilities, and delivery and sanitation areas will be configured, designed and engineered to minimize noise, odors, and any related adverse impacts to the commercial tenants, patrons, and neighboring properties. The main trash rooms will be enclosed. All on-site trash disposal will be physically blocked from view from any exterior vantage point.

(10) Whether the proximity of the proposed structure to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.

The Application does not create any new adverse impacts, as the size of the structure is compatible with the existing development in the area, including the Fisher Island parking garage, which, as-built, has a building height of 43 feet. The Property is distinctive in its location and features. It is situated at the gateway to Miami Beach. At the same time, industrially-designated lands are scarce in the City. The proposed Project is intended to maximize the use of the land, while balancing the unique location and the need for Class-A office space in the City. All risks in developing the Property have been mitigated or eliminated through the proposed structural and environmental design. No adverse impacts will be created due to the proposed development's proximity to similar size structures, residential uses, or the United States Coast Guard Base. The proposed Project will be a landmark development that will significantly enhance the City's entrance and improve the character of Terminal Island."