

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: September 20, 2022

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB22-0503. 1665-1667 Washington Avenue. Office Building.**

NOTE: This is an amended staff report to clarify the description of the proposal under the project section of this memo.

An application has been filed requesting conditional use approval for a new 6-story office development exceeding 50,000 square feet, including the use of a mechanical parking, pursuant to Chapter 118, Article IV, and Chapter 130, Article II of the City Code.

RECOMMENDATION

Approval with conditions.

ZONING/SITE DATA

Legal Description:

Lots 19 and 20, Block 31, ALTON BEACH, according to the Plat thereof, as recorded in Plat Book 2, page 77, of the Public Records of Miami-Dade County, Florida.

Zoning District:

CD-3 Commercial, High Intensity District

Future Land Use Designation:

Commercial High Intensity Category (CD-3)

Historic District:

Museum Historic District

Surrounding Uses:

See Zoning/Site Map at the end of this report.

North:	Hotel
South:	Alley/Commercial Buildings
West:	Hotels
East:	Soundscape Park

Lot Size:

12,000 SF (0.275 AC)

Maximum FAR:

2.75 (33,000 SF)

Proposed FAR: 32,998 SF

Gross Floor Area: 68,794 SF

BACKGROUND

On May 4, 2022, the City Commission approved Ordinance No. 2022-4500, amending the CD-3 district, to authorize an increase in allowable building height for office buildings fronting Washington Avenue between Lincoln Road and 17th Street.

THE PROJECT

The applicant, *KK 1665 Washington LLC and BSD Raleigh Trustee LLC, a Delaware limited liability company as the trustee of the Raleigh Land Trust*, has submitted plans entitled "OFFICE BUILDING," prepared by Kobi Karp Architecture and Interior Design, Inc. and dated July 1, 2022. The proposal is for a new six-story office development with an amenity roof deck and mechanical parking located at 1665-1667 Washington Avenue.

The project is located in the Museum Historic District and the Historic Preservation Board (HPB) is scheduled to consider the revised project for a Certificate of Appropriateness (COA) on October 18, 2022 (File No. HPB22-0515). ~~Additionally, the project will be seeking a 3-foot height variance from the HPB.~~

The development site is approximately 12,000 square feet in size. According to the submitted plans, the proposed building will have 32,998 square feet of floor area, with 21,435 square feet of office space and a 1,094 square foot coffee shop. The proposed building will have 68,794 square feet of gross floor area which necessitates a Conditional Use Permit (CUP), since it exceeds 50,000 square feet in the CD-3 district.

The project will be providing 58 parking spaces on floors 2 to 6 of the project. Vehicles will be taken to the parking spaces via two car elevators. All parking will be via valet service only.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Art. 4, Sec. 118-191 and Sec. 118-192:

1. **The use is consistent with the Comprehensive Plan or Neighborhood Plan if one exists for the area in which the property is located.**

Consistent – The request is consistent with the Comprehensive Plan. The CD-3 future land use category allows for the proposed uses either as a main permitted use or a conditional use.

2. **The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan.**

Consistent – The proposal should not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan, as it is within the intensity limits provided for the CD-3 future land use category.

3. Structures and uses associated with the request are consistent with this Ordinance.

Consistent – Structures exceeding 50,000 square feet in the CD-3 district are a conditional use. These and all zoning matters shall require final review and verification by the Planning Department prior to the issuance of a Building Permit and a Certificate of Use (CU).

4. Public health, safety, morals and general welfare will not be adversely affected.

Not Consistent – As presently configured, the proposed project would adversely affect the general welfare of nearby residents and businesses as the vehicular access and design have not been properly controlled. Staff is recommending conditions to mitigate the potential negative impacts and the facility will have to comply with all applicable laws and regulations prior to the issuance of a Certificate of Use (CU).

5. Adequate off-street parking facilities will be provided.

Partially Consistent – The development is located in parking district no. 7, which does not require parking for office uses. However, the development is proposing 58 off-street vehicle parking spaces, consistent with the requirements of parking district No. 1. Additionally, the project will be providing 10 long-term bicycle parking spaces. The applicant has represented that these parking spaces are needed to meet the demand for parking for the site. Additionally, the access points and to the parking, as well as the design of the front vehicular access, is woefully inadequate. Staff is recommending conditions specific to addressing this shortcoming.

6. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

Not Consistent – The proposed design and vehicular access configuration creates significant pedestrian conflicts and compromises safety. Staff is recommending conditions to mitigate the adverse impacts of the proposed design on the surrounding neighbors.

7. The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

Consistent – There are other office buildings over 50,000 gross square feet in the area, however, office uses tend to not generate significant negative impacts to neighborhoods, as such adverse impacts are not expected from the geographic concentration of such uses if properly controlled.

COMPLIANCE WITH REVIEW GUIDELINES CRITERIA FOR NEW STRUCTURES 50,000 SQUARE FEET AND OVER

Pursuant to Section 118-192(b), in reviewing an application for conditional use for new structures 50,000 square feet and over, the Planning Board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines:

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.**

Partially Consistent – The applicant's letter of intent indicates that the tenants for the building have not been finalized; as a result the operations plan provides minimal details as to the business operations, goals, and number of employees expected. However, the operations plan indicates that the how security, parking, loading/deliveries, and sanitation will be provided.

2. **Whether a plan for the mass delivery of merchandise has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan shall mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.**

Consistent– The operations plan indicates that loading will take place via loading spaces on the ground floor. Two (2) spaces will be provided which complies with the loading requirements in section 130-101. The plan does not provide hours for deliveries, loading, and trash removal. In order to mitigate impacts, staff recommends that loading and trash pickups only occur during non-peak business hours, or 9:30 AM to 4 PM. Because the loading is internal to the property, significant adverse impacts are not expected if the hour are limited.

3. **Whether the scale of the proposed use is compatible with the urban character of the surrounding area and creates adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed.**

Partially Consistent – The scale of the proposed project is compatible with most nearby buildings and the CD-3 zoning district's allowable development per the recently approved zoning amendment. The building is surrounded by hotel and commercial uses that would not be negatively impacted by the scale of the proposed building. However, the adjacent Greenview Hotel is of a lower height and might receive negative impacts from the proposal if not properly designed. However, the scale, massing, architecture, and compatibility issues will be further discussed at the HPB meeting.

4. **Whether the proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking and operational needs of the structure and proposed uses.**

Partially Consistent – The development is located in parking district no. 7, which does not require parking for office uses. However, the development is proposing 58 off-street vehicle parking spaces, consistent with the requirements of parking district No. 1. Additionally, the project will be providing 10 long-term bicycle parking spaces. The applicant has represented that these parking spaces are needed to meet the demand for parking for the site. Additionally, the access points and to the parking, as well as the design of the front vehicular access, is woefully inadequate. Staff is recommending conditions specific to addressing this shortcoming.

The proposed parking utilizes a mechanical elevator lift system, and all parking will be via valet service. The plans indicates that valet drop-off and pickup will be on the ground floor.

The site can also be accessed by alternative modes of transportation. The development will provide 10 long-term bicycle parking spaces. The site is also in close proximity to several bus routes and the Miami Beach Trolley.

5. Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.

Partially Consistent – As this is an office building there isn't a significant number of customers expected. Access is provided to the lobby for pedestrians via a walkway from Washington Avenue or from the valet drop-off area. However, the overall design and circulation elements at the first level are wholly inconsistent with scale, character and context of the immediate area. Staff is recommending conditions to address this shortcoming.

6. Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the business and its users and minimizes impacts on the neighborhood.

Consistent – The applicant has indicated that there will a security system as well as security personnel on-site to monitor the facility. Video surveillance will be provided to monitor the office building and the remainder of the property. Staff has recommendations to improve the security of the property.

7. Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.

Consistent – The applicant has provided a traffic impact analysis prepared by David Plummer & Associates. See the traffic study review comments prepared by the Transportation Department's traffic consultant and conditions contained in the attached draft order.

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

Consistent – The applicant is not proposing entertainment uses or any uses that would create significant noise impacts. Additionally, the elevator system being utilized for the garage should not generate significant noise.

9. **Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.**

Consistent – The project will have an enclosed air-conditioned trash room at the ground level near the loading areas. Staff recommends that garbage disposal and sanitation pickup would occur during non-peak business hours (9:30 AM to 4 PM).

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

Consistent – Proximity to similar sized structures is not expected to create adverse impacts. There are no residential buildings in the immediate vicinity of the building. However, staff is recommending conditions to mitigate any adverse impacts from noise and other issues on the surrounding neighbors.

11. **Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect shall be addressed.**

Consistent – While there may be other buildings over 50,000 gross square feet in the area, adverse impacts are not expected from the cumulative effect of concentration of such uses. However, staff is recommending conditions to mitigate any adverse impacts from noise and other issues on the surrounding neighbors.

SECTION 130-38–MECHANICAL AND ROBOTIC PARKING SYSTEMS

Projects proposing to use mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements shall prepare schematic floor plans prior to site plan review by the applicable land use board. Two sets of schematic floor plans shall be required:

1. **One set of schematic plans sufficient to show the proposed development project with accessory off-street parking requirements satisfied by traditional, non-mechanical means, meeting all aspects of the design standards for parking spaces required in Article III of Chapter 130, and other provisions of these land development regulations, and requiring no variances from these provisions.**

Consistent – Schematic drawings showing the parking in a traditional, non-mechanical

means was submitted showing 34 parking spaces for the project on-site. Since the project is in parking district no. 7, no parking is required for the office uses, therefore the accessory off-street parking requirement can be met through traditional, non-mechanical means.

2. **A second set of schematic plans, sufficient to show the same proposed development project, utilizing mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements.**

Consistent – A schematic drawing showing the parking for the project by mechanical means was submitted showing 58 spaces, complying with the requirements of parking district no.1, as is permitted in parking district no. 7 without counting against FAR limits.

PLANNING BOARD MECHANICAL PARKING REVIEW CRITERIA

The Planning Board shall also consider the following review criteria when considering each application for the use of mechanical parking systems:

- (a) **Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood.**

Partially Consistent – The scale of the project is generally compatible with the surrounding area, however, issues of scale and compatibility will be further addressed by the HPB. Additionally, staff is recommending conditions to address serious shortcomings pertaining to the vehicular entrance portions of the project.

- (b) **Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood.**

Consistent – The mechanical parking system allows the project to exceed the minimum required parking and provide operational parking needs in a more efficient manner, which will result in improved marketability for the Class A office building. This will create a much more context sensitive and harmonious relationship with the surrounding area.

- (c) **Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.**

Consistent – The proposed garage does not result in an increase in density or intensity over that which is currently permitted with conventional parking as shown by the two submitted schematics.

- (d) **Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view.**

Consistent – The proposed parking elevators are enclosed within the structure. Within each parking level, vehicles will be driven out of the elevator to their parking spaces through a valet service.

- (e) **In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings; whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit applicant.**

Not applicable – As per the letter of intent, no residential uses are proposed and the mechanical parking lifts will be managed by a valet parking operator.

- (f) **In cases where mechanical parking lifts are used for valet parking; whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues.**

Consistent – The proper restricted covenant shall be provided prior to the issuance of building permit.

- (g) **Whether a traffic study has been provided that details the ingress, egress and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way.**

Consistent – David Plummer and Associates, Inc. was retained by the applicant to do a traffic assessment, please see Transportation Department Memo.

- (h) **Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided.**

Partially Consistent – Per letter of intent attached, valet service will be required at all times and the system will be available and staffed twenty-four hours per day. The proposed lifts generate minimal noise impacts and will be enclosed in the building. A narrative provides details on the lift system and how it is intended to operate. It does not contain emergency procedures.

- (i) **In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed.**

Consistent – Only a small accessory café is proposed. Significant impacts are not expected from the accessory use. Loading and trash pickups will be via on-site loading spaces. Significant impacts are next expected from the proposed use.

- (j) **Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.**

Consistent – The proposed project appears to be compatible with the surrounding neighborhood and it appears that it would not create any significant adverse impacts to the surrounding uses.

- (k) **Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect shall be addressed.**

Consistent – No negative impact is anticipated from the cumulative effect from the proposed facility and nearby structures.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

1. **A recycling or salvage plan for partial or total demolition shall be provided.**

Partially Satisfied – The applicant has indicated that a recycling or salvage plan will be provided prior to the submittal of a building permit as may be necessary.

2. **Windows that are proposed to be replaced shall be hurricane proof impact windows.**

Satisfied – Windows will be hurricane proof impact windows.

3. **Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**

Satisfied – Operable windows will be provided where feasible and appropriate.

4. **Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**

Satisfied – Per letter of intent, all landscaping will consist of salt tolerant, highly water-absorbent, native, or Florida friendly plants.

5. **Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.**

Partially Satisfied – The applicant has indicated that projections will be taken into account; however, the development complies with the City's resiliency standards.

6. **The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.**

Satisfied – The building has sufficient clearances where the ground floor and parking areas can be adapted if adjacent public rights-of-way are raised.

7. **Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**

Satisfied – All critical mechanical and electrical systems will be located above BFE.

8. **Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**

Not Applicable – The existing building will be demolished.

9. **When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.**

Partially Satisfied – Uses on the ground floor located below the base flood elevation plus City of Miami Beach Freeboard will be dry flood proofed in accordance with Chapter 54 of the City Code.

10. **Where feasible and appropriate, water retention systems shall be provided.**

Partially Consistent – The applicant has indicated that water retention systems will be provided where feasible and appropriate.

11. **Cool pavement materials or porous pavement materials shall be utilized.**

Satisfied – The applicant indicated that cool or porous pavement materials shall be utilized.

12. **The design of each project shall minimize the potential for heat island effects on-site.**

Satisfied – The applicant will install landscaping and vegetation on the rooftop and ground level that will help reduce the urban heat island effect.

ANALYSIS

The Proposal

The applicant has submitted an application for a CUP to construct a new six-story office development with an amenity roof deck and mechanical parking located at 1665-1667 Washington Avenue. Subject to Certificate of Appropriateness approval, the subject project is eligible to be considered under a recently approved height incentive for office buildings in the CD-3 district fronting Washington Avenue between Lincoln Road and 17th Street (Ordinance No. 2022-4500). This Ordinance increased the maximum allowable height limit for eligible office buildings

from 50 feet to 80 feet.

The development site is approximately 12,000 square feet in size. According to the submitted plans, the proposed building will have 32,998 square feet of floor area, with 21,435 square feet of office space and a 1,094 square foot, 20-seat coffee shop. The proposed building will have 68,794 square feet of gross floor area, which necessitates a Conditional Use Permit (CUP), since it exceeds 50,000 square feet in the CD-3 district.

Parking and Access

The proposed project is located in parking district No. 7, which does not require parking for office uses. However, the applicant has proposed providing 58 off-street vehicle parking spaces, consistent with the requirements of parking district No. 1. Additionally, the project will be providing 10 long-term bicycle parking spaces. The applicant believes that the proposed parking spaces are needed to meet the anticipated demand for parking on the site.

The parking spaces are proposed to be provided on the upper levels of the project, with access via two car elevators; all parking will be provided via valet attendants. The vehicular access to the valet drop-off/pick-up area is proposed to be via a 22-foot-wide, two-way driveway from Washington Avenue.

Staff has very serious concerns with this portion of the project, as noted hereto:

- Given the proximity of this proposed driveway to the abutting alley on the south, pedestrian safety is severely compromised, as a large, and separate driveway cut, immediately adjacent to and existing alley driveway cut, would be introduced.
- As presently proposed, the location, dimensions and design of the proposed 22' foot driveway is exceedingly oversized and grossly out of scale with scale, character and context of the immediate area. If constructed in its current form, a gaping tunnel would occupy significant urban space, immediately abutting a contributing building.
- The proposed location of the driveway, and loading spaces, as well as internal access to the elevators and loading spaces, creates a suburban modeled space, with less than one-half of the property width utilized for pedestrian access to the commercial space and office lobby.
- The applicant has not utilized, in any way, the abutting alley on the south side of property to access to the site.

As presently proposed, the driveway, parking queuing areas and loading zone access need substantial refinement. Ideally, the proposed project would not contain any off-street parking, which would allow for a far more appropriate and urban sensitive building typology, particularly when taking the size of the site into consideration. However, staff recognizes the desire of the applicant to provide an amenity to the office tenants.

To address the aforementioned shortcomings associated with vehicular parking and access, staff strongly recommends the following conditions, all of which are included in the attached draft order:

- a. The total number of parking spaces within the proposed structure shall be reduced by a minimum of 18 spaces.
- b. The driveway access to the site from Washington Avenue shall be reduced to a maximum width of ten (10') feet, which may be expanded to twelve (12') feet in width at a point not less than five feet from the public sidewalk, subject to the review and approval of staff.
- c. The revised driveway access from Washington Avenue shall be relocated southward, with the south end of the driveway located no greater than fifteen (15') feet from the south property line, subject to the review and approval of staff.
- d. The revised driveway shall utilize a mountable curb, with applicable signage, to maximize pedestrian safety, in a manner to be approved by staff.
- e. Egress from the parking circulation and car elevator area shall be onto the abutting alley on the south side of the property.
- f. All loading spaces shall be accessed directly from the abutting alley on the south side of the property.
- g. The office lobby and/or accessory commercial use area at the first level shall become the primary component of the first level of the project, facing Washington Avenue, and the revised driveway shall be reduced to an ancillary access point. Additionally, this area shall be redesigned and expanded to better engage the sidewalk along Washington Avenue, as well as the architecture of the upper floors of the building, in a manner to be approved by the Historic Preservation Board.

In summary, the first level of the project needs to be defined primarily by urban form and active uses, and not by a large, open driveway into a deep tunnel. Collectively, staff believes that the recommended changes are the minimum necessary for the project to more appropriately respond to the scale, character and context of the immediate area. Additionally, these conditions are the minimum necessary to ensure pedestrian safety, as well as overall compatibility with the established sidewalk fabric of the adjacent properties.

Rooftop Operations

The plans indicate that the rooftop will be used as an amenity area for the building. Other commercial uses, including entertainment, are not contemplated. Staff does not anticipate negative impacts from the proposed operations; however, conditions have been incorporated into the draft order to ensure that the rooftop operates as expected.

Deliveries and Sanitation

The project proposes two (2) loading spaces, which complies with the minimum loading requirements set forth in section 130-101 of the City Code. Trash pickup will take place by moving trash from the airconditioned trash rooms to the internal loading areas. Although the loading areas will be screened from public view, as noted above, staff has serious concerns with the

location of the loading spaces, as well as access to the loading spaces, in relation to the overall vehicular circulation plan for the development.

Additionally, the plans do not provide hours for deliveries, loading, and trash removal. To mitigate impacts, staff recommends that loading and trash pickups only occur during non-peak business hours, or 9:30 AM to 4 PM. Because the loading is internal to the property, significant adverse impacts are not expected if the hour are limited.

Conclusion

The proposed project is consistent with the City's goal of diversifying the economy from an overreliance on tourism by developing Class A office space. Additionally, the building program, design and massing are consistent with the recently approved building height incentives intended for this purpose.

While highly supportive of the proposal in terms of use, staff has very serious concerns regarding the driveway and vehicular circulation components of the project, as noted more specifically herein. Staff is recommending specific conditions in the attached draft order to address these concerns regarding the proposed vehicular circulation plan, as well as ensure that any potential impacts are minimized.

STAFF RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application be approved subject to the conditions enumerated in the attached Draft Order.

ZONING/SITE MAP

