

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Planning Board

TO: Chairperson and Members  
Planning Board

DATE: April 19, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **File No. 2320. 601- 685 Washington Avenue**

The applicant, Washington Squared Owner, LLC, is requesting Conditional Use approval for the construction of a new seven story hotel development exceeding 50,000 square feet including a parking garage and a Neighborhood Impact Establishment with outdoor entertainment, pursuant to Section 118, Article IV, Section 142, Article II, and Section 142, Article V of the City Code.

#### **RECOMMENDATION**

Continuance to May 24, 2016

#### **ZONING / SITE DATA**

**Future Land Use:** CD-2 – Commercial, Medium Intensity District

**Zoning:** CD-2 – Commercial, Medium Intensity District

**Legal Description:** Lots 11-21 of Block 34, of "Ocean Beach Fla Addition No. 1", according to the Plat thereof, as recorded in Plat Book 3, page 11 of the Public Records of Miami-Dade County, Florida.

**Land Uses:** See Zoning/Site map at the end of this report.  
North: Commercial retail  
South: Commercial mixed use  
East: Commercial mixed use  
West: Commercial retail, hotel and residential uses

**Lot Size:** 69,437 SF

**Maximum FAR:** 1.5 or 2.0 for mixed-use projects

**Proposed FAR:** 2.0 – 138,797 SF Total Area as represented by the applicant

**Maximum Height:** 75'-0" / 7 stories

**Proposed Height:** 75'-0" / 7 stories

#### **Proposed Uses:**

**Hotel:** 312 rooms  
**Amenities:** 25,189 SF  
**Retail:** 46,849 SF  
**Parking:** 258 Spaces

## **THE PROJECT**

The applicant has submitted revised plans entitled "601-685 Washington Avenue", as prepared by Morris Adjmi Architects, dated March 02, 2016. The zoning data sheet is dated March 07, 2016. The proposal consists of a new 7-story, hotel/commercial mixed-use building with 312 rooms; 25,189 SF of amenities, a proposed occupancy of 1,181 persons in the food and beverage areas; 46,849 SF of ground floor retail use; and 258 parking spaces.

An application has been filed with the Historic Preservation Board, which is scheduled for the May 10, 2016 meeting, pending the review of the Planning Board.

## **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-2 future land use category allows new hotels, retail structures, and eating and drinking establishments. The Comprehensive plan also allows for structures exceeding 50,000 SF neighborhood impact establishments, and outdoor entertainment establishments as a conditional uses.

*Uses which may be Permitted: Various types of commercial uses including business and professional offices, retail sales and service establishments, **eating and drinking establishments**; apartment residential uses; apartment hotels; and **hotels**.*

*Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and **conditional uses specifically authorized in this land use category, as described in the Land Development Regulations**, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.*

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**

**Partially 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; however, a concurrency analysis will be performed at the time of building permit application. TrafTech Engineering, Inc. was retained by the applicant to conduct a traffic study. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. However, as of the writing of this report the peer review of the traffic study has not been finalized.

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

**Partially Consistent** – The proposed project appears to meet most zoning regulations with the exception of minimum parking and loading requirements. These aspects must be revised prior to obtaining a building permit. In addition, the project is seeking a variance for the tower setback. These comments shall not be considered final zoning review or

approval. These and all zoning matters shall require final review and verification by the Planning Department prior to the issuance of a Building Permit.

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

**Partially Consistent** – The proposed project may adversely affect the general welfare of nearby residents and businesses if delivery, waste removal, and other operations are not controlled. Staff is recommending conditions to mitigate the potential negative impacts. The entire project would have to comply with all applicable laws and regulations in order to obtain a building permit.

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

**Partially Consistent** – The proposed project is a mixed use building inside of an historic district and must provide required parking for all the proposed uses or pay a parking in lieu fee. Staff review indicates that the proposed plans may be deficient in parking spaces for the number of food and beverage seats proposed. However, because the property is in Parking District 7, some of the establishments may be eligible for a removal of minimum parking requirements. In addition, it is expected that many patrons will arrive by bicycle, on foot, taxi, or hired car.

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

**Partially Consistent** – Staff is recommending conditions to try to mitigate any adverse impacts 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** – The proposed uses for the project are permitted in the CD-2 zoning district. While there are other buildings over 50,000 SF, and other large restaurants and bars in the vicinity, adverse impacts are not expected from the geographic concentration of such uses if the impacts are 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 proposed hotel mixed use project has provided an operations plan for all its food and beverage areas, but the large retail portion of the project on the first floor is not discussed. The proposed uses are permissible in the CD-2 zoning district. The uses are compatible with the surrounding neighborhood. See the Project Description and Operations Analysis.

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 plans show a loading and trash collection area from a loading area that is contained within the building. The loading area is accessed from Collins Court. The designated area would be able to accommodate two (4) trucks of all sizes within the building envelope. However, a review of the plans indicates that based on the scale of proposed uses that more loading spaces are required pursuant to the land development regulations. Plans will have to indicate compliance with the loading requirements prior to obtaining a building permit. Staff is recommending conditions relative to the servicing of the proposed uses. See Delivery and Sanitation Analysis.

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 nearby buildings and CD-2 zoning district allowable development. Staff is recommending conditions to minimize potential adverse impacts.

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 proposed 258 spaces may meet the required parking for the development depending on the final layout of the food and beverage areas and seat counts. However, the development is in Parking District 7, so some of the commercial uses may be eligible for removal of the minimum parking requirement. The applicant must provide plans that indicate the required parking is being met prior to obtaining a building permit. See Parking Analysis.

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

**Consistent** – Pedestrians entering the property will have access directly from the public sidewalk along Washington Avenue and through a breezeway running east and west through the building. Customers arriving in automobiles will be able to be dropped off at the breezeway on the Collins Court side. See Parking and Access Analysis.

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 proposes to provide 24 hour security. Security cameras are proposed on-site at major entrance and exit points, points of sales and elevators. Additional security will be scheduled for high occupancy days and to monitor the pool deck.

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.**

Traf Tech Engineering, Inc. was retained by the applicant to conduct a traffic study. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. However, as of the writing of this report, the traffic study peer review has not been finalized.

- 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 parking and loading is located within the structure, so the applicant does not anticipate any significant noise from the operation. The applicant also proposes that deliveries will be restricted to the hours of 6:00 AM and 5:00 PM. Notwithstanding, staff is recommending conditions to help reduce any potential impacts of noise from loading zone, parking structures and delivery and sanitation areas.

- 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** – Trash pick-up is proposed to occur via the trash and loading area contained within the building along the Collins Court between the hours of 8:00 AM and 10:30 AM. Refuse is proposed to be stored in refrigerated area and maintenance staff will monitor the property and the right of way to maintain the areas clean and free of debris. See Delivery and Sanitation Analysis.

- 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** – There are not any adverse impacts expected due to proximity of similar sized structures. There is only one residential building on the west side of Washington Avenue and staff is recommending conditions to help reduce any potential impact.

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

**Consistent** – The CD-2 zoning district permits mixed use hotel development such as proposed. While there are other buildings of this scale in the surrounding vicinity, negative impacts from a cumulative effect are not expected. Notwithstanding, staff is recommending conditions to help reduce any potential impact.

#### **NEIGHBORHOOD IMPACT ESTABLISHMENT REVIEW GUIDELINES**

In accordance with Sec. 142-1362 of the Miami Beach City Code, in reviewing an application for an outdoor entertainment establishment, open air entertainment establishment or a neighborhood impact establishment, the Planning Board shall apply the following supplemental review criteria in addition to the standard review guidelines for conditional uses pursuant to chapter 118, article IV:

- (1) An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.**

The LOI and the operations plan submitted with the application details the proposed operation of the hotel and the various food and beverage venues associated with the mixed use development. Also, see analysis in this report.

- (2) A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, self-park, shared parking, after-hour metered spaces and the manner in which it is to be managed.**

The project would offer valet parking with the storage of vehicles in an on-site garage. See the LOI and the Traffic Study prepared by Traf Tech Engineering for the full description of the valet operation.

- (3) An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises would be controlled.**

The applicant indicates in the LOI that the hotel lobby and the breezeway area is large enough to accommodate any waiting patrons, so there should be ample room to queue on the property and not on the public sidewalk.

- (4) A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.**

The applicant proposes to employ 24 hour security, security cameras, and extra security personnel during peak times. The security staff would assist with guest flow on the entire property. Patron age restrictions are proposed to be enforced by restaurant and bar staff and hotel security. See the submitted LOI and operations plan contained in the Board packages for more details.

- (5) A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated**

See the attached the traffic study prepared by Traf Tech Engineering for the full details. Transportation Department staff will provide a separate response to the traffic study at the Board meeting.

- (6) A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.**

Trash pick-up is proposed via the trash and loading area contained within the building along the Collins Court between the hours of 8:00 AM and 10:30 AM. Refuse is proposed to be stored in refrigerated area and maintenance staff will monitor the property and the right of way to maintain the areas clean and free of debris. See Delivery and Sanitation Analysis.

- (7) A noise attenuation plan which addresses how noise would be controlled to meet the requirements of the noise ordinance.**

The applicant provided a Sound Study prepared by the Audio Bug, Inc and a peer review from Arpeggio Acoustic Consulting, LLC. See attached report, review, and analysis.

**(8) Proximity of proposed establishment to residential uses.**

The proposed venue is mainly surrounded by other hotels and commercial uses. There is one residential building to the northwest of the property across Washington Avenue. Due to the proximity to a residential use, staff is recommending conditions to mitigate any potential negative impacts from the operations of this proposed project on surrounding properties.

**(9) Cumulative effect of proposed establishment and adjacent pre-existing uses.**

There are three (3) NIE's on Washington within a block of this property. And there are two (2) NIE's within the building. There is a list of NIE's and entertainment venues approved by the Board in this area provided below. Staff is recommending conditions to mitigate any adverse impacts from traffic, noise, and other issues on the surrounding neighbors.

Address	Applicant	Type of CUP	File #	Date
550 Washington Av	Bamboo Group, Inc.	NIE-Entertainment establishment	PB 1947	24-Apr-12
619-623 Washington Av	MAJ Management, LLC, and Cameo's South Beach, LLC.	NIE-Entertainment establishment	PB 1875	24-Apr-12
661-665 Washington Av	PCHA, LLC.	NIE-Entertainment establishment	PB 1752	28-Feb-06
717-721 Washington Av	INK Restaurant/Lounge	NIE-Entertainment establishment	PB 1726	23-Aug-05
743 Washington Av	743 Washington Entertainment, LLC.	NIE-Entertainment establishment	PB 2053	28-Feb-12

**ANALYSIS**

**Project Description and Operations**

The project consists of a new seven (7) story, hotel/commercial mixed-use building with 312 rooms; 25,189 SF of amenities, 46,849 SF of ground floor retail use; 258 parking spaces on the second floor; and a proposed occupancy of 1,181 persons in the food and beverage areas located on the roof of the second floor (3<sup>rd</sup> level). The square footage of the project is approximately 138,797 SF as represented by the applicant.

The proposed uses are permissible in the CD-2 zoning district and are compatible with the surrounding neighborhood. However, staff is recommending conditions to further minimize the impacts as outlined in the recommendation. The proposed operation for the food and beverage areas is outlined below:

SUMMARY OF ACCESSORY USES								
VENUE NAME	FLOOR	INDOOR/ OUTDOOR	MAXIMUM OCCUPANTS	HOURS OF OPERATION	HOURS OF ENTERTAINMENT	ENTERTAINMENT	DANCE HALL	FOOD SERVICE AVAILABLE
CAFE,	3	INDOOR	76	7AM-5AM	11AM-1AM	yes (LIVE MUSIC/DJ)	no	yes
RESTAURANT &	3	OUTDOOR	105	7AM-1AM	11AM-8PM	yes (LIVE MUSIC/DJ)	yes	yes
CAFE CART	3	OUTDOOR	120	7AM-1AM	11AM-8PM	yes (LIVE MUSIC/DJ)	yes	yes
	3	INDOOR	24	7AM-5AM	11AM-8PM	no	no	yes
POOL VENUE	3	OUTDOOR	520	7AM-1AM	n/a	yes (LIVE MUSIC/DJ)	yes	yes
MANGROVE	3	OUTDOOR	336	11AM-1AM	11AM-8PM	yes (LIVE MUSIC/DJ)	yes	no
		GRAND TOTAL	1181					

**Parking and Access**

Ingress and egress into the parking garage would be from Collins Court, which is the ally to the east between Collins Avenue and Washington Avenue. The proposed ramp would be located at midblock on the ground floor of the building facing the alley.

According to the plans submitted by the applicant, parking would be located on level two (2). The total number of parking spaces proposed is 258. According to the applicant, the required parking for the proposed uses is 258 spaces. However, staff review indicates that depending on the

eventual seating layout of the food and beverage areas, more parking may be required. As a result, prior to obtaining a building permit, the applicant would have the option to provide the additional spaces, reduce the floor area and/or restaurant seats, or pay a parking in lieu fee. Additionally, since the project is located in Parking District 7, some of the individual establishments of the project may be eligible for a the removal of minimum parking requirements; however, if this reduction is applied, it may affect the Floor Area Ratio (FAR) of the project due to the potential of surplus parking counting against the allowable floor area.

The applicant proposes a valet operation with three drop off points: one on Washington Avenue, one on 7<sup>th</sup> Street, and one on Collins Court. In addition, 10 bicycle parking spaces are shown along the south eastern part of the building envelope and 32 bicycle parking spaces are shown in the parking garage presumably for more long term bicycle storage.

### **Delivery and Sanitation**

A loading and trash area that is fully contained inside of the building is proposed at the ground level on the east side of the property along with access from Collins Court. This area has four (4) bays and is able to accommodate trash and delivery trucks of all sizes. However, the land development regulations require more than four (4) loading spaces based on the size of the development. Prior to obtaining a building permit, the applicant must provide additional loading spaces.

The applicant is proposing that deliveries only take place between 6:00 AM to 5:00 PM, or as deemed appropriate by the Parking Department for the area, in order to minimize impacts to nearby residents. In addition, the applicant proposes limiting trash pickup to 8:00 AM to 10:30 AM.

### **Security**

The LOI proposes to provide 24 hour security. The applicant proposes to incorporate security cameras at major entrance and exit points, points of sales and elevators. Additional security will be scheduled for high occupancy days and to monitor the pool deck. Additionally, the LOI says that hotel security will help restaurant and bar staff enforce the patron age restrictions.

### **Sound**

The applicant is proposing a neighborhood impact establishment with a maximum occupancy of approximately 1200 persons, as well as outdoor entertainment to include live performances and a DJ. The entertainment is proposed at the pool deck level on the north side of the site.

The applicant provided a sound study prepared by the Audio Bug, Inc and a peer review from Arpeggio Acoustic Consulting, LLC. Audio Bug concluded that the “...the proposed rooftop pool deck venue will have no adverse impact on neighboring residential properties nor will it present any violation of the City of Miami Beach’s Noise Ordinance.”

Conversely, Arpeggio Acoustic Consulting, LLC concluded that. “In fact, data presented in the report seems to imply the opposite with respect to the Arcadia House, when considered in the context of the points contained herein, that sound from the rooftop pool deck will be audible at the condominium and will exceed ambient levels (thus, be audible) at a distance of 100’ from the source. Additionally, no information is given related to proposed entertainment level music inside an interior restaurant.” Please refer to the attached peer review for additional details and concerns expressed relative to even background music played after 11pm.

Due to the concerns expressed in the report prepared by Arpeggio Acoustic, staff would recommend that the application for an outdoor entertainment establishment be denied. Further, at this time, staff would recommend that outdoor ambient music be limited to the hours of 9am to 8pm



daily, with no outdoor ambient music outside of those hours. Also, due to the large size of the outdoor pool deck, staff would recommend that it be closed from 11pm to 8am Sunday through Thursday and Midnight to 8am Friday and Saturday nights.

### **Traffic**

Traf Tech Engineering Inc. was retained by the applicant to conduct a traffic study in connection with the proposed development. The study addresses trip generation, the traffic impacts created by the proposed project on the nearby transportation network, internal site circulation, and queuing. FTE, Inc. served as the traffic study peer reviewer for this project. However, as of the writing of this report, the traffic study and final review are still incomplete. The Transportation Department has requested that the application be continued until the peer review and final analysis is complete.

### **Staff Conclusion**

The application should be continued until the traffic study can be further analyzed. Additionally if the Board chooses to approve the application at this juncture, then the outdoor entertainment proposed for the rooftop located on the roof of the second floor (3<sup>rd</sup> level) should not be approved or at a minimum restricted in hours.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the application for a Conditional Use Permit be continued to a date certain of May 24, 2016. However, should the Board approve the application, the conditions in the attached draft order are recommended.

TRM/MAB/TUI

**ZONING/SITE MAP**



City of Miami Beach Planning Board  
File No. 2320  
601 - 685 Washington Ave



The applicant, Washington Squared Owner, LLC, is requesting Conditional Use approval for the construction of a new seven story hotel development exceeding 50,000 square feet including a parking garage and a Neighborhood Impact Establishment with outdoor entertainment, pursuant to Section 118, Article IV, Section 142, Article II, and Section 142, Article V of the City Code.

**MIAMI BEACH**  
PLANNING DEPARTMENT

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