

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: October 24, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB17-0144, 3921-3925 Collins Avenue – The Courtyard Cadillac Hotel**

The applicants, HHLP Miami Beach Associates, LLC, HHLP Miami Beach Lessee, LLC, and 3921 Collins Avenue LLC, are requesting a Conditional Use Permit for a Neighborhood Impact Establishment, with an occupant content in excess of 300 persons, pursuant to Chapter 118, Article IV, and Chapter 142, Article V of the City Code.

RECOMMENDATION

Approval with conditions

BACKGROUND

October 12, 2010

The Historic Preservation Board (HPB) reviewed and approved a Certificate of Appropriateness (COA) for the partial demolition, renovation and restoration of an existing 14-story hotel, along with the construction of a new 10-story hotel building on the north side of the site. (HPB File No. 7194).

January 25, 2011

The Planning Board reviewed and approved a Conditional Use approval for a single basement level, valet only, mechanical lift parking garage with 68 spaces located in a new ground floor addition with 84 hotel units at the rear of the property (PB File No. 1985).

ZONING / SITE DATA

Legal Description:

LOTS 1 THROUGH 8 INCLUSIVE, AND THE 16.00 FOOT ALLEY BOUNDED ON THE WEST BY THE EASTERLY LINES OF LOTS 5 THROUGH 8; BOUNDED ON THE EAST BY THE WESTERLY LINES OF LOTS 1 THROUGH 4; BOUNDED ON THE NORTH BY THE SOUTHERLY LINE OF 40TH STREET, AND BOUNDED ON THE SOUTH BY THE NORTHERLY LINE OF 39TH STREET, ALL IN BLOCK 31, AMENDED PLAT OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, A SUBDIVISION RECORDED IN PLAT BOOK 5, PAGES 7 & 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Zoning:

RM-3, Residential, high intensity

Future Land Use Designation:

RM-3, Residential, high intensity

Lot Size:	71,680 S.F.
Existing FAR:	211,905 S.F. / 2.98 (Max FAR: 3.00)
Proposed FAR:	no change
Existing Height:	109'-6" / 14-stories Historic tower / 10-stories 2011 addition
Proposed Height:	no change

THE PROJECT

The applicant has submitted plans entitled "Cadillac Hotel" as prepared by Kobi Karp, dated October 23, 2017. The applicants are seeking a conditional use permit in order to operate the existing restaurant space along with the various food and beverage operations associated with the property.

For the existing hotel, the seat count and occupant load will increase from 423 seats/999 OCC. Load to 436 seats/999 OCC Load, and the restaurant will increase from 241 seats/245 OCC Load to 241 seats/306 OCC. load.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Section 118, Article IV, Sec. 118-191 and Sec. 118-192 (a):

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 RM-3 future land use category allows hotels and eating and drinking establishments.

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. Traf Tech, Inc, was retained by the applicant to produce a valet analysis.

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

Consistent – the structures, the Hotel use and accessory uses are consistent with the Land Development Regulations. 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.

Consistent – The property contains an on-site parking garage, where the valet operator will park vehicles for patrons. All extra and oversize vehicles will be parked at one of the two off-site parking lots (4025 Pine Tree Drive or 300 Arthur Godfrey Road) by the valet operator.

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 RM-3 zoning district. While there are other conditional uses and large venues in the area, adverse impacts are not expected from the geographic concentration of such uses, if the impacts are properly controlled.

NEIGHBORHOOD IMPACT ESTABLISHMENT REVIEW GUIDELINES

In accordance with Sec. 142-1362 of the Miami Beach City Code, in reviewing an application for 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 detail the proposed operation of the hotel and the various food and beverage venues associated with the 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.

Valet offers valet parking, the valet station is located near 40th Street towards the northern area of the drive-aisle. The property contains an on-site parking garage, all extra and oversize vehicles will be parked at one of the two off-site parking lots (4025 Pine Tree Drive or 300 Arthur Godfrey Road) by the valet operator. In addition, there are other self-parking options in the area, including parking lots and garages. See the LOI and the evaluation of valet operations prepared by Traf Tech, Inc, 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 operations plan and LOI indicates that the hotel has sufficient space inside for patrons waiting to gain access to the restaurant or other venues. There will be no queuing on the public sidewalk.

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

The applicant provides overnight security and states that during special events the applicant will hire security guards for the duration of the event. Patron age restrictions will be enforced by applicant's staff.

- (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 evaluation of valet operations prepared by Traft Tech, Inc, for the full details. Please refer to the separate memo provided by the Transportation Department.

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

The operations plan contains a "Deliveries & Sanitation Plan" section that explains that the refuse collection takes place from the basement and it will take place daily around 10:00 a.m. The operation plan also states that the restaurant will utilize the Hotel's existing loading dock for delivery and receiving, located on the side of the hotel along 40th Street, with the majority of deliveries occurring from 8:00 a.m. and 1:00 p.m. (Some occurring until 5:00 p.m.), 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.**

A sound study was not required to be submitted, the applicant is not proposing to have entertainment.

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

The hotel is surrounded by other hotels to the north and west, there is a mixed use residential condominium on the south side, there will be no substantial intensification of current uses at the property, however, staff is recommending conditions to mitigate any potential negative impacts from the operations of this project on surrounding properties.

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

There are no Neighborhood Impact Establishments adjacent to the hotel. The closest NIE to the north is the Soho Beach House on 43rd street and the Faena District to the south near 32nd street operates in a manner similar to an NIE.

Staff is recommending conditions to mitigate any adverse impacts from traffic, noise, and other issues on the surrounding neighbors.

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.
Not Applicable
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Not Applicable
- (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.
Not Applicable
- (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.
Not Applicable
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Not Applicable
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
Not Applicable
- (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.
Not Applicable
- (10) Where feasible and appropriate, water retention systems shall be provided.
Not Applicable

ANALYSIS

Project Description and Operations

The original building was constructed in 1940 as a hotel and is designated “contributing” in the Miami Beach Historic Properties Database. In 1956 an addition was constructed on the south side of the original hotel, and in 2010 a new 10-story hotel building was added on the north side of the property.

The property now contains 356 hotel rooms. The restaurant and the various food and beverage operations associated with the property are located on the ground floor lobby area and outdoors

near the two existing pools.

The applicant is now requesting a CUP to consolidate the operations of all food and beverage venues under one applicant. In total, the Hotel contains one (1) restaurant, one (1) lounge/breakfast/bar, one (1) meeting room area, one (1) pool bar, (1) tiki/bar deck and outdoor seating areas around the swimming pools.

Valet Parking and Access

Access to the property for pedestrians is from Collins Avenue through a main entrance for the hotel lobby and restaurant space located on the ground floor, there is also an access to the property from the boardwalk at the rear of the property.

Patrons arriving as passengers in automobiles or for valet drop off access the property from Collins Avenue at the porte-cochere. The valet station is located near 40th Street towards the northern area of the drive-aisle.

After being dropped off or leaving their vehicles with the valet, the automobiles exit from the north side of the driveway. Valeted vehicles are parked in the on-site parking garage or two other nearby parking sites. These sites are located at 4025 Pine Tree Drive and 300 Arthur Godfrey Road. The valet routes are outlined in the valet operations analysis and traffic memo provided by the applicant and prepared by Traf Tech, Inc.

Additionally, according to the Evaluation of Valet Operation and Bicycle Plan submitted by the applicant, eleven vehicles can be accommodated temporarily in the driveway area. In addition, six (6) bicycle racks are proposed along 39th Street on the south side of the property.

Deliveries and Sanitation

The current operation of deliveries and sanitation are proposed to remain the same. The delivery and pick-up area and trash pick-up are located on 40th street, there is a ramp that goes to the basement level where the applicant will utilize the Hotel's existing air conditioned trash room and back of house area for deliveries and pick-ups.

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.

Sound

As no entertainment is proposed, a sound study was not required.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application for a Conditional Use Permit be approved, subject to the conditions enumerated in the attached draft order, which address the inconsistencies noted in the aforementioned Conditional Use review criteria.

TRM/MAB/AG

ZONING/SITE PLAN



**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 3921-3925 Collins Avenue

FILE NO. PB 17-0144

IN RE: The applicants, HHLP Miami Beach Associates, LLC, HHLP Miami Beach Lessee, LLC, and 3921 Collins Avenue LLC, requested a Conditional Use Permit for a Neighborhood Impact Establishment, with an occupant content in excess of 300 persons, pursuant to Chapter 118, Article IV, and Chapter 142, Article V of the City Code.

LEGAL DESCRIPTION: LOTS 1 THROUGH 8 INCLUSIVE, AND THE 16.00 FOOT ALLEY BOUNDED ON THE WEST BY THE EASTERLY LINES OF LOTS 5 THROUGH 8; BOUNDED ON THE EAST BY THE WESTERLY LINES OF LOTS 1 THROUGH 4; BOUNDED ON THE NORTH BY THE SOUTHERLY LINE OF 40TH STREET, AND BOUNDED ON THE SOUTH BY THE NORTHERLY LINE OF 39TH STREET, ALL IN BLOCK 31, AMENDED PLAT OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, A SUBDIVISION RECORDED IN PLAT BOOK 5, PAGES 7 & 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

MEETING DATE: October 24, 2017

DRAFT CONDITIONAL USE PERMIT

The applicants, HHLP Miami Beach Associates, LLC, HHLP Miami Beach Lessee, LLC, and 3921 Collins Avenue LLC, filed an application with the Planning Director requesting a Conditional Use approval for a Neighborhood Impact Establishment pursuant to Chapter 118, Article IV, and Chapter 142, Article V of the City Code. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the of the record for this matter:

That the property in question is located in the RM-3, Residential multifamily high intensity zoning district;

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That 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;

That structures and uses associated with the request are consistent with the Land Development Regulations;

That the public health, safety, morals, and general welfare will not be adversely affected;

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

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendations, that the Conditional Use Permit be GRANTED, as provided below:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 90 days from the issuance of the BTR. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
2. This Conditional Use Permit is issued to HHLP Miami Beach Associates, LLC, HHLP Miami Beach Lessee, LLC, and 3921 Collins Avenue LLC, as owner/tenants/operators, of the Neighborhood Impact Establishment consisting of a restaurant, and various food and beverage operations. Any change of operator or 50% (fifty percent) or more stock ownership shall require review and approval by the Planning Board as a modification to this Conditional Use Permit.
3. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
4. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval.
5. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
6. The Applicant agrees to the following operational conditions for all permitted and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment:
 - A. As proposed by the applicant, the project authorized by this Conditional Use Permit shall not exceed 214 seats for the restaurant and 436 seats for the Hotel and other food and beverage venues with the criteria listed below:
 - B. The food and beverage areas of the hotel covered in the CUP shall have a maximum occupant content of 306 persons for the restaurant and 999 persons

for the hotel, or any lesser such occupant content as determined by the Fire Marshal.

C. The Hours of operations shall be as proposed by the applicant:

- The Restaurant hours: 7:00 a.m. to 11:30 a.m. and from 6:00 p.m. to 12:00 a.m. seven days a week.
- The Tiki bar hours: 11:00 a.m. to 10:00 p.m. seven days a week.
- The Lobby bar hours: 6:00 a.m. to 2:00 a.m. seven days a week.
- The Pool Bar hours: 10:00 a.m. to 12:00 a.m. seven days a week

D. Entertainment of any kind shall be prohibited. Only ambient background music at a level that does not interfere with normal conversation shall be permitted.

E. Delivery trucks shall only be permitted to make deliveries from city authorized and designated commercial loading zones.

F. Delivery trucks shall not be allowed to idle in the loading zone.

G. Equipment and supplies shall not be stored in areas visible from streets, or nearby buildings.

H. Deliveries and waste collections may occur daily between 8:00 AM and 5:00 PM.

I. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.

J. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.

I. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that more than one pick up of garbage per day will not be necessary. A high-level trash/garbage compacting device may be located in an air-conditioned trash/garbage holding room within the facility.

J. Garbage dumpster covers shall be closed at all times except when in active use.

K. Restaurant and bar personnel shall take measures to enforce the Patron Age Restriction of the City Code during the hours of operation of all alcoholic beverage establishments.

L. No patrons shall be allowed to queue on public rights-of-way, or anywhere on the exterior premises of the subject property.

M. The owner/operator shall be responsible for maintaining the areas adjacent to the facility, including the sidewalk, and all areas around the perimeter of the property.

These areas shall be kept free of trash, debris and odor, and shall be swept and hosed down at the end of each business day

- N. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
 - O. Special Events may occur on the premises, subject to City ordinances, rules or regulations existing at the time, and may exceed the hours of operation and occupancy loads specified herein, if permitted by the Fire Marshal, subject to the review and approval of staff.
7. The applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as determined by the Transportation/Concurrency Management Division, prior to obtaining a Certificate of Occupancy or Business Tax Receipt, whichever may occur first, and any other fair share cost that may be due and owing. Without exception, all concurrency fees, mitigation fees and concurrency administrative costs shall be paid prior to the issuance of a Certificate of Occupancy or Business Tax Receipt.
 8. A bicycle parking plan shall be submitted for staff review and approval prior to the issuance of a Business Tax Receipt.
 9. A Traffic Demand Management (TDM) plan shall be submitted, reviewed and approved by the Transportation Department prior to the issuance of a Business Tax Receipt.
 10. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of an occupational license to operate this entertainment establishment.
 11. The applicant shall obtain a full building permit within 18 months from the date of the meeting, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.
 12. The Planning Board shall retain the right to call the owner or operator back before them and modify the hours of operation or the occupant load should there be valid complaints about loud, excessive, unnecessary, or unusual noise. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.
 13. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, Code of the City of Miami Beach, Florida.
 14. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

15. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
16. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
17. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

Dated this _____ day of _____, 2017.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP
Chief of Planning and Zoning
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

Notary:
Print Name
Notary Public, State of Florida
My Commission Expires:
Commission Number:

{NOTARIAL SEAL}

Approved As To Form:
Legal Department ()

Filed with the Clerk of the Planning Board on ()