

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: July 26, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **File No. PB0616-0031 f.k.a. 2320. 601 - 685 Washington Avenue**

The applicant, Washington Squared Owner, LLC, is requesting Conditional Use approval for the construction of a new seven (7) story hotel development exceeding 50,000 square feet including a parking garage and a Neighborhood Impact Establishment (NIE) with an outdoor entertainment component, pursuant to Section 118, Article IV, Section 142, Article II, and Section 142, Article V of the City Code.

RECOMMENDATION

Approval with conditions

HISTORY

April 19, 2016 The application was reviewed by the Board and was continued to a date certain of May 24, 2016, in order to address the concerns expressed by the Board and staff.

May 10, 2016 The Historic Preservation Board approved the project at the meeting (HPB File No. 7632).

May 24, 2016 The application was continued at the request of the applicant to a date certain of June 28, 2016.

June 28, 2016 The Board continued the item at the request of the applicant to a date certain of July 26, 2016.

UPDATE

The applicant has submitted a new letter of intent (LOI) dated April 29, 2016, a new valet and loading operations plan, an amendment to the traffic study, and a list of proposed conditions of approval that include proffered prohibited uses.

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 April 29, 2016. The proposal consists of a new seven (7) story, hotel/commercial mixed-use building with 312 rooms; 25,189 SF of amenities; food and beverage areas with a proposed occupancy of 1,181 persons; 46,849 SF of ground floor retail use; and 258 parking spaces.

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 (2) two variances granted by the HPB: (A) to stack three cars in tandem; and (B) to waive 5'-0" of 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 in an historic district and must provide the 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 two (2) large retail portion of the project on the first floor do not have proposed tenants at this time. The applicant has voluntarily proffered a list of prohibited uses that are outlined in the applicant's proposed conditions of approval. The proposed uses shown on the submitted plans 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 for four of nine required loading spaces. The additional five required loading spaces are provided along and parallel to the Collins Court Alley. 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 the final 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

though the building. Customers arriving in automobiles will be able to be dropped off on 7th Street, at an area just north of the breezeway on Washington Avenue, and 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. Please refer to the separate memo provided by the Transportation Department.

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 envelope of the building, 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 7:00 AM and 1:00 PM. Notwithstanding, staff is recommending conditions to help reduce any potential impacts of noise from the proposed loading zones, parking structure, 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 7:00 AM and 1:00 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, consistent with the direction provided by the Board at the April 19, 2016 meeting.

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 or right of ways.

- (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. 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.**

Trash pick-up is proposed via the trash and loading area contained within the building along the Collins Court between the hours of 7:00 AM and 1:00 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. Acoustic issues were carefully reviewed by the Board on April 19, 2016, and as previously recommended and agreed by the applicant, the acoustic system would be designed so that sound would not be audible from the closest residential building located to the west of the subject site.

(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) current 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 uses; 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 (3rd 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 alley to the east of the structure 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 the removal of minimum parking requirements.

In order to address the substantial concerns previously expressed by the Board and staff, the valet operation is now proposed to be located completely on site and within the Collins Court Alley. Drop-off would occur south of the garage entrance and pick-up would occur north of the garage, so use of surrounding City streets would not be impacted by the valet operation. 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. The access to this area is from Collins Court. The proposed configuration has four (4) bays that accommodate trash and delivery trucks of all sizes within the building envelope. The remaining five (5) loading spaces have been provided along the west side of the alley, Collins Court.

The applicant is proposing that deliveries and trash pick-up only take place between 7:00 AM to 1:00 PM, or as deemed appropriate by the Parking Department for the area, in order to minimize impacts to nearby residents.

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 establishment to include live performances and a DJ. The entertainment is proposed at the pool deck level (3rd floor) 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.”

Issues of noise were discussed at the April 19th meeting. Provided that the sound system is designed so that music is not audible to the residents of the closest residential building, and the system was designed to be tamper-proof, it was the consensus of the Board to favor the applicant’s request for outdoor entertainment.

Traffic

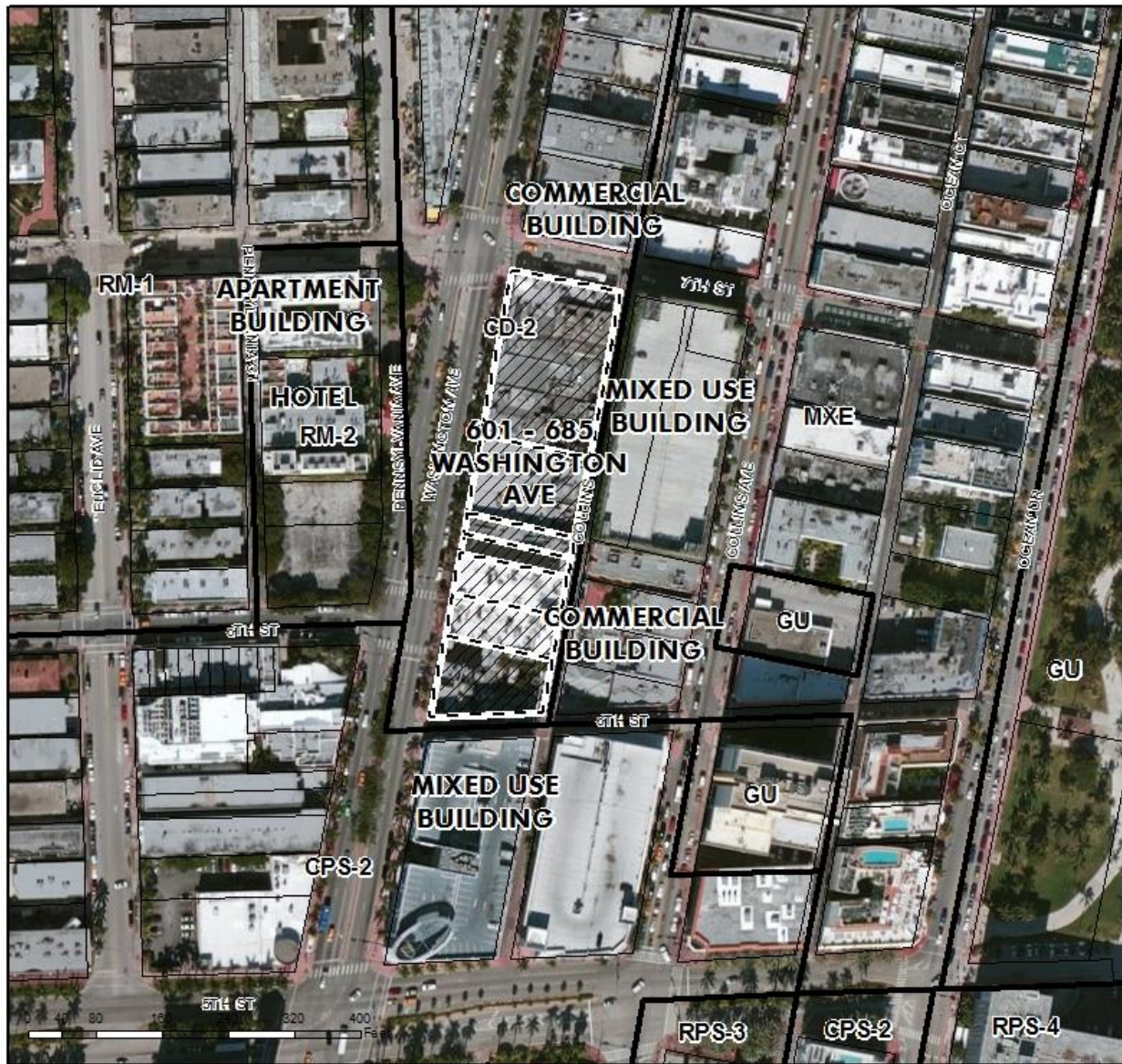
Traf Tech Engineering Inc. was retained by the applicant to conduct a traffic study in connection with the proposed development. The study addresses trip generation, the traffic impacts created by the proposed project on the nearby transportation network, internal site circulation, and queuing. FTE, Inc. served as the traffic study peer reviewer for this project. Please refer to the separate memo provided by the Transportation Department.

RECOMMENDATION

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

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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