

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: March 26, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 18-0232. f.k.a. File 2014. 730-814 1st Street – Restaurants and Residence.**

An application has been filed requesting a modification to a previously issued conditional use permit for the construction a 7-story mixed use building, with mechanical parking. Specifically, this application includes changes to the valet operations, pursuant to Chapter 130, Article II of the City Code.

RECOMMENDATION

Approval with conditions

HISTORY

On June 28, 2011, the Board issued Conditional Use approval for the construction of a new 7-story mixed-use building, with commercial space on the ground floor, robotic parking on 3 levels above ground and a 3-level single family building above the parking levels.

On July 24, 2012, the Board approved a modification to the previously approved CUP, including increasing the size of the residence and to replace the previously approved robotic parking with a mechanical parking system.

On February 6, 2014, the Board approved a modification to the previously approved CUP, including the expansion of the building site to the west to include an additional parcel, modify the previously proposed uses, modify the name of the owners and modify the previously approved conditions limiting the number of restaurants on the site.

ZONING / SITE DATA

Zoning: CPS-1, Commercial Limited Mixed Use (R-PS2 for residential use)

Legal Description: Lots 4, through 12, Block 52 "Ocean Beach Florida Addition No. 3, Plat Book 2, page 81 of the Public Records of Miami-Dade County, Florida.

Land Uses: See Zoning/Site map at the end of this report.

North: Religious institution

South: Hotel

East: Hotel

West: Park

Lot Area: 27,000 SF

Existing Land Use: Previously approved mixed-use building with mechanical parking and commercial space on the ground floor. Milos Restaurant (278 seats), Radio

Bar (80 seats), Bake House (77 Seats) and Sakura (109 Seats).

Surrounding Uses: North: Residential buildings
East: Municipal surface parking lot
West: Restaurant uses
South: Surface parking lots

BACKGROUND / THE PROJECT:

The applicant has submitted plans entitled “Radio Bar and Residence at 800-814 First Street”, as prepared by Urban Robot Associates, dated December 10, 2018.

The existing project is a mix of uses that include restaurant spaces on the ground floor. The site includes three restaurants and one bar with a total of 544 seats; mechanical parking in the second to third level containing 98 parking spaces, office space on the third level, and a single residence within the upper fifth to seventh level of the structure.

The applicant is proposing to modify the valet operations (see Analysis, Traffic, Parking and Access below).

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 (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 proposed uses, commercial/retail, accessory use garage and single family home is consistent with the goals, objectives and policies of the City’s comprehensive plan.

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. The applicant submitted a Valet Parking Traffic Operations Analysis. See the Memorandum from the Transportation Department.

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

Consistent – Both the proposed building and the uses within it are consistent with the CPS-1 and R-PS2 Zoning District 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 public health, safety, morals, and general welfare should not be affected if the uses proposed are properly controlled. Conditions have already been included

in the existing Conditional Use Permit as well as in the previously issued Design Review Approval (DRB File No. 22858) which would ameliorate any adverse impacts.

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

Consistent – Parking will be provided on-site for all of the uses within the building.

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

Consistent – See No. 4 above.

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 several restaurants in the surrounding general area, and the provision of a mechanical parking facility on site diminishes any negative impact a similar use may have on the area.

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

The project is a mix of uses that include restaurant spaces on the ground floor, with a total of 544 seats; mechanical parking in the second to third level containing 98 parking spaces, office space on the third level, and a single residence within the upper fifth to seventh level of the structure.

Traffic, Parking and Access

The project was previously approved to have a valet station for the project located on the property, where arriving vehicles enter the on-site driveway from 1st Street, and are relinquished to a valet attendant who uses the car elevators located on the south side of the project to park the cars. To retrieve the vehicle the valet attendant exits through the alley (see ground floor plan C-1 from the drawings and Previously Modified CUP Condition # 10). The applicant is proposing to use the existing on-street valet station located on First Street. As proposed, the valet attendants will park on-site by going around the block and entering thru the alley (right-turn on Washington Avenue then right-turn on Commerce Court) or using an alternative parking garage located at 49 Collins Avenue for overflow.

In order to minimize valet trips in the neighborhood, staff recommends that the off-site parking garage only be utilized when the on-site garage is full.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application for the Conditional Use Permit be approved, subject to the conditions enumerated in the attached draft Order.

ZONING/SITE MAP



0 20 40 80 120 160 200
Feet



PLANNING BOARD CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 730-814 1st Street

FILE NO. PB 18-0232. f.k.a. File 2014

IN RE: The application for modifications to a previously issued Conditional Use approval, pursuant to Section 118-195 of the Miami Beach City Code, for the construction a new 7-story mixed use building, with mechanical parking. Specifically, this application includes changes to the valet operations, pursuant to Chapter 130, Article II of the City Code.

LEGAL

DESCRIPTION: Lots 4, through 12, Block 52 "Ocean Beach Florida Addition No. 3, Plat Book 2, page 81 of the Public Records of Miami-Dade County, Florida

MEETING DATES: June 28, 2011, July 24, 2012, February 6, 2014, March 26, 2019

MODIFIED CONDITIONAL USE PERMIT

The applicants, NF First Street LLC and BK First Street LLC, BK First Street Development, LLC, and 814 Property Holdings, LLC filed an application with the Planning Director for modifications to a Conditional Use Permit.

The City of Miami Beach Planning Board 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 record for this matter:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with Planning Board Conditional Use Review Guidelines in Section 118-192(a), is not consistent with review criteria No. 6 for New Structures 50,000 square feet and over in Section 118-192(b), and is not consistent with review criteria Nos. 1, 4 & 6 for Neighborhood Impact Establishments in Section 142-1362 of the Miami Beach Code.
- B. The project would remain consistent with the criteria and requirements of Sections 118-192(a), 118-192(b) and 142-1362, subject to the modified conditions listed below:

Double Underscore denotes new language and ~~double strikethrough~~ denotes stricken language from the previously approved modified Conditional Use Permit.

- 1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. 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 NF First Street LLC and BK First Street LLC, BK First Street Development, LLC, and 814 Property Holdings, LLC as owners of the property. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein.
3. The Conditional Use Permit approved for this project shall be contingent upon meeting the requirements of the "Concept Plan," as determined by the Planning Director and City Attorney's Office, which "Concept Plan" is included as part of the Alaska Parcel Settlement Agreement previously approved by the City Commission.
4. Substantial modifications to the plans submitted and approved as part of this current modification application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval.
5. All necessary variances for the entire project shall be applied for and obtained prior to applying for a Building Permit.
6. The applicant shall build and operate the facility in accordance with the plans reviewed by the Design Review Board, File No. 22858.
7. An operation plan for the restaurants within the new construction, and commercial uses shall be submitted to Planning Department staff for review and approval prior to the issuance of a Certificate of Occupancy for any new restaurant or commercial use, Certificate of Completion or Business Tax Receipt for any new restaurant or commercial use, whichever occurs first.
8. A security plan for the property and operation of the mechanical system parking facility shall be submitted to Planning Department staff for review and approval prior to the issuance of a Certificate of Occupancy, Certificate of Completion or Business Tax Receipt, whichever occurs first.
9. 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.
10. Parking operations including the mechanical parking system and vehicle elevators shall be by valet attendants only, except for owner's vehicles. A valet station for vehicle pickup and drop off shall be located either within the structure or with an on-street valet station on 1st Street, subject to the review and approval of the Parking Department, as depicted on the revised site plan dated 5-22-2012 from Jonathan Cardello of ADD, Inc. ~~Arriving vehicles shall enter the on-site driveway and exiting vehicles shall be through the alley.~~ A mirror shall be installed at the exit in order to monitor oncoming traffic. The on-site garage shall be parked to capacity before any other parking facilities are utilized. A contract with a valet operator shall be submitted to staff for review and approval prior to a final Certificate of Occupancy or Business Tax Receipt, whichever occurs first.

11. Storage of vehicles by valet operators for off-site facilities shall not be permitted.
12. The off-street parking requirements for the accessory commercial space shall be satisfied within the garage. Required parking for off-site venues shall not be satisfied at this garage.
13. The outdoor areas shown on the upper levels of the structure, forming part of the single family residence shall not be permitted to be used for commercial activity.
14. A covenant running with the land restricting the use of the single family residence to such use shall be executed by the owner of the property, approved as to form and content by the city attorney and the planning director, recorded in the public records of Miami-Dade County and shall be submitted prior to the issuance of a building permit. The declarations within this covenant shall not be severable. The covenant for the single family use shall also include a stipulation that in the event that valet parking spaces are utilized for required parking for the single-family residence use, a valet service or operator must be provided for such parking for so long as the use continues.
15. Should a change of use be applied for at a later date, the city shall not issue a certificate of use and occupancy for a new use until the property owner satisfies the then applicable development regulations of the City Code.
16. "Entertainment," as defined in the City Code shall be prohibited within the site, inclusive of the accessory use restaurant, rooftop and any outdoor area.
17. The mechanical parking system and vehicle elevators must be inspected and serviced at least once per year with an annual safety report signed by a Licensed Mechanical Engineer submitted to the Planning Department.
18. There shall be security personnel of at least one person monitoring the garage operation during hours of operation seven days a week. The structure, operation, procedures, maintenance, service response procedures, remote technical service team, local, on-site service team, and spare parts inventory shall be in accordance with the requirements of the manufacturer.
19. The facility shall ensure that noise or vibration from the operation of the mechanical parking system and car elevators shall not be plainly audible or felt by any individual standing outside. Noise and vibration barriers shall be incorporated into the final design to ensure that surrounding walls decrease sound and vibration emissions outside of the parking garage. The mechanical parking system shall use sound deadening material between all connections from the ~~robotic~~ parking system to the building in order to eliminate all sound transference and vibration in the system and the building as well.
20. When construction has been completed, but before the commencement of the garage operations authorized by this Conditional Use Permit and before the issuance of a Business Tax Receipt, the garage operations shall be fully tested under the supervision of one of the noise consultants currently approved by the City to ensure that all aspects of the garage operation fully comply with

applicable codes and this approval with respect to noise. The garage shall not begin operating until staff has received and approved in writing a final written report the noise consultant stating that as tested, all aspects of the garage operation fully comply with the Parking Garage Noise Impact study as amended. Thereafter, all aspects of the garage operation shall fully and continuously comply with the parameters of said testing.

21. The facility must maintain adequate backup generators sufficient to power the car elevators. The generator shall be maintained in proper operating condition. The location of the generators shall be submitted for the review and approval by staff to ensure that any negative impacts associated with the operation or testing of the equipment are minimized. The generators shall be installed in accordance with Code requirements regarding minimum floodplain criteria.
22. Deliveries and garbage pickup shall be conducted from the alley and directly within the structure and not on the street. Trash/garbage containers shall have rubber wheels; deliveries and pickups shall be handled and managed by a dock master supervisor who shall be responsible for controlling traffic when these activities are scheduled in order to minimize the disruption of traffic on the alleyway and the surrounding neighborhood. A high-level trash/garbage compacting device shall be located in an air-conditioned trash/garbage holding room within the facility; time of service for trash pickup and deliveries of merchandise shall be restricted to not before 10:00 a.m. and not after 6 p.m., to avoid creating a nuisance.
23. The applicant shall submit an MOT (Method of Transportation) to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
24. A landscape plan for the entire site, prepared by a Professional Landscape Architect, inclusive of street trees as per the City of Miami Beach Master Street Tree Plan, shall be submitted to and approved by staff before a building permit is issued for construction.
25. Prior to the issuance of a building permit, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), by paying its fair share cost, as may be determined by the Concurrency Management Division.
26. The required fees in lieu of providing the required parking shall be paid at the time of application for a building permit.
27. 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.
28. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a building permit for the structure.

29. 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 of the accessory restaurant should there be valid complaints about loud, excessive, unnecessary, or unusual late night noise.
30. 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.
31. 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.
32. Within a reasonable time after receipt of this Conditional Use Permit, as signed and issued by the Planning Director, the applicant shall record it in the Public Records of Miami-Dade County at the expense of the applicant. No building permit, certificate of use, certificate of occupancy, certificate of completion or business tax receipt shall be issued until this requirement has been satisfied.
33. 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.
34. 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.

IT IS HEREBY 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 staff recommendations, as modified by the Planning Board, that the Application for Conditional Use approval is GRANTED for the above-referenced project, subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-34, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Planning Board, as determined by staff, entitled "Radio Bar and Residence at 800-814 First Street", as prepared by ADD Inc., dated December 12, 2013, modified in accordance with the conditions set forth in this Order and staff review and approval.

No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of

Conditional Use Approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

Dated this _____ day of _____, 2019.

PLANNING BOARD OF THE CITY OF MIAMI BEACH, FLORIDA

BY:

Michael Belush, Chief of Planning and Zoning
For The Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

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

[NOTARIAL SEAL]

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

Approved As To Form:
Legal Department ()

Filed with the Clerk of the Planning Board on _____ ()

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

TRANSPORTATION DEPARTMENT

MEMORANDUM

TO: Michael Belush, AICP, Planning and Zoning Manager

FROM: Jose R. Gonzalez, PE, Director 

DATE: March 15, 2019

SUBJECT: 800 1st Street – Valet Operations Study

The Transportation Department has reviewed the subject Valet Operations and Queueing Study submitted by the applicant as part of the Planning Board application. A licensed Professional Engineer (PE) has performed this study in accordance with the guidelines provided within the City Code of Ordinances.

The 800 1st Street development valet stand is designated to serve three (3) restaurants and one (1) bar/lounge. Currently, only one (1) of the three (3) restaurants is operational within the development. The bar/lounge is also not in operation.

In determining the valet demand, the study utilized the Institute of Transportation Engineers' (ITE) Trip Generation Manual (10th Edition). The applicant was also required to use actual valet demand data collected on-site. The counts were performed on December 15, 2018. Since only one (1) of the establishments were operational at the time of data collection, for a conservative analysis, the applicant was requested to utilize the ITE's Trip Generation Manual in generating the valet demand with the assumption that all establishments are operational.

The 800 1st Street Development contains a 98 parking spaces garage on-site. The designated valet drop-off and pick-up area will be located on 1st Street and will serve all commercial spaces on-site. The valet queueing analysis was based on the methodology outlined in ITE's Transportation and Land Development publication. The maximum length of queue anticipated at the valet drop-off/pick-up area, at the required 95% confidence level, is three (3) vehicles during the peak hour of a weekend. Based on the valet analysis provided by the applicant's traffic engineer, the valet area will require ten (10) valet attendants for drop-off and pick-up operations to accommodate the anticipated demand and available capacity.

Based on the valet study, the Transportation Department has no further comments. The developer shall work with Parking Department on the allocation of the proposed valet areas.

Please feel free to contact me if you have any questions on the above.

cc: Josiel Ferrer-Diaz, E.I., Assistant Transportation Director
Firat Akcay, Transportation Analyst