

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: August 23, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **PB0616-0037. 1669 Collins Avenue, a.k.a., 1 Lincoln Road – Tatel Restaurant.**

The applicant, Tatel Miami, LLC, is requesting Conditional Use approval for a Neighborhood Impact Establishment with entertainment and an occupancy exceeding 199 persons, pursuant to Section 118, Article IV and Section 142, Article V of the City Code.

#### **RECOMMENDATION**

Approval with conditions.

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

<b>Legal Description:</b>	See Exhibit "A" in the application
<b>Zoning:</b>	RM-3 (Residential Multi-Family, High Intensity)
<b>Future Land Use Designation:</b>	RM-3 (Residential Multi-Family, High Intensity)
<b>Surrounding Uses:</b>	North: Hotel uses West: Commercial retail and restaurant uses South: Residential, hotel and commercial uses East: The Atlantic Ocean

(See Zoning/Site map at the end of the report)

#### **THE PROJECT**

The subject restaurant is situated inside the Ritz Carlton Hotel property which has a main entrance at 1 Lincoln Road. Currently, the entire property is licensed for a 376 room hotel and 40 seats in its food and beverage areas. The applicant submitted plans entitled "Tatel Restaurant," as prepared by Telesco Associates, dated July 6, 2016. The plans show that the applicant proposes a 200 seat restaurant with a projected occupant content of approximately 258 persons. The letter of intent (LOI) indicates that the applicant proposes entertainment in the form of live entertainment and a DJ.

The applicant is scheduled to request a Certificate of Appropriateness from the Historic Preservation Board (HPB) on September 13, 2016 for modifications to the original public lobby space, and a variance from the required front setback for a monument sign.

#### **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.

- 2. The intended use or construction would not result in an impact that would exceed the thresholds for the levels of service as set forth in the comprehensive plan.**

**Consistent**—Traf Tech Engineering, Inc. was retained by the applicant to conduct a traffic study. The traffic study concluded that with the number of valet runners recommended, the project would not have an adverse effect on current traffic conditions at the intersections included in the study.

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

**Consistent**—Neighborhood Impact Establishments are permitted as conditional uses in this zoning district. This comment shall not be considered final zoning review or approval. This and all zoning matters shall require final review and verification prior to the issuance of a building permit.

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

**Partially Consistent**—The proposed establishment may adversely affect the general welfare of nearby residents if traffic, noise and other issues are not controlled. Staff has recommended measures so that any resulting adverse impact is mitigated. The facility would have to comply with all applicable laws and regulations for licensure.

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

**Consistent**—The project does not have an off-street parking requirement because of its location in the historic district, but operationally the applicant plans to provide valet services with the vehicle storage located in the parking garage onsite.

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

**Consistent**—Staff recommended conditions to mitigate any adverse impacts from traffic, noise, and other issues on the surrounding neighbors.

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

**Partially Consistent**—There are multiple NIE's and entertainment venues in the area. There is a list of NIE's and entertainment venues approved in this area provided in the analysis.

#### **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 guidelines

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 hours of operation, number of employees, menu items, and other operational characteristics.

- (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 proposes to offer valet parking with storage of the vehicles in an onsite garage. The attached operations plan and traffic study offer details as to the operation of the proposed valet parking and the traffic circulation.

- (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 maintains that due to the physical layout of the building, all queuing can be contained within the building.

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

The applicant proposes to employ one (1) security officer during all hours of operation. The restaurant staff will be tasked to enforce the patron age restrictions.

- (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**

Traf Tech Engineering, Inc. was retained by the applicant to conduct a traffic study. The traffic study concluded that with the adequate number of valet runners as recommended, the project would not have an adverse effect on current traffic conditions at the intersections included in the study. Staff provides more details in the traffic section of the analysis portion of this report.

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

The applicant proposed to use the existing trash pick-up area currently used by the hotel operation at the south side of the property. While the LOI indicated that trash pick-up can be daily or as needed, hours of operation were not proposed. It is also unclear from the application materials whether there is an air-conditioned trash room located in the building.

- (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 the peer review was conducted by Arpeggio Acoustic Consulting, LLC. The sound study concluded that with the recommended sound distribution system, they do not expect that the sound from within the establishment would have any impact on the on the Collins Avenue corridor. At the time of this writing, the sound experts have tentatively agreed on a recommended condition regarding the maintenance of sound controls.

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

The proposed venue is mainly surrounded by other hotels and commercial uses. There is one mixed use residential tower to the south of the property across Lincoln Road. 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 multiple NIE's on Collins Avenue within blocks of this property. There is a list of NIE's and entertainment venues approved in this area provided in the analysis. Staff recommends conditions to mitigate any adverse impacts from traffic, noise, and other issues on the surrounding neighbors in the draft final order.

**STAFF ANALYSIS**

**Operation**

The plans submitted show a 200 seat restaurant with an approximate 258 occupant content. The LOI indicates that the restaurant is proposing entertainment in the form of live performances and a DJ. The hours outlined in the operations plan are from 12:00 PM to 5:00 AM.

The restaurant, while a separate operation, will be located within a 376 room hotel with sizable food and beverage areas. The breakdown of the other areas, the number of seats, the occupancy, the hours, and whether or not entertainment exists was not provided. But staff research indicates that there is a current business tax receipt (BTR) for a 40 seat restaurant open until 2:00 AM and an occupant content from 2008 for the "Ritz Carton Hotel Lobby" was issued for 320 persons that is broken down as follows:

Americana restaurant - 225 persons  
Private dining - 20 persons  
Lapidus bar - 75 persons

An inspection of the site, for further clarification, and research online verified that there are four existing venues at the Ritz Carlton Hotel:

1. The DiLido Beach Club, located at the rear of the property with access from the beach walk and the beach and serving: breakfast, lunch and dinner.
2. Lobby Bar, located in the hotel's upper lobby, featuring live entertainment Fridays and Saturdays from 8:30 PM to 11:30 PM.
3. Bistro One LR, located on the second floor facing the pool deck, serving: breakfast, lunch, dinner open from 7:00 AM to 10:00 PM.
4. Lapidus Lounge, located poolside.

It appears from the BTR's submitted that the area that the proposed Tatel Restaurant is applying for was a restaurant in 2007, and has been used for hotel related catering events since that time.

### Sound

The LOI outlines the proposed entertainment as a live acoustic band and a DJ. All other venues in the hotel are not authorized to have entertainment and therefore can only play background music that does not interfere with a normal conversation volume without live performances or a DJ.

The subject restaurant does not propose outdoor music and is completely contained within the building. The building is also setback from Collins Avenue approximately 28 feet and is buffered from residential uses by the entire Ritz Carlton hotel building which spans more than 150 feet, plus a 100 foot roadway (Lincoln Road).

The Audio Bug, Inc. was retained by the applicant to conduct a sound study. The sound study included in the board packages concluded that, with the recommended sound distribution system, they do not expect that the sound from within the establishment would have any impacts on the Collins Avenue corridor. The peer reviewer of the sound study, Arpeggio Acoustic Consulting, LLC, did not agree with the conclusion that the mere design of the system was enough to insure minimal sound impacts, but it would depend on the people in charge of the controls. A condition to test the output prior to opening and periodically checking the system would alleviate those concerns. Staff has incorporated the agreed upon condition into the recommended conditions of the final order.

Also, the following are NIE's and other related Conditional Uses on Collins Avenue near the subject site:

Address	Name	File #	Occupants
1601 Collins Ave	The Lowes	1671	1180
1701 Collins Ave	SLS Hotel	2051	1467
1775 Collins Ave	Raleigh Hotel	1647	1116
1801 Collins Ave	The Shelbourne Hotel	1734	1629
1901 Collins Ave	The Shore Club	1629	1250

### Sanitation and Deliveries

Waste and recycling collection and deliveries are proposed to take place from the existing loading dock facing Lincoln Road. Although the plans are inconclusive on whether an air-conditioned trash room exists on property, staff has recommended a condition to create one if there is not already adequate accommodations.

In the submitted operations plan, the applicant states that the current delivery hours for the hotel are *prior* to 6:00 AM and 5:00 PM and will remain the same. Staff clarified with the applicant that the intention was for that to read *between* 6:00 AM and 5:00 PM.

### Parking

The project offers valet parking that stores the vehicles at the onsite garage with an entrance on Lincoln Road. The valet pick-up and drop off area would be located on Collins Avenue under the existing porte-cochere. The LOI indicates that the valet runners would then head north on Collins turn left on 17<sup>th</sup> Street, left on James Avenue, left on Lincoln Road and then left into the garage entrance on the first block of Lincoln Road. Although the plans submitted show the valet path from

Collins heading south on Collins, the LOI and the traffic studies contemplated the aforementioned route.

**Traffic**

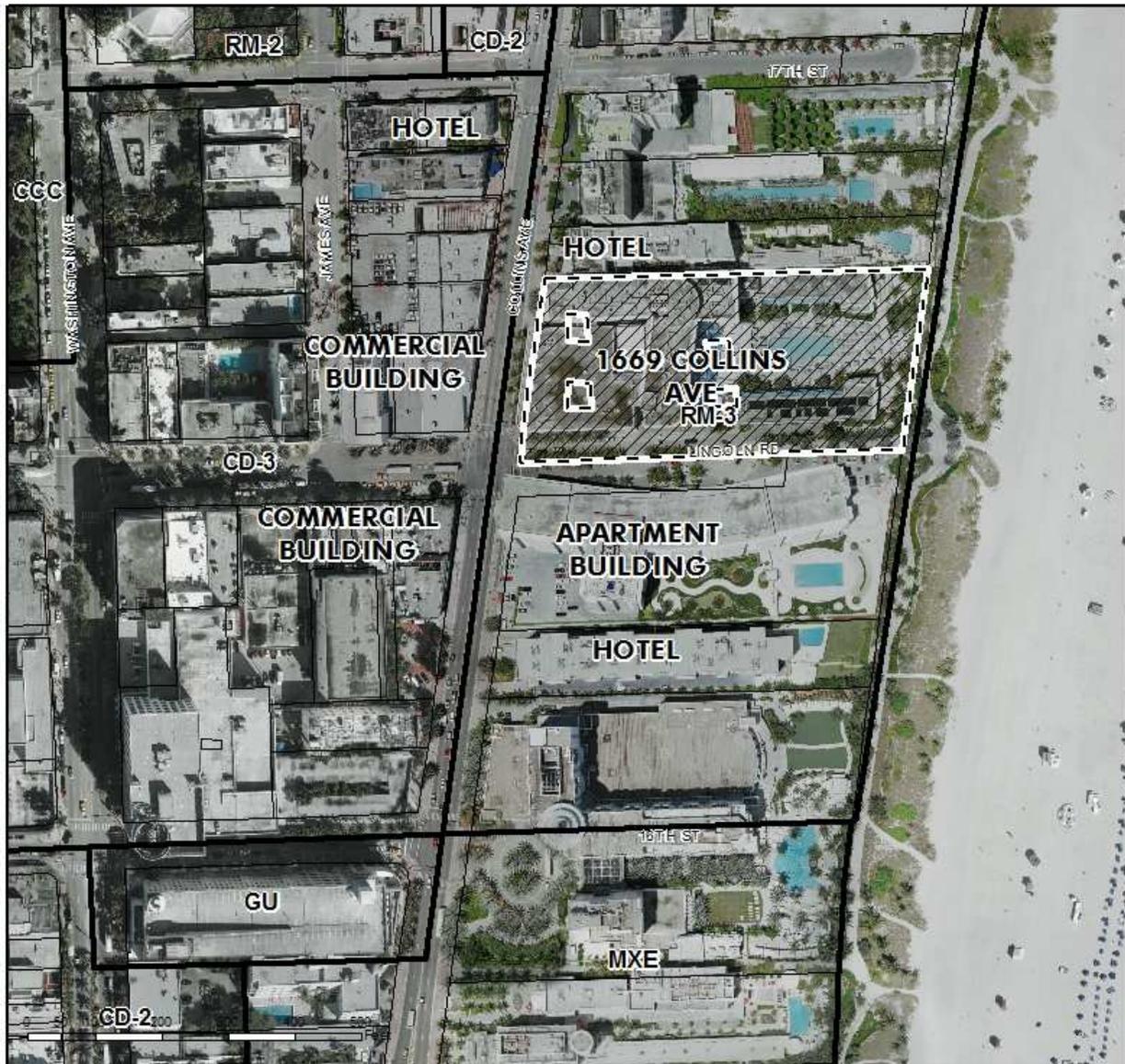
Traf Tech Engineering, Inc. was retained by the applicant to conduct a traffic study. The traffic study was updated to incorporate responses to the peer review conducted by FTE as part of the city's traffic engineering consulting services contract. The traffic study concluded that with the adequate number of valet runners as recommended, the project would not have an adverse effect on current traffic conditions at the intersections included in the study. Additionally, a traffic demand management (TDM) strategies were added to the report which incentivizes other modes of transportation for employees, such as bicycling, carpooling, and transit use.

**STAFF RECOMMENDATION**

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

TRM/MB/TUI

### ZONING SITE MAP



City of Miami Beach Planning Board  
File No. PB0616-0037  
1669 Collins Ave



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