

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: Aug 23, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **PB0616-0036 f.k.a., PB 2139. 404 Washington Ave – Lobster Bar Sea Grille.**

The applicant, 404 SB, LLC, is requesting a modification to a previously issued Conditional Use Approval for a Neighborhood Impact Establishment, specifically the applicant is requesting to change the ownership/operator, pursuant to Section 118, Article IV of the City Code.

### **RECOMMENDATION**

Approval with conditions.

### **BACKGROUND**

*November 19, 2013* The Planning Board Granted a Conditional Use Permit for a Neighborhood Impact Establishment to The Italian Job Miami, LLC - Siena Tavern, who was the previous owner/operator of this establishment.

### **ZONING / SITE DATA**

**Legal Description:** See Exhibit "A"

**Zoning:** CPS-2, Commercial Performance Standard, General Mixed Use Zoning District.

**Lot Size:** 24,594 Square Feet approximately

**Land Uses:** See zoning/site map at the end of the report

Subject Site: Commercial/Mixed Use

North: 5th Street and Retail Across

South: Hotel

East: Mixed Use/Restaurant

West: Surface Parking and Residential Condominiums

### **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** – The proposed use is the same as the previous use on the property, except as proposed would contain fewer seats, which could result in a slight reduction in trip generation. As such, a traffic study was not deemed necessary.

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

**Consistent** – As previously approved, 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.**

**Consistent** –The proposed establishment may adversely affect the general welfare of nearby residents if traffic, noise and other issues are not controlled. As previously approved, conditions regarding the operation were put in place in order to mitigate any negative impacts.

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

**Consistent** – As previously approved, all required parking for this establishment would be provided within the garage attached to the structure. Valet parking would be provided by the same company that operates the garage.

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

**Consistent** – As previously approved, conditions to mitigate any adverse impacts from traffic, noise, and other issues on the surrounding neighbors were put in place for the operation..

**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 several other restaurant uses in the neighborhood. Adverse impacts are not anticipated on the nearby existing uses as a result of this request.

**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 submitted with the application details the proposed operation of the venue. The previous business (Siena Tavern) was previously approved and was licensed to operate until 5:00 a.m. The applicant is proposing a reduction in operating hours until 2:00 a.m.

- (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 applicant has indicated that all the required parking for this establishment is provided within the garage attached to the structure and using the same Valet operations as previously approved.

- (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.**

As proposed, there is adequate space in the exterior and interior of the property for patrons waiting to be seated. No queuing would occur on the sidewalk.

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

Per LOI and operational plan, the applicant indicates that the building in which the restaurant is located has on-site security with a security officer stationed in the lobby. The security guard's duties include scheduled patrols throughout the parking garage and exterior perimeter checks. The applicant staff will enforce patron age restriction.

- (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**

As the use of the space wouldn't change, and the intensity of the use would decrease slightly, no traffic study was required.

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

As previously approved, trash pick-up would take place on the west side of the property on Euclid Avenue where the trash room is located.

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

No entertainment is proposed. As per Condition 3J of the CUP, outdoor areas shall not have any speakers. The applicant is proposing outdoor speakers that will play background music. Adverse impact are not anticipated if these speakers are turned off at certain times (see sound system confirmation report in the application).

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

There is a residential condominium to the west of the proposed restaurant across from Euclid Avenue. Based on the Applicant's proposed operation of the restaurant it should not have an adverse impact.

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

There was a restaurant located in this space and there are several restaurants in the neighborhood. Adverse impacts are not anticipated on the adjacent pre-existing uses as a result of this request.

**STAFF ANALYSIS**

The applicant is proposing a restaurant and alcoholic beverage establishment, Lobster Bar Sea Grille, with no entertainment, and with an occupant content over 300 persons in the space previously occupied by Siena Tavern.

**Operation**

Lobster Bar Sea Grille's hours of operation would be from 11:30 AM through 2:00 AM, seven days per week. There would be a staff of 80 employees, including 25 servers, 10 bartenders, 25 kitchen staff and 15 server assistants/food runners. The applicant submitted with the application the restaurant/bar's concept plan, as well as a sample menu, and other operational characteristics.

**Access and Crowd Control**

Patrons would enter and exit the venue through the main entrance located at the northeast corner of the property on 5th Street and Washington Avenue. There would be ample space for patrons waiting to be seated in the outside seating area, on Washington Avenue by the entrance, as well as inside the premises and at the bar. No queuing of patrons is anticipated on the sidewalk.

**Sound**

The proposed venue would not have any entertainment as defined in the City Code. The applicant is proposing outdoor speakers that will play background music. Staff does not anticipate an adverse impact if these speakers are turned off at certain times (see sound system confirmation report in the application). As previously approved, the music should be controlled by a manager at a level that would not interfere with normal conversation.

**Sanitation and Deliveries**

As previously approved, trash pick-up would take place on the west side of the property on Euclid Avenue where the trash room is located.

The applicant has contacted the City's Parking Department to keep the same operations for deliveries to the front of the building facing Washington Avenue where the bulk of their deliveries can be made without disturbing residents.

**Traffic and Parking**

The proposed use is the same as that of the previous establishment on the property. However, while the former restaurant was licensed as a restaurant with 420 seats, the applicant is proposing 348 seats (284 on private property and 64 within the proposed sidewalk café on 5<sup>th</sup> Street). Therefore, there could be a slight reduction in trip generation, and no traffic study was required.

Required parking for the proposed venue would be accommodated in the parking garage within the building. Valet parking service would be provided by Laz Florida Parking, the operator of the garage. The applicant has provided documentation on the valet operator.

As previously approved, the valet drop-off/pick-up would be located on Washington Avenue near the front entrance of the proposed restaurant. The applicant has made arrangements with the City's Parking Department to keep using that area for valet drop-off/pick-up.

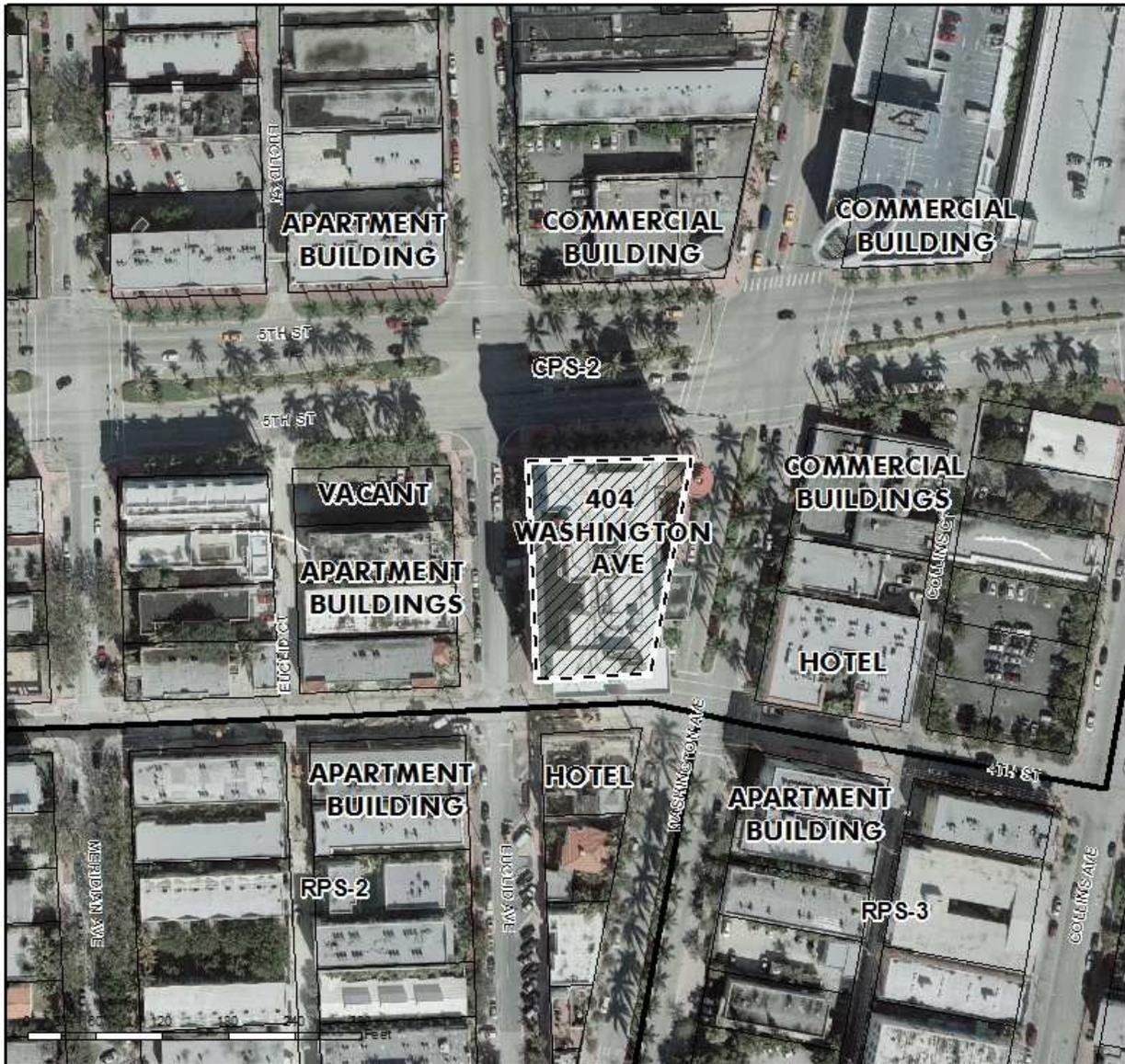
Valet attendants would drive dropped-off vehicles south on Washington Avenue and right on 4<sup>th</sup> Street, where the entrance to the garage is located. To return the vehicles, attendants would turn right on 4<sup>th</sup> Street from the garage, right on Euclid Avenue, right on 5<sup>th</sup> Street, and right on Washington Avenue (see valet traffic flow submitted with the application).

### **STAFF RECOMMENDATION**

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

TRM/MAB/AG

### ZONING SITE MAP



City of Miami Beach Planning Board  
PB 0616-0036 FKA PB 2139\_404 Washington Avenue  
404 Washington Ave



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**MIAMI BEACH**  
PLANNING DEPARTMENT

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“Exhibit A”

Lots 3, 4, and 5, Block 49, OCEAN BEACH, FLA. ADDITION NO. 3, according to the Plat thereof, as recorded in Plat Book 2, at Page 81 of the Public Records of Miami-Dade County Florida.