

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Planning Board

TO: Chairperson and Members  
Planning Board

DATE: September 27, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **File No. 0616-0035 fka 1840 – 2301-2399 Collins Avenue – The 1 Hotel**

The applicant, SB Hotel Owner, L.P., is requesting modifications to a previously approved Conditional Use Permit for a Neighborhood Impact Establishment pursuant to Chapter 118, Article IV of the City Code. Specifically, the applicant is requesting approval for the development of a beach club to be located seaward of the existing structure on the ground level, in addition to other modifications.

### **RECOMMENDATION**

Approval with Conditions

### **BACKGROUND**

- September 25, 2007* Sandy Lane Residential, LLC, and related entities obtained approval for a Conditional Use Permit to operate two restaurants on site, a ground level VIP lounge, a ballroom and a rooftop pool and bar, which in the aggregate constituted a Neighborhood Impact Establishment.
- September 23, 2008* Several conditions of the Conditional Use Permit were modified by the Board to clarify terms and impose further restrictions intended to reduce negative impact on the residential neighbors.
- June 22, 2010* The applicants, Sandy Lane Residential, LLC, Sandy Lane Retail, LLC, and Sandy Lane Beach Front, LLC were approved for a modification to a Conditional Use Permit (MCUP) to introduce the new operator and for the operator to affirm its understanding of the conditions of the Conditional Use Permit; and to modify the condition that refers to decibels in order to be consistent with the City's noise ordinance.
- December 14, 2010* Modifications were made to the final order due to a modification hearing resulting from a Progress Report. The modifications clarified terms and imposed further safeguards and restrictions intended to reduce negative impact on the residential neighbors.
- April 24, 2012* The applicant, 2377 Collins Resort, L.P., was approved for a modification to the MCUP to introduce new property owners and operators of the property as required by Condition 3 of the Modified Conditional Use Permit.

- October 29, 2013* The applicant, 2377 Collins Resort, L.P., was approved for a Conditional Use Permit (File No. 2138), for a mechanical parking system within the existing parking garage.
- June 24, 2014* The applicant, 2377 Collins Resort, LP, was approved for a modification to the MCUP, in order to relocate a portion of the hotel kitchen serving the rooftop level from the ground floor to just below the rooftop level.
- December 15, 2015* An application for the modification of the CUP to change the name of the owners was approved and the re-approval of mechanical lifts in the existing garage (PB File # 2301) was approved. The applicant proffered to hire a traffic control person who would be responsible for the direction of traffic on 24<sup>th</sup> Street.

As a point of reference, this application encompasses the entire building with the addresses of 2301-2399 Collins Ave and 102 24<sup>th</sup> Street. This includes but is not limited to the Roney Plaza condominium (2301 Collins Ave) and the 1Hotel (2377 Collins Ave) and Residences (102 24<sup>th</sup> Street).

Additionally, in the interest of clarity, during the last decade, the hotel component has been known as “The Paradiso”, “The Gansevoort”, and “The Perry” (not necessarily in that order). And the restaurants, lounge and rooftop operations have been known as “STK”, “Phillipe Chow”, “The Gansevoort Lounge”, “Louis”, “Beachcraft”, and “Plunge”.

### **ZONING / SITE DATA**

Legal Description: Parts of Area above Lot lying North of Atlantic Avenue and East of Collins Avenue known as Hotel Site and Northern 1/2 of Strip known as 23<sup>rd</sup> Street lying South and Adjacent, According to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida. A lengthy legal description is on file with the Planning Department.

Zoning: RM-3 (Multifamily, High Intensity)  
Future Zoning: RM-3 (Multifamily, High Intensity)  
Existing Use/Condition: Hotel/ Mixed Use/Multifamily Residential

### **THE PROJECT**

The applicant has submitted plans entitled “1HOTEL BEACH CLUB” as prepared by Kobi Karp Architect, dated August 22, 2016.

The applicant is seeking an MCUP in order to activate the “beach” area located on their private property east of the main structure and pool deck. This represents an increase to the overall operation area previously approved. There are 88 seats labeled in the area as food and beverage seats and a projected occupant content of 816 persons in an area of 53,963 SF (as represented by the applicant.)

The applicant is scheduled to appear before the Historic Preservation Board (HPB) at the October meeting for a Certificate of Appropriateness for the improvements to the rear yard, including the installation of an outdoor bar counter and variances from the required setback from the City’s bulkhead line and from the maximum elevation for structures in the Oceanfront

Overlay District, from the required distance separation for structures and from the required construction materials within the Dune Preservation Overlay District.

**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**

**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. Kimley Horn and Associates, Inc., was retained by the applicant to produce a traffic study. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. The peer review of the traffic study has been attached to the staff report.

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

**Not Consistent** – The proposed project requires an extensive list of variance (listed in “the project” section above.) 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 has provided adequate off-street parking; however, a final parking analysis will be performed at the time of building permit application.

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 other large venues in the vicinity, 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 details the proposed operation of the food and beverage associated with this application. 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 off-street pick up from a covered driveway entered from Collins Avenue from the southwest and exiting from the northwest of the property back onto Collins Avenue. The storage of vehicles is in the on-site garage. 20 operational parking spaces are shown in the porte-cochere area on the site plan. See the LOI and the traffic memo prepared by Kimley Horn and Associates, 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 LOI does not address crowd control, how it will accommodate any waiting patrons, or a plan to prevent queueing on the public sidewalk or rights of way.

- (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 five (5) security personnel. Security personnel are proposed 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**

See the attached the traffic memorandum prepared by Kimley Horn and Associates, LLC, 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.**

A sanitation plan indicates that the applicant plans to schedule three (3) trash pick-ups per day. The “service path” is shown in the operations plan. The service path for the beach area is indicated to lead to the 23<sup>rd</sup> Street loading area. See Delivery and Sanitation in the analysis section.

**(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. The applicant proposes that the acoustic system was designed so that sound would not be audible at any of the Roney Palace residential units or the 1 Hotel units. See the Sound section of the analysis.

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

The proposed venue has a residential building directly to the north of the property across 24<sup>th</sup> Street. It also contains residential units on the property, and has a partial residential building directly to the South. To the west of the property across Collins is a hotel development. 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 is a NIE located directly to the south of the property: the W Hotel. Staff is recommending conditions to mitigate any adverse impacts from traffic, noise, and other issues on the surrounding neighbors.

## **ANALYSIS**

### **Project Description and Operations**

The 1 Hotel contains both hotel rooms and residences and is located in one-half of a building formerly known as The Roney Palace. The other half of the building remained a residential building with the name The Roney Palace. The building was constructed in 1968 as a sixteen-story, mixed-use building consisting of 1,162 residential units on fourteen floors, three non-residential floors with 139,692+/- square feet of commercial space, and a garage with 1,188 off-street parking spaces.

In 2007, the first of many different renovations took place on the north portion of the building and the interior core of the amenity levels. Since that time the CUP for a neighborhood impact establishment has been modified numerous times and the applicant has appeared before the board for progress reports. The background section of this report goes into more details and the dates of those modifications.

The focus of this application is the activation of the beach area that spans the entire width of the property at the rear (624 feet) and is approximately 80 feet in depth. In total the area is 53,963 SF, as represented by the applicant. The plans submitted show that the area programmatically has three functions: the private club area; the “SLMA” area; and the public beach area.

The “Beach Club” area which location is not entirely clear in the application is proposed to be a daytime venue, closing at 8:00 PM and is not proposing entertainment. Additionally, the applicant acknowledges that unless the project has the ability to construct restrooms, this project may not be able to move forward.

Currently, there are three (3) floors of amenities, some of which are open to the public and some that are restricted to hotel guests. In total, the building contains two (2) restaurants (Beachcraft and STK), (4) bars (lobby level, pool side and on the north deck), a rooftop bar with a kitchen and a pool, ballrooms, meeting spaces, retail spaces, cabanas, a gym, and a spa all at various levels of construction.

### **Parking and Access**

Access to the property for pedestrians for the Beach area is proposed on 24<sup>th</sup> street and from the boardwalk. It is not clear how a guest would gain access through a main entrance on Collins Avenue and the hotel lobby.

Those arriving as passengers in automobiles or for valet drop off access the property from two points: the porte-cochere on the west side of the building from Collins Avenue or at the 24<sup>th</sup> street driveway entrance. The valet storage is in the onsite garage which is entered on 24<sup>th</sup> street and exited on the 23<sup>rd</sup> street side (south side) of the building. The valet routes are outlined in the valet analysis provided by the applicant and prepared by Kimley Horn and Associates.

According to the plans submitted by the applicant, 22 parking spaces limited to the temporary storage of valeted cars and taxis. As a clarification, while the plans submitted show 22 spaces, these are *operational* spaces, as they do not satisfy any off-street parking requirements or meet the minimum parking space dimensions.

In addition, two (2) bicycle racks are indicated in the zoning legend, but not immediately discernible in the plans. There may be a fully contained bicycle room in the garage that was not labeled, but appears on parking level 1.

### **Delivery and Sanitation**

There is a delivery, service operations analysis and recommendations prepared by Kimley Horn and Associates contained in the application packages. The conclusion of the analysis suggests that the current sanitation areas have enough capacity for the projected increase. The analysis made some recommendations that staff does not believe are enforceable conditions to add to the Conditional Use Permit.

While there are many conditions regarding deliveries and sanitation in the original CUP and the subsequent MCUP, staff recommends the removal of the conditions that have proven in the past to be unenforceable. If the applicant would like to proffer conditions regarding the deliveries and sanitation plan, staff believes they should be private agreements and not inserted into the MCUP at this time.

### **Sound**

Although the CUP requested does not include entertainment, a sound study was prepared for the project due to the extensive outdoor areas and the close proximity to residential uses. The sound study prepared by The Audio Bug, Inc., concluded that “Based on my observations subsequent to the system calibration, I can confirm that music from the system will not be audible at any of the residential units in Roney Palace or in hotel rooms at One Hotel. I would encourage that subsequent tests be conducted during future DJ and band performances to ensure that the adjustments made to the system during this calibration process are confirmed to be effective.” The full report is included in your packages.

### **Traffic**

Kimley Horn and Associates, Inc., was retained by the applicant to provide a traffic study in connection with the proposed development. The study addresses trip generation, intersection capacity, valet operations, on-street parking and transportation demand management strategies. The conclusion stated that the studied intersections are proposed to operate at the LOS of D=20 or better during peak hours.

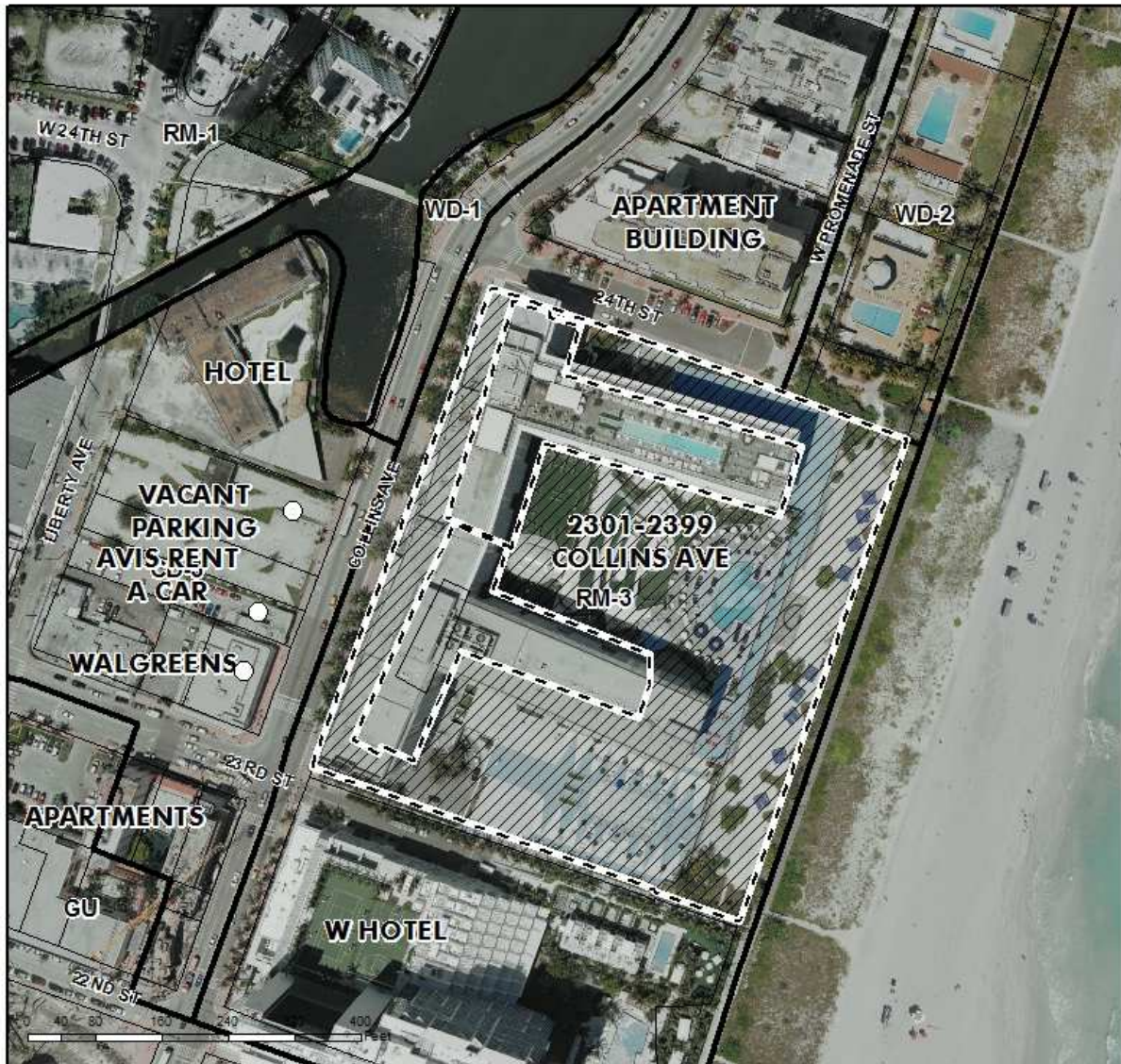
The peer reviewers conclusion is attached, but to summarize, “After reviewing the documents, FTE recommends that the applicant implements the recommendations proposed. Furthermore, since the ITE, Trip Generation was not used for the proposed beach club trips, a follow up study is recommended after the proposed development is open. We found other traffic issues were satisfactorily addressed.

### **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 PLAN



City of Miami Beach Planning Board  
PB 0616-0035  
2301-2399 Collins Ave - 1 Hotel



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