

# 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: **PB 0416-0012, F.K.A., File No. 2333. 400-420 Collins Avenue**

The applicant, Savoy Hotel Partners, LLC is requesting Conditional Use Approval for the construction of a new 7-story mixed-use development exceeding 50,000 square feet including a parking garage pursuant to Section 118, Article IV of the City Code.

#### **RECOMMENDATION**

Approval with Conditions

#### **HISTORY**

The application was approved by the Board on June 28, 2016, with the exception of the valet operation, which was continued to a date certain of July 26, 2016.

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

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

**Legal Description:** Lots 5, 6, and 7, Block 6, of “OCEAN BEACH SUBDIVISION”, according to the Plat thereof, as recorded in Plat Book 2, Page 38 of the Public Records of Miami-Dade County, Florida.

**Land Uses:** See Zoning/Site map at the end of this report.  
North: Residential  
South: Residential  
East: Residential  
West: Hotel/Commercial/Mixed-Use

**Lot Size:** 19,500 SF

**Proposed FAR:** N/A (Main Use Parking Garage)

**Maximum FAR:** 2.0 / 39,000 SF

**Proposed Height:** 7 stories / 75'

**Maximum Height:** 7 stories / 50' or 75' for Residential and/or Mixed Use Development

**Proposed Uses:**

**Parking:** 177  
**Residential:** 4 Units  
**Restaurant:** 7,166 SF/199 Seats

**HISTORY**

The surface parking lots at 400, 410 & 420 Collins Avenue & 221 4th Street have existed since 1988 according to building records. The Board of Adjustment granted a variance on March 17, 2014 to allow the temporary parking lot to operate for two (2) additional years, subject to the applicant obtaining approval for a new development project on the site.

On September 23, 2014, the Planning Board approved a Conditional Use Permit (PB File No. 2209) for a mixed-use structure with a mechanical parking lift system exceeding 50,000 square feet.

On July 28, 2015, the Planning Board discussed a modified application (PB File No. 2269) on the same site for a new mixed-use building exceeding 50,000 square feet including a parking garage, and continued the item to September 30, 2015. The September 30, 2015 meeting was rescheduled to October 9, 2015. On October 9, 2015, the Planning Board continued the item to December 15, 2015. The applicant withdrew the item prior to the December 15, 2015 Planning Board hearing.

On June 28, 2016, the Planning Board approved the Conditional Use Permit (CUP) to construct a new 7-story mixed-use development exceeding 50,000 square feet including a parking garage; however, the Planning Board continued the review of the valet operation to the July 26, 2016 meeting.

On July 12, 2016, the Historic Preservation Board approved a Certificate of Appropriateness for the construction of a new 7-story main use parking garage (HPB File No. HPB0516-0026).

**THE PROJECT**

The applicant has submitted plans entitled “Torino Garage”, as prepared by Brandon Haw Architecture LLP dated May 4, 2016. The proposed project consists of a new 98,530 square foot, 7-story, main use commercial parking garage with a 177 parking spaces; 7,166 square foot/199 seat restaurant; and 4 residential units. The project is located in the Ocean Beach Historic District. A separate application for review of a Certificate of Appropriateness was approved by the Historic Preservation Board on July 12, 2016 (HPB0516-0026 A.K.A. HPB File No. 7549).

**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 proposed use is permitted in the CPS-2 future land use category as a conditional use.

- 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** – 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. See the Memorandum from the Transportation Department.

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

**Consistent** – The proposed project appears to meet zoning regulations. Nevertheless, these comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator 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 establishment may adversely affect the general welfare of nearby residents if traffic issues are not controlled.

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

**Consistent** – The proposed project is providing required parking for all the proposed uses, as well as public parking.

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

**Partially Consistent** – Staff is recommending conditions 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 site currently serves as a parking lot, which has similar impacts as the proposed use. In addition, there is a great demand for parking in the surrounding area; therefore, the concentration of similar types of uses will not create a negative impact on the surrounding neighborhood.

**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** – A partial operations plan has been provided in the Letter of Intent (LOI). The project contains a 199-seat restaurant; however, a tenant has not yet been selected. Therefore, operating hours and the number of employees, and business goals cannot be specifically identified. However, the applicant expects that any tenant will maintain normal business hours and close by midnight.

Information on the operation of the parking garage has not been provided; however, staff is recommending that there shall be at least one qualified person, on-site, monitoring the garage operation and site during hours of operation seven days a week.

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 10-foot by 30-foot off-street loading area within the building fronting the Collins Court Alley. The LOI states that loading will take place within the Collins Court alley. As the building contains only 7,166 square feet of restaurant space and four (4) residential units, only one (1) loading space is required pursuant to the Land Development Regulations, and a significant amount of loading activity is not expected. 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.**

**Consistent** – The scale of the proposed project is generally compatible with nearby buildings and CPS-2 zoning district allowable development.

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 spaces would satisfy required parking, as well as provide 119 surplus parking spaces within the structure. However, there is no description as to how the parking will be controlled. See Parking and Access 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 restaurant portion of the property will have access directly from the public sidewalk along 4<sup>th</sup> Street. Customers arriving in automobiles will be able to access the restaurant area will access business by taking an elevator to a Parking Lobby at the sidewalk level on the southwest corner of the property. The garage is accessed via a two-way driveway on 4<sup>th</sup> Street. 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.**

**Partially Consistent** – A partial security plan has been provided in the LOI. It maintains that the restaurant tenant will be providing their own security on-site. It states that the residential areas will have their own entrance lobby and private parking. The entrance lobby is designed to be able to accommodate security personnel; however it would be up to the residents to determine if they wish to pay for the service. Staff is recommending that security monitoring during hours of operation of the parking garage. See the Security Analysis

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.**

**Consistent** – 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.

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.**

**Partially Consistent** – The parking and loading is located within the structure, so the applicant does not anticipate any significant noise from it. Since the loading zone is expected to be located in the alley, staff is recommending conditions to help reduce any potential impact from noise.

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.**

**Partially Consistent** – The Applicant would need to contract with a waste collection company. Trash pick-up would occur via the trash in the loading area along the Collins Court alley. Trash will be stored in an enclosed trash room contained located adjacent to a loading staging area. Staff is recommending conditions minimize the impact of the operations. 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.**

**Partially Consistent** – The structure is generally compatible with the surrounding structures. However, staff is recommending conditions to minimize the potential of impacts to residential uses in the area.

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 CPS-2 zoning district permits development such as that proposed. There are other structures of a similar scale in the surrounding vicinity; however, no negative impacts from a cumulative effect are expected.

## **ANALYSIS**

### **Project Description**

The applicant is proposing a 7-story, 98,030 square foot, main use commercial parking garage with 177 parking spaces; a 7,166 square foot/199 seat restaurant; and four (4) residential units. The restaurant will be located on the ground floor fronting the corner of 4<sup>th</sup> Street and Collins Avenue. Parking is proposed on the 2<sup>nd</sup> through 5<sup>th</sup> floors. The residential units will be located on the 6<sup>th</sup> and 7<sup>th</sup> Floors.

The subject site is zoned CPS-2, Commercial Performance Standard District, is located on the west side of Collins Avenue, bordered on two (2) sides by the RPS-3, Residential Performance Standard District. Most of the immediate neighbors are residential apartment buildings. Although

retail/restaurant uses are permitted in the neighboring RPS-3 zoning district, they are only allowed as accessory uses to hotel projects.

The restaurant is proposed to contain 161 indoor seats and 38 outdoor seats. While more active commercial uses have been approved along Washington Avenue directly behind the development site, and along the Collins Avenue corridor further to the north, most of the immediate neighborhood is comprised of low intensity multifamily residential buildings with no accessory uses. Due to the more residential character of the neighborhood, the introduction of a more intense development such as a restaurant must be reviewed carefully to ensure that the quality of life of surrounding residents is not negatively impacted. Staff is recommending conditions to further minimize the impacts as outlined in the recommendation for approval.

### **Parking and Access**

Ingress and egress into the parking garage would be from 4<sup>th</sup> Street. The proposed driveway ramp would be located on the south side of the building fronting 4<sup>th</sup> Street. Access to the garage for pedestrians shall be from an elevator lobby on the southwest side of the building facing Collins Court. Parking for the residential units will be provided via private ground-floor garages with two tandem spaces that are accessed from the Collins Court alley. Residents will access the garage through a residential lobby internal to the building. Non-residential parking would be located on levels 1 through 5.

The total number of parking spaces proposed is 177, of which 169 would be for non-residential uses. The required parking for the proposed uses is 58 spaces, with eight (8) for the residential units and 50 for the restaurant. This leaves a surplus of 119 spaces potentially available to surrounding uses and the public. The breakdown of the location of parking is as follows:

Level 1:	10 (8 accessed separately for residential units)
Level 2:	42
Level 3:	42
Level 4:	42
Level 5:	41

### **Delivery and Sanitation**

The plans show a 10-foot by 30-foot off-street loading area within the building fronting the Collins Court Alley. The LOI states that loading will take place within the Collins Court alley. As the building contains only 7,166 square feet of restaurant space and four (4) residential units, only one (1) loading space is required pursuant to the Land Development Regulations. Due to the scale and number of proposed uses, a significant amount of loading activity not expected.

In order to minimize any potential impacts, staff is recommending that garbage pickups and service deliveries not be allowed between 9:00 PM and 8:00 AM on weekdays, and 9:00 PM and 10:00 AM on weekends, along with other operational conditions, in order to minimize negative impacts to surrounding residents.

### **Security**

A partial security plan has been provided in the LOI. It maintains that the restaurant tenant will be providing their own security on-site. It states that the residential areas will have their own entrance lobby and private parking. The entrance lobby is designed to be able to accommodate security personnel; however it would be up to the residents to determine if they wish to pay for the service.

In order to ensure the safety of those using the parking garage, staff is recommending that video surveillance monitoring be provided throughout the parking garage during its hours of operation.

### **Traffic**

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.

### **JULY 26, 2016 UPDATE**

On June 28, 2016, the Planning Board approved the Conditional Use Permit (CUP) to construct a new 7-story mixed-use development exceeding 50,000 square feet including a parking garage; however the review of the valet operation was continued to a date certain of July 26, 2016

The July 12, 2016 Certificate of Appropriateness approved by the Historic Preservation Board included the landscaping as proposed by the applicant, with the requirement that a maintenance agreement also be provided, requiring the perpetual maintenance of the landscaping provided within the public rights-of-way.

The applicant has not yet selected an operator for the valet parking and a tenant for the restaurant space. The applicant has therefore agreed to additional conditions that will require a valet parking plan and any restaurant uses to be approved by the Planning Board once an operator or tenant is selected.

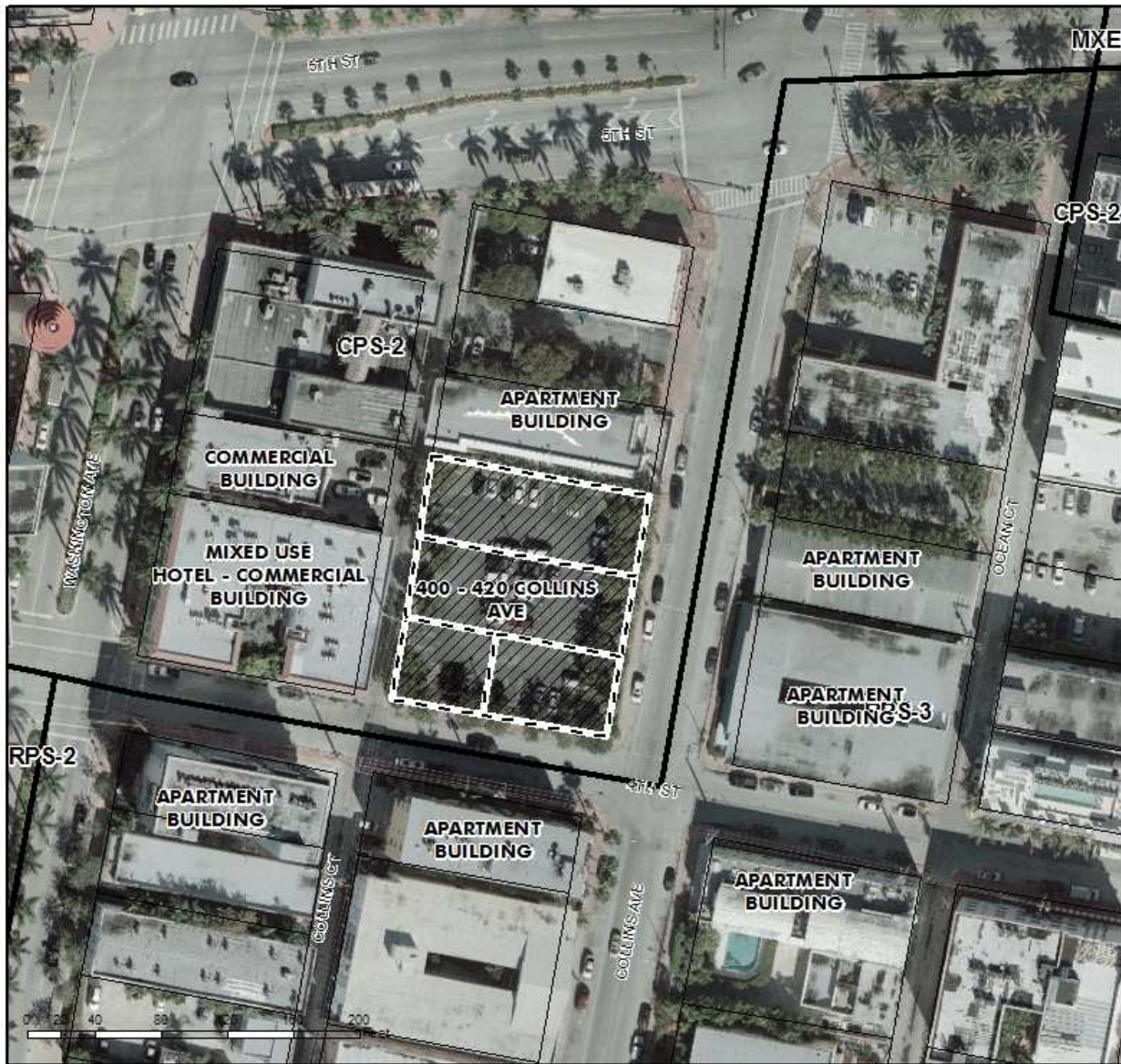
### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the valet parking and landscape locations as part of the approved Conditional Use permit for the construction of a new 7-story mixed-use development exceeding 50,000 square feet including a parking garage at the proposed site be approved subject to the additional conditions enumerated in the attached draft Order.

TRM/MAB/RAM



### ZONING/SITE MAP



City of Miami Beach Planning Board  
PB 0416-0012, f.k.a., File No. 2333.  
400 - 420 Collins Ave



The applicant, Savoy Hotel Partners, is requesting Conditional Use Approval for the construction of a new 7-story mixed-use development exceeding 50,000 square feet including a parking garage pursuant to Section 118, Article IV of the City Code.

**MIAMI BEACH**  
PLANNING DEPARTMENT

1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 P 305.673.7550 [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

