

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. PB0616-0033. 915-955 Washington Avenue—Moxy South Beach**

The applicant, Washington Ave. Associates, LLC, is requesting Conditional Use approval for the construction of a new seven (7) story hotel development exceeding 50,000 square feet. The proposed project would include a parking garage, commercial uses on the ground floor, and a Neighborhood Impact Establishment with outdoor entertainment, pursuant to Section 118, Article IV, Section 142, Article II, and Section 142, Article V of the City Code.

RECOMMENDATION

Approval with conditions

ZONING / SITE DATA

Future Land Use: CD-2 – Commercial, Medium Intensity District

Zoning: CD-2 – Commercial, Medium Intensity District

Legal Description: Lots 10 to 15 inclusive, Block 31, of Ocean Beach Addition No. 2, according to the Plat thereof, as recorded in Plat Book 2, Page 56, of the Public Records of Miami Dade County, Florida.

Land Uses: See Zoning/Site map at the end of this report.
North: Proposed Commercial retail use
South: Commercial mixed uses
East: Hotel uses
West: Commercial retail, hotel and office uses

Lot Size: 39,000 SF

Maximum FAR: 1.5 or 2.0 for mixed-use projects

Proposed FAR: 2.0 – 77,787 SF Total Area as represented by the applicant

Maximum Height: 75'-0" / 7 stories

Proposed Height: 74'-6" / 7 stories as represented by the applicant

THE PROJECT

The applicant has submitted plans entitled "Moxy South Beach", as prepared by Kobi Karp Architecture, dated August 29, 2016. The proposal consists of a new seven (7) story,

hotel/commercial mixed-use building with 204 rooms; food and beverage areas with a combined total of 756 seats and a proposed occupancy of 1305 persons; 1335 SF of ground floor retail use; and nine (9) parking spaces.

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 CD-2 future land use category allows new hotels, retail structures, and eating and drinking establishments. The Comprehensive plan also allows for structures exceeding 50,000 SF neighborhood impact establishments, and outdoor entertainment establishments as a conditional uses.

*Uses which may be Permitted: Various types of commercial uses including business and professional offices, retail sales and service establishments, **eating and drinking establishments**; apartment residential uses; apartment hotels; and **hotels**.*

*Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and **conditional uses specifically authorized in this land use category, as described in the Land Development Regulations**, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.*

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. TrafTech 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. Please see the peer review and memo from the Transportation Department for additional information.

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

Partially Consistent – The proposed project appears to meet most zoning 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 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 is a mixed use building in an historic district and must provide the required parking for all the proposed uses not contained in the original footprint of the building or pay a parking in lieu fee. Staff review indicates that the proposed plans will be deficient in parking spaces and the applicant proposes paying into the parking in lieu program. In addition, it is expected that many patrons will arrive by bicycle, on foot, taxi, or hired car.

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 CD-2 zoning district. While there are other proposed buildings over 50,000 SF on Washington Avenue, other outdoor entertainment establishments, and other large bars in the vicinity, adverse impacts are not expected from the geographic concentration of such uses if the impacts are properly controlled.

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 – The proposed hotel mixed-use project has provided an operations plan for all its food and beverage areas, but does not contain any specifics about the ground floor retail portion of the project nor a space labeled “100 seat restaurant” on the ground floor. The proposed uses shown on the submitted plans are permissible in the CD-2 zoning district. The uses are compatible with the surrounding neighborhood. See the Project Description and Operations Analysis.

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 loading and trash collection area at the north east corner of

the project. The applicant proposes six (6) loading spaces located within the property lines. The loading spaces are depicted to accommodate different sized trucks, with the larger spaces situated parallel to Collins Court (alley). 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.**

Partially Consistent – The scale of the proposed project is compatible with nearby buildings and CD-2 zoning district allowable development. Staff is recommending conditions to minimize potential adverse impacts.

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 project proposes to provide nine (9) parking spaces. The rest of the required spaces may be met by paying a parking in lieu fee due to the location of the site in Parking District No. 7. See Parking 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 property will have access directly from the public sidewalk along Washington Avenue. Customers arriving in automobiles will be able to be dropped off on Washington Avenue or in an area adjacent to Collins Court (alley) on the east side of the property. 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.**

Consistent – The applicant proposes to provide 24 hour security. Security cameras are proposed on-site at major entrance and exit points, points of sales and elevators. Additional security will be scheduled for high occupancy days and to monitor the pool deck as stated in the Operational Plan.

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.**

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. Please refer to the separate memo provided by the Transportation Department.

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 – Most of the parking and loading spaces are located within the

envelope of the building, so the applicant does not anticipate any significant noise from the operation of the loading areas. Notwithstanding, staff is recommending conditions to help reduce any potential impacts of noise from the proposed loading zones, parking structure, and sanitation areas.

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.

Consistent – Trash pick-up is proposed to occur via the trash and loading area contained within the building along the Collins Court. The applicant proposes that sanitation pick up times be restricted to after 8:00 AM. 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.

Consistent – There are not any adverse impacts expected due to proximity of similar sized structures. Records indicate that there are not any residential buildings in the surrounding area. Nevertheless, staff is recommending conditions to help reduce any potential impact, consistent with other proposed projects on Washington Avenue.

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 CD-2 zoning district permits mixed use hotel development such as proposed. While there are other buildings of this scale in the surrounding vicinity, negative impacts from a cumulative effect are not expected. Notwithstanding, staff is recommending conditions to help reduce any potential impact.

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 and the operations plan submitted with the application details the proposed operation of the hotel and the various food and beverage venues associated with the mixed use development. 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 pick up on Washington Avenue or Collins Court and the storage of vehicles in an off-site garage nearby. Nine (9) parking spaces are shown on the site plan. See the LOI and the traffic study prepared by Traf Tech Engineering 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 applicant indicates in the LOI that patrons will gain access to the hotel lobby from the breezeway. 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 right of ways.

- (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 extra security personnel for the pool deck during peak times. The LOI does not address how the applicant proposes 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 study prepared by Traf Tech Engineering 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.**

Trash pick-up is proposed via the trash collection area contained within the building and loading areas at the northwest corner of the building and along the Collins Court. The applicant proposes to limit sanitation pick up to after 8:00 AM. See Delivery and Sanitation Analysis.

- (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 the acoustic system would be designed so that sound would not be audible from the closest residential buildings located one block west of the subject site.

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

The proposed venue is mainly surrounded by other hotels and commercial uses. There are some residential buildings one block to the west of the property on Pennsylvania Avenue. 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 two (2) nightclubs on Washington within a couple blocks of this property: Twist at 1053 Washington Avenue and Icon (f.k.a. Mansion) at 1235 Washington Avenue. 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 project consists of a new seven (7) story, hotel/commercial mixed-use building with 204 hotel rooms; food and beverage areas with a combined total of 756 seats and a proposed occupancy of 1305 persons; 1335 SF of ground floor retail use; and nine (9) parking spaces. The square footage of the project is approximately 77,787 SF as represented by the applicant.

The proposed hours of the venues as outlined in the application are as follows:

VENUE	HOURS	HOURS OF ENTERTAINMENT
Indoor Restaurant	7 AM-5 AM	until 11 PM
Outdoor Café	7 AM-2 AM	until 11 PM
Hotel Bar & Lounge	7 AM-2 AM	n/a
2nd Level Bar	11 AM-2 AM	11 AM-11PM
2nd Level Outdoor Bar	11 AM-12 AM	11 AM-11PM
Pool Deck (guests only)	7 AM-11 PM	11 AM-11PM
Rooftop (guests only)	7 AM-2 AM	n/a

The proposed uses are permissible in the CD-2 zoning district and are compatible with the Washington Avenue surrounding neighborhood. However, staff is recommending conditions to further minimize the impacts as outlined in the recommendation. The proposed operation for the hotel and its food and beverage areas is outlined below:

Parking and Access

Access to the property for pedestrians is proposed on Washington Avenue through a main entrance for the hotel and separate entrances for the retail and restaurant spaces located on the ground floor.

Those arriving as passengers in automobiles for drop off only may access the property from the Washington Avenue side and from Collins Court, which is the alley to the east of the structure between Collins Avenue and Washington Avenue. The proposed valet ramp for the drop off and pick up of both passengers and the automobiles is proposed approximately midblock on the ground floor of the building facing the alley.

According to the plans submitted by the applicant, parking would be limited to the temporary storage of valeted vehicles in spaces not being utilized for loading. As a clarification, while nine (9) parking spaces are shown on the plans, six (6) of said spaces double *operationally* as loading spaces.

While parking is not required at this location due to its location in Parking District #7, loading spaces are required. Prior to obtaining a building permit, the applicant would have the option to provide the additional spaces, reduce the floor area and/or restaurant seats, or pay a parking in lieu fee.

In addition, bicycle racks that accommodate 12 bikes are shown along the Washington Avenue side of the property.

Delivery and Sanitation

There are loading and trash areas that are fully contained inside of the building on the northeast

side of the building. There are additional loading spaces designed to accommodate various sized trucks shown on the plans on the ground floor on the west side of the property facing Collins Court. The access to all the loading areas and trash collection is from Collins Court.

The applicant is proposing that deliveries shall not take place before 6:00 AM and that trash pick-up not take place before 8:00 AM.

Security

The LOI proposes to provide 24 hour security. The applicant proposes to incorporate security cameras at major entrance and exit points, points of sales and elevators. Additional security will be scheduled for high occupancy days and to monitor the pool deck.

Sound

The applicant is proposing a neighborhood impact establishment with a maximum occupancy of approximately 1305 persons, as well as outdoor and indoor entertainment to include live performances and a DJ. The outdoor areas that propose entertainment are the bar and lounge on the 2nd floor deck open to the public, as well as the hotel guests only pool deck area which is located on the south side of the second floor roof separated physically from the bar and lounge on the north side of the second floor deck.

The applicant provided a sound study prepared by the Audio Bug, Inc and a peer review from Arpeggio Acoustic Consulting, LLC. Audio Bug concluded that the "...With a properly designed and calibrated sound system, the introduction of the outdoor venues into this neighborhood should have little negative noise impact on neighboring residential properties. The size and scale of the hotel should not significantly increase activity in the area. Restricted hours of operation of the sound system and the constant background noise of traffic will contribute to mitigating any impact that might be envisioned."

Audio Bug, Inc., later revised its conclusion in response to the peer reviewer and made some architectural recommendations: "One architectural addition I would recommend is the installation of vestibules at the two ground floor restaurant doors on Washington Avenue. The attached drawings indicate the locations of these vestibules and details of this element can be discussed in more detail with the architect. The vestibules will help mitigate sounds which may exit the restaurant when guests enter or exit the restaurant." That recommendation has already been incorporated into the plans on page A-3.00.

The peer reviewer of the sound study further stated in an email that "...The procedure he outlined in his August 12, 2016 letter, which comprises adjustments to each system on site followed by assessment of all systems operating concurrently, is a valid one which, if performed diligently and with the input of interested parties, could yield a result which is satisfactory for all parties." Staff has recommended conditions that comport with this observation in the attached draft final order.

Traffic

Traf Tech Engineering, Inc. was retained by the applicant to conduct a traffic study in connection with the proposed development. The study addresses trip generation, the traffic impacts created by the proposed project on the nearby transportation network, internal site circulation, and queuing. FTE, Inc. served as the traffic study peer reviewer for this project. Please refer to the separate memo provided by the Transportation Department for additional information.

RECOMMENDATION

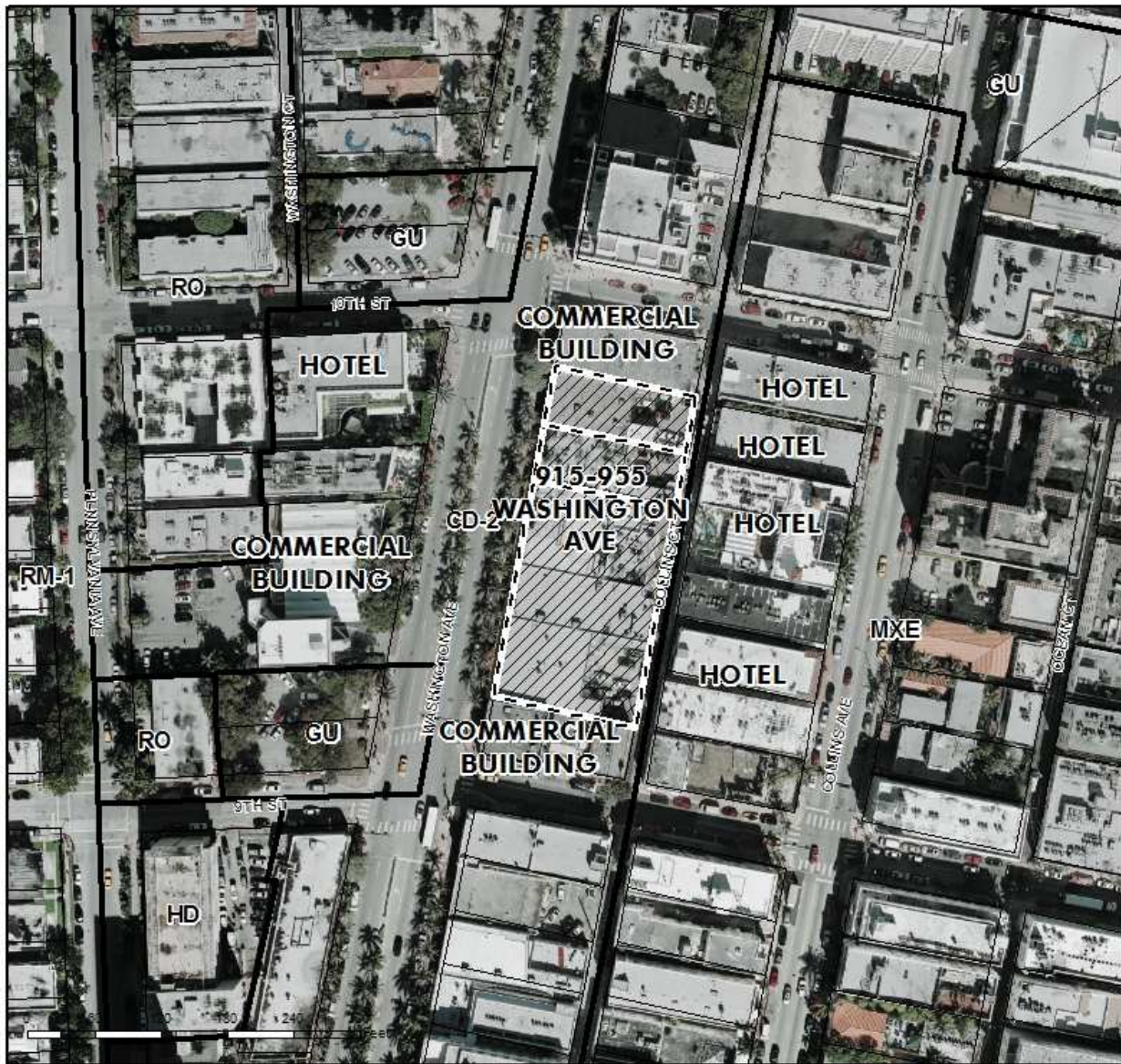
In view of the foregoing analysis, staff recommends that the application for a Conditional Use

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

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ZONING/SITE MAP



City of Miami Beach Planning Board
PB0616-0033
915-955 Washington Avenue



The applicant, Washington Ave. Associates, LLC, is requesting Conditional Use approval for the construction of a new seven (7) story hotel development exceeding 50,000 square feet including a parking garage, commercial uses, and a Neighborhood Impact Establishment with outdoor entertainment, pursuant to Section 118, Article IV, Section 142, Article II, and Section 142, Article V of the City Code.

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