

# MIAMI BEACH

## PLANNING DEPARTMENT Staff Report & Recommendation

## PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: December 20, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **File No. PB 16-0070. 1409 Washington Avenue - Conditional Use for a Mechanical Parking System**

The applicant, Acastar Miami, LLC, is requesting Conditional Use approval for mechanical parking associated with the renovation of the existing building and a 4-story ground level addition, pursuant to Section 118, Article IV and Section 130, Article II of the City Code.

### **RECOMMENDATION:**

Approval with conditions

### **ZONING / SITE DATA**

**Legal Description:** Lot 12, Block 26, "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.

**Zoning:** CD-2, Commercial medium intensity

**Future Land Use:** CD-2, Commercial medium intensity

**Lot Size:** 6,500 SF

**Proposed FAR:** 12,928 S.F. / 1.98 FAR as represented by the applicant

**Proposed Height:** ~48'-1" / 4 stories

**Existing Use:** Residential with ground floor retail

**Proposed Use:** Hotel with basement restaurant and mechanical parking (22 spaces)

**Land Uses:** See Zoning/Site map at the end of this report.

East: Parking lot and hotel uses  
North: Commercial buildings  
South: Commercial buildings  
West: Public school complex

### **BACKGROUND/THE PROJECT:**

The applicant has submitted plans entitled "1409 Washington Avenue Addition and Renovation", as prepared by DN'A Design and Architecture, dated November 2, 2016.

The application proposes a four-story (4) hotel with 30 units, a 64 seat restaurant in the basement, and a mechanical lift system for 22 parking spaces to satisfy the accessory off-street parking requirements and provide surplus parking on the subject site. The applicant proposes to retain a portion of the existing three-story (3) structure on the west portion of the site.

The project was approved by the Historic Preservation Board (HPB) on April 12, 2016 (File No. 7621) with two (2) variances for the north and south side setbacks to maintain the existing setbacks of the contributing building in a historic 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 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 for a valet-only parking garage with three (3) mechanical lifts with four to five (4-5) levels of parking with a total of 22 spaces. The parking will satisfy accessory off-street parking requirements for the restaurant and surplus parking spaces. The use is consistent with the City's Comprehensive Plan.

2. **The intended Use or construction shall not result in an impact that shall exceed the thresholds for the levels of service as set forth in the Comprehensive Plan**

**Consistent**–The traffic consultant hired by the applicant, Richard Garcia & Associates, provided a Traffic Impact Study (TIS) for the proposed development project. 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.

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

**Partially Consistent**–As proposed, it appears that the project would comply with most of the Land Development Regulations with the exception of the two (2) variances granted by the HPB. The applicant also still needs to provide the location of the required backup generator. These comments shall not be considered final zoning review or approval. These 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 shall 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 shall be provided.**

**Consistent**–The project includes a mechanical lift system in the parking garage, which would provide the required parking for the project.

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

**Consistent**—Staff has recommended conditions that should mitigate any adverse impacts on the surrounding neighbors.

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

**Consistent**—There are not any mechanical parking garages nearby. The project's proposed uses are allowed in the CD-2 zoning district. Adverse impacts are not anticipated on the surrounding neighborhood as a result of this request.

**REVIEW CRITERIA PURSUANT TO SECTION 130-38 (4) OF THE CITY CODE WHEN CONSIDERING AN APPLICATION FOR THE USE OF MECHANICAL PARKING SYSTEMS:**

Projects proposing to use mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements shall prepare schematic floor plans prior to site plan review by the applicable land use board. Two sets of schematic floor plans shall be required:

1. One set of schematic plans sufficient to show the proposed development project with accessory off-street parking requirements satisfied by traditional, non-mechanical means, meeting all aspects of the design standards for parking spaces required in Article III of Chapter 130, and other provisions of these land development regulations, and requiring no variances from these provisions.

**Consistent**—A schematic drawing showing six (6) of the required parking spaces in a traditional, non-mechanical means was submitted. This meets the parking space requirement because the project would be allowed to pay the one-time parking in lieu fee for the rest of the parking deficiency without a variance.

2. A second set of schematic plans, sufficient to show the same proposed development project, utilizing mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements.

**Consistent**—A schematic drawing showing the required parking by mechanical means was submitted showing 22 spaces, which includes required and surplus parking. The mechanical parking version does not intensify the use.

*The non-mechanical schematic drawings have been reviewed by Planning Department staff although they appear to meet the requirements of the design standards of the City Code. Subject to this data being provided, the project may proceed to site plan approval based on the second set of plans, using mechanical parking.*

**PLANNING BOARD MECHANICAL PARKING REVIEW CRITERIA**

The Planning Board shall also consider the following review criteria when considering each application for the use of mechanical parking systems:

- (a) **Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood.**

**Consistent**—The scale of the project is relatively compatible with the surrounding area. Although the immediately adjacent properties are one or two story, within a block,

several multistory multi-family buildings and mixed-use buildings exist. The project was approved by the HPB on April 12, 2016 and at that time the scale, massing, and architectural issues of the project were scrutinized.

- (b) **Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood.**

**Consistent**—The proposed use of mechanical parking lifts appears to be compatible with the design characteristics of the surrounding neighborhood. When the project was approved by HPB the on April 12, 2016, the design characteristics and compatibility issues of the project were evaluated.

- (c) **Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.**

**Consistent**—The proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.

- (d) **Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view.**

**Consistent**—The proposed lifts would be located within a fully enclosed building and would not be visible from the exterior.

- (e) **In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings; whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit applicant.**

**Not applicable.**

- (f) **In cases where mechanical parking lifts are used for valet parking; whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues.**

**Not Consistent**—A valet service or operator was not identified in the LOI, nor has the applicant proffered to provide a restrictive covenant that requires a valet attendant be on staff at all times.

- (g) **Whether a traffic study has been provided that details the ingress, egress and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way.**

**Consistent**—The traffic consultant hired by the applicant, Richard Garcia & Associates, provided a TIS for the proposed development project. 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.

- (h) **Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided.**

**Not Consistent**—An operational plan indicating parking garage attendants would be available 24 hours a day, 7 days a week was not provided. The applicant's traffic engineer recommends a minimum of two (2) valet parking attendants during AM peak hours and three (3) during PM peak hours. The manufacturer's specifications regarding maintenance and noise were not provided. Also, a generator has not been indicated on the plans. The lifts may be designed to deliver the car from the top level in the event of a power outage, but in the case of a prolonged power outage a generator would be advisable and is required by city code.

- (i) **In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed.**

**Not applicable.**

- (j) **Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.**

**Partially Consistent**—The proposed project appears to be compatible with the surrounding neighborhood and it appears that it would not create any significant adverse impacts to the residential uses. Notwithstanding, staff is recommending conditions to minimize any potential negative impacts.

- (k) **Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect shall be addressed.**

**Consistent**—Currently, there are not any similar facilities nearby.

## **ANALYSIS**

The site for the proposed mixed use hotel project is a 6,500 SF lot with an existing residential building with retail on the ground floor. The subject site is zoned CD-2, commercial medium intensity and is located on the east side of Washington Avenue, bordered on all sides by low scale commercial buildings. The project is located in the Flamingo Park Historic District.

The architect has designed the building with a lower massing at the front that steps back for the higher proportions of the building so that from the street, it is compatible with the surrounding properties with regards to the scale and the as-built character of the neighborhood.

The mechanical parking element of the design allows the building to provide on-site parking and reduce the massing by removing the necessity for ramping on a relatively small lot.

## **PARKING AND VALET OPERATIONS**

The required parking (16 spaces) for this project will be provided with two (2) mechanical rotary/carousel parking lifts holding eight (8) cars each according to the submitted plans. The diagram of the mechanism is shown on page 25 of the TIS. The applicant also shows on the plans a six (6) vehicle lift, but it is unclear if the surplus parking supplied by the smaller carousel

can be accommodated on site due to ADA requirements for an accessible parking space on the ground floor.

The valet operational analysis provided in the TIS, shows the pickup of automobiles at the front of the building facing Washington Avenue, with the vehicles being driven by the valet attendant to the garage by heading north on Washington Avenue, east on Espanola Way, south on Collins Avenue, west on 14<sup>th</sup> Street, and north on Collins Court (the alley between Collins Avenue and Washington Avenue.) Vehicle retrieval will entail the exit out of the garage heading north on Collins Court, east on Espanola Way, south on Collins Avenue, west on 14<sup>th</sup> Street and then finally north on Washington Avenue.

The mechanical lifts will presumably be operated by an on-site valet attendant that will be on duty 24 hours, 7-days per week. The applicant's traffic engineer recommends a minimum of two (2) valet parking attendants during AM peak hours and three (3) valet attendants during PM peak hours. This is predicated on having two (2) valet service spaces at the front of the property.

#### **SANITATION AND DELIVARIES**

A trash room is proposed on the east side of the property on the ground floor. A loading space was not required by the City Code because the number of units would be less than thirty six (36). Delivery trucks would need to park in the drive aisle. The coordination of deliveries and trash collection would have to be done with the valet attendants.

Additionally, there may be designated loading zones in the area where delivery trucks can park and use hand trucks to deliver their merchandise. Staff has added conditions to the draft final order in an attempt to mitigate traffic disruptions from deliveries or waste collection.

#### **NOISE**

Since the proposed parking is located completely within the interior of the structure, a sound study was not deemed necessary for the parking lifts. Staff has included in the recommendation below additional conditions to ensure that noise does not negatively impact the surrounding neighborhood, including requirement regarding the use and operation of any mechanical ventilation system

#### **OTHER**

A back-up generator was not shown on the plans, and it is unclear whether the applicant proposes to install an emergency generator in case of a prolonged power outage. The architect has stated that the "the type of mechanical parking system that we are proposing does not require a fixed generator. In case of power failure, the personnel uses (sic) a small portable gasoline generator-motor to be coupled to the system mechanism. It is small enough to be carried and operated by one person." As a generator is a city code requirement, the applicant would need to provide a more permanent alternative or request a variance.

Bicycle racks and storage were not shown on the site plan.

#### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the application for a Modified Conditional Use Permit be approved, subject to the conditions enumerated in the attached draft order, which address the inconsistencies noted in the aforementioned Conditional Use review criteria.

TM/MB/TUI



**ZONING/SITE MAP**



City of Miami Beach Planning Board  
File No. PB16-0070  
1409 Washington Avenue



The applicant, Acastar Miami, LLC, is requesting Conditional Use Approval for mechanical parking associated with the renovation of the existing building and 4-story ground level addition, pursuant to Section 118, Article IV and Section 130, Article II of the City Code.

**MIAMI BEACH**  
**PLANNING DEPARTMENT**

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**PLANNING BOARD  
CITY OF MIAMI BEACH, FLORIDA**

**PROPERTY:** 1409 Washington Avenue

**FILE NO.** File No. PB 16-0070

**IN RE:** The applicant, Acastar Miami, LLC, requested Conditional Use approval for mechanical parking associated with the renovation of the existing building and a 4-story ground level addition, pursuant to Section 118, Article IV and Section 130, Article II of the City Code.

**LEGAL DESCRIPTION:** Lot 12, Block 26, "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.

**MEETING DATE:** December 20, 2016

**CONDITIONAL USE PERMIT**

The applicant, Acastar Miami LLC, requested Conditional Use approval for a mechanical parking system associated with the renovation of the existing building and a 4-story ground level addition pursuant to Section 118, Article IV, and Section 130, Article II. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the of the record for this matter:

That the property in question is located in the CD-2, commercial medium intensity zoning district; and

That the use is consistent with the Comprehensive Plan for the area in which the property is located; and

That 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; and

That structures and uses associated with the request are consistent with the Land Development Regulations; and

That the public health, safety, morals, and general welfare will not be adversely affected; and

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.



**IT IS THEREFORE ORDERED**, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendations, as approved by the Planning Board, and accepted by the applicant, that a Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions:

1. ~~This Conditional Use Permit is issued Acastar Miami, LLC, as owners of the property.~~ Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest, or the equivalent, shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein.
2. As part of the Building Permit plans for the project, the applicant shall submit revised architectural drawings, and landscape drawings, which shall be subject to the review and approval of staff; at a minimum, such plans shall satisfy the following:
  - a. The site plan shall clearly indicate the location, design and quantity of all exterior bike racks. Such bike racks shall be located within those areas of the property that are easily accessible. The final design details, dimensions, location and quantity of exterior bike racks shall be subject to the review and approval of staff. Such plans shall also comply with all applicable regulations and requirements of the City Code.
  - b. The site plan shall clearly indicate a location for an emergency back-up generator.
3. The following shall apply to the construction and operation of the proposed mechanical parking system:
  - a. The noise or vibration from the operation of the mechanical parking lifts shall not be plainly audible to or felt by any individual standing outside an apartment or hotel unit at any adjacent or nearby property. In addition, noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions outside of the parking garage.
  - b. The parking lift platforms must be fully load bearing, and must be sealed and of a sufficient width and length to prevent dripping liquids or debris onto the vehicle below.
  - c. All free-standing mechanical parking lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage.
  - d. All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift.
  - e. All mechanical parking lifts must be inspected and certified as safe and in good working order by a licensed mechanical engineer at least once per year and the findings of the inspection shall be summarized in a report signed by the same

licensed mechanical engineer or firm. Such report shall be furnished to the Planning Director and the Building Official.

- f. All parking lifts shall be maintained and kept in good working order.
  - g. Parking operation shall be by valet attendants only. A contract with a valet operator shall be submitted to staff for review and approval prior to a final Certificate of Occupancy or Business Tax Receipt, whichever occurs first.
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4. The Applicant agrees to the following operational conditions for all permitted uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment.
- a. Delivery trucks shall only be permitted to park within the ground floor parking area and not in the public rights-of ways.
  - b. Delivery trucks shall not be allowed to idle in the ground floor parking area.
  - c. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
  - d. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.
  - e. Garbage dumpster covers shall be closed at all times except when in active use.
  - f. Garbage pickups and service deliveries shall not take place between 7:00 PM and 8:00 AM.
5. The applicant shall address the following Concurrency and Parking requirements, as applicable, prior to the issuance of a Building Permit:
- a. ~~A Method of Transportation (MOT) shall be submitted to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.~~
  - b. Prior to the issuance of a building permit, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as may be determined as determined by the Concurrency Management Division.
  - c. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs, if required, shall be paid prior to the issuance of any Building Permit.

- d. The applicant shall submit a Traffic Demand Methodology (TDM) plan to be reviewed and approved by the Transportation Department.
6. The applicant, operator and/or owner, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Order.
7. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
8. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
9. Any substantial modifications to the plans submitted and approved as part of this application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans.
10. The applicant shall obtain a full building permit within 18 months from the date of the meeting, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.
11. The applicant shall resolve all outstanding violations and fines on the property, if any, prior to the issuance of a building permit for the project.
12. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, of the City Code.
13. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
14. Within a reasonable period of time after receipt of the executed Conditional Use Permit, the applicant, at its sole expense, shall record it in the Public Records of Miami-Dade County, and return the recorded instrument to the Planning Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
15. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the Code and such other enforcement procedures as are permitted by law. Any failure

16. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

BY: Michael Belush, Chief of Planning and Zoning  
For Chairman

Notary:  
Print Name  
Notary Public, State of Florida  
My Commission Expires:  
Commission Number:

Filed with the Clerk of the Planning Board on \_\_\_\_\_ ( )