

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: January 24, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **File No. PB 16-0075, a.k.a. PB 0616-0031, f.k.a. PB 2320. 601-685 Washington Avenue**

The applicant, Washington Squared Owner, LLC, is requesting a modification to a previously issued Conditional Use Permit for the construction of a new seven story hotel development exceeding 50,000 square feet including a parking garage and a Neighborhood Impact Establishment with outdoor entertainment. Specifically the applicant is requesting to include mechanical parking in the garage, pursuant to Section 118, Article IV and Section 130, Article II of the City Code.

RECOMMENDATION

Approval with conditions

HISTORY

April 19, 2016 The application was reviewed by the Board and was continued to a date certain of May 24, 2016, in order to address the concerns expressed by the Board and staff.

May 10, 2016 The Historic Preservation Board approved the project (HPB File No. 7632.)

May 24, 2016 The application was continued at the request of the applicant to a date certain of June 28, 2016.

June 28, 2016 The Board continued the item at the request of the applicant to a date certain of July 26, 2016.

July 26, 2016 The Planning Board approved the conditional use request that was presented at the time (see attached recorded final order.)

ZONING / SITE DATA

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

Zoning: CD-2 – Commercial, Medium Intensity District

Legal Description: Lots 11-21 of Block 34, of "Ocean Beach Fla Addition No. 1", according to the Plat thereof, as recorded in Plat Book 3, page 11 of the Public Records of Miami-Dade County, Florida.

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

North: Commercial retail
South: Commercial mixed use
East: Commercial mixed use
West: Commercial retail, hotel and residential uses

Lot Size: 69,437 SF

Maximum FAR: 1.5 or 2.0 for mixed-use projects

Proposed FAR: ~2.0 – 138,700 SF Total Area as represented by the applicant

Maximum Height: 75'-0" / 7 stories

Proposed Height: 75'-0" / 7 stories

Proposed Uses:

Hotel: 269 rooms
Amenities: 30,070 SF
Retail: 46,849 SF
Parking: 356 spaces with 112 lifts

THE PROJECT

The applicant has submitted revised plans entitled "601-685 Washington Avenue", as prepared by Morris Adjmi Architects, dated November 28, 2016. The proposal consists of a seven (7) story, hotel/commercial mixed-use building with 269 rooms; 30,070 SF of amenities; food and beverage areas with a proposed occupancy of 1,198 persons; 46,849 SF of ground floor retail use; and 356 parking spaces with 112 mechanical parking lifts.

As a point of reference, the zoning data sheet on the plans and LOI state there are 111 parking lifts, but the floor plans show 112. Also, the introduction of the proposed mechanical parking as shown does not require a modified application for the HPB.

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 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, outdoor entertainment establishments, and mechanical parking garages 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 provide a supplemental traffic memorandum. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. Please refer to the separate memorandum provided by the Transportation Department.

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

Partially Consistent – The proposed project appears to meet most zoning regulations with the exception of (2) two variances granted by the HPB: (A) to stack three cars in tandem; and (B) to waive 5'-0" of the tower setback. 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.

Consistent – The proposed project is a mixed use building in an historic district and must provide the parking for all the proposed uses that require parking or pay a parking in lieu fee. This project provides more than the required parking for the uses on site.

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 buildings over 50,000 SF, and other large restaurants and bars in the vicinity, adverse impacts are not expected from the geographic concentration of such uses if the impacts are properly controlled. **There are not any mechanical parking projects in the area.**

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.**

Consistent – As previously approved, the proposed hotel mixed use project has provided an operations plan for all its food and beverage areas, but the two (2) large retail portion of the project on the first floor do not have proposed tenants at this time. The applicant has voluntarily proffered a list of prohibited uses that are outlined in the applicant's proposed conditions of approval. 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 – As previously approved, the plans show a loading and trash collection area on the north end of the east side of the building. The main loading area shows four loading spaces contained within the building. Operationally, parallel to the Collins Court Alley along the alley on the south end of the east side of the building there are an additional six spaces shown on the plans as valet/loading spaces. Conditions relative to the servicing of the proposed uses were placed into the CUP.

- 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 – As previously approved, the scale of the proposed project is compatible with nearby buildings and CD-2 zoning district allowable development. Conditions to minimize potential adverse impacts are included in the approved CUP.

- 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.**

Consistent – The proposed 356 spaces meet the required parking for the development and provide surplus parking. The project proposes 24 hour valet parking with the storage of vehicles in the on-site garage. See the LOI and the supplemental traffic memorandum prepared by Traf Tech Engineering for the full description of the valet operation.

- 5. Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.**

Consistent – As previously reviewed, pedestrians entering the property will have access

directly from the public sidewalk along Washington Avenue and through a breezeway running east and west through the building. Customers arriving in automobiles will be able to be dropped off on 7th Street to the north, on Washington Avenue at an area just north of the breezeway to the west, on the Collins Court side at the breezeway to the east. 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.

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 provide a supplemental traffic memorandum. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. Please refer to the separate memorandum 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.**

Consistent – The parking and loading is located within the envelope of the building, so the applicant does not anticipate any significant noise from the operation. The applicant also proposes that deliveries hours be expanded from the previous approved hours. The project was previously approved with the restricted hours of 7:00 AM and 1:00 PM, the applicant is now requesting 6:00 AM to 5:00 PM. 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 between the hours of 6:00 AM and 5:00 PM. Refuse is proposed to be stored in refrigerated area and maintenance staff will monitor the property and the right of way to maintain the areas clean and free of debris. 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. There is only one residential building on the west side of Washington Avenue and staff has included the conditions to help reduce any potential impact, consistent with

the conditions already incorporated in the final order dated May 10, 2016.

11. Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect shall be addressed.

Consistent –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, the hotel amenities, 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 24 hour valet parking with the storage of vehicles in the on-site mechanical garage. See the LOI and the supplemental traffic memorandum 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 the hotel lobby and the breezeway area are large enough to accommodate any waiting patrons, so there should be ample room to queue on the property and not 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 during peak times. The security staff would assist with guest flow on the entire property. Patron age restrictions are proposed to be enforced by restaurant and bar staff and hotel security. See the submitted LOI and operations plan contained in the Board packages for more details.

(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 supplemental traffic memorandum prepared by Traf Tech Engineering for the full details. Additionally, it is expected that many patrons will arrive by bicycle, on foot,

taxi, or hired car. Please refer to the separate memorandum 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 and loading area contained within the building along the Collins Court. Refuse is proposed to be stored in refrigerated area and maintenance staff will monitor the property and the right of way to maintain the areas clean and free of debris. 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. Acoustic issues were carefully reviewed by the Board on April 19, 2016, and as previously recommended and agreed upon by the applicant, the acoustic system shall be designed so that sound does not be audible from the closest residential building located to the 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 is one residential building to the northwest of the property across Washington 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 three (3) NIE's on Washington Avenue within a block of this property. And there were two (2) NIE's within the building which are now vacant spaces. There is a list of NIE's and entertainment venues approved by the Board in this area provided below. Staff is recommending conditions to mitigate any adverse impacts from traffic, noise, and other issues on the surrounding neighbors.

Address	Applicant	Type of CUP	File #	Date
550 Washington Av	Bamboo Group, Inc.	NIE-Entertainment establishment	PB 1947	24-Apr-12
619-623 Washington Av	MAJ Management, LLC, and Cameo's South Beach, LLC.	NIE-Entertainment establishment	PB 1875	24-Apr-12
661-665 Washington Av	PCHA, LLC.	NIE-Entertainment establishment	PB 1752	28-Feb-06
717-721 Washington Av	INK Restaurant/Lounge	NIE-Entertainment establishment	PB 1726	23-Aug-05
743 Washington Av	743 Washington Entertainment, LLC.	NIE-Entertainment establishment	PB 2053	28-Feb-12

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 266 parking spaces (203 of those required parking spaces) in a traditional, non-mechanical means was submitted. This meets the parking space requirement because the project is allowed to provide more than the required parking for parking district no. 7, but not more than what would be allowed for a hotel in parking district no. 1.

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 356 spaces, which includes required and surplus parking. The mechanical parking version does not intensify the uses on site.

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 May 10, 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 May 10, 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.**

Partially Consistent–A valet service or operator was not identified in the LOI, but the applicant proffered in the LOI that the parking would be operated by a 24 hour valet service. Additionally, the city code requires that the applicant provides a restrictive covenant that indicates that 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, Traf Tech Engineering, Inc., provided a supplemental traffic memorandum 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.**

Consistent–An operational plan indicating parking garage attendants would be available 24 hours a day, 7 days a week was provided. The applicant's traffic engineer recommends a minimum of two (2) additional valet parking attendants be added to his original minimum valet attendant projections (60.) The manufacturer's specifications regarding maintenance and noise were provided. Also, a generator has been indicated on the plans. The lifts are designed to lower the car from the top level in the event of a power outage, but additionally a generator 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.**

Partially consistent—The proposed accessory uses seem to be proportional as a whole, but the timing of the deliveries and refuse pick up will be crucial to the valet operation. Since the loading spaces, accessible van space and valet ramp parking spaces are all using the same area in the alley, there is a potential for traffic back up if the loading and refuse pick up are not carefully orchestrated. Staff is recommending conditions to mitigate any potential negative impacts from the operations of this proposed project on surrounding properties.

- (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

Project Description and Operations

The project consists of a new seven (7) story, hotel/commercial mixed-use building with 269 rooms; 30,070 SF of hotel amenities; food and beverage areas with a proposed occupancy of 1,198 persons open to the public on the roof of the second floor (3rd level); 46,849 SF of ground floor retail use; and 356 parking spaces with 111 mechanical parking lifts on the second floor. The square footage of the project is approximately 138,700 SF as represented by the applicant.

While some of the venue spaces have different configurations, the main difference between the proposed project and the project already approved, is a small reduction in the number of rooms, the addition of mechanical parking lifts to parking spaces on level two (2), and the introduction of a hotel guest only pool and pool deck with the proposed occupancy of 224 persons on the upper rooftop. As a point of reference, the proposed pool deck on the upper roof area will not include food and beverage services and thus has not been calculated in the overall occupant content.

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

SUMMARY OF ACCESSORY USES								
VENUE NAME	FLOOR	INDOOR/ OUTDOOR	MAXIMUM OCCUPANTS	HOURS OF OPERATION	HOURS OF ENTERTAINMENT	ENTERTAINMENT	DANCE HALL	FOOD SERVICE AVAILABLE
Public Area								
LOUNGE	3	INDOOR	83	7AM-5AM	11AM-5AM	yes (LIVE MUSIC/DJ)	no	yes
CAFÉ	3	OUTDOOR	145	7AM-1AM	11AM-8PM	yes (LIVE MUSIC/DJ)	yes	yes
RESTAURANT	3	INDOOR	83	7AM-5AM	11AM-5AM	yes (LIVE MUSIC/DJ)	no	yes
CAFE CART	3	INDOOR	25	7AM-5AM	n/a	no	no	yes
POOL VENUE	3	OUTDOOR	572	7AM-1AM	11AM-8PM	yes (LIVE MUSIC/DJ)	yes	yes
MANGROVE	3	OUTDOOR	290	11AM-1AM	11AM-8PM	yes (LIVE MUSIC/DJ)	yes	no
		SUB TOTAL	1198					
Hotel Guests Only								
ROOFTOP POOL	ROOF	OUTDOOR	224	7AM-1AM	n/a	no	no	yes
		GRAND TOTAL	1422					

Parking and Access

Ingress and egress into the parking garage is proposed from Collins Court, which is the alley to the east of the structure between Collins Avenue and Washington Avenue. The proposed valet stacking area has been previously approved parallel to the alley on the east side of the property. The garage ramp would be located midblock on the ground floor of the building facing the alley.

According to the plans submitted by the applicant, parking would be located on level two (2). The total number of parking spaces proposed is 356. According to uses shown on the applicant's plans, the required parking for the proposed uses is 203 spaces. However, because the property is in parking district no. 7, if the applicant provides surplus parking in the amount not exceeding the number of new hotel rooms (which are exempt from parking on Washington Avenue), then they can provide 269 surplus parking spaces without those spaces being counted in the floor area ratio.

10 bicycle parking spaces are shown along the south eastern part of the building envelope and 32 bicycle parking spaces are shown in the parking garage presumably for more long term bicycle storage. Additionally, it is expected that many patrons will arrive by bicycle, on foot, taxi, or hired car. Pedestrians entering the property will have access directly from the public sidewalk along Washington Avenue and through a breezeway running east and west through the building. Customers arriving in automobiles will be able to be dropped off on 7th Street to the north, on Washington Avenue at an area just north of the breezeway to the west, on the Collins Court side at the breezeway to the east.

Delivery and Sanitation

A loading and trash area that is fully contained inside of the building is proposed at the ground level on the northeast side of the property. The access to this area is from Collins Court. The proposed configuration has four (4) bays that accommodate trash and delivery trucks of all sizes within the building envelope. Five (5) additional loading spaces have been provided parallel to Collins Court, south of the breezeway. The five (5) spaces also double as valet spaces when not being used as loading spaces.

The applicant is proposing that deliveries and trash pick-up only take place between 6:00 AM to 5:00 PM, or as deemed appropriate by the Parking Department for the area, in order to minimize impacts to nearby residents.

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. Additionally, the LOI says that hotel security will help restaurant and bar staff enforce the patron age restrictions.

Sound (As previously approved)

The applicant is proposing a neighborhood impact establishment with a maximum occupancy of approximately ~1200 persons, as well as outdoor entertainment establishment to include live performances and a DJ. The entertainment is proposed at the pool deck located on top of the parking pedestal (3rd floor) on the north side of the site. All the outdoor areas, as per the existing CUP have to discontinue entertainment level volumes by 8:00 PM and ambient music by 1:00 AM. Indoor entertainment may continue until 5:00 AM., as previously approved. The proposed pool deck on the upper roof area does not propose entertainment or food and beverage services.

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 “...the proposed rooftop pool deck venue will have no adverse impact on neighboring residential properties nor will it present any violation of the City of Miami Beach’s Noise Ordinance.”

Traffic

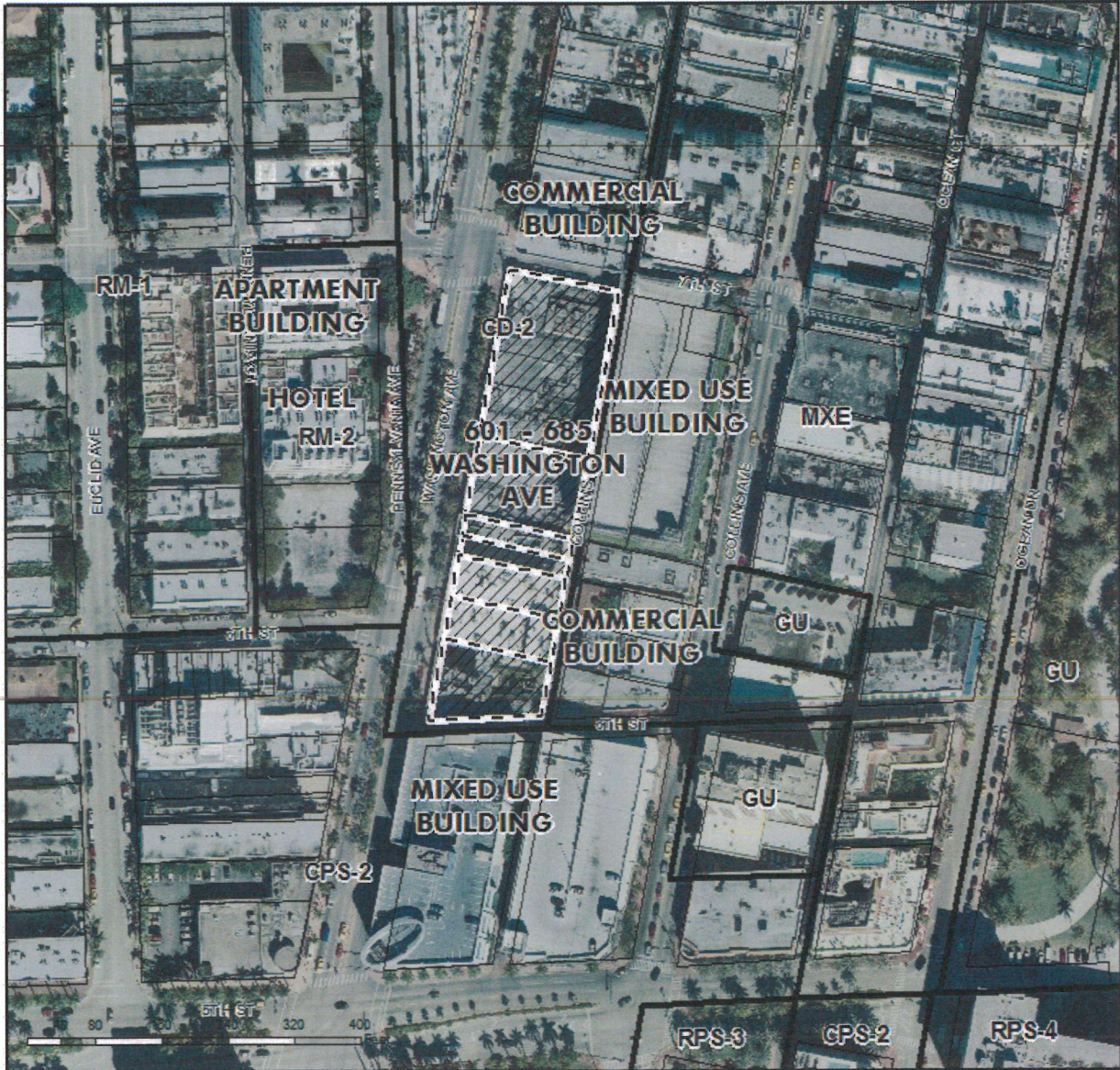
Traf Tech Engineering Inc. was retained by the applicant to conduct the original traffic study and a supplemental traffic memorandum in connection with the proposed development. The study addresses trip generation, the traffic impacts created by the proposed project on the nearby transportation network,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

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application for a Modified 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 MAP



City of Miami Beach Planning Board
 File No. PB16-0075 f.k.a PB0616-0031 and PB2320
 601 - 685 Washington Ave



The applicant, Washington Squared Owner, LLC, is requesting a modification to a previously issued Conditional Use Permit for the construction of a new seven story hotel development exceeding 50,000 square feet including a parking garage and a Neighborhood Impact Establishment with outdoor entertainment. Specifically the applicant is requesting to include mechanical parking in the garage, pursuant to Section 118, Article IV and Section 130, Article II of the City Code.

MIAMI BEACH
PLANNING DEPARTMENT

1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 P 305.673.7550 www.miamibeachfl.gov



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

PROPERTY: 601-685 Washington Avenue

FILE NO. PB 06-0075, a.k.a. PB 0616-0031, f.k.a., PB File No. 2320

IN RE: The application for a modification to a previously issued Conditional Use Permit for the construction of a new seven story hotel development exceeding 50,000 square feet including a parking garage and a Neighborhood Impact Establishment with outdoor entertainment. Specifically, the modification includes mechanical parking in the garage, pursuant to Section 118, Article IV and Section 130, Article II of the City Code.

LEGAL DESCRIPTION: Lots 11-21 of Block 34, of "Ocean Beach Fla Addition No. 1", according to the Plat thereof, as recorded in Plat Book 3, page 11 of the Public Records of Miami-Dade County, Florida.

MEETING DATE: January 24, 2017

CONDITIONAL USE PERMIT

The applicant, Washington Squared Owner, LLC, requested a Conditional Use approval for the construction of a new seven story hotel development exceeding 50,000 square feet including a parking garage, with mechanical parking in the garage 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. 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:

The property in question is located in the CD-2 – Commercial, Medium Intensity Zoning District.

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

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;

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

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

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, that the Conditional Use Permit be GRANTED, as provided below to which the applicant has agreed. Underlining denotes new language and ~~strikethrough~~ denotes stricken language from the previous order:

1. This Conditional Use Permit is issued to Washington Squared Owner, LLC, to construct a seven (7) story mixed use hotel project, with retail space on the first floor, traditional parking and mechanical parking on the 2nd floor, ~~and~~ food and beverage areas located on the roof of the second floor (3rd level), and a pool and pool deck on the upper roof deck. Any proposed change to the uses approved in this Conditional Use shall require the review and approval of the Planning Board.

2. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 90 days from the issuance of the business tax receipt (BTR) for any of the proposed outdoor entertainment venue.

When BTR's are issued for at least 75% of the building area, but no later than one (1) year from the issuance of the BTR for the proposed hotel use, the applicant shall appear before the Planning Board for a progress report specific to traffic, including providing a full revised traffic study outlining the actual transportation operations on-site and in the surrounding initial study area, and including valet operations and loading/servicing of the building.

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 possible 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).

- ~~3.~~ The conditions of approval for this Conditional Use Permit are binding on the applicant, the property applicants, operators, and all successors in interest and assigns. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest or 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, in advance, to affirm their understanding of the conditions listed herein.~~
4. The Planning Board shall retain the right to call the owner or operator back before them and make modifications to this Conditional Use Permit should there be valid complaints about loud, excessive, unnecessary, or unusual noise. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.
5. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval.

6. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
7. All existing overhead utilities abutting the subject site shall be placed underground at the sole expense of the applicant.
8. The following shall apply to the operation of the proposed parking garage:
 - a. There shall be security personnel of at least one person, on-site, monitoring the garage during all hours of operation.
 - b. Signs prohibiting tire-screeching and unnecessary horn-honking shall be posted at the garage entrance.
 - c. Signs to minimize vehicle conflict in the driveways in and out of the property shall be posted in appropriate locations.
 - d. The minimum parking required by the land development regulations shall be provided, or parking in lieu fee shall be paid for any spaces that cannot be provided in the parking level.
9. 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

10. The Applicant agrees to the following operational conditions for all permitted and accessory 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. As proposed by the applicant, the project authorized by this Conditional Use Permit includes the creation and operation of the proposed lounge, café, restaurant, café cart, and two (2) outdoor courtyard areas located on the roof of the second floor (3rd level) with the criteria listed below:
 - i. The food and beverage areas of the hotel covered in the CUP shall have a maximum occupant content of approximately 1200 persons or any lesser such occupant content as determined by the Fire Marshal.
 - ii. The indoor portions of the project may operate until 5:00 AM and shall be permitted to have a DJ or music, whether live or recorded, whether amplified or non-amplified, which is played at a volume that is louder than ambient background music (defined as a sound level that does not interfere with normal conversation), seven (7) days per week, from 11:00 AM to 5:00 AM.
 - iii. All outdoor areas of the venue(s) may operate ~~only from 7:00 AM to~~ until 1:00 AM and shall be permitted to have a DJ or ~~entertainment~~ music (~~defined as music~~, whether live or recorded, whether amplified or non-amplified, which is played at a volume that is louder than ambient background music) (defined as a sound level that does not interfere with normal conversation), as follows seven (7) days per week:

<u>Times</u>	<u>Type of Permitted Music</u>	<u>DJ Permitted</u>
<u>9:00 AM to 11:00 AM</u>	<u>Ambient Only</u>	<u>Yes, Ambient Only</u>
<u>11:00 AM to 8:00 PM</u>	<u>Ambient Or Entertainment</u>	<u>Yes, Ambient Or Entertainment</u>
<u>8:00 PM to 1:00 AM</u>	<u>Ambient Only</u>	<u>Yes, Ambient Only</u>
<u>1:00 AM to 9:00 AM</u>	<u>None</u>	<u>No</u>

- iv. The house sound system shall be installed and set in such a manner as to limit the acoustical output of the system and have password protected security on all controls at all times in accordance with the design intent and recommendations of the sound system study submitted as part of this application. The equipment and installation plan for the sound system, including the location of all speakers and sound level controls shall be submitted for the review and approval of the Planning Department. Prior

to the issuance of the Business Tax Receipt (BTR), the sound system shall be tested under the supervision of a qualified acoustical professional and the City's sound study peer reviewer, to ensure that all aspects of the system's performance comply with the design intent and recommendations of the sound system study submitted as part of this application. This shall include the requirement that noise from the sound system shall not be plainly audible at the western balconies of the Arcadia House Condominium located at the southwest corner of 7th Street and Washington Avenue. A final report issued by such acoustical consultant shall be submitted to staff prior to the issuance of a BTR.

- v. Additionally, 60 days after the issuance of a BTR , the sound systems in the facility shall be tested by a qualified acoustic professional, and a report shall be submitted to the Planning Department for review demonstrating that the system's performance still complies with the design intent and recommendations of the sound system study submitted as part of this application.
- b. Delivery trucks shall only be permitted to make deliveries from the designated loading spaces contained within the property and from designated on-street loading zones for trucks not to exceed 20'-0" in length, as authorized by the Parking Department.
- c. Delivery trucks shall not be allowed to idle in the loading areas.
- d. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
- e. Deliveries and waste collections may occur daily, but shall occur only between ~~7:00 AM and 1:00 PM~~ 6:00 AM and 5:00 PM.
- f. There shall be a loading dock master, on-site, monitoring the interaction between loading and refuse pick up with the operation of the valet and garage during all hours of deliveries and refuse pick up.
- g. 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.
- h. 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.
- i. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that more than one pick up of garbage per day will not be necessary. A high-level trash/garbage compacting device shall be located in an air-conditioned trash/garbage holding room within the facility.

- j. Garbage dumpster covers shall be closed at all times except when in active use.
- k. Restaurant personnel shall take measures to enforce the Patron Age Restriction of the City Code during the hours of operation of all alcoholic beverage establishments.
- l. No patrons shall be allowed to queue on public rights-of-way, or anywhere on the exterior premises, except adjacent to Collins Court, on private property.
- m. The owner/operator shall be responsible for maintaining the areas adjacent to the facility, including the sidewalk, and all areas around the perimeter of the property. These areas shall be kept free of trash, debris and odor, and shall be swept and hosed down at the end of each business day
- n. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
- o. Special Events shall not be issued for the outdoor areas. Special Events may occur on the interior of the building, subject to City ordinances, rules or regulations existing at the time, and may exceed the hours of operation and occupancy loads specified herein, if permitted by the Fire Marshal, subject to the review and approval of staff.

11. The applicant shall address the following Concurrency and Traffic requirements, as applicable:

- 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. A bicycle parking plan shall be submitted for staff review and approval prior to the issuance of a Business Tax Receipt.
- e. Valet or loading activities shall not block the garage ramp at any time.
- f. Valet pick-up may only occur in front of the ~~two (2)~~ three (3) northernmost loading spaces between to ~~4:00 PM~~ 5:00 PM and 7:00 AM.
- g. The required number of valet runners will be provided in order to prevent queued vehicles from blocking traffic on Collins Court.

12. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Building permit.
13. The applicant shall obtain a full building permit within 18 months from the date of the original approval, on July 26, 2016, of this Conditional Use Permit, 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.
14. 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.
15. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
16. 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 Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
17. 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.

Dated this _____ day of _____, 2017.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush,
Planning and Zoning Manager
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Michael Belush, Planning and Zoning Manager of the City

of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

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

{NOTARIAL SEAL}

Approved As To Form:
Legal Department ()

Filed with the Clerk of the Planning Board on _____ ()