

# 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. 16-0052 f/k/a 1959 – 4385 Collins Avenue – Soho Beach House**

The applicant, Beach House Owner, LLC, is requesting after the fact modifications to a previously approved Conditional Use Permit for a Neighborhood Impact Establishment, pursuant to Chapter 118, Article IV of the City Code. Specifically, the applicant is requesting approval for the expansion of a restaurant located in the rear yard.

### **RECOMMENDATION**

Continuance to November 14, 2016

### **BACKGROUND**

*January 10, 2006*

The Historic Preservation Board (HPB) reviewed and approved a Certificate of Appropriateness for the partial demolition, restoration, and renovation of the existing seven (7) story hotel, including the construction of a single story roof-top addition, and a new 14-story ground level addition at the rear of the property (HPB File No. 3383).

*July 11, 2006*

The HPB reviewed and approved modifications to a previously issued Certificate of Appropriateness for the partial demolition, restoration, and renovation of the existing seven (7) story hotel, including the construction of a single story roof-top addition, and a new 14-story ground level addition at the rear of the property. Specifically, the Board approved an increase in height of the new tower to 15-stories and modifications to the roof-top of the existing Sovereign Hotel.

*June 22, 2010*

The Planning Board (PB) granted Ryder Properties, LLC, a Conditional Use Permit (CUP) for a Neighborhood Impact Establishment (NIE), without entertainment or dancing, with an aggregate occupant content of 762 persons.

*October 11, 2011*

The HPB reviewed and approved an After-the-Fact Certificate of Appropriateness for the installation of various structures throughout the site, including the construction of a new outdoor pergola, additional site fencing, and the installation of folding doors at the ground level pool storage area (HPB File No. 7265).

*September 28, 2014*

Beach House Owner, LLC, requested a modification to the previously issued Conditional Use Permit (MCUP) to change the name of the owner

from Ryder Properties, LLC, to Beach House Owner, LLC, and Soho Beach House, LLC as the operator.

### **ZONING / SITE DATA**

Legal Description:	Lot 1, excepting the south seventy-five (75') feet thereof, of Block 39 of Miami Beach Improvement Company's Ocean Front Subdivision, according to the Plat thereof, AND the southern 75 feet of that certain tract marked and designated "R.P. Van Camp", on amended Map of Ocean Front Property of the Miami Beach Improvement Company, as recorded in Plat Book 5, pages 7 and 8, of the public records of Dade County, Florida.
Zoning:	RM-3, Residential, high intensity
Future Land Use Designation:	RM-3, Residential, high intensity
Lot Size:	36,433 S.F.
Existing FAR:	81,394 S.F. / 2.25 (Max FAR: 2.25)
Proposed FAR:	no change
Existing Height:	~70'-0" / 7-stories & 152'-4" / 15-stories
Proposed Height:	no change

### **THE PROJECT**

The applicant has submitted plans entitled "Soho Beach House – Mandolin Beach" as prepared by NC-office architecture / urbanism, dated August 10, 2016. The applicant is seeking an After-the-Fact MCUP in order to increase the seat count within an area previously approved. The increase in the seats and area are located at the rear of the property, formerly the tiki hut area. There are 72 seats in the area proposed (a 44 seat increase) with an occupant content of 125 persons (a 34 person increase.)

The applicant is scheduled to appear before the Historic Preservation Board (HPB) at their October meeting for an after-the-fact certificate of appropriateness for design modifications within the rear yard, including after-the-fact variances related to unpermitted construction in the Dune Overlay District in order to allow the retention of existing structures including a retractable roof at the rear of the property facing the Ocean. It should be noted that at this time, staff is recommending denial of all the requested variances.

### **COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:**

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Section 118, Article IV, Sec. 118-191 and Sec. 118-192 (a):

- 1. The use is consistent with the Comprehensive Plan or Neighborhood Plan if one exists for the area in which the property is located.**

**Consistent** – The request is consistent with the Comprehensive Plan. The RM-3 future land use category allows hotels and eating and drinking establishments.

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

**Partially Consistent** – The proposal should not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan; however,

a concurrency analysis will be performed at the time of building permit application. Kimley Horn and Associates, Inc., was retained by the applicant to produce a traffic memorandum. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. However, as of the writing of this report the peer review of the traffic study has not been finalized.

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

**Not Consistent** – The proposed project requires an extensive list of after the fact variances (listed in “the project” section above.) These comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Planning Department prior to the issuance of a Building Permit.

**4. Public health, safety, morals and general welfare will not be adversely affected.**

**Partially Consistent** – The proposed project may adversely affect the general welfare of nearby residents and businesses if delivery, waste removal, and other operations are not controlled. Staff is recommending conditions to mitigate the potential negative impacts. The entire project would have to comply with all applicable laws and regulations in order to obtain a building permit.

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

**Partially Consistent** – The proposed project is a hotel with accessory uses in an historic district and must provide the required parking for all the proposed uses not contained in the original building or associated with the original building. All other uses are required to pay a parking in lieu fee. Staff review indicates that the proposed project is deficient in parking spaces and has paid into the parking in lieu program.

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

**Partially Consistent** – Staff is recommending conditions to try to mitigate any adverse impacts on the surrounding neighbors.

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

**Consistent** – The proposed uses for the project are permitted in the RM-3 zoning district. While there are other conditional uses and other large venues in the vicinity, adverse impacts are not expected from the geographic concentration of such uses if the impacts are properly controlled.

**NEIGHBORHOOD IMPACT ESTABLISHMENT REVIEW GUIDELINES**

In accordance with Sec. 142-1362 of the Miami Beach City Code, in reviewing an application for a neighborhood impact establishment, the Planning Board shall apply the following supplemental review criteria in addition to the standard review guidelines for conditional uses pursuant to chapter 118, article IV:

- (1) An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.**

The LOI and the operations plan submitted with the application details the proposed operation of the club, hotel and the various food and beverage venues associated with the 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 off street pick up from a covered driveway entered from Collins Avenue from the southwest and exiting from the northwest of the property back onto Collins Avenue. The storage of vehicles is in an off-site garage nearby. Ten (10) operational parking spaces are shown on the site plan. See the LOI and the traffic memo prepared by Kimley Horn and Associates, Inc., for the full description of the valet operation.

- (3) An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises would be controlled.**

The operations plan indicates that security cameras will monitor guest flow through the property. The LOI does not address crowd control, how it will accommodate any waiting patrons, or a plan to prevent queueing on the public sidewalk or rights of way.

- (4) A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.**

The applicant proposes to employ 24 hour security, security cameras, and five (5) security personnel. 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 memorandum prepared by Kimley Horn and Associates, LLC, for the full details. Please refer to the separate memo provided by the Transportation Department.

- (6) A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.**

A sanitation plan was not provided. The operations plan contains a “Delivery details current conditions” sheet that explains that the loading areas are on the street a half block south of the building on both sides of Collins Avenue and that the “service path” at the northwest corner of the building ends in driveway area of the Fontainebleau Hotel’s property. Staff has some serious questions on how this operations works. 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 acoustic system was designed so that sound would not violate the city's noise ordinance and that the system still configured in accordance to the original study for 2010.

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

The proposed venue is mainly surrounded by other hotels and commercial uses. There are some condo hotel buildings directly north of the property in the Fontainebleau complex. 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) large nightclubs directly north of the site on the Fontainebleau property, and a NIE at the Eden Roc. Staff is recommending conditions to mitigate any adverse impacts from traffic, noise, and other issues on the surrounding neighbors.

**ANALYSIS**

**Project Description and Operations**

Soho Beach House is a member's only club located in the hotel formerly known as the Sovereign Hotel. The original building was constructed in 1941 and was designed as a hotel with 111 rooms. Subsequently, in 2010, the structure was rehabilitated and a 15 story tower addition was added at the rear of the property. The property now contains 50 hotel rooms and one (1) residence plus extensive amenities.

There are four (4) floors of amenities, some of which are open to the public and some that are restricted to members of the club and their guests. The applicant is now requesting an after the fact modification to the Modified Conditional Use Permit (MCUP) for the expansion of a restaurant into the area formally occupied by a tiki hut. In total, The Soho Beach House now contains two (2) restaurants (Cecconi's and Mandolin), four (4) bars, a private dining room, a gym, and a spa. The areas, the seating, and the proposed access (whether open to the public or not) is outlined below:

Land Use	Conditional Use Permit	Proposed	Seat Increase
	Seat Count	Seat Count	
Restaurant (lobby and courtyard) Cecconi's Restaurant (open to the public)	124	124	
Long Bar (open to the public)	14	14	
Wine Bar (open to the public)	5	5	
Existing Tiki Hut and Rear Yard Proposed Mandolin (Private, Members Only)	28	72	
Breeze Bar/Club Bar (Private, Members Only)	87	87	
Rooftop Bar (Private, Members Only)	33	33	
Sitting Room and Private Dining Room (Private, Members Only)	22	22	
<b>Total (Public and Private)</b>	<b>313</b>	<b>357</b>	<b>44</b>
<b>Total: Private, Members Only (Restaurant and Bar)</b>	<b>170</b>	<b>214</b>	<b>44</b>
<b>Total: Open to the Public (Restaurant and Bar)</b>	<b>143</b>	<b>143</b>	<b>0</b>
<b>Total: Open to the Public (Restaurant)</b>	<b>124</b>	<b>124</b>	<b>0</b>

In addition to the 44 seat increase at the rear of the property, the applicant proposes a 34 person increase to the formerly aggregate occupant content of 762 persons for a total of 796 persons.

### Parking and Access

Access to the property for pedestrians is proposed on Collins Avenue through a main entrance for the hotel lobby and restaurant space located on the ground floor.

Those arriving as passengers in automobiles or for valet drop off access the property from the one way portion Collins Avenue heading north and entering the south side of the driveway and porte-cochere. After being dropped off or leaving their cars, the automobiles exit from the north side of the driveway back onto 44<sup>th</sup> Street which is heading west for approximately one block before returning to a two-way configuration which heading north is Collins Avenue again or southbound is Indian Creek Drive. The valet storage is currently at the “Charles Garage” which is situated at 43<sup>rd</sup> Street between Collins and Indian Creek Drive. The valet routes are outlined in the traffic memo provided by the applicant and prepared by Kimley Horn and Associates, Inc.

According to the plans submitted by the applicant, ten (10) parking spaces on the property would be limited to the temporary storage of valeted cars. As a clarification, while the plans submitted show ten (10) spaces, these are *operational* spaces, as they do not satisfy any off-street parking requirements or meet the minimum parking space dimensions. Also, there are not any parking requirements for the increase in the seating in this area.

In addition, one (1) bicycle rack that accommodates 10 bikes are shown along the Collins Avenue side of the property.

### **Delivery and Sanitation**

The current operation of deliveries and sanitation are proposed to remain the same. However, based on the plans submitted and the operations plan labeled “Delivery details, current conditions”, the current operations appear problematic. Sheets A-1.0a and A-1.0b demonstrate that the “service path” runs along the north of the property to two loading areas, both of which are on the Collins Avenue, a half block south of the building on both sides of Collins Avenue. Also, the “service path” at the northwest corner of the building ends in the driveway area of the Fontainebleau Hotel’s property.

While there are not any conditions regarding deliveries and sanitation in the original CUP or the subsequent MCUP, staff has questions on how this operations works, and has added some recommended conditions in an attempt to mitigate any service related traffic obstructions. Staff recognizes that this corner property is hard to accommodate deliveries and garbage collections. However, more study is needed to better address the loading zone across the street and a half a block to the south.

### **Sound**

Although the CUP requested does not include entertainment, a sound study was prepared for the project due to the extensive outdoor areas. The sound study prepared by The Audio Bug Inc., concluded that “...We also inspected the electronic components which control and power the various systems and found they are also still configured as per the original specification. Sound levels are controlled and password protected as before. Based on my recent observations, I do not expect that there will be any change in sound level performance at this property. Therefore, we can presume that no violations of noise impact on neighboring properties will occur.” The full report is included in your packages.

### **Traffic**

Kimley Horn and Associates, Inc., was retained by the applicant to provide a traffic memorandum in connection with the proposed development. The study addresses trip generation, valet operations, and transportation demand management strategies. As of the writing of this report, the responses to the peer reviewer, sent on August 27th, have not yet been received by the Planning Department. As such, staff is recommending a continuance to November 14<sup>th</sup>, 2016 meeting.

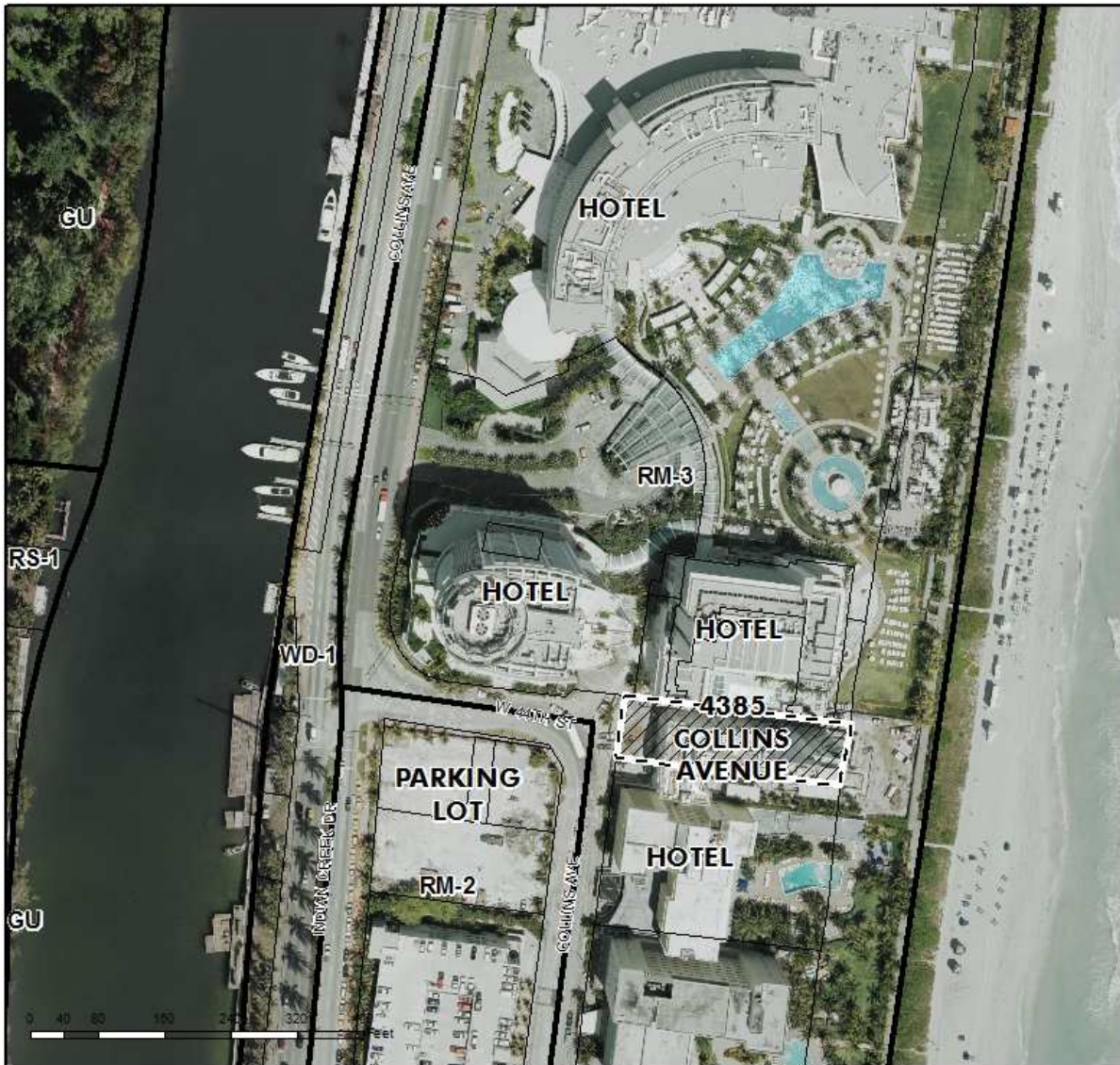
### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the application for a Conditional Use Permit be continued to November 14<sup>th</sup>, 2016 meeting. If the board decides to grant the CUP approval, staff recommends that the approval be subject to the conditions enumerated in the attached draft order, which address the inconsistencies noted in the aforementioned Conditional Use review criteria.

TJM/MAB/TUI



### ZONING/SITE PLAN



City of Miami Beach Planning Board  
File No. PB 16-0052, f.k.a. File No. 1959.  
4385 Collins Avenue



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