

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. 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

Approval with conditions

UPDATE

The required disclosures of interest have been updated.

BACKGROUND

January 10, 2006

The Historic Preservation Board (HPB) reviewed and approved a Certificate of Appropriateness (COA) 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 the previously issued COA. Specifically, the HPB 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 (PB File No. 1959).

October 11, 2011

The HPB reviewed and approved an after-the-fact COA 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 from the PB 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.

September 27, 2016 This application for an after-the-fact MCUP approval for modifications to a previously approved MCUP for a NIE was scheduled to be heard by the Board and was continued to a date certain of November 15, 2016.

November 15, 2016 The application for an after-the-fact MCUP approval for modifications to a previously approved MCUP for a NIE was scheduled to be heard by the Board and was continued to a date certain of December 20, 2016.

December 20, 2016 This application for an after-the-fact MCUP approval for modifications to a previously approved MCUP for a NIE was scheduled to be heard by the Board and was continued to a date certain of January 24, 2017.

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 October 14, 2016. The applicant is seeking an after-the-fact MCUP in order to increase the seat count of a restaurant within an area previously approved for a tiki hut located at the rear of the property. 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 received approval from the Historic Preservation Board (HPB) at their December 13, 2016 meeting for an after-the-fact certificate of appropriateness (COA) for design modifications.

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.

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

Not Consistent – The proposed project requires 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.

Consistent – The proposed project is for an accessory use to a hotel within a local 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 23 parking spaces and is paying into the parking in lieu program yearly for 10 of those spaces that were eligible for annual payments.

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 use for the project are permitted in the RM-3 zoning district. While there are other conditional uses and 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 detail the proposed operation of the members' club, the 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 offers valet parking with off-street pick-up from a circular driveway entered from Collins Avenue from the southwest and exiting from the northwest of the property back onto Collins Avenue. The storage of the valeted vehicles is in an off-site garage nearby. 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 specifically.

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

The applicant proposes 24 hour security, by the way of 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.**

The operations plan contains a "Deliveries & Collections" section that explains that the refuse collection takes place from the driveway at the north of the property. The operation

plan also states that refuse collection takes place daily between 8:00 AM and 9:00 AM only. 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.

Although the applicant is not proposing entertainment in the Mandolin Beach area, the applicant provided a sound study prepared by the Audio Bug, Inc. dated July 25, 2016. The applicant asserts that the acoustic system was designed so that sound would not violate the city's noise ordinance and that the system is 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 mixed use residential condominium/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 Hotel property, as well as a NIE at the Eden Roc Hotel. Staff is recommending conditions to mitigate any adverse impacts from traffic, noise, and other issues on the surrounding neighbors.

ANALYSIS

Project Description and Operations

The Soho Beach House is a members' 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 previously issued 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 access (whether open to the public or not) are 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 | |
| Total (Public and Private) | 313 | 357 | 44 |
| Total: Private, Members Only (Restaurant and Bar) | 170 | 214 | 44 |
| Total: Open to the Public (Restaurant and Bar) | 143 | 143 | 0 |
| Total: Open to the Public (Restaurant) | 124 | 124 | 0 |

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.

Valet Parking and Access

Access to the property for non-member pedestrians is from Collins Avenue through a main entrance for the hotel lobby and restaurant space located on the ground floor. Members can also access the property from the boardwalk at the rear of the property.

Those arriving as passengers in automobiles or for valet drop off access the property from the one way portion of Collins Avenue heading north and entering the south side of the driveway. After being dropped off or leaving their vehicles with the valet, the automobiles exit from the north side of the driveway, which at that point is 44th Street heading west for approximately one block. After the initial block on 44th Street, Collins Ave returns to a two-way configuration if heading north. If turning left and heading south, the street is called Indian Creek Drive.

The valet storage for this property is currently at the “Charles Garage” which is situated at 43rd Street between Collins and Indian Creek Drive. The valet routes are outlined in the valet operations analysis and traffic memo provided by the applicant and prepared by Kimley Horn and Associates, Inc.

The Transportation Department has made recommendations (see attached) related to the number of valet attendants and a 90 day progress report which have been incorporated into the draft final order.

Additionally, according to the plans submitted by the applicant, ten vehicles can be accommodated temporarily in the driveway area. In addition, one (1) bicycle rack that

accommodates ten (10) bicycles is shown along the Collins Avenue on the south side of the property.

Deliveries 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 (2) 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 because of the corner location of this property it is hard to accommodate deliveries and refuse collections. However, more study is needed to better address the loading for this large property. The use of a loading zone that is located across the street and a half a block to the south, does not seem very workable.

Sound

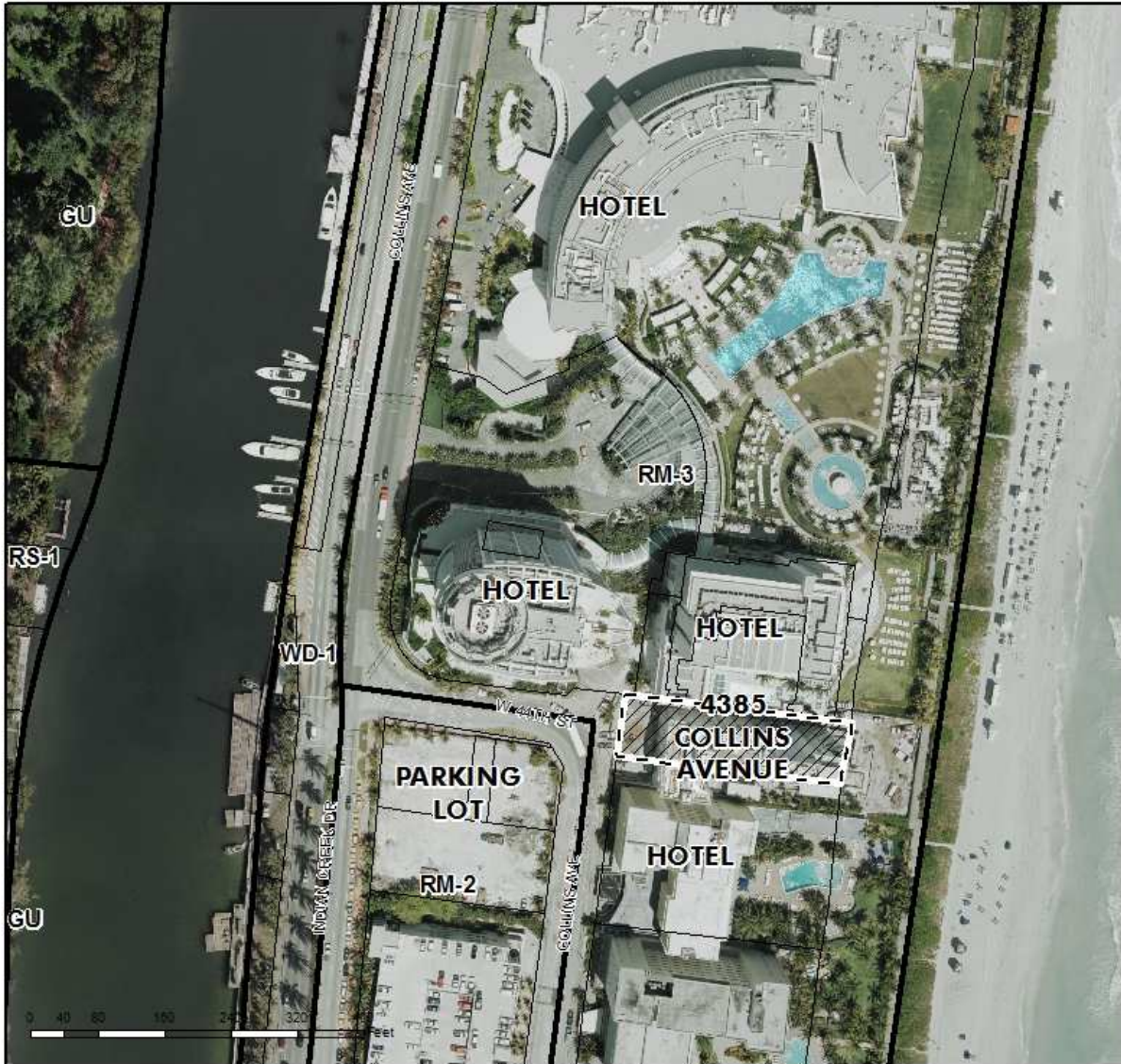
Although the MCUP requested does not include entertainment, a sound study was prepared for the project due to the extensive outdoor areas. The sound study prepared by The Audio Bug Inc., concluded that “...We also inspected the electronic components which control and power the various systems and found 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 board packages.

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.

TRM/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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