

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: March 22, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **PB File No. 2311. 1500 Collins Avenue, 1455 Washington Ave –Haddon Hall**

The applicant, Haddon Hall Hotel Owner, LLC, is requesting Conditional Use approval for a Neighborhood Impact Establishment consisting of a food and beverage establishment facing Washington Avenue with an occupant content of more than 300 persons, pursuant to Chapter 118, Article IV, and Chapter 142, Article V of the City Code.

#### **RECOMMENDATION**

Approval with conditions.

#### **BACKGROUND**

*January 14, 2014*

The City's Historic Preservation Board (HPB) granted a Certificate of Appropriateness (COA) for the partial demolition and renovation, restoration of the existing 3-story hotel, including a partial 1-story rooftop addition, the partial demolition and renovation of an existing 2-story non-contributing structure, including a 1-story rooftop addition and the partial demolition, renovation and restoration of the existing 2-story Campton Apartments, as part of a new hotel development (File No. 7390).

*March 11, 2014*

The HPB granted a supplemental COA for the design of the front yard of the Campton Apartment building and the design of the exterior corridors (File No. 7390).

*September 8, 2015*

The HPB granted a supplemental COA for additional demolition than what was originally approved on January 14, 2014 (File No. 7390).

#### **ZONING / SITE DATA**

##### **Legal Description:**

See Exhibit "A"

##### **Parcel 1: Haddon Hall (facing Collins Avenue)**

Zoning: MXE (Mixed-use Entertainment)  
Future Land Use Designation: MXE (Mixed-use Entertainment)  
Surrounding Uses: Hotels and Commercial uses

##### **Parcel 2: Haddon Hall accessory pool structure (center of property)**

Zoning: MXE (Mixed-use Entertainment)  
Future Land Use Designation: MXE (Mixed-use Entertainment)  
Surrounding Uses: Hotels and Commercial uses

**Parcel 3: Campton Apartments (facing Washington Avenue)**

Zoning: CD-2 (Commercial, Medium Intensity)  
Future Land Use Designation: CD-2 (Commercial, Medium Intensity)  
Surrounding Uses: Hotels and commercial uses

(See zoning/site map at the end of the report)

**THE PROJECT**

The subject property has a current business tax receipt (BTR) for a 162 room hotel and 221 restaurant seats. The occupancy content issued by the Fire Chief is for 230 occupants in the food and beverage areas which are open to the public. The applicant submitted plans entitled “1500 Collins Ave”, as prepared by ADD Inc, dated February 3, 2015. As proposed by the applicant, the project would increase by 54 seats and 320 occupants by adding the “Campton Yard Bar”, for a total of 275 seats and an occupant content of approximately 550 persons on the entire property. As noted on the plans, the pool deck area has a separate occupant content of 175 persons and is only open to hotel guests.

The Letter of Intent (LOI) proposes background music played at a volume that would not interfere with a normal conversation.

**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.

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

**Consistent**–Traf Tech Engineering, Inc. was retained by the applicant to conduct a Traffic Study. The Traffic Study concluded that “the new trips associated with the proposed expansion project are considered insignificant from a traffic-engineering standpoint...” See attached Traffic Study and the traffic section of the staff analysis for the full conclusion and recommendations. The staff response from the Transportation Department will be presented at the meeting.

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

**Consistent**–Neighborhood Impact Establishments are permitted as conditional uses in this zoning district. This comment shall not be considered final zoning review or approval. This 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 would not be adversely affected.**

**Partially Consistent**–The proposed establishment may adversely affect the general welfare of nearby residents if traffic, noise and other issues are not controlled. Staff is recommending measures so that any resulting adverse impact is mitigated.

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

**Consistent**–The project has an off-street parking requirement of 5 spaces for the new construction portion of the project. Operationally, the applicant proposes to valet cars to an off-site parking garage. See the recommendations for the number of valet attendants in the Traffic Study prepared by Traf Tech Engineering, Inc.

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

**Consistent**–Staff is recommending conditions to mitigate any adverse impacts from traffic, noise, and other issues on the surrounding neighbors.

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

**Partially Consistent**–There are multiple NIE's and entertainment venues in the area. There is a list of NIE's and entertainment venues approved in this area provided in the analysis.

**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 submitted with the application details the proposed operation of the venue. 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 the storage of vehicles in an off-site garage. See the LOI and the Traffic Study prepared by Traf Tech Engineering for the full description of the valet operation.

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

The applicant did not provide details on crowd control. Staff notes that the courtyard area is large enough to accommodate 320 patrons with only 54 seats, so there should be ample room to queue on the property and not on the public sidewalk.

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

The applicant proposes to employ four to five (4-5) security personnel during peak times. The security staff would assist with guest flow on the entire property. See the submitted 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 the Traffic Report prepared by Traf Tech Engineering for the full details. The Transportation Department staff will provide a separate response to the Traffic Report at the Board meeting.

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

The applicant proposes that trash pick-up would take place on Washington Avenue daily from an air-conditioned trash room located at the south side of the building. See the architectural drawings for the exact location.

**(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.

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

The proposed venue is mainly surrounded by other hotels and commercial uses. There are some residential units to the southwest 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 multiple NIE's on both Washington and Collins Avenues within blocks of this property, including two entertainment establishments adjacent to the property to the east (Senor Frogs) and to the south (The Cameo). There is a list of NIE's and entertainment venues approved by the Board in this area provided in the analysis. Staff is recommending conditions to mitigate any adverse impacts from traffic, noise, and other issues on the surrounding neighbors.

**STAFF ANALYSIS**

**Operation**

The subject restaurant proposes total of approximately 275 seats and 550 occupants. The area

identified as the “Campton Yard Bar” which faces Washington Avenue shows 54 seats on the plans and an occupancy of 320 persons. When the outdoor seating proposed for the yard area is combined with the existing outdoor seating at the center of the property, the total is 103 outdoor seats out of the total of 275 seats on the property.

Although the LOI describes the requested hours as Sunday–Thursday closing at 2:00 AM and Friday and Saturday closing at 5:00 AM, the outdoor bar counter in the “Campton Yard Bar” is required by code (see Sec. 142-304 below) to close by 12:00 AM.

**Sec. 142-304. - Accessory uses.**

*The accessory uses in the CD-2 commercial, medium intensity district are as required in article IV, division 2 of this chapter; and accessory outdoor bar counters, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m*

**Sound**

A sound study to evaluate the potential impacts of noise generated by the proposed venue on adjacent neighbors was proffered by the applicant and prepared by The Audio Bug (included in the application). Audio Bug concluded that “The introduction of the Haddon Hall outdoor garden service establishment to this neighborhood will have no negative noise impact on the neighboring properties.”

The peer review of the sound study conducted by Arpeggio Acoustic Consulting, LLC concluded that “...we concur with the conclusions drawn in the report prepared by The Audio Bug in their January 19, 2016 report. This is contingent on the previous discussion addressing trash collection, service deliveries, and patron noise as well as faithful adherence with the sound system specification contained in the report.”

Also, the following are NIE’s on Washington Avenue and Collins Avenue near the subject site:

	Address	Name	Category	File No.
1437-1439	Washington Ave	The Mogul Partners, LLC	Neighborhood Impact Establishment (NIE) w/entertainment	PB 1724
1532	Washington Ave	Dream Nightclub	NIE w/entertainment	PB 1876
1437	Collins Avenue	Hotel de Soleil	NIE w/o entertainment	PB 1927
1450	Collins Avenue	Senor Frogs	NIE w/entertainment	PB 2192
1501	Collins Avenue	Meats on The Beach, LLC	NIE w/o entertainment	PB 2219
1501	Collins Avenue	Chakra 5	NIE w/entertainment	PB 1798
1545	Collins Avenue	Royal Palm Hotel	NIE w/entertainment	PB 2032

**Sanitation and Deliveries**

Waste and recycling collection and deliveries would take place from the front of the building facing Washington Avenue and an air-conditioned trash room is located on the south side of the property. Deliveries are proposed from a loading zone on Washington Ave from the southern service gate between 7:00 AM and 5:00 PM.

## **Parking**

For an addition of an outdoor café in association with a building that existed prior to October 1, 1993 located within the architectural district, there is not an off-street parking requirement. Operationally, the venue offers valet parking. They currently have a Business Tax Receipt (BTR) to store vehicles at an off-site parking lot at 1667 Washington Ave. See the LOI and the Traffic Study prepared by Traf Tech Engineering for the full description of the valet plan.

It should be noted that the submitted plans do not show any bicycle parking for employees and visitors. Staff is recommending a condition to that effect.

## **Traffic**

Traffic and other related transportation issues will be provided for in a separate memorandum from the Transportation Department.

## **STAFF RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the application for a Conditional Use Permit for a Neighborhood Impact Establishment be approved, subject to the following conditions:

1. 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 BTR. 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).
2. This Conditional Use Permit is issued to Haddon Hall Hotel Owner, LLC, as owner of the Neighborhood Impact Establishment consisting of a coffee/bar, lobby lounge, and restaurant with two (2) outdoor courtyard areas. Any change of operator or ownership shall require review and approval by the Planning Board as a modification to this Conditional Use Permit.
3. 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.
4. 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.
5. Final design and details of the proposed front yard of the Campton Apartment Building shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Historic Preservation Board.
6. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
7. 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 275 seat coffee/bar, lobby lounge, restaurant, and two (2) outdoor courtyard areas 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 550 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 all other areas shall not operate past 12:00 AM.
  - iii. This venue shall not 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).
  - 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. 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. 60 day after opening, 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.
- b. Delivery trucks shall only be permitted to make deliveries from city authorized and designated commercial loading zones.
- c. Delivery trucks shall not be allowed to idle in the loading zone.
- 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 between 7:00 AM and 5:00 PM.
- f. 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.
- g. 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.
- h. 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

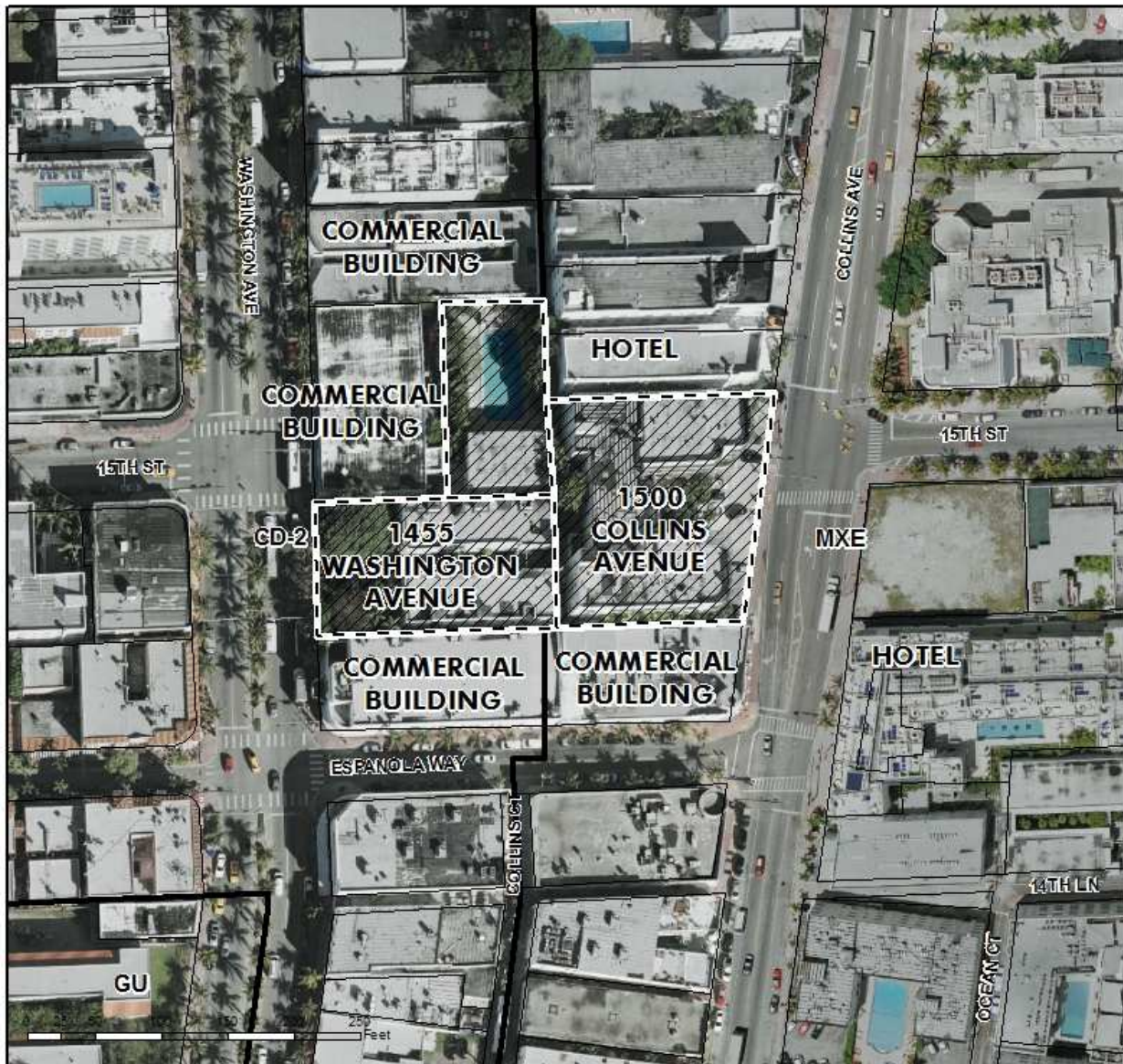
located in an air-conditioned trash/garbage holding room within the facility.

- i. Garbage dumpster covers shall be closed at all times except when in active use.
  - j. 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.
  - k. No patrons shall be allowed to queue on public rights-of-way, or anywhere on the exterior premises of the subject property.
  - l. 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
  - m. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
  - n. Special Events may occur on the premises, 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.
8. The applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as determined by the Transportation/Concurrency Management Division, prior to obtaining a Certificate of Occupancy or Business Tax Receipt, whichever may occur first, and any other fair share cost that may be due and owing. Without exception, all concurrency fees, mitigation fees and concurrency administrative costs shall be paid prior to the issuance of a Certificate of Occupancy or Business Tax Receipt.
  9. A bicycle parking plan shall be submitted for staff review and approval prior to the issuance of a Business Tax Receipt.
  10. The applicant shall provide an additional two (2) valet runners during peak times and explore adding one (1) additional valet station for one (1) vehicle.
  11. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of an occupational license to operate this entertainment establishment.
  12. 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.
  13. The Planning Board shall retain the right to call the owner or operator back before them and modify the hours of operation or the occupant load 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.



14. 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, Code of the City of Miami Beach, Florida.
15. 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.
16. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
17. 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.
18. 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.

## **ZONING SITE MAP**



City of Miami Beach Planning Board  
File No. 2311  
1500 Collins Avenue



The applicant, Haddon Hall Hotel Owner, LLC, is requesting Conditional Use approval for a Neighborhood Impact Establishment consisting of a food and beverage establishment facing Washington Avenue with an occupant content of more than 300 persons, pursuant to Chapter 118, Article IV, and Chapter 142, Article V of the City Code.

**MIAMI BEACH**  
PLANNING DEPARTMENT

1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 P 305.673.7550 [www.miamibeachfl.gov](http://www.miamibeachfl.gov)



Parcel 1: Lots 1 and 2 of block 76 of Fisher's First Subdivision of Alton Beach, according to the plat thereof recorded in plat book 2, at page 77 of the public records of Dade County, Florida, and also the following described land: that part of vacated Fifteenth Street formerly known as Avenue D.

Parcel 2: Commencing at the northwest corner of lot 5, block 76 of Fisher's First Subdivision of Alton Beach, as same is shown upon a recorded plat of said subdivision, recorded in plat book 2, at page 77, of the Public Records of Dade County, Florida: thence run east along the north line of said block 76, a distance of 100 feet to the point of beginning of the tract of land herein described.

Parcel 3: Lots 3, 4 and 5, in block 76, of Fisher's First Subdivision of Alton Beach, according to the plat thereof as recorded in plat book 2, at page 77 of the public records of Dade County, Florida.

TRM/MAB/TUI