



May 19, 2017

Members of the Design Review Board

By email

We write in reference to the Third Street Plaza Redevelopment Preliminary Review Submission dated April 24, 2017. This is the largest redevelopment ever proposed for the Third Street area, an area which to date has maintained the fundamental small town charm and character which draws so many to our city.

Our comments are based on two lengthy meetings of ONA directors with the applicant's project team and our review of the package submitted to the DRB for a preliminary review. We are grateful for the applicant's courtesy in sharing the plans with us over the last year and for considering our responses.

The major positive attribute of this proposal is the redevelopment of an existing failed shopping mall into an appropriately-sized boutique hotel, a long-sought goal of City Council. Additionally, ONA believes that the architectural style and finishes proposed in the concept drawings are attractive as well as responsive to the history of the site.

Unfortunately, the project entails excessive scope for the parcel and the neighborhood and demands multiple and dramatic variances from the Land Development Code. The project proposes a building greater than 42' in height around a perimeter at minimum setbacks, with an approximately 60% lot coverage. It would overwhelm nearby one and two story structures, many of which are residential, without appropriate buffering. The entirety of the entrance driveway and loading/unloading functions are proposed to occur on the Broad Street public right-of-way, creating dangerous and intrusive eyesores along one of Old Naples' most gracious and historic boulevards. The proposal would interfere with or require the loss of the existing on-street parking spots along the hotel's Broad Street frontage. There would be substantial and negative impacts on the residential areas across Gordon Drive and Broad Avenue South, and on vehicular and pedestrian traffic at critical intersections.

The following table enumerates these and other drawbacks with specific references to Naples' Code of Ordinances, Chapter 50, Article IX, Section 50-241, which addresses elements of DRB review. We would appreciate your consideration of these views as you formulate your recommendations for this project.

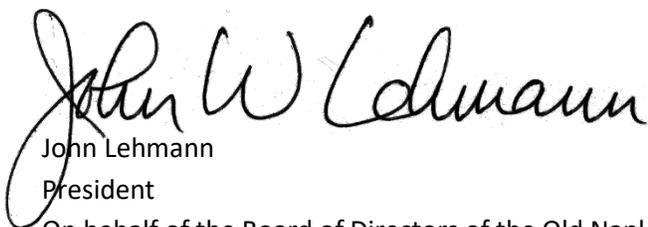
Element	Text	Concerns for DRB review
(2) a.	(The proposed building or structure is of a quality and appearance that) is consistent and compatible with the surrounding neighborhood structures; and	<ul style="list-style-type: none"> • The proposed building’s visual mass overwhelms adjacent structures. • The historic Old Naples Building would be further swallowed up by immediately adjacent massive walls, and encroached by a loading ramp from Broad Street (see preliminary architectural plan, ground floor sheet) • The proposed building’s mass, height and failed buffering (Sections 46-33 and 58-538) is incompatible with the adjoining R1-10 residential district
(2) b.	(The proposed building or structure is of a quality and appearance that) does not cause the local neighborhood or environment to depreciate materially in appearance or value.	<ul style="list-style-type: none"> • The grace of Broad Street must be preserved and the public way not be utilized as an hotel entrance or driveway; the entrance and driveway should be on the hotel property itself. • The proposed building’ visual mass overwhelms adjacent residential properties • The proposed use of Broad Street parking spaces as the sole loading facility for the 123 door hotel is both dangerous and unsightly; the applicant needs to provide this facility on the property and in a manner compliant with Section 50-105 of the LDC
(3)	The project's scale, and the size, color and proportion of building elements, components and materials are appropriate and harmonious with surrounding neighborhood structures.	<ul style="list-style-type: none"> • Building mass and height greatly exceeds that of adjacent structures in both the commercial and residential areas.
(6)	The project's location and design adequately protects or enhances unique site characteristics such as those related to scenic views, natural vistas, waterways or similar features.	<ul style="list-style-type: none"> • The grace of Broad Street must be preserved and the public way not be utilized as an hotel entrance or driveway; the entrance and driveway should be on the hotel property itself.

Element	Text	Concerns for DRB review
(7)	The project appropriately integrates landscape elements into the site plan and building design. Plantings shall be of a size to give the appearance that the project is settled into a mature landscape. Pedestrian areas on or at the edges of the project site shall be sheltered by shade trees.	<ul style="list-style-type: none"> • The proposed building is at maximal height and minimal setback, and allows insufficient area for adequate landscaping to achieve this design standard • Five existing black olive trees are the only tree plantings on the large western façade, squeezing a five foot sidewalk against a planter • The proposed trees for the Broad street frontage and sidewalk appear to be palms rather than shade trees. • Let’s learn from the narrow sidewalk/inadequate buffering plantings result at the Naples Square boundary along Tenth Street

We include in the attached Appendix our preliminary list of zoning concerns associated with the proposed design. After you review these concerns, you may come to the conclusion that the applicant seeks multiple and significant variances from our LDC. This unfortunate tactic of developers – asking for grossly excessive deviations – wastes your time, since the final form of the submission is likely to be dramatically different. Until such time as the PAB reviews noncompliant applications in advance of the DRB, you could summarily disapprove such applications. The basis for such disapproval might be that when Land Development Code variance requests are nontrivial, an application is not reviewable by the DRB without prior PAB recommendation for approval.

ONA supports responsible redevelopment of this site into a boutique hotel compliant with the Land Development Code. The obvious solution to the defects in the present application would be to reduce the number of units to a level at which it is possible to comply with the relevant code requirements and achieve the above-referenced design goals. This would result in an appropriately sized development that would be of overall benefit to this neighborhood and one that ONA would be happy to support.

Thank you for your consideration, and for all that you do for Naples.



John Lehmann
 President
 On behalf of the Board of Directors of the Old Naples Association

Cc: City Council, PAB members, Bill Moss, Robin Singer, Robert Pritt, Patricia Rambosk, John Passidomo

Preliminary List of Land Development Code (LDC) Concerns Raised by Third Street Plaza Redevelopment
 Based on the April 24, 2017 Preliminary Review Submission to the Naples Design Review Board

Section	Text	Concerns for PAB and City Council review
58-533	<p>Conditional uses in the C1 district are as follows: ... transient lodging facilities ...</p> <p>... provided, however, there is no maximum density for transient lodging facilities in the C1 Retail District.</p>	<ul style="list-style-type: none"> • Requires PAB review and City Council approval • The removal of the maximum density requirement from the LDC in 2013, recommended by City Staff and PAB and approved by City Council, was attended by repeated discussions at all meetings about how the remaining “pillars” of the LDC – lot coverage, setbacks, building height, room size and parking – should be utilized to ensure appropriate redevelopment of transient lodging. • See for example the November 13, 2012 City Council workshop here, the January 14, 2013 City Council workshop here, the February 13, 2013 PAB meeting here, and the April 3, 2013 City Council meeting here, along with the attendant videos and attachments. • These assertions by our public officials are significant and material; and this is an opportunity to see how they will be followed.
58-536	<p>Minimum yards in the C1 district are as follows:</p> <p>(1) Front yard: 10 feet.</p> <p>(2) Side yard: Buildings may be placed either on the side lot line or a minimum of 10 feet from it, except when the adjoining lot is in another zone with a different side yard requirement, in which case a minimum side yard of 10 feet shall be provided.</p> <p>(3) Rear yard: 25 feet.</p>	<ul style="list-style-type: none"> • The proposed construction is on two separate parcels, 1170 Third Street South – owned by Third Street Plaza LLC, and 1160 Third Street South – owned by 2000 Neapolitan Ltd Partnership. • The two parcels have been proposed together for the project, but are not in common ownership. • If Broad Street is the frontage of a common parcel, then it might be suggested that the parallel lines in the rear should have 25 feet of rear yard. This is not the case for the 1160 Third parcel, which has zero setback on the three boundaries not fronting Third Street. • If the parcels are separate, then it might be suggested that both 1160 and 1170 Third Street require side and rear yard setbacks.

Section	Text	Concerns for PAB and City Council review
58-538	<p>In the C1 district, the maximum height shall be limited to 3 stories and 42 feet, measured from the 1st-floor FEMA elevation to the peak of the roof or the highest point of any appurtenance attached to the roof ...</p>	<ul style="list-style-type: none"> • The LDC language is clear. It includes the phrase “or the highest point of any appurtenance attached to the roof” embodying the intent of the Charter limitation. • The proposed building has <u>both</u> roofed structures <u>and</u> appurtenances exceeding 42’ (cupola, stairways and elevators). • The proposed building has a mezzanine structure for a third livable floor area along Gordon Drive above an underground parking story, a violation of the Charter Amendment on height and stories. • The applicant proposes to use the Florida State Building Code definition of mezzanine (“an intermediate level or levels between the floor and ceiling of any story”, Chapter 2, Section 202, Definitions) and Florida’s exclusion of mezzanines from story calculations (“A mezzanine ... shall be considered a portion of the story below. Such mezzanines shall not contribute to either the building area or number of stories ...”, Chapter 5, Section 505). (personal communication) • ONA believes this is an artful but inapplicable attempt to subvert the plain language of the Charter Amendment.
	<p>... except that the development on any C1 zoned property adjacent to or across the street from any R1 zoned property shall be limited to 2 stories in height.</p>	<ul style="list-style-type: none"> • The LDC protects residential neighborhoods from negative impacts of commercial developments. • Both the Gordon Drive and most of the Broad Avenue South project frontage are across the street from an R1-10 residential district. • Regardless of the interpretation of “mezzanine”, this portion of the code limits height to 2 stories, so that even ignoring the proposed mezzanine level, the building would be 3 stories in height (parking story plus 2 stories above), in clear violation of this important buffer provision along both frontages. • Adding a mezzanine and calling it a non-story, while keeping the building at maximal height along these residential adjacencies further subverts the intention of this section of our LDC. • The building along Gordon Drive and most of Broad Avenue South, under the terms of this section of the code, should be limited to two stories – the parking story and a second story above it.

Section	Text	Concerns for PAB and City Council review
46-33	Site Plan Review (f)(4) f. The adequacy of buffers between the project and adjoining dissimilar uses.	<ul style="list-style-type: none"> • The intent of this text in our LDC notes the need for buffers to protect residential neighborhoods from untoward impacts of adjoining dissimilar uses. The height, mass and minimal setback of a commercial building adjacent to residential uses must be adjusted to achieve an adequate buffer. • The requirements of 58-538 are designed to achieve this buffering.
58-540	Maximum lot coverage by all buildings in the C1 district is 45 percent.	<ul style="list-style-type: none"> • The existing commercial building covers 45% of the lot area. • The proposed building is estimated to occupy 60% of the lot area. • This is perhaps the most egregious and excessive aspect of the proposed building. Due to the proposed coverage, critical functions of a hotel – entrance, deliveries, waste removal, truck waiting, required parking – cannot be accommodated on-site, and are externalized onto the neighborhood and its scenic rights of way. Code-compliant on-site parking becomes a challenge. • Limiting lot coverage to 45% would solve many of these problems, as the size of the hotel function would be reduced and its requisite activities could be appropriately achieved on-site with reduced neighborhood impact. • The applicant’s representative remarked in a meeting that a design based on a lot coverage of 45% would result in approximately 70 units. At this density everything works within LDC requirements. Amazing!
58-539	Minimum off-street parking is referred to Chapter 50	<ul style="list-style-type: none"> • The requirements for <u>off-street</u> parking are critically important.
50-102(b)(1)	The off-street parking and loading facilities required by this article shall be located on the same lot or parcel of land they are intended to serve.	<ul style="list-style-type: none"> • The parking must be on-site within the parcel(s) proposed for the development.
50-103(a)	All new off-street parking facilities in commercial districts shall be designed for joint use by abutting properties.	<ul style="list-style-type: none"> • Planning for joint use by abutting properties is required.

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50-103(e)(1)	Valet parking option ... “The intent of this subsection is to allow options <u>for existing buildings</u> which do not meet the standards for required parking; to provide for diversification of use <u>within existing buildings</u> , both conforming and nonconforming; and to encourage vitality, innovation, ingenuity and commercial viability where, in the opinion of city council, it is appropriate. (emphasis added)	<ul style="list-style-type: none"> • The intent of the valet parking option appears to be directed towards existing buildings and their creative redevelopment, rather than to bypass the requirements of 50-104 for new construction. • Valet parking is not uniformly popular. Some nonusers dislike allowing others to drive their automobiles, and others dislike the inevitable wait at the end of an event. • Valet-only parking for this site should demonstrate: <ul style="list-style-type: none"> ○ That cars can be moved quickly enough at peak times using the single entrance/exit and layout shown on the plans. ○ That it will effectively serve the retail customers of the shops fronting on Third Street so that they do not utilize other on-street parking or private areas. ○ How it will comply with the requirements of Section 50-103 regarding joint parking.
50-104	Number of parking spaces	<ul style="list-style-type: none"> • Parking has not been proposed specifically by the applicant, other than valet-only (see above) and subject to a parking needs analysis under Section 50-107 (see below). • Our estimated number of LDC-required on-site parking spaces for the proposed hotel function is 215, as detailed in the following sections: <ul style="list-style-type: none"> ○ Retail – 33 ○ Food and beverage use –34 ○ Rooms - 148 • If underground, it appears that all or most of this number could be met on-site. The two parcels comprise 2.11 acres or 91,912 square feet. Presuming that a minimum of 35% of this area would be lost to load bearing structures, ramps and utilities, then roughly 220 cars could be parked in 9’ X18’ stalls using 24’ access aisles (following 50-103 minimum dimensions). • This would mean that the buildings over the 1160 Third Street (smaller) parcel would then have underground garage space with three stories above them, a violation of the Charter Amendment regarding height and stories unless the number of habitable stories were reduced to two.

Section	Text	Concerns for PAB and City Council review
50-104 (cont'd)	Commercial uses (“retail sales, ... private clubs which do not serve food or beverages”): 1 space per 300 square feet of gross floor area	<ul style="list-style-type: none"> • The combined area for the retail sales is 5,602 for Third Street Commercial, 2,668 for the Hotel Sundry Shop and 1,620 for the publicly available spa = 9,890 which requires 33 on-site parking spaces. • The proposed project has to allow shoppers to utilize the valet parking or else shoppers will simply revert to existing on-street and private parking facilities, exactly what the ordinance is intended to avoid.
	Areas serving food or beverages (“restaurants, cocktail lounges and private or public clubs”): 1 space per 100 square feet of gross floor area	<ul style="list-style-type: none"> • The combined area for the public Café/Bar function is 990 + 1,215 + 1,140 = 3,345. <ul style="list-style-type: none"> ○ Parking for stated food and beverage areas 34 spaces on-site. • Additional areas, now restricted from public use, that might be used for serving food and beverages include the Solarium and Porch adjacent to the kitchen (1,765). <ul style="list-style-type: none"> ○ Parking for the Solaria areas, if counted, would be 18 spaces on-site for this use. ○ If this space were to be parked instead as a meeting room use using 80% of the room areas, then at 20 square feet per seated occupant this would also require 18 spaces on-site.
	Hotels (“transient lodging facilities”): 1 ¼ space for first 100 units, 1 space per unit for next 150 units, plus the specified parking for any other uses.	<ul style="list-style-type: none"> • 123 keyed rooms require 148 parking spaces on-site.
	Meeting rooms: 1 space for 4 seats or occupants, based on stated occupancy	<ul style="list-style-type: none"> • Meeting rooms and ballroom in original plan, now removed. • Public spaces such as restaurants, meeting spaces, function rooms and ballrooms – important profit centers for hotels – are now conspicuously absent from the proposal. You will no doubt be told that 100+ rooms are absolutely necessary for the economic viability of the project, at the same time traditional profit centers are removed. This inconsistency merits your careful attention. • Unless the final project can be parked in an on-site and compliant manner, then appropriate enforceable restrictions on high-parking demand public uses not included in the plan should be included in the final project approvals.

Section	Text	Concerns for PAB and City Council review
50-107	A parking needs analysis is a statement by a property or business owner which indicates that the requirements of section 50-104 regarding the number of parking spaces required are not applicable to such person's particular situation because the use is unique, the operational method is atypical, or the particular use is not listed within the section.	<ul style="list-style-type: none"> • The LDC stipulates that the replacement of the requirements of Section 50-104 by a parking needs analysis is to be allowed because: <ul style="list-style-type: none"> ○ the use is unique ○ the operational method is atypical, or ○ the particular use is not listed within the section • The ordinance would not appear to apply here: <ul style="list-style-type: none"> ○ Hotel (“transient lodging”), commercial, and food and beverage uses are common, not unique ○ Valet parking is a typical operational method throughout Florida ○ Hotel (“transient lodging”) use is listed within the section at 50-104(18), commercial use at 50-104(4), and food and beverage use at 50-104(15) • Utilizing this section, intended for analyzing unusual uses, to bypass the clear, established and necessary requirements of Section 50-104 for these typical uses is improper. If the proposed project were smaller, the challenges of parking would diminish to manageable proportions.
50-105	<p>Off-street loading facilities</p> <p>(b)(3) transient lodging facilities shall provide 1 type A off-street loading space for establishments having 20 to 40 units, and 2 type A spaces if there are more than 40 units.</p> <p>(a)(1) All required off-street loading facilities shall be designed in such a manner that vehicles engaged in loading or unloading activities will not encroach upon or interfere with the public use of streets or alleys.</p> <p>(a)(7) No parking or loading space shall interfere with access to any other parking or loading space, or with a pedestrian walkway.</p>	<ul style="list-style-type: none"> • Loading facilities are required to be off-street, not in the public way and not consuming public parking capacity. • The proposed project has not proposed any off-street loading facilities, but it has requested that the City allow it to utilize public parking spaces on Broad Street at the front of the hotel for such activities. • The proposed project has more than 40 units and therefore should provide two (2) Type A off-street loading spaces. • A Type A loading space is 25 feet in depth and 10 feet in width, minimum, according to Section 50-103(b)(5). • Loading and unloading is specifically proscribed from encroaching on or interfering with the public use of streets. • The proposed project proposes exactly this activity, which would be unsightly and potentially dangerous. • The proposed loading space – utilizing several existing parking spaces on Broad Street: <ul style="list-style-type: none"> ○ interferes with parking space by usurping it ○ interferes with a pedestrian walkway by crossing from the street to the site

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46-33	<p><u>Traffic impacts: Site plan review</u> (f) Standards for review: (1) Determine the impact of the project on <u>level of service standards</u> ... (4) Ensure appropriate planning and to require the necessary improvements with respect to: a. <u>Vehicular entry and exit drives</u> ... d. The <u>impact of traffic</u> generated by the project on traffic patterns and volumes on adjoining and nearby streets and the adequacy of such streets to accommodate such traffic ... g. <u>Off-site improvements necessitated by the traffic</u> ...</p>	<ul style="list-style-type: none"> • The intersections of Broad Avenue South with Gordon Drive and Third Street are quite busy during peak periods. • Gordon Drive is a major vehicular route for all residents of Aqualane Shores and Port Royal. • The intersection of Gordon and Broad is now a four way stop, and a major pedestrian crossing from the Third Street area to the beach and pier. • Placing a hotel on this corner with a proposed main vehicular entrance close to the intersection and a main pedestrian access on a busy corner with a narrow sidewalk will dramatically increase congestion and pedestrian/car interactions with a clear risk of increased property damage and injuries. • The increased vehicular and nonvehicular volume and interactions will further exacerbate the traffic delays in the vicinity. • Public safety and emergency vehicle response to homes south of this intersection may be further delayed.