

A RESOLUTION OF BOARD OF DIRECTORS OF THE SOUTH OF FIFTH NEIGHBORHOOD ASSOCIATION, INC. ENCOURAGING THE CITY OF MIAMI BEACH CITY COMMISSION TO REQUEST AN OPINION FROM THE CITY ATTORNEY ON VARIOUS BUILDING PERMITS FOR APARTMENT-HOTELS WITHIN THE SOUTH OF FIFTH NEIGHBORHOOD.

WHEREAS, the City has issued building permits for the for the conversion of 3 residential properties to Apartment-Hotels at 310 Meridian Avenue, 333 Jefferson Avenue and 226 Jefferson Avenue; and

WHEREAS, the validity of said permits is of concern to the residents of the South of Fifth neighborhood; and

WHEREAS, the attached Resolution requests that the City Commission direct the City Attorney to render a legal opinion on specific issues related to the permits issued by the City (Exhibit A); and

WHEREAS, the Board of Directors of SOFNA believe it is in the best interest of the community that these specific issues be conclusively addressed by the City Attorney independent of previous Administration Staff Reports.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE BOARD OF DIRECTORS OF THE SOUTH OF FIFTH NEIGHBORHOOD ASSOCIATION AS

The Board hereby urges the City Commission to adopt the attached Resolution and to seek an opinion from the City Attorney on each of the issues raised in the said Resolution.

UNANIMOUSLY PASSED and ADOPTED on this 23 day of August 2021.

SOUTH OF FIFTH NEIGHBORHOOD ASSOCIATION, INC.

By:  alyson.herman (Aug 23, 2021 11:00 EDT)
Alyson Herman, President

Resolution No. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA DIRECTING THE CITY ATTORNEY TO RENDER OPINIONS ON THE LEGAL STATUS OF VARIOUS DEVELOPMENT PERMITS AT 310 MERIDIAN AVENUE, 226 JEFFERSON AVENUE AND 333 JEFFERSON AVENUE; PROVIDING FOR A RESPONSE TIME.

WHEREAS, there exists a legitimate public interest and concern in the legal validity of various development permits and development approvals issued by the City for the properties located at 310 Meridian Avenue, as well as 226 Jefferson Avenue and 333 Jefferson Avenue; and

WHEREAS, the nature of the concerns relate to whether the development permits were legally issued in conformance with the City's Land Development Regulations; and

WHEREAS, despite the fact that there are multiple areas of concern, the City Commission is particularly concerned with the aspects of the development permits relating to the compliance with the City's historical preservation and Apartment-Hotel regulations; and

WHEREAS, the City Commission wishes for the City Attorney to render answers to the specific questions set forth in Composite Exhibit "A" to this Resolution.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the City Attorney is hereby directed to respond to the questions set forth in Composite Exhibit "A" attached to this Resolution for the properties located at 310 Meridian Avenue, 226 Jefferson Avenue and 333 Jefferson Street. The responses shall be in the form of a legal opinion and not a recitation of staff interpretations or opinions. Said response shall be provided to the Commission no later than ten (10) days of the adoption to this Resolution.

PASSED and ADOPTED on this _____ day of September 2021.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

City Attorney

Date

COMPOSITE EXHIBIT “A”

310 Meridian Development Approvals **Questions of Concern**¹

1. Whether a Certificate of Appropriateness (as defined in Section 14-1) was required under Section 118-561(a) prior to the issuance of Building Permit No. BC1704920 for the work at 310 Meridian Avenue?
2. If a Certificate of Appropriateness was required pursuant to Section 118-561(a), was it actually issued for the work at 310 Meridian Avenue?
3. Whether an application for a Certificate of Appropriateness was required under Section 118-562 prior to or at the time of the submission of the application for Building Permit No. BC1704920?
4. Whether an application for a Certificate of Appropriateness was actually submitted prior to or at the time of the submission of the application for Building Permit No. BC1704920?
5. If an application for a Certificate of Appropriateness was filed, was it in the form provided by the Planning Department, and did it include all the information and exhibits required pursuant to Section 118-562(b)?
6. If an application was filed for a Certificate of Appropriateness, is it available for public inspection pursuant to Section 118-561(a)?
7. Whether the Building Official has the authority and is directed pursuant to Section 114-7(b) to stop work on 310 Meridian Avenue if the work has commenced and is continuing without the required Certificate of Appropriateness?
8. Whether an Apartment-Hotel as defined in Section 114-1 requires an inner lobby through which all tenants must pass to gain access?
9. Whether the plans approved under Building Permit No. BC1704920 for an Apartment-Hotel at 310 Meridian Avenue required an inner lobby through which all tenants must pass to gain access?
10. If an inner lobby through which all tenants must pass was required to be incorporated into the plans for 310 Meridian Avenue, is such a lobby in fact shown on said plans?
11. Whether the Building Official has the authority and is directed pursuant to Section 114-7(b) to stop work on 310 Meridian Avenue if the work has commenced and is continuing on a project that fails to comply with the inner lobby requirement under Section 114-1?

¹ All references to “Sections” are to the City’s Land Development Regulations in effect as of the date of issuance of Building Permit No. BC1704920.

COMPOSITE EXHIBIT “A”

226 Jefferson Avenue Development Approvals **Questions of Concern¹**

1. Whether a Certificate of Appropriateness (as defined in Section 14-1) was required under Section 118-561(a) prior to the issuance of Building Permit No. BC1910387 for the work at 226 Jefferson Avenue?
2. If a Certificate of Appropriateness was required pursuant to Section 118-561(a), was it actually issued for the work at 226 Jefferson Avenue?
3. Whether an application for a Certificate of Appropriateness was required under Section 118-562 prior to or at the time of the submission of the application for Building Permit No. BC1910387?
4. Whether an application for a Certificate of Appropriateness was actually submitted prior to or at the time of the submission of the application for Building Permit No. BC1910387?
5. If an application for a Certificate of Appropriateness was filed, was it in the form provided by the Planning Department, and did it include all the information and exhibits required pursuant to Section 118-562(b)?
6. If an application was filed for a Certificate of Appropriateness, is it available for public inspection pursuant to Section 118-561(a)?
7. Whether the Building Official has the authority and is directed pursuant to Section 114-7(b) to stop work on 226 Jefferson Avenue if the work has commenced and is continuing without the required Certificate of Appropriateness?
8. Whether an Apartment-Hotel as defined in Section 114-1 requires an inner lobby through which all tenants must pass to gain access?
9. Whether the plans approved under Building Permit No. BC1910387 for an Apartment-Hotel at 226 Jefferson Avenue required an inner lobby through which all tenants must pass to gain access?
10. If an inner lobby through which all tenants must pass was required to be incorporated into the plans for 226 Jefferson Avenue, is such a lobby in fact shown on said plans?
11. Whether the Building Official has the authority and is directed pursuant to Section 114-7(b) to stop work on 226 Jefferson Avenue if the work has commenced and is continuing on a project that fails to comply with the inner lobby requirement under Section 114-1?

¹ All references to “Sections” are to the City’s Land Development Regulations in effect as of the date of issuance of Building Permit No. BC1910387.

COMPOSITE EXHIBIT “A”

333 Jefferson Avenue Development Approvals **Questions of Concern**¹

1. Whether a Certificate of Appropriateness (as defined in Section 14-1) was required under Section 118-561(a) prior to the issuance of Building Permit No. BC1705904 for the work at 333 Jefferson Avenue?
2. If a Certificate of Appropriateness was required pursuant to Section 118-561(a), was it actually issued for the work at 333 Jefferson Avenue?
3. Whether an application for a Certificate of Appropriateness was required under Section 118-562 prior to or at the time of the submission of the application for Building Permit No. BC1705904?
4. Whether an application for a Certificate of Appropriateness was actually submitted prior to or at the time of the submission of the application for Building Permit No. BC1705904?
5. If an application for a Certificate of Appropriateness was filed, was it in the form provided by the Planning Department, and did it include all the information and exhibits required pursuant to Section 118-562(b)?
6. If an application was filed for a Certificate of Appropriateness, is it available for public inspection pursuant to Section 118-561(a)?
7. Whether the Building Official has the authority and is directed pursuant to Section 114-7(b) to stop work on 333 Jefferson Avenue if the work has commenced and is continuing without the required Certificate of Appropriateness?
8. Whether an Apartment-Hotel as defined in Section 114-1 requires an inner lobby through which all tenants must pass to gain access?
9. Whether the plans approved under Building Permit No. BC1705904 for an Apartment-Hotel at 333 Jefferson Avenue required an inner lobby through which all tenants must pass to gain access?
10. If an inner lobby through which all tenants must pass was required to be incorporated into the plans for 333 Jefferson Avenue, is such a lobby in fact shown on said plans?
11. Whether the Building Official has the authority and is directed pursuant to Section 114-7(b) to stop work on 333 Jefferson Avenue if the work has commenced and is continuing on a project that fails to comply with the inner lobby requirement under Section 114-1?

¹ All references to “Sections” are to the City’s Land Development Regulations in effect as of the date of issuance of Building Permit No. BC1705904.