

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: January 25, 2022

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB21-0476 - 225 37th Street – Religious Institution**

An application has been filed requesting a conditional use permit for a religious institution in a RM-2 zoning district, which includes the renovation and addition of the existing structure to become a 3-story building, pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

RECOMMENDATION

Approval with conditions.

HISTORY

April 21, 1986 The Zoning Board of Adjustment (BOA) granted variances for front, rear, and side setbacks to convert a portion of the original residence into a synagogue. The variance also waived the required sixteen (16) parking spaces for the project (File No. 1728).

July 9, 1986 Conditional Use approval was granted by the City Commission for a religious use.

ZONING / SITE DATA

Future Land Use: Residential Multi Family Medium Residential (RM-2)

Zoning: RM-2 – Multifamily Residential Medium intensity zoning district

Legal Description: Lot 16, Block 28, of amendment plat of Ocean Front Property of the Miami Beach Improvement CO., According to the Plat thereof as recorded in Plat Book 5, Page 7 and 8, of the Public Records of Miami-Dade County, Florida.

Land Uses: See Zoning/Site map at the end of this report.

East: Multi-family use
North: Multi-family use
South: Multi-family use
West: Multi-family use and Hotel.

THE PROJECT

The applicant has submitted plans entitled “ADAS DEJ SYNAGOGUE BAIS ELIYAHU LLC” as prepared by Sklar Architecture, revised on November 30, 2021. The project consists of the renovation of the existing 2,800 SF (FAR) religious institution, including two residential units within the existing structure, as well as an approximately 5,000 square foot addition to the structure.

The proposed expansion includes the following:

- A small basement area for a ritual bath.
- A temple space with a lobby.
- A kitchenette and bathrooms on the 1st floor.
- A four-bedroom residential unit on the 2nd floor.
- A two-bedroom residential unit with a rooftop terrace on the third floor.

The proposed project will have a combined floor area of 7,897 SF.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

In reviewing an application for a religious institution, the Planning Board shall apply the following review criteria:

- (1) **Whether a proposed operations plan has been provided, including hours of operation, number of employees, and other operational characteristics pertinent to the application, and that such plan will mitigate any adverse impacts to adjoining and nearby properties, and neighborhoods.**

Satisfied – Details of the operation have been provided in the operational plan.

- (2) **Whether a plan for the delivery of supplies has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan will mitigate any adverse impacts to adjoining and nearby properties, and neighborhoods.**

Satisfied – The Letter of Intent indicates that there will be minimal deliveries for the facility and the two apartment units. Furthermore, there is a loading space directly in front of the Synagogue.

- (3) **Whether the design of the proposed structure is permitted by the regulations in the zoning district in which the property is located, and complies with the regulations of an overlay district, if applicable.**

Partially Consistent – The proposed use is a conditional use in the RM-2, Residential Multi-Family Medium Intensity zoning district. However, several variances were granted in 1986 by the Zoning Board of Adjustment and City Commission that includes variances for front, side, rear yards as well of a waiver for the 16 parking spaces.

- (4) **Whether a proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking for the use in the zoning district in which the property is located.**

Not applicable – The Zoning Board of Adjustment and City Commission approved a waiver for the 16 parking spaces. In addition to this the applicant stated that congregants will walk to the synagogue.

- (5) **Whether an indoor and outdoor congregant/parishioner circulation plan has been provided that facilitates ingress and egress to the site and structure.**

Consistent – The applicant has provided details on the ingress and egress to the building, which from the front and sides of the building to the existing sidewalk.

- (6) **Whether a security plan for the establishment and supporting parking facility, if any, has been provided that addresses the safety of the institution and its users and minimizes impacts on the neighborhood.**

Satisfied – The applicant has indicated that security personnel and cameras will be provided.

- (7) **Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.**

Partially Satisfied – Although there is no traffic impact expected, the Transportation Department has requested an analysis for pedestrian improvements within 3 months after the operations start. (see board order).

- (8) **Whether a noise attenuation plan has been provided that addresses how noise will be controlled in and around the institution, parking structures or areas, and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.**

Partially Satisfied – The applicant has indicated that all services and activities will be held in the interior of the premises. Staff is recommending that the proposed roof terrace only be used by the apartment unit located on the third level.

- (9) **Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.**

Partially Satisfied – The applicant has indicated that a sanitation plan has been considered, the synagogue is providing an indoor enclosed trash room.

- (10) **Whether the proximity of the proposed structure to adjacent and nearby residential uses creates adverse impacts and how such impacts are to be mitigated.**

Consistent – The proposed project is compatible in intensity, mass and scale with the existing residential buildings of the street in this neighborhood. The facility has a residential component as well.

- (11) **Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect will be addressed.**

Consistent – There are no other religious institutions on the surrounding neighborhood.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.

Consistent Please see the LOI for details.

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

Consistent Please see the LOI for details.

- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Consistent Please see the LOI for details.

- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

Consistent Please see the LOI for details.

- (5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.

Consistent Please see the LOI for details.

- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.

Consistent Please see the LOI for details.

- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

Consistent Please see the LOI for details.

- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

Consistent Please see the LOI for details.

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Consistent Please see the LOI for details.

- (10) Where feasible and appropriate, water retention systems shall be provided.

Consistent Please see the LOI for details.

ANALYSIS

Religious uses are a conditional use in RM-2 zoning district. The subject site is located on the north side of 37th Street, between Collins Avenue and Indian Creek Drive, and is in the middle of the block surrounded by three to seven-story buildings. Currently, the site consists of a two-story synagogue, which is used as a religious institution with two apartments. The scale of the proposed expansion is smaller than the surrounding buildings.

The previous Conditional Use approval from 1986 is silent in regards to the maximum occupancy of this facility. According to the applicants plans submitted, the current occupancy load is 76 persons; the proposed renovation contemplates an occupancy load of 90 persons.

PARKING

There is no required parking for the existing use, as the previous parking requirement of 16 spaces was waived by the Board of Adjustment in 1986. Accordingly, the property has a parking credit of 16 spaces. If this were a new development, there would be a total parking requirement of 15 spaces. The proposed expansion does not result in an increase in required parking above this parking credit. The applicant stated that the congregants will walk to the facility from nearby residential uses, and there are good pedestrian facilities in this neighborhood. Notwithstanding the above, on street parking is available along 37th Street and a City parking lot is located on Collins Avenue and 36th Street.

SUMMARY

Staff supports the proposal for a low-scale religious institution as it fits well within the existing built environment. The proposed increase in the intensity of the site results in a nominal increase in the occupant load, from 76 persons to 90 persons, and is addressed with the conditions provided in the attached draft board order to protect the surrounding neighborhood.

It should also be noted that the hours of use are quite limited, per the operational plan, as services will be provided in the morning until noon time and for evening prayers until 9:30 p.m., depending

on sunset times. Additionally, staff is recommending that Special Events not be permitted on the site, given the proximity to residential uses.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application for the Conditional Use Permit be approved, subject to the conditions enumerated in the attached draft Order.

ZONING/SITE MAP



PLANNING BOARD CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 225 37th St

FILE NO: PB21-0476

IN RE: The application requesting a conditional use permit for a religious institution in a RM-2 zoning district, which includes the renovation and addition of the existing structure to become a 3-story building, pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

LEGAL DESCRIPTION: Lot 16, Block 28, of amendment plat of Ocean Front Property of the Miami Beach Improvement CO., According to the Plat thereof as recorded in Plat Book 5, Page 7 and 8, of the Public Records of Miami-Dade County, Florida.

MEETING DATE: January 25, 2022

CONDITIONAL USE PERMIT

The applicant, Bais Eliyahu, LLC., filed an application with the Planning Director for a Conditional Use Permit pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code. Notice of the request for Conditional Use was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property, upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

That the property in question is located in a single-family neighborhood within the RM-2, Medium Intensity Multi-Family Residential Zoning District;

That 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;

That structures and Uses associated with the request are not consistent with the Land Development Regulations of the City Code, but would be consistent subject to the following conditions;

That the public health, safety, morals, and general welfare will not be adversely affected if the following conditions are in compliance;

That the necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values if the following conditions are met.

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, the staff report and analysis, which is adopted herein, that a Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall come back to the Board within 90 days of the commencement of operation of the new facility approved herein, to provide a progress report. 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 Bais Eliyahu, LLC., Any change of use or ownership shall require review and approval by the Planning Board as a new application.
3. The maximum occupancy for the Adas Dej Synagogue Bais Eliyahu, LLC., shall be 90 unless the Fire Marshall determines that the occupant content for the premises is lower:
4. Any valet operation shall require the review and approval of the Planning Board as a modification to this Conditional Use Permit.
5. A landscape plan shall be submitted to staff for review and approval.
6. Exterior speakers, except those required to address Building and Life Safety Codes, shall be strictly prohibited on the exterior of the building, including the rooftop terrace.
7. The roof top terrace shall be used only by the apartment located at that level.
8. Special events pursuant to the Miami Beach City Code, associated with the proposed establishment, may not be held on the premises and the applicant agrees that it will not seek or authorize applications for such permits.
9. The applicant shall coordinate within 90 days after the commencement of operations with Transportation Department to provide an analysis of the pedestrian facilities within the vicinity of the development.
10. This approval does not include a day care or a school. Any such addition shall require the review and approval of the Planning Board as a modification to this Conditional Use Permit.
11. Pedestrian queuing outside the facility shall not be permitted.
12. An attendant shall be required during the times of operation to ensure compliance with the requirements of this Conditional Use Permit.
13. 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.

14. The Planning Board shall retain the right to call the Adas Dej Synagogue Bais Eliyahu, LLC., back before the Board and modify the hours of operation should there be repeat complaints about noise or non-compliance with any of the stated conditions.
15. 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.
16. 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.
17. The applicant shall satisfy outstanding liens and past due City bills to the satisfaction of the City prior to the issuance of a certificate of use or an occupational license, whichever applies.
18. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
19. 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.
20. The applicant agrees and shall be required to provide access to areas subject to this Conditional Use Permit for inspection by the City (i.e. Planning Department, Code Compliance Department, Building Department, and Fire Department staff), to ensure compliance with the terms and conditions of this Conditional Use Permit. Failure to provide access may result in revocation of the Conditional Use Permit.

Dated this _____ day of _____, 2022.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

