



ZONING, LAND USE AND ENVIRONMENTAL LAW

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VIA ELECTRONIC AND HARDCOPY SUBMITTAL

September 7, 2021

Deborah Tackett, Chief of Historic Preservation
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: HPB21-0478 – Request for Modification of Historic Preservation Board Approval of HPB File 7632 and HPB17-0159 for a Certificate of Appropriateness for the Property located at 601 Washington Avenue

Dear Debbie:

This law firm represents Washington Squared Owner, LLC ("Applicant") in its application concerning its property located at 601 Washington Avenue ("Property"). Please consider this letter the Applicant's letter of intent in support of a modification of HPB File 7632 and HPB17-0159 for a Certificate of Appropriateness to construct a sound barrier wall along the north and west perimeter of the pool deck at the Property.

Property Description. The Property is comprised of approximately 68,770 square feet (1.58 acres) located on the entire eastern block of Washington Avenue between 6th and 7th Streets. The Washington Avenue corridor in this area supports mainly commercial uses. The Property is identified by Miami-Dade County Folio No. 02-4203-004-0810. The Property is located within the City of Miami Beach ("City") Flamingo Park Local Historic District and the Miami Beach National Register Architectural District. The Property is zoned CD-2, Commercial, Medium Intensity ("CD-2"), a zoning district allowing hotels as a main permitted use and Neighborhood Impact Establishments (NIEs) as a conditional use. Notably, the CD-2 zoning district provides development incentives

for the Washington Avenue corridor in which the Property is located.

Approved Development Program. On May 10, 2016, through HPB File 7632, the Historic Preservation Board (HPB) approved a 7-story mixed-use development on the Property with ground floor retail and second floor parking level 100% valet operated in a 2-story podium spanning the entire block and a 5-story, Z-shaped hotel tower with 266 units located above the podium at the southern half of the Property ("HPB Approval"). See Exhibit A, HPB Approval. The HPB approved variances for small portions of the Z-shaped tower and the east side of the amenity level (facing the alley). The Applicant has since renovated ground level portions and built the entire project, known as the Goodtime Hotel.

The Applicant's approval included renovation and restoration of the ground floor historic exteriors for the majority of the existing contributing structures built between 1925 and 1939, with new construction immediately adjacent. The Applicant renovated the highly detailed Art Deco monumentality, surface ornamentation, and decorative elements such as the corrugated and scalloped façade elements, and vertical columns with flowered capitals. Located mid-block on the ground floor, a landscaped breezeway running completely through the building provides open air pedestrian access between Washington Avenue and Collins Court, and entry into the 1st-floor hotel lobby. The western half of the breezeway will be approximately 2-stories tall and the west end of the breezeway has a decorative portico structure.

The podium's entire second floor contains vehicular parking spaces that will be set back from the ground floor retail and heavily landscaped in order to screen the parking. Additional landscaped areas are located at the base of the hotel tower, creating a green roof on the podium. The hotel tower is composed of reduced-sized hotel rooms as permitted by the Washington Avenue zoning incentives. To complement the smaller hotel units, the hotel project features a unique recreational amenity level on the northern half of the 3rd floor. This recreational space is open to the public and includes an indoor restaurant, an outdoor café, a pool deck and swimming pool and a terrace area. The pool deck and terrace areas will also include two bars, cabanas and lawn chairs, provision for DJ and live music, and back-of-house areas.

On July 26, 2016 and January 24, 2017, through Order Nos. PB0616-0031 and PB06-0075, the Planning Board approved a Conditional Use Permit for construction of a new structure with more than 50,000 square feet, including a parking garage with mechanical parking lifts,¹ and a NIE with outdoor entertainment on the pool deck (collectively the "PB Approval"). See Exhibit B, PB Approval. The PB Approval includes the operational hours and appropriate restrictions to address the proposed uses.

¹ The Applicant chose not to construct the mechanical parking lifts.

On December 20, 2017, through Supplemental Order HPB17-0159, the HPB approved one design modification for the center portion of the hotel tower, and one variance for a small portion of the side setback facing a street for the residential (which is the hotel portion) at the southeast corner of the hotel tower due to an easement in an old deed ("HPB Approval II"). See Exhibit C, HPB Approval II. HPB Approval II changed the originally proposed fluted panels with a smooth stucco treatment to provide an appropriate contrast to reduce the scale and massing of the structure. This modification ensured that the entire building remained compatible with the adjacent buildings.

Current Status. On April 15, 2021, the Applicant opened the Goodtime Hotel to the public. This is the culmination of 7 years of work by the Applicant, from teaming up with the City to get the Washington Avenue incentives adopted in 2014, to PB and HPB Approvals in 2016 and 2017, and to building permit and construction of this full-block mixed-use development. The Applicant remains steadfast in its commitment to and revitalization of Washington Avenue. The concept from day one has always been about providing a daytime rooftop outdoor venue, not a ground floor venue, thus allowing the ground floor to have flourishing daytime commercial uses. This is a marked transition from the numerous nighttime and super late hour nightclubs that had numerous additional issues and had barren storefronts during daylight hours. This is both a key component to the Goodtime Hotel as well as to the successful rejuvenation and realignment of Washington Avenue.

All new establishments have their growing pains at start-up, especially those that are catalysts to major neighborhood change, such as the Goodtime Hotel. The City has issued noise violations to the Applicant for sound emanating to the west of the pool deck, all of which the Applicant has appealed. The Applicant has been heard for two progress reports at the Planning Board. To address the concerns, the Applicant has used its best efforts to control the sound. First, by adjusting the sound system, removing select speakers, lowering others from the western portion of the pool deck, and regularly monitoring sound levels. Second, the Applicant adjusted the programming of the outdoor pool deck, temporarily stopping premiere DJ acts on the weekends and keeping music mostly, if not entirely, at ambient background levels until the installation of an upgraded sound mitigation system. Third, the Applicant has met with numerous acoustical experts and sound engineers to brainstorm solutions and hired Criterion Acoustics, a firm with extensive sound system experience. Through a comprehensive evaluation of the sound system and the existing conditions on the pool deck, Criterion Acoustics has determined that a sound absorption barrier higher than the existing parapet wall is a critical component for sound control. As a result, the Applicant seeks a modification of HPB File 7632 and HPB17-0159 for a Certificate of Appropriateness to construct a sound barrier wall along the north and west

perimeter of the pool deck at the Property – it being a critical part of the sound mitigation system.

Proposed Modification. The Applicant proposes to construct a 12' sound barrier wall from the floor of the pool deck along the north and west perimeter of the pool deck at the Property, with a short wraparound section at the southwest corner. Specifically, along the perimeter the sound barrier will be installed in the existing outermost parapet wall² that is part of the parking level below the pool deck, and it will be built using the Noishield Sound Barrier System, which blocks line-of-sight sound transmission and absorbs sound energy radiating from the Property. Further, the sound barrier has "Continuline" specialty details to conceal support posts and "Slim-Line" face-applied panels to permit utilization of existing support structures and installation from either the front or the rear of the support wall components. See the product specification in the plans submitted with this application. The exterior of the sound barrier will be covered by a green wall, which is an extension of the existing 2nd floor planter and wire system that supports extensive vine growth already flourishing.

The proposed modification improves the current conditions. Presently, the small parapet walls above the pool deck do not shield the cabanas that protrude above from view from the adjacent streets. This creates a lack of cohesion, where the cabana structures detract from the ground level historic elevations. The proposed sound barrier will effectively add approximately 8.5' more and block the cabanas from view and the extended green wall creates a softer, uniform backdrop to allow the historic facades to maintain their prominence.

Sea Level Rise and Resiliency Criteria. The HPB and PB Approvals predate the adoption of the sea level rise and resiliency criteria in Section 133-50(a), and therefore, the project should not be subject to the criteria. For information purposes, we are providing responses to the criteria as follows:

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

The Applicant will provide a recycling or salvage plan, if applicable, during permitting.

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

² The existing approximately 3.5' tall partial walls located by the cabana structures on the pool deck will remain and be inside the proposed sound barrier system.

The Applicant installed hurricane impact windows with the original project and no windows are part of this application.

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

Operable windows were not feasible for commercial or hotel development. The second-floor parking level is open air for circulation and screened with landscaping.

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

The Applicant provided abundant landscaping on the Property, including on the pool deck, including native and Florida-friendly plants appropriate for the area, and salt tolerant species. The same vines will create the exterior green wall for the sound barrier.

- (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.**

No ground level work is proposed as part of this application. The historic nature of the ground level buildings has been preserved and the existing roadway elevation, including ADA access considerations, result in commercial ground level uses locate below BFE. As a result, the ground level up to BFE + 1' have flood panels to protect the ground floor during potential flooding events.

- (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.**

No ground level work is proposed as part of this application. The historic nature of the ground level buildings that have been preserved and the existing roadway elevation, including ADA access considerations, result in commercial ground level uses locate below BFE. However, an increase in the roadways to 5.26' NGVD can be accommodated, both for entrances and the ramp to the parking level that are proposed to be at 6.0' NGVD to preserve the historic facades for the majority of the entire block. Further, where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

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

The Applicant preserved the historic facades on an entire City block and these are at 6.0' NGVD. It was not feasible to elevate them. The ground level is commercial and floodproofed and protected with flood barriers. The second floor is the parking level, which means that the hotel level is at 32' NGVD – a substantially height above BFE.

- (8) 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.**

No ground level work is proposed as part of this application. The ground level is properly floodproofed and protected with flood barriers.

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

The City has already approved the hotel development and it has been built. The proposed sound barrier wall does not impact water retention.

- (10) As applicable to all new construction, water retention systems shall be provided.**

The City has already approved the hotel development and it has been built. The proposed sound barrier wall does not impact water retention.

- (11) Cool pavement material or porous pavement materials shall be utilized.**

The City has already approved the hotel development and it has been built. The proposed sound barrier wall does not impact paved or landscaped areas.

- (12) The design of each project shall minimize the potential for heat island effects on-site.**

The exiting, already built development provides shading, which serves to minimize heat island effect. The proposed sound barrier will extend an already extensive green wall further abating heat island effects.

Conclusion. The already constructed and open Goodtime Hotel accomplishes quality infill redevelopment and reuse of historic properties. In concert with the Washington Avenue Master Plan, the project refocuses the pedestrian environment of Washington Avenue, with a high-quality design in harmony with the fabric of the historic district. The proposed sound barrier wall is an additional safeguard needed to ensure appropriate operations on the pool deck that are essentially to the continued viability of the Goodtime Hotel, and in turn the revitalization of the Washington Avenue corridor. We look forward to your favorable review of the Project. Please contact me on my direct line at (305) 377-6236 should you have any questions or concerns.

Sincerely,



Matthew Amster

Attachments

cc: Marty Millman
Michael W. Larkin, Esq.

**HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida**

MEETING DATE: May 10, 2016

FILE NO: 7632

PROPERTY: 601-685 Washington Avenue

APPLICANT: Washington Squared Owner, LLC, c/o Andrew Joblon

LEGAL: Lots 11, 12, 13, 14, 15, 16, 17, 18, 19 20 and 21 of Block 34, Of Ocean Beach, Fla. Addition No 1, According to the Plat Thereof, as Recorded in Plat Book 3, Page 11, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the substantial demolition and restoration of five existing structures, the total demolition of three existing structures and the construction of a new 7-story ground level addition, including variances for the triple stacking of vehicles, to reduce the minimum required rear setback, ~~and to reduce the minimum number of required off-street loading spaces.~~

CORRECTED ORDER

The City of Miami Beach Historic Preservation Board 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:

I. Certificate of Appropriateness

A. The subject site is located within Flamingo Park Local Historic District.

B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:

1. ~~Is not consistent with the Certificate of Appropriateness Criteria 'a' in Section 118-564(a)(1) of the Miami Beach Code.~~
2. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'c', 'e' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
3. Is not consistent with Certificate of Appropriateness Criteria 'b', 'd', 'j' & 'm' in Section 118-564(a)(3) of the Miami Beach Code.
4. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) of the Miami Beach Code.

C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:

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1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The pedestrian opening within the proposed hotel entry portal along Washington Avenue shall be modified as presented conceptually by the Applicant at the HPB Meeting on May 10, 2016 as Exhibit A to respond more appropriately to the established pedestrian scale along Washington Avenue, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. The design for the new infill storefronts located between 617 and 633 Washington Avenue shall be further developed as presented conceptually by the Applicant at the HPB Meeting on May 10, 2016 as Exhibit A that further differentiates the new design from the 'Contributing' storefronts, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. The parapet wall located at the 'book end' portions may be increased in height up to a maximum height of 9'-0", in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - d. The configuration of the storefront glazing of all 'Contributing' facades, with the exception of the kneewall heights which shall be permitted to be lowered to a minimum of 6", shall be restored substantially consistent with available historical documentation including the transoms, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - e. Final details of all exterior surface finishes and materials, including samples, 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 Board.
 - f. All building signage shall require a separate permit. Any proposed signage shall be placed in a location consistent with the locations identified on sheets A-34 through A-40 of the plans submitted, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. Signage shall not be permitted to be installed on any of the decorative fluting or relief features on the 'Contributing' facades.
 - g. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from any portion of an exterior wall fronting Washington Avenue, 6th Street or 7th Street, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This shall not prohibit moveable tables and chairs or substantially transparent fixtures for display purposes only.
 - h. Exterior and interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. No



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fluorescent or intensive 'white' lighting (or similar intensive lighting) shall be permitted on the exterior or within the retail area.

- i. All kitchens and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.
 - j. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
2. In accordance with Section 118-564(f)(6) of the City Code, the requirement that a full building permit for the new construction be issued prior to the issuance of a demolition permit for existing noncontributing structure located at 617-619 & 621 Washington Drive, is hereby waived.
 3. A separate application, authorized by the City, shall be required for the proposed sidewalk and lighting design located within the public right-of-way along Washington Avenue, 6th Street and 7th Street.
 4. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. The City's standard tree grate system shall be provided to the existing and any proposed street trees in the ROW.
 - b. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
 - c. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.

In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
 1. A variance to allow the stacking of three vehicles for tandem parking in order to construct parking spaces for a new hotel development.

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2. A variance to reduce by 7'-4" to 4'-6" the minimum required rear setback of 13'-0" in order to construct portions of a seven-story mixed-use building at 5'-8" to 8'-6" from the rear (east) property line.
3. ~~A variance from the requirement to provide five (5) off-street loading spaces for a mixed-use building with an aggregate area more than 40,000 s.f. and less than 60,000 s.f. and containing 312 hotel units. [Note: variance withdrawn by Applicant at the HPB Meeting on May 10, 2016.]~~

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- B. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- C. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- ~~F. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.~~
- G. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- H. The Final 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

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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.

- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. 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

IT IS HEREBY 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, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "601-685 Washington Avenue" as prepared by Morris Adjmi Architects, dated March 21, 2016 and Exhibit A presented at the HPB Meeting on May 10, 2016, and as approved by the Historic Preservation Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

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 Meeting Date: May 10, 2016

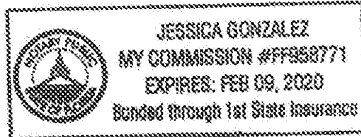
Dated this 15th day of JULY, 2016.

HISTORIC PRESERVATION BOARD
 THE CITY OF MIAMI BEACH, FLORIDA

BY [Signature]
 DEBORAH TACKETT
 PRESERVATION AND DESIGN MANAGER
 FOR THE CHAIR

STATE OF FLORIDA)
)SS
 COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 2nd day of August, 2016, by Deborah Tackett, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



[Signature]
 NOTARY PUBLIC
 Miami-Dade County, Florida
 My commission expires: 2-9-20

Approved As To Form: [Signature] 7/14/16
 City Attorney's Office: _____)

Filed with the Clerk of the Historic Preservation Board on [Signature] (8-2-16)

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**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 601-685 Washington Avenue

FILE NO. PB 0616-0031, f.k.a., PB File No. 2320

IN RE: The applicant, Washington Squared Owner, LLC, requested a Conditional Use approval for the construction of a new seven story hotel development exceeding 50,000 square feet including a parking garage and a Neighborhood Impact Establishment with outdoor entertainment, pursuant to Section 118, Article IV, Section 142, Article II, and Section 142, Article V of the City Code.

LEGAL DESCRIPTION: Lots 11-21 of Block 34, of "Ocean Beach Fla Addition No. 1", according to the Plat thereof, as recorded in Plat Book 3, page 11 of the Public Records of Miami-Dade County, Florida.

MEETING DATE: July 26, 2016

CONDITIONAL USE PERMIT

The applicant, Washington Squared Owner, LLC, requested a Conditional Use approval for the construction of a new seven story hotel development exceeding 50,000 square feet including a parking garage and a Neighborhood Impact Establishment with outdoor entertainment, pursuant to Section 118, Article IV, Section 142, Article II, and Section 142, Article V of the City Code. Notice of the request 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 of the record for this matter:

The property in question is located in the CD-2 – Commercial, Medium Intensity Zoning District.

The use is consistent with the Comprehensive Plan for the area in which the property is located;

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;

The structures and uses associated with the request are consistent with the Land Development Regulations;

The public health, safety, morals, and general welfare will not be adversely affected;

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

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

MB

for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendations, that the Conditional Use Permit be GRANTED, as provided below:

1. This Conditional Use Permit is issued to Washington Squared Owner, LLC, to construct a seven (7) story mixed use hotel project, with retail space on the first floor, parking on the 2nd floor, and food and beverage areas located on the roof of the second floor (3rd level). Any proposed change to the uses approved in this Conditional Use shall require the review and approval of the Planning Board.
2. 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 business tax receipt (BTR) for the proposed outdoor entertainment venue.

When BTR's are issued for at least 75% of the building area, but no later than one (1) year from the issuance of the BTR for the proposed hotel use, the applicant shall appear before the Planning Board for a progress report specific to traffic, including providing a full revised traffic study outlining the actual transportation operations on-site and in the surrounding initial study area, and including valet operations and loading/servicing of the building.

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).

3. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property applicants, operators, and all successors in interest and assigns. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest or equivalent, shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board, in advance, to affirm their understanding of the conditions listed herein.
4. The Planning Board shall retain the right to call the owner or operator back before them and make modifications to this Conditional Use Permit 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.
5. 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.
6. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
7. All existing overhead utilities abutting the subject site shall be placed underground at the sole expense of the applicant.

8. The following shall apply to the operation of the proposed parking garage:
- There shall be security personnel of at least one person, on-site, monitoring the garage during all hours of operation.
 - Signs prohibiting tire-screeching and unnecessary horn-honking shall be posted at the garage entrance.
 - Signs to minimize vehicle conflict in the driveways in and out of the property shall be posted in appropriate locations.
 - The minimum parking required by the land development regulations shall be provided, or parking in lieu fee shall be paid for any spaces that cannot be provided in the parking level.
9. 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:
- As proposed by the applicant, the project authorized by this Conditional Use Permit includes the creation and operation of the proposed café, restaurant, café cart, and two (2) outdoor courtyard areas located on the roof of the second floor (3rd level) with the criteria listed below:
 - The food and beverage areas of the hotel covered in the CUP shall have a maximum occupant content of approximately 1200 persons or any lesser such occupant content as determined by the Fire Marshal.
 - The indoor portions of the project may operate until 5:00 AM and shall be permitted to 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), seven (7) days per week.
 - All outdoor areas of the venue(s) may operate only from 7:00 AM to 1:00 AM and shall be permitted to have a DJ or entertainment music (defined as music, whether live or recorded, whether amplified or non-amplified, which is played at a volume that is louder than ambient background music) as follows seven (7) days per week:

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<u>Times</u>	<u>Type of Permitted Music</u>	<u>DJ Permitted</u>
<u>9:00 AM to 11:00 AM</u>	<u>Ambient Only</u>	<u>Yes, Ambient Only</u>
<u>11:00 AM to 8:00 PM</u>	<u>Ambient Or Entertainment</u>	<u>Yes, Ambient Or Entertainment</u>
<u>8:00 PM to 1:00 AM</u>	<u>Ambient Only</u>	<u>Yes, Ambient Only</u>
<u>1:00 AM to 9:00 AM</u>	<u>None</u>	<u>No</u>

- 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 in accordance with the design intent and recommendations of the sound system study submitted as part of this application. 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. Prior to the issuance of the Business Tax Receipt (BTR), the sound system shall be tested under the supervision of a qualified acoustical professional and the City's sound study peer reviewer, to ensure that all aspects of the system's performance comply with the design intent and recommendations of the sound system study submitted as part of this application. This shall include the requirement that noise from the sound system shall not be plainly audible at the western balconies of the Arcadia House Condominium located at the southwest corner of 7th Street and Washington Avenue. A final report issued by such acoustical consultant shall be submitted to staff prior to the issuance of a BTR.
- v. Additionally, 60 days after the issuance of a BTR, 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 demonstrating that the system's performance still complies with the design intent and recommendations of the sound system study submitted as part of this application.
- b. Delivery trucks shall only be permitted to make deliveries from the designated loading spaces contained within the property and from designated on-street loading zones for trucks not to exceed 20'-0" in length, as authorized by the Parking Department.
- c. Delivery trucks shall not be allowed to idle in the loading areas.
- 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, but shall occur only between 7:00 AM and 1:00 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, except adjacent to Collins Court, on private 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 shall not be issued for the outdoor areas. Special Events may occur on the interior of the building, 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.
10. The applicant shall address the following Concurrency and Traffic requirements, as applicable:
- a. A Method of Transportation (MOT) shall be submitted to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
 - b. Prior to the issuance of a building permit, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as may be determined as determined by the Concurrency Management Division.

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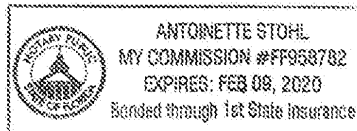
- c. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs, if required, shall be paid prior to the issuance of any Building Permit.
 - d. A bicycle parking plan shall be submitted for staff review and approval prior to the issuance of a Business Tax Receipt.
 - e. ~~Valet or loading activities shall not block the garage ramp at any time.~~
 - f. Valet pick-up may only occur in front of the two (2) northernmost loading spaces between to 1:00 PM and 7:00 AM.
 - g. The required number of valet runners will be provided in order to prevent queued vehicles from blocking traffic on Collins Court.
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 a Building permit.
12. The applicant shall obtain a full building permit within 18 months from the date of approval of this Conditional Use Permit, 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. 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.
14. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
15. 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.
16. 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.

Dated this 30th day of September, 2016.

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PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDABY: Michael BelushMichael Belush,
Planning and Zoning Manager
For ChairmanSTATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 30TH day of SEPTEMBER, 2016, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



Antoinette Stohl
Notary:
Print Name ANTOINETTE STOHL
Notary Public, State of Florida
My Commission Expires:
Commission Number:

(NOTARIAL SEAL)

Approved As To Form:
Legal DepartmentFiled with the Clerk of the Planning Board on 09/30/2016 JS

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**HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida**

MEETING DATE: December 18, 2017

FILE NO: HPB17-0159

PROPERTY: 601-685 Washington Avenue

APPLICANT: Washington Squared Owner, LLC, c/o Andrew Joblon

LEGAL: Lots 11, 12, 13, 14, 15, 16, 17, 18, 19 20 and 21 of Block 34, Of Ocean Beach, Fla. Addition No 1, According to the Plat Thereof, as Recorded in Plat Book 3, Page 11, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for modifications to a previously issued Certificate of Appropriateness for the substantial demolition and restoration of five existing structures, the total demolition of three existing structures and the construction of a new 7-story ground level addition, including a variances for the triple stacking of vehicles, to reduce the minimum required rear setback, and to reduce the minimum number of required off-street loading spaces. Specifically, the applicant is requesting approval for facade modifications and a variance to reduce the required street setback for residential uses.

SUPPLEMENTAL ORDER

The City of Miami Beach Historic Preservation Board 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:

I. Certificate of Appropriateness

- A. The subject site is located within the Flamingo Park Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
 - 1. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
 - 2. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
 - 3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code.

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 Meeting Date: December 18, 2017

4. Is consistent with Sea Level Rise and Resiliency Review Criteria in Section 133-50(a) of the Miami Beach Code.
 5. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of section 118-564 and 133-50(a) if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The material and finish for the upper five levels of the east and west elevation of the center portion of the new addition shall consist of smooth stucco surface painted to match the GFRC façade of the north and south bookend portions of the addition, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
1. An variance to reduce by 3'-10" the minimum required side yard facing a street setback of 20'-0" for the construction of a new building at 16'-2" from the south side property line facing 6th Street.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

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That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

- C. The Board hereby grants the requested variance(s) based on its authority in Section 118-354 of the Miami Beach City Code.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. A copy of all pages of the recorded Supplemental Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- B. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- D. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to

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be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

- E. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- F. The Supplemental Final 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.
- G. The previous Final Order dated May 10, 2016 shall remain in full force and effect, except to the extent modified herein.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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.

IT IS HEREBY 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, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "601-685 Washington Avenue" as prepared by Morris Adjmi Architects, dated March 21, 2016 and the plans entitled "Historic Preservation Board Modification: Final Submittal" as prepared by Morris Adjmi Architects, dated October 23, 2017, and as approved by the Historic Preservation Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit,



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the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

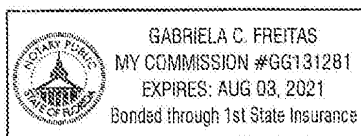
Dated this 20th day of December, 2017.

HISTORIC PRESERVATION BOARD
 THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
 DEBORAH TACKETT
 CHIEF OF HISTORIC PRESERVATION
 FOR THE CHAIR

STATE OF FLORIDA)
)SS
 COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 20th day of December, 2017 by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.



[Signature]
 NOTARY PUBLIC
 Miami-Dade County, Florida
 My commission expires: 8-3-21

Approved As To Form: [Signature]
 City Attorney's Office: (12/19/17)

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Filed with the Clerk of the Historic Preservation Board on Jessie Gurling (12/20/17)

~~Strike-Thru~~ denotes deleted language
Underscore denotes new language

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