

MIAMI BEACH PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: July 30, 2024

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: PB22-0539 600 – 660 Washington Avenue. Angler’s Hotel.

An application has been filed requesting a conditional use approval for a Neighborhood Impact Establishment (NIE) with Entertainment and Outdoor Entertainment on the rooftop including an alcoholic beverage establishment or restaurant located on the top floor of a building, whether fully enclosed, partially open, or open to the sky, including all open-air portions above the roof-top, which is located on a property that is within 200 feet of a property containing a residential unit, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2 of the Miami Beach Resiliency Code.

RECOMMENDATION

Denial of the application.

BACKGROUND

On June 10, 2014, the Historic Preservation Board reviewed and approved a Certificate of Appropriateness for the construction of a new 5-story ground level addition, as part of a new hotel development. On December 5, 2014, The Board of Adjustment granted variances from the required subterranean, pedestal and sum of the side setbacks, and to exceed the maximum spaces for tandem parking for the construction of the new building addition. On May, 2015, a full building permit for the project was issued under B1500350.

On June 9, 2015, the Historic Preservation Board approved modifications to the previously issued Certificate of Appropriateness including variances to reduce the required subterranean side facing a street setback for parking and to reduce the required setback from the driveway aisle to structural columns. On November 14, 2017, the Historic Preservation Board approved additional modifications to the previously issued Certificate of Appropriateness including an after-the-fact variance to reduce the required width for a two-way driveway, and variances to relocate an allowable wall sign to the parapet of the building and to exceed the maximum area for a wall sign.

ZONING / SITE DATA

Zoning: RM-2 (Multifamily, Medium Intensity)

Future Land Use: RM-2 (Multifamily, Medium Intensity)

Parcel 1

Legal Description: Lots 3, 4 and 5, Block 47, “Ocean Beach Addition No. 3”, according to the Plat thereof recorded in Plat Book 2, page 81 of the Public Records of Miami-Dade County, Florida.

Lot Size: 21,000 S.F. (Max FAR = 2.0)
Existing FAR: 32, 312 S.F.
Existing Height: 2, 3 & 5-stories

Planning Board
 PB22-0539. 600-660 Washington Avenue.
 July 30, 2024

Existing Use/Condition: Hotel

Parcel 2:

Legal Description: Lots 6, 7 and 8, Block 47, “Ocean Beach Addition No. 3”, according to the Plat thereof recorded in Plat Book 2, page 81 of the Public Records of Miami-Dade County, Florida.

Lot Size: 20,193 S.F. (Max FAR = 2.0)

Existing FAR: N/A

Proposed FAR: 49,803 S.F.

Existing Height: 5-stories / 50’-0”

Existing Use/Condition: Hotel

Surrounding Uses: North: Residential multifamily
 West: Residential multifamily
 South: Commercial
 East: Hotel – (Good Time Hotel).

THE PROJECT

The applicants, Anglers Boutique Resort LLC and KHP Capital Partners, have submitted plans entitled “CONDITIONAL USE PERMIT 600-660 WASHINGTON AVENUE”, prepared by Leslie Abraham, dated May 1, 2024. The applicant is requesting conditional use approval for a Neighborhood Impact Establishment (NIE) with Entertainment and Outdoor Entertainment on the existing rooftop.

The existing hotel and subject site are composed of six parcels containing existing 2, 3 and 5 story buildings. The proposed Conditional Use Permit is for the roof top pool deck of the existing Angler’s Hotel Building located on the south of this site fronting 6th Street and Washington Avenue. The building includes 85 hotel units and there is an existing bar/lounge on the ground floor. The other buildings within the development site will remain with no modifications proposed.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

Conditional Uses may be approved in accordance with the procedures and standards set forth in the Miami Beach Resiliency Code Chapter 2, Article V , Section 2.5.2.2.a:

1. **The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.**

Consistent – The request is consistent with the permissible uses in the RM-2 category as designated on the Future Land Use Map within the Comprehensive Plan.

2. **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.**

Consistent – The proposal should not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan.

3. **Structures and uses associated with the request are consistent with these land development regulations.**

Consistent – The existing structure is previously approved; Neighborhood Impact Establishments, are permitted as conditional use in this zoning district. This comment shall not be considered final zoning review or approval. This and all zoning matters shall require final review and verification prior to the issuance of a Building Permit.

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

Not Consistent – The proposed outdoor entertainment would adversely affect the general welfare of nearby residents, due to the close proximity of existing residential uses.

5. Adequate off-street parking facilities will be provided.

Consistent – The project provides fifty-four on-site parking spaces. A full zoning analysis would be performed as part of the building permit review.

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

Consistent – Staff is recommending conditions to mitigate any adverse impacts from noise, and other issues on the surrounding neighborhood, should the Board approve the CUP.

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

Not Consistent – The geographic concentration of similar types of conditional uses should be discouraged. Currently, there are other venues with outdoor entertainment in close proximity to the subject project that are having a negative impact on the surrounding residential neighborhood. If not carefully controlled, an increased concentration of outdoor entertainment uses would negatively impact the surrounding neighborhood.

8. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

Consistent – see below, sea level rise and resiliency review criteria provided in Code Section 7.1.2.4.

9. Appropriate consideration is given to the safety of and friendliness to pedestrian traffic; passageways through alleys is encouraged where feasible and driveways shall be minimized to the extent possible.

Consistent – This is an existing project.

NEIGHBORHOOD IMPACT ESTABLISHMENT REVIEW GUIDELINES

In accordance with Chapter 7, Article 5 Sec. 7.5.5.4 of the Miami Beach Resiliency Code, in reviewing an application for an outdoor entertainment establishment, open air entertainment establishment or a neighborhood impact establishment, the Planning Board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines for conditional uses pursuant to Chapter 2, Article V:

1. An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.

Consistent – The applicant's operations plan provides characteristics of the existing project and the proposed venue with outdoor entertainment at the pool deck.

2. **A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, self-park, shared parking, after-hour metered spaces and the manner in which it is to be managed.**

Consistent – The applicant has submitted a Traffic Study where the Valet parking service and other traffic matters are analyzed. See Parking and Access Analysis

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

Consistent –. The proposed rooftop pool deck does not anticipate any large groups. Access will be managed within the ground floor lobby.

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

Not Consistent – The Operations Plan does not include security related details and does not provide information on how enforcement of patron age restrictions will take place.

5. **A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.**

Consistent – The applicant has provided a Traffic Study prepared by TrafTech; See attached memo from the Transportation & Mobility Department.

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

Consistent – The operational plan was submitted with the application including details on sanitation operations.

7. **A noise attenuation plan which addresses how noise would be controlled to meet the requirements of the noise ordinance.**

Partially Consistent –The Applicant’s submitted operations plan that outlines the roof top pool deck operations. There entertainment being proposed is only at background levels that does not interfere with normal conversations. A sound study prepared by ED+A acoustics is included with the application materials. The applicant submitted a sound study that was peer reviewed by the City’s sound consultant.

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

Not Consistent – The project is located near residential uses; per recent City Code amendment any venue that is located on a property that is within 200 feet of a property containing a residential units is considered a Neighborhood Impact Establishments and requires the approval from the Planning Board. Staff is not recommending in favor of the proposed NIE/outdoor intertreatment and the proximity to the residential uses on the Flamingo Park neighborhood.

9. **Cumulative effect of proposed establishment and adjacent pre-existing uses.**

Not Consistent – There are other NIEs and open-air entertainment within the vicinity of this site. Such concentration could negatively impact the surrounding neighborhood. Staff is not

recommending in favor of the proposed NIE/outdoor intertreatment.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4.a.1. of the Resiliency Code 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:

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

Not Applicable – Existing structure.

- B. Windows that are proposed to be replaced shall be hurricane proof impact windows.

Not Applicable – Existing structure.

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

Not Applicable – Existing structure.

- D. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided in accordance with Chapter 4 in Land Development Regulations.

Not Applicable – Existing structure.

- E. The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

Not Applicable – Existing structure.

- F. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land, and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to 3 additional feet in height.

Not Applicable – Existing structure.

- G. As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

Not Applicable – Existing structure.

- H. Existing buildings shall, where reasonably feasible and economically appropriate, be elevated up to the base flood elevation, plus City of Miami Beach Freeboard.

Not applicable.

- I. 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 in the General Ordinances.

Not applicable.

J. As applicable to all new construction, stormwater retention systems will be provided.

Not Applicable – Existing structure.

K. Cool pavement materials or porous pavement materials shall be utilized.

Not Applicable – Existing structure.

L. The design of each project shall minimize the potential for heat island effects on-site

Not Applicable – Existing structure.

ANALYSIS

The subject application is for a for a Neighborhood Impact Establishment (NIE) with Outdoor Entertainment open to the public and located on the pool deck / rooftop of the existing 5-story hotel building fronting Washington Avenue and Sixth Street (Angler's Hotel). The ground floor contains an existing lounge / bar with no entertainment, as well as lobby access for the hotel and pool deck.

The applicant is proposing entertainment to include a DJ or musicians playing non amplified instruments at an ambient background level that does not interfere with normal conversation. The pool deck and roof top will have access for both hotel guests and the public. As proposed, the pool deck would have 53 seats with an occupancy load of 259 persons, and the hours of operations would be Monday thru Sunday from 11:00 a.m. to 11:00 p.m. Food and beverage service at the pool deck will be the existing full-service restaurant located at lobby level.

Traffic, Parking, and Access

The applicant has provided a Traffic Study prepared by TrafTech; see attached Transportation Department's Memo.

Delivery and Sanitation

As previously approved, and per the operational plan, the hotel has a delivery area at the rear alley, and refuse generated by the rooftop would be part of the operations of the hotel.

Sound

The applicant is proposing entertainment, inclusive of a DJ or musicians playing non amplified instruments, at a volume not exceeding ambient, background levels and does not interfere with normal conversation. As per the operational plan, a new sound system is not proposed, and the existing plan is comprised of several small loudspeakers positioned to direct sound inward with volume controls that are accessible to management via a control panel in a secure location.

The applicant submitted a sound study prepared by Edward Dugger + Associates, P.A., which states the following:

“the audio system and its various components must be configured in a manner that will effectively concentrate sound produced to the Upper Pool Deck area only, reducing the level of sound which would otherwise emanate from the property.”

“There is currently an audio system installed on the Upper Pool Deck. It is ED+A's understanding that this system will continue to be used for future operations. The system is comprised of several small loudspeakers mounted along the east, south, and west structures

of the Pool Deck. The loudspeakers are positioned to direct sound inward to the Upper Pool Deck.”

The Sound study includes design criteria in the event the sound system is replaced in the future, to allow for effective control of sound generated on the pool deck. If the existing system continues to be used, modifications should be made where necessary.

The sound study was peer reviewed by the City’s consultant Arpeggio Acoustic Consulting, LLC. The peer reviewer had the following conclusion and suggestions:

Discussion

The ED+A report and the Letter of Intent both claim that entertainment on the pool deck would be at ambient sound levels. In fact, the report specifies in its Summary that “entertainment will be provided at background levels of sound that do not interfere with normal conversation-similar to the level of sound produced by the existing audio system.” Given the fact that average raised male speech is approximately 65 dBA at a distance of 3’, we assume (and recommend) that a sound system level of no higher than 65 dBA is the goal.

Conclusion

“In conclusion, it is our opinion that the proposed pool deck entertainment can be accommodated without negative impact to nearby residences assuming ambient levels which allow for conversation on the pool deck are maintained. If a new sound system is installed, the six recommendations pertaining to system design offered by ED+A should be employed. Regardless, if the existing or a new sound system is used, we recommend that the site test to establish maximum allowable sound levels on the pool deck not only account for sound at the nearest residences (and at heights above ground level, if possible), but also at a sixth or seventh-story residential unit on the south side of the Penn Terrace Towers at 730 Pennsylvania Avenue since direct line-of-sight is likely possible from this location. This testing should establish limits in terms of both C-weighted (dBC) and A-weighted (dBA) decibels to address low-frequency bass.”

Staff agrees with the peer reviewer’s findings to recommend that the sound system be set up to a level of no higher than 65 dBA. To ensure ambient-level music will not interfere with normal conversation and that regardless if the existing or a new sound system is used, a site test should be done to establish maximum allowable sound levels on the pool deck from the nearest residences and also the sixth or seventh story of nearby residential building.

Staff found inconsistencies with the applicant’s operational plan, LOI and sound study provided, where it is stated that the existing sound system is comprised of several small loudspeakers positioned to direct sound inward and volume controls that are accessible to management via a control panel in a secure location. The speaker size and locations that were submitted as part of the final submittal (page A-6) differ from images provided by the applicant. Notably, the speakers are larger, mounted higher and do not point inwards as described. Also, the location of the control panel in a secure location was not identified in plans or documents.



SUMMARY

Staff is very concerned with the proximity of the proposed outdoor entertainment venue to existing residential uses immediately to the west and north, and the cumulative effect of the proposed venue in relation to existing outdoor entertainment venues in the immediate area. Although this proposal is for entertainment at ambient, background levels, the high location of the pool deck, and the inconsistencies found with the existing sound system could negatively affect the neighborhood.

Staff is also concerned with the high likelihood that the use of a DJ or a live band would create a disruptive atmosphere on the pool deck. The high occupancy of the pool deck (over 250 persons) is also likely to increase noise emanating from the patrons themselves. It is important to note that the subject site is located in a residential (RM-2) zoning district, and not a commercial zoning district. Per Conditional Use review criteria #7, the geographic concentration of similar types of conditional uses should be discouraged.

For these reasons, staff recommends denial of the CUP application for outdoor entertainment at the pool deck roof top area. The applicant may still play music on the roof, at a volume that does not exceed normal conversation. However a DJ or any other kind of performance should not be permitted.

Should the Board consider approving the CUP, staff recommends the application be continued to a future date so the applicant can provide revised plans that accurately reflect the location of the speakers, as well as the sound control panel location as stated on the operational plan submitted.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the Conditional Use Permit be **DENIED**. Should the Board grant approval of the application, staff recommends that such approval be subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Conditional Use Review and Neighborhood Impact Review Criteria.

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

PROPERTY: 600 – 660 Washington Avenue.

FILE NO. PB22-0539

IN RE: An application for conditional use approval for a Neighborhood Impact Establishment (NIE) with Entertainment and Outdoor Entertainment on the rooftop including an alcoholic beverage establishment or restaurant located on the top floor of a building, whether fully enclosed, partially open, or open to the sky, including all open-air portions above the roof-top, which is located on a property that is within 200 feet of a property containing a residential unit, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2 of the Miami Beach Resiliency Code.

LEGAL DESCRIPTION: See Exhibit “A”

MEETING DATE: July 30, 2024

CONDITIONAL USE PERMIT

The applicants, Anglers Boutique Resort LLC and KHP Capital Partners, requested a Conditional Use approval for a Neighborhood Impact Establishment (NIE) with Entertainment and Outdoor Entertainment on the rooftop including an alcoholic beverage establishment or restaurant located on the top floor of a building, whether fully enclosed, partially open, or open to the sky, including all open-air portions above the roof-top, which is located on a property that is within 200 feet of a property containing a residential unit, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2 of the Miami Beach Resiliency Code.

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 RM-2 Multifamily, Medium Intensity 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 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. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. 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 Resiliency Code Sec. 2.5.2.5.
2. This Conditional Use Permit is issued to Angler’s Boutique Resort, LLC and KHP Capital Partners, (the applicant/owner of the property). Any changes in ownership or 50% (fifty percent) or more stock ownership, or the equivalent, shall require the new owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Certificate of Use/Business Tax Receipt.
3. 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:
4. The project authorized by this Conditional Use Permit includes the creation and operation of the proposed Neighborhood Impact Establishment, subject to the criteria listed below:

A. The proposed number of seats are:

Amenities open to the public:

Ground Floor lounge bar:	61 seats (28 Indoor and 33 Outdoor).
Rooftop pool deck:	53 seats

B. The maximum occupant content subject to this CUP shall be:

Rooftop pool deck:	259 persons or any lesser such occupant content as determined by the Fire Marshal.
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C. The Rooftop pool deck hours of operations may be as follows:

Rooftop pool deck operations:	Monday – Sunday:	11:00 AM to 11:00 PM.
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Outdoor Entertainment at Ambient background levels:	Friday - Sunday:	1:00 PM to 5:00 PM.
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Recorded ambient background music:	Monday – Sunday:	11:00 AM to 10:00 PM.
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These hours shall not supersede any future amendments to the City Code, pertaining to

hours of operation for alcoholic beverage and/or entertainment establishments.

- D. Promoted events and/or concerts shall be prohibited.
- E. The pool food and Alcohol delivery will be serviced only by the existing full-service bar located at lobby level.
- F. A bar shall not be permitted at any time on the pool deck roof top area.
- G. Outdoor entertainment at the pool deck roof top areas shall limited to a DJ or a single musician playing at a level that does not interfere with normal conversation. Recorded background music, played at a level that does not interfere with normal conversation, may be permitted, provided that a sound system with directional speakers and a digital tamper-resistant sound level limiter is used to minimize impacts to adjacent properties.
- H. Loudspeakers for audio playback shall use 6" bass drivers or smaller, be mounted as low as possible, and distributed, keeping individual sound levels low. Subwoofers shall not be used.
- I. 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:
 - i. Volume controls shall be accessible to management and designated engineering staff only via a control panel in a secure location or a mobile control application.
 - ii. All sound—prerecorded or otherwise—shall be reproduced through a permanent house system; entertainers shall not utilize additional loudspeakers or system components but shall plug into the permanent system through designated input locations.
 - iii. A permanent audio system consisting of several small- to medium-size loudspeakers distributed shall be installed to provide even coverage and a consistent sound field in the entertainment areas. The system shall be comprised of multiple designated coverage areas, or zones, that can be controlled independently of one another.
 - iv. The type, location, directivity, and orientation of exterior loudspeakers shall be chosen so as not to direct sound toward other properties or upward.
 - a. Landscape speakers have been found to be appropriate in these systems, but often radiate sound in all directions and shall be placed carefully.
 - b. All loudspeakers shall be oriented inward so as not to direct sound off the property.
 - v. Audio signals shall be processed through a digital signal processor (DSP) that may be programmed to set, limit, and/or adjust the levels of low-frequency sound and total sound level generated by the system in different areas.

- vi. The sound system shall be set up to a maximum level of no higher than 65 dBA, with no ability to override this setting, in order to ensure ambient-level music will not interfere with normal conversation
 - J. A final report issued by such acoustical consultant shall be submitted to the City's sound study peer reviewer and Planning Department staff prior to the issuance of a BTR.
 - K. Only the Applicant's approved outdoor speakers, as approved by this Conditional Use Permit, shall be used. All performers, including DJs, shall be required to connect to the Applicant's house sound system. The Applicant shall be required to inform all guest DJs as to the requirements of this conditional use permit related to outdoor sound.
 - L. After normal operating hours, the establishments shall remain closed and no patrons or other persons, other than those employed by the establishment, shall remain therein between the establishment's closing time and 7:00 AM.
 - M. At no time shall music from anywhere on the roof-top be audible beyond the exterior boundaries of the building.
5. The following shall apply to the operation of the entire project:
- A. Deliveries and waste collections may occur between 9:00 AM and 5:00 PM each day.
 - B. The trash room shall be large enough to accommodate sufficient trash capacity in order to minimize refuse pickups to a maximum of one pick up per day. All trash rooms shall be air conditioned and sound-proofed in a manner to be approved by staff. The doors to the trash rooms shall remain closed and secured when not in use and all trash dumpsters shall be closed at all times except when in use.
 - C. All trash containers shall utilize rubber wheels, as well as a path consisting of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
 - D. The property and adjacent rights-of-way be maintained clean and free from debris.
 - E. Televisions and projectors shall not be located anywhere in the exterior areas of the property.
 - F. No patrons shall be allowed to queue on public rights-of-way.
 - G. Establishments with outdoor cafes or sidewalk café permits shall only serve alcoholic beverages at sidewalk cafes during hours when food is served in the restaurant.
 - H. Public access Use of the rooftop lounge shall be limited from 11:00 am. to 10:00 pm, daily.
 - I. No dancehall shall be permitted on the site.
 - J. Special event permits shall be prohibited.
6. A progress report shall be scheduled before the Planning Board 90 days after obtaining a business tax receipt (BTR) for the addition of entertainment.

7. The Planning Board shall retain the right to call the owner or operator back before the Board and make modifications to this Conditional Use Permit should there be valid complaints, as determined by Code Compliance, 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.
8. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
9. 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.
10. The applicant shall address the following Transportation, Mobility, Concurrency, Delivery, and Parking requirements:
 - A. The applicant shall pay all impact, mobility, and concurrency fees due prior to obtaining a Building Permit, Certificate of Occupancy, or Business Tax Receipt, whichever may occur first, and any other fair share cost that may be due and owing.
 - B. The seats at the rooftop that are now accessible to the public may be subject to Mobility fees and parking requirements, which shall be reviewed as part of the building permit process.
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, operator and/or owner, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Order.
13. The applicant shall resolve all outstanding violations and fines on the property, if any, prior to the issuance of a building permit for the project.
14. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 2.5.2.5, Code of the City of Miami Beach, Florida.
15. 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.
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 Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- 18. 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 Chapter 1, Article III, 1.3.8 of said Miami Beach Resiliency 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.
- 19. 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.
- 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 _____

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP
Planning and Design Officer
for the Chairman

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Michael Belush, Planning and Design Officer for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]

Notary:
Print Name:
Notary Public, State of Florida
My Commission Expires:
Commission Number:

Approved As To Form:
Legal Department _____ ()

Filed with the Clerk of the
Planning Board on _____ ()

EXHIBIT "A"

Parcel 1

Legal Description:

Lots 3, 4 and 5, Block 47, "Ocean Beach Addition No. 3", according to the Plat thereof recorded in Plat Book 2, page 81 of the Public Records of Miami-Dade County, Florida.

Parcel 2:

Legal Description:

Lots 6, 7 and 8, Block 47, "Ocean Beach Addition No. 3", according to the Plat thereof recorded in Plat Book 2, page 81 of the Public Records of Miami-Dade County, Florida.

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, FL 33139, www.miamibeachfl.gov

TRANSPORTATION & MOBILITY DEPARTMENT

Tel: 305.673.7514

MEMORANDUM

TO: Thomas R. Mooney, AICP, Director, City of Miami Beach Planning Department

FROM: José R. González, P.E., Director, City of Miami Beach Transportation & Mobility Department

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JRG

DATE: June 13, 2024

SUBJECT: 660 Washington Avenue (Angler's Hotel) – Traffic Impact Statement – PB22-0539

The City of Miami Beach Transportation & Mobility Department has reviewed the subject Traffic Impact Assessment submitted by the applicant as part of the Planning Board application for proposed limited entertainment at the existing rooftop lounge of the Angler's Hotel. The rooftop lounge is 7,764 square feet. There are no physical modifications to the property for the proposed rooftop lounge. The project is located at 660 Washington Avenue in Miami Beach, Florida at the existing hotel. The hotel currently provides valet service for the on-site garage. Patron self-park is not permitted in the on-site garage.

As the redevelopment maintains the same rooftop area, no new trips are expected to be generated by the newly programmed limited entertainment area. The Traffic Impact Statement associated with this project was performed in accordance with the requirements of the City of Miami Beach and the approved methodology.

Trip Generation and Trip Distribution

The redevelopment will maintain the existing square footage and land use. Therefore, no new trips are expected to be generated by the project. The project provides an on-site garage for valet-only parking with access from Pennsylvania Court (alley).

Multimodal Trips

Sidewalks are provided on both sides of Washington Avenue near the project site. The approximate width of the sidewalk adjacent to the property is nine (9) feet.

A Citi Bike station with 23 bicycle docks is located on the west side of Washington Avenue just south of 7 Street. Additionally, a transit stop is located adjacent to the Citi Bike station near the intersection of Washington Avenue and 7 Street, which serves both Miami-Dade County Metrobus Routes 14 and 100 and the City of Miami Beach Trolley South Beach Loop.

Valet Operations

The current and proposed valet station is located on-street on Washington Avenue in front of the hotel. Two (2) on-street parking spaces are reserved for valet operations. The project has on-site parking garage with access from Pennsylvania Court (alley). Refer to the figure below for the valet

station location, on-site parking garage, and valet drop-off/pick-up routes.

Figure 1: Valet Route



The valet operator manages the valet service with one (1) valet attendant and one (1) valet stand attendant per shift due to the low vehicle traffic. Valet queues for the project were documented on Friday, May 17, 2024 from 7-11 AM and 3-7 PM. The documented 95th percentile queue was two (2) vehicles. No changes are expected as a result of the limited entertainment rooftop lounge.


Entry Gate Analysis


The project parking garage has an existing access gate that the valet operator operates with a transponder. Based on the 95th percentile Entry Gate Analysis, a maximum of a one (1) vehicle queue is expected for a maximum of twelve (12) seconds during the peak hour on Pennsylvania Court (alley).

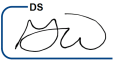
Conclusion

The City of Miami Beach Transportation & Mobility Department, including the Peer Review Consultant, has no further comments on the Traffic Impact Statement for the 660 Washington Avenue (Angler's Hotel) project.

Please feel free to contact the City of Miami Beach Transportation & Mobility Department if you have any questions on the above.

CC: Otniel Rodríguez, E.I., Assistant Director, City of Miami Beach Transportation & Mobility Department 

Ghassan Choueiry, P.E., Senior Transportation Engineer, City of Miami Beach Transportation & Mobility Department 

Grant Webster, Transportation Planner, City of Miami Beach Transportation & Mobility Department 

Enc. Kimley-Horn & Associates (Peer Reviewer), Traffic Review Memo dated 06/12/2024.

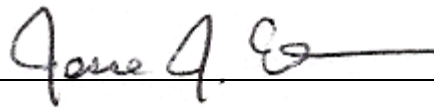


**Peer Review of Sound Study for
600-660 Washington Avenue
PB 23-0539**

Prepared for:

**Miami Beach Planning Department
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Prepared by:



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April 24, 2023

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1 Introduction

This report documents a peer review of an acoustic study conducted for the City of Miami Beach related to an application for a Conditional Use Permit for Accessory Entertainment and Outdoor Bar Counter at 600-660 Washington Avenue. The reviewed report, prepared by Edward Dugger + Associates (ED+A) and dated January 10, 2023, describes the proposed project, the environs, acoustic measurements made on site, sound system recommendations, and conclusions related to potential impact of the rooftop pool modifications on the environs.

2 Project Description

The application relates to an existing hotel, Angler's Boutique Hotel, which is five stories and has an existing 60-seat rooftop pool with an existing sound system installed. The application seeks to add an outdoor bar counter adjacent to the rooftop pool as well as live entertainment, primarily by a DJ, at ambient sound levels, potentially using the existing loudspeakers. The proposed hours of operation are 11 am to 11 pm each day.

The property, zoned CD-2, is located on the west side of Washington Avenue between 6th Street and 7th Street, across the street from the Goodtime Hotel which is on the east side of Washington Avenue. The nearest potentially impacted residential properties are directly west across Pennsylvania Court at 609, 619, and 631 Euclid Avenue. Immediately to the north is the Arcadia House Condominium at 650 Pennsylvania Avenue. These buildings appear to be shorter than the Angler. It appears that the nearest residential building that is at least as tall as the Angler is the seven-story Penn Terrace Towers at 730 Pennsylvania Avenue approximately 500' north of the subject pool deck.

3 Discussion

The ED+A report presents results of a sound survey that was conducted between October 5 and 12, 2022. We have no grounds for questioning the methodology employed and the results are not unexpected.

While the report does not estimate sound levels at nearby residences, it does describe intervening structures to the west and northwest which would tend to mitigate sound propagation to the nearest properties in those directions. However, propagation toward the north would potentially be unabated and would need to be addressed via the sound system.

The ED+A report and the Letter of Intent both claim that entertainment on the pool deck would be at ambient sound levels. In fact, the report specifies in its Summary that "entertainment will be provided at background levels of sound that do not interfere with normal conversation-similar to the level of sound produced by the existing audio system." Given the fact that average raised male speech is approximately 65 dBA at a distance of 3', we assume (and recommend) that a sound system level of no higher than 65 dBA is the goal.

The report states that music is currently being produced through the existing system at levels that can be considered ambient. We do not know if complaints have arisen from current operations but, as long as the same system and sound levels are employed, a

similar outcome can be expected. However, if the existing sound system is replaced, we advise that the six recommendations given by ED+A pertaining to sound system design be employed. These recommendations generally relate to the following:

1. Volume control accessibility only to management and designated engineering staff via a secure control panel or mobile application
2. Prohibition on entertainers using loudspeakers or system components other than what is permanently installed
3. Use of small to medium-sized distributed loudspeakers which are zoned
4. Selection and placement of loudspeakers so as to not direct sound toward other properties or upward
5. Incorporation of a digital signal processor that limits low-frequency and total sound
6. Execution of a site test to establish maximum allowable system settings to ensure acceptability at nearby noise-sensitive properties

Related to recommendation six above, we recommend that locations be judiciously selected to measure and subjectively assess sound levels produced at the pool deck. These may include the nearest properties across Pennsylvania Court as well as at Arcadia House Condominiums. Where possible, assessments should be made at elevated locations (e.g., residential units) rather than at street level. We also recommend sound be assessed at a sixth or seventh-story residential unit on the south side of the Penn Terrace Towers at 730 Pennsylvania Avenue. While this location is not as close as others, it may be the closest that has direct line of sight to the pool deck. Additionally, when such site tests are conducted, limits should be established in terms of both A-weighted (dBA) and C-weighted (dBC) decibels.

4 Conclusions

In conclusion, it is our opinion that the proposed pool deck entertainment can be accommodated without negative impact to nearby residences assuming ambient levels which allow for conversation on the pool deck are maintained. If a new sound system is installed, the six recommendations pertaining to system design offered by ED+A should be employed. Regardless, if the existing or a new sound system is used, we recommend that the site test to establish maximum allowable sound levels on the pool deck not only account for sound at the nearest residences (and at heights above ground level, if possible), but also at a sixth or seventh-story residential unit on the south side of the Penn Terrace Towers at 730 Pennsylvania Avenue since direct line-of-sight is likely possible from this location. This testing should establish limits in terms of both C-weighted (dBC) and A-weighted (dBA) decibels to address low-frequency bass.