



MIAMI BEACH

## New vacation rentals could come to South Beach. Commissioners were unaware, launch probe

BY MARTIN VASSOLO

SEPTEMBER 17, 2021 9:31 PM



CITY OF MIAMI BEACH



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Facing pressure from residents outraged at the prospect of more short-term rentals in their neighborhood, Miami Beach commissioners on Friday directed the inspector general and city manager to launch investigations into whether building permits for three new apartment hotels in the South of Fifth neighborhood were properly issued.

The permits — for building renovations at 310 Meridian Ave., 333 Jefferson Ave. and 226 Jefferson Ave. — allowed for the conversion of buildings that were formerly residential-only into apartment hotels, a designation that allows them to operate as short-term rentals in zoning districts where they are otherwise prohibited.

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Short term rentals, which are largely prohibited in Miami Beach, are properties that offer stays of fewer than six months.

Neighbors who live near the projects, some of whom retained a lawyer, accused senior city staff of bypassing a necessary vote before the Historic Preservation

Board and asked commissioners to revoke the permits.

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Many residents, like resident David Suarez, said they were not made aware of the permit applications, something they would have been notified about if the proposed renovations had gone before the Historic Preservation Board. They said vacation rentals often bring ill-behaved tourists to their residential neighborhoods, where they drink, smoke and sometimes behave violently.

“The rules in our zoning code are there to protect the residents from these sort of fundamental changes to our neighborhood,” Suarez said. “If we have an issue with these changes, we are afforded the opportunity to appear before the HPB and voice our concerns. In this instance, we were denied that opportunity.”

Planning Director Thomas Mooney, whose department granted certificates of appropriateness for the proposed work, said at the meeting that the projects were properly approved and that Historic Preservation approval was not necessary because they “involved the renovation of the existing buildings.”

He pointed to a section in the code that says “all applications for certificates of appropriateness involving minor repairs, demolition, alterations and improvements...shall be reviewed by the staff of the board.”

Joseph Pardo, an attorney representing some residents, said staff violated the code by not issuing separate certificates of appropriateness and building permits.

“These permits were not lawfully issued,” he said. “The city has the duty to issue the stop-work order.”

The decision to potentially add more short-term rentals in a city so famously opposed to them angered residents and commissioners alike. In August, the Planning Board voted to ban apartment hotels in the impacted South of Fifth districts, which temporarily means no new application for any apartment hotel in the districts may be accepted.

The commission also voted Friday to follow suit, although a second vote is needed to make it a law and wouldn't apply to the projects in question because the permits were issued between 2019 and last June, meaning they are grandfathered in.

"It's unfortunate, frankly, that this was approved," Mayor Dan Gelber said during the meeting.

The controversy sparked two hours of public comment and debate, culminating in the commission's approval of a motion largely crafted by South of Fifth residents calling for parallel probes into the matter, led by City Manager Alina Hudak and Inspector General Joe Centorino.

The commission directed Hudak and Centorino to hire independent planning experts to determine whether the permit process complied with the city's land-use regulations and comprehensive plan. They further empowered Hudak, if she finds "that there has been a lack of strict compliance," to consult with "the appropriate regulatory officials" to determine how to fix the error, including a stop-work order or other enforcement action.

Centorino, who was previously asked by Mayor Dan Gelber and Commissioner David Richardson to review the controversy, had already begun his review of the matter as of Tuesday, according to a letter Acting City Attorney Rafael Paz sent commissioners this week.

Friday's meeting at times became tense, especially following comments from some residents and commissioners questioning the decision to approve the permits.

Hudak, who said it would be "disgraceful" to question her staff's professionalism, said at one point that Centorino should lead the investigation to prevent anyone from questioning her integrity or that of the administration.

"I believe in facts and truth and respecting and defending our professional staff because if they weren't that I would fire them," Hudak said.

In an interview after the meeting, Gelber said he still didn't understand how the projects were approved but hoped the investigation would shed light on the process. The commission also directed the administration to reach out to the property owners and discuss possible height increases or other incentives to block any future short term rentals there.

"My fervent hope is that we can find a route to take this thing off the track," Gelber said.




The commission voted 6-1 to launch the investigations, with Commissioner Ricky Arriola dissenting.

Arriola apologized to the planning and building staff for "having to take this from folks" and said he did not doubt their decision making.

He said the city should negotiate with the property owners to prevent short-term rentals in the area, but didn't think an internal probe was a good option.

"I don't like where we're at but this is not the remedy," he said.

MARTIN VASSOLO

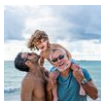
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Martin Vassolo covers the politics and government of Miami Beach for the Miami Herald. He began working for the Herald in January 2018 after attending the University of Florida, where he served as the editor-in-chief of The Independent Florida Alligator. Previously, he was a general assignment reporter on the Herald's metro desk and a political reporting intern.

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BY ADRIANA BRASILEIRO AND SYRA ORTIZ-BLANES

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She was the fairy godmother who set Zubizarreta’s love story in motion when she invited the 30-something for lunch and shared advice on finding a partner and living a happy life. Zubizarreta was sad because all her friends were married with babies and she was starting a new life after years away from Miami.

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