

October 9, 2020

VIA DIGITAL SUBMITTAL

Thomas Mooney, Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Request for Modification of DRB Order #22945 for the Property Located at 910 West Avenue in Miami Beach, Florida

Dear Tom:

This law firm represents Southgate Towers, LLLP (the “Applicant”), the owner of the captioned property (the “Property”). The Applicant previously obtained approval from the Design Review Board (“DRB”) in 2013 pursuant to DRB Order #22945 for modifications to the exterior of the two (2) existing 14-story apartment buildings on the Property. See Exhibit A, DRB Order #22945. Please consider this letter the Applicant’s letter of intent to request design review approval and modifications to conditions of DRB Order #22945 to amend the operational conditions for the existing restaurants on the Property, to provide a new signage plan, and to operate an outdoor bar counter until 11:00 PM.

Property Background. The Property is a waterfront lot on the west side of West Avenue. The Property is identified by Miami-Dade County Folio No. 02-4203-001-0080 and is located within the RM-3 Multi-Family Residential zoning district. See Exhibit B, Property Appraiser Profile. The two (2) 14-story multifamily residential towers were built in 1958 and were most recently modified pursuant to DRB Order #22945. The building includes two restaurant spaces. One of the restaurant spaces is located at the northeast corner of the Property fronting the intersection of West Avenue and 10th Street (the “West Avenue Restaurant”). The other restaurant space is larger and is discreetly located on the westernmost portion of the Property fronting at the dead-end of 10th Street and facing the waterfront (the “Waterfront Restaurant”).

The layout of the Property paired with the restrictions in place as a result of the conditions of DRB Order #22945 have created a scenario where the Waterfront Restaurant is hampered from an operational and visibility perspective. These restrictions limit signage for, access to, and the operations of the proposed Waterfront Restaurant. The reality is that the location of the Waterfront Restaurant paired with restrictive conditions imposed by DRB Order #22945 result in a lack of accessibility and visibility that prevent the Waterfront Restaurant from emerging as another great South Beach dining venue.

Requests. The Applicant is seeking a design review approval for a modification to the existing Waterfront Restaurant on the northwest of the Property, a new sign package, a variance to Section 142-244 to allow an outdoor bar counter until 11:00 PM (“Outdoor Bar Counter Variance”), and a side setback variance to allow for the proposed trellis to encroach in the setback (“Side Setback Variance”). Additionally, the Applicant respectfully requests approval of the following modifications to conditions of DRB Order #22945:

1. Modification of DRB Order #22945 Section B(5).

FROM:

All building signage shall be consistent in type, composed of flush mounted, non-plastic individual letters and shall require a separate permit. No illuminated signage shall be permitted facing north.

TO:

All building signage shall be consistent in type, ~~composed of flush mounted, non-plastic individual letters~~ and shall require a separate permit. Any No illuminated signage on the 10th Street elevation shall not be permitted facing north to remain illuminated after 11:00 PM

The requested modification will allow for illuminated signage facing north during controlled hours. The signage is provided in the new signage plan and coincides with the City’s initiative to facilitate pedestrian access to the waterfront. The modification will allow for signage that will provide needed awareness of the Waterfront Restaurant located at the end of 10th Street, which will enhance the offerings for the neighborhood. The signage will be regulated so as to ensure that it does not adversely affect any neighbors.

2. Modification of DRB Order #22945 Section B(12)(a)(iv).

FROM:

Except as may be required for fire or building code/Life Safety Code purposes, no loudspeakers shall be affixed to or otherwise located on the exterior of the premises at the northwest corner of the site in the area of the proposed outdoor dining terrace, or anywhere along 10th street.

TO:

~~Except as may be required for fire or building code/Life Safety Code purposes, no loudspeakers shall be affixed to or otherwise located on the exterior of the premises at the northwest corner of the site in the area of the proposed outdoor dining terrace, or anywhere along 10th street.~~

In both the indoor and outdoor seating area, the Applicant shall be able to install speakers, provided that the speakers shall play only pre-recorded background music at a volume that does not interfere with normal conversation. Entertainment shall be prohibited. No pre-recorded background music shall be permitted to be played in the exterior seating area after 11:00 PM Sunday through Thursday and after midnight Friday and Saturday. The Applicant shall be required to install sound dampening materials to the roofing structure over the outdoor bar counter and install a sound dampening water feature that will run during all hours of operation. Additionally, the Applicant will construct a 4 feet tall barrier with organic planting materials on top to screen the outdoor bar from the north and the west.

The requested modification will allow for background music for the restaurant use on the Property in a manner to be regulated and restricted to the standard typically imposed for other restaurant uses without entertainment. The Applicant is proffering additional restrictions to mitigate any noise generated from the outdoor bar counter, including installation of sound dampening materials over any roofing structure over the outdoor bar counter and installation of a sound dampening water feature that will run during the hours of operation. Additionally, the Applicant will construct a 4 feet tall barrier with organic planting materials on top to screen the outdoor bar from the north and the west.

3. Modification of DRB Order #22945 Section B12(a)(vi)

FROM:

Special events pursuant to the Miami Beach City Code, associated with the proposed restaurant, may not be held on the premises and the applicant agrees that it will not seek or authorize applications for such permits.

TO:

~~Special events on the Property shall be limited to six per year and will only be located in the ground level waterfront restaurant area. Special events pursuant to the Miami Beach City Code, associated with the proposed restaurant, may not be held on the premises and the applicant agrees that it will not seek or authorize applications for such permits.~~

The requested modification will allow for the Applicant to seek special event permits for the Property on a limited basis, as consistent with Section 142-244(5) of the Code, which will be regulated and restricted by the review process provided in Section 12-5 of the Code. Approval of the special events will be subject to the established review process and parameters for each event as determined by the City Manager.

4. Modification of DRB Order #22945 Section B(12)(b)(v)

FROM:

Any proposed outdoor seating associated with the restaurant shall be limited to a maximum of 75 seats.

TO:

Any proposed outdoor seating associated with the restaurant shall be limited to a maximum of ~~75~~ 95 seats.

The redistribution to increase the outdoor seating will allow for a more functional restaurant and will capitalize upon the aesthetic and landscaping improvements to the outdoor seating area. Additionally, the outdoor seating will be oriented to complement the adjacent baywalk and make the best use of the scenic bay view.

5. Modification of DRB Order #22945 Section B(12)(b)(vi)

FROM:

With the exception of any required emergency egress, no pedestrian access to the proposed restaurant shall be permitted from the north side of the site along 10th street. All pedestrian access to any restaurant located on the north side of the site shall be provided from within the existing internal building circulation, or from within the subject property from the west (bayfront) elevation.

TO:

~~With the exception of any required emergency egress, no pedestrian access to the proposed restaurant shall be permitted from the north side of the site along 10th street. All pedestrian access to any restaurant located on the north side of the site shall be provided from within the existing internal building circulation, or from within the subject property from the west (bayfront) elevation. Pedestrian access to the proposed restaurant located on the north side of the site shall be limited to one entry point as provided in the approved plans. This 10th Street access point will not serve as a primary access point and will not be advertised. This access point is intended to serve pedestrian traffic only. The Applicant shall be required to escort guests to the host stands located at the primary entrance. The Applicant shall utilize geofence to direct ride-share pick-up/drop-off to the main entrance and preclude pick-up/drop-off on 10th Street.~~

The requested deletion will allow for pedestrian access to the baywalk and to the Waterfront Restaurant from 10th Street, while still prioritizing the main entrance points along West Avenue and internal to the existing apartment building. The initiative to promote waterfront access for residential development is consistent with Policy 1.5 of the Miami Beach Comprehensive Plan and furthers the expansion and access to the Baywalk. The result of the access point will be a high-quality establishment to serve the neighborhood and provide a great dining experience fronting the water. The need for pedestrian access to the Waterfront Restaurant from 10th Street will be realized once conditions have been satisfied for access to the Baywalk along the Property.

6. Deletion of DRB Order #22945 Section B(12)(b)(xiv)

FROM:

Interior loudspeakers shall not be located near doors leading to outside dining areas and interior music levels shall not interfere with the normal conversation of diners.

TO:

~~Interior loudspeakers shall not be located near doors leading to outside dining areas and interior music levels shall not interfere with the normal conversation of diners.~~

The deletion of the above condition is in order to be consistent with the modified language of DRB Order #22945 Section B(12)(a)(iv), which allows for background music for the restaurant use on the Property in a manner to be regulated and restricted to the standard typically imposed for other restaurant uses without entertainment.

Parking. The proposed improvements to the waterfront restaurant, the updated signage plan, and the general aesthetic improvements to the Property will have no impact on the entitlements or parking requirements for the Property. The Property provides for 110 on-site parking spaces. Additionally, through a Covenant in Lieu of Unity of Title executed and recorded in Miami-Dade County Official Record Book 29750, Pages 3688-3698 in 2015, 264 additional parking spaces are available for the Property's use in the parking garage located across the street at 959 West Avenue. See Exhibit C, 2015 Covenant in Lieu. Among the 364 parking spaces provided for the Property, 215 spaces are specifically assigned for the restaurant use. The proposed improvements to the existing restaurant space do not contemplate an increase in seat count. The total contemplated seat count provided in the plans is 195 seats. As a result, there is no increase to the parking requirements in association with this application, as this parking is already accounted for. See Exhibit D, 2013 DRB Plans.

Proposed Improvements. The scope of improvements for this project consist of updated signage for the property and improvements to make the bayfront restaurant tucked away along 10th Street more accessible and attractive, while also enhancing the 10th Street end area to complement access to the baywalk.

The updated signage plan consists of replacing the existing legally nonconforming pole sign for Southgate Apartments at the entrance of the Property with a new attractive detached sign compliant with Section 138-19 of the Code. The signage plan also provides for a replacement of the existing retail signage facing West Avenue at the corner of West Avenue and 10th Street with an updated design that will be accentuated with landscaping and match the entry sign for the Property. This detached corner sign will identify the two (2) restaurants present on the Property and will be compliant with Section 138-19. The third detached sign will be located along the 10th Street frontage to identify the location of the bayfront restaurant. This corridor will also be improved with a green wall along the structure facing 10th Street and significant landscaping improvements to beautify the area and the access to the baywalk.

The restaurant will incorporate a bar counter, which will have the flexibility to open to the outside area through utilization of nanawalls. As a result, the Applicant is requesting a variance to Section 142-244 of the Code to allow the outdoor bar counter to operate until 11:00 PM. The updated design of the 10th Street frontage and layout of the restaurant will provide significant landscape buffering and design solutions to mitigate any potential noise or visibility of the restaurant and outdoor bar counter from the

Mr. Thomas Mooney

October 9, 2020

Page 7 of 7

north. The Applicant is proffering additional conditions to require screening and sound mitigation techniques in association with the outdoor bar counter in response to neighbor input.

Variances: Practical Difficulty. The requested variances are needed to accommodate the functioning of a quality restaurant operation in the space. The existing structure on the Property is nonconforming with the existing setback and floor area regulations. The restaurant space is existing but has not been viably marketable due to the limited access and inability to further expand the space.

Installation of the outdoor bar counter will allow for the functionality of a quality indoor-outdoor venue that will take advantage of the adjacent Biscayne Bay and will provide a synergy with the baywalk. Placing the bar counter completely inside would take up too much space and would inhibit a functional restaurant operation. As such, the Outdoor Bar Counter Variance is necessary to allow for the successful operation for the restaurant. The extension of the hours until 11 PM are needed to allow the restaurant to operate properly for its standard dining hours.

The Side Setback Variance is needed to accommodate the proposed trellis. The proposed trellis is an entry feature that will serve to enhance the aesthetic as one enters the restaurant and will serve as a needed shading feature for the outdoor space. The trellis is limited to being located in the required setback due to the fact that the lot is so large and the existing structure is nonconforming. The location of the trellis is a continuation of the linear extension of the existing building. As such, it is located in the best location possible given the layout of the existing nonconforming structure.

Conclusion. We believe that the approval of the Application will permit the enhancement of the 10th Street street end as a beautified access point to the baywalk and the incorporation of an exciting new restaurant offering for the neighborhood. If you have any questions or comments in the interim, please give me a call at 305-374-5300

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Larkin", written in a cursive style.

FOR

Michael Larkin