

**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: July 22, 2020

PROPERTY/FOLIO: **1787 Purdy Avenue**      **02-3233-012-0590**

FILE NO: DRB20-0548

IN RE: An application has been filed requesting Design Review Approval for exterior design modifications to an existing Design Review Approval to an existing two-story commercial structure and including the deletion of conditions of the original Final Order. This item was originally approved in 2016, pursuant to DRB File No. 23220.

LEGAL: Western ½ of Lot 9 of Block 16, of "Island View Subdivision", according to Plat thereof as recorded in Plat Book 6, Page 115, of the Public Records of Miami-Dade County, Florida.

**CONSOLIDATED ORDER**

The City of Miami Beach Design Review 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. Design Review**

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- 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 is inconsistent with Design Review Criteria 9 1, 2, 3, 4, 5, 6, 9, 12, and 19 in Section 118-251 of the Miami Beach Code.
- C. 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 is consistent with Sea Level Rise Criteria in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/ or Section 133-50(a) if the following conditions are met:
  1. The applicant shall be subject to all of the conditions within the Conditional Use Permit (CUP) approved by the Planning Board (PB File No. 2287 and PB17-0112).
  2. Revised elevation, site plan, and floor plan drawings for the proposed structures at 1787 Purdy Avenue shall be submitted, at a minimum, such drawings shall incorporate the following:



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- a. ~~The fabric material for the ground floor awning shall be canvas or sailcloth or like material, and the color shall be a solid neutral hue, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.~~
- b. The applicant shall install a fixed awning/canopy over the exterior bar area. The fabric material for the awning shall be canvas or sailcloth or like material, and the color shall be a solid neutral hue and match any proposed table umbrella fabric, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- c. The applicant shall refine the south elevation (stair wall) incorporating more architectural interest along the south elevation of the proposed exterior stair, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- d. ~~The proposed alterations to the front façade, including the expanded window openings and installation of operable windows, shall be permitted. All window frames shall be composed of an aluminum finish. All windows shall consist of clear glass and incorporate the minimum tint required by the energy code, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.~~
- e. ~~Any future proposed demolition to the front façade in order to expand the openings, and install any additional operable doors, windows or other storefront systems shall be permitted, subject to the review and approval of Planning staff consistent with the Design Review Criteria and/or the directions from the Board. The extent of all openings shall not exceed the façade area directly below the existing eyebrow. The existing eyebrow shall not be demolished.~~
- f. ~~The proposed vertical supports of the retractable rooftop canopy shall be spaced within the roof, centered and symmetrical to the existing front ziggurat feature on the front façade.~~
- g. ~~The retractable rooftop canopy shall be kept extended to cover the rooftop dining and bar area during nighttime operating hours.~~
- h. ~~The applicant shall explore incorporating more porthole-style windows along the south elevation of the proposed exterior stair and elevator, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.~~
- i. ~~The proposed exterior stairwell along the south elevation shall be flipped in orientation and only have direct access from inside the ground floor restaurant, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.~~
- j. The final design and detailing for the new awning proposed on the roof-top shall be provided, in a manner to be reviewed and approved by staff



consistent with the Design Review Criteria and/or the directions from the Board.

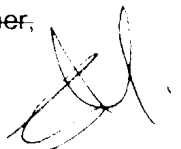
- ~~k. Wind screen or other extensions located on the side(s) of the rooftop pergola and awning, extending towards or near the ground shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.~~
  - l. The fabric material for the retractable awning umbrellas shall be canvas or sailcloth or like material, and the color shall be a solid neutral hue, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - m. A detailed rooftop lighting plan shall be provided. All roof-top lighting fixtures shall be designed to preclude light from spilling over to adjacent properties, in a manner consistent with the limits and requirements of the City Code, subject to the review and approval of staff.
  - n. All exterior building signage shall be composed of flush mounted, individual letters, and shall require a separate permit.
  - o. An air conditioned trash room(s) / garbage room(s), which shall be large enough or sufficient in number so that more than one pick up of garbage per day will not be necessary. The location, dimensions and access points of such trash/garbage room(s) shall be subject to the review and approval of staff.
  - p. All roof-top fixtures, air-conditioning units and mechanical devices proposed, shall be clearly noted on a revised roof plan and shall be screened from view with noise attenuating materials, in a manner to be approved by staff.
  - q. 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.
  - r. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
3. 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. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.



- b. 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.
  - c. The utilization of Silva Cells shall be used along both street frontages for all plantings and clearly delineated on a revised landscape plan.
  - d. The applicant shall install street trees on all sides of the project consistent with the City's Street Tree Master Plan, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and root barriers shall be installed along the sidewalk in conjunction with structural soils.
  - e. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
  - f. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
  - g. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
4. ~~Prior to the issuance of a Building Permit for the improvements proposed herein, the applicant shall submit a revised site plan and floor plan. At a minimum, such plans shall include the following:~~
- a. ~~An air conditioned trash room(s) / garbage room(s), which shall be large enough or sufficient in number so that more than one pick-up of garbage per day will not be necessary. The location, dimensions and access points of such trash/garbage room(s) shall be subject to the review and approval of staff.~~
  - b. ~~The route of all refuse containers from the trash / garbage room(s) to the sidewalk.~~
  - c. ~~A high-level trash/garbage compacting device may be located in the air-conditioned trash/garbage holding room within the facility.~~



- d. ~~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.~~
- e. ~~Garbage dumpster covers shall be closed at all times except when in active use.~~
5. ~~Prior to the issuance of a building permit for the improvements proposed herein, the applicant shall submit a detailed valet parking and delivery plan, which shall be subject to the review and approval of the Parking Department. At a minimum, such plan shall include the following:~~
- a. ~~The valet drop off shall be located in a designated off-street parking space, subject to the approval of the Parking Department.~~
- b. ~~The locations for all delivery vehicles shall be clearly delineated on a revised loading plan, and shall be subject to the review and approval of the Parking Department. Delivery vehicles shall only be permitted to make deliveries from designated loading zones and spaces approved by the Parking Department.~~
- c. ~~Delivery vehicles shall only be permitted to make deliveries from 8:00 AM to 2:00 PM.~~
- d. ~~Delivery trucks shall not idle in the loading zone.~~
6. ~~The Applicant agrees to the following operational conditions for all permitted 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.~~
- a. OPERATIONAL CONDITIONS
- i. ~~The Noise and Operational Conditions below are issued to the Applicant, TB Purdy Restaurant, LLC, ("Operator") as tenant and operator of the proposed restaurant on the property. Any change of the operator shall require review and approval by the Design Review Board as a modification of this approval. Subsequent operators shall be required to appear before the Board, within ninety (90) days of change of operator to affirm their understanding of the conditions listed herein. The Board reserves the right to determine the timing and need for future progress reports for the new operator.~~
- ii. ~~Within sixty (60) days of the issuance of the TCO or CO for the project, the Operator shall make a progress report to the Design Review Board. The Board reserves the right to modify the conditions of this 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.

- ~~iii. The hours of operation shall be within the hours of 11:30 AM to 12:00 AM on Sundays through Thursday and from 11:30 AM to 2:00 AM on Fridays and Saturdays. The outdoor portion shall close by 12:00 AM (midnight) daily.~~
- ~~iv. At all times the establishment is open, food service with a full menu and operating kitchen shall be required throughout the venue, including the roof-top area. At the discretion of the operator, the roof-top area may cease operations prior to the closing of the venue, and while the first level is operational.~~
- ~~v. The roof-top area shall be limited to restaurant service only, and shall only be open and operational when the first level of the establishment is open. The rooftop area shall not become a stand-alone drinking establishment or bar at any time.~~
- ~~vi. The patron occupant content shall be a maximum of 199 persons, or as determined by the Fire Marshall, whichever is lower.~~
- ~~vii. The number of seats within the confines of the property shall not exceed 140 and the number of seats on the adjacent sidewalk, if approved, shall not exceed 15.~~
- ~~viii. The sound system and sound attenuation measures shall be implemented as per recommendations of the sound system specifications submitted in the application. A final sound transmission report which includes the performance of sound systems and sound attenuation devices shall be submitted to staff for review and approval prior to a Certificate of Use or Business Tax Receipt for the entertainment portion is approved.~~
- ~~ix. Entertainment shall be prohibited at all times. On the rooftop and sidewalk, or any other exterior portion of the project, the sound system shall be turned off entirely by 10:00 PM Sunday thru Wednesday, 11:00 PM Thursdays and 12:00 AM (midnight) on Fridays and Saturdays.~~
- ~~x. Special events pursuant to the Miami Beach City Code, associated with the proposed establishment, may not be held on the premises and the applicant agrees that it will not seek or authorize applications for such permits.~~
- ~~xi. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.~~
- ~~xii. Any queuing of patrons shall occur within the property or inside the restaurant only. Security staff shall monitor the crowds to ensure that they do not obstruct the sidewalk.~~



~~xiii. Security staff shall monitor patron circulation and occupancy levels and shall take measures to strictly enforce patron age restrictions in the City Code at all times.~~

~~xiv. The applicant shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalk and the areas of the street adjacent to the property. When sweeping the sidewalk in front of the establishment, the personnel doing the sweeping shall ensure that they do not merely push the refuse in front of another building, but pick up all trash and dispose of it appropriately. In addition, at the end of business each day sidewalks shall be swept and hosed down.~~

In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.

## II. Variance(s)

- A. No variance(s) were filed as part of this application. ~~The variance, originally filed as part of this application, has been withdrawn by the applicant~~

## III. General Terms and Conditions applying to both 'I. Design Review Approval and 'II. Variances' noted above.

~~A. The Design Review Board (DRB) shall retain jurisdiction over this matter. The DRB or the Planning Director shall retain the right to call the owners and/or operators back before the DRB, at the expense of the owners and/or operators, to impose and/or modify the hours of operation, or amend or impose other conditions, should there be a valid violation (as determined by Code Compliance) including violations related to loud, excessive, unnecessary, or unusual noise or other conditions of this approval. An adverse adjudication of a violation against the owner or operator is not necessary for the board to have jurisdiction over the matter under this condition. This condition vests jurisdiction independent of any other condition hereof.~~

A. This Final Order consolidates all conditions and requirements for Design Review Approval set forth in the original Order dated January 15, 2016 and as modified herein. Accordingly, this Order shall serve as the Final Order for the proposed project and, in the event of a conflict between the provisions herein and those in the original Final Order, the provisions herein shall control.

B. 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.

C. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.

D. 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, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board.

- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. 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.
- G. 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 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.
- 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 Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Stiltsville Fish Bar: Roof Deck Addition", as prepared by **SAI Sustainable Architecture Initiative** dated, signed, and sealed May 11, 2020 and the revised roof plan pages 22 and 23 presented to the Design Review Board on July 22, 2020 as "Optional—If Required Canopy Over Bar Area", and as approved by the Design Review 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 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 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 shall 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 08 day of August, 2020.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
JAMES G. MURPHY  
CHIEF OF URBAN DESIGN  
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of August, 2020 by James G. Murphy, Chief of Urban Design, 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 Aug. 3, 2021

Approved As To Form:  
City Attorney's Office:

Doc. Signed by

( 8/7/2020 6:16 PM EDT

Filed with the Clerk of the Design Review Board on [Signature] 9/3/20

[Signature]