

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: June 7, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: Design Review File No. 18869  
**Block 51, 801-863 South Pointe Drive, 818-842 Commerce Street**  
**BLOCK 51: Restaurant Build-Out**

The applicant, Marea Retails LLC, is requesting Design Review Approval for design modifications to a previously approved Design Review Approval, including the deletion of a condition of the Final Order, in order to accommodate a new restaurant build-out at the ground floor.

#### **RECOMMENDATION:**

Approval with conditions

#### **LEGAL DESCRIPTION:**

Lots 4-9, and a portion of Lots 18, 29 and 30 and the 10 foot walk adjacent thereto, and Lots 19-28 and the 10 foot walk adjacent thereto, According to the Plat Thereof, as recorded in Plat Book 2 at Page 81, of the Public Records of Miami-Dade County, Florida.

#### **SITE DATA:**

Zoning:	CPS-1	Proposed seating:	202 seats (46 outside)
Future Land Use:	CPS-1	Proposed occupancy:	298 <b>*according to applicant</b>

#### **EXISTING STRUCTURE:**

The applicant is proposing exterior modifications to a new 7-story mixed-use project that was recently completed. The project, known as Marea, was originally approved by the Design Review Board on January 3, 2006. Exterior modifications were later approved by the DRB on July 3, 2012. The project incorporated mechanical lifts that were reviewed and approved by the Planning Board (PB File No. 2067) on May 22, 2012.

#### **THE PROJECT:**

The applicant has submitted plans entitled "New Restaurant for MBR Group" as prepared by **Charles H. Benson & Associates** signed sealed and dated April 15, 2016.

The applicant is proposing façade modifications to a seven-story building. Specifically, exterior alterations to portions of the ground floor retail component.

The following summarizes the proposed modifications:

- Modifications to a previously approved storefront system to accommodate a kitchen;
- Modifications to a previously approved storefront system to accommodate exterior venting (requiring a deletion of a condition in the original Final Order);
- Exterior movable planters.

The applicant is proposing to delete portions of the following condition of the July 3, 2012, Final Order:

*Condition 9(b)(vi): Outdoor cooking anywhere on the premises is prohibited. Kitchen and other cooking odors will be contained within the premises. All kitchens and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.*

**COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, may be inconsistent with the following sections of the City Code:

- The piano must be removed from the plans; live entertainment is not permitted in this location south of Fifth Street.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

**COMPLIANCE WITH DESIGN REVIEW CRITERIA:**

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.  
**Satisfied**
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Not Satisfied; the lighting specifications were not provided.**
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.  
**Satisfied**
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.  
**Satisfied**
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as

adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.

**Satisfied**

6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.

**Not Satisfied**

7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.

**Not Satisfied**

8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.

**Satisfied**

9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

**Satisfied**

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

**Satisfied**

11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

**Not Applicable**

12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

**Not Applicable**

13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of

being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

**Not Satisfied**

14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

**Not Applicable**

15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

**Not Applicable**

16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.

**Not Applicable**

17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

**Satisfied**

**STAFF ANALYSIS:**

The applicant is proposing design modifications to a previously approved seven-story building, specifically to the ground floor southwest corner commercial space for the interior build out of new restaurant. The original design featured ground level commercial uses along the majority of the ground floor fronting Alton Road, South Pointe Drive and Washington Avenue. A central pedestrian entrance plaza is still proposed near the center of the block on South Pointe Drive dividing the enclosed commercial areas in two and leading to the lobby space of the residential component of the development.

The applicant is developing the space with a new restaurant within the western shell of the ground floor. Since the entire ground floor of the development was designed with an undulating curtain wall, the applicant's proposed interior restaurant layout configures the kitchen along portions of the 'tadpole-shaped' floorplan where it is at its most narrow. The proposed modifications include blocking off of sixteen (16) of the sixty (60) storefront windows in order to accommodate the new kitchen area.

The following summarizes the proposed modifications:

- Modifications to a previously approved storefront system to accommodate a kitchen;
- Modifications to a previously approved storefront system to accommodate exterior venting (requiring a deletion of a condition in the original Final Order);
- Exterior movable planters.

In this particular instance, staff is supportive of the design modifications due the challenging tadpole shape of the retail space. The proposed kitchen is at the furthest distance from the

street (nearly 50'-0" to the sidewalk's edge). With regard to the installation of a kitchen flush against the existing glazing system within the building, the applicant is proposing to install a 3'-6" knee wall partition within the shell of the building along the storefront for approximately 60 linear feet, in order to conceal storage racks and kitchen tables contained within the kitchen. In this regard, staff would recommend that the application of the partition be approved, but would suggest the use of a black film material applied directly to the interior of the glass to obscure the areas.

Staff is not supportive of the proposed locations of the kitchen ventilation systems as depicted in the plans. While staff understands that since the building has been constructed and completed without an interior vertical chase, exhausting to the roof is not an option. Staff has worked with the architect to find a suitable option for the four vents (two intakes and two exhausts). As such, the applicant has designed the outtake vents to chase out through the ground floor shell of the gymnasium in the northwest portion of the building and onto the alley. Additionally, staff has worked with the applicant to find a suitable option for the proposed location of the intake ventilation that would be the least obtrusive to the curving glass storefront and least visible from the exterior. As such, staff is supportive of the deletion of portions of Condition 9(b)(vi) in the Final Order.

Further, staff has no objections to providing exterior movable planters. However, the final design details, including dimensions and location, shall be subject to the review and approval of staff.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria.

TRM/JGM

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

MEETING DATE: June 7, 2016

FILE NO: 18869

PROPERTY: **Block 51, 801-863 South Pointe Drive, 818-842 Commerce Street**  
**BLOCK 51: Restaurant Build-Out**

APPLICANT: Marea Retails LLC

LEGAL: Lots 4-9, and a portion of Lots 18, 29 and 30 and the 10 foot walk adjacent thereto, and Lots 19-28 and the 10 foot walk adjacent thereto, According to the Plat Thereof, as recorded in Plat Book 2 at Page 81, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for design modifications to a previously approved Design Review Approval, including the deletion of a condition of the Final Order, in order to accommodate a new restaurant build-out at the ground floor.

**SUPPLEMENTAL MODIFIED ORDER**

The applicant filed an application with the City of Miami Beach Planning Department for Design Review Approval and for one or more variances.

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 a 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 2, 6, 7, and 13 in Section 118-251 of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:
  - 1. All of the original conditions of approval by this Board shall remain in full force and effect under the Final Order dated January 3, 2006 and July 3, 2012 for DRB File No. 18869 except as modified herein:

Condition (9)(b)(vi). Outdoor cooking anywhere on the premises is prohibited. Kitchen and other cooking odors will be contained within the premises. ~~All kitchens and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.~~

2. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. The proposed partition wall shall be eliminated and replaced with a black matte film material applied directly to the interior of the glass and shall be limited to the areas identified on the plans. Such film shall be applied to all areas of the kitchen proposed to be flush against the storefront. The approval of the window tint shall be limited to the eleven storefront windows depicted in the submitted plans.
  - b. The mechanical venting shall not be permitted as proposed. The outtake ventilations shall chase out through the ground floor shell of the gymnasium in the northwest portion of the building and onto the alley. The intake ventilations shall be relocated to be the least obtrusive to the curving glass storefront and least visible from the exterior, in a manner to be reviewed and approved by staff.
  - c. The final design and details, including dimensions, materials, location and planting species, of all exterior movable planters shall be provided, and shall be subject to the review and approval of staff.
  - d. The final design and details of all exterior furniture and equipment associated with the outdoor seating component of the restaurant shall be provided, and shall be subject to the review and approval of staff.
  - e. Outdoor speakers shall be prohibited.
  - f. All signage shall require a separate permit. All future signage shall be designed as individual reverse channel letters with a brushed aluminum finish that can may or may not be backlit with/out a color, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - g. If any signage is projecting above or suspended below the proposed canopy, the signage shall be composed of individual pin-mounted lettering and all electrical conduits and exterior lighting elements shall be hidden from view. No exterior raceways shall be permitted.
  - h. A fully enclosed, air-conditioned trash room(s) shall be provided, which is sufficient to handle the maximum uses intended for the proposed restaurant. External dumpsters shall not be permitted.

- i. 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.
- j. 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

**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.

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

- A. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney. If there is a roadway or right-of-way between parcels, that parcel separated from the remaining development shall not be considered a unified development site and shall not be joined into the covenant in lieu of unity of title or unity of title for the actual unified development site.
- B. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- C. The Supplemental Modified Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.
- E. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- F. The Supplemental Modified Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.



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

H. 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 adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "New Restaurant for MBR Group" as prepared by **Charles H. Benson & Associates** signed sealed and dated April 15, 2016, 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 set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

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

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

