


# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members      DATE: August 2, 2016

FROM: Thomas R. Mooney, AICP   
Planning Director

SUBJECT: **DRB0616-0033**  
**1575 Alton Road**

The applicant, ARRP Miami IV LLC, is requesting Design Review Approval for the construction of a new one-story addition and exterior modifications and improvements to an existing one-story structure including the installation of an artistic super graphic, as well as variances to exceed the maximum allowable sign area and to exceed the aggregate sign area for signage facing 16<sup>th</sup> Street, and a variance to exceed the maximum allowable sign area for a sign facing Alton Road.

#### **RECOMMENDATION:**

Approval with conditions

Approval of the sign variances #1-3

Continue the artistic super graphic to a future meeting date

#### **LEGAL DESCRIPTION:**

Lots 11 & 12 of Block 65 of the "Commercial Subdivision", According to the Plat Thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

#### **SITE DATA:**

Zoning:	CD-2 Commercial, High Intensity
Future Land Use:	CD-2 Commercial, High Intensity
Lot Size:	15,000 SF
Existing FAR:	10,142 SF (0.68 FAR)
Proposed FAR:	12,194 SF (0.81 FAR)
Existing Use:	Service station
Proposed use:	Restaurant: 198 seats Bar: 78 seats Retail: 4,214 SF

#### **LAND USES:**

East: Alley / Three-story residential and commercial  
North: One-story fast food and drive-thru  
South: One-story retail  
West: One-story retail

#### **THE PROJECT:**

The applicant has submitted plans entitled "1575 Alton Road" as prepared by **NR Architect** dated, signed and sealed June 16, 2016.

The applicant is proposing exterior alterations to an existing one-story building in order to adaptively reuse the former 'Firestone' service station into four separate commercial tenancies. The primary space is for a new concept diner/restaurant that contains approximately 3,700 SF of

area. The other proposed tenants include a 1,500 SF cocktail bar located off of the alley, Lenox Court, and two retail spaces containing a total of approximately 4,500 SF of area. One of the retail tenants will house the southernmost portion of the old garage, while the other will be a new infill addition to a currently open covered area along the northeast corner of the site. An expansive covered outdoor dining area is also included in the front half of the property facing Alton Road. The applicant is also proposing the installation of an artistic super graphic along the east façade facing the alley.

Further, as part of the application the applicant is proposing a signage program that requires variances to exceed the maximum allowable sign area and to exceed the total aggregate sign area for signage facing 16<sup>th</sup> Street, and a variance to exceed the maximum allowable sign area for a sign facing Alton Road. There are two separate signs proposed for the diner/restaurant component of the redevelopment of this site: a projecting blade sign on 16<sup>th</sup> Street, and a wall sign that wraps around the corner of 16<sup>th</sup> Street and Alton Road.

1. A variance to exceed by 46 SF the maximum permitted sign area for a wall sign of 30 SF in order to permit one wall sign on the wall facing 16<sup>th</sup> Street for a total sign area of 76 SF.
  - Variance requested from:

**Section 138-172. Schedule of sign regulations for principal and accessory use signs.**

*CD-2 – Flat: 20 SF for the first 25'-0" of linear frontage, plus 1 SF for every 3'-0" of linear frontage over 25'-0" up to a maximum of 30 SF.*

The applicant is requesting a variance to install a wall sign that wraps around the existing one-story structure along 16<sup>th</sup> Street and Alton Road. The sign along the 16<sup>th</sup> Street façade is comprised of individually pin-mounted aluminum letters detailing the services of the diner—specifically the sign reads “PICK UP • SANDWICHES • SALADS • JUICES • COCKTAILS”. The aluminum letters are proposed to be 12” high and spans nearly 76'-0” in length along the façade resulting in a sign with 76 SF of area. Technically, however, the actual area that accounts for the copy of the signage is 48 SF.

Currently, the City’s signage ordinance restricts main business signs to a maximum area of 30 SF (based on the length of the wall). The City is in the process of amending the signage section of the Code to allow main business signs in commercial districts to have a larger signs based on the overall total length of the wall, which could result in signage that is more proportionate to the size of the façade in which they are installed upon. Under the proposed revisions, the sign facing 16<sup>th</sup> Street could have a total sign area of 100 SF. While the sign does not comply with the current Code regulations, the sign complies with the proposed amendments to the Code. Additionally, the ‘Firestone’ building already has a contributing sign that was recently renovated above the main roof line. The proposed signage program has been designed in a way that does not compete with the existing historic sign. As such, staff is supportive of the variance.

2. A variance to exceed by 12 SF the maximum permitted sign area for a wall sign of 25 SF in order to permit one wall sign facing Alton Road for a total sign area of 37 SF.
  - Variance requested from:

**Section 138-172. Schedule of sign regulations for principal and accessory use signs.**

*CD-2 – Flat: 20 SF for the first 25'-0" of linear frontage, plus 1 SF for every 3'-0" of linear frontage over 25'-0" up to a maximum of 30SF.*

The applicant is requesting a variance to install a wall sign that wraps around the existing one-story structure along 16<sup>th</sup> Street and Alton Road. The sign starts at the 16<sup>th</sup> Street façade (variance #1) and continues onto Alton Road underneath the existing porte-cochere. The wall sign facing Alton Road reads "DRINKS • BREAKFAST • LUNCH • DINNER". Again, the square footage of the sign is exacerbated by the spacing between the letters. When taken separately without the spacing the sign is approximately 27 SF. Staff is supportive of this sign since the sign is setback approximately 30'-0" from Alton Road, the scale is appropriate for the structure and the overall size of the sign is proportionate to the building. As such, staff is supportive of the variance.

3. A variance to exceed by 87 SF the maximum permitted aggregate sign area per storefront of 40 SF for a wall sign in order to permit one projecting sign, and two wall mounted signs with a combined area of 127 SF.

- Variance requested from:

**Section 138-172. Schedule of sign regulations for principal and accessory use signs.**

*CD-2 – Number: One sign per street frontage for each licensed principal and licensed accessory use, however, multiple signs for the same licensed establishment may be permitted through the design review procedure if the aggregate sign area does not exceed the maximum size permitted under this subsection.*

*Flat: Corner buildings may provide one combined sign instead of the two permitted signs. This sign shall be located on the corner of the building visible from both streets and shall have a maximum size of 40 square feet.*

The applicant is requesting a variance to exceed the maximum permitted aggregate sign area for one establishment. The applicant is proposing three individual signs for the Diner use: the two wall mounted signs facing Alton Road and 16<sup>th</sup> Street and the projecting arrow sign installed along the 16<sup>th</sup> Street building elevation. All of these signs—while they exceed the maximum aggregate area, all intended directly towards capturing the attention of the pedestrian. The projecting sign is proposed to be an illuminated sign in the shape of an arrow that reads 'Al's'. Multiple signs for the same licensed establishment may be permitted through the design review process, and staff finds the proposed signage program to be consistent and proportionate to the size of the building. Additionally, these signs will serve as a unique brand identifier, and will not create a neighborhood nuisance. Staff recommends approval of variances #1, #2, and #3.

**PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of the requested variances if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

Additionally, staff has concluded that the plans and documents submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

**CONSISTENCY WITH COMPREHENSIVE PLAN:**

A preliminary review of the project indicates that the proposed **commercial use** appears to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan.

**COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variances:

- 1- Sec. 138-204. - Artistic or super graphics.  
Artistic or super graphics and/or neon banding that have no commercial association are permitted, and may or may not face a street, with the approval of the design review board.
- 2- The proposed distribution of square footages as a result of the change of use within the existing structure and new infill addition may result in an increased parking requirement. A fee in lieu of providing parking may be paid to the city in lieu of providing required parking on-site, or within 500'-0" of the site. The exact square footages associated with each of the four proposed tenants shall be required and reviewed under Alton Road Parking District #6.

- 3- The proposed projecting sign that extends above and encroaches within the City sidewalk (16<sup>th</sup> Street) may require revocable right-of way permit(s) to be obtained from the Public Works Department and approved by the City Commission

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.

#### **ACCESSIBILITY COMPLIANCE**

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, Section 11 (Florida Accessibility Code for Building Construction). These and all accessibility matters shall require final review and verification by the Building Department prior to the issuance of a Building Permit.

#### **CONCURRENCY DETERMINATION:**

In accordance with Chapter 122 of the Code of the City of Miami Beach, the Transportation and Concurrency Management Division has conducted a preliminary concurrency evaluation and determined that the project does not meet the City's concurrency requirements and level-of-service standards. However, the City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management Division will make the determination of the project's fair-share mitigation cost.

A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

#### **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 is 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.  
**Not Satisfied; the applicant shall provide street trees along Alton Road.**
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.  
**Satisfied**
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.  
**Not Satisfied; the proposed signage requires multiple variances.**

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.  
**Not Satisfied; the proposed signage requires multiple variances.**
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.  
**Not Satisfied; the proposed signage requires multiple variances.**
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.  
**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.  
**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.  
**Not Satisfied; the applicant shall provide street trees along Alton Road.**
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.  
**Satisfied**

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).  
**Satisfied**
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.  
**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 satisfied, all mechanical equipment located above the main roof line shall be centrally located on the roof and enclosed/screened from public view.**
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).  
**Satisfied**
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.  
**Satisfied**
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:**  
**DESIGN REVIEW**

The subject site is the southeast corner of Alton Road and 16<sup>th</sup> Street that contains the former 'Firestone' service station. The existing one-story structure was constructed in 1939 by Zurwelle and Whitaker as a filling station for Firestone Tire & Rubber Company and remained in continuous operation until the start of 2016. With the exception of filling in some of the original window openings, the original structure remains intact. The applicant seeks to capitalize on the immediate recognition of the architecture on the highly visible corner site and adaptively reuse the building, converting it to a mix of retail tenants. The existing shell of the interior is proposed to be subdivided into three separate commercial tenants and a new ground floor addition is proposed. The scalloped cantilevered porte-cochere and 'Firestone' roof sign are proposed to be restored and maintained to be incorporated into the development.

New window openings are proposed along 16<sup>th</sup> Street in order to open up the northern wall of the building which will turn an otherwise windowless and unpleasant pedestrian sidewalk experience into a transparent and active engagement of the street. All of the windows will be replaced, including the operable garage door systems. A new one-story infill addition with glass

storefront system facing 16<sup>th</sup> Street is proposed in the northeast portion of the site where the previous car storage area used to be located. Several new doorway openings are proposed in the east elevation along the alley. The new 16<sup>th</sup> Street windows are proposed to be fixed storefronts with the exception of the pick-up window. The diner's bar area is located over 18'-0" from the operable garage door, so that noise from inside the establishment would be further buffered by the green trellis canopy proposed in front of the operable door, the extensive private front yard and the width of the Alton Road corridor.

The other main component of the project involves exterior improvements to the outdoor covered front area of the property. The applicant proposes to convert the prior automobile pull-up areas along Alton Road into an active restaurant covered seating area designed with planters, exterior lighting, and includes a new trellis with green roof. While staff is extremely supportive of the beautification and overall improvement of the corner conditions through the removal of the surface parking area and elimination of the continuous curb-cut from Alton Road, aspects of the proposed area are not detailed and the arrangement of the café seating and certain outdoor components are unclear. Staff would recommend further design development of this portion of the application.

A small existing eyebrow is proposed to be expanded along the northern wall and extend to the proposed window opening of the kitchen, identified as 'Pick Up'. Staff is supportive of the eyebrow, but would recommend that the proposed 'Pick Up' window be relocated to an area under the porte-cochere to better accommodate the potential queuing of people since the sidewalk along 16<sup>th</sup> Street is only approximately 8'-0" in width. Also, two new 4" cornices with inset LED lighting are proposed along the top of the two retail bays, one along Alton Road and one along 16<sup>th</sup> Street, which is also supportive by staff.

Collectively, staff believes that all of these concerns can be addressed administratively, with the exception of the artistic super graphic (see below), as indicated in the recommendation for approval below.

### **SUPER GRAPHIC REVIEW**

Staff generally has no objections to the initial concept of the installation of an artistic super graphic along the exterior facing east elevation of the building, especially when the interventions activate otherwise blank featureless wall. This east elevation does not have a high degree of visibility due to its positioning adjacent to the alley.

The designer, Robert McKinley, is highly recognized for working in a wide spectrum of hospitality venues in recent years, including The Hall in Miami Beach, Marion in Miami, and GoldBar and The Surf Lodge in Montauk. In addition to designing the interior space of the main diner component of the project, he will also be designing the exterior space—including the artistic mural. The proposed artwork is a dark green wall with a series of graphic palm trees of varying heights. Staff would recommend an overall tonal switch to a more muted black, white and grey palette and an inclusive refinement of the palm tree content. Additionally, the designer should explore wrapping the super graphic around onto the south wall of the building that overlooks the parking lot of the neighboring retail strip mall. Staff would recommend that the artistic super graphic portion of this application be continued to a future meeting date, in order to address the aforementioned concerns.

### **VARIANCE REVIEW**

As identified under the 'Project' description, the three variances have been analyzed for the site, with specific attention given to the location, size and siting of the building on which the signage



is proposed. The installation of projecting signs is a more strategic marketing tool for increased visibility to pedestrians on the intersecting side streets. Blade signs are the appropriate signage intervention on the north side of the building while a wall sign on the north wall and west wall will work best.

Staff would note that the purpose of the signage ordinance, as stated in section 138-1 of the City Code, is “to permit signs that will not by their size, location, construction, number or manner of display, endanger the health, safety and general welfare of the public or the appearance of the city. It is also the purpose of this chapter to encourage signs that are architecturally aesthetic and compatible with the buildings they are placed on, to reduce traffic hazards and to preserve the right of free speech exercised through the use of signs.”

Article 1, Section 2 of the Related Special Acts authorizes the granting of variances by the Board where there are practical difficulties in the way of carrying out the strict letter of the zoning Ordinance, to modify the regulations so that the spirit of the zoning Ordinance is observed, public safety and welfare secured, and substantial justice done. Due to the size and location of the building, staff believes that the variances requested are consistent with the spirit of the signage ordinance and that practical difficulties exist that justify the variance requests.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the application, with the exception of the Design Review approval for the artistic super graphic, be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and Practical Difficulty and Hardship criteria. Staff recommends that the artistic super graphic application be continued to a future meeting date of **October 10, 2016**.

TRM/JGM

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

MEETING DATE: August 2, 2016

FILE NO: DRB0616-0033

PROPERTY: **1575 Alton Road**

APPLICANT: ARRP Miami IV LLC

LEGAL: Lots 11 & 12 of Block 65 of the "Commercial Subdivision", According to the Plat Thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

IN RE: The applicants, ARRP Miami LLC, 1212 Lincoln, LLC, and Wells Fargo Bank, are requesting Design Review Approval for the construction of a new one-story addition and exterior modifications and improvements to an existing one-story structure including the installation of an artistic super-graphic, as well as variances to exceed the maximum allowable sign area and to exceed the aggregate sign area for signage facing 16<sup>th</sup> Street, and a variance to exceed the maximum allowable sign area for a sign facing Alton Road.

**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 1, 3-5, 10, and 14 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. The artistic super graphic shall not be permitted as currently proposed. Further design development and details of the proposed artistic super graphic shall be required.

2. Revised elevation, site plan and floor plan drawings shall be submitted to and reviewed by staff, at a minimum, such drawings shall incorporate the following:
  - a. The proposed canopy with green roof shall be made of concrete with plant bed depth of sufficient size to accommodate landscaping. The applicant shall provide a cross section of the planter and clarify dimensions. Sufficient depth of soil shall be provided for the proposed canopy roof to ensure the proper health and growth of all landscape materials. The final design and details of the proposed exterior canopy structure shall be provided and to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - b. All new exterior building signage shall be composed of pin-mounted, individual letters, and shall require a separate permit. The final font selection for the proposed wall signage shall be subject to the review and approval of staff
  - c. The proposed 'Pick-Up' window be relocated to an area under the existing porte-cochere to better accommodate queuing of people.
  - d. A double door vestibule shall be maintained at the back entrance of the cocktail lounge along the alley.
  - e. All window frames shall be composed of brushed anodized aluminum frames. All windows shall consist of clear glass, 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.
  - f. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be configured to be as close to the center of the roof as possible and screened from view on all sides, in a manner to be approved by staff.
  - g. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from any glass or opening of the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes only.
  - h. All electrical conduits, sprinkler lines and sprinkler heads located within the proposed canopy shall be contained within the roof slab of the structure and shall not be surface mounted wherever visible from the public right of way or wherever they may otherwise have an adverse aesthetic impact upon the design integrity the structure, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - i. All electrical conduits, exterior lighting elements and sprinkler lines and sprinkler heads located within the existing scalloped porte-cochere shall be

contained within the concrete structure of the slab and shall not be surface mounted wherever visible from the public right of way or wherever they may otherwise have an adverse aesthetic impact upon the design integrity the structure, 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 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.
- k. 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. All outdoor seating shall be constructed of metal, or high quality recycled plastic. Upholstered chairs, benches, booths, banquettes, picnic tables, sofas or other strikingly bright or vivid colored chairs shall not be permitted.
- l. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit
- m. Outdoor speakers shall be prohibited.
- n. The entire ground exterior paving system of the project and its design and detailing, shall be clearly identified with all colors, textures and materials, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- o. The final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- p. The two new 4" cornices with inset LED lighting shall be permitted as proposed. The color of the LED lighting may alternate periodically, but shall remain static. The final design details shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- q. All kitchen ventilation shall be chased through the interior of the building to the roof. No exhaust ducts or vents shall be permitted on any building elevations.
- r. The final design and details including irrigation plans of the proposed green roof of the canopy shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- s. With the exception of recessed LED lighting within each scallop of the existing porte-cochere, there shall be no lights of any kind appended to the underside of the existing porte-cochere.

- t. There shall never be any plastic, vinyl or other material extensions located on the side(s) of the porte-cochere extending towards or near the ground.
  - u. Any hanging or strung lighting or any other device or improvement affixed or detached to the new canopy shall be provided, and shall be subject to the review and approval of staff.
  - v. A fully enclosed, air-conditioned trash room shall be provided, which is sufficient to handle the maximum uses intended for the proposed structure. External dumpsters shall not be permitted.
  - w. An exterior lighting plan shall be designed and demonstrate that all site lighting shall be contained within the subject property and that none shall shine into the neighboring properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - x. All exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff consistent with the Design Review Criteria and/or the directions from the Board.
  - y. 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.
  - z. 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. Further design development and details of the proposed green roof canopy shall be required including a detailed landscape plan with specification for the landscape material. The final layout and design of the canopy and accompanying landscape shall be subject to the review and approval of staff.
  - b. Sufficient depth of soil shall be provided for all proposed roof deck landscaping to ensure the proper health and growth of all landscape materials, in a manner to be reviewed and approved by staff.
  - c. A fully automatic irrigation system with 100% coverage and an automatic rain sensor will be required 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.

- d. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- e. The applicants shall install street trees along Alton Road 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.
- f. The applicants shall install, at minimum, 6 bicycle racks to be distributed along Alton Road subject to review and approval of FDOT and the Public Works and Planning Department, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. All short term Bicycle racks shall be located in a highly visible location near the main entrances to the use.
- g. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow prevention devices. Backflow prevention devices shall not be permitted within any required yard or any area fronting a street or sidewalk, unless otherwise permitted by the Land Development Regulations. The location of all backflow prevention devices, and how they are screened 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. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all post-indicator valves (PIV), fire department connections (FDC) and all other related devices and fixtures, which shall be clearly indicated on the site and landscape plans.
- h. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for 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.

**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. The applicant filed an application with the Planning Department for the following variance(s):
  - 1. A variance to exceed by 46 SF the maximum permitted sign area for a wall sign of 30 SF in order to permit one wall sign on the wall facing 16<sup>th</sup> Street for a total sign area of 76 SF.

2. A variance to exceed by 12 SF the maximum permitted sign area for a wall sign of 25 SF in order to permit one wall sign facing Alton Road for a total sign area of 37 SF.
  3. A variance to exceed by 87 SF the maximum permitted aggregate sign area per storefront of 40 SF for a wall sign in order to permit one projecting sign, and two wall mounted signs with a combined area of 127 SF.
- B. The applicants have submitted plans and documents with the application that satisfies Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

Additionally, staff has concluded that the plans and documents submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

- C. The Board hereby **Approves** the Variance request(s), and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:
1. 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 of the modified plans, even if the modifications do not affect variances approved by the Board.



The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

**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. 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.
- C. The proposed projecting signs that extend above and encroach within the City sidewalk may require revocable right-of way permit(s) to be obtained from the Public Works Department and approved by the City Commission
- D. 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.
- E. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. 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.
- H. 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.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. 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 "1575 Alton Road" as prepared by **NR Architect** dated, signed and sealed June 16, 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

BY: \_\_\_\_\_  
DEBORAH J. TACKETT  
DESIGN AND PRESERVATION MANAGER

