

MIAMI BEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: September 6, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB0716-0044
1801 West Avenue

The applicant, Soul Tavern 1 LLC, is requesting Design Review Approval for exterior design modifications and improvements to an existing one-story structure including the creation of new window and door openings, the construction of new structures, a new entrance feature, the installation of new landscaping features and the elimination of surface parking, in order to accommodate a new restaurant build out.

RECOMMENDATION:
Approval with conditions

LEGAL DESCRIPTION:

Lot 15 of Block 12 of Island View Subdivision, According to the Plat Thereof, as Recorded in Plat Book 6, Page 115, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning:	I-1, Urban Light Industrial District
Future Land Use:	I-1
Lot Size:	8,000 SF (80x100)
Existing FAR:	3,876 SF (0.48)
Proposed FAR:	3,783 SF (0.47)
Permitted FAR:	1
Height:	18'-3"
Existing Use:	Office with surface parking lot
Proposed Use:	
Adjacent Retail:	Not identified SF
Restaurant:	80 seats 284 Occ. Load* (*as indicated by the applicant)

Surrounding Properties:

East: Hand car wash
North: 1-story commercial/industrial
South: Office Depot
West: Fresh Market

THE PROJECT:

The applicant has submitted plans entitled "Soul Tavern", as prepared by **Pravda Architecture/Design**, dated signed and sealed 7/15/16.

The applicant is proposing façade modifications and site plan improvements to an existing one-story office building story building.

The following summarizes the proposed modifications:

- Removal of portions of the wall along the southern and western frontage in order to install new door and operable garage door/window openings;
- Removal of existing asphalt and concrete paving and installation of landscaping and exterior entry trellises and other features including outdoor lighting and seating.

CONSISTENCY WITH COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **commercial use is 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 variance:

- *Section 142-483 of the City Code*, The entire exterior terrace and new outdoor garden will need to be counted towards the OCC. load calculations since all these areas are proposed as part of the restaurant space. Based on the square footages of the areas [4,224 SF enclosed structure + 2,232 SF of paving area], this project may exceed the allowable threshold and may require a CUP from the Planning Board prior to permitting.
- Clarify the use of the back area. In order for this area not to count towards the restaurant area it needs to be complete separate from the restaurant's back-of-house area.

This shall not be considered final zoning review or approval. All zoning matters shall require final review and verification by the Zoning Administrator.

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.
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.
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.
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.
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.

Not Satisfied; the loading area and trash enclosure is not acceptable. No bicycle racks have been provided.

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.
Not Satisfied; a lighting plan and photometric plan have not been submitted.
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.
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.
Satisfied
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.
Not Satisfied

STAFF ANALYSIS:
DESIGN REVIEW

The subject site is the northeast corner of 18th Street and West Avenue that contains a former one-story office building with surface parking area in the Sunset Harbor Neighborhood. The subject parcel is zoned Industrial (I-1). The existing one-story structure was constructed in 1983 and is mostly windowless and nondescript structure. With the exception of filling in some of the original window openings, the original structure remains intact. The applicant seeks to adaptively reuse the building, converting the majority of the structure into a restaurant. The existing shell of the interior is proposed to be subdivided into two (2) separate commercial tenants and a new exterior features are proposed.

New window openings are proposed along the southern façade (18th Street) in order to open up the windowless wall of the building which will turn an otherwise stark architecture into a transparent and active engagement of the proposed onsite exterior dining and garden area. All of the windows will be replaced with operable garage door systems. The restaurant's bar area has not been identified but staff would recommend that any interior bar counter be located a minimum of 20'-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 doors, the extensive private front yard along 18th Street.

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 surface parking area along 18th Street into an active restaurant covered seating area designed with planters, exterior lighting, and includes a new trellises and dining platform. 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 multiple curb-cuts from 18th Street, and overall 'greening' of the site.

The entire exterior terrace and new outdoor garden will need to be counted towards the occupant load calculations since all these areas are proposed as part of the restaurant space. Based on the square footages of the areas [4,224 SF enclosed structure + 2,232 SF of paving area], this project may exceed the allowable threshold and may require a CUP from the Planning Board prior to permitting.

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: September 6, 2016

FILE NO: DRB0716-0044

PROPERTY: **1801 West Avenue**

APPLICANT: Soul Tavern 1 LLC

LEGAL: Lot 15 of Block 12 of Island View Subdivison, According to the Plat Thereof, as Recorded in Plat Book 6, Page 115, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for Design Review Approval for exterior design modifications and improvements to an existing one-story structure including the creation of new window and door openings, the construction of new structures, a new entrance feature, the installation of new landscaping features and the elimination of surface parking, in order to accommodate a new restaurant build out.

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 8, 9, 10, and 17 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. 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 trellises shall be made of a high-quality and durable material with members of sufficient size to accommodate the proposed 'Confederate

Jasmine' landscaping. The final design and details of the proposed exterior structures 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. 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.
- d. The final design and details, including dimensions, materials, location and height of decking, of the exterior dining terrace and new outdoor garden shall be provided and to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- e. The entire exterior terrace and new outdoor garden will need to be counted towards the occupant load calculations since all these areas are proposed as part of the restaurant space. This project may exceed the allowable threshold and may require a CUP prior to permit approval.
- 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. The proposed roll-up shutters shall not be permitted. Roll-up or accordion shutters may be permitted if they are integrated into the interior of the wall and are not visible on the exterior.
- h. 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.
- i. 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.
- j. 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.

- k. 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.
- l. Entertainment shall be prohibited at all times on the outside area.
- m. Outdoor speakers shall be prohibited.
- n. No outdoor bar counter is permitted.
- o. All interior bar counters shall be setback a minimum of twenty (20') feet from any proposed garage door 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.
- p. 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.
- q. 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.
- r. 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.
- s. There shall never be any plastic, vinyl or other material extensions located on the side(s) of the trellises extending towards or near the ground.
- t. Any hanging or strung lighting or any other device or improvement affixed or detached to the new trellises shall be provided, and shall be subject to the review and approval of staff.
- u. The exterior trash enclosure shall not be permitted as proposed. A fully enclosed, air-conditioned trash room shall be provided and incorporated into the shell of the building, which is sufficient to handle the maximum uses intended for the proposed structure. External dumpsters shall not be permitted.
- v. 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.
- w. 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.

- x. 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.
 - y. 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.
2. 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. The landscape plan shall incorporate a continuous landscape strip, at minimum width of 7'-6", along the eastern edge of the exterior property extending from the sidewalk edge to the exterior building edge. This may require the relocation of the loading space further to the west of the current location.
 - b. 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.
 - c. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
 - d. The applicants shall install street trees along 18th Street and West Avenue 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 applicants shall install, at minimum, 6 bicycle racks to be distributed along the sidewalks 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.
 - f. 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.

- g. 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. 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. 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.
- 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. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- 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 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 "Soul Tavern", as prepared by **Pravda Architecture/Design**, dated signed and sealed 7/15/16 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
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:
City Attorney's Office: _____ ()

Filed with the Clerk of the Design Review Board on _____ ()