

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 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 16th 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 revised artistic super graphic presented at the August 2, 2016 and identified as 'Option B' shall be permitted as proposed, and incorporate a more sensitive transition onto a portion of the south façade 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.

- a. The artistic mural shall be maintained by the applicant, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. ~~The final exterior surface color scheme of the artistic super graphic, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.~~
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 a high-quality and durable material 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 use of the sidewalk for the purpose of queueing adjacent to the walk-up window is permissible, provided that the free flow of pedestrian traffic is maintained unobstructed at all times.
 - d. The sale or service of alcoholic beverages of any kind shall be prohibited from the walk-up window.
 - e. The proposed 'Pick-Up' area shall be recessed a minimum of 3'-0" from the sidewalk on 16th Street, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - f. Within ninety (90) days of the issuance of the TCO or CO for the diner portion of the project, the Operator shall make a progress report to the Design Review Board. The Board reserves the right to modify the conditions of this approval as it pertains to the pick-up window at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems such as hours of operation, queuing, and the use of the pick-up window along 16th Street.
 - g. A double door vestibule shall be required at the back entrance of the cocktail lounge along the alley.



- h. 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.
- i. 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.
- j. 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.
- k. 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.
- l. 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.
- m. 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.
- n. 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.
- o. 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
- p. Outdoor speakers shall be prohibited.
- q. No outdoor bar counter is permitted.



- r. 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.
- s. 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.
- t. 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.
- u. 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.
- v. 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.
- w. 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.
- x. 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.
- y. 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.
- z. 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.
- aa. 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.
- bb. 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.

- cc. 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.
 - dd. 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 green roof canopy 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 16th 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 satisfy 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 the supplemental sheet presented at the August 2, 2016 meeting, identified as 'Option B' for the artistic super graphic 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.

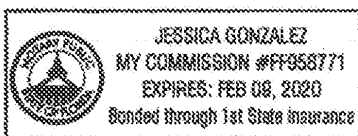
Dated this 8th day of August, 2016.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY [Signature]
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 10th day of August, 2016 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.



[Signature]
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 2-9-20

Approved As To Form:
City Attorney's Office: [Signature] (8/10/16)

Filed with the Clerk of the Design Review Board on [Signature] (8/10/16)