

METRO ORD. #75-34

RECERTIFICATION DATE: 9-15-76

Owner MISS M. HALE Mailing Address Permit No. 506 - repairs  
 Lot 10 Block 51 Subdivision Ocean Beach #3 No. 850 Street Commerce St Date June 14-1923 \*  
 General Contractor Owner Address 1542 4203-09-210  
 Architect Address 30 041113 C/3/76 Q  
 Front Depth Height Stories Use APARTMENTS - Repairs  
 non-conforming  
 Type of construction Frame Cost \$ 250.00- repairs Foundation concrete Roof Comp-

Plumbing Contractor Harry Markowitz Address Date Jan. 3-1928

No. fixtures 2 Rough approved by Date

No. Receptacles

Plumbing Contractor Address METRO ORD. #75-34

No. fixtures set Final approved by Date RECERTIFICATION DATE: 8-7-87

Sewer connection Septic tank Make Date

Electrical Contractor Address Date

No. outlets Heaters Stoves Motors Fans Temporary service

Rough approved by Date

Electrical Contractor Address Date

No. fixtures set Final approved by Date

Date of service

Alterations or repairs # 11119- Opening up wall for plumbing work- owner- \$ 100.00 Date May.5-1938 -  
 Plumbing permit # 10969- Henry Flattery- 24 fixtures- - - - May 6- 1938  
 Plumbing permit # 13058: H. March: 1 gas heater GAS -OK Bell - 1 outlet- 2/7/1940 2/7/1940  
 BUILDING PERMIT # 16909 - Re-roofing \$300 Youngblood Roofing Company - June 30,1942

BUILDING PERMIT # 28206 Asbestos siding - Dixie Home Improvement Company \$ 1,360...Sept. 9, 1948  
# 33847 Repairs - stormdamage- Norman Rubinson, contr. \$ 300...Oct. 24, 1950  
#71563 Palmer Roofing Co.: Reroof - \$487. - 5/11/64

#00843-Miami Beach Guarantee Exterminating-Fumigation-4-10-72

PLUMBING PERMITS # 31610 Miami Beach Plumbing (Pates) 1 Sink, 1 Grease trap, 1 Gas range, May 8, 1951  
Final OK Rothman 5-11-

# 36242 Economy Plumibing: 2 lavatories: 8/5/54 OK, Rothman 8/9/54

# 36282 Economy Plumbing: 2 lavatories: 8/5/54

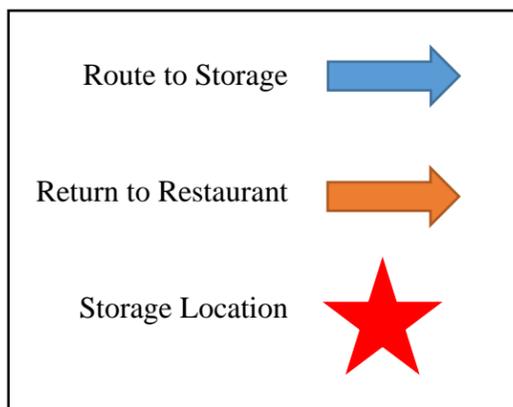
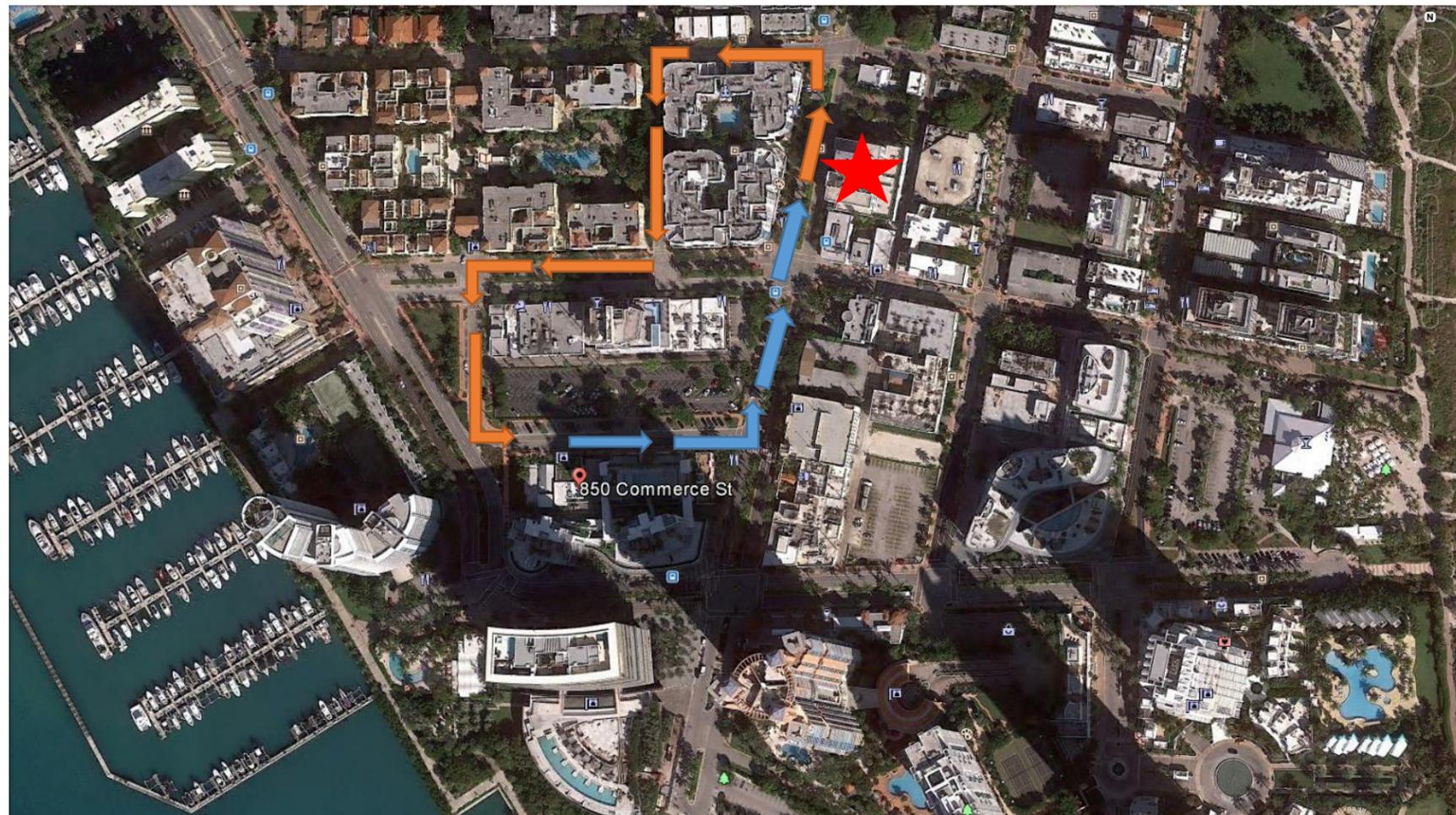
#49358-People Gas System- 1 connect dryer-8-22-72

ELECTRIC #54987 Astor Elec: 2 appliance outlets, 1 center of distrib, 1 service equip, 1 meter change, 1 violation-4/8/60OK5/2/60 Newbold

#73257- Ocean Electric- Violation Removed \$3 7-9-76

#73403-Ocean Electric- fire alarmm syste; 4 pull stations, 2 bells, 1 maseer panel; 2 emergency lgts-8-31-

850 Commerce Street  
**EXISTING** Valet Route to 119 Washington Avenue



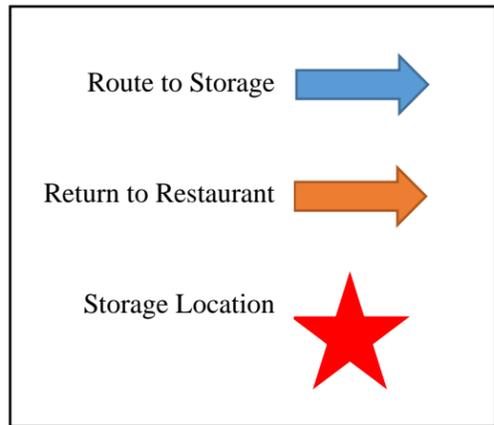
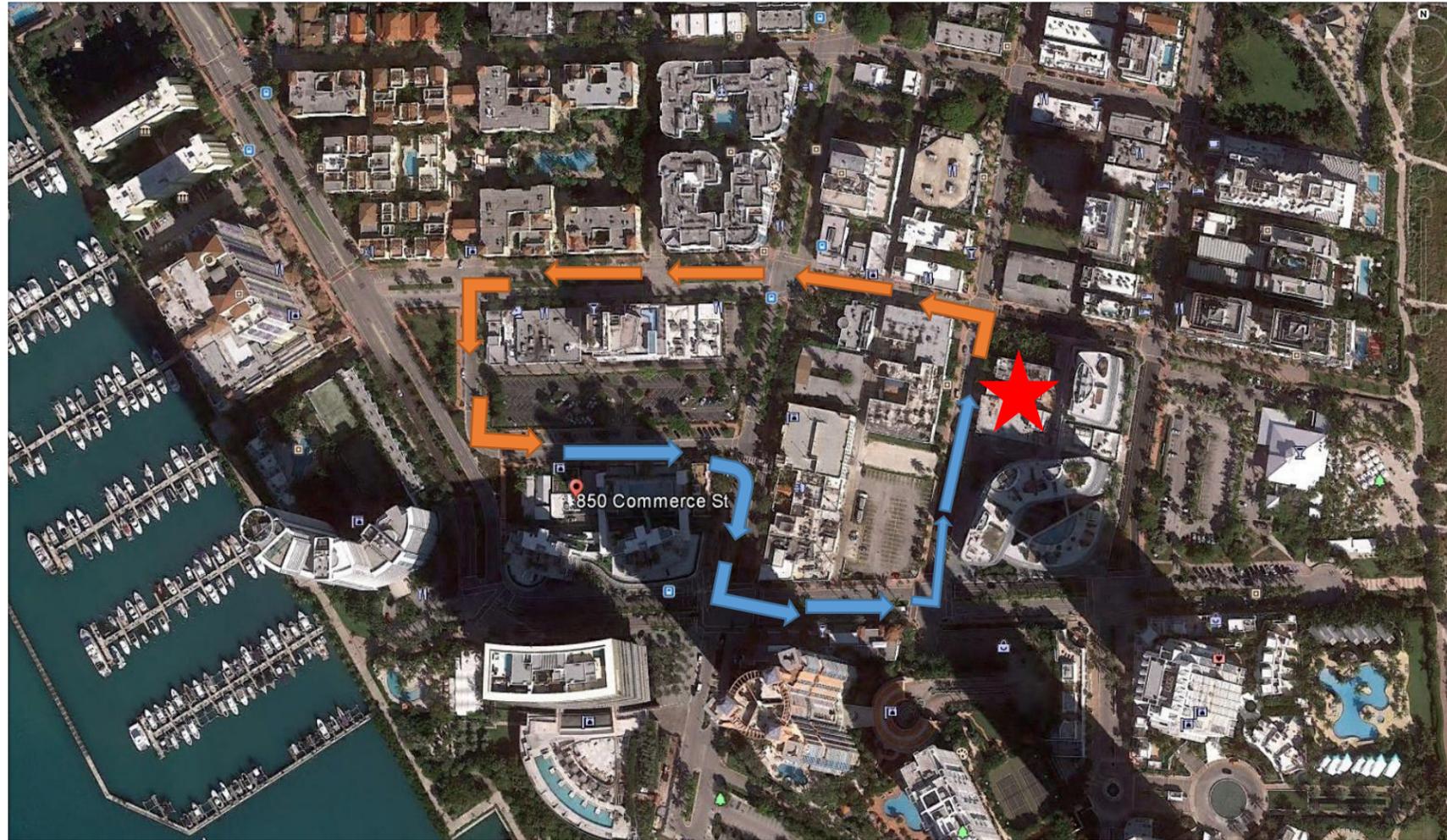
Route to Storage

- Straight (east) on Commerce Street
- Left (north) on Washington Avenue
- Arrive at storage

Return to Restaurant

- Right (north) on Washington Avenue
- Left (west) on 2<sup>nd</sup> Street
- Left (south) on Meridian Avenue
- Right (west) on 1<sup>st</sup> Street
- Left (south) on Jefferson Avenue
- Left (east) on Commerce Street
- Arrive at restaurant valet stand

850 Commerce Street  
**PROPOSED** Valet Route to 49 Collins Avenue



Route to Storage

- Straight (east) on Commerce Street
- Right (south) on Washington Avenue
- Left (east) on S. Pointe Drive
- Left (north) on Collins Avenue
- Right (east) into 49 Collins Avenue
- Arrive at Storage

Return to Restaurant

- Right (north) on Collins Avenue
- Left (west) on 1<sup>st</sup> Street
- Left (south) on Jefferson Avenue
- Left (east) on Commerce Street
- Arrive at restaurant valet stand

**850 Commerce Street  
DRB File No. 22868**

**MODIFIED CONDITIONS OF APPROVAL**

~~8. The Applicant agrees to the following operational conditions for all permitted uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment.~~

~~a. OPERATIONAL CONDITIONS~~

~~i. The Noise and Operational Conditions below are issued to the Applicant, Commerce Street Properties, LLC, and 850 Commerce Restaurant, LLC ("Operator") as tenant and operator of the proposed restaurant on the property. Any change of the operator shall require review and approval by the Design Review Board as a modification of this approval. Subsequent operators shall be required to appear before the Board, within ninety (90) days of change of operator to affirm their understanding of the conditions listed herein. The Board reserves the right to determine the timing and need for future progress reports for the new operator.~~

~~ii. Within ninety (90) days of the issuance of the TCO or CO for the project, the Operator shall make a progress report to the Design Review Board. The Board reserves the right to modify the conditions of this approval at the time of a progress report in a non-substantive manner, to modify the hours of operation, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports.~~

~~iii. The hours of operations shall be as follows:~~

~~Sunday—Thursday:~~

~~Inside—11:30 a.m.—2:00 a.m.~~

~~Outside—11:30 a.m.—2:00 a.m.~~

~~Friday—Saturday:~~

~~Inside—11:30 a.m.—2:00 a.m.~~

**850 Commerce Street  
DRB File No. 22868**

**MODIFIED CONDITIONS OF APPROVAL**

~~Outside—11:30 a.m.—2:00 a.m.~~

- iv. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
- v. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.
- vi. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that no more than one pick up of garbage per day will be necessary.
- vii. Garbage dumpster covers shall be closed at all times except when in active use.
- viii. Garbage pickups and service deliveries shall not take place between 7PM and 8AM.
- ix. Outdoor cooking anywhere on the premises is prohibited. Kitchen and other cooking odors will be contained within the premises. All kitchens and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.
- x. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
- xi. The Operator shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalks, curb and gutter on Commerce Street and around the perimeter of the property in excellent condition, keeping these areas in a clean condition, free of all refuse, at all times.

**850 Commerce Street  
DRB File No. 22868**

**MODIFIED CONDITIONS OF APPROVAL**

- xii. The Operator will make best efforts to ensure that patrons wait inside the building ~~or under the fixed canopy and the green roof structure~~ while waiting to be seated and for valet pick-up.
- ~~xiii. When the outdoor courtyard is covered with the green roof containing skylights, fixed canopy and concrete eyebrow (collectively the "green roof structure"), and the sound system is completely installed but before the Business Tax Receipt has been issued, the sound system shall be tested under the supervision of a qualified acoustical consultant acceptable to Planning staff, to ensure that noise generated underneath the green roof structure does not leak up through the green roof structure and that all aspects of the sound system's performance comply with the design intent of this application. A final report issued by such acoustical consultant shall be submitted to staff.~~

b. NOISE CONDITIONS

- i. No outdoor bar counters shall be permitted on the premises.
- ~~ii. The Design Review Board (DRB) or the Planning Director shall retain the right to call the owners and/or operators back before the DRB, at the expense of the owners and/or operators, to impose and/or modify the hours of operation, or amend or impose other conditions, should there be a valid violation (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise or other conditions of this approval. An adverse adjudication of a violation against the owner or operator is not necessary for the board to have jurisdiction over the matter under this condition. This condition vests jurisdiction independent of any other condition hereof.~~
- ~~iii. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended, shall be deemed a violation of this approval and subject the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code, and subject the~~

**850 Commerce Street  
DRB File No. 22868**

**MODIFIED CONDITIONS OF APPROVAL**

~~applicant to the review provided for in the first sentence of this subparagraph.~~

- iv. Exterior speakers, except those required to address Building and Life Safety Code, shall not be attached to the exterior of any building or structure on the property. Small, ground level speakers may be permitted, but only for ambient, back ground music, which does not interfere with normal conversation.
- v. All music played at the establishment, both inside and outside, shall be limited to ambient, background music.
- ~~vi. The installation plan for the sound system, including the location of all the speakers and sound system controls shall be submitted to staff for review and approval prior to obtaining a building permit.~~
- ~~vii. The restaurant shall close the outdoor dining area and the exterior door system on the west elevation of the existing structure, if approved, and turn off the outdoor speakers by 11:00 p.m., Sunday – Thursday, and 12:00 a.m., Friday – Saturday. Neither patrons nor staff shall open the exterior door system or access the outdoor dining area after these times, except for emergencies.~~
- viii. No outdoor live music shall be permitted at any time, inclusive of percussion, musical instrument, or vocal.
- ix. No DJ shall be permitted inside or outside the establishment.
- x. Liquor served outside shall only be served with meals at outdoor tables.
- xi. Entertainment establishments, as well as dance halls, as defined in the Miami Beach City Code, shall be prohibited, and the applicant will not seek permits therefore.
- xii. Commercial use of any rooftop throughout the property shall be prohibited.