

**MIAMIBEACH**  
PLANNING DEPARTMENT  
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: March 01, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: Design Review File No. 23242  
**1334-1346 Alton Road**

The applicant, 1346 Alton LLC, is requesting Design Review Approval for façade modifications and exterior building improvements including a new front canopy and new elevator to two existing two-story buildings as part of a change of use of such buildings to a commercial use.

**Recommendation:**  
Approval with conditions

**LEGAL DESCRIPTION:**

**1334 Alton Road:** Lot 5 of Block 81 of the "Third Commercial Subdivision", According to the Plat Thereof, as recorded in Plat Book 7 at Page 160, of the Public Records of Miami-Dade County, Florida.

**1346 Alton Road:** Lot 6 of Block 81 of the "Third Commercial Subdivision", According to the Plat Thereof, as recorded in Plat Book 7 at Page 160, of the Public Records of Miami-Dade County, Florida.

Zoning District:	CD-1	Future Land Use: CD-1
Grade:	3.24' NGVD	Existing Height: 19'-0"
Adjusted Grade:	5.60' NGVD	Permitted Height: 40'-0"
BFE:	8.00' NGVD	Proposed Height: 40'-0"   43.24' NGVD
		Highest projection: 45'-0"   48.24' NGVD
Lot Area:	15,000 SF [Lot 5 (1334 Alton Road) + Lot 6 (1346 Alton Road)]	
Existing FAR:	18,314 SF   1.22 [9,157SF on each parcel]	
Maximum FAR:	9,375SF   1.25	
Proposed FAR:	17,378 SF (1.16) [Lot 5 (1334 Alton Road) + Lot 6 (1346 Alton Road)]	
	1334 Alton Road: 8,689SF (1.16)	
	1346 Alton Road: 8,689SF (1.16)	
Existing Use:	26 residential units	
	1334 Alton Road: 13 units (RL05001167)	
	1346 Alton Road: 13 units (RL05000765)	
Proposed Uses:		
Restaurant:	120 seats (3,000 SF) 2 restaurants each with 60 seats   1,500 SF	
	1334 Alton Road: 60 seats   1,500 SF	
	1346 Alton Road: 60 seats   1,500 SF	
Residential Units:	8 units (between both properties)	
	1334 Alton Road: 4 units   2,298SF	
	1346 Alton Road: 4 units   2,298SF	
Retail:	3,810 SF (between both properties)	
	1334 Alton Road: 1,909SF	

Service Establish: 1346 Alton Road: 1,909SF  
3,974 SF (between both properties)  
1334 Alton Road: 1,954SF  
1346 Alton Road: 1,954SF  
Required Parking: 6 spaces (3 spaces on each parcel)

**EXISTING STRUCTURES:**

Year Constructed: 1963  
Architect: Maurice Weintraub  
Demolition: Substantial

**NEIGHBORING PROPERTIES:**

East: One-story office (RO district)  
North: Seven-story multifamily building (1968)  
South: One-story commercial building  
West: Two-story multifamily building (1975)

**THE PROJECT:**

The applicant has submitted plans and renderings entitled "1334-1346 Alton Road: Final Submittal" by **Shulman + Associates** dated, signed and sealed January 07, 2016.

The applicant is proposing façade modifications and exterior building improvements including a new front canopy and new elevator to (2) existing two-story buildings as part of a change of use of such buildings to a commercial and residential use.

**CONSISTENCY WITH COMPREHENSIVE PLAN:**

A preliminary review of the project indicates that the proposed **commercial/mixed use** appears to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan. The proposed mixed use project is **consistent** with the purpose of the Low Intensity Commercial Category of the Comprehensive Plan which is to provide development opportunities for and to enhance the desirability of existing and/or new low intensity commercial areas which primarily serve surrounding residential neighborhoods.

**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:

1. That the operator/owner of the two restaurant spaces shall be operated and owned by separate entities in order to comply with the parking exceptions.
2. Floor area ratio. When more than 25% of the total area of a building is used for residential or hotel units, the floor area ratio range shall be as set forth in the RM-1 district (1.25).
3. The 25SF LED illuminated digital clock may require a variance.
4. Any future signage proposed on or under the canopy may require a variance.
5. Pursuant to Section 142-874. Required enclosures: *Mechanical equipment*. All mechanical equipment located above the roof deck shall be enclosed or screened from public view.

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

**COMPLIANCE WITH DESIGN REVIEW CRITERIA:**

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria 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.  
**Not Satisfied; staff recommends the incorporation of shade trees into the central courtyard area. Further, Live Oaks consistent with the rest of Alton Road shall be planted with Silva Cells along the front of the two properties.**
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; elimination of the front loaded parking areas greatly advances the urban context and improves the neighborhood quality and progresses the pedestrian experience along the sidewalk.**
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; the elimination of the existing curb cut and parking along Alton Road will improve both vehicular and pedestrian traffic flow on Alton Road**
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; a lighting of the aluminum mesh skin panels shall be up lit from within the mesh skin to avoid light spillage onto neighboring residential properties.**
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; all mechanical equipment located above the roof is proposed to be enclosed or 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; the creation of additional openings increases the transparency at the first level.**
  
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; delivery and trash services shall be accessed through the existing alley, Alton Court.**

#### **STAFF ANALYSIS:**

The applicant is proposing substantial exterior modifications to two existing two-story buildings with the creation of new window openings, a new front canopy feature, and a new exterior stairwell and elevator, and a new redesigned front façade. The two properties are separate parcels located south of 14th Street, between Alton Court and Alton Road and each contain an existing two-story MiMo structure originally constructed in 1963 with 13 licensed residential units. The building is setback approximately 25'-0" from the front of the property and both sites contain six surface parking spaces front-loaded off of Alton Road and there are two additional covered spaces located in the rear off of the Alton Court alleyway. An existing 100'-0" wide continuous curb-cut spans the entirety of both properties. The applicant seeks to renovate and modernize the existing structures in order to provide a mix of uses—retail, restaurant, service establishment and residential components are all proposed within the shells of the rehabilitated structures.

In order to modernize the two-story buildings, substantial demolition to the exterior and interior of the existing structures is proposed, although the majority of the perimeter exterior walls are to be retained. The front façade will undergo several aesthetic changes and improvements that will be visible from Alton Road consisting of expanded window openings on the second floor, removal of ground floor planters and the demolition of the ground floor façade in order to incorporate operable floor to ceiling bi-fold doors. The overall effect will create a more appealing appearance and contemporary look that evokes the history of the MiMo structure through the retention of many signature features. Aside from the "renovation" aspect of the existing structures, the new construction is located predominantly in the center of the two buildings in the existing courtyard and consists of new exterior stairwells, second floor walkways and a new glass elevator and vestibule clad in a bold aluminum mesh skin. The design also proposes a distinctive and contemporary clock feature atop the new elevator, which will be visible from Alton Road. Finally, a geometric concrete canopy is proposed in the front of the property to shade portions of the outdoor seating area.

The ground floor of each building will include a restaurant on the east side of the Properties, fronting Alton Road that will each be approximately 1,500 square feet in size and include sixty (60) seats. Approximately 1,930 square feet of retail uses are proposed for the remainder of the ground floor level. Approximately 1,987 square feet of service establishment uses are also proposed for the easterly half of the second floor, while four (4) apartment units are proposed for the western half of the second floor, of each building. The development program for the two (2) buildings will be mirrored.

The removal of the surface parking in front of the structures and the replacement with active uses provides significant safety and aesthetic improvements to the immediate area. Overall, staff is fully supportive of the changes to the façade and the project in general as it encourages a more pedestrian friendly street presence and increases the amount of transparency along the proposed ground floor retail areas.

Although zoned for commercial uses, staff has some concerns with the outdoor portions of the project in terms of the sites proximity to existing residential uses. To the west of the site (across Alton Court) and to the north are residential buildings and commercial establishments exist to the south. An operable bi-fold door and folding glass wall storefront system is proposed along the east elevation of both buildings, allowing an expansion of the indoor architectural space onto the outdoor covered terrace. As the property's proximity to existing multi-story residential buildings may create future operating and noise concerns, staff would recommend that the operable door and glass system proposed be replaced with fixed glass and the minimum amount of swing doors to meet egress requirements. Additionally, incorporating operating conditions to safeguard against any potential nuisance or disturbance to the surrounding neighborhood to the west should be imposed.

Further, staff is concerned with the possibility of lighting the exterior façade panels due to the proximity of multistory residential buildings directly abutting the site; as such, staff recommends specific conditions pertaining to the lighting. In this regard, staff recommends that the LED lighting be strictly controlled with a minimal LED wattage and be monochromatic and non-flashing.

While the two buildings are, and will continue to be, under separate ownership, they will work harmoniously as one property, except in that any future operator/owner of the two restaurant spaces cannot be operated as a single licensed establishment in order to comply with the parking exceptions. As such, a covenant will need to be executed and recorded to allow for the uses as proposed.

The proposed alterations and change of use will not have any adverse impact on the surrounding area and the elimination of the existing curb cut and parking along Alton Road will improve both vehicular and pedestrian traffic flow along Alton Road and the sidewalk. Staff recommends approval for the design review approval of the project.

**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: March 01, 2016

FILE NO: 23243

PROPERTY: **1334 Alton Road  
1346 Alton Road**

APPLICANT: 1346 Alton LLC

LEGAL: **1334 Alton Road:** Lot 5 of Block 81 of the "Third Commercial Subdivision", According to the Plat Thereof, as recorded in Plat Book 7 at Page 160, of the Public Records of Miami-Dade County, Florida.

**1346 Alton Road:** Lot 6 of Block 81 of the "Third Commercial Subdivision", According to the Plat Thereof, as recorded in Plat Book 7 at Page 160, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for façade modifications and exterior building improvements including a new front canopy and new elevator to two existing two-story buildings as part of a change of use of such buildings to a commercial use.

**ORDER**

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 Approval**

- 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 an 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 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 for the proposed commercial building at 1334-1346 Alton Road shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. The proposed LED lighting of the panels on all elevations of the elevator tower and the lighting of the front shall be with a minimal LED wattage and shall consist of a static (non-flashing) monochromatic color and non-flashing. The color, illumination level, placement and details of all exterior lighting, shall be subject to the review and approval by staff consistent with the Design Review Criteria and/or the directions from the Board.
    - b. The proposed operable bifold door and folding glass wall storefront shall not be permitted. All access doors shall consist of single, swing doors, and the number of doors shall be limited to that necessary to meet minimum egress requirements. All exterior glass shall be fixed and non-operable. All window frames shall be composed of an aluminum finish. All windows shall consist of clear glass and 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.
    - c. 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(s) as possible and screened from view on all sides, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
    - d. 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.
    - e. The proposed digital clock shall be static (non-blinking) and the content shall consist of time only, and shall not change to any other informational element, such as temperature or date.
    - f. All electrical conduits, exterior lighting elements and sprinkler lines and sprinkler heads located within the proposed canopy 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 of 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.
    - g. All building signage shall require a separate permit. A uniform sign plan for the new building shall be required. Such sign plan shall be consistent

- in materials, method of illumination and sign location. All future signage shall be designed as individual reverse channel letters with a brushed aluminum finish that can may or may not be backlit with/out a color, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- h. If any signage is projecting above or suspended below the proposed canopy, the signage shall be composed of individual pin-mounted lettering and all electrical conduits and exterior lighting elements shall be hidden from view. No exterior raceways shall be permitted.
  - i. 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. Kitchen venting shall be located furthest away from the neighboring property to the north and south as possible.
  - j. The final details of all exterior surface finishes and materials, including samples, 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.
  - k. Final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project sites, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - l. 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.
  - m. 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. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
  - b. A fully automatic irrigation system with 100% coverage and an automatic rain sensor 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. Live Oaks consistent with the rest of Alton Road shall be planted with Silva Cells along the front of the two properties. The utilization of Silva Cells shall be used for all plantings and clearly delineated on a revised landscape plan.
  - d. Pavers and concrete banding shall be utilized for the outdoor seating area, including alternate colors of concrete banding in place or other decorative solutions, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - e. The applicant shall install street trees on all sides of the project 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 landscape plan shall incorporate shade trees in the ground floor planter in front of the elevator tower.
  - g. The applicant shall install 3 bicycle racks at the southeast portion of Lot 5 and install 3 bicycle racks at the northeast portion of Lot 6 alongside the sidewalk in addition to the bicycle racks proposed within the rear of the properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - h. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material 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.
  - i. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers, and how they are screened with landscape material 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.
  - j. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or 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
3. Prior to the issuance of a Building Permit for the improvements proposed herein, the applicant shall submit a revised site plan and floor plan. At a minimum, such plans shall include the following:
    - a. An air conditioned trash room(s) / garbage room(s), which shall be large enough or sufficient in number so that more than one pick up of garbage

- per day will not be necessary. The location, dimensions and access points of such trash/garbage room(s) shall be subject to the review and approval of staff.
- b. The route of all refuse containers from the trash / garbage room(s) to the sidewalk.
  - c. A high-level trash/garbage compacting device may be located in the air-conditioned trash/garbage holding room within the facility.
  - d. 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.
  - e. Garbage dumpster covers shall be closed at all times except when in active use.
4. Prior to the issuance of a building permit for the improvements proposed herein, the applicant shall submit a detailed valet parking and delivery plan, which shall be subject to the review and approval of the Parking Department. At a minimum, such plan shall include the following:
- a. The locations for all delivery vehicles shall be clearly delineated on a revised loading plan, and shall be subject to the review and approval of the Parking Department. Delivery vehicles shall only be permitted to make deliveries from designated loading zones and spaces approved by the Parking Department.
  - b. Delivery vehicles shall only be permitted to make deliveries from 8:00 AM to 2:00 PM.
  - c. Delivery trucks shall not idle in the loading zone.
5. 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 approval herein is issued to the Applicant, 1346 Alton LLC, ("Operator") as tenant and operator of the proposed restaurant(s) on the property(s). 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 sixty (60) 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 impose additional conditions to address possible problems and to determine the timing and need for future progress reports.
- iii. That the operator/owner of the two restaurant spaces shall be operated and owned by separate entities in order to comply with the parking exceptions. A restrictive covenant, in a form acceptable to and approved by the City Attorney, affirming this condition, shall be required prior to the issuance of a building permit for the improvements approved herein.
- iv. The hours of operation shall be within the hours of 11:30 AM to 12:00 AM on Sundays through Thursday and from 11:30 AM to 2:00 AM on Fridays and Saturdays. The outdoor portion shall close by 12:00 AM (midnight) daily.
- v. At all times the establishment is open, food service with a full menu and operating kitchen shall be required throughout the venue, including the outdoor area. At the discretion of the operator, the outdoor area may cease operations prior to the closing of the venue, and while the interior portion of the establishment is operational.
- vi. The outdoor area shall be limited to restaurant service only, and shall only be open and operational when the interior portion of the establishment is open. The outdoor area shall not become a stand-alone drinking establishment or bar at any time.
- vii. No outdoor bar counter is permitted.
- viii. The number of seats within the confines of each property shall not exceed 60.
- ix. Entertainment shall be prohibited at all times. On the outside area or on the sidewalk, or any other exterior portion of the project, the sound system shall be turned off entirely by 10:00 PM Sunday thru Wednesday, 11:00 PM Thursdays and 12:00 AM (midnight) on Fridays and Saturdays.
- x. Special events pursuant to the Miami Beach City Code, associated with the proposed establishment, may not be held on the premises and the applicant agrees that it will not seek or authorize applications for such permits.
- xi. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.

- xii. Any queuing of patrons shall occur within the property or inside the restaurant only. Security staff shall monitor the crowds to ensure that they do not obstruct the sidewalk.
- xiii. Security staff shall monitor patron circulation and occupancy levels and shall take measures to strictly enforce patron age restrictions in the City Code at all times.
- xiv. The applicant shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalk and the areas of the street adjacent to the property. When sweeping the sidewalk in front of the establishment, the personnel doing the sweeping shall ensure that they do not merely push the refuse in front of another building, but pick up all trash and dispose of it appropriately. In addition, at the end of business each day sidewalks shall be swept and hosed down.

**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. The applicant shall execute and record a covenant, in a form acceptable to the City Attorney, effecting that any future operator/owner of the two restaurant spaces cannot be operated as a single licensed establishment in order to comply with the parking exceptions.
- 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. 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.
- 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 amended and adopted by the Board, that the **application** 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 "1334-1346 Alton Road: Final Submittal" by **Shulman + Associates** dated, signed and sealed January 07, 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

