

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 23, 2025

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **DRB25-1116 FKA DRB17-0147, 1664 Lenox Avenue.**

An application has been filed requesting modifications to a previously approved Design Review Approval of a variance to exceed the allowable hours of operation for an accessory outdoor bar counter associated with a new restaurant located within the interior courtyard of the property. Specifically, the applicant is requesting Design Review approval for the change of ownership or operator and approve some conditions that could be superseded by the Planning Board under Conditional Use Permit approval.

RECOMMENDATION:

Approval with conditions.

LEGAL DESCRIPTION: See 'Exhibit A'

BACKGROUND:

February 07, 2006—The Design Review Board approved the renovation and alteration of the existing building at 1111 Lincoln Road, pursuant to DRB File No. 19018. The project included the addition of a roof-top restaurant and additional office space and ground level retail, as well as the construction of a new two-story mixed-use building and a new seven-story mixed-use parking structure at the southwest corner of the site.

January 06, 2015—The Design Review Board approved a new two-story mixed-use structure (subject property) to replace an existing surface parking lot and the partial demolition of one floor of office space in an existing eight-story office building to accommodate additional parking and restaurant space.

October 06, 2015—The Design Review Board approved façade and site plan modifications to the subject structure. The front façade of the subject building was approved as four pivoting panels capable of raising and lowering to each tenants' preference. Additionally, a variance was approved for a proposed vehicular ramp in the 1111 garage that was not previously identified.

December 01, 2015—The Design Review Board approved plan modifications to the 1111 parking garage structure that included an exterior open-air staircase along the existing eight-story office building.

April 05, 2016—The Design Review Board approved plan modifications to the new two-story mixed-use structure. Specifically, the applicant is requesting site plan modifications and a new variance to reduce the pedestal rear setback for a trash room structure.

September 05, 2017 - The Design Review Board approved a variance to exceed the allowable hours of operation for an accessory outdoor bar counter associated with a new restaurant within the interior courtyard of the property.

SITE DATA:

Zoning:	CD-3 (Commercial, High Intensity)
Future Land Use:	CD-3 (Commercial, High Intensity)
Existing Use/Condition:	Mixed-use- Commercial/Residential
Proposed Use:	Same

The overall site consists of three specific areas: the 1111 Lincoln Road parking garage with retail and residential, the eight-story SunTrust office building, and the two-story mixed-use building that replaced a former surface parking lot (1666 Lenox Avenue). The restaurant as part of this application is occupying the rear portion of the completed two-story mixed-use building.

STAFF ANALYSIS:

The applicant is requesting a modification to the existing Design Review Board order to change the ownership of this application, as condition II.B.10 of the approved DRB board order requires the following:

10. This approval is granted to NZR, LLC dba Chotto Matte only. Any change of operator, or ownership by fifty (50) percent or more of stock ownership, partnership interest, or the equivalent, shall require review and approval by the Design Review Board as a modification to this Order. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Variance approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports.

In order to be consistent with recent Land Use board approvals (Planning Board), staff is recommending the following additional conditions:

- A. That the requirement for change of ownership be modified to require that any change of operator or 50% (fifty percent) or more stock ownership shall require the new operator or owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new operator or owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Certificate of Use/Business Tax Receipt.
- B. That the applicant agrees and shall be required to provide access to areas subject to this Order (not including private residences) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the terms and conditions of this board order.

The applicant also requests additional modifications including some conditions that may only be superseded by the Planning Board in the event the applicant decides to request a Conditional Use Approval by the Planning Board.

- **Proposed modification to condition No. 4:** The applicant is seeking to replace the patron occupant load metric with a maximum seat count to limit the size of the restaurant operations. This maximum would be 218 seats, which is consistent with the previously approved building permit and Business Tax Receipt, unless an increase is approved by the Planning Board under a Conditional Use Permit (CUP), in which case the CUP would control the maximum permitted seat count.
- **Proposed modifications to conditions No. 6 and No. 8** would allow additional modifications related to the sound system requirements only if approved by the Planning Board under a Conditional Use Permit. (CUP).

These proposed new conditions have been incorporated into a modified order. The rest of the conditions remain the same. Staff is not opposed to the proposed modifications, as the operations would remain the same unless the applicant seeks a CUP from the Planning Board for a neighborhood impact establishment (NIE), which would include safe guards to ensure that the changes do not negatively impact surrounding neighbors.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends that the application be approved subject to the conditions enumerated in the attached draft modified order.

'Exhibit A'

Legal Description

LOTS 7 AND 8, BLOCK 39, "PALM VIEW SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, AT PAGE 29 OF THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PARCEL:

A PORTION OF LOT 7, BLOCK 39, "PALM VIEW SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, AT PAGE 29 OF THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 7;

THENCE SOUTH 00'48'26" EAST ALONG THE WEST LINE OF SAID LOT 7, A DISTANCE OF 22.02 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 8.00 FEET, A CENTRAL ANGLE OF 90°02'39" AND AN ARC DISTANCE OF 12.57 FEET;

THENCE NORTH 89°08'55" EAST ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 22.02 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 90°02'39" AND AN ARC DISTANCE OF 47.15 FEET TO THE POINT OF BEGINNING.

SAID LAND SITUATE, LYING AND BEING IN THE CITY OF MIAMI BEACH, MIAMI/DADE COUNTY, FLORIDA; CONTAINING 180 SQUARE FEET, MORE OR LESS.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: September 05, 2017, October 23, 2025

FILE NO: DRB25-1116 FKA DRB17-0147

PROPERTY: **1664 Lenox Avenue**

APPLICANT: SO&RA HOSPITALITY LLC

LEGAL: See attached 'Exhibit A'

IN RE: An application has been filed requesting modifications to a previously approved Design Review Approval of a variance to exceed the allowable hours of operation for an accessory outdoor bar counter associated with a new restaurant located within the interior courtyard of the property. Specifically, the applicant is requesting Design Review approval for the change of ownership or operator and approve some conditions that could be superseded by the Planning Board under Conditional Use Permit approval.

MODIFIED 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

- 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 2, 3, 5, 9, 11, and 15 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 addition at 1664 Lenox Avenue shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. Sound attenuating materials shall be installed within the open air courtyard of the restaurant space structure, 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 design and details, including materials and exterior finishes of the “pivot-able” entrance wall shall be provided in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- c. 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.
- d. 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.

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 the allowable hours of operation for an accessory outdoor bar counter associated with a new restaurant located within the interior courtyard of the property. Specifically, the applicant is seeking to extend the closing hours from 12:00 a.m. (midnight) to 2:00 a.m.
- A. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, 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.

B. The Board hereby grants the requested variance(s) and imposes the following condition 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.
2. The outdoor bar area immediately under the open courtyard shall cease operations at 2:00 am and may not open for business until 8:00 am daily.
3. The Design Review Board shall retain jurisdiction of this file. The applicant must present a progress report to the Board three (3) months after obtaining a City business tax receipt; including a final sound transmission report which includes the performance of sound systems and sound attenuation devices shall be submitted to staff for review and approval. The Board shall then determine the necessity and timing of subsequent reports, in a non-substantive manner, including modifications to the hours of operation, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports.
4. ~~The patron occupant load~~ licensed seat count shall be a maximum of 218 seats, unless an increase in the seat count is approved by the Planning Board under a Conditional Use Permit (CUP), in which case the CUP would control the maximum permitted seat count. ~~247 persons, or as determined by the Fire Marshall, whichever is lower.~~
5. Music shall be limited to ambient background music only and no dance hall or entertainment license shall be approved, without Planning Board approval.
6. The sound system and sound attenuation measures shall be implemented as per recommendations of the sound study, unless approved by the Planning Board under a Conditional Use Permit (CUP), in which case the CUP would control the sound system and sound attenuation measures.
7. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.

8. Except as may be required by the Fire, Building, or Life Safety Codes, no loudspeakers shall be affixed to or otherwise located on the exterior of the premises, including the interior open courtyard, unless approved by the Planning Board under a Conditional Use Permit (CUP), in which case the CUP would control the sound system and sound attenuation measures.
9. The Operator shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalk/public area immediately adjacent on North Lincoln lane and the rear, in a clean condition, free of all refuse, at all times.
10. This approval is granted to SO&RA Hospitality, LLC NZR, LLC dba Chotto Matte only. Any change of operator, or ownership by fifty (50) percent or more of stock ownership, partnership interest, or the equivalent, shall require review and approval by the Design Review Board as a modification to this Order. Any change of operator or 50% (fifty percent) or more stock ownership shall require the new operator or new owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new operator or owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Certificate of Use/Business Tax Receipt. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Variance approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports.
11. Applicant agrees that 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, in a manner to be reviewed and approved by staff.
12. The Design Review Board shall retain the right to call the operators back before them and modify the hours of operation should there be issuance of written warnings and/or notices of violation about loud, excessive, unnecessary, or unusual night noise.
13. If the outdoor bar use should cease for any reason (except for temporary closure during a season or remodeling, both for a period up to six (6) months, excluding periods during which an active building permit is in effect or there is evidence of non-intent to abandon the premises), the variance shall be subject to Section 118-356, City Code, for revocation or modification of the variance.
14. The property owner shall be responsible for compliance with all of the conditions of this variance. The current operator and any subsequent operators of the business shall be specially apprised of all conditions. Subsequent operators shall be required to appear before the Design Review Board to affirm their understanding of the conditions listed, herein.

15. 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 Order and subject to the remedies as described in the City of Miami Beach Code.
16. That the applicant agrees and shall be required to provide access to areas subject to this Order (not including private residences) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the terms and conditions of this board order.

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. 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.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. 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.
- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. 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 "New Restaurant for CHOTTO MATTE LTD", as prepared by **Charles H. Benson** dated May15, 2017, and as approved by the Design Review Board, as determined by staff. **unless approved by the**

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Rogelio A. Madan, AICP, Development & Resiliency Officer of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

Notary:

Print Name

Notary Public, State of Florida

My Commission Expires:

{NOTARIAL SEAL]

Commission Number:

Approved As To Form:

City Attorney's Office: _____ ()

Filed with the Clerk of the

Design Review Board on _____ ()

'Exhibit A'

Legal Description

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