

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Design Review Board

TO: DRB Chairperson and Members

DATE: March 8, 2023

FROM: Thomas R. Mooney, AICP  
Planning Director

<sup>DS</sup>  


for TRM

SUBJECT: DRB22-0886  
**6940 Abbott Avenue**

An application has been filed requesting Design Review Approval for the construction of a new 10-story mixed-use building, including a waiver of the requirement for combined loading/parking driveways.

### **RECOMMENDATION:**

Approval with conditions

### **LEGAL DESCRIPTION:**

Lots 1, 2, 11 and 12, Block "H", ATLANTIC HEIGHTS, according to the plat thereof recorded in Plat Book 4, at Page 146, and Corrected Plat of ATLANTIC HEIGHTS, recorded in Plat Book 9, at Page 14, of the Public Records of Miami-Dade County, Florida, except the easterly 2 feet of said Lots 11 and 12.

The Lands surveyed, shown and described herein are the same Lands as describe in the Title Commitment provided by Fidelity National Title Insurance Company, Commitment Number 10421412, dated April 15<sup>th</sup> 2022, at 5:00 PM.

### **BACKGROUND:**

On November 14, 2018, the City Commission adopted the North Beach Town Center - Central Core Land Development Regulations. The ordinance established a TC-C, Town Center – Central Core zoning district with a FAR of 3.5, and replaced the TC-1, TC-2, TC-3, and TC-3(c) districts within the boundaries of the area established by the FAR referendum. The TC-C is a balanced approach intended to spur sustainable development to revitalize North Beach.

### **SITE DATA:**

Zoning:	TC-C Town Center--Central Core
Future Land Use:	TC-C Town Center--Central Core
Parking District:	8
Lot Size:	24,800 SF (0.57 acres)
Proposed FAR:	81,913 SF / 3.3
Maximum FAR:	86,800 SF / 3.5
Gross SF:	142,495 SF
Units:	96: 21 co-living and 75 standard units
Density:	150 dua / Density proposed 96 (Max 86)
Height:	
Proposed:	117'-0" measured from BFE +5', or 13' NGVD   10-story
Maximum:	125'-0" base
Highest Projection:	130'-0"   165'-0" for lots 20,000-45,000 through public benefits program

CMB Grade: 4.92' (varies) NGVD  
 Base Flood Elevation: 8' NGVD  
 CMB Free Board: 13' NGVD  
 Required Parking: 16 required spaces | 79 provided  
   Parking requirement:  
     21 units x 0 spaces for those units less than 550 = 0 req. spaces  
     63 units x 0.5 space for those units between 550 and 850SF = 31.5 req. spaces  
     12 units x 0.75 space for those units between 851SF-1250SF = 9 req. spaces  
     0 units x 1 space for those units above 1,250SF = 0 req. spaces  
     Total residential spaces: 41 required | 90 proposed  
     No retail parking requirement  
 Required Loading: Total loading: 3 required spaces | 3 provided  
 Bicycle Parking  
   Required Short term: 10r + 1c = 11 required short  
   Required Long term: 96r + 2c = 98 required long  
   Total required = 109 spaces

#### **SURROUNDING PROPERTIES:**

East: Two-story hotel/motel | two-story warehouse  
 North: Two-story multifamily | surface parking  
 South: 17-story residential building with surface parking  
 West: Two-story residential buildings

#### **EXISTING BUILDINGS:**

One-story building and surface parking

#### **THE PROJECT:**

The applicant has submitted revised plans entitled "6940 Abbott Avenue," as designed by **Arquitectonica**, signed, sealed, and dated 1/10/2023. The applicant is proposing a new 10-story, 117'-0" high building with 96 residential units, including one or more waiver requests. A breakdown of the project's development plan is delineated hereto:

Ground Floor: 2,192 SF retail component configured along Abbott Avenue  
                   3,473 SF  
                   1,519 SF Bike Storage  
                   2,685 SF Residential lobby and co-working space  
                   ±2,300 SF +BOH  
                   One two-way 22'-0" wide driveway from Byron Avenue\*  
                   3 internalized ground floor loading spaces accessed from Byron Avenue\*  
                   **\*Waiver needed**  
 Level 2: 40 parking spaces  
 Level 3: 50 parking spaces  
 Level 4: 16 residential units ranging in size 408SF – 1,030 SF  
           Landscape and Mechanical Area  
 Levels 5-9: 16 residential units ranging in size 408SF – 1,030 SF  
 Rooftop: 4,297 GSF lounge, fitness and BOH  
           Pool, pool terrace deck and pickleball court

The applicant is requesting the following design waiver(s):

1. Sec 142-745(a)(12)(c) LOADING: Along all frontages where loading is permitted, it shall be designed as follows, in addition to the requirements for driveways: Driveways for parking and loading shall be combined, unless waived by the Design Review Board.

**COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested waiver:

- The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code.
- Project shall comply with Urban Heat Island Ordinance, roofing.
- Decks shall not exceed three feet above the main roofline and shall not exceed a combined deck area of 50 percent of the enclosed floor area immediately one floor below.
- Swimming pools, whirlpools or similar structures, which shall have a four-foot wide walkway surrounding such structures, are not to exceed five feet above the main roofline.
- All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- All overhead utility lines and poles adjacent to the subject property shall be placed underground. Applicant to engage FPL to underground poles and lines.

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.

**CONSISTENCY WITH 2040 COMPREHENSIVE PLAN**

A preliminary review of the project indicates that the proposed **residential / mixed use** is **consistent** with the Future Land Use Map of the Comprehensive Plan.

**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 are 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.

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**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; However, the applicant is requesting one waiver from the Board pertaining to separate driveways for parking and loading.**
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; However, the applicant is requesting one waiver from the Board pertaining to separate driveways for parking and loading.**
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.  
**Satisfied**
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.  
**Satisfied; However, the applicant is requesting one waiver from the Board pertaining to separate driveways for parking and loading.**
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; However, the applicant is requesting one waiver from the Board pertaining to separate driveways for parking and loading.**
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; However, the applicant is requesting one waiver from the Board pertaining to separate driveways for parking and loading.**

9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

**Not Satisfied; a lighting plan has not been submitted.**

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

**Satisfied**

11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

**Satisfied**

12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

**Satisfied; However, the applicant is requesting one waiver from the Board pertaining to separate driveways for parking and loading.**

13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

**Satisfied**

14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

**Satisfied**

15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

**Not Applicable**

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; However, the applicant is requesting one waiver from the Board pertaining to separate driveways for parking and loading.**

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**
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the city Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.  
**Not Applicable**
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.  
**Not Satisfied; see below**

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

1. A recycling or salvage plan for partial or total demolition shall be provided.  
**Not Satisfied; applicant will provide a recycle/salvage plan for demolition at time of permitting.**
2. Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Satisfied**
3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Satisfied**
4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.  
**Satisfied**
5. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.  
**Satisfied**
6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.  
**Satisfied**

7. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

**Satisfied**

8. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

**Not Applicable**

9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

**Not Applicable**

10. In all new projects, water retention systems shall be provided.

**Not Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.**

11. Cool pavement materials or porous pavement materials shall be utilized.

**Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.**

12. The project design shall minimize the potential for a project causing a heat island effect on site.

**Not Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.**

#### **ANALYSIS:**

##### **DESIGN REVIEW**

The subject site is located within the boundaries of the TC-C, Town Center – Central Core District. The applicant is proposing a new 10-story, 117'-0" building with 96 residential units (including 21 co-living units) and two floors of parking above a ground floor retail component on Abbott Avenue. The site is located mid-block and bounded by Byron Avenue to the west and Abbott Avenue to the East. The proposal seeks one design waiver.

The project consists of a new mixed-use tower within the core of the TC-C district, which includes ground floor with retail and residential liners along Abbott Avenue. Parking, which is accessed from the southernmost edge of the site on Byron Avenue, is on the second and third floors of the pedestal and occupies the entirety of these levels. The development is rectangular in shape, with the street facing facades on the short ends. The primary façade fronts Abbott Avenue, with parking entrance and utilities on the Byron Avenue façade.

To enhance the pedestrian experience, a paseo is proposed through the site along the north interior side. On the east, main elevation, the ground floor retail, and residential components are elevated to a floor height of 9'-0" NGVD and clad in floor to ceiling glazing. Above the ground floor nestled within the columns are the parking levels that contain a double height textured screening element. The tower rises above the pedestal for 7 stories with continuous glass railed balconies accented with white stucco slab edges that round at each corner and connect with

staggered stucco vertical elements, which together provide a pattern of oblong openings on each façade of the tower. The building is topped with an amenity deck and enclosed space that features a similar stucco pattern as the tower. Overall, staff is supportive of the design, but recommends that the architect further develop and define the garage screening, as it is an integral element on each façade.

### **DRIVEWAYS AND LOADING**

In the TC-C District, driveways and off-street loading are allowed on the secondary street frontages. In this case, Abbott Avenue as a Class B street, is not allowed to have driveways, while Byron Avenue, as a Class C street can have driveways. Additionally, the driveway widths have limitations, including a distance separation requirement, as well as being incorporated into the façade of the building. Additionally, loading must be set back to limit its visibility from the public realm. Several driveway design characteristics typically cause safety and access problems for pedestrians, including excessively wide and/or sloped driveways, driveways with large turning radii, and multiple adjacent driveways, all of which lead to hazardous walking conditions in the built environment from the pedestrian perspective. In order to minimize vehicular breaks in the sidewalk to accommodate driveways, additional design guidelines implemented by the ordinance include minimum separation standards in order to prevent excessively wide curb cuts to minimize conflicts with pedestrians.

The applicant has proposed two separate driveways on Byron Avenue, requiring a waiver from the Design Review Board. The site contains 100'-0" of linear frontage on Byron Avenue and the applicant is proposing two, two-way driveways, one that is 24' wide and accesses the internalized loading berths and the other that is 22' wide, which leads to a speed ramp for the upper parking garage levels. These two curb cuts are separated by 38'-5" inclusive of an FPL vault, which is 8'-5" greater than the minimum separation distance of 30'-0". However, the TC-C regulations require that all driveways, both for parking and loading, be combined, unless waived by the DRB. In this instance, staff is supportive of the waiver given that Byron is the only street frontage allowed for driveways and having a separation does not proliferate an expansive breadth for vehicle curb cuts, especially on a such a short frontage. Further, the design has incorporated the driveways into the façade that is clad in oolite stone and designed with the minimal widths for safe traffic flow and maneuverability. Staff supports the waiver to separate the loading and parking driveways.

### **CO-LIVING**

Consistent with modern trends in the housing industry, the applicant is proposing co-living units, which are smaller units and required common amenity areas for social interaction, with greater common areas that all residential tenants may utilize. In this proposal, of the 96 units, 21 units meet the classification of a co-living unit.

### **PARKING**

Pursuant to the regulations for Parking District No. 8, no parking is required for retail uses; however, required parking can be provided up to the level required in Parking District No. 1 without counting against the project's maximum FAR. Of the 90 provided parking spaces located within the two parking levels, 41 spaces satisfy the parking requirements for the proposed residential units, which now include 21 co-living units. Additionally, there is no parking requirement for retail uses, although the applicant can provide for such with no FAR penalty.



In summary, staff is supportive of the design and waiver with the noted design recommendations and conditions.

**RECOMMENDATION:**

In view of the foregoing analysis, staff recommends the overall design inclusive of the waiver be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise, and Practical Difficulty and Hardship criteria, as applicable.

**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: March 8, 2023

PROPERTY/ FOLIO: 6940 Abbott Avenue 02-3211-001-0590

FILE NO: DRB22-0886

IN RE: An application has been filed requesting Design Review Approval for the construction of a new 10-story mixed-use building, including a waiver of the requirement for combined loading/parking driveways.

LEGAL: Lots 1, 2, 11 and 12, Block "H", ATLANTIC HEIGHTS, according to the plat thereof recorded in Plat Book 4, at Page 146, and Corrected Plat of ATLANTIC HEIGHTS, recorded in Plat Book 9, at Page 14, of the Public Records of Miami-Dade County, Florida, except the easterly 2 feet of said Lots 11 and 12.

APPLICANT: 6940 North Beach LLC

**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 9, 12 and 19 in Section 118-251 of the Miami Beach Code.
- C. 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 the Sea Level Rise Criteria 1 10 and 12 in Section 133-50(a) of the Miami Beach Code.
  1. Revised elevation, site plan and floor plan drawings for the proposed mixed-use development at 6940 Abbott Avenue shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. The proposed plans shall be revised to fully comport with the FAR requirements of the City Code. FAR diagrams and calculations shall be

revised and to be reviewed and approved by staff as part of the building permit plans.

- b. The separation of driveways for parking and loading **shall be** waived as proposed. (*Sec 142-745(a)(12)(c)*)
- c. The location and type of required bicycle (long vs short term) parking shall be provided on a revised site plan.
- d. The parking screening elements that are found on the pedestal shall be further refined and detailed, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- e. Additional design details / further refinement of the ground retail tenant build out shall be provided, including all interior fixtures, shelving, lighting, partitions, and checkout counters, if parallel to the exterior wall, shall be setback a minimum of five (5') feet from the exterior glass storefront walls of the ground floor along Abbott Avenue.
- f. The final design and details, including samples, of the proposed oolite cladding on the Byron Avenue ground floor elevation 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.
- g. 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.
- h. The final design and details of all exterior and interior lighting 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. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding area. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights of way or adjacent properties shall be permitted.
- i. Any future kitchen ventilation or mechanical venting shall be chased through the interior of the building to the roof. No exhaust ducts or vents shall be permitted on any building elevations.
- j. All internal garage lighting shall be shielded to buffer views of all direct light sources from outside of the structure, as well as on the roof deck, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- k. The final design details and pattern of the hardscape and exterior walkways 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.

- l. 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.
  - m. The interior walls of the two driveways at the first level of the parking garage entrance, ramps and loading areas, shall be fully detailed on revised plans. Such interior areas shall consist of high quality, non-stucco surface materials which have a well finished appearance commensurate with the primary 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.
  - n. 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, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - o. Final details of all proposed storefront systems and associated details shall be provided for all ground floor elevations 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.
  - p. 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. All overhead utility lines shall along all street frontages of the subject property be relocated underground. All utility poles shall be removed, with the exception of poles required to transition from above ground to below ground utilities..
  - b. The Backflow prevention device shall not be permitted within any area fronting a street or sidewalk, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board

- c. Street trees shall be required within the sidewalk along the frontages of the property, in a manner to be reviewed and approved by the Public Works Department.
- d. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- e. 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.
- f. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- g. 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.
- h. 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 wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- i. 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.

**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 variances were filed as part of the application.

**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. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- B. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- C. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way.
- D. During the course of construction, all vehicles, including, but not limited to all personal vehicles, shall park within the confines of the private property, the swale directly abutting the construction site, or at alternate overflow parking sites that are not on-street metered spaces and not zoned RS. Additionally, parking of any vehicles shall be prohibited in the travel lanes of all streets.
- E. All allowable construction signage shall be attached to or situated behind the construction fence and shall be limited to one (1) sign, not to exceed four (4) square feet, in accordance with Section 138-133 of the City Code.
- F. The building and parking departments shall approve a construction parking plan prior to the issuance of any building permit, including applicable demolition permits for the project.
- G. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- H. The contractor(s) shall ensure that the street and the swale directly abutting the construction site remains free of debris and refuse at all times; at a minimum, the contractor(s) shall inspect and clear the street and swale areas before leaving at the end of each day.
- I. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- J. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- K. 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.
- L. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

- M. 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.
- N. 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.
- O. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- P. 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 Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "6940 Abbott Avenue," as designed by **Arquitectonica** signed, sealed, and dated 1/10/2023, 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 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 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 shall 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

Filed with the Clerk of the  
Design Review Board on: \_\_\_\_\_ ( )