

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: **May 15, 2025**

PROPERTY / FOLIO: **299 72nd Street / 02-3202-000-0020**

FILE NO: **DRB24-1072**

IN RE: An application for Design Review Approval for the construction of a new five-story community complex, with a parking garage, library, community center, aquatics center, fitness center, retail, multi-purpose fields, and jogging track; including variances to modify the clear pedestrian path requirement, reduce habitable floor requirements, reduce habitable depth requirements, remove the driveway and vehicle access limitations, reduce setback for surface parking, removal of upper level residential or commercial requirement for main use parking garages, and including one or more waivers, to replace an existing public parking lot.

LEGAL: See Exhibit A

APPLICANT: City of Miami Beach

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 2.1.3.1 of the Land Development Regulations. 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 i, k, & s in Section 2.5.3.1 of the Land Development Regulations.
- 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 Sea Level Rise Criteria 1 in Section 7.1.2.4(a)(i) of the Land Development Regulations
- D. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:

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1. The final color, design, and details of the proposed architectural mesh (type 1) screening proposed for west elevation fronting Harding Avenue to screen the parking garage, shall be subject to the review and approval **by the Design Review Board at a future meeting.**
2. Revised elevation, site plan and floor plan drawings for the proposed community center complex shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The applicant shall explore providing windows or other articulation for the portion of the retail bays fronting 73rd Street, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. In order to provide additional visual interest, elements such as fitness equipment, public art, or other architectural treatments shall be provided at the ground floor of the Harding Avenue frontage, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. The applicant shall incorporate additional scorelines, architectural treatment, or public art to break-up sections of the façade facing 72nd Street near the corner of Harding Avenue, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. The final design and details, including samples and color selection, of the proposed painted concrete columns, 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.
 - e. The final design and details, including samples and color selection, of the proposed aluminum railings 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.
 - f. The final design and details, including samples and color selection, of the architectural mesh – type 2 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. 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.

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3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans shall be submitted to and **approved by the Design Board at a future meeting**. 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 the Board. At a minimum, such plans shall comply with Chapter 4-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
 - a. The existing Seagrave street trees along the Collins Avenue Right-of-Way be preserved to the furthest extent possible, along with any of existing specimen trees on-site that are determined to be in overall good health for remaining in place or suitable for relocation. Consider adjusting the ground level layout in order to accommodate the desired sports field in a manner that does not disturb the existing trees or the critical root zones. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
 - b. The applicant shall work with staff to explore the planting of street trees in areas underneath the high-tension power lines that are consistent with Florida Power & Light (FPL) Right Tree, Right Place program in order to maximize the number of street trees to the extent possible, prior to obtaining a building permit.
 - c. The final design details, including materials and colors, for the fencing around the athletic fields, as well as any and all site walls / fences shall be submitted in a manner to be reviewed and approved by the Board.
 - d. Lawn grass/sod areas that are to be used for organized sports such as football and soccer or other similar sports or playgrounds, that are clearly identified on a landscape plan shall not be counted toward calculating maximum lawn area requirements.
 - e. Any tree identified to be in good overall condition shall be retained and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
 - f. If the minimum number of trees required cannot be planted on the ground level of the subject property, the applicant may plant 25 percent of the required trees on upper levels such as open recreation areas, roofs, and exposed decks.
 - g. Suspended paver systems such as Silva Cells or equal shall be installed where street trees are planted in right of way sidewalk and other hardscape areas in a manner to be reviewed and approved by staff. Suspended paver systems shall

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be clearly delineated in the landscape plans. Structural soils may be considered where proposed trees are located immediately adjacent to large open space areas.

- h. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
- i. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
- j. Any necessary root and tree branch pruning with a diameter at breast height (DBH) of 2" or greater shall be approved by the City Urban Forester prior to any tree work.
- k. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- l. 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.
- m. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- n. Any proposed new street trees shall be of a planting species consistent or similar with existing street trees in the immediate area or consistent with any master street tree plan for the area, subject to the review and approval of the City Urban Forester.
- o. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- p. 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.
- q. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- r. 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-

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of-way, shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.

- s. 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.
- t. 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 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to 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. **TC-C Clear Pedestrian Path:** A variance from section 7.2.14.6(c)(1)(III) for the removal of the clear pedestrian path requirements.
 2. **TC-C Habitable Floors:** A variance from section 7.2.14.6(c)(5)(B) for the removal of the habitable floor requirements on Collins Avenue and Harding Avenue.
 3. **TC-C Ground Habitable Floor Depth:** A variance from sections 7.2.14.6(c)(5)(B)(II) and 7.2.14.6(c)(6)(A) for the removal of the ground-floor habitable depth requirements on 72nd Street, Harding Avenue, and Collins Avenue.
 4. **TC-C Minimum Second and Third Floor Habitable Depth:** A variance from section 7.2.14.6(c)(5)(B)(IV) for the removal of the second and third-floor habitable depth requirements on 72nd Street and Collins Avenue.
 5. **TC-C Driveways / Vehicle Access to Off-Street Parking and Loading:** A variance from section 7.2.14.6(c)(5)(C) for the removal of driveway and vehicle access prohibitions from 72nd Street, which is a Class A frontage.
 6. **TC-C Off-Street Parking Facilities Design:** A variance from section 7.2.14.6(c)(5)(B)(V) to allow parking setback less than 50 feet from the building façade and visible from the clear pedestrian path.

7. **CD-2 Parking Garages:** A variance from section 7.2.11.3(b)(1) to provide garage areas that are not screened by habitable space.

- B. The applicants have submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

Additionally, the Board has concluded that the plans and documents submitted with the application comply with the following hardship criteria, as they relate to the requirements of Section 2.8.3 of the Land Development Regulations:

- i. 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;
- ii. The special conditions and circumstances do not result from the action of the applicant;
- iii. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;
- iv. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;
- v. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- vi. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
- vii. 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; and
- viii. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article 1, as applicable.

- C. The Board hereby **Approves** the variance requests and imposes the following conditions based on its authority in Section 2.8.4 of the Land Development Regulations:

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.

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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. The applicant shall coordinate with the City of Miami Beach Transportation & Mobility Department to implement an acceptable Transportation Demand Management (TDM) Implementation Plan, prior to the issuance of a building permit. Namely, to increase bicycle parking at the site.
- B. The applicant shall coordinate with the City of Miami Beach Transportation & Mobility Department and Miami-Dade County Department of Transportation and Public Works, as necessary, to design and install all-way stop-control at the intersection of 72 Street and the existing south project driveway, per the most recent Traffic Impact Analysis dated February 28, 2025 and the most recent All-Way Stop-Control Warrant Analysis Memorandum dated February 26, 2025, prior to the issuance of a building permit.
- C. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC or as otherwise provided for in section 7.1.3.2 of Land Development Regulations. In lieu of achieving LEED Gold certification, properties can comply with other options provided for in Section 7.1.3.2 of the Land Development Regulations, including the payment of a sustainability fee or posting a sustainability fee bond, unless waived by the City Commission.
- D. 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.
- E. During construction work, the applicant shall maintain gravel at the front of the construction site within the first 15'-0" of the required front yard and including the swale (subject to the review and approval of Public Works), to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way.
- F. 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.
- G. All allowable construction signage shall be attached to or situated behind the construction fence, in accordance with Section 6.3.2 of the Land Development Regulations.



- H. The applicant shall coordinate with the City's Parking Department for any modifications or elimination of existing on-street parking spaces, prior to the issuance of a building permit.
- I. 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.
- J. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
- K. 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.
- L. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- M. 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.
- N. 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.
- O. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- P. 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.
- Q. 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.
- R. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- S. 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 for Design Review approval 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.

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PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "72nd Street Community Complex", as prepared by **WJ Architects, Inc.**, dated, signed and sealed March 9, 2025, 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 Section 2.2.4.6 of the Land Development Regulations; 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 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 2 of the Land Development Regulations, for revocation or modification of the application.

Dated 6/11/2025 | 11:00 AM EDT

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

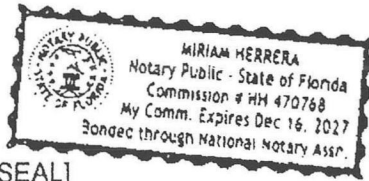
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BY: _____
Michael A. Belush, AICP
Planning and Design Officer
For the Chair



STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 13 day of June, 2025, by Michael A. Belush, Planning and Design Officer of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



Miriam Herrera
Notary:
Print Name Miriam Herrera
Notary Public, State of Florida
My Commission Expires: 12-16-27
Commission Number: HH 470768

{NOTARIAL SEAL}

Approved As To Form: Farooq Andasheva (6/11/2025 | 11:00 AM EDT)
Legal Department: _____ (6/11/2025 | 11:00 AM EDT)

Filed with the Clerk of the Jessica Frelking (6/13/2025 | 8:04 AM EDT)
Planning Board: _____ (6/13/2025 | 8:04 AM EDT)

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