

MIAMI BEACH

PLANNING DEPARTMENT
Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: May 15, 2025

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **DRB24-1072 - 299 72nd Street**

An application has been filed requesting 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 remove requirement for the ground floor to contain residential or commercial uses on main use parking garages; and including one or more waivers, to replace an existing public parking lot.

RECOMMENDATION

Approval of the design with conditions.

Approval of the variances.

LEGAL DESCRIPTION:

See Exhibit A

HISTORY

On November 6, 2018, Miami Beach Residents approved a General Obligation (G.O.) Bond Program that included funds to improve the City's parks, recreational facilities, and cultural facilities. The 72nd Street Community Complex was included in the proposed bond.

SITE DATA:

Zoning:	GU, Government Use District
Future Land Use:	High Intensity Commercial (CD-3)
Lot Size:	167,045 SF/3.83 AC
Proposed FAR:	187,802 SF/ 1.1
Maximum FAR:	417,613 SF/ 2.5

Height:	
Proposed:	68'-6"/ 5-Story
Maximum:	137'-5"

Existing Use:	Public Parking
Proposed Use:	Community Complex
Garage:	172,525 SF
Library:	7,589 SF
Retail:	5,260 SF

Community Center: 5,050 SF
Aquatics: 7,940 SF
Terrace/Pool Deck: 52,840 SF
Fitness Center: 7,940 SF
Racquet Sport Courts: 20,875 SF

Required Parking: 174 Spaces
Vehicle Parking Provided: 590 Spaces
Long-Term Bike Parking: 16 spaces
Short-Term Bike Parking: 13 spaces

Average Grade: +6.00' NGVD
Base Flood Elevation: +8.00' NGVD
Freeboard: +5.00'
Finished Floor Elevation: +9.00' NGVD

Surrounding Properties:

East: Miami Beach Band Shell
North: 1-story commercial building and 2-story apartment building
South: 1-story commercial Building and vacant land
West: North Shore Park and Youth Center

THE PROJECT:

The applicant has submitted plans entitled "72nd Street Community Complex," as designed by **WJ Architects**, signed, sealed, and dated March 9, 2025.

The proposal is for the construction of a new five-story community center at the site of Parking Lot P92 in North Beach. The site is located on the block bounded by Collins Avenue on the east, 73rd Street on the north, Harding Avenue on the west, and 72nd Street on the south. The proposed community center includes the following:

- An aquatic center with a 50-meter competition pool and a 25-meter multi-purpose pool;
- A 590-space parking garage;
- Six (6) pickleball courts;
- A 7,800 square foot branch for the Miami-Dade County Library;
- 5,000 square feet of commercial/retail space;
- A 7,500 square foot fitness center;
- A 5,000 square foot community center;
- 60,000 square feet of active green space with a jogging path/fitness loop.

The site is located in the GU District, where the development regulations are determined by the average of the surrounding land development regulations. In this case, the site is surrounded by the Town Center - Central Core (TC-C) District to the south and the CD-2 Commercial, Medium Intensity District to the north.

The application includes a request for the following variances:

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.
8. ~~A variance from section 7.2.11.3(b)(2) to not require residential or commercial uses on the first level of facades facing a street. (section 7.2.11.3(b)(2) is related to self-storage warehouses and is not applicable to this project.)~~

The application will be contingent upon addressing several landscaping requirements due to high-tension power lines and other programming constraints. For some of the landscape requirements, mitigation can be achieved by a payment to the City's tree trust fund, planting trees offsite, or through the granting of a GU waiver by the City Commission. The following are the landscape issues that will need to be addressed:

1. Remove minimum height requirements for trees below FPL power lines to a 12-foot maximum at the time of planting.
2. Reduce the street tree requirement from 86 trees to 23 trees due to the inability to fit all the trees along the perimeter due to the FPL power lines.
3. Reduce the minimum site tree requirements from 85 trees to 15 trees due to an inability to fit all of the street trees on the site.

CONSISTENCY WITH COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **community complex** use appears to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be

consistent with the City Code, with the exception of the requested variances and landscape waivers noted above.

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, SECTION 2.5.3.1:

Design review encompasses the examination of architectural / landscape drawings for consistency with the criteria stated below, with regard to the aesthetics, appearance, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The design review board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and applicable design guidelines. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department.

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Not Satisfied; existing street trees are proposed to be removed from Collins Avenue and not replaced. Additionally, the applicant is mitigating several landscape requirements along Harding Avenue. Staff is recommending conditions to mitigate these concerns.
- b. 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.
Not Satisfied. Additional landscaping is necessary adjacent to walkways for improved aesthetics and pedestrian comfort.
- c. 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, variances are being requested for several zoning requirements.
- d. 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 2.5.3.2.
Partially Satisfied; staff recommends that the architectural screening of the parking garage be refined and approved by the DRB.
- e. 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 article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.
Partially Satisfied; variances are being requested for several zoning requirements.

- f. The proposed structure, 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.
- g. 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.
- h. 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 safety 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.
- i. 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.
- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Partially Satisfied; the project requires enhancements to the landscaping along Collins Avenue and Harding Avenue.
- k. 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.
- l. 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.
- m. 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.
Partially Satisfied. The applicant is seeking variances to allow for frontage along Harding Avenue to not include habitable spaces. Staff recommends additional landscaping and activation along this frontage.

- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied.
- o. 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.
- p. 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.
Partially Satisfied. The applicant is seeking variances to allow for frontage along Harding Avenue to not include habitable spaces.
- q. 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.
- r. In addition to the foregoing criteria, subsection 118-104-6(t) of the General Ordinances 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
- s. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
See Below.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(i) of the Land Development Regulations 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: A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.
- (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 4 of the Land Development Regulations.
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 needed.

- (11) Cool pavement materials or porous pavement materials shall be utilized.

Satisfied.

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

Satisfied.

STAFF ANALYSIS:

DESIGN REVIEW

The proposed community center is designed in a contemporary architectural style, with painted stucco and glass elements. The design is compatible with the architectural style of many of the approved buildings within the North Beach Town Center area to the south. The permitter of the building is proposed to have a fitness loop, in addition to the public sidewalks.

The eastern portion of the lot adjacent to Collins Avenue will have an active green space with two soccer fields. Presently, the Collins Avenue frontage is lined by mature seagrape trees that form a canopy for pedestrians. To provide standard width athletic fields, the application proposes to remove the canopy trees along Collins Avenue, to be replaced with an athletic fence and shrubs. This proposed modification is inconsistent with the landscape requirements

for street trees and the City's frontage standards. Planning staff has significant concerns with the removal of these canopy trees, as this is an important pedestrian link between the North Beach Town Center and the Harding Townsite / Ocean Terrace commercial district. As such, Planning staff recommends that the plans be further studied and revised in order to maintain the seagrape trees.

The northern elevation, along 73rd Street will have a retail component near the intersection with Collins Avenue. The remainder of the frontage will consist of a parking garage and stairs to access the pool deck. The garage façade is composed of a stucco finish with vertical windows, to conceal the garage structure. The retail spaces are generally oriented to the east and west, leaving blank stucco facades fronting 73rd Street. To better address this condition, Planning staff recommends that the applicant explore providing windows or other articulation for the portion of the retail bays fronting 73rd Street.

The western elevation consists of a garage structure that is bookended by two exterior stairwells. The garage is proposed to be screened by polycarbonate architectural mesh with varying shades of blue. Planning staff believes that this mesh is an opportunity for an artistic screen and recommends that the screening be further developed and approved by the DRB at a future meeting. Additionally, staff recommends that elements to provide additional visual interest, such as fitness equipment, public art, or other architectural treatments be incorporated at the ground level of this frontage.

The southern portion of the building along 72nd Street will contain the library, entry lobby, community center, garage driveways, and access stairs to the pool deck. The library will be located on the western corner and occupy two floors and includes outdoor terraces on the first and second floors. The community center, including an outdoor terrace, will be located on the third floor and the fitness center will be located on the fourth level, with a terrace that overlooks the pool deck. The upper levels of the western corner contain a blank stucco wall and Planning staff recommends that there be additional scorelines or architectural treatment to break up the facade. Additionally, this corner could be an additional opportunity for public art.

The vehicular entrance to the garage lines up with Harding Avenue, which is perpendicular to the frontage, and creates a terminating vista from Harding Avenue. To improve visual interest, the driveway entrances are framed by Y and V-shaped concrete columns.

Portions of the western halves of the north and south frontages, as well as the entire western frontage will be adjacent to high tension power lines. This results in difficulty in compliance with street tree requirements along these frontages. Staff has concerns with the lack of street trees along these frontages given the large number of pedestrians that are expected in the vicinity and on the fitness loop. As a result, staff would like to further explore potential options through FPL's Right Tree, Right Place program as part of the building permit process. Any required trees that are not provided will have to be mitigated through the compliance options in section 4.2.4 of the Resiliency Code, including the payment of funds into the tree trust fund or planting trees off-site. Alternatively, the City Commission may grant a GU waiver of development regulations pursuant to the procedures in section 7.2.16.3.

It is expected that several high-rise buildings will be constructed in the vicinity of the community center in the near future, which will result in new residents looking down on the roof of the facility. To provide visual interest from above, mechanical equipment will be located above the third floor and concealed from view by the fourth-floor walls. The top floor of the

garage structure will be colored with light shades of blue and will contain court games. The roof above the aquatic center will contain solar panels. Together with the pool deck, the roof will provide adequate visual interest for surrounding properties.

Overall, Planning staff is supportive of the design and recommends that the application be approved with the aforementioned modifications.

VARIANCE REVIEW

The site is in the GU District, where the development regulations are determined by the average of the surrounding land development regulations. In this case, the site is surrounded by the Town Center - Central Core (TC-C) District to the south and the CD-2 Commercial, Medium Intensity District to the north. The TC-C District contains many regulations which are intended for mixed-use residential and commercial buildings, and not community centers with public parking. As a result, the application includes a request for seven variances. For reference, the TC-C regulations designate Collins Avenue and 72nd Street as Class A frontages and Harding Avenue as a Class B frontage.

The following variances are being sought:

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.

- Variance Requested from:

III. *Clear pedestrian path.* A minimum 10 foot wide "clear pedestrian path," free from obstructions, including, but not limited to, outdoor cafés, sidewalk cafés, landscaping, signage, utilities, and lighting, shall be maintained along all frontages as follows:

- (1). The clear pedestrian path may only utilize public sidewalk and setback areas.
- (2). Pedestrians shall have 24-hour access to the clear pedestrian path.
- (3). The clear pedestrian paths shall be well lit and consistent with the city's lighting policies.
- (4). The clear pedestrian paths shall be designed as an extension of the adjacent public sidewalk.
- (5). The clear pedestrian path shall be at a continuous level elevation and delineated by in-ground markers that are flush with the path, differing pavement tones, pavement type, or other method to be approved by the planning director or designee. Should there be a conflict with the elevations and FDOT roadway projects, the DRB may waive the requirement for a continuous level elevation.
- (6). An easement to the city providing for perpetual public access shall be provided for portions of the clear pedestrian path that fall within the setback area.

The requirement is intended to provide wider pedestrian areas than what presently exists throughout the North Beach Town Center neighborhood. In this case, the proposal is to provide a fitness loop around the site, in addition to the existing sidewalks. While this doesn't comply with the requirement for a uniform 10 foot wide clear pedestrian path, it does result in there being more pedestrian circulation areas than would otherwise be required. Additionally, the location of the high-tension power lines limits the areas where landscaping can be provided, thereby creating a hardship in compliance with these regulations. As such, staff is not opposed to the granting of this variance.

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.

- Variance Requested from:

B. Buildings shall have a minimum of three (3) floors located along a minimum of 90 percent (90%) of the length of the setback line pursuant to the following regulations:

This requirement is intended to ensure that there is a continuous urban edge framing the Class A roadways within the North Beach Town Center. As the proposed frontage along Collins Avenue is for an open field, it is not possible to comply with this requirement. The frontage along Harding Avenue will exceed the required number of floors, but it will not be following the setback line due to the distance requirements from the high-tension power lines and the fitness loop, as well as the irregular shape of the block. The program constraints and power lines create a practical difficulty and hardship which prevent compliance with these requirements, and staff is supportive of the granting of the variance.

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.

- Variances Requested from:

II. Except where required for driveways and utility infrastructure, the ground floor shall contain habitable space with a minimum depth of 50 feet from the building façade.

* * *

II. Except where required for driveways and utility infrastructure, the ground floor shall contain habitable space for residential, hotel, or commercial uses with a minimum depth of 45 feet from the building façade for the minimum required length along the setback line.

The requirement for habitable spaces is intended to ensure that ground floor commercial spaces are viable along class A and B frontages. As there is no retail being proposed along these frontages, the requirement presents a practical difficulty that would limit the amount of public parking available in the garage and impact the ability to provide other public uses on the site. As such, staff is not opposed to the granting of this variance. However, staff does recommend that additional art, fitness equipment, or other architectural treatment be provided along Harding Avenue in order to provide greater visual interest and meet the intent of the regulation.

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.

- Variance Requested from:

IV. The second and third floors shall contain habitable space for residential, hotel, or commercial uses with a minimum depth of 25 feet from the building façade.

This requirement is intended to ensure that upper levels on primary frontages within the North Beach Town Center are activated in order to provide eyes on the street and create visual interest. The requirement is partially complied with along 72nd Street, where active uses (library, community center, and fitness center) are provided on four levels. Given the program constraints of the project, this requirement presents a practical difficulty and staff is supportive of the variance.

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.

- Variance Requested from:

- C. Driveways and vehicle access to off-street parking and loading shall be prohibited on a Class A frontage, unless it is the only means of egress to the site. Permitted drive-ways on Class A frontages shall be limited by the following:
 - I. If a driveway is permitted it shall be limited to 22 feet in width and be incorporated into the façade of the building.
 - II. Driveways shall be spaced no closer than 60 feet apart.
 - III. Driveways shall consist of mountable curbs that ensure a continuation of the ten-foot clear pedestrian paths.
 - IV. If the only means of egress to the site is from a Class A frontage, automobile parking requirements may be waived by the design review board.
- D. Off-street loading shall be prohibited on a Class A frontage, unless it is the only means of egress to the site. Should the only means of egress to a site be from a Class A frontage, loading requirements may be waived by the design review board.
- E. On-street loading shall be prohibited on Class A frontages.
- F. Ground floor utility infrastructure, including as may be required by Florida Power and Light (FPL) shall be prohibited on a Class A frontage, unless it is the only means of egress to the site. Permitted utility infrastructure shall be developed as follows:
 - I. Permitted utility infrastructure shall be concealed from the public view and be placed within or behind the line of the façade if access from the street is required.

Per the TC-C regulations, the site would be required to have its driveways fronting 73rd Street, which is the only unclassified street. However, given the proposed program and location constraints, 72nd Street is the most practical location for driveways and loading access to minimize traffic impacts to the surrounding community. Also, the proposed access point lines up with a perpendicular roadway (Harding Avenue) that connects to 71st Street. As such, this requirement presents a practical difficulty for the development of the community center and staff recommends that the variance be approved.

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.

- Variance Requested from:

V. Ground floor and surface parking shall be setback a minimum of 50 feet from the building façade and be concealed from view from the clear pedestrian path.

Portions of the garage along Collins Avenue and 72nd Street are not setback the required distance from the exterior façade of the building. These segments do comply with the intent of the regulation, which is to ensure that parking is not visible or the primary use on class A frontages. In the case of Collins Avenue, the parking is setback from the street frontage because of the soccer fields; however, the parking is not setback from the façade of the building itself. In the case of 72nd Street, the parking is setback varying amounts and only small sections do not comply with the requirements due to movement in the facade. The requirements therefore represent a practical difficulty and hardship, and staff recommends that the variance be approved.

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.

- Variance Requested from:

1. In the CD-2 district, all floors of a building containing parking spaces shall comply with section 7.1.6.

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7.1.6 PARKING SCREENING STANDARDS

7.1.6.1 Purpose

By screening parking lots and garages, or by lining them with habitable space, pedestrian comfort, and safety as well as visual interest are optimized, contributing to the walkability of a district.

7.1.6.2 Standards

- a. Parking at the [Understory Level](#) (below the [First Habitable Level](#)). Parking at the [Understory Level](#) shall be lined along a minimum of 50 percent (50%) of the built frontage with non-residential uses, lobbies or stoops that provide access to the [First Habitable Level](#) (FHL).
- b. All floors at the [first habitable level](#) (FHL) and above of a building containing parking spaces shall incorporate the following as applicable.
 1. Habitable space, as applicable, at the [first habitable level](#) along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required habitable space may accommodate entrance and exit drives. The total width of the entrance and exit drives shall not exceed 22 feet. For habitable space that screen parking and that are also located below DFE, these shall have floodproofing for all facades below DFE extending 36 inches above DFE.
 2. Habitable space above the [first habitable level](#) along every façade facing a waterway. In RM-2 and RM-3 Residential uses are required facing a waterway.
 3. For properties less than 60 feet in width, the total amount of habitable space at the [first habitable level](#) along a street side shall be determined by the design review or historic preservation board, as applicable. All facades above the [first habitable level](#), facing a street or sidewalk, shall include a substantial portion of habitable space; the total amount of habitable space shall be determined by the design review or historic preservation board, as applicable, based upon their respective criteria.
 4. Where parking is not lined with habitable space it should be screened by fenestration, vegetation or other such treatment.

The requirements of section 7.2.11.3(b)(1) refer to the parking screening standards in section 7.1.6 of the land development regulations. Compliance with these

requirements is achieved along 72nd Street and a portion of 73rd Street, but not along Collins Avenue or Harding Avenue. The intent of the regulation is met along Collins Avenue because it will be fronted by play fields that provide activation and visual interest. The request is similar to variance request No. 3 above, and due to the same practical difficulties, staff is supportive, provided there is additional activation along Harding Avenue.

Overall, staff believes that the proposed development faces multiple practical difficulties and hardships given the required development program, site constraints from the high-tension power lines, and the irregular shape of the lot. As such, staff is supportive of the granting of the variances.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends **approval** of the design and variance requests, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria, Sea Level Rise criteria and Practical Difficulty and Hardship criteria.

EXHIBIT A

LEGAL DESCRIPTION:

A PORTION OF GOVERNMENT LOT 6, SECTION 2, TOWNSHIP 53 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF HARDING AVENUE (STATE ROAD A1A) WITH THE NORTHERLY RIGHT-OF-WAY LINE OF 72nd STREET, SAID NORTHERLY RIGHT OF WAY LINE BEING PARALLEL TO AND 70.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLE TO, THE SOUTH LINE OF AFORESAID GOVERNMENT LOT 6, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 87060, PROJECT NUMBER 2507471, SAID POINT BEING A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE EASTERLY TO WHICH A RADIAL LINE BEARS NORTH 85°59'42" WEST; THENCE NORTHERLY ON SAID EASTERLY RIGHT-OF-WAY LINE AND ON THE ARC SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 623.36 FEET, A CENTRAL ANGLE 15°46'00", FOR AN ARC DISTANCE OF 171.54 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE CONCAVE WESTERLY; THENCE NORTHERLY, CONTINUING ON SAID EASTERLY RIGHT-OF-WAY LINE AND ON THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 687.50 FEET, A CENTRAL ANGLE 19°48'05", FOR AN ARC DISTANCE OF 237.60 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF 73rd STREET; THENCE NORTH 87°05'45" EAST ON SAID SOUTHERLY RIGHT-OF-WAY LINE 319.61 FEET TO THE BEGINNING OF A TANGENT CIRCULAR CURVE CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 12.00 FEET, A CENTRAL ANGLE 86°44'49", FOR AN ARC DISTANCE OF 18.17 FEET TO A POINT OF REVERSE CURVATURE OF CIRCULAR CURVE CONCAVE NORTHEASTERLY ON THE WESTERLY RIGHT-OF-WAY LINE OF COLLINS AVENUE (STATE ROAD A1A) AS SHOWN ON SAID RIGHT OF WAY MAP; THENCE SOUTHEASTERLY ON SAID RIGHT-OF-WAY LINE AND ON THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 644.49 FEET, A CENTRAL ANGLE 20°24'23", FOR AN ARC DISTANCE OF 229.54 FEET TO A POINT OF REVERSE CURVATURE OF CIRCULAR CURVE CONCAVE SOUTHWESTERLY; THENCE SOUTHERLY CONTINUING ON SAID RIGHT-OF-WAY LINE AND ON THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 600.00 FEET, A CENTRAL ANGLE 14°28'04", FOR AN ARC DISTANCE OF 151.51 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 19.06 FEET, A CENTRAL ANGLE 99°02'20", FOR AN ARC DISTANCE OF 33.27 FEET TO A POINT OF TANGENCY ON THE OF AFOREMENTIONED NORTHERLY RIGHT-OF-WAY LINE OF 72nd STREET; THENCE SOUTH 87°35'16" WEST ON SAID NORTHERLY RIGHT-OF-WAY LINE 504.35 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA. AND CONTAINING 167,045 SQUARE FEET (3.8348 ACRES) MORE OR LESS.

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, FL 33139, www.miamibeachfl.gov

TRANSPORTATION & MOBILITY DEPARTMENT

Tel: 305.673.7514

MEMORANDUM

TO: Thomas R. Mooney, AICP, Director, City of Miami Beach Planning Department

FROM: José R. González, P.E., Director, City of Miami Beach Transportation & Mobility Department

DS
SRG

DATE: March 15, 2025

SUBJECT: 263-299 72 Street ("72 Street Community Complex") – Traffic Impact Analysis – DRB24-1072/TRN24-0031

The City of Miami Beach Transportation & Mobility Department has reviewed the subject Traffic Impact Analysis, submitted by the applicant as part of the Design Review Board application, for a proposed mixed-use development located at 263-299 72 Street in the City of Miami Beach, Florida. The "72 Street Community Complex" proposal consists of a 1.62-acre public park, a 60,000-square-foot aquatic center, a 7,500-square-foot fitness center, a 5,000-square-foot community center, a 7,500-square-foot library, 5,000 square feet of retail space, and eight (8) pickleball courts. The development will contain 590 parking spaces, including 12 ADA-accessible spaces.

The project build-out year is anticipated by 2028. The Traffic Impact Analysis associated with this project was performed in accordance with the requirements of the City of Miami Beach and the approved methodology.

Trip Generation Analysis

The results of the Trip Generation Analysis indicate that the proposed development is expected to generate up to 122 net new weekday A.M. peak hour trips and up to 318 net new weekday P.M. peak hour vehicle trips.

The Trip Generation Analysis calculations indicate that the proposed development is expected to generate the highest number of trips during the weekday P.M. peak hour.

Operational and Intersection Capacity Analysis

The results of the Intersection Capacity Analysis indicate that, upon project buildout, all study intersections are projected to operate at Level of Service (LOS) D or better during the A.M. and P.M. peak hours, except for the intersection of 71 Street and Indian Creek Drive/Dickens Avenue. This intersection is expected to operate at LOS E under future conditions, both without and with project traffic during the weekday A.M. and P.M. peak hours. However, with signal timing optimization currently planned by Miami-Dade County, this intersection is expected to operate at LOS D during the A.M. peak hour and operate with less delay than the 'future without project conditions' scenario during the P.M. peak hour.

Parking Inventory Analysis

This development is required to provide 174 parking spaces per City of Miami Beach requirements. The development will provide 590 parking spaces (including 12 ADA-accessible parking spaces), which satisfies the parking requirement for the development.

Entry Gate Analysis

The development will provide two (2) entry gates with license plate readers. These gates do not require driver interaction; rather, drivers will drive through the gates once license plates are read. However, to provide a conservative analysis, a service rate of eight (8) seconds per vehicle was assumed in this analysis. The analysis was prepared for the weekday P.M. peak hour as this is the highest-demand period for the entry gates. It is expected that 174 inbound vehicles will enter the site during this hour. Each gate provides storage for approximately two (2) vehicles including the service position.

The results of the Entry Gate Analysis indicate that queues of less than one (1) vehicle are expected at each entry gate. Therefore, queues are expected to be accommodated on-site and not extend onto public right-of-way.

Loading and Refuse Operations Analysis

The project's loading and refuse operations will occur within the on-site parking garage. A Maneuverability Analysis was performed at the project loading and refuse area using single-unit 30-foot (SU-30) and "F150 SuperCab 4x4" design vehicles for loading and refuse operations. The results of the analysis indicate that loading and refuse vehicles will be able to successfully maneuver into and out of the loading and refuse area without conflict.

Multimodal Trips

Sidewalks are provided along 73 Street, 72 Street, Harding Avenue, and Collins Avenue adjacent to the project site.

The nearest Citi Bike station is located on the west side of Collins Avenue, south of 73 Street, adjacent to the project site.

Miami-Dade County Metrobus Routes #79, #100, and #279, and the free City of Miami Beach Trolley Mount Sinai Link, North Beach Loop, and Collins Express routes operate in close proximity to the project site. The nearest transit stop is located on the west side of Harding Avenue, north of 72 Street, approximately a 2-minute walk from the project site.

Transportation Demand Management (TDM) Strategies

Patrons of the proposed project are expected to travel to and from the project site by private vehicle, by taxi/rideshare, by public transit, by bike, and by walking. To encourage additional multimodal trips to and from the project site, the applicant shall commit to the following:

- Providing a 10-foot shared use path around the site in addition to maintaining the existing sidewalk along all sides of the property frontage.
- Providing 18 bicycle parking spaces on private property. These include four (4) short-term and 14 long-term bicycle parking spaces.

Conditions of Approval

1. 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.
2. 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.

Conclusion

The City of Miami Beach Transportation & Mobility Department, including the Peer Review Consultant, has no further comments on the Traffic Impact Analysis dated February 28, 2025 for 263-299 72 Street ("72 Street Community Complex") at this time.

Please feel free to contact the City of Miami Beach Transportation & Mobility Department if you have any questions on the above.

CC: Otniel Rodríguez, E.I., Assistant Director, City of Miami Beach Transportation & Mobility Department

^{DS}


Ghassan Choueiry, P.E., Senior Transportation Engineer, City of Miami Beach Transportation & Mobility Department

^{DS}


Grant Webster, Transportation Planner, City of Miami Beach Transportation & Mobility Department

^{DS}


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 has been filed requesting 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 remove requirement for the ground floor to contain residential or commercial uses on 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:
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 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 approved by the Design Review Board at a future meeting.
 - b. The applicant shall explore providing windows or other articulation for the portion of the retail bays fronting 72nd Street, 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 final design details, including materials and colors, for the fencing around the athletic fields 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.
 - d. The final design details, including materials and colors, for the fencing around the athletic fields 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. Elements to provide additional visual interest such as fitness equipment, public art, or other architectural treatments 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.
 - f. The applicant shall incorporate additional scorelines, architectural treatment, or public art to break section 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.
 - g. 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.
 - h. 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.

- i. 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.
 - 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. 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 plans 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 plans shall comply with Chapter 4-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
- a. The existing Seagrape 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. 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.
 - d. 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.

- e. 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.
- f. 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 be clearly delineated in the landscape plans. Structural soils may be considered where proposed trees are located immediately adjacent to large open space areas.
- g. 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.
- 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. 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.
- j. 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.
- k. 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.
- l. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- m. 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.

- n. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- o. 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.
- p. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- q. 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.
- r. 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.
- s. 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.

I. Variance(s)

- A. ***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.
- B. ***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.

- C. **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.
- D. **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.
- E. **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.
- F. **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.
- G. **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.

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.

1. 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.

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

EXHIBIT A

LEGAL DESCRIPTION:

A PORTION OF GOVERNMENT LOT 6, SECTION 2, TOWNSHIP 53 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF HARDING AVENUE (STATE ROAD A1A) WITH THE NORTHERLY RIGHT-OF-WAY LINE OF 72nd STREET, SAID NORTHERLY RIGHT OF WAY LINE BEING PARALLEL TO AND 70.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLE TO, THE SOUTH LINE OF AFORESAID GOVERNMENT LOT 6, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 87060, PROJECT NUMBER 2507471, SAID POINT BEING A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE EASTERLY TO WHICH A RADIAL LINE BEARS NORTH 85°59'42" WEST; THENCE NORTHERLY ON SAID EASTERLY RIGHT-OF-WAY LINE AND ON THE ARC SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 623.36 FEET, A CENTRAL ANGLE 15°46'00", FOR AN ARC DISTANCE OF 171.54 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE CONCAVE WESTERLY; THENCE NORTHERLY, CONTINUING ON SAID EASTERLY RIGHT-OF-WAY LINE AND ON THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 687.50 FEET, A CENTRAL ANGLE 19°48'05", FOR AN ARC DISTANCE OF 237.60 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF 73rd STREET; THENCE NORTH 87°05'45" EAST ON SAID SOUTHERLY RIGHT-OF-WAY LINE 319.61 FEET TO THE BEGINNING OF A TANGENT CIRCULAR CURVE CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 12.00 FEET, A CENTRAL ANGLE 86°44'49", FOR AN ARC DISTANCE OF 18.17 FEET TO A POINT OF REVERSE CURVATURE OF CIRCULAR CURVE CONCAVE NORTHEASTERLY ON THE WESTERLY RIGHT-OF-WAY LINE OF COLLINS AVENUE (STATE ROAD A1A) AS SHOWN ON SAID RIGHT OF WAY MAP; THENCE SOUTHEASTERLY ON SAID RIGHT-OF-WAY LINE AND ON THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 644.49 FEET, A CENTRAL ANGLE 20°24'23", FOR AN ARC DISTANCE OF 229.54 FEET TO A POINT OF REVERSE CURVATURE OF CIRCULAR CURVE CONCAVE SOUTHWESTERLY; THENCE SOUTHERLY CONTINUING ON SAID RIGHT-OF-WAY LINE AND ON THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 600.00 FEET, A CENTRAL ANGLE 14°28'04", FOR AN ARC DISTANCE OF 151.51 FEET TO A POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 19.06 FEET, A CENTRAL ANGLE 99°02'20", FOR AN ARC DISTANCE OF 33.27 FEET TO A POINT OF TANGENCY ON THE OF AFOREMENTIONED NORTHERLY RIGHT-OF-WAY LINE OF 72nd STREET; THENCE SOUTH 87°35'16" WEST ON SAID NORTHERLY RIGHT-OF-WAY LINE 504.35 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA. AND CONTAINING 167,045 SQUARE FEET (3.8348 ACRES) MORE OR LESS.