

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

MEETING DATE: **October 23, 2025**

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

FILE NO: **DRB24-1070 F.K.A. DRB22-0886**

IN RE: An application has been filed requesting a modification to a previous Design Review Approval for the construction of a new 10-story mixed-use building, including waivers. Specifically, the applicant is requesting a variance of the front yard setback and one or more waivers.

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

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

APPLICANT: 6940 North Beach Property, LLC

**S U P P L E M E N T A L   O R D E R**

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 partially consistent with the Design Review Criteria b., c., and e. 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 consistent 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

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[Signature]

Section 7.1.2.4(a)(i) if the following conditions are met:

1. Revised elevation, site plan and floor plan drawings for the proposed mixed-use development at 6940 Abbott Avenue shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. All of the original conditions of approval by this Board, as reflected in the Final Order dated March 8, 2023, pursuant to DRB22-0886, shall remain in effect except as modified herein.
  - b. A waiver of Section 7.2.14.6.c.1.A.III.(5) for the minimum 10 foot wide 'clear pedestrian path' requirement to address conflicts with elevations and FDOT roadway projects is approved as proposed.
  - c. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
  - d. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.

**In accordance with section 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. A variance from Section 7.2.14.6.c. to reduce the minimum required setback along Abbott Avenue from 10 feet to 8 feet.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, as noted above 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 Miami Beach City Code:
1. A variance from Section 7.2.14.6.c. to reduce the minimum required setback along Abbott Avenue from 10 feet to 8 feet.

**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 work with the City and the Florida Department of Transportation to facilitate the harmonization between future road raising projects affecting the subject parcel and the building's ground level. The applicant shall ensure that the 'Clear Pedestrian Path' requirement is met upon the completion the harmonization related to the raising of Abbott Avenue.
- B. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
- C. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.

- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. 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.
- F. 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "6940 Abbott Avenue," as designed by **Arquitectonica** signed, sealed, and dated 1/10/2023 and as modified by the plans "6940 Abbott Avenue," as designed by **Arquitectonica** signed, sealed, and dated 8/24/2025, 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 11/25/2025 | 8:01 PM EST

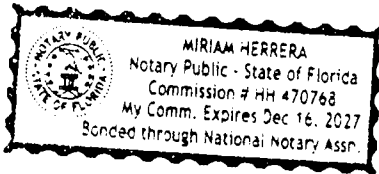
DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

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*Rogelio Madan*  
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BY: \_\_\_\_\_  
Rogelio A. Madan, AICP  
Development & Resiliency Officer  
For the Chair

STATE OF FLORIDA            )  
                                          )SS  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this 9 day of November 2025 by Rogelio A. Madan, AICP, Development & Resiliency Officer of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



Notary *Miriam Herrera*  
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: \_\_\_\_\_  
City Attorney's Office: Steven Rothstein ( 11/25/2025 | 5:36 PM EST )  
528549666679439

Filed with the Clerk of the  
Design Review Board on Jessica Finking ( 12/1/2025 | 10:26 AM EST )  
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*[Signature]*