

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: October 23, 2025

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB24-1070, FKA DRB22-0886
6940 Abbott Avenue

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.

RECOMMENDATION:

Approval with conditions

LEGAL DESCRIPTION:

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

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

BACKGROUND:

On March 8, 2024, the DRB approved the construction of a new 10-story mixed-use building, including a waiver of the requirement for combined loading/parking driveways.

SITE DATA:

Zoning:	TC-C Town Center--Central Core
Future Land Use:	TC-C Town Center--Central Core
Parking Tier:	Tier 3, area d
Lot Size:	24,800 SF (0.57 acres)
Proposed FAR:	81,913 SF / 3.3
Maximum FAR:	86,800 SF / 3.5
Gross SF:	142,495 SF
CMB Grade:	4.92' (varies) NGVD
Base Flood Elevation:	8' NGVD
CMB Free Board:	13' NGVD

SURROUNDING PROPERTIES:

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

THE PROJECT:

The applicant has submitted revised plans entitled "6940 Abbott Avenue," as designed by **Arquitectonica**, signed, sealed, and dated 8/24/2025. The applicant is requesting a modification to the previously approved plans to address issues that have been discovered during the building permit process. The issues relate to the future raising of Abbott Avenue and the dedication of a 2-foot wide strip of land to the City made by a previous owner in 1949 that was not reflected in surveys. Specifically, the applicant is requesting a variance and a design waiver.

The applicant is requesting the following variance:

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 applicant is requesting the following design waiver:

1. 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.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that staff has concluded satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff 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 Miami Beach City Code.

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose

of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.
- 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 I, as applicable.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code, excluding any requests for variance(s) and waiver(s).

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

CONSISTENCY WITH 2040 COMPREHENSIVE PLAN

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

COMPLIANCE WITH DESIGN REVIEW CRITERIA, SECTION 2.5.3.1:

Design review encompasses the examination of architectural 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.
Satisfied
- 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.
Partially satisfied; the applicant is requesting a design waiver related to the frontage and clear pedestrian path requirements.
- 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.
Partially satisfied; the applicant is requesting a variance related to the front setback 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.
Satisfied.
- 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; the applicant is requesting a variance related to the front setback requirements and waiver related to the clear pedestrian path 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.
Satisfied.
- 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.
Satisfied.
- 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).
Not Applicable.
- 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.
Satisfied.
- 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.
Not Satisfied; 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.
Satisfied.

- (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.
Satisfied
- (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.
Satisfied
- (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

ANALYSIS:
DESIGN REVIEW

The applicant is seeking modifications to the approved plan as a result of issues that have risen during the building permit process. During the building permit process, the applicant was made aware of plans to raise Abbott Avenue, which is part of State Road A1A. In order to minimize future harmonization issues, it was determined that it would be best raise portions of the frontage that were intended for the clear pedestrian path and to ramp up to that level until the roadway is raised in the future. Once the roadway is raised, the ramping can be removed and the requirement for the clear pedestrian path can be met. To this end, section 7.2.14.6.c.1.A.III provides for the following:

- 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.

As a result, the applicant is seeking a design waiver to deal with conflicts in elevation as a result of the roadway project. Staff is not opposed to the grating of the waiver; however, staff has included a condition in the attached draft order to ensure that applicant works with the City and FDOT to facilitate the harmonization process as part of the road raising project and ensure future compliance with the clear pedestrian path requirements as follows:

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.

VARIANCE REVIEW

The applicant is requesting the following variance:

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.

- Variances requested from:

Front Setback (feet) Ⓐ Abbot Avenue and Dickens Avenue (Class B Street)	Min setback from property line	Allowable Habitable Encroachments into Setback
Subterranean		
Pedestal (Grade to 55 feet)	10 feet	5 feet
Tower (55 feet to max height)		

In 1949, a previous owner deeded the easterly two feet of land to the City for public use and sidewalks; the original surveys commissioned for the development did not reflect this dedication of land in 1949. A subsequent survey did identify the dedication and corrected the lot size. Because this land dedication was not recognized throughout much of the design review and permitting process for site planning purposes, it was treated as an easement.

At this point in development process the project is in a very advanced stage and moving the 10-story structure back two feet would present a significant hardship and practical difficulty to the applicant. Given that the ground floor has large public facing areas, and compliance with the 'clear pedestrian path' requirement is expected in the future, staff is not opposed to the granting of the variance.

RECOMMENDATION:

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

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: **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 15th 2022, at 5:00 PM.

APPLICANT: 6940 North Beach Property, LLC

SUPPLEMENTAL 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 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

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 I, 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

