



# Letter of Intent

**Date** February 8, 2026

**To** Rogelio Madan, Development & Resiliency Officer  
Philip Byrnes, Senior Planner  
Giselle Deschamps, Principal Planner  
Gabriela Freitas, Office Associate V

**From** Jason Jensen, AIA, LEED AP, Principal

**Project** **DRB26-1161** Miami Beach 72<sup>nd</sup> Street Community Complex

**Via** Email and Hardcopy

**Subject** Design Review Board Letter of Intent

## **Letter of Intent for Miami Beach 72<sup>nd</sup> Street Community Complex**

### **Art in Public Places and Substantial Modifications**

Dear Design Review Board Members:

The Overall project design and required variances were submitted under Application DRB24-1072 and was presented at the Design Review Board meeting on May 15, 2025. Design Review Board approved the project design and all requested variances with conditions as stated on the Recorded order dated June 16, 2025 (Exhibit A).

The design submission included in this package is for the approval of the open items listed in the Recorded order dated June 16, 2025, by the Design Review Board. These items include the final Color, design and details of the proposed architectural screen proposed for the west elevation fronting Harding Avenue to screen the parking garage, as well as any site plan and building modifications that have been made as part of the project design (Exhibit B).

Additionally, the Glory of Old Glory murals by Artis Enzo Gallo, are currently under consideration by the Land Use and Sustainability Committee (LUSC) for potential incorporation into the 72<sup>nd</sup> Street Community Complex.

### **Overall Project Summary**

The overall project parameters are identified within the Design Criteria Package prepared by Desman Design Management June 2020 (Revised 2022). This project aims to incorporate a new parking garage, library, community center, Aquatics center, Fitness Center, retail, Multi-purpose fields and jogging track. On-site improvements include three Public Plaza and surrounding landscape, hardscape, lighting enhancements and public art. Existing city-owned utilities will be re-routed off-site to the adjacent roads and a new all-way stop will be incorporated at the intersection located at the Parking Garage Entrance on 72<sup>nd</sup> Street and Harding Avenue.

**RESILIENCY AND ADAPTATION STANDARD SECTION 7.1.2:**

The proposed Design will meet the Resilience and adaptation standard, and all of the requirements listed per the Design Criteria Package which includes the ability to increase the ground floor elevation by an additional 48 inches to mitigate any future sea rise conditions. The project frontages include local and FDOT roads for which the following harmonization coordination to be met. FDOT roads edge of pavement minimum elevation of 5.2 feet NAVD and 4.2 feet NAVD for local roads. The project site front yards and design features will be designed with maximum flexibility to accommodate the future work required for the harmonization.

Regarding the inclusion of sea level rise and resiliency review criteria per Section 7.1.2.4 of the City Resiliency Code. Below, please find our response outlining how the proposed project aligns with these criteria:

**1. Recycling and Salvage Plan:**

***Response:** A recycling or salvage plan will be implemented for any partial or total demolition associated with the project, in compliance with sustainability and waste management standards.*

**2. Hurricane-Impact Windows:**

***Response:** All proposed windows will utilize hurricane-proof, impact-resistant materials to enhance storm resiliency.*

**3. Resilient Landscaping:**

***Response:** The landscape design will feature resilient landscaping, including salt-tolerant, water-absorbent, native, or Florida-friendly plants, per Chapter 4 of the Land Development Regulations.*

**4. Adopted Sea Level Rise Projections:**

***Response:** The project has considered the adopted sea level rise projections from the Southeast Florida Regional Climate Action Plan. Additionally, the land elevation of the subject property and surrounding properties has been specifically studied to ensure compatibility and adaptability.*

**5. Adaptability to Elevated Rights-of-Way:**

***Response:** The design of the ground floor, driveways, and garage ramping has been carefully planned to be adaptable to the potential raising of public rights-of-way and adjacent land, providing sufficient clearance for future modifications accommodating up to three additional feet of height.*

**6. Critical Systems Above Base Flood Elevation:**

***Response:** All critical mechanical and electrical systems for new construction will be located above the base flood elevation, and redevelopment aspects will prioritize the relocation of such systems whenever practicable and economically reasonable.*

**7. Stormwater Retention Systems:**

**Response:** Stormwater retention systems will be integrated into the design, aligning with the city's goals to manage flood risks effectively.

**8. Cool or Porous Pavement Materials:**

**Response:** Cool pavement materials or porous pavement materials will be utilized to mitigate heat island effects and enhance stormwater management.

**9. Minimizing Heat Island Effects:**

**Response:** The design of the project incorporates strategies to minimize heat island effects through thoughtful landscaping, material selection, and shading.

**10. Vulnerability and Resiliency Compatibility:**

**Response:** The proposed project does not adversely affect areas vulnerable to sea level rise and actively contributes to increasing the city's resiliency with respect to sea level rise. The design aligns with and supports the city's sea level rise mitigation and resiliency efforts.

**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.**

**Response:** Design Updates are included in Submittal for DRB consideration and for staff review and approval during Construction Document Phase.

**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.**

**Response:** Approved in Previous DRB Submission DRB24-1072

**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.**

**Response:** Approved in Previous DRB Submission DRB24-1072

- 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.**

*Response: Design Updates are included in Submittal for DRB consideration and for staff review and approval during Construction Document Phase.*

- 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.**

*Response: Approved in Previous DRB Submission DRB24-1072*

- 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.**

*Response: Approved in Previous DRB Submission DRB24-1072*

- 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.**

*Response: Approved in Previous DRB Submission DRB24-1072*

- 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.**

*Response: Approved in Previous DRB Submission DRB24-1072*

- 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.**

*Response: Design Updates are included in Submittal for DRB consideration and for staff review and approval during Construction Document Phase.*

- j. **Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.**

*Response: Design Updates are included in Submittal for DRB consideration and for staff review and approval during Construction Document Phase.*

- 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.**

*Response: Design Updates are included in Submittal for DRB consideration and for staff review and approval during Construction Document Phase.*

- 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).**

*Response: Approved in Previous DRB Submission DRB24-1072*

- 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.**

*Response: Approved in Previous DRB Submission DRB24-1072*

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

*Response: Design Updates are included in Submittal for DRB consideration and for staff review and approval during Construction Document Phase.*

- 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).**

*Response: Approved in Previous DRB Submission DRB24-1072*

- 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.**

*Response: Design Updates are included in Submittal for DRB consideration and for staff review and approval during Construction Document Phase.*

- 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.**

*Response: Approved in Previous DRB Submission DRB24-1072*

- r. **In addition to the foregoing criteria, section 104-6 (t) 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.**

*Response: Not Applicable*

- s. **The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.**

*Response: Approved in Previous DRB Submission DRB24-1072*

### **Project Intent**

Design an iconic 5-story Community Complex that includes an Aquatic Center with a 50-meter competition pool and a 25-meter multi-purpose pool, a 590-space parking structure and combined (6) pickleball courts on the top level, a 7,800 sq. ft. Miami-Dade County Library, 5,000 sq. ft. of commercial/retail space, a 7,500 sq. ft. Fitness Center, a 5,000 sq. ft. Community Center, and 60,000 sq. ft. of active green space with a jogging path.

- Meet all Design Criteria Package requirements
- Meet LEED Gold Certification
- Integrate building with the city of Miami Beach harmonization plan
- Preserve as many existing trees on site as possible
- Tie into existing urban fabric while respecting the historical heritage of the city.
- Provide resiliency for future potential flooding mitigation

### **Parking Garage Screen Design Art in Public Places (AIPP) Description**

As part of the requirement to comply with the City of Miami Beach Art in Public Places program, an artist was selected through an open Call-to-Artists Request for Qualifications process. In collaboration with both the Capital Improvement Projects (CIP) and Tourism & Cultural Departments, several artists were evaluated, shortlisted, and interviewed. After a thorough review, a preferred artist was chosen and commissioned to develop the artwork for two key locations: the parking garage screen along Harding Avenue and the painted mural wall behind the northwest staircase.

The proposed artwork reflects the movement and energy of the pools, ocean, and water-based activities that define the surrounding neighborhood and the aquatics program within the project. Inspired by the dynamic characteristics of ocean waves, the design provides visual interest at both the pedestrian and vehicular scale, offering layered views and shifting impressions from multiple vantage points along the facade. The installation aims to bring a sense of delight, fluidity, and uplifting energy to the neighborhood, reinforcing the building's connection to water, recreation, and community life.

The parking garage screen assembly uses a standard, proven product—FlexFacades by Structurflex, commonly specified within Miami-Dade County and compliant with HVHZ requirements. The system consists of galvanized steel structure, aluminum framing and a polyvinyl-coated polyester (PES) ventilated mesh with a custom-printed design. The mesh, with 28–30% openness, meets the required ventilation needs for the garage while also reducing visibility of parked vehicles from the right-of-way. This approach integrates functional performance with artistic expression, enhancing both the architectural identity and public experience of the building.

## Site and Building Modifications Description

### Site Improvements:

The site layout has been refined to address accessibility, grading, and circulation needs. The Main Entry Plaza on 72<sup>nd</sup> Street has been reconfigured to align with updated elevation changes, new column locations, and to increase the buffer between the plaza and driveway. The South-west Plaza on the corner of 72<sup>nd</sup> street and Harding Avenue has been adjusted to work with the new column design and to provide egress from the adjacent egress stair. The North and North-east Plazas on 73<sup>rd</sup> Street were also redesigned to improve accessibility and to provide required access to equipment. Along Harding Avenue, the jogging path was adjusted to work with the existing grade and new building elevations, and new retaining walls were introduced to help preserve the existing trees on the west side.

### Building Modifications:

Several architectural and structural enhancements were incorporated to improve performance, durability, and aesthetics. The rooftop eyebrow thickness, painted stucco parapet, was increased to satisfy High Velocity Wind Zone requirements. Exterior concrete columns were refined to better integrate with the overall architectural expression. Guardrail materials were updated to anodized aluminum vertical fins, providing a more cohesive appearance and long-term durability across all site applications. Parking garage signage has been relocated to strengthen visibility and the overall composition. Additional structural elements were introduced—including painted concrete beams above the mechanical roof enclosure and at the north and north-east monumental stairs, as well as a V-shaped column at the North Plaza supporting the pool deck above. The parking garage screen design was updated as part of the Art-in-Public-Places (AIPP) initiative, and materials at the garage's north wall openings were changed from glass to perforated metal. The Screen on the east façade facing the multi-purpose fields were changed to the same material and similar design graphic as the public art to maintain a cohesive design concept. Added security measures include an anodized-aluminum enclosure (matching the guardrails design) at the bottom of open egress stair towers. Additional enhancements include new glazed openings on the north walls of retail spaces to improve visibility and natural light.

This concludes our letter of intent for the Miami Beach 72<sup>nd</sup> street Community Complex Project.

Sincerely,  
Wannemacher Jensen Architects, Inc.

Jason Jensen, AIA, LEED AP



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

**EXHIBIT A**

MEETING DATE: **May 15, 2025**

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

FILE NO: **DRB24-1072**

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

LEGAL: See Exhibit A

APPLICANT: City of Miami Beach

**ORDER**

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

**I. Design Review**

- A. The Board has jurisdiction pursuant to Section 2.1.3.1 of the Land Development Regulations. The property is not located within a designated local historic district and is not an individually designated historic site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria i, k, & s in Section 2.5.3.1 of the Land Development Regulations.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 1 in Section 7.1.2.4(a)(i) of the Land Development Regulations
- D. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:

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

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

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

- h. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
- i. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
- j. Any necessary root and tree branch pruning with a diameter at breast height (DBH) of 2" or greater shall be approved by the City Urban Forester prior to any tree work.
- k. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- l. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- m. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- n. Any proposed new street trees shall be of a planting species consistent or similar with existing street trees in the immediate area or consistent with any master street tree plan for the area, subject to the review and approval of the City Urban Forester.
- o. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- p. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- q. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- r. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, Siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-

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

- s. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers and how they are screened with landscape material from the right of wall shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- t. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

In accordance with section 2.2.4.8 of the Land Development Regulations, the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal a decision of the design review board for design review approval only to the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.

## II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
  1. **TC-C Clear Pedestrian Path:** A variance from section 7.2.14.6(c)(1)(III) for the removal of the clear pedestrian path requirements.
  2. **TC-C Habitable Floors:** A variance from section 7.2.14.6(c)(5)(B) for the removal of the habitable floor requirements on Collins Avenue and Harding Avenue.
  3. **TC-C Ground Habitable Floor Depth:** A variance from sections 7.2.14.6(c)(5)(B)(II) and 7.2.14.6(c)(6)(A) for the removal of the ground-floor habitable depth requirements on 72<sup>nd</sup> 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 72<sup>nd</sup> 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 72<sup>nd</sup> Street, which is a Class A frontage.
  6. **TC-C Off-Street Parking Facilities Design:** A variance from section 7.2.14.6(c)(5)(B)(V) to allow parking setback less than 50 feet from the building façade and visible from the clear pedestrian path.

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

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

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

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

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

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

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The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. **General Terms and Conditions applying to both 'I. Design Review Approval' and 'II. Variances' noted above.**

- A. The applicant shall coordinate with the City of Miami Beach Transportation & Mobility Department to implement an acceptable Transportation Demand Management (TDM) Implementation Plan, prior to the issuance of a building permit. Namely, to increase bicycle parking at the site.
- B. The applicant shall coordinate with the City of Miami Beach Transportation & Mobility Department and Miami-Dade County Department of Transportation and Public Works, as necessary, to design and install all-way stop-control at the intersection of 72 Street and the existing south project driveway, per the most recent Traffic Impact Analysis dated February 28, 2025 and the most recent All-Way Stop-Control Warrant Analysis Memorandum dated February 26, 2025, prior to the issuance of a building permit.
- C. All new construction over 7,000 square feet shall be required to be, at a minimum, certified as LEED Gold by USGBC or as otherwise provided for in section 7.1.3.2 of Land Development Regulations. In lieu of achieving LEED Gold certification, properties can comply with other options provided for in Section 7.1.3.2 of the Land Development Regulations, including the payment of a sustainability fee or posting a sustainability fee bond, unless waived by the City Commission.
- D. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- E. During construction work, the applicant shall maintain gravel at the front of the construction site within the first 15'-0" of the required front yard and including the swale (subject to the review and approval of Public Works), to mitigate disturbance of soil and mud by related personal vehicles exiting and entering the site. All construction materials, including dumpsters and portable toilets, shall be located behind the construction fence and not visible from the right-of-way.
- F. During the course of construction, all vehicles, including, but not limited to all personal vehicles, shall park within the confines of the private property, the swale directly abutting the construction site, or at alternate overflow parking sites that are not on-street metered spaces and not zoned RS. Additionally, parking of any vehicles shall be prohibited in the travel lanes of all streets.
- G. All allowable construction signage shall be attached to or situated behind the construction fence, in accordance with Section 6.3.2 of the Land Development Regulations.

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- 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.

DS  


PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "72<sup>nd</sup> Street Community Complex", as prepared by **WJ Architects, Inc.**, dated, signed and sealed March 9, 2025, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.


The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board approved plans, this approval does not mean that such handicapped access is not required. When requesting Building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Section 2.2.4.6 of the Land Development Regulations; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project shall expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 2 of the Land Development Regulations, for revocation or modification of the application.

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

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

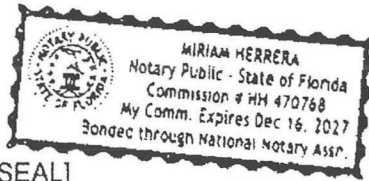
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BY: DEC3ECF2EB68404  
Michael A. Belush, AICP  
Planning and Design Officer  
For the Chair



STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

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



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

{NOTARIAL SEAL}

Approved As To Form: Farooq Andasheva ( 6/11/2025 | 11:00 AM EDT )  
Legal Department: AR3323272157555

Filed with the Clerk of the Planning Board: Jessica Frelking ( 6/13/2025 | 8:04 AM EDT )  
3012475 9265445

DS  
MHS



# EXHIBIT B



**DRB24-1072 Recorded Order**

**Comments & Responses**

**I. Design Review**

**Comment D.1**                    **The final color, design, and details of the proposed architectural mesh (type 1) screening proposed for west elevation fronting Harding Avenue to screen the parking garages shall be subject to the review and approval by the Design Review Board at a future meeting.**

**Response**                    Refer to Art-in-Public Places Presentation included with this submission

**Comment D.2.a**                **The applicant shall explore providing windows or other articulation for the portion of the retail bays fronting 73<sup>rd</sup> Street in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.**

**Response**                    Additional glazing has been explored and incorporated to maintain a cohesive relationship with the overall building composition. The revised placement aligns with the architectural rhythms of the façades and has been carefully coordinated with the structural column locations within the exterior walls. The final glazing configuration will be refined as part of ongoing development and submitted for staff review and approval during the Construction Document Phase.

**Comment D.2.b**                **In order to provide additional visual interest elements such as fitness equipment, public art, or other architectural treatments shall be provided at the ground floor of the Harding Avenue frontage in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board**

**Response**                    Fitness equipment along the jogging path near Harding Avenue has been incorporated into the project. Site limitations—specifically the FPL easement, the presence of existing trees, and the grade change between the jogging path and the existing sidewalk—have restricted the available locations for fitness equipment and public art. As a result, the project has prioritized protecting and maintaining the existing trees by enclosing them with concrete retaining walls. Additionally, new landscape is being incorporated in this area to enhance shade and comfort for pedestrians using the jogging path.

The fitness equipment has been integrated at the north end of the jogging path along Harding Avenue and at the southwest portion of the site off 72nd Street, where site conditions provide appropriate clearances and accessibility. The final locations for fitness equipment and/or public art will be coordinated, finalized, and submitted for staff review and approval during the Construction Document Phase.

## EXHIBIT B

**Comment D.2.c**            **The applicant shall incorporate additional scorelines, architectural treatment, or public art to break-up sections of the facade facing 7nd 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.**

**Response**                Additional reveals will be incorporated to the facade facing 72nd Street near the corner of Harding Avenue for staff review and approval during Construction Document Phase.

**Comment D.2.d**            **The final design and details, including samples and color selection, of the proposed painted concrete columns, shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.**

**Response**                Paint Colors and Material samples will be provided for staff Review during Construction Document Phase.

**Comment D.2.e**            **The final design and details including samples and color selection, of the proposed aluminum railings shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.**

**Response**                Material Samples will be provided for staff Review during Construction Document Phase.

**Comment D.2.f**            **The final design and details, including samples and color selection of the architectural mesh — type 2 shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.**

**Response**                Material Samples will be provided for staff Review during Construction Document Phase

**Comment D.2.g**            **The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.**

**Response**                Material Samples will be provided for staff Review during Construction Document Phase

**Comment D.2.h**            **Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.**

## EXHIBIT B

- Response** Architect will provide a Letter to confirm adherence to the approved plans.
- Comment 3** **A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans shall be submitted to and approved by the Design Board at a future meeting. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of the Board. At a minimum, such plans shall comply with Chapter 4-Landscape Requirements of the Miami Beach Code and shall incorporate the following:**
- Response** Refer to revised Landscape Plans, Sheets LA01 – LA26
- Comment 3.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.**
- Response** There are a lot of limitations on site. The overall size of the improvements will require all the removals that have been identified.
- Comment 3.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.**
- Response** The team has worked with CIP staff and FPL to maximize the number of trees where possible.
- Comment 3.c** **The final design details, including materials and colors, for the fencing around the athletic fields, as well as any and all site walls / fences shall be submitted in a manner to be reviewed and approved by the Board**
- Response** Details and color swatches have been provided as requested.
- Comment 3.d** **Lawn grass/sod areas that are to be used for organized sports such as football and soccer or other similar sports or playgrounds, that are clearly identified on a landscape plan shall not be counted toward calculating maximum lawn area requirements.**

## EXHIBIT B

- Response** Please refer to the updated landscape plans and for the notations on the plans that indicate the play fields
- Comment 3.e** **Any tree identified to be in good overall condition shall be retained and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.**
- Response** The team has worked with City staff to maximize the number of trees where possible. The overall size of the improvements are in conflict with all trees not along the edge of the property and will require all the removals that have been identified.
- Comment 3.f** **If the minimum number of trees required cannot be planted on the ground level of the subject property, the applicant may plant 25 percent of the required trees on upper levels such as open recreation areas, roofs, and exposed decks.**
- Response** There are no areas on the upper levels of the building that can accommodate any of the required trees. Additionally, providing any size canopy trees on any of the upper decks would place them in an unprotected condition from the immediate impact of storm winds originating from the Atlantic. This creates a high liability concern for the City as the property owner.
- Comment 3.g** **Suspended paver systems such as Silva Cells or equal shall be installed where street trees are planted in right of way sidewalk and other hardscape areas in a manner to be reviewed and approved by staff. Suspended paver systems shall be clearly delineated in the landscape plans. Structural soils may be considered where proposed trees are located immediately adjacent to large open space areas.**
- Response** Please refer to the included Soils Infrastructure Plan included.
- Comment 3.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.**

## EXHIBIT B

<b>Response</b>	The tree protection detail will be included in the construction plans that will be routed for the future building permit.
<b>Comment 3.i</b>	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.
<b>Response</b>	The tree protection detail will be included in the construction plans that will be routed for the future building permit.
<b>Comment 3.j</b>	<b>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.</b>
<b>Response</b>	This requirement will be included in the landscape general notes of the construction plans that will be routed for the future building permit.
<b>Comment 3.k</b>	<b>Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cuttings 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>
<b>Response</b>	This requirement will be included in the landscape general notes of the construction plans that will be routed for the future building permit.
<b>Comment 3.l</b>	<b>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.</b>
<b>Response</b>	The team has worked with CIP staff and FPL to maximize the number of trees where possible. The frontage along Collins Ave already has existing trees that are being protected; where additional trees could be provided, they have been included. The frontages along 72nd Street, 73rd Street and Harding Ave are subject to the limitations on new trees imposed by FPL. As such, those frontages will not be allowed (per FPL) to receive street trees.
<b>Comment 3.m</b>	<b>The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.</b>
<b>Response</b>	Acknowledged. CIP Staff will review and route all plans to Green Space for review and concurrence

## EXHIBIT B

<b>Comment 3.n</b>	<b>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.</b>
<b>Response</b>	Where possible (refer to response to comment 3.l) street trees will be specified to be of a consistent species.
<b>Comment 3.o</b>	<b>Any existing plant material within the public right-of-way may be required to be removed, at the discretion of the Public Works Department.</b>
<b>Response</b>	Acknowledged
<b>Comment 3.p</b>	<b>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.</b>
<b>Response</b>	A fully automatic irrigation system with 100% coverage and an automatic rain sensor will be included in the plans that will be provided for building permit.
<b>Comment 3.q</b>	<b>The utilization of root barriers and Silva Cell, as applicable, shall be clearly delineated on the revised landscape plan.</b>
<b>Response</b>	Please refer to the included Soils Infrastructure Plan included.
<b>Comment 3.r</b>	<b>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.</b>
<b>Response</b>	The locations will be included and noted on the plans that will be provided for building permit, as requested.
<b>Comment 3.s</b>	<b>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.</b>
<b>Response</b>	Refer to Sheet A100. The project has proposed an FPL vault room within the building structure. No exterior transformers are proposed. The locations will be included and noted on the plans that will be provided for building permit, as requested

## EXHIBIT B

**Comment 3.t**                    **Prior to the issuance of a Certificate of Occupancy the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the manning Department for Building Permit**

**Response**                      The Certification will be furnished as required prior to the issuance of the Certificate of Occupancy.

**Comment C.1**                    **Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.**

**Response**                      See revised substantial changes sheets SM-1 through SM-8 and Updated renderings sheets A021 through A040.

### **III. GENERAL TERMS AND CONDITIONS APPLYING TO BOTH 'I.DESIGN REVIEW AND II.VARIANCES' NOTED ABOVE**

**Comment 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.**

**Response**                      Understood.

**Comment 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.**

**Response**                      Understood.

**Comment 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**

**Response**                      Understood.

## EXHIBIT B

**Comment 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**

**Response**                      Understood.

**Comment 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.**

**Response**                      Instructions will be incorporated into the Construction Documents for the General Contractor to complete during construction.

**Comment 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 sites 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**

**Response**                      Instructions will be incorporated into the Construction Documents for the General Contractor to comply with during construction.

**Comment G**                      **All allowable construction signage shall be attached to or situated behind the construction fence in accordance with Section 6.32 of the Land Development Regulations.**

**Response**                      Instructions will be incorporated into the Construction Documents for the General Contractor to comply with during construction.

**Comment 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.**

**Response**                      Instructions will be incorporated into the Construction Documents for the General Contractor to comply with during construction.

## EXHIBIT B

- Comment 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.**
- Response**                      Instructions will be incorporated into the Construction Documents for the General Contractor to comply with during construction.
- 
- Comment 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.**
- Response**                      Instructions will be incorporated into the Construction Documents for the General Contractor to comply with during construction.
- 
- Comment 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.**
- Response**                      Instructions will be incorporated into the Construction Documents for the General Contractor to comply with during construction.
- 
- Comment L**                      **This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.**
- Response**                      Understood.
- 
- Comment 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.**
- Response**                      Instructions will be incorporated into the Construction Documents for the General Contractor to comply with during construction.
- 
- Comment 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.**
- Response**                      Understood.
- 
- Comment O**                      **The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.**
- Response**                      Understood.

## **EXHIBIT B**

**Comment 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.**

**Response**                      Understood.

**Comment 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.**

**Response**                      Understood.

**Comment R**                      **The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns**

**Response**                      Understood.

**Comment 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.**

**Response**                      Understood.