

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: May 14, 2026

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB25-1159
1250 West Avenue

An application has been filed requesting Design Review Approval for the construction of a new 28-story multifamily building with accessory uses, including one or more waivers, to replace an existing multifamily building.

RECOMMENDATION:

Approval with conditions.

LEGAL DESCRIPTION:

Lot 3, Block 80, of BAY GARDEN MANOR CONDO, according to the Plat thereof as recorded in Plat Book 6, at Page 12, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning:	RM-3	Required Parking:	250 Spaces
Overlay:	Alton Beach Bayfront	Provided Parking:	250 Spaces
Future Land Use:	RM-3	Grade:	+3.44' NGVD
Lot Size:	83,285 SF (1.91 Acres)	Base Flood Elevation:	+8.56' NGVD
Proposed FAR:	478,872 SF/ 5.75	Adjusted Grade:	+6.00' NGVD
Maximum FAR:	478,888 SF/ 5.75	Finished Floor Elevation:	+13.00' NGVD

*As represented by the applicant

Height:

Proposed: 329'-8" / 28 stories
Maximum: 330'-0"

Surrounding Properties:

Existing Use:	Multi-family residential	East:	1-story 1935 hotel 2-story 1958 hotel
Proposed Use:	Multi-family residential	North:	14-story 2021 multi-family building
Residential Units:	106 Units	South:	15-story 1971 multi-family buildings
		West:	Biscayne Bay

HISTORY:

On June 27, 2025, the City Commission approved ordinance 2025-4749, establishing the Alton Beach Bayfront Overlay District, which applies to the subject parcel. At the same meeting, the City Commission approved Resolution 2025-33803, authorizing a development agreement between the City and the applicant, providing for the construction of a baywalk and other public benefits.

THE PROJECT:

The applicant has submitted plans entitled "1250 West Avenue" as designed by **O'Donnell Dannwolf and Partners Architects, Inc.** and dated, signed, and sealed on March 6, 2026.

The applicant is requesting Design Review approval for the construction of a new 28-story residential building with 106 units, including an accessory commercial space, three levels of subterranean mechanical parking, and a publicly accessible Baywalk segment on the western waterfront edge of the property.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the applicable sections of the City Code. This shall not be considered final zoning review or approval, 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 **multi-family residential** use appears to be **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.
Satisfied
- c. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Satisfied
- 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 Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.

Satisfied

- f. The proposed Structure, and/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 safely 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.

Not Satisfied; a lighting plan has not been submitted.

- 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 city Code 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 complies 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.

Not Satisfied

A recycling plan shall be provided as part of the submittal for a demolition/building permit to the building department.

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.
Satisfied
- (5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
Satisfied
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Satisfied
- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Satisfied
- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
Not Applicable
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.
- (10) In all new projects, water retention systems shall be provided.
Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.
- (11) Cool pavement materials or porous pavement materials shall be utilized.
Satisfied; additional information will be required at the time of building permit

in order to demonstrate compliance.

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

Satisfied; additional information will be required at the time of building permit in order to demonstrate compliance.

STAFF ANALYSIS:
DESIGN REVIEW

The applicant is proposing to construct a new 28-story residential tower that will replace an existing 15-story, 238-unit residential building constructed in 1964. The subject bayfront property is nearly 2 acres in size and is located along the West Avenue corridor. The site is flanked to the north by Monad Terrace and to the south by Bayview Terrace, both of which are contemporary residential towers fronting Biscayne Bay. Across West Avenue to the east, the surrounding context transitions to a mix of older, smaller-scale multifamily residential buildings. In addition to a new residential building, the applicant is proposing to construct a segment of the City's Baywalk promenade along the western edge of the property.

The proposed tower will offer 106 residential units across 27 residential floors, with four (4) units per floor on Levels 2 through 27 and two (2) units on Level 28. The minimum apartment unit size is 1,767 square feet and the average unit size is 3,479 square feet. Three (3) subterranean levels provide structured mechanical parking via stacked lift systems with valet service, a fitness facility, and service infrastructure. The ground floor is organized into two distinct building volumes separated by a vehicular drop-off area. The front volume, facing West Avenue, houses a 2,685 square foot accessory commercial space, an FPL transformer vault, and back-of-house service areas. The rear volume contains the residential lobby and vertical circulation core, with the resident-only private dining room, conference room, and library oriented toward the pool deck and Biscayne Bay. At the rooftop level, the project features two pools and an outdoor amenity terrace shaded by a pergola and trellis structure.

The proposed building is designed in a contemporary style that balances material richness with restrained architectural gestures. The slender tower rises from a landscaped ground plane and is defined by continuous horizontal slab edges that extend beyond the building, creating deep recessed balconies at each residential level. Glass balustrades at the balcony edges reinforce the transparency of the façade. A warm material palette of wood-grain aluminum cladding, smooth cement plaster over concrete, and ultra-clear impact-resistant glazing contrast with tonal variation introduced through aluminum plate cladding in champagne and plain bronze finishes, while light-brown rustic stone cladding anchors the base of the building at the pedestal level.

The building's four elevations maintain a consistent architectural character that is unified by the warm wood-grain aluminum cladding, vertical louver fins, and ultra-clear glazing that articulate the tower above the pedestal. The east elevation, facing West Avenue, is set back behind a generous landscaped front yard, with the residential lobby entrance clearly legible from the street and vertical aluminum louver screens wrapping the pedestal level and screening the subterranean parking infrastructure. The west elevation, facing Biscayne Bay, is the most articulated face of the building, where deep recessed balconies alternate and

stagger with vertical louver screens across the full height of the tower, creating a dynamic interplay of solid and void. The north and south elevations are characterized by continuous balconies more subtly expressed, unified by the consistent application of the warm wood-grain aluminum cladding and glazing system.

Staff does have concerns with the roofline of the building, as it includes only minimal architectural development. As this will be a prominent building in the Miami Beach skyline, staff recommends exploring alternative architectural treatments on the rooftop in order to provide greater visual interest. These could include screen walls, exposed structural elements, decorative architectural structures, lighting features, spires, or other decorative features for ornamental or aesthetic purposes which are allowable height exceptions.

The ground-level landscape, designed by EDSA, envelops the building with lush tropical planting that softens the base of the building and its transition between the public sidewalk and the private residential precinct. The pool pavilion and amenity garden are integrated into the surrounding planting, with the pool deck located at the rear of the site and screened from adjacent properties by vegetation.

BAYWALK & BISCAYNE BAY SHORELINE DEVELOPMENT REVIEW COMMITTEE

The applicant proposes the construction of a publicly accessible Baywalk segment along the western edge of the property, within the riparian rights area fronting Biscayne Bay. The Baywalk will consist of a structure elevated over the water on piers. The proposal includes a platform/observation deck in the center of the Baywalk segment. It will be connected to West Avenue by a dedicated pedestrian pathway along the south side of the property, enhancing public access and connectivity along the waterfront.

Non-single family and duplex properties fronting Biscayne Bay are required to be reviewed by the Miami-Dade County Biscayne Bay Shoreline Development Review Committee (“Shoreline Committee”) in order to provide public access to Biscayne Bay through the use of view corridors and bay walks. Pursuant to Chapter 33D of the County Code, the recommendations of the Committee are transmitted to the board with the “authority to grant the development action or plan approval being sought.”

On April 17, 2026, the application was presented to the Shoreline Committee, and the committee recommended approval of the request with the following conditions (Resolution 26-SDRC-003):

1. The applicants shall proffer a covenant acceptable to the City of Miami Beach that ensures continuous public access to the dedicated waterfront view platform-observation deck.
2. That the access thru the pedestrian path located at the south side of the property, which provides direct connectivity with the waterfront-view platform/observation deck, shall be subject to the City of Miami Beach restrictions and that hours for public access shall be posted in a signage.
3. That one shoreline sign indicating the location of the proposed waterfront view

platform/observation deck shall be installed at the intersection of the pedestrian path entrance with the West Venue sidewalk.

4. That the applicant is required to comply with all applicable conditions and requirements from the Parks, Recreation and Open Spaces Department (PROS), Division of Environmental and Resources Management (DERM) and the Platting and Traffic Division of the Department of Regulatory and Economic Resources (RER) as pertains to this application.

Staff is supportive of the proposed recommendations and has incorporated them into the attached draft order. However, the proposed walkway over the water is inconsistent with the approved development agreement and the proposal will require City Commission approval of an amendment to the agreement. Should the City Commission not agree to the proposed amendment to the development agreement, or should there be any other permitting issues limiting the ability to construct the bay walk segment over the water, staff recommends that the applicant be required to provide a completed bay walk within the west side of the property. Staff has included a condition in the attached draft order with this requirement.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review and Sea Level Rise criteria.

SHORELINE DEVELOPMENT REVIEW COMMITTEE

RESOLUTION 26-SDRC-003

WHEREAS, 1250 WEST AVE OWNER, LLC (the “applicant”) has applied for shoreline site plan development review in accordance with Section 33-D (Shoreline Ordinance) of the Miami-Dade County Code of Ordinances from the Biscayne Bay Shoreline Development Review Committee (“Shoreline Committee”); and

WHEREAS, the applicant proposes a 28-story mixed-use development consisting of one-hundred six (106) residential units and accessory commercial space in the ground floor; the building is located at 1250 West Avenue, within the jurisdiction of the City of Miami Beach, Florida; and

WHEREAS, the subject application was filed with the Miami-Dade County Department of Regulatory and Economic Resources; and

WHEREAS, the Shoreline Committee considers whether and the extent to which a project as presented is consistent with the Miami-Dade County Comprehensive Development Master Plan and conforms to the Biscayne Bay Management Plan; and

WHEREAS, the Shoreline Committee determines the extent to which any plan or development action, as proposed, is in conformance with the Shoreline Ordinance and with the minimum standards set forth in Miami-Dade County Resolution No. R-257-85; and

WHEREAS, a public meeting of the Shoreline Committee was advertised and held on April 17, 2026, and the Shoreline Committee had the opportunity to hear from the applicants and members of the public; and

WHEREAS, the applicant proposes on-site public a publicly accessed view platform-observation deck located over the adjoining waters of the Biscayne Bay, together with a covenant to ensure public use and maintenance of the view platform in perpetuity; and

WHEREAS, the Shoreline Committee considered the recommendations from the Miami-Dade County Shoreline Lower Council as part of its review,

NOW THEREFORE BE IT RESOLVED, that at the April 17, 2026 meeting, the Shoreline Committee, as moved by committee member James V. Duke and seconded by committee member Primi Conde, **approved** the applicant’s request to waiver the shoreline setback requirements indicated by the Shoreline Ordinance, when considering the applicant’s mitigation option provided for in Section 33-D in the form of a publicly accessed view platform-

observation deck along Biscayne Bay to the City of Miami Beach in accordance with the Department of Regulatory and Economic Resource’s recommendation referenced herein as Exhibit A, and as presented in the submitted site plan with the following provisions and conditions:

1. The applicants shall proffer a covenant acceptable to the City of Miami Beach that ensures continuous public access to the dedicated waterfront view platform-observation deck.
2. That the access thru the pedestrian path located at the south side of the property, which provides direct connectivity with the waterfront-view platform/observation deck, shall be subject to the City of Miami Beach restrictions and that hours for public access shall be posted in a signage.
3. That one shoreline sign indicating the location of the proposed waterfront view platform/observation deck shall be installed at the intersection of the pedestrian path entrance with the West Venue sidewalk.
4. That the applicant is required to comply with all applicable conditions and requirements from the Parks, Recreation and Open Spaces Department (PROS), Division of Environmental and Resources Management (DERM) and the Platting and Traffic Division of the Department of Regulatory and Economic Resources (RER) as pertains to this application.

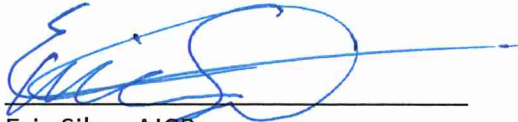
The vote on the motion was as follows:

George Puig	- yes
Maria De Leon Fleites	- yes
James V. Duke	- yes
Primi Conde	- yes
Rachel Silverstein	- absent
Leslie Del Monte	- absent
Justine Velez	- yes
John Stuart	- absent
Devin Cejas	- yes
Rogelio Madan	- yes
(Municipal Representative)	

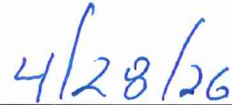
Motion to **approve passed 7 - 0.**

This resolution constitutes the report of the Shoreline Committee together with all exhibits attached hereto submitted to Miami-Dade County, Florida pursuant to Article III of Chapter 33-D of the Code of Miami-Dade County which shall become a part of all hearings and/or permit records on the proposed development action.

Respectfully submitted,



Eric Silva, AICP
Assistant Director
Department of Regulatory and Economic Resources



Date

Application # B2026000003

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: May 14, 2026

PROPERTY / FOLIO: **1250 West Avenue** 02-3233-048-0001

FILE NO: DRB25-1159

IN RE: An application has been filed requesting Design Review Approval for the construction of a new 28-story multifamily building with accessory uses, including one or more waivers, to replace an existing multifamily building.

LEGAL: Lot 3, Block 80, of BAY GARDEN MANOR CONDO, according to the Plat thereof as recorded in Plat Book 6, at Page 12, of the Public Records of Miami-Dade County, Florida.

APPLICANT: Bay Garden Manor Condominium Association, Inc.

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, & s in Section 2.5.3.1 of the Land Development Regulations.
- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Sea Level Rise Criteria 1 in Section 7.1.2.4(a)(i) of the Land Development Regulations
- D. The project would be consistent with the criteria and requirements 2.5.3.1 and/ or Section 7.1.2.4(a)(i) if the following conditions are met:

2. Revised elevation, site plan and floor plan drawings for the proposed multi-family residential building shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The applicant shall explore alternative architectural treatments on the rooftop in order to provide greater visual interest, subject to the review and approved of staff consistent with the Design Review Criteria and/or the directions from the Board. Potential treatments include screen walls, exposed structural elements, decorative architectural structures, lighting features, spires, or other decorative features for ornamental or aesthetic purposes which are allowable height exceptions.
 - b. The final design and details of the pergolas proposed at the rooftop 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.
 - c. The final design and details, including samples and color selection, of the proposed wood-like aluminum cladding, identified as (WOD.01) proposed at the rooftop mechanical and at the ground floor on the east elevation shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. The final design and details, including samples and color selection, of the proposed fixed free-standing, wood-like aluminum fins (WOD.02) proposed on the ground floor and on the glazing, 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 wood-like aluminum fins privacy screens (WOD.03) 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 cement plaster over concrete with horizontal reveals (CON.01) proposed on the underside of the balcony and floor slabs 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 design and details, including samples and color selection, of the cement plaster over concrete with a smooth finish (CON.02) proposed on the balcony slab ends and on exterior walls shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - h. The final design and details, including samples and color selection, of the glazing systems with ultra clear glass and champagne aluminum cladding (ALU.01) shall be submitted in a manner to be reviewed and approved by

staff consistent with the Design Review Criteria and/or the directions from the Board.

- i. The final design and details, including samples and color selection, of the bronze aluminum cladding (ALU.02) proposed as building accents on the elevations shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - j. The final color, design and details of the rustic stone cladding proposed at the base of building shall be submitted in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - k. 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.
 - l. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding plans shall be submitted to and approved by staff. The species, type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plans shall comply with Chapter 4-Landscape Requirements of the Miami Beach Code and shall incorporate the following:
- a. 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. 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.
 - c. 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.

- d. 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.
- e. The proposed and existing trees located within the swale shall be subject to the review and approval of Green Space and CIP.
- f. 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.
- g. Any existing plant material within the public right-of-way may be required to be removed, as the discretion of the Public Works Department.
- h. 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.
- i. The utilization of root barriers and Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- j. 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.
- k. 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.
- l. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

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

I. Variance(s)

- A. No variance(s) were filed as part of this application.

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.

II. General Terms and Conditions applying to both ‘I. Design Review Approval and ‘II. Variances’ noted above.

- A. Prior to the issuance of a building permit for any work approved herein, the applicant shall comply with the following, pursuant to the recommendations of the Biscayne Bay Shoreline Development Review Committee, approved in Resolution 26-SDRC-003, and as established in Chapter 33D of the Miami-Dade County Code:
1. The applicants shall proffer a covenant acceptable to the City of Miami Beach that ensures continuous public access to the dedicated waterfront view platform-observation deck.
 2. That the access thru the pedestrian path located at the south side of the property, which provides direct connectivity with the waterfront-view platform/observation deck, shall be subject to the City of Miami Beach restrictions and that hours for public access shall be posted in a signage.
 3. That one shoreline sign indicating the location of the proposed waterfront view platform/observation deck shall be installed at the intersection of the pedestrian path entrance with the West Venue sidewalk.
 4. That the applicant is required to comply with all applicable conditions and requirements from the Parks, Recreation and Open Spaces Department (PROS), Division of Environmental and Resources Management (DERM) and the Platting and Traffic Division of the Department of Regulatory and Economic Resources (RER) as pertains to this application.
- B. The applicant voluntarily proffers and agrees to provide a public bay walk (“Public Baywalk”) in accord with the following conditions and the conditions in the corresponding Development Agreement. This proffer and its acceptance are based on a particularized evaluation and assessment of the subject project, the rational nexus between such project and impacts to the local transportation network, and the rational nexus and rough proportionality between the project and impacts to the transportation network and the bay walk proffered. The following conditions pertain to the Public Baywalk. These conditions are subject to change upon further review by the City Attorney Office and other departments:
- a. The Baywalk shall comply with all of the requirements of the applicable Development Agreement approved by the City Commission, as may be amended. Should the City Commission not agree to the amendment to the development agreement to allow for the walkway to be located over the water,

or should there be any other permitting issues limiting the ability to construct over the water, the applicant agrees to amend the plans and provide an upland bay walk on the western portion of the subject property, which fully connects to the existing baywalk to the north (Monad Terrace) and a future bay walk segment to the south (Bay View Terrace), subject to the review and approval of staff consistent with the Development Agreement, the Design Review Criteria and/or the directions from the Board.

- b. The Public Baywalk shall be designed, permitted and built by the applicant. All costs associated with the design, permitting and construction of the Public Baywalk, as described herein, shall be borne by the applicant, consistent with the approved development agreement.
- c. The Public Baywalk shall connect directly to any future Public Baywalk to the south of the property and existing Public Baywalk to the north of the project.
- d. The Public Baywalk may be secured and segregated from the private amenity portions of the site, in a manner to be reviewed and approved by staff.
- e. The Public Baywalk shall be open to the public from 6:00 am to 9:00 pm, 7 days a week, or as otherwise determined by the City Commission, upon the City Commission's adoption of uniform rules relating to public baywalks. The applicant may install an operable fence, gate or other operable barrier to restrict public access to the Public Baywalk, subject to the review and approval of staff; such operable fence, gate or barrier shall include some form of automatic timing device, in order to ensure that the Public Baywalk is open between the hours of 6:00 am and 9:00 pm. Access by the public to the Public Baywalk shall only be restricted between the hours of 9:00 pm and 6:00 am, and otherwise, as determined by the Planning Director, in the event of an emergency, dangerous condition or other circumstance that would render usage of the Public Baywalk a safety risk. Any violation of this condition shall be subject to a notice of violation and enforcement by the Special Master or any alternative remedy available to the City.
- f. The applicant shall be responsible for the maintenance, repair and, if necessary, the replacement, if destroyed in whole or part, of the full Public Baywalk, including the seawall, and shall establish reserves and insurance to accomplish this obligation.
- g. The applicant shall complete all design development and permit drawings for the proposed Public Baywalk and submit same for permitting by all applicable review agencies, prior to the issuance of any building permit for the project approved by the Design Review Board in this application. The applicant agrees that the Public Baywalk shall be substantially completed prior to the issuance of any temporary certificate of occupancy (TCO), partial certificate of occupancy or final certificate of occupancy (CO) for any portion of the building, including, but not limited to, any residential units and any work approved by the Design Review Board in this application.

- street metered spaces and not zoned RS. Additionally, parking of any vehicles shall be prohibited in the travel lanes of all streets.
- H. 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.
 - I. 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.
 - J. 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.
 - K. The applicant shall ensure that the contractor(s) observe good construction practices and prevent construction materials and debris from impacting the right-of-way.
 - L. 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.
 - M. This order shall be enforced by the Building, Planning, Parking and Code Compliance Departments.
 - N. 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.
 - O. 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.
 - P. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
 - Q. 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.
 - R. 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.
 - S. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

T. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

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

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "1250 West Avenue" as designed by **O'Donnell Dannwolf and Partners Architects, Inc.** and dated, signed, and sealed on March 6, 2026, 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 _____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

