

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners**

PH: Z23-355

June 20, 2024

Item No. 1D

Recommendation Summary	
Commission District	5
Applicant	128 SW 7th Street Owner, LLC
Summary of Requests	This application is requesting a special exception to permit approval of an initial review of the general development plans for a subject property located in close proximity to the Brickell Metromover Station, and assign to it the permitted uses and development regulations applicable under Section 33C-15 of the County Code for the "Metromover Station Subzone".
Location	128 SW 7 Street, City of Miami, Miami-Dade County, Florida.
Property Size	±1.20-gross (±1.00-net) Acres
Existing Zoning	T6-24A-O (Miami21)
Existing Land Use	Vacant
2030-2040 CDMP Land Use Designation	Regional Urban Center <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the urban center interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33C-15(D)(1) Procedures for approval and development standards, Section 33C-11(G)(1) Initial Review, Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions.

BOARD OF COUNTY COMMISSIONERS' JURISDICTION:

This Board has jurisdiction over this application pursuant to Section 33-314(C)(20) which states "Applications for development in the RTZ District, or for review of decisions regarding development in the RTZ District, as provided in Section 33C of this Code."

PROCEDURAL HISTORY:

This item was deferred from the May 23, 2024, meeting of the BCC in order for the commissioner of the district to be present for the hearing.

The public hearing on this item has not been held.

REQUEST:

SPECIAL EXCEPTION for a general development plan with the purpose of assigning to the subject property, located in the "Metromover Subzone of the Rapid Transit Zone", the applicable permitted uses and development regulations for the subzone in accordance with Section 33C-15 of the County Code.

BACKGROUND AND ANALYSIS:

The approximately 52,401 sq. ft. (1.203 acres) subject property, under folio 01-0205-020-1030, is a through lot that has frontages on both SW 7 Street and SW 8 Street, and is located in close proximity to the Brickell Metromover station (and Brickell Metrorail Station). The first completed phase of The Underline- the Brickell Backyard, lies directly east of the subject site across SW 1 Avenue. This linear park features urban biking and walking paths, sports courts, an outdoor gym, nature gardens, an open-air sound stage, and other public gathering spaces. The subject site is currently undergoing demolition of the prior structures located on it and does not provide any street front activation at the Underline, nor currently provide the level of development density that is ideal for the urban core. The other properties surrounding the subject site are zoned for intense urban development under the terms of City of Miami’s zoning regulations.

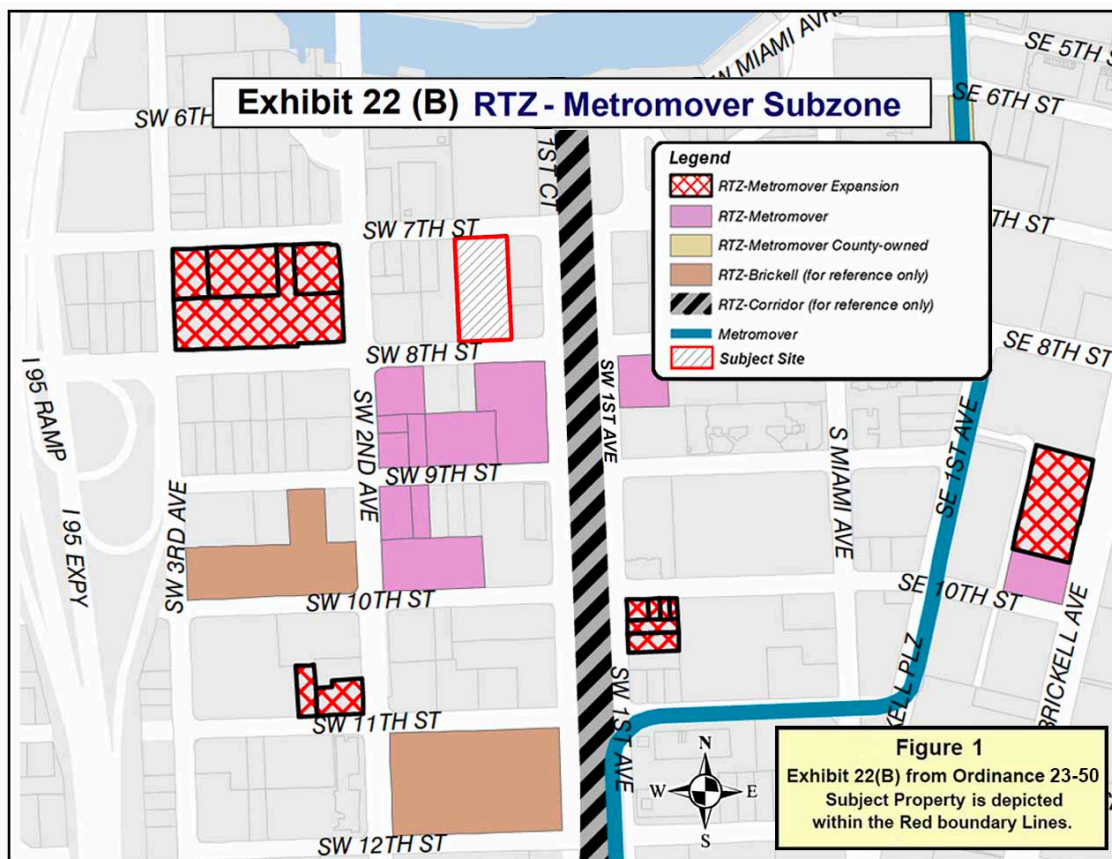


Figure 1

On April 20, 2021, the Board of County Commissioners (BCC) had adopted Ordinance No. 21-33 establishing the “Metromover Subzone” of the Rapid Transit System – Development Zone (RTZ), codified in Section 33C-15 of the County Code. Subsequently, on July 6, 2023, the Board adopted Ordinance No. 23-50, related to the Rapid Transit System- Development Zone (RTZ), which amended section 33C-2 of the Code, and expanded the jurisdictional boundaries of the Metromover Subzone of the Rapid Transit Zone to encompass certain private properties. Ordinance No. 23-50 provided Exhibit 22(B) to include, among other things, the subject property, as shown above in Figure 1. Staff notes that prior to its addition to the Metromover Subzone of

the Rapid Transit Zone, the subject property was under the City of Miami's zoning jurisdiction. Pursuant to section 33C-5(B), "*Until a special exception or other zoning approval for development is approved, lands within the RTZ district shall remain subject to the applicable municipal zoning district regulations that existed prior to the property's inclusion in the RTZ District.*" The Metromover Subzone regulations under Section 33C-15 require a two-step development approval process. This first step, or "Initial Review", requires the Board to hold a public hearing and decide the application equivalent to a rezoning. The second step, or "Final Review", consists of an administrative review by the Department of Regulatory and Economic Resources (RER) of a site plan for the subject property at a future point in time. As per the request, this application consists of the initial review of the subject property.

The County's RTZ primarily consists of properties located within and along the County's Rapid Transit System/Metrorail and Metromover Systems. Properties within the RTZ include the Metrorail Stations, the fixed-guideway path linking the Metrorail and Metromover Stations, the Stations' accessory facilities, and certain developable land. The Metromover Subzone of the RTZ was primarily expanded to include certain properties located at 128, 250, and 296 SW 7 Street, 201 SW 8 Street, 720 SW 2 Avenue, 74, 78, 84, and 88 SW 10 Street, 221, 229, and 231 SW 11 Street, 1013, 1015, and 1021 SW 1 Avenue, 848 Brickell Avenue, 2150 and 1260 Brickell Bay Drive. These developable parcels that are privately-owned property such as the subject site (128 SW 7 Street), and other parcels identified as located within the Metromover Subzone, may be developed with transit-supportive uses in accordance with Chapter 33C of the County Code. Sections of Chapter 33C ("the Chapter"), includes the standards for development of properties surrounding the Metromover Stations with a variety of land uses, residential densities and building intensities consistent with and in conformance with the thresholds of the Miami-Dade County adopted Comprehensive Development Master Plan (CDMP) Urban Center text. Since 1996, the CDMP has provided that "all future rapid transit station sites and their surroundings shall, at a minimum, be developed in accordance with the [CDMP's] Urban Center policies". Since the inception of the RTZ in 1978, the Board has gradually expanded its boundaries to accommodate additional transit-supportive development along the various RTZ's. As provided in Section 33C-2 and Section 33C-5 (see addendum), jurisdiction over zoning and other development orders and development permits within the RTZ is vested in Miami-Dade County regardless of any municipal code, charter, or ordinance provisions to the contrary, and "[u]ntil a special exception or other zoning approval for development is approved, lands within the RTZ district shall remain subject to the applicable municipal zoning district regulations that existed prior to the property's inclusion in the RTZ District."

Staff research for similar approvals indicates that pursuant to Resolution #Z-28-20, the Board of County Commissioners (BCC) approved a general plan with the purpose of designating 4 County owned properties as the "Brickell Subzone of the Rapid Transit Zone", assigning to them the permitted uses under Section 33C-10 of the County Code. Similarly, pursuant to Resolution #Z-8-23, the BCC approved the general development plans for a subject site located in close proximity to the Adrienne Arsht Center Metromover station, and before that, pursuant to Resolution #Z-32-22, approved a special exception for a subject site located in close proximity to the Brickell Metromover station (and Brickell Metrorail Station). Staff also notes that more recently, three properties located in close proximity to the subject site, and to each other, were the subject of similar zoning hearing applications (#Z2022000222, #Z2022000291 and #Z2022000292), and were granted approvals by the BCC in September 2023 (Resolutions #Z-34-23, #Z-35-23 and #Z-36-23 respectively) for their general development plans and were assigned the permitted uses and development regulations applicable under the County Code for the "Metromover Station Subzone".

Pursuant to Chapter 33C of the County Code, the subject property could be developed with a wide variety of residential, commercial, retail, office, and other uses intended to enhance and support the County's existing mass transit system. Staff notes that the subject property is less than a five-minute walk from the Brickell Metromover station (and Brickell Metrorail Station), Brickell City Center and that the Metromover Subzone designation would effectively allow the site for additional housing and business opportunities in the highly urbanized Brickell neighborhood and improve the pedestrian environment and promote walkability within that area. Based on the submitted letter of intent and general development plans, the applicant intends to redevelop the ±1.20-gross acre subject site as a mixed-use development consisting of a 39-story high building with a total of 517 dwelling units and ancillary amenity space, a parking garage with 506 parking spaces including an additional 4 on-street parking spaces along SW 8 Street. The proposed development shall provide for +/10,541 sq. ft. of open space, and +/8,282 sq. ft. of ground-floor retail with frontage along both SW 7 Street and SW 8 Street to help further activate the Underline, which is located directly across the street from the subject site. The proposed development also includes cross-block connectivity at the ground floor via a driveway and walkway on the west side of the subject site that will improve both vehicular and pedestrian circulation within and around the property. The accompanying master plan generally depicts a preliminary general development program for the subject parcel and includes site plans; floor plans; building elevations and sections; landscape plans; lot coverage and open space diagrams; aerials; and renderings for the proposed mixed-use development at the subject site (see Figure 2 below). Attached Exhibit A consists of the subject property's general development plan depicting the location of the proposed uses and provides a potential concept plan for the subject property which would be further detailed through the final review process. Staff notes that a different set of configurations of the general development plan may be approvable pursuant to the Metromover subzone development standards.

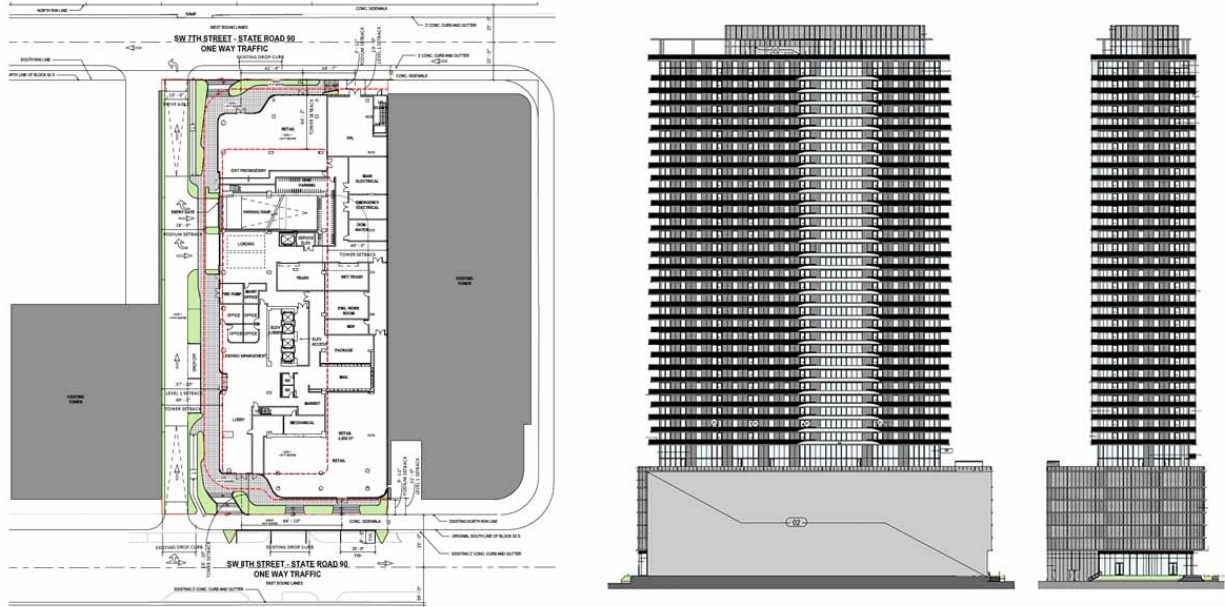


Figure 2

Properties within the Metromover Subzone will be subject to similar development standards as those within the Downtown Intermodal District Corridor, Brickell Station Subzones, and the

recently-established Historic Overtown/Lyric Theater Station and Santa Clara Station Subzones in the City of Miami. The regulatory framework adopted by this Board for these subzones calls for mixed-use development, with a maximum residential density of 500 units/per acre and a maximum height determined by that allowed by the Miami International Airport zoning regulations. Said regulations are consistent with the County's designation of the area as the County's only "Regional Urban Center" on the Comprehensive Development Master Plan (CDMP) - Land Use Plan Map, the CDMP's urban center policies, and related interpretative text (see addendum). Those Urban Center policies further provide for mixed-use development at a minimum floor-area ratio of 4.0 in the designated core and of 2.0 in the designated edge, and at a maximum density of 500 dwelling units per acre. Staff notes that the proposed density of 517-units, a building height of 39-stories, and a floor area ratio of 9.9, would be within the density, massing and floor area ratio threshold that would be allowed under aforementioned regulations. Staff also notes that the Miami-Dade Aviation Department (MDAD) indicate in their memorandum, dated October 12, 2023, that the maximum elevation for the proposed structure conforms to the requirements of the Section 33-333(B)Height/Airspace regulations. Since it is the goal of this application to include the ±1.20-acre subject property within the Metromover Subzone and to assign permitted uses and development regulations, **staff finds the application consistent with the CDMP.**

Staff opines that pertaining to the subject property (see Figure 2), approval of this application would enable the development/redevelopment of the subject parcel in a manner that is **compatible** with that of other development in the balance of the Metromover Subzone and the surrounding area. Staff notes that approval of the request would also authorize for the site all of the applicable permitted uses identified under Section 33C-15(C), subject to the development standards set forth in Section 33C-15 (D) (see Addendum).

Staff notes that Traffic Engineering Division (TED) of the Department of Transportation and Public Works (DTPW) has indicated no objection to the application subject to conditions as specified in their memorandum, dated February 6, 2024. Staff also notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), does not object to the application pursuant to standard conditions, and indicate in their memorandum, dated October 12, 2023, that the application lies within the urban infill area and in a municipality where traffic concurrency does not apply, but that the application will generate an additional 184 PM peak hour vehicle trips. Further, memoranda submitted by other departments reviewing the application, including the Division of Environmental Resources Management (DERM) of the RER, the Miami-Dade Police Department (MDPD), the Miami-Dade Fire Rescue Department (MDFRD), the Miami-Dade Parks Recreation and Open Spaces (MDPROS) Department, Water and Sewer Department (WASD), and the Miami-Dade Department of Solid Waste Management (DSWM), as well as Miami-Dade County Public Schools, do not indicate that any potential impacts would preclude development in accordance with the Metromover Subzone regulations but note that a final determination of traffic, environmental, or other impacts on County resources, will be determined during the Final Review process for specific development approvals.

Additionally, staff notes that pursuant to Section 33C-15(D)(3), approval of a project within the Metromover Subzone may be conditioned on public benefits improvements as the Board may determine to be appropriate to *address the impacts of the new development on rapid transit infrastructure and on other properties or public facilities or infrastructure surrounding the proposed development area.* Under Section 33C-15(D)(2), it is further provided that, when undertaking this public benefits analysis, each reviewing agency shall provide a statement as to the proposed development's impact on public facilities and services. Based on the memoranda issued by DERM, MDPROS, DTPW Traffic Engineering, and DTPW Transit, staff notes that each of these

reviewing agencies have recommended additional improvements relevant to this public benefit review in order to address the proposed development’s impact on public facilities and services. As such, and in accordance with the aforementioned provision, the applicant has voluntarily proffered a covenant that provides certain public benefits in connection with this application to develop the subject property. These benefits and improvements include the provision that prior to issuance of building permit for development of the subject property, the applicant shall pay a monetary contribution of a total of five hundred thousand dollars (\$500,000) to the County for repairs and upgrades to the Brickell Metrorail and Metromover stations. Furthermore, in addition to the trees that would otherwise be required for development of the subject property, the applicant proposes to install 40 trees, including 30 large canopy trees, on the site as well as the surrounding rights-of-way, which, as per the applicant, would amount to an approximate estimated dollar value of sixty-four thousand and two hundred dollars (\$64,200). Additionally, the applicant proposes to construct a cross-block passageway through the subject site to provide access and enhanced pedestrian connectivity between SW 7 Street and SW 8 Street, with an approximate estimated dollar value of two hundred eleven thousand and eight hundred forty-eight dollars (\$211,848), and lastly, proposes to bury (potentially 3) existing telecommunications lines fronting the property, which, as per the applicant, amounts to an approximate estimated dollar value of three hundred seventy-five thousand dollars (\$375,000). The Transit Station Contribution shall be made in addition to any permitting and/or impact fees due to the County in relation to the application or the development of the subject property. In the event, however, that the Director determines in writing that any or all of the Transit Station Contribution would be duplicative of impact fees, the Owner may be entitled to an offset to the Transit Station Contribution commensurate to the value of duplicative impact fees paid.

ACCESS, CIRCULATION AND PARKING: The submitted general development plans indicate one (1)-ingress only point of direct vehicular and pedestrian access provided along SW 8 Street, as well as one (1)-egress only point of access on SW 7 Street to facilitate the flow of traffic for the proposed mixed-use development. Parking and driveways are internal to the site, with the parking provided as structured parking within the proposed structure. The proposed mixed-use development provides for a total of 506 parking garage spaces and 4 on-street parking spaces, and complies with the code minimums.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION: Based on the aforementioned analysis, staff recommends approval of this application with conditions.

CONDITIONS:

1. That the final site plan must conform to the general development plan dated stamped received 9/21/2023 and as approved pursuant to this Special Exception.
2. That the applicant shall submit a recordable covenant on the proffered public benefits improvements and opinion of title in legally sufficient and recordable form before obtaining any subsequent development approvals.
3. That the applicant complies with all applicable conditions, requirements, recommendations, requests, and other provisions of the Platting and Traffic Review Section of the Department of

Regulatory and Economic Resources as indicated in the memorandum dated October 12, 2023.

4. That the applicant complies with all applicable conditions, requirements, recommendations, requests, and other provisions of the Traffic Engineering Division (TED) of the Department of Transportation and Public Works as indicated in the memorandum dated February 6, 2024.

ES:JB:JR:SS



Eric Silva, AICP, Assistant Director
Development Services Division
Miami-Dade County Department of
Regulatory and Economic Resources

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128 SW 7th Street Owner, LLC
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NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	<i>No objection</i>
Platting and Traffic Review Section (RER)	<i>No objection*</i>
Department of Transportation and Public Works (DTPW)	<i>No objection*</i>
Miami-Dade Fire Rescue (MDFR)	<i>No objection</i>
Miami-Dade Aviation Department (MDAD)	<i>No objection</i>
Water and Sewer Department (WASD)	<i>No objection</i>
Parks, Recreation and Open Spaces Department (PROS)	<i>No objection</i>
Miami-Dade County Public Schools	<i>No objection</i>
Miami-Dade Police Department	<i>No objection</i>
Building and Neighborhood Compliance (BNC)	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p>Urban Centers (Page I-46)</p>	<p><i>Diversified urban centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas which will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and Community Centers which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high-quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility.</i></p> <p><i>The locations of urban centers and the mix and configuration of land uses within them are designed to encourage convenient alternatives to travel by automobile, to provide more efficient land use than recent suburban development forms, and to create identifiable "town centers" for Miami-Dade's diverse communities. These centers shall be designed to create an identity and a distinctive sense of place through unity of design and distinctively urban architectural character of new developments within them.</i></p> <p><i>The core of the centers should contain business, employment, civic, and/or high-or moderate-density residential uses, with a variety of moderate-density housing types within walking distance from the centers. Both large and small businesses are encouraged in these centers, but the Community Centers shall contain primarily moderate and smaller sized businesses which serve, and draw from, the nearby community. Design of developments and roadways within the centers will emphasize pedestrian activity, safety and comfort, as well as vehicular movement. Transit and pedestrian mobility will be increased and area wide traffic will be reduced in several ways: proximity of housing and retail uses will allow residents to walk or bike for some daily trips; provision of jobs, personal services and retailing within walking distance of transit will encourage transit use for commuting; and conveniently located retail areas will accommodate necessary shopping during the morning or evening commute or lunch hour.</i></p> <p><i>Urban Centers are identified on the LUP map by circular symbols noting the three scales of planned centers. The Plan map indicates both emerging and proposed centers. The designation of an area as an urban center indicates that governmental agencies encourage and support such development. The County will give special emphasis to providing a high level of public mass transit service to all planned urban centers. Given the high degree of</i></p>
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accessibility as well as other urban services, the provisions of this section encourage the intensification of development at these centers over time. In addition to the Urban Center locations depicted on the Land Use Plan Map, all future rapid transit station sites and their surroundings shall, at a minimum, be developed in accordance with the Community Center policies established below.

Following are policies for development of Urban Centers designated on the Land Use Plan (LUP) map. Where the provisions of this section authorize land uses or development intensities or densities different or greater than the underlying land use designation on the LUP map, the more liberal provisions of this section shall govern. All development and redevelopment in Urban Centers shall conform to the guidelines provided below.

Uses and Activities. Regional and Metropolitan Centers shall accommodate a concentration and variety of uses and activities which will attract large numbers of both residents and visitors while Community-scale Urban Centers will be planned and designed to serve a more localized community. Uses in **Urban Centers** may include retail trade, business, professional and financial services, restaurants, hotels, institutional, recreational, cultural and entertainment uses, moderate to high density residential uses, and well planned public spaces. Incorporation of residential uses is encouraged, and may be approved, in all centers, except where incompatible with airport or heavy industrial activities. **Residential** uses may be required in areas of the County and along **rapid transit lines** where there exists much more commercial development than residential development, and creation of employment opportunities will be emphasized in areas of the County and along rapid transit lines where there is much more residential development than employment opportunity. Emphasis in design and development of all centers and all of their individual components shall be to create active pedestrian environments through high-quality design of public spaces as well as private buildings; human scale appointments, activities and amenities at street level; and connectivity of places through creation of a system of pedestrian linkages. Existing public water bodies shall also be incorporated by design into the public spaces within the center.

Streets and Public Spaces. Urban Centers shall be developed in an urban form with a street system having open, accessible and continuous qualities of the surrounding grid system, with variation, to create community focal points and termination of vistas. The street system should have frequent connections with surrounding streets and create blocks sized and shaped to facilitate incremental building over time, buildings fronting on streets and pedestrian pathways, and squares, parks and plazas defined by the buildings around them. The street system shall be planned and designed to create public space that knits the site into the surrounding urban fabric, connecting streets and creating rational, efficient pedestrian linkages. Streets shall be designed for pedestrian mobility, interest, safety and comfort as well as vehicular mobility. The size of blocks and network of streets and pedestrian access ways shall be designed so that walking routes through the center and between destinations in the center are direct, and distances are short. Emphasis shall be placed on sidewalks, with width and street-edge landscaping increased where necessary to accommodate pedestrian volumes or to enhance safety or comfort of pedestrians on sidewalks along any high-speed roadways. Crosswalks will be provided, and all multi-lane roadways shall be fitted with protected pedestrian refuges in the center median at all significant pedestrian crossings. In addition, streets shall be provided with desirable street furniture including benches, light fixtures and bus shelters. Open spaces such as public squares and greens shall be established in urban centers to provide visual orientation and a focus of social activity. They should be located next to public streets, residential areas, and commercial uses, and should be established in these places during development and redevelopment of streets and large parcels, particularly parcels 10 acres or larger. The percentage of site area for public open spaces, including squares, greens and pedestrian promenades, shall be a minimum of 15 percent of gross development area. This public area provided outdoor, at grade will be counted toward satisfaction of requirements for other common open space. Some or all of this required open space may be provided off-site but elsewhere within the subject urban center to the extent that it would better serve the quality and functionality of the center.

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	<p>Parking. Shared parking is encouraged. Reductions from standard parking requirements shall be authorized where there is a complementary mix of uses on proximate development sites, and near transit stations. Parking areas should occur predominately in mid-block, block rear and on-street locations, and not between the street and main building entrances. Parking structures should incorporate other uses at street level such as shops, galleries, offices and public uses.</p> <p>Buildings. Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have a human scale, abundant windows and doors, and design variations at short intervals to create interest for the passing pedestrian. Continuous blank walls at street level are prohibited. In areas of significant pedestrian activity, weather protection should be provided by awnings, canopies, arcades and colonnades.</p> <p>Density and Intensity. The range of average floor area ratios (FARs) and the maximum allowed residential densities of development within the Regional, Metropolitan and Community Urban Centers are shown in the table below.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 30%;">Average Floor Area Ratios (FAR)</th> <th style="width: 30%;">Max. Densities /Gross Acre</th> </tr> </thead> <tbody> <tr> <td>Regional Activity Centers</td> <td>greater than 4.0 in the core not less than 2.0 in the edge</td> <td style="text-align: center;">500</td> </tr> <tr> <td>Metropolitan Urban Centers</td> <td>greater than 3.0 in the core not less than 0.75 in the edge</td> <td style="text-align: center;">250</td> </tr> <tr> <td>Community Urban Centers</td> <td>greater than 1.5 in the core not less than 0.5 in the edge</td> <td style="text-align: center;">125</td> </tr> </tbody> </table> <p>In addition, the densities and intensities of developments located within designated Community Urban Centers and around rail rapid transit stations should not be lower than those provided in Policy LU-7F. Height of buildings at the edge of Metropolitan Urban Centers adjoining stable residential neighborhoods should taper to a height no more than 2 stories higher than the adjacent residences, and one story higher at the edge of Community Urban Centers. However, where the adjacent area is undergoing transition, heights at the edge of the Center may be based on adopted comprehensive plans and zoning of the surrounding area. Densities of residential uses shall be authorized as necessary for residential or mixed-use developments in Urban Centers to conform to these intensity and height policies.</p> <p>As noted previously in this section, urban centers are encouraged to intensify incrementally over time. Accordingly, in planned future rapid transit corridors, these intensities may be implemented in phases as necessary to conform with provisions of the Transportation Element, and the concurrency management program in the Capital Improvement Element, while ensuring achievement of the other land use design requirements of this section and Policy LU-7F.</p>		Average Floor Area Ratios (FAR)	Max. Densities /Gross Acre	Regional Activity Centers	greater than 4.0 in the core not less than 2.0 in the edge	500	Metropolitan Urban Centers	greater than 3.0 in the core not less than 0.75 in the edge	250	Community Urban Centers	greater than 1.5 in the core not less than 0.5 in the edge	125
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Policy LU-4A (Page. I-11)	When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.												
Objective LU-7 (Page. I-13)	Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a pedestrian and bicycle friendly environment that's promote the use of transit services.												

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<p>Policy LU-7A (Page. I-13)</p>	<p><i>Through its various planning, regulatory and development activities, Miami-Dade County shall encourage development of a wide variety of residential and non-residential land uses and activities in nodes around rapid transit stations to produce short trips, minimize transfers, attract transit ridership, and promote travel patterns on the transit line that are balanced directionally and temporally to promote transit operational and financial efficiencies. Land uses that may be approved around transit stations shall include housing, shopping and offices in moderate to high densities and intensities, complemented by compatible entertainment, cultural uses and human services in varying mixes. The particular uses that are approved in a given station area should, a) respect the character of the nearby community, b) strive to serve the needs of the community for housing and services, and, c) promote a balance in the range of existing and planned land uses along the subject transit line. Rapid transit station sites and their vicinity shall be developed as "urban centers" as provided in this plan element under the heading Urban Centers.</i></p>
<p>Policy LU-7B (Page. I-14)</p>	<p><i>It is the policy of Miami-Dade County that both the County and its municipalities shall accommodate new development and redevelopment around rapid transit stations that is well designed, conducive to both pedestrian and transit use, and architecturally attractive. In recognition that many transit riders begin and end their trips as pedestrians, pedestrian accommodations shall include, as appropriate, continuous sidewalks to the transit station, small blocks and closely intersecting streets, buildings oriented to the street or other pedestrian paths, parking lots predominantly to the rear and sides of buildings, primary building entrances as close to the street or transit stop as to the parking lot, shade trees, awnings, and other weather protection for pedestrians.</i></p>
<p>Policy LU-7D (Page. I-13)</p>	<p><i>Redevelopment of property within one-half mile of existing or planned mass transit stations and bus routes shall not cause an increase in walking distances from nearby areas to the transit services and shall, wherever practical, be done by establishing blocks of walkable scale that form an interconnected network of streets, maximizing connectivity with existing streets and promoting a comfortable environment for pedestrians.</i></p>
<p>Policy LU-7F (Page. I-14)</p>	<p><i>Residential development around rail rapid transit stations should have a minimum density of 15 dwelling units per acre (15 du/ac) within 1/4 mile walking distance from the stations and 20 du/ac or higher within 700 feet of the station, and a minimum of 10 du/ac between 1/4 and 1/2 mile walking distance from the station. Business and office development intensities around rail stations should produce at least 75 employees per acre within 1/4 mile walking distance from the station, 100 employees per acre within 700 feet, and a minimum of 50 employees per acre between 1/4 and 1/2 mile walking distance from the station. Where existing and planned urban services and facilities are adequate to accommodate this development as indicated by the minimum level-of-service standards and other policies adopted in this Plan, and where permitted by applicable federal and State laws and regulations, these densities and intensities shall be required in all subsequent development approvals. Where services and facilities are currently or projected to be inadequate, or where required by Policy LU-7A, development may be approved at lower density or intensity provided that the development plan, including any parcel plan, can accommodate, and will not impede, future densification and intensification that will conform with this policy.</i></p>
<p>Policy LU-8A (Page. I-15)</p>	<p><i>Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines for Urban Form contained in this Element.</i></p>

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PH: Z23-355

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33C-2 Rapid Transit Zone</p>	<p>(A) <i>Definition-</i> The “Rapid Transit Zone” consists of all land area, including surface, subsurface, and appurtenant airspace, heretofore or hereafter designated by the Board of County Commissioners as necessary for the construction of the fixed-guideway portion of the Stage 1 Rapid Transit System, including all station sites, parking areas and yard and maintenance shop facilities.</p> <p>(B) <i>Designation of land included-</i> The Board of County Commissioners hereby designates all land areas (including surface, subsurface, and appurtenant airspace) shown on Exhibits 1 through 16, bearing the following effective dates: Exhibit 1, July 31, 1998, Exhibits 2 through 9 and Exhibits 11 through 16, July 13, 1979 and Exhibit 10, May 26, 1983, certified by the Clerk of the Board as a portion of this chapter, incorporated hereby by reference, and transmitted to the custody of the Department of Planning and Zoning, as the Rapid Transit Zone for the Stage 1 Fixed-Guideway Rapid Transit System. The Director of the Department of Planning and Zoning shall submit to each affected municipality an official map or maps designating the Rapid Transit Zone which may from time to time be altered, enlarged, added to, amended or deleted by ordinance, after a public hearing within each municipality affected.</p> <p>(C) Jurisdiction of County- Jurisdiction for purposes of building and zoning approvals (including, but not limited to, site plan approvals, issuance of building permits, building inspections, compliance with the South Florida Building Code, issuance of certificates of occupancy, zoning applications, special exceptions, variances, district boundary changes, building and/or zoning moratoria, and all other types of functions typically performed by Building and/or Zoning Departments), water and sewer installations, compliance with environmental regulations, street maintenance (including sidewalks where applicable) and utility regulation, all of which relate to the uses specifically delineated in subsection (D) below, shall be and are hereby vested in Miami-Dade County regardless of any municipal code, charter, or ordinance provisions to the contrary. Where a municipality continues to provide other services to a property in the Rapid Transit Zone, the municipality shall be responsible for ensuring that all matters relating to enforcement of land use, zoning, or building code requirements that may arise in the course of providing municipal services are referred to the County’s Building Official, and the municipality shall coordinate with the County to ensure that affected property owners and tenants are also informed as to these jurisdictional matters.</p> <p>(D) <i>Permitted land uses-</i> The following land uses are permitted within the Rapid Transit Zone and no others:</p> <ol style="list-style-type: none">(1) <i>Fixed guideways for the Rapid Transit System.</i>(2) <i>Stations for the Rapid Transit System, including such uses as passenger platforms and waiting areas, ticket and information booths, restrooms, utility rooms, in-station advertising displays, stairs, elevators, walkways, concessions, vending machines, and other service-related businesses offering goods and services for sale to passengers, and other similar uses as are necessary for or ancillary to the proper functioning of a rapid transit station.</i>(3) <i>Parking lots and parking structures.</i>(4) <i>Bus stops and shelters.</i>(5) <i>Streets and sidewalks.</i>(6) <i>Maintenance facilities for the Rapid Transit System, including yard and shops, and associated tracks and facilities.</i>
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ZONING RECOMMENDATION ADDENDUM

128 SW 7th Street Owner, LLC
PH: Z23-355

	<p>(7) Landscaping.</p> <p>(8) Bikeways, parks, community gardening, playgrounds, power substations and other uses necessary for the construction, operation and maintenance of the Rapid Transit System.</p> <p>(9) (a) Such other uses, including commercial, office and residential uses, as may be appropriate to and compatible with the operation of the Rapid Transit System and the convenience of the ridership thereof.</p> <p>(b) Subzones; development regulations, standards and criteria. In the unincorporated areas of the Rapid Transit Zone, subzones shall be created by separate ordinances which shall become part of this chapter. Said ordinances shall identify the boundaries of the individual subzones and shall establish development regulations and site plan review standards and criteria for those land uses permitted pursuant to subsection (9)(a) herein and approved pursuant to subsection (9)(c) herein.</p> <p>(c) Requests for approval of development of those land uses permitted pursuant to subsection (9)(a) herein within a subzone created pursuant to subsection (9)(b) herein shall be made by filing an application in accordance with the provisions of Section 33-304. Said application shall be considered a special exception for site plan approval to be considered and acted upon directly by the Board of County Commissioners pursuant to the criteria established in Section 33-311(d) and the provisions of the applicable subzone.</p> <p>E) Effect on existing land uses. All land areas included by this section within the Rapid Transit Zone upon which uses other than those specified in subsection (D) of this section were authorized or permitted prior to October 27, 1978 may be used as follows:</p> <p>(1) Existing structures. All existing buildings or structures and all uses for which building permits have already been issued prior to the effective date of this article and which have complied with the applicable provisions of the South Florida Building Code, may be continued or constructed in accordance with the approved plans and specifications therefore. Alterations, improvements, or expansions of existing structures shall be subject to the provisions of paragraph (2) hereof.</p> <p>(2) All other lands. No applications for site or plan approvals and/or building permits shall be issued for new facilities within the Rapid Transit Zone except in the following circumstances:</p> <p>(a) The estimated construction costs does not exceed ten thousand dollars (\$10,000.00) in any consecutive two-year period; or</p> <p>(b) The Miami-Dade Transit Agency certifies that approval of the application will not have an adverse impact upon a material element of the Stage I System. The Miami-Dade Transit Agency shall, with respect to any application for which certification is refused, provide a detailed written explanation supporting the refusal to certify and specifying the corrective actions, if any, which would lead to certification. The decision of the Agency may be appealed to the Board of County Commissioners within thirty (30) days from the date of the written explanation by filing a notice of appeal with the Clerk of the Board of County Commissioners. The Board of County Commissioners, after giving public notice as required by Chapter 33 of the Code, shall hear the appeal and either affirm, deny or modify the decision of the Agency. Appeals from the Board of County Commissioners' action shall be in accordance with Section 33-316 of this Code.</p>
<p>Section 33C-5 Rapid Transit Zone ("RTZ") District</p>	<p>(B) Existing zoning designations; administrative site plan review required. Until a special exception or other zoning approval for development is approved, lands within the RTZ district shall remain subject to the applicable municipal zoning district regulations that existed prior to the property's inclusion in the RTZ District.</p>

ZONING RECOMMENDATION ADDENDUM

128 SW 7th Street Owner, LLC
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<p>Section 33C-15.- Metromover Subzone.</p>	<p>(A) <i>Purpose and Intent.</i> The following development review standards and criteria shall govern applications for initial plan approval of the general site development plan, and applications for final site plan review, for all development to be located within the boundaries of the Metromover Subzone established in this section. These standards are consistent with, and support the County's and the City's commitment to, principles of urban planning, including improved mobility, enhanced pedestrian environment, and the reduction of urban sprawl. They are also consistent with the need to provide for the public service and public infrastructure needs of this area, which is within the County's only regional urban center and, as such, is designated for the highest level of development density and intensity in the County.</p> <p>(B) <i>Boundaries.</i> The Metromover Subzone of the Rapid Transit Zone is hereby established; the boundaries of the subzone are identified in Exhibits 22(A) and 22(B) of Section 33C-2. The legal description and a full-scale map of the boundaries are on file with the Department.</p> <p>(C) <i>Permitted Uses.</i> Permitted uses shall be in accordance with Section 33C-11(C) relating to the Government Center Subzone, which are incorporated by reference herein.</p> <p>(D) <i>Procedures for approval and development standards.</i></p> <p>(1) Applications for development in the subzone shall be governed by the pre-application and application procedures and development standards relating to the Government Center Subzone, as set forth in Section 33C-11(D), (E), (F), and (G), which are incorporated by reference herein, except as follows:</p> <p>(a) Parking shall be governed by Section 33C-8.</p> <p>(b) Plan review standards regarding public open space may be satisfied with private open space that is open to the public.</p> <p>(c) Development along the Biscayne Bay and Miami River shorelines shall be subject to the following:</p> <p>(i) <i>Purpose and intent.</i> In furtherance of CDMP objectives and policies regarding shoreline management, Chapter 33D, and municipal codes and plans addressing development along these shorelines, it is the intent of the criteria contained herein to promote connectivity and accessibility to bayfront and riverfront properties within this subzone and to maintain pedestrian connectivity along the existing and planned public walkway along the shoreline, referred to as the Miami Baywalk.</p> <p>(ii) <i>Shoreline setback.</i> The setback from the shoreline shall be a minimum of 50 feet as measured from the mean highwater line provided along the applicable water frontage, except that on lots with a depth of less than 200 feet, the setback shall be a minimum of 25 percent of the lot depth.</p> <p>(iii) <i>Visual corridors.</i> To allow visual corridors to open from ground to sky and to allow public access to the waterfront, side setbacks shall be equal in aggregate to a minimum of 25 percent of the water frontage of each lot based on average lot width.</p> <p>(iv) <i>Public shoreline walkway.</i> To maintain pedestrian connectivity along the shoreline, a publicly accessible walkway shall be provided within the shoreline setback. Walkway design and connections to adjacent existing or planned walkway segments shall be consistent with the County's Shoreline Development Review Manual and, if adjacent to properties under the City of Miami's jurisdiction, with the City of Miami's Waterfront Walkway Design Standards.</p>
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ZONING RECOMMENDATION ADDENDUM

128 SW 7th Street Owner, LLC
PH: Z23-355

	<p>(2) <i>It is further provided that, in the review of an application for public hearing other than for a governmental facility, each reviewing agency shall provide a statement as to the proposed development's impact on public facilities and services, including assessment of impacts beyond minimum concurrency requirements pursuant to Chapter 33G and minimum subdivision requirements pursuant to Chapter 28. The reviewing agency may recommend additional improvements to address such identified impacts.</i></p> <p>(3) <i>Approval of such public hearing application may be conditioned on the provision of improvements recommended by a reviewing agency and of such other public service, public infrastructure, or public benefits improvements as the Board may determine to be appropriate to address the impacts of the new development on rapid transit infrastructure and on other properties or public facilities or infrastructure surrounding the proposed development area. Such improvements may include, without limitation: improvements to rapid transit infrastructure or surrounding roadways; mobility connections to the Rapid Transit System or other buildings or facilities in the surrounding area; emergency services facilities; educational facilities; public parks or public open spaces; tree canopy enhancements; public water and sewer infrastructure; or affordable housing.</i></p> <p>(4) <i>Notwithstanding any other provision to the contrary, for any privately-owned property added to this subzone after April 20, 2021, unless an application for initial review for development approval for such property has been filed in accordance with this section within two years from the effective date of its inclusion in the subzone, the inclusion of such property in the subzone, and the corresponding assertion of County regulatory jurisdiction over it, shall sunset.</i></p> <p>(E) <i>Platting. Separate parcels located within the subzone and made subject to a unity of title or covenant in lieu of unity of title shall not be deemed a subdivision and shall be exempt from the platting requirements of Chapter 28.</i></p> <p>(F) <i>Conflicts. The development review procedures, standards, and criteria set forth in this section shall govern in the event of a conflict with other zoning, subdivision, or landscape regulations of this code or with the Miami-Dade County Public Works Manual.</i></p>
<p>Section 33-311(A)(3) Special Exception, Unusual and New Uses.</p>	<p>Special exceptions (for all applications other than public charter schools), unusual and new uses. <i>Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.</i></p>

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

128 SW 7 STREET/LEE, VICKY

128 SW 7 ST
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Pending

Z2023000355

DATE

HEARING NUMBER

FOLIO: 01-0205-020-1030

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

September 27, 2023

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

There are no open/closed cases in BSS.

VIOLATOR:

128 SW 7 STREET/ LEE, VICKY

OUTSTANDING LIENS AND FINES:


There are no outstanding liens or fines.

Memorandum

MIAMI-DADE
COUNTY

Date: June 7, 2024

To: Lourdes M. Gomez, AICP, Director
Department of Regulatory and Economic Resources

From: Lisa M. Spadafina, RER Assistant Director 
Division of Environmental Resources Management

Subject: Z2023000355-4th Review
128 SW 7th Street Owner LLC
128 SW 7th Street
Special exception application related to proposed mixed-use
development with apartments and retail in the RTZ District.
(RTZ) (1.203 Acres)
01-54-41

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has reviewed the above-referenced zoning application for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) for potable water service and wastewater disposal. Based on the information provided, this zoning application is approved pursuant to section 24-43.1 of the Code.

Potable Water Supply and Wastewater Disposal

According to DERM records, the property is currently connected to public water and sewer. Therefore, connection of the proposed development to public water and sewer systems is required pursuant to the Code.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Please note that some of the collection/transmission facilities, which includes sanitary sewer gravity sewer mains, sanitary sewer force mains and sanitary sewer pump stations, throughout the County do not have adequate capacity, as defined in the Consent Decree between Miami-Dade County, Florida Department of Environmental Protection, and the U.S. Environmental Protection Agency case 1:12-cv-24400-FAM. Under the terms of this Consent Decree, this approval does not constitute an allocation or certification of adequate treatment and transmission system capacity. At the time of building permits DERM will evaluate and may reserve sanitary sewer capacity, through the DERM sanitary sewer certification process, if the proposed development complies with the provisions of the Consent Decree. Building permits for development in sanitary sewer basins which have been determined not to have adequate capacity cannot be approved, until adequate capacity becomes available.

Conditions of Approval: None

Stormwater Management

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year / 1-day storm event.

Conditions of Approval: None

Tree Preservation

An inspection of the site by DERM staff on February 26, 2024, revealed the presence of tree resources. Section 24-49 of the Code requires a Miami-Dade County Tree Permit prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Projects and permits shall comply with the requirements of sections 24-49.2 and 24-49.4 of the Code, including the specimen tree standards. Please note, DERM approval of this request shall not be interpreted as DERM approval of removal or relocation of tree resources.

In accordance with section 24-49.9 of the Code, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. Please contact Jackelyn Alberdi at Jackelyn.Alberdi@miamidade.gov for additional information or concerns regarding this review.

Conditions of Approval : None

Air Quality Preservation

The proposed development would require the demolition of existing structures. Please be advised, prior to DERM approval of a demolition permit, an asbestos survey from a Florida-licensed asbestos consultant is required for renovation activities surpassing the National Emission Standards for Hazardous Air Pollutants (NESHAP) threshold of suspect regulated asbestos containing materials (RACM), and for all demolition activities. The NESHAP thresholds for RACM are 260 linear feet of RACM on pipes, or 160 square feet of RACM on other facility components. If the corresponding Asbestos Survey indicates that materials (friable or to be made friable during the proposed renovation/demolition activities) are positive for 1% asbestos or over, and the amount of materials is over the regulated thresholds, then those materials must be removed/abated prior to renovation/demolition activities by a Florida-licensed asbestos abatement contractor. Additionally, an Asbestos Renovation Notification must be filed, and obtain approval, with the Air Quality Management Division (AQMD) of DERM for abatement work at least 10 working days (14 calendar days) prior to starting the abatement work. Regardless of asbestos content, an Asbestos Demolition Notification must also be submitted, and approved, within the same timeframes mentioned above, prior to demolition work.

Keep in mind that the NESHAP regulations define “Demolitions” as the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations, or the intentional burning of any facility. For question regarding asbestos surveys and notifications, please contact the AQMD via email at asbestos@miamidade.gov.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property. There are no outstanding DERM liens or fines for the subject property.

Concurrency Review Summary

A concurrency review has been conducted for this application and DERM has determined that the same meets all applicable LOS standards for an initial development order as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. This concurrency approval is valid only for this initial development order. Pursuant to Chapter 33G of the Code, a final concurrency statement will be issued at the time of final development order.

Additional Impacts on Public Facilities and Services

DERM notes that development in urban areas can increase impervious areas and contribute to the heat island effect. Trees tend to help reduce urban flooding, improve air quality, and lower surface and air


temperatures in urban areas. As an additional improvement to mitigate impacts of this development, additional tree canopy should be provided in the vicinity of the proposed development.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Ninfa Rincon at (305) 372-6764.

cc: Eric Silva, Department of Regulatory and Economic Resources

Date: October 12, 2023

To: Nathan Kogon, Assistant Director
Development Services
Department of Regulatory and Economic Resources (RER)

From: Maria A. Valdes, CSM, LEED® Green Associate
Chief, Planning & Water Certification Section
Water and Sewer Department (WASD) 

Subject: Zoning Application Comments - 128 SW 7th Street Owner LLC
Application No. Z2023000355 - Previous Application Z23-354

The Water and Sewer Department has reviewed the proposed development for the subject zoning application. WASD has no objections to this application. The information provided below is preliminary and it does not affect the Zoning process. *The applicant is advised to consult with their engineer and WASD's Plans Review staff to finalize points of connection and capacity approval.*

Application Name: 128 SW 7th Street Owner LLC

Location: The proposed project is located at 128 SW 7th Street within a total of 1 net acre, with Folio No. 01-0205-020-1030, within the City of Miami. The site is located within the Rapid Transit Zone (RTZ) Metromover Sub-Zone a Metropolitan Urban Center.

Proposed Development: All developments in the RTZ District that contain uses other than those permitted by right, including residential and commercial uses, must receive approval of a general development plan by process of a Special Exception. As such, the applicant requests approval of a Special Exception for the proposed uses included in the general development plan. The applicant intends to develop a mixed-use project with 517 Apartments (High Density) per Site plan and 8,282 square feet of Retail per floor plan.

The estimated total water demand for the proposed project will be 70,623 gallons per day (gpd).

Water: The proposed development is located within the WASD's water service area. The water supply is provided by the Alexander-Orr Water Treatment Plant (WTP). Currently, there is adequate treatment and water supply capacity at the WTP, consistent with Policy WS-2 A (1) of the CDMP.

There is WASD Agreement No. 32334 pending to be finalized for the subject project with pending points of connection (P.O.C.). Please note that Agreement 32334 was requested for the construction of 517 Apartment Units and a Full service Restaurant of 9,700 square feet, and the development being proposed with the subject application is for 517 Apartment units and 8,282 square feet of Retail. As such, said Agreement must be revised to reflect the proposed development with this zoning application.

The project site is currently being served by WASD. If a new connection is necessary, there is an existing 12-inch water main (E193-2), abutting the property along SW 7th Street to where the developer may connect to provide water service. If two or more fire hydrants are to be connected to a public water main extension, then the water system shall be looped with (2) points of connection. *Final points of connections and capacity approval to connect to the water system will be provided at the time the applicant requests connection to the water infrastructure.*

A Water Supply Certification (WSC) will be required for the proposed development. Said Certification will be issued at the time the WASD Agreement No. 32334 is offered. The WSC letter shall remain active in accordance with terms and conditions specified in said certification. The WSC is required consistent with Policy CIE-5D and WS-2C in the County's CDMP and in accordance with the permitted withdrawal capacity in the WASD's 20-year Water Use Permit.

For more information on the Water Supply Certification Program please go to <http://www.miamidade.gov/water/water-supply-certification.asp>

In addition, all future development will be required to comply with water use efficiency techniques for indoor water use and with landscape standards in accordance with Sections 8-31, 32-84, 18-A, and 18-B of the Miami-Dade County Code, consistent with Policies WS-5E and WS-5F of the CDMP. Also, per Section 8A-381 (c) of the Miami-Dade County Code, effective January 1, 2009, all permit applications for new multifamily residential developments shall be required to include a sub-meter for each individual dwelling unit.

For more information about our Water Conservation Program, please go to <http://www.miamidade.gov/conservation/home.asp>

For information concerning the Water-Use Efficiency Standards Manual please go to <http://www.miamidade.gov/waterconservation/library/instructions/water-use-efficiency-standards-manual.pdf>

Sewer: The proposed development is located within the WASD's sewer service area. The wastewater flows for the proposed development are transmitted to the Central District Wastewater Treatment Plant (CDWWTP) for treatment and disposal. The CDWWTP is operating under a permit from the Florida Department of Environmental Protection. Currently, there is adequate sewer treatment and disposal capacity at the CDWWTP, consistent with Policy WS-2 A (2) of the CDMP.

The subject property is currently being served by WASD. If a new connection is necessary, there is an existing 8-inch gravity sewer (ES3086-1) along SW 7th Street and another 12-inch gravity sewer (ES3108-1) abutting the property along SW 8th Street, to where the developer may connect to provide sewer service for the proposed project. *Final points of connection and capacity approval to connect to the sewer system will be provided at the time the applicant requests connection to the sewer infrastructure. At such time, a modeling analysis will be performed to determine any upgrades to the sewer infrastructure that might be required.*

The sewage flow from the proposed development will be transmitted to Pump Station (P.S.) No. 3. The projected sanitary sewer flows for the proposed development will increase the Nominal Average Pump Operating Time (NAPOT) operating hours of P.S. No. 3 from 4.48 hrs. to 4.59 hrs. Said pump station is currently in OK Moratorium Code status.

The subject application is located within the Brickell Basin II which has a sanitary sewer special connection charge of \$3.90 per gallon. WASD will collect this special connection charge from property owners. The special connection charge is for the expansion of the sewer facilities in the Brickell Basin II Area.

Connection to the sanitary sewer system is subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request consistent with policy WS-2 A(2) of the CDMP. Capacity evaluations of the plant for average flow and peak flows will be required. Connection to the COUNTY'S sewage system will be subject to the terms, covenants and conditions set forth in court orders, judgments, consent orders, consent decrees and the like entered into between the COUNTY and the United States, the State of Florida and/or any other governmental entity, including but not limited to, the Consent Order entered on April 9, 2014 in the United States of America, State of Florida and State of Florida Department of Environmental Protection v. Miami-Dade County, Case No. 1:12-cv-24400-FAM, as well as all other current, subsequent or future enforcement and regulatory actions and proceedings.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Any public water or sewer infrastructure must be within a public right-of-way, or within a utility easement.

Below please find additional links to the WASD portal, which provides information on the Construction & Development process for water and sewer infrastructure.

<http://www.miamidade.gov/water/construction-development.asp>

<http://www.miamidade.gov/water/construction-service-agreement.asp>

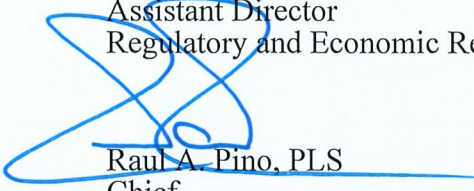
<http://www.miamidade.gov/water/construction-existing-service.asp>

<http://www.miamidade.gov/water/library/forms/service-agreement.pdf>

Should you have any questions, please contact Maria A. Valdes, Chief, Planning & Water Certification Section at (786) 552-8198 or mavald@miamidade.gov, Alfredo B. Sanchez at (786) 552-8237 or sanalf@miamidade.gov, or Benita Ramirez (786) 552-8121 or benita.ramirez@miamidade.gov.

Memorandum



Date: October 12, 2023
To: Nathan Kogon
Assistant Director
Regulatory and Economic Resource Department
From: 
Raul A. Pino, PLS
Chief
Regulatory and Economic Resource Department
Subject: DIC 23-355
Name: 128 SW 7 Street Owner, LLC
Section 05 Township 52 South Range 42 East

I. PROJECT LOCATION:

The property is located at 128 SW 7 Street.

II. APPLICATION REQUEST:

This application is requesting to develop the property as a 39-story, 517-unit mixed-use residential and commercial development.

III. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION:

Access to this site is available from the north and south by SW 1 Court and from the east and the west by SW 8 Street and SW 7 Street.

IV. RECOMMENDATION:

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objections.

V. ANTICIPATED TRAFFIC GENERATION AND CONCURRENCY:

A. Trip Generation (Based on Institute of Transportation Engineers Trip Generation Manual, 11th Edition)

184 PM Peak Hour trips are generated by this application.

This application meets the traffic concurrency criteria because it lies within the urban infill area and in a municipality where traffic concurrency does not apply.

Notes: PM =Post Meridiem

The PM peak hour refers to the highest hour of vehicle trips generated during the afternoon peak hours of 4-6 PM

B. Cardinal Distribution

North	36 %	East	12 %
South	8 %	West	44 %

VI. IMPACT ON EXISTING ROADWAYS:

A. CONCURRENCY:

Station F 5096 located on SW 7 Street east of SW 7 Avenue, has a maximum LOS “E+50” of **3,717** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **1,663** vehicles and **0** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F 5096** with its PHP and assigned vehicles is at LOS “D”. The **40** vehicle trips generated by this development when combined with the **1,663** and those previously approved through Development Orders, **0**, equal **1,703** and will cause this segment to remain at LOS “D” whose range is from 1,255 to 2,700.

Station F 5090 located on SW 8 Street west of US 1, has a maximum LOS “E” of **2,754** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **715** vehicles and **0** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F 5090** with its PHP and assigned vehicles is at LOS “C”. The **26** vehicle trips generated by this development when combined with the **715** and those previously approved through Development Orders, **0**, equal **741** and will cause this segment to remain at LOS “C” whose range is up to 1,254.

Station F 2505 located on I-95/SR 9A south of NW 6 Street, has a maximum LOS “D” of **13,390** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **11,676** vehicles and **0** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F 2505** with its PHP and assigned vehicles is at LOS “D”. The **54** vehicle trips generated by this development when combined with the **11,676** and those previously approved through Development Orders, **0**, equal **11,730** and will cause this segment to remain at LOS “D” whose range is from 11,101 to 13,390.

Station F 0086 located on SE 13 Street west of US 1, has a maximum LOS “E+20” of **4,296** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **1,375** vehicles and **0** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F 0086** with its PHP and assigned vehicles is at LOS “C”. The **19** vehicle trips generated by this development when combined with the **1,375** and those previously approved through Development Orders, **0**, equal **1,394** and will cause this segment to remain at LOS “C” whose range is up to 3,420.

Station 9654 located on South Miami Avenue southwest of SW 15 Road, has a maximum LOS "E" of **1,269** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **1,057** vehicles and **0** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station 9654** with its PHP and assigned vehicles is at LOS "D". The **3** vehicle trips generated by this development when combined with the **1,057** and those previously approved through Development Orders, **0**, equal **1,060** and will cause this segment to remain at LOS "D" whose range is from 595 to 1197.

Station F 1035 located on SW 3 Avenue/Coral Way northeast of SW 18 Road, has a maximum LOS "E+20" of **4,296** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **1,714** vehicles and **0** vehicles have been assigned to this section of the road from previously approved Development Orders. Furthermore, **Station F 1035** with its PHP and assigned vehicles is at LOS "C". The **42** vehicle trips generated by this development when combined with the **1,714** and those previously approved through Development Orders, **0**, equal **1,756** and will cause this segment to remain at LOS "C" whose range is up to 3,420.

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.

VII. SITE PLAN CRITIQUE:

This land **requires** platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications per Miami-Dade Chapter 33-133 and Chapter 28 and/or improvements required will be accomplished thru the recording of a plat.

VIII. STANDARD CONDITIONS:

A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted as part of the paving and drainage plans: "I hereby certify that all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, superelevation, shoulder widths, grades, bridge widths, etc."

Date: September 25, 2023
To: Nathan M. Kogon, Assistant Director
Regulatory and Economic Resources
From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department
Subject: Z2023000355

The Miami-Dade Fire Rescue Department has **no objection** to request for special exception uploaded to “EnerGov” on 09/21/2023.

Note: A cursory review of the site plan provided with this application identified the following item:
Fire department aerial apparatus set-up sites shall be provided at each building over 3 stories in height. Set-up sites shall be located at a minimum on two sides of the building at the approximate center of each side for firefighting and rescue operations. Depending upon the building configuration, additional set-up sites may be required by the AHJ. Sites shall be no closer than 10 feet and no further than 30 feet from any building. Each site shall be a minimum 21 feet wide and 47 feet long with a cross slope no greater than 5 percent. Sites shall not be located over parking spaces, curbs, swells, or landscape areas. Sites shall be designed and maintained to support a minimum of 32 tons and shall also be capable of withstanding any point forces resulting from outriggers.

MDFR’s review of this zoning application is limited to assessing fire department access and does not effectuate an approval of the building design. The future building’s design must be in compliance with the applicable requirements for the proposed use:

Florida State Statue Chapter 633 (Fire Prevention & Control)
Florida Administrative Code 69A
Florida Fire Prevention Code (NFPA 1 and NFPA 101 (2018 edition))
Applicable adopted NFPA Standards
County Code Chapter 14

It is recommended that the applicant contact the Fire Engineering Bureau at **786-315-2771** and schedule a “pre-submittal” meeting or contact Kellyi Bennett at Kellyi.Bennett@miamidade.gov to discuss the aforementioned comments.

For additional information, please contact Alejandro Cuello at acuello@miamidade.gov or call office 786-331-4545/ cell 305-775-3357.

Memorandum



Date: February 6, 2024

To: Eric Silva, AICP
Assistant Director, Zoning Division
Department of Regulatory and Economic Resources (RER)

From: Francisco Arbelaez, AICP, LEED Green Associate
Principal Planner – Infrastructure Planning Division
Department of Transportation and Public Works (DTPW)

Subject: Review of DIC Project No. Z2023000355
128 SW 7th Street Owner LLC
DTPW Project No. OSP 173

PROJECT DESCRIPTION:

The applicant, 128 SW 7th Street Owner LLC, applicant proposes to build a mixed-use residential and commercial project with 517 units of multi-family housing and 8,282 square feet of retail space in a mixed-use 39-story tower. The Project will also include a total of 506 off-street parking spaces. The subject property is in the City of Miami, in Miami-Dade County, Florida, and is located within the Urban Development Boundary and in the Urban Infill Area.

- I. PROJECT LOCATION:**
The property is located at 128 SW 7th Street, Miami, FL 33130
- II. APPLICATION REQUEST:**
The application is requesting approval of the following:
 - Rapid Transit Zone Designation

COMMENTS/RECOMMENDATION:

Miami-Dade County Department of Transportation and Public Works (DTPW) Traffic Engineering Division has reviewed the subject application and has no objections to this application, subject to the following conditions:

I. Infrastructure Planning Division:

Currently the property is served by Metrobus Route 8 and Metrobus Route 207 at a westbound bus stop located approximately 489 feet away along SW 7th Street and SW 2nd Avenue. The property is also served by Metrobus Route 208 at an eastbound bus stop located approximately 495 feet away along SW 8th Street and SW 2nd Avenue. The property is also served by Metrobus Route 102/B and Metrobus Route 24 (Coral Way Limited) at a bus stop located approximately 730 feet away along SW 1st Avenue at the west side of the Brickell Metrorail Station. The property is also served by the City of Miami Trolley, Coral Way Route, and Little Havana Route, at a northbound bus stop located approximately 290 feet away at SW 2nd Avenue and SW 8th Street. The property is also served by the Brickell Metrorail Station and the Metromover Station, which

provides access to the Metrorail Green and Orange Lines, as well as the Metromover Brickell Loop.

The table below details the service headways (in minutes) for these routes:

Metrobus Route, Rail Service and Metromover Summary DIC Project No. Z2023000354							
Route	Peak (am/pm)	Off-peak (midday)	Evening (at 8 pm)	Over night	Saturday	Sunday	Type of Service
8	15	30	30	n/a	30	30	L/F
24 (Coral Way Limited)	20	30	60	n/a	30	30	E/F
102/B (BBN Route 26)	8/15	30	30	n/a	30	30	L/F
207 (Little Havana Connection CW)	15	30	n/a	n/a	30	30	L/F
208 (Little Havana Connection CCW)	15	30	n/a	n/a	30	30	L/F
Metrorail	5	15	15	n/a	15	15	n/a
Metromover	4.5	9	9	n/a	9	9	n/a

Note: *L* means Metrobus local route service, *F* means Metrobus feeder service to Metrorail, *E* means Express or Limited-Stop Metrobus route service

Source: Miami Dade Department of Transportation and Public Works, Dec. 2021 Line Up.
 While the service above is in place, the operation of the system at the time of the review is scaled back to meet the current demands, due to COVID-19 pandemic.

A. DTPW Comments/Recommendations

DTPW encourages the developer to support and enhance pedestrian and bicyclist connections to the bus stops, the Brickell Metrorail Station, and the Brickell Metromover Station, as feasible. The applicant is encouraged to incorporate pedestrian accessibility into the overall site plan of the mixed-use development design to enable safe pedestrian access to neighboring properties, adjacent transit stops, and planned future rapid transit stations. As noted in the existing service section of this memorandum, the subject property is situated within 1,000 feet of the Brickell Metrorail and Metromover Stations. DTPW is currently undertaking multiple renovation and upgrade projects at these two facilities. Fully funded projects include escalator replacements and elevator refurbishments at all Metrorail stations, AC unit replacements at all Metrorail stations, Metrorail and Metromover train control replacement, Metrorail wayside communication equipment, Metrorail rail component replacement along 40 miles of tracks, Metromover Wayside Component overhaul and the Metrorail and Metromover Electronic Real Time signage project. DTPW identifies the following partially funded projects in need of additional funding, which include Metromover vehicle AC unit replacements, the repair and renovation of all Metrorail bathrooms, Metromover station tactile safety edges and between car barriers and Metrorail platform cable replacements.

DTPW has reviewed the draft covenant submitted in November 2023. Upon DTPW's review for mass transit concurrency, the application is found to meet the Level-of-Service concurrency with the adopted mass transit level-of-service standard contained in CDMP Policy MT-1A. **Therefore, DTPW has no objections to this application subject to the following conditions.**

1. The applicant shall coordinate with the Design and Engineering section of DTPW to ensure adequate wayfinding to all transit options and the Underline is provided.
2. The applicant shall ensure that the sidewalk along SW 7th Street and SW 8th Street be maintained in good, operable condition and accessible throughout the duration of construction at the development site as to not impede public access to the nearby bus stops mentioned in the Existing Service section of this Memo, and the Metrorail and Metromover Station entrances along SW 1st Avenue and The Underline.
3. The applicant shall coordinate with the Innovation and Mobility Services section of DTPW on the proposed solutions to provide adequate space for Transit on-demand services and micro-mobility options. Since this is a highly pedestrian area, Bicycle, Pedestrian, and micro-mobility demand usages are expected to increase at a higher rate than transit users in this area.
4. The following recommendations are strongly encouraged and consistent with the Downtown Miami Pedestrian Priority Zone resolution and will improve accessibility to transit options:
 - a. Crosswalks at SW 7th Street and SW 8th Street should be high-emphasis crosswalks or enhanced crosswalks to ensure high visibility of pedestrians.
 - b. Sidewalks being intersected by vehicles at the parking ramps should be enhanced using highly visible surfaces and materials, improving the pedestrian experience.
 - c. The applicant should provide pedestrian level signage indicating indoor and outdoor transit users, the best path to Brickell Metrorail Station and Brickell Metromover Station entrances along SW 1st Avenue and The Underline.
5. The applicant should consider leaving all existing on-street parking spaces undisturbed, show spaces on the site plan. On-street parking is still a necessity with the property's proximity to the Metrorail and Metromover stations.
 - a. Pick-up and drop-off areas may be used for ridesharing services and transit on demand services.
 - b. Valet service should have a designated area and not be occurring within the public right-of-way.
6. The applicant should consider providing spaces for transit buses and users within the Right-of-Way and within the proposed development if necessary to accommodate existing and future needs at SW 7th Street and SW 8th Street.
7. The applicant should consider providing spaces for transit buses and users within the Right-of-Way of SW 7th Street. The applicant may consult with The Transit Service Planning Division of DTPW if a new bus stop is requested.
8. The applicant should consider the level of noise from the Metrorail service nearby. Any Necessary noise mitigation should be considered and shown on site plan / floorplans.

B. Additional impacts on Transit Service

As per code Section 33C-15 (D.2), below are additional improvements which DTPW identified as a preliminary review of the subject development. Please note that these improvements may be modified after the review of a detailed site plan is completed or DTPW acquires additional information on improvement costs.

DTPW analyzed the Mode Shares provided by the Miami-Dade County Transportation Planning Organization (TPO) for the years 2015 and 2045. The TPO manages Southeast Florida Regional Planning Model (SERPM) for the County. The SERPM data is provided at the TAZ level. Based on the 2015 and 2045 mode share values for the Metromover area as provided by the TPO, the mode shares for the following modes are expected to increase as follows: transit users will increase their mode share by 1.16%, Bike 4.21%, pedestrian 10.51% and TNC 0.01%. Conversely it is expected that Automobile usage will decrease from a 60.68% mode share to a 44.8% Mode Share. Transit percentages in SERPM include Metrorail, Metromover, and Metrobus services. DTPW facilities like Bicycle lanes and sidewalks within the neighborhood will also see an increase in their mode share as the area continues to grow.

The proposed project will undoubtedly have a higher impact on the Underline than all three transit systems (Metrorail, Metrobus, Metromover) provided by DTPW in the area. The Transportation Enhancements section of DTPW has identified a need to build a natural, oolite stone type of amphitheater that fits within the land contours and can be used for waiting parents and the school. This portion of the site was not improved by The Underline and has potential to provide enhanced amenities to the neighborhood. Another need identified along the Underline is the installation of dividers on top of the green and cast in place curved walls installed at the Brickell Backyard Phase of The Underline.

Possible improvements for the three transit modes includes upgrading bus stops mentioned in this Memo to have covered waiting and loading areas. As noted in the transit projects noted in the Future Transit Needs" section of this Memo, the TDP, the Brickell Metrorail station and Metromover station are both in need of upgraded elevators and safety improvements. DTPW has identified the need for bike improvements along South Miami Avenue from SW 7th Street to SW 3rd Street. Other improvements are identified in the FDOT Bike Connectivity Plan and The Downtown Miami Micro mobility Project.

Since this is a highly pedestrian area, it is recommended that wider sidewalks be instituted throughout the neighborhood as well as mid-block crosswalks where possible. The installation of shade trees throughout the neighborhood will benefit transit users as well as cyclists and pedestrians. Bicycle and Pedestrian usages are expected to increase at a higher rate than transit users in this area of the County.

c. Additional Impacts on Public Facilities and Services

As per code Section 33C-15 (D.2), below are additional improvements which TED identified as a preliminary review of the subject development.

- As per the submitted site plan, the project will contain driveways connecting SW 8 Street and SW 7 Street. There are existing signalized crosswalks at the intersections of SW 8 Street with SW 2 Avenue and SW 1 Avenue and at SW 7 Street with SW 2 Avenue and SW 1 Avenue. However, a pedestrian evaluation must be performed (including pedestrian data collection) on SW 8 Street between SW 2 Avenue and SW 1 Avenue and SW 7 Street between SW 2 Avenue and SW 1 Avenue to determine the need to install new midblock pedestrian crosswalks.

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Anamersy Arce at (305) 439-6491.

If you have any questions concerning the overall review comments, or wish to discuss this memo further, please contact Francisco Arbelaez at (786) 469-5310.

c: Lisa Colmenares, AICP, Chief Planning Officer, DTPW
Gabriella Serrado, Chief, Infrastructure Planning, DTPW
Eric Zahn, Transit Planning Section Supervisor, Service Planning and Scheduling, DTPW
Linda Morris, AICP, Chief, Service Planning and Scheduling, DTPW
Leandro Oña, Chief, Highway Division, DTPW
Yamilet Senespleda, Manager, Traffic Engineering Division, DTPW
Anamersy Arce, Traffic Engineer, Traffic Engineering Division, DTPW
Amina Newsome, Senior Division Chief, Zoning, RER

Memorandum



Date: June 1, 2023

To: Nathan, Kogon, AICP
Assistant Director, Zoning Division
Department of Regulatory and Economic Resources (RER)

From: Miguel Soria, P.E.
Assistant Director Highway Engineering
Department of Transportation and Public Works

Subject: Review Type: Z2023000355
Applicant Name: 128 SW 7 Street, Owner, LLC

PROJECT DESCRIPTION:

The proposed development requests approval for the construction of a 39-story building with 516 residential dwelling units and 9,700 square-feet of retail uses to be built by 2026. Although the Property is located within the City of Miami, it is located within the Metromover Subzone of the Rapid Transit Zone District (the "RTZ District") and is therefore subject to the planning and zoning jurisdiction of Miami-Dade County.

I. PROJECT LOCATION:

The property is located north of SW 8 Street between SW 1 Court and SW 2 Avenue, approximately 100 feet west of SW 1 Court, in the City of Miami, Florida.

COMMENTS/RECOMMENDATION:

Miami-Dade County Department of Transportation and Public Works (DTPW) has reviewed the subject application and provides the following comments:

A. Traffic Study Review Comments

1. Please ensure to include the following committed developments: 1st and 8th, LLC, Menesse Brickell, LLC, Westpine Brickell, LLC, and Gazit Horizons Brickell, LLC.
2. Queuing analysis: As per this section of traffic study, the site will contain gate-controlled entrance. The gate operation will have access control barriers with gate arms that operate vertically for each lane, the resident lane will operate with a bar code reader. However, the study does not specify how the visitors will be able to access the gate. Additionally, the site plan must show the location of gate and the distance from the property line to proposed gate. It should be noted that the proposed gate must comply with the entrance feature requirements. Please refer to figure on Page 2.

9. Stacking distance is (*distance between the property line and the card reader*) based on the number of units:

<u>Entrance type</u>	<u>Minimum</u>	<u>Recommended</u>
Resident only	50'	50'
Resident/Visitor 100 Units	75'	125'
Resident/Visitor 200 Units	125'	175'
Resident/Visitor >200 Units	175'	225'

**Stacking distance for either lane shall not be less than 50 feet in length.*

10. Minimum visitor turnaround radii: 18 feet inside
 24 feet outside

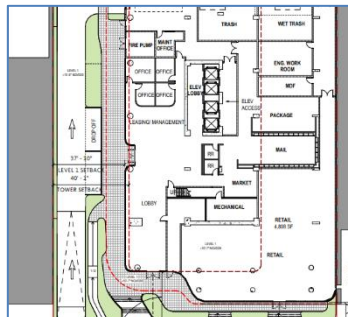
**Must be measured no more than 10 feet from the median*

**Turnaround cannot conflict with entering residents or gate swing.*

- As per traffic study, a dedicated left-turn lane is not warranted as SW 8 Street is a one-way eastbound roadway with three thru lanes. However, as per Figure 8 of Appendix A it is projected that 103 PM peak hour left-turns will enter the proposed site, which it is a high number of turns that may conflict with existing on-street parking on SW 8 Street. Please clarify if FDOT has approved the site plan/traffic study.
- Please note that SW 8 Street/SW 7 Street is a State maintained road. Any improvements within the right of way of SW 8 Street/SW 7 Street requires review and approval by the Florida Department of Transportation. Please note that driveway connections along SW 8 Street/SW 7 Street must meet FDOT access management requirements.
- The development must include a schematic of a pedestrian trip generation based on its development and surrounding pedestrian generators (this must include transit facilities). Also, the study needs to evaluate the need to upgrade or install pedestrian infrastructure to improve safety and operations within the area of influence.

B. Site plan Review Comments

- Exit driveways must comply with clear sight visibility requirements for both pedestrians and vehicular traffic. Provide clear sight visibility triangles on the landscape and site plans to demonstrate compliance with these requirements.
- Driveways must be designed as per FDOT standard 515.
- Please provide clarification on the designated location for deliveries from companies such as Uber, Amazon, FedEx, and others.
- Please clarify the intent of the drop-off space shown below.



5. Please clarify if on-street parking will be provided along SW 7 Street.
6. A signed and sealed site plan printed to scale must be submitted for DTPW review. Pavement widths, radii, existing and proposed driveway connections, proposed circulation paths, pavements markings, lanes widths, signing, etc. must be shown in the submitted site plan. A minimum of 5 feet must be provided from property line to driveway.

C. Additional Impacts on Public Facilities and Services

As per code Section 33C-15 (D.2), below are additional improvements which TED identified as a preliminary review of the subject development.

- As per submitted site plan, the project will contain driveways connecting to SW 8 Street and SW 7 Street. There are existing signalized crosswalks at the intersections of SW 8 Street with SW 2 Avenue and SW 1 Avenue and at SW 7 Street with SW 2 Avenue and SW 1 Avenue. However, a pedestrian evaluation must be performed (including pedestrian data collection) on SW 8 Street between SW 2 Avenue and SW 1 Avenue and SW 7 Street between SW 2 Avenue and SW 1 Avenue to determine the need to install new midblock pedestrian crosswalks.

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Anamersy Arce at (305) 439-6491.



Concurrency Management System (CMS)

Miami-Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System School Concurrency Determination

MDCPS Application Number: **SP0123122800685** Local Government (LG): **Miami**
 Date Application Received: **12/28/2023 12:08:01 PM** LG Application Number: **PZ-22-15768 (ASPR Z2023000354)**
 Type of Application: **Site Plan** Sub Type: **Public**
 Applicant's Name: **128 SW 7TH STREET OWNER LLC (PZ-22-15768)**
 Address/Location: **128 SW 7 St**
 Master Folio Number: **0102050201030**
 Additional Folio Number(s):

PROPOSED # OF UNITS **517**
 SINGLE-FAMILY DETACHED UNITS: **0**
 SINGLE-FAMILY ATTACHED UNITS: **0**
 MULTIFAMILY UNITS: **517**



CONCURRENCY SERVICE AREA SCHOOLS

CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
5321	SOUTHSIDE ELEMENTARY (ELEM COMP)	128	16	16	YES	Current CSA
6841	SHENANDOAH MIDDLE	-28	7	0	NO	Current CSA
6841	SHENANDOAH MIDDLE	139	7	7	YES	Current CSA Five Year Plan
7791	BOOKER T WASHINGTON SENIOR	0	6	0	NO	Current CSA
7791	BOOKER T WASHINGTON SENIOR	0	6	0	NO	Current CSA Five Year Plan

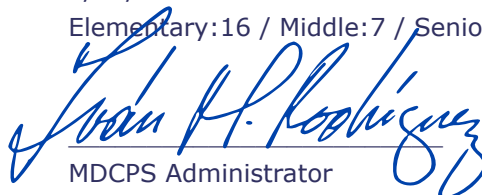
ADJACENT SERVICE AREA SCHOOLS

7411	MIAMI NORTHWESTERN SENIOR	735	6	6	YES	Adjacent CSA
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*An Impact reduction of **33.18%** included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a public school concurrency review for this application and has determined that it **DOES MEET (Concurrency Met)** all applicable LOS Standards for a Final Development order as adopted in the local Government's Educational Element and incorporated in the Interlocal Agreement for Public School Facility Planning in Miami-Dade County.

Master Concurrency Number: **MA0123122800685** Total Number of Units: **517**
 Issue Date: **1/12/2024 10:01:06 AM** Expiration Date: **1/12/2025 10:01:06 AM**
 Capacity Reserved: **Elementary:16 / Middle:7 / Senior: 6**


 MDCPS Administrator


 MDCPS Authorized Signature

Memorandum



Date: November 6, 2023

To: Nathan Kogon, Assistant Director
Development Services Division
Director, Regulatory and Economic Resources Department (RER)

From: Alejandro Zizold, Chief, Planning and Research *Alejandro Zizold*
Planning and Design Excellence Division
Parks, Recreation and Open Spaces Department (PROS)

Subject: Z2023000355 – Mixed-Use Development

Applicant Name: 128 SW 7th Street Owner LLC.

Project Location: The property consists of approximately 1.20-Acres and the property is located 128 SW 7 St, in the City of Miami (Folio Nos.: 01-0205-020-1030). The subject property is zoned Metro-Mover RTZ District. The current land use is Transient-Residential.

Proposed Development: The applicant seeks a special exception zoning review for the proposed mixed-use development including 517 residential dwelling units.

Current Park Benefit District Area Conditions: Existing County-owned Park and recreation facilities, both Areawide and Local, serving Park Benefit District 1 are shown on the attached map in Figure 1. County-owned local parks that are within three miles of the subject application are described below in Table A.

The development will be within close proximity to the Underline which serves the local community, and allows for pedestrian and bicycle friendly pathways for commuting and recreational purposes.

There are no Miami-Dade local parks within a 3-mile radius of the application area.

Impact and Demand: The proposed residential component impact does not apply to Miami-Dade County local parkland when analyzed using Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. There are no parks larger than 5-acres within the 3-mile application area. Please coordinate with the City of Miami's Park Department's Level of Service impact from the proposed development on park and open space needs.

Additional Impacts on Public Facilities and Services: While the proposed development is located within the Miami-Dade County's RTZ Metro-Mover Subzone, this particular development has no impact on Miami-Dade County's park facilities, and therefore PROS has no additional considerations for community benefit. Contact the Department of Transportation and Public Works (DTPW) to further understand their requirements for Community Benefit as it pertains to impacts on The Underline and its facilities. In addition, coordinate with nonprofit organization, Friends of the Underline on any positive impact the project may have on the linear park.

Recommendations: PROS offers the following recommendations:

- PROS recommends highly visible bicycle parking stations are provided as part of the development to encourage use of Municipal and County trail networks, and to promote non motorized transportation.

- PROS recommends the applicant provide a detailed landscape plan that includes shade trees along sidewalks in order to provide a more shaded and walkable area per our Great Streets Vision laid out in our Miami-Dade County Open Space Master Plan (OSMP). This recommendation is based on the following Recreation and Open Space objective in the Comprehensive Development Master Plan (CDMP)

These recommendations are based on the following Recreation and Open Space objective in the Comprehensive Development Master Plan (CDMP):

Objective ROS-1

Provide a comprehensive system of public and private sites for recreation, including but limited to public spaces, natural preserve and cultural areas, greenways, trails, playgrounds, parkways, beaches and public access to beaches, open space, waterways, and other recreational facilities and programs serving the entire County; and local parks and recreation programs adequately meeting the needs of Miami-Dade County's unincorporated population.

ROS-3B

The County shall improve and promote non-motorized access to existing park and recreation open spaces by implementing the North Miami-Dade Greenways Master Plan and South Miami-Dade Greenway Network Master Plan, as well as improved sidewalks and trails, to improve connectivity between parks and residences, schools, activity centers, and transportation nodes.

Objective ROS-8

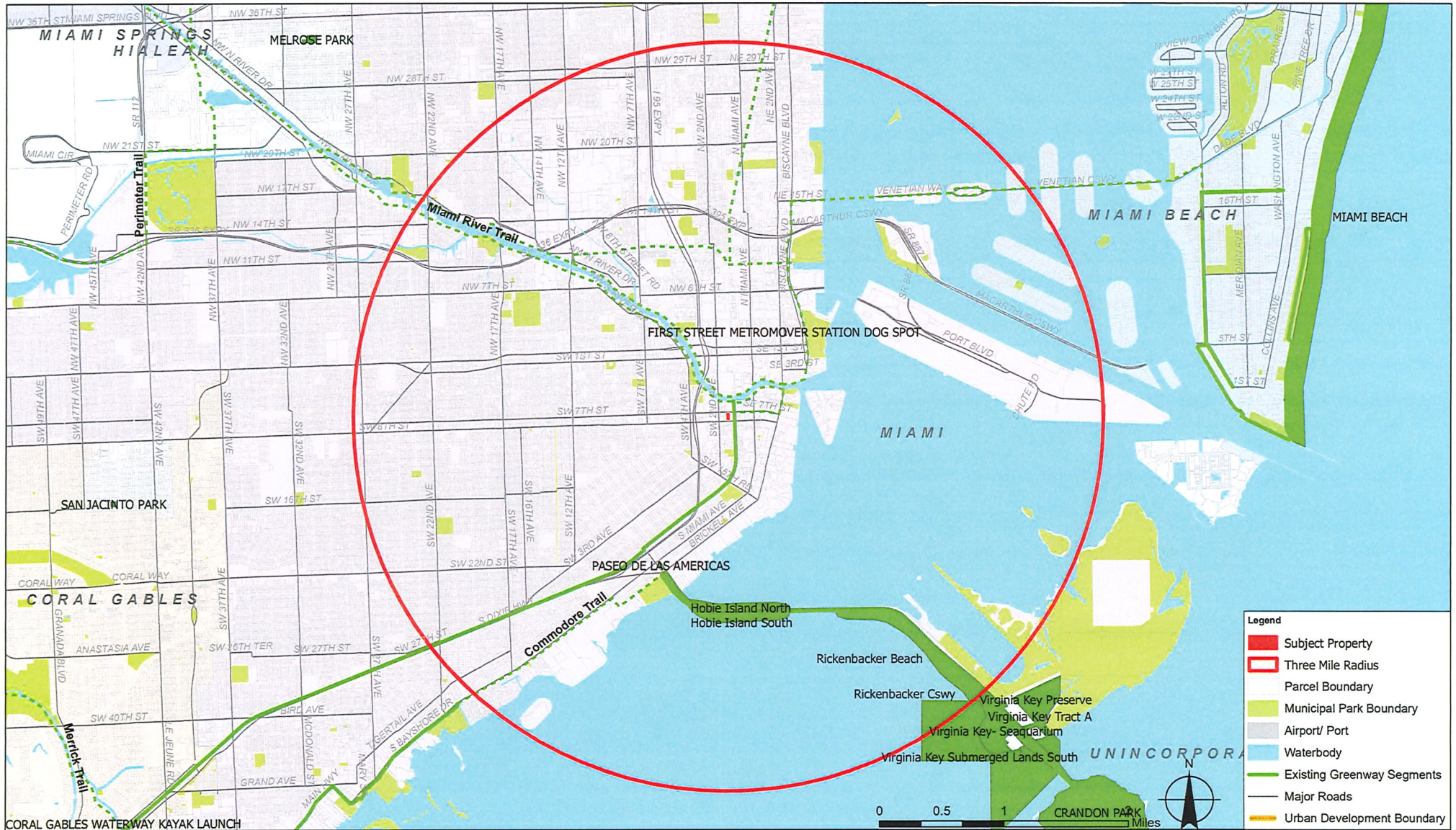
The Miami-Dade County Parks and Open Space System Master Plan (OSMP), through a 50-year planning horizon, shall guide the creation of an interconnected framework of parks, public spaces, natural and cultural areas, greenways, trails, and streets that promote sustainable communities, the health and wellness of County residents, and that serve the diverse local, national, and international communities.

Based on our findings and recommendations described herein **PROS has no objections to this application.** Should you have any questions, or if you need any additional information or clarification on this review, please contact Sol Kohen, Park Planner II, by e-mail at sol.kohen@miamidade.gov.

AZ: at sk *AT*

Attachment

**FIGURE 1: Z2023000355 - MIXED-USE DEVELOPMENT
 MIAMI-DADE COUNTY PARKS, RECREATION AND OPEN SPACES DEPARTMENT ANALYSIS**



Signature: *Alissa Turtleaub*

Email: alissa.turtleaub@miamidade.gov










Z2023-355 Mixed-Use Development

Final Audit Report

2023-11-06

Created:	2023-11-06 (Eastern Standard Time)
By:	Sol Kohen (sol.kohen@miamidade.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA84rz-ookCFGo3LQq0eqbIPH5s_5bpJWY
Number of Documents:	1
Document page count:	4
Number of supporting files:	0
Supporting files page count:	0

"Z2023-355 Mixed-Use Development" History

-  Document created by Sol Kohen (sol.kohen@miamidade.gov)
2023-11-06 - 9:17:21 AM EST
-  Document emailed to Alissa Turtleaub (alissa.turtleaub@miamidade.gov) for signature
2023-11-06 - 9:17:51 AM EST
-  Email viewed by Alissa Turtleaub (alissa.turtleaub@miamidade.gov)
2023-11-06 - 9:44:39 AM EST
-  Agreement viewed by Alissa Turtleaub (alissa.turtleaub@miamidade.gov)
2023-11-06 - 9:44:40 AM EST
-  Document e-signed by Alissa Turtleaub (alissa.turtleaub@miamidade.gov)
Signature Date: 2023-11-06 - 9:44:53 AM EST - Time Source: server
-  Document emailed to Alejandro Zizold (alejandro.zizold@miamidade.gov) for signature
2023-11-06 - 9:44:55 AM EST
-  Email viewed by Alejandro Zizold (alejandro.zizold@miamidade.gov)
2023-11-06 - 9:50:00 AM EST
-  Agreement viewed by Alejandro Zizold (alejandro.zizold@miamidade.gov)
2023-11-06 - 9:50:05 AM EST
-  Document e-signed by Alejandro Zizold (alejandro.zizold@miamidade.gov)
Signature Date: 2023-11-06 - 9:50:48 AM EST - Time Source: server

✔ Agreement completed.
2023-11-06 - 9:50:48 AM EST

Memorandum



Date: October 18, 2023

To: Nathan Kogon, Assistant Director
RER Development Services

From: Ammad Riaz, P.E.
Chief of Aviation Planning
Aviation Department

Subject: DIC Application Z23-355 (Request for Special Exception)
128 SW 7th Street Owner, LLC
MDAD DN-23-10-4032

As requested by the Department of Regulatory and Economic Resources (DRER), the Miami-Dade Aviation Department (MDAD) has performed a cursory review of Pre-Application Z2023P00196. The Applicant, 128 SW 7th Street Owner, LLC, proposes to redevelop the Property as a 39-story, 517-unit mixed-use residential and commercial development. Although the Property is located within the City of Miami, it is located within the Metromover Subzone of the Rapid Transit Zone District (the "RTZ District") and is subject to the planning and zoning jurisdiction of Miami-Dade County. Pursuant to Section 33C-3.1(B) of the County Code, all developments in the RTZ District that contain uses other than those permitted by right, including residential and commercial uses, must receive approval of a general development plan by process of a Special Exception. Accordingly, the Applicant respectfully requests approval of a Special Exception for the proposed uses. The site is located at 128 SW 7th Street within the City of Miami in Miami-Dade County, Florida.

Please be advised that an MDAD-issued Airspace / Land Use Letter of Determination is required for any permanent structure reaching or exceeding 200 feet Above Ground Level (AGL). As such, the applicant is required to coordinate with MDAD to request an MDAD Airspace / Land Use Letter of Determination prior to the zoning hearing. An MDAD-issued Permissible Crane Height Determination is required for any construction crane reaching or exceeding 200 feet AGL. MDAD's airport zoning resources, including an airport zoning checklist, are located on MDAD's webpage which may be accessed by using the following link: http://www.miami-airport.com/planning_forms_maps.asp.

In accordance with Code of Federal Regulation (CFR) Title 14 Part 77, the Federal Aviation Administration (FAA) must study and issue determinations for any temporary and/or permanent structure on this property reaching or exceeding 200 feet AGL. As such, the applicant is required to e-file FAA Form 7460-1 which is available on the FAA's Website (<https://oeaaa.faa.gov>).

All uses on the property are required to comply with federal, state and local aviation regulations, including the Code of Miami-Dade County, Chapter 33 as it pertains to airport zoning.

AR/rb

C: J. Ramos
James Byers, RER

Memorandum



Date: January 3, 2024

To: Eric Silva, Assistant Director
Development Services Division
Department of Regulatory and Economic Resources

From: Stephanie V. Daniels, Director
Miami-Dade Police Department

Subject: Review – Zoning Application – Case: No. Z2023000355
128 SW 7 Street Owner, LLC.

A handwritten signature in blue ink, appearing to be "S. Daniels", with a long horizontal line extending to the right.

APPLICATION:

The applicant, 128 SW 7 Street Owner, LLC., is requesting a Special Exception related to the proposed development of a 39-story building, with 517 residential units and commercial space.

The 1.203 acre property is located at 128 SW 7 Street, in unincorporated, Miami-Dade County, Florida.

CURRENT POLICE SERVICES:

The project is in the city of Miami and serviced by the Miami Police Department. Incidents that occur requiring law enforcement services on the neighboring Metrorail will be handled by the Miami-Dade Police Department, Police Operations Section, located at 601 NW 1 Court, Miami, Florida. Current staffing allows for an average emergency response time of eight minutes or less.

APPLICATION REVIEW:

A review of the application and related documents was conducted to predict its impact on the Miami-Dade Police Department's resources, and the impact the project could have on any zoning modification changes.

Current data of police staffing and population was examined to project any increase in calls for service. Current staffing should accommodate any slight increase in the volume of calls for service. Should demand for police services increase beyond current levels, additional sworn personnel, support staff, and equipment will be required.

The Miami-Dade Police Department does not have any further comments to the proposed zoning modifications to complete this project currently.

Should you require any further assistance, please contact Executive Senior Bureau Commander Lisette Reyes-Wilcox, of our Fiscal Administration Bureau, at 305-471-2520, or via e-mail at lisi@mdpd.com.

SVD/jhb
Attachment

Memorandum



Date: 10/03/2023

To: Nathan Kogon, Assistant Director
Regulatory and Economic Resources Department

From: Olga Espinosa-Anderson, Interim Director
Department of Solid Waste Management *Olga Espinosa-Anderson*

Subject: 128 SW 7th Street Owner LLC RTZ – (Z2023000355)

The Department of Solid Waste Management’s review of the above-referenced item is provided below. Additional comments will be provided as needed. **The DSWM has no objections to the proposed application.**

Application: The applicant, 128 SW 7th Street Owner LLC, is requesting a Special Exception related to a proposed 39-story, 517-unit mixed-use residential and commercial development. As the Property is located in the Rapid Transit Zone (“RTZ”), jurisdiction over land development-related requests is retained by the County pursuant to Chapter 33C of the County Code.

Size: The subject property is approximately 1.203 acres in size.

Location: The property is located at 128 SW 7th Street, in the City of Miami, Florida

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Department of Solid Waste Management (DSWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 28, 2023, which is valid through September 30, 2024, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Regulatory and Economic Resources Department is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed. There are no solid waste facilities (collection or disposal) within 2.5 miles of this property.

2. Garbage and Trash Collection Services

Should the request be approved and built as proposed, the resulting development would meet the definition of a combination “commercial establishment” / “multi-family establishment”, as described in Chapter 15 of the Code of Miami-Dade County. Per the Code, the following is required of this type of development located in areas under the County’s jurisdiction:

"Every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." The landlord or property owner is required to arrange for waste and recycling collection services and multi-family and commercial establishments located outside the DSWM service area most typically work with either a municipal hauler (if applicable) or a permitted private hauler to provide both (waste and recycling) in one contract.

3. Recycling

Commercial Establishments

Section 15-2.3a of the Code requires commercial establishments “to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency”. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

- | | |
|----------------------------------|--|
| 1) High grade office paper | 6) Steel (cans, scrap) |
| 2) Mixed paper | 7) other metals/scrap production materials |
| 3) Corrugated cardboard | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles |
| 5) Aluminum (cans, scrap) | 10) Wood |

Section 15-2.3b of the Code states that the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 of the Code shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable. Requests for approval of modified recycling programs must be made directly to the Department. The application regarding modified recycling programs for commercial properties may be found on the website at <https://www.miamidade.gov/solidwaste/business-recycling.asp>

Applicants are required to incorporate adequate space and facilities in their building plans to accommodate the required recycling program (i.e., somewhere for residents / tenants to store their recycling carts or bins, or in the case of centralized waste collection with dumpster containers, a permanent space for recycling carts or larger receptacles).

Multi-family Establishments

Regarding multi-family units, **Section 15-2.2(a)** of the Code requires “every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below.”

- 1) Newspaper
- 2) Glass (flint, emerald, amber)
- 3) Aluminum cans
- 4) Steel cans
- 5) Plastics (PETE, HDPE-natural, HDPE-colored)

Section 15-2.2(b) of the Code states the failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

Applicants are required to incorporate adequate space and facilities in their building plans to accommodate the required recycling program (i.e., somewhere for residents / tenants to store their recycling carts or bins, or in the case of centralized waste collection with dumpster containers, a permanent space for recycling carts or larger receptacles).

Sec. 15-4(2)(a) Before building permits may be issued for construction of commercial establishments, multi-family residential establishments, and residential units located in the unincorporated area, building plans for storage and collection of recyclable materials must be approved by the Director as to location, accessibility, number or adequacy. (b) For properties in incorporated areas, municipalities are requested to require that building plans for commercial establishments, multi-family residential establishments, and residential units be prepared so as to include sufficient space for storage and collection of recyclable materials, but not to prohibit curbside collection of recyclable materials where otherwise permitted in residential districts.

Requests for approval of modified recycling programs must be made directly to the Department. The application regarding modified recycling programs may be found on the website at <http://www.miamidade.gov/solidwaste/business-recycling.asp>.

4. Recycling and Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of recyclables and solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of recycling and solid waste collection and storage facilities.

5. Site Circulation Considerations

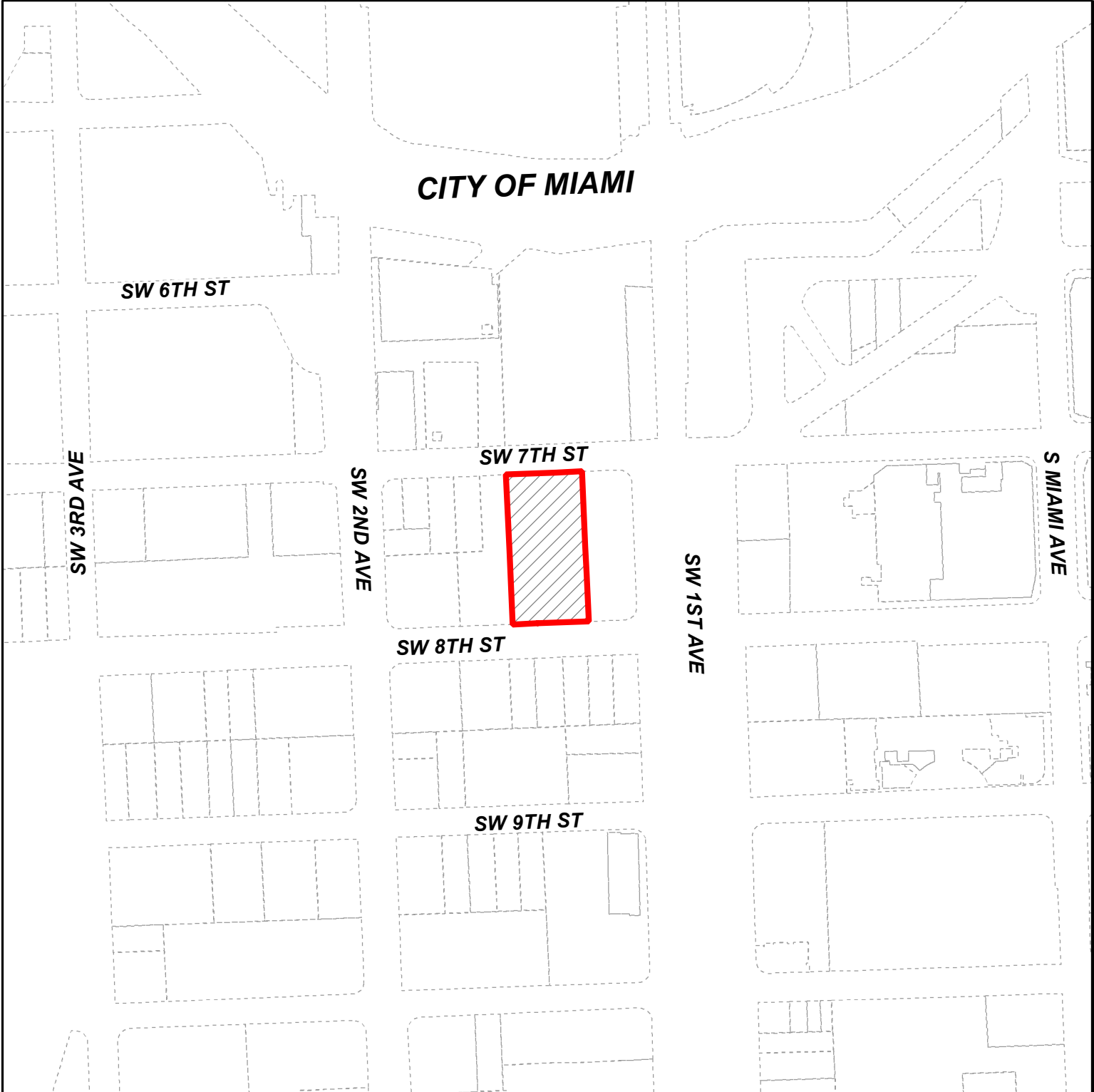
It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
- b. "T" shaped turnaround 60 feet long by 10 feet wide
- c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. There should be no "dead-end" alleyways developed. A sufficient waste set-out zone should be preserved between the edge of the pavement and any possible obstructions (such as parked cars, fencing, etc.) that would interrupt or preclude waste collection. Developments requiring that solid waste haulers use private roads to service properties within the community shall hold the haulers, including the Department, harmless for any and all road damage occurring as a consequence of normal use of these roads. Failure to maintain any private roads used to provide solid waste collection services in adequate

condition may, with provision of advance notice, result in removal of waste collection services provided by the DSWM.

CITY OF MIAMI



MIAMI-DADE COUNTY

HEARING MAP



Process Number

Z2023000355

Section: 01 Township: 54 Range: 41
Applicant: 128 SW 7th Street Owner LLC
Zoning Board: Board of County Commissioners
Commission District: 5
Drafter ID: EDUARDO CESPEDES
Scale: NTS

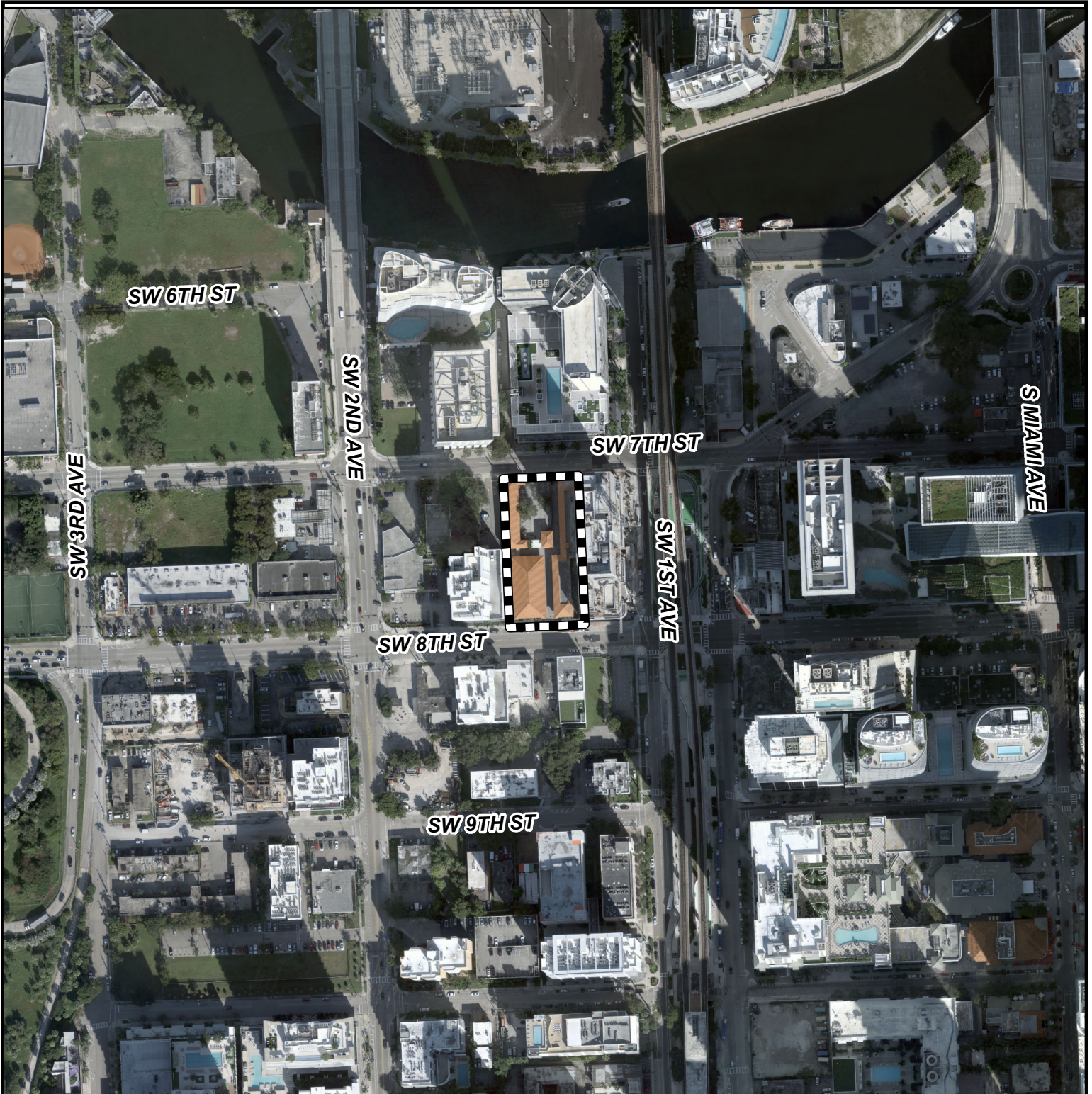


Legend

-  Subject Property Case
-  Zoning




REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL YEAR 2021

Process Number
Z2023000355

Legend
 Subject Property

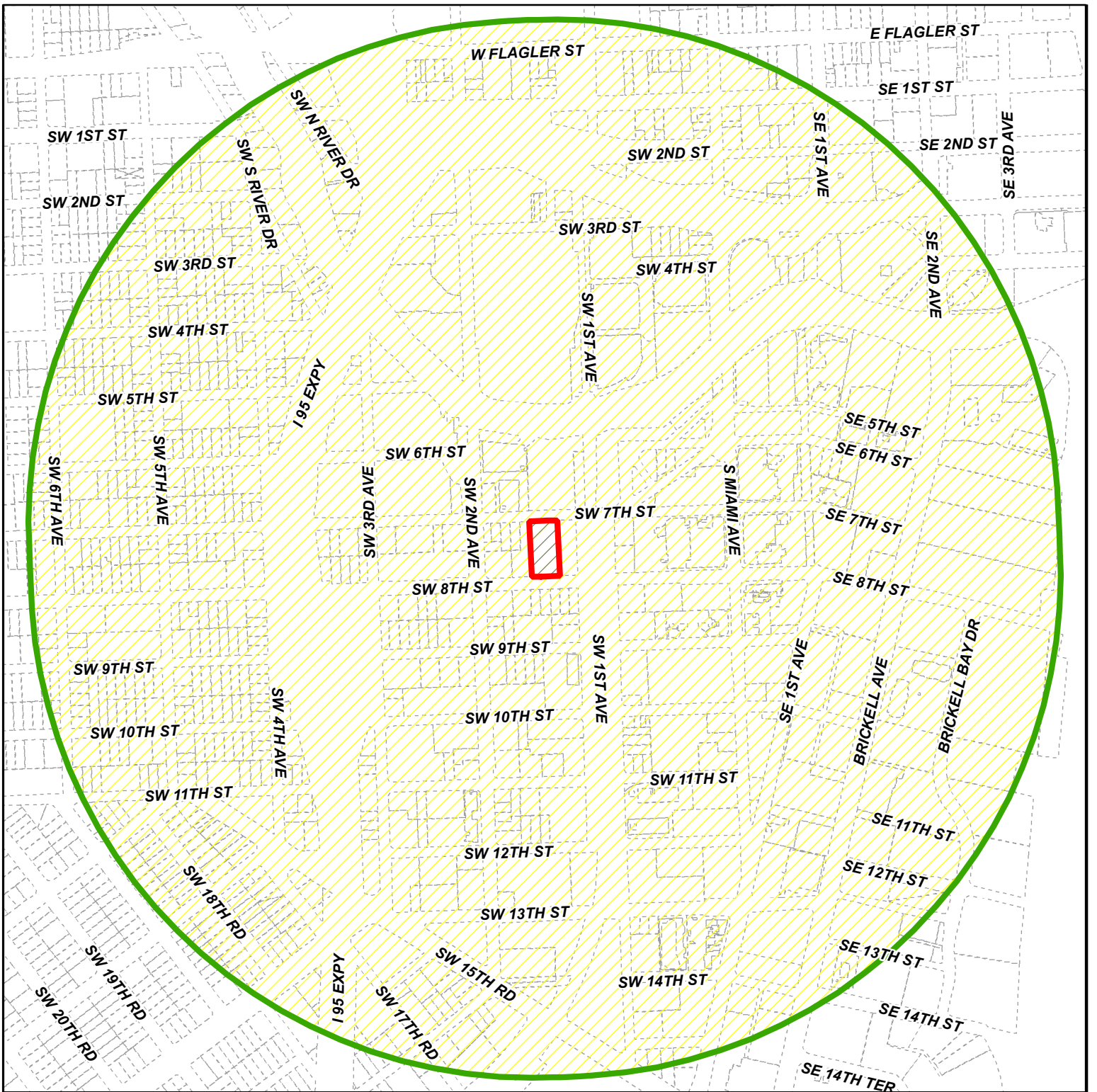


Section: 01 Township: 54 Range: 41
Applicant: 128 SW 7th Street Owner LLC
Zoning Board: Board of County Commissioners
Commission District: 5
Drafter ID: EDUARDO CESPEDES
Scale: NTS



SKETCH CREATED ON: Friday, September 22, 2023

REVISION	DATE	BY






MIAMI-DADE COUNTY
RADIUS MAP

Process Number
Z2023000355
 RADIUS: 2640

Section: 01 Township: 54 Range: 41
 Applicant: 128 SW 7th Street Owner LLC
 Zoning Board: Board of County Commissioners
 Commission District: 5
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

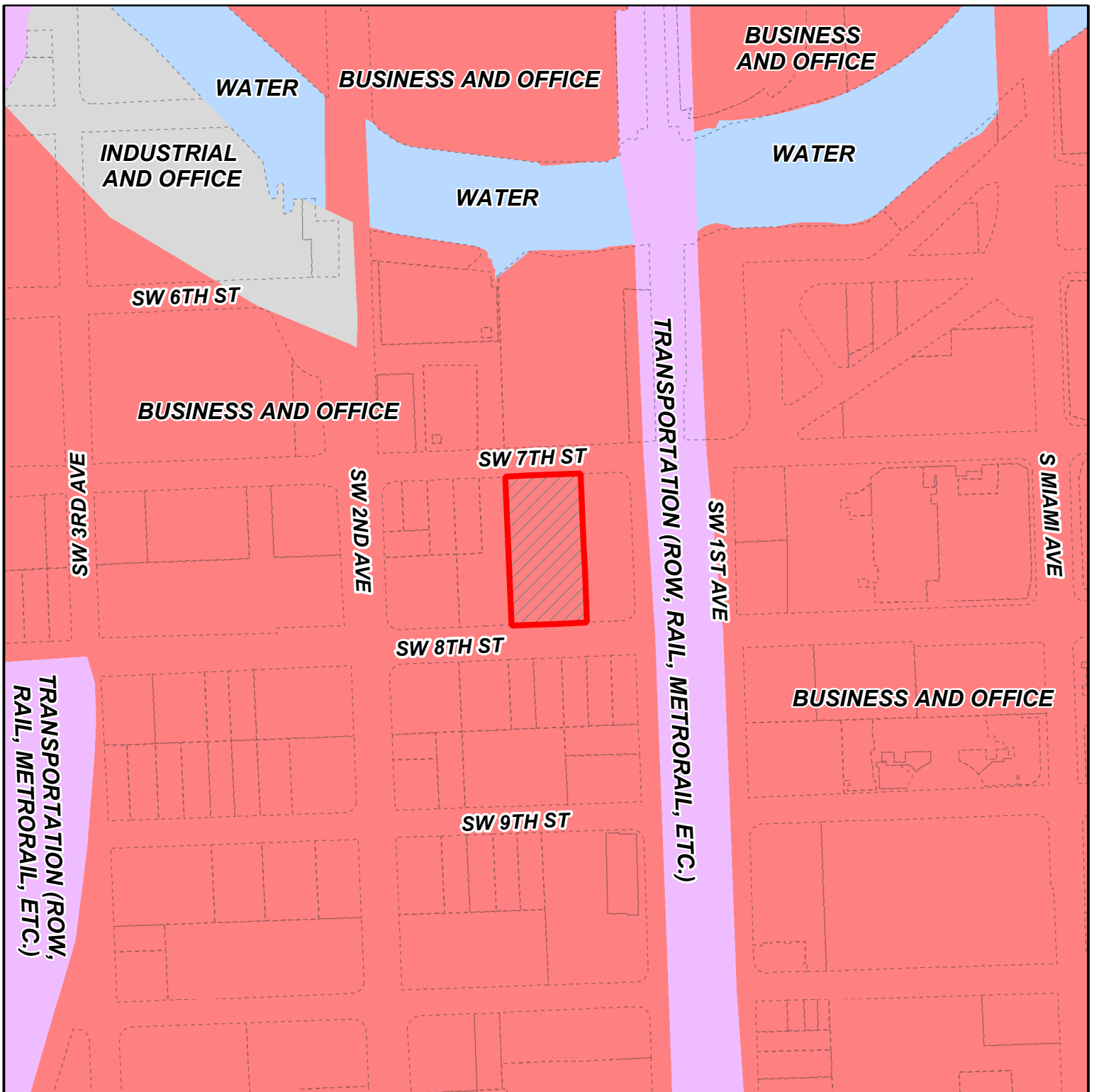
Legend

-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Friday, September 22, 2023

REVISION	DATE	BY



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2023000355

Section: 01 Township: 54 Range: 41
 Applicant: 128 SW 7th Street Owner LLC
 Zoning Board: Board of County Commissioners
 Commission District: 5
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Friday, September 22, 2023

REVISION	DATE	BY

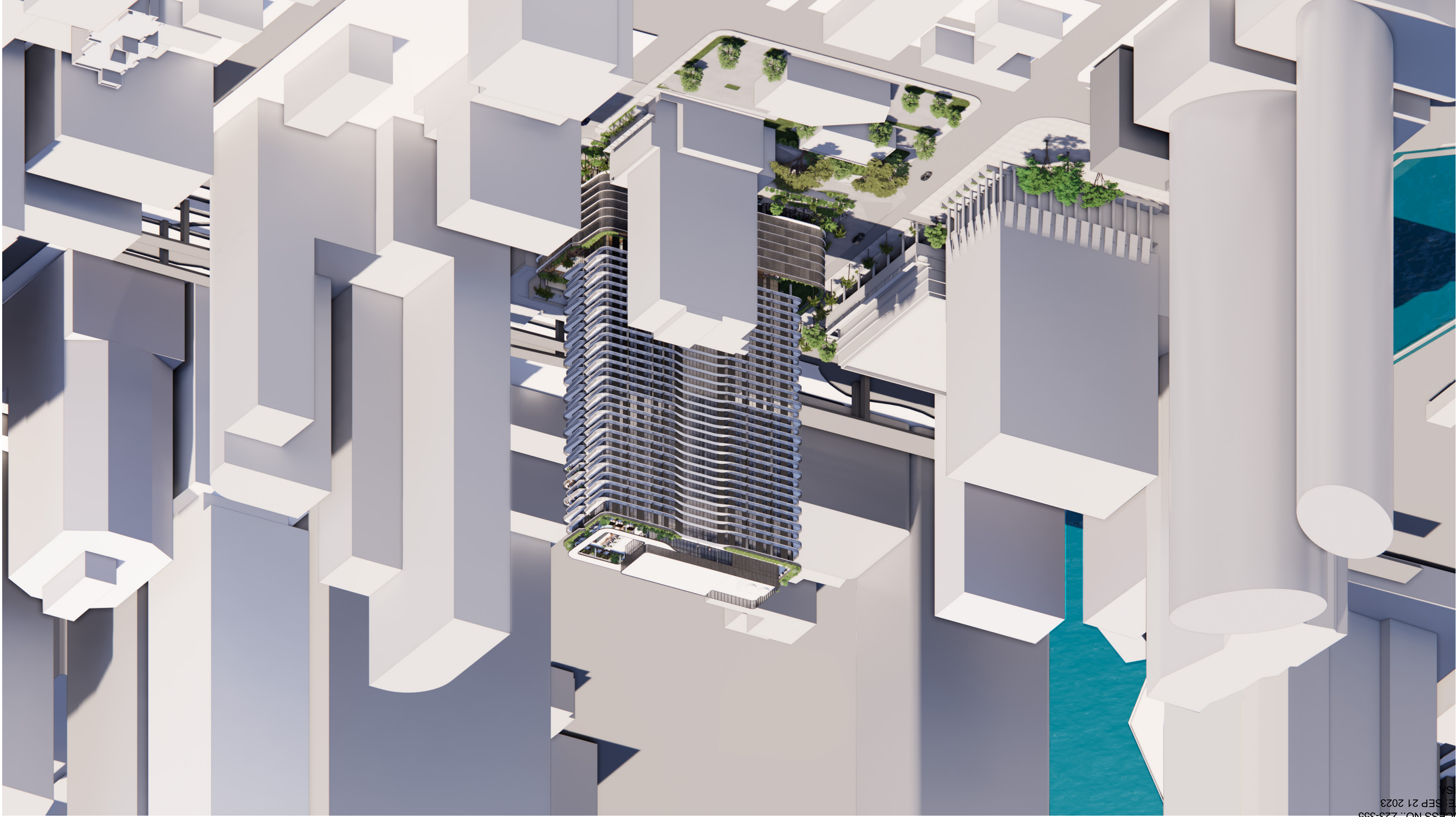
RECEIVED

MIAMI-DADE COUNTY
PROCESS NO.: Z23-355
DATE: SEP 21 2023
BY: ISA



SOUTH ELEVATION

BUILDING AERIAL 01



RECEIVED

MIAMI-DADE COUNTY
PROCESS NO.: Z23-355
DATE: SEP 21 2023
BY: SA

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO.: Z23-355
DATE: SEP 21 2023
BY:



BUILDING AERIAL 02



7TH STREET PERSPECTIVE

8TH STREET PERSPECTIVE



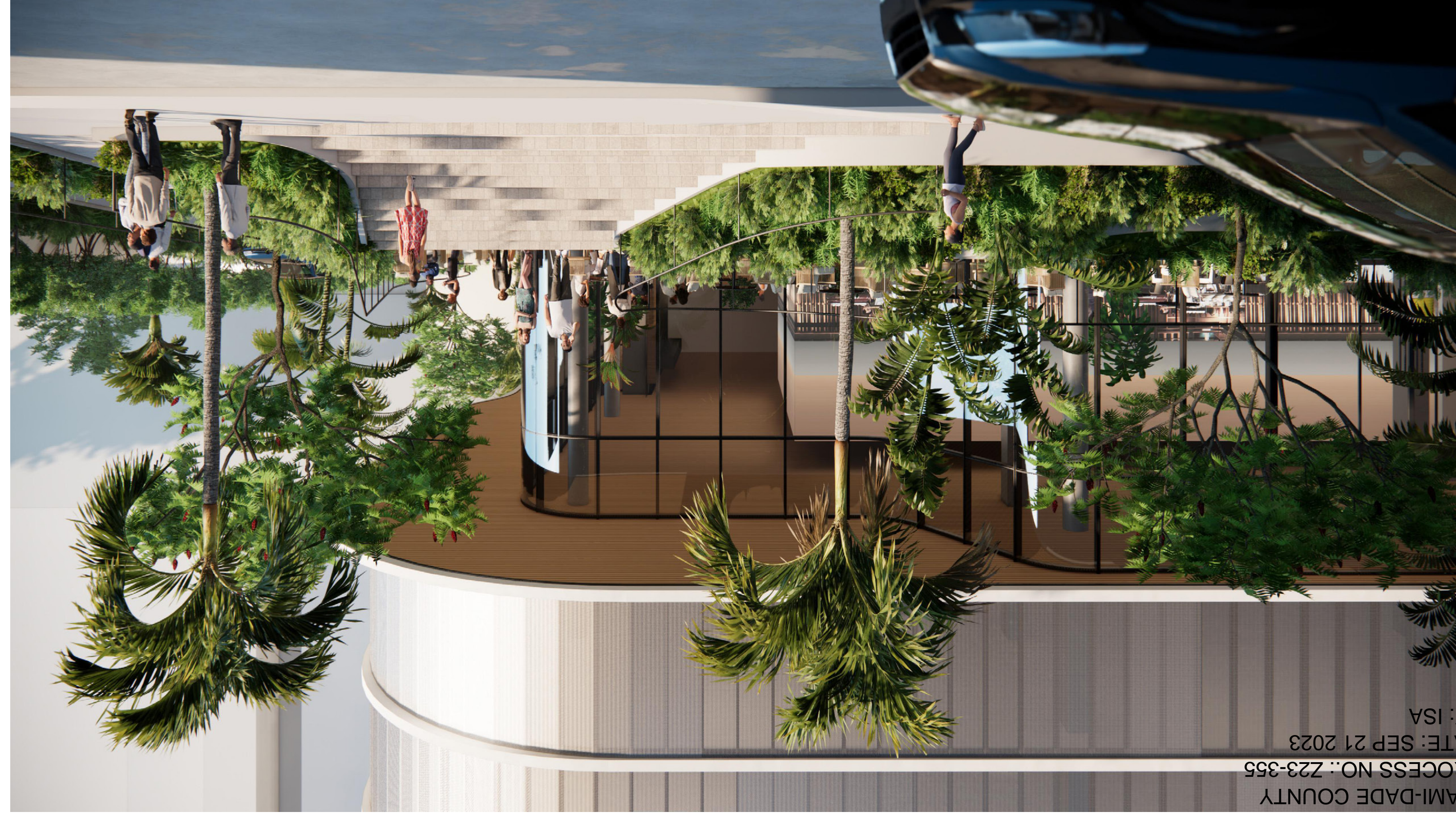
PASEO PERSPECTIVE



SOUTH ELEVATION ON 8TH STREET



PASEO PERSPECTIVE FROM 7TH STREET



RECEIVED
MIAMI-DADE COUNTY
PROCESS NO.: Z23-355
DATE: SEP 21 2023
BY: ISA

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO: 223-355
DATE: SEP 21 2023
BY: ISA

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests]

NAME OF PURCHASER: N/A

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

N/A

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

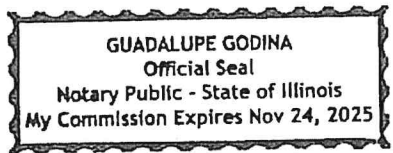
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: [Handwritten Signature]
(Applicant)

Sworn to and subscribed before me this 30 day of AUGUST, 2023. Affiant is personally known to me or has produced ILLINOIS DRIVER'S LICENSE as identification.

Guadalupe Godina
(Notary Public)

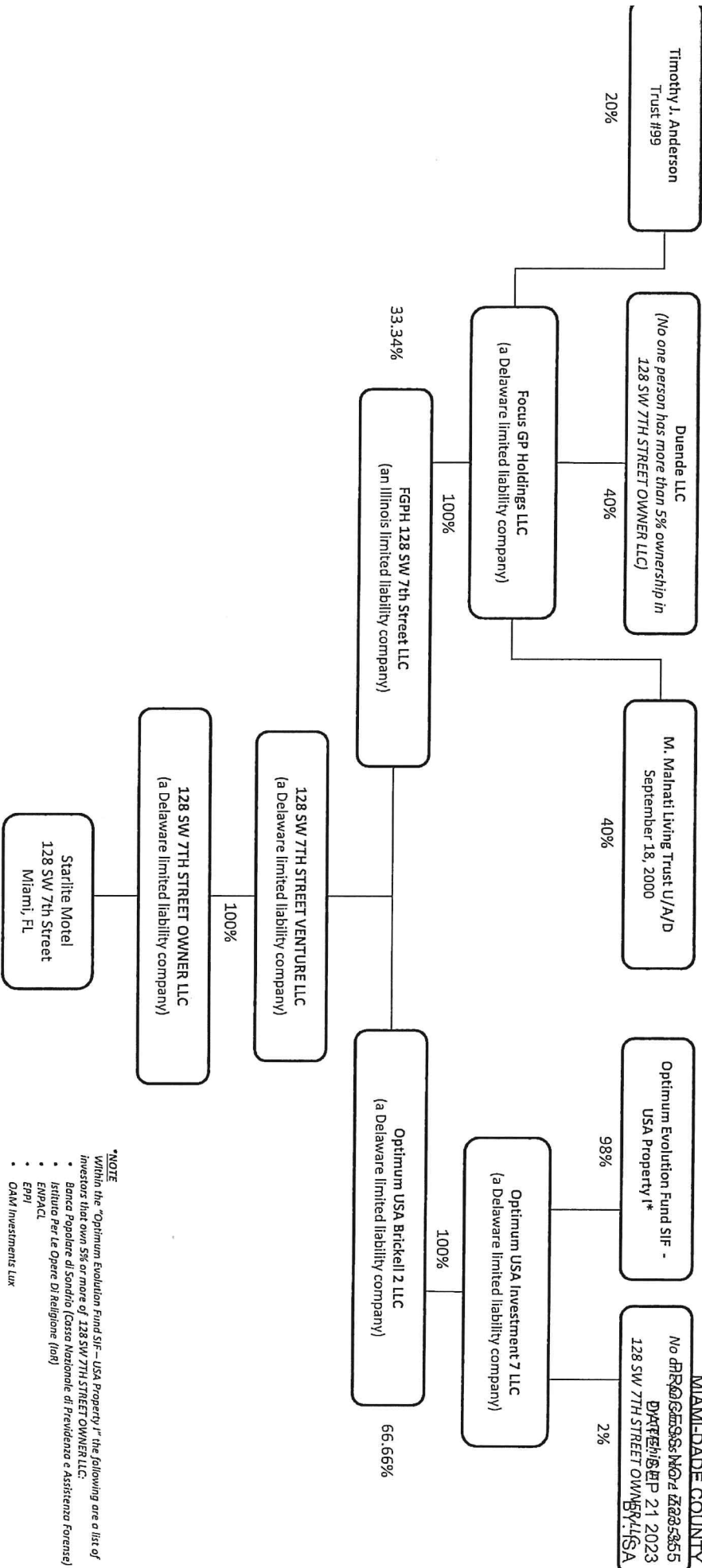
My commission expires 11/24/2025



*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

Organizational Chart of 128 SW 7TH STREET OWNER LLC

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MIAMI-DADE COUNTY



***NOTE**

Within the "Optimum Evolution Fund SIF - USA Property 1" the following are a list of investors that own 5% or more of 128 SW 7TH STREET OWNER LLC:

- Banca Popolare di Sondrio (Cassa Nazionale di Previdenza e Assistenza Forense)
- Istituto Per Le Opere Di Religione (Iari)
- EWPACI
- EWP
- OAMI Investments Lux

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MIAMI-DADE COUNTY
PROCESS NO.: Z23-355

DATE: SEP 21 2023

BY: ISA

Exhibit A

LEGAL DESCRIPTION:

LOTS 4 AND 5, BLOCK 52, OF CITY OF MIAMI SOUTH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK B, PAGE 41, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

LOTS 16 AND 17, LESS THE SOUTH 10 FEET DEDICATED FOR STREET PURPOSES, BLOCK 52, OF CITY OF MIAMI SOUTH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK B, PAGE 41, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND

THE WEST 50 FEET OF LOTS 1, 2 AND 3, AND THE WEST 50 FEET OF LOTS 18, 19 AND 20, LESS THE SOUTH 10 FEET IN BLOCK 52, OF CITY OF MIAMI SOUTH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK B, PAGE 41, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

After recording, return to:

Javier F. Aviñó, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
1450 Brickell Avenue, 23rd Floor
Miami, FL 33131

Folio Number: 01-0205-020-1030

This space reserved for recording

DECLARATION OF RESTRICTIONS

WHEREAS, 128 SW 7TH STREET OWNER LLC, a Delaware limited liability company (the “Owner”), holds the fee simple title to that certain parcel of land in the City of Miami that is under the building and zoning jurisdiction of Miami-Dade County (the “County”), which is legally described in Exhibit “A” to this Declaration (the “Property”); and

WHEREAS, the Owner has filed an application with the County’s Department of Regulatory and Economic Resources, which application is currently pending under Public Hearing Application No. Z2023000355 (the “Application”), for the purpose of seeking a Special Exception in order to facilitate the future development of the Property as a mixed-use development containing up to 517 residential dwelling units; and

WHEREAS, because the Property is located within the Metromover Subzone of the Rapid Transit Zone, pursuant to Miami-Dade County Code Section 33C-15(D)(3), approval of such public hearing application may be conditioned on the provision of public benefits the Board of County Commissioners deems appropriate to address the impacts of the new development on rapid transit infrastructure and on other properties or public facilities or infrastructure surrounding the proposed development area; and

WHEREAS, in support of this evaluation, Applicant has proffered certain public benefits in connection with the Application to address and mitigate impacts of the Application; and

WHEREAS, the public benefits set forth herein address development impacts beyond minimum concurrency requirements pursuant to Chapter 33G, and the minimum subdivision requirements pursuant to Chapter 28, of the Miami-Dade County Code.

NOW, THEREFORE, IN ORDER TO ASSURE the County that the representations made by the Owner during its consideration of the Application will be abided by, the Owner freely, voluntarily, and without duress, hereby makes the following Declaration of Restrictions (the “Declaration”) covering and running with the Property:

1. **Transit Station Contribution**. Prior to issuance of a master building permit for development of the Property, the Owner shall pay \$500,000 to the County (the “Transit Station Contribution”). The County shall use the Transit Station Contribution for repairs and upgrades to the Brickell Metrorail Station and/or the Brickell Metromover Station (such as mechanical systems, restrooms, painting, signage, and accessibility features), to be allocated and used in any manner the County deems appropriate. The Transit Station Contribution shall be made in addition to any permitting and/or impact fees due to the County in relation to the Application or the development of the Property. In the event, however, that the Director determines in writing that any or all of the Transit Station Contribution would be duplicative of impact fees, the Owner may be entitled to an offset to the Transit Station Contribution commensurate to the value of duplicative impact fees paid.
2. **Tree Contribution**. Prior to issuance of a Certificate of Occupancy for the development of the Property, the Owner shall install 40 trees either on the Property or within a

neighboring public right-of-way at the Owner's expense (the "Tree Contribution"). The Tree Contribution shall be in addition to the tree planting required for development of the Property pursuant to Chapter 33C of the County Code. 30 of the trees provided as part of the Tree Contribution shall be greater than or equal to 20 feet in height and have a trunk diameter at breast height of greater than 6 inches.

3. **Cross-Block Passage.** Prior to issuance of a Certificate of Occupancy for the development of the Property, the Owner shall construct a cross-block passageway providing pedestrian access between SW 7th Street and SW 8th Street through the Property (the "Cross-Block Passage").
4. **Utility Line Burying.** Prior to issuance of a Certificate of Occupancy for the development of the Property, the Owner shall bury the existing telecommunication lines fronting the Property at the Owner's expense.

Miscellaneous

A. **County Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time of entering and inspecting the use of the Property to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed are being complied with.

B. **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded, at Owner's expense, in the public records of the County and shall remain in full force and effect and be binding upon the undersigned Owner, and its heirs, successors, and assigns until such time as the same is modified or released. The restrictions contained within this Declaration, while in effect, shall be for the

benefit of, and constitute limitations upon, all present and future owners of the Property, and for the benefit of Miami-Dade County and the public welfare. The Owner, its heirs, successors, and assigns, acknowledge that acceptance of this declaration does not in any way obligate or provide a limitation on the authority of the County.

C. **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change this Declaration in whole, or in part, provided that the Declaration has first been modified or released by the County. Notwithstanding the foregoing, this Declaration shall automatically terminate upon the Owner's satisfaction of the covenants described in Paragraphs 1 through 4 of this Declaration.

D. **Modification, Amendment, Release.** This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then- owner(s) of the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, or the Director as provided by the Miami-Dade County Code of Ordinances. Notwithstanding the foregoing, this Declaration shall automatically terminate upon the Owner's satisfaction of the covenants described in Paragraphs 1 through 4 of this Declaration.

E. **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants set forth in this Declaration. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in

addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his/her/its attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

F. **Authorization for Miami-Dade County to Withhold Permits and Inspections.**

In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold, in connection with the particular parcel which is in default, any further permits, and refuse to make any inspections or grant any approvals with respect to the particular parcel which is in default, until such time as this Declaration is complied with.

G. **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies, or privileges.

H. **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection, and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

I. **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material provision is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated provision.

J. **Recording.** This Declaration shall be filed of record in the public records of Miami- Dade County, Florida, at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by her/his assistant in charge of the office in her/his absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

K. **Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the County retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

L. **Owner.** The term “Owner” shall include 128 SW 7TH STREET OWNER LLC, and its heirs, successors, and assigns.

[Signature Pages Follow]

IN WITNESS WHEREOF, the undersigned has executed this Declaration of Restrictions
as of this ____ day of _____, 20__.

WITNESSES:

128 SW 7TH STREET OWNER LLC,
a Delaware limited liability company

Signature
Printed Name: _____

By: _____
Name: _____
Title: _____

Signature
Printed Name: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence
or online notarization by _____, as _____ of **128 SW 7TH
STREET OWNER LLC**, on behalf of said company. She/he is personally known to me or
has produced _____ as identification.

Witness my signature and official seal this ____ day of _____, 20__, in the County and
State aforesaid.

Signature
Notary Public, State of _____

Print Name
[SEAL]

My Commission Expires:

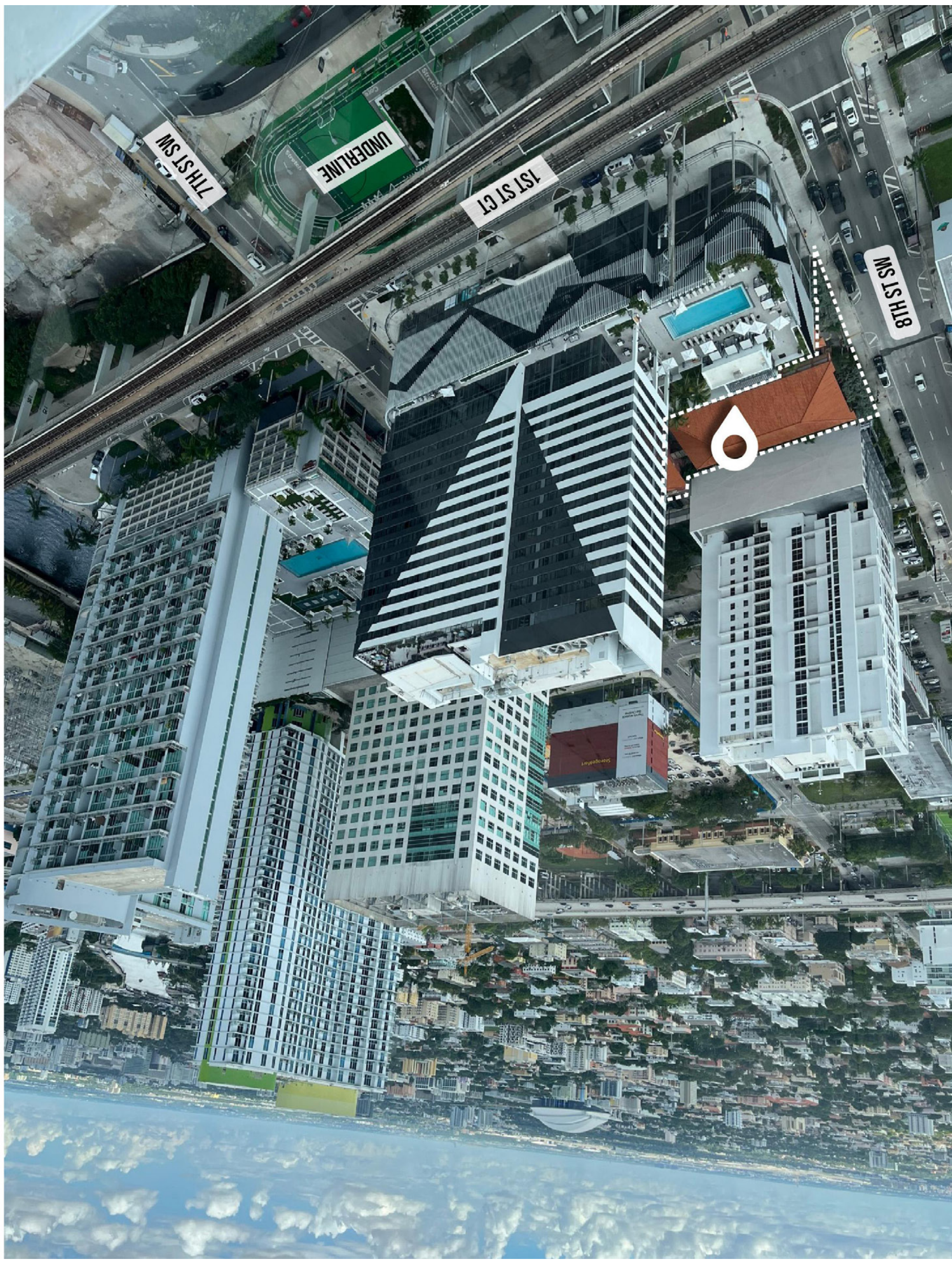
EXHIBIT "A"

Legal Description:

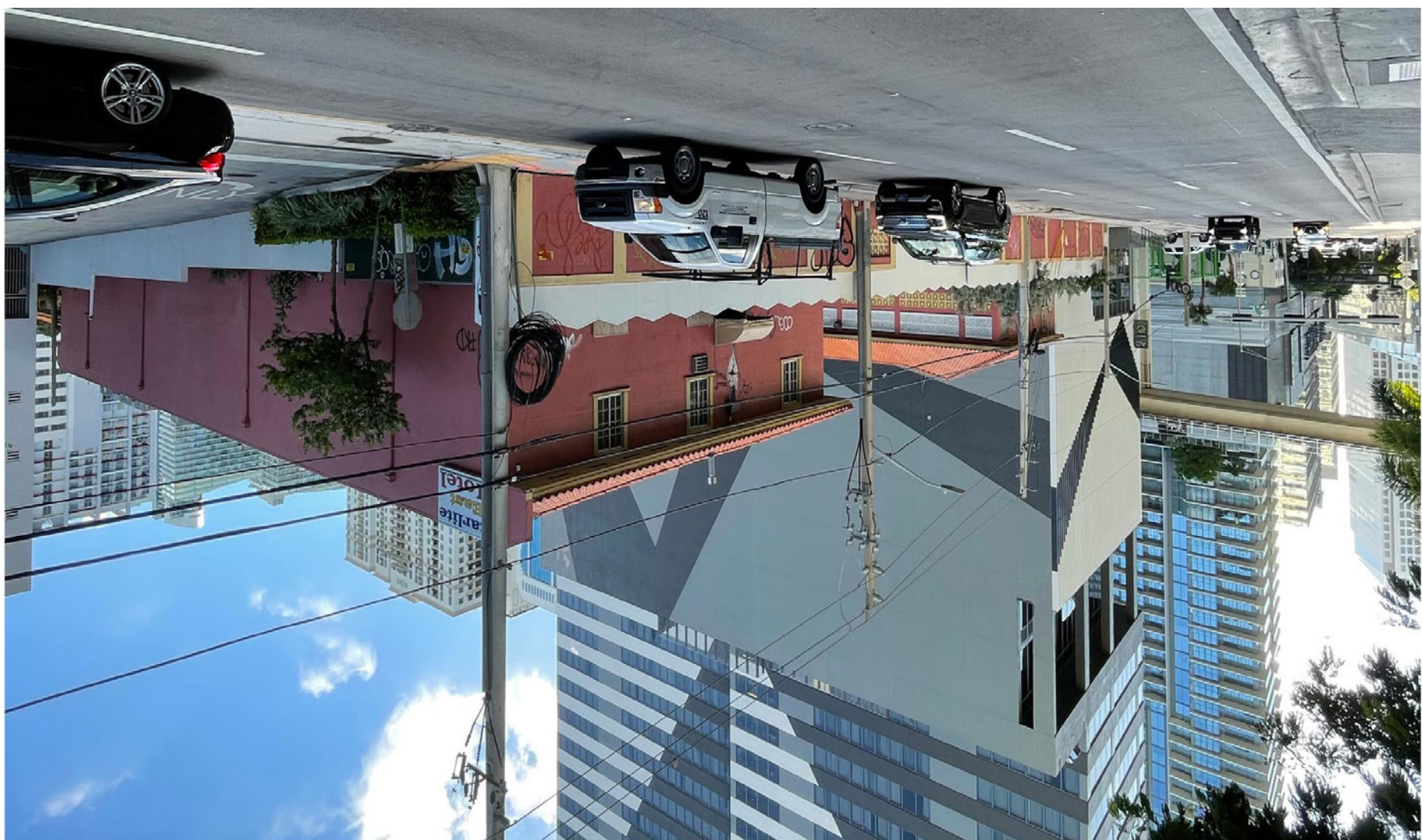
LOTS 4 AND 5, BLOCK 52, OF CITY OF MIAMI SOUTH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK B, PAGE 41, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

LOTS 16 AND 17, LESS THE SOUTH 10 FEET DEDICATED FOR STREET PURPOSES, BLOCK 52, OF CITY OF MIAMI SOUTH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK B, PAGE 41, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND

THE WEST 50 FEET OF LOTS 1, 2 AND 3, AND THE WEST 50 FEET OF LOTS 18, 19 AND 20, LESS THE SOUTH 10 FEET IN BLOCK 52, OF CITY OF MIAMI SOUTH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK B, PAGE 41, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



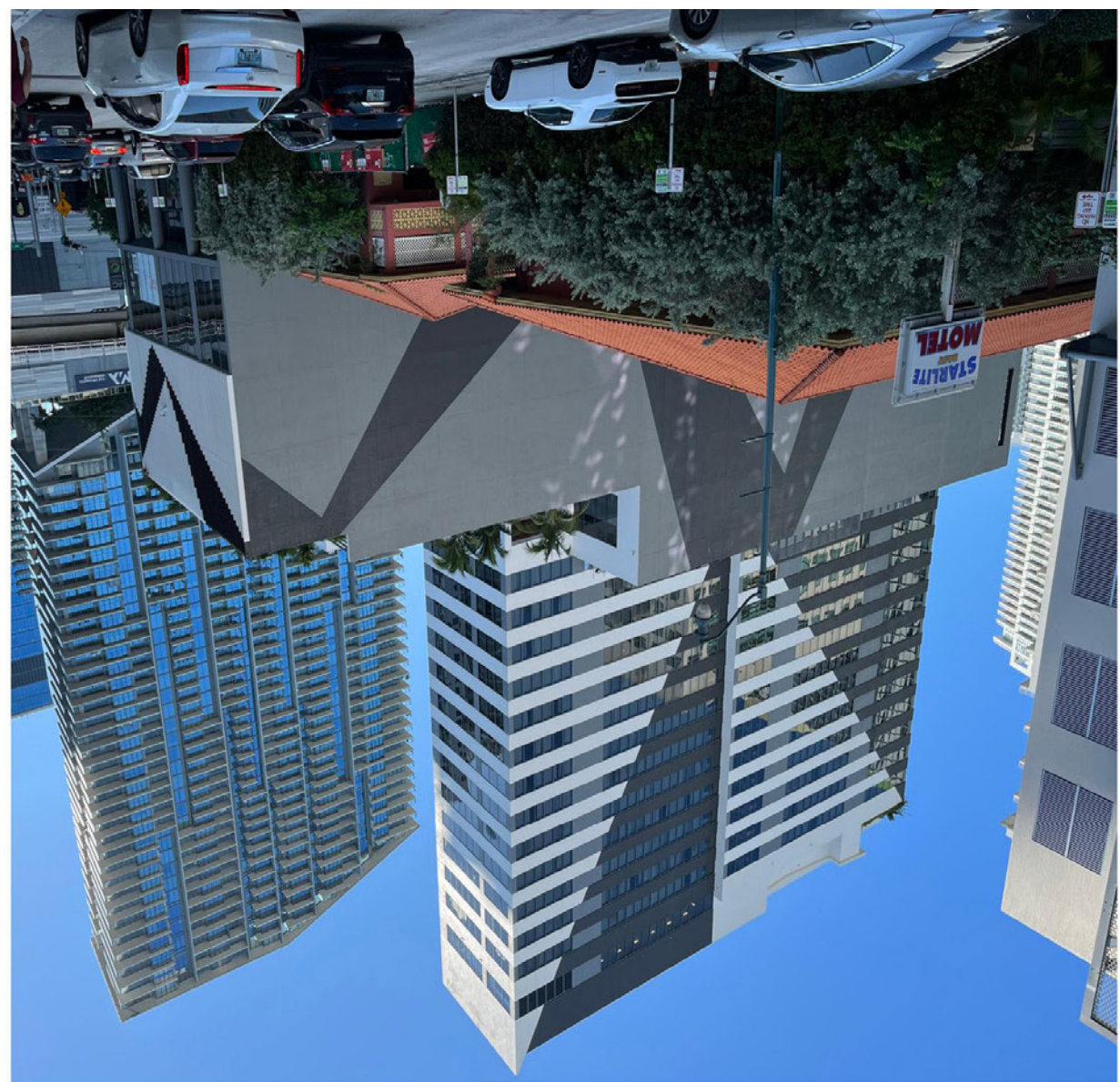
01 - SW AERIAL



05 - 7TH STREET - LOOKING EAST



02 - 7TH STREET - LOOKING WEST



06 - 8TH STREET - LOOKING EAST



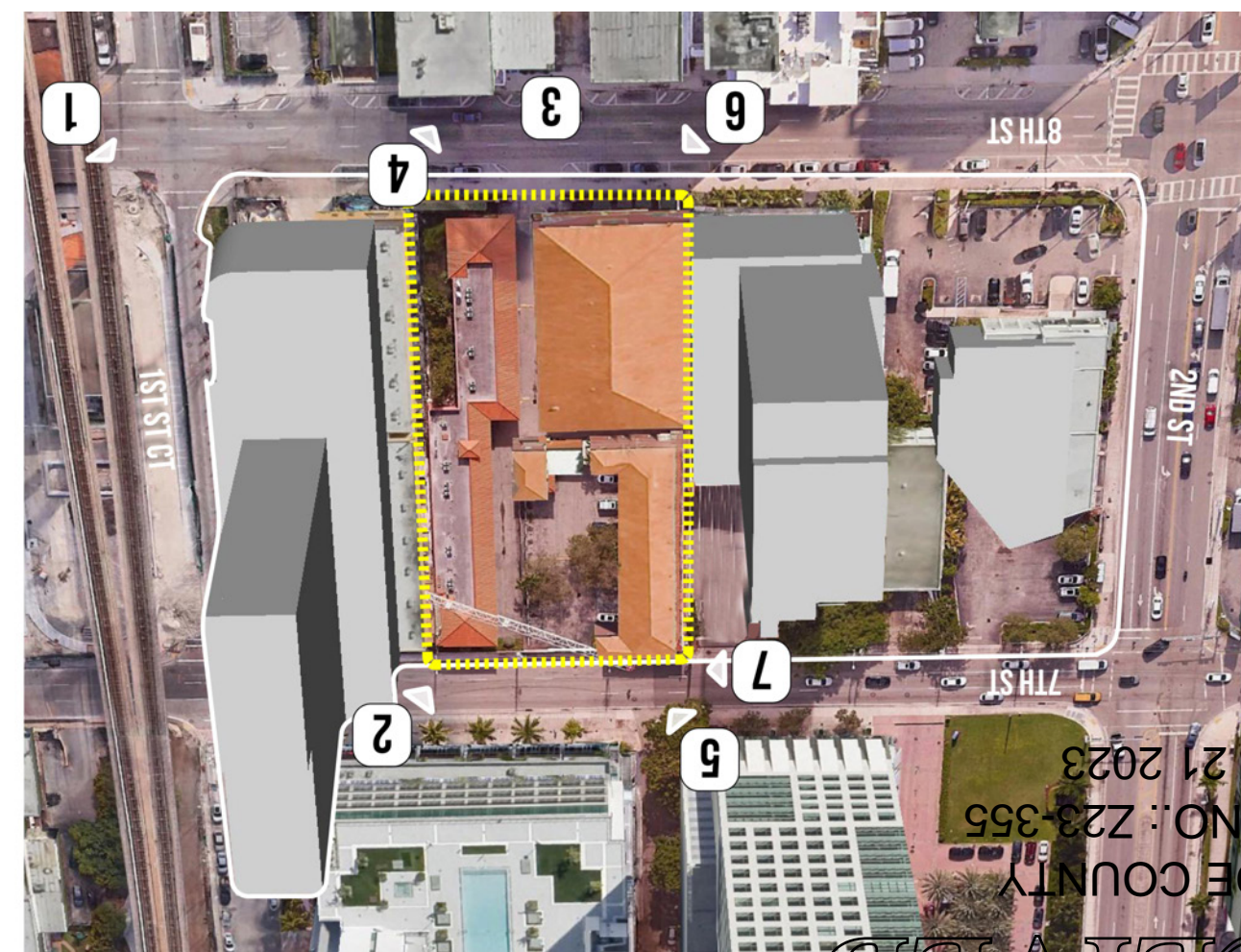
03 - 8TH STREET - LOOKING NORTH



07 - 7TH STREET - LOOKING EAST ACROSS SITE



04 - 8TH STREET - LOOKING SW



KEY PLAN

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO.: 223-355
DATE: SEP 21 2023
BY: ISA

04 - EAST OF SITE: 8TH STREET



05 - EAST OF SITE: 8TH STREET



06 - WEST OF SITE: 8TH STREET



01 - ACROSS FROM SITE: 7TH STREET



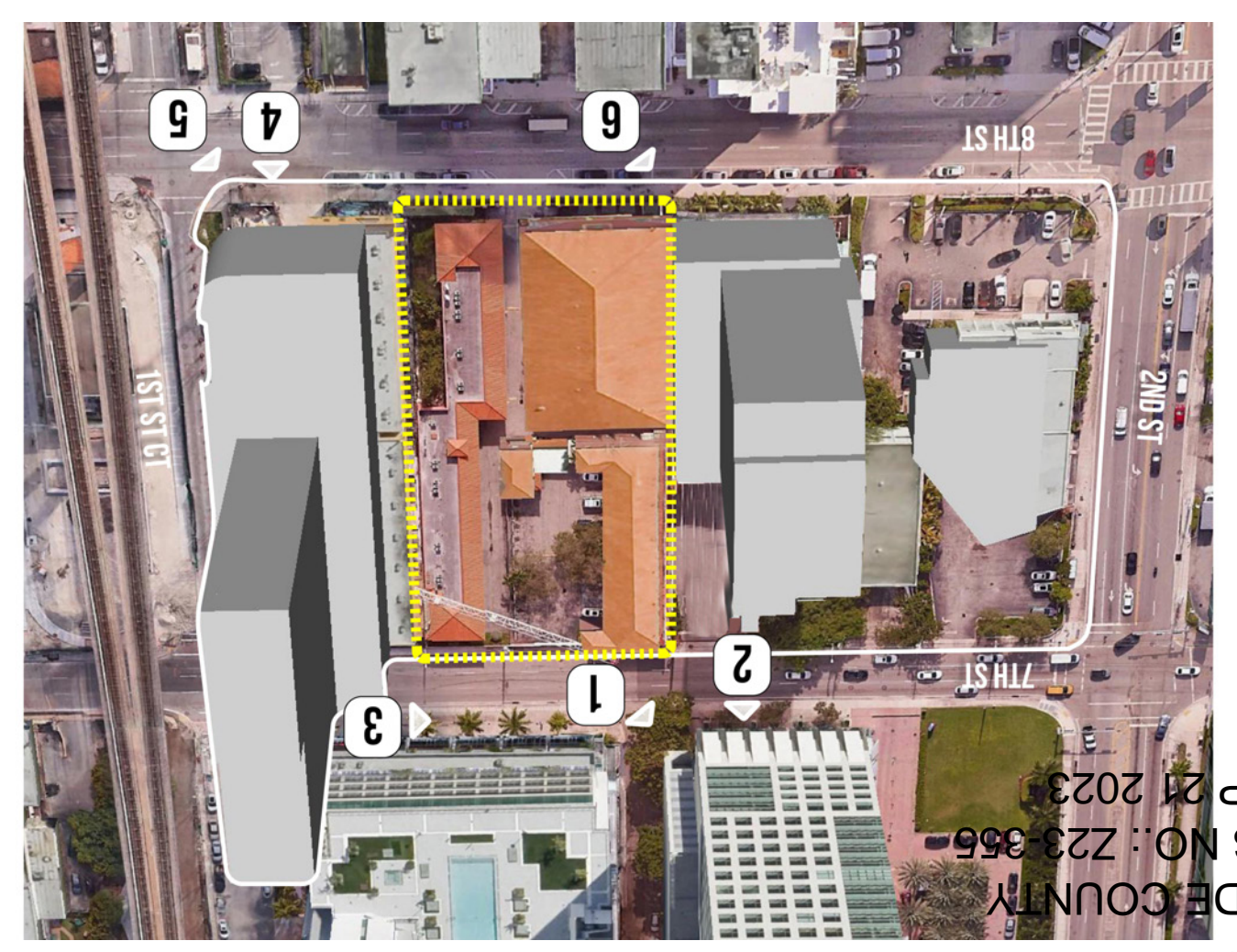
02 - ACROSS FROM SITE: 7TH STREET



03 - ACROSS FROM SITE: 7TH STREET



KEY PLAN



RECEIVED

MIAMI-DADE COUNTY
 PROCESS NO.: 223-056
 DATE: SEP 21 2023
 BY: ISA