

MIAMI BEACH

PLANNING DEPARTMENT

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139

Tel: (305) 673-7550, Fax: (305) 673-7559

July 10, 2019

Graham Penn
Bercow Radell Fernandez & Larkin
200 South Biscayne Blvd., Suite 850
Miami, FL 33131

**Subject: Request for Zoning Interpretation - Floor Area Ratio (FAR)
500 Alton Road
Miami Beach, Florida**

Dear Mr. Penn:

This correspondence is in response to your June 6, 2019 request (attached) for a zoning determination letter regarding floor area. Specifically, you requested a determination as to whether the following constitutes floor area:

1. The portion of mezzanine levels where no floor exists.
2. Voids in floors to accommodate elevator shafts,
3. Voids in floors to accommodate mechanical/ventilation/trash shafts.
4. Voids in floors to accommodate stairwells, including voids to accommodate stairwell within accessory garages.

In accordance with Section 114-1 of the City's Land Development Regulations, floor area is defined as follows:

The sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls or from the exterior face of an architectural projection, from the centerline of walls separating two attached buildings. However, the floor area of a building shall not include the following unless otherwise provided for in these land development regulations:

- (1) Accessory water tanks or cooling towers.*
- (2) Uncovered steps.*
- (3) Attic space, whether or not a floor actually has been laid, providing structural headroom of less than seven feet six inches.*
- (4) Terraces, breezeways, or open porches.*
- (5) Floor space used for required accessory off-street parking spaces. However, up to a maximum of two spaces per residential unit may be provided without being included in the calculation of the floor area ratio.*
- (6) Commercial parking garages and noncommercial parking garages when such structures are the main use on a site.*

- (7) Mechanical equipment rooms located above main roof deck.
- (8) Exterior unenclosed private balconies.
- (9) Floor area located below grade when the top of the slab of the ceiling is located at or below grade. However, if any portion of the top of the slab of the ceiling is above grade, the floor area that is below grade shall be included in the floor area ratio calculation. Despite the foregoing, for existing contributing structures that are located within a local historic district, national register historic district, or local historic site, when the top of the slab of an existing ceiling of a partial basement is located above grade, one-half of the floor area of the corresponding floor that is located below grade shall be included in the floor area ratio calculation.
- (10) Enclosed garbage rooms, enclosed within the building on the ground floor level.

The portion of a mezzanine level where no floor exists does not count as floor area. However, voids in floors which accommodate elevator shafts, mechanical/ventilation/trash shafts, and stairwells, including stairwells within accessory garages, do count as floor area. This is consistent with prior administrative determinations, as well as administrative determinations that were upheld by the Miami Beach Board of Adjustment in 1994 (BOA File No. 2377) and in 1999 (BOA File No. 2404).

If we may be of further assistance, please do not hesitate to contact this department again.

Sincerely,



Thomas R. Mooney, AICP
Planning Director



BERCOW RADELL FERNANDEZ & LARKIN
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6229
E-Mail: gpenn@BRZoningLaw.com

VIA ELECTRONIC SUBMISSION

June 6, 2019

Thomas Mooney, Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Request for Formal Zoning Verification Request.

Dear Mr. Mooney:

As you know, this firm represents South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, 1220 Sixth, LLC and KGM Equities, LLC (collectively, the "Applicant"), the owners of the properties located at 500, 630 and 650 Alton Road, 1220 6th Street, and 659, 701, 703, 711, 721, 723, 727 and 737 West Avenue (collectively, the "Property"). The Applicant is proposing to redevelop the Property with a mixed-use development and a public park.

Proposed Development. The Applicant proposes to link the Property together as a unified development site, while still providing for public access on 6th Street, which will be vacated. The proposed development of the southern portion of the Property, located south of 6th Street, will consist of a private residential tower (including a small lounge use open to the public) with accessory facilities. The proposed development of the Property north of 6th Street will consist of (i) an approximately three-acre public park; (ii) approximately 12,900 square feet of commercial space; and (iii) a surface parking lot serving the Floridian condominium.

The architectural design of the development is one of the most innovative seen in the City. Both the residential tower (and accessory structures) and commercial building will largely be made up of non-traditional

Thomas Mooney, Director
Planning Department
June 6, 2019
Page 2

elliptical shapes. We believe that the project, when developed, will be a world-class addition to the City.

Floor Area. During the design process for the project, we have had multiple discussions with your staff regarding the methodology for calculating floor area. Those discussions have resulted in this letter.

As you know, "floor area" is defined, in relevant part, in Section 114-1 of the City's Land Development regulations as the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls or from the exterior face of an architectural projection, from the centerline of walls separating two attached buildings. . . ." "Floor" is not defined in the Land Development Regulations.

Excluded from floor area under the terms of Section 114-1 are:

- (1) Accessory water tanks or cooling towers.
- (2) Uncovered steps.
- (3) Attic space, whether or not a floor actually has been laid, providing structural headroom of less than seven feet six inches.
- (4) Terraces, breezeways, or open porches.
- (4) Floor space used for required accessory off-street parking spaces. However, up to a maximum of two spaces per residential unit may be provided without being included in the calculation of the floor area ratio.
- (6) Commercial parking garages and noncommercial parking garages when such structures are the main use on a site.
- (7) Mechanical equipment rooms located above main roof deck.
- (8) Exterior unenclosed private balconies.
- (9) Floor area located below grade when the top of the slab of the ceiling is located at or below grade. However, if any portion of the top of the slab of the ceiling is above grade, the floor area that is

Thomas Mooney, Director
Planning Department
June 6, 2019
Page 3

below grade shall be included in the floor area ratio calculation. Despite the foregoing, for existing contributing structures that are located within a local historic district, national register historic district, or local historic site, when the top of the slab of an existing ceiling of a partial basement is located above grade, one-half of the floor area of the corresponding floor that is located below grade shall be included in the floor area ratio calculation.

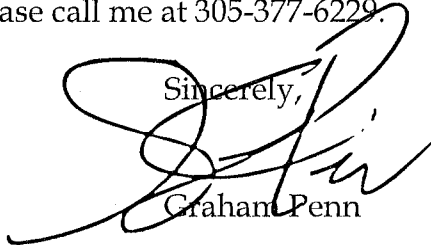
- (10) Enclosed garbage rooms enclosed within the building on the ground floor level.

Un-Addressed Issues in Regulations. As noted above, floor area is defined as the "sum of the gross horizontal areas of the floors of a building." The Regulations do not expressly address, however, portions of a building where no physical floor exists. We are hereby requesting a determination as to whether the following is floor area:

- (1) The portion of mezzanine levels where no floor exists.
- (2) Voids in floors to accommodate elevator shafts.
- (3) Voids in floors to accommodate mechanical / ventilation / trash shafts.
- (4) Voids in floors to accommodate stairwells, including voids to accommodate stairwells within accessory garages.

Conclusion. We look forward to your determination. If you have any questions or comments, please call me at 305-377-6229.

Sincerely,



Graham Penn