

# Voter Enacted Incentives for Office Uses - Proposed First Street Overlay

February 28, 2023 Planning Board

Items 9 & 10

File Nos. PB22-0568 & PB22-0569



BERCOW  
RADELL  
FERNANDEZ  
LARKIN +  
TAPANES

ZONING, LAND USE AND  
ENVIRONMENTAL LAW

# November Ballot Question

## “OFFICIAL BALLOT”

### FAR Incentive for Residential and Office Uses on Washington Avenue Between 1st and 2nd Street

City Charter requires voter approval before increasing a property's floor area ratio ("FAR") (how City regulates building size).

FAR in 1<sup>st</sup> Street Overlay (located east side of Washington Avenue between 1<sup>st</sup> and 2<sup>nd</sup> Streets) is 1.0, although previously FAR was 2.0.

Shall City increase FAR from 1.0 to 2.0 in 1<sup>st</sup> Street Overlay, with FAR incentive from 2.0 to 2.7 for redevelopments that include residential or office uses, and prohibit hotels and short-term rentals?

Yes \_\_\_\_\_  
No \_\_\_\_\_

**SECTION 7.**



# November Election Results

## City-Wide

☆ MiaBch FAR Residential/Office WashingtonAve

Participating Precincts Reporting: 29 / 29 [Precinct Details](#) [Show Detailed View](#)

Choice	Percent	Votes
Yes	55.11%	12,375
No	44.89%	10,079
		<b>22,454</b>

## South of Fifth Precincts

PRECINCT 048.0 <a href="#">Show Detailed View</a>			
Choice	Percent	Votes	
Yes	55.32%	900	
No	44.68%	727	
		<b>1,627</b>	

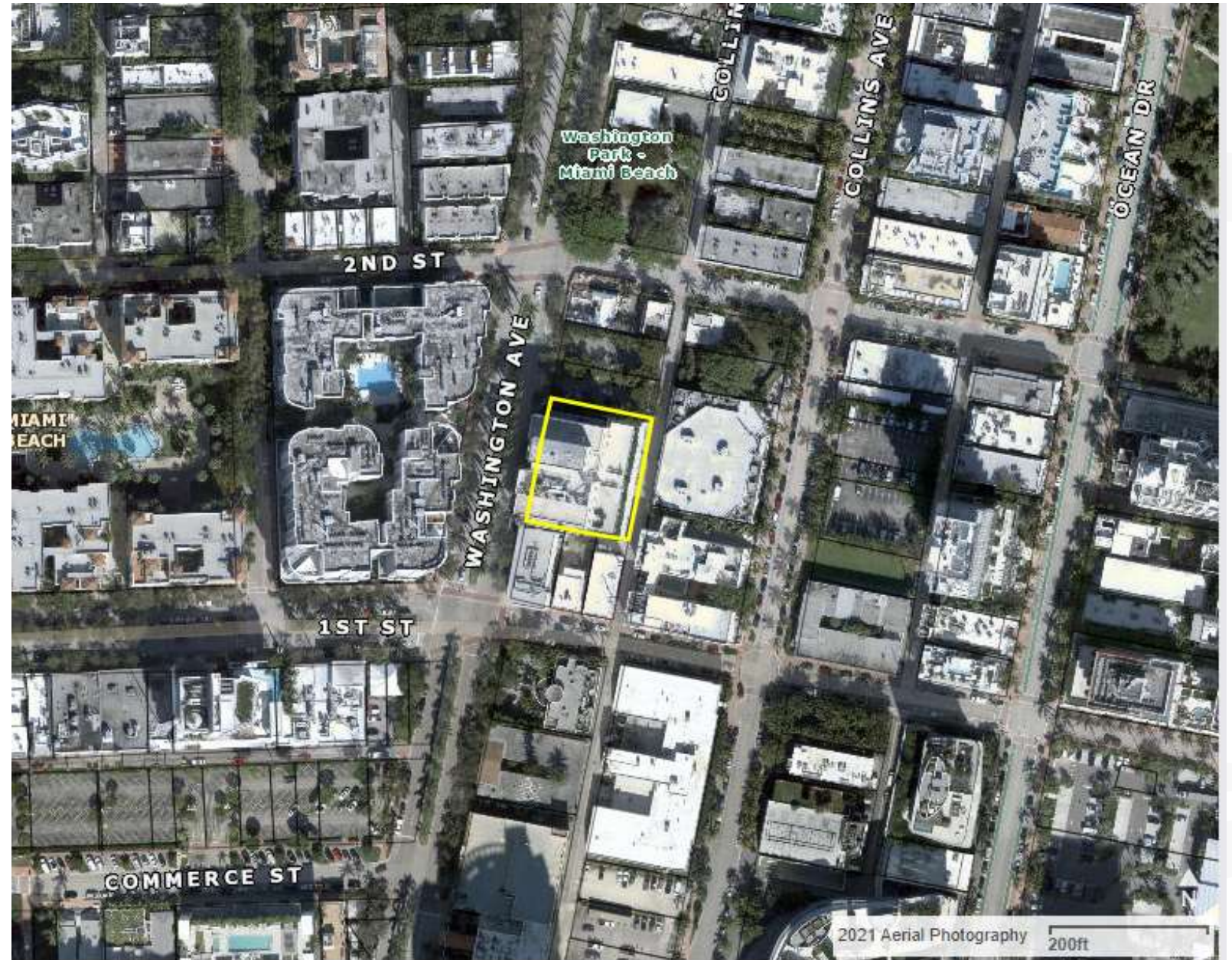
PRECINCT 041.0 <a href="#">Show Detailed View</a>			
Choice	Percent	Votes	
Yes	54.81%	843	
No	45.19%	695	
		<b>1,538</b>	

PRECINCT 040.0 <a href="#">Show Detailed View</a>			
Choice	Percent	Votes	
Yes	54.89%	455	
No	45.11%	374	
		<b>829</b>	



# Property Location



# Existing Building



northeast views



east views



north rooftop terrace – east views



southeast views

# Proposed Additions

Sustainable  
Roof

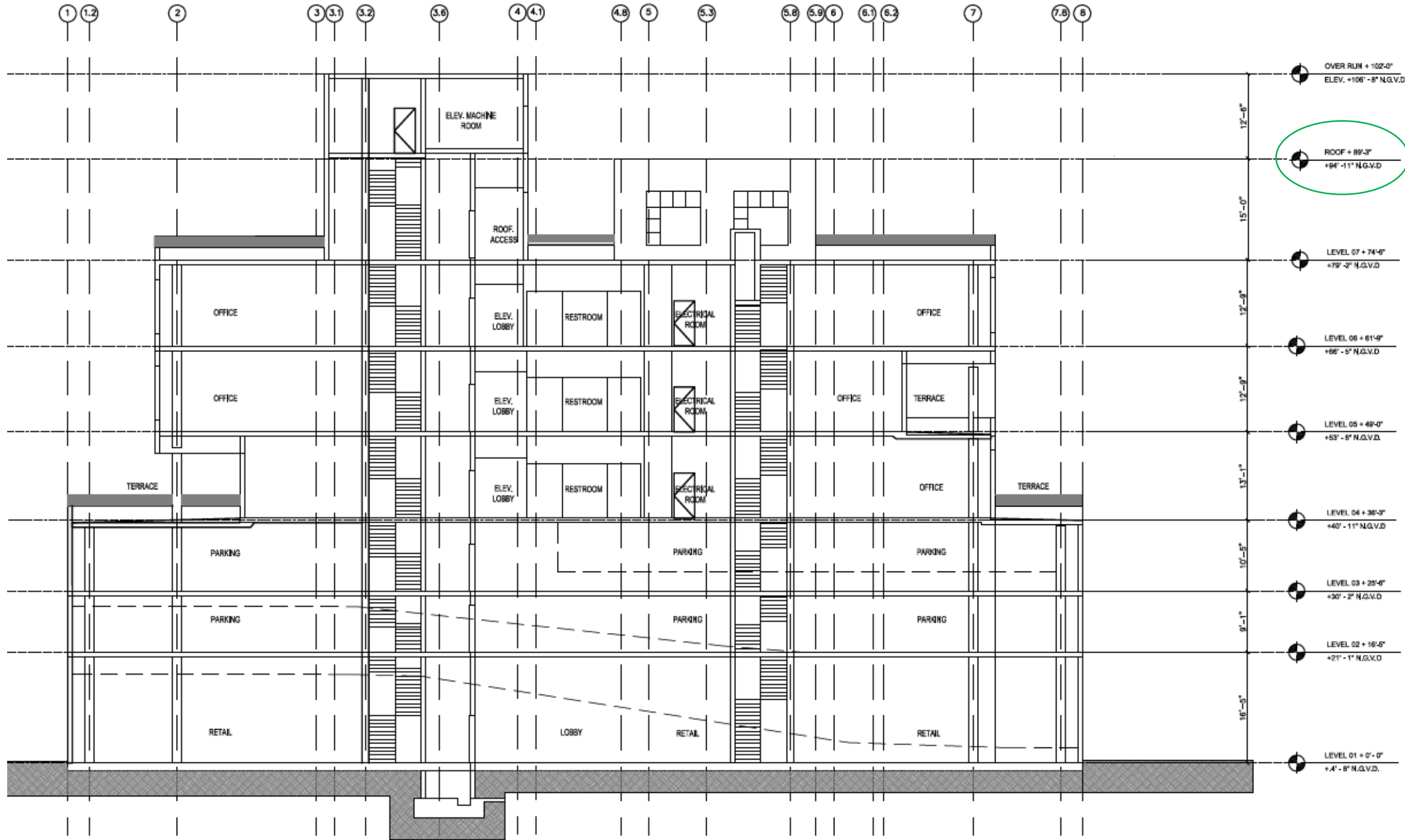
Enclosed  
Terraces



east views

# Proposed Additions





OVER RUN + 102'-0"  
ELEV. +106' - 8" N.G.V.D.

ROOF + 89'-3"  
+89' - 11" N.G.V.D.





# Comprehensive Plan Amendment C-PS-1 FLUM Designation

\* \* \*

Intensity Floor Area Ratio Limits: 2.0, Notwithstanding the foregoing, the maximum floor area ratio for properties in the First Street Overlay shall be a base of 2.0 and a 0.7 additional floor area ratio is available for redevelopments that include an office or residential use. The 0.7 of additional floor area available shall be used exclusively for either office or residential use. New development or redevelopment may only be eligible for the base FAR of 2.0 with an additional 0.7 available for office or residential uses if the property owner elects, at the owner's sole discretion, to voluntarily execute a restrictive covenant running with the land, in a form approved by the city attorney affirming that, in perpetuity, the property shall not be used as a hostel, hotel, apartment-hotel, and/or suite-hotel use, and none of the residential units on the property shall be leased or rented for a period of less than six months and one day.

# Code Amendment

## Section 142-699.1 – First Street Overlay

### Sec. 142.699.1 – First Street Overlay

- (a) The following regulations shall apply to properties that front the east side of Washington Avenue between 1<sup>st</sup> Street and 2<sup>nd</sup> Street. In the event of a conflict within this division, the criteria below shall apply:
- (1) The purpose of these regulations is to (1) sustain and enhance existing office uses in this overlay; (2) to induce the construction of new office and residential uses in this overlay; and (3) to provide incentives for the removal of transient uses.
  - (2) As a voluntary development incentive, subject to the property owner's strict compliance with the following conditions, the maximum floor area ratio shall be a base of 2.0 for the properties within the overlay with a 0.7 additional floor area ratio available for redevelopments that include an office or residential use. The 0.7 of additional floor area shall be used exclusively for either office or residential use and shall remain as office or residential in perpetuity; hostel, hotel, apartment-hotel, and suite-hotel use shall be prohibited from utilizing the 0.7 of additional floor area.
  - (3) New development or redevelopment shall only be eligible for the base FAR of 2.0 with an additional 0.7 available for office or residential uses, under this subsection, if the property owner elects, at the owner's sole discretion, to voluntarily execute a restrictive covenant running with the land, in a form approved by the city attorney affirming that, in perpetuity, the property shall not be used as a hostel, hotel, apartment-hotel, and/or suite-hotel use, and none of the residential units on the property shall be leased or rented for a period of less than six months and one day.
  - (4) Notwithstanding any height regulations contained in these Land Development Regulations, the maximum height of eligible rooftop additions to existing non-contributing buildings within the First Street Overlay shall not exceed 90 feet in height and shall be subject to all other applicable provisions regarding line of sight as set forth in Section 142-1161.

# Thank You

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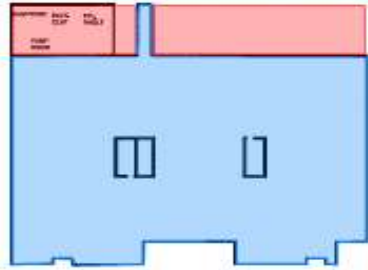
LOT AREA = 19,500 SF  
GROSS F.A.R.:  
TOTAL = 45,343 SF  
FLOOR AREA RATIO = 2.325

LOT AREA = 19,500 SF  
GROSS F.A.R.:  
TOTAL = 52,103 SF (W/ PROPOSED PH)  
FLOOR AREA RATIO = 2.672

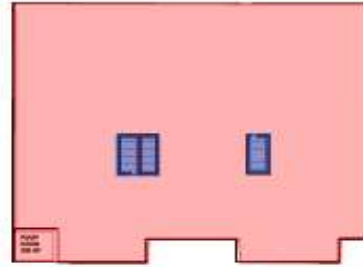
AREA  
DISCOUNTED



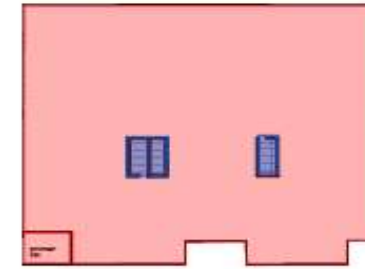
F.A.R.



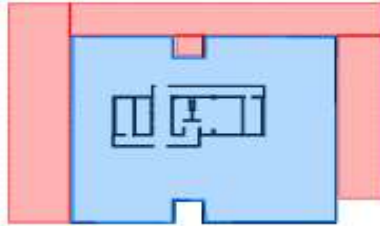
GROUND FLOOR (AREA IN F.A.R.)  
14,581 SF



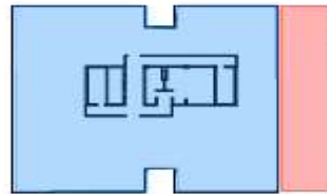
2ND FLOOR (AREA IN F.A.R.)  
492 SF



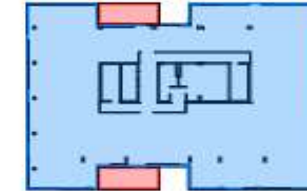
3RD FLOOR (AREA IN F.A.R.)  
492 SF



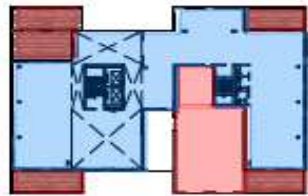
4TH FLOOR (AREA IN F.A.R.)  
9,725 SF



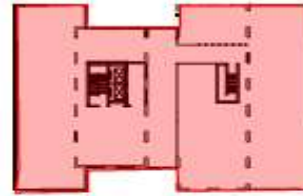
5TH FLOOR (AREA IN F.A.R.)  
9,725 SF



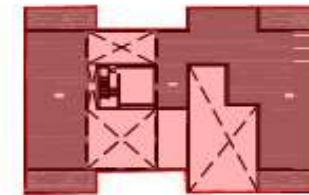
6TH FLOOR (AREA IN F.A.R.)  
10,328 SF



7TH FLOOR **PROPOSED** (AREA IN F.A.R.)  
6,760 SF



7TH FLOOR (AREA IN F.A.R.)  
0 SF



ROOF (AREA IN F.A.R.)  
0 SF

**WITH 50% DISCOUNTED AT GROUND FLOOR**

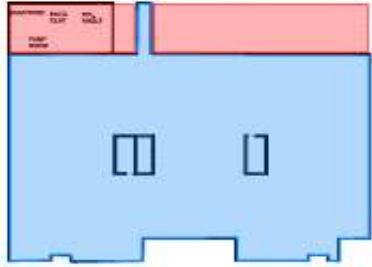
LOT AREA = 19,500 SF  
GROSS F.A.R.:  
TOTAL = 38,053 SF  
FLOOR AREA RATIO = 1.951

LOT AREA = 19,500 SF  
GROSS F.A.R.:  
TOTAL = 44,813 SF (W/ PROPOSED PH)  
FLOOR AREA RATIO = 2.298

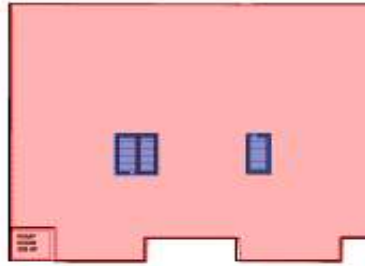
AREA  
DISCOUNTED



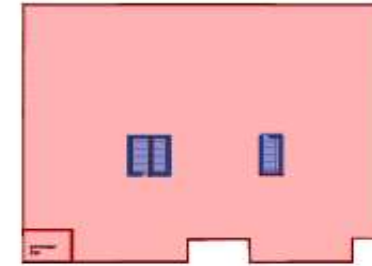
F.A.R.



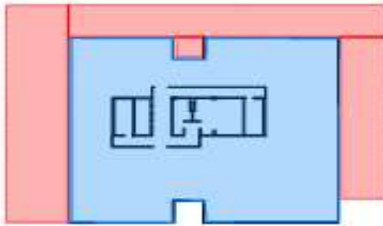
GROUND FLOOR (AREA IN F.A.R.)  
14,581 SF X 50% = 7,291 SF



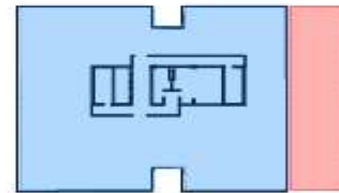
2ND FLOOR (AREA IN F.A.R.)  
492 SF



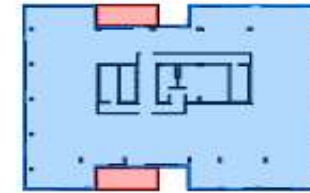
3RD FLOOR (AREA IN F.A.R.)  
492 SF



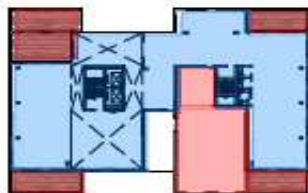
4TH FLOOR (AREA IN F.A.R.)  
9,725 SF



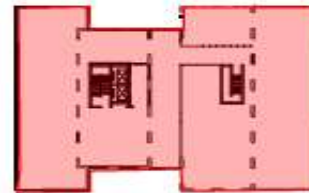
5TH FLOOR (AREA IN F.A.R.)  
9,725 SF



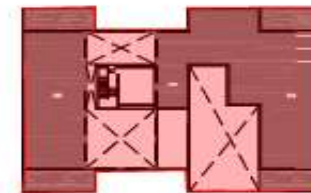
6TH FLOOR (AREA IN F.A.R.)  
10,328 SF



7TH FLOOR **PROPOSED** (AREA IN F.A.R.)  
6,760 SF



7TH FLOOR (AREA IN F.A.R.)  
0 SF



ROOF (AREA IN F.A.R.)  
0 SF