

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139



PLANNING, DESIGN & HISTORIC PRESERVATION DIVISION

673-7550

June 16, 1994

Mr. Mickey Biss  
Biss Enterprises  
407 Lincoln Road, Suite 10-C  
Miami Beach, FL 33139

**Re: Floor Area Calculations:  
119-137 Washington Avenue  
120-130 Ocean Drive**

Dear Mr. Biss:

Please be advised that I have once again reviewed the plans as prepared by Arquitectonica for the proposed structures at 119-137 Washington Avenue and 120-130 Ocean Drive, Miami Beach. The purpose of this review has been solely to ascertain whether or not the proposed structures meet the Floor Area Ratio (F.A.R.) requirements of the respective Performance Standard Zoning Districts in which they are to be located. Since the proposed structure on Washington Avenue is in the CPS-1 District and has more than 25% of its floor area devoted to residential use, the F.A.R. is restricted to that which is permitted in the RPS-1 District, a maximum 1.5 F.A.R. The structure on Ocean Drive is in the RPS-4 District and, therefore, has a maximum permissible 2.25 F.A.R.

I have concluded that these projects as now designed, exceed the permitted F.A.R. for their respective sites. This conclusion is different than that which was calculated by your architect in that I believe three areas within the projects should be included in the F.A.R. calculations. It is my administrative decision that the following three areas are to be included in the total floor area of a building when calculating F.A.R.:

1. Exterior corridors/hallways
2. Open stairwells within the tower
3. Stairwells and elevator shafts on each floor with parking

This decision is based not only on my prior administrative decision regarding the same three F.A.R. issues for 940-17th Street (dated: March 16, 1994), but the upholding of that decision by the Board of Adjustment (File #2377) at its meeting of May 6, 1994. I believe that said decision of the Board is now binding, unless ultimately overturned by the Courts.

**Mr. Mickey Biss**

**Re: 119-137 Washington Avenue  
120-130 Ocean Drive**

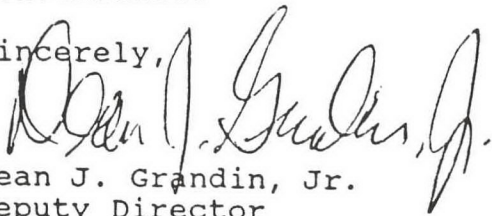
Although you have the right to appeal this decision, as provided for by Sub-Section 16-7A of Zoning Ordinance 89-2665, I believe that such an appeal would appear to be without merit and would be governed by the principles of administrative res judicata. A separate application must be filed for each proposed project in question.

If, nonetheless, you want to appeal, the following should be included in an application for an appeal from an Administrative Decision for each of the properties in question:

- a. **Application form**
- b. **Application fee - \$600.00**
- c. **Registered Survey of the Property** (10 copies; at least one set signed, sealed and dated)
- d. **Supporting Architectural Plans** (10 copies, at least one set signed, sealed and dated)
- e. **Appeal Letter** (10 copies, including one original - attach this denial letter to each)
- f. **Labels** (2 sets of all labels and related documents for notification of property owners within 375 ft. of the site in question)  
**Label Fee - \$0.50 per mailing address** (count one set of labels only for each individual application)

I have enclosed, herewith, two Board of Adjustment application packages. If you have any questions regarding this letter or on how to proceed on this matter, please call me at your earliest convenience.

Sincerely,



Dean J. Grandin, Jr.  
Deputy Director

Development, Design and Historic Preservation Services

DJG/ah

cc: H. Mavrogenes  
J. Dellagloria

enc.

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EXHIBIT "B"

recording of the survey as authorized in Section 161.181 of the Florida Statutes (1987).

72. EVALUATION GUIDELINES: The standards applicable to Alteration, renovation, new construction for a Historic Site or Improvement within a Historic District, which standards will be used as criteria by the Historic Preservation Board and its staff in making decisions on applications for Certificates of Appropriateness.
73. EXTERIOR: All external surfaces of any Improvement.
74. FALLOUT SHELTER: A Structure or portion of a Structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms or other emergencies.
75. FAMILY: An Individual or two or more Persons related by blood or marriage, or a group of not more than three Persons (excluding servants) who need not be related by blood or marriage, living together as a single housekeeping unit in a Dwelling.
76. FILLING STATION: Any establishment that sells, distributes or pumps fuels for motor vehicles.
77. FIRE PREVENTION AND SAFETY CODE: Code adopted pursuant to Miami Beach, Fla., Code of the City of Miami Beach Ch. 14, Art. VIII Sec. 14-73 (1964) as amended.
78. FIXTURE: An article in the nature of personal property which has been permanently attached or affixed to a Building, Structure or land by means of cement, plaster, nails, bolts or screws.
79. FLOOR AREA: 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 this Ordinance.

- a. Accessory water tanks or cooling towers.
- b. Uncovered steps.
- c. Attic space, whether or not a floor actually has been laid, providing structural headroom of less than seven feet, six inches.
- d. Terraces, breezeways, or open porches.
- e. Floor space used for required accessory Off-Street Parking Spaces. However if the parking garage is the main permitted Use, then the Floor Area of the parking levels shall be included in the calculation of the Floor Area Ratio.
- f. Mechanical equipment rooms located above main roof deck.
- g. Exterior unenclosed private Balconies.
- h. Floor Area located below Grade; however, if the ceiling is above Grade, 1/2 of the Floor Area that is below Grade shall be included in the FAR Floor Area Ratio calculation.
- i. Enclosed garbage rooms, enclosed within the Building on the Ground Floor level. <sup>22</sup>