

From: Paul Savage <psavage@rascoklock.com>
Sent: Tuesday, December 7, 2021 7:11 PM
To: Tackett, Deborah <DeborahTackett@miamibeachfl.gov>
Subject: FW: HPB21-0457, 1 Lincoln Road and 1671 Collins Ave. Email 3 of 3

[THIS MESSAGE COMES FROM AN EXTERNAL EMAIL - USE CAUTION WHEN REPLYING AND OPENING LINKS OR ATTACHMENTS]

Dear Debbie, Thank you so much for your help with receiving and disseminating materials for this important Item.

Looking online at the attachments for this Item, I see so far posted:

Public Comment 1: My updated letter to Jack Finglass and Board Members, as disseminated. Thank you!

Public Comment 2: My letter to Director Mooney on Zoning issues. Was this sent to the Board Members?

Public Comment 3: Tucker Gibbs' letter on behalf of the National on the Application, as disseminated. Great.

Public Comment 4: Letter / Petition by Dr. Thomas Verhoeven, as a resident of the Decoplage condominium.

I am writing to ask:

-- I do not see the attached Addendum Report and Historical Analysis prepared for my clients Beach Hotel Associates LLC the owners of the Delano Hotel, was this included and disseminated to Board Members?

--was my Public Comment 2 Letter to Director Mooney sent to the Board members?

Thank you, in advance for your help, as you know, I try to be as user friendly as possible,

Paul

From: Paul Savage
Sent: Friday, December 3, 2021 5:36 PM
To: 'Debbie Tackett' <dtackett@miamibeachfl.gov>; 'JamesSeiberling@miamibeachfl.gov' <JamesSeiberling@miamibeachfl.gov>
Subject: HPB21-0457, 1 Lincoln Road and 1671 Collins Ave. Email 3 of 3

Dear Debbie and James,

I am writing on behalf of Beach Hotel Associates LLC to submit the attached Addendum Report and Historical Analysis prepared by Steven Avdakov, and to respectfully request that you include this Report in the City's file on this Item, and disseminate to the Board Members with the Board Member materials in connection with the upcoming hearing now set for December 13.

Thank you, in advance, for your help, and please do not hesitate to contact me concerning this Item,

Paul

Cell 786-280-7814

Paul C. Savage, Esq.

RASCO KLOCK PEREZ NIETO

Partner

FLORIDA BAR BOARD CERTIFIED IN CITY, COUNTY AND LOCAL GOVERNMENT LAW

2555 Ponce de Leon Blvd., Suite 600

Coral Gables, FL 33134

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Dir: (305) 476-7092

Fax: (305) 675-4689

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RASCO | KLOCK

ATTORNEYS

RASCO | KLOCK | PEREZ | NIETO

[Website](#) | [Biography](#)

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RASCO | KLOCK

ATTORNEYS

RASCO | KLOCK | PEREZ | NIETO

Paul C. Savage*
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*FLORIDA BAR BOARD CERTIFIED IN CITY, COUNTY AND LOCAL GOVERNMENT LAW

November 22, 2021

VIA EMAIL (ThomasMooney@miamibeachfl.gov)

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

RE: Request for Decisions or Determinations of the Planning Director in Connection with the Ritz-Sagamore Application No. HPB21-0457 for Property Located at 1 Lincoln Road and 1671 Collins Ave. (the “Application” or “Project”)

Dear Director Mooney:

I am writing on behalf of Beach Hotel Associates, LLC, the owner of the property located at 1685 Collins Avenue, which is a contributing historic structure in the Ocean Drive/Collins Avenue Historic District and the Miami Beach Architectural District (the “Delano Hotel”).¹ The substantive positions and requests in this letter are also adopted and submitted by New National, LLC, the owner of the National Hotel located at 1671 Collins Avenue that abuts the Project referred to above. The purpose of this letter is to formally request Decisions or Determinations of the Planning Director on three distinct issues pertaining to the proposed development entitlements, and development capacity allocation as between the Ritz-Carlton lot and the Sagamore lot, as follows:

(1) the proposed transfer or sharing of the height entitlement from the Ritz-Carlton lot onto the Sagamore lot under Ordinance 2019-4285 (codified at Section 142-246(f) of the City Code);

(2) the proposed transfer or allocation of proposed Floor Area Ratio (“FAR”) square footage from the Ritz-Carlton lot onto the Sagamore lot; and

(3) the Application’s reliance upon the bonus FAR of 20,000 square feet “solely” for new “hotel amenities” under Section 142-246 of the Code.

¹ The use of “Delano Hotel” herein is for ease of reference, and does not signal any affiliation with the DELANO Brand of luxury and lifestyle hotels. The historic “Delano Hotel” signage is maintained by the owner as a contributing feature of the building, as required by the City of Miami Beach Historic Preservation Board. The Delano Hotel is located approximately 120 feet to the north of the Project site.

To: Thomas Mooney, Planning Director
Re: HPB21-0457

Each of these issues and requests are explained below, in turn.

I. Proposed Condominium Tower Height of 200 Feet Under Ordinance No. 2019-4285.

The Application proposes a new 200-foot tower with its base on the Sagamore lot that will cantilever over the Ritz-Carlton lot. The Application relies upon Ordinance No. 2019-4285 in support of its entitlement of the 200-foot height. *See* Updated Application Letter of Intent at page 7. The Ordinance is codified in Section 142-246, and provides in pertinent part:

(f) Notwithstanding the above, for oceanfront lots located in the architectural district, with an area greater than 115,000 square feet, a ground floor addition, whether attached or detached, may exceed 50 feet in height, but shall not exceed 200 feet in height, in accordance with the following provisions:

(1) Placement of the structure. The ground floor addition shall be located internal to the site, and shall be set back a minimum of 100 feet from the front property line, 75 feet from the street side property lines, and 100 feet from the rear (oceanfront) property line.

§142-246, City of Miami Beach Code of Ordinances (or “City Code”).

The Ritz-Carlton lot is listed as being 163,813 square feet in size by the Applicant’s Zoning Data Sheet, thus bringing the Ritz-Carlton lot potentially under Ordinance No. 2019-4285 (and its 200-foot height limit). The Sagamore lot, however, is listed as being 44,848 square feet in size, which is less than the 115,000 square foot threshold for the additional height permitted by Ordinance No. 2019-4285.

The Code is clear that no “building shall be erected ...” that will “exceed the height limit herein established ...” §114-4(4), City Code. The applicable height limitation for the Sagamore lot is listed as 50 feet for new ground floor additions, whether attached or detached. §142-246(d), City Code. Section 114-4 does not provide or contemplate exceptions to this requirement.

Finally, while the Code contemplates “unified development sites,” nothing in the Code expressly authorizes the sharing of a height entitlement onto a lot that would not otherwise qualify, thus essentially granting a height variance to the receiving lot (in this case an additional 150 feet beyond the applicable 50 foot limit). *See* §§114-4; 118-5; §142-1164, City Code. It is noted that Ordinance No. 2019-4285 added the new text for those lots in excess of 115,000 square feet in the Architectural and RM-3 District, but changed no text in other sections concerning height regulations or unified development sites. *See Exhibit A* (Resolution No. 2019-4295, as adopted). We respectfully request a Determination or Decision of the Planning Director on the applicability of these provisions and other Code provisions to this Application, and specifically whether the Code authorizes the transfer of a height entitlement from the Ritz-Carlton lot to authorize a 200-foot structure on the Sagamore lot.

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 Re: HPB21-0457

II. Floor Area Ratio Allocations.

The Ritz-Sagamore Zoning Data Sheet also recites that the Sagamore lot has 28,405 square feet of FAR available, as follows:

EXISTING FAR TO REMAIN RITZ AND SAGAMORE BLDG				
RITZ HOTEL			Sagamore	
	FAR AREA			FAR AREA
Basement	8,785 **		Basement	0 **
Ground	66,541		Ground	10,620
2nd Floor	65,856		2nd Floor	11,726
3rd Floor	60,169		3rd Floor	11,726
4th Floor	44,244		4th Floor	11,726
5th Floor	26,639		5th Floor	11,275
6th Floor	24,397		6th Floor	4,218
7th Floor	24,393		Totals	61,291
8th Floor	24,397			
9th Floor	24,327			
10th Floor	24,387			
11th Floor	24,383			
Totals	418,518		Total FAR to remain	479,809
RITZ	LOT AREA	FAR RATIO	MAX FAR	FAR AVAILABLE
PER SURVEY	163,813	3	511,439	92,922 *
SAGAMORE	LOT AREA	FAR RATIO	MAX FAR	FAR AVAILABLE
Lot AREA	44,848	2	89696	28,405
FAR SUMMARY				
	Ritz FAR	Sagamore FAR	Total FAR Available	
	92,922 *	28,405	121,327	

* Includes 20,000 SF per Sec. 142-246 (a)(3)

** 1/2 of the basement included in the calculation

Exhibit B (Pull out of the Data Zoning Sheet from latest Application Plans). The Project's FAR worksheet goes on to also reflect that the total square footage of the proposed new residential tower is 121,326 square feet, as follows:

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PROPOSED AREAS - NEW TOWER						
LEVELS	UNITS	COMMON AREA+BOH	AMENITIES	NEW BRIDGE CONNECTION	NEW RESIDENTIAL UNITS	FAR
ROOF		1,380 SQ.FT.				
LEVEL 17	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
LEVEL 16	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
LEVEL 15	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
LEVEL 14	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
LEVEL 13	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
LEVEL 12	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
LEVEL 11	6,653 SQ.FT.	1,430 SQ.FT.			4	8,083 SQ.FT.
LEVEL 10	6,653 SQ.FT.	1,430 SQ.FT.			4	8,083 SQ.FT.
LEVEL 9	6,653 SQ.FT.	1,430 SQ.FT.			4	8,083 SQ.FT.
LEVEL 8	6,653 SQ.FT.	1,430 SQ.FT.			4	8,083 SQ.FT.
LEVEL 7	6,653 SQ.FT.	1,430 SQ.FT.			4	8,083 SQ.FT.
LEVEL 6	6,487 SQ.FT.	1,596 SQ.FT.			4	8,083 SQ.FT.
LEVEL 5	-	1,596 SQ.FT.	8,224 SQ.FT.			
LEVEL 4	3,387 SQ.FT.	1,430 SQ.FT.				1
LEVEL 3	3,407 SQ.FT.	1,670 SQ.FT.		378 SQ.FT.	1	5,455 SQ.FT.
LEVEL 2	-	-		378 SQ.FT.		378 SQ.FT.
LEVEL 1	-	3,860 SQ.FT.				3,860 SQ.FT.
	86,674 SQ.FT.	27,052 SQ.FT.	8,224 SQ.FT.	756 SQ.FT.	50	121,326 SQ.FT.

While the Project's exact allocation of FAR upon the Sagamore lot is unclear, the proposed configuration has the tower straddling over the two lots — half on one and half over the other — thus resulting in approximately half of the proposed tower, or approximately 60,000 square feet of the proposed residential tower over the Sagamore lot. As noted earlier, only 28,405 square feet of remaining FAR is authorized for the Sagamore lot, according to the Applicant's Zoning Data Sheet.

The City Charter prohibits increase to a property's FAR without prior submission to the electors. §1.03(c), City Charter. There is an exception for the aggregation of development rights on unified abutting parcels if "permitted by ordinance." *Id.* The Code expressly prohibits buildings not in conformity with the applicable FAR. *See* §114-4(7), City Code. The only exception contemplated is when a unified development site is located "over multiple zoning districts." *Id.* Section 118-5 similarly discusses unified development sites that span across different "districts." §118-5, City Code. In this Project, however, both the Ritz-Carlton and Sagamore lots are within the RM-3 Zoning District, and the subject lots have different FAR. No Code provision expressly authorizes the increase of a receiving parcel's FAR under a unified development site comprised of parcels with different FAR. It is noted that the Zoning Data Sheet for the Raleigh project reflects parcels with the same FAR.

We respectfully request a Determination or Decision of the Planning Director on the applicability of these provisions and other Code provisions to the Application, and whether the Code truly authorizes the transfer or use of approximately 30,000 square feet above and beyond

To: Thomas Mooney, Planning Director
Re: HPB21-0457

what is authorized for the Sagamore lot FAR. Specifically, we request a Determination or confirmation of:

(a) whether the City Charter and Code authorizes the transfer of additional FAR from the Ritz-Carlton site to be transferred and used on the Sagamore lot;

(b) whether the City Charter and Code authorizes the Sagamore Site to accommodate and use FAR that it is not presently zoned for; and

(c) how much FAR as described in square feet is proposed to be used by the Project's tower on the Ritz-Carlton lot, and how much FAR as described in square feet is proposed to be used by the Project's tower on the Sagamore lot.

III. Bonus FAR for New Hotel Amenities.

The Applicant's updated Zoning Data Sheet also reflects reliance on 20,000 square feet of additional FAR under Section 142-246(3) of the City Code. See **Exhibit B**. This provision provides: "Notwithstanding the above, lots which, *as of the effective date of this ordinance* (November 14, 1998), are oceanfront lots with a lot area greater than 100,000 square feet with an existing building, shall have a maximum FAR of 3.0; however, additional FAR shall be available for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 square feet." §142-246(3) City Code (emphasis added).

Bonus FAR Authorization. The Code section authorizing the bonus FAR is limited by its text to those lots with 100,000 square feet as of November 14, 1998. The Sagamore site was not and is not 100,000 square feet in size. Moreover, as explained in the prior section, the Code does not expressly authorize the transfer of FAR from one lot to another. Finally, the Application does not reflect where precisely this proposed bonus FAR is going to be used in the Project, although indicates it is going to be used for the new residential tower.

Use Restriction of Bonus FAR. The subject provision authorizes the bonus FAR for the use of "the sole purpose of providing hotel amenities." §142-246(3) City Code. The Zoning Data Sheet reflects that all of the existing FAR is being used for the existing Ritz-Carlton and Sagamore Hotels, respectively, and that all of the proposed available FAR of 121,326 square feet is going into the proposed new Tower:

PROPOSED PROJECT FAR		
RITZ		418,518 SQ.FT.
SAGAMORE		61,291 SQ.FT.
TOWER		121,326 SQ.FT.
GRAND TOTAL		601,135 SQ.FT.

Exhibit B (Application Zoning Data Sheet).

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If all of the proposed new FAR — including the bonus FAR — is allocated to the proposed residential condominium tower, then this bonus FAR is *not* being used for new hotel amenities as required by the Code. Finally, the firm position of the City on other applications seeking to obtain this hotel amenity bonus FAR is that this provision authorizes the provision of *new* hotel amenities, and not the refurbishment of existing amenities.

We respectfully request a Determination or Decision of the Planning Director on the applicability of this Code provision to the Application, and whether the Code authorizes 20,000 square feet of new hotel amenity bonus FAR, when one of the lots cannot qualify for the bonus, and the Application proposes to use all of the available FAR on the proposed residential tower. More specifically, we request a Determination or confirmation of:

(a) whether the City Code authorizes the new hotel amenity bonus FAR to be used on a lot that was less than 100,000 square feet as of November 14, 1998; and

(b) whether the City Code authorizes use of the new hotel amenity bonus FAR for use in a proposed residential condominium tower; and

(c) how much of the new hotel amenity bonus FAR as described in square feet is proposed to be used by the Project's tower on the Ritz-Carlton lot, and how much new hotel amenity bonus FAR as described in square feet is proposed to be used by the Project's tower on the Sagamore lot.

We thank you in advance for your careful consideration of our concerns with the Application and the requirements of the City Code. Please do not hesitate to contact me concerning the proposed Project and the issues raised herein.

To: Thomas Mooney, Planning Director
Re: HPB21-0457

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul C. Savage".

Paul C. Savage, Esq.
on behalf of Beach Hotel Associates, LLC

and

A handwritten signature in blue ink, appearing to read "W. Tucker Gibbs".

W. Tucker Gibbs, Esq.
on behalf of New National, LLC

cc. Nick Kallergis, Esq., Assistant City Attorney
Beach Hotel Associates, LLC
New National, LLC

To: Thomas Mooney, Planning Director
Re: HPB21-0457

EXHIBIT A

Ordinance No. 2019-4285

**Height Increase for Ground Level Additions
on Oceanfront Lots in the Architectural District**

ORDINANCE NO. 2019-4285

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION V, ENTITLED "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," BY AMENDING SECTION 142-246, ENTITLED "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," TO INCREASE THE HEIGHT LIMIT FOR GROUND FLOOR ADDITIONS MEETING CERTAIN REQUIREMENTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City's Land Development Regulations ("LDRs") provide for the regulation of land within the City; and

WHEREAS, this Ordinance provides for a height increase for ground floor additions on oceanfront lots in the Architectural District, with a lot area greater than 115,000 square feet, subject to the requirements set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Subdivision V, "RM-3 Residential multifamily, high intensity," is hereby amended as follows:

CHAPTER 142 – ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II. – DISTRICT REGULATIONS

* * *

DIVISION 3. - RESIDENTIAL MULTIFAMILY DISTRICTS

* * *

SUBDIVISION V.- RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY

* * *

Sec. 142-246. - Development regulations and area requirements.

(a) The development regulations in the RM-3 residential multifamily, high intensity district are as follows:

- (1) Max. FAR: Lot area equal to or less than 45,000 sq. ft.—2.25; lot area greater than 45,000 sq. ft.—2.75; oceanfront lots with lot area greater than 45,000 sq. ft.—3.0.
- (2) Notwithstanding the above, oceanfront lots in architectural district shall have a maximum FAR of 2.0.
- (3) Notwithstanding the above, lots which, as of the effective date of this ordinance (November 14, 1998), are oceanfront lots with a lot area greater than 100,000 sq. ft. with an existing building, shall have a maximum FAR of 3.0; however, additional FAR shall be available for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 sq. ft.

(b) The lot area, lot width, unit size and building height requirements for the RM-3 residential multifamily, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)
7,000	50	New construction—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—400 Hotel units: 15%: 300—335 85%: 335+ For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the	New construction—800 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—550 Hotel units—N/A	150 Oceanfront lots—200 Architectural dist.: New construction—120; ground floor additions (whether attached or detached) to existing structures on oceanfront lots—50 (except as provided in section 142-1161)

		<p>existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.</p>		
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(c) Notwithstanding the above, for oceanfront lots located within a locally designated historic district or site, but not within the architectural district, with less than 400 feet of lineal frontage along Collins Avenue and containing at least one contributing structure, the maximum building height for ground floor additions to existing structures, whether attached or detached, shall be as follows:

- (1) For existing structures greater than five stories in height, the maximum height shall be limited to ten stories or the height of the roof line of the main structure on site, whichever is less. At the discretion of the historic preservation board, the maximum height of the ground floor addition may exceed ten stories if the existing and surrounding structures are greater than five stories in height, provided the addition is consistent with the scale and massing of the existing structure.
- (2) For existing structures five stories or less in height, the maximum height shall be limited to five stories.

Additionally, the proposed addition shall not substantially reduce existing or established view corridors, nor impede the appearance or visibility of architecturally significant portions of an existing structure, as determined by the historic preservation board.

(d) Notwithstanding the above, for oceanfront lots located in the architectural district, the overall height of an attached addition may exceed five stories and 50 feet, but shall not exceed the height of the roof line of the structure attached to, provided all of the following conditions are satisfied:

- (1) The proposed addition shall consist of the expansion of existing hotel units only and shall not result in an increased number of units.
- (2) The proposed addition shall be for hotel units only. A restrictive covenant, running with the land, or other similar instrument enforceable against the owner(s), acceptable to and approved as to form by the city attorney, shall be required to ensure that the units remain as hotel units for a minimum of 30 years. If the applicant is unable to provide such a covenant, this requirement may be waived by the city manager if it is demonstrated that the project provides an extraordinary public benefit to the surrounding area.

- (3) The proposed addition shall not be attached to front, street side or oceanfront elevations, nor along any other principal elevations or facades, as determined by the historic preservation board.
 - (4) The proposed addition shall not substantially reduce existing or established view corridors, nor impede the appearance or visibility of architecturally significant portions of an existing structure, as determined by the historic preservation board.
- (e) A ground floor addition relocating existing hotel units shall also meet the following conditions, in addition to subsection (d)(2)—(4) above:
- (1) There shall be no neighborhood impact establishment, dancehall or entertainment use in the area of the proposed addition;
 - (2) No new outdoor or open air entertainment establishment shall be created on the property. Outdoor or open air entertainment establishments existing as of the effective date of this subsection (November 24, 2012) may continue but shall not be expanded if a property avails itself of this provision.
 - (3) Upon approval of the proposed addition by the historic preservation board, no building greater than two stories or 25 feet in height shall be constructed between the rear of the building and westward line of the dune overlay district. This provision shall not be subject to variance.
 - (4) Notwithstanding the provisions in subsection 142-1161(d), if the building presently contains unoccupied but built spaces enclosed on at least three sides by existing walls of a height that would conceal a new roof, such as false parapets or storage rooms, those spaces may be further enclosed as habitable floor area, up to the permitted floor area; and
 - (5) No new commercial uses shall be permitted on the rooftop or any open air decks of the existing structure or proposed addition.
- (f) Notwithstanding the above, for oceanfront lots located in the architectural district, with a lot area greater than 115,000 square feet, a ground floor addition, whether attached or detached, may exceed 50 feet in height, but shall not exceed 200 feet in height, in accordance with the following provisions:
- (1) Placement of the structure. The ground floor addition shall be located internal to the site, and shall be set back a minimum of 100 feet from the front property line, 75 feet from the street side property lines, and 100 feet from the rear (oceanfront) property line.
 - (2) Limits on the floorplate of additions exceeding 50 feet in height. The maximum floor plate size for the portion of an addition that exceeds 50 feet in building height is 15,000 square feet per floor, excluding projecting balconies. The historic preservation board may approve an increase in this overall floor plate, up to a maximum of 20,000 square feet per floor, excluding balconies, in accordance with the certificate of appropriateness criteria in chapter 118, article X of these land development regulations.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.


This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this 31. day of July, 2019.

ATTEST:

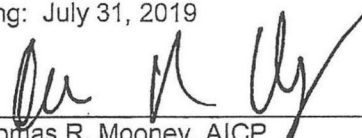


Dan Gelber, Mayor


Aug 13, 2019

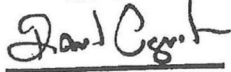
Rafael E. Granado, City Clerk

First Reading: July 17, 2019
Second Reading: July 31, 2019

Verified by: 

Thomas R. Mooney, AICP
Planning Director

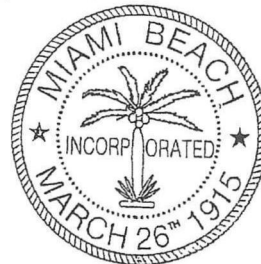
APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

 7/2/19

City Attorney Date

NK

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To: Thomas Mooney, Planning Director
Re: HPB21-0457

EXHIBIT B

Application Zoning Data Sheet FAR Chart

To: Thomas Mooney, Planning Director
 Re: HPB21-0457

EXISTING FAR TO REMAIN RITZ AND SAGAMORE BLDG				
RITZ HOTEL		Sagamore		
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7th Floor	24,393		Totals	61,291
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Totals	418,518		Total FAR to remain	479,809

RITZ	LOT AREA	FAR RATIO	MAX FAR	FAR AVAILABLE
PER SURVEY	163,813	3	511,439	92,922 *

SAGAMORE	LOT AREA	FAR RATIO	MAX FAR	FAR AVAILABLE
Lot AREA	44,848	2	89,696	28,405

FAR SUMMARY			
Ritz FAR	Sagamore FAR	Total FAR Available	
92,922 *	28,405	121,327	

* Includes 20,000 SF per Sec. 142-246 (a)(3)
 ** 1/2 of the basement included in the calculation

PROPOSED AREAS - NEW TOWER						
LEVELS	UNITS	COMMON AREA+BOH	AMENITIES	NEW BRIDGE CONNECTION	NEW RESIDENTIAL UNITS	FAR
ROOF		1,380 SQ.FT.				
LEVEL 17	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
LEVEL 16	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
LEVEL 15	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
LEVEL 14	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
LEVEL 13	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
LEVEL 12	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
LEVEL 11	6,653 SQ.FT.	1,430 SQ.FT.			4	8,083 SQ.FT.
LEVEL 10	6,653 SQ.FT.	1,430 SQ.FT.			4	8,083 SQ.FT.
LEVEL 9	6,653 SQ.FT.	1,430 SQ.FT.			4	8,083 SQ.FT.
LEVEL 8	6,653 SQ.FT.	1,430 SQ.FT.			4	8,083 SQ.FT.
LEVEL 7	6,653 SQ.FT.	1,430 SQ.FT.			4	8,083 SQ.FT.
LEVEL 6	6,487 SQ.FT.	1,596 SQ.FT.			4	8,083 SQ.FT.
LEVEL 5	-	1,596 SQ.FT.	8,224 SQ.FT.			9,820 SQ.FT.
LEVEL 4	3,387 SQ.FT.	1,430 SQ.FT.			1	4,817 SQ.FT.
LEVEL 3	3,407 SQ.FT.	1,670 SQ.FT.		378 SQ.FT.	1	5,455 SQ.FT.
LEVEL 2	-	-		378 SQ.FT.		378 SQ.FT.
LEVEL 1	-	3,860 SQ.FT.				3,860 SQ.FT.
	86,674 SQ.FT.	27,052 SQ.FT.	8,224 SQ.FT.	756 SQ.FT.	50	121,326 SQ.FT.

PROPOSED PROJECT FAR	
RITZ	418,518 SQ.FT.
SAGAMORE	61,291 SQ.FT.
TOWER	121,326 SQ.FT.
GRAND TOTAL	601,135 SQ.FT.

RASCO | KLOCK

ATTORNEYS

RASCO | KLOCK | PEREZ | NIETO

Paul C. Savage*
Tel. 305.476.7100
Fax 305.476.7102
psavage@rascoklock.com

*FLORIDA BAR BOARD CERTIFIED IN CITY, COUNTY AND LOCAL GOVERNMENT LAW

December 3, 2021

VIA EMAIL (ThomasMooney@miamibeachfl.gov)

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

RE: Request for Decisions or Determinations of the Planning Director in Connection with the Ritz-Sagamore Application No. HPB21-0457 for Property Located at 1 Lincoln Road and 1671 Collins Ave. (the “Application” or “Project”)

Dear Director Mooney:

I am writing on behalf of Beach Hotel Associates, LLC, the owner of the property located at 1685 Collins Avenue, which is a contributing historic structure in the Ocean Drive/Collins Avenue Historic District and the Miami Beach Architectural District (the “Delano Hotel” or “Neighboring Hotel”).¹ The purpose of this letter is to formally request Decisions or Determinations of the Planning Director on three distinct issues pertaining to the proposed development entitlements, and development capacity allocation as between the Ritz-Carlton lot and the Sagamore lot, as follows:

(1) the proposed transfer or sharing of the height entitlement from the Ritz-Carlton lot onto the Sagamore lot under Ordinance 2019-4285 (codified at Section 142-246(f) of the City Code);

(2) the proposed transfer or allocation of proposed Floor Area Ratio (“FAR”) square footage from the Ritz-Carlton lot onto the Sagamore lot; and

(3) the Application’s reliance upon the bonus FAR of 20,000 square feet “solely” for new “hotel amenities” under Section 142-246 of the Code.

Each of these issues and requests are explained below, in turn.

¹ The use of “Delano Hotel” herein is for ease of reference, and does not signal any affiliation with the DELANO Brand of luxury and lifestyle hotels. The historic “Delano Hotel” signage is maintained by the owner as a contributing feature of the building, as required by the City of Miami Beach Historic Preservation Board. The Delano Hotel is located approximately 115 feet to the north of the Project site.

To: Thomas Mooney, Planning Director
Re: HPB21-0457
Date: December 3, 2021

I. Proposed Condominium Tower Height of 200 Feet Under Ordinance No. 2019-4285.

The Application proposes a new 200-foot tower with its base on the Sagamore lot that will cantilever over the Ritz-Carlton lot. The Application relies upon Ordinance No. 2019-4285 in support of its entitlement of the 200-foot height. *See* Updated Application Letter of Intent at page 7. The Ordinance is codified in Section 142-246, and provides in pertinent part:

(f) Notwithstanding the above, for oceanfront lots located in the architectural district, with an area greater than 115,000 square feet, a ground floor addition, whether attached or detached, may exceed 50 feet in height, but shall not exceed 200 feet in height, in accordance with the following provisions:

(1) Placement of the structure. The ground floor addition shall be located internal to the site, and shall be set back a minimum of 100 feet from the front property line, 75 feet from the street side property lines, and 100 feet from the rear (oceanfront) property line.

§142-246, City of Miami Beach Code of Ordinances (or “City Code”).

The Ritz-Carlton lot is listed as being 163,813 square feet in size by the Applicant’s Zoning Data Sheet, thus bringing the Ritz-Carlton lot potentially under Ordinance No. 2019-4285 (and its 200-foot height limit). The Sagamore lot, however, is listed as being 44,848 square feet in size, which is less than the 115,000 square foot threshold for the additional height permitted by Ordinance No. 2019-4285.

The Code is clear that no “building shall be erected ...” that will “exceed the height limit herein established ...” §114-4(4), City Code. The applicable height limitation for the Sagamore lot is listed as 50 feet for new ground floor additions, whether attached or detached. §142-246(d), City Code. Section 114-4 does not provide or contemplate exceptions to this requirement.

Finally, while the Code contemplates “unified development sites,” nothing in the Code expressly authorizes the sharing of a height entitlement onto a lot that would not otherwise qualify, thus essentially granting a height variance to the receiving lot (in this case an additional 150 feet beyond the applicable 50 foot limit). *See* §§114-4; 118-5; §142-1164, City Code. It is noted that Ordinance No. 2019-4285 added the new text for those lots in excess of 115,000 square feet in the Architectural and RM-3 District, but changed no text in other sections concerning height regulations or unified development sites. *See Exhibit A* (Resolution No. 2019-4295, as adopted). We respectfully request a Determination or Decision of the Planning Director on the applicability of these provisions and other Code provisions to this Application, and specifically whether the Code authorizes the transfer of a height entitlement from the Ritz-Carlton lot to authorize a 200-foot structure on the Sagamore lot.

To: Thomas Mooney, Planning Director
 Re: HPB21-0457
 Date: December 3, 2021

II. Floor Area Ratio Allocations.

The Ritz-Sagamore Zoning Data Sheet also recites that the Sagamore lot has 28,405 square feet of FAR available, as follows:

EXISTING FAR TO REMAIN RITZ AND SAGAMORE BLDG				
RITZ HOTEL		Sagamore		
	FAR AREA			FAR AREA
Basement	8,785 **			0 **
Ground	66,541			10,620
2nd Floor	65,856			11,726
3rd Floor	60,169			11,726
4th Floor	44,244			11,726
5th Floor	26,639			11,275
6th Floor	24,397			4,218
7th Floor	24,393			
8th Floor	24,397			
9th Floor	24,327			
10th Floor	24,387			
11th Floor	24,383			
Totals	418,518		Total FAR to remain	61,291
				479,809
RITZ	LOT AREA	FAR RATIO	MAX FAR	FAR AVAILABLE
PER SURVEY	163,813	3	511,439	92,922 *
SAGAMORE	LOT AREA	FAR RATIO	MAX FAR	FAR AVAILABLE
Lot AREA	44,848	2	89696	28,405
FAR SUMMARY				
	Ritz FAR	Sagamore FAR	Total FAR Available	
	92,922 *	28,405	121,327	

* Includes 20,000 SF per Sec.142-246 (a)(3)

** 1/2 of the basement included in the calculation

Exhibit B (Pull out of the Data Zoning Sheet from latest Application Plans). The Project's FAR worksheet goes on to also reflect that the total square footage of the proposed new residential tower is 121,326 square feet, as follows:

To: Thomas Mooney, Planning Director
 Re: HPB21-0457
 Date: December 3, 2021

PROPOSED AREAS - NEW TOWER						
LEVELS	UNITS	COMMON AREA+BOH	AMENITIES	NEW BRIDGE CONNECTION	NEW RESIDENTIAL UNITS	FAR
ROOF		1,380 SQ.FT.				
LEVEL 17	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
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LEVEL 2	-	-		378 SQ.FT.		378 SQ.FT.
LEVEL 1	-	3,860 SQ.FT.				3,860 SQ.FT.
	86,674 SQ.FT.	27,052 SQ.FT.	8,224 SQ.FT.	756 SQ.FT.	50	121,326 SQ.FT.

While the Project's exact allocation of FAR upon the Sagamore lot is unclear, the proposed configuration has the tower straddling over the two lots — half on one and half over the other — thus resulting in approximately half of the proposed tower, or approximately 60,000 square feet of the proposed residential tower over the Sagamore lot. As noted earlier, only 28,405 square feet of remaining FAR is authorized for the Sagamore lot, according to the Applicant's Zoning Data Sheet.

The City Charter prohibits increase to a property's FAR without prior submission to the electors. §1.03(c), City Charter. There is an exception for the aggregation of development rights on unified abutting parcels if "permitted by ordinance." *Id.* The Code expressly prohibits buildings not in conformity with the applicable FAR. *See* §114-4(7), City Code. The only exception contemplated is when a unified development site is located "over multiple zoning districts." *Id.* Section 118-5 similarly discusses unified development sites that span across different "districts." §118-5, City Code. In this Project, however, both the Ritz-Carlton and Sagamore lots are within the RM-3 Zoning District, and the subject lots have different FAR. No Code provision expressly authorizes the increase of a receiving parcel's FAR under a unified development site comprised of parcels with different FAR. It is noted that the Zoning Data Sheet for the Raleigh project reflects parcels with the same FAR.

We respectfully request a Determination or Decision of the Planning Director on the applicability of these provisions and other Code provisions to the Application, and whether the

To: Thomas Mooney, Planning Director
Re: HPB21-0457
Date: December 3, 2021

Code truly authorizes the transfer or use of approximately 30,000 square feet above and beyond what is authorized for the Sagamore lot FAR. Specifically, we request a Determination or confirmation of:

(a) whether the City Charter and Code authorizes the transfer of additional FAR from the Ritz-Carlton site to be transferred and used on the Sagamore lot;

(b) whether the City Charter and Code authorizes the Sagamore Site to accommodate and use FAR that it is not presently zoned for; and

(c) how much FAR as described in square feet is proposed to be used by the Project's tower on the Ritz-Carlton lot, and how much FAR as described in square feet is proposed to be used by the Project's tower on the Sagamore lot.

III. Bonus FAR for New Hotel Amenities.

The Applicant's updated Zoning Data Sheet also reflects reliance on 20,000 square feet of additional FAR under Section 142-246(3) of the City Code. See **Exhibit B**. This provision provides: "Notwithstanding the above, lots which, *as of the effective date of this ordinance* (November 14, 1998), are oceanfront lots with a lot area greater than 100,000 square feet with an existing building, shall have a maximum FAR of 3.0; however, additional FAR shall be available for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 square feet." §142-246(3) City Code (emphasis added).

Bonus FAR Authorization. The Code section authorizing the bonus FAR is limited by its text to those lots with 100,000 square feet as of November 14, 1998. The Sagamore site was not and is not 100,000 square feet in size. Moreover, as explained in the prior section, the Code does not expressly authorize the transfer of FAR from one lot to another. Finally, the Application does not reflect where precisely this proposed bonus FAR is going to be used in the Project, although indicates it is going to be used for the new residential tower.

Use Restriction of Bonus FAR. The subject provision authorizes the bonus FAR for the use of "the sole purpose of providing hotel amenities." §142-246(3) City Code. The Zoning Data Sheet reflects that all of the existing FAR is being used for the existing Ritz-Carlton and Sagamore Hotels, respectively, and that all of the proposed available FAR of 121,326 square feet is going into the proposed new Tower:

PROPOSED PROJECT FAR		
RITZ		418,518 SQ.FT.
SAGAMORE		61,291 SQ.FT.
TOWER		121,326 SQ.FT.
GRAND TOTAL		601,135 SQ.FT.

Exhibit B (Application Zoning Data Sheet).

To: Thomas Mooney, Planning Director
Re: HPB21-0457
Date: December 3, 2021

If all of the proposed new FAR — including the bonus FAR — is allocated to the proposed residential condominium tower, then this bonus FAR is *not* being used for new hotel amenities as required by the Code. Finally, the firm position of the City on other applications seeking to obtain this hotel amenity bonus FAR is that this provision authorizes the provision of *new* hotel amenities, and not the refurbishment of existing amenities.

We respectfully request a Determination or Decision of the Planning Director on the applicability of this Code provision to the Application, and whether the Code authorizes 20,000 square feet of new hotel amenity bonus FAR, when one of the lots cannot qualify for the bonus, and the Application proposes to use all of the available FAR on the proposed residential tower. More specifically, we request a Determination or confirmation of:

(a) whether the City Code authorizes the new hotel amenity bonus FAR to be used on a lot that was less than 100,000 square feet as of November 14, 1998; and

(b) whether the City Code authorizes use of the new hotel amenity bonus FAR for use in a proposed residential condominium tower; and

(c) how much of the new hotel amenity bonus FAR as described in square feet is proposed to be used by the Project's tower on the Ritz-Carlton lot, and how much new hotel amenity bonus FAR as described in square feet is proposed to be used by the Project's tower on the Sagamore lot.

We thank you in advance for your careful consideration of our concerns with the Application and the requirements of the City Code. My lobbyist registration is duly filed and I invite you to contact me at paul@rascoklock.com or 786-280-7814 to discuss this Project.

Sincerely,



Paul C. Savage, Esq.

cc. Nick Kallergis, Esq., Assistant City Attorney

To: Thomas Mooney, Planning Director
Re: HPB21-0457
Date: December 3, 2021

EXHIBIT A

Ordinance No. 2019-4285

**Height Increase for Ground Level Additions
on Oceanfront Lots in the Architectural District**

ORDINANCE NO. 2019-4285

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION V, ENTITLED "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," BY AMENDING SECTION 142-246, ENTITLED "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," TO INCREASE THE HEIGHT LIMIT FOR GROUND FLOOR ADDITIONS MEETING CERTAIN REQUIREMENTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City's Land Development Regulations ("LDRs") provide for the regulation of land within the City; and

WHEREAS, this Ordinance provides for a height increase for ground floor additions on oceanfront lots in the Architectural District, with a lot area greater than 115,000 square feet, subject to the requirements set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Subdivision V, "RM-3 Residential multifamily, high intensity," is hereby amended as follows:

CHAPTER 142 – ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II. – DISTRICT REGULATIONS

* * *

DIVISION 3. - RESIDENTIAL MULTIFAMILY DISTRICTS

* * *

SUBDIVISION V.- RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY

* * *

Sec. 142-246. - Development regulations and area requirements.

- (a) The development regulations in the RM-3 residential multifamily, high intensity district are as follows:
- (1) Max. FAR: Lot area equal to or less than 45,000 sq. ft.—2.25; lot area greater than 45,000 sq. ft.—2.75; oceanfront lots with lot area greater than 45,000 sq. ft.—3.0.
 - (2) Notwithstanding the above, oceanfront lots in architectural district shall have a maximum FAR of 2.0.
 - (3) Notwithstanding the above, lots which, as of the effective date of this ordinance (November 14, 1998), are oceanfront lots with a lot area greater than 100,000 sq. ft. with an existing building, shall have a maximum FAR of 3.0; however, additional FAR shall be available for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 sq. ft.
- (b) The lot area, lot width, unit size and building height requirements for the RM-3 residential multifamily, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)
7,000	50	New construction—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—400 Hotel units: 15%: 300—335 85%: 335+ For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the	New construction—800 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—550 Hotel units—N/A	150 Oceanfront lots—200 Architectural dist.: New construction—120; ground floor additions (whether attached or detached) to existing structures on oceanfront lots—50 (except as provided in section 142-1161)

		<p>existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.</p>		
--	--	--	--	--

(c) Notwithstanding the above, for oceanfront lots located within a locally designated historic district or site, but not within the architectural district, with less than 400 feet of lineal frontage along Collins Avenue and containing at least one contributing structure, the maximum building height for ground floor additions to existing structures, whether attached or detached, shall be as follows:

- (1) For existing structures greater than five stories in height, the maximum height shall be limited to ten stories or the height of the roof line of the main structure on site, whichever is less. At the discretion of the historic preservation board, the maximum height of the ground floor addition may exceed ten stories if the existing and surrounding structures are greater than five stories in height, provided the addition is consistent with the scale and massing of the existing structure.
- (2) For existing structures five stories or less in height, the maximum height shall be limited to five stories.

Additionally, the proposed addition shall not substantially reduce existing or established view corridors, nor impede the appearance or visibility of architecturally significant portions of an existing structure, as determined by the historic preservation board.

(d) Notwithstanding the above, for oceanfront lots located in the architectural district, the overall height of an attached addition may exceed five stories and 50 feet, but shall not exceed the height of the roof line of the structure attached to, provided all of the following conditions are satisfied:

- (1) The proposed addition shall consist of the expansion of existing hotel units only and shall not result in an increased number of units.
- (2) The proposed addition shall be for hotel units only. A restrictive covenant, running with the land, or other similar instrument enforceable against the owner(s), acceptable to and approved as to form by the city attorney, shall be required to ensure that the units remain as hotel units for a minimum of 30 years. If the applicant is unable to provide such a covenant, this requirement may be waived by the city manager if it is demonstrated that the project provides an extraordinary public benefit to the surrounding area.

- (3) The proposed addition shall not be attached to front, street side or oceanfront elevations, nor along any other principal elevations or facades, as determined by the historic preservation board.
 - (4) The proposed addition shall not substantially reduce existing or established view corridors, nor impede the appearance or visibility of architecturally significant portions of an existing structure, as determined by the historic preservation board.
- (e) A ground floor addition relocating existing hotel units shall also meet the following conditions, in addition to subsection (d)(2)—(4) above:
- (1) There shall be no neighborhood impact establishment, dancehall or entertainment use in the area of the proposed addition;
 - (2) No new outdoor or open air entertainment establishment shall be created on the property. Outdoor or open air entertainment establishments existing as of the effective date of this subsection (November 24, 2012) may continue but shall not be expanded if a property avails itself of this provision.
 - (3) Upon approval of the proposed addition by the historic preservation board, no building greater than two stories or 25 feet in height shall be constructed between the rear of the building and westward line of the dune overlay district. This provision shall not be subject to variance.
 - (4) Notwithstanding the provisions in subsection 142-1161(d), if the building presently contains unoccupied but built spaces enclosed on at least three sides by existing walls of a height that would conceal a new roof, such as false parapets or storage rooms, those spaces may be further enclosed as habitable floor area, up to the permitted floor area; and
 - (5) No new commercial uses shall be permitted on the rooftop or any open air decks of the existing structure or proposed addition.
- (f) Notwithstanding the above, for oceanfront lots located in the architectural district, with a lot area greater than 115,000 square feet, a ground floor addition, whether attached or detached, may exceed 50 feet in height, but shall not exceed 200 feet in height, in accordance with the following provisions:
- (1) Placement of the structure. The ground floor addition shall be located internal to the site, and shall be set back a minimum of 100 feet from the front property line, 75 feet from the street side property lines, and 100 feet from the rear (oceanfront) property line.
 - (2) Limits on the floorplate of additions exceeding 50 feet in height. The maximum floor plate size for the portion of an addition that exceeds 50 feet in building height is 15,000 square feet per floor, excluding projecting balconies. The historic preservation board may approve an increase in this overall floor plate, up to a maximum of 20,000 square feet per floor, excluding balconies, in accordance with the certificate of appropriateness criteria in chapter 118, article X of these land development regulations.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.


SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

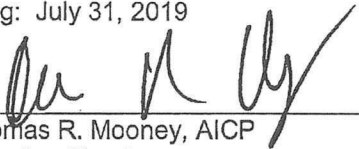
PASSED and ADOPTED this 31 day of July, 2019.

ATTEST:

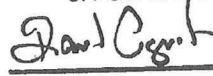

Dan Gelber, Mayor


Aug 13, 2019
Rafael E. Granado, City Clerk

First Reading: July 17, 2019
Second Reading: July 31, 2019

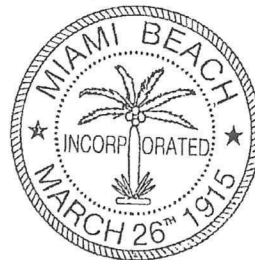
Verified by: 
Thomas R. Mooney, AICP
Planning Director

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

 7/2/19
City Attorney Date

NK

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To: Thomas Mooney, Planning Director
Re: HPB21-0457
Date: December 3, 2021

EXHIBIT B

Application Zoning Data Sheet FAR Chart

To: Thomas Mooney, Planning Director
 Re: HPB21-0457
 Date: December 3, 2021

EXISTING FAR TO REMAIN RITZ AND SAGAMORE BLDG				
RITZ HOTEL		Sagamore		
	FAR AREA			FAR AREA
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7th Floor	24,393		Totals	61,291
8th Floor	24,397			
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FAR SUMMARY				
	Ritz FAR	Sagamore FAR	Total FAR Available	
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* Includes 20,000 SF per Sec.142-246 (a)(13)

** 1/2 of the basement included in the calculation

PROPOSED AREAS - NEW TOWER						
LEVELS	UNITS	COMMON AREA+BOH	AMENITIES	NEW BRIDGE CONNECTION	NEW RESIDENTIAL UNITS	FAR
ROOF		1,380 SQ.FT.				
LEVEL 17	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
LEVEL 16	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
LEVEL 15	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
LEVEL 14	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
LEVEL 13	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
LEVEL 12	6,688 SQ.FT.	1,395 SQ.FT.			4	8,083 SQ.FT.
LEVEL 11	6,653 SQ.FT.	1,430 SQ.FT.			4	8,083 SQ.FT.
LEVEL 10	6,653 SQ.FT.	1,430 SQ.FT.			4	8,083 SQ.FT.
LEVEL 9	6,653 SQ.FT.	1,430 SQ.FT.			4	8,083 SQ.FT.
LEVEL 8	6,653 SQ.FT.	1,430 SQ.FT.			4	8,083 SQ.FT.
LEVEL 7	6,653 SQ.FT.	1,430 SQ.FT.			4	8,083 SQ.FT.
LEVEL 6	6,487 SQ.FT.	1,596 SQ.FT.			4	8,083 SQ.FT.
LEVEL 5	-	1,596 SQ.FT.	8,224 SQ.FT.			9,820 SQ.FT.
LEVEL 4	3,387 SQ.FT.	1,430 SQ.FT.			1	4,817 SQ.FT.
LEVEL 3	3,407 SQ.FT.	1,670 SQ.FT.		378 SQ.FT.	1	5,455 SQ.FT.
LEVEL 2	-	-		378 SQ.FT.		378 SQ.FT.
LEVEL 1	-	3,860 SQ.FT.				3,860 SQ.FT.
	86,674 SQ.FT.	27,052 SQ.FT.	8,224 SQ.FT.	756 SQ.FT.	50	121,326 SQ.FT.

PROPOSED PROJECT FAR	
RITZ	418,518 SQ.FT.
SAGAMORE	61,291 SQ.FT.
TOWER	121,326 SQ.FT.
GRAND TOTAL	601,135 SQ.FT.