



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6229 office
305.377.6222 fax
gpenn@brzoninglaw.com

February 6, 2023

VIA ELECTRONIC FILING

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

Re: Certificate of Appropriateness and Pharmacy-Related
Variance for New Community Health Center and Library
Located at 663 Alton Road, Miami Beach (HPB22-0560)

Dear Tom:

This firm represents South Beach Heights II, LLC (the "Applicant"), the applicant and owner of 663 Alton Road (the "Property"). Please consider this letter the Applicant's letter of intent in support of an application for a Certificate of Appropriateness and related variances to allow for the redevelopment of the Property with a new Miami-Dade County Community Health Center and library building.

Description of the Property. The Property is approximately 15,000 square feet in size and is located on the east side of Alton Road just south of 7 Street. The Property is zoned Commercial, Medium Intensity ("CD-2").

The Property is currently developed with a parking lot. Across 7 Street to the north is the 709 Alton Road, which is developed with a large Baptist Hospital medical facility. To the south of the Property is a self-storage use. To the east of the site across Lennox Court is the two-story "1120 on 7th Street" condominium building.

Existing Community Health Center. Miami-Dade County's Stanley C Myers Community Health Center (the "Existing Health Center") building is located at 710-720 Alton Road, to the northwest of the Property. The Existing Health Center was first developed for medical use in the mid-1950s and has been expanded over the years to approximately 24,497 square feet of building area. The Existing Health Center provides much needed medical and pharmacy services for thousands of lower income residents annually and is a vital resource for the Miami Beach community. The Existing Health Center building, unfortunately, is

in poor physical condition and is at risk of no longer functioning in a manner that best serves its clients. The current location, on the west side of Alton Road, also has poor access, which often results in patients needing to dodge traffic in crossing Alton Road.

The Applicant is in the process of negotiating an agreement with Miami-Dade County that will allow for the construction of a new Community Health Center and library building on the Property in exchange for the ability to build a new private development on the Existing Health Center site.

Benefits of the Property's Location. The Property offers a far superior location for the clients of the Health Center. Unlike the current location, the Property is readily accessible from the Flamingo Park neighborhood without the need to cross Alton Road. The Property is also located just a block away from the "5th and Alton" development, which includes the largest publicly accessible parking garage in the area and is served by multiple transit lines.

Proposed New Community Health Center and Library. The proposed development (the New Health Center and Library") will consist of a modern two-story building that has been designed for maximum public benefit. The western portion of the first floor of the building will be devoted to the approximately 8,313 square foot library space as well the lobby and pharmacy for the health center. The entire approximately 12,137 square foot second floor of the building will be devoted to a modern medical clinic, including waiting area, laboratory space, and patient care areas for family medicine, obstetrics and gynecology, pediatrics, optometry, and dental services.

Pharmacy. Pharmacy services are offered by the Existing Community Health Center and will remain a vital element in the New Health Center and Library. As you know, the City's Land Development Regulations include significant limits on the location of new pharmacy uses in the City, thanks to State requirements to treat medical cannabis treatment centers in the identical manner to pharmacies. The proposed pharmacy area in the New Health Center will be located on the ground floor for ease of use by the Center's clients. The pharmacy, as an accessory element of the New Health Center, will be available only during regular business hours.

The pharmacy area will be secured by a rolling metal gate that will be extended to the pharmacy counter from the ceiling outside of operating hours. The City's regulations currently require the installation of a "glass barrier wall . . . around the area holding the prescription pharmaceuticals or the medical cannabis and the general public." The space limitations of the clinic design will make the installation of the glass wall impossible, necessitating a variance from this limitation.

The Property is located in "Area 1" of the City as defined by Section 142-1502 of the Land Development Regulations, which makes it eligible for a pharmacy use. However, the Property is also within 1,200 feet of at least one pharmacy, specifically the "CVS" pharmacy located within

the Target store at 1045 5 Street. In order to accommodate this important element of the New Health Center, a variance of the 1,200-foot separation requirement will be necessary.

Plan Review Standards. Below are the standards applied by your Department and the Historic Preservation Board as well as the status of the proposed development with each criterion:

- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

The provided plans provide the necessary details.

- b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

The provided plans provide the necessary details.

- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.

The provided plans provide the necessary details.

- d. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.

The provided plans provide the necessary details.

- e. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.

Care has been taken in the design of the proposed development to be compatible as possible with the surrounding development.

- f. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

The Applicant has created the site plan in a manner that most efficiently utilizes the Property for this important public resource without negatively impacting the surrounding area.

- g. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

Access to the Property is largely pedestrian. A drop off area is proposed on the north side of the building.

- h. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a city master plan, where applicable.

The building elevations have been designed to minimize glare on adjacent parcels.

- i. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

No changes to street level landscaping are proposed.

- j. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Care has been taken in limiting the glare and noise escaping the Property. All parking on site is oriented "head in."

- k. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

There are no public view corridors that need to be retained.

- l. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

Both street facades are lined with active uses.

- m. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

All rooftop elements are integrated into the overall architecture and screened from view.

- n. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

No addition is proposed.

- o. All portions of a project fronting a street or sidewalk shall incorporate of transparency at the first level necessary to achieve pedestrian compatibility.

Both street-facing facades have significant transparency.

- p. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

The loading and trash area is buffered from adjacent properties.

Compliance with Variance Standards. As noted above, the project requires a variance from the “glass wall” and pharmacy separation limits of Sections 142-1502 and 142-1504. We

believe the application, as submitted, is consistent with all of the relevant criteria of the City's Land Development Regulations that govern the review of variances. This letter will address each relevant criterion in turn.

The relevant listed standards in Section 118-353(d) are below and will be followed by a brief analysis.

1. special conditions exist that are peculiar to the applicant's land;

This Property is uniquely burdened by location, there are no other reasonable locations for this important public service in the area. The need to accommodate the clinic on the Property leaves no space for the "glass wall" requirement.

2. the special conditions were not created by the applicant;

The Applicant did not create the special conditions inflicted on the Property.

3. granting the requested variance would not confer upon the applicant special privileges;

The approval of the requested variances will only serve to bring the Property into parity with similarly situated sites. The closing of the Existing Community Health Center will remove an existing pharmacy from the area, so the total number of pharmacies in the area will not change.

4. literal application of the City's standards would result in unnecessary and undue hardship;

This Property is so uniquely impacted by the above-described issues, conditions and characteristics that it would cause unnecessary hardship on the Applicant if the variances was not approved.

The public need for this use cannot be overemphasized. The New Health Center would simply not function in the absence of the variances.

5. the variance would be the minimum necessary for a reasonable use of the land, building, or structure;

The requested variances are the minimum needed to develop this important public-serving use on the Property.

6. the variance would be in harmony with the general intent of the City's regulations; and

The approval of the requested variances would permit the development of an important resource for the Miami Beach community. Access to health care is crucial for all residents and the New Health Center provides care to a population not served by other medical providers or pharmacies.

7. the granting of the variance would be consistent with the City's comprehensive plan and does not reduce minimum levels of service established in the comprehensive plan.

The requested variances will keep the development consistent with the Comprehensive Plan and will not intensify the development of the land in a manner inconsistent with established levels of service.

Practical Difficulty. The lack of a pharmacy element in the New Sea Level Rise and Resiliency. Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

1. A recycling or salvage plan for partial or total demolition shall be provided.

The limited demolition of the existing parking lot shall be subject to a recycling/salvage plan.

2. Windows that are proposed to be replaced shall be hurricane proof impact windows.

All new windows will be hurricane proof.

3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Due to the nature of the uses proposed, operative windows are not appropriate. The design utilizes overhangs on the street frontages to provide shade.

4. Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with chapter 126 of the city Code.

The landscape plan is resilient as it is comprised of native and Florida-friendly plants appropriate for the area.

5. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also

specifically study the land elevation of the subject property and the elevation of surrounding properties.

The project has been designed with sea level rise in mind.

6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-way and adjacent land, and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three additional feet in height.

The project has been designed to accommodate the raising of adjacent rights of way in the future.

7. As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

The plan is in compliance.

8. Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

This provision is not applicable to the instant application.

9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with chapter 54 of the city Code.

Given the site constraints, the ground floor is below base flood elevation and will be flood proofed.

10. As applicable to all new construction, stormwater retention systems shall be provided.

The project has been designed with stormwater retention as required.

11. Cool pavement materials or porous pavement materials shall be utilized.

The project can accommodate cool pavement where possible.

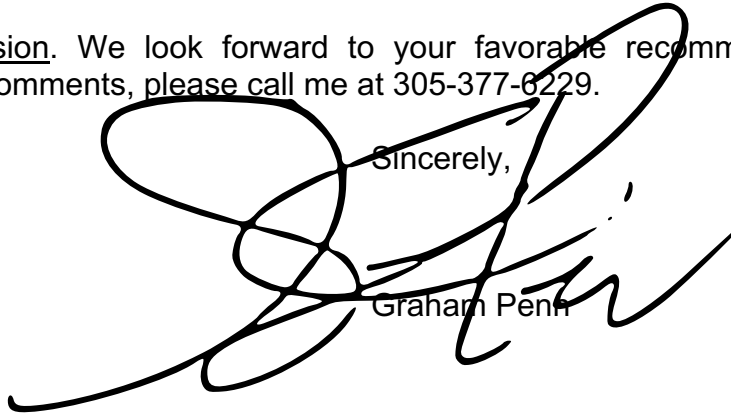
12. The design of each project shall minimize the potential for heat island effects on-site.

The use of generous overhangs in the design will limit the potential height island effect.

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

Sincerely,

Graham Penn

A large, stylized handwritten signature in black ink, which appears to be 'Graham Penn', written over the typed name.