



# BERCOW RADELL FERNANDEZ & LARKIN

ZONING, LAND USE AND ENVIRONMENTAL LAW

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## VIA HAND DELIVERY AND ELECTRONIC SUBMITTAL

April 26, 2019

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

Re: REVISED Request for Conditional Use Permit Approval for  
Private School located at 224 2<sup>nd</sup> Street, Miami Beach

Dear Mr. Mooney:

This law firm represents 224 2nd Street, LLC (the "Applicant"), the owner of the property located at 224 2 Street ("Property") in the City of Miami Beach ("City"). Please consider this revised letter the Applicant's Letter of Intent supporting the request for Conditional Use Permit to allow a private school at the Property (the "Project").

Property Description. The Property is located on the southeast corner of the intersection of Washington Avenue and 2<sup>nd</sup> Street. The Miami-Dade County Property Appraiser identifies the Property with Folio No. 02-4203-003-1250. See Exhibit A, Property Appraiser Summary Report. The lot area is approximately 6,500 square feet (0.15 acres) in size. The Property is zoned Limited Mixed-Use Commercial "C-PS1" and is also located within the Ocean Beach Local Historic District. The surrounding uses include: a residential apartment to the west across Washington Avenue; Washington Park is located to the north across 2<sup>nd</sup> Street; City-owned dog park is to the east across the alley, and a City-owned surface parking lot is adjacent to the Property to the south.

The Property is currently developed with two historically contributing structures, separated by an internal courtyard area. The structures have an approximate total floor area of 4,119 square feet. The buildings on the Property have been modified and incorporated over time. The original structure was constructed in 1917 and was used for the Iva Sproule Baker School of Music.

Between 1926 and 1929, two additions were added to the original structure for the Shandell Hotel Rooming House and Restaurant. Then in 1937, leaving the now open courtyard area, a single-story two car garage was added on the eastern most side of the Property and the restaurant was converted to residential units. Ten years later, in 1947, two residential units were added above the garage. Additionally, at some point the garage on the first floor was converted to two residential units. By 1985, the entire Property, after undergoing a number of renovations, was converted to a medical complex. The proposed Project will be returning the Property to its original use as a school.

Approved Development. On July 11, 2017, the City's Historic Preservation Board ("HPB") approved a Certificate of Appropriateness ("COA") for partial demolition and renovation of the existing site, construction of a 1-story addition, and a waiver for off-site loading. The intent of the previous owner was to reuse the Property for a restaurant.

Applicant Proposal. The Project will be in substantial conformity with the approved HPB design, with minor modifications for the proposed use as a world-class private school. The Project will retain the major structures and open courtyard area between the two buildings. The Applicant is proposing to modify the HPB approved design in order to incorporate approximately 908 square feet. The additional square footage will ensure the longevity of the school and effectiveness of the site. The additional space will consist of a classroom located on the second floor and a staircase and elevator to access the second floor. A new skylight and green roof will be located above the second floor on the west building.

The minor internal and external modifications are essential for the safety and functionality of the Project. Internally, the courtyard area will be enclosed with a gate. The kitchen area will be converted to an open gallery/loggia hallway connecting the entrance to the multipurpose, open classroom.

This will truly be a world-class school for the South of Fifth neighborhood. The concept for the school is project based learning, combining traditional, Montessori, STEM curriculums and languages. This high-level education is currently not available in this neighborhood. The Project is strategically located in the center of the community between businesses, recreational spaces, and residences. The students will be able to walk with their parents to school and back home. The school intends to start with twenty (20) students, and gradually increase to a maximum of forty (40) students in three (3) years. Drop-off and pick-up will occur within the four (4) on-street parking spaces abutting the

Property on 2<sup>nd</sup> Street. Drop-off can occur any time after 7:00 AM and before 9:00 AM; and pick-up can occur any time between 1:00 PM and 3:00 PM. These large timeframes will alleviate queuing of vehicles on Washington Avenue. For additional specifics relating to the day-to-day operations of the school, please see attached Exhibit B, Operations Plan.

Satisfaction of Review Criteria. The Applicant's request satisfies the review criteria and guidelines enumerated in Section 118-192(a) of the Code as follows:

**(1) The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.**

The proposed school is consistent with the Comprehensive Plan. The purpose of the "C-PS1" Category, Limited Mixed Use Commercial Performance Standard, is to provide development opportunities to enhance the desirability and quality of the existing residential areas. The Project is similarly intended to serve the existing residents with a high-level private school in walking distance from their home or office. Further, the Property is surrounded by the "ROS" Category, Recreation and Open Space, which provides a significant buffer between the school and any residential uses.

**(2) The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.**

A school at this site will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan. In fact, the hope for the school is to reduce traffic of the parents and guardians that previously needed to travel further distances to the limited number of schools located north of 5<sup>th</sup> Street or on Fisher Island.

According to the Traffic Assessment Plan prepared by Kimley-Horn, the Project will generate on the weekdays eighteen (18) net new A.M. peak hour trips and fourteen (14) net new P.M. peak hour trips. Additionally, with the on-street parking located on 2<sup>nd</sup> Street, there is sufficient vehicle queuing during the large timeframe for drop-off and pick-up. These, in addition to the limited number of students, will not impact the levels of service set forth in the Comprehensive Plan.

**(3) Structures and uses associated with the request are consistent with these land development regulations.**

The structure and uses associated with the Project are consistent with the Land Development Regulations. As mentioned, the HPB granted a COA for the design of a restaurant use on July 11, 2017. The Applicant is proposing slight modifications to the COA, in order to incorporate additional class room space, skylight, and a green roof. Ultimately, the Project will be more in-line with the character of the neighborhood, and complies with the Performance Standard regulations for height and FAR.

**(4) The public health, safety, morals, and general welfare will not be adversely affected.**

The public health, safety, morals, and general welfare will not be adversely affected with the introduction of a modestly sized school. The use of the Property is consistent and compatible with the intent of the C-PS1, and will provide a needed service for the families that live south of 5<sup>th</sup> Street with young children. In fact, the proposed use as school will be reverting back to the Property's original intended use in 1917. A school is a less intense use than the previously proposed restaurant and will generate significantly less traffic at the intersection of two major thoroughfares - Washington Avenue and 2<sup>nd</sup> Street.

**(5) Adequate off-street parking facilities will be provided.**

The addition of a classroom on the second floor of the historically contributing structure requires one (1) off-street parking space. However, the Project is substantially keeping with the historic nature, and there is insufficient capacity to include a parking space. Therefore, pursuant to Section 130-131 of the City Code, the Applicant will participate in the Fee in Lieu of Parking Program to satisfy the off-street parking requirement.

School employees will be provided either public transportation vouchers or subsidized private parking off-site. Additionally, the Project will include eight (8) bicycle racks for staff and parents. Due to the Property's location between residences and offices, the expectation is that a number of parents and guardians will walk to drop-off and pick-up their children.

**(6) Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.**

The necessary safeguards will be provided for the protection of surrounding properties, persons, and neighborhood values. Such as proper queuing for drop-off and pick-up, security gates and a single point of entry, limited class sizes, and sufficient staffing. The Applicant will continue to implement all necessary tools to mitigate any potential harmful effects.

**(7) The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.**

The proposed use is not surrounded by similar types of uses. The Property's location in the C-PS1 Zoning District, surrounded by the GU Zoning District, and in close proximity to a number of residential zoning districts is ideal. The commercial performance standards districts are designed to accommodate a range of business, commercial, office and hotel uses. A modestly sized school for young children is less intense than the range of commercial businesses permitted and will serve as a transition from the residential districts to the west.

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria in Section 133-50(a) as follows:

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

Yes.

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

Yes.

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

Yes.

**(4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**

Resilient landscaping will be provided.

**(5) Whether 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, including a study of land elevation and elevation of surrounding properties were considered.**

Not applicable for an existing historic structure - request only for Conditional Use Permit approval.

**(6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.**

Not applicable for an existing historic structure - request only for Conditional Use Permit approval.

**(7) Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.**

Yes.

**(8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**

The existing buildings located on the Property are historically contributing structures that cannot be elevated to base flood elevation without compromising the historic nature.

**(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 of 54 of the City Code.**

No habitable space is located below base flood elevation.

**(10) Where feasible and appropriate, water retention systems shall be provided.**

Yes.

Thomas Mooney, Director  
April 26, 2019  
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Conclusion. The Property is located in a mixed use community with residential and small local businesses. The granting of the requested the Conditional Use Permit will be in harmony with the intent and purpose of the City's Comprehensive Plan and Land Development Regulations, and will not be injurious to the area involved or otherwise detrimental to the public welfare. Conditional Use Permit approval will provide the Applicant with a reasonable use of the Property and serve the needs of the surrounding community with a world-class private school.

Based on these reasons, the Applicant respectfully requests your favorable review and recommendation of this application. If you have any questions or comments with regard to the application, please give me a call at (305) 377-6231.

Sincerely,



Michael W. Larkin

Enclosures

cc: Emily K. Balter



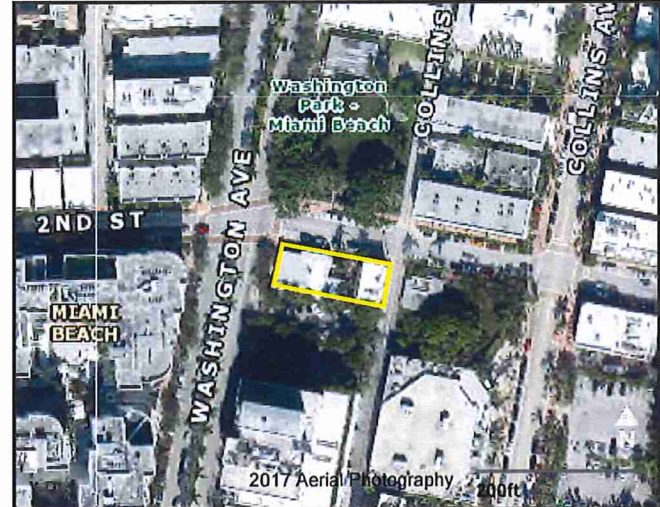


# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 2/7/2019

Property Information	
Folio:	02-4203-003-1250
Property Address:	224 2 ST Miami Beach, FL 33139-7214
Owner	UNTARIO SB LP
Mailing Address	573 KING ST E 102 ONTARIO M5A 1M5, CANADA
PA Primary Zone	6502 COMMERCIAL
Primary Land Use	1209 MIXED USE- STORE/RESIDENTIAL : MIXED USE - RESIDENTIAL
Beds / Baths / Half	4 / 4 / 0
Floors	1
Living Units	4
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	4,987 Sq.Ft
Lot Size	6,500 Sq.Ft
Year Built	1925



Assessment Information			
Year	2018	2017	2016
Land Value	\$2,600,000	\$2,600,000	\$2,600,000
Building Value	\$900,000	\$266,063	\$255,821
XF Value	\$0	\$6,480	\$6,570
Market Value	\$3,500,000	\$2,872,543	\$2,862,391
Assessed Value	\$3,500,000	\$1,823,690	\$1,657,900

Benefits Information				
Benefit	Type	2018	2017	2016
Non-Homestead Cap	Assessment Reduction		\$1,048,853	\$1,204,491
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
OCEAN BEACH FLA SUB PB 2-38 LOT 16 BLK 9 LOT SIZE 50.000 X 130 OR 21245-2166-67 05/03 5	

Taxable Value Information			
	2018	2017	2016
<b>County</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$3,500,000	\$1,823,690	\$1,657,900
<b>School Board</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$3,500,000	\$2,872,543	\$2,862,391
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$3,500,000	\$1,823,690	\$1,657,900
<b>Regional</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$3,500,000	\$1,823,690	\$1,657,900

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
03/31/2017	\$4,150,000	30491-1622	Qual by exam of deed
08/23/2013	\$2,150,000	28792-3696	Qual by exam of deed
05/01/2003	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed
06/01/1985	\$130,000	12589-0207	Sales which are qualified

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:



# Operations Plan

Private School



Rendering by Shulman + Associates

224 2<sup>nd</sup> Street

Miami Beach, FL 33139

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# CONCEPT

The vision is to bring a world-class private school to the City of Miami Beach. The curriculum will combine a variety of schools of thought for project based learning, including traditional, Montessori, STEM, and languages. This will truly be a school for the families of South of Fifth neighborhood. Currently, families with young children must travel north of 5th Street, to Fisher Island, or leave Miami Beach for their child to attend a private school. The proposed location is strategically located between a residential neighborhood, businesses, and offices. It is also buffered with City owned parks to the north and west. The property, and proposed design, will foster a safe environment for growth and development of the child.

The school will efficiently utilize every outdoor area of the narrow property. The central courtyard will remain as a flexible, softscape space. The school intends to have students learning inside and outside of the classroom with games, gardening, playing, painting, science experiments, etc.

# STUDENT CAPACITY

The school will begin with a limited enrollment of twenty (20) students. Following the first school year, and depending on capability, the enrollment capacity will increase to twenty-five (25) to thirty (30) students. Then, again depending on capability of the school's resources, potential enrollment capacity will increase to a maximum of forty (40) students. The ages of the students will be between four (4) and seven (7) years old.

## **DROP-OFF/ PICK-UP**

The hours of operation will be between 7:00 AM and 3:00 PM. Although, classes will not begin until 9:00 AM. This intentionally permits sufficient drop-off and pick-up time. Students will be permitted to arrive between 7:00 AM and 9:00 AM, and pick-up will be at 1:00 PM.

Drop-off and pick-up will occur on 2<sup>nd</sup> Street within the four (4) on-street parking spaces abutting the property. The owner will erect signs indicating that the parking spaces are limited to student/passenger loading zone on school days between 7:00 AM and 3:00 PM for a maximum of fifteen (15) minutes. The property will also incorporate 8 bicycle racks for school employees and parents. As a school located within a mix of residential and businesses, the expectation is that a number of parents and guardians will walk to drop-off and pick-up the children.

# STAFFING

In order to accommodate the steadily growing student capacity, the school staff is also projected to increase over time. For the first academic year the staff will be composed as follows:

- Two (2) full-time teachers
- One (1) full-time school administrator
- One (1) part-time staff member for food and snack distributions
- A janitorial service for daily cleaning.

After the first academic year, the staff will increase as follows:

- Four (4) full-time teachers
- One (1) full-time school administrator
- One (1) part-time staff member for food and snack distributions
- A janitorial service for daily cleaning.

# ACCESS & SECURITY

All external access points will be locked during the school hours. Drop-off and pick-up will be strictly located at the parking spaces on 2<sup>nd</sup> Street. Parents and guardians can access the property through the single entrance on 2<sup>nd</sup> Street. Staff will have secured access between the main classroom, courtyard, and lobby area with a keycard or fingerprint. The property will be equipped with video surveillance throughout. Additionally, the school will research hiring off-duty Miami Beach Police Department Officers.

## DELIVERIES & COLLECTIONS

The following procedures will be implemented to ensure minimal impact on local residents and neighboring businesses:

All deliveries will be received on the east side of the property via the alley. Deliveries will only be accepted between the hours of 7:00 AM to 5:00 PM. Due to the nature of use as a modestly sized school, the quantity and frequencies of deliveries will be limited.

Trash collection will similarly occur on the east side of the property via the alley. Collection will be take place during the City's regularly scheduled times for this property.