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November 12, 2019

City of Miami Beach Planning Department
1700 Convention Center Drive
Miami Beach, FL 33139

Attention: Steven Williams, Principal Planner

RE: Letter of Intent for Application of Zoning Variance
MUV Medical Cannabis Dispensary – 607 5th Street, Miami Beach, FL 33139

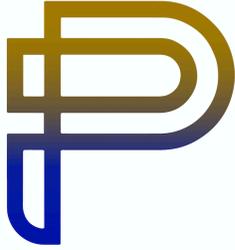
To Whom It May Concern:

I represent AltMed, Florida. Founded on genuine research and development principles, AltMed Florida is known for its extensive product line made with the highest quality standards in the industry.

In March 2018, Plants of Ruskin, LLC dba AltMed Florida executed a lease to operate a Medical Cannabis Dispensary at the captioned location with the understanding that this location was correctly zoned for a dispensary. There are easily about 15,000 patients in the area waiting for our products to help with their conditions.

The Building Permit Application was applied for on November 30, 2018; their builder met with the city numerous times since and advised the city of the use of the building for medical cannabis. In February of this year, at a City Commission meeting to discuss a proposed ordinance further limiting medical cannabis dispensaries in Miami Beach, my clients' facility was one of several locations read into the record of dispensaries currently in the pipeline to open in Miami Beach. Later, in March, my clients contracted a surveyor to prove the location was not within 1,200 ft of a dispensary, or within 500 ft of a church or school, the results at that time proved they met these requirements. Subsequently, on April 1, 2019 they submitted the Business Tax Receipt Application along with included our Business, Operation, Security, and Odor Management Plans.

Despite Miami Beach officials' full awareness that AltMed was on the verge of opening a dispensary, a rival company was given a permit to open within 1,200 feet of my client's location, thus preventing AltMed from opening a facility that Miami Beach was already aware of.



This Letter of Intent accompanies our application for a zoning variance from Section 142-1502 (Ordinance No. 2019-4247) that requests that Miami Beach waive its requirement that no two dispensaries or pharmacies be located within 1,200 feet of each other.

There is a practical difficulty and hardship in abiding by this new ordinance, a lease agreement was signed in 2018 where breaching and terminating the agreement would come at a substantial cost to AltMed. Pursuant to Section 118-353(d), in order to authorize any variance from the terms of these land development regulations and sections 6-4 and 6-41(a) and (b), the applicable board shall find that:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- (2) The special conditions and circumstances do not result from the action of the applicant;
- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;
- (4) Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;
- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- (6) The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- (7) The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or any time prior to the board voting on the applicant's request.
- (8) The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

Also, pursuant to Section 133-50 of the City Code, the criteria for development orders are as follows:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.



- (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.
- (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 and land elevation of the subject property and the elevation of surrounding properties.
- (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.
- (7) As applicable to all new construction, all critical mechanical and electrical systems shall be located above base floor 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.
- (8) Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.
- (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.
- (10) As applicable to all new construction, stormwater retention systems shall be provided.
- (11) Cool pavement materials or porous pavement materials shall be utilized.
- (12) The design of each project shall minimize the potential for heat island effects on-site.

In regard to the criteria listed above, AltMed has not significantly renovated the building (>50% of value) since the building was constructed. The building was constructed before these criteria were implemented.

We believe the law allows for such variance and that no public will be harmed by having two facilities within 500 feet as the City already has several pharmacies also located in such close proximity.

Should you have any questions, please do not hesitate to contact us directly.

Sincerely,

/s/ Juan-Carlos Planas
Juan-Carlos Planas, Esq.
Counsel for AltMed