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VIA HARD COPY & ELECTRONIC SUBMITTAL

May 31, 2022

Rogelio Madan, Chief of Community Planning &
Sustainability
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

RE: **Letter of Intent** – PB22-0501 – Modification of
Conditional Use Permit Under File No. 1402_for 7902 Carlyle
Avenue and 600 79 Street

Dear Mr. Madan:

This law firm represents Talmudic College of Florida, Inc. f/k/a Talmudic College of Florida NER Tamid Property, Inc. and YES Properties 600 79th Inc. (the "Applicant") in connection with their application to modify Conditional Use Permit File No. 1402 (the "Existing CUP") to expand and renovate the existing Yeshiva Elementary School located at 7902 Carlyle Avenue, as well as incorporate the property at 600 79 Street into the school. The Applicant intends to submit a Design Review Board ("DRB") Application subsequent to this application, and intends to not seek any waiver or variances.

Property Description. The existing Yeshiva Elementary School is located south of the intersection of Tatum Waterway Drive and Carlyle Avenue in the City of Miami Beach (the "City") and is identified by Folio No. 02-3202-002-0430 (the "School Property"). There is an existing one-story multi-family building located across 79 Street from the Existing School Property at 600 79 Street and identified by Folio No. 02-3202-007-2310 (the "Adjacent Property"). The Existing School Property was originally developed in 1957 with a two-story Synagogue, and the adjacent Property was developed with a one-story

residential structure in 1950. In 1999, the Planning Board approved of the Existing CUP, which permits the School Property to be utilized as a school for up to 357 children.

Proposed CUP Modification. The Applicant seeks to modify the Existing CUP to increase the permitted number of students and incorporate the Adjacent Property as part of the school. The Applicant seeks to increase enrollment from 357 students permitted under the Existing CUP, to 520 students, to meet increasing demand for primary education. The Yeshiva Elementary School has been an integral part of the community since it opened in 1999. The recent increase in the popularity of school choice and increasing population in South Florida has increased demand for the Applicant to provide additional school seats. The Applicant intends to meet that demand by renovating the interior of the existing school building to create more classroom space, as well as more recreational space and offices.

Adjacent Property. The Applicant has purchased the Adjacent Property to serve as an ancillary building to the existing school use. At this time, the Applicant intend to renovate the existing residential structure located at the Adjacent Property for faculty housing. The use of the Adjacent Property will remain residential in nature, as the six (6) existing units will be renovated and used as apartment units for teachers and school staff. Providing units for teachers and staff will mitigate the impacts of school expansion by reducing commuter traffic by teachers and staff, and reducing the number of employees that need to find parking in the surrounding neighborhood.

Satisfaction of CUP Criteria. The Applicant's request satisfies the CUP Standards in Section 118-192(a)(1)-(7) of the Code of the City of Miami Beach (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.

CONSISTENT –The proposed school is consistent with the City's Comprehensive Plan as schools and religious institutions are permitted conditional uses in the RM-1 Land Use designation.

(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.

CONSISTENT – The proposed CUP modification does not result in an impact that will exceed the thresholds for the levels of service required by the

Comprehensive Plan. The Applicant has submitted a traffic study with proposed methods for mitigating impacts on surrounding roadways, including utilizing well-trained crossing guards at intersections during pick-up and drop-off hours, and providing additional bussing for students.

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

CONSISTENT – The structures and use associated with the Applicant’s proposed CUP modification are existing legal nonconforming buildings. Any new construction or design modifications will be reviewed and approved by the Design Review Board in accordance with the City’s Land Development Regulations.

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

CONSISTENT – The Applicant’s proposed modification of the CUP does not adversely affect the public health, safety morals, or general welfare. The proposed school expansion serves to provide more capacity to educate children, which is beneficial to the public health, safety, morals, and general welfare.

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

CONSISTENT – The Existing School Property and Adjacent Property do not provide off-street parking as legal nonconforming uses. The existing school use was granted parking credits under Section 130-161 of the Code, which eliminate all required parking for the proposed use. Further, the Adjacent Property is exempted from parking requirements pursuant to Section 130-32(6)(e) of the Code.

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

CONSISTENT – The proposed school expansion will provide necessary safeguards to ensure protection of surrounding property, persons, and neighborhood values. For instance, the Applicant proposes to utilize well-trained crossing guards during drop-off and pick-up hours to mitigate impacts. Further, the

Existing CUP requires that the basketball court within the Existing School Property be made available to the neighborhood during non-school hours, which is a valuable neighborhood amenity.

- (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.**

CONSISTENT – As this proposed modification will merely continue a use that has already existed for decades, the concentration of similar types of uses will not increase.

Sea Level Rise and Resiliency Criteria. The new home advances the sea level rise and resiliency criteria in Section 133-50(a) of the Code, as follows:

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

To the extent required, a recycling or salvage plan shall be provided.

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

To the extent new windows are proposed, new windows will be hurricane proof impact windows.

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

The Applicant will provide, where feasible, passive cooling systems.

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

All landscaping will be Florida friendly and resilient.

- 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.**

Sea level rise projections were considered and informed design decisions to increase permeable open space and improve stormwater drainage. The Property contains an existing building that cannot be elevated further.

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.

Any new ground floor driveways or ramping shall be adaptable to the raising of public rights of way and adjacent land.

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

To the extent possible, all mechanical and electrical systems will be located above base flood elevation.

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

9.

It is not feasible to elevate the existing properties to base flood elevation.

10. 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.

Habitable spaces below base flood elevation plus freeboard will use flood proofing system in accordance with the Code.

11. Where feasible and appropriate, water retention systems shall be provided.

Where feasible, water retention systems will be provided.

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

Cool pavement materials or porous pavement materials will be utilized where possible.

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

The proposed design utilizes strategies to minimize the potential for heat island effects on site.

Conclusion. The proposed CUP modification seeks to meet the growing demand for alternatives to public education. The existing Yeshiva Elementary School has operated as a successful community institution for decades. The requested enrollment expansion merely seeks provide additional capacity to educate more children consistent with the Applicant's proven track record. Accordingly, we look forward to your favorable review of the application. If you have any questions or comments in the interim, you may reach me at 305-377-6236.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Larkin", with a long horizontal line extending to the right.

Michael Larkin

cc: Yitzchak Winkler
Nicholas Rodriguez, Esq.

Exhibit A - Legal Description

All of Block 4 less the Northwesterly 2.5' feet,
in TATUM SUBDIVISION, according to the Plat
thereof as recorded in Plat Book 46, at page 2,
of the Public Records of Miami-Dade County, Florida.
AKA 7902 Carlyle Avenue, Miami Beach, FL

Address: 7902 Carlyle Avenue

Folio No.: 02-3202-002-0430

**Lot 12, Block 27, of Altos DEL MAR No. 3, according to the Plat thereof recorded in Plat Book 8,
Page 41, of the Public Records of Miami-Dade County, Florida.**

Parcel Identification Number: 02-3202-007-2310

Address: 600 79 Street

Folio No. 02-3202-007-2310