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February 25, 2024

VIA ELECTRONIC FILING

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

Re: Conditional Use Permit Approval for New Mixed-Use Development 7401-25 Harding Avenue – File No. PB23-0596.

Dear Tom:

This firm represents 7410, LLC (the "Applicant"), the owner of the above-referenced site on Harding Avenue just north of 74 Street (the "Property").

Please consider this letter the Applicant's letter of intent in support of application number PB23-0596 for a Conditional Use Permit to allow for the redevelopment of the Property with a new mixed-use development consisting of residential, office, and commercial uses.

Description of the Property. The Property is approximately 30,000 square feet in size and consists of 7401 Harding Avenue (02-3202-003-0210), 7409 Harding Avenue (02-3202-003-0220), 7417 Harding Avenue (02-3202-003-0230), and 7425 Harding Avenue (02-3202-003-0240).

The Property is located west of the platted alley of Collins Court and has served as a parking lot for the commercial use at 7410 Collins Avenue for over half a century. The 7410 Collins commercial use was originally developed as a supermarket and is now a "CVS" pharmacy store.

As part of the overall redevelopment plan, the Applicant is proposing to renovate and develop a ground floor addition to the

7410 Collins building to include a mix of commercial and residential uses.

7401-25 Harding Development. The Applicant proposes to development the Property with eight townhomes, approximately 3,900 square feet of commercial use, and approximately 38,805 square feet of office space. The proposed building has been designed to be compatible with the surrounding neighborhood, protecting the privacy of adjacent residential unit owners.

7401-25 Harding Operations. Vehicle access to the development will be exclusively from Collins Court. Loading and delivery access will be from Collins Court, with loading spaces on the Property that are directly accessed from the alley. The building will include a trash room located at the ground floor. Pedestrians will access the office and commercial space directly from 74 Street. None of the currently proposed uses would require conditional use approval.

The building will be served by a unified security system. The proposed uses are not expected to create a queue. If queuing occurs, there is more than adequate room to accommodate that queuing within the Property.

Standard Review Standards. The review of a conditional use permit is governed by Section 2.5.2.2 of the Miami Beach Resiliency Code. The following are the relevant standards, along with the 700 Alton development's consistency with each requirement.

i. The use shall be consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

The proposed uses are consistent with the City's 2040 Comprehensive Plan.

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

The impact of the proposed uses will not cause City infrastructure to exceed the levels of service established in the City's 2040 Comprehensive Plan.

iii. Structures and uses associated with the request shall be consistent with these land development regulations.

The proposed development is consistent with the City's Land Development Regulations and Resiliency Code.

iv. The public health, safety, morals, and general welfare shall not be adversely affected.

The proposed uses, with small neighborhood-serving commercial uses, offices, and multifamily residential uses, will be consistent with the public health and general welfare.

v. Adequate off-street parking facilities will be provided.

The project will include all required parking.

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

The proposed uses will be compatible neighbors and improve the quality of development in this area of the City.

vii. The concentration of similar types of uses shall not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

The proposed uses are not of a type that would have a negative impact on the neighborhood if additional uses are located in the vicinity.

viii. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

See below discussion.

ix. Appropriate consideration is given to the safety of and friendliness to pedestrian traffic; passageways through alleys is encouraged where feasible and driveways shall be minimized to the extent possible.

All vehicular access will be via the Collins Court alley.

Supplemental 50,000 Square Foot Building Standards. The following are the relevant standards that apply to buildings that exceed 50,000 square feet in size in the CD-2 zone, along with the development's consistency with each requirement.

i. Whether the proposed business operations plan has been provided, including hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application, and that such plan is compatible with the neighborhood in which the use is proposed to be located.

The project proposes a small amount of commercial space. The tenants for the commercial elements have not yet been determined. The Applicants have provided operational details, including in this letter and within the attached operational plan, that govern the non-residential elements of the project.

ii. Whether a plan for the mass delivery of merchandise has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan will mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.

Loading will be internal using dedicated spaces or directly from Collins Court (for large-scale deliveries) and access to and from the building will be from Collins Court.

iii. Whether the scale of the proposed use is compatible with the urban character of the surrounding area and create adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed.

The proposed building is consistent with the pattern of development in this area of the City and will bring much needed office uses to this area.

iv. Whether the proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking and operational needs of the structure and proposed uses.

All parking for the project will be included in the building.

v. Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.

Pedestrians will be able to access the building directly from 74 Street.

vi. Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the business and its users and minimizes impacts on the neighborhood.

The buildings will be served by a unified security system.

vii. Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.

A traffic analysis has been submitted.

viii. Whether a noise attenuation plan has been provided that addresses how noise will be controlled in the loading zone, parking structures and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.

All parking, loading, and trash areas are proposed to be enclosed within or underneath the building, with trash pickup from Collins Court.

ix. Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.

The building will have a unified trash room as shown on the submitted plans.

x. Whether the proximity of the proposed structure to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.

The proposed building will be compatible with surrounding structures.

xi. Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect will be addressed.

The proposed uses are not of a type that would create adverse cumulative effects.

Sea Level Rise and Resiliency. Section 7.1.2.4 of the Miami Beach Resiliency Code 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.

   No building demolition is proposed for the Property.

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 in the office and commercial portions of the project. The townhome units are proposed to have operative windows.

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.

   This provision is not applicable to the instant application.

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.

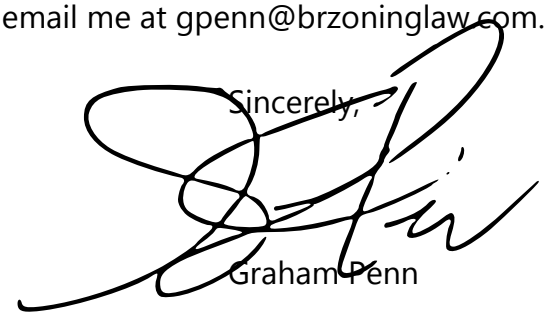
    The project can accommodate cool pavement where possible.

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

The use of generous overhangs in the design, especially of the office component, will limit the potential height island effect.

Conclusion. We look forward to your favorable recommendation. If you have any questions or comments, please email me at gpenn@brzoninglaw.com.

Sincerely,



Graham Penn