

November 8, 2016

City of Miami Beach  
Planning Board  
1700 Convention Center Dr.  
Miami Beach, FL 33139

Re: **PLANNING & ZONING DIRECTOR RECOMMENDATION:** *Appeal of Planning Director's August 31, 2016 Administrative Determination re Normandy Living, LC's Application for Modification of a Conditional Use Permit to operate an Adult Congregate Living Facility*

To the Planning Board:

This law firm represents Planning Director, Thomas Mooney, regarding Normandy Living LLC's ("Applicant") September 15, 2016 appeal of Mr. Mooney's above-referenced August 31, 2016 decision which determined, among other things, that the application presented by Normandy Living before the Planning Board does not qualify as an Adult Congregate Living Facility ("ACLF") under the Code of the City of Miami Beach ("Determination").

The Planning & Zoning Director recommends that the Planning Board ("Board") deny the appeal and uphold the Determination. In addition to the contents of the Determination to support his decision, Mr. Mooney will appear at the Planning Board meeting to rebut the allegations made by the Applicant and further elaborate upon his conclusions.

As a supplement to the information and exhibits included with the Determination, we provide the following information, specifically reserving the right to provide additional information and documents at the Planning Board meeting:

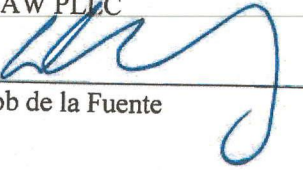
1. City Attorney Letter/Planning Director Determination, including exhibits.
2. Planning Director Duties & Authority
3. Miami Beach Code Sections
  - Sec. 114-1: Definitions
  - Sec. 114-7: Planning Director Duties
  - Sec. 118-191-196: Conditional Use Procedure
  - Sec. 142-151-153: Purpose, Main permitted and Conditional uses in RM-1
4. Sec. 429.02, Fla. Stat: Definitions

5. E-Mails: Applicant's Delay in Providing Complete Information Regarding Operations and Plan to Have On-Site Detox Facility
  - a. 2/8/2016 email from Thomas Mooney to Applicant representative Rick Yune with list of conditional uses in RM-1
  - b. 4/11/2016 email from Applicant's attorney, Justin Karr, to Planning Department, describing request as limited to adding new square footage and increasing bed count from 19 to 44
  - c. 4/13/2016 email from Applicant's attorney to City, limiting request to change owner/operator of ACLF and to expand permitted bed count from 19 to 44.
  - d. 4/19/2016 email from Applicant's representative Rick Yune with operational plan, with no mention of residential detox facility & 4/21/2016 email from Thomas Mooney to Rick Yune
  - e. 5/17/2016 emails requesting change of notice language to address DCF concerns
  - f. You Tube still from community meeting, with Applicant in attendance disclosing on-site detox facility and operations to general public, before disclosure to City of Miami Beach
  - g. 8/16/2016 email from Applicant's counsel M. Amster describing procedures form Seafeld Center in New York, disclosing DCF licensing, residential detoxification, and inpatient detoxification, with attachment
6. Operational Plans: Existing ACLF and Applicant's Delay in Providing Complete Information Regarding Operations
  - a. Current Facility Letter of Intent from Normandy – Current Operations:
    - i. Targeted towards seniors, giving maximum comfort and privacy, and licensed through AHCA
  - b. 5/4/2016: Letter of Intent from Applicant's attorney, Michael Larkin
    - i. "Notably, only limited medical services such as monitoring of vitals and administering medications, will occur at the facility. These services are akin to those provided at assisted living facilities (ALF) and nursing homes, and **are already provided by the existing ALF at the Property.**" (emphasis added).
  - c. 5/4/2016: Operational Plan submitted with application. No mention of residential detox
  - d. 5/20/2016 Operational Plan from Applicant's attorney Matt Amster to Planning Department
  - e. Innova 8/15/2016 Report: Insufficient information to clearly understand staffing and operations. Additional information is needed (p. 5).
  - f. 8/26/2016: Normandy Living, LLC Addendum
7. Innova Resumes

Sincerely,

LSRCF LAW PLLC

By:

  
Bob de la Fuente

Encl.