

# MIAMIBEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members  
Planning Board

DATE: October 9, 2015

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **File No. 2281. 1904 Marseille Drive – Assisted Living Facility.**

The applicant, Better Living Investments LLC, is requesting a Conditional Use Permit for the expansion of an existing Assisted Living Facility located at 7100 Rue Granville, pursuant to Section 142, Article V.

### **RECOMMENDATION**

Approval with conditions

### **ZONING / SITE DATA**

*Conditional use*, as defined in Section 114-1, means a use that would not be appropriate generally or without restriction throughout a particular zoning district, but would be appropriate if controlled as to number, area, location, or relation to the neighborhood.

**Zoning:** RM-1, Residential Multifamily Low Intensity zoning district

### **Legal**

**Description:** Lot 12 Block 35, of Isle of Normandy Miami View Section Part 3, according to the plat thereof, recorded in Plat Book 40 Page 33, of the public records of Miami Dade-County, Florida.

**Land Uses:** See Zoning/Site map at the end of this report  
Multifamily Residential all around

**Lot Size:** Lot 12: 7,500 SF  
Lot 13: 7,500 SF  
**Total: 15,000 SF**

### **BACKGROUND**

On November 19, 2013, the Planning Board approved a Conditional Use Permit for the expansion of the existing Assisted Living Facility located at 7100 Rue Granville to the existing building to the north on the lot located at 1904 Marseille Drive. The applicant was not able to obtain a building permit within the allotted one-year time limitation, and must therefore reapply for a Conditional Use Permit in order to expand the facility.

### **COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:**

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Art. 4, Sec. 118-191 and Sec. 118-192:

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 project is consistent with the Comprehensive Plan, as the use is permissible within the Low Density Multifamily Residential Category (RM-1) Future Land Use designation as a Conditional Use. The project is also consistent with Housing Element Objective 4 which encourages that there be adequate sites for group homes.

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 project is not anticipated to exceed the Level of Service (LOS) for the surrounding area.

3. **Structures and uses associated with the request are consistent with this Ordinance.**

**Consistent** –The proposed is an Adult Congregate Living Facility as defined by Section 114-1 of the City Code, which is allowed as a Conditional Use.

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

**Consistent** – The proposed facility is not expected to adversely affect the public health, safety, morals and general welfare of the community. Nevertheless, staff is recommending conditions to help mitigate any potential negative impact on the neighborhood.

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

**Consistent** – There is no off-street parking on the site; however, there is on-street parking both on Marseille Drive and Rue Granville. The residents of the proposed facility would not drive cars, and the facility has a transportation vehicle to transport residents to doctor's appointments. Employees will also be provided with bus passes. A fee-in-lieu of providing required parking will be required, as the proposed assisted living facility has a higher parking requirement than the existing residential uses.

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

**Consistent** - With proper controls and safeguards, this use is not expected to have a detrimental impact on the surrounding properties or neighborhood values.

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** – There are no other ALFs in the immediate vicinity. This is a proposed expansion of an existing facility to the adjacent property to the north. The existing facility seems to be run professionally, having had no complaints from the neighbors. In addition, there seems to be demand from the community for additional capacity.

#### **STAFF ANALYSIS**

As previously noted, the Planning Board previously approved the expansion of this Assisted Living Facility (ALF) in 2013. The applicant is proposing to expand Normandy Estates, the 12-bed ALF

he currently operates at 7100 Rue Granville, to the adjacent property to the north at 1904 Marseille Drive. The current ALF has been licensed and operating since March 2012. According to the applicant, there has been higher demand for these services since the Hebrew Home ceased to operate its facility after 40 years.

The Marseille Drive property was designed as a multi-family residential building with four apartment units, which the applicant would convert into approximately 19 to 21 private rooms. The applicant asserts that the reconfiguration would surpass minimum space requirements set by the State's Agency for Health Care Administration (AHCA), as well as the Florida Statutes for Assisted Living Facilities, submitted with the application. The proposal calls for connecting the two properties through a raised wooden deck with a canopy cover. To that end, staff advised the applicant to provide staff with either a Unity of Title or Covenant in Lieu of Title, which staff is recommending as a condition.

The facility would include approximately 700 to 800 square feet of entertainment area, with a common barbeque area and seating, as well as an exercise room with approximately 200 square feet. The existing common areas, i.e. the dining room, living room and kitchen are large enough to accommodate the additional residents and would remain as they are. Meals and snacks are monitored by a licensed dietitian and prepared on the premises. Social and recreational activities would continue to be provided. The applicant also describes in the Letter of Intent what a typical day is like for a resident. The ALF has one vehicle that transports residents to Doctors appointments.

Currently, Normandy Estates employs four Certified Nursing Assistants, who take care of 12 residents. There is also an Administrator and the owner (the applicant) working there. The applicant is proposing 324 staffing hours per week, which he claims is above ACHA's required minimum staffing hours. The hiring process involves screening applicants for work experience, training, professional licenses and references, as well as criminal background checks.

There is no parking on site. However, the residents would not drive, and the applicant intends to provide all staff members with public bus passes. There is on-street parking along Marseille Drive and Rue Granville, as well as in the surrounding neighborhood. Nevertheless, the calculation for the required parking indicates that the applicant would have to pay a fee-in-lieu of providing parking of \$3,200.00 per year for a deficiency of 4 spaces if 19 beds are provided or \$4,000 per year for a deficiency of 5 spaces if 21 beds are provided in the facility.

### **STAFF RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the application for Conditional Use approval to expand an existing Assisted Living Facility at the proposed site be approved subject to the following conditions:

1. This Conditional Use Permit is issued to Gary Alvarez/Better Living Investment, LLC, for the expansion of the existing Assisted Living Facility. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein and to obtain a Modification to this Conditional Use Permit.
2. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).

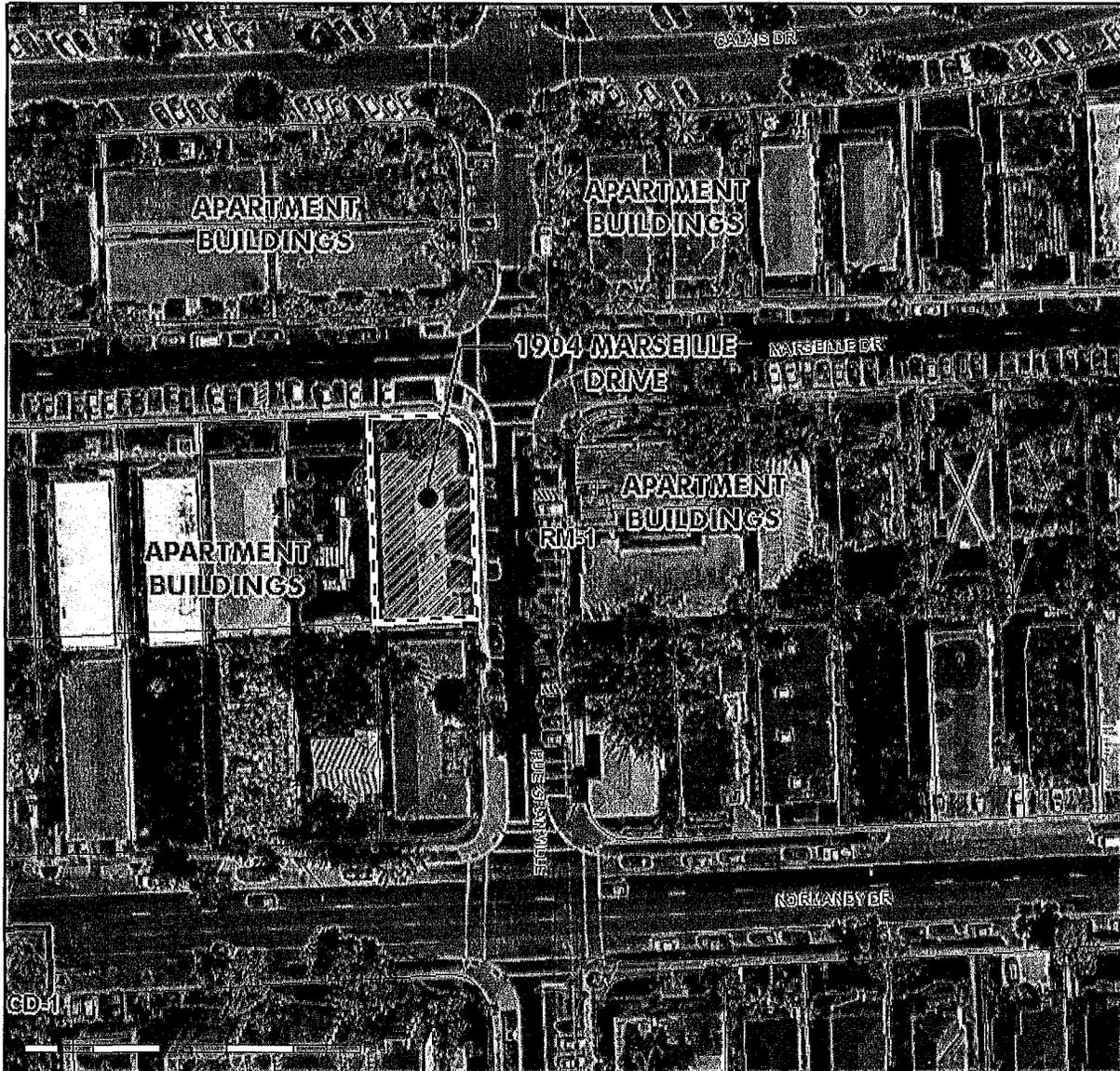
3. The applicant shall receive all necessary approvals and licenses from all pertinent local, regional and state government agencies for this facility prior to the issuance of a Certificate of Occupancy or Certificate of Use/Business Tax Receipt, whichever may occur first.
4. The applicant shall pay to the City the applicable yearly fee-in-lieu of providing parking. The first payment shall be due before the issuance of the Certificate of Use or Business Tax Receipt, whichever comes first.
5. The applicant shall pay to the City all applicable Concurrency Mitigation Fees prior to obtaining a Building Permit or the issuance of the Certificate of Use or Business Tax Receipt, whichever comes first.
6. The applicant shall provide to staff either a Unity of Title or a Covenant in Lieu of Unity of Title before the issuance of a TCO or CO in order to be able to connect the two properties through a hallway, as proposed.
7. The hours of operation of the ALF shall be as requested by the applicant, 24 hours a day, seven days a week.
8. The maximum number of beds in the expanded facility shall be limited to 21, as proposed by the applicant.
9. Any exterior business identification signs shall be submitted to staff for review and approval prior to approval of a Building Permit.
10. ALF staff shall ensure that patient behavior (noise or loitering) does not become a nuisance to surrounding property owners or tenants.
11. The applicant shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalk and all the areas adjacent to and around the property, in a clean manner and clear of trash.
12. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Certificate of Use/Business Tax Receipt.
13. Within a reasonable time after applicant's receipt of this Conditional Use Permit as signed and issued by the Planning Director, applicant shall record it in the Public Records of Miami-Dade County applicant's expense and then return the recorded instrument to the Planning Department. No building permit, certificate of use, certificate of occupancy, certificate of completion or business tax receipt shall be issued until this requirement has been satisfied.
14. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
15. The establishment and operation of this modified Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the

Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.

16. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

TRM/MAB/RAM

ZONING SITE MAP



City of Miami Beach Planning Board  
File No. 2281  
1904 Marseille Drive

 The applicant, Better Living Investments LLC, is requesting a Conditional Use Permit for the expansion of an existing Assisted Living Facility located at 7100 Rue Granville, pursuant to Section 142, Article V.

**MIAMI BEACH**  
PLANNING DEPARTMENT  
1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FLORIDA 33139 | P. 305.673.7550 | [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

