

To: Pompano Beach City Commission (April 11, 2023, meeting)

Re: Application by Entourage Florida Development, LLC  
City of Pompano Beach Planning and Zoning Application 22-  
12000011. 407-419 N. Riverside Drive

April 9, 2023

Dear

Neighbors,

My name is Hunter O'Hanian, I am one of the owners/shareholders/residents of the Marine Terrace Cooperative Association located at 401 N. Riverside Drive, Pompano Beach, Florida. As such, I have the exclusive right to possess Unit 508 which is located on the 5<sup>th</sup> floor. It runs the entire East- West span of the building, facing north.



When the Marine Terrace building was designed and built in 1955-8, it **was the** largest buildings in the area outside of downtown Fort Lauderdale. It is 5 stories tall and has 39 residential units. It is one of the few remaining mid-century architectural gems on the Barrier Islands from Palm Beach to Miami. It is one of the oldest multi-family structures in Pompano Beach.

As a result, I am a direct abutter to the two lots at 407-419 N. Riverside Drive upon which the above applicant has declared an intent to build a 125-foot, high-rise condo tower. This project directly affects my home and reveals substantial deficits in the Pompano Beach City Code. The issues are as follows:

**Issue 1- Notice to abutters.** When the developer first submitted this project to the city, they planned to lessen the amount of required green space to allow them to make the building even larger. As such, they filed an application with the ZBA which required them to give notice to all abutters.

That is the only way many of us knew about the project. There was no other notice required.

They have been in front of the Architectural Appearance Board and the Planning and Zoning Board, but under the current code no notice to abutters was required. **This lack of a notice requirement in the city code is a significant defect which needs to be corrected. Neighbors must be made aware of projects of this size before final approvals are rendered by the city.**

**City Response:** The Code does not require notice for site plan approval because the decision to be made is quasi-judicial and based on compliance with the code. The property has development rights that cannot be denied. Applicants are encouraged by staff to have a neighborhood information meeting (which are not required but encouraged) and the P&Z Board Chair always asks if they did any outreach.

**Issue 2 - Neighbor engagement in the design process.** This is a large, complicated building with scores of complex drawings. In our cursory review of those plans, we discovered that they were planning to place a 6-foot-high structural wall, topped with a 4 foot high fence along our shared property line. This would create a 10-foot wall facing our property, just a few feet away from residential units in our building.

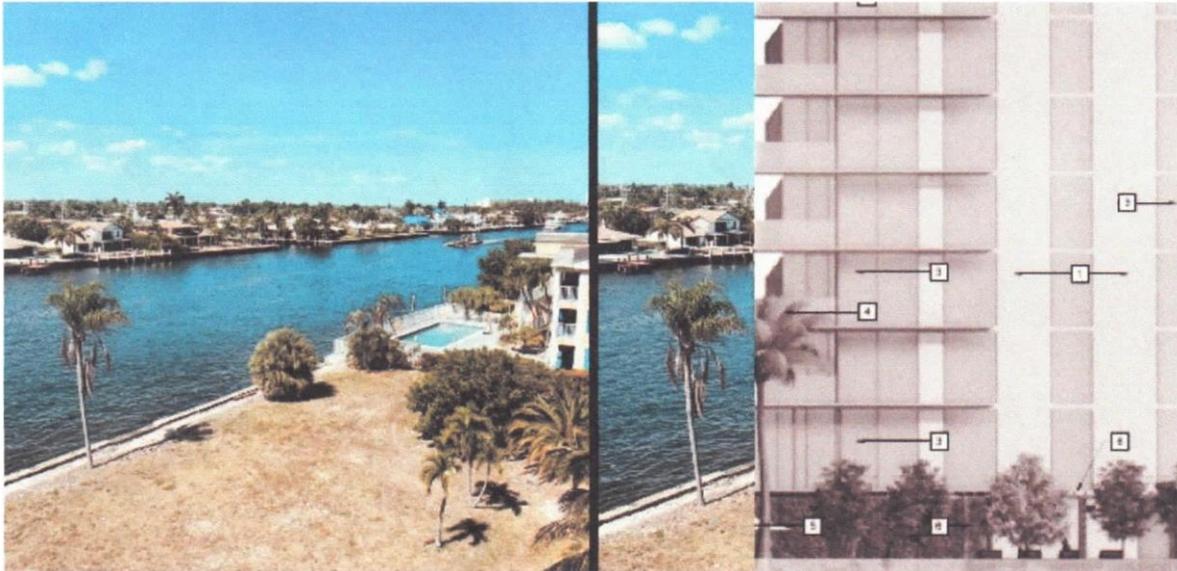
We brought this problem to the attention of the Planning and Zoning Board and the developer agreed to move that wall 10 feet back on their property. However, this issue would not have been raised, had we not reviewed the plans. **There must be an informed, mediated process where the community and abutters are allowed the opportunity to understand prospective plans and have their specific questions and concerns addressed before final approval is rendered.**

**City Response:** This project is our first significant example of the design challenges associated with a building designed to be more sustainable in relation to sea level rise (SLR). It is true that our Code does not address the engineering and architectural design issues associated with higher finished floor elevations which we know are coming and how to accommodate the transition to the only sustainable future where all properties and the adjacent streets are 3+ feet higher in elevation than existing buildings.

Riverside Drive has extreme flood potential which is clearly documented in the 2013 Stormwater Management Master Plan. That flooding is already being combatted with the tidal backflow prevention valves all along the Intracoastal and the installation of a new stormwater pump station on S. Riverside Drive. When the 2019 FEMA maps are finally adopted, finished floor elevations (FFE) are going to be higher than existing development in every neighborhood adjacent to the Intracoastal and adjacent to all the finger canals that are part of the primary and secondary drainage systems. Even buildings built to the 2019 FEMA FFE will not be protected against the projected 3+ feet of SLR by 2070 as the FEMA modelling did not include that variable. Properties are going to use fill and retaining walls as a method to increase their FFE to meet the flood requirements and to keep their fill from eroding onto adjacent properties. Existing properties next to newly built ones are going to experience these adjacent retaining walls and eventually, all properties are going to have to be elevated or they will flood. Having gaps between future retaining walls as all properties are raised will create different issues with “canals” along property lines where retaining walls are not abutting. Whether this “solution” of moving the retaining wall inward from the property line is better or worse for adjacent properties will not be known until more properties flood and have to be rebuilt (or demolished and abandoned).

**Issue 3 -Disregard of existing homeowner's water views.** The majority of the buildings on Riverside Drive are angled to the southwest. This is done so the interference to water views is lessened.

On the left is the view from the master bedroom from my home. On the right is the same view with the tower in place that the developer is planning.



This problem could be mitigated if the developer sited the building on an angle, facing southwest, as most of the buildings on N. Riverside Drive are situated. **The city code should encourage new large structures to preserve existing views to extent possible.**

Response: The Code does address view triangles along waterways. The code require a 25' view triangle along the water which is 2.5 times greater than the 10' view triangles along roadways..

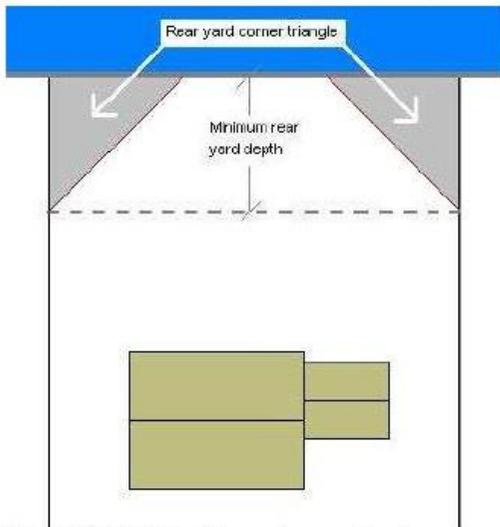


Figure 155.5302.D.5.a: Rear yard corner triangle

**Issue 4 - Elimination of affordable housing** - Until recently, the structure at 419 N Riverside

Drive (Stratford Apartments) had 20 year round affordable rental units, homes to working class families. The structure has been there since the 1960s.

Upon purchasing the lot with the structure on it, the developer evicted all of the tenants and is planning to demolish it to make room for their tower. The lack of affordable house in South Florida is a critical issue **The city should demand that whenever someone removes affordable housing they must replace it. This could easily be incorporated into the developer's plans.**



**City Response:** If an agency had deed restricted some units for affordable housing in this building, it is likely that any restriction from the 1960's would have expired by now as these are not perpetual. If those restrictions were still valid, they would have come to light in the title search associated with the sale of the property. The agency that subsidized and restricted the units would be responsible for enforcement of any requirements on future owners.

**Issue 5 - No accountability for disruption due to construction** - Other than scant rules regarding the time construction can occur, there is no requirement that the developer mitigate the negative impact their project will have on neighbors. Our's is a seventy-year-old building. What damage- both cosmetic and structural - will be done to it when they are done building their tower next door?



What about the flooding on Riverside Drive and the clogged storm drains which already lead to extensive flooding on our street?

This is Riverside Drive and our parking lot last fall. The debris from this construction will just exacerbate the problem. **The city should insist that the owners of a project this size enter into an agreement with abutters which address issues such as construction noise, debris removal, traffic, storm drainage, damage to neighboring structure, etc.**

**City Response:** This is a stormwater/NPDES

permitting issue not a zoning code issue so we cannot speak to that complaint, however, the flooding in the photo does show the flood conditions that will become more and more commonplace regardless of construction and why future buildings must be built at higher elevations. The photo appears to be taken on a rainy day. When the tidal intrusion valves are closed on the outfall pipes into the Intracoastal, rain will stack up on the ground as it has nowhere to go. Until the tide goes down below the elevation of the stormwater outfall pipes, the water will not drain in any rain event. There is no way to tell the degree to which construction impacts effectuated this particular flooding.

**Issue 6 - Ensuring future owners/operators are bound by the developer's statements** - In this case, we have a foreign developer, with no demonstrated experience in developing real estate in South Florida. His stated intention is to build the tower, sell off the condos and extricate himself from the project. **There must be a provision in the city code which mandates that the resulting condo association is bound by all statements by the developer and his team, as if those statements were made by them.**

**City Response:** If a Developer makes promises that must be kept by future property owners, the Staff requests the Applicant record a voluntary Declaration of Restrictive Covenants in the public record that cannot be rescinded without approval by the Development Services Director. That is the extent of involvement the City has in regard to voluntary restrictions.

This matter is scheduled to be heard again by the Planning and Zoning Board on April 26, 2023. I ask that you take whatever steps necessary to suspend further progress until these issues are addressed.

Respectfully submitted,

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