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PZ20-12000027

10/21/2021

APPLICANT'S RESPONSE TO DRC COMMENT RESPONSES

DATE: September 9, 2021

SUBJECT: PZ Case No. 20-12000027 - 400 E Atlantic Blvd

Department: CRA
Reviewer: Kimberly Vazquez
Email: kimberly.vazquez@copbfl.com
Status: Authorized with Conditions

Land use for this parcel is ETOC which allows mixed use type development with commercial use on the ground floor with residential units on upper floors commercial space.

155.5509. UTILITY LINES LOCATION

In all new development, as well as redevelopment that increases gross floor area by 50 percent or more, all overhead utilities located on the development site and/or along the public right-of-way fronting the development site shall be placed underground to the maximum extent practicable—provided that the Development Services Director shall waive this requirement where the relevant utility company demonstrates that undergrounding will be detrimental to the overall safety and/or reliability of the circuit. Waiving this requirement cannot be based on feasibility.

RESPONSE: Applicant has already obtained a letter from FPL advising FPL will not bury the power lines at this location.

Department: UTILITIES
Reviewer: Nathaniel Watson
Email: nathaniel.watson@copbfl.com
Status: Authorized with Conditions

Acknowledged, thank you. No responses to comments required.

Department: LANDSCAPE REVIEW
Reviewer: Wade Collum
Email: wade.collum@copbfl.com
Status: Authorized with Conditions **Acknowledged, thank you.**

1. Clarify position on large adjoining Ficus tree previously slated for removal and mitigation. This will require an agreement with adjacent property owner and approval by DSD

RESPONSE: Adjoining Ficus tree shall be removed and mitigated through a separate permit via agreement with adjacent property owner. The agreement is a part of ongoing discussions with the adjacent property owner.

2. Clarify the mitigation table on DBH calculations for mitigation balances and approach. Required trees cannot be applied towards mitigation. Rooftop trees/palms may be applied.

RESPONSE: Upper deck trees and palms are applied towards mitigation. Oversized required trees are also applied towards mitigation. Please see updated code chart on Sheet L-3.

3. Provide a graphic scale on pervious area diagram so staff can measure pervious areas as there seems to be some difference with the landscape plan.

RESPONSE: A scale is provided under the sheet number on sheet A-15.

4. There is unaccounted for space still required on the NE corner. As per 155.3501.J. provide 5' foundation planting and 5' VUA perimeter planting along the east side with shrubs, trees at 1:30 and sod on both sides of drive aisle.

RESPONSE: Per discussions with staff, the fire equipment has been relocated and additional landscaping has been added to this area thereby waiving the perimeter requirement. Please see Sheet L-3.

5. Show how requirements from 155.5203.D.5 VUA Landscaping are being met. Provide a minimum of 5' of landscape areas between a vehicular use area and an abutting building. Lagerstroemias should be swapped out for large upright canopy trees to provide an overall sense of scale for the building.

RESPONSE: Additional landscaping has been added in these areas. Please see Sheet L-3.

6. Provide a cross section detail of the proposed building footers / slab as it appears that it will encroach into the required foundation landscaping soil space at the footers of the building. Provide drawings and verification of the use of monolithic slabs as it relates to these areas so that the project can meet the requirement

RESPONSE: Detail added. Please see Sheet L-3C.

7. Provide a separate color coded graphic sheet TO SCALE, highlighting the area of suspended pavement and provide the silva cells specs and details on this sheet. As per 155.3501.J.3; Provide Modular Suspended Pavement System with aggregate sub-base (such as Silva Cell) for trees in landscape areas directly abutting paved areas. Required tree soil volume shall be provided in accordance with Figure 155.3501.J.3.a: Required Tree to Soil Volume Ratio Graph below.

RESPONSE: Please see Sheet L-4A for this information.

8. Show silva cell install areas on the civil sheets and cross reference the landscape plans and spec sheet.

RESPONSE: Areas and cross reference added to Civil Plans Sheet PGD-1.

9. Trees on the east side shall be large canopy trees or large palms to create a sense of scale to the project.

RESPONSE: Per discussions with staff, the fire equipment has been relocated and additional landscaping has been added to this area thereby waiving the perimeter requirement. Please see Sheet L-3.

10. There seems to be available pervious space for tall staggered palms to be installed to provide a sense of scale as it relates to the pedestrian realm, in the front street side.

RESPONSE: Additional tall palms have been added to the NE corner of the building and the NE corner of the site. Please see Sheet L-3.

11. There appears to be available planting space along the east side for trees/palms, street side.

RESPONSE: Per discussions with staff, the fire equipment has been relocated and additional landscaping has been added to this area thereby waiving the perimeter requirement. Please see Sheet L-3.

12. Provide a signed and notarized document and bond for the cost of burying OHW and securing the required 24' tall Oak trees when the project comes to fruition

13. Provide a cross section detail of the proposed building footers / slab as it appears that it will encroach into the required foundation landscaping soil space at the footers of the building. Provide drawings and verification of the use of monolithic slabs as it relates to these areas. What is the depth as shown in the detail?

RESPONSE: Detail added. Please see Sheet L-3C.

14. Provide more large / medium canopy trees to dilute the large amount of understory trees for the site

RESPONSE: Provided. Please see Sheets L-3, L-3A and L-3B.

15. Provide Maintenance agreement for the ongoing upkeep of proposed tree grates on site.

RESPONSE: Applicant will provide maintenance agreement prior to issuance of building permit.

16. Provide details specifying underground self-contained palm tree guying systems such as the Platypus for large species palms proposed in pedestrian access areas

RESPONSE: Provided. Please see details on Sheets L-4 and L-4A.

17. Please provide rooftop planter detail on how trees and palms are to be staked and or guyed in the planter.

RESPONSE: Provided. Please see details on Sheet L-4.

18. All tree work will require permitting by a registered Broward County Tree Trimmer.

RESPONSE: Acknowledged.

19. Provide a comment response sheet as to specifically how comments have been addressed at time of resubmittal.

RESPONSE: Provided.

20. Additional comments may be rendered a time of resubmittal.

RESPONSE: Acknowledged.

21. Utilities are proposed in the fraction of landscape area provided. Relocate backflows and utilities form the NE Corner.

RESPONSE: This equipment has been relocated to the NW corner are of the building and properly screened from the R/O/W.

22. Please change color renderings to reflect the area of non-trees and palms to match the plans.

RESPONSE: The elevations show the areas of landscape versus un-landscaped, taking into consideration the trees on adjacent property in close proximity to property line.

23. On Sheet L.4, where are the Key letters on the plan to match the legend at the bottom.

RESPONSE: Key letters are shown on Sheet L-4A that match the legend.

24. Provide planter soil specifications.

RESPONSE: See Landscape General Notes Sheet L-5, Note D.2.D.

25. Correct Planter guying detail to reflect platypus or eye bolt securing apparatus as what is shown will not meet wind load concerns on the roof.

RESPONSE: Details specify Platypus Anchoring System (or equal). Please see Sheet L-4.

26. Adjust planting details to only show sisal or other biodegradable material attached to trunk of tree. Currently nylon straps are shown

RESPONSE: Details on Sheet L-4 have been corrected to read "biodegradable material".

27. Provide evidence of availability for 16' tall Silver Buttons.

RESPONSE: Per the September 1st issue of Plantfinder, Acosta Farms, Runway Growers, J.I.C Enterprises and Tree Spirit LLC are advertising 16' Silver Buttonwood trees.

28. Provide Crape Myrtle relocate sizes on the plant list please.

RESPONSE: Plant lists have been amended to reflect size range of relocated Crape Myrtles. See Sheet L-3 and L-3C.

29. Open space plan seems to conflict with landscape plan.

RESPONSE: The open space and landscape plans have been updated for consistency.

30. Additional comments may be rendered at time of resubmission.

RESPONSE: Acknowledged.

Department: FIRE DEPARTMENT
Reviewer: Jim Galloway
Email: jim.galloway@copbfl.com
Status: Pending Resubmittal

Outstanding conditions/Comments:

1. Provide civil plans for water supply to fire standpipes for boat protection.

RESPONSE: The 4" water supply to the boat docks is shown on the utility plan WSU-1.

2. Provide civil plans for water supply to fire protection system for building.

RESPONSE: The 8" water supply to the building is shown on the utility plan WSU-1.

3. Location of fire pump along exterior of building.

RESPONSE: The fire pump room is now located near the northwest corner of the building as shown on Sheet A-3. The test header location is labeled on sheet WSU-1 on the outside of the fire pump room along the west side of the building.

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4. West stair exit discharge and path to Atlantic Blvd. sidewalk shown to continue and dead-end to South of stair or does it continue to the dock area?

RESPONSE: Please refer to sheet 021 A-19 for clarification. Stair 1 and stair 2 discharge to exterior walkways that lead back up to Atlantic Blvd on both the East and West sides of the property. The path continues to the dock area. The path goes under a building overhang.

5. How much of a drop/angle is the road/ramp from Atlantic Blvd into parking garage. Height of building is not clear on each end and sides of building for determining high rise. Please provide a detailed plan to determine this for future review that defines building height.

RESPONSE: The driveway ramp from Atlantic Blvd down to the level of garage is 5% or a 5'-0" drop. From there, where emergency vehicles may be positioned, the height up to the rooftop pool deck is 85'-0". Please refer to sheet A-9. Therefore, the building falls under the classification of "High-Rise" from a life safety standpoint. The building has a generator (on the roof), pressurized stairs, a fire command center (FCC) off the lobby with the necessary alarms, detectors and sensors required. The design of such systems will occur later in the design process. From a zoning perspective, the building is 80'-0" tall as measured from grade at Atlantic Blvd.

Department: WASTE MANAGEMENT
Reviewer: Beth Dubow
Email: beth.dubow@copbfl.com
Status: Pending Resubmittal

1. Height clearance of 22 feet is required for immediate garbage service area.

RESPONSE: We have provided 22'-0" in clear height on the ground floor of the garage and in the loading area where trash will be picked up.

2. Provide a new section showing the trash room service area with the revised height clearance.

RESPONSE: Section has been updated on sheet 011 A-9 to show requested area and height.

3. Applicant is urged to meet with City of Pompano Beach Solid Waste Services Department staff prior to resubmitting plans for DRC.

RESPONSE: Applicant's representatives met with Solid Waste and confirmed proposed revisions to plans would be acceptable. Please see revised plans showing requested changes.

NOTE: Recycling collection is not required, but it is encouraged. Commercial recycling collection service may be obtained from a recovered materials hauler.

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RESPONSE: Acknowledged.

NOTE: As stated in the Pompano Beach Code of Ordinances, Chapter 96, including Section 96.12(D)(1), all construction and demolition debris removal is the responsibility of the owner. All solid waste generated within the geographic boundaries of Pompano Beach shall be collected by the franchise collector (Waste Management at the time of this writing) and disposed of as directed by the city disposal agreement. All materials shall be generated from the property on which the materials are placed for removal. Information regarding container size and hauling costs may be found in Chapter 96, Section 96.13.

RESPONSE: Acknowledged.

NOTE: Additional comments may be necessary based upon revisions, additional plans and/or documents. Contact Beth Dubow at 954-545-7047 or beth.dubow@copbfl.com should you have any questions or concerns regarding this review.

RESPONSE: Acknowledged.

Department: BSO
Reviewer: Scott Longo
Email: scott_longo@sheriff.org
Status: Authorized with Conditions

Acknowledged, thank you. No responses to comments required.

Department: ENGINEERING DEPARTMENT
Reviewer: David McGirr
Email: david.mcgirr@copbfl.com
Status: Authorized with Conditions

Acknowledged, thank you. No responses to comments below required.

Department: ZONING
Reviewer: Jae Eun Kim
Email: jaeun.kim@copbfl.com
Status: Authorized with Conditions **Acknowledged, thank you.**

TO-EOD/Sub Areas: Core Sub-Area

MM-090 Mixed-Use: max 90 unit per AC, non-residential use on the first floor abutting Atlantic Blvd
Max 80 ft for mixed use and residential use.

Please be advised that a Park Impact Fee will be applied when the project is in for a permit. **PZ20-12000027**
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1. Affordable Housing: the project shall comply with such requirements, as defined in Section 155.3709. K. The applicant may either set aside a minimum of 15% of the proposed units as affordable housing or contribute the in-lieu-of fee for each unit. Prior to placement for the PZB meeting, the applicant shall determine how this requirement will be in compliance.

RESPONSE: Applicant will make the payment in lieu of providing affordable housing.

2. Revise the building length, per Section 155.3501. O. 2. a. Building Length. The maximum horizontal dimension of a building shall be 300 feet at any level. Or obtain relief of code prior to placement for the PZB meeting. Additionally the building shall comply with code requirements (155.3501. O. 2, Building Configuration and Design) below. Revise the project or obtain code relief.

RESPONSE: Applicant has submitted an application for minor administrative adjustment to exceed the building length maximum by less than 10%.

155.3501.O.2, Building Configuration and Design

- a. Building Length. Unless further restricted on the Building Typology and Placement Regulating Diagrams, the maximum horizontal dimension of a building shall be 300 feet at any level. For buildings within the FAA height restricted zones (as demonstrated on the Building Heights Regulating Plan of the Overlay District) only, the maximum horizontal dimension of a building may exceed 300-feet in length at any level and the following shall apply:
 - i. A centrally located forecourt shall be provided on every facade that exceeds 300 feet in length, with a minimum width and depth of 30 feet,
 - ii. The forecourt shall be open to the sky, provide building access and a pedestrian connection to the existing city street grid; and
 - iii. If the forecourt is publicly accessible, a minimum of 50% active use shall be provided for the portion of the ground floor fronting the forecourt.

RESPONSE: Applicant has submitted for minor administrative adjustment for building length.

3. Add a note on elevations that the frontage consists of 82% transparent storefront glass, 5% open thru-way and 10% artistic street mural.

RESPONSE: Note has been added to sheet 014 A-12 adjusted to the most up-to-date calculations.

4. Pending for a traffic analysis, per 155.3709. J, Traffic Analysis Requirements. It shall be resolved prior to placement for a PZB meeting. Pending for approval.

RESPONSE: Applicant will send revised traffic analysis to planner and city's consultant concurrent with this resubmittal.

5. Provide details of the proposed exterior lights, per Section 155.3501. M, TO District Exterior Lighting Standards and Part 4 (Exterior Lighting) of Article 5: Development Standards. No cobra head lights are permitted, and all exterior lighting is encouraged to be solar powered.

RESPONSE: Details have been added to sheet 015 A-13. No cobra head lights are proposed for this project and solar exterior lighting has been incorporated.

6. Pursuant to Section 155.5509, all overhead utilities located on the development site and/or along the public right-of-way fronting the development site shall be placed underground to the maximum extent practicable.

RESPONSE: Applicant previously provided a letter from FPL advising FPL is unwilling to underground powerlines at this site because it is not practicable.

7. The proposed development shall obtain approval of 155.2416. Master Sign Program from AAC.

RESPONSE: Acknowledged.

8. Prior to zoning compliance permit approval, a School Capacity Availability Determination (SCAD) letter from the Broward County School Board must be provided to confirm that student capacity is available.

RESPONSE: Acknowledged.

9. Note that the CPTED plan approved by the Broward Sheriff's Office shall be provided for Zoning Compliance Permit approval.

RESPONSE: Acknowledged. Applicant has obtained preliminary approval from BSO for the CPTED plans.

§ 154.80 PROVISION OF REQUIRED AFFORDABLE HOUSING.

- (A) In lieu of providing affordable housing units on-site or off-site as required by regulations within Chapter 154 and Chapter 155 (Zoning) or pursuant to a land use plan amendment, a property owner may elect to contribute a fee in lieu of to be deposited into the city's Local Affordable Housing Trust Fund. If this in lieu of option is taken for the allocation of flex or redevelopment units, the in lieu of fee, \$2,333 per unit, will apply to every flex and redevelopment unit allocated to the project that is not classified as affordable in accordance with the requirements in § 154.61(E).
- (B) For projects within an area that is subject to affordable housing requirements established through a Broward County Land Use Plan Amendment process, the in lieu of fee to be paid to the city shall be \$2,333 per market-rate unit. If affordable units will be provided, they will meet the definition of affordable housing provided in § 154.61 and deed restricted to the proposed range of affordability for a 15 year period.
- (C) The fee shall be paid to the city at the time of building permit.

(D) The fee shall be reviewed a minimum of once every three years. The fee may be adjusted by the City Commission to reflect updated housing sales costs, development costs, land values and other considerations.

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RESPONSE: Applicant will make the payment in lieu prior to building permit issuance.

Department: PLANNING
Reviewer: Daniel Keester
Email: daniel.keester@copbfl.com
Status: Authorized with Conditions

Acknowledged, thank you. No responses to comments required.

Department: BUILDING DIVISION
Reviewer: James DeMars
Email: james.demars@copbfl.com
Status: Authorized with Conditions

Acknowledged, thank you. No responses to comments required.