



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6229 office

305.377.6222 fax

gpenn@brzoninglaw.com

VIA ELECTRONIC FILING

January 13, 2022

David Recor, AICP
Development Services
City of Pompano Beach
100 W. Atlantic Boulevard
Pompano Beach, FL 33060

Re: PZ21-12000040 – Supplemental Narrative and DRC Comment.

Dear Mr. Recor:

Our firm represents AMP IV-Hidden Harbour, LLC and HTG AMP Harbourside, LLC (collectively the "Applicant"), the owners of the mixed-use component of the Hidden Harbour Marina site and adjacent land. This letter contains supplementary narrative information and narrative responses requested by staff during the DRC process.

New Parking Structure and Valet Operation. The Applicants are proposing to add the lot at 2351 NE 16 Street to the Planned Development. This lot is proposed, along with the parcel to its west, to be developed with a parking structure serving the approved mixed-use building on the south side of NE 16 Street. As previously noted, the introduction of the new parking structure north of NE 16 Street will allow for self or valet parking for the building on NE 16 Street to be served without the need to travel back and forth on NE 16 Street and NE 23 Avenue. In the existing approved project, valet parking, with storage located in the Federal Highway garage, was required to serve the 16 Street building. This mandatory valet system will no longer be necessary.

The traffic reduction from this change will be significant – up to 1,000 vehicle trips per day will be removed from the intersection of NE 23 Avenue and NE 16 Street as compared to the approved plan. This reduction will occur even if the

DRC

PZ21-12000040

2/16/2022

NE 16 Street building offers optional valet service for residents, as valet storage will be available in the new parking structure.

Responses to DRC Comments. The following will include narrative responses, where warranted to the Zoning and Solid Waste comments received for the January 5, 2022 Developmental Review Committee meeting.

ZONING

1. Provide full written responses for each comment. If a drawing or document has been added or revised to address a comment, include the drawing or document name or number in your full comment response.

Acknowledged.

2. Revise all site data that has changed on sheet A-0.1 and throughout all sheets, including but not limited to number of dwelling units, site size, etc.

Site data on sheet A-0.1 has been updated to show the current land areas (acres). The Development Net Area consists of the Estimated Net Acres which excludes the basin. All tables have been reviewed and are accurate with our most update data. (Please see sheet A-0.1)

3. Provide data for the added garage building on the table, sheet A-0.1.

Sheet A-0.1 has been updated with the new garage building information. Setback, Height Limits and Parking Count have been updated to show the accurate information for the added garage building.

4. The Traffic Statement states that the new plan eliminates the valet service. However, the Project Narrative states that self or valet parking will be available. Please clarify whether valet is included in the project.

See above and revised traffic report.

5. Clarify whether any valet parking will occur within the garage on Federal Hwy/NE 23 Ave, or completely within the added garage on NE 16 St.

Since valet parking will not be mandated for the project, it is impossible to determine how many parking spaces will be used for valet purposes.

6. Provide the require stacking for both garages in accordance with Table 155.5101.G.8.B. Include dimensions on the plan indicating compliance with the requirements of this Table.

Stacking distances are now clearly provided on the plans.

7. The traffic study that was conducted with the previous application needs to be revisited to determine whether 1) the approved conditions from the Development Order will remain, or 2) a new traffic study will take place.

The Applicant believes that significant additional study is not required given the proposed reduction in density as well as the reduction in local trips anticipated through the use of the new parking structure.

8. An Air Park Obstruction determination letter must be obtained for this project.

The City's consultant has determined that, due to the reduction in height, no additional Air Park review will be required.

9. Provide information regarding the status of each of the conditions of the PZB and AAC Development Orders and of Ordinance 2019-26 below:

Conditions of the PZB Development Order 19-1200007 (Site Plan)

Obtain approval and revise affected plans to address the following issues prior to Zoning Compliance Permit approval:

1. Successfully obtain the following final approvals:
 - Air Park Obstruction Permit approval for building's height (PZ: 20-12400002).

Permit approved and remains valid.

- Valet Parking Agreement

The Valet Agreement will be completed prior to the completion of the project.

2. Resolve the following maneuverability issues:

- a. Provide a dock master to coordinate loading/refuse operations in order to minimize impacts to traffic along the roadways.

Will be provided.

- b. Revise circulation or layout as necessary so vehicles on south side of garage do not conflict with each other.

The revisions to the Federal Highway garage in the proposed plan have resolved any concerns.

- c. Address marine/boat delivery operations planned along NE 23rd Avenue. Provide an analysis along with a summary of the planned concept of the operations.

A dedicated pull off area has been provided along NE 23 Avenue. An operational plan will be provided at the time of development of the Federal Highway building.

3. Prior to the issuance of a building permit for the mixed-use development and subject to the approval of Broward County Traffic Engineering Division, the Applicant shall:

- a. Install additional "DO NOT BLOCK INTERSECTION" (R10-7) signs (ground mounted in the median and/or on the mast arm) for westbound NE 14th Street traffic to supplement the existing sign located on the sidewalk.

- b. Install supplemental plaques below the R10-7 signs stating the fine amount and applicable Florida statute "\$165 FINE - F.S. 316.2061"

- c. Install "DO NOT BLOCK INTERSECTION" intersection markings for the westbound lanes at the NE 14th Street/NE 23rd Avenue intersection consistent with Manual on Uniform Traffic Control Devices (MUTCD).

Will be provided prior to building permit as required.

4. Prior to the issuance of a building permit for the mixed-use development, the Applicant shall:

a. Provide the City with a payment of \$35,000 to fund a detailed traffic operations study at the NE 14th Street intersections at US 1/Federal Highway and NE 23rd Avenue after the issuance of a certificate of occupancy for the final residential unit in the project. The goal of the study is to assess normalized traffic operations in the study area with inclusion of the project's traffic and identify any signal phasing/timing/coordination improvements that would address deficiencies identified in the analysis.

b. Provide the City with a bond in a form acceptable to the City in the amount of \$250,000 to fund improvements identified as part of the future traffic operations study. Based upon review of current conditions; the improvements may include, but not be limited to traffic signal timing, the interconnection of the two (2) signalized intersection controllers, or the replacement of the two (2) existing intersection controllers with a single controller unit coordinating both intersections. The bond, along with any funds not expended in the study or improvements, will be released upon the earlier of the completion of any necessary improvements or thirty (30) months following the issuance of a certificate of occupancy for the final residential unit in the project.

c. Results of the Traffic Analysis to be forwarded to the Planning & Zoning Board for informational purposes.

Will be provided prior to building permit as required.

5. Standard conditions of approval and/or specifications required prior to Building Permit/Zoning Compliance Permit issuance:

a. Provide an updated School Capacity Availability Determination letter (SBBC-1919-2015, dated 12/18/2017) from the Broward County School Board.

b. Provide evidence that the development achieves at least 12 sustainable development points (TABLE 155.5802, Sustainable Development Options and Points).

c. Pursuant to Section §155.2416 [Master Sign Program] and Section §155.51002

DRC

[Sign Structure Design Standards], the proposed development shall obtain approval for signs and free standing sign structures from the AAC, prior to approval of a Sign Code Compliance Permit.

- d. Include a copy of the approved CPTED plan, approved by the Broward Sheriff's Office.
- e. Compliance with all applicable City Ordinances, including but not limited to comments issued by the Development Review Committee.
- f. Substantial compliance with the plans, as submitted with this application.

Will be provided prior to building permit as required. An updated School Capacity Availability Determination was issued in 2021 and adequate school capacity remains to support the proposed development.

- 6. The Applicant shall provide the City with a public access easement for the waterfront promenade linking NE 16 Street to NE 23 Avenue that provides for public pedestrian access during daylight hours.

Will be provided prior to building permit as required.

- 7. The Applicant shall install prominent signage within all levels of the parking garage requiring vehicles to be parked "back in only."

Will be provided at the time of development.

- 8. A location for the valet pick up area on NE 23rd Avenue must be agreed upon in order to avoid "U-turns" at the intersection of NE 23rd Avenue and NE 16 Street. Options include routing the return route along Federal Highway, creating a designated pickup area on the west side of NE 23 Avenue, or some other configuration as determined as part of the Valet Agreement, and approved by the Development Services Department and City's Parking Manager.

The modified valet system will alone significantly reduce the anticipated valet demand, but the pick-up area will be reviewed and approved through the Valet Agreement.

9. Applicant shall amend the landscape plan to include Live Oak (*Quercus virginiana*) or similar canopy trees at a minimum of twenty (20) feet in height and Washingtonia Palms (*Washingtonia robusta*) or similar palms at thirty (30) feet in height along the Federal Highway and NE 23rd Avenue rights of way in a manner to be reviewed by the City's Urban Forester at the time of building permit.

The Applicant will be requesting that this condition be deleted as the revised landscape plan has been designed in concert with the City's Urban Forester.

10. Applicant shall provide lighting levels at the exterior of the parking garage and along all property lines to be assessed prior to building permit issuance.

Will be provided prior to building permit as required.

11. Where possible, add additional details to screen the cars and light fixtures from the street. Options include adding mesh to the railings, a knee wall, and moving any light fixture that can be viewed.

These adjustments are reflected in the revised submittal and any necessary additional changes will be made at the time of building permit.

Conditions of the AAC Development Order 19-1200007 (Building Design)

Staff Conditions:

1. Building permit plans are subject to compliance with all applicable Code requirements, including but not limited to DRC and AAC comments issued for this site plan.

Acknowledged.

2. Landscape and Irrigation Plans must comply with Zoning Code requirements as verified by the City's Urban Forestry Division.

Acknowledged.

3. Provide overall design of park on NE 16th Street.

Once the PD Plan is revised as proposed, the public park space will no longer be part of the project.

4. Pursuant to Section §155.2416 [Master Sign Program] the proposed development shall obtain approval for signs and free standing sign structures from the AAC, prior to approval of a Sign Code Compliance Permit.

Acknowledged.

5. Provide an 11x17 Material and Paint sample board that is consistent with all materials and colors provided on the color elevations.

An updated material exhibit has been provided.

AAC Conditions:

1. The park on NE 16 St. will be reviewed by the Committee prior to the issuance of a building permit.

Acknowledged.

2. The artwork and/or decorative screening on the garage will return to the Committee for review how it attaches to the garage and what materials are proposed prior to receiving a building permit.

Acknowledged.

Rezoning Ordinance 2019-26.

CONDITIONS OF IMPLEMENTATION: This rezoning is subject to the following conditions which must be addressed as part of Site Plan approval.

- A. Prepare and file a Unity of Control document approved by the City for the entire development;

Recorded at Instrument No. 116328646

- B. Work with the City's Urban Forester to provide maximum landscaping for the site;
The Applicant continues to work with the Urban Forester to maximize landscaping.
- C. Provide an overall design of the park on NE 16th Street;
Once the PD Plan is revised as proposed, the public park space will no longer be part of the project.
- D. Obtain an Air Park Obstruction Permit approval from the Planning and Zoning Board;
Approved.
- E. Have Traffic Studies performed as indicated below:
- 1) Conduct a traffic operations analysis at the intersections of NE 14th Street/ NE 23rd Avenue and Federal Highway/ NE 14th Street including level of service, delays, and queue lengths. The analysis shall include weekday period field reviews and queue measurements and intersection blockages. The methodology and operations analysis shall be submitted to and approved by the City's Traffic Engineering Consultant. If deficiencies are identified the applicant shall construct improvements to address those deficiencies;
 - 2) Conduct a maneuverability analysis subject to review of the City's Traffic Engineering Consultant for the proposed development. The analysis shall utilize the appropriate AASHTO design vehicles for parking areas, loading areas, and garbage truck operations. If conflicts are identified the applicant shall revise plans to provide for efficient and safe traffic circulation;
Will be provided prior to building permit as required.
- F. Obtain final approval for the Valet Parking Agreement and record the agreement with the Broward County Records Division.
Will be provided prior to building permit as required.

SOLID WASTE

1. Ensure that there is adequate height clearance for servicing by garbage trucks. Garbage trucks require a minimum of 15 feet clearance for driving access and 22 feet of clearance for servicing dumpsters. The overhead door on NE 23rd Ave is noted as having a height of 12 feet but needs to have a minimum clearance of 15 feet.

Roll up doors located at both pick up areas are 17 feet high. Pick up area #1 has a roll up door that is 12' wide and 17' high and Pick up area #2 has a roll up door that is 24' wide and 17' high. A note has been added on the Refuse Vehicle Circulation Diagram (SP-3).

2. There may not be adequate or convenient garbage collection for the northwest portion of this building. Demonstrate how the garbage from the retail will be toted to the designated service/collection area.

In the Refuse Vehicle Circulation Diagram (SP-3) a diagram demonstrates how the garbage is picked up at the dedicated trash holding room and rolled across the cross walk to the main trash holding area where the building management will then roll the bins out to the service area in time for the garage service to pick up the trash.

3. Toting the garbage from the retail at the northwest portion of the building across NE 23 Avenue is not recommended.

We have taken this recommendation and modified our plans to dedicate a trash holding area for the retail on the north side of the Federal Highway building where the trash will then be rolled across to the main trash holding area at adequate times when traffic is low and it is safe to roll across a dedicated cross walk to the main trash room.

4. The trash holding room may not be adequate for the amount of retail/restaurant use. Toting the garbage across the entrance (connecting US1 to NE 23 Avenue) is not recommended.

As analyzed by a consultant and reflected on the plans, the trash rooms are capable of holding the amount of trash that will be produced by all retail/restaurant usage.

4. Garbage and recycling service vehicles must have access to the collection containers on site or in designated areas that do not interfere with traffic flow of the adjacent roadways

Pick up area #1 and #2 have been designed in a manner where service vehicles are not to interfere with traffic flow of the adjacent roadways. On sheet SP-3 shows a truck diagram route of where the truck will be turning into.

6. On the Truck Route Plan, show the truck turning radii (in feet) to all the service areas. Minimum turning radii are 35 feet inside and 50 feet outside.

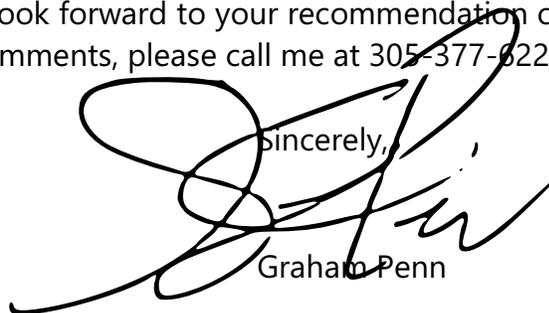
A dimension has been added to sheet SP-3 to show the minimum turning radii of the truck.

7. Backing out a garbage truck onto NE 23 Avenue is not recommended.

Understood. Garage trucks will be scheduled to come to the building at times when traffic is low.

Conclusion. The Harborside at Hidden Harbour development has been designed to implement the City's long-held policies related to infill development and the Federal Highway corridor. The approved 2020 PD plan was the result of a lengthy Land Use Plan and Planned Development review process. The revised 2021 PD plan represents a reduction in both density and intensity of development, while retaining all of the benefits of the approved design. We look forward to your recommendation on our application. If you have any questions or comments, please call me at 305-377-6229.

Sincerely,



Graham Penn

DRC