

April 2, 2012

Richard A. Berrie, P.A., MAURP
Vice President
Berrie Architecture & Design, Inc.
1844 North Nob Hill Road #420
Plantation, Florida 33322

RE: Removal of Affordable Housing Requirements for Reserve Unit Allocation for Atlantic
3350 - Resolution 2011-134

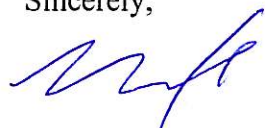
Dear Mr. Berrie:

We are in receipt of your letter requesting the elimination of the affordable housing requirement as conditioned for the allocation of 77 reserve units allocated to the Atlantic 3350 project per Resolution 2011-134. We agree that the AOD zoning regulations per code section 155.179(D)(4)(a) exempts the project from the requirement to provide the affordable housing component for the allocation of reserve units. Staff will initiate a revised Resolution for the project to eliminate this requirement. We can discuss the timing of the revised Resolution to best fit with the remainder of the project schedule.

The current allocation of reserve units expires on February 8, 2013 if a principal building permit has not been issued for the residential project. The PCD zoning overlay that you are currently requesting through the rezoning process, allows the reserve units to be vested as soon as a Site Plan is approved for any phase of the approved PCD Master Plan. If the PCD zoning is approved for the project before or concurrent with the revised Resolution for the seventy-seven reserve units, this language can be written into that Resolution. For this reason, it may be beneficial to complete the rezoning process and request approval of the revised reserve unit resolution after second reading of the rezoning ordinance.

If you have any questions or require any additional information at this time, please contact Jean E. Dolan, AICP at 954-786-5554 or via email at jean.dolan@copbfl.com.

Sincerely,



Robin M. Bird
Development Services Director

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1844 North Nob Hill Road - #420 • Plantation, Florida 33322

Phone (954) 472-6461 • Fax (954) 625-7555 • Email berrie@berriedesign.com

Date: March 7, 2012

To: Mr. Robin Bird, Development Services Director
City of Pompano Beach
100 West Atlantic Boulevard
Pompano Beach, Florida 33060

Re: Request to rescind the Affordable Housing Requirement for 77 Flex Residential Units that were awarded towards the proposed Atlantic 3350 Mixed Use Project to be located on the south west corner of Atlantic Boulevard and State Road A-1-A in the Atlantic Overlay District, Pompano Beach, Florida.

On February 8, 2011, per Resolution No. 2011-134, seventy-seven reserve residential units were allocated for the proposed mixed use development located at 3350 East Atlantic Boulevard. During this period, an Affordable Housing Requirement was required in all areas of the City of Pompano Beach per Ordinance Section 155.018 (D).

Per the current Zoning Code specifically for the Atlantic Boulevard Overlay District, section 155.179 (D) (4) (a) 'The requirement for affordable housing, as provided in § 155.018(D) Reserve and Flexibility Units shall not be applicable to properties located within the AOD.'

Since an Affordable Housing Requirement is no longer consistent with applicable goals, objectives and policies of the City of Pompano Beach Zoning Code for Projects with Residential Reserve and Flexibility Units located in the Atlantic Overlay District, we request that the Affordable Housing Requirement in Resolution No. 2011-134 be rescinded for the proposed Project.

Thank you for your time and consideration.

A handwritten signature in purple ink, appearing to read 'Richard A. Berrie', is written over a horizontal line.

Mr. Richard A. Berrie, P.A., MAURP
VP for the firm.

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CITY OF POMPANO BEACH
Broward County, Florida

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF POMPANO BEACH, FLORIDA, ALLOCATING SEVENTY-
SEVEN RESERVE UNITS FOR A PROPOSED MIXED USE
DEVELOPMENT LOCATED AT 3350 EAST ATLANTIC
BOULEVARD; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Atlantic 3350 LLC requests an allocation of seventy-seven (77) reserve units in order to construct 77 dwelling units along with hotel and retail uses on a property known as 3350 East Atlantic Boulevard, legally described in Exhibit "A"; and

WHEREAS, the City of Pompano Beach has passed Ordinance No. 2007-48 which requires that applications for flex and reserve units must comply with certain requirements to construct affordable housing; and

WHEREAS, the applicant proposes to construct 13 units as low-income housing units, and thereby complies with the affordable housing requirements of Ordinance No. 2007-48, which requires a minimum of 13 low-income housing units; and

WHEREAS, the proposed density of the freestanding residential building would not exceed the maximum density of 46 dwelling units per net acre as allowed in the B-3, General Business, Zoning District; and

WHEREAS, in order to construct the proposed freestanding residential building on the subject property, the city will have to allocate 77 units; now, therefore,

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO
BEACH, FLORIDA:**

SECTION 1. That the City Commission of the City of Pompano Beach hereby allocates 77

reserve units, of which 77 units will come from the Zone 24 to be constructed on property known as

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3350 East Atlantic Boulevard, which is legally described in Exhibit "A," which is attached hereto and made a part hereof.

SECTION 2. That the number of reserve units in Flex Zone 24 shall be reduced by 77 units.

SECTION 3. That the proposed project must be built in substantial conformity with the attached conceptual site plan as shown in Exhibit "B," a copy of which is attached hereto and made a part hereof.

SECTION 4. That the applicant must comply with the affordable housing requirements of Ordinance No. 2007-48 by constructing a minimum of 13 low-income housing units.

SECTION 5. Failure of the applicant to obtain a principal building permit for its freestanding residential project as shown in Exhibit "B" attached, within two years of the date of this resolution shall render the allocation of 77 units null and void.

SECTION 6. Failure of the applicant to construct the residential project substantially in accordance with the conceptual site plan as shown in Exhibit "B" attached, shall render the allocation of 77 units null and void; the units may not be used for or applied to any other project or projects.

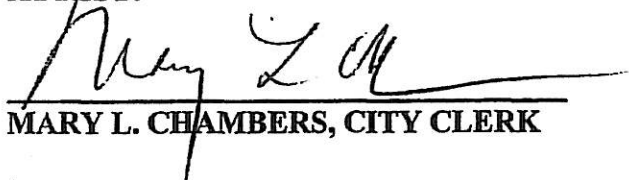
SECTION 7. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this 8th day of February, 2011



LAMAR FISHER, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK

jrm
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EXHIBIT "A"

ATLANTIC 3350

3350 E ATLANTIC BOULEVARD

POMPANO BEACH, FLORIDA 33062

LEGAL DESCRIPTION

ALL OF LOTS 1 THROUGH 15, BLOCK 7, OF "POMPANO BEACH BLOUNT BROS. REALTY CO.'S SUBDIVISION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 43 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA;

LESS: THE NORTHERLY 25.9 FEET OF LOT 1, AND THE NORTHERLY 25 FEET OF LOTS 11 THROUGH 15, BLOCK 7, OF SAID "POMPANO BEACH BLOUNT BROS. REALTY CO.'S SUBDIVISION"; ALSO LESS: THE EASTERLY 15 FEET OF LOTS 1 THROUGH 5, BLOCK 7, OF SAID "POMPANO BEACH BLOUNT BROS. REALTY CO.'S SUBDIVISION"; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 49 SOUTH, RANGE 43 EAST; THENCE WESTERLY, ALONG THE NORTHERLY LINE OF SAID SECTION 6, USING AN ASSUMED BEARING OF SOUTH 89°50'30" WEST, A DISTANCE OF 292.43 FEET; THENCE SOUTH 00°09'30" EAST, A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST LINE OF LOT 11, BLOCK 7, OF SAID "POMPANO BEACH BLOUNT BROS. REALTY CO.'S SUBDIVISION", AND THE POINT OF BEGINNING; THENCE NORTH 89°50'30" EAST, ON A LINE 50.00 FEET SOUTH OF AND PARALLEL TO THE SAID NORTHERLY LINE OF SECTION 6, TOWNSHIP 49 SOUTH, RANGE 43 EAST, A DISTANCE OF 250.80 FEET; THENCE SOUTH 04°25'43" WEST, A DISTANCE OF 0.82 FEET; THENCE NORTH 89°53'51" EAST, A DISTANCE OF 135.42 FEET; THENCE SOUTH 04°25'45" WEST, A DISTANCE OF 230.86 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 20 FEET AND A CENTRAL ANGLE OF 90°00'00"; THENCE SOUTHWESTERLY AN ARC DISTANCE OF 31.42 FEET TO A POINT OF TANGENCY; THENCE NORTH 85°34'15" WEST, A DISTANCE OF 365.00 FEET; THENCE NORTH 04°25'45" EAST, A DISTANCE OF 220.92 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF POMPANO BEACH, FLORIDA AND CONTAINING 90,795.4 SQUARE FEET (2.08 ACRES) MORE OR LESS.

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EXHIBIT "B"

