



Legislation Text

File #: LN-482, Version: 4

DEVELOPMENT REVIEW COMMITTEE  
Meeting Date: JULY 3, 2024

**2233 E ATLANTIC**

**Request:** Major Site Plan  
**P&Z#** 22-12000041  
**Owner:** 2233 Atlantic LLC  
**Project Location:** 2233 E Atlantic Blvd  
**Folio Number:** 484236012070, 484236012061 & 484236012060  
**Land Use Designation:** ETOC (East Transit Oriented Corridor)  
**Zoning District:** TO-EOD (Transit Oriented East Overlay District)  
**Commission District:** 1 (Andrea McGee)  
**Agent:** Bumi Jung (201-232-2441 / admin@ma77er.com)  
**Project Planner:** Lauren Gratzer (954-545-7792 / lauren.gratzer@copbfl.com)

**Summary:**

The applicant is requesting MAJOR SITE PLAN and BUILDING DESIGN approval in order to construct a new 2,100 SF commercial building on an existing mixed-use site. This is a resubmittal from the July 19, 2023, September 20, 2023, and December 20, 2023 DRC meetings.

**Staff Conditions:**

**PLANNING**

Max Wemyss | max.wemyss@copbfl.com

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Notes / No Action Necessary:

1. Land use for this parcel is ETOC. An application requesting to construct 2,100 square feet of retail/commercial ( in addition to the existing building area: 5,597 sq. ft). The residential component proposed with the pre-application meeting (4 additional units) has been removed from the scope.

2. The property was platted in the Miami Dade Records prior to June 4, 1953. A platting determination letter from Broward County Planning Council, confirms that platting is NOT required for this development.
3. A School Capacity Availability Determination (SCAD) letter from the Broward County School Board confirms that student capacity is NOT required as no residential is proposed.
4. The city has sufficient waste water treatment capacity to accommodate the proposal.

## ZONING

Lauren Gratzer | lauren.gratzer@copbfl.com

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1. This project is being reviewed as a Major Site Plan with Building Design under the standards for the TO/EOD. Any existing non-conforming site features must come into compliance for all requirements, not just the new building. This includes off-street parking, landscaping, screening, walls/fences, and exterior lighting, per Code Section 155.7502.
2. Move the trash staging area out of the travel lane, behind the line of the landscape island on the street side. The current location is blocking the exit lane of the development.
3. Per discussions with the Urban Forester, provide a note on the trash pickup plan that the trash truck will not drive through the on-street parking spaces #30-32, underneath the existing trees.
4. Comment not addressed: Staff suggests adding pedestrian level windows to the rear of the proposed building (north façade) in order to promote this as an entrance to the proposed retail units and create a friendlier, more inviting façade. Alternatively, the doors can be glass in order to promote visibility into the storefronts. Windows or clear doors will also enhance the security of this back entrance to allow the patrons or employees to see out of the building and inspect for any dangerous situations before leaving the building.
5. Comment not addressed: Update the scope of work statement on the site plan data table from a “new 3,000 SF building” to 2,100 SF.
6. Update the project narrative with the new project square footage, as well.
7. Previous comment not addressed: The setbacks listed on the site plan data table should be the setbacks for the overall site, to the point of the closest building on site (existing or proposed), not to the proposed building as it is not the closest point. Revise the chart to state the provided street side (south) setback is 2’-6” as previously stated. Also, revise the existing and provided setback for the north setback to state 60’ as this is the closest point to the existing building, not 62’-4” (the site plan shows the building point closer than this).
8. Previous comment not addressed: Update the photometric plan to be consistent with the site plan changes.
9. The following must be addressed prior to building permit approval:
  - a. The subject properties must be unified as one. The applicant shall submit a Unity of Title directly to me via email, outside of this DRC submission.

- b. The applicant shall provide evidence of compliance for the points used for the Sustainability Narrative as submitted to the DRC by time of building permit approval in accordance with Table 155.5802: Sustainable Development Options and Points. This includes, but is not limited to, energy star documentation for the A/C, tankless water heater details, and the permeable surfacing material details.

## LANDSCAPE REVIEW

Wade Collum | wade.collum@copbfl.com

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1. Please note more boldly on the plan at time of Building permit submittal that all overhead utilities will be buried for this project as per 155.5509.
2. Appears that on street parking is being proposed in areas of large existing trees. Please provide more specifics as it relates
  - Soil analysis
  - a detail for the change in grade
  - a solution for pervious pavers / permeable pavement with no road rock (ph neutral) as a subbase
  - fertilizer program
  - root aeration and biochar application
  - long term documented and contracted prescription pruning program to establish a more central leader
3. Remove any reference to gravel / mulch. A hedge row can be used. Please show sod in the balance of the area.
4. All tree work will require permitting by a registered Broward County Tree Trimmer.
5. Provide a comment response sheet as to specifically how comments have been addressed at time of resubmittal.
6. Additional comments may be rendered a time of resubmittal.

## FIRE DEPARTMENT

Jim Galloway | jim.galloway@copbfl.com

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This P&Z application is able to meet all of the Fire Department requirements at this time for Site Plan Review. However, the petitioner shall maintain all proper fire department access and water supply requirements as per chapter 18 of NFPA 1 as amended from time to time.

\*Additional comments may follow throughout the remainder of the permitting process. The buildings shall be in compliance with All NFPA Standards prior to receiving Fire Department approval.

## **ENGINEERING DEPARTMENT**

David McGirr | david.mcgirr@copbfl.com

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The following comments must be addressed prior to the submission of these plans to the Building Division for formal plan review and permitting:

1. Submit/ upload the (BCEPMGD) Broward County Environmental Protection and Growth Management Division Surface Water Management permit or exemption.
2. Prior to the approval of the City Engineering division, the City's Utilities Division must approve these plans.
3. Prior to the approval of the City Engineering division, the City's Planning and Zoning Division must approve these plans.

PLEASE PROVIDE A NARRATIVE RESPONSE TO THESE REVIEW COMMENTS (IF APPLICABLE), SEE MARKUPS (IF REFERENCED) AND CLEARLY SHOW CHANGES ON PLANS USING CLOUDED DETAILS AND DELTA REVISION MARKS AS NECESSARY.

\*\*\*\* Please note - additional review comments may be issued by the City Engineering Division throughout the remainder of the permitting process while the civil engineering plans are being finalized

for this project. \*\*\*\*

## UTILITIES

Nathaniel Watson | Nathaniel.Watson@copbfl.com

### Status

Comments not provided as of 6/20/24. Contact Nathaniel Watson directly for comments.

## BSO

Anthony Russo | Anthony\_Russo@sheriff.org

Authorized

Reviewer: BSO Deputy T. Russo for the City of Pompano Beach

Reviewer: BSO Deputy P. Noble for the City of Pompano Beach

anthony\_russo@sheriff.org

M-(561) 917-4556 (Text & Email; No Voicemail)

Tuesday - Friday; 8 AM - 3 PM

patrick\_noble@sheriff.org

M-(954) 709-7006 (Text & Email; No Voicemail)

Monday - Thursday; 8 AM - 3 PM

### A. \*\*\* CPTED / SECURITY CONSULTANT \*\*\*

The services of an independent, & highly experienced, qualified, & certified Security Crime Prevention/ CPTED Consultant are highly recommended to achieve & maintain objective credible security review integrity, & to expedite processing.

### B. \*\*\* DISCLAIMER \*\*\*

SAFETY & SECURITY REVIEWS do not guarantee a crime will never occur; it is an effort to mitigate

opportunities for crime & to help avoid any present & future security deficiencies, conflicts, threats, breaches, or liabilities that might occur without any review.

C. \*\*\*PLEASE NOTE\*\*\*

When a Broward Sheriff's Office CPTED Practitioner is required to assist in an inspection of the project during the Certificate of Completion &/or Certificate of Occupancy Application Phase, Security Strengthening & CPTED measures that have not been adequately addressed will still be required to ensure the safety & well-being of the employees, residents, tenants, visitors & all legitimate users of the site.

D. \*\*\* ADDITIONAL PROJECT FEATURES AFFECTING CPTED/ SECURITY STRENGTHENING \*\*\*

Any project features that may affect the principles & goals of Security Strengthening & CPTED on any of the other plan sections should also be included in the CPTED/ Security Plans.

As an example: If a picket style see-through perimeter fence has its Natural Surveillance advantage eliminated because there are plans to install opaque screening over all &/or sections of the perimeter fence, then this information must be included in the CPTED/ Security Narrative Plan & Drawing Diagram for further analysis by the BSO Security Plan reviewer.

## **BUILDING DIVISION**

Todd Stricker | todd.stricker@copbfl.com

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### Advisory Comments

A preliminary examination of the documents has been performed; additional comments may apply when completed plans and/or specifications have been submitted for permitting to the building department.

Buildings shall comply with all local, state and federal codes in effect at time of application, including FEMA Floodplain, NPDES and HVHZ regulations.

FBC\_BCA 105.2.3 Public service agencies/other approvals. The building official shall require that the laws, rules and regulations of any other regulatory AHJ, and where such laws, rules and regulations are applicable and are known to the building official, shall be satisfied before a permit shall be issued. The building official shall require such evidence, as in his or her opinion is reasonable, to show such other

approvals.

City Ordinance 53.16(A)(1) Construction sites and construction activities. construction sites and operations shall be required to maintain during and after all construction, development excavation or alteration operations, structural and non-structural best management practices with the intent to reduce pollutants and sediment in stormwater runoff.

City Ordinance 152.06(A): If applicable, contractor shall provide temporary screened fence complying with City Ordinance 152.06(B) through 152.06(G).

FBC 3306.1 Pedestrians shall be protected during construction, remodeling and demolition activities as required by this Chapter and Table 3306.1. Signs shall be provided to direct pedestrian traffic.

City Ordinance 152.25(A) Site plans and construction documents, Information for development in areas with base flood elevations. The site plan or construction documents for any development subject to the requirements of the floodplain regulations shall be drawn to scale and shall include, as applicable to the proposed development all sections from: City Ordinance 152.25 (A)(1) thru City Ordinance 152.25 (A)(7). Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation (s), and ground elevations if necessary for review of the proposed development, etc. residential buildings shall comply with City Ordinance 152.29(C)(1)(A) and nonresidential buildings shall comply with City Ordinance 152.29(C)(1)(B).

FHA Title VIII of the Civil Rights Act of 1968, commonly known as the Fair Housing Act, prohibits discrimination in the sale, rental, and financing of dwellings based on race, color, religion, sex, and national origin. In 1988, Congress passed the Fair Housing Amendments Act. The Amendments expand coverage of Title VIII to prohibit discriminatory housing practices based on disability and familial status. Now it is unlawful to deny the rental or sale of a dwelling unit to a person because that person has a disability.

FBC A201.1 This code establishes standards for accessibility to places of public accommodation and commercial facilities by individuals with disabilities. All new or altered public buildings and facilities, private buildings and facilities, places of public accommodation and commercial facilities subject to this code shall comply with 2020 FBC Accessibility.

FBC A221.1.1 Florida vertical accessibility. Nothing in this code relieves the owner of any building, structure, or facility governed by this code from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the ADA standards for accessible

design require an elevator to be installed in such building, structure or facility.

FBC A206.2.1 Site arrival points. At least one accessible route shall be provided within the site from accessible parking spaces complying with FBC A502 and accessible passenger loading zones complying with FBC A209; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve.

FBC\_BCA 107.3.4.0.6 Compliance with the specific minimum requirements of this code shall not be in itself deemed sufficient to assure that a building or structure complies with all of the requirements of this code. It is the responsibility of the architect and/or engineer of record for the building, structure or facility to determine through rational analysis what design requirements are necessary to comply with 2020 FBC.

1. FBC\_BCA 107.1 As per the building official, separate building applications will be required for erosion control, site work, temporary fences, monumental signage and miscellaneous site structures.

2. FBC\_BCA 105.9 Asbestos. The enforcing agency shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of section 469.003 Florida Statutes and to notify the department of environmental protection of his or her intentions to remove asbestos, when applicable, in accordance with state and federal law. Contractor will be required to submit Broward County asbestos program certificate of submittal indicating that the statement of responsibility has been submitted.

3. FBC [F] 903.2 The enforcing agency will require that all provisions for an approved automatic sprinkler systems in new buildings and structures be provided in the locations described in sections 903.2.1 through 903.2.12 if applicable.

4. FBC 701.1 The enforcing agency will require that the provisions of this chapter, governing the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings, comply with this section of the code.

5. FBC 703.2 Fire-resistance ratings. Where materials, systems or devices that have not been tested as part of a fire-resistance-rated assembly are incorporated into the building element, component or assembly, sufficient data shall be made available to the building official to show that the required fire-resistance rating is not reduced. Materials and methods of construction used to protect joints and

penetrations in fire-resistance-rated building elements, components or assemblies shall not reduce the required fire-resistance rating.

6. FBC 1003.1 The enforcing agency will require that all general requirements specified in sections 1003 through 1013, applicable to all three elements of the means of egress system, in addition to those specific requirements for the exit access, the exit and the exit discharge, comply with this section of the code.

7. FBC 1029.1 In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue openings in Group R-2 Occupancies in accordance with Tables 1021.2(1) and 1021.2(2) and Group R-3 Occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening in accordance with this section.

8. FBC\_BCA 107.1.1 The enforcing agency will require a life safety plan illustrating the floor area with proposed alterations with each room labeled. indicate construction type, fire rated walls, occupancy type: (current and proposed), occupancy load, means of egress, common path/travel distance/dead end corridor limits, accessibility accommodations including areas of refuge if applicable, emergency lighting, exits/exit signage, fire extinguishers, smoke alarms, fire suppression system and pull stations if applicable. Also provide tested design from accepted agency for rated walls and penetration details.

9. FBC\_BCA 107.3.5.6 The enforcing agency will require product approvals be reviewed and approved by the building designer prior to submittal to verify that such products comply with the design specifications. Reviewed and approved product approvals shall then become part of the plans and/or specifications. Product approval shall be filed with the building official for review and approval prior to installation.

10. FBC\_BCA 107.3.5.2 The enforcing agency will require that all shop drawings, (i.e. components attached to building structure, trusses/joists, window walls, railings, awnings, chutes...etc), necessary to show compliance with applicable codes; shall be approved by the architect or professional engineer and submitted to the building official prior to installation.

11. F.S. 481.221(2) The enforcing agency will require digital signature panel to be active on all documents submitted for review to authenticate the serial number matches the submitted ESA. F.A.C. 61g1-16.005 Each sheet is required to be digitally or electronically signed, and bear the impress seal of, an architect or engineer (FBC\_BCA 107.3.4.0.1).

12. FBC\_BCA 107.3.4.0.8 All plans and/or specifications prepared by an architect or an engineer pursuant to the requirements of this code shall be hand signed, dated and sealed.

13. FBC\_BCA 110.10.1 The enforcing agency will require a special inspector for various components of the building as determined by the building official. Building dept. will require special inspector form be completed and submitted for approval.

14. FBC\_BCA 110.7 For threshold buildings, shoring and associated formwork or false work shall be designed and inspected by an engineer, employed by the permit holder or subcontractor, prior to any required mandatory inspections by the threshold building inspector.

15. FBC\_BCA 110.8.1 The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building.

16. FBC 1512.3.1 The enforcing agency will require that all new roofing construction, including recovering and reroofing, repair or maintenance shall have A HVHZ uniform roofing permit application, as established by the authority having jurisdiction, completed and executed by a licensed contractor.

Fbc 1512.3.2 The uniform roofing permit shall include calculations in accordance With Chapter 16 (High-Velocity Hurricane Zones) of this code, unless the roofing assembly is less than the height/pressure threshold allowed in the applicable protocols herein.

17. FBC A208.2 Minimum number. Parking spaces complying with 502 shall be provided in accordance with table 208.2 except as required by 208.2.1, 208.2.2, and 208.2.3. Where more than one parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated according to the number of spaces required for each parking facility.

18. FBC A208.2.3.3 Parking for guests, employees, and other non-residents. Where parking spaces are provided for persons other than residents, parking shall be provided in accordance with table 208.2.

19. FBC A502.6 The enforcing agency will require parking space identification comply with the following code: signs shall include the international symbol of accessibility complying with FBC A703.7.2.1. Signs identifying van parking spaces when required By FBC A502.2 shall contain the designation "Van Accessible." Reference Engineering Standard 300-5.

20. If Applicable, FBC R802.1.7.1 [IRC R802.10.1] Truss design drawings, prepared in conformance with section R802.1.7.1, shall be provided to the building official and approved prior to installation.

21. FBC 3303.5 Water Accumulation. The enforcing agency will require provisions be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property.

22. 1804.4 Site Grading. The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than one unit vertical in 20 units horizontal (5-percent slope) for a minimum distance of 10 feet measured perpendicular to the face of the wall. If physical obstructions or lot lines prohibit 10 feet of horizontal distance, a 5-percent slope shall be provided to an approved alternative method of diverting water away from the foundation. Swales used for this purpose shall be sloped a minimum of 2 percent where located within 10 feet of the building foundation. Impervious surfaces within 10 feet of the building foundation shall be sloped a minimum of 2 percent away from the building.

23. FBC\_BCA 110.13.2.1 It shall be the joint responsibility of any owner of real property upon which construction is occurring, and any contractor responsible for said construction, to ensure that all road rights-of-way remain free at all times of all construction waste and trash resulting from such construction, and that all waste and trash resulting from the construction are contained on the real property upon which the construction occurs.

24. FBC\_BCA 109.3 Building Permit Valuations. The applicant for a permit shall provide an estimated permit value at a time of application. Permit valuations, shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems.

25. FBC\_BCA 110.8.5.4 All plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with this section and chapter 633, Florida Statutes.

PLEASE NOTE: Applications that require resubmission to the DRC have 45 days from the time of original DRC meeting in which to resubmit. Applications that fail to be resubmitted before the completion of these 45 days, or fail to receive a time extension from the Development Services Director, shall be considered withdrawn (§155.2304.B).