

## Legislation Text

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**File #:** LN-194, **Version:** 9

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DEVELOPMENT REVIEW COMMITTEE

Meeting Date: FEBRUARY 7, 2024

### OCEAN PARK POMpano BEACH SITE PLAN

**Request:** Major Site Plan  
**P&Z#** 21-12000037  
**Owner:** Mount Vernon Property Holdings LLC.  
**Project Location:** 1508 N Ocean Boulevard  
**Folio Number:** 484329110010  
**Land Use Designation:** H (High 25-46 DU/AC)  
**Zoning District:** PD-I (Planned Development - Infill)  
**Commission District:** 1 (Andrea McGee)  
**Agent:** Andrea Harper (954-788-3400 / aharper@keithteam.com)  
**Project Planner:** Diego Guevara (954-786-4310 / diego.guevara@copbfl.com)

#### Summary:

The applicant requests approval of a Minor Deviation from the approved site plan. This is a mixed-use project consisting of a four-story podium and two 19 story height towers that include commercial spaces, 28 luxury residential condominiums with associated parking, landscaping, and amenities on a property located on the southeast corner of North Ocean Boulevard (A1A) and NE16<sup>th</sup> Street.

#### Staff Review and Conditions:

##### PLANNING

Max Wemyss | [max.wemyss@copbfl.com](mailto:max.wemyss@copbfl.com) <<mailto:max.wemyss@copbfl.com>>

Status: Authorized with Conditions.

No Action Necessary.

1. Land use for this parcel is Residential (H- High Residential 25-46 DU/AC), the zoning for this property is PD-I (Ord. 2019-81). The size of this property is approximately .62 acres net acres (27,045 square feet) and .86 gross acres; resulting in approximately 39 units (permitted by the land use 39 units per gross acre). The PD-I limits the number of residential units to allow 28 units (all 3 bedroom units).
2. The property was platted in 1922 (Plat of Government Lot 3 - PB: 1 Pg. 25) . The Applicant has submitted a new plat application to the City (P&Z: 21-14000021): Ocean Park Plat.
3. A School Capacity Availability Determination (SCAD) Letter from the Broward County School Board, dated 11/30/2021 was submitted noting that the 28 unit high-rise condo is exempt from school concurrency.
4. The property is abuts N Ocean Blvd (AKA: A1A) and NE 16 Street. The site plan indicates that there is an existing 50 feet of right-of-way dedicated for NE 16th Street & 10.6 feet will be dedicated along N Ocean Blvd. No additional ROW is required along NE 16 Street. The property fronts onto N Ocean Blvd (AKA: A1A), which is identified on the Broward County Trafficways Plan. Both the Trafficways Plan & Chapter 100.01 requires a

minimum of 80 feet for this roadway (as proposed by the Applicant).

5. The city has sufficient capacity to accommodate the proposal.

## ZONING

Diego Guevara | [diego.guevara@copbfl.com](mailto:diego.guevara@copbfl.com) <<mailto:diego.guevara@copbfl.com>>

Status: Pending Resubmit

1. The on-street parking spaces provided are for public use; they shall not be included in the calculation or the parking table provided.
2. Revise the Lot Coverage Diagram. The lot coverage includes more than the parking garage area.
3. Revise the floor plans. Some of the drawings include furniture that is out of the building terraces.
4. The West Elevation shows a structure located at the north of the building. Please explain what is it, and add it to the site plan as needed. If this corresponds to the trash containers staging area, please remove it from the elevation drawings. A label on the site plan will be enough. Only the permanent elements should be part of the drawings.
5. The East elevation shows two overhangs, one at the second-floor level and the other at the first floor which drops down to the ground level. When it changes from the overhang to the ground, it becomes a wall. As a wall this element is encroaching into the setback. Then, the setback gets reduce to 7 feet or less if we consider that you are having few tables along the setback. Revise and modify as needed.
6. The previous comments regarding the progress of the park design were not completely addressed. We are not asking the terms of the agreement, we want to get an update of the status of the park design. The comments remain until addressed.
7. The Site plan shows the south wall of the building extending to the property line, two doors, and 3 bicycle racks. Are you extending the wall or is this a drafting mistake? Please explain and revise the drawings as needed.
8. The proposed sculpture must be reviewed and approved by the Architectural Appearance Committee. Define the element as soon as possible to avoid any future delays in the approval of the project. Let us know who is the artist, the renders and the design of the art piece. To get a DO this element needs to be defined.

## BUILDING DIVISION:

Todd Stricker | [todd.stricker@copbfl.com](mailto:todd.stricker@copbfl.com) <<mailto:todd.stricker@copbfl.com>>

Status: Authorized with Conditions.

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 2017 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 2017 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 [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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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).

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

## ENGINEERING DEPARTMENT

David McGirr | [david.mcgirr@copbfl.com](mailto:david.mcgirr@copbfl.com) <<mailto:david.mcgirr@copbfl.com>>

Status: Pending Resubmit

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

PLAN SHEET 712-LP-100 LANDSCAPE PLAN DOES NOT MATCH PLAN SHEET 406 PGD PLAN, PLAN SHEET 126-SP-1 SITEPLAN OR PLAN SHEET 410-CU-101 WS.

1. Submit/ upload the (BCEPMGD) Broward County Environmental Protection and Growth Management Division Surface Water Management permit or exemption for the proposed paving and drainage shown on the civil engineering drawings.

2. Submit / upload a copy of the (FDOT) Florida Department of Transportation driveway connection permit or exemption for the proposed driveway, roadway curb and gutter and sidewalk to be constructed within the road right-of-way of state road A1A.
3. Submit / upload a copy of the (FDOT) Florida Department of Transportation driveway drainage connection permit or exemption for the proposed driveway, roadway curb and gutter and sidewalk to be constructed within the road right-of-way of state road A1A.
4. Submit / upload a copy of the (FDOT) Florida Department of Transportation utility construction permit or exemption for the proposed off-site potable water, reclaimed water and sewer main or lines to be constructed within the road right-of-way of state road A1A.
5. Prior to the approval of the City Engineering division, the City's Planning and Zoning Division must approve these plans.
6. The proposed water services and sanitary sewer connection to service this project must be approved by the City of Pompano Beach Utilities Division.

\*\*\*\* 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. \*\*\*\*

#### **FIRE DEPARTMENT**

Jim Galloway | [jim.galloway@copbfl.com](mailto:jim.galloway@copbfl.com) <mailto:jim.galloway@copbfl.com>

Status: Authorized with Conditions.

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.

#### **LANDSCAPE**

Wade Collum | [wade.collum@copbfl.com](mailto:wade.collum@copbfl.com) <mailto:wade.collum@copbfl.com>

Status: Authorized with Conditions

NOTE: There are conflicting and duplicative plans in the system, please meet with DRC intake person to clean up submittal.

NOTE; It appears that sheets and the tree appraisal info are missing based on comment responses dated 1/2/24.

1. Many thanks for the detailed comment response sheet and corrections
2. Including the FA's and Green Buttonwood. Palms are calculated by cost replacement method and provides a dollar value for each existing tree included on the tree survey in accordance with Code Section 155.2411, and Part 5. For palms appraisals are based per the above and calculated by the Replacement cost based on height (i.e. CT, CW, OA). Include large canopy trees overhanging form the public park to the east. No information on sheet LD-101. NEW Provide methodology for tree appraisal as all values appear to be low. All trees are to be appraised based on the Rule 14-40.030, Florida Administrative Code, provide worksheets for all the trees appraised. No information on sheet LD-101. NEW Provide the dollar value for specimen trees, height on palms, and DBH of all non specimen trees removed vs. the dollar value, palm height, and caliper of trees replaced. It is a DBH to caliper calculation and has nothing to do with SF. No information on sheet LD-101
3. As per 155.5204.E.b.i-iv; Mitigation is to be above and beyond required plantings. No information on sheet LD-101
4. 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. Remove the words structural soil form the details on sheet LP.502 and show the suspended pavement.

5. All of the suspended pavement locations must be shown on the landscape and Civil plans .
6. Staff recommends shielding the Lysilomas by having a Green Buttonwood on the East End. Staff has concerns about the use of Lysilomas in this aerosol salt and windy area that they will not become established and thrive. Consider a more adaptable tree to this unique environment.
7. COER symbols do not seem to match
8. SAPA symbols are washed out, please correct for the purposes of inspections.
9. FA on NE corner can remain???
10. Can some more Thrinax be added to the other planters on the north face?
11. Please provide a staggered grouping of palms, Washingtonia's or similar, at the street facing corners to soften the building and create sense of scale as it pertains to the pedestrian realm.
12. The project will have to bond for the value of the neighboring Green Buttonwood to ensure its care above and below ground by the contraction team
13. Provide trees on the East side bordering the park to create a landscape buffer along the East side to offer some separation form the Park parcel. This was intended to be an onsite delineation of landscaping.
14. Provide values of the trees on the adjoining park property. There is a champion sized Green Buttonwood on the site and the proposed appears to be impacting the critical root zone of that tree and adjustments are going to have to be made to preserve this area.
15. All tree work will require permitting by a registered Broward County Tree Trimmer.
16. Provide a comment response sheet as to specifically how comments have been addressed at time of resubmittal.
17. Additional comments may be rendered a time of resubmittal.

## **SOLID WASTE & RECYCLING**

Beth Dubow | [beth.dubow@copbfl.com](mailto:beth.dubow@copbfl.com) <<mailto:beth.dubow@copbfl.com>>

Status: Authorized with Conditions

1. Remove the letter and plan review from Waste Management (items 023 and 024) from the documents folder for this submittal. Waste Management is no longer the waste collecting franchise contracted for business with the City of Pompano Beach. ALL waste collection must be done by the current franchise, Coastal Waste and Recycling, Inc. Commercial recycling collection service, however, may be obtained from a recovered materials hauler.

NOTE: Separate garbage and recycling collection for the commercial/office and residential uses is recommended. Comingling the residential and commercial trash will likely result in increased collection expenses.

NOTE: Recycling collection is not required, but it is highly encouraged. Residential recycling collection may be obtained from Coastal Waste and Recycling. Commercial recycling collection service may be obtained from a recovered materials hauler of the owner's/manager's choosing.

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 (Coastal Waste and Recycling 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.

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](mailto:beth.dubow@copbfl.com) should you have any questions or concerns regarding this review.

## **UTILITIES**

Nathaniel Watson | [nathaniel.watson@copbfl.com](mailto:nathaniel.watson@copbfl.com) <<mailto:nathaniel.watson@copbfl.com>>

Status: Authorized with Conditions

1. Please note that additional comments may be forth coming contingent upon future submittals to the PAM and/or DRC review process.
2. Please procure an approved Broward County EPD Surface Water Management permit or exemption for the proposed site and off-site work. Required during official Bldg. e-plan submittal.

**BSO**

Patrick Noble | [patrick.noble@sheriff.org](mailto:patrick.noble@sheriff.org) <<mailto:patrick.noble@sheriff.org>>

Status: Authorized

Reviewer: BSO Deputy Tony Russo for the City of Pompano Beach  
Reviewer: BSO Deputy Patrick Noble for the City of Pompano Beach  
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Monday - Thursday; 8 AM - 4 PM

**\*\*\* ATTENTION IMPORTANT \*\*\***

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

**\*\*\* DISCLAIMER \*\*\***

This safety and security review does not guarantee a crime will never occur; it is an effort to mitigate opportunities for crime and to help avoid any present and future security deficiencies, conflicts, threats, breaches, or liabilities that might occur without any review.

**\*\*\* ATTENTION IMPORTANT \*\*\***

AS PER CODE 155.2407.E.9., AT THE TIME OF PERMIT SUBMITTAL, THE CPTED SECURITY STRENGTHENING DRAWING PLAN AND SEPARATE CPTED SECURITY STRENGTHENING DRAWING PLAN NARRATIVE SHALL BOTH BE SUBMITTED AS PART OF THE REQUIREMENTS FOR PLANNING & ZONING REVIEW AND APPROVAL.

**\*\*\*ATTENTION IMPORTANT\*\*\***

Participation in the BSO No Trespassing Program is required. If this site is already on the program, then additional signage may be necessary along with an updated affidavit signed by authorized personnel. Please contact the BSO Pompano Beach C.P.T.E.D Advisor regarding placement of the No Trespass Signs.

**CRA**

Kimberly Vazquez | [kimberly.vazquez@copbfl.com](mailto:kimberly.vazquez@copbfl.com) <<mailto:kimberly.vazquez@copbfl.com>>

Status: Authorized

This project is located outside of the CRA district. No comment on this project.