



City staff is continuously working on answering questions as questions are submitted to the City and will update this document accordingly. Please continue to visit the webpage for additional information prior to the May 10th City Commission meeting.

BUILDING AND SITE DESIGN

1. Can we see what the buildings actually look like?
*Elevation drawings and renderings are part of revised submittal package. You may access renderings at:
<http://www.fortlauderdale.gov/departments/sustainable-development/urban-design-and-planning/bahia-mar-proposed-development>*
2. Is there a mock up to scale in 3d that we can see?
No, a 3D physical model has not been prepared and is not requirement of the application submittal. However, the applicant has provided 3D renderings of the project from various perspectives.
3. Why is the length of the parking garage not on the summary sheet? Please specify measurements.
The parking garage length is 460 feet by 296 feet wide and is reflected on Site Plan data on Sheet L2.0.
4. Why is the length and height of the podium building along Seabreeze (North Tower) not on the summary sheet? Please specify measurements.
*The length of the podium of the north building is 447 feet by 160 feet and is 67 feet in height.
The length of the podium of the south building is 175 feet by 375 feet and is 66 feet in height.*
5. How high above sea level are these buildings going to be?
The Finished Floor requirements of buildings are set by FEMA requirements. The lowest Finished Floor elevation for buildings on the site is 7.5 NAVD, which is almost 5' higher than the highest King Tide elevation observed last year, which was measured at 2.6 NAVD. The seawalls are also proposed to be raised to the maximum allowable elevation by code of 4.0 NAVD.
6. Will the shadows be cast on the Marina and Aquatic Center?
The shadows will not cast on the marina and aquatic center.
7. How will yacht owners feel about the shadows cast on their yachts by the towers?
This is not part of review criteria and staff analysis.
8. Where are the fuel tanks going to be located on the fuel docks?

The fuel tanks are located the southwest corner of the internal drive near the current fueling facility.

9. Where are proposed waterfront views?

There are several waterfront views. They are:

- Along the waterfront promenade at various spaces between the boat docks;*
- At the northwest and southwest corners of the waterfront promenade;*
- From the open space area between the restaurants;*
- The outdoor plaza/dining area on the south side of the north building; and*
- Along the pavilion area called the "Villages"*

10. Where is the analysis of neighborhood compatibility?

The analysis was conducted by staff during the DRC review and provided in the staff reports and memo to City Commission. See below from staff report to Commission.

Adequacy Requirements and Neighborhood Compatibility

The applicant has provided responses to Section 47-25.2 of the ULDR, Adequacy Requirements, demonstrating the project meets the adequacy needs set forth in the ULDR, either through the design of the project and proposed development improvements or payment of impact fees.

The neighborhood compatibility criteria of Section 47-25.3 of the ULDR include performance standards requiring all developments to be "compatible with, and preserve the character and integrity of adjacent neighborhoods...include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts".

The properties to the north are zoned A-1-A Beachfront Area District (ABA) and SBMHA, properties to the south are zoned SBMHA and Residential Multifamily High Rise/High Density (RMH-60), properties the west across from the intracoastal are zoned Residential Single Family/Low Medium Density (RS-8), and properties to the east are zoned Parks, Recreation and Open Space (P). Buildings located to the north have heights of 12 and 13 stories, and buildings to the south have heights of 2 stories to 17 stories. The applicant has submitted narratives regarding the project's compliance with Section 47-25.2 of the ULDR, Adequacy Requirements, and Section 47-25.3 of the ULDR, Neighborhood Compatibility Requirements, as Exhibit 4, to assist in determining if the proposal meets these criteria. A context plan, perspective renderings depicting the height, mass, scale, shadow, materials and details, etc. of the proposed development as it relates to surrounding properties have also been provided with the site plan submittal material in Exhibit 5.

Of importance, is to note that the majority of building mass has been shifted to the east side of the property to protect the residential neighborhoods across the

intracostal. In addition, this design approach allows active ground level uses on the side of the property where majority of pedestrian activity occurs. Furthermore, the project density and intensity permitted under the SBMHA zoning are 48 units per acre and floor area ratio of 5.0 of the site, whereas the proposed density is 36.09 units per acre and a proposed floor area ratio of 2.8 of the site, below the permitted development under the SBMHA zoning.

11. What is considered public realm space? Landscaping plans show 6.11 acres including tree grates, stairways crosswalk, seawalls, and retaining walls. The actual summary for the four public space areas - North Park, North Promenade Plaza, South Promenade Plaza, and West Park – is 1.3 acres, if the West Park is measured from the easternmost sidewalk to the outermost seawall edge. How is this considered adequate public realm space?

The public realm space includes: waterfront promenade, plazas, park space, and connection to the sky bridge. Public realm elements are located in each of these spaces and include wayfinding signage, seating areas, landscaping, and shade elements.

There are 3 plazas at various locations in the project and 1.08 acre park on the western side of the property. The areas were measured to define the space as public realm for the purposes of generating calculations.

TRANSPORTATION and PARKING

1. What is the potential impact on traffic flow of delivery vehicles and trucks parking on the property to make deliveries or repairs?

Truck loading and deliveries are accommodated on-site at on-site loading bays proposed. The marina perimeter roadway allows for truck circulation and for marine repair trucks to access boats directly. Furthermore, site circulation is designed in a manner that traffic from the northern part of the development can access the traffic signal at the Central driveway to head north on SR A1A. Garbage and delivery vehicles that service the North Tower will also utilize the traffic signal at the Central driveway if they are headed north out of the site.

2. How many parking spots does each owner acquire? What is the total number of parking spaces?

Specific parking space allocation will be addressed through individual sales of condo units. More than 1,900 parking spaces, which is above the minimum parking required per shared parking principles.

3. Did the City staff provide information regarding the projects that have been approved but not yet developed on the barrier island for consideration in the traffic study?

City staff provided the following committed but not yet constructed developments for consideration in the traffic study:

- *Paramount*
- *Conrad Hotel*
- *Escape & Tiffany House*
- *Ocean Wave Beach Resort*
- *Hotel Indigo*

An analysis of committed development project traffic determined that an annual growth rate of 0.50 percent (0.50%) accounts for future committed developments. Please note that a growth rate of 0.50 percent (0.50%) was used in all traffic analyses prepared for the Bahia Mar redevelopment.

Please note that at the request of the City of Fort Lauderdale, background growth calculations were updated based on the latest available historic traffic count data from nearby Florida Department of Transportation (FDOT) count stations. The historic growth rate analysis determined an average annual growth rate of negative 0.55 percent (-0.55%) over a 5-year (2010-2014) and 10-year (2005-2014) period. However, in order to provide a conservative analysis a growth rate of 0.50 percent (0.50%) was used.

4. When will the Independent expert review of the updated version of the traffic study be available?

The traffic consultant and City staff are actively working on the updated study. Results will be uploaded to the project's webpage as soon as they are completed prior to the May 10, 2016 Commission meeting at <http://www.fortlauderdale.gov/departments/sustainable-development/urban-design-and-planning/bahia-mar-proposed-development>.

5. What are you going to do about traffic? City conversations and initiatives focus on only two of the three users of roadways – pedestrians and individuals riding bikes. It fails to consider motorists. With the recent survey showing that 74% of city residents are dissatisfied with traffic flow, what are City's plans to address traffic in this already overburdened area?

The City is currently undergoing a mobility plan for the SE 17th St area. The plan is evaluating traffic conditions and developing solutions, including vehicular operational and roadway capacity improvements. Following the public workshop held on April 25, 2016, staff is working with stakeholders to finalize recommendations in preparation for prioritizing them into short and long term implementation at a third public meeting which is anticipated to take place in July, 2016. The SE 17th St Mobility Plan encompasses the area between Davie Blvd, I-595, Andrews, and the Intracoastal Bridge. The improvements that will be presented this summer build upon

input from both the community and a technical expert committee, and are focused on improving congestion levels through providing solutions for all road users, including motorists.

Additionally, the City will be coordinating with stakeholders on the scope for the Beach Traffic Management Plan (Plan) this Fiscal Year to address traffic congestion conditions in the barrier island from the SE 17th St Bridge to Sunrise Blvd. The Plan will provide a comprehensive evaluation of traffic, mobility, and accessibility issues in the areas to develop diverse and sustainable solutions. These solutions will include design, enforcement, evaluation, and educational tools that will complement each other to create an innovative approach specific to the beach area. The Plan will build upon other projects and efforts currently underway in the area, and will develop a holistic overall plan that is focused on relieving traffic congestion. The Plan will include data gathering and analysis, stakeholder involvement, and strategy development and implementation.

6. Traffic. There are currently 11 approved projects on the beach = 838 trips of additional traffic. The staff was asked to provide this information. Why weren't the 838 trips required or included in the traffic study?

At the time of the analysis, the following development projects were committed and incorporated into the development:

- *Paramount*
- *Conrad Hotel*
- *Escape & Tiffany House*
- *Ocean Wave Beach Resort*
- *Hotel Indigo*

Additionally, the growth rate utilized in the analysis accounts for committed developments.

ENGINEERING

1. Has staff analyzed and verified the ability of 18 wheelers and delivery vans servicing the grocery store and the marina (including yachts) to navigate the new roads that will be built on the property as part of this project?

Yes, the applicant shows larger truck routes on the Site Plan, which depict the routing for all vehicular traffic including trailers and large delivery vehicles per AASHTO standards. AutoTurn Exhibits showing the detailed routing will be provided prior to Final DRC approval.

INFRASTRUCTURE

1. Is it true that the City is taking funding out of infrastructure funds to use in other parts of the City budget? What plans are being made to upgrade infrastructure to absorb the number of new users?

No, the City requires developments to pay Capital Impact Fees based on City Ordinance for Water and Wastewater impacts. The funds collected are reinvested into a Water and Sewer Fund to upgrade existing infrastructure and install new infrastructure. Projects are funded annually through the City's Capital Improvement Project Budgeting process.

2. Has there been any study regarding the life cycle of the bridges? The FDOT monitors that. Is there a way to monitor this?

FDOT District IV performs thorough inspections for the bridges in the City of Fort Lauderdale at a minimum bi-annually and for certain bridges on an annual basis. These reports assess the structural condition of the bridges, their functionality, and document any deficiencies. It is the responsibility of the City to maintain the bridges.

In order to properly maintain the City bridges, the Public Works Department prepared a Bridge Master Plan in 2014. The Master Plan outlines the City's bridges for repair or replacement over a 20 year period.

MISCELLANEOUS / LEGAL - Forthcoming Answers

1. What is the Cities long term liability?

History

The City of Fort Lauderdale has held fee simple title to the Bahia Mar site since it acquired the property in 1947 from the United States Coast Guard. On September 1, 1962, the City entered into a lease with Fort Lauderdale Candlelight Corporation (also known as Bahia Mar Yachting Center) for Fifty (50) years. In 1980, the Lease term was extended until September 30, 2037. Bahia Mar Yachting Center (presumably also known as Bahia Mar Hotel and Yachting Center, Inc.) assigned its interest to Bahia Mar Associates Limited, which assigned its interest to Rahn Bahia Mar, Ltd. The current Tenant, Rahn Bahia Mar LLC is the successor by merger to Rahn Bahia Mar, Ltd.

Amended and Restated Lease (the "Lease") dated January 4, 1995 recorded in Official Records Book 23168, Page 0347, as amended, of the Public Records of Broward County, Florida. Note, the Lease extended the term until August 31, 2062.

The Lease governs the legal relationship between the current Tenant and the City. The City has an obligation to grant exclusive and undisturbed possession to the

Tenant and to guarantee "quiet" enjoyment. That includes an obligation to defend the Tenant against third party claims for possession of the Property. The Lease also allocates risk of and liability for contamination of Hazardous Substances between the parties. The Lease provides as follows:

"Notwithstanding the foregoing, Lessor acknowledges that Lessee shall not be responsible to the Lessor for any violation of Hazardous Substance Laws which occurred prior to the current Lessee's assumption of the leasehold interest in the demised premises."

Thus, under the Lease, City is liable for any Hazardous Substance Law violations which occurred prior to January 4, 1995. In addition, the City is liable for damage caused by the City's Environmental testing on Bahia Mar. This response is not intended to cover the City's liability under any federal, state or local environmental laws, rules, regulations or ordinances.

Under the Lease, the City has certain obligations to the Leasehold Mortgagee such as providing notice of default, recognizing an assignee of the lender and continuing the Lease in favor of the Lender in the event of a default by the Tenant. Further, the City is obligated to maintain the force main and pumping station on the Bahia Mar site. However, please note the Lease does not hinder, interfere with or diminish the City's police or regulatory powers. Finally, as a municipal corporation, the City enjoys sovereign immunity. Other than the obligations set forth in the Lease, it does not appear as if the protection of sovereign immunity is waived or removed.

2. If environmental issues such as Sea Level Rise lead to property damage, who pays the bill?

Article 18 of the Lease describes the Insurance requirements. Section 3 provides that the proceeds from insurance shall be used for the reconstruction, repair of the buildings, improvements or personal property. Review of the Tenant insurance policy is recommended to insure that "sea level rise" is covered under the policy

3. Does the City have a fiduciary duty to evaluate the risk of building on this site?

The City Commission is acting in two separate roles in its evaluation of redevelopment of Bahia Mar. In its regulatory capacity, it is called upon to evaluate the application for Innovative Design in accordance with the City's ordinance governing such review and in accordance with the appropriate standard (whether legislative or quasi-judicial) of review. Construction of all improvements must comply with all federal, state and local laws, rules, regulations and ordinances. The City is also engaged in negotiating several leases with the Tenant in its proprietary capacity. The City has no fiduciary duty to the Tenant during its negotiations.

4. Has staff estimated the probability of loss and the value of the loss over the next 100 years?

This type of analysis is not required.

5. In regard to underground fuel storage tanks: These tanks pop out of the ground causing enormous damage and liability. Who is going to pay for this damage?

Inquiry should be made as to whether the damage is covered by insurance. Under the Lease, the Tenant must maintain Petroleum Liability and Restoration Insurance to the extent it is offered by the State of Florida. Under Article 4 of the Lease, the Tenant indemnifies the City against Hazardous Substances contamination.

6. Does the real estate market have the capacity to absorb 576 new condos? Has the City performed a feasibility study?

This type of analysis is not required.

PROCEDURAL

1. Will the comments from the April 26th public meeting be sent to the Commission?

The meeting comment cards and sign-in sheets are included as an exhibit to the staff report. In addition, staff also developed a running "Frequently Asked Questions" summary sheet that is available on the project page link on the City's website.

Any additional materials from the public may be submitted to the Commission for consideration. Such information must also be distributed to the applicant, and the commissioners would need to disclose their review of the material.

2. Will the comments and questions be part of the official record?

Received information is part of the project file, and exhibits as defined in question 1 above are part of the record.

3. With changes to building lengths and widths, heights, and, in one case, moving the building, why is this not going back to Planning and Zoning Board?

The Planning and Zoning Board has a dual role in this process, one as an advisory board to the city commission and the other as the City's Local Planning Agency. In its advisory board capacity it recommended approval of the Rezoning application and Site plan application to the City Commission. The City Commission is the approving body, which has the authority to approve the project, impose conditions of approval and requested changes to the application.

As the Local Planning Agency (LPA) the PZB reviewed the proposed land development regulations and rezoning to determine consistency with the City's Comprehensive Plan. If the proposed changes to the regulation contemplates changes that are not contemplated by the LPA in its initial review a new review of the LPA should be initiated. However, it is important to note that the revised proposal and program has been reduced in intensity and any associated impacts are therefore generally less than that of the original submittal.

4. Will the public hearing be reopened at the May 10th Continuation of the First Public Hearing for public questions?

The City Commission at its meeting on May 3, 2016 indicated that the public hearing will be reopened.

5. Will the public be allowed to speak at the May 10th meeting?

The City Commission at its meeting on May 3, 2016 indicated that the public hearing will be reopened.