

**APPROVED**

**BEACH REDEVELOPMENT BOARD  
100 NORTH ANDREWS AVENUE  
8<sup>TH</sup> FLOOR CONFERENCE ROOM  
FORT LAUDERDALE, FLORIDA  
MONDAY, AUGUST 17, 2009 – 2:30 P.M.**

<b>BRAB MEMBERS</b>	<b>ATTENDANCE</b>	<b>CUMULATIVE</b>	
		<b>PRESENT</b>	<b>ABSENT</b>
Miranda Lopez	P	5	1
Aiton Yaari	P	3	3
Ramola Motwani, Vice Chair	P	5	1
Jordana L. Jarjura	P	4	2
Melissa Milroy [arrived approx 2:40]	P	5	1
Dan Matchette	P	4	1
Art Seitz	P	4	1
Chuck Malkus [arrived approx 2:40]	P	3	0
Bradley Deckelbaum, Chair	P	3	0
Tim Schiavone	P	3	0

As of this date there were 10 appointed members to the Board, which means 6 would constitute a quorum.

**Staff**

Commissioner Rodstrom  
Don Morris, Beach CRA Director  
Wayne Jessup, Deputy Director, P & Z  
Ella Parker, P & Z  
Karen Reese, Economic Development Representative  
Stephen Scott, Economic Development Director  
Eileen Furedi, Beach CRA Representative  
Jennifer Picinich, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

A motion was passed and approved by the Board as follows:

That the City Commission approve the Master Plan subject to the following criteria:

1. Re-evaluate parking requirements throughout the beach area to provide relief for multiple uses within individual buildings or

individual neighborhoods that may have different hours or different use patterns while providing more public parking throughout the neighborhoods so “people come to the beach as a destination” rather than an individual business or locations within it.

2. Look to consistently large sidewalk and bicycle patterns (with no expectation that there will be 10-12 foot sidewalks everywhere immediately), but there is a development where there can be at least be stretches that are bicycle accessible pedestrian accessible in high use areas.

3. While the zoning initiatives and guidelines are good and the BRB thinks it brings a different development feel to the beach, [several members] raised concerns about the incentives, whether they’re a “carrot or stick” in particular with floor plates, and while a lot of the Plan is general design criteria, the floor plates having an absolute number be it 10,000 or 16,000 square feet creates almost a zoning guideline different than anything that the Master Plan attempts to do in other areas. The Board suggested keeping the design guidelines on the beach and remove any specific number as to floor plate requirement as that essentially adds a new zoning requirement, as opposed to a design guideline.

4. Better defining of the proposed incentive program.

**I. Call to Order / Roll Call**

Chair Deckelbaum called the meeting to order at 2:35 p.m. Roll was called and it was determined a quorum was present.

**II. Approval of Minutes: July 20, 2009**

Mr. Yaari made a motion to approve the minutes of the July 20, 2009 meeting.

Mr. Seitz stated that some of the language in the minutes does not make sense, i.e., the noise generated on the Strip which nearby residents are complaining about, the hotel across the street which has paved an area for a party tent, disc jockeys, being unable to hear his television, and the noise continuing until 1:00 a.m. with the need to reach a compromise. He felt the minutes read like the “hotel had a disc jockey.”

Chair Deckelbaum pointed out to Mr. Seitz that the minutes are a summary of the issues raised although Mr. Seitz objected that they “didn’t come close.” Mr. Morris proposed that the minutes writer review the paragraph in question for clarification. Mr. Seitz responded that someone reading this would say “what’s the guy’s name?”

Mr. Yaari then withdrew his motion.

The recording clerk asked for clarification regarding amendment of the July minutes and was advised that the audio should be relistened to as to paragraph 5 on page 17. Mr. Seitz noted that it had been his meaning to question the legality of the party tent itself and that the hotel was not controlling the people running the parties. Mr. Morris advised that “even though your intent was saying something, meaning a certain thing, that [wasn’t what was] said.”

III. [There was no Item III on the agenda.]

**IV. Discussion of Beach Master Plan**

Mr. Jessup noted that the last time the Board met he had been asked to invite more of the major property owners to visit with staff and express their opinions. Letters had been sent out and three property owners responded.

Regarding an update to the Master Plan, Mr. Jessup stated the workshop/public meeting had been held at the end of April. Modifications had been made based upon comments made at that meeting. Additional recommendations were made by stakeholders and the Beach and Economic Development Boards, which will be passed on to the City Commission for their consideration. Modifications to the Master Plan were not made based upon all comments; however, several changes were made pursuant to public meeting discussions.

Mr. Jessup then gave a presentation of the Plan modifications as well providing a list of items which had come up through stakeholder, Board, and general public meetings -- all of which proposed changes it was felt should be shown to the City Commission. Mr. Jessup pointed out that there were significant comments which came up numerous times and he wanted to ensure the City Commission was apprised of constituency feelings, even if the suggestions did not necessary “mesh with everything in the Master Plan but are important enough [that] -- by virtue of listening to them -- the City Commission may suggest modifications be made one way or the other to the Plan,” and to be sure “they heard everything that was out there.”

Changes to the Master Plan included:

- Making a connection in the gap between Las Olas, A1A, Almond, and Banyan to make it a “more lively, village-type community” and continuing the idea of tying in connections between the ocean and the Intracoastal creating a grid that creates a “village” and a pedestrian environment.

Mr. Seitz inquired about getting wider pedestrian promenades on both the north and south sides of East Las Olas, mentioning the handicap ramp at the Quarterdeck taking up sidewalk space, and narrowing of the current sidewalks due to the palm trees.

- Floor plate sizes for hotels and residential units; specifying 16,000 as a maximum in the ABA and PRD districts.

Significant stakeholder input for consideration by the City Commission included:

- Focusing efforts to enhance the gateway on the beach at Sunrise
- Reducing lanes, enhancing pedestrian and bicycling lanes (possibly necessitating a study)
- A1A and Birch Road improvements
- A parking study to evaluate current parking standards and shared use; the need for more public and on-street parking
- A study to evaluate excessive requirements for parking at large restaurants
- Increase preferred floor plate size recommendations for residential use
- Private development on City property to offset costs
- ABA district changes
- Reduction of building height
- Sensitivity to, and design for, the transition between ABA and NBRA districts
- Setback and step-back requirements
- IOA district use
- Allowable uses in ABA
- Beach re-nourishment
- Circulation pedestrian crossing at Las Olas

Mr. Jessup added that funding will be a consideration for prioritizing by the City Commission. The policy question will be whether the plan should be modified.

As to the actual implementation of the Plan, Mr. Jessup noted he is not prepared to identify the details; however, at this point, incentive packages are being

considered to encourage making the proposed changes and following the Plan. The Plan will be further developed and taken through the City's management structure to see if it makes sense prior to being presented publicly.

Mr. Yaari asked if the zoning would be kept the way it is, with staff recommending changes, and if a "point system" would be given if a developer leans towards implementing the recommendations. Mr. Jessup responded that he did not want to "identify the mechanism" at this point as it is only a recommendation from staff and not yet a policy of the City. He added, however, that there may be incentives to encourage building to specifications of the Plan and it would be up to "others" to judge whether the incentives make sense and are compelling enough to promote acceptable development.

Mr. Yaari discussed the Sasaki project and that apparently they are now back to "square one" with the same questions being unanswered for two years, regarding the number of stories, plate size, setbacks, etc. He suggested removing the plates altogether, asking how there could be a limitation to 16,000 square feet in a FAR-6 due to height restrictions. Mr. Yaari suggested that the business community is getting "the feeling that the City or Sasaki are not showing us the real picture."

Mr. Morris indicated it is a "misconception that you are automatically entitled to [the] maximum FAR on a site," as many factors are considered including current Code requirements and limits, as well as neighborhood compatibility. He said that when looking at the Plan, its purpose is to help establish "what is acceptable" and provide guidelines to be followed. Mr. Yaari felt the plate restrictions are going too low, expressing concern if a developer wants to build a half-residential, half-hotel structure.

Ms. Parker explained the designs being proposed, making Almond Avenue a more pedestrian experience while still meeting the floor plate size.

Ms. Jajura asked what the incentive parameters could be and, if the recommendations are not met, would there automatically be a staff recommendation of "no" for a project. Mr. Jessup reiterated that they needed time to develop the incentive plan.

Vice Chair Motwani stressed that a consensus will be needed to move forward or the Plan will not work. She said it is important to see both sides with a compromise accomplished. She liked the incentives idea. Vice Chair Motwani stated that a missing component on the beach is inclusion of retail and, even when there is a small shop included with a project, it's not working out due to

isolation of those retail shops. She also discussed duplication of parking [spot] requirements.

Mr. Jessup responded that the Board Members need to make their comments and points of view known to the City Commission. Vice Chair Motwani added that these "issues need to be explained to the City Commission, both sides of it...so they understand and then they can make a fair decision."

It was suggested by Chair Deckelbaum that the Board continue the discussion, putting together in a motion a recommendation to the City Commission outlining changes they feel should be overall approved. He asked that they keep a consolidated list of matters they've all agreed upon.

Mr. Yaari, in concluding his previous comments, indicated that the Master Plan has been ongoing for two years; however, noise issues are not being adequately addressed. Guidelines should be included in the Master Plan setting noise decibels; the current ordinance is not working satisfactorily. As part of the Board's motion, he felt that the entire City Commission should be requested to attend their meeting and be provided an explanation of everyone's thoughts and feelings.

Mr. Seitz concurred with Mr. Yaari that there is a need for attractions and entertainment, stating he has heard positive feedback about the Saturday night series in August. The Sasaki plan for entertainment areas, gazebos, bars, restaurants, etc., will be "reasons to come to the beach." He stated the A1A greenway should be expanded through that area; he also envisions BBQ pits, playground equipment, and "wall-to-wall people enjoying the area"; however, right now, there are overlapping 20 story buildings blocking the view of the sky. Mr. Seitz stated he felt there was a "bunch of morons that let this be built and those morons are no longer in our government; they were voted out of office because the people -- I don't think they want more 20 story buildings...this happened because somebody had political clout and they went down and they made a deal and be it the City Manager or whoever green-lighted it with P & Z." He did not believe there should be sidewalks on the beach less than ten feet. He noted how great Hollywood looks with a 30-foot boardwalk, and Deerfield Beach with their paver brick promenade.

Mr. Schiavone remarked they should be "keeping the eye on the prize" and after having been in business on the beach for many years and "patiently waiting for something to happen" which is not currently happening in his neighborhood, he urged everyone to keep in mind how they got where they are now and how it happened, mostly through the result of changes in the government, the economy,

etc. Mr. Schiavone gave the analogy of the Master Plan to “pieces to the puzzle, but we’ve never made the puzzle.” He encouraged the Board Members to learn to work with what they have, work together, and move forward.

Ms. Lopez agreed, adding that although they have heard from the developers, the residents are also very important, as well as local businesses, all of whom share the idea of the beach having more of a “resort” theme. Ms. Lopez also asked that the City conduct a shadow impact study.

Mr. Jessup explained that the nature of the PUD is to allow a breakout from the zoning code in order to produce a project that presumably will generate better public amenities than otherwise would be possible.

Ms. Lee indicated that one of the limitations of the Board is that the CRA goes only just the north of the Ritz right now. She was unsure, in looking at the Master Plan, of how to get unique shopping on the beach, creating “extraordinary incentives” to attract retail, and whether the Plan even addresses that issue.

Mr. Jessup replied that the Plan does identify some areas where retail could go such as on Las Olas, Sunrise Lane, along the Breakers, behind some of the hotels, and in spots in the NBRA. To a large degree, however, retail is market driven and impossible to anticipate in the future. A market study has been included in the Plan to identify the potential amount and types of retail and restaurants, and the amount of square footage that could be absorbed by the beach area. Mr. Jessup was not sure though if this would address the “if you build it, they will come” scenario. He stated it may be, in order to create the vitality hoped for, that the Board will have to focus on initial retail development in specific areas of the beach.

The next step in the process will be taking the Plan to a City Commission conference in the fall, and obtaining their formal direction. Feedback received from the City Commission will determine where the Master Plan goes next.

Mr. Seitz urged the Board Members to visit Lauderdale-by-the-Sea, Deerfield Beach, and Hollywood to look at “what works up there” in terms of shops and stores. He felt if they “built it right” with promenades, got rid of the existing bike lanes and put in pathway or dedicated bike lanes as well as adequate parking, people will come to the beach. Mr. Seitz commented that the public taxpayers are “getting locked off of the beach.” He also added that the existing development on the beach is “obviously what the voters don’t want because they threw out the developers’ candidates recently.... The hometown democracy

movement has over 700,000 petitions,” saying they don’t want to “live in New York...don’t want massive” overlapping buildings; they want Jimmy Buffet-ville.”

Ms. Lopez emphasized that the goal of the Master Plan is to promote smaller buildings and more of a village character on the beach.

Ms. Milroy felt that the resort feeling of the entirety of the beach is missing.

Ms. Courtney Crush addressed the issues of parking and floor plates, expressing the hope that the parking study can be done quickly. She also suggested that the City Commission quickly address small accessory uses in hotels or other developments that do not require their own parking spaces. Similarly, she believed it would help if the City Commission could look at change of use in the SLA, although she was not sure if an outside consultant would be required prior to the next “wave of development.” With respect to the floor plates, Ms. Crush pointed out that this is a “pure zoning regulation in a Design Master Plan,” but did not know if enough analysis has been done as to “how it relates to the heights, step-backs, shadow, and FAR, across the board.” She felt it was premature to impose a floor plate, adding that the “good thing about all those other regulations is they’re property specific.” Without knowing what incentives there might be, Ms. Crush indicated she would be “surprised if the City Commission recommended increased height, but without knowing more...it’s really too extreme and might not produce the best project for these properties.”

Chair Deckelbaum was pleased that although many of the Board Members had different perspectives, many discussed the same few points - with all wanting to see a beach development in place that will be attractive for residents and visitors.

Ms. Judy Russell asked if the PUD is out of the realm of the ULDR. Mr. Morris briefly explained the parameters and intent of those two districts.

Mr. Seitz asked several times about readdressing the Bahia Mar and south beach parking lot. Chair Deckelbaum requested that they focus their attention on the Master Plan in lieu of specific projects.

Commissioner Rodstrom suggested that any further discussion regarding the Bahia Mar be brought up under Old/New Business.

Chair Deckelbaum summarized the Board’s comments:

- The need to make the area more pedestrian and bicycle friendly.



- Create a “village feeling” with shops, hotels, living space, and the beach itself.

Chair Deckelbaum proposed a motion as follows:

That the City Commission approve the Master Plan subject to the following criteria:

1. Re-evaluate parking requirements throughout the beach area to provide relief for multiple uses within individual buildings or individual neighborhoods that may have different hours or different use patterns while providing more public parking throughout the neighborhoods so “people come to the beach as a destination” rather than an individual business or locations within it.
2. Look to consistently large sidewalk and bicycle patterns (with no expectation that there will be 10-12 foot sidewalks everywhere immediately), but there is a development where there can be at least be stretches that are bicycle accessible pedestrian accessible in high use areas.
3. While the zoning initiatives and guidelines are good and the BRB thinks it brings a different development feel to the beach, [several members] raised concerns about the incentives, whether they’re a “carrot or stick” in particular with floor plates, and while a lot of the Plan is general design criteria, the floor plates having an absolute number be it 10,000 or 16,000 square feet creates almost a zoning guideline different than anything that the Master Plan attempts to do in other areas. The Board suggested keeping the design guidelines on the beach and remove any specific number as to floor plate requirement as that essentially adds a new zoning requirement, as opposed to a design guideline.
4. Better defining of the proposed incentive program.

Motion made by Mr. Yaari, and seconded by Mr. Matchette.

Mr. Yaari added an invitation for the City Commissioners to attend the next meeting.

Commissioner Rodstrom noted that the motion would be the Board’s recommendation to the Master Plan in the CRA.

Ms. Lopez stated she agreed with the first two points, but was not sure about the third point.

In a voice vote, the motion passed 8-2, with Mr. Seitz and Ms. Lopez dissenting.

Motion made by Mr. Yaari to invite all of the City Commissioners to the next meeting to go over their discussions and let them know the Board Members' opinions. The motion died for lack of second.

Commission Rodstrom stated that by virtue of the fact that the Board meetings are public, the City Commissioners are automatically invited. She stated that, to specifically request they attend a meeting is "honorable," however, upcoming in the near future will be the City budget discussions which will be taking most of their time in the next month or two.

Chair Deckelbaum suggested a motion to authorize an individual to speak on behalf of the Board at a City Commission meeting or elsewhere when the Beach Master Plan is presented.

Mr. Yaari urged the members of the Board to get in touch with the City Commissioner who appointed them to try to get them more involved "in the loop" prior to the matter being formally presented to them at a Commission meeting.

Mr. Yaara protested Commissioner Rodstrom getting involved by telling Ms. Lopez she could second the motion, stating it was disrespectful to the Board and all this was totally improper and out of order.

Motion made by Mr. Seitz, to revote only as to items #1 and #2 of the previous motion, seconded by Ms. Lopez. In a voice vote, the motion failed (1-8 with Mr. Matchette abstaining).

#### **V. Communications to the City Commission**

Chair Deckelbaum instructed that the motion(s) passed by the Board be forwarded as Communications to the City Commission.

#### **VI. Old / New Business**

Chair Deckelbaum indicated that in the past month emails have been sent out by Board Members about issues on the beach. He reminded the Board of the Sunshine Law and their inability to communicate with each other, adding that thoughts can be sent one-way, but there can be no response or conversation.

Mr. Malkus brought up the vote taken by the Board in June regarding the Bahia Mar project, stating that that item is now “old news” and is not an item they should be addressing again unless a full presentation is given with the principals from the project attending.

Motion made by Mr. Malkus, and seconded by Mr. Yaari, that once they have as a Board voted on a project, the project is done and not to be revisited.

Mr. Schiavone added the contingency “if no new presentation is being made or there is a substantive change” to the item previously voted upon.

Mr. Yaari accepted Mr. Schiavone’s comment as an amendment to the motion.

In a voice vote, the motion passed 9-1, with Mr. Seitz opposed.

Mr. Seitz once again requested further discussion regarding the property, shops, and stores for the Bahia Mar area (ocean to Intracoastal), including traffic impact. He pointed out there is a \$900 million mortgage on the property that “nobody knew about.”

Chair Deckelbaum reiterated that Bahia Mar had been voted on two months ago and was not open to further discussion at the Board level, inviting Mr. Seitz to discuss any matter other than the Bahia Mar project, unless he is asking the Board to bring it back as a future agenda item.

Mr. Seitz, in continuing the Bahia Mar discussion, asked that it be brought back before the Board for the following reasons: “It has come about...that there is a \$900 million mortgage on this property of which \$685 million hasn’t been paid off....” “We are looking at a situation where we are about to give tremendous benefits and 99 year extension PUD to an entity that doesn’t have the money. This is a scam.”

Motion made by Mr. Seitz that discussion regarding Bahia Mar should be brought back to the Board due to the mortgage discovered on the property. The motion died for lack of second.

Mr. Morris pointed out that approval of the Bahia Mar project had nothing to do with its financing or lease, the details of which are outside the purview of the Board.

Ms. Lopez asked that fencing be placed along with the landscaping at A1A and Las Olas Boulevard.

Beach Redevelopment Board  
August 17, 2009  
Page 12

There being no further business to come before the Board at this time, the meeting was adjourned at 4:09 p.m.

[Minutes prepared by L. Edmondson, Prototype, Inc.]