BAL HARBOUR

- VILLAGE -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 167-2024

To: Mayor Jeffrey P. Freimark and Members of the Village Council

From: Jorge M. Gonzalez, Village Manager

Date: November 15, 2024

Subject: **Bal Harbour Shops Site Development Plan Application - Final Completion of Technical Review**

The purpose of this Letter to Council (LTC) is to share with you the final disposition letter regarding the application from the Bal Harbour Shops pursuant to the Live Local Act.

As you will see after completing the Technical Review pursuant to section 166.033, F.S., we have concluded that the application is DENIED.

Should you receive any media inquiries, we ask that you refer the inquiry to the Village Manager's Office so that all responses are provided by, and reflect, the Village's position.

If you have any questions or need any additional information, please feel free to contact me.

BAL HARBOUR

- VILLAGE -

JORGE GONZALEZ
VILLAGE MANAGER

November 15, 2024

Bal Harbour Shops, LLC
420 Lincoln Road
Suite 320
Miami Beach, Florida 33139
Attn: Matthew Lazenby

Re: Site Development Plan Application - Revisions to Approved Bal Harbour Shops Master Site Plan
9700 Collins Avenue (the "Property")
Village Project No.: SP2024-0003
MMPA Acct. No.: 00-1103-0160C

Dear Sirs:

As you know, in our letter dated July 19, 2024, we informed you that the above-referenced application–to revise the approved 2017 expansion to the Bal Harbour Shops, as amended, to reduce commercial uses and add residential and hotel uses was deemed sufficiently complete to commence the Technical Review phase. This major site plan application seeks to develop pursuant to the Live Local Act, Section 166.04151(7), Florida Statutes ("LLA"), and has been reviewed in compliance with Florida Statutes Section 166.033's requirements for processing and the minor site plan review process that applies per the LLA's administrative approval process, pursuant to Village Code Section 21-322(i)(3). We also informed you that, based on that review, the Village might find that the documents submitted are not adequate and request further information to be able to complete the Technical Review.

We communicated requests for additional information to your representatives, and coordinated meetings between the applicant's and the Village's consultants as needed to discuss these requests, provide clarity, and obtain as much information as possible to complete our Technical Review of this application. We also informed you that because the Village consultants indicated that they would not be able to assess the project without additional information, failure to provide needed information might result in an adverse finding on the application.

While we were advised that additional information was forthcoming as recently as this week, it has not been received and you have not requested an extension of the statutory approval process. The 120 days allotted for technical review pursuant to Section 166.033, F.S., runs out this weekend, and the Village therefore is statutorily required to issue its decision today.

Based on the information available for review at this time, the Village and its consultants have completed our Technical Review of the application, and the details are addressed in the attached memos from Village Planner Michael Miller, from the Village police and County fire departments, from the Miami-Dade County Public Schools, and from the Village's traffic and infrastructure consultants. In summary, we conclude that the application is **DENIED** for the following reasons:

1. **Hotel use and height is prohibited on the Property, and this prohibition is unaffected by LLA**: The requested hotel use is not allowed by the B Business District zoning and the plat of the Property, and the LLA preemptions do not apply to authorize this use. The application fails to seek a change to the permitted uses for the B District that would allow this use. Moreover, even if the use were allowed, the height of the hotel exceeds the permitted height for the B District; the LLA's preemptions on height only apply to the residential components of a project.

2. **Application fails to comply with other Village requirements that are not preempted by LLA**: The OF Oceanfront district is used as the source of the height for the LLA project because OF is the only high-rise residential zoning district in the Village, and OF is therefore the only district with standards designed for high-rise residential development. See Section 21-279, et seq., Village Code. The application fails to comply with the current requirements of the OF zoning district, which have been incorporated as the standards for LLA development in the B District, as follows:

    a. **Residential height exceeds height allowed by LLA preemption**: Even applying the height from the OF Oceanfront district in accordance with the LLA preemption, the proposed structures exceed the allowed height as shown on the drawings.

    b. **Project FAR exceeds the FAR allowed by LLA preemption:** Even applying the FAR from the OF Oceanfront district in accordance with the LLA preemption, the project exceeds the allowed FAR.

    c. **Various setbacks for the project exceed those allowed by Village Code**: The application also fails to meet the OF setbacks and other applicable requirements.

    d. **Proposed parking fails to meet Village Code standards:** The Village's parking standards for residential development, employees, guests, deliveries, loading and workers/contractors are not preempted by LLA, and are not met by the project. Because adequate data has not yet been provided to fully assess the adequacy of the parking provided, we cannot complete our consideration of whether the presence of transit stops at the Property justifies a reduction in the required parking per the LLA. Moreover, the application does not request any parking reductions.

3. **Application conflicts with the approved 2017 Master Site Plan and Development Agreement, as amended, which is currently under construction**: The application unilaterally proposes multiple improvements that directly conflict with the approved Master Site Plan recorded against the Property, in violation of the approved and recorded Development Agreement for the Property. These conflicts include, but are not limited to, a proposed hotel tower on top of the existing Saks anchor store with a new access point to 96th Street, a proposed market rate residential tower on top of the

existing Neiman Marcus anchor store, a proposed market rate residential tower on top of the area along Collins Avenue designated for the plaza for the benefit of the public, development of surface parking lots, and a proposed affordable residential tower where a new anchor and other new retail uses were approved to expand the existing Shops development. Moreover, the data on the plans fails to account for or address the existing Shops development and the applicable Village standards that are not preempted by the LLA.

The Development Agreement is a binding contract. Pursuant to Section 163.3237, F.S. and Section 35.2 of the Development Agreement, and as further evidenced by the process already used by the parties to adopt a First Amendment and Addendum to the Development Agreement, the Development Agreement may only be modified by a mutually agreeable amendment. It may not be unilaterally amended by any one party.

4. **Traffic and infrastructure impacts to the Village are inadequately analyzed and do not support a conclusion that impacts are sufficiently documented or mitigated, as detailed in the Corradino and CGA analyses:**

    a. **Traffic and Hurricane Evacuation** - remaining comments include:
        i. document the FDOT pre-application conference,
        ii. adjust volumes and growth rates,
        iii. update the narrative of the existing roadway network,
        iv. justify the multimodal trip generation reduction,
        v. provide Transportation Demand Management strategies,
        vi. update the road segment link analysis for peak season conditions,
        vii. provide detailed information regarding the valet parking system and usage and parking gate system,
        viii. provide an overall parking study,
        ix. expand/update the hurricane evacuation analysis,
        x. provide pavement marking and signage plan with sight visibility triangles and vehicle maneuverability, and
        xi. confirm fire-rescue staging area approval.
    b. **Potable Water and Sanitary Sewer** – provide report on capacity of sanitary sewer system and the potable water system, with specified details.
    c. **Stormwater** – update narrative, assumptions, and methodology, clarify plans, and provide greater specificity regarding the wells and finished floor elevations to assure that standards can be met.
    d. **Public Schools** – Miami-Dade County Public Schools has advised that school concurrency is met for the application.

5. **Affordable housing component fails to meet requirements of Village Code:** Section 21-322(i)(5)b. of the Village Code requires that the project not segregate the affordable housing component, and that affordable units be treated equitably with regard to parking, amenities, unit mix, and other aspects of development. The application fails to comply. For example, it segregates all the affordable units in one building and fails to provide convenient parking in the building as is provided for the market rate units. The application lacks enough detail to confirm whether other requirements are met, such as the requirement that the mix of units be consistent between the market rate and

affordable units. Finally, the application fails to provide a covenant to assure the affordability of the units in compliance with Section 21-322(i)(5)c. of the Village Code.

6. **Failure to receive at least a preliminary zoning compliance approval prevents the scheduling of this LLA application for the required review and recommendation by the Architectural Review Board for all minor site plans:** All projects scheduled for the Village's Architectural Review Board (ARB) must first receive at least a preliminary determination of zoning compliance. It is therefore clear that no purpose would be served by having the Architectural Review Board provide its evaluation and recommendation to the Village Manager pursuant to the minor site plan review process being applied to this major site plan application due to the LLA's requirement for administrative approval. See Village Code Section 21-322(i)(3) and the review criteria at Section 21-322(d).

In conclusion, in addition to the above-described flaws which are fatal to the application, various elements of the Application were not able to be completely reviewed due to lack of information and analysis requested. Pursuant to both the LLA and Village Code Sections 21-322(c) and (i)(2), the application is **DENIED**. If you disagree with this determination, please see Village Code Section 21-322(c)(3).

Sincerely,

Jorge M. Gonzalez
Village Manager

CC: Susan L. Trevarthen, Esq. - Village Attorney
John K. Shubin, Esq., Robert Lincoln, Esq., and Ian E. DeMello, Esq., Shubin Law Group

Exhibits

1. Village Planner Michael Miller Technical Review Memo
2. Traffic Concurrency Review – Corradino Group
3. Drainage, Water & Sanitary Sewer Concurrency Review – Calvin, Giordano & Assoc
4. Concurrency Review – Miami Dade County Fire Rescue
5. Concurrency Review – Bal Harbour Police Department
6. Concurrency Review – Miami Dade County Public Schools

BAL HARBOUR

- VILLAGE -

Bal Harbour Shops Master Plan Redevelopment

Project # SP2024-0003

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Exhibit 2	Traffic Concurrency Review – The Corradino Group
Exhibit 3	Drainage, Water & Sanitary Sewer Concurrency Review – Calvin, Giordano & Associates
Exhibit 4	Concurrency Review – Miami Dade County Fire Rescue
Exhibit 5	Concurrency Review – Bal Harbour Police Department
Exhibit 6	Concurrency Review – Miami Dade County Public Schools

EXHIBIT 1

MICHAEL MILLER PLANNING ASSOCIATES, INC.
Land Design Municipal Planning Services Transportation Planning

BALHARBOUR VILLAGE
COMMUNITY DEVELOPMENT
MEMORANDUM

To: Jorge M. Gonzalez – Village Manager
Eliezer Palacio – Building Official
Bal Harbour Village

From: Michael J. Miller, AICP
Consultant Village Planner

Date: November 14th, 2024

Subject: Site Development Plan Application
Bal Harbour Shops Master Site Plan Revision – Live Local Act (LLA)
Delete Commercial Sq. Ft. / Add Multi-Family Residential Use
9700 Collins Avenue
Bal Harbour Village Acct. No.: SP2024-0003
MMPA Acct. No.: 00-1103-0160C

RECOMMENDED ACTION

MMPA recommends the Village **DENY** the proposed Site Development Plan application. The submittal package has several major design / land development regulation violation issues, some of the plans are inadequate and a few other items are not correct.

GENERAL PROJECT INFORMATION

Land Use Designation: COMM - Commercial

Zoning District: "B" Business District

General Location: 9700 Collins Avenue / North of 96th Street / West of Collins Avenue

Legal Description: All of the Business Section of Bal Harbour, according to the plat thereof, as recorded in Plat Book 60, at Page 39, among the Public Records of Miami-Dade County, excepting Area 3 and 4 thereof. And other lands as described in the legal description on the survey prepared by Fortin, Leavy, Skiles, Inc. updated / plotted December 15th, 2023. Containing 717.167 square feet, or 16.395 acres, more or less.

3301 North University Drive Suite 100 Coral Springs, Florida 33065 Telephone: 954-757-9909

BACKGROUND INFORMATION

Bal Harbour Village is in receipt of an application for a Site Development Plan review & approval for major revisions to the previously approved Bal Harbour Shops (BHS) Regional Mall Master Plan approved by the Bal Harbour Village Council on May 16th, 2017, via Resolution No. 2017-1077. Part of the Village's approval of the 2017 Site Development Plan was a mandatory Development Agreement (DA) approving a specific plan of development for the site, including allowable land uses, as well as conditions / terms of approval. The Development Agreement was subsequently signed & recorded in the public records of Miami-Dade County on July 28th, 2017 (ORB 30632 / Pages 3661-3793). Subsequent to the Village's approval of the Master Site Plan, various building permit applications were filed and issued, and construction has commenced. A few minor revisions have been requested by BHS and approved by the Village since the original Site Development Plan in accordance with the specific terms set forth in the Development Agreement.

The 2017 Bal Harbour Shops Expansion and Enhancement approval granted the landowner the right to build an additional 350,000 square feet of Gross Floor Area (GFA) so that the BHS could include up to 850,000 square feet of GFA. A new multi-level commercial "wing" of the mall was proposed with a new anchor store (Barneys) at the western edge of the site, new parking facilities and general aesthetic improvements. The entire BHS site includes only commercial land uses per the Village's Comprehensive Plan, Zoning District & other Land Development Regulations (LDRs) allowances, and the mutually agreed upon recorded Development Agreement.

The proposed 2024 request includes a reduction in the commercial square footage to about 683,000 square feet, including the removal of the two existing major anchor stores (Saks & Neiman Marcus), abandonment of constructing the "Barneys" major anchor store, the introduction of 528 dwelling units (DU), including 228 "Affordable" Housing DU), a proposed 70-room hotel, and an unspecified "private club" with 200 members / 40 employees. The multifamily residential component is requested through the Florida Live Local Act (LLA), Section 166.04151(7), Florida Statutes.

ATTACHMENT "A"

PLANNING & ZONING SITE PLAN / LDR COMPLIANCE COMMENTS

The following comments are based on the initial plans and documents submitted on January 9th, 2024 and subsequent plans and documents provided since that date pursuant to the review for "Completeness" conducted by the Village:

1) **Hotel Use Prohibited** - The plans show an intent to construct a 70-room hotel on the current Saks Fifth Avenue site. Per Sec. 21-316 "hotel" uses are not listed as a permitted use in the "B" Business District. The Florida Live Local Act (LLA) allows only "**residential**" uses – not commercial transient uses such as hotel or motels – and the LLA does not allow the importing of illegal non-residential land uses from a municipality's nearby zoning districts. Sheet Z-001 incorrectly cites the state law on affordable residential housing for an allowance of an illegal land use. Delete the hotel use.

2) **Hotel Building Height** - The plans show an intent to construct a 17+/- story / 220'+/- tall / 70-room hotel on the current Saks Fifth Avenue site. Although no subarea land area calculation was provided as required, it appears to scale to about 42,500 sq. ft. The Live Local Act only allows "**residential**" uses to be built on commercial sites – not commercial transient uses such as hotel or motels if not listed as permitted uses in the local land development regulations – and only addresses "**residential**" density and building height. In addition, within the B Business Zoning District the height of buildings is restricted to a maximum of 3-stories / 56' (except that a max. 42,600 sq. ft. area can be up to 69' in height). There are separate building height regulations for parking structures (5-stories / 56'). See Section 21-318. The proposed hotel use is illegal, and the building height shown exceeds the Village Land Development Regulations (Zoning / Other Codes). Delete the hotel use.

3) **Building Height Measurement** - The plans show an intent to construct three (3) high-rise multiple-family residential towers and a commercial hotel via the Live Local Act. The highest allowed building height in the Village is within the OF Oceanfront District east of Collins Avenue along the oceanfront. The maximum allowed building height in the OF District is 275 feet measured from the adjoining average street grade. In addition, rooftop mechanical equipment / etc. structures can be up to 25 feet taller (300' max.). The plans are not clear as to where the base height measurement is from – the Village has repeatedly requested the applicant to clarify. However, the plans show that the top main roof decks of the proposed towers will be 281'-11" in height above the FEMA / FBC Design Flood Elevation (DFE). This exceeds the Village's "local laws and regulations" per Sec. 166-04151(7)(e) F.S. Per the Village Charter and Zoning Code revise the project to provide building height measurement from the average street grade adjoining the BHS site (not NGVD / NAVD). Proposed LLA buildings violate maximum height allowances in the Village's Land Development Regulations (Zoning / Other Codes).

4) **Adopted BHS Master Site Plan Conflicts** - The Florida Statutes contain provisions regulating Local Government Development Agreements (Ch. 163.3220 et seq F.S.). In addition, the Village of Bal Harbour Village Zoning Code (Sec. 21-322(h)) mandates that as part of a Major Site Plan application a Development Agreement (DA) is required to be approved and recorded in the public records memorializing the exact type & site design of the project, and any required conditions / terms. Once a DA is approved and recorded it is legally binding on the subject landowner and the Village. As such it creates a legal contract / covenant / deed restriction on the subject land to comply with the approved site plan attached thereto and the terms of the agreement. After many years of review and negotiations the Village Council approved a major Site Plan application for the BHS Expansion on May 16th, 2017, via Resolution No. 2017-1077. The Village's approved DA, as amended, is effective for 30 years. The Village is satisfied with the 2017 Master Site Plan and DA provisions, terms and conditions. The 2017 project approval is legally binding on both parties and predates the 2023 Live Local Act that was enacted years after the project was approved. The structures, site layout, setbacks, uses, traffic flow, and other significant attributes of the 2017 project approval are radically different from those in the proposed development site plan application. The 2017 approved BHS Expansion project included only commercial uses as allowed in the Business District via the Zoning Code. The BHS "Walker Parking Study" that was used to justify the reduced quantity of required parking spaces was based solely on commercial uses. Those are not appropriate for a mixed-use project with residential uses and a hotel. The request is inconsistent with the approved 2017 Site Plan and Development Agreement.

5) **Plat Restrictions** - The BHS complex is built on lands within the "Business Section of Bal Harbour" subdivision plat as recorded at Plat Book 60 at Page 39 of the Public Records of Dade County on May 29th, 1956. In the Dedication & Reservation plat notations created by the developers of Bal Harbour Village (including Stanley Whitman), one of the notes states as follow:

> "The lawful zoning regulations now in effect, or as the same may from time to time be lawfully changed or amended applicable to the area covered by this Plat, will be observed".

The above plat reservation as to the allowed land uses on the property clearly states any future land uses (in perpetuity – no termination noted) are legal title plat restrictions that run with the land forever. All current and future owners that acquire land within the plat boundaries had to agree to this when they acquired the property (deed states acquisition is subject to plat / zoning restrictions). The Village's "B" Business District does not allow hotel uses. Unless the plat note is revised (and note that the Village must agree) the BHS LLA revisions for a "Hotel" use is **DENIED** based on this plat restriction.

6) **Traffic Study Impacts** - Section 21-320 of the "B" Business District requires the submission of a detailed Traffic Survey / Study for any major Site Plan submission. None was initially provided. In 2014-15 when the BHS initially filed their request to expand the mall a Traffic Study was submitted (Fandrei Consulting) examining expected vehicle trips

/ intersection & roadway impacts. While a reduction in trips for the commercial areas is expected, increases in trips caused by the residential uses will occur. If internalization credits are requested (ULI / ITE), there needs to be an analysis. The applicant provided a study that has been reviewed by the Village's Traffic Engineering experts. The Village's consultant (Corradino & Associates) has provided a separate report finding it deficient.

7) **Infrastructure Analysis & Impacts** - The Village's infrastructure system (potable water / sanitary sewer / pumps / etc. was designed and sized for the current land uses in the Village. The proposed new uses are unexpected and will negatively impact the Village / WASA. One of the biggest users of water & sewer are residential uses, and the project could increase the existing population by more than 25%. It is expected that 528 DU / other proposed uses will require about 116,200 gallons per day / 42 million gallons per year of potable water / sanitary sewer facilities. The applicant has provided a preliminary study that has been reviewed by the Village's Civil Engineering experts. The Village's consultant (CGA) has provided a separate report finding it deficient.

8) **Hurricane Evacuation Study from Coastal High Hazard Area (CHHA).** State law and the SFRPC Regional Plan discourages, and via a Stipulated Settlement Agreement with the State the Village Comprehensive Plan **prohibits** new density / intensity on the coastal barrier islands, especially residential uses, due to the limited roadways / clearance times to evacuate people from the coastal barrier islands for Hurricanes / Tropical Storms. The applicant provided a preliminary study that was reviewed by the Village's Traffic Engineering consultant (Corradino & Associates) finding it deficient (see attached).

9) **Site Plan Drawing Deficiency (Data in Tables)** - On Sheet Z-001 the plans include various Site Data Tables analyzing the Village's Land Development Regulations (Zoning) requirements and the development as requested by the applicant. The information submitted is not consistent with the Village's current land development regulations. This project is for major amendments to the 2017 approved Master Site Plan approved by the Village and is located within the "B" Business District. The tables are inaccurate / incomplete as they show only information related to the proposed Live Local Act residential uses – not the main use (BHS) – and the criteria listed is incorrect. The building height, floor area ratio (FAR), setbacks, etc. are not listed for the main land use - commercial development. Insert into the plan tables the applicable Village Land Development Regulations (Zoning / Other Codes) from the Business District for the entire BHS mall. The current plans are deficient as to adequate information.

10) **Site Plan Drawing Deficiency (FAR Data in Tables)** - On Sheet Z-001 the plans include inaccurate information as to the allowable Floor Area Ratio (FAR) for the "B" Business District (1.22). The State's initial LLA only authorizes certain "residential" density and building heights – not building bulk regulations like FAR / setbacks / lot coverage / etc. The proposal appears to be requesting the FAR allowed in the OF Oceanfront District which is currently 1.30 unless the provided bonuses are achieved, but the project fails to meet the bonus provisions. This application was filed under the 2023 Florida Live Local Act provisions that did not include any FAR preemption. The application is recommended for denial, as the plan shows the use of an incorrect OF FAR that was not authorized by State law or the Village at the time the application was filed, and the site plan fails to meet

the current Land Development Regulations (Zoning / Other Codes). See Section 21-286 for the applicable Village FAR allowances.

11) **Site Plan Drawing Deficiency (FAR Data in Tables)** - On Sheet Z-001 in the Area and Use Chart the plans include inaccurate information as to the allowable Floor Area Ratio (FAR) for the "B" Business District for LLA developments – which is 1.30 at base FAR. Even with the new 2024 LLA revisions (150% of highest allowed FAR) the maximum base FAR can be 1.95. The project exceeds the Village's Land Development Regulations (Zoning / Other Codes). See Section 21-286.

12) **Site Plan Drawing Deficiency (Setback Analysis)** – On Sheet G-001 a Zoning Analysis illustration is included that depicts only the minimum required building setbacks for "Commercial" development. Those setbacks do not apply to LLA development located with the "B" Business District. Either revise the existing illustration or create a separate illustration for LLA development utilizing the minimum setbacks set forth in Village Code Sec. 21-319(b). The project fails to meet the Village's Land Development Regulations (Zoning / Other Codes) and must be revised accordingly to comply with the Village's Land Development Regulation allowances.

13) **Site Plan Drawing Deficiency (Plan Notations)** - On Sheets A-201 & A-202 (Building Elevations) and others, the building height information is incorrectly shown. For other than single-family, building height is measured from the adjoining average street grades.

14) **Site Plan Drawing Deficiency (Plan Details)** - On most every sheet that depicts proposed parking lot layouts, the plans are too conceptual and do not include any dimensions for Code compliance review. See Sec. 21-385. The Miami-Dade Fire Department has reviewed the initial plans and cited similar concerns for their truck maneuvering. Due to the lack of sufficient detail neither the Miami-Dade Fire Department nor Village can make a final determination on the plans at this time. The plan set fails to include detailed dimensions for all parking facilities.

15) **Site Plan Set of Plans is too Vague and Conceptual** - The initial plans are very conceptual with little detail provided. For example, for the proposed new residential structures, no floor plan layouts are included showing room layouts (BR / kitchen / living room / baths / etc.) or unit square footage. The Village has minimum DU size requirements for LLA development in the "B" Business District for residential uses. The applicant has provided information that all DU will meet minimum size requirements. Revise Sheet Z-001 to include basic Zoning information of required / provided DU sizes. Provide more detailed floor plan layouts for all areas. For each residential building, list in the table the proposed number of dwelling units. No floor plans were submitted for Levels 11-20. Provide missing plans and more detailed plans.

16) **Code Deficiency (Parking Requirements)** - Section 21-385(g) sets forth the current design guidelines for parking lots in the Special Business Improvement Area – which was originally created for an exclusive regional mall with unique parking characteristics. The applicable off-street parking regulations for LLA developments in the B District are found in Section 21-381 and Section 21-384. Those regulations (Sec. 21-385(g)) do not apply

to residential uses, as they were never contemplated, and they have different requirements. Per the Code 100% of the required parking spaces for residential uses shall be in a fully enclosed / integrated parking garage with specifically designated parking spaces. No tandem or vehicle lifts are allowed. The parking lot design must meet the Code criteria for residential uses (not for the Special Business Area). These standards apply to all residential uses in the Village, regardless of whether they seek to develop under the LLA. The LLA requires that local governments give consideration to possible parking reductions if there are transit stops near the site. It is noted there are a few Miami-Dade Transit bus stops adjoining the site on both Collins Avenue and 96th Street. The applicant has not requested any parking reductions. Due to the applicant's failure to meet Village Land Development Regulation (Zoning Code) requirements as to parking quantity and the uncertainty in project design compliance, the Village is unable to make a decision on a parking reduction, as the proposal as presented does not comply with the Village's Land Development Regulations (Zoning Code Off-Street Parking LDRs).

17) **Code Deficiency (Parking Requirements)** - Section 21-384 sets forth the Village's quantitative off-street parking requirements for every multiple family development in the Village, whether free-standing or part of a LLA development. The plans submitted do not comply with the Village's adopted land development regulations. The stated quantity of parking spaces per DU noted on Sheet G-001 in the Parking Analysis Table is incorrect (see Sec. 21-384(a)) and there appears to be no parking spaces provided for employees of the proposed residential uses (see Sec. 21-384(2)(b)), nor for guests / deliveries / loading (see Sec. 21-384(c), nor for maintenance workers / service providers / construction contractors (see (Sec. 21-384(d).

Parking Spaces per Unit (Sec. 21-384(a)) - As to the minimum quantity of parking spaces required per DU the Code requires a certain quantity based on the number of bedrooms (BR) in a DU, plus 1 space per every 10 DU buffer. The plans fail to meet the Village's Land Development Regulations.

Studio = 1 per DU / 1BR & 2BR = 1.5 per DU / Each Additional BR = 1 per BR
Plus 1 space for every 10 DU

Parking Spaces for Employee (Sec. 21-384(b)) - As to the minimum quantity of parking spaces required for employees of the residential complex, 1 parking space is required for every expected employee. The developer must provide an estimate of the number of expected employees and provide sufficient on-site parking. This was not provided.

Parking Spaces for Guests / Deliveries / Loading (Sec. 21-384(c)) - As to the minimum quantity of parking spaces required for guests, deliveries and short-term loading purposes at a residential complex, 1 parking space is required for every 15 DU. This requirement is in addition to the normal large loading berth requirements (moving vans / etc.) set forth in Sec. 21-412(b). The location of such parking spaces must be in a front yard near the lobby entrance, unless otherwise approved by the Village Manager. Such spaces shall not be located on a remote parking lot or parking garage without the

prior approval of the Village Manager. The plans fail to meet the Village's Land Development Regulations.

Parking Spaces for Maintenance Workers / Service Providers / Construction Contractors (Sec. 21-384(d)) - As to the minimum quantity of parking spaces required for maintenance workers, service providers and construction contractors at a residential complex, 1 parking space is required for every 15 DU. The location of such parking spaces must be in a front yard near the lobby entrance, unless otherwise approved by the Village Manager. Such spaces shall not be located in a remote parking lot or parking garage without the prior approval of the Village Manager. The plans do not comply with the Village's Land Development Regulations.

18) **Code Deficiency (Parking Provided for Building "J" & "K")** - Section 21-384 sets forth the Village's off-street parking requirements for all multiple family developments in the Village, whether free-standing or part of a LLA development. Per the Code, 100% of the required parking spaces for residential uses in an LLA development shall be in a fully enclosed / integrated parking garage with specifically designated parking spaces. The plans indicate Building "J" is required to have 376 parking spaces (based on outdated parking calculations) within the building, but none (0) are provided. The Village Code would require 467 parking spaces based on the current mix of DU. The plans indicate Building "K" is required to have 157 parking spaces (based on outdated parking calculations) within the building, but only 143 are provided. The Village Code would require 272 parking spaces based on the current mix of DU. The minimum number of parking spaces per DU (bedrooms) is inaccurate. No additional parking spaces are shown for employees, guests, deliveries, short-term loading, maintenance workers, service providers or construction contractors as required. The plans submitted do not comply with the Village's Land Development Regulations.

19) **Code Deficiency (Parking for Illegal Hotel Use)** - On Sheet Z-001 in the Parking Analysis table remove the data analysis for "Hotels", as that is use is not permitted in the "B" Business District.

20) **Code Deficiency (Setback Analysis)** - On Sheet Z-001 the building setback information for the LLA component is inaccurate. The data listed is only for commercial development. For LLA development in the B District see Section 21-319. The base street setbacks for LLA residential development are the same as the OF District to maintain similar scale and appearance for taller buildings. For Collins Avenue frontage, the minimum main building setback is 150' for buildings 17 stories or less, and the setback increases 25' per floor above 17 stories. For Collins Avenue, the minimum setback for any parking garage structure for a LLA development is 100'. For 96th Street, there is a zero (0') setback for all buildings. For all other roadways adjoining the site, the base minimum setback is 100' for buildings up to 10 stories in height. For any portion of a building above 10 stories, the minimum setback increases 25' for each story above 10 stories. As presented Bldgs. "J", "K" and "L" do not meet most of the Village's setback requirements for LLA development.

21) **Code Deficiency (Land Uses Facing Roadways)** – The site plan design does not comply with the criteria listed in Section 21-322(i)(5)(a)(ii) for LLA development. Only

retail and restaurant use are allowed in the lowest 75' of the building facing any roadway. The plans submitted do not comply with the Village's Land Development Regulations.

22) **Code Deficiency (Affordable Housing)** – The site plan design does not comply with the criteria listed in Section 21-322(i)(5)(b) for LLA development. It appears Bldg. "J" is planned exclusively as an "Affordable Housing Tower", which is prohibited by the Village Code. It appears Bldgs. "K" and "L" are planned to be exclusively "Market Rate Housing Towers". The Code states there shall be no segregation of Affordable DU and Market Rate DU. They must be in the same building or proportionally distributed in multiple buildings. In no event can a building have only Market Rate DU. There shall be equal access to the DUs, amenities, and parking, with the same level and manner of convenience and proximity. There must be equal quality of construction and common areas for all LLA residential development. There must be equal provisions of a range of DU types (bedrooms / sizes / etc.). Also, no draft deed restriction was submitted to assure the affordability of the affordable units as required by Section 21-322(i)(c). The documents submitted do not comply with the Village's Land Development Regulations.

23) **Code Deficiency (Building Articulation)** – Village Code Section 21-322(5)(i)(d) sets forth criteria for the architectural design of LLA developments to avoid large unbroken "boxy" massing appearances of taller / wide buildings and parking structures. Some of the proposed building massing designs appear to violate the Code criteria, particularly proposed Buildings "L" and "M". For buildings over 56' in height the maximum overall length of any single building in a linear shape with no angles greater than 15 degrees shall not exceed 200'. Further, a building or parking structure shall not exceed 120' in length unless a "breezeway" meeting the Code criteria or other acceptable architectural articulation is provided. Proposed Bldg. "L" is 1,055 feet in length with no angulation greater than 15 degrees, and due to the extreme north / south building length several "breezeways" would be required. Bldg. "M" is 420 feet in length, so at least one breezeway is required. The Code does allow for an "alternative" design with substantial building articulation, but there is none. Please review the design and modify the plans accordingly to meet minimum Code requirements. The plans submitted do not comply with the Land Development Regulations.

24) **Code Deficiency (Mechanical Equipment Screening)** - The building elevations do not indicate if there is any roof-mounted mechanical equipment. Building elevations must show all roof-mounted mechanical and A/C equipment and an illustration of how it will be screened. The Village Code requires all roof-mounted mechanical equipment to be fully screened from view from off site.

25) **Submittal Deficiency (Building Colors & Materials)** - Indication of proposed building materials and colors (color renderings / boards and color chips from approved Town Color Palette) was not submitted as required.

26) **Site Plan Drawing Deficiency (Plan Details Showing Setbacks)** - Most of the setback dimensions demonstrating Code compliance on the site plan drawings are missing or are very light text and almost unreadable. Most of the setbacks violate the LLA Code

requirements (see above for LLA setbacks). Revise the plans to meet the Village's Land Development Regulation Codes and add setbacks and dimensions to all site features.

27) **Site Plan Drawing Deficiency (Parking Facility Details)** - No dimensions are provided for the driveways (width), parking aisles and spaces (length & width) demonstrating Code compliance. The Miami-Dade Fire Department has reviewed the initial plans and cited similar concerns for their truck maneuvering. See Section 21-381 for required design criteria for LLA parking facilities.

28) **Site Plan Design Comment (Proposed New Driveway Access to 96th Street)** – As noted elsewhere in this memo a "Hotel" land use is prohibited in the Business District. The Village also has major concerns with any proposed new access driveway to 96th Street at the location shown. This roadway is very congested, and the lack of any design details (stacking / valet operation) is concerning. Therefore, the driveway will not be permitted at this location by the Village. Access to this site should be from within the BHS site similar to the current Saks entry. Village consultants have found the project submittal to be deficient (See attached report from Corradino & Associates).

29) **Public School Impacts** – Due to the proposed affordable / normal residential uses a number of school-aged children will occupy the site. Currently the Village has been exempt from the Public School Interlocal Agreement (ILA) / Public School concurrency due to the type & status of community build-out. However, now that it is proposed that 528 new DU will be built, an analysis is required. The Village has contacted the MDCPS staff to analyze the project impacts. The MDCPS staff have completed their analysis and find there is currently available school capacity to serve the proposed development (See MDCPS report).

30) **Public Safety Impacts** – Due to the proposed residential / transient uses, there is expected to be an impact on the Village's Police & Miami-Dade Fire Departments. There are Concurrency LOS in the Village Comp Plan. The Village Police Department and Miami-Dade Fire Department are undertaking an analysis of the expected impacts. Mitigation may be required. See separate Miami-Dade County Fire Department and Bal Harbour Police Department analysis.

31) **Utility Infrastructure Impacts (FPL / Other)** – There is currently a major problem with FPL services to the Village / surrounding areas / BHS expansion. Coordination with the various utility service providers is necessary and an analysis of the impacts / solutions needs to be submitted.

32) **Affordable Housing Details** – While conceptual plans are submitted, due to the use of the Live Local Act residential use allowance, more detail is required to ensure the "Affordable" housing units will be preserved for the mandatory 30-year timeframe. No details or draft covenants were submitted as required by the Code. See Sec. 21-322(i).

33) **Parks & Open Space Impacts** - The adopted Level of Service (LOS) in Miami-Dade County (applies in each municipality) for parks & open acreage is 2.75 acres per 1,000 permanent resident population. Based on the 528 DU it can be expected that about 820

new permanent residents could be added. There is no vacant land in the Village to acquire. The current BEBR 2023 estimated permanent resident population is 3,054 persons. If the new population was 3,874 persons, 10.65 acres of land would be necessary to meet the LOS. Based on the County criteria and current public / private land & facilities, 11.68 acres is now available. If the percentage of permanent / seasonal population changes, this could become a problem in meeting the LOS in the future.

34) **Concurrency Analysis** – Section 14-8 of the Village Code sets forth the Concurrency analysis requirements for new development in the community. A concurrency Impact Analysis Report (IAR) for each listed infrastructure item is required for a site plan application. The applicant provided a preliminary IAR study that was reviewed by the Village's experts. Some of the applicant's IAR analysis was found to be inaccurate.

35) **Civil Engineering Plans** - Preliminary Civil Engineering plans were submitted as required (water / sewer / drainage / parking lots & pavement). The applicant has provided preliminary plans that have been reviewed by the Village's experts. Village consultants have found the project submittal to be deficient (See attached report from CGA).

36) **Major Anchor Outparcels** – It is our understanding the major anchor stores at the Shops (Saks Fifth Ave. / Neiman Marcus) have long-term leases with many years remaining. The site plan shows the elimination of those major anchor stores with new land uses. The Village has received correspondence from those stores expressing that they have not been consulted about the proposal and are objecting to this request. No documentation was provided indicating that the two (2) leaseholders were informed / have consented to the application, so the application is properly authorized, as required.

37) **Shadow Study** – This request involves the possibility of high-rise buildings on the BHS site, which is limited via the Zoning Code and Village Charter to 56' in height (exception for 42,600 sq. ft. carve out area at 69'). When the Village receives OF Oceanfront site plan applications (the only area in the Village with high rise development), a Shadow Study has been required to demonstrate the impacts of shadows at different times of the year / day from the proposed high-rise structure. Due to the proximity of the BHS site to low density single-family homes and low-density multifamily developments in the gated area, the Village required a Shadow Study for the proposed high-rise residential structures; however, the applicant failed to provide this study.

38) **Minimum Open Space** - As required throughout Miami-Dade County, the Village must utilize the base Miami-Dade County Landscape Code, and the Village has not adopted any supplemental regulations. The BHS site is defined as an "Urban Center". The M-D Landscape Code does not address "Urban Center" commercial sites. However, within the M-D Urban Center District (Sec. 33-284.86), special land development regulations are set forth for more dense urban settings (city centers / downtowns). Within Urban Centers at least 10% open space is required. MMPA confirmed this Code application with the county staff and several cities (downtown areas). Also, the County's 10% requirement is broader than just landscaping.

Sec. 33-284.86(D) of the Miami-Dade County "Urban Center" Code states that the street area on the side adjoining the open space and consisting of the curb, street tree landscape strip and sidewalk shall count towards the square footage of the open space; the open space may also be provided in the form of landscape roof terraces / gardens on buildings. Additionally, private open space may be a combination of paving materials, lawn, ground cover, etc.

The plans do not include any calculations to show compliance with the minimum open space requirements. The applicant has not provided calculations demonstrating the plan is in compliance. The above section of the Miami-Dade County "Urban Center" Code also states that at least 16 trees are required per acre. Applying this Section of the Code, the site is required to have at least 256 shade trees (M-D Code allows 25% of the required shade trees to be palms at a ratio of 3 palms = 1 shade tree). The plans submitted do not contain any calculations demonstrating compliance with the Miami-Dade County or Village Land Development Regulations.

39) **Code Deficiency (Parking Garage Heights for LLA Structures)** – Section 21-318 of the "B" Business District sets forth the allowable building heights for Buildings & Structures in the District. There are separate height regulations for "commercial" buildings and parking garages. The maximum height allowed is 56' above average adjoining street grade, except for a 42,600 sq. ft. area that may be up to 69' in height. No commercial building can exceed 3-stories in height. No parking garage can exceed 5-stories in height. There are separate height regulations for "Live Local Act" residential buildings and parking garages. On Sheet A-251, several cross sections of the proposed new site plans show parking garages violating the maximum parking garage # of stories & height under Bldg. L (7-stories - 90'), K (66') and M (72'). The plans submitted do not comply with the Village's Land Development Regulations.

40) **Parking Study / Parking Operational Plan** – This project is proposed as a mixed-use development. In 2017, the BHS Expansion project was granted a significant off-street parking reduction based on actual parking demand studies and due to the exclusive nature of the mall's commercial uses. Commercial malls and residential uses have completely different parking needs and daily use characteristics. The original BHS design plan included several floors of underground parking garages but an amended plan in 2019 deleted the underground parking (loss of parking spaces). Observations of the new parking garage operation note the garage is highly occupied most of the daytime hours (more so on weekends) and vacant parking spaces are difficult to find on occasion. With the addition of 528 dwelling units (hotel use not permitted) about 1,113 parking spaces will be required just for the new residential land uses. The plans show internalized parking garages for Buildings "L" and "K" but no internalized parking at all for Building "J". Required parking is required to be integrated and part of a development, be designated by land use type, and be easily accessible. The applicant has provided a preliminary parking operational parking plan as to how the parking will occur by land use type. For OF development, allowable uses (residential / hotel / ancillary commercial uses) must provide parking based on the DU & Hotel rooms / sq. ft. of ancillary commercial uses as specified in the Village Zoning Code. The current plans are not compliant with the Village's Land Development Regulations for residential off-street parking. The applicant

has provided a preliminary operational parking plan that has been reviewed by the Village's consultants (Corradino & Associates) finding it deficient.

41) **Parking Calculations / Locations** – Sheet Z-001 contains the applicant's off-street parking table with calculations. The quantitative analysis appears to be incorrect as previously noted, as the Village updated its requirements for LLA development. For the proposed LLA residential uses, the parking design criteria in Sec. 21-385 for development NOT inside the Special Business Improvement Area must be used – as commercial and residential parking lot configuration needs are different. Although not clearly defined in the plans set, it appears of the 528 total proposed DU, 95 DU will be in proposed Bldg. "K", 210 DU in proposed Bldg. "L", and 228 DU in proposed Bldg. "J". The parking requirements per residential Building are as follows based on Sec. 21-384 (*Base per BR / 10% Extra / Est. # of Employees / 15% Guest / 15% Maint. & Const. Workers):

Bldg. #	# of DU	*Parking Required	Parking Provided	+/-
Bldg. J	228	380 / 38 / 21.5 / 21.5	467 / 0	(467)
Bldg. K	92	176 / 17.5 / 6.1 / 6.1	212 / 143	(69)
Bldg. L	210	375 / 21 / 14 / 14	434 / 554	+120
	528		1,113 / 697	(416 Shortfall)

Per Sec. 21-381, each residential building must include all of its minimum required parking spaces within the building in an enclosed parking garage. There is no explanation of why there is such a wide variation in the parking provided per building or the location of the alternative parking for each building. When a mixed-use project is proposed often there can be shared parking. ULI / ITE / Others have studied these types of developments and published recommendations on parking. Observations of the new 96th Street parking garage operation note it is highly occupied most of the daytime hours and vacant parking spaces are difficult to find on occasion. With the addition of 528 DU, about 1,113 additional parking spaces may be required for that land use (need calcs). The plans show internalized parking garages for Buildings "L" and "K", but no internalized parking at all for Building "J". It does not appear at this time a shared parking reduction is being sought. Revise the plan set to provide a Code compliant site plan design (local laws & regulations) with adequate parking within each residential tower. Alternatively provide a Parking Study identifying where parking for each land use type / building is anticipated for the Village's consideration. No Parking Operational Plan was submitted setting forth how / where / hours of parking / vehicle stacking for the Village's consideration. The plans submitted do not comply with the Village's Land Development Regulations.

42) **Affordable Housing** – No information was submitted concerning the proposed Building "J" so-called "Affordable Housing" dwelling units. Provide an analysis of the current Miami-Dade / Village HUD income / housing costs / estimated rents & sale values. Provide draft legal agreements / covenants / terms to maintain the "Affordable Housing"

DU for the required 30-year timeframe per the Live Local state law. The Village Code requires the integration of some of the "Affordable Housing" DU into each of the proposed "Market Rate" residential towers so as not to segregate lower income persons from normal residential amenities / services. The documents submitted do not comply with the Village's Land Development Regulations.

ATTACHMENT "B"

COMPREHENSIVE PLAN COMMENTS

43) **Comprehensive Plan Related Issues** – Following are excerpts from the Village's adopted Comprehensive Plan, with relevant provisions bolded or underlined for emphasis, that relate to the submittal. Some of the GOPs were mandatory by the State of Florida DCA (now DEO) as part of a series of Comprehensive Plan updates adopted on December 16th, 1997 via Resolution No. 566 which approved a "Stipulated Settlement Agreement" to find the Village's Comprehensive Plan "In Compliance". State law and policy has changed over the years, but we question if legally adopted Comprehensive Plan GOPs can be usurped by the Act, other than the stated land use allowances. Provide a Comp Plan consistency analysis of this project with the Comp Plan Element text and GOPs listed below. The Village finds the project as submitted fails to meet and is inconsistent with some of the Village's Comprehensive Plan GOPs.

* * * * * * * * * * * *

III. Future Land Use Element

5. Commercial Land Use

There are two commercial lots, totaling almost 17 acres of net land. One lot is a bank, and is only about a quarter of an acre. The remaining commercial site consists of 16.5 acres of a regional shopping mall. The Village's land development regulations and the approved development orders for the commercial lots provide the standards to control the uses, bulk regulations, and intensity of commercial development.

The Bal Harbour Shops is comparatively small for a regional shopping center, except that the tenants it houses consists of mostly specialty shops and anchor stores that are not found anywhere else in the county. Some are exclusive stores found only in New York or other metropolitan cities. Therefore, patrons from all of Miami-Dade and Broward Counties shop at this mall, as well as tourists.

The Shops have approximately 464,000 square feet of leasable space with approximately 1,680 parking spaces. A proposed expansion approved in 2017 will result in approximately 806,000 square feet of total leasable space and about 2,580 parking spaces. There are three major points of access to the mall: one from 96 Street, and two from Collins Avenue. All three have full traffic signalization.

F. Future Land Use

The future land uses are expected to be the same as those existing and approved in the present, except that vacant parcels will be constructed following currently permitted uses of the zoning codes, and other minor modifications described below. The future land uses are tabulated on Table 3.4. The Future Land Use Map, Figure 3.3, applies to the 2017-2022 and 2017-2030 planning periods (short-term @ 5 years / long-term @ at least 10-years per state law). Anticipated construction for the next decade includes the redevelopment and expansion of the existing commercial Bal Harbor Shops. Furthermore, single-family homes are constantly being renovated or rebuilt, as well as the multifamily or hotel properties. Some of the other anticipated changes are as follows:

1. Residential Land Use / Commercial Land Use to Municipal Land Use

   As part of the Bal Harbour Shops expansion the Village will acquire a former Medium-Density Residential site along Collins Avenue north of the mall. The future land uses may include governmental offices, cultural, recreational, or other public uses. Additionally, the Village will acquire the current commercial site along 96th Street between north / south Collins Avenue currently occupied by a bank. The long-term use could remain commercial or include a mixture of land uses both private and public.

2. Village Hall / Public Works Site Redevelopment - Long-term plans may include.....

GOALS, OBJECTIVES, AND POLICIES

FUTURE LAND USE ELEMENT

GOAL: Maintain the high-quality built environment of Bal Harbour by ensuring that all physical development activities adhere to the Village's Land Development Regulations.

Objective: Maintain and enforce a current comprehensive set of Land Development Regulations (LDR's).

Policy: Periodically review LDR's to ensure they properly address all land development activities.

Policy: Those Density and Intensity Standards found in the Future Land Use Element shall be enforced rigidly.

Policy: Residential land areas west of Collins Avenue will allow grandfathered apartment hotel uses at an intensity that respects the vested rights of grandfathered property and is compatible with surrounding uses.

GOAL: Maintain the existing character of the Village while honoring the Future Land Use Map.

Objective: Coordinate future land uses with:

Availability of facilities and services:

Policy: Location, extent, and intensity of future developments shall be subject to the physical ability to provide for adequate public services to levels adopted by the comprehensive plan.

Policy:The Village shall consider the availability of water supply facilities during evaluation of any proposed Comprehensive Plan land use amendments or rezonings.

Policy: Prior to approving a building permit, the Village shall consult with the Miami-Dade County Water and Sewer Department (WASD) to determine whether adequate water supplies will be available to serve the new development no later than the anticipated date of issuance of a certificate of occupancy or its functional equivalent.

Policy:Developments and construction that adversely impact on the resources, including designated historic resources, of Bal Harbour and its residents shall not be allowed.

Policy: New developments and construction shall be required to make improvements to existing public facilities in order to mitigate their impact thereon.

Policy: The Village shall annually review population estimates, existing and proposed developments and water usage to identify any changes or trends which may impact the Village's existing or future demands for potable water.

Objective: There shall be no land uses that are inconsistent with community's character and with future land uses:

Policy:Review construction and development plans for consistency with the goal set herein, and for conformity with the community's standards.

Policy: Enforce the Zoning and Development Codes of Bal Harbour.

Objective: Require provisions for hurricane preparedness and evacuation.

Policy: Consult the Coastal Management Element when reviewing proposed development plans.

Objective: The Village Council shall annually review Miami-Dade County's and the South Florida Regional Planning Council's recommendations relating to the Hurricane Evacuation Report, and all land use shall be coordinated with recommendations deemed appropriate by the Village Council.

Policy: The Village shall determine the appropriateness of recommendations of the state, SFRPC and Miami-Dade County based on parameters including but not limited to the following:

- Consistency with the Village's adopted "Future Land Use Map".

-Consistency with the Village's existing and planned development pattern.

Objective: Ensure availability of land for public facilities and support utilities.

Policy: Cooperate with utilities seeking access through Bal Harbour, provided the proposed services are of public benefit to Bal Harbour and its residents.

Objective: Encourage use of innovative land development techniques.

Policy: Maintain the Bal Harbour Village code to permit mixed-use and planned development to form part of any redevelopment **of the ocean-front district.**

Policy: Allow the oceanfront parcels to develop as hotels, condominium or rental apartments, and permit mixed use of those properties with limited convenience commercial or business uses to primarily serve their residents or patrons.

GOALS, OBJECTIVES, AND POLICIES

COASTAL MANAGEMENT ELEMENT

Goal 2: Reducing Vulnerability to Hurricanes.

Objective 2.2: Hazard Mitigation and Coastal High-Hazard Areas: The Village of Bal Harbour shall ensure that building, development and redevelopment activities are carried out in a manner which minimizes the danger to life and property from hurricanes. **Development within the coastal high-hazard areas shall be restricted** and public funding for facilities within high-hazard areas shall be curtailed.

Policy 2.2.02: The Coastal High Hazard Area (CHHA) shall encompass the entire Village as currently defined by Florida Statutes.

Policy 2.2.04.1: The Village shall prohibit any future proposed land use amendment and/or development or redevelopment activity which would increase the adopted intensity of development within the Coastal High Hazard Area as defined in the Future Land Use Element.

* * * * * * * * * * * *

Analysis: Policy 2.2.02 was specifically required to be modified by the State of Florida DCA (now DEO) as part of a series of Comprehensive Plan updates adopted on December 16th, 1997 via Resolution No. 566 which approved a "Stipulated Settlement Agreement" to find the Village's Comp Plan "In Compliance". It could be argued the proposed unanticipated BHS high density residential development is prohibited, as 528 new DU was never envisioned or proposed. As the Village is completely with a Coastal High Hazard Area the state's past policy has been to restrict more density on the barrier islands. However, the residential density proposed is not being increased from 55 DUA. The new development intensity will transfer it to a location never envisioned and increase population in the CHHA.

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GOALS, OBJECTIVES, AND POLICIES

HOUSING ELEMENT

GOAL: Maintain the existing high quality and character of the present housing stock.

Objective: Provide for adequate siting for very low income, low income and moderate-income housing and adequate sites for mobile and manufactured housing. **Does not apply since Bal Harbour is built out, density is limited due to the Coastal High Hazard Area location, and land prices are extreme.** Also, barrier island location is inappropriate especially for mobile homes.

GOALS, OBJECTIVES, AND POLICIES

TRANSPORTATION ELEMENT

Goal: To preserve and maintain the existing transportation network including arterial, collector and residential streets and their appurtenant lighting, signing and marking.

Objective IV-1: Provide for a safe and efficient motorized and non-motorized transportation system.

Policy: In conformity with the established Miami-Dade County Transportation Concurrency Exception Area (TCEA) for the Beach / CBD Area, those areas within the boundaries of Bal Harbour Village are designated as a Transportation Concurrency Exception Area (TCEA) as specified in Section 163.3180(5), Florida Statutes. Development within the TCEA is excepted from transportation concurrency to encourage infill and redevelopment. Those implementation policies and strategies set forth in the Miami-Dade CDMP apply in the Village, **except as related to residential density increases.**

Policy: Enforce ordinances limiting the number, location and size of driveways connecting to roadways.

Policy: Development applications shall be required to demonstrate locations for bicycle storage and pathway connections shall be made between buildings and the public walkway system.

Objective IV-2: Coordinate traffic circulation system with future land uses.

* * * * * * * * * * * *

Analysis: Based on the Village's adopted Comprehensive Plan Future Land Use Element and Housing Element supporting text and Goals, Objectives and Policies (GOPs), **the proposal is deemed inconsistent with the Village's Comprehensive Plan and implementing land Development Regulations (LDRs).** The Village was master-planned in the 1940s and has been developed in accordance with that master plan. Residential uses have never been allowed in a commercial area nor has that land use been deemed compatible based on this community's desires, especially high-rise residential towers in near proximity to low-density housing. This project could have major negative impacts on the Coastal Hurricane Evacuation area and facilities. See report from Corradino & Associates.

EXHIBIT 2

THE CORRADINO GROUP, INC.

CORRADINO

ENGINEERS · PLANNERS · PROGRAM MANAGERS · ENVIRONMENTAL SCIENTISTS

November 15, 2024

Jorge M. Gonzalez
Village Manager
Village of Bal Harbour
655 96th Street
Bal Harbour, FL 33154

RE: Bal Harbour Shops Master Plan Redevelopment
Village Project No. SP-2024-0003

Dear Mr. Gonzalez:

The Corradino Group, Inc. (Corradino) has completed the traffic engineering peer review of the initial traffic impact study for the Bal Harbour Shops Master Plan. A copy of the detailed Peer Review comments and subsequent responses has been included in Attachment A.

The Bal Harbour Shops Master Plan Redevelopment Traffic Impact Study included as part of the application for Village Project No. SP-2024-003 has been deemed incomplete due to insufficient information being provided after numerous requests. A joint meeting was held between the applicant Team, Village staff, and The Corradino Group, Inc. on 10/02/24 to review the traffic engineering review comments. In addition to the initial 08/20/24 traffic review comment memo being submitted, versions dated 10/23/24 and 11/15/24 have also been submitted to the applicant team.

The applicant has not submitted a revised traffic impact study that addresses the peer review comments. The remaining comments include but are not limited to FDOT pre-application meeting minutes, updated annual growth rate calculations, detailed roadway characteristics of the impacted roadways, Transportation Demand Management Strategies, updated road segment link analysis, documentation of existing valet parking operations and conditions analysis of the existing Bal Harbour Shops site, parking supply analysis memo, a complete Hurricane Evacuation Traffic Analysis, pavement marking and signage plans, fire staging locations for emergency response, sight visibility triangles, a vehicle maneuverability analysis for site loading among other items.

Sincerely,

Eric Czerniejewski, P.E., ENV SP

cc: Lourdes M. Rodriguez, Village of Bal Harbour Building Department
Michael Miller, AICP, Michael Miller Planning Associates, Inc.

Attachments
A: Traffic Engineering Peer Review Documentation

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ATTACHMENT A: TRAFFIC ENGINEERING PEER REVIEW DOCUMENTATION

THE CORRADINO GROUP, INC.

CORRADINO

ENGINEERS · PLANNERS · PROGRAM MANAGERS · ENVIRONMENTAL SCIENTISTS

date: November 15, 2024

to: Lourdes Rodriguez, Village of Bal Harbour Building Department

from: Eric Czerniejewski, P.E., ENV SP

subject: Bal Harbour Shops Master Plan Redevelopment Traffic Review

MEMORANDUM

The Corradino Group, Inc. (Corradino) has been requested to provide a traffic review of the Bal Harbour Shops Master Plan redevelopment, which is generally located in the northwest quadrant of the intersection of State Road A1A/Collins Avenue/Harding Avenue and State Road 922/96th Street in the Village of Bal Harbour, Florida. The following are our updated responses to our initial traffic review comments of the March 2024 submittal. This includes the applicant's draft responses dated 10/10/24 and 10/31/24.

1. Projects that have direct or immediate access or are within one-half block of Collins Avenue, Harding Avenue, or 96th Street shall be subject to review and approval by FDOT for compliance with FDOT standards. Please provide a copy of the meeting minutes from the FDOT pre-application access management committee meeting as part of your resubmittal.

   Kimley Horn and Associates, Inc. 10/12/24 Response: Noted. The applicant's traffic engineer will schedule and attend an FDOT pre-application meeting. The committee meeting minutes will be attached as part of the future updated traffic impact analysis.

   TCG 10/23/24 Response: This item is still pending. Please provide this information as part of your updated traffic impact study.

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2. Please include the 2023 traffic volumes from FDOT Florida Traffic Online for count stations 87-0540 and 87-0132 in the annual growth rate calculations. Please update the annual growth rate to 3.0% to account for additional committed trips for approved but unbuilt development projects in the nearby and adjacent neighboring communities.

   Kimley Horn and Associates, Inc. 10/12/24 Response: The growth rate calculations will be updated to include the FDOT Florida Traffic Online 2023 traffic volumes at the 87-0540 and 87-0132 count stations that were not available at the time of initial submittal. The annual growth rate that will be applied to the existing traffic volume will be based on these revised calculations or the referenced 3 percent (3%) provided there is acceptable justification for the referenced 3 percent (3%) growth rate.

   TCG 10/23/24 Response: This item is still pending. Please provide this information as part of your updated traffic impact study.

3. The traffic study should include a narrative that describes the roadway characteristics of the adjacent roadway network. This should include the roadway ownership, number of lanes, speed limit, multimodal facilities and other pertinent information.

   Kimley Horn and Associates, Inc. 10/12/24 Response: The updated traffic impact analysis will be updated to include a summary of the existing roadway characteristics including roadway ownership, number of lanes, speed limit, multimodal facilities.

   TCG 10/23/24 Response: This item is still pending. Please provide this information as part of your updated traffic impact study.

   Kimley Horn and Associates, Inc. 10/31/24 Response: Please provide acceptable justification for the 3% growth rate. If unavailable, we will proceed with the annual growth rate calculated as part of the revised analyses.

   TCG 11/15/24 Response: As noted in my prior response, please use a 3.0 % growth rate or 2.25% plus committed trips from approved but unbuilt development projects in the Village or nearby communities. This item is still pending. Please provide this information as part of your updated traffic impact study.

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4. A multimodal reduction has been applied to the trip generation calculations. Please expand the multimodal reduction section of the updated traffic impact study to include more details regarding the existing and proposed bicycle and pedestrian infrastructure that will serve the Bal Harbour Shops redevelopment. This should include any proposed Transportation Demand Management strategies that will aid in promoting alternative modes of transportation.

   Kimley Horn and Associates, Inc. 10/12/24 Response: The future updated traffic impact analysis will include a multimodal evaluation, identifying the existing roadway characteristics along with existing transit, bicycle, and pedestrian amenities located within the vicinity of the project. Specific Transportation Demand Management (TDM) strategies cannot be committed to at this time as the project is still in the masterplan phase, however, an ongoing commitment to TDM strategies will be emphasized as part of the future updated traffic impact analysis.

   TCG 10/23/24 Response: This item is still pending. Please provide this information as part of your updated traffic impact study.

   Kimley Horn and Associates, Inc. 10/31/24 Response: Specific Transportation Demand Management (TDM) strategies cannot be committed to at this time as the project is still in the master plan phase; however, an ongoing commitment to TDM strategies will be emphasized.

   TCG 11/15/24 Response: A condition of approval will be developed which will require TDM measures to be implemented. This item is still pending. Please provide this information as part of your updated traffic impact study.

5. The road segment link analysis should be updated based on current 72-hour speed/volume tube counts collected during the peak season conditions. The road segment link analysis should be evaluated at the following road segment locations:
   - State Road A1A/Collins Avenue north of 9800 Block
   - State Road A1A/Collins Avenue between 9800 Block and just south of the 9700 Block
   - State Road A1A/Collins Avenue just north of State Road 922/96th Street (Directional)
   - State Road A1A/Harding Avenue just north of State Road 922/96th Street (Directional)
   - State Road 922/96th Street west of Abbott Avenue

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The annual growth rate of 3.0% should be used to account for additional committed trips for approved but unbuilt development projects in the nearby and adjacent neighboring communities. Please add a column to Road Segment Link Analysis Tables 6 through 11 for the volume/capacity ratio for each road segment analyzed.

Kimley Horn and Associates, Inc. 10/12/24 Response: The roadway segment capacity analysis will be updated based on 72-hour speed/volume counts. As a result of inclement weather, data is proposed to be collected Tuesday, October 15, 2024, through Thursday, October 17, 2024. The collected traffic data will be adjusted to peak season conditions using FDOT peak season correction factors consistent with the date of data collection. The updated growth rate calculated as part of Comment 2 will be utilized in this analysis.

TCG 10/23/24 Response: This item is still pending. Please provide this information as part of your updated traffic impact study.

Kimley Horn and Associates, Inc. 10/31/24 Response: Please provide acceptable justification for the 3% growth rate. If unavailable, we will proceed with the annual growth rate calculated as part of the revised analyses.

TCG 11/15/24 Response: As noted in my prior response, please use a 3.0 % growth rate or 2.25% plus committed trips from approved but unbuilt development projects in the Village or nearby communities. This item is still pending. Please provide this information as part of your updated traffic impact study.

6. Please provide an additional detailed narrative in the Roadway Segment Analysis section of the updated traffic impact study that provides specifics related to area type, context classification, specific adjustment factors used and other key elements. Please include the generalized LOS tables used with volume thresholds highlighted in the Appendix of the updated traffic impact study.

   Kimley Horn and Associates, Inc. 10/12/24 Response: The future updated traffic impact analysis will include a narrative providing facility type, context classification, and adjustment factors. The appendix of the updated traffic study will include the generalized LOS tables with volume thresholds highlighted.

   TCG 10/23/24 Response: This item is still pending. Please provide this information as part of your updated traffic impact study.

7. A section of the updated traffic impact study should include detailed information regarding the valet parking offered for the existing retail shopping at the Bal Harbour Shops development. This should include the existing valet traffic operations, queueing, and internal traffic circulation based on the current valet staffing. This should serve as the baseline for the existing on-site valet traffic operations. Please provide a valet routing plan for the existing valet operations at the Bal Harbour Shops in the Appendix of the updated traffic impact study. A field queuing evaluation should be completed and summarized in the updated traffic impact study as a narrative.

   Kimley Horn and Associates, Inc. 10/12/24 Response: The future updated traffic impact analysis will include a narrative summarizing the existing valet operations including the valet within 96th Street Garage. However, as the existing queueing and routing operations will have no impact on the new proposed valet operations and a field evaluation of the existing valet operations would not provide pertinent information for the future valet locations proposed as part of the future buildings and parking garages, existing valet operations route figures will not be prepared, and existing valet service time data will not be collected. Further note that the valet analysis currently assumes industry standards for a vehicular travel time of 15 mph and valet attendant travel time of five (5) ft/second to provide a conservative analysis.

   TCG 10/23/24 Response: This item is still pending. Please provide this information as part of your updated traffic impact study.

   Kimley Horn and Associates, Inc. 10/31/24 Response: This masterplan study includes valet analyses for the future valet locations which are not constructed yet, and therefore the analyses were prepared using conservative industry standards with the theoretical valet analyses. Similarly regarding entry gate queuing analyses, as the project is still in the master planning phase, using the industry standards provides a conservative analysis.

   TCG 11/15/24 Response: It is important to document the existing valet operations and conditions as the actual local performance metrics and impacts to internal traffic circulation are relevant to this application. This item is still pending. Please provide this information as part of your updated traffic impact study.

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8. Please provide detailed backup justification for using only 20% of the new retail trips for valet parking. Please include recent historical information for the valet parking offered at the existing shopping center via the new 96th Street Parking Garage.

   Kimley Horn and Associates, Inc. 10/12/24 Response: The valet operations analysis utilized a rate of 20 percent (20%) of the retail trips for valet parking to provide a conservative analysis based on input from the client as well as understanding the cost difference of valet service to the self-parking options that are currently provided and that are proposed to be provided. The future updated traffic impact analysis will include a narrative summarizing the existing valet operations.

   TCG 10/23/24 Response: This item is still pending. Please provide this information as part of your updated traffic impact study.

   Kimley Horn and Associates, Inc. 10/31/24 Response: This masterplan study includes valet analyses for the future valet locations which are not constructed yet, and therefore the analyses were prepared using conservative industry standards with the theoretical valet analyses. Similarly regarding entry gate queuing analyses, as the project is still in the master planning phase, using the industry standards provides a conservative analysis.

   TCG 11/15/24 Response: It is important to document the existing valet operations and conditions as the actual local performance metrics and impacts to internal traffic circulation are relevant to this application. This item is still pending. Please provide this information as part of your updated traffic impact study.

9. Please provide actual local field measured durations for the existing valet parking operations as a backup to the assumptions used for the calculated exchanges between valet attendant and driver, valet attendant vehicle travel time speeds for valet pickup and drop off, valet attendant walks/run speeds and other important metrics.

   Kimley Horn and Associates, Inc. 10/12/24 Response: As discussed previously, as the existing queueing and routing operations will have no impact on the new proposed valet operations and a field evaluation of the existing valet operations would not provide pertinent information for the future valet locations proposed as part of the future buildings and parking garages, existing valet operations route figures will not be prepared, and existing valet service time data will not be collected. Further note that the valet analysis currently assumes industry standards for a vehicular travel time of 15 mph and valet attendant travel time of five (5) ft/second to provide a conservative analysis.

TCG 10/23/24 Response: This item is still pending. Please provide this information as part of your updated traffic impact study.

Kimley Horn and Associates, Inc. 10/31/24 Response: This masterplan study includes valet analyses for the future valet locations which are not constructed yet, and therefore the analyses were prepared using conservative industry standards with the theoretical valet analyses. Similarly regarding entry gate queuing analyses, as the project is still in the master planning phase, using the industry standards provides a conservative analysis.

TCG 11/15/24 Response: It is important to document the existing valet operations and conditions as the actual local performance metrics and impacts to internal traffic circulation are relevant to this application. This item is still pending. Please provide this information as part of your updated traffic impact study.

10. Additional detailed information should be provided for the proposed proximity card, push button ticket spitter, and other anticipated technology for the entry gate analysis. Please provide a copy of the vendor specifications, including the average service rate for the technology that will be used at the new Bal Harbour Shops redevelopment. If similar technology is being used at the existing entry gates at the 96th Parking Garage or other locations, please provide actual field-measured service rates as a backup in the updated traffic study.

Kimley Horn and Associates, Inc. 10/12/24 Response: The entry gate analysis was performed using industry standards from ITE's Transportation and Land Development, 1988 to provide a conservative analysis. As the project is still in the master planning phase, using the industry standards provides a conservative analysis.

TCG 10/23/24 Response: This item is still pending. Please provide this information as part of your updated traffic impact study.

Kimley Horn and Associates, Inc. 10/31/24 Response: This masterplan study includes valet analyses for the future valet locations which are not constructed yet, and therefore the analyses were prepared using conservative industry standards with the theoretical valet analyses. Similarly regarding entry gate queuing analyses, as the project is still in the master planning phase, using the industry standards provides a conservative analysis.

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TCG 11/15/24 Response: . It is important to document the existing valet operations and conditions as the actual local performance metrics and impacts to internal traffic circulation are relevant to this application. This item is still pending. Please provide this information as part of your updated traffic impact study.

11. Please provide an overall parking study for the Bal Harbour Shops Master Plan redevelopment. The parking study should provide details on how the overall site meets the parking requirements per the Village of Bal Harbour Code of Ordinances/Land Development Regulations. The overall parking study should discuss the overall site parking operational plan.

    Kimley Horn and Associates, Inc. 10/12/24 Response: The parking supply analysis memo provides a comparison of the required number of spaces based on the code requirements at the time of study preparation.

    TCG 10/23/24 Response: This item is still pending. Please provide this information as part of your updated traffic impact study.

    Kimley Horn and Associates, Inc. 10/31/24 Response: The parking supply analysis memo provides a comparison of the required number of spaces based on the code requirements at the time of study preparation

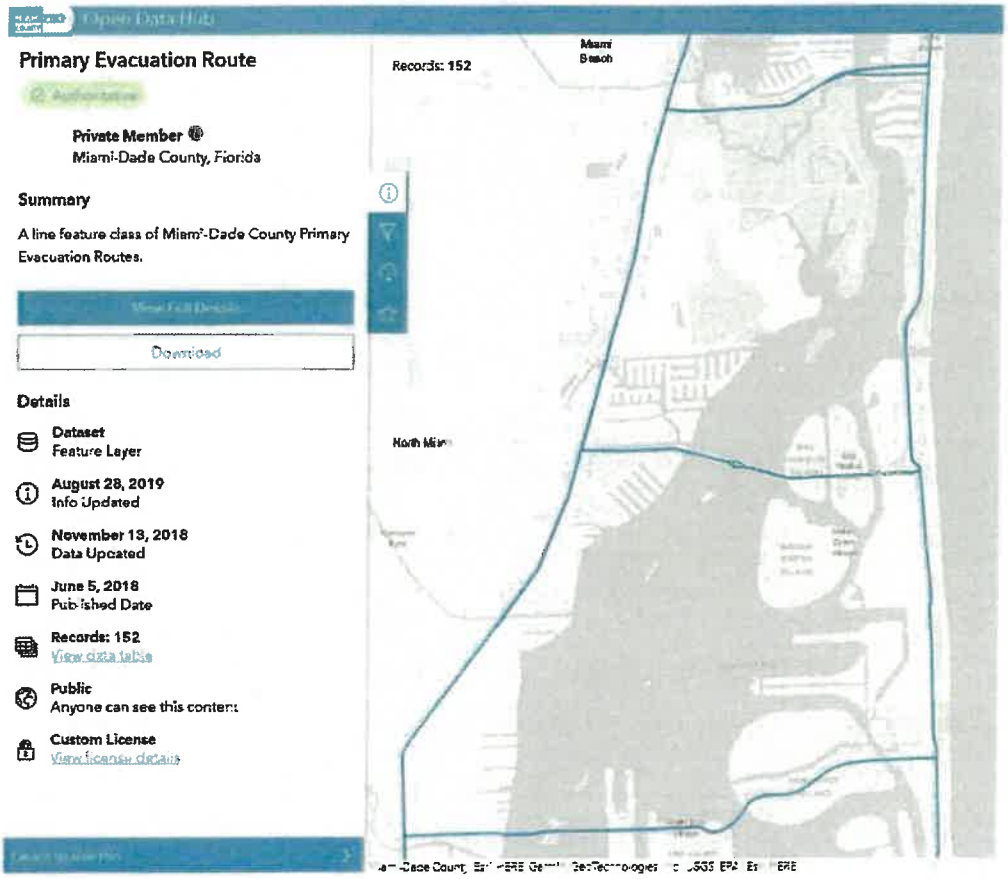
    TCG 11/15/24 Response: Please provide a copy of the current parking supply analysis memo with your resubmittal.

12. The Hurricane Evacuation Traffic Analysis should include an expanded detailed narrative in the Roadway Segment Capacity section that provides specifics related to area type, context classification, specific adjustment factors used and other key elements. Please include the generalized LOS tables used with volume thresholds highlighted as part of an Appendix to the updated Hurricane Evacuation Traffic Analysis.

    Kimley Horn and Associates, Inc. 10/12/24 Response: The Hurricane Evacuation Traffic Analysis will include a narrative providing facility type, context classification, and adjustment factors. The appendix of the updated Hurricane Evacuation Traffic Analysis will be updated to include the LOS tables with volume thresholds highlighted.

    TCG 10/23/24 Response: This item is still pending. Please provide this information as part of your updated traffic impact study.

13. Please update the Hurricane Evacuation Traffic Analysis to include an evaluation of a potential evacuation on State Road A1A/Collins Avenue north to State Road 826/NE 163rd Street as well as on State Road A1A/Harding Avenue south to State Road 934/71st Street. These are also primary evacuation routes per Miami-Dade County.



Kimley Horn and Associates, Inc. 10/12/24 Response: Note that the village has not adopted any specific standards for the preparation of a Hurricane Evacuation Traffic Analysis, and as such no specific limits were identified. Additionally, the example Hurricane Evacuation Traffic Analysis provided by the Village to the applicant analyzes only the nearest evacuation route as part of the analysis.

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Further note that the Hurricane Evacuation Traffic Analysis performed includes a conservative analysis of SR 922/96th Street, the nearest evacuation route for the Village. As SR 826/NE 163rd Street and SR 934/71st Street are over two (2) miles further than SR 922/96th Street which fronts the site and don't fall within the jurisdiction of the Village, analysis of those roads will not be performed. The analysis prepared conservatively assumes all households south of SR 826/NE 163rd Street and north of SR 934/71st Street will use SR 922/96th Street for evacuation. The requested expanded study area would only result in a lesser impact to SR 922/96th Street and improved evacuation conditions.

TCG 10/23/24 Response: This item is still pending. Please provide this information as part of your updated traffic impact study. This should include an alternative evacuation route on State Road A1A/Collins Avenue north to State Road 826/NE 163rd Street as well as on State Road A1A/Harding Avenue south to State Road 934/71st Street.

Kimley Horn and Associates, Inc. 10/31/24 Response: Please provide reasoning for the inclusion of the additional segments for the hurricane evacuation analysis. The current Hurricane Evacuation Traffic Analysis performed includes a conservative analysis of SR 922/96th Street, the nearest evacuation route for the Village. As SR 826/NE 163rd Street and SR 934/71st Street are over two (2) miles further than SR 922/96th Street which fronts the site and don't fall within the jurisdiction of the Village, analysis of those roads will not be performed. The analysis prepared conservatively assumes all households south of SR 826/NE 163rd Street and north of SR 934/71st Street will use SR 922/96th Street for evacuation. The requested expanded study area would only result in a lesser impact to SR 922/96th Street and improved evacuation conditions.

TCG 11/15/24 Response: An analysis of all hurricane evacuation routes available to Village residents is important to document as residents may choose each of the available options and not just the SR 922/96th Street option. This item is still pending. Please provide this information as part of your updated traffic impact study.

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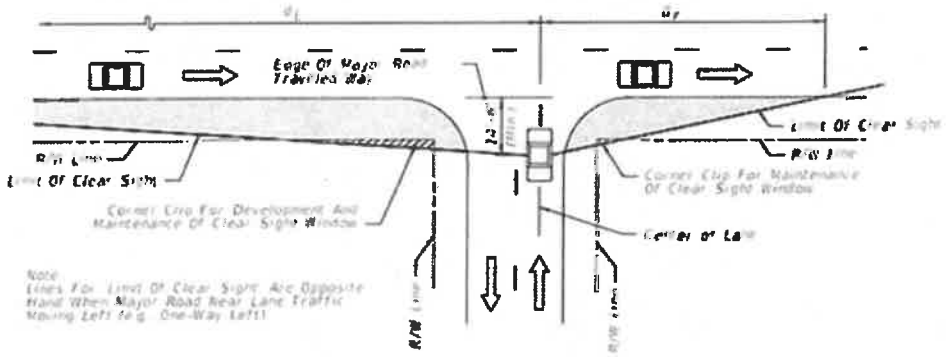
14. Please provide a separate pavement marking and signage plan signed and sealed by a professional engineer in the State of Florida. The plan should include existing and future pavement striping and signage for the proposed Bal Harbour Shops redevelopment. Appropriate signage and pavement markings per MUTCD, FDOT, and Miami-Dade County criteria should be proposed accordingly.

15. Please confirm the proposed fire staging location for emergency vehicles for the proposed development site. Please confirm that Miami-Dade Fire Rescue has reviewed and approved the proposed fire staging locations.

16. Please provide sight visibility triangles on the site plan at the proposed driveway connections to State Road 922/96th Street and State Road A1A/Collins Avenue. The sight triangles should also be depicted on the landscape plans and the pavement marking and signage plans. The sight visibility triangles along State Road 922/96th Street and State Road A1A/Collins Avenue should meet FDOT criteria as outlined in the FDOT Design Manual (Section 212.11).

Figure 212.11.1 Clear Sight Triangles



17. Please provide a vehicle maneuverability analysis for the project parking areas, site loading areas, and fire lane using Transoft Solutions' AutoTURN software. A technical memorandum must document deficiencies related to maneuverability, traffic flow, and vehicular conflicts.

18. There may be future traffic engineering review comments for this application based on any significant revisions to the applicant's program or the additional supplemental information provided based on these traffic review comments.

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EXHIBIT 3

Calvin, Giordano & Associates, Inc.
A SAFEbuilt COMPANY

☒ Fort Lauderdale Office · 1800 Eller Drive · Suite 600 · Fort Lauderdale, FL 33316 · 954.921.7781(p) · 954.921.8807(f)
☐ West Palm Beach Office · 580 Village Boulevard · Suite 325 · West Palm Beach, FL 33409 · 561.684.6161(p) · 561.684.6360(f)

Concurrency Review No 1 – FINAL REVIEW
Bal Harbour Shops Expansion

Date:	11/14/2024
To:	Gabriel Romanach, PE (Kimley-Horn)
From:	Nicholas W. Kanelidis, PE (Calvin, Giordano & Associates, Inc.)
Subject:	Bal Harbour Shops Expansion – Concurrency Review No 1 – FINAL REVIEW
Project:	CGA Project No. 17-9868.86
CC:	Jorge Gonzalez, Village Manager (Bal Harbour Village); Lourdes Rodriguez, Building Administrator (Bal Harbour Village); Kevin Gerszuny, PE (Kimley-Horn)

Our office has reviewed the subject concurrency application. Approval cannot be granted at this time due to insufficient supporting documents and miscellaneous discrepancies as summarized in the review comments below. Please resubmit your application package with the appropriate corrections and additional documentation once completed should you still wish to pursue concurrency approval for the subject project.

Stormwater Review Comments

1) Drainage Memo - Update the narrative to include an existing condition versus proposed condition runoff analysis for the studied storm events. Elaborate on the assumptions and methodologies used in this analysis including the "glass wall approach" and how this approach is conservative and will allow the final engineering to meet the minimum SFWMD requirements for detention and water quality.

2) Drainage Memo - Update the narrative on the existing and proposed conditions, pervious and impervious amounts and percentages and curve numbers used in the model. We could only find one reference to a curve number for the East Basin. The West Basin runoff parameters were not included, and the existing condition runoff parameters were not included.

3) Drainage Memo - Please include a clear description of the existing historical permitted storage capacity and existing discharge, rate and location, and confirm the total number of wells. The narrative and ICPR report provided for review contain different totals for the existing wells (refer to Comment No 6).

4) Drainage Memo - Please include a detailed description of the proposed capacity and proposed discharge, rate and location, and describe the amount (increase or decrease) in total runoff and how it will be handled. The report states that four wells will be moved due to their existing locations in conflict with buildings. However, it does not describe how the increase in runoff will

be handled by the existing system. Also, provide a description of how the four wells will be abandoned to ensure they are safe beneath proposed buildings.

5) Drainage Memo - The rainfall intensities used in the ICPR model for each storm event should be checked against NOAA, Atlas 14 and the higher of the two intensities should be used for the design.

6) Drainage Memo - The ICPR report indicates that there are 27 drainage wells in the existing condition on Pages 7 and 16, but the narrative of the report indicates 35 drainage wells. Please confirm the number and location of existing wells and proposed wells.

7) Drainage Memo - The comments within the ICPR report on Pages 9 and 10 indicate that the final design max elevation or ponding for the 100-YR/24-HR and 72-HR events must be below the existing and proposed finished floor elevations (FFEs). However, the FFEs were not provided in the report nor on the drainage plan for existing or proposed buildings. Provide the FFEs of the existing and proposed buildings on the drainage plan and within the memo.

8) Drainage Memo - The Node Max summary on Page 19 has several max storage elevations depicted in red for the West Basin node. Please explain these elevations in red and demonstrate how they are within the tolerances or requirements for flooding listed above in the Level of Service section for stormwater.

9) Drainage Plan Sheet C-510 – Please ensure all existing and proposed wells, drainage structures, and pipes are shown and clearly indicate which wells, pipes, and drainage structures are likely to be relocated or abandoned with this project. Update the legend and ensure all line types and symbols are included. For clarity, provide a drainage structure and well chart for the existing system and proposed system with unique identification numbers and details such as size, depth, pump details, and capacity.

Potable Water and Sanitary Sewer Review Comments

1) Provide a preliminary report on the capacity of the sanitary sewer system to include gravity sewer pipe capacity showing the calculated depth of flow for the Village's downstream gravity sanitary sewer considering existing and proposed flows. Include the calculated sanitary sewer pump station runtimes and cycles durations with proposed flows. The existing flows from multiple Municipalities into the shared 16" force main that discharges to the City of Miami Beach need to be considered.
2) Provide a preliminary report on the capacity of the potable water system including the estimated average daily demand, daily peak hour demand and required fire flows based on existing water pressure with calculated residual water pressure in the Village's water distribution mains during proposed peak hour demand and during fire flow events.

EXHIBIT 4

Memorandum

MIAMI-DADE COUNTY

Date: October 22, 2024

To: Mauricio Escarra, Deputy Police Chief
Bal Harbour Village Police Department

From: Raied S. Jadallah, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Bal Harbour Shops Redevelopment Impact Analysis

Enclosed, please find the requested impact analysis report regarding the Bal Harbour Shops Redevelopment project located at 9700 Collins Avenue, Bal Harbour, FL 33154.

Miami-Dade Fire Rescue (MDFR) has provided services to the Village since 1971 and looks forward to continuing to serve your residents. Please feel free to contact Ms. Jenna Lugonja, Planning Division Manager, at 786-331-5254 if you would like to discuss the analysis further.

I am always available to address any questions or concerns that you or the Village residents may have regarding MDFR's services.

RSJ/jl

Enclosures

Table II
MDFR Stations Responding to Bal Harbour Shops, CY 2021-2023

	CY 2023		CY 2022		CY 2021	
Station Responded	# of Incidents	% of Incidents	# of Incidents	% of Incidents	# of Incidents	% of Incidents
Station 76	89	78%	92	86%	90	84%
Station 21	21	19%	13	12%	16	15%
Other	4	4%	2	2%	1	1%
Total	**114**	**100%**	**107**	**100%**	**107**	**100%**

Methodology

The Department utilized two methods to best determine the impact of new developments on MDFR's service delivery. First, MDFR used a standardized formula to calculate the number of anticipated incidents a new development will generate based on the number of units for residential properties and square footage for retail/commercial properties. This formula is based on the annual number of incidents MDFR responds to by occupancy type. Second, MDFR identified similar developments within its service area and analyzed historical incident call volume at these developments to project the number of anticipated incidents. A variety of factors, including the projected call volume, reliability, and available resources, related to the primary responding fire-rescue station's existing service demands were then considered to determine low, medium, or high impact.

Analysis and Key Findings

MDFR's impact formula was applied to calculate the number of anticipated annual incident totals generated by the new development at Bal Harbour Shops which includes the new/expanded retail area, hotel, and mixed-income housing as follows:

0.14 incidents per residential unit for 528 units (0.14*528=74) +
0.14 incidents per hotel unit (0.14*70=10) +
0.00040 incidents per square foot of new retail space (0.00040*181,585=73) =
157 projected annual incidents

Due to the unique features and large-scale of the proposed development, MDFR also identified four (4) sites within the Fire District that, when analyzed together, can be used to predict the potential impact on nearby stations. Each site listed below is comparable to one (1) component of the proposed multi-use development in terms of occupancy types and characteristics.

1. Doral City Place (commercial only), located at 8300 NW 36 Street in Doral, which encompasses 165,000 square feet of retail/commercial space, comparable to the additional space being developed at Bal Harbour Shops.
2. Marina del Mar Luxury Apartments, located at 100 Kings Point Drive in Sunny Isles Beach, which contains 336 luxury units, comparable to the 300 market-rate units proposed for the new development.
3. The Altair Hotel, located at 9540 West Bay Harbor Drive in Bay Harbor Islands, which has 96 hotel rooms, comparable to the hotel proposed for the new development.

4. SomiParc, located at 5961 SW 68 Street in South Miami, opened in May 2024 with 172 workforce/mixed-income housing units, comparable to the workforce housing component proposed for the new development. Due to the development's grand opening in May, MDFR projected the annual incident volume based on the number of incidents that have occurred since opening.

As the primary responding stations to incidents occurring at the existing site, this study will evaluate the potential impact of the proposed new development on both Station 76 and Station 21's call volume. **Table III** shows the total number of incidents that occurred within Station 76 and Station 21's territories in CY 2021-2023.

Table III
Total Incidents, Stations 76 and 21, CY 2021-2023

Station	CY 2023	CY 2022	CY 2021
Station 76	1,923	1,972	2,061
Station 21*	1,426	1,286	1,452

*Excluding Ocean Rescue/Lifeguard activity at Haulover Beach

Using Computer Aided Dispatch (CAD) System data, MDFR extracted all incidents units responded to during the past three (3) calendar years at the five (5) sites. Results are presented in **Table IV.**

Table IV
Total Incidents, Comparable Sites, CY 2021-2023

Comparable Site	CY 2023	CY 2022	CY 2021	3-YR Average
Bal Harbour Shops	114	107	107	109
Doral City Place	16	22	21	20
Marina Del Mar	57	45	44	49
Altair Hotel	13	19	6	13
SomiParc*				26

Based on the three-year average, the proposed development could generate an additional 107 incidents per year (this figure excludes the average incidents currently reported at the existing site). For the purposes of this analysis, MDFR used the projected 157 annual incidents as the estimated maximum number of incidents that can be expected to occur at the redeveloped Bal Harbour Shops. This would increase the MDFR responses into the Village by an estimated 21%.

Using the data provided in Tables II and III for CY 2023, this would increase call volume at Station 76 by 122 incidents and at Station 21 by 30 incidents. **Table V** presents the potential impact of the proposed development. This would result in a medium impact for both Station 76 and for Station 21.

Table V
Bal Harbour Shops Redevelopment Impact on Station 76 and Station 21

Station	Number of Incidents
CY 2023 Station 76	1,923
Projected Station 76 (78%)	122
Projected Impact Station 76	**2,045**
CY 2023 Station 21	1,426
Projected Station 21 (19%)	30
Projected Impact Station 21	**1,456**

Other Considerations

Taking into consideration the density of the project as well as the configuration of the lot, MDFR requests an auto turn analysis to determine if MDFR's emergency response vehicles can be maneuvered throughout the property. Additionally, the proposed site plan (A001) shall include all roadway and cul-de-sac dimensions, turn radius and the location of the aerial apparatus set up site for any proposed building with more than three (3) floors. This is particularly important for Building J on the southwest side of the property due to the building having only one open side facing the public road. Therefore, the building may have to apply for an equivalency.

Conclusion

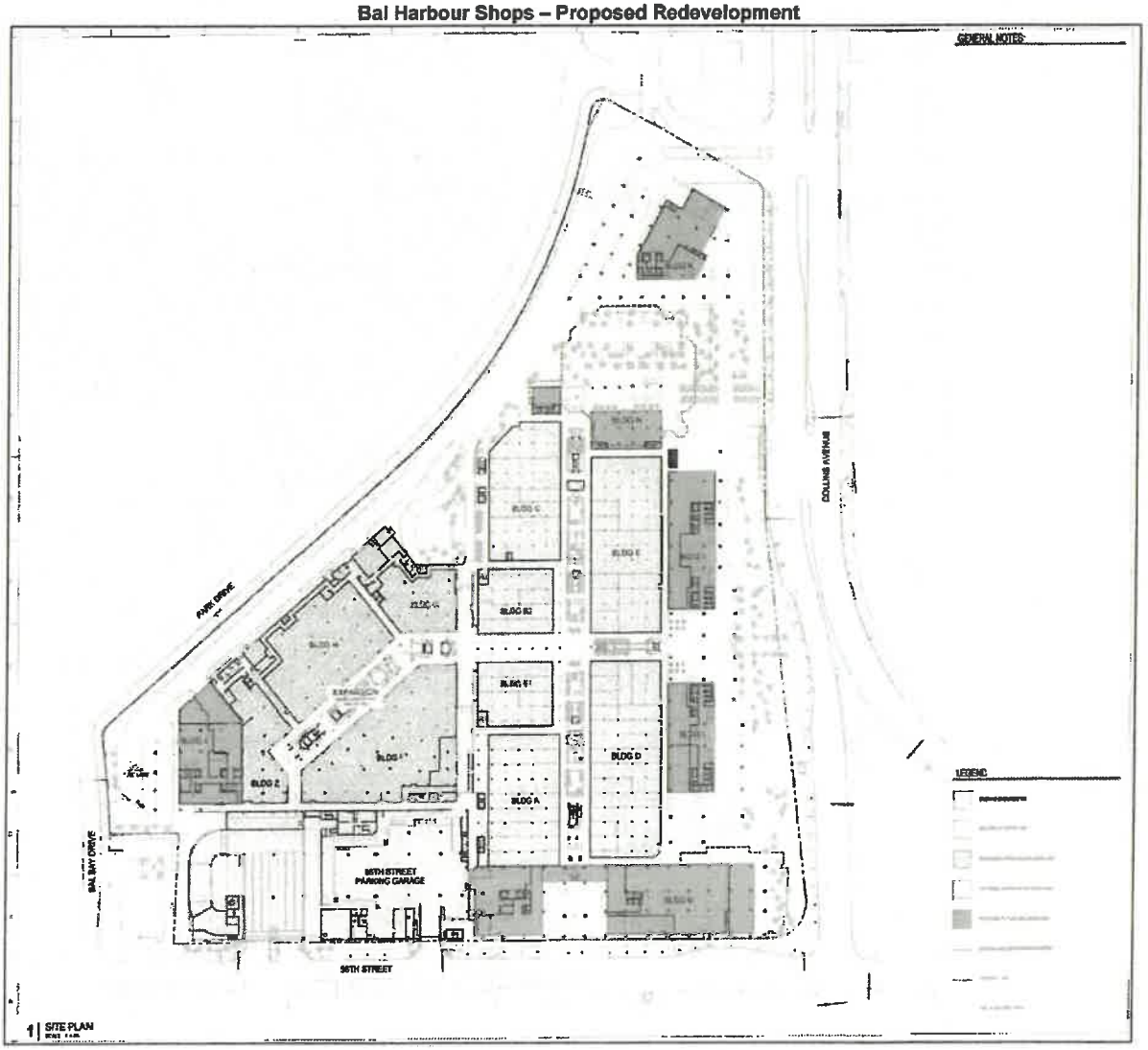
The redevelopment of Bal Harbour Shops will increase the Village's population and likely increase the demand for emergency services. Moreover, the addition of retail/commercial space, along with the new hotel, will increase tourism and daytime population within the Village, which could also lead to increased traffic congestion in the area. While MDFR has sufficient resources in the immediate area to maintain its service delivery to the Village, incident volume and response times will continue to be monitored and analyzed once the development is completed to ensure future needs of the Village and surrounding areas are met.

MIAMI-DADE FIRE RESCUE
Bal Harbour Shops Redevelopment
Impact Analysis
October 21, 2024

Introduction

At the request of Bal Harbour Village, Miami-Dade Fire Rescue (MDFR) analyzed the potential service impact of the proposed redevelopment of Bal Harbour Shops, located at 9700 Collins Avenue, Bal Harbour, Florida 33154. According to the plans submitted, the existing Bal Harbour Shops includes approximately 320,000 square feet of retail space; the proposed development will increase retail space by an estimated 182,000 square feet to a total retail area of 502,000 square feet. Additionally, the development will include 528 residential units, with 228 (43%) workforce units and 300 (57%) market-rate units, along with a luxury 70-room hotel. The proposed development is among the first of its kind located within MDFR's service territory and will require both construction of new structures and conversion/expansion of existing structures. The proposed site plan is depicted below.

Bal Harbour Shops – Proposed Redevelopment



MDFR has served Bal Harbour Village since 1971 and is primarily served by MDFR's Haulover Station 21 and Bay Harbor Station 76. **Table I** displays the total call volume and station responding for all incidents reported in the Village for Calendar Years (CY) 2021 to 2023.

Table I
MDFR Responses to Bal Harbour Village, CY 2021-2023

Station Responding	CY 2023		CY 2022		CY 2021	
	# of Incidents	% of Incidents	# of Incidents	% of Incidents	# of Incidents	% of Incidents
Station 21	402	55%	401	56%	454	58%
Station 76	267	36%	257	36%	262	34%
Other	64	9%	53	6%	64	8%
Total	**733**	**100%**	**711**	**100%**	**780**	**100%**

As depicted below, MDFR Bay Harbor Station 76, located at 1165 95 Street, is less than one (1) mile from Bal Harbour Shops and houses one (1) Rescue unit and one (1) Advanced Life Support (ALS) Engine. MDFR Haulover Station 21, located at 10500 Collins Avenue, is approximately 1.25 miles from the Shops, and houses one (1) Rescue unit, one (1) Battalion Chief, one (1) Basic Life Support (BLS) Platform, and one (1) Fireboat.

Bal Harbour Shops Proximity to Nearby MDFR Stations

As shown in **Table II**, while the Village is primarily served by MDFR Haulover Station 21, MDFR Bay Harbor Station 76 is the primary station responding to incidents reported at Bal Harbour Shops, responding to 78% or more incidents annually since CY 2021.

EXHIBIT 5

BAL HARBOUR
POLICE DEPARTMENT

Raleigh Flowers, Jr.
Chief of Police

TO: **Chief Raleigh Flowers, Jr.**

FROM: **Deputy Chief Mauricio Escarra**

DATE: **November 12, 2024**

RE: **Bal Harbour Shops Live Local Application - Public Safety Review**

In review of the Bal Harbour Shops Master Site Plan Revision - Live Local Act; the Police Department analyzed the estimated impacts to Public Safety within the Village.

The needs of every community vary greatly due to the expectations and needs of the residents and guests. According to the International City/County Manager's Association (ICMA), the ratio of full-time officers per thousand residents ranges from 2.6 per thousand to 1.8 per thousand, with an average ratio of 2.5 full-time officers per thousand residents. This per-capita approach to staffing is a guide that provides a macro perspective for staffing decisions but is not exact. The use of this method provides a good framework for basic Levels of Service (LOS). Each community must still assess their unique circumstances and safety desires in developing their staffing needs.

Currently, the Village Police Department has a ratio of officers per thousand residents of 5.24 Patrol Officers and 9.17 when the entirety of the sworn personnel is included. In 2014, the Village Police Department adopted a Community Oriented Policing philosophy, which incorporates high visibility along with increased engagement with residents and visitors to the Village. This was due, in part, to the fact that the Village is a global destination with high profile residents and visitors who demand a high level of security and expect our community to deliver a safe environment. Additionally, Bal Harbour Village has a large daytime and transient population as a result of the beaches, hotels and the Bal Harbour Shops all situated along a major transit corridor with millions of vehicle trips entering and traversing our Village's boundaries each year.

The *Bal Harbour Experience* was formally adopted by the Village Council in 2018. This is the collective vision which drives the decision making for the future of the Village. The *Bal Harbour Experience* is centered around four (4) pillars; Beautiful Environment,

Destinations and Amenities, Unique and Elegant and Safety. The pillar of Safety is the anchor of the Bal Harbour Experience, this element is centered around the focus on Community Policing where our officers are staffed, trained and motivated to provide excellent service and safety to our residents and guests in a pleasant, engaging, and friendly manner. The LOS is established to meet or exceed our community's expectations and is paramount to the quality of life of our community. The current LOS for the police department has provided a consistent response time of less than one (1) minute and a review of this year's crime statistics indicate that Bal Harbour Village experienced only two violent crimes, as indexed annually by the Florida Department of Law Enforcement (FDLE). While property crimes increased last year, a closer look demonstrates that the increase occurred in the Bal Harbour Shops. The property crimes outside of the Bal Harbour Shops property actually decrease to a total of only 21 incidents which is a 28% decrease from the prior year. Arrest for all crimes increased by 31%. These rates reflect our Police Department's commitment to preventing and solving crimes in the Village.

According to the 2023 US Census data, Bal Harbour Village's permanent resident population is estimated to be 3,054. The Village's Planning Consultant, Michael Miller, estimates that the proposed increase of 528 development units occupied at a ratio of 1.88 persons per unit could increase the population number by a maximum of 993 additional residents. The total estimated population would be 4,047 residents. The total number of additional full-time police officers required to maintain the current LOS is a minimum of six (6) patrol officers and three (3) additional sworn personnel to account for the supervision needed along with an additional investigator. The total number of sworn personnel needed to maintain the current LOS would be nine (9).

The tables below illustrate the need:

Current

	Population Size	Number of Full-time Patrol Officers	Total Sworn	Population/# of Patrol	Population/# of Sworn	Ratio per Thousand Population (Patrol)	Ratio per Thousand Population (Sworn)
Bal Harbour	3,054	16	28	191	109	5.24	9.17

Bal Harbour Shops – Public Safety Impact Analysis

Proposed Development Units (Population)

	Population Size	Number of Full-time Patrol Officers	Total Sworn	Population/# of Patrol	Population/# of Sworn	Ratio per Thousand Population (Patrol)	Ratio per Thousand Population (Sworn)
Bal Harbour	4,047	22	37	184	109	5.44	9.14

The estimated initial cost for each additional officer is $128,000 including benefits with an additional $80,000 for equipment and a vehicle for a total of $208,000 of initial cost per additional officer. The total estimated initial cost is $1,872,000. These calculations are all based on preliminary estimates.

This review and analysis are conducted and included as part of the technical review of the BHS application #SP2024-0003. Any consideration of this application or potential variation should ensure that the indicated LOS and safety results currently in place are maintained and that any impact from the proposed application is identified and addressed so as not to adversely impact on our current resident and visitor population. Any increase in the population should also result in increased staffing to ensure the overall public safety of our community remains at the level that it is today.

EXHIBIT 6

Concurrency Management System (CMS)

Miami-Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System

School Concurrency Determination

MDCPS Application Number:	**SP1224102500829**	Local Government (LG):	**Bal Harbor**
Date Application Received:	**10/25/2024 2:39:03 PM**	LG Application Number:	**SP2024-0003**
Type of Application:	**Site Plan**	Sub Type:	**Redevelopment**

Applicant's Name:	**Bal Harbour Shops**
Address/Location:	**9700 Collins Ave**
Master Folio Number:	**1222260060060**
Additional Folio Number(s):	***1222260060070, 1222260060061,***

PROPOSED # OF UNITS	**528**
SINGLE-FAMILY DETACHED UNITS:	**0**
SINGLE-FAMILY ATTACHED UNITS:	**0**
MULTIFAMILY UNITS:	**528**

CONCURRENCY SERVICE AREA SCHOOLS

CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
241	RUTH K BROAD-BAY HARBOR K-8 CENTER (ELEM COMP)	53	19	19	YES	Current CSA
242	RUTH K BROAD-BAY HARBOR K-8 CENTER (MID COMP)	30	8	8	YES	Current CSA
7201	MIAMI BEACH SENIOR	136	10	10	YES	Current CSA

ADJACENT SERVICE AREA SCHOOLS

*An Impact reduction of **33.18%** included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a public school concurrency review for this application and has determined that it **DOES MEET (Concurrency Met)** all applicable LOS Standards for a Final Development order as adopted in the local Government's Educational Element and incorporated in the Interlocal Agreement for Public School Facility Planning in Miami-Dade County.

Master Concurrency Number:	MA1224102500829	Total Number of Units:	528
Issue Date:	10/31/2024 12:05:36 PM	Expiration Date:	10/31/2025 12:05:36 PM
Capacity Reserved:	Elementary:19 / Middle:8 / Senior: 10		

MDCPS Administrator

MDCPS Authorized Signature

1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7285 / concurrency@dadeschools.net