

PROVIDED BY
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Well, Birch Point was built in 1996. This was a totally different time. In fact, Birch Point was approved prior to 1996, and neighborhood compatibility wasn't part of the code. That didn't happen until at least 1997. Therefore, that part of the code never applied to Birch Point. The Alhambra was built in 2001, but I would bet that the approval was well before that and it's very likely that the neighborhood compatibility component of the zoning code either wasn't implemented or wasn't enforced. It seems difficult to believe that either of these buildings could set a neighborhood compatibility precedent when the code didn't exist when they were approved.

While we're on the subject of precedent, I have one for you: Aquatania. Aquatania's setbacks were 40 to 89 feet on the south side, 40 feet on the north side, and 20 feet on the Intracoastal side. The building next to it (511 Bayshore) is a large building with much larger setbacks than the buildings that will be neighboring Grand Birch. Aquatania was rejected based on neighborhood compatibility and the rejection held up in court once the city was sued. This happened in 2004.

Aquatania came back as 545 Bayshore in 2008-2009. It was a building that I personally liked very much. Now, it not only had better setbacks and more view corridors than the original Aquatania, it also created a park on the south side. It was mentioned earlier as one of the 5 buildings that the CBA membership rejected. It was rejected base on neighborhood compatibility. It also was rejected by the City Commission.

These are actual neighborhood compatibility precedents that have already held up in court and/or been rejected by the City Commission.

So here's your defense for rejecting Grand Birch for not being compatible:

A Level IV is a request, not a right.

The buildings that Grand Birch refer to as precedent (Birch Point and Alhambra) were approved before neighborhood compatibility was part of the code.

There is nothing else in the surrounding neighborhood that is remotely compatible with the Grand Birch.

Similar, better buildings on the Intracoastal (Aquatania and 545 Bayshore) have already been rejected by the City Commission on neighborhood compatibility concerns.

The Aquatania rejection held up in court in 2004.
The 2004 ruling is the true precedent.

As stated before, the CBA and beach residents are not against development. We need good development in order to maintain and enhance the Ft. Lauderdale beach experience that we are lucky enough to have. All of the projects mentioned above that were approved by the CBA came after a lot of work and negotiation between the residents and the developers. It took more than 1 CBA meeting. It's a shame that didn't happen this time, because I believe something could be worked out. As it stands, Grand Birch gave ZERO concessions to the neighborhood. It took every inch it could take.

The developer has proposed the largest project that can possibly be built on this Intracoastal lot. In doing so, he triggered the 'significant impact' and 'neighborhood compatibility' portions of the code. Now, I can't tell you what 'significant impact' is, because no-one seems to know and it doesn't seem to be defined anywhere. I also don't know for sure if this project follows all of the Level IV guidelines and code requirements, but I'll trust that it does, because it's made it to the City Commission. That leaves you with the task of deciding if this project is neighborhood compatible. It also may leave the city open for a lawsuit.

Hopefully, we're not going to develop neighborhoods based on the fear of developers' lawsuits. I don't think we do, because I know other developers have sued. The Cortez Project and the development on 15th Ave and Las Olas are two that I know of (in addition to Aquatania) where the city's decision to reject a project was upheld.

So we're back to the decision you have to make. This is the decision we elected you to make. We are the residents who care about the beach that we live on. We believe you have the right to reject this project (for various reasons) and we are asking that you do so. Ask the developer, and all developers from this point forward, to work with the neighborhood to come up with something that works for the residents and the vision for the beach, not just the vision for his particular parcel. Developers have rights, but so do existing residents and businesses.

foot setback. The Grand Birch (which would be in the Versailles position), would be next to the Cormona apartments, not a street.

Now, if we built Birch Point or Alhambra throughout the beach, would that be a problem for the neighborhood? Better yet, what if we built the Alhambra/Versailles combination all up and down the Intracoastal? I feel fairly safe in saying 'Yes, that would be a problem'. That is because these buildings are not neighborhood compatible. Somewhere along the line, these two neighborhood incompatible buildings were approved.

I believe the developers are incorrect in asserting that Grand Birch is compatible because of the Alhambra and Birch Point. The Alhambra and Birch Point aren't compatible either. Remember, just because we approve projects that are incompatible, doesn't mean that we give up the right to reject incompatible projects in the future. And, just because something gets built badly doesn't mean that everything else can be built badly from that point forward.

If you want further proof, let me refer you to what I call "The biggest mistake": The Beach Place and Ritz Carlton were built 10 feet apart. Does that now define compatibility elsewhere on the beach? Of course not. Nobody in their right mind would attempt to build it, approve it, or uphold it in a court of law. It's obviously something we don't want to do again.

The Ritz Carlton/Beach Place is probably "the worst we can do". The Alhambra/Versailles isn't far behind. Putting the Grand Birch next to the Birch Point is probably just as bad. I know the developers keep pointing to Birch Point and Alhambra, basically saying, "but they were allowed to build". I say, those were bad ideas, so why are we repeating them? It reminds me of when my daughter would come home with a "D" and point out that "other people got 'F's". Being a little bit better than the worst should not be what we are striving for.

In fact, the entire basis of Grand Birch's claim of neighborhood compatibility seems to be the fact that Birch Point exists. They claim that this sets the precedent.

It likely will be the catalyst for the streetscape/neighborhood enhancements.

VERY IMPORTANT: It is self contained on its own parcel and is not directly jammed up against any other building. Since there are streets all around the parcel, setbacks are not an issue.

And, one more thing. It's incompatible with the North Beach Residential Area, where it resides. That's right, we approved an incompatible building. We did this because the trade off in benefits outweighed the compatibility issue. We did not, however, waive our right to reject any subsequent incompatible development. Neither does the city, should it approve this project down the road. Remember that, because it will be important later.

With that, let's attempt to clarify compatibility.

The Grand Birch crew will say that their building is compatible because of the 3 taller buildings that are standing to the south, particularly Birch Point. Residents are saying that the Grand Birch is incompatible because of everything else in the neighborhood, which are 2-3 stories tall. There are many more of these buildings than there are high rise buildings.

Now, let's look at a couple examples:

The Cormona apartments are the 1940's 2 story residence directly north of the Grand Birch. If we built Cormona apartment type buildings throughout the beach, would that be a problem for the neighborhood? No.

If we built them a couple of stories higher, would that be a problem? Probably not.

That is because these buildings are compatible with the neighborhood.

The Birch Point is the high rise residential building directly south of the Grand Birch. The Alhambra is across the street, wedged in just south of the Versailles. There is no other place on the Intracoastal that has the same type of setback/viewing corridors as the Alhambra and the Versailles. It is obviously a mistake we don't want to make again. If the Grand Birch is built next to Birch Point, we will have something very similar, possibly worse.

Remember, there is a street on the other side of Versailles that acts as a 150

Here are some of the reasons the CBA membership rejected the Grand Birch and the Vintro Hotel.

Both buildings are far too much mass for the lots they are on.

Both are by far the largest buildings that could possibly be built.

Both buildings are jammed way too close to other hi-rise buildings.

Both buildings are jammed way too close and are dwarfing small, 2 story buildings that greatly contribute to Ft. Lauderdale beach's history and charm.

Both buildings have parking issues.

We could not determine any way that these buildings would benefit the neighborhood.

Additionally, the Grand Birch is only 20 feet from the Intracoastal. Combine this with the fact that the Grand Birch lot extends out to what looks to be about 20 feet more than the Birch Point lot, and we have the Grand Birch extending 20 feet in front of Birch Point and 20 feet farther in front of Cormona than it should be. That's just too close to the Intracoastal and too intrusive to existing residence.

Read Compatibility

We can't jam large buildings next to each other, particularly if the existing building is a residence. We can't build large buildings almost up to the Intracoastal. And we can't build large buildings right on top of existing small buildings. That can't possibly fit with any neighborhood vision that we've been working on through the years. If all parcels are built to highest and best use, that would be far from highest and best use for the beach.

The problem with Grand Birch isn't that it's too tall, it's just too tall for the setbacks that are being proposed. It would be a wonderful building on a bigger lot so the setbacks would be bigger, or downtown, where larger buildings with small setbacks exist and are supposed to exist.

Now, here are some of the reasons the CBA membership approved the Escape Hotel/Tiffany house:

It benefits the neighborhood by refurbishing the existing historical hotel.

It is already approved as a PUD.

The developer worked with the residents to come up with something that works for the neighborhood. It is NOT the biggest project that could be built.

It benefits the neighborhood by anchoring the North Beach Village.

Although this is coming to you concerning the Grand Birch project, the actual concern is with the vision for the entire beach and the process by which that vision is achieved. When I first joined the CBA (in 2008), I was very impressed with a speaker at one of the membership meetings. He spoke of a grand vision for the beach and how we should use the downturn in development to plan for that vision. It made a lot of sense. That speaker was newly elected Mayor Jack Seiler.

Fast forward 5 years later, and I don't believe we ever got to that plan. There just wasn't enough time and/or organization (on everyone's' part, including the CBA), and so we're left with this process. Every development is a fight. There's quite a movement on the beach for more coherent and sensible zoning codes, but, since we can't do that right now, this is what we are left with. A fight over neighborhood compatibility.

I'm sure each of you has heard quite a bit about neighborhood compatibility on this (and every) project. It's a hard concept to define and a hard concept to defend. I believe I have the defense figured out, but first, I'd like to explain a bit about what the CBA believes is compatible and why the Grand Birch is not.

I'd like to start by pointing out that the CBA is NOT the anti-everything crowd. Since 2008, the CBA membership has approved 8 projects of different scopes and sizes: The Bahia Mar/Waldorf Astoria, The Orion 170 unit residence, The 20 story EL-AD project on Almond Ave, The Pelican Grand enhancements, The Hilton Hotel modifications, The 20 story Wave Hotel, and the North Beach Zoning changes (which the CBA was an integral part of). A 9th project, the old Escape Hotel/Tiffany House project was just approved at our January meeting.

Also, since 2008, I know of 5 projects that were not approved: The Las Olas parking garage (which, thankfully, never made it as far as a membership meeting), The Cortez project, 545 Bayshore, and, more recently, the Vintro Hotel, and this one, the Grand Birch.

The Grand Birch was rejected at the CBA membership meeting in September 2012 by a 170-11 vote. Grand Birch is flanked by Birch Point on the south and Cormona apartments on the north.

curious to how many of the 300 voters are from Beach





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