



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**#18-1336**

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**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee R. Feldman, ICMA-CM, City Manager

**DATE:** December 18, 2018

**TITLE:** Resolution Amendment to the Declaration of Restrictive Covenants  
Respecting the Sebastian Site

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**Recommendation**

It is recommended the City Commission adopt a resolution approving an amendment to the Declaration of Restrictive Covenants Respecting the Sebastian Site.

**Background**

On December 20, 2016 a land swap agreement was entered into between the City of Fort Lauderdale (City) and Barefoot Contessa, LLC. This agreement resulted in Barefoot Contessa, LLC acquiring ownership of the 3000 Alhambra Site (hereinafter, the Sebastian Site).

Subsequent to this agreement, KT Seabreeze Atlantic, LP (Developer) obtained ownership from Barefoot Contessa, LLC of the Sebastian Site.

On September 6, 2017 the City entered into a Declaration of Restrictive Covenant (Declaration) with the Developer. This Declaration consists of an agreement by the Developer to allow the continued use of the site by the City for public parking purposes, with the City retaining all revenues, and committed the Developer to replace and rebuild, at its own cost, the existing 77 public parking spaces within the redeveloped site.

Since that time the Developer has obtained additional property located within the same block as the Sebastian Site known as the Maynard Property. Please refer to Exhibit 1 to review the location of the Maynard Property now under ownership by the Developer.

Pursuant to Section 47-12.8 – Central Beach Area Trip Designation Regulations of the City's Unified Land Development Regulations (ULDR), requires that trips be allocated to development within the Central Beach at the time of Beach Redevelopment Permit approval. The Developer has indicated that the redevelopment proposal for the Sebastian Site will require a minimum of 141 trips.

Given that the Sebastian Site is maintaining, replacing and rebuilding the 77 public parking spaces within the proposed redevelopment plan, staff finds this constitutes a valid public purpose. Further, the location of the public parking spaces on Alhambra Street is a prime location for such parking.

As a result of the Developer acquiring the Maynard Property and the finding that the existing and maintained 77 public parking spaces constitutes a valid public purpose, an amendment to the Declaration of Restrictive Covenants respecting the Sebastian Site is proposed for City Commission consideration. This amendment will recognize the inclusion of the Maynard Property and will reserve 141 trips to the Sebastian Site subject to ULDR requirements.

The reservation of trips will remain in effect for 5 years from the effective date of the agreement and may only be extended by the City Commission at its sole discretion. All revenues associated with the operation of the 77 public parking spaces shall be retained by the City.

Currently there are 475 beach trips remaining as of December 7, 2018. The reservation of the 141 trips to the Sebastian Site would result in 334 remaining trips for future development/redevelopment allocation within the Central Beach.

To review the proposed amended agreement in its entirety, please refer to Exhibit 2.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Public Places Cylinder of Excellence, specifically advancing:

- Goal 3: Be a community that finds opportunities and leverages partnerships to create unique, inviting, and connected gathering places that highlight our beaches, waterways, urban areas, and parks.
- Objective 1: Improve access to and enjoyment of our beach, River-walk, waterways, parks, and open spaces for everyone.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Prosperous*.

**Attachments**

Exhibit 1 – Maynard Property

Exhibit 2 – Amended Declaration of Restrictive Covenants Respecting the Sebastian Site  
Agreement

Exhibit 3 – Resolution

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Prepared by: Anthony Greg Fajardo, Director Department of Sustainable Development