

MAP 1 - AMENDMENT PCNRM 24-1



Broward County Land Use Plan: Environmentally Sensitive Lands

EXHIBIT 2

PCNRM 10-1 Amended Map to Include Wedge.
Please contact the Planning Council at
954.357.8051, if you need additional information.

PALM BEACH COUNTY

Legend

- Designated lands
- Protected lands
- Section Township Range
- Municipal Boundaries

See Table A for individual site name and designation

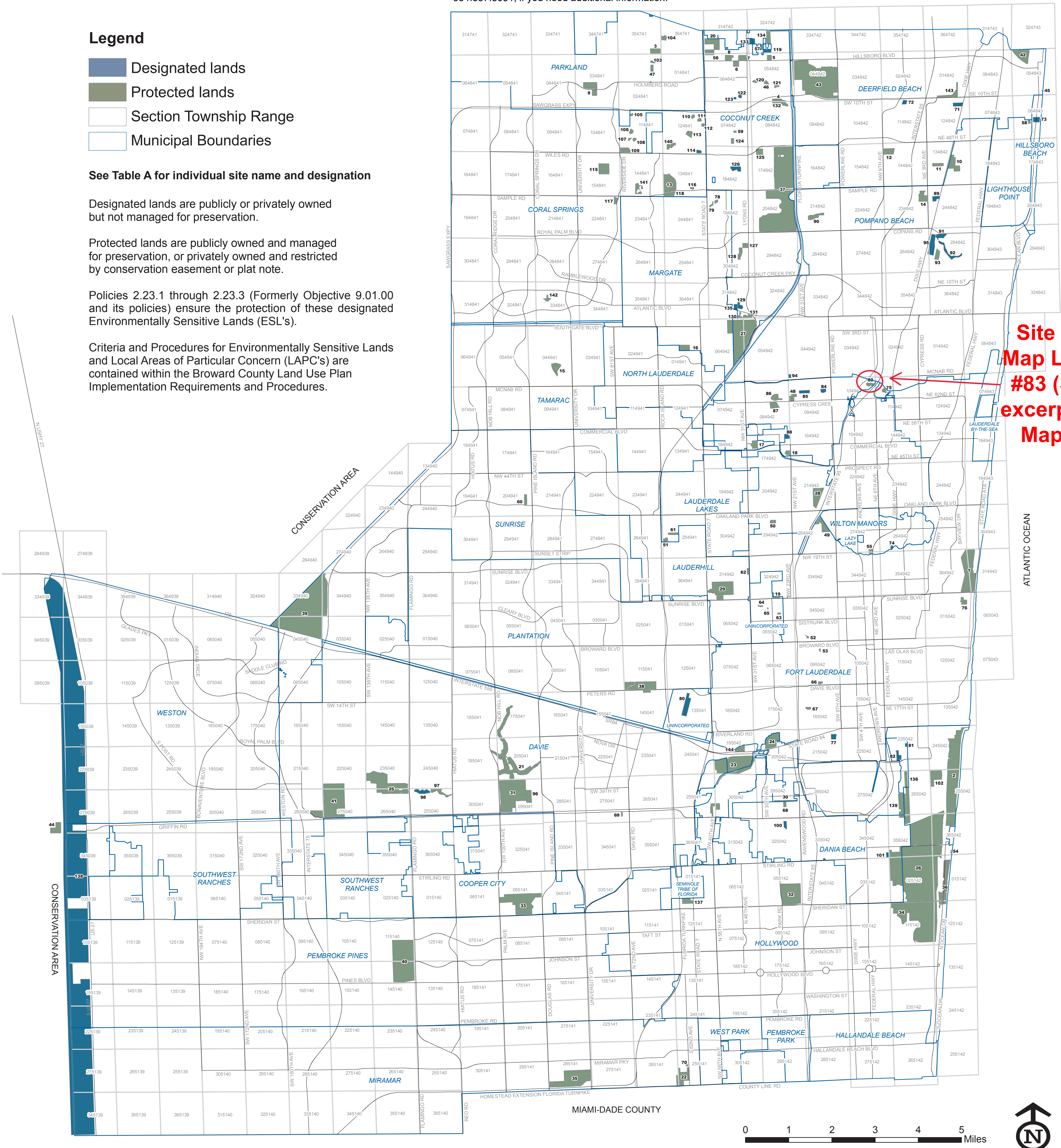
Designated lands are publicly or privately owned but not managed for preservation.

Protected lands are publicly owned and managed for preservation, or privately owned and restricted by conservation easement or plat note.

Policies 2.23.1 through 2.23.3 (Formerly Objective 9.01.00 and its policies) ensure the protection of these designated Environmentally Sensitive Lands (ESL's).

Criteria and Procedures for Environmentally Sensitive Lands and Local Areas of Particular Concern (LAPC's) are contained within the Broward County Land Use Plan Implementation Requirements and Procedures.

Site #66
Map Label
#83 (See
excerpt on
Map 2)



III.B. Natural Resource Map Series: Environmentally Sensitive Lands

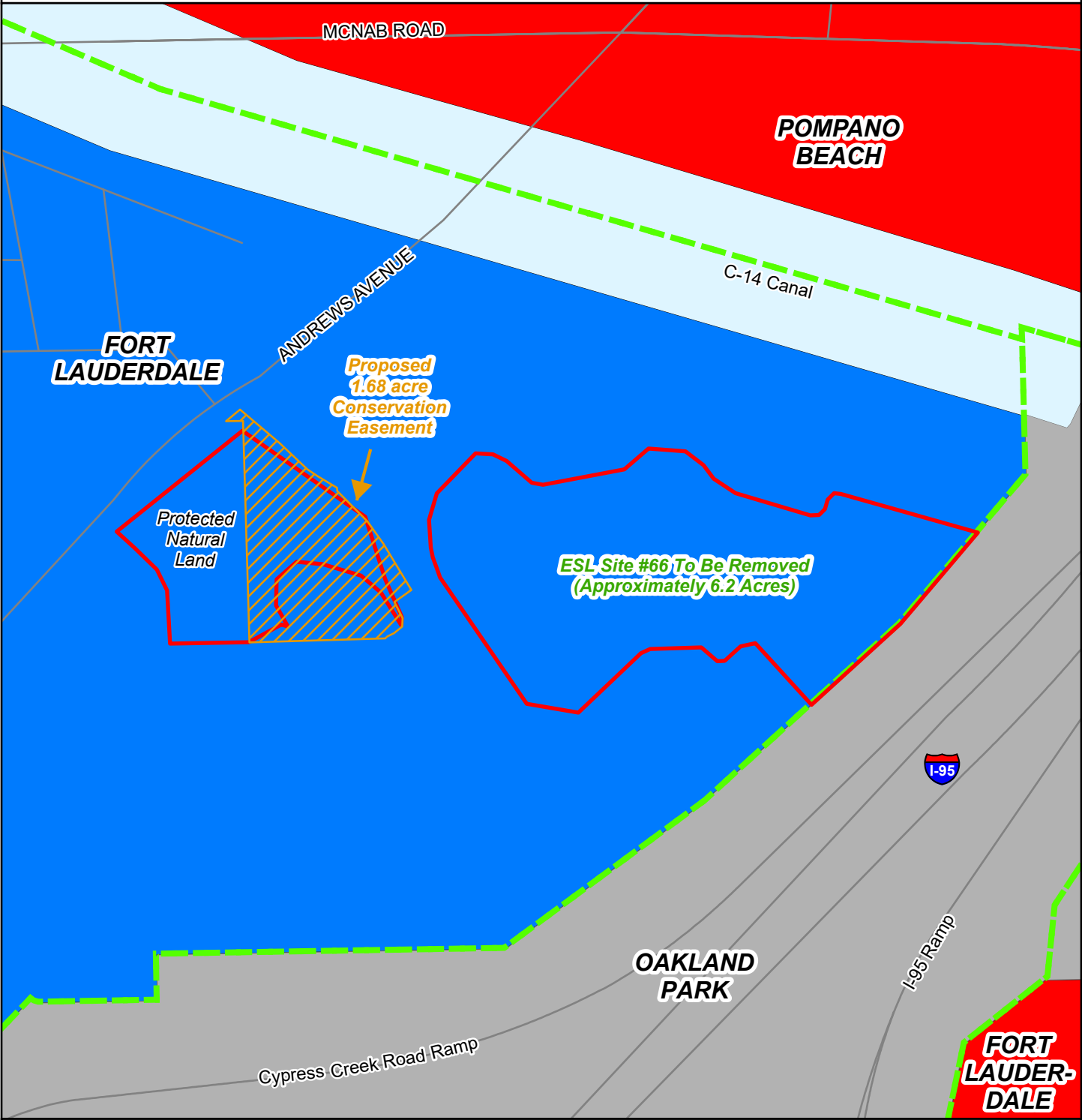
Source:
Broward County Natural Resources Planning and Management Division
Prepared By
Land Preservation Program
954-519-0305
Adopted: January 28, 2020

This map is for conceptual purposes only and should not be used for legal boundary determinations. Please contact the Broward County Planning Council office regarding questions pertaining to parcel boundaries or limits.

MAP 2
BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
AERIAL PHOTOGRAPH OF ENVIRONMENTALLY SENSITIVE LANDS EXCERPT
AMENDMENT PCNRM 24-1



MAP 3
BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
FUTURE LAND USE DESIGNATIONS
AMENDMENT PCNRM 24-1



- Municipal Boundary
- Activity Center
- Commerce
- Transportation
- Water / Primary Drainage



**NATURAL RESOURCE MAP SERIES -
ENVIRONMENTALLY SENSITIVE LANDS MAP
REMOVAL OF SITE 66 – CITY OF FORT LAUDERDALE**

DATE

August 19, 2025

As the Planning Council is aware, the Broward County Charter requires at least one Planning Council public hearing and Article 1.2(A) of the *Administrative Rules Document: BrowardNext* outlines the following circumstances in which a second Planning Council public hearing may be recommended or required:

- (1) At its initial public hearing, the Planning Council takes an action to recommend denial of a proposed amendment; or
- (2) At its initial public hearing, the Planning Council takes an action to recommend approval subject to meeting specific criteria or policy prior to a second Planning Council public hearing; or
- (3) At its initial public hearing, the Planning Council votes by a majority of the members present with a minimum of six (6) affirmative votes for a second Planning Council public hearing; or
- (4) If the County Commission requests by a vote of the majority of members present to request a second Planning Council public hearing; or
- (5) If an objection or comment on adverse impacts to important state resources or facilities is issued during the State of Florida Chapter 163 review process; or
- (6) If State of Florida Chapter 163 requires or is modified to require a second local planning agency public hearing.

1 - 1

RECOMMENDATIONS/ACTIONS (continued)

DATE

II. Planning Council Transmittal Recommendation

August 28, 2025

Planning Council recommended approval of the proposed amendment to remove Site 66/ Map Label 83 from the Environmentally Sensitive Lands Map, recognizing the restoration and preservation of the existing 1.68-acre natural area to the west of the site as a conservation easement, as well as the offsite mitigation, including not requiring a second Planning Council public hearing. (Vote of the board; 14-2: Yes: Abramson, Brunson, Castillo, Fernandez, Fisher, Geller, Gomez, Greenberg, Hardin, Horland, Newbold, Railey, Rosenof and DiGiorgio. No: Ryan and Zeman.)

SECTION II

PROPOSED AMENDMENT PCNRM 24-1

INTRODUCTION AND APPLICANT'S RATIONALE

- I. Municipality: Fort Lauderdale
- II. County Commission District: District 4
- III. Site Characteristics
- A. *Size:* Approximately 6.2 acres
- B. *Location:* In Section 10, Township 49 South, Range 42 East; generally located between the C-14 Canal and Cypress Creek Road and between Andrews Avenue and Interstate 95.
- C. *Existing Use:* Natural area
- D. *Broward County Land Use Plan (BCLUP) Designation:* Activity Center
- IV. Existing Uses and BCLUP Designations Adjacent to the Amendment Site
- A. *Existing Uses:*
- North:* Office
- East:* Interstate 95
- South:* Hotel, retail and office
- West:* Office and natural area
- B. *Planned Uses:*
- North:* Activity Center
- East:* Transportation (Interstate 95)
- South:* Activity Center
- West:* Activity Center

INTRODUCTION AND APPLICANT'S RATIONALE (continued)

V. Applicant/Petitioner

- A. *Applicant:* RD Investment Properties, LLC
- B. *Agent:* Barbara A. Hall, Esq., Greenberg Traurig, LLP
- C. *Property Owner:* CPN West, LLC

VI. Recommendation of Local Governing Body:

The City of Fort Lauderdale supports the proposed amendment.

VII. Applicant's Rationale

The applicant states: "The removal of the LAPC designation for Site #83 and its removal from the ESL Map, is consistent with the land use plan for the reason that the Site no longer meets the land use plan criteria for designation as an LAPC because it is dominated by exotics and not sustainable as a Cypress Wetland Forest. The County has issued an Environmental Resource Permit for development of the Site, which required the preservation and restoration of an adjacent 1.68-acre site at a cost of half a million dollars and offsite mitigation in the Pembroke Pines Mitigation Bank for which more than a million dollars has been paid, assuring that no loss of wetland function will result from the development of the Site.

When developed in accordance with the criteria of the City's Uptown Urban Village Activity Center and the LAPC Agreement with the City, the development of the Site will bring 86,000 square feet of native canopy at maturity, three lakes with pedestrian paths surrounding the lakes, housing with 63 affordable units within walking distance of the office uses within the same office park; all within a part of the County that lacks sufficient housing. The Site's development will also result in a valuable tax base for a site now assessed at only \$27,700.00."

See **Attachments 1, 7 and 8** for the detailed rationale and mitigation plan.

SECTION III
AMENDMENT REPORT
PROPOSED AMENDMENT PCNRM 24-1

BACKGROUND INFORMATION

Environmentally Sensitive Land (ESL) “means those areas containing Natural Resources, as depicted in the Natural Resource Map Series of the Broward County Land Use Plan, which have been determined to be environmentally sensitive by the Broward County Board of County Commissioners. The criteria for designation of an ESL are contained within the Implementation Requirements and Procedures Section of the Broward County Land Use Plan. Policies which ensure the protection of Environmentally Sensitive Lands are contained within the Broward County Land Use Plan.”

Pursuant to Policy 2.23.1 of the BrowardNext - Broward County Land Use Plan (BCLUP), Broward County maintains the Environmentally Sensitive Lands (ESL) Map that identifies natural resources, including Local Areas of Particular Concern (LAPC’s). The Map was developed from a comprehensive study prepared by the Environmental Coalition of Broward County in 1987 and was initially adopted as part of the 1989 BCLUP.

The proposed amendment would remove an approximately 6.2-acre LAPC site identified as “Site 66 / Map Label 83” from the ESL Map. The site is located between the C-14 Canal and Cypress Creek Road and between Andrews Avenue and Interstate 95, in the City of Fort Lauderdale, and has a land use designation of Activity Center, a mixed-use category which generally permits residential, hotel, commercial, office, industrial, community facility and recreation and open space uses. **See Maps 1 through 3.** The subject site is a “protected land” on the ESL Map which means that it is privately owned and restricted by conservation easement or plat note. Protected lands are subject to the provisions of the Broward County Land Development Code per BCLUP Policy 2.23.2. These provisions regulate clearing activities on the site, as well as require the applicant to prepare an Environmental Impact Report identifying the effects that proposed development would have on the unique natural qualities and resources of the area and identifying strategies to protect the resource or mitigate unavoidable adverse impacts on the resource.

Based on information provided by the applicant, the 6.2-acre site is vacant and previously was considered a cypress forested wetland that is currently an exotic species dominated wetland. The applicant has voluntarily committed to mitigate the loss of Site 66 / Map Label 83 via offsite mitigation at the Florida Wetlandsbank at Pembroke Pines, as well as restoring and maintaining the 1.68-acre natural area to the west of the site, contributing funds to the City’s Greenway Trail and planting native tree canopy adjacent to and within the amendment area. **See Attachments 1, 7 and 8 and Map 2.**

REVIEW AGENCY COMMENTS

The proposed amendment to remove the existing 6.2-acre Site 66 / Map Label 83 from the Environmentally Sensitive Lands Map was distributed to County and municipal agencies for comments and input. The following comments have been received:

The **City of Fort Lauderdale** supports the proposed amendment, noting the applicant has voluntarily committed to provide at least 86,000 square feet of native tree canopy at maturity within and adjacent to the subject site, \$126,500 contribution towards a contemplated greenway trail and the restoration of the 1.68-acre natural area to the west of the amendment site. **See Attachments 2 and 8.**

The **Broward County Urban Planning Division (BCUPD)** staff evaluated the site based on BCLUP Policy 2.21.5 which addresses sea level rise, and Policies 2.23.1, 2.23.2, 2.23.3 and 2.23.4 which address Local Areas of Particular Concern (LAPC's). The BCUPD staff states that the site continues to function as a wetland, is consistent with LAPC criteria, and may also be prone to flooding and the impacts of sea level rise. Any development of the site would be required to demonstrate that it can be served by adequate storm water management and drainage facilities, does not adversely affect groundwater quality or environmentally sensitive lands, and does not increase saltwater intrusion or area-wide flooding. In addition, the protected designations (LAPC, Natural Resource Area and listed on the Urban Wilderness Lands Inventory) of the site have been in place for more than 40 years and removal of the LAPC designation would likely result in the removal of its listing in the Urban Wilderness Lands Inventory. The BCUPD staff does not support the removal of the site from the ESL Map. **See Attachment 3.**

The **Broward County Environmental Permitting Division (BCEPD)** report summarizes the environmental protection and preservation of the site since 1979, which remain in place, as well as the environmental license and permit applications associated with the property as of 2022, which remain under review. The BCEPD staff finds that the subject site meets several LAPC criterion: the site is a mature Cypress Wetland Community with a predominance of native vegetation in various stages of growth that serves as a wildlife refuge from surrounding development for a variety of species. Further, the site is unique and diverse, with a low level of exotic vegetation and the interior hydrology is well established and inhospitable to many exotic plants. In addition, the BCEPD report identifies that mature cypress/maple swamp habitat is a limited resource in Broward County, and that its proximity to other resources, such as parks, several ESLs and location along the proposed expansion of the Broward County Greenway System heightens its value as a LAPC, as well as the cumulative impact to overall wetland resources from projects proposing impacts to "isolated" wetlands. The BCEPD staff objects to the removal of the site from the ESL Map, as it continues to demonstrate characteristics of a LAPC and is inconsistent with several BCLUP policies. **See Attachment 4.**

The **Broward County Parks and Recreation Division (BCPRD)** report identifies the environmental protections placed on the subject site in 1979, including designation as a LAPC/ESL and inclusion on the Urban Wilderness Inventory, should remain intact. The BCPRD report also indicates the original wetland character persists and could be restored to high quality wetland habitat with proper site management. **See Attachment 5.**

REVIEW AGENCY COMMENTS (continued)

The relevant BCLUP Policies that are cited by the review agencies are provided in Attachment 6, for ease of reference.

The applicant has provided additional information in response to review agency concerns:

- The plans for the development of the LAPC site shall include at least 86,000 square feet of native tree canopy at maturity;
- The proposed tree canopy shall be provided within the boundary limits of the LAPC site and adjacent property to the south (property folio numbers 494210360030 and 494210360040);
- In the event the project is phased, the 86,000 square feet of native tree canopy must be completed as part of the first phase;
- Prior to issuance of the building permit for the residential project, the applicant shall provide payment of \$126,500 to the City of Fort Lauderdale for the construction of a 1,200 foot long Greenway Trail adjacent to the C-14 Canal; or if the City decides not to build the Greenway Trail, said payment may be used by the City to install tree canopy elsewhere in the City;
- The restoration plan for the 1.68-acre site to the west of the LAPC site shall be designated with a conservation easement and implemented prior to the issuance of the final certificate of occupancy for the residential building; and
- Based on its environmental analysis of the site, the applicant continues to indicate the site no longer meets the criteria of the LAPC.

See Attachments 7 and 8.

The additional information noted in Attachments 7 and 8 was distributed to the County review agencies for consideration. Planning Council staff has confirmed that the review agencies' initial comments remain unchanged, and no further comments have been issued.

SECTION IV
AMENDMENT REPORT
PROPOSED AMENDMENT PCNRM 24-1

PLANNING COUNCIL STAFF ANALYSIS AND RECOMMENDATION

The subject application is for the removal of an approximately 6.2-acre LAPC site identified as “Site 66 / Map Label 83” from the ESL Map. The site is a natural area surrounded by development with the exception of a natural area to the west. This site has been depicted on the Environmentally Sensitive Lands Map (Map) of the BrowardNext – Broward County Land Use Plan (BCLUP) Natural Resource Map Series since its initial adoption in 1989.

Planning Council staff and County review agencies find that the amendment site is a mature Cypress Wetland Community with a predominance of native vegetation in various stages of growth that serves as a wildlife refuge for a variety of species. The interior hydrology is well established and inhospitable to many exotic plants. The value of the site as a LAPC is heightened with its proximity to other resources, such as parks, several ESLs and location near the proposed expansion of the Broward County Greenway System. In addition, the site is located within an area prioritized for resilience planning consideration, as indicated on the Floodplains, Flood Prone Areas and Coastal Storm Area Map, and is therefore, prone to flooding and/or the impacts of sea level rise.

Planning Council staff analysis of the BCLUP Highlighted Regional Issues, Climate Change Resilience Vision and World-Class Natural Resource Protection and Enhancement Vision sets the foundation for the recognition of the unique natural resources found in Broward County. The following Strategies should be considered in the planning analysis:

1. Strategy CCR-2: Increase the resilience of our community to the effects of climate change.
 - a. Implementation strategies include: In coordination with municipalities, adopting land use regulations to limit development and redevelopment in areas particularly vulnerable to flooding due to sea level rise, stormwater inundation, and other impacts of climate change.
2. Strategy EP-3: Preserve and protect Broward County’s natural environment through County and local environmental regulatory programs and well-planned patterns of growth and development.
 - a. Implementation strategies include: Acquire, protect, preserve and enhance Local Areas of Particular Concern.

In addition to the referenced Strategies, Planning Council staff finds that although the property is privately held and controlled, the Policies and Recommended Practices included in **Attachment 6** are applicable and should be considered in the examination of the proposed amendment.

PLANNING COUNCIL STAFF ANALYSIS AND RECOMMENDATION (continued)

The applicant has indicated the 6.2-acre site no longer meets the LAPC criteria and is currently an exotic species dominated wetland that was previously considered a cypress forested wetland. The applicant has voluntarily committed to mitigate the loss of the subject site via offsite mitigation at the Florida Wetlandsbank at Pembroke Pines, as well as restoring and maintaining the 1.68-acre natural area to the west of the site that will also be subject to a conservation easement, contributing funds to the City's Greenway Trail and planting native tree canopy adjacent to and within the amendment area. Further, the project's stormwater management plan will be sufficient to meet all water quality and quantity requirements. **See Attachments 1, 7 and 8 and Map 3.**

Planning Council staff does not object to the proposed amendment, recognizing the Planning Council's discussion and actions regarding similar applications at its May 22, 2025, meeting.

SECTION V
AMENDMENT REPORT
PROPOSED AMENDMENT PCNRM 24-1

ATTACHMENTS

1. Applicant's Rationale and Applicant to Amend the Environmentally Sensitive Lands Map
2. City of Fort Lauderdale Resolution 25-94
3. Broward County Urban Planning Division Report of December 12, 2023
4. Broward County Environmental Permitting Division Report of December 14, 2023
5. Broward County Parks and Recreation Division Report of May 3, 2024
6. BrowardNext - Broward County Land Use Plan Highlighted Regional Issues, Policies, Implementation Requirements and Procedures, and Recommended Practices Relevant to Proposed Amendment
7. Additional Information and Response to Broward County Review Agency Comments Submitted by Applicant, Received July 28, 2025
8. Draft LAPC Agreement with the City of Fort Lauderdale

REQUEST FOR AMENDMENT TO ENVIRONMENTALLY SENSITIVE LANDS MAP

SITE NO. 83



Site No. 83
Folio No. 494210360040
Fort Lauderdale, FL

Table of Contents

Section	Documents
1	Applicant Letter and LAPC Criteria Applied to Site 83
2	Site Photos
3	Application for Amendment to the Environmentally Sensitive Lands Map
4	Exhibits

Section 1

Applicant Letter and
LAPC Criteria Applied to
Site No. 83



October 17, 2023

Barbara Blake Boy
Executive Director
Broward County Planning Council
115 South Andrews Avenue
Room 307
Fort Lauderdale, Florida 33301

Re: Request for Amendment to Environmentally Sensitive Lands Map
Cypress Creek Site

Dear Ms. Boy

RD Investment Properties, LLC, as applicant, is respectfully requesting an amendment to the County's Environmental Sensitive Lands ("ESL") Map to remove Site #83 from that map.



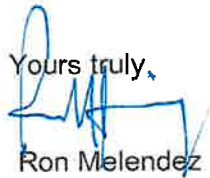
The site is 6.1786 acres and located in the City of Fort Lauderdale, north of Cypress Creek Road and adjacent to and west of the I-95 right-of way. Site # 83 is located within an office park containing three office buildings and a hotel. The site and neighboring office park are designated Commerce on the County land use plan and Commercial on the City plan. The aerial below shows the site location, the approximate boundaries, and the site's surroundings.



Site #83 was originally designated as an LAPC in the Native Vegetative Communities Category due to the presence of a Cypress Wetland Hammock on the property. However, regional and nearfield drainage have reduced the site's hydrology such that the total wetland area has been reduced to the small interior of the now exotic forest,

Today, the site does not meet the criteria for designation as an LAPC. An evaluation of the Cypress Creek site against the criteria for designation as an LAPC prepared by J.J. Goldasich and Associates is attached to this letter. In summary, that evaluation has concluded that the site does not meet the criteria of (i) uniqueness, (ii) diversity, (iii) low level of exotic invasion, (iv) potential for protection, and (v) geography required for designation as an LAPC.

We respectfully request that the County favorably consider this amendment application.

Yours truly,


Ron Melendez
Executive Vice President, Florida Region
Related Group

JJ Goldasich and Associates, Incorporated (JJGA) has conducted multiple site visits and agency site meetings to facilitate the ecological assessment of this parcel for the preparation of an Environmental Assessment (EA). The site reviews included the entire site and directly adjacent areas and in particular evaluated the conditions existing conditions within the 6.1786-acre area which is designated as a Local Area of Particular Concern (LAPC) and Site No. 83 on the Environmentally Sensitive Lands (ESL) Map. Following is a summary of the findings relative to the LAPC site designation criteria:

Evaluation of Cypress Creek Site for Continued LAPC Designation

According to the Broward County Land Use Plan, Section 2, Implementation Requirements and Procedures, Section 6. "Criteria and Procedures For Environmentally Sensitive Lands", subsection g., "Local Areas of Particular Concern", subsection 3., "Native Vegetative Communities", for a site to qualify as a Local Area of Particular Concern in the category of Native Vegetative Communities, it should meet all of the criterion for that designation. The outline below evaluates Site No. 83 against the each of the criteria specified in the Land Use Plan for a site to qualify as a Local Area of Particular Concern.

1. Shows a predominance of native vegetation associated with one or more of the following ecological communities.- in this case the site was designated as a **Cypress Wetland Community**.

DISCUSSION:

The site may have at one time contained a native cypress forest wetland community, but is now dominated by non-native, invasive plants in all strata. Isolation, lack of suitable hydrology and habitat fragmentation has resulted in the complete loss of the character of a cypress forest wetland community typically found in south Florida. The current designation for this community based on the Florida Land Use, Cover, and Forms Classification System (FLUCCS) would not be "Cypress Wetland Community" (FLUCCS 6210), but rather "Exotic Wetland Community" (FLUCCS 6190).

2. Uniqueness – The site contains a significant sample of rare or endangered species or, the site is among a small number of sites in Broward County representing a particular ecological community

DISCUSSION:

The site was designated as an LAPC as a result of site assessment procedures consistent with the Plan and this site was considered to contain a unique cypress forested wetland character during the designation process. However, most of the unique conditions of a cypress forested wetland have been lost during the ensuing years. The mature cypress trees have been significantly reduced due to storm events, wind damage and loss of general health due to the loss of wetland sustaining hydrology within the system. In addition to the loss of many of the mature cypress trees, exotic tree and shrub invasion has caused a loss of successful native wetland plant growth and development. This has included the iconic cypress trees that once defined this area. Therefore, the site is no longer

Summary

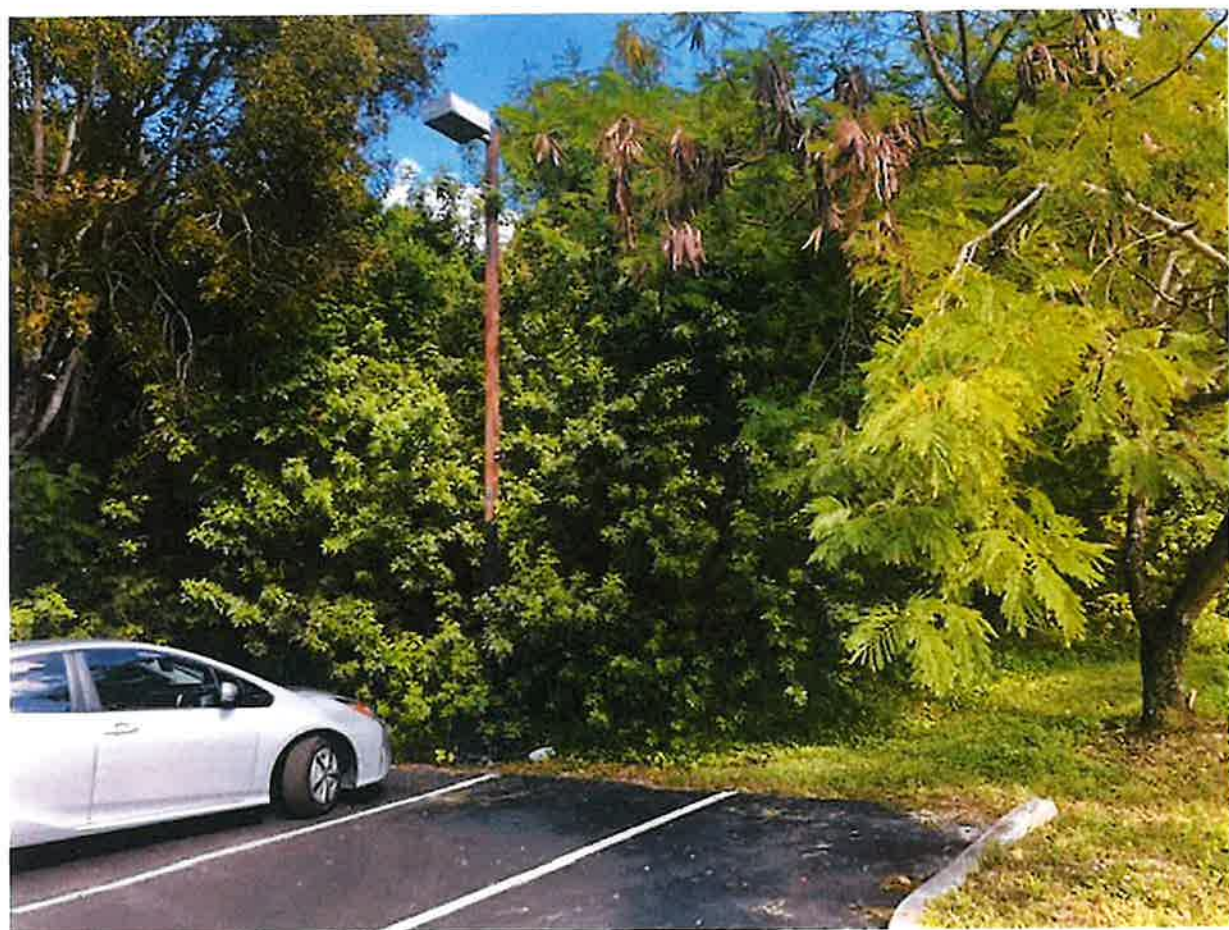
Based upon this evaluation we have determined that Site 83 does not meet any of the LAPC designation criteria that it may have achieved at some time in its past and this area does not and cannot function as a high-quality cypress forested wetland area.

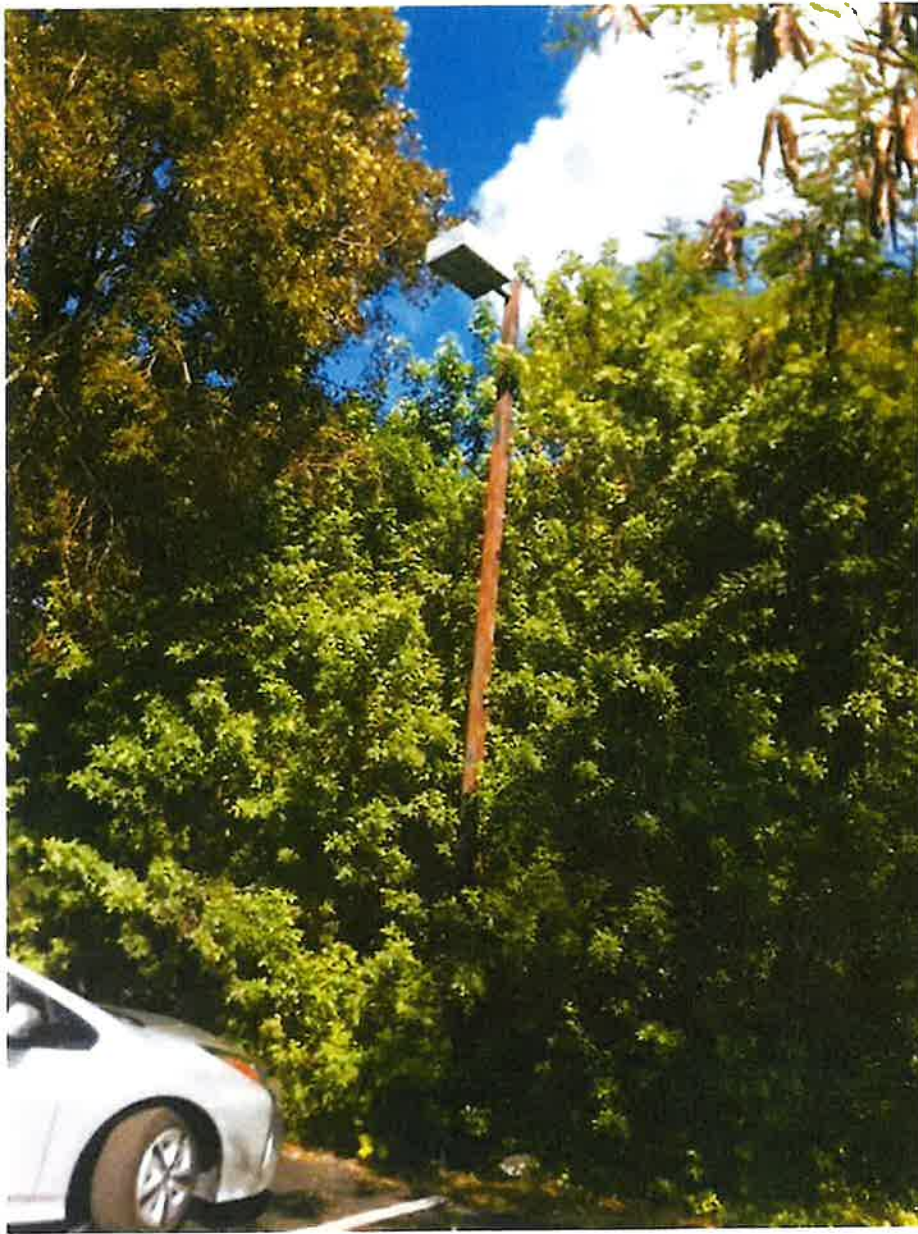
Section 2

Site Photos
Site No. 83



































Section 3

**Application for Amendment
to the Environmentally Sensitive Lands Map
Site No. 83**

1. TRANSMITTAL INFORMATION

- A. Letter from applicant, agent or property owner requesting that the Planning Council process an amendment to the Environmentally Sensitive Lands Map of the Broward County Land Use Plan.

Response: A letter from the applicant and justification for the amendment are attached to this application

- B. Letter from municipal mayor or manager indicating the local government's position on the proposed amendment to be provided no later than 21 days prior to the first Planning Council scheduled public hearing.

Response: Will be supplemented no later than 21 days prior to the first Planning Council scheduled public hearing.

- C. Name, title, address, telephone number and e-mail address of the municipal contact person.

**Response: Jim Hetzel, Principal Planner, City of Fort Lauderdale,
700 NW 19th Ave., Fort Lauderdale, FL 33311
JHetzel@fortlauderdale.gov
(954) 828 9310**

2. APPLICANT INFORMATION

- A. Name, title, address, telephone number and e-mail address of the applicant.

**Response: RD Investment Properties, LLC
Alexis Wong
2850 Tigertail Avenue, Suite 800, Miami, FL 33133
alexis.wong@relatedgroup.com
305.965.5567**

- B. Name, title, address, telephone number and e-mail address of the agent.

**Response: Jim Goldasich, JJ Goldasich and Associates, Inc.
7050 W. Palmetto Park Road, 15-507
Boca Raton, Florida 33433
jjg@jjgoldasich.com
561.212.4108**

**Barbara A. Hall
Greenberg Traurig
401 East Las Olas Blvd
Fort Lauderdale, Florida 33301
hallb@gtlaw.com
954-768-8236**

C. Name, title, address, telephone number and e-mail address of the property owner.

Response: CPN West LLC
Yoav Merary
6301 NW 5 Way, Suite 2600, Fort Lauderdale, FL 33309

D. Applicant's rationale for the amendment.

Response: See the letter from the applicant and the site evaluation prepared by JJ Goldasich & Associates, Incorporated, submitted with this application.

3. AMENDMENT SITE DESCRIPTION

A. Concise written description of the general boundaries and gross acreage (as defined by the BCLUP) of the proposed amendment.

Response: The LAPC Site #83 is located within an office park bordered on the east by I-95, with driveway access from the west, off North Andrews Avenue, at a location almost a half mile north of Cypress Creek Road. The acreage of the amendment site is 6.1786 acres. Because of its location within an office park, not contiguous to water bodies or rights of way (other than Interstate I-95) the gross acreage of the amendment site is the same as the actual acreage.

The LAPC site to be removed by this application is the site shown as #83 on the Environmentally Sensitive Lands ("ESL Map"), which is part of the Land Use Plan Map Series, as depicted below.



The amendment site is described on the Survey which is attached as Exhibit 3-A. The area for which wetland permits are in process within the amendment site is 5.54 acres. The remaining 0.6386 acres consist of urban lawn, swales and developed area.

The amendment site was once considered a cypress wetland forest but is now dominated by the invasive exotic Brazilian pepper (*Schinus terebinthifolious*) tree. The understory is dominated by young Brazilian pepper saplings, shoe button *Ardisia* (*Ardisia elliptica*) and various native and non-native ferns. The LAPC area once designated as a wetland forest has been altered by regional and nearfield

drainage which has reduced the hydrology such that the total wetland area has been reduced to the small interior of the now exotic forest.

- B. Original sealed survey, including legal description. (Digital scans are not acceptable.)

Response: An original signed and sealed survey, including a legal description of the LAPC is attached. See Exhibit 3-A.

- C. Aerial photograph.

Response: An aerial photograph which is outlined in red to show the location and approximate limits of the amendment site is depicted below. A larger highlighted aerial photo is attached to this application as Exhibit 3-B.

The site is part of an office park that has been developed with three office buildings that surround the site on the north and west. The site is adjacent to I-95 on the east and bordered by a hotel located within the office park and car dealership outside the office park, to the south.



- D. Recorded plat(s), if applicable.

Response: The Reflections Plat which includes the amendment site and an agreement amending the Preserve Site shown on the plat are attached as Exhibit 3-D

4. EXISTING AND PROPOSED USES

- A. Existing use of amendment site and adjacent areas. Provide cross-sections of the existing conditions on the subject site.

As depicted on the aerial photographs (Exhibit 3-B) and the site photographs (included in Section 1 of this application package), the site is vacant, overgrown with invasive vegetation, and contains a small area of degraded wetland vegetation in the interior. The site is within a developed office park that includes three office building and a hotel with ground level parking for all of those uses

A cross-section of the existing uses of the amendment site is included in Exhibit 4-A

- B. Proposed use of the amendment site including proposed square footage for each non-residential use and/or dwelling unit count. Provide draft cross-sections of post-development conditions on the subject site.

A cross-section of the post-development condition is attached as Exhibit 4-B-1

The site together with almost 2 additional adjacent acres are proposed to be developed with 428 residential units to provide housing within the surrounding established office park, consistent with the City's proposed Transit Oriented Development District. A conceptual Site Plan for the development is attached as Exhibit 4-B-2

If the amendment site is not developed, please provide the following information:

(The site itself is not developed. The surrounding portions of the office park are developed)

5. LAPC CATEGORIES

Indicate if the amendment site contains resources or characteristics of Local Areas of Particular Concern (LAPC) as described in the Implementation Requirements and Procedures section of the Broward County Land Use Plan.

- A. Marine Resources

Response: There are no marine resources or areas that contain such characteristics of LAPC as described by the BCLUP within the amendment area.

- B. Natural Landforms and Features

Response: There are no natural landforms or areas that contain characteristics of an LAPC as described by the BCLUP within the amendment area.

C. Native Vegetative Communities

Response: There are no intact native vegetative communities or areas that contain such characteristics of LAPC as described by the BCLUP within the amendment area. The amendment area contains a remnant cypress wetland forest that presented a good quality cypress forest prior to the 1980s. However, loss of hydrology and influx of non-native and invasive undesirable vegetation have resulted in the loss of this original community structure. The area contains remnants of the cypress tree community that once made this area suitable for LAPC designation, however the current condition of the area does not meet the requirements as described in the BCLUP.

D. Wildlife

Response: There is limited wildlife utilization on this site and the site does not provide such characteristics of LAPC as described by the BCLUP within the amendment area.

E. Economic Resources

Response: There are no economic resources or areas that contain such characteristics of LAPC as described by the BCLUP within the amendment area.

F. Cultural Resources

Response: There are no cultural resources or areas that contain characteristics of an LAPC as described by the BCLUP within the amendment area.

6. ENVIRONMENTAL ANALYSIS

- A. An environmental analysis must be provided to determine the proposed amendment's environmental impacts both on-site and to adjacent properties.

Response: An environmental assessment (EA) of the amendment site and adjacent lands was conducted. The site was found to be a poor-quality wetland forest dominated by non-native and invasive or otherwise undesirable vegetation. Little native wildlife utilization is present on the site due to the dense Brazilian pepper forest. A copy of the Environmental Assessment (EA) is included with this application as Exhibit 6-A.

- B. A proposed mitigation strategy which identifies measures to avoid and/or minimize any potential risks as indicated by the environmental analysis.

Response: An alternatives analysis for this area was conducted in connection with the Environmental Permit Application in order to determine if avoidance or minimization strategies were available to prevent impacts to the wetland. The results of the alternatives analysis revealed that onsite avoidance of impacts to the LAPC are not practicable. A copy of the alternatives analysis is attached to this application as Exhibit 6-B.

In view of the hydrologic conditions that have resulted over time in the degradation of the onsite wetland community, the appropriate mitigation strategy was determined to be the purchase of mitigation credits in the offsite Wetlandsbank in Pembroke Pines. Wetland credits have been purchased to allow for that transfer.

- C. Broward County Environmental Resource License — provide information including the permit number and status of any license related to the proposed amendment site.

Response: The following permits consistent with this LAPC amendment application are in process:

Manor at Cypress Creek S10/T49S/R42E

Surface Water Management License Application No. L2023-090

Environmental Resource License Application No. DF22-1357

SFWMD Application No. 230405-60

JIGA File: 22-1576

- D. Federal and/or State Environmental Permits — provide information including the permit number and status of any license related to the proposed amendment site.

Response: The amendment area is not jurisdictional to the federal government and does not contain any areas of WOTUS. A copy of the “No Permit Required” (NPR) letter is attached to this application as Exhibit 6-D.

A permit application has been filed and is pending with Broward County for a SFWMD permit issued by Broward County under its delegated authority from the South Florida Water Management District. That application number is 230405-60.

- E. Surface Water Management Plan - indicate if a Plan has been approved by, or an application submitted to, the South Florida Water Management District (SFWMD) and/or any independent drainage district, for the amendment site. Provide information including the permit number and status of any license related to the proposed amendment site.

Response: A SWM application has been submitted to Broward County Environmental Permitted Division Surface Water Management Licensing Program and is being processed at the current time. The SWM application number is L2023-090.

- F. Identify the drainage district and drainage systems serving the amendment site, including any planned drainage improvements, including year, funding sources and other relevant information.

Response: The amendment area is not within a drainage district and will be serviced by the regional drainage system. A SFWMD Permit has been submitted and is being processed at the current time. The SFWMD Permit number is 230405-60. A copy of the drainage improvements proposed by the project are provided as an attachment to this application as Exhibit 6-F

- G. Identify the management of storm water retention on-site, as well as the extent to which the amendment site provided storm water retention to surrounding properties and how potential run-off will be mitigated throughout the affected area.

Response: The management of storm water retention on site is being provided through swale, lake and dry retention areas to meet the 25-year/3-day storm event, and to mitigate the runoff from the proposed development. The proposed facilities will also provide drainage improvements that will serve the already existing office park.

7. ANALYSIS OF NATURAL AND HISTORIC RESOURCES

Indicate if the site contains, is located adjacent to or has the potential to impact any of the natural and historic resource(s) listed below, and if so, how they will be protected or mitigated.

- A. Wetlands — describe whether the amendment will impact existing wetlands, lakes or aquifer recharge areas. If so, describe what management practices will be used to protect or mitigate the area's natural features.

Response: The amendment area will impact existing degraded wetlands. That area to be impacted is dominated by the invasive exotic Brazilian pepper tree and is a very poor-quality wetland. The wetland permits are being processed to achieve authorization to impact these wetland areas and will include offsite wetland mitigation. The SWM Permit Number is L2023-090 and the SFWMD Permit Number is 230405-60.

- B. Soils — describe whether the amendment will require the alteration of soil conditions or topography. If so, describe what management practices will be used to protect or mitigate the area's natural features.

Response: The site contains wetland soils that are not suitable for development and construction of structures. The wetland soils will be excavated for use in landscape berms or removed to an approved offsite location. A copy of the soil map is attached to this application as Exhibit 7-B.

- C. "Endangered species," "threatened species," "species of special concern" or "commercially exploited" as per the Florida Fish and Wildlife Conservation Commission (fauna), the U.S. Fish and Wildlife Service (flora and fauna), or the Florida Department of Agriculture and Consumer Services (fauna). If yes, identify the species and show the habitat location on a map.

Response: The Environmental Assessment (EA) for the site included wildlife site use determinations during all seasons of the year. The site provides poor wildlife habitat and wildlife utilization is generally low. No listed species have been identified on the site or on directly adjacent parcels. There is no critical habitat or areas that contain critical habitat like features within the amendment area.

- D. Tree Canopy and Ground Cover, including plants listed in the Regulated Plant Index for protection by the Florida Department of Agriculture and Consumer Services. If yes, identify the species and show the location on a map.

Response: The site contains a remnant cypress wetland forest with some of the cypress trees remaining within the canopy. However, this site is now dominated by the invasive exotic Brazilian pepper (*Schinus terebinthifolious*) tree. The understory is dominated by young Brazilian pepper saplings, shoe button Ardisia (*Ardisia elliptica*) and various native and non-native ferns and herbaceous plants. No plants listed protected by the Florida Department of Agriculture and Consumer Services are found within the site.

- E. Priority Planning Area — indicate whether the amendment is located within a priority planning area. If yes, address Broward County Land Use Plan Policy 2.21.1 regarding sea level rise.

Response: The property is not located within a priority planning area.

- F. Flood Zone Area per the Federal Emergency Management Agency's Flood Insurance Rate Map.

Response: The site is within flood zone AE in the effective FIRMETTE at elevation of 6 feet NAVD and elevation 7 feet NAVD in the preliminary FEMA map. Refer to the FEMA maps attached as Exhibit 7-F.

- G. Wellfields — indicate whether the amendment is located within a wellfield protection zone of influence as defined by Broward County Code, Chapter 27, Article 13 "Wellfield Protection." If so, specify the affected zone and any provisions which will be made to protect the wellfield.

Response: The amendment is not located within a wellfield protection zone of influence.

- H. Historic sites or districts on the National Register of Historic Places or locally designated historic sites.

Response: The property has not been designated as a historic site.

- I. Archaeological sites listed on the Florida Master Site File.

Response: The property is not located as an archeological site.

- J. Local Parks — indicate if the amendment site is utilized to meet the municipal "community parks" requirement, as defined by the Broward County Land Use Plan. If yes, indicate whether the municipality will continue to meet the "community parks" acreage requirement based on its projected build-out population.

Response: None of the property has been utilized to meet the City's community park requirement.

- K. Beach Access — indicate if the amendment site fronts the ocean or would impact access to public beaches. If so, describe how public beach access will be addressed.

Response: The property is not near a public beach.

- L. Hurricane Evacuation - indicate if the amendment site is located in a hurricane evacuation zone as identified by the Broward County Emergency Management Division. If yes, provide a hurricane evacuation analysis based on the proposed use of the amendment site, considering the number of permanent and seasonal residential dwelling units requiring evacuation, availability of hurricane shelter spaces, and evacuation routes and clearance times.

Response: The property is not located within a hurricane evacuation zone.

8. INTERGOVERNMENTAL COORDINATION

Indicate whether the proposed amendment site is adjacent to other local governments.

Response: An aerial outlining the nearby city boundaries is attached as Exhibit 8.

As can be seen from the aerial, the site might technically be considered to be adjacent to the City of Oakland Park, but only because the portion of I-95, which is adjacent to and east of the site, is within the City of Oakland Park. No other portions of Oakland Park are adjacent to the amendment site.

To the north, the amendment site is separated from the City of Pompano Beach by the office buildings within the office park that contains the amendment site and by the C-14 Canal. Therefore the amendment site is not adjacent to the City of Pompano Beach.

The site is bordered on all other sides by properties within the City of Fort Lauderdale.

9. PUBLIC OUTREACH

Describe how the applicant and/or local government notified and coordinated with adjacent property owners, master associations, homeowner associations, etc.

Response: The site is not adjacent to, or within 300 feet of, any master associations or homeowners' associations. Approximately 78% of the property surrounding the amendment site is owned by CPN West LLC, the owner of the amendment site, or by CPN West LLC's affiliated entity, F Land LLC. The other portion of the office park contains a Westin Hotel at 6650 North Andrews Avenue. There have been discussions with representatives of the Westin Hotel regarding the development of the amendment site. In addition, the applicant has sent letters to the hotel's ownership and to the owner of the car dealership at 6606 North Andrews Avenue (not part of the the office park) advising the owner of this LAPC application. Copies of those letters are included as Exhibit 9.

10. DESCRIBE CONSISTENCY WITH HIGHLIGHTED REGIONAL ISSUES AND POLICIES OF THE BROWARD COUNTY LAND USE PLAN

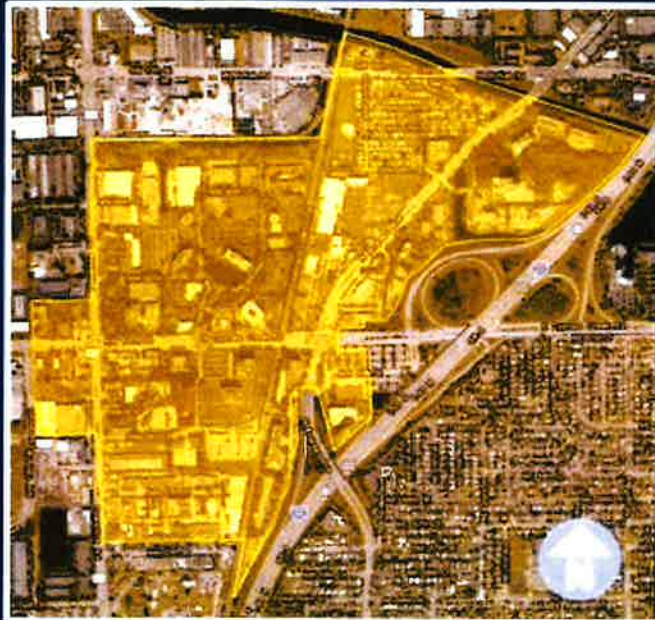
Response: Although the Property is designated on the Environmentally Sensitive Land Map, the current state of the wetlands within the Property no longer comports with the Environmentally Sensitive Lands Policies:

- **POLICY 2.23.1** Natural resources that have been found to comply with the definition of Local Areas of Particular Concern have been identified on a Map of Local Areas of Particular Concern within the Future Broward County Land Use Map Series.
- **POLICY 2.23.2** Local Areas of Particular Concern are declared to be environmentally sensitive lands and upon adoption of this plan shall be subject to the provisions of the Broward County Land Development Code regarding environmentally sensitive lands.
- **POLICY 2.23.3** Broward County shall implement strategies for the protection of Local Areas of Particular Concern and other environmentally sensitive lands such as: acquisition by public or private organizations; establishment of a County trust fund for acquisition; adoption of innovative land development regulations; conservation easements; transfer of development rights; deed restrictions; and restrictive covenants.

To be designated as a Local Area of Particular Concern, the site must have (i) uniqueness, (ii) diversity, (iii) low level of exotic invasion, (iv) potential for protection, and (v) geography. As noted in the site evaluation prepared by JJ Goldasich & Associates, Incorporated, while this area may at one time have qualified as a LAPC, the site is currently a poor-quality wetland forest dominated by non-native and invasive or otherwise undesirable vegetation. Regional and nearfield drainage has been reduced the hydrology such that the total wetland area has been reduced to the small interior of the now exotic forest. The evaluation performed by JJ Goldasich & Associates, Incorporated has determined that the site conditions do not qualify for an LAPC designation.

In addition, the City is in the process of adopting a Transit Oriented Development district for this area to encourage the development of housing close to offices and other non-residential uses. The Uptown Fort Lauderdale area is lacking in housing for the nearby employment uses. The City has been engaged in a multiple-year planning process that has included a ULI study and code amendments to achieve a mixed use environment in the Uptown area. In furtherance of that goal, the City is processing a Transit Oriented District to the City Plan which will be filed as an Activity Center amendment to the County Plan for the project area shown below.

PROJECT AREA



Those changes if approved and if this amendment is approved, it will allow the amendment site, now zoned Uptown Urban Mixed Use, to be developed for residential use.

- **Strategy TR-1:** “Broward County must efficiently accommodate population and economic growth, while also recognizing and protecting areas which currently display characteristics, such as rural and estate communities and established single-family neighborhoods, which may not be appropriate to support additional growth and development. Broward County supports new development and redevelopment activities within established and planned “activity centers,” such as municipal downtowns, and established and planned “transit oriented” corridors and hubs, as long as such areas have sufficient public facilities and services to serve the area, and a mixed-use character which supports a high quality live, work and play community for residents and businesses, including viable multi-modal transportation choices, a range of housing choices (including affordable housing), green spaces and recreational amenities, community gathering spots, and a variety of services and establishments to support life and business activities.”
- **POLICY 2.4.11** Municipalities which propose an Activity Center designation shall include policies within their land use element which establish design guidelines for mixed use within their land development codes. Policies should promote an urban form which creates well integrated land use combinations, balances intensity and density, promotes the safe, interconnectivity of vehicular, pedestrian and other non-motorized movement and is compatible with adjacent land uses.

- **POLICY 2.3.3** To allow both the public and private sectors to respond to changing conditions and permit the appropriate location of neighborhood commercial uses within or adjacent to established residential neighborhoods, the Broward County Land Use Plan shall permit up to 5% of the area designated residential within a local government to be used for neighborhood commercial uses as identified and in accordance with this Plan and the rules established within the “Administrative Rules Document: Broward County Land Use Plan.”

11. ADDITIONAL SUPPORT DOCUMENTS

- A. Other support documents or summary of support documents on which the proposed amendment is based.

Response: A copy of the most recent Request for Additional Information and Response Document along with an Exhibit to those responses showing a site plan of wetland impacts (collectively the “Permit Documents”, which is attached as Composite Exhibit 11-A).

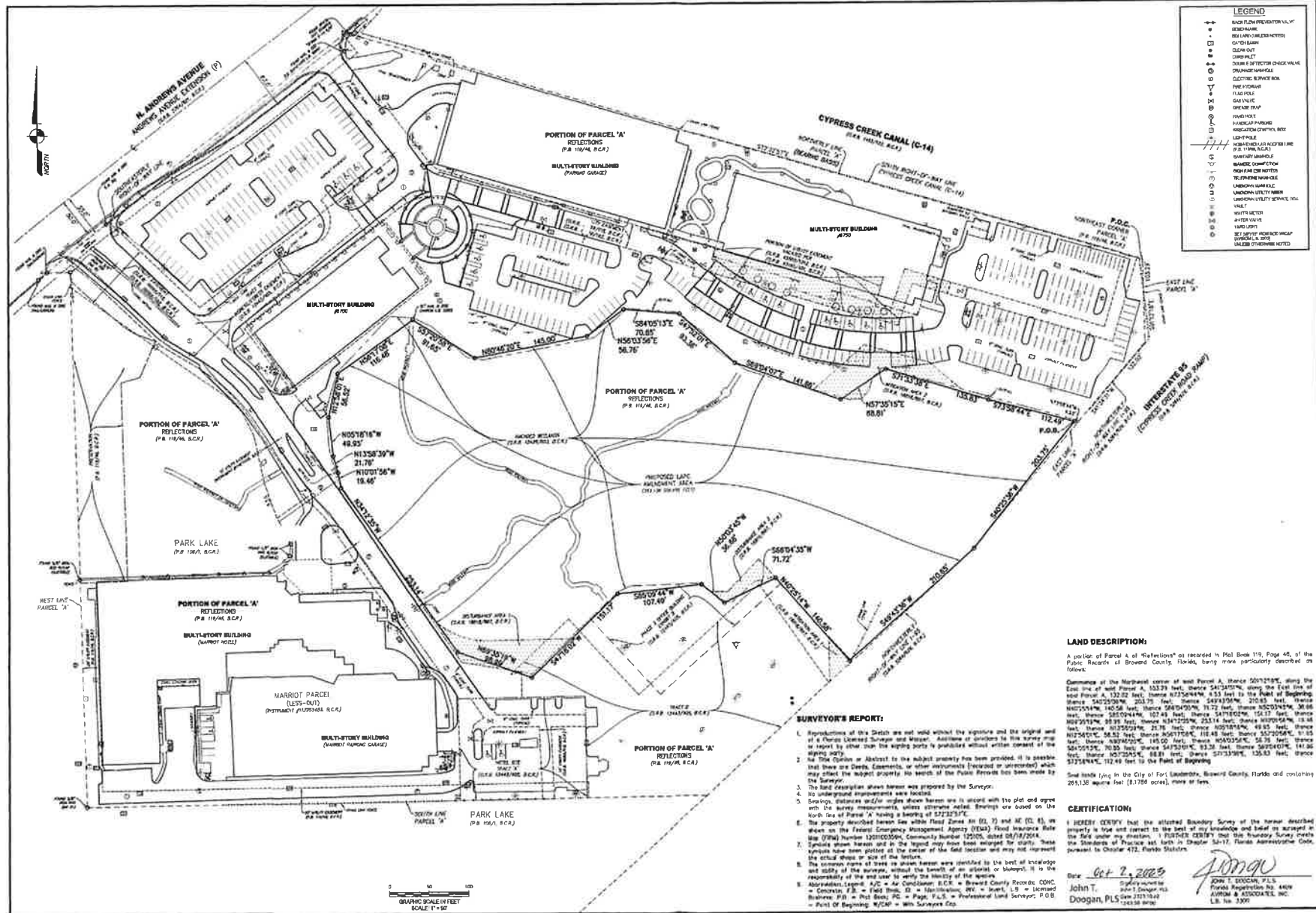
- B. Any proposed voluntary mitigation or draft agreements.

Response: A letter from the Wetlandsbank Company confirming that the applicant has purchase 3.89 forested credits from the Florida Wetlandsbank at Pembroke Pines is included with this application as Exhibit 11-B.

Exhibit List

Exhibit 3-A	Survey
Exhibit 3-B	Aerial Photo
Exhibit 3-D	Plat
Exhibit 4-A	Cross Section of Existing Uses
Exhibit 4-B-1	Cross Section of Post Development Conditions
Exhibit 4-B-2	Conceptual Site Plan
Exhibit 6-A	Environmental Assessment
Exhibit 6-B	Alternatives Analysis
Exhibit 6-D	No Permit Required Letter
Exhibit 6-F	Proposed Drainage Improvements
Exhibit 7-B	Soils Map
Exhibit 7-F	FEMA Map
Exhibit 8	Aerial of Adjacent City Limits
Exhibit 9	Letters to neighboring property owners.
Exhibit 11-A	Permit Documents
Exhibit 11-B	Letter from Wetlandsbank

Exhibit 3-A Survey



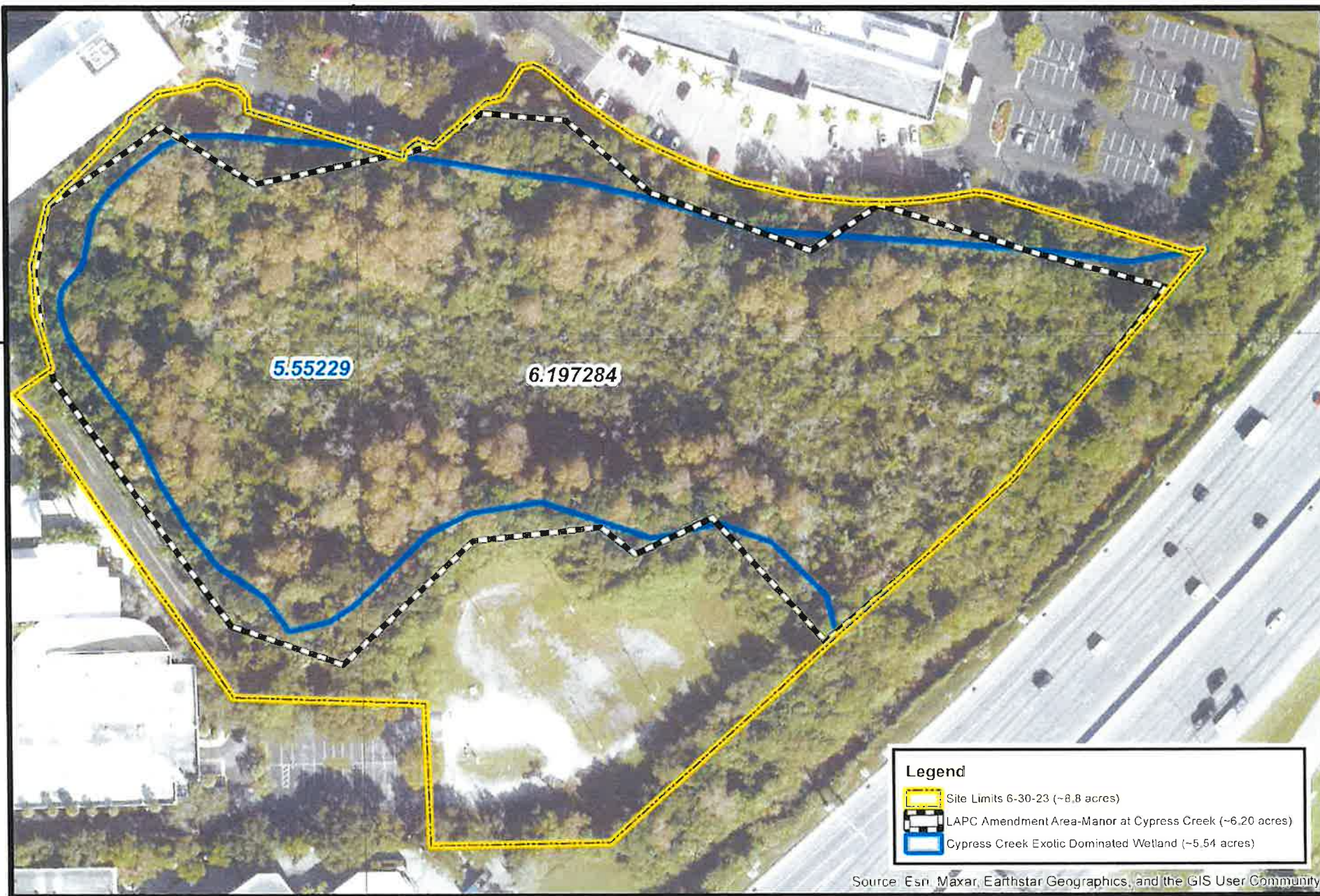
LEGEND

→	BACK FLOW PREVENTION VALVE
□	SEWER NAME
●	RED LAMP (LAMPED HOTTER)
○	CITY STREET MARK
□	CLEAN OUT
●	WATER PUMP
●	COLUMBIA DETECTOR CHECK VALVE
○	CRANE MOUNTING
○	ELECTRIC MOUNTING BOX
▽	PIPE TYPING
▽	FLAG POLE
○	SEA VALVE
○	SEWER TRAP
○	POUND HOLE
○	UNDERPASS PUMP
○	REGISTRATION CONTROL BOX
○	LEAK HOLE
///	ROAD TYPING (SEE ABOVE) LINE
///	OR TYPING (SEE ABOVE) LINE
○	DOWNHILL SLOPE
○	MANHOLE COMPLETION
○	ROAD NAME (SEE HOTTER)
○	TEMPERATURE NAME
○	MANHOLE UTILITY NAME
○	MANHOLE UTILITY SERVICE NAME
○	WALL
○	WATER METER
○	WATER VALVE
○	WATER TAP
○	WATER TAP (SEE ABOVE) NAME
○	WATER TAP (SEE ABOVE) NAME
○	WATER TAP (SEE ABOVE) NAME

[illegible]

Exhibit 3-B Aerial Photo

26°12'30"N



Legend

- Site Limits 6-30-23 (~8.8 acres)
- LAPC Amendment Area-Manor at Cypress Creek (~6.20 acres)
- Cypress Creek Exotic Dominated Wetland (~5.54 acres)

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

80°8'30"W

06/05/2019

Revision
Date: 10/14/2023

J. J. Goldasich and Associates, Incorporated



Ecological Services
Natural System Analysis
DESIGN/PERMIT-BUILD-MAINTAIN



(561) 883-9555
jjg@jjgoldasich.com
Seagrass to Sawgrass

Related - Cypress Creek Parcel

Amendment Area LAPC & Wetland Area
Aerial Photograph with Project Limits
Ft. Lauderdale, Broward County, Florida

**Revised
Site Plan
Wetland
Impacts**

#1	BC RAI #1
#2	BC RAI #2
#3	Revised Plar
#4	Revised Plan 4

SITE NO. 83

Legend

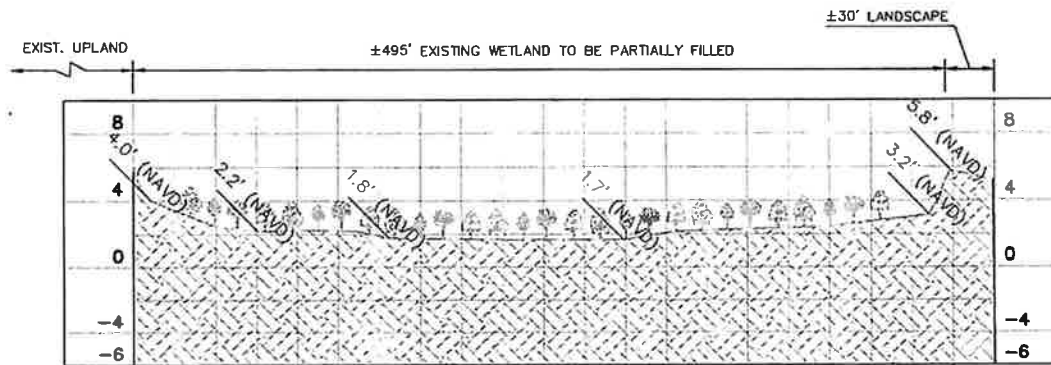


Exhibit 3-D Plat

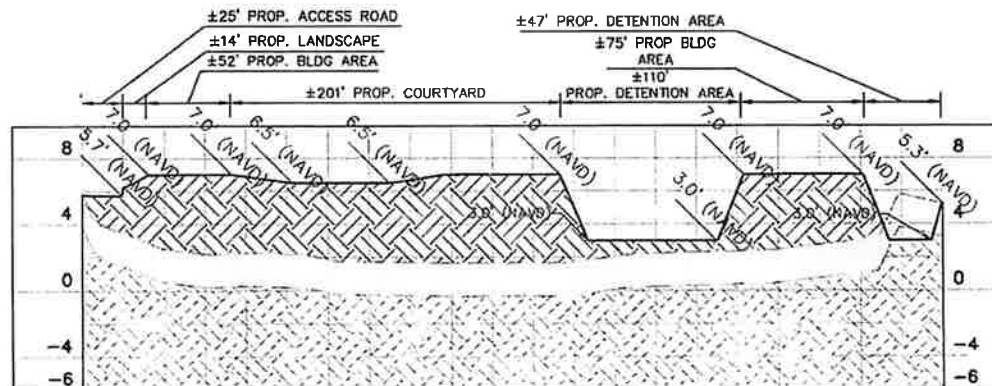
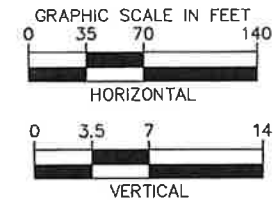
(note: the plat note creating the preserve area was amended twice by documents recorded in
OR Book 18818, page 897 and 12425, Page 603)

Exhibit 4-A Cross Section of Existing Uses

Printed By: Elmar, User: Sheet Section Layout A-A, November 29, 2023 09:44:22am. C:\MSD_Civil\344600010 - BD Cypress Creek\344600010\344600010.dwg - Millpond Excavation\Section View Exhibit.dwg
 The information contained herein is for informational purposes only and is not intended to be used for any other purpose. It is the user's responsibility to ensure that the information is accurate and complete. The user is advised that the information is not to be used for any other purpose without the written consent of the provider.



EXISTING CONDITIONS SECTION A-A (TYP.)



PROPOSED CONDITIONS SECTION A-A (TYP.)

LEGEND:

-  WETLAND IMPACT FILL
(±8.57 AC - 51,685 CU.YD)
-  2' VEGETATED SOIL REMOVAL
(±8.63 AC - 27,850 CU.YD)
-  EXIST. SUBSTRATE
-  PROPOSE LAKE 1.20 AC

Kimley»Horn

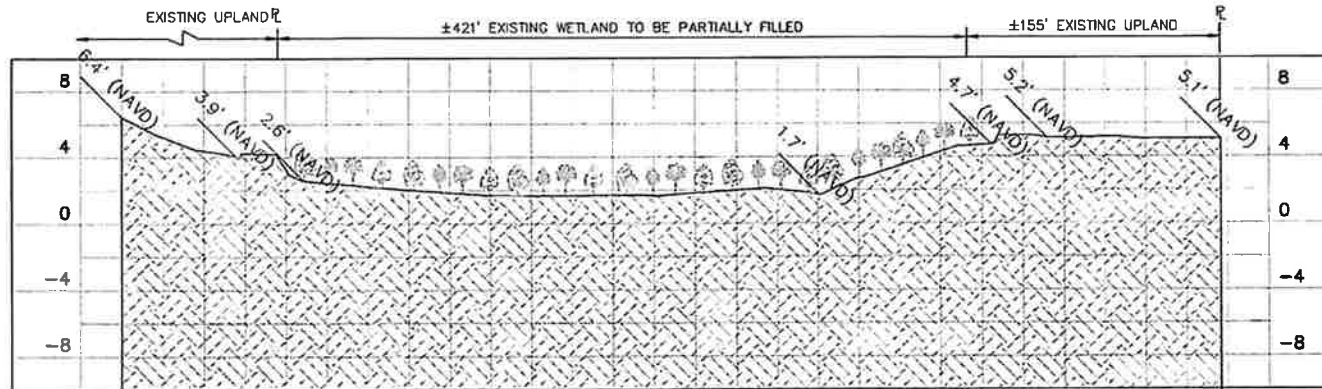
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 1615 S. CONGRESS AVE., SUITE 201
 DELRAY BEACH, FLORIDA 33445
 PHONE: 561-355-2345 FAX: 561-863-8173
 WWW.KIMLEY-HORN.COM

CYPRESS CREEK RD
 THE RELATED GROUP OF FLORIDA

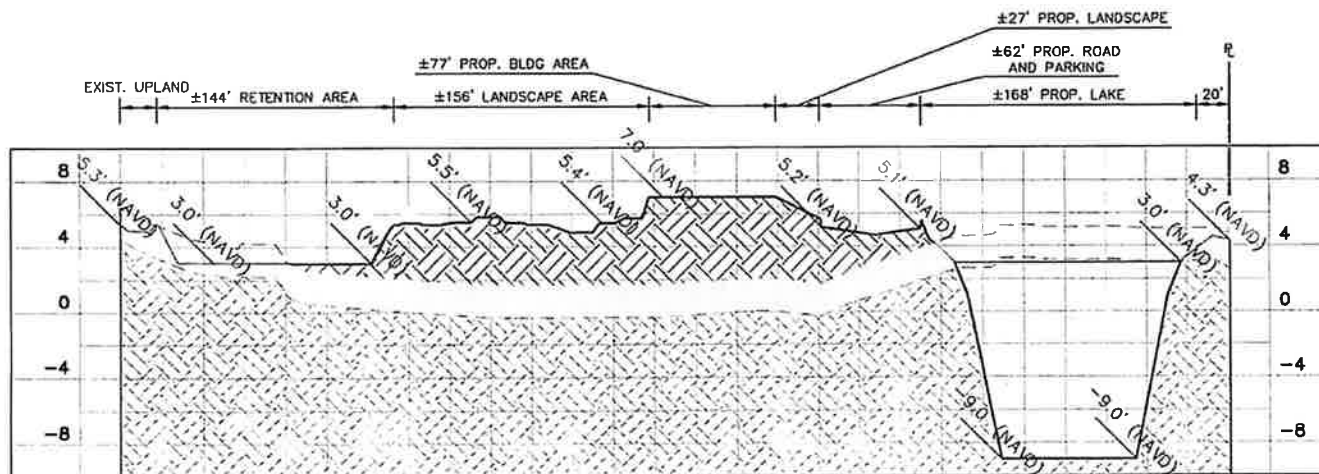
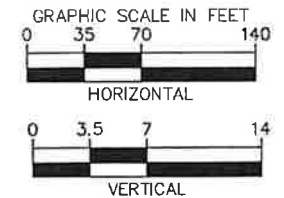
WETLAND SECTION EXHIBIT

SHEET NUMBER

2 OF 3



EXISTING CONDITIONS SECTION B-B (TYP.)



PROPOSED CONDITIONS SECTION B-B (TYP.)

LEGEND:

- WETLAND IMPACT FILL (±8.57 AC - 51,685 CU.YD)
- 2' VEGETATED SOIL REMOVAL (±8.63 AC - 27850 CU.YD)
- EXIST. SUBSTRATE
- PROPOSE LAKE 1.20 AC

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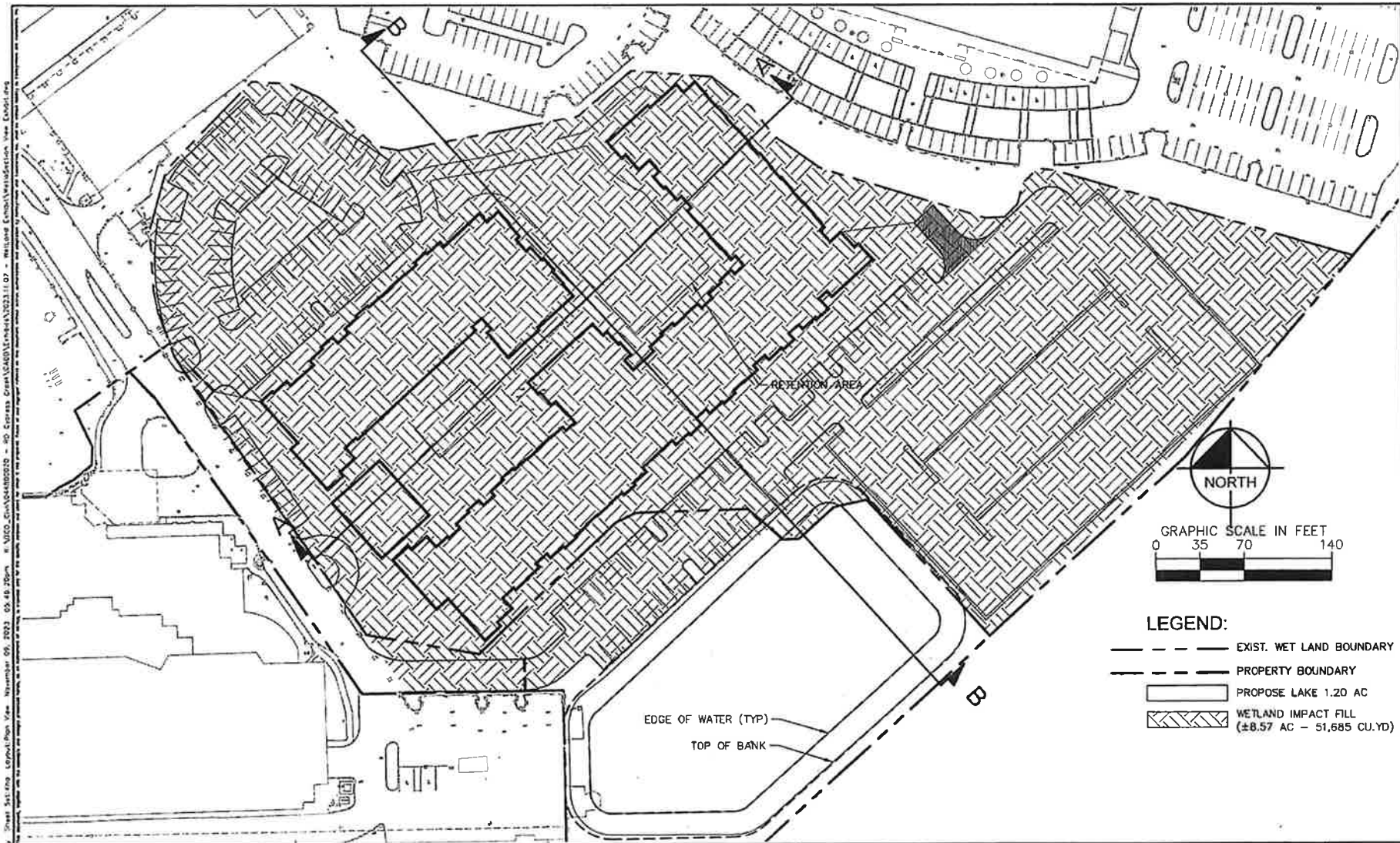
CYPRESS CREEK RD
THE RELATED GROUP OF FLORIDA

WETLAND SECTION EXHIBIT

SHEET NUMBER

3 OF 3

Exhibit 4-B-1 – Cross Section of Post Development Conditions



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CYPRESS CREEK RD
THE RELATED GROUP OF FLORIDA

WETLAND SECTION EXHIBIT

SHEET NUMBER

1 OF 3

Exhibit 4-B-2 Conceptual Site Plan

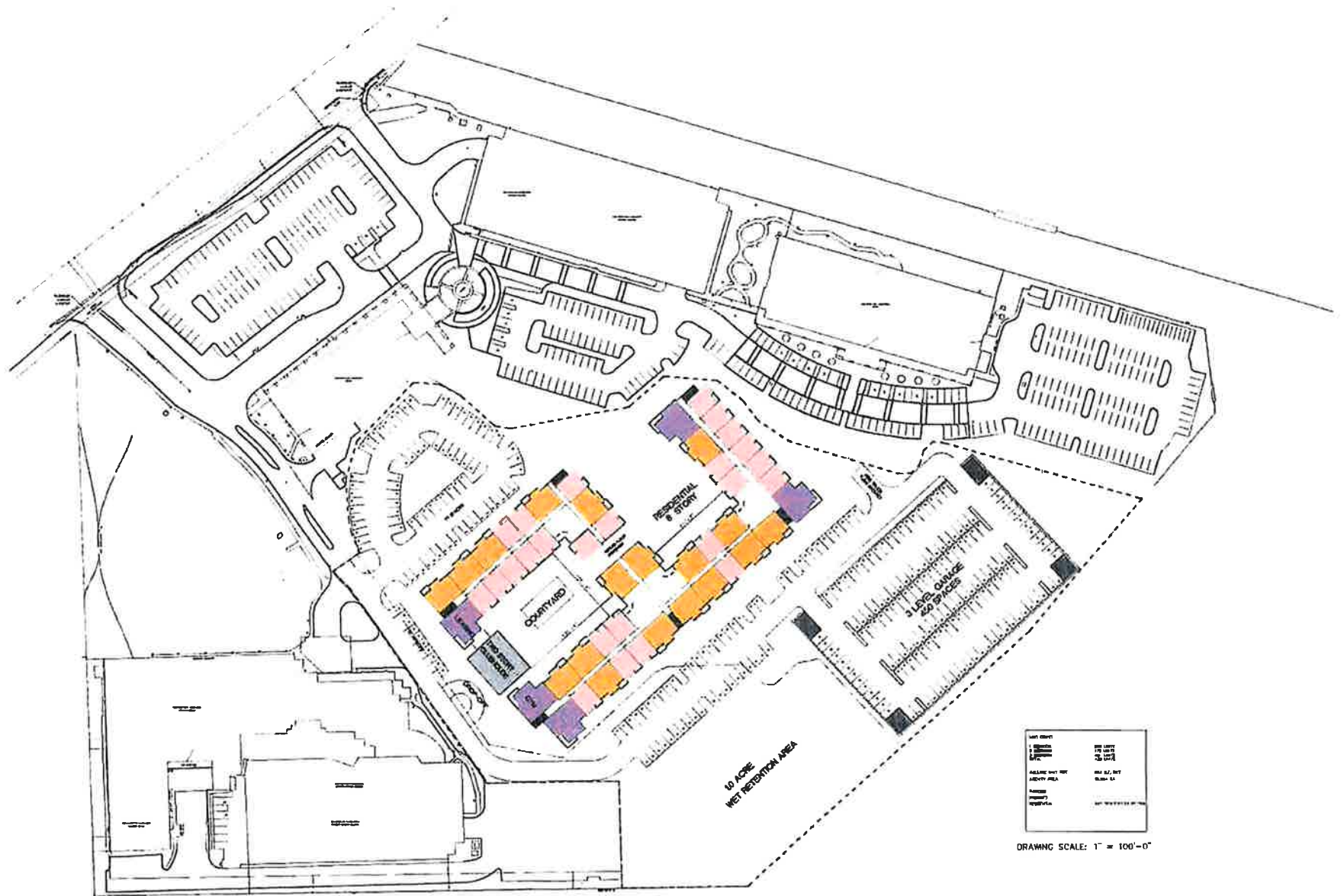


Exhibit 6-A Environmental Assessment

Manor at Cypress Creek – Environmental Assessment (EA)

Fort Lauderdale, Broward County, Florida

Prepared For:
Manor at Cypress Creek
In Support of LAPC Application
Prepared By:
Jim Goldasich, SPWS
9/13/2023

J. J. Goldasich and Associates, Incorporated

Boca Raton, Wellington, and Moore Haven, Florida



This report reviews the environmental conditions on the amendment site and directly adjacent areas and evaluates the ecological quality of the amendment area. A UMAM assessment is provided that rates the current natural system quality based on Location and Landscape Support, Water Environment and Natural Community Structure.

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Executive Summary:

The Manor at Cypress Creek Site has been the subject of several site assessments during 2021-2023 in order to define current natural system habitat values, wildlife utilization, listed species site use, and wetland functions. The field assessments were conducted during daylight hours spanning several years to confirm initial findings. Initial scoping of the site in the office was conducted. This office assessment was designed to identify onsite and offsite adjacent natural system quality and extent so that subsequent field reviews could target important areas and current field conditions. Review of the Manor at Cypress Creek permit and Site aerials indicated that following permit issuance the wetland mitigation area was established according to permit conditions. Aerials clearly showed the lack of buffers on the adjacent commercial development and this appeared to limited the fecundity of the native wetland trees and shrubs. The results of field analysis confirmed conditions presented by the aerial review and loss of site hydrology identified during the onsite assessments further reduced wetland quality and the wetland



values and functions provided by the system. The LAPC amendment Site is bounded by commercial development on the north, west and south with a FDOT drainage ditch and Interstate 95 on the east. There were no sightings of listed fauna during the site assessments and no designated critical habitat exists onsite or in directly adjacent lands. The interior of the LAPC is dominated by a mix of remnant cypress trees, Brazilian pepper and shoe button Ardisia with minimal understory. The buffer areas are not existent and contain roadways, commercial development, parking areas and a drainage ditch. Where vegetated, these areas contain St. Augustine grass or Brazilian pepper. A list of potential listed fauna that were considered by the site assessment is included in the Appendix to this report, none were identified as using the site.

Site Photo #1: Typical site conditions at Manor at Cypress Creek during July 2023.



Introduction:

The Manor at Cypress Creek LAPC amendment Site is an approximately ±5.54 acre site located in Section 10, Township 49 South, Range 42 East in Fort Lauderdale, Broward County Florida. The approximate center of the site is -80.14195° West Longitude and 26.208258° North Latitude (see Figure 1, Site Aerial). The most recent (2023) aerial photograph of the site confirms that the amendment area has remained undeveloped and the adjacent areas are developed with commercial structures, parking areas and roadways. The preliminary Manor at Cypress Creek Site review consisted of a “scoping” review of existing conditions presented by the aerial. Onsite assessments have been conducted during 2019-2023 and were designed to expand upon the results of the aerial review and to evaluate site natural



resource conditions, listed species site use, wetland quality, native and non-native tree fecundity and overall ecological health of the LAPC amendment area and adjacent lands.

Site Photo #2: 2023 Conditions within the amendment area.

Overall Site Characteristics and Natural System Setting:

Ecological review of the parcel and adjacent lands confirm that the amendment area contains a non-native dominated forest area with a perimeter of developed areas with urban grasses, pavement and parking areas. The area on the east end of the amendment area within the LAPC limits falls within a FDOT drainage ditch for Interstate 95. This FDPT drainage ditch has also become overgrown with non-native Brazilian pepper. This is due to the inability to effectively access these areas of the site for needed ongoing maintenance and the extremely rapid growth of the exotic and

invasive Brazilian pepper trees and non-native understory plants. The antecedent weather during site assessments included all seasonal conditions including dry and wet season reviews. The general site setting is that of developed parcel with onsite wetland area without suitable buffers between the amendment area and development. Due to the adjacent lands being developed, the LAPC amendment area is completely isolated from other natural systems other than the FDOT drainage ditch. Add to the fact that the adjacent upland development effectively surrounds the amendment area there is no possibility for regional interaction, connectivity, and wildlife corridor establishment. As a result, the onsite



amendment area is isolated and does not interact with other nearfield wetlands, surface waters or natural areas.

Vegetation:

Vegetation found on the site consists of a primarily non-native herbaceous upland rangeland with a native herbaceous and native shrub wetland community. Dominant trees included the exotic Brazilian pepper (*Schinus terebinthifolius*), Bishops wood (*Bischofia japonica*), shoe button Ardisia (*Ardisia elliptica*), wax



myrtle (*Myrica cerifera*), cocoplum (*Chrysobalanus icaco*), remnant mature cypress trees (*Taxodium* spp.), and scattered red bay (*Persea borbonia*) are typically found in extremely small numbers. Other vegetation that has encroached into the amendment area includes St. Augustine grass (*Stenotaphrum secundatum*), umbrella tree (*Heptapleurum actinophyllum*), snake plant (*Dracaena* sp.), Areca palm (*Dypsis lutescens*), various *Philodendron* taxa, (*Philodendron hederaceum* and *P. spp.*) and rosery pea (*Abrus precatorious*).

Site Photo #3: Perimeter conditions at the edge of the amendment area.

Wildlife Sightings:

All areas of the site were evaluated for faunal use by both direct and indirect methods. In addition, all potential wildlife aggregation areas were given additional specific detailed assessment for faunal use by searching for burrows, tracks,

scat, roosting sites, raceways, and nests. No significant wildlife utilization was observed on the property or in directly adjacent areas. No burrows, nests, raceways, or roosting sites were identified by either direct or indirect means. No direct or indirect indication of significant wildlife use in the amendment area was noted during any of the multiple site assessments and wildlife surveys.



80°8'30"W

C-14 CANAL

26°12'30"N

26°12'30"N

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

80°8'30"W

Document Name: Natural System Map- Revised Site Plan

06/05/2019

Revision
Date: 9/14/2023160 80 0 160
Feet**J. J. Goldasich and Associates, Incorporated**Ecological Services
Natural System Analysis
DESIGN/PERMIT-BUILD-MAINTAIN(561) 883-9555
jjg@jjgoldasich.com
Seagrass to Sawgrass**Related - Cypress Creek Parcel**Broward County Mapped LAPC Area
Aerial Photograph with Project Limits
Ft. Lauderdale, Broward County, Florida**Project
Aerial
LAPC
Limits**

#1	BC RAI #1
#2	BC RAI #2
#3	Revised Plan
#4	LAPC App.

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06/05/2019	Revision Date: 9/14/2023	J. J. Goldasich and Associates, Incorporated		Related - Cypress Creek Parcel		Project Aerial LAPC Limits		#1	BC RAI #1
				Amendment Area LAPC		Aerial Photograph with Project Limits		#2	BC RAI #2
Ecological Services		(561) 883-9555		Ft. Lauderdale, Broward County, Florida		Revised Plan		#3	LAPC App.
Natural System Analysis		jjg@jjgoldasich.com						#4	
DESIGN/PERMIT-BUILD-MAINTAIN		Seagrass to Sawgrass							

Typical fauna actually observed during the field reviews consisted of *Basiliscus* lizard (*Basiliscus* sp.), brown or Cuban anole (*Anolis sagrei*), and several urban songbirds such as the common grackle (*Quiscalus quiscula*), various sparrows (*Passer* spp.) and northern mockingbirds (*Mimus polyglottos*), all of which are normally present in such urban areas. None of these animals are listed by any agency as needing particular protection measures. As the site contained a poor quality assemblage of vegetation



within the amendment area, wading bird use of this site was not confirmed or evident. In summary, none of the animals observed on the site are listed on the State of Florida or federal endangered species lists. Other arthropods such as spiders (Arachnids), ants (Formicidae), bees and wasps (Hymenoptera), house fly (*Musca domestica*) and horse fly (Tabanidae) were generally found throughout the parcel in both the air and on the ground. Wildlife utilization on the site is classified as poor.

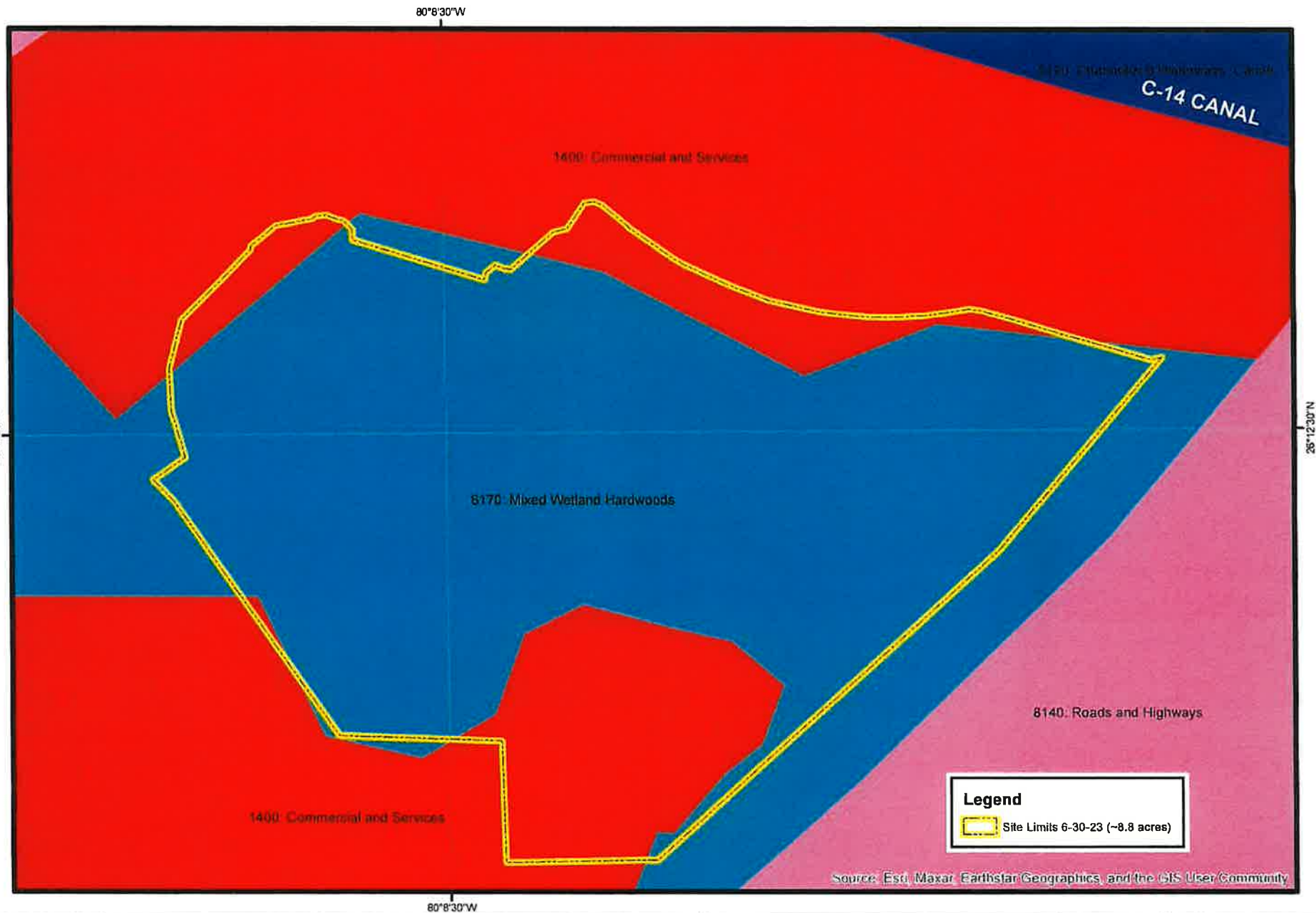
Overall wildlife utilization of the site was poor during the site assessments and no listed species were observed on the subject site. Indirect evidence of site use by listed fauna was not present during the site assessments and there is no critical habitat found onsite or in directly adjacent areas.

[Site Photo #3: Site conditions.](#)

LAPC Amendment Area Functional Assessment:

A wetland functional assessment was undertaken on the site based upon current site conditions. The assessment was conducted pursuant to the Florida Uniform Wetland Assessment Methodology (UMAM). The UMAM score for the amendment area wetland is 0.27. Isolation, poor native vegetative community structure and lack of wetland hydrology were the primary factors that negatively impacted the score.





06/05/2019		Revision Date: 9/14/2023		J. J. Goldasich and Associates, Incorporated		Related - Cypress Creek Parcel		Project Site FLUCCS Map	#1	BC RAI #1
110550110 Feet			Ecological Services Natural System Analysis DESIGN/PERMIT-BUILD-MAINTAIN		(561) 883-9555 jjg@jjgoldasich.com Seagrass to Sawgrass	Proposed Project Limits FLUCCS Map Ft. Lauderdale, Broward County, Florida	#2		BC RAI #2	
							#3		Revised Plan	
							#4		LAPC App.	

Conclusions and LAPC Amendment Area Condition:

The Manor at Cypress Creek parcel contains a poor quality forested wetland area that has been invaded by dense non-native vegetation. This vegetation limits the ability of native plants to grow and develop due to the rapid growth of the invasive plants. Loss of natural hydrology and resultant drying of the site further increases the ability of the invasive vegetation to flourish and out compete the native vegetation that once was found in abundance in this area. The site will continue to degrade due to the loss of natural hydrological regime and non-native and undesirable plant invasion.



UNIFORM WETLAND MITIGATION ASSESSMENT WORKSHEET - PART I - IMPACT
Form 62-345.900(2), F.A.C. (See Sections 62-345.400 F.A.C.)

Site/Project Name Manor at Cypress Creek-Actual Conditions		Application Number TBD		Assessment Area Name or Number W-1	
FLUCCs code 4220/6190		Further classification (optional) Exotic Forest		Impact or Mitigation Site? Impact	
Assessment Area Size 5.55 Acres					
Basin/Watershed Name/Number C-14 Canal		Affected Waterbody (Class) 3		Special Classification (i.e. OFW, AP, other local/state/federal designation of importance) None	
Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands					
AA is a mixed exotic forest with remnant cypress trees. Direct connection to surface waters or wetlands does not exist.					
Assessment area description					
Mixed exotic forest community with scattered cypress trees in decline due to drainage and exotic vegetation encroachment.					
Significant nearby features Regional drainage canal, commercial buildings, parking lots interstate, surface and local roadways, sidewalks.				Uniqueness (considering the relative rarity in relation to the regional landscape.) Not unique to this area of Florida.	
Functions wildlife uses, feeding.				Mitigation for previous permit/other historic use Not used for mitigation or other important historic uses.	
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found) None.				Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area) None.	
Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.): Little native wildlife utilization has been observed during several site assessments conducted over several years and in all seasonal conditions. Site assessments have been conducted during daylight, dusk and dawn periods.					
Additional relevant factors: 					
Assessment conducted by: JJG, AJG				Assessment date(s): 2021, 2022	

Form 62-345.900(1), F.A.C. [effective date]

UNIFORM WETLAND MITIGATION ASSESSMENT WORKSHEET - PART II - IMPACT
Form 62-345.900(2), F.A.C. (See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name: Manor at Cypress Creek-Actual Conditions		Application Number: TBD		Assessment Area Name or Number: W-1	
Impact or Mitigation: Impact		Assessment Conducted by: JJG, AJG		Assessment Date: 2021, 2022	

Scoring Guidance		Optimal (10)	Moderate (7)	Minimal (4)	Not Present (0)
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed		Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface water functions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

		Current	With Impact		
500(6)(a) Location and Landscape Support	a. Quality and quantity of habitat support outside of AA.	X	X		
	b. Invasive plant species.				
	c. Wildlife access to and from AA (proximity and barriers)				
	d. Downstream benefits provided to fish and wildlife		X		
	e. Adverse impacts to wildlife in AA from land uses outside of AA				
	f. Hydrologic connectivity (impediments and flow restrictions)	X			
	g. Dependency of downstream habitats on quantity or quality of discharges.				
	h. Protection of wetland functions provided by uplands (upland AAs only)				
Current	With Impact	2	0	Notes:	Place an "X" in the box above next to the two (2) most important criteria used in scoring this section

500(6)(b) Water Environment: (n/a for uplands)	a. Appropriateness of water levels and flows	X	X		
	b. Reliability of water level indicators				
	c. Appropriateness of soil moisture.				
	d. Flow rates/points of discharge				
	e. Fire frequency/severity.				
	f. Type of vegetation.				
	g. Hydrologic stress on vegetation.	X			
	h. Use by animals with hydrologic requirements.				
	i. Plant community composition associated with water quality (i.e., plants tolerant of poor WQ).		X		
	j. Water quality of standing water by observation (i.e., discoloration, turbidity).				
	k. Water quality data for the type of community				
l. Water depth, wave energy, and currents					
Current	With Impact	3	0	Notes:	Place an "X" in the box above next to the two (2) most important criteria used in scoring this section

500(6)(c) Community Structure	I. Appropriate/desirable species		X		
	II. Invasive/exotic plant species	X			
	III. Regeneration/recruitment				
	IV. Age, size distribution				
	V. Snags, dens, cavity, etc.				
	VI. Plants' condition.				
	VII. Land management practices	X			
	VIII. Topographic features (refugia, channels, hummocks)		X		
	IX. Submerged vegetation (only score if present)				
	X. Upland assessment area				
Current	With Impact	3	0	Notes:	Place an "X" in the box above next to the two (2) most important criteria used in scoring this section

Raw Score = Sum of above scores/30 (if uplands, divide by 20)	
Current	With Impact
0.27	0.00

Impact Acres =	5.55
----------------	------

Functional Loss (FL) [For Impact Assessment Areas]:	
FL = ID x Impact Acres =	1.499

Impact Delta (ID)	
Current - w/impact	0.27

NOTE: If impact is proposed to be mitigated at a mitigation bank that was assessed using UMAM, then the credits required for mitigation is equal to Functional Loss (FL). If impact mitigation is proposed at a mitigation bank that was not assessed using UMAM, then UMAM cannot be used to assess impacts; use the assessment method of the mitigation bank.

Exhibit 6-B Alternatives Analysis

Alternatives Analysis

Cypress Creek - Related Parcel Manor at Cypress Creek Environmental Resource Permit and License Application

Broward County, Florida

Prepared For:
**Broward County Resilient Environment Department
Environmental Resource Permitting and Licensing**

Prepared By:
Jim Goldasich, SPWS

3/31/2023

J. J. Goldasich and Associates, Incorporated

Boca Raton, Wellington, and Moore Haven, Florida



This Alternatives Analysis covers the proposed residential development for the Cypress Creek - Related Parcel Site in City of Fort Lauderdale, Florida relative to potential alternative sites for development, reduction elimination and the regulations contained in 62-331.053(1) FAC and Appendix C of the 404 Handbook along with the 404(b)(1) Guidelines (40 CFR 230.10) and the National Environmental Policy Act (NEPA) analysis (CEQ regulations 40 CFR 1500-1508).

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Cypress Creek - Related Project Purpose and Need:

The central area of Broward County in the City of Fort Lauderdale is in need of additional residential housing units for the influx of individuals seeking housing in the area. The need for additional residential units comes from an increase in population due to a steady increase in intensity of people relocating to the area and natural human fertility. The socio-economic attraction to the south Florida area, and the City of Fort Lauderdale in particular augmented by the pandemic has further fueled the rapid increase in the need for residential housing in this area. The project purpose is to provide suitable residential units in the City of Fort Lauderdale area that are consistent with adjacent communities in this area of Broward County, complies with local site planning requirements, county, and city zoning codes and meet the local governmental comprehensive plan. This area of Ft. Lauderdale is a special use area that has been targeted by the City of Ft. Lauderdale for multi-use commercial and residential development such as is being proposed for this project by Related.

The proposed project introduces residential units to what has historically been a largely commercial area. The addition of residential units aligns with the City of Fort Lauderdale's vision to create a mixed-use Uptown Urban Village, or a "live, work, and entertain" area that meets the needs of a changing workforce and adds a mix of uses to the Uptown area. Moreover, the project stands to support the City of Fort Lauderdale's initiatives to incorporate transit-oriented development within downtown Fort Lauderdale due to the project's proximity to the Tri-Rail Cypress Creek Station and Cypress Creek Mobility Hub.

The project will provide an additional environmental benefit to the region, due to improvements that will be made to existing stormwater management systems. By incorporating berms, surface grading adjustments and French drain installations, and the construction of a 1.0-acre wet retention pond, stormwater storage and treatment will be enhanced, allowing for higher quality stormwater discharge into the C-14 Canal. Marine productivity will benefit due to the discharge of stormwater of improved quality to offsite estuaries. This water quality improvement is a direct result of project related enhanced treatment of site stormwater.

Cypress Creek - Related Parcel Project Description:

The Cypress Creek - Related Parcel site is located in Section 10, Township 49 South, Range 42 East, south of the C-14 Canal and between I-95 and Andrews Avenue in the City of Fort Lauderdale, Broward County (see Figure 1, Site Aerial). The site totals approximately 8.2 acres. The site is currently zoned as a mixed use commercial parcel with an exotic dominated wetland. The wetland area is dominated by exotic vegetation such as Australian pines (*Casuarina equisetifolia*), Bishop's wood Tree (*Bischofia japonica*), and Brazilian pepper (*Schinus terebinthifolius*), with an understory of young trees and shrubs. The site is bounded by the C-14 Canal on the north and Interstate-95 on the east. The approximate central location of the site is 26.208534° west / -80.141769° north. Wetland impacts resulting from this action total 5.5 acres. The project site is located within an existing office and hotel campus totaling --- acres.



The proposed project purpose is to construct a mixed use commercial and residential apartment complex. This would introduce a residential apartment complex into the existing commercial campus to serve both office uses on the campus as well as the central area of Broward County with residential units, having good access to the mass transit and regional roadways, and interstate highway system. The facility must include the following necessary components:

- a. Located near Regional Highway System in central Broward County,
- b. Sufficient Stormwater Management areas to meet water quality criteria,
- c. Open space including green areas, buffers, roadway medians,
- d. 8.2 Acres for 420 Residential Dwelling Units in proximity to commercial and office uses that have created housing demand in the area,
- e. Engineered, safe and efficient onsite roadways with ingress/egress to regional roadway system,
- f. Greenspace/Park areas sufficient to meet the City of Fort Lauderdale design criteria
- g. Amenities such as a club house, fitness center, sundry room, club room, spa, and recreational facilities for residents,
- h. A pocket park,
- i. Greenways and residential walkways connecting offsite areas,
- j. Overall parcel size of approximately ± 8.2 acres,

Additional elements of the project include the necessary amenities associated with a residential development and special elements associated with the special land use designation for this area. Such items are needed for safety and include a pocket park, residential walkways and greenways, surfacewater management facilities with safe and adequate access for both residents and visitors, capable of meeting site plan and engineering design standards, zoning, land use and City of Fort Lauderdale, Broward County and State of Florida rules and regulations for residential developments. The most difficult element associated with identifying suitable alternative sites for this analysis is the extreme lack of suitably sized vacant lands in this area of Broward County. As can be seen on the study area map, there are very few open areas that have not already been developed. However, every attempt has been made to identify suitably sized tracts of land even if those tracts may not be currently available, are not under single ownership or are not in the private sector. Considerations for the least environmentally damaging project alternative (LEDPA) were applied to all of the alternative sites in an identical manner. This Alternatives Analysis evaluates both onsite and offsite alternative sites and site plans designed for wetland and natural system impact avoidance and/or minimization to the greatest extent practicable while still meeting the original project purpose.

Cypress Creek – Manor at Cypress Creek – Project Area:

The study area is defined roughly by Powerline Road on the west, Atlantic Boulevard on the north, Federal Highway on the east and Commercial Boulevard on the south (see Figure 3-Study Area Map). Even if the study area were doubled in size, appropriate vacant parcels would be impossible to find. This Study Area, as defined by Figure 3) totals approximately 9 square miles (~5,900 acres) in the central area of developable Broward County, Florida. The proposed project



site is currently a mixed use commercial facility with a hotel and office structures. The onsite alternatives are limited because there are only two access points along the west at Andrews Avenue and the undeveloped areas are dominated by exotic dominated forest community. Few undeveloped parcels of land remain in the project area and fewer still that meet the project purpose for size. Many of the parcels that remain undeveloped have been set aside as wetland mitigation sites or are owned by governmental units. As a result, very few sites are available as likely offsite alternative locations for this project. The analysis also envisions carving out smaller areas of larger parcels for appropriately sized projects. The various potential alternative development parcels have been designated as "Alternative Site-N" (AS-1, and 2) for the purposes of this analysis. It should not be construed that any artificially assembled or divided into smaller parcel(s) are actually part of a larger plan of development.

Manor at Cypress Creek - Offsite Alternatives Analysis – Development Parcel:

The proposed 8.2-acre project will consist of an 8.2 acre residential apartment development that will include, 420 residential units, a pocket park, residential walkways, a greenway, roadways, recreational areas, a club house, surfacewater management features, wetland buffers, and required stormwater maintenance areas along with adjacent commercial office spaces. Additional elements of the project are incorporated in order to make the site capable of meeting site plan, zoning, land use and City of Fort Lauderdale, Broward County and State of Florida rules and regulations. The site must also have safe and adequate access and be within the area targeted for residential development. All of the sites will be evaluated according to their ability to reasonably meet the goals of the project purpose at a realistically attainable cost with the least potential for environmental impacts.

The approximate estimated land sale for the Cypress Creek - Related Parcel site is \$9,500,000.00 (\$1,158,536 per acre). Development costs are projected to be moderately high due to the low topography within the central area of the site but high on the majority of the remaining development area, and availability of suitable nearfield fill for development. The poor quality of the natural systems found within the proposed development areas also contribute to a moderate mitigation cost. Of utmost importance is the fact that the offsite access is good with existing regional and local roads that are already in place and additional wetland impacts for offsite access will not be required.



Project Practicability:

Onsite Alternative Developments:

1. **No Action Alternative** – No Project,
2. **Upland Only Alternative** - Proposed Development-Build on Uplands Only

1. No-action Alternative:

This would result if the project were not conducted and no development were proposed at the site.

Environmental Impacts:

If the project were not undertaken, the onsite wetland area would remain in the current condition and continue to degrade over time due to the ongoing drainage of the site. In addition, the dense exotic tree cover will continue to be a seed source that will contribute seeds, and ultimately, invasive trees to the nearfield wetlands and offsite wetland mitigation areas. The consequences of this contribution will be increased wetland maintenance costs and loss of wetland values and functions in both the onsite and offsite wetlands.

Project Practicability, Technology and Engineering Design:

The cost of the project would be \$0 as the site would not be purchased for development. The owners would lose the economic return that is reasonable to expect from the sale of property for development uses. Since the project would not go forward practicability, technology and engineering are not a factor.

The existing technology is available and suitable to allow the property to remain as a vacant forested exotic dominated wetland. The wetland has provided limited wetland values and functions for many years and will continue to provide the limited wetland and stormwater benefits without the project going forward.

Engineering design and logistics are not a factor since the project would continue to function as it has in the past without the need for any additional engineering design or improvements.

2. Onsite Upland Only Alternative:

The residential development is located with limited access due to the interstate highway on the east side and the C-14 Canal on the north side. Therefore, the pre-engineered access points for the site must be used for ingress and egress. The primary access points are on the west end of the site. Essentially all of the vacant areas of the parcel contains degraded exotic dominated wetlands so development on non-wetland areas is not possible. If this option were selected, the project could not move forward and the "No Project" alternative would be implemented.



Environmental Impacts:

Environmental impacts would be minimal since no wetlands would be impacted and the limited upland areas do not provide high quality native habitat. The wetlands would remain in their current state and continue to degrade due to natural succession, as wetland mitigation would not be conducted and the regional benefits of the wetland mitigation would be lost. The exotic dominated wetland would continue to degrade and provide the current minimal level of wetland values and functions.

Project Practicability, Technology and Engineering Design:

The development would not occur since there would be significantly less land to develop and the project would not go forward.

Engineering design and logistics could provide a development at the site in a safe and efficient manner but the development would be too small to support the costs necessary for such a development.

Offsite Alternatives Analysis – Individual Site Elements Evaluated:

The Applicant considered a series of three alternative sites, an upland only alternative, and a no action alternative. These alternative development sites/plans were selected based upon their availability and potential capability of being developed for this project after consideration of spacing, views, access to mass transit, cost, access, location with respect to commercial and residential development, existing design and development technologies and logistics in light of the overall project purpose. Based upon these constraints and the requirement to avoid and minimize wetland impacts to the greatest extent practicable, a total of three sites were selected. These three alternative sites, the no project alternative, and the preferred alternative are each evaluated in this "Alternatives Analysis". The alternatives are:

3. **Preferred Alternative** – Proposed Development
4. **Alternative Site #1** – RCC II, Incorporated, 800 Corporate Drive, Fort Lauderdale
5. **Alternative Site #2** – Pine Crest Preparatory School, NE 62nd Street, Fort Lauderdale

Each of the alternative sites were assessed in an identical manner according to the eight constraints listed below (a. – k.) and compared to the Cypress Creek - Related Parcel Project Site and project purpose according to the same set of criteria:

- a. Meet Project Purpose
- b. Land Use
- c. FLUCCS
- d. Listed Species
- e. Proximity to Market
- f. Wetlands



- g. Availability
- h. Cost
- i. Historical Resources
- j. High value Uplands
- k. Transportation Access

The Alternatives Analysis provides a written analysis of each potential alternative location that describes the site and the various elements used to reach a decision point. For clarity, each of the alternative parcels decision items have also been placed into a matrix and scored according to the results of the assessment. A summary decision matrix is also provided at the end of the discussion that provides a synopsis of the overall results and findings of this Alternatives Analysis. The summary matrix clearly shows the Least Environmentally Damaging Project Alternative (LEDPA) based on the elements evaluated for each alternative site and each alternative site plan for the development parcel.

This alternatives analysis includes the no action alternative as well as alternative development plans that do not directly impact wetlands. As presented in the alternatives analysis, it is clear that the proposed project is the least environmentally damaging project alternative that meets the project purpose. The revised total wetland impacts associated with the development are approximately 5.5 acres.



Document Name: Natural System Map



06/05/2019
Revision
Date: 3/28/2023

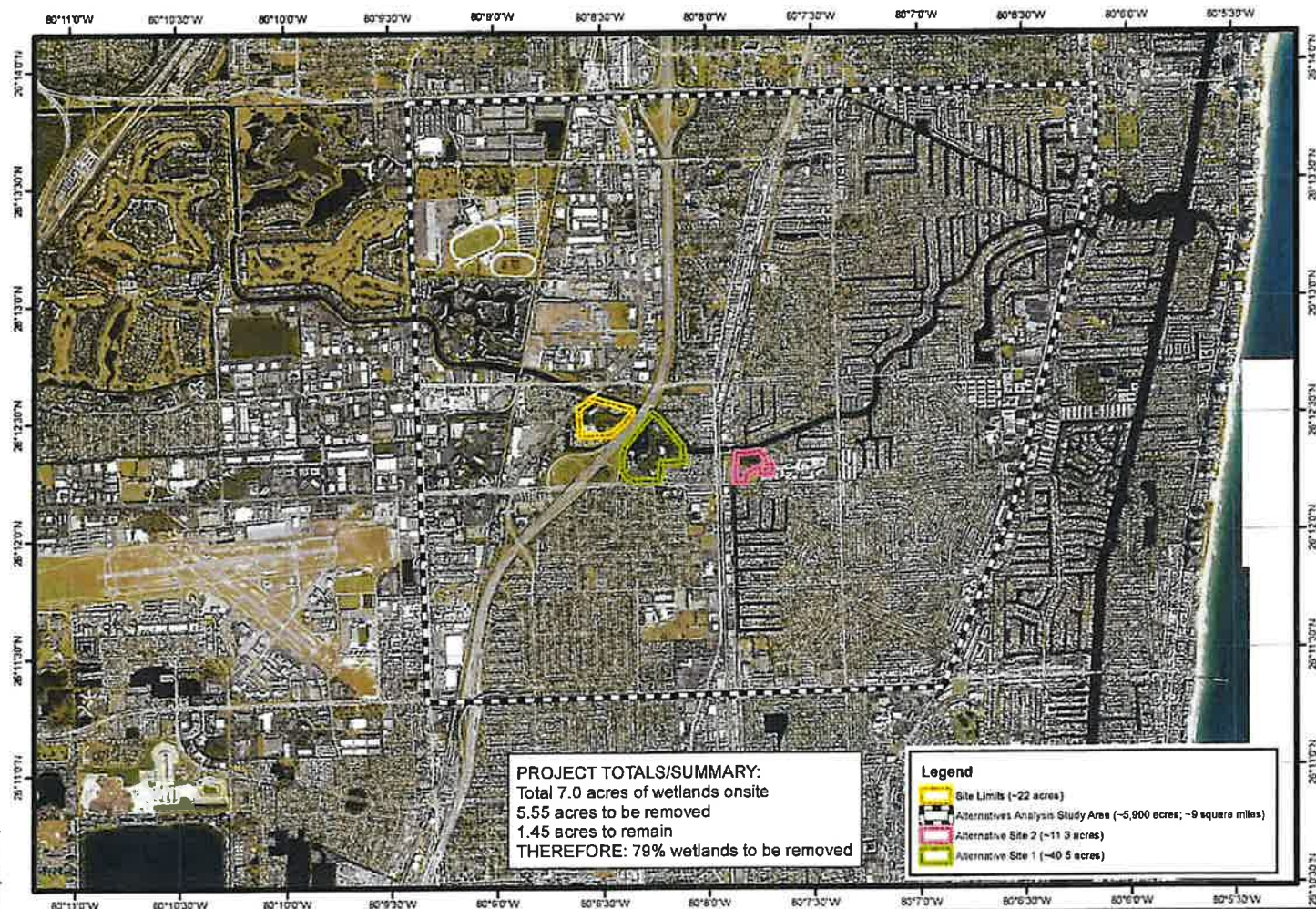


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Ecological Services
Natural System Analysis
DESIGN/PERMIT-BUILD-MAINTAIN
(561) 883-9555
jjg@jgoldasich.com
Seagrass to Sawgrass

Related - Cypress Creek Parcel
Revised Site Limits with Site Plan
Offsite Adjacent Enhancement Area
Ft. Lauderdale, Broward County, Florida

Development Site & Offsite Enhancement Area	#1
	#2
	#3
	#4

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06/05/2019	Revision Date: 9/2/2022

J. J. Goldasich and Associates, Incorporated

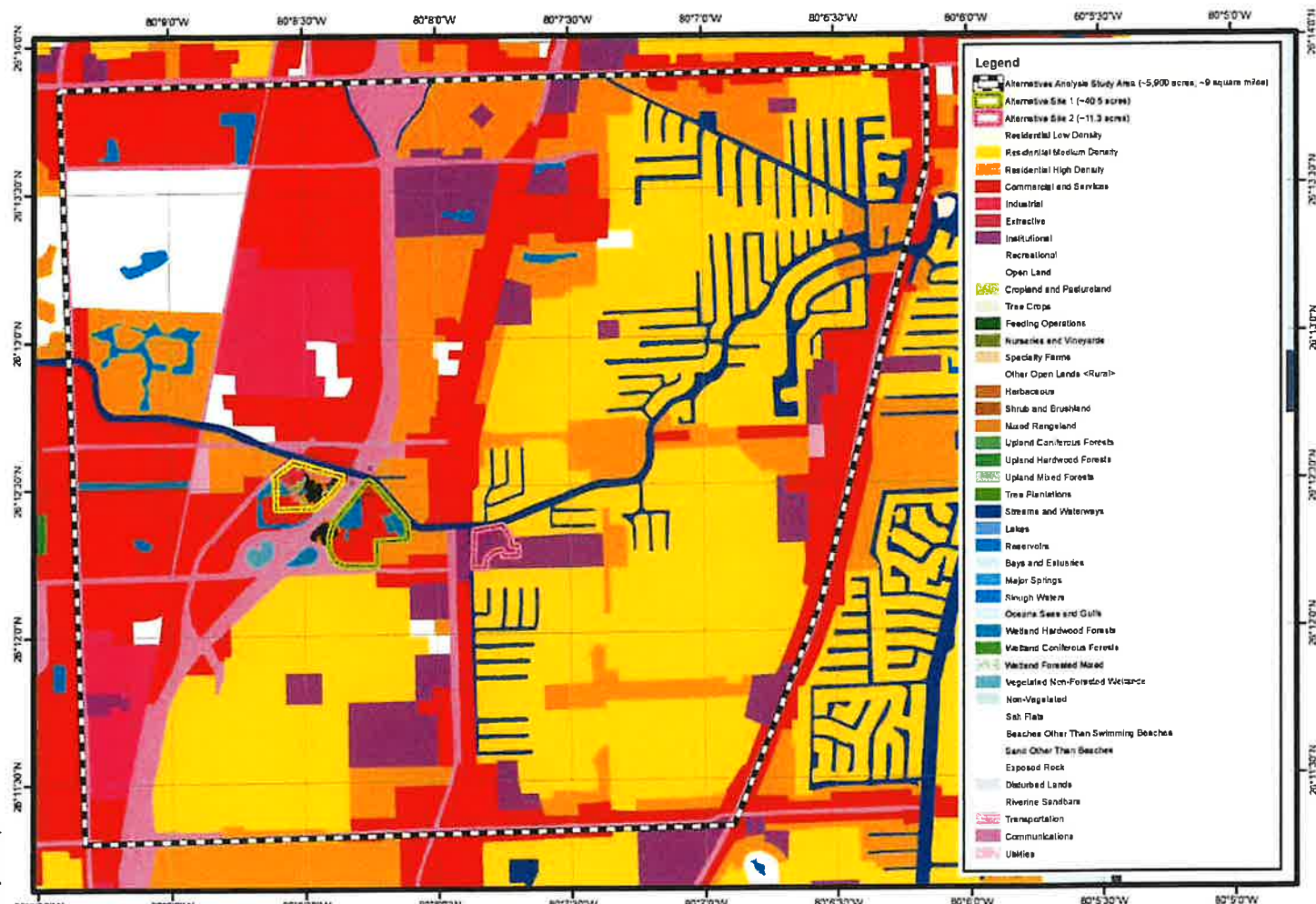
Ecological Services
 Natural System Analysis
 DESIGN/PERMIT-BUILD-MAINTAIN

(561) 883-9555
 jlg@jgoldasich.com
 Seagrass to Sawgrass

Related - Cypress Creek Parcel
 Alternatives Analysis Study Area Map
 with Alternative Sites and Aerial Photograph
 Ft. Lauderdale, Broward County, Florida

Alternatives Analysis Study Area Map	#1
	#2
	#3
	#4

Document Name: Natural System Map



06/05/2019	Revision Date: 9/2/2022	J. J. Goldasich and Associates, Incorporated	Related - Cypress Creek Parcel	Alternatives Analysis Map with FLUCCS	Alt #1
 Ecological Services Natural System Analysis DESIGN/PERMIT-BUILD-MAINTAIN (561) 883-9556 jjg@jgoldasich.com Seagrass to Sawgrass			Ft. Lauderdale, Broward County, Florida	Map	#2
					#3
					#4

Project Alternatives:

Preferred Project Alternative:

Environmental Impacts:

The environmental impacts of the development are filling or excavation of 5.5 acres of exotic dominated wetlands. Multiple environmental assessments and wildlife surveys conducted on the Cypress Creek - Related Parcel site between 2019-2022 have not identified site use by federally listed wildlife or plants and the site does not contain any cultural resources. There are no surface waters or areas of ponded or flooded exotic dominated wetlands that would attract wading birds, including the wood stork.

Consequences if the Project is Not Implemented:

If the project were not implemented this area of Broward County would lose the needed residential development of 420 residential apartment dwelling units along with the associated economic input to the area. There would be a significant loss of construction dollars that would not be circulated in this area and the associated workers would have to seek employment elsewhere. Local businesses would lose patrons that would otherwise live in the residential community and employment opportunities arising from the additional population would be lost to the area. The wetlands would remain and continue to degrade as a result of the exotic tree, shrub, and Brazilian pepper infestation, lack of suitable hydrology and minimal wildlife values. Exotic plant seeds would continue to be dispersed into nearfield wetlands and natural areas by the wind and urban birds that use the site. The environmental and water quality improvements to the stormwater system will not be realized and the offsite benefits to the Atlantic Ocean estuaries will not occur. The loss of this project would also result in the loss of the City of Ft. Lauderdale's vision for this area as a re-vitalized residential and commercial mixed use facility.

Offsite Upland Alternative:

There are no suitable available upland sites in the vicinity of the project, (see attached "Study Area Map-Figure 3).

Alternative Site 1 – RCC II, Incorporated Site, Fort Lauderdale, (~40.5 acres)

Location and Size:

The ~40.5-acre Alternative Site 1 (see Figure 2) is located adjacent to the east side of Interstate-95 and south of the C-14 Canal in the City of Fort Lauderdale, Florida. The parcel has approximately 6.9 acres of pond, 4.7 acres of cypress dominated wetlands and 5.6 acres of upland forest within developed areas of the site. Based on this analysis, approximately 12% of



this site contains wetland characteristics. In addition, approximately 17% of the site contains a surface water pond. The remainder of the site also contains a large number of tree resources. The site is owned by a private entity and was not known to be for sale during the initial due diligence for the project site selection. If the site were available for sale, the size of the site would allow for potential use for this residential development if it were possible to sub-divide, it for development. The vacant area of the site contains 100% wetlands so the impacts would be similar but slightly lower in area for this site than the proposed project site wetland impacts. However, the quality of the wetlands in the site are higher than the proposed project wetlands. The parcel has good direct connection to the offsite regional roadway network.

Evaluation Parameters:

The availability of the site, upland resources, and the wetland areal extent and quantity were used as the primary evaluation criteria.

Site Availability and Probable Cost:

Alternative Site 1 is approximately ~40.5 acres and has a land value of \$45,000,000.00. This cost is not supportable by the project, even if the site were available. However, this site was not available at the time of the project site sale.

Quantity and Quality of Wetlands:

The site contains areas that are most likely jurisdictional wetlands totaling approximately 100% of the vacant areas of the site (4.7 acres). Development of this site would result in smaller wetland impacts but the impacts would be to much higher quality wetlands than the proposed project wetland impacts. Projected UMAM values would be in the range of 0.80 for all wetland areas. The percentage of wetlands on the vacant areas of Alternative Site 1 is more than the percentage found on the development site but with similar acreage than the development site. The overall wetland impacts would be higher and to higher quality wetlands on this alternative site than on the Preferred Alternative site.

Quantity and Quality of High Value Uplands:

Alternative Site 1 contains areas of high quality native upland communities within the development areas, loss of these upland communities would result in increased natural system losses when compared to the Preferred Alternative.

Federally Listed Wildlife:

Listed taxa may use the site include Florida's Bonneted Bat (*Eumops floridanus*) but the site is similarly situated with the proposed project and listed species use is not expected.



Historical or Archeological Values:

Analysis of the site from adjacent properties has not identified any historical sites or archeological artifacts within the property limits.

Transportation Access or Availability:

Access to the site is good because the site is adjacent to many offsite roadways.

Alternative Site 1 Result:

The vacant areas of Alternative Site 1 contain a large area of native forested wetlands with good quality upland habitat mixed within the developed areas of the site. Total wetland cover in the vacant areas of the site would make development of this site in only uplands impossible and wetland impacts would be to higher quality wetlands when compared to that proposed by the Preferred Alternative. Transportation access is good. AA Site 1 was considered to not be available for purchase during the due diligence period. Further consideration of the Alternative Site 1 is not warranted due to high quality wetlands, high quality native upland forested areas, lack of availability and overall cost.



Document Name: Natural System Map



06/05/2019	Revision Date: 9/2/2022	J. J. Goldasich and Associates, Incorporated	Related - Cypress Creek Parcel	Alternatives Analysis Site #1 Map	#1	
		Ecological Services Natural System Analysis DESIGN/PERMIT-BUILD-MAINTAIN	(561) 883-9555 jgoldasich.com Seagrass to Sawgrass	with Aerial Photograph Ft. Lauderdale, Broward County, Florida	#2	
					#3	
					#4	

Alternative Site 2 – Pine Crest Prep. School, NE 62nd Street (~11.3 acres)

The 11.3-acre Alternative Site 2 is located north of NE 62nd Street and south of the C-14 Canal, City of Fort Lauderdale, Broward County, Florida. The site is directly adjacent to a regional canal (C-14) and to the east of the proposed development site by approximately $\frac{3}{4}$ of a mile. The site is owned by a private entity and used as a school site.

Site Availability and Probable Cost:

The Alternative Site 2 was not considered to have been available for purchase during the pre-project planning activities for the subject development. Even so, a cost analysis was conducted for this parcel resulting in a projected cost of \$15,700,000. This land cost is much higher than the cost for the proposed development site and, if available, the site would have to be cleared for the proposed project development. This site was not available during the site selection process.

Quantity and Quality of Wetlands:

There are no wetlands on the site.

Quantity and Quality of High Value Uplands:

The Alternative Site 2 does contain approximately 4.7 acres of good quality uplands. The upland forest is confined to the northern end of the site and it may be possible to save some of the trees with development targeted to the areas already developed. This would require the removal of the school buildings. The site is too small for the development even if it were available during the site selection process.

Federally Listed Wildlife:

Potential site use by listed taxa may include the site including the eastern indigo snake (*Drymarchon corais couperi*), and Florida's Bonneted Bat (*Eumops floridanus*) but since the site is similar to the proposed development parcel, site use by listed fauna is not expected.

Historical or Archeological Values:

Analysis of the site has not identified any historical sites or archeological artifacts within the property limits.



Document Name: Natural System Map



06/05/2019		Revision Date: 9/2/2022		J. J. Goldasich and Associates, Incorporated		Related - Cypress Creek Parcel		Alternatives		#1	
130 65 0 130 Feet				 Ecological Services Natural System Analysis DESIGN/PERMIT-BUILD-MAINTAIN		(561) 863-9555 jgoldasich.com Seagrass to Sawgrass		Alternatives Analysis Site #2 Map with Aerial Photograph Ft. Lauderdale, Broward County, Florida		Analysis	#2
										Site #2 Map	#3
											#4

Transportation Access or Availability:

Access to the site is moderate since it is directly adjacent to SW 62nd Street but it is located in a residential area with poor vehicular circulation. Access to the regional interstate highway system is poor. It is likely that improvements to the transportation network would be required for the development of this site. Additional offsite improvements to the transportation network may result in additional wetland impacts.

Alternative Site 2 Results:

The Alternative Site 2 would have no wetland impacts except that roadway improvements may result in associated wetland impacts. High value uplands are present on the site but historical sites and archeological resources are not found on the site. The site would most likely not have been available for development at the time of project planning for this project. The site was removed from further consideration due to high value upland impacts, school site uses, transportation costs, and lack of availability.

Conclusions:

The Cypress Creek - Related Parcel project purpose is to construct a residential development that is capable of providing a high-quality apartment development along with the required setbacks, required utilities, roadways, surface water management areas, maintenance areas, flood protection features and amenities as required by local zoning and land use regulations. Other sites that may be suitable in size provide a less suitable location, poorer access, are not available, and/or result in more environmental impacts than the proposed Cypress Creek - Related Parcel development. Therefore, based upon site constraints, project purpose, project practicability and unavoidable environmental impacts, the Cypress Creek - Related Parcel project site is the "Least Environmentally Damaging Project Alternative" (LEDPA).

Project Alternatives Analysis Site Summary Matrix:

CONSTRAINT	Preferred Alternative	Upland Only Alternative	Alternate Site #1 RCC II, Inc.	Alternate Site #2 Pinecrest	No-action Alternative
Meet Project Purpose	5	0	5	5	0
Land Use	4	4	4	2	4
FLUCCS	4	4	4	4	4
Listed Species	5	5	4	4	4
Proximity to Market	5	5	5	4	5
Wetlands	2	5	1	5	4
Availability	5	0	0	0	0
Cost	3	0	0	0	0
Historical Resources	5	5	5	5	5
High Value Uplands	5	5	3	2	5
Transportation Access	5	5	5	2	5
Total	48	38	36	33	36



Preferred Alternative:

Preferred Alternative Constraint Matrix:

Preferred Alternative	Constraint Description	Score
Latitude / Longitude:	26.208534° / -80.141769°	
Meet Project Purpose	Yes, project area sufficient for development	5
Land Use	Commercial and vacant	4
FLUCCS	1400, 6170	4
Listed Species	Low, poor quality, no forage, little useful water	5
Proximity to Market	Within market area	5
Wetlands	5.4 acres, mixed poor quality	2
Availability	Multiple parcels, applicant has site under contract	5
Direct Costs	\$9.5 M or \$1.2 M / acre	3
Historical Resources	None	5
High Value Uplands	None	5
Transportation Access	Adjacent major roadways, Cypress Creek Tri-rail, mobility hub	5
Total		48

Upland Only Alternative:

Upland Only Alternative Constraint Matrix:

No Action Onsite	Constraint Description	Score
Latitude / Longitude	26.208534° / -80.141769°	
Meet Project Purpose	No, insufficient area available for project	0
Land Use	Commercial and vacant	4
FLUCCS	1400	4
Listed Species	Low, poor quality, no forage, little usable water	5
Proximity to Market	Within market area	5
Wetlands	<1 acres	5
Availability	Only upland area not available	0
Cost	\$1.2 M / acre with \$0 return if available	0
Historical Resources	None	5
High Value Uplands	None	5
Transportation Access	Adjacent major roadways	5
Total		38

No Action Alternative:

No Action Alternative Constraint Matrix:

No Action Onsite	Constraint Description	Score
Latitude / Longitude	26.208534° / -80.141769°	
Meet Project Purpose	No project	0
Land Use	Commercial and vacant	4
FLUCCS	1400, 6170	4



No Action Onsite	Constraint Description	Score
Latitude / Longitude	26.208534 ⁰ / -80.141769 ⁰	
Listed Species	Low, poor quality, no forage, little usable water	4
Proximity to Market	Within market area	5
Wetlands	Wetlands would continue to degrade due to agriculture	4
Availability	No sale	0
Cost	No sale	0
Historical Resources	None	5
High Value Uplands	None	5
Transportation Access	Adjacent major roadways	5
Total		36

Alternative 1: RCC II, Incorporated, 800 Corporate Drive, Fort Lauderdale, (~40.5 acres)

Alternative Site #1 Constraint Matrix:

Alternative Site 1	Constraint Description	Score
Latitude / Longitude	26.068918 ⁰ / -80.302244 ⁰	
Meet Project Purpose	Yes, sufficient size for project, not for sale, cannot sub-divide	5
Land Use	Commercial	4
FLUCCS	1400, 6170, 5300	4
Listed Species	Good forage habitat for wood stork, other listed species	4
Proximity to Market	Within market area	5
Wetlands	Greater wetland impacts than project site (quantity and quality)	1
Availability	Not available	0
Cost	\$11,000,000/ acre, if available	0
Historical Resources	None	5
High Value Uplands	~5.6 acres upland forest within development areas	3
Transportation Access	Good access	5
Total		36

Alternative 2: Pinecrest, NE 62nd Street, Fort Lauderdale (~11.3 acres)

Site #2 Constraint Matrix:

Alternative Site 2	Constraint Description	Score
Latitude / Longitude	26.093057 ⁰ / -80.327830 ⁰	
Meet Project Purpose	Yes, but not available, School ownership	5
Land Use	Educational facilities	2
FLUCCS	1710	4
Listed Species	Minimal listed species site use	4
Proximity to Market	Within market area	4
Wetlands	No wetlands	5
Availability	Not available, private school owned	0
Cost	\$1,389,380 / acre, if available	0



Alternative Site 2	Constraint Description	Score
Latitude / Longitude	26.093057 ⁰ / -80.327830 ⁰	
Historical Resources	No known archaeological resources	5
High Value Uplands	4.7 acres of native trees/upland forest, too small for proposed development	2
Transportation Access	Poor access, no regional roadways	2
Total		33



Exhibit 6-D No Permit Required Letter



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

October 6, 2021

CPN West, LLC
% Yoav Merary
6030 Hollywood Blvd., #240
Hollywood, FL 33024
Sent via e-mail: merrary@gmail.com

File No. 06-402032-001-NPR, Broward County

Dear Yoav Merary:

On April 10, 2021, we received your request for verification that a State 404 Program permit will not be required for the activity described below.

The proposed activity is to construct a commercial development located at PCN: 494210360010 (Section 10, Township 49 South, Range 42 East), in Broward County.

Based on a review of the information submitted, the Department has verified that the activity as proposed does not involve discharge of dredged or fill material into the waters of the United States and therefore, does not require a permit or other form of authorization under the State 404 Program, as described in Chapter 62-331, Florida Administrative Code (F.A.C.).

This verification reflects current regulations and is only valid for a period of no longer than five years from the date of this letter unless new information warrants a revision of this verification before the expiration date.

Please retain this letter. The activities described above may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to enforcement action and possible penalties.

This letter does not relieve you from the responsibility of obtaining other federal, state (including ERP), or local authorizations that maybe required for this activity.

If you have any questions regarding this letter or permitting requirements, please contact Kyle Nichols by telephone at 561-681-6637 or by e-mail at Kyle.H.Nichols@FloridaDEP.gov.

File Name: CPN West LLC
FDEP File No.: 06-402032-001-NPR
Page 2 of 2

Sincerely,



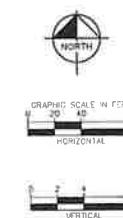
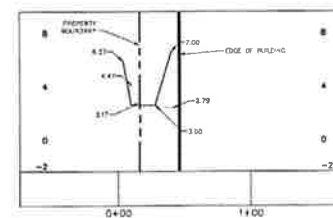
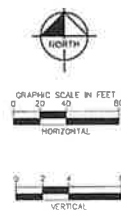
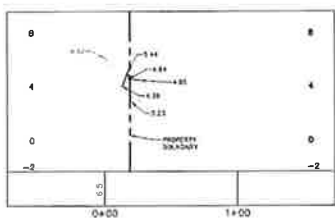
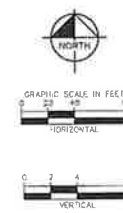
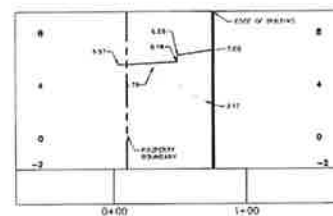
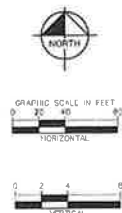
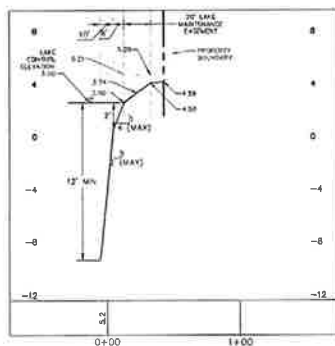
Norva Blandin, MSEM
Program Administrator
Permitting Program
Southeast District

Enclosures:

Project drawings, 1 page
62-340, F.A.C., Data forms, 18 pages
Site photo log, 5 pages
WOTUS Information Form (with supporting information) 27 pages (available in file)

CC: Jim Goldasich, JJGA, jjg@jjgoldasich.com
FDEP – Norva Blandin, Jeff Meyer, Kyle Nichols

Exhibit 6-F Proposed Drainage Improvements



Kimley»»Horn

$$Z \in \mathbb{R}^{n \times n} \in \mathbb{R}^{n \times n} \text{ with } Z^T = -Z$$

DATE
2019-06-10
SER 2023

11

TYPICAL

1

KRD

SS CREE
PREPARED FOR

CYPRE

C.

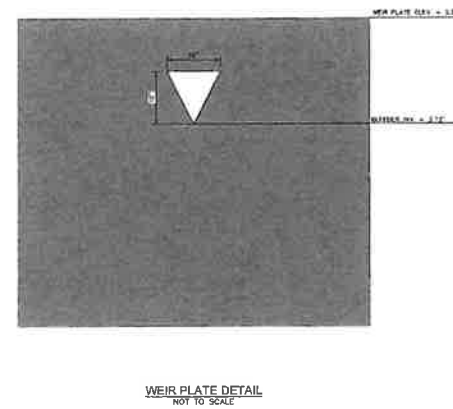
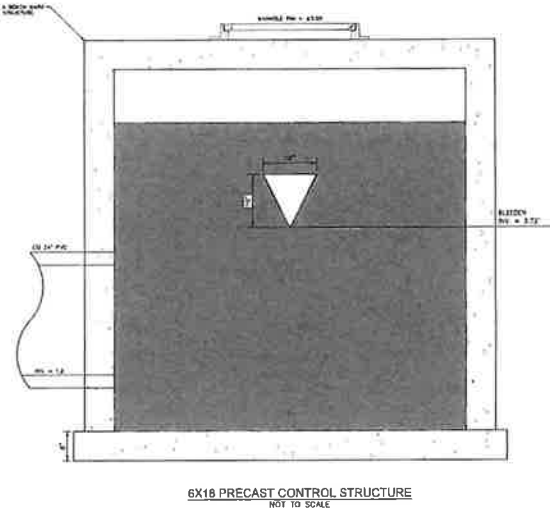
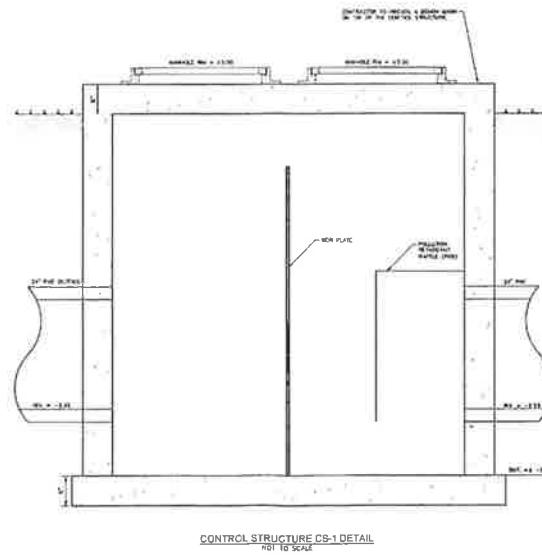
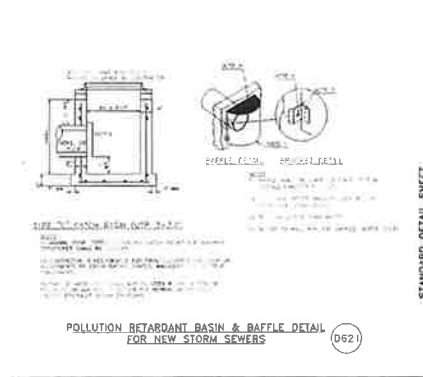
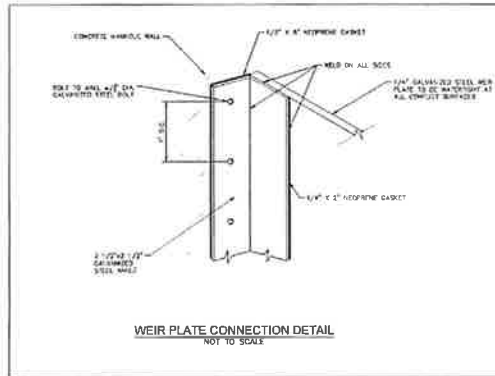
THE PRESENCE OF JACKING WATER SHOULD BE ANTICIPATED. CONTRACTOR'S BID SHALL INCLUDE CONSIDERATION FOR ADDRESSING THIS ISSUE AND OBTAINING ALL NECESSARY PERMITS.

CALL 2 WORKING DAYS
BEFORE YOU DIE

IT'S THE SAME
DEAL 811

Know what's below
Call before you dig

SUNSHINE STATE ONE CALL OF FLORIDA 811



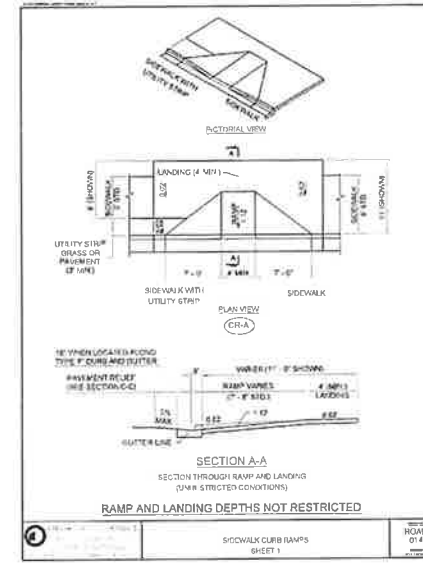
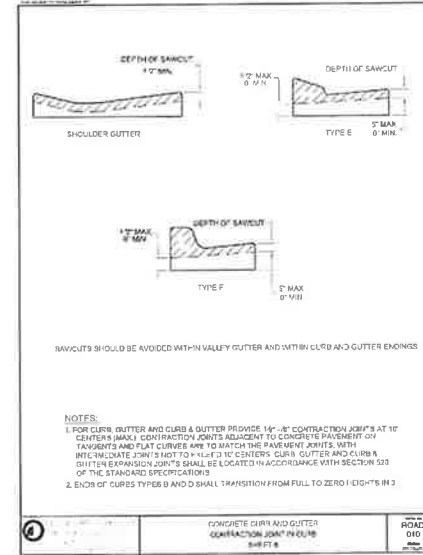
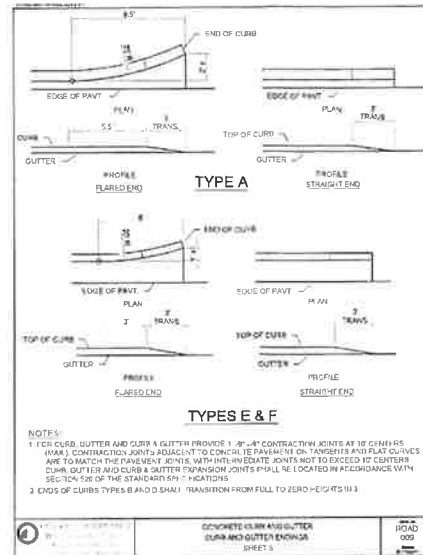
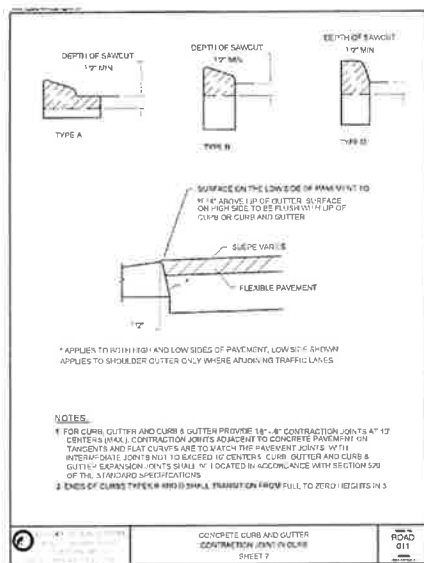
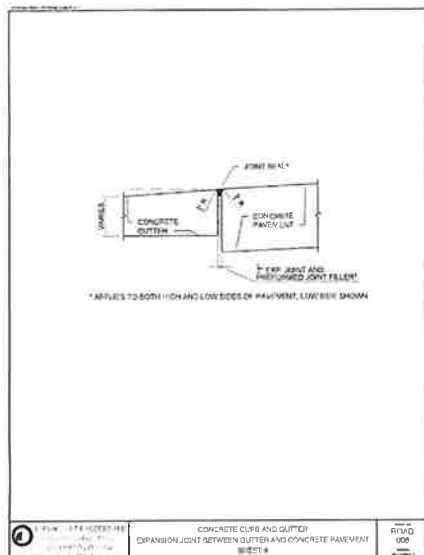
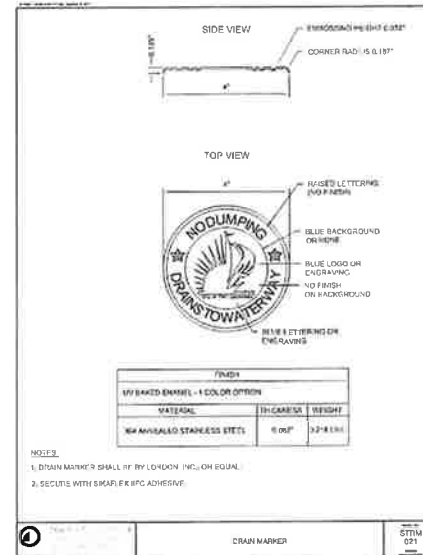
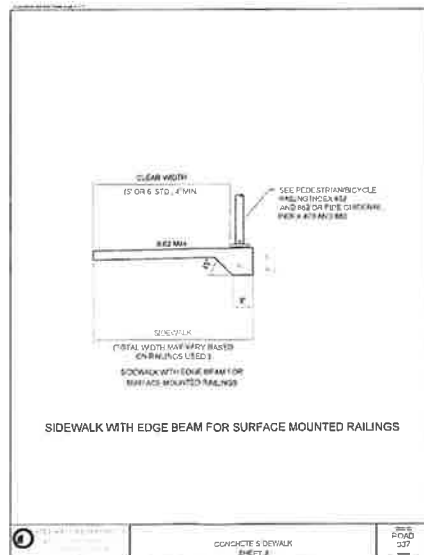
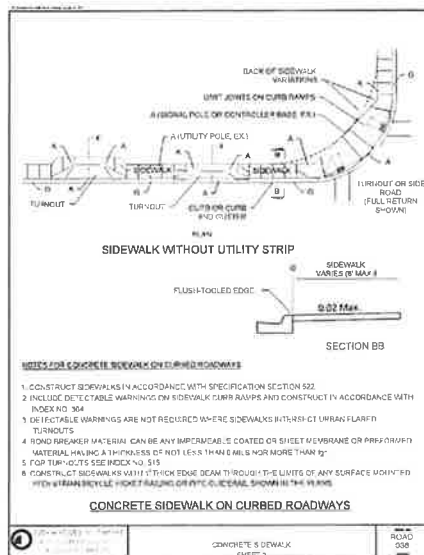
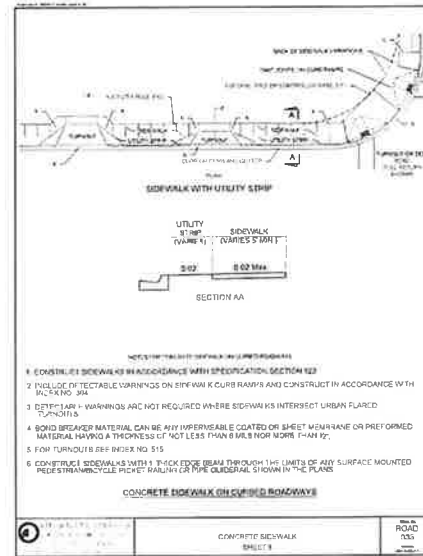
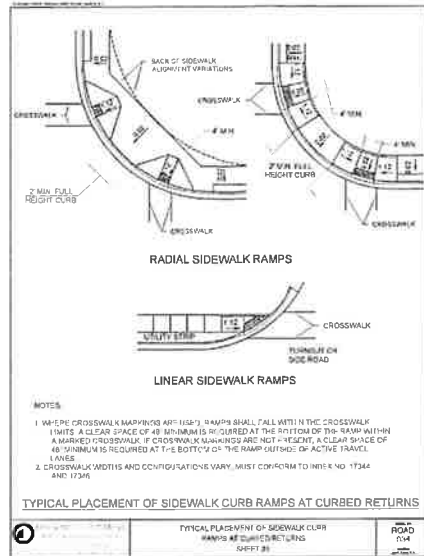


TABLE OF DETECTABLE WARNINGS		
CURB RAMP TYPE	CURB RAMP (FT)	TOTAL AREA (SF)
CR-A	7.0	8
CR-B	7.0	8
CR-C	7.0	8
CR-D	25	31
CR-E	7.0	8
CR-F	18	9
	25	13
	30	14
CR-G	18	18
	25	17
	30	18
CR-H	25	9
	25	9
	30	9
CR-I	7.0	8
CR-J	18	12
	11	12
FLUSH SHOULDER		
OPTION A	18	11
	25	12
	30	13
	40	19
	50	21
OPTION B	18	10
	25	12
	30	13

NOTE:
DUE TO CONSTRUCTION APPLICATIONS, THIS IS THE ONLY CURB RAMP FOR WHICH A DETECTABLE WARNING QUANTITY WAS CALCULATED USING A CURB RAMP OF 15°.

FOR FLUSH-SHOULDER OPTIONS WITH 5° SHOULDER, THE BACK OF SIDEWALK IS MAINTAINED AT 18" FROM THE EDGE OF TRAVELED WAY.

AREAS OF DETECTABLE WARNINGS FOR SIDEWALK CURB RAMP AND FLUSH SHOULDER APPLICATIONS



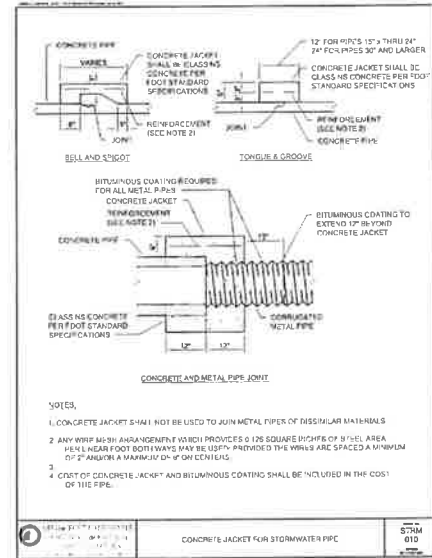
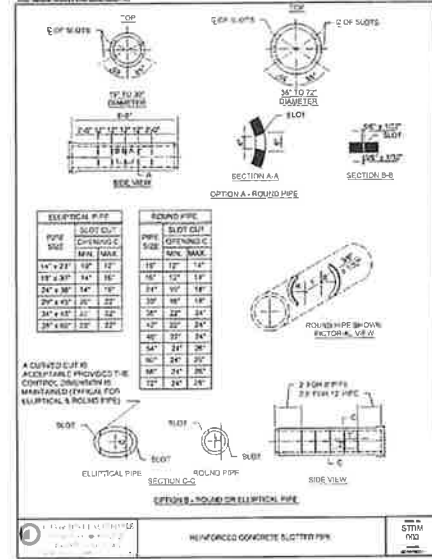
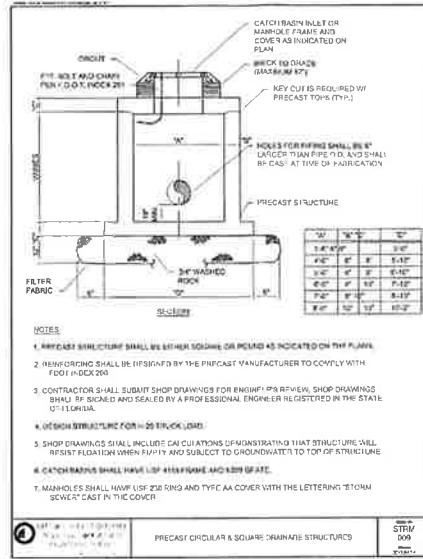
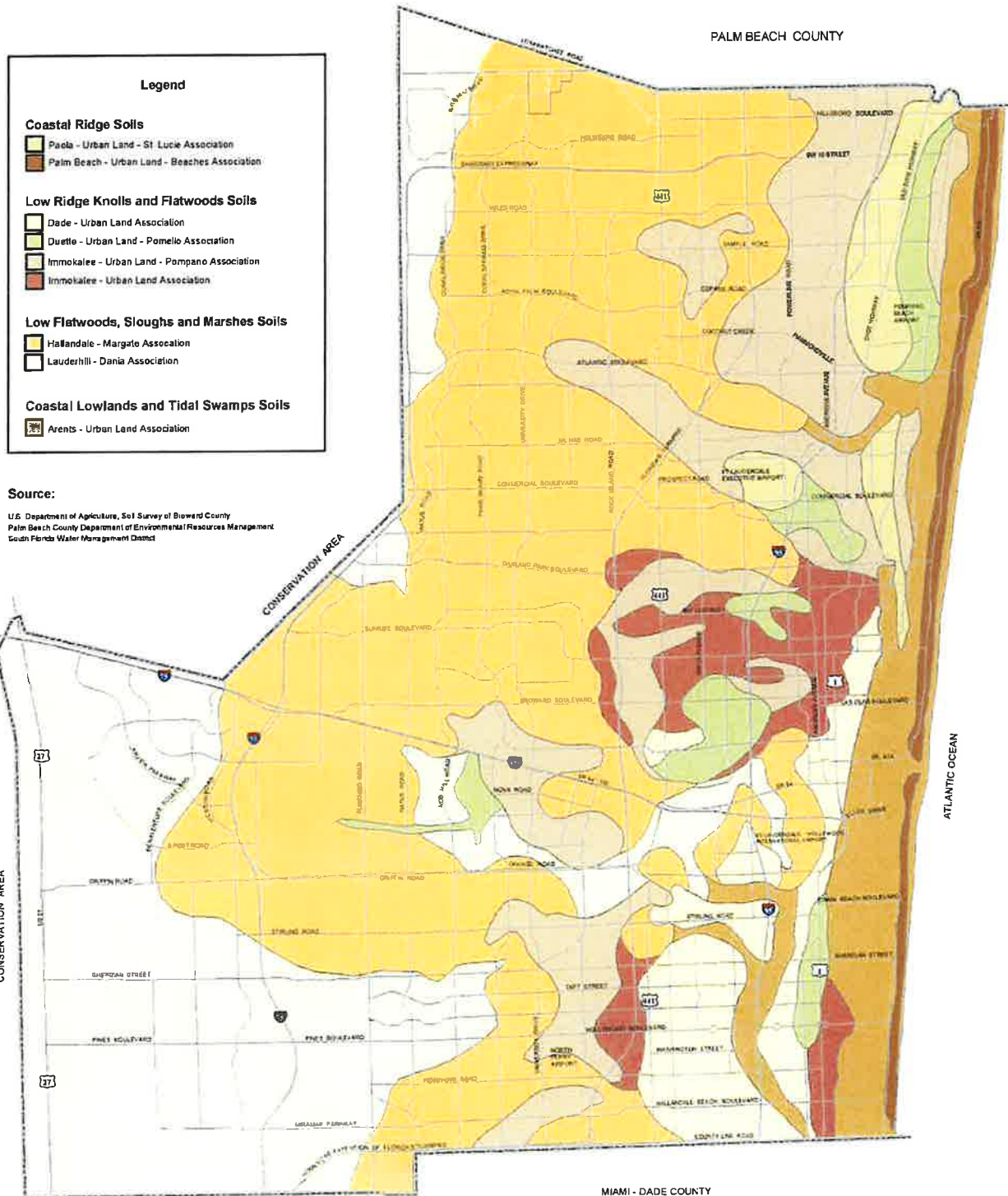
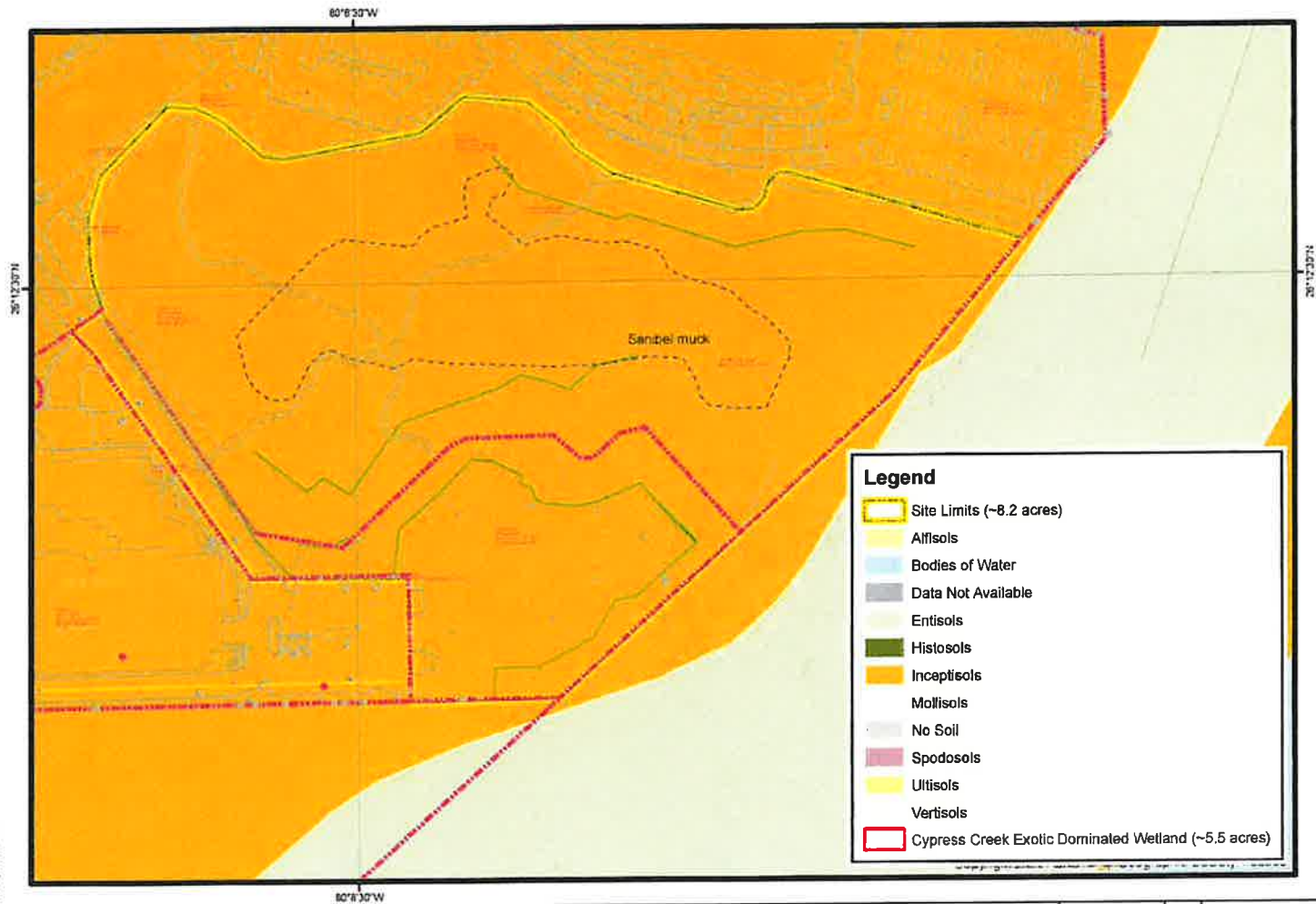


Exhibit 7-B Soils Map

BROWARD COUNTY LAND USE PLAN

Natural Resource Map Series- Eastern Broward County: Soils





06/05/2019	Revision Date: 3/8/2023	J. J. Goldasich and Associates, Incorporated	Related - Cypress Creek Parcel	USGS TOPO Map	#1	
		Ecological Services Natural System Analysis DESIGN/PERMIT-BUILD-MAINTAIN	Revised Site Limits with USGS Topo Map Ft. Lauderdale, Broward County, Florida		#2	
		(561) 863-8555 jjg@jgoldasich.com Seagrass to Sawgrass			#3	
					#4	

Exhibit 7-F FEMA Map

National Flood Hazard Layer FIRMeTte



80°8'46"W 26°12'46"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, A99
	With BFE or Depth Zone AE, AO, AH, VE, AR
OTHER AREAS OF FLOOD HAZARD	Regulatory Floodway
	0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee. See Notes, Zone X
OTHER AREAS	Area with Flood Risk due to Levee Zone L
	NO SCREEN Area of Minimal Flood Hazard Zone X
GENERAL STRUCTURES	Effective LOMRs
	Area of Undetermined Flood Hazard Zone
OTHER FEATURES	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
MAP PANELS	Cross Sections with 1% Annual Chance Water Surface Elevation
	Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
	Digital Data Available
	No Digital Data Available
	Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/14/2023 at 2:22 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Exhibit 8 Aerial of Adjacent City Limits



Exhibit 9 – Letters to Neighboring Property Owners



November 13, 2023

Fort Lauderdale Marriott North Hotel
c/o: Ms. Julie A. Gilbert
President/Director
Willow Lake Holdings, Inc.
185 W. Broadway Ave, Suite 101
Jackson, WY 83001

Dear Ms. Gilbert:

We are writing to make you aware of an application we have filed with the Broward County Planning Council to remove the "Local Area of Particular Concern" designation from an approximately 6.1-acre vegetated parcel in the center of the office park, which also contains the Fort Lauderdale Marriott North Hotel, at 6650 North Andrews Avenue in Fort Lauderdale, Florida. The hotel property is owned by LR Lauderdale Hotel LLC. Willow Lakes Holdings is listed as the Manager for LR Lauderdale Hotel LLC.

An aerial is attached showing the site that is designated as the Local Area of Particular Concern labeled as "***Amendment site***". As you are probably aware that vegetated parcel has not, for some time, been an environmentally significant property. Instead, it is today, overgrown with invasive vegetation.

The change to the designation would have no impact on the vegetated area to the west of the access road, which is shown on the aerial labeled, "***Not part of amendment site.***"

Our company is planning to develop the amendment site. Some conversations with your company representative have taken place in the past. If you would care to hear about our development plans for the amendment site, we would be pleased to make arrangements to have that discussion with you.

Please feel free to contact me with any questions you may have or to get any further information.

Yours truly,

Arturo F. Peña
Senior Vice President, Related Development





TT of Pompano, Inc
c/o: Steve Terry
505 Flagler Drive #1400
West Palm Beach, Florida 33401

November 13, 2023

Dear Mr. Terry:

We are writing to make you aware of an application we have filed with the Broward County Planning Council to remove the "Local Area of Particular Concern" designation from an approximately 6.1-acre vegetated parcel situated in the center of the office park, which is located at 6700 North Andrews Avenue in Fort Lauderdale, Florida.

An aerial is attached showing the site that is designated as the Local Area of Particular Concern labeled as "*Amendment site*". That vegetated parcel has not, for some time, been an environmentally significant property. Instead, it is today, overgrown with invasive vegetation.

The change to the designation would have no impact on the vegetated area to the west of the access road, which is shown on the aerial labeled, "*Not part of amendment site.*"

Our company is planning to develop the amendment site. If you would care to hear about our development plans for the amendment site, we would be pleased to make arrangements to have that discussion with you.

Please feel free to contact me with any questions you may have or to get any further information.

Yours truly,

Arturo F. Peña
Senior Vice President, Related Development



Exhibit 11-A Permit Documents



Resilient Environment Department

ENVIRONMENTAL PERMITTING DIVISION

Surface Water Management Licensing Program

1 North University Drive, Mailbox 201, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

August 4, 2023

Kimley-Horn and Associates, Inc.
Attention: Mr. Michael D. Spruce, P.E.
1615 S Congress Avenue Suite 201
Delray Beach, FL 33445

Subject: Manor at Cypress Creek S10/T49S/R42E
Surface Water Management License Application No. L2023-090
Environmental Resource License Application No. DF22-1357
SFWMD Application No. 230405-60

Dear Mr. Spruce:

The staff has completed a third review of the subject project, based on the materials received 7/6/2023. In accordance with Section 5.5.3.1 of the Environmental Resource Permit Applicant's Handbook Volume I (AH I), adopted by reference in Section 62.330.010(4)(a), Florida Administrative Code (F.A.C.) and Section 27-200(b)(3), satisfactory answers to the following comments/questions must be provided to complete the application and provide reasonable assurances for permit issuance.

1. REPEAT COMMENT: ERP application shows Related Group LLC as the application and operation & maintenance entity. Please clarify and provide supporting documentation.
2. REPEAT COMMENT: Please submit a copy of the maintenance and drainage easement agreement between all parties. The agreement must grant each party reciprocal legal rights that pertain to the operation and maintenance requirements of the system in the event one party fails to maintain their respective portion of the surface water management system.
3. Please submit the remaining ERP application fee of \$3,000 (<10 acres wet/water; \$7,500 minus \$4,500 already paid under DF22-1357). This application was submitted through e-permits and therefore the fee may be paid online (via credit card, e-check, etc.). Please visit ePermits.broward.org and go to the fees due section within the e-permits job, or else a hard copy check may be submitted. If submitted by check, please make the check payable to the Broward County Board of County Commissioners and please reference Application No. L2023-090 in the memo section of the check to ensure adequate processing.
4. REPEAT COMMENT: Please submit a copy of the document granting this project the legal right to discharge into the adjacent owner's property (FDOT Right-of-Way).
5. REPEAT COMMENT: Please submit a signed and sealed topographic map or survey.
6. REPEAT COMMENT: Please revise and resubmit the plans to show, at a minimum, baffle mechanism at structures that discharge to and/or from wet/dry retention/detention areas.

7. REPEAT COMMENT: Please provide a copy of the landscape plan and description of the existing and proposed vegetative cover for reference.
8. REPEAT COMMENT: Per comment #18 above, if this area is proposed to be lake, then the comments below are applicable.
 - b. Please revise plans to show the 20' Lake Maintenance Easement (LME) starting from the water table elevation extending up towards the top of bank.
 - c. Revise cross section A-A to include (at a minimum) labels for the required the horizontal dimensions callouts including the 20' LME starting from the water table elevation extending up towards the top of bank and the 8' dimension showing that the 4:1 (hor:ver) lake slopes extend 2' below the water table elevation.
9. Please add a note to Cascade stating that all elevations are in NAVD.
10. The plans, sheet C-410 (weir plate detail), show the bleeder width and depth of 9" yet but Cascade uses 10". Please revise and resubmit as necessary.
11. Please revise sheet C-410 (weir plate detail) to show the top of weir plate elevation. CS-1 detail is NTS so this comment is to confirm that the plate is flush with the top of structure, not allowing any additional discharge.
12. Please revise plans to clearly delineate the 1.10 acre
13. The predevelopment analysis uses 6.21 acres of wetland, and the post-development uses 1.10 acres remaining after filling. Please note that this does not coincide with the revised site plan dated 7/5/2023. Please revise and resubmit as necessary.
14. In addition to comment #12 above, please revise and resubmit all affected plans and calculations to show that full water quality treatment is provided prior to discharging into the 1.10ac and 1.55ac wetland areas.
15. Please revise plans to clearly delineate the 1.10 acres wetland area.
16. The plans, sheet C-400, labels a proposed courtyard within the remaining 1.10-acre wetland area. Please remove/revise this label as it indicates that people will gather in this area.
17. The revised calculations show a 5yr-1day post peak stage of 4.68' NAVD. Please revise plans to show that lowest inlet rim elevation is above this elevation for parking lot protection, not parking garage. Please revise as necessary.
18. **In accordance with 125.022 F.S., this will be the final letter requesting additional information on this application, unless the applicant waives this limitation in writing. Please submit the waiver. Failure to adequately complete the application for license issuance will result in the denial of the application.**

The following comments are from this Division's Aquatic and Wetland Resources Licensing Section. Please contact Linda Sunderland at 954-519-1454 with any questions.

19. **Repeat comment (updated)** There is also a designation of a "Local Area of Particular Concern" (LAPC No. 66) which encompasses the wetland area where impacts are proposed. Any impacts to the LAPC must be approved by the Board of County Commissioners with the revision of the LAPC boundary. Please contact the Broward County Planning Council for additional information regarding this process. The designation must be removed prior to issuance.
20. **Repeat comment** Thank you for offering a plan to improve the 050 Parcel which could provide regional ecological value and greater long-term ecological value in accordance with 10.2.1.2. Though this area is described as marsh restoration and undisturbed wetland preserve in the DF84-1049 license, we will allow mitigation to occur with the following requirements:
 - a. A detailed mitigation/restoration plan
 - b. A mitigation/monitoring fee of \$16,000
 - c. A conservation easement over the area
 - d. A pared down monitoring plan with the expectation that the area will be maintained in perpetuity.As an alternative to the above, the applicant may purchase 0.50 additional credits (if credits are available), as previously discussed via e-mail.
21. **Repeat comment (updated)** Final mitigation scores indicate a total of 3.85 credits (using 5.50 acres – 0.70 WBI score) agreed upon with staff, please provide documentation that the required number of credits have been reserved for purchase by the applicant. [Section C, Form 62-330.060(1), F.A.C. and Section 10.3.1.3, Vol. I]

Please submit responses to this letter electronically on the County's ePermits website (<https://webapps.broward.org/EPPermits/>) to expedite administrative processing of the application and to save paper. Please note that an electronic response may be submitted even if the original application was submitted via hard copy. Alternatively, please provide one (1) original and one (1) copy of the requested information, clearly labeled with the application number, to the Environmental Licensing and Building Permitting Division.

In accordance with Section 5.5.3.5 of AH I and Paragraph 40E-1.603(1)(d) F.A.C. and Sec. 27-200(b)(3)(c) of the Code, "Request for additional information", if the requested information is not received within sixty (60) days from the date of this letter, this application may be processed for denial if not withdrawn by the applicant. If additional time is needed, please request an extension before the 60-day period ends.

It is recommended that a meeting be held to attempt to resolve the outstanding issues prior to submitting a response. Please contact Giovanni Conde at 954-519-1473 or gconde@broward.org to schedule a meeting at your earliest convenience.

Issued By:

Giovanni Conde
Surface Water Management Program



August 17, 2023

Broward County
Environmental Permitting Division
North University Drive, Mailbox 201
Plantation, Florida 33324

**RE: Manor at Cypress Creek
Application No. L2023-090; KHA Project No.: 044800020
Response to Comments**

This letter is in response to the comments for the above-mentioned project. The original comment has been provided for your reference with the response in **bold**.

1. REPEAT COMMENT: ERP application shows Related Group LLC as the application and operation & maintenance entity. Please clarify and provide supporting documentation.

Response: Please refer to attached redacted Purchase and Sale Agreement.

2. REPEAT COMMENT: Please submit a copy of the maintenance and drainage easement agreement between all parties. The agreement must grant each party reciprocal legal rights that pertain to the operation and maintenance requirements of the system in the event one party fails to maintain their respective portion of the surface water management system

Response: A copy of the maintenance and drainage easement agreement between all parties will be provided once stormwater design and calculations have been deemed acceptable by Broward County and applicable reviewing agencies.

3. Please submit the remaining ERP application fee of \$3,000 (<10 acres wet/water; \$7,500 minus \$4,500 already paid under DF22-1357). This application was submitted through e-permits and therefore the fee may be paid online (via credit card, e-check, etc.). Please visit e-permits ePermits.broward.org and go to the fees due section within the e-permits job, or else a hard copy check may be submitted. If submitted by check, please make the check payable to the Broward County Board of County Commissioners and please reference Application No. L2023-090 in the memo section of the check to ensure adequate processing.

Response: Acknowledged. The remaining ERP application fee will be submitted accordingly.

4. REPEAT COMMENT: Please submit a copy of the document granting this project the legal right to discharge into the adjacent owner's property (FDOT Right-of-Way).

Response: FDOT drainage connection permit has been submitted for approval. Preliminary discussions with FDOT were positive and we anticipate approval.

5. REPEAT COMMENT: Please submit a signed and sealed topographic map or survey.

Response: Survey now included.

6. REPEAT COMMENT: Please revise and resubmit the plans to show, at a minimum, baffle mechanism at structures that discharge to and/or from wet/dry retention/detention areas.

Response: Baffles have been added to all structures that lead to wet/dry detention areas, see sheet C-400

7. REPEAT COMMENT: Please provide a copy of the landscape plan and description of the existing and proposed vegetative cover for reference.

Response: Please refer to the attached landscape plan and description of existing and proposed vegetative cover.

8. REPEAT COMMENT: Per comment #18 above, if this area is proposed to be lake, then the comments below are applicable.
 - b. Please revise plans to show the 20' Lake Maintenance Easement (LME) starting from the water table elevation extending up towards the top of bank.
 - c. Revise cross section A-A to include (at a minimum) labels for the required the horizontal dimensions callouts including the 20' LME starting from the water table elevation extending up towards the top of bank and the 8' dimension showing that the 4:1 (hor:ver) lake slopes extend 2' below the water table elevation.

Response: See revised Section A-A for required dimensions and callouts, sheet C-401.

9. Please add a note to Cascade stating that all elevations are in NAVD.

Response: Note stating all elevation are in NAVD has been added to cascade.

10. The plans, sheet C-410 (weir plate detail), show the bleeder width and depth of 9" yet but Cascade uses 10". Please revise and resubmit as necessary.

Response: See revised weir plate detail on sheet C-410.

11. Please revise sheet C-410 (weir plate detail) to show the top of weir plate elevation. CS-1 detail is NTS so this comment is to confirm that the plate is flush with the top of structure, not allowing any additional discharge.

Response: Correct, weir plate detail has been revised to indicate top of weir elevation, see sheet C-410.

12. Please revise plans to clearly delineate the 1.10 acre.

Response: Wetland area has been labeled appropriately, see sheet C-400.

13. The predevelopment analysis uses 6.21 acres of wetland, and the post-development uses 1.10 acres remaining after filling. Please note that this does not coincide with the revised site plan dated 7/5/2023. Please revise and resubmit as necessary.

Response: The engineering analysis uses areas that are NOT wetlands today but according to Broward County may be wetlands at some future date. As a result of this potential, Broward County has directed the engineering analysis to use these areas as wetlands (LOW AREAS) in the analysis. The total amount of wetlands on the site in 2023 according to site investigations by JJGA and confirmed by Broward County in its wetland determination is 5.54 acres. The project will fill 5.5 acres of wetlands and excavate 0.04 acres of wetlands.

14. In addition to comment #12 above, please revise and resubmit all affected plans and calculations to show that full water quality treatment is provided prior to discharging into the 1.10ac and 1.55ac wetland areas.

Response: Please note, the wetland area has been revised to 1.14ac and 1.55ac. A weir plate has been added to the control structure to provide water quality treatment prior to discharging. Refer to sheet C-400 and C-410 of engineer plans and revised site plan.

15. Please revise plans to clearly delineate the 1.10 acres wetland area.

Response: Wetland area has been labeled appropriately, see sheet C-400.

16. The plans, sheet C-400, labels a proposed courtyard within the remaining 1.10-acre wetland area. Please remove/revise this label as it indicates that people will gather in this area.

Response: Label has been removed.

17. The revised calculations show a 5yr-1day post peak stage of 4.68' NAVD. Please revise plans to show that lowest inlet rim elevation is above this elevation for parking lot protection, not parking garage. Please revise as necessary.

Response: Calculations has been revised and show a 5yr-1day post peak stage of 4.59 in the cascade modeling. Lowest inlets rim elevation are at 4.60. Please refer to sheet C-400

18. In accordance with 125.022 F.S., this will be the final letter requesting additional information on this application, unless the applicant waives this limitation in writing. Please submit the waiver. Failure to adequately complete the application for license issuance will result in the denial of the application.

Response: Applicant waives this limitation and has submitted the waiver.

19. Repeat comment (updated) There is also a designation of a "Local Area of Particular Concern" (LAPC No. 66) which encompasses the wetland area where impacts are

proposed. Any impacts to the LAPC must be approved by the Board of County Commissioners with the revision of the LAPC boundary. Please contact the Broward County Planning Council for additional information regarding this process. The designation must be removed prior to issuance.

Response: Applicant is in the process of submitting the application to remove the LAPC designation.

20. Repeat comment Thank you for offering a plan to improve the 050 Parcel which could provide regional ecological value and greater long-term ecological value in accordance with 10.2.1.2. Though this area is described as marsh restoration and undisturbed wetland preserve in the DF84-1049 license, we will allow mitigation to occur with the following requirements:

- a. A detailed mitigation/restoration plan
- b. A mitigation/monitoring fee of \$16,000
- c. A conservation easement over the area
- d. A pared down monitoring plan with the expectation that the area will be maintained in perpetuity.

As an alternative to the above, the applicant may purchase 0.50 additional credits (if credits are available), as previously discussed via e-mail.

Response: Applicant acknowledges the above mitigation options and will proceed with one of the two options presented.

21. Repeat comment (updated) Final mitigation scores indicate a total of 3.85 credits (using 5.50 acres – 0.70 WBI score) agreed upon with staff, please provide documentation that the required number of credits have been reserved for purchase by the applicant. [Section C, Form 62-330.060(1), F.A.C. and Section 10.3.1.3, Vol. I]

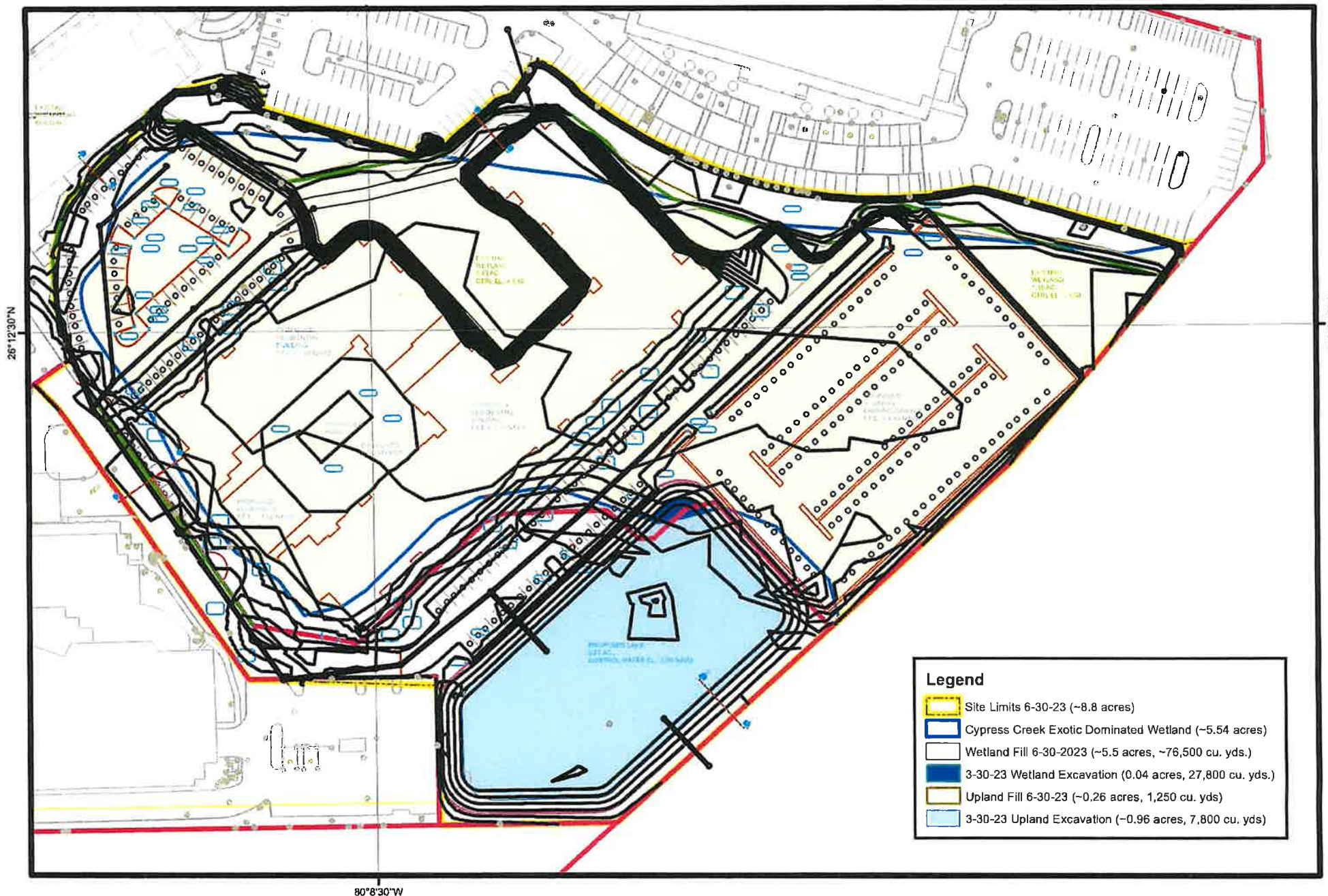
Response: Documentation has been submitted herein.

Please feel free to contact me at (561) 404-7240 or josh.horning@kimley-horn.com should you have any questions.

Sincerely,



Joshua Horning, P.E.



06/05/2019

Revision
Date: 9/25/2023

J. J. Goldasich and Associates, Incorporated

Ecological Services
Natural System Analysis
DESIGN/PERMIT-BUILD-MAINTAIN



(561) 883-9555
jjg@jjgoldasich.com
Seagrass to Sawgrass

Related - Cypress Creek Parcel

Amendment Area LAPC
Aerial Photograph with Project Limits
Ft. Lauderdale, Broward County, Florida

**Revised
Site Plan
Wetland
Impacts**

#1	BC RAI #1
#2	BC RAI #2
#3	Revised Plan
#4	Revised Plan 4





The Wetlandsbank™ Company LLC

151 North Nob Hill Road
Suite 458
Plantation FL 33324
Tel 954.642.2427
Fax 866.433.4057

July 6, 2023

Michelle Decker, M.S.

Environmental Project Coordinator
Resilient Environment Department
Environmental Permitting division
Natural Resources Program

1 North University Drive, Mailbox 201,
Plantation, FL 33324-2038

Re: Manor at Cypress Creek
Surface Water Management License Application No. L2023-060
Environmental Resource License Application No. DF22-1357
SFWMD Application No. 230405-60

Dear Ms. Decker,

The letter is to confirm that the above referenced project has a fully executed contract and the purchaser has made final payment for the 3.89 forested credits to be transferred from the Florida Wetlandsbank at Pembroke Pines.

Please let me know if you have any questions or need additional information.

Robert B. Miller
President

Exhibit 11-B Letter from Wetlandsbank



Resilient Environment Department

ENVIRONMENTAL PERMITTING DIVISION

Surface Water Management Licensing Program

1 North University Drive, Mailbox 201 • Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

November 3, 2023

Kimley-Horn and Associates, Inc.
Attention: Mr. Michael D. Spruce, P.E.
1615 S Congress Avenue Suite 201
Delray Beach, FL 33445

Subject: Manor at Cypress Creek S10/T49S/R42E
Surface Water Management License Application No. L2023-090
Environmental Resource License Application No. DF22-1357
SFWMD Application No. 230405-60

Dear Mr. Spruce:

Pursuant to your written correspondence dated 8/17/2023, you have waived the request for additional information limitations set forth in 125.022 F.S. The staff has completed a review of the subject project, based on the materials received 10/5/2023. In accordance with Section 5.5.3.1 of the Environmental Resource Permit Applicant's Handbook Volume I (AH I), adopted by reference in Section 62.330.010(4)(a), Florida Administrative Code (F.A.C.) and Section 27-200(b)(3), satisfactory answers to the following comments/questions must be provided to complete the application and provide reasonable assurances for permit issuance.

1. *Redacted purchase and sale agreement not included in resubmittal. REPEAT COMMENT:* ERP application shows Related Group LLC as the application and operation & maintenance entity. Please clarify and provide supporting documentation.
2. *Please be advised that this comment will be repeated until a draft copy of the agreement has been provided. REPEAT COMMENT:* Please submit a copy of the maintenance and drainage easement agreement between all parties. The agreement must grant each party reciprocal legal rights that pertain to the operation and maintenance requirements of the system in the event one party fails to maintain their respective portion of the surface water management system.
3. *Please be advised that no license will be issued until the remaining fee has been paid. REPEAT COMMENT:* Please submit the remaining ERP application fee of \$3,000 (<10 acres wet/water; \$7,500 minus \$4,500 already paid under DF22-1357). This application was submitted through e-permits and therefore the fee may be paid online (via credit card, e-check, etc.). Please visit e-permits ePermits.broward.org and go to the fees due section within the e-permits job, or else a hard copy check may be submitted. If submitted by check, please make the check payable to the Broward County Board of County Commissioners and please reference Application No. L2023-090 in the memo section of the check to ensure adequate processing.
4. *Please be advised that a copy of this document must be provided prior to obtaining any BCRED SWM approval. REPEAT COMMENT:* Please submit a copy of the document granting this project the legal right to discharge into the adjacent owner's property (FDOT Right-of-Way).

5. *Provided survey is not digitally signed and sealed. REPEAT COMMENT:* Please submit a signed and sealed topographic map or survey.
6. *Revised plans do not show, or it is not clear, how the required water quality will be provided prior to discharging into wetland area. Please clarify or revise and necessary. REPEAT COMMENT:* Please revise and resubmit all affected plans and calculations to show that full water quality treatment is provided prior to discharging into the 1.14ac and 1.55ac wetland areas.
7. Sheet C-400 calls out a proposed weir within CS-1. The rim elevation shown on sheet C-400 for CS-1 is 4.5' NAVD while the detail for the weir, shown on sheet C-410, shows the crest elevation at 5.83' NAVD. Therefore, the weir would be extruding out of the structure. Also, the detail on sheet C-410 has CS-1 with rim elevations at 5' NAVD. Please revise all affected plans and calculations as necessary.
8. Sheet C-400 labels the lake area as 0.97 acres, but the proposed stage storage table uses 0.86 acres. Please revise and resubmit as necessary.
9. Sheet C-400 includes a call out, "Prop. Weir Structure Refer to Detail on Sheet C-410", to the north of the three existing outfalls. Please clarify and revise as necessary.
10. Per response to comments, the wetland areas were revised to be 1.55 acres and 1.14 acres yet sheet C-400 has both areas labeled as 1.10 acres. Please revise and resubmit.

The following comments are from this Division's Aquatic and Wetland Resources Licensing Section. Please contact Linda Sunderland at 954-519-1454 with any questions.

11. **Repeat comment:** There is also a designation of a "Local Area of Particular Concern" (LAPC No. 66) which encompasses the wetland area where impacts are proposed. Any impacts to the LAPC must be approved by the Board of County Commissioners with the revision of the LAPC boundary. Please contact the Broward County Planning Council for additional information regarding this process. The designation must be removed prior to issuance.
12. **Repeat comment:** Thank you for offering a plan to improve the 050 Parcel which could provide regional ecological value and greater long-term ecological value in accordance with 10.2.1.2. Though this area is described as marsh restoration and undisturbed wetland preserve in the DF84-1049 license, we will allow mitigation to occur with the following requirements:
 - a. A detailed mitigation/restoration plan
 - b. A mitigation/monitoring fee of \$16,000
 - c. A conservation easement over the area
 - d. A pared down monitoring plan with the expectation that the area will be maintained in perpetuity.As an alternative to the above, the applicant may purchase 0.50 additional credits (if credits are available), as previously discussed via e-mail.
13. **Repeat comment:** Final mitigation scores indicate a total of 3.85 credits (using 5.50 acres – 0.70 WBI score) agreed upon with staff, please provide documentation that the required number of credits have been reserved for purchase by the applicant. [Section C, Form 62-330.060(1), F.A.C. and Section 10.3.1.3, Vol. I]

Please submit responses to this letter electronically on the County's ePermits website (<https://webapps.broward.org/EPermits/>) to expedite administrative processing of the application and to

save paper. Please note that an electronic response may be submitted even if the original application was submitted via hard copy. Alternatively, please provide one (1) original and one (1) copy of the requested information, clearly labeled with the application number, to the Environmental Licensing and Building Permitting Division.

In accordance with Section 5.5.3.5 of AH I and Paragraph 40E-1.603(1)(d) F.A.C. and Sec. 27-200(b)(3)(c) of the Code, "Request for additional information", if the requested information is not received within sixty (60) days from the date of this letter, this application may be processed for denial if not withdrawn by the applicant. If additional time is needed, please request an extension before the 60 day period ends.

It is recommended that a meeting be held to attempt to resolve the outstanding issues prior to submitting a response. Please contact Giovanni Conde at 954-519-1473 or gconde@broward.org to schedule a meeting at your earliest convenience.

Issued by:

Giovanni Conde
Surface Water Management Licensing Program

RESOLUTION NO. 25-94

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPRESSING SUPPORT FOR THE REMOVAL FROM THE BROWARD COUNTY, FLORIDA LAND USE PLAN NATURAL RESOURCE MAP SERIES, LOCAL AREA OF PARTICULAR CONCERN SITE #83, GENERALLY LOCATED SOUTH OF THE C-14 CANAL, WEST OF INTERSTATE 95, EAST OF NORTH ANDREWS AVENUE, AND NORTH OF THE INTERSTATE 95 SOUTHBOUND EXIT RAMP TO CYPRESS CREEK ROAD, SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA; AUTHORIZING THE CITY MANAGER TO EXECUTE A CERTAIN LEGAL INSTRUMENT; PROVIDING FOR REVIEW AND APPROVAL AS TO FORM ALL DOCUMENTS BY THE CITY ATTORNEY'S OFFICE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Applicant, RD Investment Properties, LLC, has applied to the Broward County Planning Council for approval to remove the Local Area of Particular Concern Site #83 from the Environmentally Lands Map included in the Natural Resource Map Series of the Broward County Land Use Plan as more particularly described on Exhibit "A" attached hereto; and

WHEREAS, RD Investment Properties, LLC, seeks to develop Site #83 for multifamily housing, subject to the City's recently adopted Uptown Urban Village Transit Oriented District land use designation to include 63 affordable residential units; and

WHEREAS, Site #83 has been degraded by the predominance of exotic vegetation and inadequate hydrology to sustain the site as a Cypress Wetland Forest; and

WHEREAS, Broward County has issued an Environmental Resource Permit for Site #83 which allows for the development of the site and would require the restoration and maintenance of a 1.546-acre parcel within the office park adjacent to Site #83; and

WHEREAS, the City of the Fort Lauderdale (the "City") desires to add housing units to its Uptown Urban Village District which currently lacks sufficient housing for the nearby commercial and industrial uses;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the Recitals set forth above are true and correct and incorporated herein by this reference.

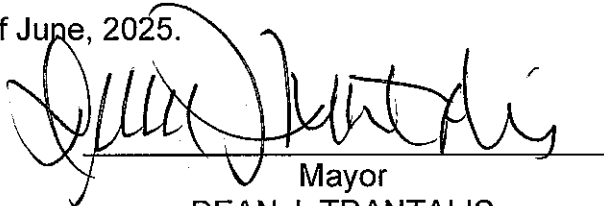
SECTION 2. That the City Commission of the City of Fort Lauderdale, Florida, hereby expresses support for the removal of Site #83, as legally described in Exhibit "A" attached hereto, from the Environmentally Sensitive Lands Map of the Broward County Natural Resources Map Series. This support is contingent upon the Applicant executing an instrument legally enforceable by the City requiring the Applicant to fulfill the obligations outlined in Exhibit "B".

SECTION 3. That the City Manager is delegated the authority to execute the instrument referenced in Section 2 of this resolution.

SECTION 4. That the Office of the City Attorney shall review and approve as to form all documents prior to their execution by the City Manager.

SECTION 5. That this Resolution shall be effective immediately upon final adoption.

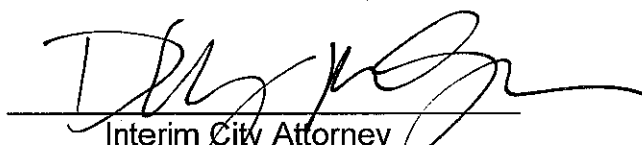
ADOPTED this 3rd day of June, 2025.


Mayor
DEAN J. TRANTALIS

ATTEST:


City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:


Interim City Attorney
D'WAYNE M. SPENCE

Dean J. Trantalis Yea

John C. Herbst Yea

Steven Glassman Yea

Pamela Beasley-Pittman Yea

Ben Sorensen Yea

EXHIBIT "A"

LEGAL DESCRIPTION

That portion of Parcel A of Reflections Plat as shown on Plat recorded in Plat Book 119, Page 46 of the Public Records of Broward County, Florida, described as follows:

Commence at the Easternmost corner of Parcel 'A', PARK LAKE, according to the Plat thereof, as recorded in Plat Book 106, at Page 1, of the Public Records of Broward County, Florida, also known as the Southeast corner of said Parcel 'A', REFLECTIONS; thence North 48°57'43" East along the Northwestern right-of-way line of Interstate 95, a distance of 248.88 feet to the Point of Beginning; thence North 41°02'17" West, a distance of 144.90 feet; thence South 78°56'21" West, a distance of 26.24 feet; thence South 48°56'42" West, a distance of 37.20 feet; thence South 88°54'29" West, a distance of 12.99 feet; thence North 47°38'50" West, a distance of 36.54 feet; thence South 89°28'06" West, a distance of 89.13 feet; thence South 66°20'08" West, a distance of 17.42 feet; thence South 47°46'11" West, a distance of 150.02 feet; thence North 79°04'27" West, a distance of 90.73 feet; thence North 33°11'52" West, a distance of 266.35 feet; thence North 18°26'28" West, a distance of 37.04 feet; thence North 10°37'16" West, a distance of 17.29 feet; thence North 2°16'32" West, a distance of 47.87 feet; thence North 17°15'05" East, a distance of 48.23 feet; thence North 45°25'25" East, a distance of 96.89 feet; thence South 85°12'58" East, a distance of 30.15 feet; thence South 62°54'18" East, a distance of 26.18 feet; thence South 47°39'32" East, a distance of 58.05 feet; thence South 79°20'51" East, a distance of 19.74 feet; thence North 80°38'51" East, a distance of 143.84 feet; thence North 50°33'20" East, a distance of 55.70 feet; thence South 84°14'48" East, a distance of 64.18 feet; thence South 51°08'10" East, a distance of 39.40 feet; thence South 36°19'28" East, a distance of 29.48 feet; thence South 55°12'18" East, a distance of 45.40 feet; thence South 72°08'56" East, a distance of 135.37 feet; thence North 88°25'14" East, a distance of 15.36 feet; thence North 45°51'42" East, a distance of 14.09 feet; thence North 17°10'07" East, a distance of 17.44 feet; thence North 47°13'45" East, a distance of 15.73 feet; thence South 83°01'46" East, a distance of 11.96 feet; thence South 72°59'03" East, a distance of 247.21 feet; thence South 41°34'31" West, a distance of 207.76 feet; thence South 48°57'43" West along an Easterly boundary of said Parcel A, a distance of 209.13 feet; to the Point of Beginning.

EXHIBIT "B"

CONDITIONS TO THE CITY OF FORT LAUDERDALE'S SUPPORT OF REMOVAL OF LAPC DESIGNATION

At the time of site plan application approval for the proposed development on the subject property, the applicant shall execute a development agreement with the City of Fort Lauderdale to address the following:

- a. The plans for the development of the Local Area of Particular Concern ("LAPC") site shall include at least 86,000 square feet of native tree canopy at maturity; and
- b. The proposed tree canopy shall occur within the boundary limits of property folio numbers 494210360030 and 494210360040; and
- c. In the event the project is phased, the 86,000 square feet of native tree canopy must be completed as part of the first phase.
- d. Prior to issuance of the building permit for the residential project, the applicant shall provide payment of \$126,500.00 made to the City of Fort Lauderdale for the construction of a greenway trail consistent with the cost estimates provided by the applicant; or if the City decides not to build the Greenway Trail, the payment of \$126,500.00 may be used by the City to install tree canopy elsewhere in the City.
- e. The restoration plan for the 1.68 site within the office park shall be implemented prior to the issuance of the final certificate of occupancy for the residential building.

ATTACHMENT 3



Resilient Environment Department

URBAN PLANNING DIVISION

1 N. University Drive, Box 102 | Plantation, FL 33324 | 954-357-6634 | Fax 954-357-6521



TO: David Vanlandingham, Director
Environmental Permitting Division

FROM: Josie P. Sesodia, AICP, Director
Urban Planning Division

DATE: December 12, 2023

SUBJECT: ESL Map Amendment PCNRM 24-1

The Urban Planning Division (UPD) has reviewed the above-referenced request to remove Local Area of Particular Concern (LAPC) Map #83 / Site #66 (2/20/89) (6.18 acres) from the Environmentally Sensitive Lands (ESL) map of the Broward County Natural Resource Map Series of the Broward County Land Use Plan (BCLUP). The Applicant proposes to eventually build 428 multifamily dwelling units on the property located within the City of Fort Lauderdale's proposed northern Transit Development District.

Current Natural Resources Map Series (NRMS) Designations

- Local Area of Particular Concern (LAPC) Map #83 / Site #66 (2/20/89), ESL Map
- Natural Resource Area (NRA)(3/1/89), ESL Map, in accordance with Chapter 5, Article II, Broward County Code of Ordinances
- Urban Wilderness Lands Inventory (UWLI)(4/17/79), ESL Map, in accordance with Chapter 25 ½ -27, Broward County Code of Ordinances
- Mitigation/Completed/Monitoring/Maintenance (wetland) designation, Eastern Wetlands Map
- Flood Prone Area, Floodplains, Flood Prone Areas and Coastal Storm Area, BCLUP NRMS

Current Property Designations

- Property names-current and past: Reflections Plat, previously known as May Tract and I-95 Executive Center
- Broward County Land Use Plan: Commerce
- Fort Lauderdale Future Land Use Map: Employment Center
- Fort Lauderdale Zoning: B-3 (Heavy Commercial/Light Industrial Business) (Note: the City's base map shows the subject site in green)
- Reflections Plat: Book 119; Page 46.

Broward County Board of County Commissioners

Mark D. Bogen • Lamar P. Fisher • Beam Furr • Steve Geller • Robert McKinzie • Nan H. Rich •
Hazelle P. Rogers • Tim Ryan • Michael Udine

www.broward.org

- Plat Notes: Note on the Reflections Plat states, "There shall be no development activity in the wetland restoration area or wetland preservation areas." The wetland area depicted on the Plat contains the following statement: "Wetland Restoration Area (Private & not dedicated)".
- Plat Amendment 2001: Notation on Plat in wetlands area states: "Amended Wetland Restoration Area (O.R. Book 12425 Page 608 B.C.R.) (6.21 Acres +/-)". A second wetland area (west side) says "Amended Wetland Preservation Area Per (O.R. Book 12425, Page 608, B.C.R.)(1.55 Acres +/-)".

Broward County Environmental Impact Report/Statement

Prior to incorporation, in 1981 a proposed rezoning, preliminary plat and site plan triggered an Environmental Impact Report (EIR) based on the existing environmentally sensitive lands designations and requirements of Chapter 27 and Chapter 5-182. The "Environmental Impact Study for the May Tract" (1981), written by County staff recommended, , rezoning the property to Office Park District, except for a 4.5 acre area recommended for preservation to be zoned as S-2 (open space district). The following management objectives were suggested:

- Delineate and preserve the natural preservation area/vestige of the historic swamp forest which was once part of a much larger ecosystem (4.5 +/- acre area);
- Preserve as many of the larger cypress, maple and pond apple trees as feasible; and
- Allow reasonable economic use of the property.

Platting

At the time of original platting (1981-83) a portion of the site was set aside for "restoration and preservation" of existing environmentally sensitive features, including two wetland areas—a smaller area on the west edge of the property and another larger one that extends from the center to the east edge. Subsequently, in 1991 the owner of the property applied to modify the boundaries of the larger wetland area with a minimal net loss (2%) and add 232,926 square feet of office to accommodate a second building onsite. At no time during these processes were the LAPC, UWL I or NRA designations removed or modified. The staff report noted concern about drainage and runoff impacts on the restoration/preservation area, as well as tree removal/relocation.

Staff Analysis

The UPD staff evaluated the site based upon adopted Comprehensive Plan documents and policies:

- Broward County Land Use Plan: Policies 2.23.1, 2.23.2, 2.23.3, and 2.23.4 which address Local Areas of Particular Concern and Policy 2.21.5 addresses sea level rise and Environmentally Sensitive Land. Per Policy 2.21.5, the site would require adequate storm water management and drainage facilities, particularly since the site is currently designated as a wetland and close to the C-14 canal. Additionally reviewed, the Implementation Requirements and Procedures Section - #7. Criteria and Procedures for Environmentally Sensitive Lands and Local Areas of Particular Concern.
- Broward County Climate Change and Coastal Elements, as applicable;
- Broward County Conservation Element, Objective C6 (Environmentally Sensitive Natural Resources) and related policies, and Objective C8 (Protected wetland Resources) and related policies;
- Broward County Water Management Element, Policy WM2.13, WM3.9 and WM3.15;

- Broward County Code of Ordinances:
 - Chapter 5, Broward County Land Development Code:
 - Section 182.8 (a) Consideration of Impact on Environmentally Sensitive Lands and Archaeological Resources.
 - Section 5-281 provides for the Board of County Commissioners to making a finding that a proposed Natural Resource Area is populated by native vegetation associated with one of nine ecological communities to add a Natural Resource Area site; and Section 5-283 (5) regulates clearing activities within lands designated as local area of particular concern.
 - Chapter 25 ½ - 27 – 29 Regarding Urban Wilderness Inventory and Park System designation
 - Chapter 27 Local Area of Particular Concern
 - Section 27-67(d) - Land development, provides for the RED to coordinate Environmentally Sensitive Lands environmental impact report.
 - Chapter 27, Part XIII, Section 27.57. - Natural Resource Areas.
 - Chapter 27, Article XI – Aquatic and Wetland Resource Protection.
 - Chapter 27, Article XIV – Tree Preservation and Abuse Ordinance.
 - Chapter 27, Section 27-407.-Municipal certification (d)(3), regarding the County retaining authority to enforce tree protection provisions in Article XIV-Tree Preservation, regarding lands including the LAPC, NRA and ESL.
- Broward County Commission Action:
 - **Urban Wilderness Inventory List:** 4/17/1979. The Board concurred with the recommendation of the Urban Wilderness Advisory Board and approved placing the May Tract on the list of potential urban wilderness areas for possible acquisition in the future.
 - **LAPC Approval:** 2/20/1989 –the Commission approve staff's recommendation to designate Site No. 66 as an LAPC.
 - **NRA Approval:** 3/1/1989 - the Commission approve Site No. 66 as an NRA consistent with the LAPC designation.

Staff Findings

The Applicant states that the unique wetland conditions, which justified inclusion of the property on the ESL map, are no longer applicable.

While several of the previously listed Broward County Plan, Maps and Codes include language on how to designate or protect a site with environmental protection designations, none of these provide for criteria to evaluate when a site is being considered for removal from the Environmentally Sensitive Lands Map, or any other listed designation.

In the absence of criteria for removal of a designated Local Area of Particular Concern from the ESL map and based on the designations the subject site has on the Environmentally Sensitive Lands and the Wetlands Maps of the Natural Resources Map Series, UPD staff finds as follows:

1. **The County is required by policy to continue reviewing and protecting designated LAPCs and wetland areas, and encouraging practices that optimize co-benefits of habitat restoration.** The following Broward County Comprehensive Plan Elements apply, including Climate Change-Objective CC4 and related policies, Conservation-Objective C6 and related policies, and Water Management:
 - a. Policy C6.1 states that the County shall continue to maintain a Map of County Commission Designated properties of ecological concern to include those areas designated as LAPC, NRAs, ESLs, UWAs, and those land on the Urban Wilderness Inventory.
 - b. Policy C6.7 states that the County shall continue to maintain and implement regulations that protect and preserve trees, including those in areas of native vegetative communities, and promote the use of native vegetation.
 - c. Policy C6.9 states that Broward County shall assess the vulnerability of specific species, habitats, landscapes, and ecosystem functions that may be sensitive to climate change and develop coping strategies and contingency plans for their adaptation, such as identifying habitats that may be viable during climate disturbances and could potentially serve to give refuge to and sustain at-risk species.
 - d. Objective CC4 – Utilize Green Infrastructure Solutions for Maximum Co-benefits -- Understand the value of ecosystem services to our community and expand green infrastructure to optimize the co-benefits of habitat restoration, coastal buffers, wetland mitigation, urban reforestation, natural night skies, and local food production, in order to create a healthy, enjoyable, and climate resilient environment.
 - e. Policy WM3.9 states that Broward County will protect the water storage and water quality enhancement functions of wetlands, floodplains, and aquifer recharge areas through acquisition, enforcement of rules, and the application of best land and water management practices.
2. **Protected designations have not changed in the past 40+ years.** Since 1979, before the adjacent land was developed, several environmental protection designations have been placed on the property by the County Commission, including LAPC, NRA and listing on the UWLI and to date none have been removed,
3. **The site is identified as a wetland and flood prone area requiring water quality protections.** The subject property is reflected in both the County's Eastern Wetlands Map (LUP Natural Resource Map Series) and the Flood Prone Areas Map, indicating that it may be prone to flooding and/or the impacts of sea level rise. Any development will be required to demonstrate that it can be served by adequate storm water management and drainage facilities, not adversely affect groundwater quality or environmentally sensitive lands, and not increase saltwater intrusion or area-wide flooding, (BCLUP Policy 2.21.5.) Comprehensive Plan policies also focus on protecting wetlands and water quality CC3.10, C8.2, C8.9, C8.10, WM2,13, WM3.9, and WM3.15.
4. **Removal of the LAPC designation is not supported.** Based the Implementation Requirements and Procedures of the BC LUP, Section #7. "Criteria and Procedures for Environmentally Sensitive Lands and Local Areas of Particular Concern," ***the subject property appears to continue to be a wetland and continues to be consistent with LAPC criteria.***

5. **Removal of LAPC designation would likely result in the removal of the Urban Wilderness Inventory listing.** The wetland site has been listed on the UWLI since 1979. However the site is not designated as an Urban wilderness and remains in private ownership.

Staff Recommendations

Since the inception of the Broward County Comprehensive Plan, this site has consistently been identified as a wetland and environmentally sensitive site. Based on the above findings, Urban Planning Division staff sees **no justification for changing ELS designations, including its LAPC designation.** If the LAPC designation is removed, then subsequent development should demonstrate that it can be served by adequate storm water management and drainage facilities, not adversely affect groundwater quality or environmentally sensitive lands, and not increase saltwater intrusion or area-wide flooding, per BCLUP Policy 2.21.5. Furthermore, to the highest extent possible, tree canopy and native trees should be preserved onsite and green infrastructure solutions/infrastructure should be considered to optimize environmental impact mitigation, per Chapter 27, Article XIV- Tree Preservation and Abuse Ordinance.

Additionally, please note that per BCLUP Policy 2.23.2, "Local Areas of Particular Concern are declared to be environmentally sensitive lands and upon adoption of this plan shall be subject to the provisions of the Broward County Land Development Code regarding environmentally sensitive lands." Therefore, if development is proposed on the subject site, the application will be subject to the requirements of Chapter 5, Article IX.-Broward County Land Development Code, Division 2.- Development Review Requirements, Section 182.8 (a) Consideration of Impact on Environmentally Sensitive Lands and Archaeological Resources.

cc/ec: Lenny Vialpando, Director, Resilient Environment Department
Jennifer Jurado, Deputy Director, Resilient Environment Department
Carlos Adoriso, Assistant Director, Environmental Permitting Division
Heather Cuniff, Section Supervisor, Urban Planning Division
Sara Forelle, Senior Planner, Urban Planning Division

ATTACHMENT 4



Resilient Environment Department

ENVIRONMENTAL PERMITTING DIVISION

1 North University Drive, Mailbox 201, Plantation, Florida 33324 • 954-519-1483 • FAX 954-519-1412

MEMORANDUM



TO: David Vanlandingham, P.E., Director
Environmental Permitting Division (EPD)

THROUGH: Carlos Adorisio, P.E. Assistant Director, EPD

FROM: Linda Sunderland, Environmental Program Supervisor, EPD

DATE: December 14, 2023

SUBJECT: Environmentally Sensitive Lands (ESL) Map Amendment
Local Area of Particular Concern (LAPC) Site Number 66 (ESL Map # 83)

The Broward County Planning Council has received a proposed amendment from Related Group to remove a 6.2-acre portion (referred to in the proposed amendment as Parcel B) of the approximate 9.06-acre site known as Local Area of Particular Concern (LAPC) #66 from Broward County's Environmentally Sensitive Lands (ESL) Map. The site is located between North Andrews Avenue and I-95, south of McNab Road and north of Cypress Creek Road (Folio # 494210360030) in Fort Lauderdale.

LAPCs are areas designated on the Natural Resource Map Series of the Broward County Land Use Plan that have been declared by the Broward County Board of County Commissioners to be culturally or environmentally sensitive and thereby are subject to environmental impact report provisions of the Broward County Land Development Code and/or the criteria for LAPCs contained in the Broward County Land Use Plan. As requested by the Planning Council on November 6, 2023, the Environmental Permitting Division (EPD) is hereby providing comments for the proposed amendment to remove this site from Broward County's ESL Map.

Background

In 1979, this area was known as the "May Tract" and was placed on the "Urban Wilderness Area" Inventory for potential acquisition by Broward County, where it remains as Site #167. On January 6, 1982, the Environmental Impact Statement (EIS) item was heard at the Broward County Zoning Board Meeting. The EIS recommended that approximately 4.5 acres of the site be preserved to protect the historical swamp forest, saving as many of the large cypress, maple, and pond apple trees as possible while providing for economic use of the property. On September 20, 1983, the plat was approved by Broward County Zoning Board with conditions as Resolution R-83-1650. The Reflections Plat (096-UP-01) was recorded in Plat Book 119, page 46, on April 25, 1984. The Plat included two (2) wetland preservation areas. There is a note on the Plat which states: "There shall be no development activity in the wetland restoration area or the wetland preservation area." Accordingly, an amendment to the Plat Note would be required for development of this area.

On March 29, 1985, an "Agreement for Amendment of Wetland Restoration Area and Wetland Preservation Area of Reflections Plat" was recorded in OR 12425 pg. 603 - 604. The area included 3.6 acres of wetland restoration and a 0.51-acre wetland preservation area as shown on Plat Book 119, pg. 46, and added a new 6.21-acre wetland restoration area and a 1.55-acre wetland preservation area. This document is a legal mechanism

used prior to modern Conservation Easements to enact protections and may require additional mitigation if amended or released.

In 1987, the County issued Environmental Resource License (ERL) DF84-1049 to Cypress Creek Associates, Ltd., for the development of the Reflections Plat (PB 119 pg. 46). The site at the time contained the current property folios 494210360021, 494210360010, 494210360020, 494210360030, 494210360040 and 494210360050. The ERL authorized impacts to 5.12 acres of wetlands on parcels 494210360010 and 494210360021 for development while requiring a total of 9.06 acres of mitigation, as follows: the restoration of 2.26 acres of wetland forest and 0.34 acres of marsh on (Parcel B) Folio # 494210360050; and the creation of 0.76 acres of marsh, the creation of 0.54 acres of forest wetlands, and the preservation of 5.16 acres of wetland forest on Parcel A (Folio # 494210360030). The mitigation areas were constructed as required.

In recognition of the site as a final remnant of the Cypress Creek Swamp, the site was designated by the Board of County Commissioners as LAPC – Site # 66 on February 20, 1989. On March 1, 1989, the Board of County Commissioners further designated Folios 494210360030 and 494210360050 as Natural Resource Area #66B pursuant to Chapter 5, Article XII of Broward County Code. It is designated as Site #83 on the Environmentally Sensitive Lands (ESL) map.

Current Environmental Permitting Status

On September 20, 2022, EPD received an ERL application (DF22-1357) proposing impacts to 5.5 acres of wetlands on Parcel A (Folio # 494210360030) for development as a multi-family residential facility, including parking and amenities. The applicant is proposing mitigation through the purchase of credits at a wetland mitigation bank. Under a delegation agreement to review state permit requirements, a State Environmental Resource Permit (and Broward County Environmental Resource License) application was received on 4/5/2023 and a County Surface Water Management License application was received on 4/14/2023. These three applications are being reviewed concurrently and will be issued together when the files are complete. Four requests for additional information (RAIs) have been sent to the applicant. The applications were submitted by Related Group; however, the parcels are currently owned by CPN West, LLC.

The following items currently remain outstanding from the applicant: 1) proof of property ownership by the applicant, 2) finalization of Surface Water Management technical issues 3) payment of the SWM application fee balance due, 4) verification of mitigation required, proof that proposed mitigation offsets proposed impacts, and reservation letter from mitigation bank, **5) resolution of the requested release of the LAPC designation, and 5) revision of the Plat notes referencing the “Preservation Areas” and any other required agreements, easement vacations, etc.** The licenses/permit cannot be issued by EPD until these items are complete.

Evaluation of Amendment Request to Planning Council

Within the *Request for Amendment to Environmentally Sensitive Lands Map* submitted by Related Group to the Broward County Planning Council is a section entitled “Evaluation of Cypress Creek Site for Continued LAPC Designation” by JJ Goldasich and Associates, Incorporated, and dated October 11, 2023. That section characterizes the site as an isolated wetland with a monoculture of exotic species lacking hydrology to be a viable wetland. EPD notes that the photographs provided in the evaluation are only of the perimeter of the wetland.

On November 30, 2023, and December 6, 2023, EPD staff conducted site inspections which identified an approximate 10’-20’ fringe of non-native, exotics mixed with some native vegetation. There was also vegetative debris and trash in the fringe area. Beyond the fringe and moving into the interior of the wetland, however, the

quality of the wetland improves. There was standing water noted throughout the entire wetland area, native wetland vegetation, (including mature and seedling cypress, maple and pond apple trees, native ferns, and other appropriate understory plants), along with appropriate hydrologic indicators (lichen lines, hummocks, and cypress knees). The site conditions improved markedly once entering the interior of the site.

EPD disagrees with the evaluation that the area is a “monoculture of non-native and invasive species.” The site has been impacted by hurricanes throughout and by lack of maintenance with exotics, debris, and garbage present along the margin; however, the wetland hydrology remains in excellent condition with muck soils and strong indicators of consistent inundation as seen with hydrologic indicators. EPD’s Inspection Report is included as an enclosure to this Memorandum.

It is the conclusion of EPD that the subject site continues to exhibit characteristics required for the LAPC designation by the 2016 Broward County Land Use Plan. Described as a Cypress Wetland Community, the area satisfies four of the criteria needed in the Native Vegetative Communities Category: uniqueness, low level of exotic invasion, potential for protection and geography. Within Broward County, the remaining wetland areas are predominantly freshwater marsh/prairies, with a smaller portion comprised of cypress swamps. Preserving this community type enhances the full spectrum of diverse community types within the County.

- *Native Vegetative Communities Category*

- (a) A Local Area of Particular Concern (Native Vegetative Communities Category) is an area which shows a predominance of native vegetation associated with one or more of the following ecological communities: Beach and Dune Community; Coastal Strand Forest Community; Mangrove Community (Saltwater Swamp); Scrub Community; Pine Flatwoods Community; High Hammock Community; Low Hammock Community; Cypress Wetland Community (Freshwater Swamp); Everglades Community (Freshwater Marsh).

EPD Evaluation: The 6.2 acres (Folio # 494210360030) qualifies as a mature Cypress Wetland Community. A mature cypress tree measuring 2’ in diameter was easily identified.

- (b) In addition, a Local Area of Particular Concern (Native Vegetative Communities Category) must satisfy at least three of the following criteria:

- i. **Uniqueness** - The site contains a significant sample of rare or endangered species, or the site is among a small number of sites in Broward County representing a particular ecological community.

EPD Evaluation: The site is unique, especially in eastern Broward County, with most other remaining areas located in parks to the west of this site.

- ii. **Low Level of Exotic Invasion** - The degree and nature of exotic invasion on the site is such that it can be easily managed or mitigated.

EPD Evaluation: The degree and nature of exotic invasion on the site can be easily managed. Exotics and invasive species are mainly located in the 10-20’ perimeter of the site; however, at its greatest extent, the site is over 900’ across and 400’ wide. There are few exotics in the interior, with many of the plants listed on the earlier site assessment reports still viable and in various stages of growth on site, including (but not limited to) numerous cypress trees, leather ferns, strap ferns, swamp ferns, pond apples and more. The interior hydrology is well established and is inhospitable to many exotic plants.

iii. Potential for Protection -Ownership patterns, development status and other factors make the resources of a site likely to be successfully protected.

EPD Evaluation: The site has been protected since the approval of the Reflections Plat in 1984 and has 8 different owners since then. The plat was recorded with a Note and an Agreement to preserve the remaining wetlands remaining. In 1989, The Broward County Board of County Commissioners designated the area as an LAPC and NRA area.

iv. Geography - The site has proximity to other resources which would heighten its value as a LAPC (e.g., other ESLs, public parks, waterfront).

EPD Evaluation: Fern Forest Nature Center is approximately 3 miles to the northwest of this site. Tradewinds Park is approximately 4.3 miles to the northwest. ESLs # 17, 18, 48, 84 – 88 are to the west/southwest and Site 75 is Southeast. This site is also on the path of the proposed expansion of the Broward County Greenways System.

- Wildlife Category Existing wildlife refuges, reserves, and sanctuaries, or; known habitats of rare, threatened, or endangered species or species of special concern, or; major wildlife intensive use areas such as well-developed hammock communities, highly productive coastal tidelands, and mangroves, or; areas used for scientific study and research on wildlife.

EPD Evaluation: This site serves as a wildlife refuge surrounded by residential and commercial development.

As demonstrated above, the site currently meets the criteria for the designation of a LAPC. Mature cypress/maple swamp habitat is a limited wetland resource in Broward County. There is a cumulative impact to overall wetland resources from projects proposing impacts to “isolated” wetlands. There are few sites of this size and nature in the urbanized area of eastern Broward County; therefore, this site provides habitat for a variety of species along with aesthetic, recreational and educational value. Historically, there was a boardwalk through the area for public access which is currently in disrepair.

Conclusion/Recommendation

The site continues to demonstrate the characteristics of a LAPC as defined by the Broward County Land Use Plan, and the applicant has not provided reasonable assurances to EPD. EPD objects to the removal of the site designation as a LAPC and removal of the site from the ESL map. As described in the preceding paragraphs, this site is protected by legal mechanisms used prior to Conservation Easements. The removal of this site from the ESL map is inconsistent with Policies 2.5.4, 2.5.7, and 2.23.3 of the Broward County Land Use Plan, which encourage the preservation of open space areas; the protection of publicly owned sanctuaries, preserves, archaeological or historic sites, open space, natural areas, and ecological communities; and the implementation of strategies for the protection of LAPCs and other ESLs.

Enclosure: EPD Inspection Report of November 30, 2023

Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description

Looking into wetland from edge



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description

Turning from same location from photo 1 to capture cypress knees (foreground) and boardwalk (background very hard to see)



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Area recently rehabilitated from Geotech sampling (licensed) – large amount of tree trunks/yard waste at edge of wetland



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Corner stake ~20' to wetland



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description 5' from water/wetland area



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description SE property corner 10' from water, ~7' from wetland



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description **Property line fence with standing water**



Facility/Site Name:

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6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description	High amount of palms/Pothos with intermittent water, highly disturbed. ~30' from road to water area where conditions improve
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Facility/Site Name:

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6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Ficus/cypress and ardisia in wetland area



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Closer to interior of wetland, better conditions for plants and hydrology.



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Water/wetland right near edge, adjacent to the sidewalk, however, filled with invasives/exotic plants



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Corner of property with deeper water and better quality wetland area



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Higher quality wetland area



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description NW corner, plant debris on the edge then ~20' into wetland conditions improve markedly



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description E of NW corner – water ~5 to 10' from stake



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Interior photo of wetland,
improved conditions again



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

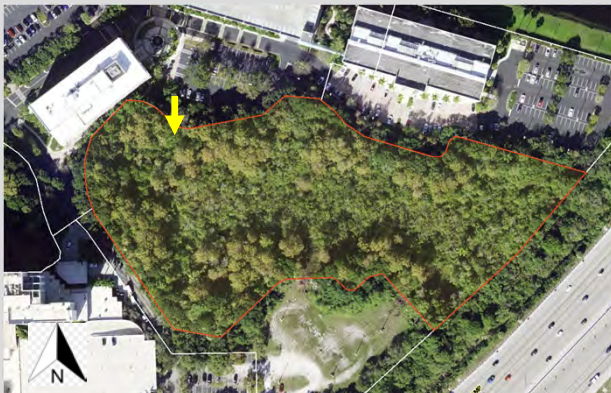
License No.:

DF22-1357

Inspector(s):

M. Decker

Description Palm fronds/logs appears to be yard disposal around edge of property in some locations



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Higher quality of north end,
some Brazilian pepper



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Hummock indicative of standing water on a regular basis



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Property stake ~10' to water



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Pointing at water line, ~10'
waterward of stake



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Looking towards wetland area past stake – water is ~10' from stake



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Ficus hummock



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Water is ~10' from stake



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Wetland ~2' from stake
wetland with invasives in this
location



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Wetland in better condition. Brazilian pepper stand is landward of the stake



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description NE corner of the property



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Brazilian pepper – all
landward of stake (on left)



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

November 30, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker

Description Brazilian pepper – near property stake



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

December 6, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker and K. Scheffer

Description Cypress with about a 2' diameter



Facility/Site Name:

Related Manor at Cypress Creek

Address:

6700 N ANDREWS AVE, Fort Lauderdale

Folio No.:

494210360030

Date Inspected:

December 6, 2023

License No.:

DF22-1357

Inspector(s):

M. Decker and K. Scheffer

Description Larger dead cypress with ~3' diameter



ATTACHMENT 5



PARKS AND RECREATION DIVISION • Administrative Offices

950 N.W. 38th St. • Oakland Park, FL 33309-5982 • 954-357-8100 • TTY 954-537-2844 • FAX 954-357-5991

*Winner of the National Gold Medal Award for Excellence in Park and Recreation Management
Accredited by the Commission for Accreditation of Park and Recreation Agencies (CAPRA)*

MEMORANDUM

May 3, 2024

To: Deanne Von Stetina, Assistant Executive Director
Broward County Planning Council



Thru: Dan West, Director
Parks and Recreation Division

From: Linda Briggs Thompson, Environmental Program Manager
Parks and Recreation Division

Re: **Land Use Plan Amendment Comments**
Proposed Amendment PC 24-6 Uptown Urban Village (Fort Lauderdale)

Broward County Parks and Recreation Division has reviewed the proposed amendment to the Broward County Land Use Plan – Uptown Village (Fort Lauderdale). Our comment is as follows:

PC 24-6 The project area includes two important wetland parcels that should continue to be protected. The parcels were identified as Wetland Restoration and Wetland Preservation parcels (Broward County Official Records (OR), Book 12425, pg. 603 and later modified in OR Book 18818, pg. 897). The parcels were identified as candidates for Urban Wilderness Designation and added to the Urban Wilderness Inventory for Designation in 1979. While the sites have been poorly managed, their original wetland character remains and with better management, they could be restored to high quality wetland habitat. Redevelopment of this area should include continued protection of these historic Local Areas of Particular Concern/ Environmentally Sensitive Lands.

If you or your staff has any questions about our comments, please call me at 954-357-8120.

ATTACHMENT 6

BROWARDNEXT-BROWARD COUNTY LAND USE PLAN HIGHLIGHTED REGIONAL ISSUES, POLICIES, IMPLEMENTATION REQUIREMENTS AND PROCEDURES, AND RECOMMENDED PRACTICES IDENTIFIED IN THE CONSIDERATION OF PCNRM 24-1

BCLUP SECTION 1: HIGHLIGHTED REGIONAL ISSUES

CLIMATE CHANGE RESILIENCE VISION

Strategy CCR-2: Increase the resilience of our community to the effects of climate change.

Implementation strategies include: In coordination with municipalities, adopting land use regulations to limit development and redevelopment in areas particularly vulnerable to flooding due to sea level rise, stormwater inundation, and other impacts of climate change.

WORLD-CLASS NATURAL RESOURCE PROTECTION & ENHANCEMENT VISION

Strategy EP-3: Preserve and protect Broward County's natural environment through County and local environmental regulatory programs and well-planned patterns of growth and development.

Implementation strategies include: Acquire, protect, preserve and enhance Local Areas of Particular Concern.

BCLUP SECTION 2: POLICIES

CLIMATE RESILIENCY, ADAPTATION ACTION AREAS AND PRIORITY PLANNING AREAS

POLICY 2.21.1 Broward County shall evaluate plan amendments within Priority Planning Areas for Sea Level Rise and strongly discourage those amendments which would place additional residential and non-residential development at risk of flooding from sea level rise. In review of such amendments, the County shall consider: a. Sea level rise/flood protection mitigation strategies and requirements included within local comprehensive plans and/or development regulations; or b. Flood protection improvements committed to by amendment applicants, which would mitigate or enhance flood protection and adaptation from rising sea levels.

POLICY 2.21.5 Broward County shall, prior to approving land use plan amendments in the areas prone to flooding and/or the impacts of sea level rise, as identified on the Flood Plains, Flood Prone Areas, and Coastal High Hazard Areas Map and the Priority Planning Areas for Sea Level Rise Map, respectively, determine that the subsequent development will be served by adequate storm water management and drainage facilities, not adversely affect groundwater quality or environmentally sensitive lands and not increase saltwater intrusion or area-wide flooding.

POLICY 2.21.6 Broward County shall support the goals and will, to the maximum extent feasible, implement, in coordination with affected stakeholders, the recommended actions of the Broward County Climate Change Action Plan and the Southeast Florida Regional Climate Action Plan as approved by the Broward County Climate Change Task Force and the Broward County Board of County Commissioners.

WETLANDS

POLICY 2.22.2 Broward County and its local governments shall consider the impacts of land use plan amendments on wetland resources and minimize those impacts to the maximum extent practicable.

ENVIRONMENTALLY SENSITIVE LANDS

POLICY 2.23.1 Natural resources that have been found to comply with the definition of Local Areas of Particular Concern have been identified on a Map of Local Areas of Particular Concern within the Future Broward County Land Use Map Series.

POLICY 2.23.2 Local Areas of Particular Concern are declared to be environmentally sensitive lands and upon adoption of this plan shall be subject to the provisions of the Broward County Land Development Code regarding environmentally sensitive lands.

POLICY 2.23.3 Broward County shall implement strategies for the protection of Local Areas of Particular Concern and other environmentally sensitive lands such as: acquisition by public or private organizations; establishment of a County trust fund for acquisition; adoption of innovative land development regulations; conservation easements; transfer of development rights; deed restrictions; and restrictive covenants.

POLICY 2.23.4 By 2019, Broward County shall work with Broward's municipalities and interested stakeholders to study and recommend incentives to preserve designated environmentally sensitive lands that are privately controlled.

BCLUP SECTION 2: IMPLEMENTATION REQUIREMENTS AND PROCEDURES

7. CRITERIA AND PROCEDURES FOR ENVIRONMENTALLY SENSITIVE LANDS AND LOCAL AREAS OF PARTICULAR CONCERN

g. Local Areas of Particular Concern

Local Areas of Particular Concern (LAPCs) may be designated in six categories according to the types of resources present. Unless otherwise indicated, LAPCs must have one or more of the characteristics for the respective category.

1. Marine Resource Category
Coastal areas of unique, scarce, fragile, or vulnerable natural habitat, physical features and scenic importance, or; coastal areas of high natural productivity or essential habitat for fish, wildlife, and the various trophic levels in the food web critical to their well-being, or; coastal areas of substantial recreational value and/or potential, or; areas needed to protect, maintain, or replenish coastal flood plains, coral and other reefs, beaches, offshore sand deposits and mangrove stands.
2. Natural Landforms and Features Category
A geological, hydrological, or physiographical feature confined to a small area of Broward County and considered quite rare locally or regionally, or; a representative natural ecosystem and/or its units existing in a few isolated locations, but extirpated from most of the county.
3. Native Vegetative Communities Category
 - (a) A Local Area of Particular Concern (Native Vegetative Communities Category) is an area which shows a predominance of native vegetation associated with one or more of the following ecological communities: Beach and Dune Community; Coastal Strand Forest Community; Mangrove Community (Saltwater Swamp); Scrub Community; Pine Flatwoods Community; High Hammock Community; Low Hammock Community; Cypress Wetland Community (Freshwater Swamp); Everglades Community (Freshwater Marsh).
 - (b) In addition, a Local Area of Particular Concern (Native Vegetative Communities Category) must satisfy at least three of the following criteria:
 - i. Uniqueness - The site contains a significant sample of rare or endangered species, or, the site is among a small number of sites in Broward County representing a particular ecological community.
 - ii. Diversity - A significant sample of two or more ecological communities are contained within the site.
 - iii. Low Level of Exotic Invasion - The degree and nature of exotic invasion on the site is such that it can be easily managed or mitigated.
 - iv. Potential for Protection -Ownership patterns, development status and other factors make the resources of a site likely to be successfully protected.
 - v. Geography - The site has proximity to other resources which would heighten its value as a LAPC (e.g., other ESLs, public parks, waterfront).

4. Wildlife Category

Existing wildlife refuges, reserves, and sanctuaries, or; known habitats of rare, threatened, or endangered species or species of special concern, or; major wildlife intensive use areas such as well-developed hammock communities, highly productive coastal tidelands, and mangroves, or; areas used for scientific study and research on wildlife.

5. Economic Resource Category

Existing ports, marinas, piers, energy resources, and artificial reefs, or; areas noted for specific study and research concerning economic development.

6. Cultural Resource Category

Sites designated on the National Register of Historic Places or on the Florida Master Site File, or; sites related to the general development of the local area, region, or State, or; buildings which are significant examples of the architectural design of their period, or; sites associated with the life/lives of important person(s), or social, political, cultural, or economic movements or with historical events, or; archaeological sites which have yielded useful information on the area's past.

BCLUP SECTION 3: RECOMMENDED PRACTICES

ENVIRONMENTAL

POLICY 3.3.6 Promote the acquisition, retention and management of unique natural areas in order to preserve their environmental, recreational and other public benefits.

POLICY 3.3.9 Discourage activities in the vicinity of Local Areas of Particular Concern which would have a detrimental impact upon such areas.

POLICY 3.3.10 Encourage local governments to protect natural resources through the implementation of land development regulations and procedures that promote the acquisition, retention and management of such areas.



Barbara A. Hall
Tel (954) 768-8236
Fax (954) 765-1477
HallB@gtlaw.com

July 25, 2025

Barbara Blake Boy
Broward County Planning Council
Broward County Governmental Center
115 South Andrews Avenue
Fort Lauderdale, Florida 33301



RE: ESL Map Amendment PCNRM 24-1 – Removal of Site #83

Dear Ms. Blake Boy:

This letter provides additional information as to why the application for ESL Map Amendment PCNRM 24-1 should be approved to remove the LAPC designation for Site #83.

1. The Site was issued an Environmental Resource Permit.

An Environmental Resource Permit has been issued by Broward County EPD on behalf of the Department of Environmental Protection and the South Florida Water Management District allowing development of the Site, subject to providing 3.89 offsite mitigation credits in the Pembroke Pines Mitigation Bank and the restoration of a 1.68-acre adjacent site. The mitigation credits were purchased and paid for in an amount of more than one million dollars. The permit was issued October 14, 2024. A copy of the permit is attached as *Exhibit 1*. The issuance of the permit requires EPD to confirm that the permitted plan results in no net loss of wetland function. As described in the Broward County Code of Ordinances in issuing a permit EPD must determine that wetland losses are replaced by compensatory mitigation such that ecological functional values provided by the subject wetland area are not lost as a result of the project.

Although Site #83 is dominated by exotic vegetation and the wetland functions are significantly diminished, because of the Site's LAPC status, the applicant agreed with EPD to mitigate for site impacts at a wetland benefit index number that would be applicable to a site of superior quality to the subject site. Therefore, the conditions of the permit have more than addressed the impact of allowing development of the Site.

2. The City of Fort Lauderdale has adopted a Resolution supporting the removal of the LAPC.

The City Commission of the City of Fort Lauderdale has adopted a Resolution supporting the removal of the LAPC, which became effective upon the execution of an agreement with the City. The agreement provides that if removal of the LAPC designation is approved, the developer is required to: incorporate 86,000 square feet (at maturity) of native tree canopy into the development of the Site; complete the restoration of the 1.68 acre Restoration Site before issuance of a CO for the new residential development; and pay for the construction of a 1,200 foot long Greenway path in the Greenway area along the south side of the C-14 canal. If the City decides not to construct the Greenway path, the City will use the funds to install additional tree canopy in the City.

If the removal of the LAPC designation is not approved, the Agreement terminates. A copy of the Resolution and executed agreement are attached as *Exhibit 2*.

3. Site #83 no longer meets the criteria for designation as and LAPC.

The attached Response Document, which responds to comments from three divisions of the Resilient Environment Department – the Environmental Permitting Division (“EPD”), the Urban Planning Division, and Parks and Recreation, explains that the Site no longer meets the criteria in the Broward County Land Use Plan for LAPC designation because the site lacks the hydrology to support a cypress wetland forest; and, because of that condition, exotic vegetation will continue to dominate the site continually degrading the site. The Response Document is attached as *Exhibit 3*.

4. In a time when land available for needed housing is scarce, Site #83 is not today a contributing site to the public good.

The LAPC Site sits today as a completely non-contributing site in every regard. It is in the middle of an office park which contains two office buildings and a hotel. It is not a viable cypress wetland and will only further degrade due to the ever-expanding exotic vegetation and inadequate hydrology. It is not walkable and does not provide a parklike setting for the office park, it is not a wildlife habitat, and it does not contribute to the economics of the area or contribute to the tax base. The LAPC Site is assessed for tax purposes, today, at only \$27,050.00.



If allowed to develop as part of the City of Fort Lauderdale Uptown Urban District as an attractive residential community, it will become contributing – contributing 63 affordable units, providing housing which is walkable to the nearby office park, and contributing to the tax base of the County, City and School Board.

If allowed to be developed, it will also be contributing in that, in accordance with the ERP permit, the Applicant will be restoring a 1.68-acre wetland area within the office park ("Restoration Site"), which enjoys a superior hydrology to the LAPC Site and will be able to be protected with a vegetated berm, allowing the Restoration Site a greater ability to function as a habitat for wildlife. The Restoration Site will be made subject to a conservation easement which will require the Restoration Site to be maintained as a forested wetland in perpetuity.

Summary

The removal of the LAPC designation for Site #83 and its removal from the ESL Map, is consistent with the land use plan for the reason that the Site no longer meets the land use plan criteria for designation as an LAPC because it is dominated by exotics and not sustainable as a Cypress Wetland Forest. The County has issued an Environmental Resource Permit for development of the Site, which required the preservation and restoration of an adjacent 1.68-acre site at a cost of half a million dollars and offsite mitigation in the Pembroke Pines Mitigation Bank for which more than a million dollars has been paid, assuring that no loss of wetland function will result from the development of the Site.

Barbara Blake Boy
Broward County Planning Council
Page 4
July 25, 2025

When developed in accordance with the criteria of the of the City's Uptown Urban Village Activity Center and the LAPC Agreement with the City, the development of the Site will bring 86,000 square feet of native canopy at maturity, three lakes with pedestrian paths surrounding the lakes, housing with 63 affordable units within walking distance of the office uses within the same office park; and all within a part of the County that lacks sufficient housing. The Site's development will also result in a valuable tax base for a site now assessed at only \$27,050.00.

We appreciate the opportunity to present this additional information for the Planning Council's consideration of this application to remove Site #83 as an LAPC on the Environmentally Sensitive Lands Map.

Respectfully submitted,



Barbara Hall

Barbara Blake Boy
Broward County Planning Council
Page 5
July 25, 2025

Exhibit 1

Environmental Resource Permit



Resilient Environment Department
ENVIRONMENTAL PERMITTING DIVISION
Water and Environmental Licensing Section
1 North University Drive, Mailbox 201, Plantation, Florida 33324
Phone * 954-519-1483 Fax * 954-519-1412

October 14, 2024

CPN West LLC & F Land LLC
Attention: Yoav Merary
6301 NW 5th Way, Suite 2600
Fort Lauderdale, FL 33309

RE: Manor at Cypress Creek
City of Fort Lauderdale, S/T/R (10-49-42)

This is to notify you of the Resilient Environment Department's (RED) action concerning your application received 04/05/2023. The application has been reviewed for compliance with the following requirements:

ERP Review - GRANTED

RED has the authority to review the project for compliance with the provisions of Chapter 373, Part IV, Florida Statutes pursuant to an agreement between RED, DEP and the SFWMD. The agreement is outlined in a document entitled "DELEGATION AGREEMENT AMONG THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, AND BROWARD COUNTY."

Based on the information submitted, Environmental Resource Permit No. 06-80215-P was issued on 10/14/2024.

Should you object to the conditions of the Environmental Resource Permit, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the attached "Notice of Rights", we will assume you concur with the action taken by RED.

Broward County Surface Water Management Review - PENDING

RED has reviewed the project for compliance with the Surface Water Management requirements of Chapter 27, Article V Sec. 27-191 through 27-202 of the Broward County Code.

Based on the information submitted, a Surface Water Management License is pending.

Broward County Environmental Resource License Review - PENDING

RED has reviewed the project and based on the information submitted, the Broward County Environmental Resource License (ERL) No. DF22-1357 is pending.

The above referenced approvals will remain in effect subject to the following:

1. Not receiving a filed request for a Chapter 120, Florida Statutes administrative hearing;
2. the attached SFWMD General Conditions;
3. the attached SFWMD Special Conditions;
4. the attached 18 exhibits.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on 10/14/2024, in accordance with Section 120.60 (3), Florida Statutes.

By: *Giovanni Conde* FOR
Johana Narvaez, M.S., Environmental Program Manager
Surface Water Management Program

GIOVANNI
CONDE

Digitally signed by
GIOVANNI CONDE
Date: 2024.10.14
15:09:20 -04'00'

Enclosed are the following:

- ✓ executed staff report;
- ✓ set(s) of stamped and approved plans;
- ✓ Notice of Rights

NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the Broward County Environmental Protection and Growth Management Department's (RED, formerly known as Department of Planning and Environmental Protection or DPEP) action under the "Delegation Agreement Among the Florida Department of Environmental Protection, The South Florida Water Management District and Broward County" has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on an RED decision which does or may determine their substantial interests shall file a petition for hearing with the RED Environmental Compliance Administrator, within 21 days of receipt of written notice of the decision, unless the following shorter time period applies: within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the RED has or intends to take final agency action, or publication of notice that the RED has or intends to take final agency action. Any person who receives written notice of an RED decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions

The Petition must be filed with the RED Enforcement Administration Section's Environmental Compliance Administrator. Filings with the Environmental Compliance Administrator may be made by mail, hand-delivery or facsimile. **Filings by facsimile will not be accepted after October 1, 2014.** A petition for administrative hearing is deemed filed upon receipt during normal business hours by the Environmental Compliance Administrator, at the Broward County government offices in Plantation, Florida. Any document received by the RED Enforcement Administration after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Environmental Compliance Administrator, Enforcement Administration Section, 1 N University Drive, Suite 307, Plantation, FL 33324.
- Filings by hand-delivery must be delivered to the RED Enforcement Administration Section. **Delivery of a petition to the Broward County security desk does not constitute filing. To ensure proper filing, it will be necessary to request the Broward County security officer to contact the Environmental Compliance Administrator's office.** An employee of the Environmental Compliance Administrator's office will receive and file the petition.
- Filings by e-mail must be transmitted to the RED Enforcement Administration Section at epdhotline@broward.org. The filing date for a document transmitted by electronic mail shall be the date the RED Enforcement Administration Section receives the complete document. A party who files a document by e-mail shall (1) represent that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause and that the party shall produce it upon the request of other parties; and (2) be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed.

Initiation of an Administrative Hearing

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the RED in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, RED file number or any other RED identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the RED 's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the RED 's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the RED 's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the RED to take with respect to the RED 's proposed action.

A person may file a request for an extension of time for filing a petition. The RED may, for good cause, grant the request. Requests for extension of time must be filed with the RED prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the RED and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the RED takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

Mediation

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. The RED is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final RED action may seek judicial review of the RED 's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the Environmental Compliance Administrator within 30 days of rendering of the final RED action.

SFWMD General Conditions

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050 (9)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), 'Construction Commencement Notice,' indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010 (5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex - 'Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit' [Form 62-330.310(3)]; or
 - b. For all other activities - 'As-Built Certification and Request for Conversion to Operational Phase' [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as-built certification, the permittee shall submit 'Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity' [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

SFWMD Special Conditions

1. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
2. Measures shall be taken during construction to insure that sedimentation and/or turbidity problems are not created in the receiving water.
3. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
4. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
5. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
6. Operation of the surface water management system shall be the responsibility of permittee.
7. This permit expires on 10/14/2029.
8. If prehistoric or historic artifacts such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The Permittee or other designee should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at 850-245-6333 or 800-847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, Florida Statutes.
9. The permittee and all designated contractors shall adhere to all project and mitigation construction details and methodology indicated on the enclosed permit Exhibits and described herein.
10. A maintenance and monitoring program shall be implemented in accordance with the attached restoration plan for the preserved wetland area on a regular basis to ensure the integrity and viability of those areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the preserved areas are maintained free from Category 1 and 2 exotic vegetation (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) immediately following a maintenance activity. Coverage of exotic and nuisance plant species shall not exceed 5% of total cover between maintenance activities. In addition, the permittee shall manage the preserved areas such that exotic/nuisance plant species do not dominate any one section of those areas.
11. The preserved wetland area shown in the exhibits may in no way be altered from its natural or permitted state. Activities prohibited within the conservation areas include, but are not limited to:
 - (a) construction or placing of buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground;
 - (b) dumping or placing soil or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials;
 - (c) removal or destruction of trees, shrubs, or other vegetation - with the exception of exotic and nuisance vegetation removal;
 - (d) excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substances in such manner as to affect the surface;
 - (e) surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
 - (f) activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation, including but not limited to ditching, diking or fencing;
 - (g) acts or uses detrimental to such retention of land or water areas; and
 - (h) acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.
12. Prior to commencement of construction and in accordance with the work schedule herein, the permittee shall submit an electronic or hard copy version of the documentation that the executed conservation easement for the mitigation area and associated buffer has been accepted by Broward County for recording.

LOCATION MAP



EXHIBIT - 1



STAFF REPORT

Project Name: Manor at Cypress Creek
Permit Number: 06-80215-P
Application Number 230405-60 **Concurrent Application:** L2023-090; DF22-1357
Application Type: New Environmental Resource
Location Broward County **Section-Township-Range** 10-49-42
Permittee's Name: CPN West LLC & F Land LLC

Project Area: 22.10 acres **Drainage Area:** 22.10 acres
Project Land Use: Mixed-use
Drainage Basin: Coastal
Receiving Body: C-10 Canal

Purpose

The construction and operation of a surface water management system to serve the redevelopment of an 8.15-acre parcel within a 22.1 acres master development known as Reflections.

Project Evaluation

Project Site Description:

The site is presently developed containing 7.89 acres of paved area and 3.6 acres of building area and a surface water management system that provides water quality treatment of storm runoff. The site is located South of McNab Road in between N. Andrews Avenue and I-95 (Cypress Creek Road Ramp) in the City of Fort Lauderdale.

Proposed Project Design:

The proposed construction will include 1.39 acres of new building area (for a total building area of 4.99 acres), 1.2 acres of paved/concrete area (for a total paved/concrete area of 6.28 acres) and the proposed drainage system. A system of swales, inlets and culverts will direct the storm runoff to 1.21 acres of lake area; 1.55 acres of existing to remain wetland area; 1.10 acres of underground vault (providing 4.4 ac-ft) for water quality treatment and storm runoff attenuation prior to discharging off-site. The discharge will be directed through a control structure consisting of a 1.125' W X 0.25' H rectangular bleeder with an invert at elevation 3' NAVD and a weir with crest elevation at 5.59' NAVD.

Full water quality for 22.1 acres is provided prior to connecting to the existing 1.55-acre wetland.

Environmental Summary:

Wetlands and OSWs

This project involves the construction of an 8.15-acre residential development and associated surface water management system containing wetland preserve / restoration area from a Broward County license (DF84-1049). Currently, the site contains 2.65 acres of uplands, 5.5 acres of jurisdictional wetlands, and no existing surface waters. The wetlands can generally be described as cypress swamp. The project will result in the removal/filling of 5.5-acres of wetlands on site, with none remaining in the project area, and the creation of two lakes totaling 1.21-acres (0.52 acre and 0.69 acre), each with three headwalls along the perimeter.

Wetland Impacts

The project will result in 5.5 acres of direct wetland impacts as described in the Environmental Data Table. The location of the wetlands that will be impacted can be found in the exhibits.

Elimination and reduction of Impacts

The applicant has addressed the elimination and reduction criteria in Section 10.2.1 of Volume I by modifying the initially proposed plan and enhancing / preserving 1.6835 acres of wetlands off site at Folio 494210360050.

Mitigation Plan

To mitigate for the wetland impacts, the applicant will purchase freshwater forested mitigation bank credits from the Florida Wetlandsbank (Pembroke Pines Mitigation Bank). The amount of mitigation was determined using the Wetland Benefit Index. The amount of mitigation required by the Department is 3.89 freshwater forested mitigation bank credits. The final scores, approved by Department staff, can be found in the Exhibits.

Cumulative Impact Assessment

The proposed mitigation is located within the same basin as the impacts; therefore, pursuant to Section 10.2.8, ERP AH Vol. I, the project will not result in unacceptable cumulative impacts to the New River Drainage Basin.

Monitoring/Maintenance

The preserved area will be monitored by the permittee for five years. The Restoration Plan (in the exhibits) describes the monitoring methodology and maintenance activities. Monitoring will include vegetative cover, hydrologic conditions, wildlife usage and recommendations for maintenance work. Maintenance criteria are found in the special conditions. Annual reports shall be submitted to the Department in accordance with the work schedule. Maintenance will then be conducted in perpetuity by the permittee.

Legal Issues

The offsite enhancement / preservation area will be encumbered by a conservation easement dedicated to the South Florida Water Management District.

Fish, Wildlife, and Listed Species

The wetlands or surface waters to be impacted provide habitat for wetland-dependent species. The proposed mitigation will provide or improve habitat for wetland-dependent/ aquatic species. No aquatic or wetland-dependent listed species or species having special protection were observed to be using the uplands within the project for nesting or denning.

This permit does not relieve the applicant from complying with all applicable rules and any other agencies' requirements if, in the future, endangered/threatened species or species of special concern are discovered on the site.

Environmental Evaluation Table:

Summary

Wetlands and Other Surface Waters:	5.5 acres	Mitigation Bank Type	Total Credits
Direct Impacts:	5.5 acres	Florida Wetlandsbank	FF 3.89
Secondary Impacts:	0.0 acres	Total:	3.89
Net UMAM Functional Loss / Gain	0 units		
Total Onsite Mitigation Area:	0.0 acres		
Total Offsite Mitigation Area:	1.685 acres		

EXHIBIT - 2B

Special Concerns

Operating Entity CPN West LLC & F Land LLC
Attention: Yoav Merary
6301 NW 5th Way, Suite 2600
Fort Lauderdale, FL 33309

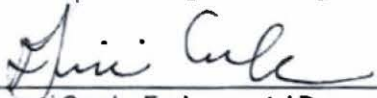
Waste Water System/Supplier: G.T. Lohmeyer

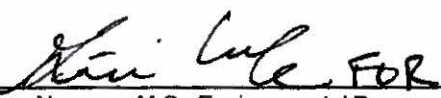
STAFF RECOMMENDATION:

South Florida Water Management District rules have been adhered to and an Individual Permit should be granted.

06-80215-P; STAFF REVIEW:

Surface Water Management Program:

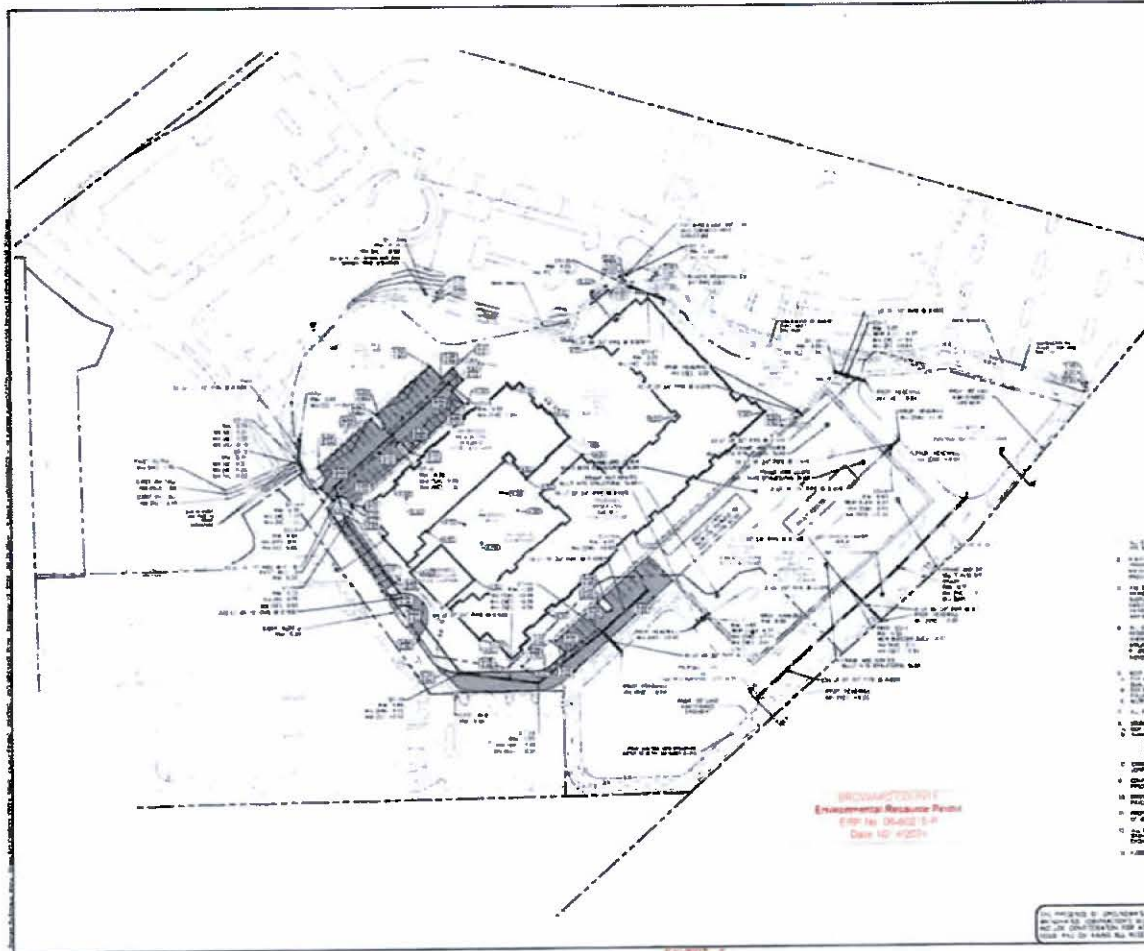

Giovanni Conde, Environmental Program Supervisor

 FOR
Johana Narvaez, M.S., Environmental Program Manager

Aquatic and Wetland Resources Program:


Michelle Decker, Environmental Project Coordinator

 for
Linda Sunderland, Environmental Program Supervisor

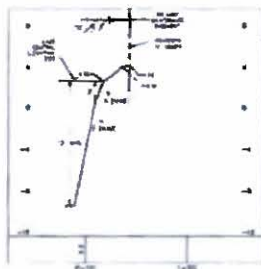


- LEGEND**
- 1" = 20' (Horizontal Scale)
 - 1" = 4' (Vertical Scale)
 - Proposed Paving
 - Proposed Grading
 - Proposed Drainage
 - Proposed Stormwater Management
 - Proposed Retention Wall
 - Proposed Erosion Control
 - Proposed Access Road
 - Proposed Utility
 - Proposed Structure
 - Proposed Landscaping
 - Proposed Fencing
 - Proposed Signage
 - Proposed Lighting
 - Proposed Security
 - Proposed Safety
 - Proposed Health
 - Proposed Environment
 - Proposed Community
 - Proposed Culture
 - Proposed Recreation
 - Proposed Transportation
 - Proposed Communication
 - Proposed Information
 - Proposed Knowledge
 - Proposed Skills
 - Proposed Attitudes
 - Proposed Values
 - Proposed Beliefs
 - Proposed Opinions
 - Proposed Preferences
 - Proposed Choices
 - Proposed Actions
 - Proposed Reactions
 - Proposed Responses
 - Proposed Outcomes
 - Proposed Impacts
 - Proposed Consequences
 - Proposed Effects
 - Proposed Results
 - Proposed Achievements
 - Proposed Successes
 - Proposed Failures
 - Proposed Challenges
 - Proposed Opportunities
 - Proposed Threats
 - Proposed Risks
 - Proposed Uncertainties
 - Proposed Unknowns
 - Proposed Questions
 - Proposed Answers
 - Proposed Solutions
 - Proposed Strategies
 - Proposed Policies
 - Proposed Procedures
 - Proposed Practices
 - Proposed Standards
 - Proposed Guidelines
 - Proposed Recommendations
 - Proposed Conclusions
 - Proposed Summaries
 - Proposed Reviews
 - Proposed Evaluations
 - Proposed Assessments
 - Proposed Analyses
 - Proposed Studies
 - Proposed Investigations
 - Proposed Research
 - Proposed Development
 - Proposed Innovation
 - Proposed Creativity
 - Proposed Imagination
 - Proposed Inspiration
 - Proposed Motivation
 - Proposed Commitment
 - Proposed Dedication
 - Proposed Passion
 - Proposed Enthusiasm
 - Proposed Energy
 - Proposed Vigor
 - Proposed Spirit
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 - Proposed Heart
 - Proposed Mind
 - Proposed Body
 - Proposed Soul
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 - Proposed Energy
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 - Proposed Spirit
 - Proposed Soul
 - Proposed Heart
 - Proposed Mind
 - Proposed Body

- NOTES**
1. ALL DIMENSIONS ARE IN FEET AND INCHES. 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BRIDGES/STRUCTURES
Environmental Resource Permit
ERP No. 06-4023-A
Date 10/1/2004

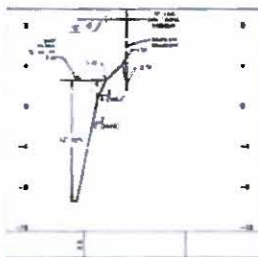
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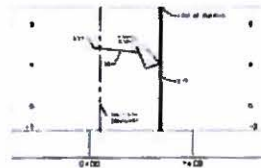
SECTION A



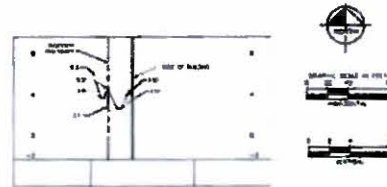
SECTION C



SECTION E



SECTION B



SECTION D

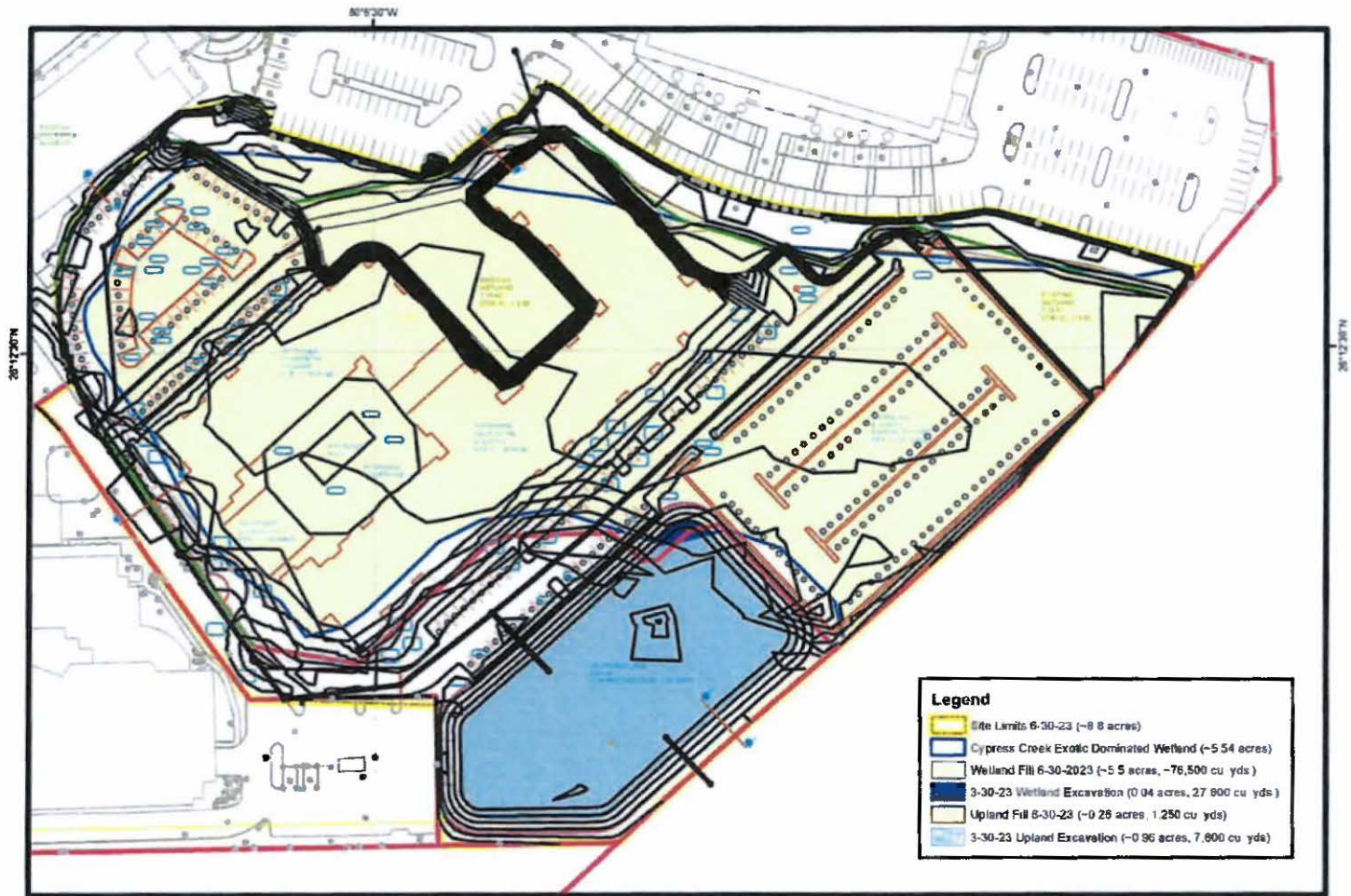
SHOWARD COUNTY
Environmental Resource Permit
ERP No. 06-00215-P
Date 10/14/2004

NO PROPOSED OR SPECULATIVE DEVELOPMENT
BEFORE HOLDING
STEDE LINE
DRL 811
811
C-401

CYPRESS CREEK RD PREPARED FOR THE RELATED GROUP OF FLORIDA	
TYPICAL SECTIONS	
Kimley Horn	
PROJECT NO. 06-00215-P SHEET NO. 1 OF 1 DATE 10/14/2004 PREPARED BY: J. H. HORN CHECKED BY: J. H. HORN APPROVED BY: J. H. HORN	



Document Name: Natural System Map-Revised Site Plan



06/05/2019
Revision
Date: 9/25/2023

J. J. Goldasich and Associates, Incorporated

Ecological Services
Natural System Analysis
DESIGN/PERMIT-BUILD-MAINTAIN



(561) 883-9555
jjg@jgoldasich.com
Seagrass to Sawgrass

Related - Cypress Creek Parcel
Amendment Area LAPC
Aerial Photograph with Project Limits
Ft. Lauderdale, Broward County, Florida

**Revised
Site Plan
Wetland
Impacts**

#1	BC RAI #1
#2	BC RAI #2
#3	Revised Plan
#4	Revised Plan 4

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EXHIBIT - 6

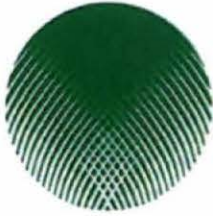
www.GoldasichEnvironmental.com

Wetland Benefit Index (WBI) Worksheet

Project Number 22-1576, Cypress Creek-Related (Manor at Cypress Creek)

	Possible Points	Score	Notes
1. FISH AND WILDLIFE VALUES/ DIVERSITY (Select as many as apply)			
Fish or shellfish	1	1	
Waterfowl or Wading Birds	1		
Furbearer	1	1	
Amphibians, Aquatic Macroinvertebrates & Aquatic reptiles	1	1	
Endangered and Threatened Fauna	2		
<i>Apply to Freshwater, Saltwater, Brackish and Mitigation Systems</i>			
2. HYDROPHYTE DOMINANCE			
≥ 80%	3	3	
≥ 65% < 80%	2		
≥ 51% < 65%	1		
<i>Apply to Freshwater, Saltwater, Brackish and Mitigation Systems</i>			
3. INTACTNESS OF WETLAND COMMUNITY (Select one category)			
Unaltered	5		
Altered Hydrology			
a) Slight	4		
b) Moderate	3		
c) Extreme	2		
<i>Apply to Freshwater, Saltwater, Brackish and Mitigation Systems</i>			
Alternate to (3) for Mitigation: Voluntarily created systems only			
INTACTNESS OF MITIGATION SYSTEM (Select one category)			
Mitigation area complies with mitigation proposal and drawings for required hydrophytic vegetative association and hydrology	5		
Mitigation complies with the proposal and drawings for an alternate hydrophytic vegetative association and required hydrology	4		
Mitigation complies with the proposal and drawings for an alternate hydrophytic vegetative association and an alternate yet wetland hydro	3	3	
Mitigation area complies with wetlands hydrology but hydrophytic vegetative association is lacking or overgrown with nuisance species	2		
Mitigation area lacks hydrology and vegetative association	0		
4. CONNECTEDNESS, SURFACE, WATER HYDROLOGY (Select one category)			
Major Connection (Flowing Water or Floodplain)	5		
Minor Connection (Runoff Collection Point, etc.)	3	3	
Isolated from Surface Water System	2		
<i>Apply to Freshwater, Saltwater, Brackish and Mitigation Systems</i>			
5. CONNECTEDNESS, LOCATION IN LANDSCAPE (Select one category)			
Located within or directly contiguous to a significant natural area over greater than 25% of the parcel boundary	5	5	
Located directly adjacent to a significant natural area by less than 25% of the parcel boundary	3		
Located within 3,000 feet of a significant natural area and separated by suitable natural lands, or forming a direct corridor with or between other significant natural lands	2		
Located more than 3,000 ft. from a significant natural area & separated by unsuitable lands, or developed areas only	1		
<i>Apply to Freshwater, Saltwater, Brackish and Mitigation Systems</i>			
6. HYDROPERIOD			
≥ 5 months Inundated or Saturated	3	3	
≥ 3 months < 5 months	2		
< 3 months	1		
<i>Apply to Freshwater Systems</i>			
Alternate to (6) for Saltwater, Brackish (Tidal) Systems only.			
HYDROPERIOD			
Inundated by >=90% high tides	3		
Inundated by "spring tides" only	2		
Saturated by normal tidal action	1		
7. SOILS			
Organic soil classified hydric soil, or required replacement soil in mitigation areas >= 12 inches or any thickness over bedrock/caprock	5		
Organic soil classified hydric soil, or required replacement soil in mitigation areas >= 6< 12 inches	4	4	
Soil classified hydric soil, or required replacement soil in mitigation areas >= 1<6 inches	3		
Organic soil classified hydric soil, or required replacement soil in mitigation areas <= 1 inch	2		
<i>Apply to Freshwater, Saltwater, Brackish and Mitigation Systems</i>			
8. NATIVE, NON - EXOTIC OR MITIGATION PLANT COVER (CURRENT)			
≥ 95%	4		
≥ 75% < 95%	3		
≥ 25% < 75%	2	2	
≥ 10% < 25%	1		
< 10%	0		
<i>Apply to Freshwater, Saltwater, Brackish and Mitigation Systems</i>			
9. HABITAT DIVERSITY			
≥ 3 communities embedded in site	5		
2 or 3 communities	3		
One community, mosaic	2	2	
One community, monoculture	1		
<i>Apply to Freshwater, Saltwater, Brackish and Mitigation Systems</i>			
10. HABITAT DIVERSITY WITHIN 1,000 FEET			
≥ 3 alternative habitats available	3	3	
2 or 3 alternative habitats	2		
One alternative habitat	1		
<i>Apply to Freshwater, Saltwater, Brackish and Mitigation Systems</i>			
TOTAL PTS.		31	
WBI		0.70	(Total Pts/44)
Size	PPWMB Credits	Total Cost	
Acres 5.55	3.89	\$1,108,650.00	

EXHIBIT - 7



The Wetlandsbank™ Company LLC

151 North Nob Hill Road
Suite 458
Plantation FL 33324
Tel 954.642.2427
Fax 866.433.4057

July 6, 2023

Michelle Decker, M.S.

Environmental Project Coordinator
Resilient Environment Department
Environmental Permitting division
Natural Resources Program

1 North University Drive, Mailbox 201,
Plantation, FL 33324-2038

Re: Manor at Cypress Creek
Surface Water Management License Application No. L2023-060
Environmental Resource License Application No. DF22-1357
SFWMD Application No. 230405-60

Dear Ms. Decker,

The letter is to confirm that the above referenced project has a fully executed contract and the purchaser has made final payment for the 3.89 forested credits to be transferred from the Florida Wetlandsbank at Pembroke Pines.

Please let me know if you have any questions or need additional information.

Robert B. Miller
President

EXHIBIT - 8



EXHIBIT - 9

**SKETCH AND DESCRIPTION
PORTION OF PARCEL 'A'**

REFLECTIONS

(P.B. 119, PG. 45, B.C.R.)

CITY OF FORT LAUDERDALE

LAND DESCRIPTION:

A portion of Parcel 'A', REFLECTIONS, according to the Plat thereof, as recorded in Plat Book 119, Page 46, of the Public Records of Broward County Florida, being described as follows:

Beginning at the northwest corner of said Parcel 'A'; thence N89°16'41"E, 29.42 feet; thence S01°41'30"E, 384.47 feet (the previous two calls being along the west line of said Parcel 'A'); thence N88°17'40"E, 235.76 feet; thence N49°57'21"E, 5.15 feet; thence N63°05'46"E, 12.75 feet; thence N50°50'54"E, 18.22 feet; thence N03°09'58"E, 14.63 feet; thence N27°04'16"W, 31.60 feet; thence N55°09'16"E, 36.21 feet; thence N31°19'34"W, 93.81 feet; thence N35°18'06"W, 47.76 feet; thence N44°55'52"W, 74.60 feet; thence N03°05'36"W, 5.52 feet; thence N59°17'26"W, 38.03 feet; thence N55°31'58"W, 22.35 feet; thence N46°51'46"W, 67.24 feet; thence N49°44'28"W, 89.23 feet to the north line of said Parcel 'A' also being a point on the arc of a curve (radial bearing to said point bears N39°18'54"W), concave to the southwest, having a radius of 2237.01 feet and a central angle of 00°48'41"; thence southwesterly along the north line of said Parcel 'A' an arc distance of 31.68 feet to the **Point Of Beginning**.

Said lands lying in The City of Fort Lauderdale, Broward County, Florida and containing 73,335 square feet (1.6835 acres) more or less.

SURVEYOR'S REPORT:

1. Reproductions of this Sketch are not valid without the signature and the original seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to this survey map or report by other than the signing party is prohibited without written consent of the signing party.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Distances and angles shown hereon are in accord with the plat of record and agree with the survey measurements, unless otherwise noted. Bearings are assumed based on the west line of Parcel 'A' having a bearing of S01°41'30"E.
5. Data shown hereon was compiled from instrument(s) of record and does not constitute a Boundary Survey.
6. Abbreviation Legend: B.C.R. = Broward County Records; Δ = Central Angle; F.B. = Field Book; L = Arc Length; L.B. = Licensed Business; P.B. = Plat Book; PG. = Page; P.L.S. = Professional Land Surveyor; P.O.B. = Point Of Beginning; R = Radius.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17, Florida Administrative Code, pursuant to Chapter 472, Florida Statutes.

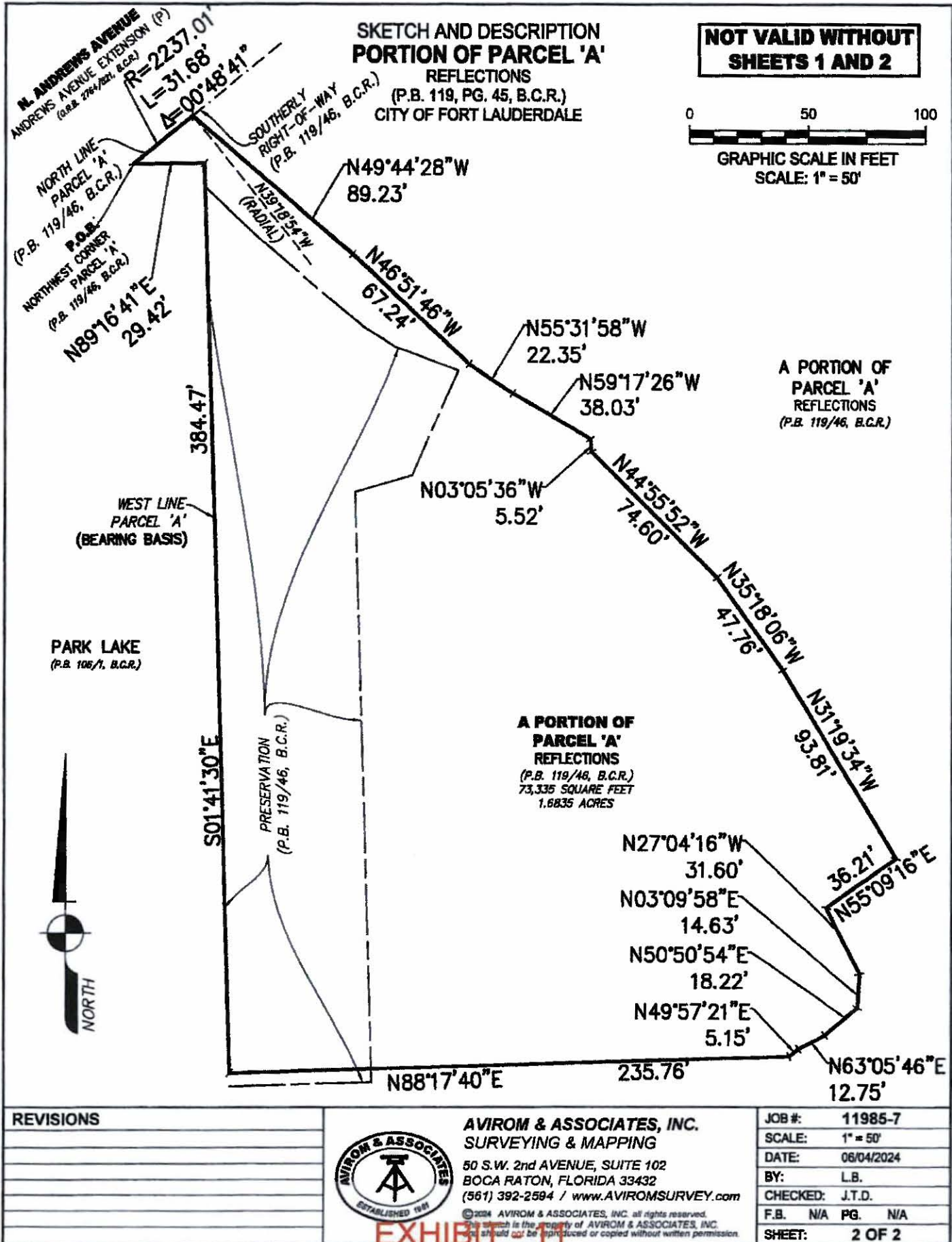
Date: 6/4/2024

**NOT VALID WITHOUT
SHEETS 1 AND 2**


JOHN T. DOOGAN, P.L.S.
Florida Registration No. 4409
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS		AVIROM & ASSOCIATES, INC. SURVEYING & MAPPING 50 S.W. 2nd AVENUE, SUITE 102 BOCA RATON, FLORIDA 33432 (561) 392-2594 / www.AVIROMSURVEY.com ©2024 AVIROM & ASSOCIATES, INC. all rights reserved. This sketch is the property of AVIROM & ASSOCIATES, INC. It shall not be reproduced or copied without written permission.	JOB #: 11985-7
			SCALE: 1" = 50'
			DATE: 06/04/2024
			BY: L.B.
			CHECKED: J.T.D.
			F.B. N/A PG. N/A
	SHEET: 1 OF 2		

EXHIBIT - 10



050 Parcel Restoration Plan

☐ Objectives 332.4(c)(2)

The 050 Parcel wetland area has been subjected to regional and nearfield drainage, as well as onsite artificial hydrological manipulation by adjacent commercial development. This has resulted in a loss of sustained wetland hydrology and encroachment by invasive exotic plants and other undesirable vegetation. The objective of the onsite restoration plan is to restore and preserve this site as a sustainable wetland area in perpetuity. As such, the project will include the removal the dilapidated boardwalk, exotic vegetation, where the exotic vegetation is most dense and native tree impacts can be avoided or minimized root ball removal will result in some changes to existing grade and this will improve hydrology in those areas. Once the exotic vegetation is removed the areas will be replanted with native Cypress Forest community vegetation. All debris and spoil within the tree roots will be removed from the restored and enhanced wetland area and disposed of in an approved location. A Uniform Mitigation Assessment Method (UMAM) value of 0.40 is the current condition of the site. A score of 0.77 UMAM is targeted for the restoration area by the end of year 4 following restoration.

☐ Site Selection 332.4(c)(3)

The onsite restoration area work will be within the limits of the existing forested area and include exotic vegetation and tree removal. This site was selected because it is located near the proposed development site and like the development site contains areas of remnant cypress forest community negatively impacted by invasive exotic vegetation. This site also benefits from close proximity to the nearby surface water areas and being juxtaposed to an existing similar natural area, under unrelated and separate ownership.

The intent of this Restoration Plan is to restore the 1.55 acre site to a high quality cypress forest wetland community. Treated storm water from the proposed development and adjacent lands will be directed to the restored and enhanced wetland where feasible. The restoration and enhancement area contains SFWMD and Broward County jurisdictional wetlands and will also meet the State of Florida wetland jurisdictional criteria following restoration and enhancement.

☐ Site Protection Instrument 332.4(c)(4)

The restored area will be protected from unauthorized impacts by signage, and site access control. A Conservation Easement (CE) will be placed over the entire restored and enhanced wetland area, and will be recorded in the records of Broward County following permit issuance and removal of the LAPC designation on the development parcel. If acceptable to the agencies, the area will be dedicated to an appropriate governmental entity for perpetual protection following the initial 5 years of monitoring and maintenance.



☐ **Baseline Information 332.4(c)(5)**

The UMAM assessment is based on multiple site assessments, historic aerial photographs, adjacent site conditions and application of reasonable scientific judgment. The wetland quality and extent has continued to degrade over time and the current UMAM assessment score of 0.40 was generated as the current, base line condition. The lack of sufficient stormwater input has reduced the hydrology of the site, making it a suitable location for non-native invasive plants to thrive and out compete the few remaining native wetland trees of the area. Exotic vegetation in the central part of the wetland is a mix of Brazilian pepper, Bishop's wood, ferns, and young seedlings of Bishop's wood a small number of mature cypress remain within the proposed enhancement area. Cypress tree recruitment within the area is not evident. Wildlife utilization, wading bird use, nests, burrows, or dens are not present due to dense understory and sub-canopy of invasive vegetation and the lack of significant areas with ponded or flooded conditions.

☐ **Determination of Credits 332.4(c)(6)**

The proposed restoration project is designed to replace and enhance the natural conditions in the wetland and directly adjacent areas by removal of non-native and invasive vegetation, incorporating improvements to hydrology by both scraping and capillary action from adjacent waters, re-direction of site and adjacent area storm water to and through the wetland and perpetual maintenance and protection of the area by a CE. Wetland improvements have been evaluated by the Florida Uniform Wetland Mitigation Assessment Methodology (UMAM). The current condition of the wetland results in a UMAM score of 0.40. Following restoration and enhancement of the existing forested wetland area the UMAM score is projected to be 0.77. The wetland mitigation for the project has been compensated for by the purchase of wetland mitigation credits from the Pembroke Pines Wetland Mitigation Bank (PPWMB) so the credit generation is not to be applied to any wetland mitigation needs. Rather, the additional restoration of this 1.55 acre area provides enhanced regional ecological value in accordance with Section 10.2.1.2 of the ERP Applicant's Handbook; and will compensate for the unavoidable loss of the degraded LAPC within the limits of the development site.

☐ **Restoration Work Plan 332.4(c)(7)**

The proposed restoration actions will include the following work elements:

- | | |
|---|--------------------------------------|
| 1. Work Site Selection and Assessment | 5. Removal of Undesirable Vegetation |
| a. Classify habitat areas | 6. Conduct As-built Survey |
| 2. Field Delineation and Survey for final Baseline Report | 7. Install Native Wetland Vegetation |
| a. ID work areas | 8. Conduct Time Zero Assessment |
| 3. Identify Proposed Refugia Sites | 9. Time Zero UMAM Assessment |
| 4. Removal of Berm and Debris | 10. Maintenance and Monitoring |
| a. Wetland perimeter scraping | |



- a. Monthly (year 1-2), Quarterly (year 3-4) and Bi-annually (year 5) as needed
- b. May be adjusted according to Adaptive Management Plan Assessments

- 11. Yearly UMAM Assessment until success criteria are met or exceeded
- 12. Adaptive Management Assessment and Evaluation
 - a. Maintenance

☐ **Maintenance Plan 332.4(c)(8)**

Site maintenance will be conducted monthly for the first two years, quarterly for the subsequent two years and bi-annually during the fifth year. However, if site success criteria are met earlier, maintenance may be adjusted accordingly. If at any time the conditions defined in the "**Adaptive Management Plan**" are not met, additional maintenance will be employed until the conditions of the Plan are again met or exceeded.

MEASURABLE SUCCESS CRITERIA:

Specifically, the restoration area will meet the following criteria and achieve the stated performance standards by the end of the 4th year of the monitoring period. If the performance standards are not met, a remediation program described in the "Adaptive Management Plan" will be implemented.

- a) The area will maintain a **minimum of 80 percent cover by appropriate native wetland species**, including planted and naturally recruited plants, (i.e., FAC or wetter).
- b) The area will have **less than 5 percent cover by Category I and II invasive exotic plant species**, pursuant to the most current list established by the Florida Exotic Pest Plant Council at <http://www.fleppc.org>.
- c) The restoration and enhancement area will have **less than 20 percent mortality of the planted wetland species and be maintained with less than 20 percent mortality**. Natural recruitment of suitable native wetland vegetation will be encouraged and be included in the percent cover and survivorship as beneficial vegetation for the wetland assessments.
- d) The restoration and enhancement area will include hydrologic enhancement by exotic vegetation removal including root masses and improved stormwater inputs to improve site hydrology. As a result, the **upper 12 inches of the soil profile will be saturated a minimum of 5 percent of the growing season** and meet the wetland definition contained in chapter 62.340 F.A.C.

☐ **Performance Standards 332.4(c)(9)**

The performance standards are included in the maintenance plan (above) and in the "Adaptive Management Plan" attached to and made a part of this restoration plan and are specifically defined as:



1. Removal of a minimum of 95% of non-native and invasive exotic vegetation from 1.55 acres,
2. Enhancement of a minimum of 0.40 acres of existing jurisdictional wetlands by removal of exotic vegetation,
3. Replanting 1.55 acres with a mixture of native wetland trees, shrubs, and herbaceous plants according to the attached Planting Plan,
4. Survival of at least 80% of installed wetland vegetation,
5. Hydrological improvements resulting in soil saturation in the upper 12 inches for 5% of the growing season or greater,
6. A minimum of 80% overage by native wetland and mesic vegetation in the 1.55-acre restoration area,

☐ **Monitoring Requirements 332.4(c)(10)**

Monitoring will be conducted during each maintenance event as follows:

1. Year 1-2 = Monthly
2. Year 3-4 = Quarterly
3. Year 5 = Bi-annually

Monitoring reports will be provided based on the schedule (within 60 days of end of each cycle) until the five-year monitoring period is completed. Anytime that the conditions outlined in the **"Adaptive Management Plan"** are not met, a more aggressive monitoring and maintenance effort will be initiated until the conditions of the Plan are again met. In the event of the need for such actions, a supplemental letter report will be prepared and submitted to the agencies. Any supplemental letter report, if needed, will include the reason for the increased monitoring and maintenance, any excursion(s) from the restoration plan and the remediation efforts being conducted to bring the site back into compliance with the Plan.

REPORTING REQUIREMENTS:

- a. Perform a **Time-Zero** monitoring event of the wetland restoration area and submit to the agencies within 60 days of completion of the restoration objectives.
 - a. The Time-Zero report will include at least one paragraph re-stating the baseline conditions of the area prior to initiation of the work and a detailed plan view drawing of all created, enhanced and/or restored wetland areas.
- b. Subsequent to completion of the restoration actions, perform monthly, quarterly and bi-annual monitoring of the area as outlined above for the 5 years of monitoring.
- c. Submit monitoring reports as outlined above within 60 days of the end of each monitoring year.

A table will be used for comparing the performance standards to the conditions and status of the developing restoration site. A copy of the proposed Table is shown below:



Element	Past Condition	Current Condition	Remedial Actions
Remove undesirable vegetation-Restoration Area	1	1	<i>Include a description of any remedial actions and why they are needed.</i>
Remove Undesirable vegetation-Enhancement Area	1	1	
Plant according to planting plan	1	1	
Maintain according to Permits			
• Plants	1	1	
• Hydrology	2	1	
• Soils	2	1	

1=good, 2=fair, 3=poor, 4=remediation needed (see discussion)

Summary Data: A summary will be provided to substantiate the success and/or potential challenges associated with the restoration project. Photo documentation will be provided to support the findings and recommendations referenced in the monitoring report and to assist in evaluating whether the restoration project is meeting applicable performance standards for that monitoring period. Submitted photos will be on a standard 8 ½" x 11" piece of paper, dated, and clearly labeled. The photo location points will be identified on the appropriate maps of the wetland area.

Maps and Plans: Maps will be provided to show the location of the restoration site relative to other landscape features, habitat types, locations of photographic reference points, transects, sampling data points, and/or other features pertinent to the restoration plan. In addition, the submitted maps and plans will clearly delineate the restoration site perimeter. Each map or diagram will be formatted to print on a standard 8 ½" x 11" piece of paper and include a legend and the location of any photos submitted for review.

Conclusions: A general statement will be included that describes the conditions of the restoration and enhancement project. If performance standards are not being met, a brief explanation of the difficulties and potential remedial actions proposed, including a timetable, will be provided. The Table above will be used in the summary and conclusions section to specifically identify which performance standards are being met, those that may not be met at the current time and specific remedial actions that may be needed (if any) to bring the area back into compliance.

Remediation: If the restoration fails to meet the performance standards 3 years after completion of the restoration and enhancement objectives, the restoration and enhancement project will be deemed unsuccessful. Within 60 days of notification by the agencies that the restoration and enhancement is unsuccessful, an alternate proposal sufficient to meet the original goals of the plan will be submitted. Within 120 days of agency approval, the remediation plan will be implemented and completed.



☐ **Long-term Management Plan 332.4(c)(11)** Long term maintenance of the restoration area will be conducted on an as needed basis to maintain the area within the target conditions of the plan as defined by the "Adaptive Management Plan". Following the initial 5 year monitoring and maintenance period, and if acceptable to the agencies, the area will be dedicated to a local governmental entity, for perpetual management as a high quality Cypress Forested wetland area.

☐ **Adaptive Management Plan 332.4(c)(12)** The "Adaptive Management Plan" will be used as a guide to maintain the area as a wetland area as defined by the permits and licenses. Long term maintenance of the area should require minimal effort once the newly installed vegetation becomes established due to improved hydrological and soil conditions. Threats to long term maintenance of a natural wetland forest community are limited to natural disasters such as fire and major storm events.

☐ **Financial Assurances 332.4(c)(13)** Financial will take the form of a Bond or Letter of Credit that will cover 110% of the projected restoration and enhancement costs as well as the maintenance and monitoring for the first 5 years following Time-Zero reporting.

☐ **Other Information 332.4(c)(14)** Additional information that may be generated during the permitting of the project and as a result of the Time-Zero report.

Perpetual Conservation: A conservation easement (CE) will be provided that requires the perpetual protection of this entire restored and enhanced wetland area. The CE will include the following criteria and prohibited actions:

- a) Construction or placing buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground are prohibited. Elevated boardwalks, hiking trails will be permitted as long as they do not involve any of the other prohibited uses listed below:
- b) Dumping or placing soil or other substance or material as landfill or dumping or placing of trash, waste or unsightly or offensive material.
- c) Removal or destruction of native and desirable trees, shrubs, or other vegetation except below the elevated boardwalk.
- d) Excavation, dredging or removal of loam, peat, gravel, soil, rock, or other material substance in such a manner as to affect the surface of the wetland area.
- e) Surface use, except for purposes that permit the land or water area to remain predominantly in its natural condition.
- f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.
- g) Acts or uses detrimental to such retention of land or water areas.
- h) Acts or uses that may be detrimental to native wildlife utilization of the restored and enhanced wetland area.
- i) Acts or uses detrimental to the preservation of the structural integrity or the physical appearance of sites or properties of historical, architectural, or cultural significance.



**STAFF REPORT DISTRIBUTION LIST
ADDRESSES**

Owner:

CPN West LLC & F Land LLC
Attention: Yoav Merary
6301 NW 5th Way, Suite 2600
Fort Lauderdale, FL 33309

Applicant:

CPN West LLC & F Land LLC
Attention: Yoav Merary
6301 NW 5th Way, Suite 2600
Fort Lauderdale, FL 33309

Engineering Consultant:

Kimley-Horn and Associates, Inc.
Attention: Mr. Michael D. Spruce, P.E.
1615 S Congress Avenue Suite 201
Delray Beach, FL 33445

Other:

City of Fort Lauderdale Building Official
Army Corps of Engineers

Barbara Blake Boy
Broward County Planning Council
Page 6
July 25, 2025

Exhibit 2

City of Fort Lauderdale Resolution and Agreement



CERTIFICATION

I certify this to be a true and correct copy of the record of the City of Fort Lauderdale, Florida.

WITNESSETH my hand and official seal of the City of Fort Lauderdale, Florida, this the 23 day of June, 20 26
[Signature] City Clerk

RESOLUTION NO. 25-94

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPRESSING SUPPORT FOR THE REMOVAL FROM THE BROWARD COUNTY, FLORIDA LAND USE PLAN NATURAL RESOURCE MAP SERIES, LOCAL AREA OF PARTICULAR CONCERN SITE #83, GENERALLY LOCATED SOUTH OF THE C-14 CANAL, WEST OF INTERSTATE 95, EAST OF NORTH ANDREWS AVENUE, AND NORTH OF THE INTERSTATE 95 SOUTHBOUND EXIT RAMP TO CYPRESS CREEK ROAD, SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA; AUTHORIZING THE CITY MANAGER TO EXECUTE A CERTAIN LEGAL INSTRUMENT; PROVIDING FOR REVIEW AND APPROVAL AS TO FORM ALL DOCUMENTS BY THE CITY ATTORNEY'S OFFICE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Applicant, RD Investment Properties, LLC, has applied to the Broward County Planning Council for approval to remove the Local Area of Particular Concern Site #83 from the Environmentally Lands Map included in the Natural Resource Map Series of the Broward County Land Use Plan as more particularly described on Exhibit "A" attached hereto; and

WHEREAS, RD Investment Properties, LLC, seeks to develop Site #83 for multifamily housing, subject to the City's recently adopted Uptown Urban Village Transit Oriented District land use designation to include 63 affordable residential units; and

WHEREAS, Site #83 has been degraded by the predominance of exotic vegetation and inadequate hydrology to sustain the site as a Cypress Wetland Forest; and

WHEREAS, Broward County has issued an Environmental Resource Permit for Site #83 which allows for the development of the site and would require the restoration and maintenance of a 1.546-acre parcel within the office park adjacent to Site #83; and

WHEREAS, the City of the Fort Lauderdale (the "City") desires to add housing units to its Uptown Urban Village District which currently lacks sufficient housing for the nearby commercial and industrial uses;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the Recitals set forth above are true and correct and incorporated herein by this reference.

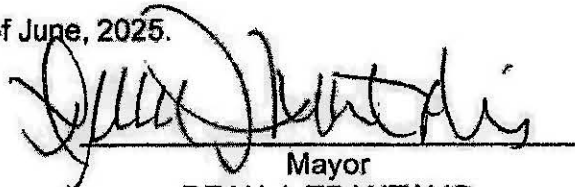
SECTION 2. That the City Commission of the City of Fort Lauderdale, Florida, hereby expresses support for the removal of Site #83, as legally described in Exhibit "A" attached hereto, from the Environmentally Sensitive Lands Map of the Broward County Natural Resources Map Series. This support is contingent upon the Applicant executing an instrument legally enforceable by the City requiring the Applicant to fulfill the obligations outlined in Exhibit "B".

SECTION 3. That the City Manager is delegated the authority to execute the instrument referenced in Section 2 of this resolution.

SECTION 4. That the Office of the City Attorney shall review and approve as to form all documents prior to their execution by the City Manager.

SECTION 5. That this Resolution shall be effective immediately upon final adoption.

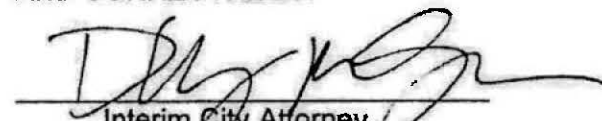
ADOPTED this 3rd day of June, 2025.


Mayor
DEAN J. TRANTALIS

ATTEST:


City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:


Interim City Attorney
D'WAYNE M. SPENCE

Dean J. Trantalis Yea

John C. Herbst Yea

Steven Glassman Yea

Pamela Beasley-Pittman Yea

Ben Sorensen Yea

EXHIBIT "A"

LEGAL DESCRIPTION

That portion of Parcel A of Reflections Plat as shown on Plat recorded in Plat Book 119, Page 46 of the Public Records of Broward County, Florida, described as follows:

Commence at the Easternmost corner of Parcel 'A', PARK LAKE, according to the Plat thereof, as recorded in Plat Book 106, at Page 1, of the Public Records of Broward County, Florida, also known as the Southeast corner of said Parcel 'A', REFLECTIONS; thence North 48°57'43" East along the Northwestern right-of-way line of Interstate 95, a distance of 248.88 feet to the Point of Beginning; thence North 41°02'17" West, a distance of 144.90 feet; thence South 78°56'21" West, a distance of 26.24 feet; thence South 48°56'42" West, a distance of 37.20 feet; thence South 88°54'29" West, a distance of 12.99 feet; thence North 47°38'50" West, a distance of 36.54 feet; thence South 89°28'06" West, a distance of 89.13 feet; thence South 66°20'08" West, a distance of 17.42 feet; thence South 47°46'11" West, a distance of 150.02 feet; thence North 79°04'27" West, a distance of 90.73 feet; thence North 33°11'52" West, a distance of 266.35 feet; thence North 18°26'28" West, a distance of 37.04 feet; thence North 10°37'16" West, a distance of 17.29 feet; thence North 2°16'32" West, a distance of 47.87 feet; thence North 17°15'05" East, a distance of 48.23 feet; thence North 45°25'25" East, a distance of 96.89 feet; thence South 85°12'58" East, a distance of 30.15 feet; thence South 62°54'18" East, a distance of 26.18 feet; thence South 47°39'32" East, a distance of 58.05 feet; thence South 79°20'51" East, a distance of 19.74 feet; thence North 80°38'51" East, a distance of 143.84 feet; thence North 50°33'20" East, a distance of 55.70 feet; thence South 84°14'48" East, a distance of 64.18 feet; thence South 51°08'10" East, a distance of 39.40 feet; thence South 36°19'28" East, a distance of 29.48 feet; thence South 55°12'18" East, a distance of 45.40 feet; thence South 72°08'56" East, a distance of 135.37 feet; thence North 88°25'14" East, a distance of 15.36 feet; thence North 45°51'42" East, a distance of 14.09 feet; thence North 17°10'07" East, a distance of 17.44 feet; thence North 47°13'45" East, a distance of 15.73 feet; thence South 83°01'46" East, a distance of 11.96 feet; thence South 72°59'03" East, a distance of 247.21 feet; thence South 41°34'31" West, a distance of 207.76 feet; thence South 48°57'43" West along an Easterly boundary of said Parcel A, a distance of 209.13 feet; to the Point of Beginning.

EXHIBIT "B"

CONDITIONS TO THE CITY OF FORT LAUDERDALE'S SUPPORT OF REMOVAL OF LAPC DESIGNATION

At the time of site plan application approval for the proposed development on the subject property, the applicant shall execute a development agreement with the City of Fort Lauderdale to address the following:

- a. The plans for the development of the Local Area of Particular Concern ("LAPC") site shall include at least 86,000 square feet of native tree canopy at maturity; and
- b. The proposed tree canopy shall occur within the boundary limits of property folio numbers 494210360030 and 494210360040; and
- c. In the event the project is phased, the 86,000 square feet of native tree canopy must be completed as part of the first phase.
- d. Prior to issuance of the building permit for the residential project, the applicant shall provide payment of \$126,500.00 made to the City of Fort Lauderdale for the construction of a greenway trail consistent with the cost estimates provided by the applicant; or if the City decides not to build the Greenway Trail, the payment of \$126,500.00 may be used by the City to install tree canopy elsewhere in the City.
- e. The restoration plan for the 1.68 site within the office park shall be implemented prior to the issuance of the final certificate of occupancy for the residential building.

**LOCAL AREA OF PARTICULAR CONCERN (LAPC) AGREEMENT BETWEEN
CITY OF FORT LAUDERDALE AND CPN WEST, LLC**

This is an Agreement between the **City of Fort Lauderdale**, a Florida municipal corporation ("City") and **CPN West LLC**, a Florida limited liability company ("CPN")

RECITALS

A. CPN is the owner of real property located in the City of Fort Lauderdale, as described in *Exhibit 1* to this Agreement ("LAPC Parcel").

B. In March of 1989, the LAPC Parcel was designated as a Local Area of Particular Concern ("LAPC") by Broward County.

B. CPN has applied to Broward County to remove the LAPC designation for the property on the basis that the LAPC parcel no longer meets the criteria for designation as an LAPC and that an Environmental Resource Permit has been obtained, subject to the purchase of 3.89 credits in the Pembroke Pines Mitigation Bank and the restoration of a parcel adjacent to the LAPC Parcel, which is 1.68 acres.

D. The Broward County Planning Council requires correspondence from the City advising of the City's position regarding the removal of the LAPC designation.

E. The City Commission at its meeting of June 3, 2025 considered CPN's request for removal of the LAPC designation and voted to adopted Resolution No. 25-94, which is attached to this Agreement as *Exhibit 2* ("LAPC Resolution"), supporting the request for removal of the LAPC designation from the LAPC Parcel, subject to the conditions described in Exhibit B to that Resolution ("Resolution Conditions").

F. The LAPC Resolution required CPN to enter into an agreement with the City of Fort Lauderdale, agreeing to the Resolution Conditions for the City Commission's support to be effective and delegated authority to the City Manager to execute said agreement.

G. Therefore, City and CPN are hereby entering into the Agreement contemplated by the LAPC Resolution.

NOW THEREFORE, the City and CPN agree as follows:

1. **Agreement with Resolution Conditions.** CPN hereby agrees to comply with the Resolution Conditions which state:
 - a. The plans for the development of the LAPC site shall include at least 86,000 square feet of native tree canopy at maturity; and

- b. The proposed tree canopy shall be provided within the boundary limits of property folio numbers 494210360030 and 494210360040; and
 - c. In the event the project is phased, the 86,000 square feet of native tree canopy must be completed as part of the first phase; and.
 - d. Prior to issuance of the building permit for the residential project, the applicant shall provide payment of \$126,500.00 to the City of Fort Lauderdale for the construction of a greenway trail consistent with the cost estimates provided by the applicant; or if the City decides not to build the Greenway Trail, the payment of \$126,500.00 may be used by the City to install tree canopy elsewhere in the City; and
 - e. The restoration plan for the 1.68-acre site described in *Exhibit 3* ("Restoration Site") shall be implemented prior to the issuance of the final certificate of occupancy for the residential building.
2. **Effectiveness of CPN's Obligations.** The obligations set forth in Section 1 above shall become binding upon the CPN and the LAPC Parcel upon the County Commission approving the removal of the LAPC designation and the Land Use Plan Amendment to the Broward County Land Use Plan becoming final, with no appeals taken, or if taken, with such appeals resolved in favor of the removal of the LAPC designation. If removal of the LAPC designation is denied by the County Commission, or otherwise does not become effective as the result of the state Comprehensive Plan process or litigation, the obligations set forth in Section 1 shall be of no further force and effect and this agreement shall be deemed automatically terminated by the parties to this Agreement.
3. **Recordation.** Upon removal of the LAPC designation on the LAPC Parcel becoming final, this agreement in executed and recordable form, shall be recorded by the applicant in the public records of Broward County, Florida, and shall be binding upon the LAPC Parcel.
4. **Agreement to be Provided to County.** The City hereby agrees that upon full execution of this Agreement, CPN shall be entitled to provide a copy of this Agreement containing the LAPC Resolution to the Broward County Planning Council for the Planning Council's consideration of the CPN's request to remove the LAPC designation from the LAPC Parcel.
5. **Modification or Termination of Agreement.** Other than the automatic termination of this Agreement as specifically provided for in Section 2 above, this Agreement may only be terminated or modified by the execution of an amendment to this Agreement by the City and by the then owner of the LAPC Parcel provided that if the amendment affects the Restoration Site, the owner of the Restoration Site shall also be required to be a party to the amendment.

In Witness Whereof, this Agreement has been executed by the parties to this Agreement as set forth below, on the date written below their signatures.

CPN WEST, LLC
a Florida limited liability company

**By: CPN West Management Inc., its
Manager**

By: _____
Yoav Merary, President

Dated: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of _____ physical presence or _____ online notarization this _____ day of _____, 2025, by YOAV MERARY, as President of CPN WEST MANAGEMENT INC., a Florida corporation, on behalf of the corporation, as Manager of CPN WEST LLC, a Florida limited liability corporation, who is personally known to me or has produced _____ as identification.

Notary Public Signature

SEAL

My Commission Expires _____

**CITY OF FORT LAUDERDALE, a
Florida municipal corporation**

By: _____
Rickelle Williams, City Manager

Dated: _____

ATTEST:

By: _____
David R. Soloman, City Clerk

Approved as to Legal Form
and Correctness

D'Wayne M. Spence
Interim City Attorney

By: _____
D'Wayne M. Spence

Exhibit 1

Legal Description
LAPC Parcel

That portion of Parcel A of Reflections Plat as shown on Plat recorded in Plat Book 119, Page 46 of the Public Records of Broward County, Florida, described as follows:

Commence at the Easternmost corner of Parcel 'A', PARK LAKE, according to the Plat thereof, as recorded in Plat Book 106, at Page 1, of the Public Records of Broward County, Florida, also known as the Southeast corner of said Parcel 'A', REFLECTIONS; thence North 48°57'43" East along the Northwesterly right-of-way line of Interstate 95, a distance of 248.88 feet to the Point of Beginning; thence North 41°02'17" West, a distance of 144.90 feet; thence South 78°56'21" West, a distance of 26.24 feet; thence South 48°56'42" West, a distance of 37.20 feet; thence South 88°54'29" West, a distance of 12.99 feet; thence North 47°38'50" West, a distance of 36.54 feet; thence South 89°28'06" West, a distance of 89.13 feet; thence South 66°20'08" West, a distance of 17.42 feet; thence South 47°46'11" West, a distance of 150.02 feet; thence North 79°04'27" West, a distance of 90.73 feet; thence North 33°11'52" West, a distance of 266.35 feet; thence North 18°26'28" West, a distance of 37.04 feet; thence North 10°37'16" West, a distance of 17.29 feet; thence North 2°16'32" West, a distance of 47.87 feet; thence North 17°15'05" East, a distance of 48.23 feet; thence North 45°25'25" East, a distance of 96.89 feet; thence South 85°12'58" East, a distance of 30.15 feet; thence South 62°54'18" East, a distance of 26.18 feet; thence South 47°39'32" East, a distance of 58.05 feet; thence South 79°20'51" East, a distance of 19.74 feet; thence North 80°38'51" East, a distance of 143.84 feet; thence North 50°33'20" East, a distance of 55.70 feet; thence South 84°14'48" East, a distance of 64.18 feet; thence South 51°08'10" East, a distance of 39.40 feet; thence South 36°19'28" East, a distance of 29.48 feet; thence South 55°12'18" East, a distance of 45.40 feet; thence South 72°08'56" East, a distance of 135.37 feet; thence North 88°25'14" East, a distance of 15.36 feet; thence North 45°51'42" East, a distance of 14.09 feet; thence North 17°10'07" East, a distance of 17.44 feet; thence North 47°13'45" East, a distance of 15.73 feet; thence South 83°01'46" East, a distance of 11.96 feet; thence South 72°59'03" East, a distance of 247.21 feet; thence South 41°34'31" West, a distance of 207.76 feet; thence South 48°57'43" West along an Easterly boundary of said Parcel A, a distance of 209.13 feet; to the Point of Beginning.



CERTIFICATION

I certify this to be a true and correct copy of the record of the City of Fort Lauderdale, Florida.

WITNESSETH my hand and official seal of the City of Fort Lauderdale, Florida, this the 23 day of June 20 20
[Signature] City Clerk

RESOLUTION NO. 25-94

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPRESSING SUPPORT FOR THE REMOVAL FROM THE BROWARD COUNTY, FLORIDA LAND USE PLAN NATURAL RESOURCE MAP SERIES, LOCAL AREA OF PARTICULAR CONCERN SITE #83, GENERALLY LOCATED SOUTH OF THE C-14 CANAL, WEST OF INTERSTATE 95, EAST OF NORTH ANDREWS AVENUE, AND NORTH OF THE INTERSTATE 95 SOUTHBOUND EXIT RAMP TO CYPRESS CREEK ROAD, SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA; AUTHORIZING THE CITY MANAGER TO EXECUTE A CERTAIN LEGAL INSTRUMENT; PROVIDING FOR REVIEW AND APPROVAL AS TO FORM ALL DOCUMENTS BY THE CITY ATTORNEY'S OFFICE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Applicant, RD Investment Properties, LLC, has applied to the Broward County Planning Council for approval to remove the Local Area of Particular Concern Site #83 from the Environmentally Lands Map included in the Natural Resource Map Series of the Broward County Land Use Plan as more particularly described on Exhibit "A" attached hereto; and

WHEREAS, RD Investment Properties, LLC, seeks to develop Site #83 for multifamily housing, subject to the City's recently adopted Uptown Urban Village Transit Oriented District land use designation to include 63 affordable residential units; and

WHEREAS, Site #83 has been degraded by the predominance of exotic vegetation and inadequate hydrology to sustain the site as a Cypress Wetland Forest; and

WHEREAS, Broward County has issued an Environmental Resource Permit for Site #83 which allows for the development of the site and would require the restoration and maintenance of a 1.546-acre parcel within the office park adjacent to Site #83; and

WHEREAS, the City of the Fort Lauderdale (the "City") desires to add housing units to its Uptown Urban Village District which currently lacks sufficient housing for the nearby commercial and industrial uses;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the Recitals set forth above are true and correct and incorporated herein by this reference.

SECTION 2. That the City Commission of the City of Fort Lauderdale, Florida, hereby expresses support for the removal of Site #83, as legally described in Exhibit "A" attached hereto, from the Environmentally Sensitive Lands Map of the Broward County Natural Resources Map Series. This support is contingent upon the Applicant executing an instrument legally enforceable by the City requiring the Applicant to fulfill the obligations outlined in Exhibit "B".

SECTION 3. That the City Manager is delegated the authority to execute the instrument referenced in Section 2 of this resolution.

SECTION 4. That the Office of the City Attorney shall review and approve as to form all documents prior to their execution by the City Manager.

SECTION 5. That this Resolution shall be effective immediately upon final adoption.

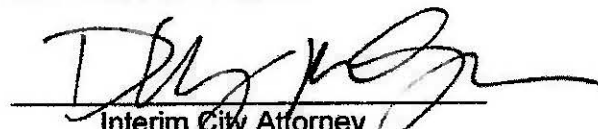
ADOPTED this 3rd day of June, 2025.


Mayor
DEAN J. TRANTALIS

ATTEST:


City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:


Interim City Attorney
D'WAYNE M. SPENCE

Dean J. Trantalis	<u>Yea</u>
John C. Herbst	<u>Yea</u>
Steven Glassman	<u>Yea</u>
Pamela Beasley-Pittman	<u>Yea</u>
Ben Sorensen	<u>Yea</u>

EXHIBIT "A"

LEGAL DESCRIPTION

That portion of Parcel A of Reflections Plat as shown on Plat recorded in Plat Book 119, Page 46 of the Public Records of Broward County, Florida, described as follows:

Commence at the Easternmost corner of Parcel 'A', PARK LAKE, according to the Plat thereof, as recorded in Plat Book 106, at Page 1, of the Public Records of Broward County, Florida, also known as the Southeast corner of said Parcel 'A', REFLECTIONS; thence North 48°57'43" East along the Northwestern right-of-way line of Interstate 95, a distance of 248.88 feet to the Point of Beginning; thence North 41°02'17" West, a distance of 144.90 feet; thence South 78°56'21" West, a distance of 26.24 feet; thence South 48°56'42" West, a distance of 37.20 feet; thence South 88°54'29" West, a distance of 12.99 feet; thence North 47°38'50" West, a distance of 36.54 feet; thence South 89°28'06" West, a distance of 89.13 feet; thence South 66°20'08" West, a distance of 17.42 feet; thence South 47°46'11" West, a distance of 150.02 feet; thence North 79°04'27" West, a distance of 90.73 feet; thence North 33°11'52" West, a distance of 266.35 feet; thence North 18°26'28" West, a distance of 37.04 feet; thence North 10°37'16" West, a distance of 17.29 feet; thence North 2°16'32" West, a distance of 47.87 feet; thence North 17°15'05" East, a distance of 48.23 feet; thence North 45°25'25" East, a distance of 96.89 feet; thence South 85°12'58" East, a distance of 30.15 feet; thence South 62°54'18" East, a distance of 26.18 feet; thence South 47°39'32" East, a distance of 58.05 feet; thence South 79°20'51" East, a distance of 19.74 feet; thence North 80°38'51" East, a distance of 143.84 feet; thence North 50°33'20" East, a distance of 55.70 feet; thence South 84°14'48" East, a distance of 64.18 feet; thence South 51°08'10" East, a distance of 39.40 feet; thence South 36°19'28" East, a distance of 29.48 feet; thence South 55°12'18" East, a distance of 45.40 feet; thence South 72°08'56" East, a distance of 135.37 feet; thence North 88°25'14" East, a distance of 15.36 feet; thence North 45°51'42" East, a distance of 14.09 feet; thence North 17°10'07" East, a distance of 17.44 feet; thence North 47°13'45" East, a distance of 15.73 feet; thence South 83°01'46" East, a distance of 11.96 feet; thence South 72°59'03" East, a distance of 247.21 feet; thence South 41°34'31" West, a distance of 207.76 feet; thence South 48°57'43" West along an Easterly boundary of said Parcel A, a distance of 209.13 feet; to the Point of Beginning.

EXHIBIT "B"

CONDITIONS TO THE CITY OF FORT LAUDERDALE'S SUPPORT OF REMOVAL OF LAPC DESIGNATION

At the time of site plan application approval for the proposed development on the subject property, the applicant shall execute a development agreement with the City of Fort Lauderdale to address the following:

- a. The plans for the development of the Local Area of Particular Concern ("LAPC") site shall include at least 86,000 square feet of native tree canopy at maturity; and
- b. The proposed tree canopy shall occur within the boundary limits of property folio numbers 494210360030 and 494210360040; and
- c. In the event the project is phased, the 86,000 square feet of native tree canopy must be completed as part of the first phase.
- d. Prior to issuance of the building permit for the residential project, the applicant shall provide payment of \$126,500.00 made to the City of Fort Lauderdale for the construction of a greenway trail consistent with the cost estimates provided by the applicant; or if the City decides not to build the Greenway Trail, the payment of \$126,500.00 may be used by the City to install tree canopy elsewhere in the City.
- e. The restoration plan for the 1.68 site within the office park shall be implemented prior to the issuance of the final certificate of occupancy for the residential building.

Exhibit 3

Legal Description

1.68 Acre Restoration Site

**SKETCH AND DESCRIPTION
PORTION OF PARCEL 'A'**

REFLECTIONS

(P.B. 119, PG. 45, B.C.R.)

CITY OF FORT LAUDERDALE

LAND DESCRIPTION:

A portion of Parcel 'A', REFLECTIONS, according to the Plat thereof, as recorded in Plat Book 119, Page 46, of the Public Records of Broward County Florida, being described as follows:

Beginning at the northwest corner of said Parcel 'A'; thence N89°16'41"E, 29.42 feet; thence S01°41'30"E, 384.47 feet (the previous two calls being along the west line of said Parcel 'A'); thence N88°17'40"E, 235.76 feet; thence N49°57'21"E, 5.15 feet; thence N63°05'46"E, 12.75 feet; thence N50°50'54"E, 18.22 feet; thence N03°09'58"E, 14.63 feet; thence N27°04'16"W, 31.60 feet; thence N55°09'16"E, 36.21 feet; thence N31°19'34"W, 93.81 feet; thence N35°18'06"W, 47.76 feet; thence N44°55'52"W, 74.60 feet; thence N03°05'36"W, 5.52 feet; thence N59°17'26"W, 38.03 feet; thence N55°31'58"W, 22.35 feet; thence N46°51'46"W, 67.24 feet; thence N49°44'28"W, 89.23 feet to the north line of said Parcel 'A', also being a point on the arc of a curve (radial bearing to said point bears N39°18'54"W), concave to the southwest, having a radius of 2237.01 feet and a central angle of 00°48'41"; thence southwesterly along the north line of said Parcel 'A' an arc distance of 31.68 feet to the **Point Of Beginning**.

Said lands lying in The City of Fort Lauderdale, Broward County, Florida and containing 73,335 square feet (1.6835 acres) more or less.

SURVEYOR'S REPORT:

1. Reproductions of this Sketch are not valid without the signature and the original seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to this survey map or report by other than the signing party is prohibited without written consent of the signing party.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Distances and angles shown hereon are in accord with the plat of record and agree with the survey measurements, unless otherwise noted. Bearings are assumed based on the west line of Parcel 'A' having a bearing of S01°41'30"E.
5. Data shown hereon was compiled from instrument(s) of record and does not constitute a Boundary Survey.
6. Abbreviation Legend: B.C.R. = Broward County Records; Δ = Central Angle; F.B. = Field Book; L = Arc Length; L.B. = Licensed Business; P.B. = Plat Book; PG. = Page; P.L.S. = Professional Land Surveyor; P.O.B. = Point Of Beginning; R = Radius.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17, Florida Administrative Code, pursuant to Chapter 472, Florida Statutes.

Date: 6/4/2024

**NOT VALID WITHOUT
SHEETS 1 AND 2**


JOHN T. DOOGAN, P.L.S.
Florida Registration No. 4409
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS



**AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING**

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BOCA RATON, FLORIDA 33432
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JOB #:	11985-7
SCALE:	1" = 50'
DATE:	08/04/2024
BY:	L.B.
CHECKED:	J.T.D.
F.B.	N/A
PG.	N/A
SHEET:	1 OF 2

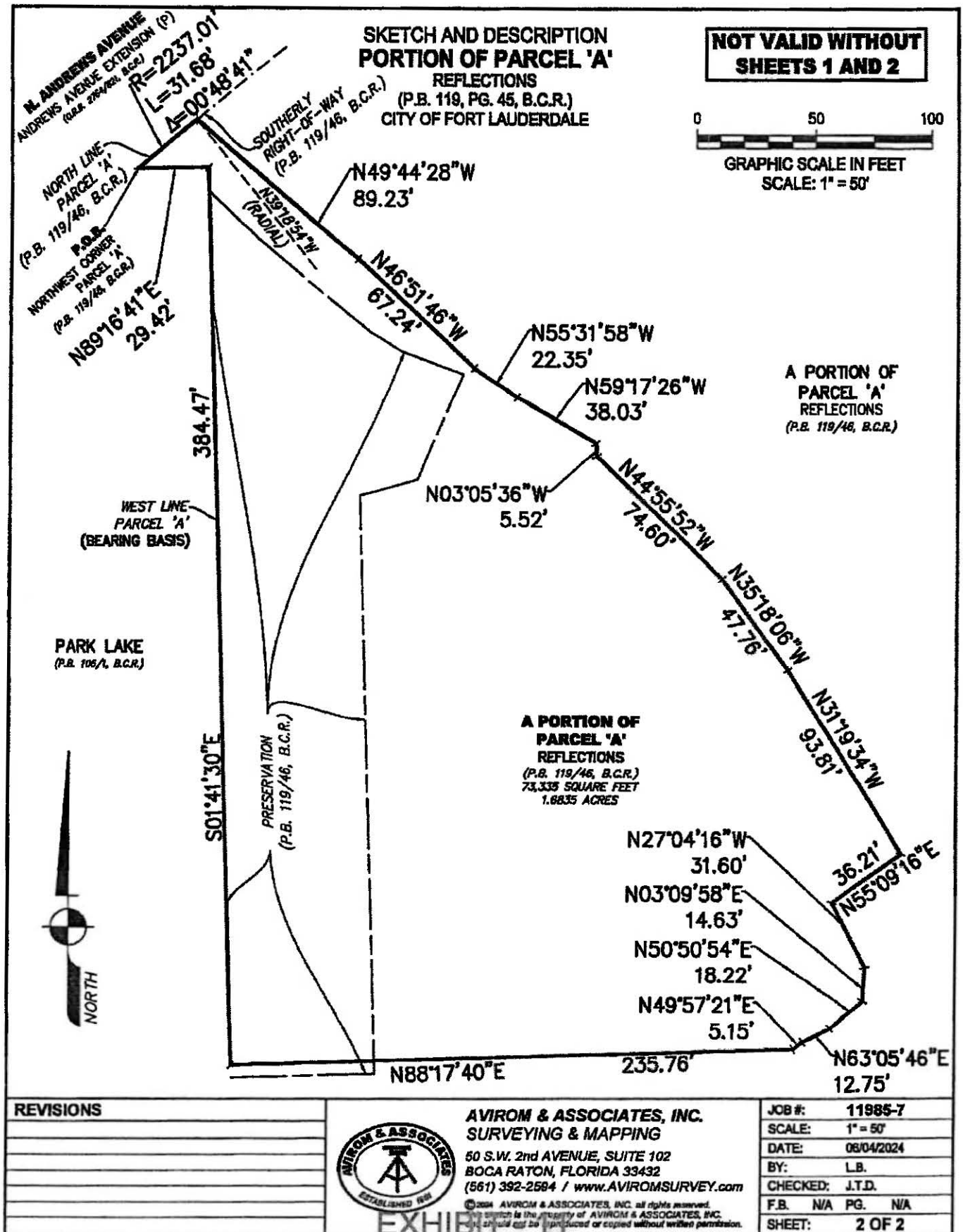


Exhibit 2

LAPC Resolution

Exhibit 3

Response Document

This Response Document includes the following:

	Page
1. Response to Environmental Resource Division	8
2. Response to Urban Planning Division	17
3. Response to Parks Division	21
4. Report by JJ Goldasich and Associates	23

A. Response to the Environmental Permitting Division

1. An Environmental Resource Permit for Site #83 was issued by the Environmental Permitting Division on October 14, 2024.

The issuance of the Environmental Resource Permit by Broward County EPD, allowing development of the site, is inconsistent with EPD's objections now to the removal of the LAPC designation and development of the Site. The issuance of the permit means that the conditions to allow development of the Site have been fully assessed and addressed by the permit.

Broward County EPD, acting under its delegated authority from Florida Department of Environmental Protection and the South Florida Water Management District issued Environmental Resource Permit (No. 06-80215-P) on October 14, 2024 for Site #83. The permit allows the Site to be developed, subject to the purchase of 3.89 mitigation credits in the Pembroke Pines Mitigation Bank and the restoration of a 1.6835-acre adjacent site, within the same office park as the LAPC is located. A copy of the permit has been attached as Exhibit 1 to the cover letter. The mitigation credits have been purchased and paid for in an amount more than a million dollars.

At the beginning of the permit process, during a site visit, it was agreed by EPD and the Applicant's biologist that offsite mitigation in an approved mitigation bank with the appropriate number of mitigation credits would provide ecological compensation for the development impacts to the Site.

As a result, a contract for the purchase of mitigation credits in the Pembroke Pines Wetlands Bank was entered into and substantial deposit of hundreds of thousands of dollars was paid by the Applicant. To obtain that contract necessary for meeting the proposed permit requirements, the Applicant was required to agree to pay the balance 12 months later. In addition to the offsite mitigation, and because the mitigation was being provided in an offsite mitigation bank, the Applicant agreed to restore 1.6835-acre site within the overall office park area ("Restoration Site"). A restoration plan for the Restoration Site was prepared and submitted as a condition of the permit issuance. A conservation easement will be required to be placed over that Restoration Site, requiring perpetual maintenance of the restored Site. JJ Goldasich and Associates has estimated the cost of that restoration as \$538,106.00.

It is important to point out that the permit required more mitigation than the current site conditions would justify because the Applicant agreed with EPD's request to use a wetland benefit index ("WBI") score for the Site that might have existed had the LAPC Site been required to be continuously maintained. The Applicant's agreement to use an increase in the WBI was a concession by the Applicant because none of the agreements in place regarding the LAPC Site require the property owner to maintain the Site. Those agreements simply prohibit structures from being built within the Site.

2. The Site no longer meets the criteria for designation as an LAPC in the Cypress Wetland Community

Site #83 has been designated as an LAPC in the category of a Cypress Wetland Community. To comply with that designation, the Site must:

- 1) Meet the threshold condition that the Site exhibits a predominance of vegetation associated with the Cypress Wetland Community in all three strata of the community – the canopy, subcanopy and the understory.**

If it fails that test, then no further analysis is needed, and the Site does not qualify as an LAPC.

- 2) If the predominance criterion is met, then the Site must also demonstrate compliance with 3 of 5 additional criteria.**

The objection provided by the EPD maintains that the Site continues to meet the criteria for designation as an LAPC. In response, the Applicant has provided the analysis below, which: (i) describes the LAPC criteria as stated in the Broward County Land Use Plan, (ii) describes EPD's position regarding each criterion; and (iii) provides the Applicant's response for why the Site does not meet that criterion.

A. The Site Does Not Meet Predominance Test

Predominance is a requirement for sites in the Native Vegetative Communities Category. Predominance is explained as "having a predominance of vegetation associated with one or more of the following ecological communities." The ecological community said to be represented by Site #83 is Cypress Wetland Community. For a site to have a predominance of vegetation of the Cypress Wetland Community, the vegetation indicative of that community must be predominant in the canopy, subcanopy and understory. It is not.

Little to no native vegetation is present in the Site's subcanopy or understory. The altered hydrology of the Site can no longer sustain the Site as a Cypress Wetland Forest. As a result, the Site continues to trend to greater and greater dominance of exotics with no regeneration of the native cypress trees. Today, of the 6.21-acre Site, only about a scattered 1.8 acres of the Site consists of intermixed native and exotic tree canopy with scarce native subcanopy and understory. An analysis of the Site by Jim Goldasich based upon 150 hours of onsite study is attached as *Exhibit A* to this Response Document. The study describes the vegetative and hydrological characteristics demonstrating that the Site fails the predominance test.

B. Not only does the Site Does Not Meet the Predominance Test, but it also fails to meet 3 of 5 additional requirements for designation

The five criteria are: Uniqueness, Diversity, Low Level of Exotic Invasion, Potential for Protection and Geography

EPD has stated in its report to the Planning Council that the Site meets 4 of the 5 criteria: Uniqueness, Low Level of Exotic Vegetation, Potential for Protection and Geography.

1. Uniqueness

Land Use Plan Criterion: *The site contains a significant sample of rare or endangered species or, the site is among a small number of sites in Broward County representing a particular ecological community.*

Staff Comment:

EPD's staff has not asserted that the Site contains a significant sample of rare or endangered species, it does not. However, in support of the Uniqueness criterion, EPD states:

"The Site is unique especially in Broward County with other remaining areas located in parks and to the west of this Site."

Applicant Response to Staff Comment:

EPD's staff comment in fact confirms that the Site #83 is not unique because sites west of Site #83 and sites in parks count in determining whether Site # 83 is unique.

The defined characteristic of "Uniqueness," considers **all of Broward County** in determining whether the Site is unique. Therefore, the fact that other sites are west of Site #83 does not make Site #83 unique in Broward County.

The defined characteristic of "Uniqueness" does not exclude parks in considering whether the Site is unique. In fact, it would be expected that the best Cypress Wetland Communities would be found in county parks and county owned natural areas because an original purpose of the LAPC program was to preserve sites for purchase as Environmentally Sensitive Lands. The LAPCs were designated in March of 1989 and the Environmentally Sensitive Lands Bonds were issued in April of 1989.

The Natural Land Inventory section of the Broward County Parks and Recreation website in explaining the County's program for acquiring the best natural lands states:

Through bond referenda in 1978 and 1989 the majority of the County's regional park and environmentally sensitive lands system was established. The 2000 Safe Parks and Land Preservation Bond Program provided \$400 million to renovate the Parks system and acquire the remaining natural lands and open spaces for passive recreational use.

As the above statement indicates, the County has purchased the best environmentally sensitive lands. The Applicant is unaware of any effort to purchase the Cypress Creek LAPC Site.

In regard to whether there are other forested wetlands within Broward County we have attached as *Exhibit B* to this Response document , a map showing more than 2,000 acres of Forested Wetlands on 92 different sites within Broward County. Notable among those areas are the following County owned properties:

- Tall Cypress Natural Area
- Tradewinds Park
- Cypress Park
- Fern Forest
- Winston Park Nature Center

Summary – Site # 83 does not meet the Uniqueness Test.

2. Low Level of Exotic Invasion

Land Use Plan Criterion: *the degree and nature of exotic invasion on the site such that it can be easily managed on the site.*

Staff Response:

The degree and nature of exotic invasion on the site can be easily managed. Exotics and invasive species are mainly located in the 10-20 perimeter of the site; however, its greatest extent the site is over 900' across and 400' wide. There are few exotics in the interior with many of the plants listed on the earlier site assessment report still viable and in various stages of growth on the site, including but not limited to numerous cypress trees, leather ferns, strap ferns, swamp ferns, pond apples and more. The interior hydrology is well established and is inhospitable to many exotic plants.

Applicant Response to Staff Comment:

The following summary of the degree of exotic invasion has been prepared by Jim Goldasich, a biologist, who has worked first in the field wetland regulation and then

wetland permitting for more than 40 years. Mr. Goldasich and his team have spent more than 150 hours at the Site analyzing the vegetation and hydrology

The vegetation and hydrological assessment of the Site shows that the Site has insufficient hydrology to support the Site as a Cypress Wetland and that the subcanopy and understory are dominated by non-native and invasive plants. Twenty quadrants randomly selected from the forested area were found to all be dominated by exotic or otherwise undesirable vegetation. Even in what is the remnant core drainage area of the parcel, young cypress, and wetland tree growth, necessary for the viability of the Site, is non-existent. The cypress canopy is not being replaced by native wetlands trees or shrubs as trees die off.

A photographic excerpt from the attached Site report performed by JJ Goldasich and Associates is shown below to demonstrate the exotic site conditions.



- Area within the “core wetland” and >95% of the trees and tree canopy consists of exotic trees.
- The leaves on the ground show no evidence of water staining, attached growth or siltation that should be found if the area were flooded or ponded for extended periods.
- The lack of growth of native wetland plants confirms poor hydrological conditions.
- The lack of *Awfwuchs* on plants and in the soil also supports poor hydrological conditions.

A more complete analysis by Jim Goldasich of the Site and the degree of exotic invasion is attached as Exhibit A.

Summary – The Site is predominated by exotic vegetation and does not exhibit hydrological conditions necessary for its survival.

3. Potential for Protection

Description of Criterion: *Ownership Patterns, Development Status and other factors make the resource of the Site likely to be successfully protected.*

Staff Response:

The site has been protected since the approval of the Reflections Plat in 1984 and has 8 different owners since then. The plat was recorded with a Note and an Agreement to preserve the remaining wetlands remaining. In 1989 the Broward County Board of County Commissioners designated the area as an LAPC and an NRA area.

Applicant Response to Staff Comment:

The Site is not successfully protected as a Native Vegetative Community as evidenced by its condition. The only protection afforded to it is that the agreements with the County prevent any structures from being built within the Site. Successive owners have honored that requirement. Nonetheless that lack of development for 35 years has not protected the Site because its isolation and lack of proper hydrology have caused it to degrade over time to become an exotic dominated forest.

Years ago, it may have been thought that the Site, if left undeveloped, would be self-sustaining, but that has been shown not to be true. Native vegetation is not regenerating to replace the older and dead Cypress trees. Exotics dominate the vegetation in the subcanopy and understory throughout the Site. The Site will continue to degrade. Therefore, the current LAPC status, if continued would not afford any real protection. but instead, will result in continued degradation.



Summary Site #83 is not “protected” as a Cypress Forested Wetland because it no longer exhibits the criteria for that designation and will not in the future if it is required to remain as an LAPC.

4. Geography

Description of Criterion: *The site has proximity to other resources which would heighten its value as a LAPC (e.g., other ESLs, public parks, waterfronts)*

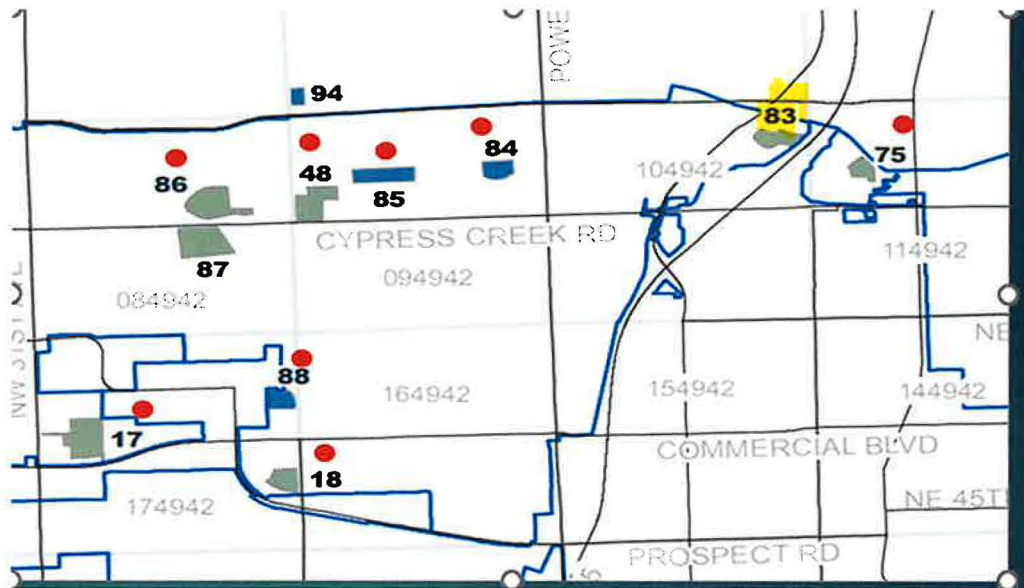
Staff Response:

Fern Forest Nature Center is approximately 3 miles to the northwest of the site. Tradewinds Park is approximately 4.3 miles to the northwest. ESLs # 17,18,48, 84-88 are to the west southwest and Site 75 is Southwest. This site is on the path of the proposed expansion of the Broward County Greenway System.

Applicant Response to Staff Comment:

To meet the “Geography” criterion the *Site must be proximate to other resources that heighten its value*. The Sites mentioned in EPD’s Response are not proximate to the Site (e.g., 3 miles 4.3 miles). The closest site mentioned in the Staff Response, which is Site # 75, is separated from Site # 83 by I-95 and its exit and entrance ramps. Because of that separation, Site #75 does not heighten the value of Site #83 as an LAPC either.

The map on the following page shows the sites mentioned by EPD (in red) as being proximate to Site #83, which is highlighted in yellow. As is evident from the map, the sites offered by EPD are truly not proximate to Site #83 in a manner that heightens its value.



The Site is isolated in the interior of an office park. At its location, there is no public access or visibility. It is immediately surrounded by office buildings, a hotel, parking areas, internal driveways and Interstate 95.



This isolation of Site #83 from other natural areas and from the historical hydrology, which has been encapsulated in the C-14 canal, has been contributing factor to the degradation of the Site.

Summary: Site #83 is not proximate to other natural areas which heighten its importance.

Conclusion as to EPD Comments : Site #83 does not meet the predominance test, nor does it meet 3 of the other five criteria for designation as an LAPC.

B. Response to Broward County Urban Planning Division

The Urban Planning Division in its comments has provided information regarding the LAPC Site, such as its mapped designations, its land use and zoning¹, plat and plat note status and a list of code sections applicable to LAPCs and wetlands in general. It is the position of the Applicant that those matters cited, other than the current land use and zoning, should no longer be applicable to Site #83 because the LAPC designation is no longer appropriate for that Site. The proposed development of the Site will be consistent with the County Land Use Activity Center designation and the City of Fort Lauderdale Uptown Urban Village Zoning.

The *Staff Findings* section of the Urban Planning Division Response provides the staff analysis of the Applicant's request for removal of the LAPC designation.

The predicate for the *Staff Findings* by the Urban Planning Division is that there are no criteria for removal of an LAPC. We do not find that position to be correct. The Broward County Land Use Plan in Section 7 of the *Implementation Regulations and Procedures* provides the criteria for designation as an LAPC. If Site #83 no longer exhibits the characteristics of an LAPC, then the Applicant may request removal of the designation based upon the absence of the necessary criteria. In support of the Applicant's position, the Environmental Permitting Division has also used those Section 7 criteria in its evaluation of this request for removal of the LAPC designation.

The following is the Applicant's response to the *Staff Findings* section of the Urban Planning Division comments.

1. Comprehensive Plan Policies. The following lists the policies cited by the Urban Planning Division in support of keeping the LAPC designation and the Applicant's response to the policy.

Policy C6.1 states that the County shall continue to maintain a Map of County Commission Designated properties of ecological concern to include those areas designated as LAPC, NRAs, ESLs, UWAs, and those land on the Urban Wilderness Inventory.

Applicant Response: The removal of the LAPC designation for Site #83, which no longer meets LAPC Criteria, does not violate the policy.

b. **Policy C6.7** states that the County shall continue to maintain and implement regulations that protect and preserve trees, including those in areas of native vegetative communities, and promote the use of native vegetation.

¹ With Land Use listed as Commerce (County) Employment Center (City) and Zoning B-3, but is now Land Use County - Activity Center; City Land Use - Urban Village TOD and City Zoning - Uptown Urban Village.

Applicant Response: The removal of the LAPC designation for a site that is now an exotic dominated forest in favor of developing the site to include 63 affordable units, the installation of native trees to achieve 86,000 square feet of native canopy at maturity, the restoration and preservation in perpetuity of a 1.68 acre restoration site and the purchase of mitigation credits in the Pembroke Pines Mitigation Bank is consistent with this policy.

c. **Policy C6.9** states that Broward County shall assess the vulnerability of specific species, habitats, landscapes, and ecosystem functions that may be sensitive to climate change and develop coping strategies and contingency plans for their adaptation, such as identifying habitats that may be viable during climate disturbances and could potentially serve to give refuge to and sustain at-risk species.

Applicant Response: The removal of the LAPC designation for a site that is now an exotic dominated forest which does not provide a wildlife habitat in favor of developing the site to include 63 affordable units, the installation of native trees to achieve 86,000 square feet of native canopy at maturity, along with the restoration and preservation in perpetuity of a 1.68 acre restoration site and the purchase of mitigation credits in the Pembroke Pines Mitigation Bank is consistent with this policy.

d. **Objective CC4** – Utilize Green Infrastructure Solutions for Maximum Co-benefits -- Understand the value of ecosystem services to our community and expand green infrastructure to optimize the co-benefits of habitat restoration, coastal buffers, wetland mitigation, urban reforestation, natural night skies, and local food production, in order to create a healthy, enjoyable, and climate resilient environment.

Applicant Response: The Applicant's agreement with the City of Fort Lauderdale to fund the construction of the Greenway path along the southern bank of the C-14 Canal along with the plan to create a raised boardwalk path through the proposed 1.68-acre Restoration Site as well as boardwalks within the project's lake system are indicative of Green Infrastructure solutions.

e. **Policy WM3.9** states that Broward County will protect the water storage and water quality enhancement functions of wetlands, floodplains, and aquifer recharge areas through acquisition, enforcement of rules, and the application of best land and water management practices.

Applicant Response: The Applicant has obtained an Environmental Resource Permit for the development of a residential project on what is now designated as Site #83. That ERP issued for the Site reviews, assesses and approves plans for drainage as well as wetlands and requires permitted projects to meet Broward County's updated drainage requirements.

2. Protected designations have not changed in the last 40 years.

The three designations referred to in this section as not having changed are: Natural Resource Area ("NRA"), Local Area of Particular Concern ("LAPC") and Urban Wilderness Inventory. Each served a different purpose.

The LAPC designation and the NRA designations were not created by ordinances until 1989 in preparation for the County's Comprehensive Plan and the plan for acquiring Environmentally Sensitive Land with the then proposed Environmentally Sensitive Lands bond issue.

The Natural Resource Area designation does not prevent development of a site. It is simply a restriction on land clearing until a final site plan is approved by the local government. The purpose of the designation was to prevent property owners from prospectively clearing land to avoid permitting, regulation or designation.

The Local Area of Particular Concern designation was put in place to address requirements of the Comprehensive Plan and to create a list of sites for possible acquisition with the Environmentally Sensitive Bond issue funds.

The Urban Wilderness Inventory designation for Site #83 is considered to have been put in place for Site #83 when the County Commission took an informal action in 1979 to place this Site on a list of sites for possible acquisition in the future. The Urban Wilderness Inventory did not exist as a formal designation at that time. The designation of an Urban Wilderness Inventory site was not created until the adoption of the Urban Wilderness Inventory by Ordinance 92-12 on May 12, 1992. That ordinance both created the Urban Wilderness Inventory designation and the process for placing sites on the Inventory.

The length of time the designations have been in place is not a sufficient justification to keep those designations in place if the conditions of the site are no longer worthy of the designations. It is instructive to note that 46 years after that motion by the County Commission in 1979 and 36 years after the application of the LAPC designation to Site #83, the site is an exotic dominated forest, and no attempt has been made by the County to acquire it. Surrounding development, poor hydrology and isolation have caused Site #83 to degrade to an exotic dominated forest which will only continue to degrade further.

3. The site is identified as a wetland and flood prone area requiring water quality protections.

The Environmental Resource Permit issued by Broward County Environmental Permitting Division adequately addresses wetland and drainage issues for the Site, which will be developed with three onsite lakes.

4. Removal of the LAPC designation is not supported.

In support for the comment that removal of the LAPC designation is not supported the Urban Planning division has said that the site is a wetland and meets the LAPC criteria.

However, as a site that, by its current condition has been shown not to be viable as a Cypress Forested Wetland and that has been permitted by Broward County EPD for removal of the wetland and the site vegetation, subject to restoration of a 1.68 acre parcel and offsite mitigation, removal of the LAPC designation is appropriate.

5. Removal of the LAPC designation would likely result in the removal of Urban Wilderness Inventory listing.

The Urban Wilderness Ordinance has two categories of sites. Urban Wilderness Areas, which are sites owned by the County and subject to significant restrictions on use; and sites on the Urban Wilderness Inventory, which are sites recommended by Urban Wilderness Board for purchase by the County to be Urban Wilderness Areas.

This Site is listed as being on the Inventory because of a motion adopted by the County Commission at a meeting on April 17, 1979, when the Commission voted, to “place the site on the list of potential urban wilderness areas for possible acquisition in the future”. At the time of that motion, the category of Urban Wilderness Inventory did not exist in the County’s ordinances.

The formal category of Urban Wilderness Inventory sites was not created until May 12, 1992, by Ordinance 92-12 which provided the definition of “Urban Wilderness Inventory” and the procedures for notice and hearing for placing a site on the Inventory.

As a result of that informal action by the County Commission in 1979, Site #83 has been considered by the County as having been on the Inventory for 46 years. But, even after all that time, there has been no interest by the County in acquiring the Site. Given the condition of the Site and its location in the middle of an office park overlooking I-95, it is doubtful that the County would have interest in purchasing the Site to become an Urban Wilderness Area now or in the future. Consequently, the designation as an Urban Wilderness Inventory site is no longer appropriate.

C. Response to Broward County Parks & Recreation Division

A response was filed by the Broward County Parks and Recreation Division in connection with the City of Fort Lauderdale's amendment to the County Land Use Plan Map to create an Activity Center for the area of northwest Fort Lauderdale known as the Uptown Urban Village. The amendment for that Activity Center has since been adopted.

The comment offered by the Parks and Recreation Division in response to that City amendment was that Uptown Urban Village Activity Center contains two important wetland parcels that should continue to be protected and that those parcels were placed on the Urban Wilderness Inventory.

Regarding the Urban Wilderness designation, a full response to that issue is provided as part of the Applicant's response to the Urban Planning Division comments above noting that the Inventory was designed for sites which were a priority for the County to acquire to preserve as a Wilderness Area. This is not a Wilderness Area, and the County has not indicated any interest in purchasing the Site. This Site no longer belongs in the category of sites that are a priority for County acquisition.

Regarding the wetland characteristics of the Site, an Environment Resource Permit was issued on October 14, 2024 allowing the development of the Site subject to the purchase of 3.89 wetland credits in the Pembroke Pines Mitigation Bank and the restoration of a 1.68-acre site

The Natural Resources Division has noted the following in the Natural Lands Inventory:

*Additionally, through regulatory mechanisms, numerous wetland communities have been preserved, **or their impacts have been mitigated by onsite creation or offsite wetland banks. Those wetland mitigation areas comprise a significant portion of our natural lands.***
(emphasis added)

This Natural Resources Division comment supports the concept that natural areas don't simply go away because this Site will be developed. Instead, the restoration of the 1.68-acre site within the same office park complex as the LAPC Site, with a perpetual maintenance obligation, together with offsite mitigation in the Pembroke Pines Mitigation Bank will create and preserve natural areas for Broward County in settings that ensure their sustainability. The current LAPC does not.

Summary.

There is no environmental, social or economic benefit to retaining the existing LAPC designation for this parcel which: (i) has received its Environment Resource Permit by providing offsite mitigation at substantial cost and committing to the restoration of what will be a viable 1.68 acre Cypress Wetland area; (ii) no longer meets the LAPC criteria and will continue to deteriorate; and (iii) does not provide any real benefits to the community.

Alternatively, allowing its development will create an attractive residential project with 15% affordable units, native canopy trees throughout the development, three lakes, a fully restored 1.68-acre Cypress Wetland Site that will be maintained in perpetuity and housing within walking distance from office buildings.

Barbara Blake Boy
Broward County Planning Council
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July 25, 2025

Exhibit A
To Response Document

Report by JJ Goldasich & Associates

Cypress Creek LAPC Site Assessment Response to EPC Comments

This assessment responds to EPD comments to the Planning Council in two ways:

- It confirms the lack of predominance of the Cypress Wetland Community within the Cypress Creek site; and
- Confirms the fact that the exotic infestation of the site occurs throughout the site and is not limited to the only the first 20 feet within the perimeter of the site.

Analysis

The Cypress Creek LAPC Site has been designated as an LAPC in the Cypress Wetland Community by the Broward County Land Use Plan under the following regulatory structure.

The Land Use Plan Implementation Requirements and Procedures, Section 7, Criteria and Procedures for Environmentally Sensitive Lands and Local Areas of Particular Concern, Subsection 6. Local Areas of Particular Concern, Subsection 3. Native Vegetative Communities Category contains the following.

- (a) A Local Area of Particular Concern (Native Vegetative Communities Category) is an area which shows a predominance of native vegetation associated with one or more of the following Ecological Communities:
.... Cypress Wetland Community (Freshwater Swamp)*

There is no definition of Cypress Wetland Community in the Land Use Plan. However, Section 27-411.- Natural Forest Communities of the Broward County Code of Ordinances subsection 27-411 (a)(2)(c) (8) defines it as follows:

Cypress Wetland Community (freshwater swamp): Cypress wetlands occupy some portions of the freshwater lowlands of the Atlantic Coastal Plain in Florida. Temperate deciduous trees dominate, and the areas are often seasonally flooded. Soils are nearly level or depressional, poorly drained

and have a loamy top layer and sandy subsoils. Characteristic trees include bald cypress, red maple, cocoplum, dahoon holly, strangler fig and pond apple. Leather fern, royal fern and other fern species are found in Cypress Wetland communities.

For a site to qualify within a Community the site must exhibit a predominance of vegetation characteristic of the Community in all three strata – the canopy, sub-canopy and the ground cover.

Sec. 27-411. - Natural forest communities., Broward County Code of Ordinances ;

In connection with the request to remove the LAPC designation for the Cypress Creek site, JJ Goldasich and Associates performed a systematic review of the current site conditions at the Cypress Creek site during the summer of 2024. The site review consisted of an analysis of 9 randomly located circular quadrats of the site representative of overall site conditions as shown on **Exhibit 1** attached. Each quadrant is approximately 100 feet in diameter. In addition, ¼ meter square quadrats were randomly dropped to provide an assessment of the groundcover vegetation. Our analysis of the site took more than 150 hours of site work over 90 days. That intensive site review and our extensive presence on the site also confirmed the lack of wildlife present on the site.

The quadrats were randomly selected from the forested areas throughout the site to catalogue the canopy, subcanopy and the ground cover in the quadrant, in order to define the overall vegetative characteristics of the entire site and to evaluate the potential for sustainability and survival of the site as a Cypress Wetland Community.

Also evaluated at the time of the vegetative assessment was the hydrology within the forested area. The hydrological assessment included) the identification of natural hydrological indicators found in the Florida wetland rules (Section 62-340, F.A.C) and the “*Soil and Water Relationships of Florida’s Ecological Communities*”, USDA-NRCS, July 1992. Specifically applied to this assessment are the sections on field identification of ecological communities. This manuscript states that a “Cypress Swamp...is easily identified by the...normally pure stand of cypress trees....” The subject site is not dominated by a pure stand of cypress trees, but rather in virtually all cases, by invasive exotic trees and shrubs surrounding one or a few older native trees. In addition, the seasonal high-water table (SHWT) was estimated by using the presence or absence of lichen lines, hypertrophied lenticels, water marks, drift lines, sediment, water-stained leaves, Awfwuchs, and flow patterns.

The result of the onsite assessment and analysis shows that the area contains remnant cypress and pond apple trees, but these individual remnant trees are left within an otherwise exotic dominated forest community.

The sub-canopy and understory data clearly indicate that the site has moved away from a characteristic Cypress Wetland Community to an exotic dominated forest community. Trees that dominate the canopy and the sub-canopy are *Bischofia japonica*, and *Schinus terebinthfolius*. While some old cypress and pond apple trees remain, new growth is comprised of the non-native and invasive trees and shrubs. Both of the currently dominate trees are invasive exotic species. The sub-canopy and ground cover are dominated by *B. japonica* saplings and *Ardisia elliptica* shrubs, also an invasive exotic species. No young cypress trees or pond apple trees were found anywhere within the forested areas of the site.

As indicated by the data generated by the quadrat assessment of ground cover, the forested areas of this site are no longer representative of a Cypress Wetland Community as envisioned by the land use plan in requiring predominance of the native vegetative community of the designated type for a site to qualify as being dominated by native vegetation associated with a Cypress Wetland Community.

Remnant old trees remain within the area, but no recruitment of native cypress trees is present and very small numbers of other native wetland vegetation is found within the site. Continued degradation of the area will result in the complete replacement of the few native wetland plants found within the site by non-native and invasive species. Loss of suitable wetland hydrology has contributed to the poor wetland quality and resultant lack of native vegetative growth and development. The dream of a sustainable Cypress Wetland Community at this site was lost many years ago.

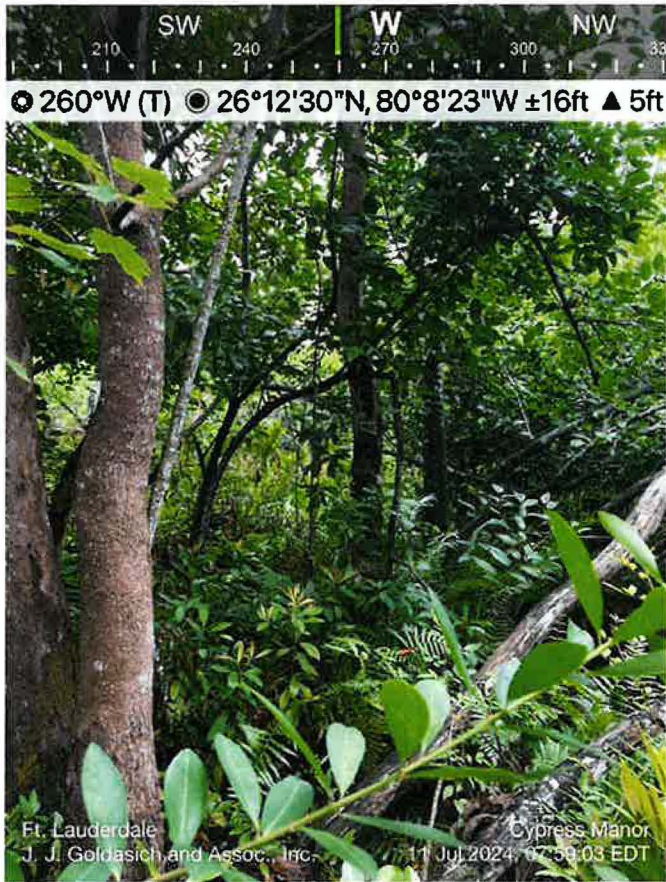
The attached quadrant map and photographs reflect our findings.

EXHIBIT 1
QUADRANT MAP



		Tree e, County,		☐	☐
				☐	☐

EXHIBIT 2
PHOTOGRAPHS AND DESCRIPTION



P1

- Canopy and sub-canopy trees consist of *Bischofia japonica* (Bishop's wood), an upland exotic invasive tree.
- Exotic vegetative canopy in this area is >80% cover.
- Ground cover primarily consists of *Ardisia elliptica*, (Shoebuttan Ardisia), a non-native invasive shrub/small tree. This tree is facultative and can grow in both uplands and wetlands.
- Exotic ground cover in this area is >80% cover.
- The tree trunks in this photo are all *B. japonica*, the low lying herbaceous plants are primarily *A. elliptica* and *Schinus terebinthifolius* (Brazilian pepper).



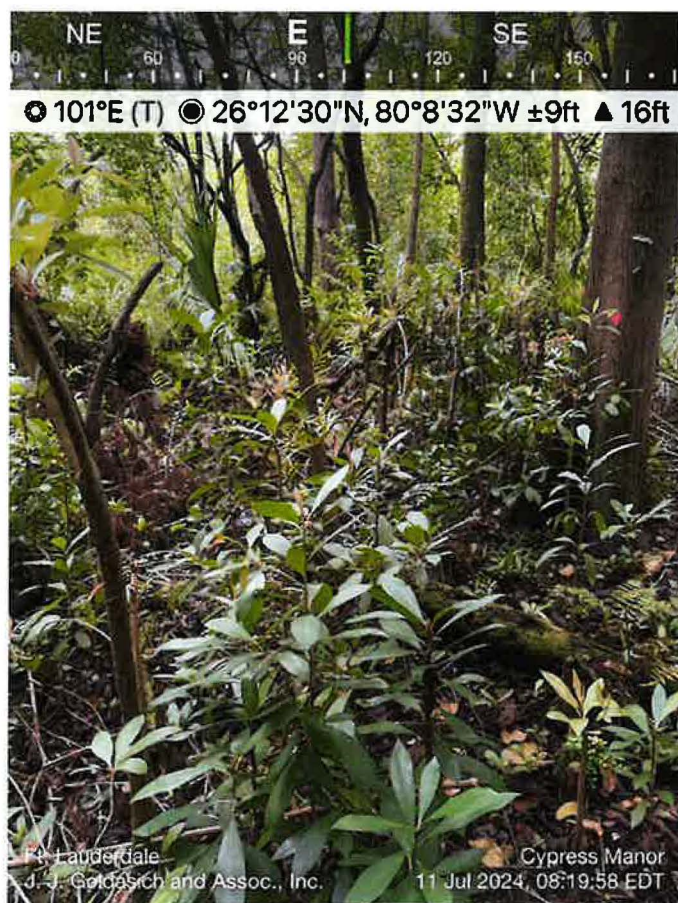
P2

- This area is the “core drainage” area of the parcel.
- Ground cover vegetation in this area is a mixture of exotic vegetation and native wetland plants ~40% native plants.
- Moss growing on the ground shows hydrology is limited to saturated soils primarily with minimal, short term flooding or ponding.
- Poor hydrology results in poor native wetland vegetation recruitment.
- The water was more than 6 inches below the ground surface at this location.



P3

- This location contains >80% *B. japonica* canopy and >90% sub-canopy and ground cover of *B. japonica*.
- All trees visible in this photograph are the invasive exotic *B. japonica*.
- All of the leaves visible in this photograph are *B. japonica*.
- The soil at this location is not saturated, ponded or flooded and the fact that native wetland trees and shrubs are not found in this area further supports the poor hydrological conditions.



P4

- This area of the “Core drainage” supports a mixture of exotic and native ground cover vegetation with ~70% non-native plants and 30% native plants.
- Tree trunks at this location are primarily exotic trees and the canopy consists of >75% exotic trees.
- The primary ground cover vegetation in this photograph consists of *A. elliptica*.



P5

Area within the “Core drainage” and >95% of the trees and tree canopy consists of exotic trees.

- The leaves on the ground show no evidence of water staining, attached growth or siltation that should be found if the area were flooded or ponded for extended periods.
- The lack of growth of native wetland plants confirms poor hydrological conditions.
- The lack of Awfwuchs on plants and in the soil also supports poor hydrological conditions.



P6

- Area supports >80% canopy of exotic *B. japonica* trees with small number of native wetland trees.
- Ground cover and sub-canopy is >90% exotic trees and shrubs; primarily *B. japonica* and *A. elliptica*.
- Soil is moist but not saturated and native wetland cypress tree recruitment is not present.

- Plant seeds and seedlings respond to the abiotic conditions presented to them including
 - Sunlight,
 - Soil Conditions,
 - Water (hydrology),
 - Nutrient availability,
- This site contains very mature native wetland trees including
 - Cypress,
 - Pond apple,
- These native trees are remnants of a time when this area was part of a larger wetland range that was directly connected to the river slough. The wetland slough would later be removed for construction of the C-14 Canal. These individual trees remain because they are long lived trees, not because of a continuing good quality wetland system as evidenced by the lack of natural fertility or natural regeneration,
- The overall canopy cover of the remaining forest within the project area is approximately 7 acres and of that area only approximately 1.1 acres exhibits decent hydrological conditions, however, none of the forested area is currently a sustainable cypress or pond apple forested wetland,
 - This is due to the invasion of non-native and otherwise undesirable vegetation in all levels of the forest. The result will be that this area will continue forward as an exotic dominated forest with little native habitat value or native canopy,
- Based on the 2024 site assessments, the following site data show the following:
 - loss of native wetland values,
 - loss of native wetland and upland tree canopy,
 - loss of native wetland and upland shrub cover and,
 - loss of native habitat values associated with a cypress forested wetland community,
 - loss of native habitat sustainability,
- The canopy cover of the overall wetland and LAPC is ~70 to 80% non-native trees,
- The sub-canopy cover of the overall wetland and LAPC is >80% non-native trees and shrubs,

- The ground cover of the overall wetland and LAPC is >90% non-native plants (tree saplings, shrubs and herbaceous plants),
- Random quadrat analysis of the recruiting vegetation shows that the understory, sub-canopy, and ground cover vegetation is primarily non-native invasive plants or undesirable native plants in more than 80% of the site with native herbaceous wetland vegetation dominating only the core drainage area,
- The data further confirm that there are no recruiting cypress or pond apple trees in the site, including within the core drainage area,
- Native wetland tree and shrub recruitment, growth and development is not present within the parcel and young saplings or shrubby plants consist of *B. japonica* (Bishop's wood exotic tree) or *A. elliptica* (exotic shrub).
- A summary of the understory field data is provided in the following pages:

Q1a



HYDROLOGY

- Area falls outside of the original core drainage area, now dominated by upland and invasive plants,
- Poor or non-existent wetland hydrology,
- No evidence of surface ponding or flooding with durations that would support wetland conditions,
- Wetland hydrology is not evident in this area of the site and soil saturation is approximately 12 inches below the soil surface

VEGETATION

- No recruitment of native wetland plants, including cypress or pond apple trees,

Q2a



area,

HYDROLOGY

- Insignificant wetland hydrology, even during major storm events-no evidence of flooding or ponding,
- Area falls outside of the original core drainage area,
- Area falls outside of the current reduced drainage zone,

VEGETATION

- now dominated by upland and invasive vegetation,
- Native understory, sub-Canopy and ground cover vegetation not present and recruiting plants consist of 100% upland and invasive vegetation,
- No native vegetation, including cypress or pond apple trees recruiting into this

Q3a



HYDROLOGY

- Area is at edge of original core drainage way,
- Area is outside of current reduced drainage zone,

VEGETATION

- Ground cover, understory and sub-canopy vegetation is dominated by upland, mesic, and/or invasive plants,
- No recruitment of native trees, including cypress or pond apple trees,
- Canopy trees in this area are a mixture of pond apple and Bishop's wood trees,
- Native herbaceous wetland vegetation is poorly represented in this area and consists primarily of shield fern (note fern at bottom of photograph,

Q4a



HYDROLOGY

- Located at edge of core drainage area, surface ponding or flooding is not evident in this area,
- hydrological indicators suggest that water levels do not occur above natural ground elevations,

VEGETATION

- Ground cover vegetation dominated by invasive upland and mesic plants,
- No natural recruitment of cypress or pond apple trees or saplings,
- Primary understory and ground cover plants consist of *A. elliptica*,

Q4



HYDROLOGY

- Area falls within a drainageway on the west end of the parcel and evidence suggests that this area is inundated with stormwater following major storm events (note surface water in photograph),
- This photograph is taken after a major storm event and the water in the drainageway has collected stormwater from the adjacent developed areas,
- Water levels in this area were approximately 4 inches above natural ground level during this site assessment but hydrologic indicators suggest that normal pool elevation is normally below ground level,

VEGETATION

- Dominant vegetation consists of wetland herbaceous plants, such as shield fern (*Thelypteris kunthii*) and lizard's tail (*Saururus cernuus*) along with the invasive and undesirable ivy arum (*Philodendron hederaceum*),
- No natural recruitment of cypress or pond apple trees,
- Canopy in this area is dominated by Brazilian pepper (*Schinus terebinthifolius*), and pond apple (*A. glabra*) with no recruitment of native pond apple or cypress,

Q5a



cypress or pond apple trees present,

HYDROLOGY

- This site falls within the core drainageway on the west end of the parcel with evidence of limited surface ponding or flooding,
- Water was not observed above the ground surface during any site visits at this location,
- Hydrologic indicators suggest that ponding or flooding at this location does not normally occur,

VEGETATION

- Ground cover vegetation is dominated by Brazilian pepper with Alligator weed and shield fern also present in fewer numbers,
- No natural recruitment of

Q6a



HYDROLOGY

- This site falls along the edge of the core drainageway and ponding or flooding of surface water above the ground surface is not evident in this area,
- Hydrological indicators suggest that the normal pool elevation is below the ground surface,

VEGETATION

- Understory and ground cover plants dominated by shoebutton Ardisia with a small percentage of shield fern and young Brazilian pepper sprouts,

Q6a Vicinity



HYDROLOGY

- This site falls along the edge of the core drainageway and ponding or flooding of surface water above the ground surface is not evident in this area,

VEGETATION

- This stump of a dead cypress tree is in the vicinity of site Q6a and is supporting evidence of the ultimate demise of this site,
- This site contains no naturally occurring cypress or pond apple trees,
- Area is dominated by invasive and undesirable vegetation
- This photo shows a dead and decaying cypress tree, what to expect for the remaining cypress

trees on this site and,

- With no natural recruitment of cypress trees the site will continue to transition to an exotic dominated forest of Bishop's wood and shoebutton Ardisia,

Q7a



HYDROLOGY

- This site is inside of the original core drainageway,
- This site remains outside of the reduced central drainage zone,
- Based on current hydrological indicators, this site is now outside of the core drainageway and shows no ponding or flooding of surface waters above natural ground elevation,
- Other than historic wetland soils, there are no hydrological indicators present at this location,

VEGETATION

- Plants consist of exotic and upland vegetation dominated by young Bishop's

wood sprouts,

- No cypress or pond apple saplings in the ground cover or sub-canopy,

Q8a



area,

HYDROLOGY

- This site is located within the original drainageway adjacent to the boardwalk,
- Based on current hydrological indicators, this site is now outside the drainageway and no evidence of surface water ponding or flooding above natural ground elevation is evident,

VEGETATION

- Vegetation is dominated by shoebutton Ardisia, an undesirable upland shrub,
- No cypress or pond apple saplings present, and there are none of these trees in the understory or sub-canopy,
- Old mature cypress and pond apple remain in this

Q9a



apple trees,

HYDROLOGY

- This site is located within the historic core drainage area but is now clearly outside of the boundary of this area,
- No surface hydrologic indicators present at this location,
- No evidence of surface water ponding or flooding at this site,
-

VEGETATION

- Ground cover vegetation is dominated by non-native and undesirable vegetation including ivy arum and young Brazilian pepper sprouts,
- No regeneration of native wetland trees and shrubs including cypress and pond

Q10a



the understory or ground cover,

HYDROLOGY

- This site is located within the historic core drainage area but is now outside of any surface water flooding or ponding,
- No hydrologic indicators found at this area of the site,

VEGETATION

- Ground cover vegetation is dominated by non-native shrubs including ivy arum,
- Other vegetation present at this location includes Bishop's wood, Virginia creeper, and shoebutton Ardisia,
- No native wetland tree regeneration at this site,
- No cypress or pond apple trees, saplings or sprouts in

Q11a



HYDROLOGY

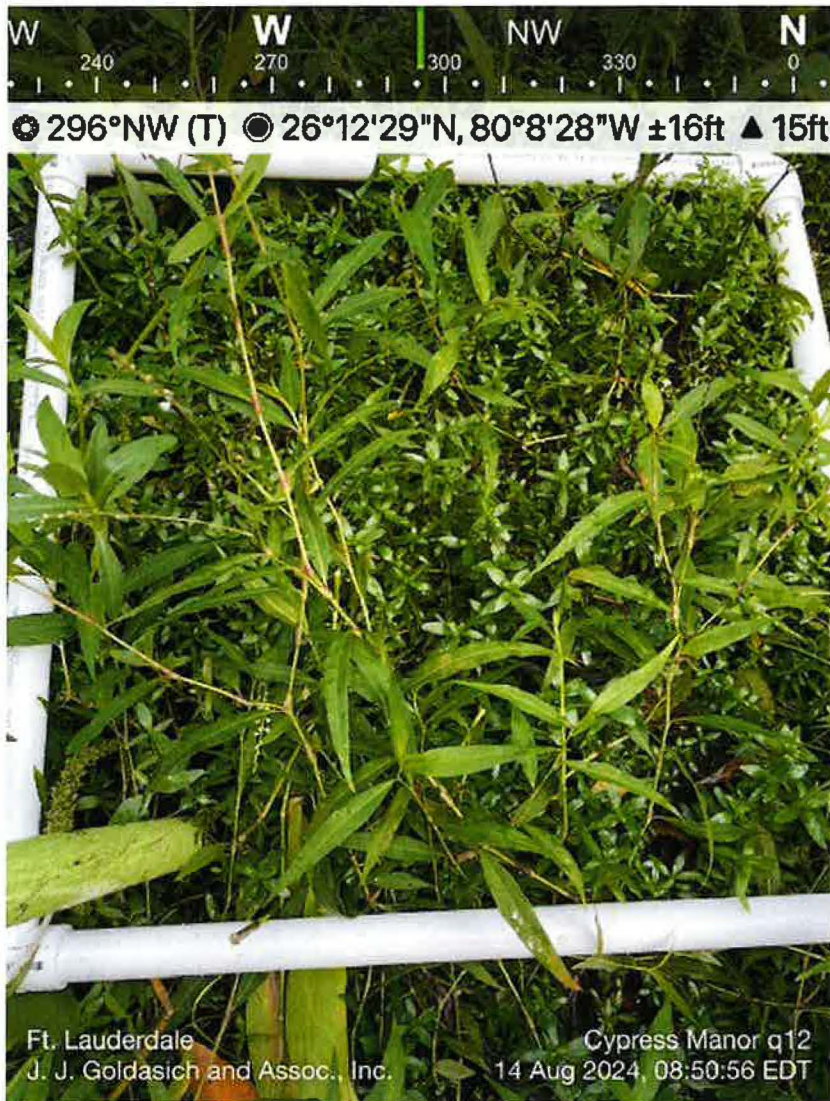
- This area is at the edge of the historic core drainage area but now is outside of direct influence of ponding or flooding surface water,
- No hydrologic indicators present at this location,

VEGETATION

- Ground cover vegetation at this location consist of shoebutton Ardisia, Lygodium and smart weed,
- No regeneration of native wetland trees or shrubs at this location, including cypress and pond apple trees, saplings or sprouts,
- The presence of the highly invasive Lygodium at this location signals frequently dry

conditions and lack of wetland hydrology during much of the growing season,

Q12a



at this location,

HYDROLOGY

- This area is within the limits of the core drainage area,
- Soils were saturated within 6 inches of the surface at this location,

VEGETATION

- Ground cover at this location consists of alligator weed and smart weed, both wetland plants,
- No invasive or non-native vegetation found at this location,
- Regeneration of wetland trees or shrubs is not evident at this location,
- No regeneration of cypress or pond apple trees, saplings or sprouts identified

Q13a



HYDROLOGY

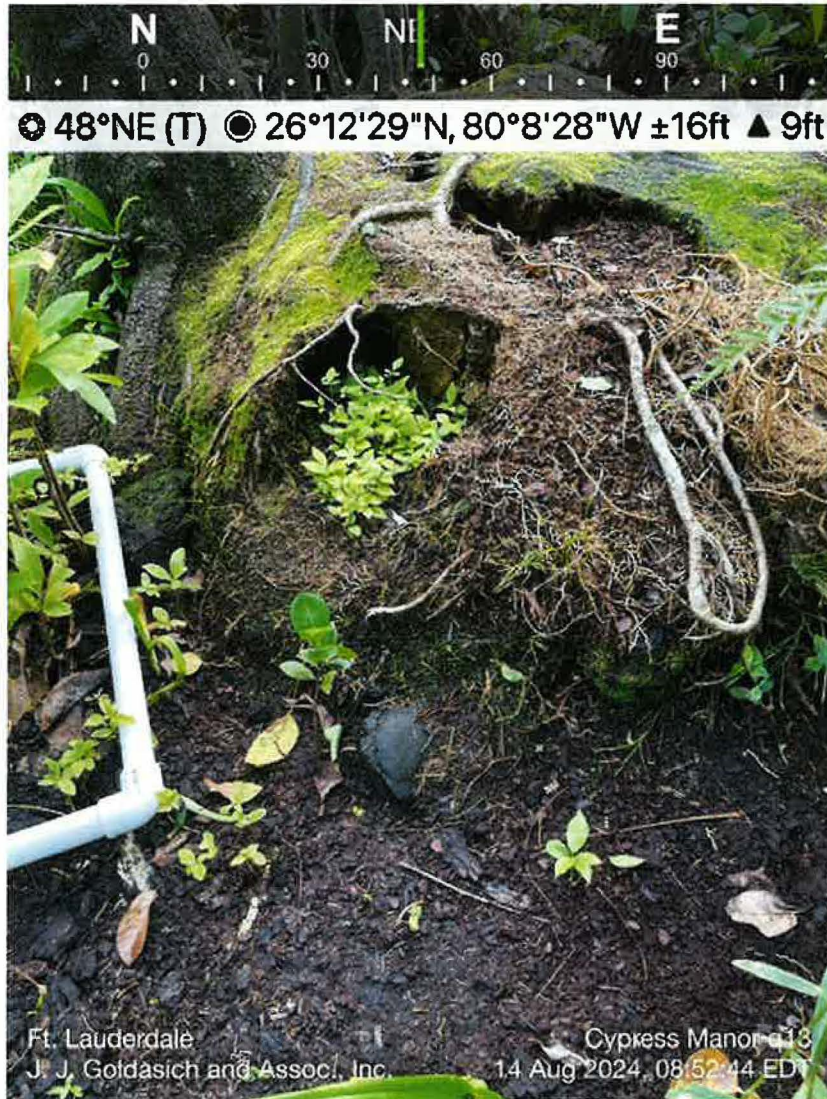
- This area is within the limits of the core drainage area,
- Surface water flooding or ponding was not present during the site assessments or this area,
- Hydrologic indicators suggest that this area is periodically flooded or ponded with surface waters up to 6 inches deep,

VEGETATION

- Ground cover vegetation dominated by shoebutton Ardisia with small numbers of swamp lily,
- Vegetation development and growth patterns along with the lack of significant

hydrologic indicators further suggest that surface water flooding or ponding is not frequent at this location, as mosses and other water intolerant vegetation is present on the ground surface,

Q13a Water Level Indicator



HYDROLOGY

- The periodic flooding or ponding of surface water occurs at this site to the lower level of the tussock,
- This area did not contain surface water during any of the site assessments,

VEGETATION

- Note exotic vegetation including Brazilian pepper sprouts and shoebutton Ardisia saplings at the upper elevation of the tussock,
- Other ground cover vegetation outside of the quadrat is Virginia creeper, young Brazilian pepper sprouts, Shoebuttan Ardisia, and swamp fern,

Q14a



HYDROLOGY

- This site is located within the historic core drainage area continues to show limited areas of flooding or ponding,
- The common hydrologic indicators at this location consist of staining on low structures and the lack of moss and other vegetation intolerant of flooded conditions,
- Hydrologic indicators suggest water is periodically flooded or ponded to depths of approximately 2 to 3 inches at this location,

VEGETATION

- Ground cover vegetation is dominated by swamp lily and lizard's tail, both wetland

plants,

- No regeneration of cypress or pond apple trees, saplings or sprouting seeds is found at this location,

Q15a



HYDROLOGY

- This area is located within the limits of the core drainage area of this parcel and displays evidence of flooding and ponding above the soil surface to depths of approximately 2 to 4 inches,

VEGETATION

- Ground cover vegetation is dominated by the highly invasive Lygodium climbing fern with small numbers of shield fern,
- Other vegetation found at this location consists of Virginia creeper and swamp lily,
- No regeneration of native wetland trees or shrubs is evident at this

location,

- No cypress or pond apple trees, saplings or sprouting seeds are found in this area,

Q15a Vicinity Conditions



VEGETATION/HYDROLOGY

- This area contains evidence of the once great stand of cypress trees and their eventual loss due to isolation, drainage and lack of natural fecundity at this location,
- This dead cypress tree is further evidence of the probable conditions to be expected at this site,

Q16a



are not found at this location,

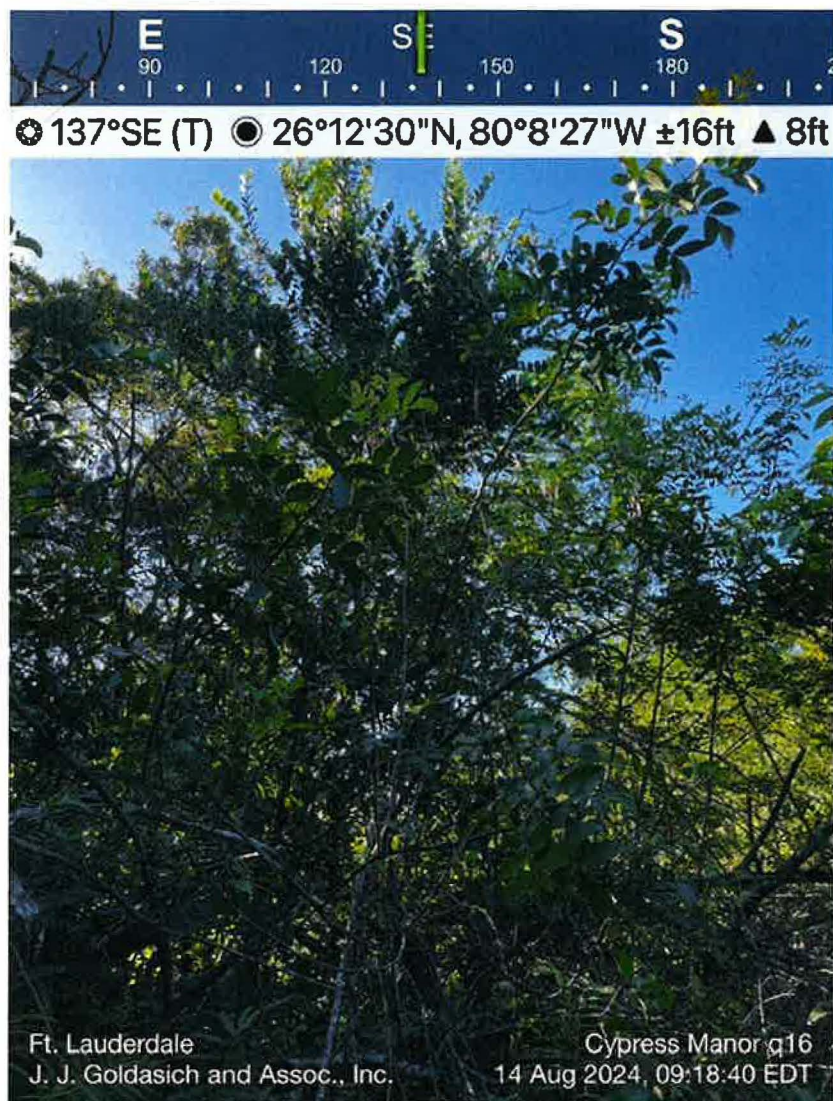
HYDROLOGY

- This area is within the limits of the core drainage area of this parcel,
- Surface water at this location appears to reach depths of approximately 3 inches above the ground surface,

VEGETATION

- Ground cover vegetation is dominated by shield fern and Brazilian pepper with smaller numbers of swamp lily,
- Natural vegetative recruitment does not include native wetland trees or shrubs,
- Natural regeneration of cypress and pond apple trees, saplings or sprouting seeds

Q16a Tree Canopy Conditions



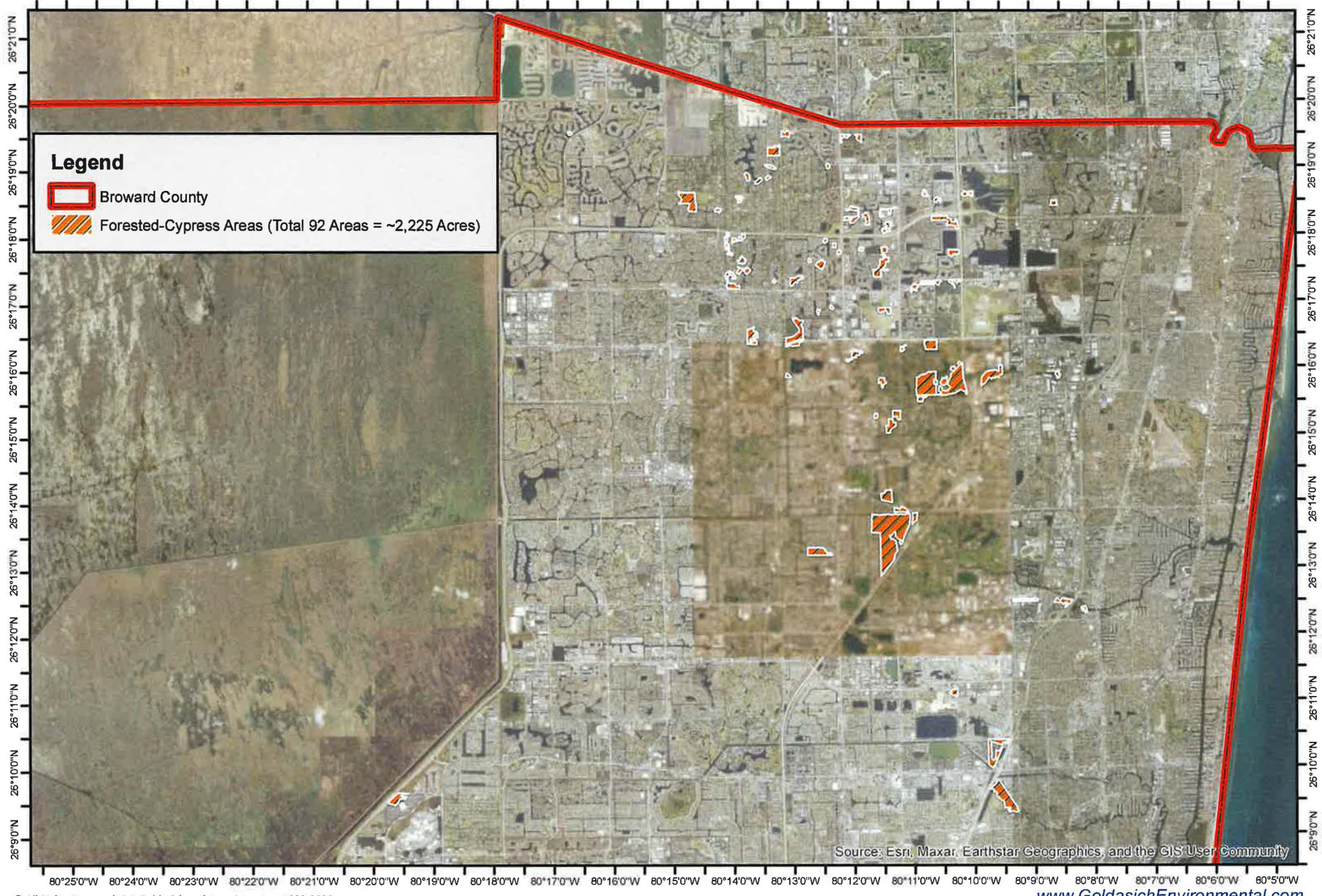
VEGETATION

- Dominant tree canopy at this location is the invasive Brazilian pepper,
- No evidence of natural native wetland tree or shrub recruitment at this location,

Barbara Blake Boy
Broward County Planning Council
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July 25, 2025

Exhibit B
To Response Document

Map Prepared by JJ Goldasich & Associates
of
Forested Wetland Sites in Broward County



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www.GoldasichEnvironmental.com

Initial: 02/25/2024		Revision Date: 4/3/2024		J. J. Goldasich and Associates, Incorporated		Cypress Manor					
						FW Forested & Cypress Wetlands					
						North County Area					
						Broward County, FL				Forested and Cypress Wetlands	

Miles

Ecological Services
Natural System Analysis
DESIGN/PERMIT-BUILD-MAINTAIN

(561) 883-9555
jjg@jjgoldasich.com
Seagrass to Sawgrass

ATTACHMENT 8

LOCAL AREA OF PARTICULAR CONCERN (LAPC) AGREEMENT BETWEEN CITY OF FORT LAUDERDALE AND CPN WEST, LLC

This is an Agreement between the **City of Fort Lauderdale**, a Florida municipal corporation ("City") and **CPN West LLC**, a Florida limited liability company ("CPN")

RECITALS

A. CPN is the owner of real property located in the City of Fort Lauderdale, as described in *Exhibit 1* to this Agreement ("LAPC Parcel").

B. In March of 1989, the LAPC Parcel was designated as a Local Area of Particular Concern ("LAPC") by Broward County.

B. CPN has applied to Broward County to remove the LAPC designation for the property on the basis that the LAPC parcel no longer meets the criteria for designation as an LAPC and that an Environmental Resource Permit has been obtained, subject to the purchase of 3.89 credits in the Pembroke Pines Mitigation Bank and the restoration of a parcel adjacent to the LAPC Parcel, which is 1.68 acres.

D. The Broward County Planning Council requires correspondence from the City advising of the City's position regarding the removal of the LAPC designation.

E. The City Commission at its meeting of June 3, 2025 considered CPN's request for removal of the LAPC designation and voted to adopted Resolution No. 25-94, which is attached to this Agreement as *Exhibit 2* ("LAPC Resolution"), supporting the request for removal of the LAPC designation from the LAPC Parcel, subject to the conditions described in Exhibit B to that Resolution ("Resolution Conditions").

F. The LAPC Resolution required CPN to enter into an agreement with the City of Fort Lauderdale, agreeing to the Resolution Conditions for the City Commission's support to be effective and delegated authority to the City Manager to execute said agreement.

G. Therefore, City and CPN are hereby entering into the Agreement contemplated by the LAPC Resolution.

NOW THEREFORE, the City and CPN agree as follows:

1. **Agreement with Resolution Conditions.** CPN hereby agrees to comply with the Resolution Conditions which state:
 - a. The plans for the development of the LAPC site shall include at least 86,000 square feet of native tree canopy at maturity; and

- b. The proposed tree canopy shall be provided within the boundary limits of property folio numbers 494210360030 and 494210360040; and
 - c. In the event the project is phased, the 86,000 square feet of native tree canopy must be completed as part of the first phase; and
 - d. Prior to issuance of the building permit for the residential project, the applicant shall provide payment of \$126,500.00 to the City of Fort Lauderdale for the construction of a greenway trail consistent with the cost estimates provided by the applicant; or if the City decides not to build the Greenway Trail, the payment of \$126,500.00 may be used by the City to install tree canopy elsewhere in the City; and
 - e. The restoration plan for the 1.68-acre site described in *Exhibit 3* ("Restoration Site") shall be implemented prior to the issuance of the final certificate of occupancy for the residential building.
2. **Effectiveness of CPN's Obligations.** The obligations set forth in Section 1 above shall become binding upon the CPN and the LAPC Parcel upon the County Commission approving the removal of the LAPC designation and the Land Use Plan Amendment to the Broward County Land Use Plan becoming final, with no appeals taken, or if taken, with such appeals resolved in favor of the removal of the LAPC designation. If removal of the LAPC designation is denied by the County Commission, or otherwise does not become effective as the result of the state Comprehensive Plan process or litigation, the obligations set forth in Section 1 shall be of no further force and effect and this agreement shall be deemed automatically terminated by the parties to this Agreement.
 3. **Recordation.** Upon removal of the LAPC designation on the LAPC Parcel becoming final, this agreement in executed and recordable form, shall be recorded by CPN in the public records of Broward County, Florida, and shall be binding upon the LAPC Parcel.
 4. **Agreement to be Provided to County.** The City hereby agrees that upon full execution of this Agreement, CPN shall be entitled to provide a copy of this Agreement containing the LAPC Resolution to the Broward County Planning Council for the Planning Council's consideration of the CPN's request to remove the LAPC designation from the LAPC Parcel.
 5. **Modification or Termination of Agreement.** Other than the automatic termination of this Agreement as specifically provided for in Section 2 above, this Agreement may only be terminated or modified by the execution of an amendment to this Agreement by the City and by the then owner of the LAPC Parcel provided that if the amendment affects the Restoration Site, the owner of the Restoration Site shall also be required to be a party to the amendment.

In Witness Whereof this Agreement has been executed by the parties to this Agreement as set forth below, on the date written below their signatures.

CPN WEST, LLC
a Florida limited liability company

By: [Signature]
Yoav Merary, President

Dated: 07/21/2025

STATE OF Florida
COUNTY OF Broward

The foregoing instrument was acknowledged before me by means of X physical presence or _____ online notarization this 21 day of July, 2025 by YOAV MERARY, PRESIDENT OF CPN WEST, LLC, a Florida limited liability company. He X is personally known to me or has _____ produced _____ as identification.

[Signature]
Notary Public Signature

SEAL



My Commission Expires 01/24/26

CITY OF FORT LAUDERDALE, a
Florida municipal corporation

By: Rickelle Williams
Rickelle Williams, City Manager

Dated: 8/15/25

ATTEST:

By: David R. Soloman
David R. Soloman, City Clerk



Approved as to Legal Form
and Correctness

D'Wayne M. Spence
Interim City Attorney

By: D'Wayne M. Spence
D'Wayne M. Spence

Exhibit 1

Legal Description
LAPC Parcel

That portion of Parcel A of Reflections Plat as shown on Plat recorded in Plat Book 119, Page 46 of the Public Records of Broward County, Florida, described as follows:

Commence at the Easternmost corner of Parcel 'A', PARK LAKE, according to the Plat thereof, as recorded in Plat Book 106, at Page 1, of the Public Records of Broward County, Florida, also known as the Southeast corner of said Parcel 'A', REFLECTIONS; thence North 48°57'43" East along the Northwestern right-of-way line of Interstate 95, a distance of 248.88 feet to the Point of Beginning; thence North 41°02'17" West, a distance of 144.90 feet; thence South 78°56'21" West, a distance of 26.24 feet; thence South 48°56'42" West, a distance of 37.20 feet; thence South 88°54'29" West, a distance of 12.99 feet; thence North 47°38'50" West, a distance of 36.54 feet; thence South 89°28'06" West, a distance of 89.13 feet; thence South 66°20'08" West, a distance of 17.42 feet; thence South 47°46'11" West, a distance of 150.02 feet; thence North 79°04'27" West, a distance of 90.73 feet; thence North 33°11'52" West, a distance of 266.35 feet; thence North 18°26'28" West, a distance of 37.04 feet; thence North 10°37'16" West, a distance of 17.29 feet; thence North 2°16'32" West, a distance of 47.87 feet; thence North 17°15'05" East, a distance of 48.23 feet; thence North 45°25'25" East, a distance of 96.89 feet; thence South 85°12'58" East, a distance of 30.15 feet; thence South 62°54'18" East, a distance of 26.18 feet; thence South 47°39'32" East, a distance of 58.05 feet; thence South 79°20'51" East, a distance of 19.74 feet; thence North 80°38'51" East, a distance of 143.84 feet; thence North 50°33'20" East, a distance of 55.70 feet; thence South 84°14'48" East, a distance of 64.18 feet; thence South 51°08'10" East, a distance of 39.40 feet; thence South 36°19'28" East, a distance of 29.48 feet; thence South 55°12'18" East, a distance of 45.40 feet; thence South 72°08'56" East, a distance of 135.37 feet; thence North 88°25'14" East, a distance of 15.36 feet; thence North 45°51'42" East, a distance of 14.09 feet; thence North 17°10'07" East, a distance of 17.44 feet; thence North 47°13'45" East, a distance of 15.73 feet; thence South 83°01'46" East, a distance of 11.96 feet; thence South 72°59'03" East, a distance of 247.21 feet; thence South 41°34'31" West, a distance of 207.76 feet; thence South 48°57'43" West along an Easterly boundary of said Parcel A, a distance of 209.13 feet; to the Point of Beginning.

Exhibit 2

LAPC Resolution



CERTIFICATION

I certify this to be a true and correct copy of the record of the City of Fort Lauderdale, Florida.

WITNESSETH my hand and official seal of the City of Fort Lauderdale, Florida, this the 23rd day of Jan, 20 25

City Clerk

RESOLUTION NO. 25-94

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPRESSING SUPPORT FOR THE REMOVAL FROM THE BROWARD COUNTY, FLORIDA LAND USE PLAN NATURAL RESOURCE MAP SERIES, LOCAL AREA OF PARTICULAR CONCERN SITE #83, GENERALLY LOCATED SOUTH OF THE C-14 CANAL, WEST OF INTERSTATE 95, EAST OF NORTH ANDREWS AVENUE, AND NORTH OF THE INTERSTATE 95 SOUTHBOUND EXIT RAMP TO CYPRESS CREEK ROAD, SAID LANDS BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA; AUTHORIZING THE CITY MANAGER TO EXECUTE A CERTAIN LEGAL INSTRUMENT; PROVIDING FOR REVIEW AND APPROVAL AS TO FORM ALL DOCUMENTS BY THE CITY ATTORNEY'S OFFICE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Applicant, RD Investment Properties, LLC, has applied to the Broward County Planning Council for approval to remove the Local Area of Particular Concern Site #83 from the Environmentally Lands Map included in the Natural Resource Map Series of the Broward County Land Use Plan as more particularly described on Exhibit "A" attached hereto; and

WHEREAS, RD Investment Properties, LLC, seeks to develop Site #83 for multifamily housing, subject to the City's recently adopted Uptown Urban Village Transit Oriented District land use designation to include 63 affordable residential units; and

WHEREAS, Site #83 has been degraded by the predominance of exotic vegetation and inadequate hydrology to sustain the site as a Cypress Wetland Forest; and

WHEREAS, Broward County has issued an Environmental Resource Permit for Site #83 which allows for the development of the site and would require the restoration and maintenance of a 1.546-acre parcel within the office park adjacent to Site #83; and

WHEREAS, the City of the Fort Lauderdale (the "City") desires to add housing units to its Uptown Urban Village District which currently lacks sufficient housing for the nearby commercial and industrial uses;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

RESOLUTION NO. 25-94

SECTION 1. That the Recitals set forth above are true and correct and incorporated herein by this reference.

SECTION 2. That the City Commission of the City of Fort Lauderdale, Florida, hereby expresses support for the removal of Site #83, as legally described in Exhibit "A" attached hereto, from the Environmentally Sensitive Lands Map of the Broward County Natural Resources Map Series. This support is contingent upon the Applicant executing an instrument legally enforceable by the City requiring the Applicant to fulfill the obligations outlined in Exhibit "B".

SECTION 3. That the City Manager is delegated the authority to execute the instrument referenced in Section 2 of this resolution.

SECTION 4. That the Office of the City Attorney shall review and approve as to form all documents prior to their execution by the City Manager.

SECTION 5. That this Resolution shall be effective immediately upon final adoption.

ADOPTED this 3rd day of June, 2025.


Mayor
DEAN J. TRANTALIS

ATTEST:


City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:


Interim City Attorney
D'WAYNE M. SPENCE

Dean J. Trantalis Yea

John C. Herbst Yea

Steven Glassman Yea

Pamela Beasley-Pittman Yea

Ben Sorensen Yea

Exhibit A

Legal Description

That portion of Parcel A of Reflections Plat as shown on Plat recorded in Plat Book 119, Page 46 of the Public Records of Broward County, Florida, described as follows:

Commence at the Easternmost corner of Parcel 'A', PARK LAKE, according to the Plat thereof, as recorded in Plat Book 106, at Page 1, of the Public Records of Broward County, Florida, also known as the Southeast corner of said Parcel 'A', REFLECTIONS; thence North 48°57'43" East along the Northwestern right-of-way line of Interstate 95, a distance of 248.88 feet to the Point of Beginning; thence North 41°02'17" West, a distance of 144.90 feet; thence South 78°56'21" West, a distance of 26.24 feet; thence South 48°56'42" West, a distance of 37.20 feet; thence South 88°54'29" West, a distance of 12.99 feet; thence North 47°38'50" West, a distance of 36.54 feet; thence South 89°28'06" West, a distance of 89.13 feet; thence South 66°20'08" West, a distance of 17.42 feet; thence South 47°46'11" West, a distance of 150.02 feet; thence North 79°04'27" West, a distance of 90.73 feet; thence North 33°11'52" West, a distance of 266.35 feet; thence North 18°26'28" West, a distance of 37.04 feet; thence North 10°37'16" West, a distance of 17.29 feet; thence North 2°16'32" West, a distance of 47.87 feet; thence North 17°15'05" East, a distance of 48.23 feet; thence North 45°25'25" East, a distance of 96.89 feet; thence South 85°12'58" East, a distance of 30.15 feet; thence South 62°54'18" East, a distance of 26.18 feet; thence South 47°39'32" East, a distance of 58.05 feet; thence South 79°20'51" East, a distance of 19.74 feet; thence North 80°38'51" East, a distance of 143.84 feet; thence North 50°33'20" East, a distance of 55.70 feet; thence South 84°14'48" East, a distance of 64.18 feet; thence South 51°08'10" East, a distance of 39.40 feet; thence South 36°19'28" East, a distance of 29.48 feet; thence South 55°12'18" East, a distance of 45.40 feet; thence South 72°08'56" East, a distance of 135.37 feet; thence North 88°25'14" East, a distance of 15.36 feet; thence North 45°51'42" East, a distance of 14.09 feet; thence North 17°10'07" East, a distance of 17.44 feet; thence North 47°13'45" East, a distance of 15.73 feet; thence South 83°01'46" East, a distance of 11.96 feet; thence South 72°59'03" East, a distance of 247.21 feet; thence South 41°34'31" West, a distance of 207.76 feet; thence South 48°57'43" West along an Easterly boundary of said Parcel A, a distance of 209.13 feet; to the Point of Beginning.

EXHIBIT "B"

CONDITIONS TO THE CITY OF FORT LAUDERDALE'S SUPPORT OF REMOVAL OF LAPC DESIGNATION

At the time of site plan application approval for the proposed development on the subject property, the applicant shall execute a development agreement with the City of Fort Lauderdale to address the following:

- a. The plans for the development of the Local Area of Particular Concern ("LAPC") site shall include at least 86,000 square feet of native tree canopy at maturity; and
- b. The proposed tree canopy shall occur within the boundary limits of property folio numbers 494210360030 and 494210360040; and
- c. In the event the project is phased, the 86,000 square feet of native tree canopy must be completed as part of the first phase.
- d. Prior to issuance of the building permit for the residential project, the applicant shall provide payment of \$126,500.00 made to the City of Fort Lauderdale for the construction of a greenway trail consistent with the cost estimates provided by the applicant; or if the City decides not to build the Greenway Trail, the payment of \$126,500.00 may be used by the City to install tree canopy elsewhere in the City.
- e. The restoration plan for the 1.68 site within the office park shall be implemented prior to the issuance of the final certificate of occupancy for the residential building.

Exhibit 3

Legal Description

1.68 Acre Restoration Site

**SKETCH AND DESCRIPTION
PORTION OF PARCEL 'A'**

REFLECTIONS

(P.B. 119, PG. 45, B.C.R.)

CITY OF FORT LAUDERDALE

LAND DESCRIPTION:

A portion of Parcel 'A', REFLECTIONS, according to the Plat thereof, as recorded in Plat Book 119, Page 46, of the Public Records of Broward County Florida, being described as follows:

Beginning at the northwest corner of said Parcel 'A'; thence N89°16'41"E, 29.42 feet; thence S01°41'30"E, 384.47 feet (the previous two calls being along the west line of said Parcel 'A'); thence N88°17'40"E, 235.76 feet; thence N49°57'21"E, 5.15 feet; thence N63°05'46"E, 12.75 feet; thence N50°50'54"E, 18.22 feet; thence N03°09'58"E, 14.63 feet; thence N27°04'16"W, 31.60 feet; thence N55°09'16"E, 36.21 feet; thence N31°19'34"W, 93.81 feet; thence N35°18'06"W, 47.76 feet; thence N44°55'52"W, 74.60 feet; thence N03°05'36"W, 5.52 feet; thence N59°17'26"W, 38.03 feet; thence N55°31'58"W, 22.35 feet; thence N46°51'46"W, 67.24 feet; thence N49°44'28"W, 89.23 feet to the north line of said Parcel 'A' also being a point on the arc of a curve (radial bearing to said point bears N39°18'54"W), concave to the southwest, having a radius of 2237.01 feet and a central angle of 00°48'41"; thence southwesterly along the north line of said Parcel 'A' an arc distance of 31.68 feet to the **Point Of Beginning**.

Said lands lying in The City of Fort Lauderdale, Broward County, Florida and containing 73,335 square feet (1.6835 acres) more or less.

SURVEYOR'S REPORT:

1. Reproductions of this Sketch are not valid without the signature and the original seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to this survey map or report by other than the signing party is prohibited without written consent of the signing party.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Distances and angles shown hereon are in accord with the plat of record and agree with the survey measurements, unless otherwise noted. Bearings are assumed based on the west line of Parcel 'A' having a bearing of S01°41'30"E.
5. Data shown hereon was compiled from instrument(s) of record and does not constitute a Boundary Survey.
6. Abbreviation Legend: B.C.R. = Broward County Records; Δ = Central Angle; F.B. = Field Book; L = Arc Length; L.B. = Licensed Business; P.B. = Plat Book; PG. = Page; P.L.S. = Professional Land Surveyor; P.O.B. = Point Of Beginning; R = Radius.

CERTIFICATION:

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17, Florida Administrative Code, pursuant to Chapter 472, Florida Statutes.

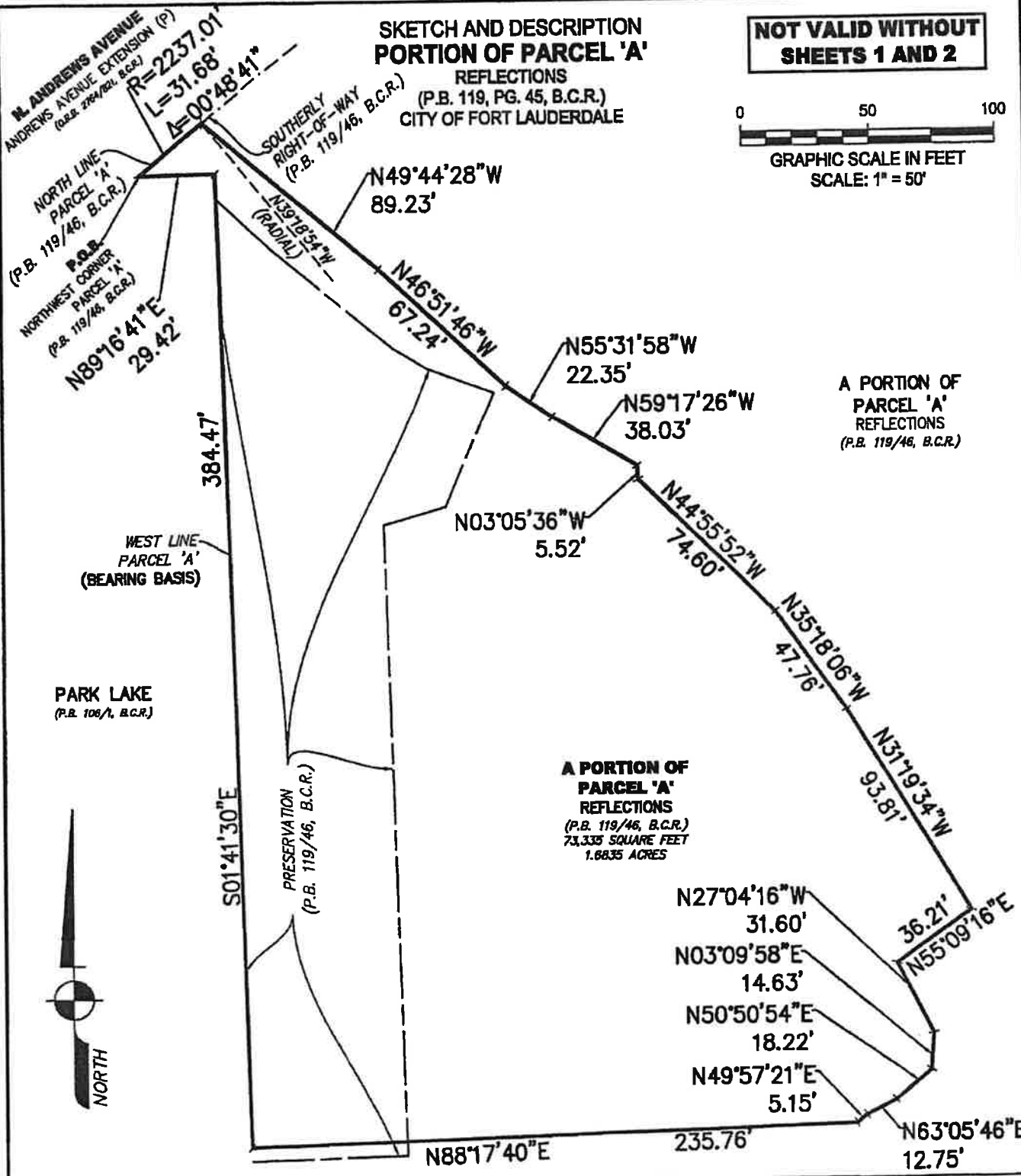
Date: 06/04/2024

**NOT VALID WITHOUT
SHEETS 1 AND 2**

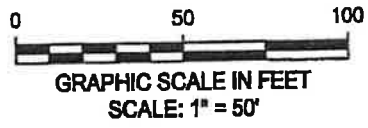

JOHN T. DOOGAN, P.L.S.

Florida Registration No. 4409
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

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		SCALE: 1" = 50'
	DATE: 06/04/2024	
	BY: L.B.	
	CHECKED: J.T.D.	
	F.B. N/A PG. N/A	
	SHEET: 1 OF 2	



NOT VALID WITHOUT SHEETS 1 AND 2



REVISIONS



AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING
 50 S.W. 2nd AVENUE, SUITE 102
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 (561) 392-2594 / www.AVIROMSURVEY.com
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JOB #:	11985-7
SCALE:	1" = 50'
DATE:	08/04/2024
BY:	L.B.
CHECKED:	J.T.D.
F.B.	N/A
PG.	N/A
SHEET:	2 OF 2