



1210 Hillsboro Mile
Hillsboro Beach, FL 33062

TOWN OF HILLSBORO BEACH

Phone: (954) 427-4011
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February 20, 2023

Eric Fordin
315 South Biscayne Boulevard
Miami, Florida 33131

**Re: Compliance Determination Approval
1174-1185 Hillsboro Mile**

Dear Mr. Fordin:

The Town of Hillsboro Beach has reviewed and approved the Site Plan submitted for Compliance Determination Approval per requirements set forth in Section 12-269 of the Town's Land Development Code. Based on review of the submittal dated January 18, 2023, the proposed site plan:

- (i) Is in substantial compliance with the site plan previously approved by the Town Commission by an affirmative super-majority vote on February 1, 2022;
- (ii) Complies with the dimensional and density criteria set forth within the section: and
- (iii) Has only minor deviations from the plan approved on February 1, 2022

Based on this Compliance Determination, the approval shall be contingent upon the pertinent conditions of approval of the original development order of February 1, 2022, as provided below:

- a. All buildings and accessory structures shall be consistent in design;
- b. Applicant shall respond to all comments provided in Appendix A and shall provide a revised set of plans to the Town staff prior to submittal of a building permit;
- c. Applicant shall work with the Town Attorney to draft a beach access easement agreement outlining the use of this easement by the Town prior to issuance of a building permit for vertical construction.
- d. Developer hereby voluntarily agrees to contribute \$4,500,000.00 to the Town, which shall be used by the Town to offset the cost of undergrounding utilities in Hillsboro Mile and/or to offset the cost of any expenses incurred by the Town for beach renourishment (hereinafter referred to as the "Voluntary Contributions"). Prior to the issuance of the first building permit for the Project, Developer will pay the Town \$2,250,000.00 as the first installment for payment of the Voluntary Contributions; the balance of the Voluntary Contributions will be paid by the Developer to the Town prior to issuance of the first certificate of occupancy for the Project. The Developer hereby agrees that it waives any right to challenge this condition of approval or otherwise seek recompense for its payment of the Voluntary Contributions.

The Voluntary Contributions shall be deposited by the Town in a trust fund to be created by the Town and to be named: "Town of Hillsboro Beach Underground Utility and Beach Renourishment Trust Fund". In the event the aforesaid trust fund is not created at the time Developer pays the Voluntary Contributions, the Town shall deposit such funds in an appropriate account and not comingle such funds, so they are available for their intended use.

- e. The Town Commission hereby grants an extension of the effective period of final site plan approval as follows: if, after the expiration of 2 years from the date the site plan approval by the Town Commission becomes final and not subject to appeal, a period of 90 days occurs in which no valid building permit is in effect, the final site plan approval shall be null and void unless further extended by the Town Commission.
- f. No trees for vegetation on the roof top on Parcel A and Parcel B above the railing
- g. Application to comply with any ordinance adopted by the Town Commission subsequent to the date of the Development Order relative to the excavation of beach material.

Should you have any further questions, feel free to contact me at jhickey@cgasolutions.com.

Sincerely,

The Town of Hillsboro Beach

C/O Calvin, Giordano & Associates, Inc.
1800 Eller Drive, Suite 600
Fort Lauderdale, FL 33316
954-921-7781

James P. Hickey, AICP
Town Planner