

RESOLUTION NO. _____

(12-PW-59A)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, ACKNOWLEDGING SPECIFIC GREEN AND SUSTAINABLE PRACTICES WITHIN THE PROPOSED "NAUTILUS APARTMENTS" LOCATED AT 3500 WASHINGTON STREET; WAIVING THE REQUIREMENT OF GREEN BUILDING CERTIFICATION WITH CONDITIONS FOR THE NAUTILUS APARTMENTS PROJECT; AND AMENDING THE APPROVED SITE PLAN (ORIGINALLY APPROVED BY RESOLUTION NO. R-2013-350) TO REFLECT SAID CHANGES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 151 of the City of Hollywood's Code of Ordinances requires that all development projects which are larger than 20,000 square feet be certified under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the USGBC, certified by the FGBC as a Green High Rise Residential Building or a Florida Green Commercial Building, or certified under another recognized certification program approved by the city; and

WHEREAS, on January 3, 2014, the City Commission (the "Commission") passed and adopted Ordinance No. O-2013-23 and Resolution No. R-2013-350 which approved Automatic Investments South, Inc. (the "Applicant") request for a Waiver of the 10 acre minimum, Rezoning, Master Plan, Design, and Site Plan for the construction of an 84 unit residential building and surface parking in an existing 193 unit, two-building, apartment complex, with surface parking and amenities located at 3500 Washington Street, as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to Section 151.158 of Hollywood's Code of Ordinances, the requirement of certification may be waived in an emergency situation or under documented circumstances in which compliance with the requirement would be cost prohibitive, would create an unreasonable burden on the construction project, would have a negative impact on a historic structure, or would defeat the intention of certification; and

WHEREAS, any request for a certification waiver must be accompanied by a specific reason for the waiver and be approved by the City Commission; and

WHEREAS, the Applicant has set forth in its application that as building area is over 20,000 square feet, a green building certification would be required and as such, compliance with this requirement would create an unreasonable burden due to uncertainty with the overall timing and cost for completion of the project; and

WHEREAS, based upon these circumstances, the applicant has requested a waiver of the certification requirement and has committed to meeting the intent and purpose of the code by designing and building to Green Building Coalition (FGBC) Green High Rise Residential Building standards; as more specifically set forth in Exhibit “B” attached hereto and incorporated herein by reference; and

WHEREAS, the Applicant has submitted a FGBC Green High Rise Residential Building based Checklist (Exhibit “B”) illustrating the 50 points required for certification that will be incorporated into the project, along with an additional 8 points that will be attempted, for a total of 58 targeted points; and

WHEREAS, the original Site Plan approved pursuant to Resolution No. R-2013-350 and Master Plan approved by Ordinance No. O-2013-23 expressly stated that “The proposed project will comply with Section 151.158 Buildings, Mandatory Green Building Practices, Large Buildings of the City Code of Ordinances; and

WHEREAS, the Department of Planning staff have reviewed the Applicant’s request and are recommending that if the City Commission grants the waiver, the following conditions be included in such approval:

- (a) The Applicant submit an application to an acceptable certifying agency prior to the issuance of a building permit and continues the process until determination of the designation.
 - (b) That green and sustainable practices shall be designed and built as indicated by the FGBC Green High Rise Residential Building Checklist as set forth in Exhibit “B” or as approved by staff to satisfy minimum threshold requirements for FGBC Green High Rise Residential Building certification (50 points); and
 - (c) As necessary, the Applicant shall provide affidavits of compliance certified by accredited professionals, as determined and approved by Staff.
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WHEREAS, should the requested waiver be granted, the approved Site Plan shall be amended to eliminate the requirement that the Applicant comply with Section 151.158 of the Hollywood Code of Ordinances for green building certification and shall now include the aforementioned requirements and conditions;

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

Section 1: That it hereby acknowledges that the Applicant shall incorporate into the Nautilus Apartments Project those specific green and sustainable practices as more specifically set forth in Exhibit “B” attached hereto and incorporated herein by reference.

Section 2: That following review of the Applicant's request and the consideration of the criteria set forth in Section 151.158(B) of the Hollywood Code of Ordinances for granting waivers, the waiver of the required green building certification is hereby granted with the following conditions:

- (a) That the Applicant shall submit an application to an acceptable certifying agency for prior to the issuance of a building permit and continues the process until determination of the designation.
- (b) That green and sustainable practices shall be designed and built as indicated by the FGBC Checklist as set forth in Exhibit "B" or as approved by staff to satisfy minimum threshold requirements for FGBC certification (50 points); and
- (c) As necessary, that the Applicant shall provide affidavits of compliance certified by accredited professionals, as determined and approved by Staff.

Section 3: That Resolution No. R-2013-350 is hereby amended to eliminate the requirement that the Applicant comply with Section 151.158 of the Hollywood Code of Ordinances and shall now include the aforementioned requirements and condition. All other requirements and conditions set forth in Resolution No. R-2013-350 shall remain in full force and effect.

Section 4: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2014.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY
For the use and reliance of the
City of Hollywood, Florida, only.

JEFFREY P. SHEFFEL, CITY ATTORNEY