



Design Review Board - Narrative Responses

Project: Miami Beach 72nd Street Community Center
Plan Number: DRB24-1072
Type: Design Review Board - DRB Approval
Status: Under Review
Project Name: IVR Number: 319924
Applied Date: 11/20/2024
Expiration Date: 11/14/2026
District: GU
Assigned To: Madan, Rogelio; Freitas, Gabriel; Byrnes, Phillip.
Completion Date: 05/15/2025
Square Feet: 0.00
Valuation: \$0.00
Description: Construction of a new community recreation facility at 72nd Street between Collins Avenue and Harding Avenue that includes a competition roof-top swimming pool, a library/media center, a fitness gym running track and a multi-level parking garage.

Planning Review • **Version 1** • **Date Received: 01/15/2025**

DRB - Planning Review – Fail Rogelio Madan email: RogelioMadan@miamibeachfl.gov

PLANNING DEPARTMENT

Staff First Submittal Comments: _____ 01/12
 Design Review Board Final Submittal & Formal Submittal (CSS): _____ 03/09
 Notice to proceed issued: _____ 03/20
 Agenda finalized & all fees paid by: _____ 03/24
 Tentative DRB meeting agenda date: _____ 05/15

Draft Notice:

DRB24-1072, 299 72ND STREET: An application has been filed requesting Design Review Approval for the construction of a new five-story community complex, with a parking garage, library, community center, aquatics center, fitness center, retail, multi-purpose fields, and jogging track; including variances to modify the clear pedestrian path requirement, reduce habitable floor requirements, reduce habitable depth requirements, remove the driveway and vehicle access limitations, reduce setback for surface parking, removal of upper level residential or commercial requirement for main use parking garages, and remove requirement for ground floor to contain residential or commercial uses on main use parking garages; and including one or more waivers, to replace an existing public parking lot.

Please provide a narrative response to the comments listed below. Provide page location if applicable.

COMMENTS & NARRATIVE RESPONSES

1. APPLICATION COMPLETENESS

- a. Survey: Provide lot area. this shall coordinate with zoning data and plans information.

Response: Lot Area Provided by Survey = 167,045 sf. (3.8348 acres) more or less.

- b. Zoning Data: Use Planning Department zoning data sheet format. Check list item 11c. provide this on a separate page. You can find this at: <https://www.miamibeachfl.gov/city-hall/planning/planning-document-checklist/>

Response: Noted, Please see attached Department's format Zoning Data sheet. Format implemented in Final Submittal Plans Set, sheet: **A001**

2. ZONING COMMENTS

- a. Clarify if the structure will be treated as a main use garage, per section 5.3.10, in which case FAR is not utilized, or if this is to be treated as a conventional building with FAR.

Response: The structure is designed to be a conventional building, Only the parking beyond the proposed use requirement will be counted towards the FAR. Please refer to updated sheet **A001**

- b. For variance requests please provide a calculation for the percentage of the reduction of the standard.

Response: Noted, please refer to update zoning data table provided on sheet **A001**

- c. Zoning Data: all information shall coordinate with plans and documents submitted.

Response: Noted.

- d. Provide dimensions of all exterior signage to ensure compliance with the requirements of the signage standards in Chapter 6.

Response: Please refer to new sheet **A205-Exterior Signage Details**.

- e. Variance Request 6 – The habitable space setback should be measured from the building's ground floor façade, not the property line. The variance is needed for all facades.

Response: Noted. Setback line diagram has been updated to reflect the 50ft setback from the building perimeter and not the Property Line. See updated legends on sheet **A010**

- f. Variance Request 7 – Clarify referenced code section.

Response: The legend note has been updated to include the code section 7.2.11.3(b)(1). This also brought attention to Request 8, which has been updated to reference 7.2.11.3(b)(2) instead of 7.2.11.3(b)(1). Please see the updated legends on Sheet **A010** for your reference

- g. Demonstrate compliance with Section 7.1.6, Parking Screening Standards, which are referenced in the CD-2 district regulations section 7.2.11(b)(1).

Response: *In areas of garage where there's not at least 50ft habitable space, the project proposes Architectural Screening as prescribe in MBRC Section 7.1.6.2(c)(4) - where parking is not lined with habitable space it should be screen by fenestration or other treatment. See updated legends on sheet A010*

3. DESIGN RECOMMENDATIONS

- a. It is strongly recommended that the existing trees along Collins Avenue be maintained to extent possible. In order to achieve this, staff suggests exploring shifting the building to the west or other means to ensure that there is sufficient room for the canopy trees to remain.

Response: *While maintaining the existing trees along Collins Avenue is a priority, the design team was directed to develop the proposed layout based on the Design Criteria Package (DCP), program requirements, and both existing and proposed site restrictions. This direction included optimizing site utilization while accommodating necessary building functions, access points, and regulatory constraints. Given these factors, there is no available space to shift the building footprint without significant impacts on the overall site plan and programmatic requirements.*

- b. Staff recommends that the number of shade trees throughout the site be increased to the extent possible.

Response: *Given the intensity of development that the City has requested, coupled with the restrictions imposed by FPL in their easement (all plantings within the easement and within 75-ft of any transmission pole shall have a maximum height at maturity of 14 feet), the canopy/shade trees that have been provided have been sized as large as possible to ensure that they can be installed in a manner that can accommodate their root-balls.*

- c. Staff suggests exploring the use of various colors of polycarbonate architectural mesh or other architectural treatments on the west elevation in order to create a more artistic façade and improve the visual interest.

Response: *The proposed architectural treatment on the west façade is designed to serve as a canvas for the future Arts in Public Places (AiPP) installation. This artistic component will be reviewed separately under a new Design Review Board (DRB) Application. For further clarification on the design intent and material details, please refer to Sheet A204 – Cladding & Screening.*

- d. It is recommended that art or other elements be provided at the ground level of the west elevation in order to create greater visual interest for pedestrians. Perhaps public art can be incorporated.

Response: *The constraints along the western perimeter, including the FPL easement, as well as existing and proposed grading conditions, limits the feasibility of utilizing this area for public art or other improvements beyond the program requirements. Given these restrictions, this recommendation will be conveyed to the Client/Owner for further consideration.*

- e. Staff suggests exploring the removal of the stairs to the north of the northernmost soccer field if not needed for life safety purposes. There is a staircase immediately to the west and it may be redundant. This would allow for additional greenspace on the ground level.

Response: *The removal of stairs cannot be accommodated as they are necessary to meet the code-required egress capacity.*

- f. The northern façade contains several blank walls. Staff suggests exploring adding score lines, texture, or other architectural treatments in order to improve visual interest.

Response: *Noted. Additional architectural reveal details have been considered and incorporated into all walls with significant blank areas. Please refer to the updated rendering sheets for further details, specifically Sheets **A025, A028, and A022.***

- g. The southwestern façade contains a large blank wall. Staff suggests exploring adding an artistic mural, score lines, texture, or other architectural treatments in order to improve visual interest.

Response: *Noted. Additional architectural reveal details have been considered and incorporated into all walls with significant blank areas. Please refer to the updated rendering sheets for further details, specifically Sheets **A025, A028, and A022***

- h. It is suggested that a signature architectural element be provided above the garage entrance to improve the terminating vista from Harding Avenue towards the garage entrance be considered.

Response: *Noted, please see updated design for the parking garage entry. Refer to sheets: A202 and update respective Renderings sheets.*

4. **ARCHITECTURAL REPRESENTATION**

- a. Add "FINAL SUBMITTAL" and DRB File No. to front cover title for heightened clarity.

Response: *See Updated Cover sheet*

- b. There is an inconsistency between the renderings, landscape plan, and site plan. The Renderings depict maintaining the shade trees along Collins Avenue (which is preferred by staff). Ensure that renderings, site plan, and landscape plan are consistent.

Response: *Please see updated Renderings Sheets and coordinated with proposed landscape. Shade street cannot be maintain per City's program field dimension request. Refer to **LA05-TREE DISPOSITION PLAN** for propose existing trees/plan to be removed and Existing tree/palm to be preserved.*

- c. Provide additional details on materials M01 and M07, polycarbonate architectural mesh types 1 and 2. In particular, the dimensions of openings to ensure that vehicle lights, interior lights, plumbing, and other equipment, are adequately screened from view on the exterior.

Response: *Refer to new sheet **A204-Cladding & Screening** for design intent and details*

- d. Provide details on exterior lighting fixtures and their location.

Response: *Refer to new sheet **LT01-LIGHTING PLAN-SITE***

- e. Staff recommends providing a night-time rendering to determine to review how lighting will impact the façade.

Response: *Refer to new rendering sheets **A015-A019***

- f. Identify the location of mechanical equipment, elevator bulkheads, and generators that will be located on the exterior of the building, in particular any rooftop equipment. Detail any screening that that will be provided for the mechanical equipment.

Response: Refer to new sheet **A204-Cladding & Screening for design intent and details and Elevations**

- g. Clarify materials used for exterior stairwell on west elevation. Materials diagram indicates that signage is located in the stairwell.

Response: Painted Concrete Stair. Keynote revised to show no Signage.

- h. Identify the location of perimeter fencing material M09. If this is to be used on the perimeter of the site, please provide additional details as to the color and material of the fence.

Response: The perimeter fence is not depicted in the elevations; therefore, the item was removed, and **M09** is now used to represent another material in the elevations. For the location and design intent of the perimeter fence, please refer to Sheet **A101**.

These comments have been provided as a preliminary review of the documents and plans submitted and are subject to additions and/or deletions pending further review.

Final Submittal File Naming

All PDF files must be named with the submittal deadline date and the type of document in the following format 'MM-DD-YYYY Document Name'. For example, if the deadline for first submittal is October 29, 2017 the file name would be '10-29-2017 Application'. Use this naming format for first and final CSS submittals. The uploaded file retains the name as it has been saved on your computer. The file name cannot be changed, and the file cannot be deleted once it is uploaded.

Please use names for the most common types of files. If the document type is not listed below, please use a document name that clearly identifies the file.

Document Name	Description
Application	Completed Land Use Board Application form including Exhibit A
LOI	Letter of Intent
Checklist	Pre-application Checklist
Labels	Mailing Labels, List of Property Owners, Certified Letter and Map
BTR	Copies of Previous Business Tax Receipts
Survey	Recent Signed and Sealed Survey
Plans	Architectural Plans and Exhibits
Landscape	Landscaping Plans and Exhibits
HRR	Historic Resources Report
Microfilm	Building Card and Microfilm
Traffic	Traffic Study Sound Study

All pages of a document must be uploaded in one PDF file. Do not upload individual pages of a document.

Response: Noted. Submittal will follow Naming conventions as stated above.

DRB - Planning Review – Not Required Alejandro Garavito email: alejandrogaravito@miamibeachfl.gov

Comment See Rogelio Madan - comments

Response: Not Required

DRB - Planning Admin Review – Fail **Gabriel Freitas** email: grabrierlafreitas@miamibeachfl.gov

Comment Submit Mailing Labels and Email owners mail labels in Excel.

Response: *The City Communications dept provided the labels*

Comment Pages 8 Labels of Application: Compensated Lobbyist: All members representing or speaking on behalf of the owner/applicant must be registered as a lobbyist with the City Clerk.

Response: *WJA is a contracted consultant with the City and is not a lobbyist*

Comment Page 5 of Application: Submit signed and notarized affidavit per speaker.

Response: *Application updated*

Comment Page 3 of Application: Acknowledgement must be signed, named, and dated by Owner of the subject property and/or Authorized representative.

Response: *Application updated*

Comment Pages 8 of Application: Submit signed and notarized Applicant Affidavit.

Response: *Application updated*

Comment Pages 1 of Application: Property Information – Please attach Legal Description as “Exhibit A”.

Response: *Application updated*

Comment All fees and paper submittal must be paid and delivered to the Planning Department at 1700 Convention Center Drive, 2nd Floor, Miami Beach, by 1:00 p.m. on the due date. Please consult the Land Use Board calendar for due dates. Delays in payment or delivery times/date will result in applications being moved to the next available hearing. The paper submittal shall consist of the final versions of the documents which were approved for this application and MUST be consistent with the electronic plans / documents reviewed and approved for which a Notice to Proceed was issued. Nothing can change between the Formal Submittal and the scheduled date of hearing. Each file document must be labeled by day of submittal and document name.

Response: *Noted, City to Provide*

Comment Pages 4 of Application: Alternative Owner Affidavit must be signed and notarized.

Response: *Noted, Application updated*

LUB - Planning Landscape Review – Fail Phillip Byrnes email: phillipbyrnes@miamibeachfl.gov

See correction comments provided. Should you have any questions or would like to discuss the comments, please do not hesitate to contact me at phillipbyrnes@miamibeachfl.gov

Comment Revise the landscape plan on sheet LA02 to remove any layers overlapping the proposed trees, palms, shrubs and other landscaped areas.

Response: *Requested graphic corrections have been made, as requested.*

Completed

Comment Tree Disposition sheet LA06 has line items that are illegible. Please submit the required schedule in a high-resolution format.

Response: *The provided schedule has been augmented in size to increase legibility, which has increased the pages it is now shown on.*

Completed

Comment Landscape plan(s) shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida.

Response: *All plans have been prepared and digitally signed and sealed by the Florida registered Landscape Architect.*

Completed

Comment Refer to the Chapter 4 Landscape Ordinance for the required plans and minimum standards. The landscape Plan shall have accompanying planting details, specifications, notes, and a completed Landscape Legend form showing compliance with City of Miami Beach landscape requirements, affixed to the Landscape Plans.

Response: *All requested items have been provided in the revised submission set.*

2/10/2025

Response: *All components, including the missing Landscape Legend Form, have been included in the plans.*

Comment *Staff has previously recommended that the existing Seagrape street trees along the Collins Avenue Right-of-Way be preserved to the furthest extent possible, along with any of existing specimen trees on-site that are determined to be in overall good health for remaining in place or suitable for relocation. Consider adjusting the ground level layout in order to accommodate the desired sports field in a manner that does not disturb the existing trees or the critical root zones. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.*

2/10/2025

Response: *The design team is currently working on a solution that could accommodate a playing field and accommodate keeping as many of the existing trees.*

Comment *Provide the completed Landscape Legend form as provided on the City's website. Please do not deviate from the provided format and do not leave any fields blank.*

2/10/2025

Response: *All components, including the missing Landscape Legend Form, have been included in the plans.*

Comment *Clarify what the "75 foot required clear zone for existing utility poles" is in reference to, and how this determination was made. The required street trees shall be placed within the swale area or shall be placed within seven feet of the property line on private property where demonstrated to be necessary due to right-of-way obstructions as determined by the environment and sustainability department. Any required street trees that cannot be provided along the roadway due to a required increase in the maximum average spacing due to Right-of-Way obstructions shall be planted elsewhere on the site. In reference to the "Tree Compliance Option", if the minimum number of trees required CANNOT be planted on the subject property, the applicant/property owner is provided the options of contributing to the trust fund or seek authorization from the city to install the trees off-site, on public land near or adjacent to the applicant's property. Conflicts with the design or the preference for lesser landscaping will not be sufficient. Owner shall substantiate in writing, why the minimum number of required lot trees cannot be planted on-site to be submitted for Planning Department staff review.*

2/10/2025

Response: *The 75 foot radius requirement is a requirement called out in the FPL right of way use guidelines which states the following "Any non FPL user must maintain a clear and unobstructed minimum 75 foot radial area around all FPL facilities in the FPL Right of Way measured from each side of the centerline of the existing and/or planned pole(s)/structures, and linear rout (patrol road) 20 feet in width, with no more than 6% grade break, to provide FPL vehicular access to its poles, guys, conductors and appurtenances."*

Please refer to Exhibit A, which includes a letter from the ownership explaining why the minimum required lot trees cannot be planted, along with a detailed explanation of the FPL guidelines applicable to the project.

Comment *Refer to Ch. 4.2.3.c.2., Lawn grass/sod areas that are to be used for organized sports such as football and soccer or other similar sports or playgrounds, that are clearly identified on a landscape plan shall not be counted toward calculating maximum lawn area requirements.*

2/10/2025

Response: *All lawns provided are for the purposes of being utilized for organized sports. This has been reflected in the Landscape Legend Form provided in the plans.*

Comment *Suspended paver systems such as Silva Cells or equal shall be installed where street trees are planted in right of way sidewalk and other hardscape areas in a manner to be reviewed and approved by staff. Suspended paver systems shall be clearly delineated in the landscape plans. Structural soils may be considered where proposed trees are located immediately adjacent to large open space areas.*

2/10/2025

Response: *Structural soils may be considered where proposed trees are located immediately adjacent to large open space areas.*

Project: Miami Beach 72nd Street Community Center Date

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Comment *Refer to Ch. 4.2.3.f., Large shrubs/small trees shall be a minimum of six feet high with a minimum crown spread of four feet at time of planting, and ten feet high at mature growth. 4.2.3.e., Shrubs shall be a minimum of 18 to 24 inches high at time of planting and spaced not to exceed 30 inches on center.*

2/10/2025

Response: *"Large shrubs" have been added to the plans in accordance with the minimum requirements.*

This concludes our narrative of responses report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Jensen". The signature is fluid and cursive, with the first and last names being the most prominent parts.

Jason Jensen, AIA, LEED AP
Wannemacher Jensen Architects, Inc.

EXHIBIT A

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

OFFICE OF CAPITAL IMPROVEMENT PROJECTS
Tel: 305-673-7071, Fax: 305-673-7073

March 6, 2025

Subject: Confirmation of Meeting Outcomes and Landscape Planting Guidelines from FPL

To: Rogelio Madan
Planning Department City of Miami Beach

Dear Mr. Madan,

This letter serves to certify that representatives from the City's Capital Improvement Project (CIP) team and the Design Consultant Team convened with Florida Power and Light (FPL) on May 29, 2024. The meeting focused on discussing the limitations and impacts concerning the existing FPL Transmission Lines and easements.

During this meeting, FPL representatives provided specific directives on the parameters and criteria to be applied to the project's landscape planting components. Below are the key limitations and requirements as communicated by FPL:

1. Vegetation within the existing FPL easement must comprise species that do not exceed a mature height of 12-14 feet. Planting of trees or palms surpassing this height range within the easement are not permitted.
2. Within a 75-foot radius of any existing FPL transmission pole, only vegetation that adheres to the 12-14 feet mature height limitation may be planted. Trees or palms exceeding this height are not permitted.
3. No trees or palms are to be planted within a 25-foot radius of any transmission pole. Only shrubs and groundcover are permitted in these areas.

In accordance with these directives, the City has instructed the Design Consultant Team to develop landscape planting plans that comply with the aforementioned limitations.

Should you have any questions or require further clarification regarding these directives, please do not hesitate to contact us.

Sincerely,



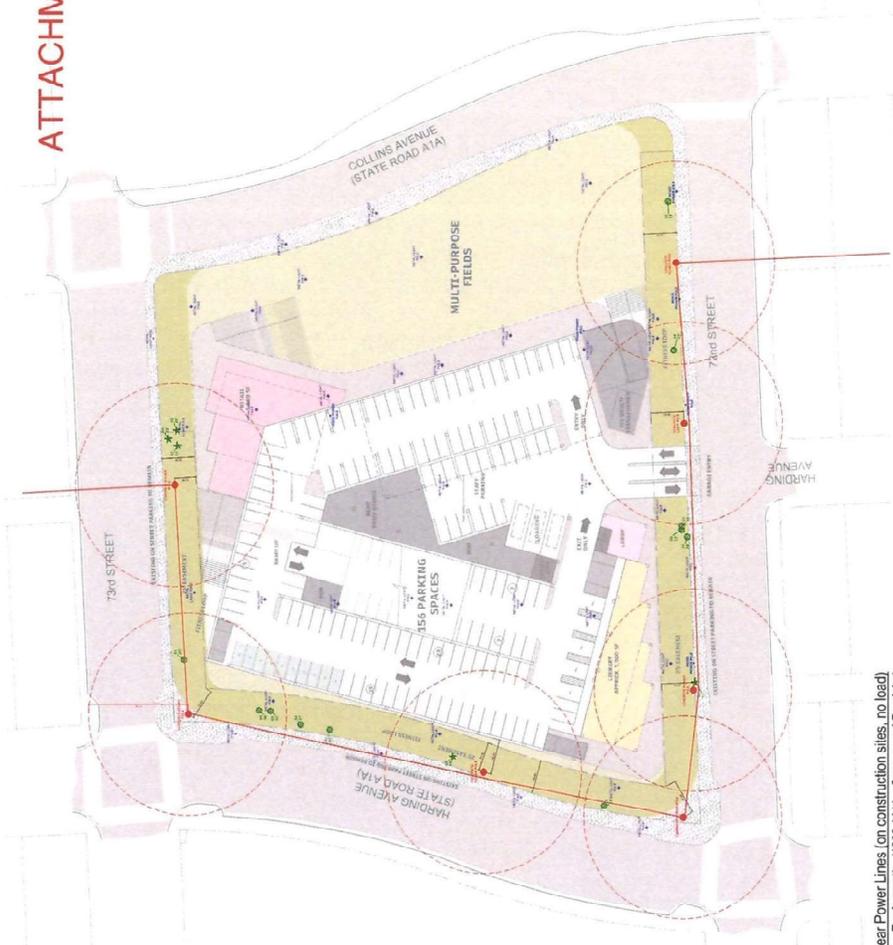
Ariel Guitian,
Interim Division Director

Cc: David Gomez, Director
Maria Cerna, Assistant Director
Colette Satchell, R.A., Interim Division Director
Herman Fung, Project Manager

Attachments:

- Attachment 1- FPL ROW Use Guidelines with Plan
- Attachment 2- FPL ROW Use Guidelines4

ATTACHMENT 1



General Guidelines

1. maintain a clear and unobstructed minimum 75-foot radial area around all FPL facilities
2. a linear route (patrol road) 20 feet in width, with no more than 6% grade break.
3. mowing and trimming existing trees to a height no higher than 14 feet.

Allowed Uses on Case-by-Case basis

1. Walking or multi-use trails provided slope and access requirements are met and which do not encourage recreational activity near an FPL facility
2. Islands for landscaping and lighting large enough to accommodate FPL structures and future expansion in parking lots for protection and access.
3. Lighting with a mounted height (pole and non-metallic fixture) less than 14 feet above existing grade. Lighting shall not exceed a height of 14 feet above existing grade when lifted during construction.

- CONCRETE POLES
- WOOD POLES
- METAL LIGHT POLES

Power Line Voltages	Personnel and Equipment (29 CFR 1910.333 and 1926.600)	Cranes and Derricks (29 CFR 1926.1407, 1408)	Travel under or near Power Lines (on construction sites, no load) (29 CFR 1926.600 - Equipment) (1926.1411 - Cranes and Derricks)
0 - 750 volts	10 Feet	10 Feet	4 Feet
751 - 50,000 volts	11 Feet	15 Feet	6 Feet
69,000 volts	13 Feet	15 Feet	10 Feet
115,000 volts	13 Feet	15 Feet	10 Feet
138,000 volts	16 Feet	20 Feet	10 Feet
230,000 volts	25 Feet	25 Feet	16 Feet
500,000 volts	25 Feet	25 Feet	16 Feet

****When uncertain of the voltage, maintain a distance of 20 feet for voltages up to 350,000 volts and 50 feet for voltages greater than 350,000 volts.**
****For personnel approaching insulated secondary conductors less than 750 volts, avoid contact. (Maintain 10 Feet to bare energized conductors less than 750 volts). For qualified personnel and insulated aerial lift equipment, meeting requirements of 29 CFR 1910.333, distances may be reduced to those shown in 29 CFR 1910.333 Table S-5.**

FPL RIGHT OF WAY USE GUIDELINES

I. Conditions for Non-FPL use of an FPL Right of Way:

Any non-FPL use of an FPL Right of Way requires a Right of Way Consent Agreement signed by an authorized agent of FPL and the party requesting to use FPL's Right of Way. No prior consent granted by FPL, whether by Right of Way Consent Agreement or otherwise, shall have an effect on or be determinative of FPL's decision to grant any future approval or Right of Way Consent Agreement. Irrespective of the non-FPL use, FPL must have continuous access at all times to the FPL Right of Way to construct, operate, maintain and restore its facilities now located, or to be located, within any FPL Right of Way. Any use of an FPL Right of Way by the record owner, the owner's assigns, or an unrelated third party which would prevent or unreasonably restrict FPL from performing any activities in an FPL Right of Way or any use determined by FPL to be hazardous is strictly prohibited.

II. Safety:

Safety of persons and property in the FPL Right of Way is paramount. Anyone using an FPL Right of Way pursuant to a Right of Way Consent Agreement must follow all National Electrical Safety Code and OSHA requirements, good engineering principles and practices, and the following rules and items. Each of the following rules and items contained in Sections III, IV and V are subject to change at any time, are general in nature and may vary in some instances depending upon construction type, easement terms and any other factor as determined in the sole opinion of FPL.

III. General Guidelines:

1. The parking of vehicles within the right of way is not permitted without FPL's prior written approval.
2. Any non-FPL user must maintain a clear and unobstructed minimum 75-foot radial area around all FPL facilities in the FPL Right of Way measured from each side of the centerline of the existing and/or planned pole(s)/structures, and a linear route (patrol road) 20 feet in width, with no more than 6% grade break, to provide FPL vehicular access to its poles, guys, conductors and appurtenances. A truck turn radius model drawing may be required to accommodate FPL vehicles and equipment.
3. FPL has the right to trim, remove or maintain any and all trees and vegetation.
4. Owner is responsible to maintain the property according to the county ordinances which apply, including trash removal of dumped items, mowing and trimming existing trees to a height no higher than 14 feet.
5. Never attempt to trim vegetation or vines growing near power lines or on poles. Only specially trained line-clearing professionals should work around power lines. Check your local listings to locate a contractor qualified to trim vegetation around power lines.
6. A meeting should be held with FPL in the early stages of planning a project to secure preliminary approval of conceptual plans. Changes required for FPL approval may result in resubmittal of plans to other permitting agencies. Final approval can only be obtained after FPL has been provided final signed and sealed construction plans. To arrange a meeting please refer to the FPL Consent Application Form for the necessary FPL contact information.
7. These guidelines are not exhaustive and there may be other interferences on a case-by-case basis depending on individual circumstances. Certain conditions such as line voltage, line criticality, frequency of required access and structure type may require

FPL RIGHT OF WAY USE GUIDELINES

heightened restriction in the right-of-way to provide safe and reliable service. Consent may be revoked in the future depending on the needs of FPL's expansion and maintenance programs.

IV. Prohibited Uses:

*The following activities, either temporary or permanent in nature, are **not** allowed and are specifically prohibited within any FPL Right of Way:*

1. The placement of structures, buildings, mobile homes or trailers, recreational vehicles, satellite receiver systems, towers, swimming pools and associated equipment, cemetery sites, wells, septic tanks, storage tanks, dumpsters, trash, flammable material, building materials, disabled vehicles, motorboats, RV storage, playground equipment, and sailboats;
2. The flooding of all or any portion of an FPL Right of Way, including areas outside the FPL Right of Way which cause erosion or direct storm water toward or across the Right of Way;
3. Placing wet retention systems, ponds, and/or lakes, or water features in an FPL Right of Way;
4. Placement of conservation easements and or mitigation areas, or water compensating storage;
5. The use or placement of explosives or combustible materials;
6. The attachment of signs, deer stands, or other items to any FPL facilities;
7. An activity that might encourage or attract the public to participate in recreational activities which might cause an unsafe condition to exist;
8. Operating equipment capable of extending beyond a height of 14 feet above existing grade;
9. The storage of equipment capable of exceeding 14 feet in height;
10. The planting of palms or bamboo in any portion of an FPL Right of Way;
11. The planting of trees, shrubs, plants or vegetation naturally capable of exceeding a height of 14 feet above existing grade is permitted;
12. Containerized (or other) plants that would naturally exceed a height of 14 feet above existing grade when lifted from the ground;
13. Trees or other vegetation placed or planted for the sole purpose of meeting a permitting requirement;
14. Fires of any kind, including the burning of any debris, except permitted controlled backing fire with prior written approval from FPL;
15. Mounding or stockpiling any material, such as spoils, dirt, mulch, logs, construction or building material, or wrecked or disabled vehicles.

FPL RIGHT OF WAY USE GUIDELINES**V. Allowed Uses on Case-by-Case basis with prior written approval of FPL:**

The following activities or items **may** be allowable, on a case-by-case basis and will require an FPL Right of Way Consent Agreement and be conditioned on written approval from FPL prior to performing such activities or placing such items:

1. The excavation or burying of facilities. FPL is not responsible for damage to underground utility systems;
2. A change in the existing ground elevation within the transmission corridor. This includes grading (cuts or fill) in the easement that is more than 75 feet to an FPL facility and has slopes less than 4:1 no matter where located or that otherwise change the clearances or topography. Extensive changes will require approval from an FPL Civil Subject Matter Expert which will add extra time to the project review. Storm water drainage calculations must be provided in plans;
3. Ditches crossing the Right-of-Way, must provide crossings that meet FPL specifications and are fully permitted by the appropriate jurisdictions;
4. Perpendicular road crossings with driveway cuts (FDOT Index 522-003), dropped curbing and/or median cuts of a minimum of 25 feet in width, and containing no more than a 6% grade break at locations designated by FPL;
5. Fencing, if grounded to FPL specifications which does not exceed 10 feet in height or prohibit access to structures and 20-foot gates are installed in FPL's patrol/access areas and other locations designated by FPL. Gates must line up at both sides of the enclosure for trucks and equipment to be able to drive through the FPL Right of Way. Gates and bollards must accommodate FPL locks on them;
6. Overflow parking is generally permitted and is defined as temporary in and out and no overnight parking. Individual parking spaces should be marked or identified on plans and outside the 75 feet working area provided for FPL facilities. FPL's expansion and maintenance programs may require the use of a required parking space(s), thereby no longer allowing the requesting party to meet governmental parking requirements;
7. Spraying of pesticides provided it is done in a manner to prevent contact with FPL's facilities;
8. Trees naturally capable of growing less than 14 feet high, but these may still require removal depending on circumstances. FPL reserves the right to trim, remove or maintain any and all vegetation;
9. Irrigation systems, provided they are constructed of a non-metallic material and do not extend beyond 14 feet above existing grade. Sprinkler heads must be set to prohibit spray from making contact with FPL facilities. Above-ground irrigation systems are not to be installed within or across FPL's patrol roads or access areas. Underground irrigation systems may cross patrol roads or access areas provided the system is buried a minimum depth of one foot below grade. FPL is not responsible for damage to irrigation systems caused by the axle load weight from our heavy equipment travel;
10. Walking or multi-use trails provided slope and access requirements are met and which do not encourage recreational activity near an FPL facility;
11. Islands for landscaping and lighting large enough to accommodate FPL structures and future expansion in parking lots for protection and access;

FPL RIGHT OF WAY USE GUIDELINES

12. Lighting with a mounted height (pole and non-metallic fixture) less than 14 feet above existing grade. Lighting shall not exceed a height of 14 feet above existing grade when lifted during construction.