

September 29, 2014

▪ MIAMI ▪ NEW YORK

City of Fort Lauderdale
 Department of Sustainable Development
 Urban Design & Planning Division
 700 NW 19th Avenue
 Fort Lauderdale, FL 33311

**Re: PZB RIGHT-OF-WAY VACATION APPLICATION ULDR NARRATIVE
 AIR RIGHTS VACATION – DRC CASE #V14005**

The following narrative provides a response on how the project complies with the criteria of the City's Unified Land Development Regulations, Sections 47-24.6 and 47-25.2, as well as additional ULDR criteria and the Downtown Master Plan Guidelines.

COMPLIANCE WITH ULDR CRITERIA

SECTION 47-24.6. - VACATION OF RIGHTS-OF-WAY

The AAF Fort Lauderdale Station request for vacation of air rights within public right of way of NW 2nd Avenue meets the criteria for right of way vacation in Section 47-24.6 as follows:

Section 47-24.6 Criteria. An application for a vacation of a right-of-way or other public place shall be reviewed in accordance with the following criteria:

- a. The right-of-way or other public place is no longer needed for public purposes;

Response: the subject air rights are not being utilized by the public at this time, other than necessary clearance for municipal services trucks and such clearance is not affected by the requested vacation.

- b. Alternate routes if needed are available which do not cause adverse impacts to surrounding areas;

Response: see response to a. above.

- c. The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area;

Response: clearance for municipal service vehicles and other trucks is maintained as required by City engineering standards (i.e. 17' clearance).

- d. The closure of a right-of-way shall not adversely impact pedestrian traffic;

Response: as an air rights vacation pedestrian traffic is unaffected by the closure; it should be noted that the air rights vacation is needed to accommodate a pedestrian bridge from the All Aboard train station to the platform for this transit service.

- e. All utilities located within the right-of-way or other public place have been or will be relocated pursuant to a relocation plan; and the owner of the utility facilities has consented to the vacation; or a utilities easement has been retained over the right-of-way area or portion thereof; or an easement in a different location has been provided for the utility facilities by the owner to the satisfaction of the city; or any combination of same and utilities maintenance shall not be disrupted.

Response: as an air rights vacation, no utilities are affected by this vacation.

SECTION 47-25.2. – ADEQUACY REQUIREMENTS

- A. Applicability. The adequacy requirements set forth herein shall be used by the city to evaluate the demand created on public services and facilities created by a proposed development permit.

Plans are in accordance with requirements.

- B. Communications network. Buildings and structures shall not interfere with the city's communication network. Developments shall be modified to accommodate the needs of the city's communication network, to eliminate any interference a development would create or otherwise accommodate the needs of the city's communication network within the development proposal.

The project has no impact on any communications network.

- C. Drainage facilities. Adequacy of stormwater management facilities shall be evaluated based upon the adopted level of service requiring the retention of the first inch of runoff from the entire site or two and one-half (2½) inches of runoff from the impervious surface whichever is greater.

Application shall be made to Broward County ELBPD and the applicant shall satisfy all current criteria for surface water requirements and obtain all local and state licenses.

- D. Environmentally sensitive lands.

- 1. In addition to a finding of adequacy, a development shall be reviewed pursuant to applicable federal, state, regional and local environmental regulations. Specifically, an application for development shall be reviewed in accordance with the following Broward County Ordinances which address environmentally sensitive lands and wellfield protection which ordinances are incorporated herein by reference:

- a. Broward County Ordinance No. 89-6.
- b. Section 5-198(l), Chapter 5, Article IX of the Broward County Code of Ordinances.
- c. Broward County Ordinance No. 84-60.

- 2. The applicant must demonstrate that impacts of the proposed development to environmentally sensitive lands will be mitigated.

The development does not impact environmentally sensitive lands.

- E. Fire protection. Fire protection service shall be adequate to protect people and property in the proposed development. Adequate water supply, fire hydrants, fire apparatus and facilities shall be provided in accordance with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.

See Architectural and Civil plans for compliance. The project shall provide fire protection service adequate to protect people and property in the proposed development and will comply will all applicable NFPA standards.

- F. Parks and open space.

1. The manner and amount of providing park and open space is as provided in Section 47-38A, Park Impact Fees, of the ULDR.
2. No building permit shall be issued until the park impact fee required by Section 47-38A of the ULDR has been paid in full by the applicant.

Not applicable. There are no dwelling units or hotel/motel rooms proposed.

- G. Police protection. Police protection service shall be adequate to protect people and property in the proposed development. The development shall provide improvements which are consistent with Crime Prevention Through Environmental Design (CPTED) to minimize the risk to public safety and assure adequate police protection.

The applicant will coordinate with the Police Department having jurisdiction to ensure adequate protection. Please refer to Architectural plans and Photometric diagrams for compliance with CPTED principles.

- H. Potable water.

1. Adequate potable water service shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of potable water systems in accordance with city engineering standards, the Florida Building Code, and applicable health and environmental regulations. The existing water treatment facilities and systems shall have sufficient capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which potable water treatment capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended from time to time. Improvements to the potable water service and system shall be made in accordance with city engineering standards and other accepted applicable engineering standards.
2. Potable water facilities.
 - a. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.

- b. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the development.
- c. Where the county is the projected service provider, a similar written assurance will be required.

Existing potable water facilities are available for connection to service the property. The project scope provides for the demolition of existing structures. Proposed new facilities will not pose a significant impact on the future demand. A letter from City of Fort Lauderdale Public Works Department shall be obtained verifying that sufficient potable water and sanitary sewer facilities exist for the proposed water demand and sewer generation.

I. Sanitary sewer.

- 1. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from the design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
- 2. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the proposed development.
- 3. Where the county is the projected service provider, a written assurance will be required.
- 4. Where septic tanks will be utilized, the applicant shall secure and submit to the city a certificate from the Broward County Health Unit that certifies that the site is or can be made suitable for an on-site sewage disposal system for the proposed use.

Existing Sanitary Sewer facilities are available for connection to service the property. The project scope provides for the demolition of existing structures. Proposed new facilities will not pose a significant impact on the future demand. A letter from City of Fort Lauderdale Public Works Department shall be obtained verifying that sufficient potable water and sanitary sewer facilities exist for the proposed water demand and sewer generation.

- J. Schools. For all development including residential units, the applicant shall be required to mitigate the impact of such development on public school facilities in accordance with the Broward County Land Development Code or section 47-38C. Educational Mitigation, as applicable and shall provide documentation to the city that such education mitigation requirement has been satisfied.

Not applicable. There are no residential units proposed.

K. Solid waste.

- 1. Adequate solid waste collection facilities and service shall be obtained by the applicant in connection with the proposed development and evidence shall be provided to the city demonstrating that all solid waste will be disposed of in a manner that complies with all governmental requirements.

2. Solid waste facilities. Where the city provides solid waste collection service and adequate service can be provided, an adequacy finding shall be issued. Where there is another service provider, a written assurance will be required. The impacts of the proposed development will be determined based on Table 4, Solid Waste, on file with the department.

Solid Waste collection will be handled by a private licensed provider per current applicable codes and written assurance will be provided.

- L. Stormwater. Adequate stormwater facilities and systems shall be provided so that the removal of stormwater will not adversely affect adjacent streets and properties or the public stormwater facilities and systems in accordance with the Florida Building Code, city engineering standards and other accepted applicable engineering standards.

Please refer to civil drawings prepared by Chen-Moore & Associates for stormwater compliance. All applicable standards and licenses shall be adhered to and obtained.

- M. Transportation facilities.

1. The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.
2. Regional transportation network. The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted traffic elements of the city and the county comprehensive plans, and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the city which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall be made in accordance with the city, the county, and Florida Department of Transportation traffic engineering standards and plans as applicable.

Please refer to the Traffic Study provided. As an integral component of an intercity train system, the project is a significant improvement to the regional transportation network.

3. Local streets. Local streets shall have adequate capacity, safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the city's comprehensive plan and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the city such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the city engineering standards and acceptable applicable traffic engineering

standards. Local streets are those streets that are not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.

Please refer to the Traffic Study provided. The applicant is providing a dedication for new right-of-way to ensure adequate capacity, safe and efficient traffic circulation. The proposed development will not pose an adverse impact on the surrounding area.

4. Traffic impact studies.
 - a. When the proposed development may generate over one thousand (1,000) daily trips; or
 - b. When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half ($\frac{1}{2}$) hour; or (2) when the proposed use creates varying trip generation each day, but has the potential to place more than twenty percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half ($\frac{1}{2}$) hour period; the applicant shall submit to the city a traffic impact analysis prepared by the county or a registered Florida engineer experienced in trafficways impact analysis which shall:
 - i. Provide an estimate of the number of average and peak hour trips per day generated and directions or routes of travel for all trips with an external end.
 - ii. Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed trafficways.
 - iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local trafficways, define what city, county or state agencies have programmed the necessary construction and how this programming relates to the proposed development.
 - iv. A further detailed analysis and any other information that the review committee considers relevant.
 - v. The traffic impact study may be reviewed by an independent licensed professional engineer contracted by the city to determine whether it adequately addresses the impact and the study supports its conclusions. The cost of review by city's consultant shall be reimbursed to the city by the applicant.
 - vi. When this subsection M.4.b. applies, the traffic study shall include an analysis of how the peak loading will affect the transportation system including, if necessary, an operational plan showing how the peak trips will be controlled and managed.

Please refer to the Traffic study provided. As a train station, the project is a significant improvement to the transportation network.

5. Dedication of rights-of-way. Property shall be conveyed to the public by plat, deed or grant of easement as needed in accordance with the Broward County Trafficways Plan, the city's comprehensive plan, subdivision regulations and accepted applicable traffic engineering standards.

The applicant is providing dedication of right-of-way.

6. Pedestrian facilities. Sidewalks, pedestrian crossing and other pedestrian facilities shall be provided to encourage safe and adequate pedestrian movement on-site and along roadways to adjacent properties. Transit service facilities shall be provided for as required by the city and Broward County Transit. Pedestrian facilities shall be designed and installed in accordance with city engineering standards and accepted applicable engineering standards.

Please refer to Architectural and Civil plans for compliance. Sidewalks, pedestrian crossings and other pedestrian facilities are proposed to encourage safe and adequate pedestrian movement on-site and along roadways to adjacent properties. The project is a Transit service facility. Pedestrian facilities shall be designed and installed in accordance with city engineering standards and accepted applicable engineering standards, unless otherwise agreed to within a License Agreement.

7. Primary arterial street frontage. Where a proposed development abuts a primary arterial street either existing or proposed in the trafficways plan, the development review committee (DRC) may require marginal access street, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to assure separation of through and level traffic.

Not applicable. The project does not abut an arterial street frontage.

8. Other roadway improvements. Roadways adjustments, traffic control devices, mechanisms, and access restrictions may be required to control traffic flow or divert traffic, as needed to reduce or eliminate development generated traffic.

Please refer to Civil plans. The applicant intends on incorporating traffic control devices and calming mechanisms to control traffic flow and provide safe and adequate site circulation.

9. Street trees. In order to provide for adequate landscaping along streets within the city, street trees shall be required along the length of the property abutting a street. A minimum of fifty percent (50%) of the required street trees shall be shade trees, and the remaining street trees may be provided as flowering or palm trees. These percentages may be varied based on existing or proposed physical conditions which may prevent the ability to comply with the street tree requirements of this subsection. The street trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements, except in the downtown RAC districts the requirements of Sec. 47-13.20.H.8 shall apply. The location and number of street trees shall be determined by the department based on the height, bulk, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. The requirements for street trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way.

Please refer to Landscape Plans. The project complies with applicable ULDR provisions.

N. Wastewater.

1. Wastewater. Adequate wastewater services shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of a wastewater and disposal system in accordance with applicable health, environmental and engineering regulations and standards. The existing wastewater treatment facilities and systems shall have adequate capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended for time to time. Improvements to the wastewater facilities and system shall be made in accordance with the city engineering and accepted applicable engineering standards.

Please refer to Civil Plans. Existing Sanitary Sewer facilities are available for connection to service the property. The project scope provides for the demolition of an existing structure. Proposed new facilities will not pose a significant impact on the future demand. A letter from City of Fort Lauderdale Public Works Department shall be obtained verifying that sufficient potable water and sanitary sewer facilities exist for the proposed water demand and sewer generation. Any capital expansion charges found applicable shall be paid for by the applicant.

- O. Trash management requirements. A trash management plan shall be required in connection with non-residential uses that provide prepackaged food or beverages for off-site consumption. Existing non-residential uses of this type shall adopt a trash management plan within six (6) months of the effective date of this provision.

The provision of prepackaged food or beverages for off-site consumption is not anticipated. The applicant will provide a trash management plan if prepackaged food or beverages for off-site consumption are provided.

- P. Historic and archaeological resources.

1. If a structure or site has been identified as having archaeological or historical significance by any entity within the State of Florida authorized by law to do same, the applicant shall be responsible for requesting this information from the state, county, local governmental or other entity with jurisdiction over historic or archaeological matters and submitting this information to the city at the time of, and together with, a development permit application. The reviewing entity shall include this information in its comments.

Not applicable. The site has not been identified as having archaeological or historical significance.

- Q. Hurricane evacuation. If a structure or site is located east of the Intracoastal Waterway, the applicant shall submit documentation from Broward County or such agency with jurisdiction over hurricane evacuation analysis either indicating that acceptable level of service of hurricane evacuation routes and hurricane emergency shelter capacity shall be maintained without impairment resulting from a proposed development or describing actions or development modifications necessary to be implemented in order to maintain level of service and capacity.

Not applicable. The Project is located west (inland) of the Intracoastal Waterway.