

RESOLUTION NO. 13-141

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN APPLICATION FOR A DEVELOPMENT PERMIT THAT INCLUDES THE ALLOCATION OF POST 2003 DWELLING UNITS FOR "MARINA LOFTS" LOCATED ON THE SOUTH SIDE OF NEW RIVER BETWEEN SOUTHWEST 4TH AVENUE AND SOUTHWEST 5TH AVENUE, FORT LAUDERDALE, FLORIDA IN A RAC-SMU ZONING DISTRICT.

WHEREAS, an application for a development permit has been submitted by Downtown Fort Lauderdale Waterfront 18, LLC./Marina Lofts (hereinafter the "Applicant") to develop a mixed use development consisting of 856 dwelling units and 3 enclosed parking garages which requires the allocation of 856 "post 2003 dwelling units" for "Marina Lofts" located on the south side of the New River between Southwest 4th Avenue and Southwest 5th Avenue, Fort Lauderdale, Florida and located in the Downtown RAC-SMU zoning district; and

WHEREAS, in addition to the criteria applicable to the Site Plan Level III approval, the development has been reviewed for consistency with the design guidelines or has proposed an alternative design which meets the intent of the design guidelines provided in the Consolidated Downtown Master Plan approved by the City Commission; and

WHEREAS, the Planning and Zoning Board (Case No. 51-R-12) at its meeting of May 14, 2013, approved the issuance of the development permit, subject to certain conditions; and

WHEREAS, the City Commission has reviewed the application for a development permit submitted by the Applicant, as required by the ULDR of the City of Fort Lauderdale, and finds that such application conforms with the provisions of the ULDR as provided herein;

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

SECTION 1. That the application for a development permit submitted to develop a mixed use development consisting of 856 dwelling units, retail and restaurant space and 3 enclosed parking garages, including allocation of 856 "post 2003 dwelling units" located south of the New River between Southwest 4th Avenue and Southwest 5th Avenue, Fort Lauderdale, Florida and located in the Downtown RAC-SMU zoning district is hereby approved, contingent upon the Applicant satisfying all of the conditions imposed by the Development Review Committee, Planning and Zoning Board and City Commission as listed on the attached Exhibit "A".

SECTION 2. That pursuant to the provisions of the ULDR of the City of Fort Lauderdale, Florida, the proper City officials are hereby authorized to issue the necessary building and use permits subject to the conditions imposed by the Development Review Committee and City Commission.

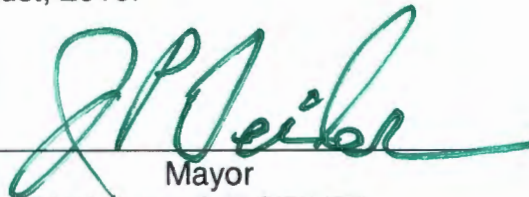
SECTION 3. The conditions contain in herein are intended to memorialize the conditions expressed in the record of the hearings at which the application for the development permit was reviewed. In the event that the record of the proceedings contradicts or contains additional conditions not reflected in this instrument, the conditions as expressed on the record of the proceeding shall prevail and are incorporated herein.

SECTION 4. That this Resolution will take effect immediately upon adoption by the City Commission. The allocation of the 856 post dwelling units shall not become effective until the date a Declaration of Restrictive Covenants approved as to form by the City Attorney's office and referencing this Resolution is recorded in the Public Records of Broward County, Florida.

SECTION 5. Issuance of a development permit by a municipality does not in any way create any right on the part of an Applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

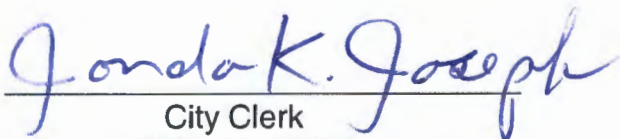
SECTION 6. This approval is conditioned upon the Applicant obtaining all other applicable state or federal permits before commencement of the development.

ADOPTED this the 20th day of August, 2013.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JONDA K. JOSEPH

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EXHIBIT "A"**Development Conditions**

1. Final DRC site plan approval shall be contingent upon and subject to the execution of a development agreement between the Applicant and the City of Fort Lauderdale. Said agreement shall address public realm/off-site improvements, maintenance, operation, public access, easements, other development standards applicable to the property and conditions including but not limited to the following:
2. Any and all public improvements, including landscape, hardscape materials and irrigation, a pedestrian easement between FEC right-of-way and existing *Riverwalk* at SW 4th Avenue extending from the edge of the New River to the ground floor face of proposed towers, any other improvements related to *Riverwalk*, shall be secured by a bond to be provided by the Applicant in the amount equaling 125 percent of construction costs, including a demolition bond to permit any unfinished phase to be demolished by the City. With regard to Complete Streets obligations, pursuant to Ordinance No. C-09-26, the cost to relocate utility poles shall be borne by FPL, and all off-site mitigation shall be constructed in existing/available right-of-way. Applicant shall not be required to acquire right-of-way or easements for this purpose. Maintenance responsibility and declaration of all improvements shall be resolved and finalized between Applicant and the City of Fort Lauderdale prior to Final DRC site plan approval. A copy of the construction contract that includes an itemized cost breakdown of all improvements shall be provided to the City prior to issuance of a master construction permit for each phase;
3. Continuous public access shall be provided along the entire length of *Riverwalk* frontage as delineated on the Site Plan. Any required easements shall be provided to appropriate government entities prior to Final DRC site plan approval;
4. Site plan approval shall be contingent upon the City Commission adoption of a resolution approving the relocation of the African Rain Tree in accordance with ULDR Sec. 47-21.12.C.4;
5. If the FPL transmission lines traversing the subject site are moved adjacent to or within the FEC right-of-way, Applicant shall underground the transmission lines from Broward Boulevard to Southwest 5th Street;

6. Boat slips near the restaurant operations should be preserved and reserved for waterborne access to waterfront dining for the local and visiting boating community;
7. Per the City's Engineering and Transportation & Mobility staff, prior to Final DRC site plan approval, Applicant shall address the following as to the traffic mitigation plan:
 - A. Coordinate with City staff to develop conceptual-level drawings and detailed sketches for all off-site improvements with sufficient specificity so that clear direction will be provided for design and construction of those improvements during the construction permitting phase;
 - B. For the retiming of the existing traffic signal at the intersection of SW 4 Avenue and SW 6 Street, coordinate with City staff to define the action items/deliverables (such as traffic counts, signal analysis, optimization runs), the thresholds that trigger the re-timing studies, Applicant's roles/responsibilities, the thresholds that require implementation of timing plans, and if the timing will be revisited if/how those thresholds are not triggered in Phase 1;
 - C. Coordinate with City staff to provide more detail on the bicycle storage rooms, such as locations, minimum dimensions, minimum number of bicycles to be accommodated, air pump stations and other amenities to be included, for each of Phases 1, 2 and 3;
 - D. Coordinate with City staff to determine the minimum number/location of bicycle racks and number/location of kiosks to be provided for the public within the public realm improvements during Phases 2 and 3;
 - E. Coordinate with City staff to determine the location and connectivity of the dedicated bicycle lanes to be provided with Phases 1, 2 and 3;
 - F. For the traffic calming on SW 5 Avenue and SW 4 Avenue, coordinate with City staff to define the traffic calming study methodology, define thresholds that would trigger the need for traffic calming, discuss public outreach plan, determine if speed studies are required after implementation and establish any further actions in the event that traffic calming is not warranted in Phase 1;
 - G. Conduct site visits, conduct research and coordinate with City staff to refine the potential safety improvements that may be constructed at the SW 5 Avenue/SW 5 Street merge lane onto southbound SW 4 Avenue;

- H. Coordinate with City staff to identify the mechanism(s) for updating Kiosk and website transit and multi-modal transportation information/schedules;
 - I. Discuss with staff the feasibility of providing a website forum to residents for ride-sharing;
 - J. Conduct site visits and conduct research to identify appropriate advance warning treatments and locations for the low bridge at SW 4 Avenue and SW 5 Avenue;
 - K. Finalize conceptual drainage outfall locations and other basic elements of the surface water collection system.
8. Per the City's Engineering and Transportation & Mobility staff, as part of project's Phase 1, Applicant shall address the following as to the traffic mitigation plan:
- A. Study and (if needed) retime the existing traffic signal at the intersection of SW 4 Avenue and SW 6 Street;
 - B. Prior to the issuance of a Certificate of Occupancy ("CO") for Phase 1, Applicant shall construct a Water Taxi Shelter, as depicted on Sheets C-3 and A-003 of the Site Plan Drawings for Marina Lofts;
 - C. Prior to issuance of a CO for Phase 1, Applicant shall construct bicycle lanes on SW 4th Avenue between SW 5th Avenue and SW 4th Court. The typical section of the roadway segment where the bicycle lanes are being added shall comply with applicable City of Fort Lauderdale engineering standards, including a minimum of two 10-foot wide travel lanes (northbound and southbound) and two 4-foot wide designated green painted bike lanes (northbound and southbound). Additionally, implement sharrows on SW 4th Court (eastbound and westbound) between SW 4th Avenue and SW 3rd Avenue and on SW 3rd Avenue between SW 4th Court and SW 6th Street (northbound and southbound);
 - D. Prior to issuance of a CO for Phase 1, Applicant shall expand the Riverwalk public access route adjacent to the Phase 1 site, as depicted on Sheets A-600 and LA3.06 of the Site Plan Drawings for Marina Lofts;

- E. Prior to issuance of a CO for Phase 1, Applicant shall provide public docking along the project's seawall, as depicted on Sheet C-3 and A-003 of the Site Plan Drawings for Marina Lofts;
- F. Prior to issuance of a CO for Phase 1, Applicant shall design, obtain permits and construct a second northbound (150 feet of storage length) lane and a second southbound (150 feet of storage length) lane to the intersection of SW 3rd Avenue and SW 6th Street to operate both approaches with a shared left-turn/through lane and an exclusive right-turn lane. The improvements shall include signing, striping, pavement modifications, drainage features and utility relocations and all other items necessary to construct the lanes in the available right-of-way;
- G. After 75% occupancy of Phase 1, Applicant shall provide a study for the two local streets SW 5th Avenue and SW 4 Avenue that are located on either side of the SW 7 Ave/SW 4 Avenue arterial, to determine if traffic calming is warranted. If traffic calming is warranted, design, obtain permits and install speed humps or other traffic calming devices;
- H. Prior to issuance of a CO for Phase 1, Applicant shall design, obtain all necessary permits and construct safety improvements at the merge lane from southbound SW 5th Avenue/eastbound SW 5th Street onto the southbound lanes of SW 4th Avenue;
- I. Prior to issuance of a CO for Phase 1, Applicant shall provide route and schedule information to tenants and patrons for alternative modes of transportation such as mass transit, B-cycle stations, The Wave Streetcar, and Water Taxi. The information shall be posted on a website and at kiosks/information stations in visible and conspicuous areas within the project sites of each phase;
- J. Prior to issuance of a CO for Phase 1, Applicant shall provide advance warning signs advising trucks of the low bridge crossing at SW 4 Avenue and SW 5 Avenue. Devices may include overhead soft-hit devices or other physical warning devices approved by the City, FDOT and Broward County;
- K. Subsidize a 50% discount for monthly Water Taxi passes for residents of Marina Lofts during the first year of residency;

- L. Prior to issuance of construction permit for Phase 1, Applicant shall provide a construction contract with a breakdown of costs for all public improvements for review and approval by City staff;
 - M. Prior to issuance of a CO for Phase 1, Applicant shall provide resident bicycle storage rooms and associated amenities.
9. Per the City's Engineering and Transportation & Mobility staff, as part of project's Phase 2, Applicant shall address the following as to the traffic mitigation plan:
- A. Study and (if needed) re-time the existing traffic signal at the intersection of SW 4 Avenue and SW 6 Street;
 - B. Prior to issuance of a CO for Phase 2, Applicant shall construct bicycle lanes adjacent to the project site along SW 4th Court. The typical section of the roadway segment where the bicycle lanes are being added will comply with applicable engineering standards;
 - C. Prior to issuance of a CO for Phase 2, Applicant shall expand the Riverwalk public access route adjacent to the Phase 2 site, as depicted on Sheets A-600 and LA3.06 of the Site Plan Drawings for Marina Lofts;
 - D. Prior to issuance of a CO for Phase 2, Applicant shall provide resident bicycle storage rooms;
 - E. Prior to issuance of a CO for Phase 2, Applicant shall provide bicycle racks within Phase 2 as well as route and schedule information on alternate modes of transportation at kiosks/information stations in visible and conspicuous areas;
 - F. Subsidize a 50% discount for monthly Water Taxi passes for residents of Marina Lofts during the first year of residency;
 - G. Prior to issuance of construction permit for Phase 2, Applicant shall provide a construction contract with a breakdown of costs for all Phase 2 public improvements for review and approval by City staff.
10. Per the City's Engineering and Transportation & Mobility staff, as part of project's Phase 3, Applicant shall address the following as to the traffic mitigation plan:

- A. Prior to CO for Phase 3, Applicant shall construct bicycle lanes adjacent to the project site along SW 4th Court (between SW 4th Avenue and SW 3rd Avenue). The typical section of the roadway segment where the bicycle lanes are added shall comply with applicable City of Fort Lauderdale engineering standards, including a minimum of two 10-foot wide travel lanes (eastbound and westbound) and two 4-foot wide designated green painted bike lanes (eastbound and westbound);
- B. Prior to CO for Phase 3, where public right-of-way is available, Applicant shall implement "Complete Streets" elements on SW 3rd Avenue as depicted on the proposed conceptual typical sections in the public right-of-way between SW 4th Court and SW 6th Street, and further described in the feasibility memo dated July 22, 2013 as amended. The travel way design shall incorporate a balance between pedestrian realm connectivity (sidewalk), bicycle lane facilities with safe pedestrian crossings, enhanced traffic calming, sustainable green streets that allow for appropriate drainage and transit amenities. Cross sections and conceptual design plans of the proposed "Complete Streets" improvements prepared by the civil/traffic engineer have been provided;
- C. Prior to issuance of a CO for Phase 3, where public right-of-way is available, Applicant shall implement "Complete Streets" elements on SW 6th Street as depicted on the proposed conceptual typical sections in the public right-of-way between SW 4th Avenue and Andrews Avenue, as further described in the feasibility memo dated July 22, 2013 as amended. The travel way design shall meet the intent of the New River Master Plan streetscape section, a balance between pedestrian realm connectivity (sidewalk), and bicycle lane facilities with safe pedestrian crossings, enhanced traffic calming, sustainable green streets that allow for appropriate drainage and transit amenities that provide connections to planned Wave Streetcar stations. Cross sections and conceptual design plans of the proposed "Complete Streets" improvements prepared by the civil/traffic engineer have been provided;
- D. Study and (if needed) retime the existing traffic signal at the intersection of SW 4 Avenue and SW 6 Street;
- E. Prior to issuance of a CO for Phase 3, Applicant shall design, obtain permits and construct separate eastbound and westbound left-turn lanes along SW 6th Street and SW 3rd Avenue. These turn lanes shall have a minimum storage dimension of 50 feet. The improvements shall include signing, striping, pavement modifications, drainage features and utility relocations and all other items necessary to construct the lanes in the available right-of-way;

- F. Prior to issuance of a CO for Phase 3, Applicant shall expand the Riverwalk public access route adjacent to the Phase 3 site, as depicted on Sheets A-600 and LA3.06 of the Site Plan Drawings for Marina Lofts;
 - G. Prior to issuance of a CO for Phase 3, Applicant shall provide bicycle racks and one (1) B-Cycle station within Phase 3, as well as route and schedule information on alternate modes of transportation at kiosks/information stations in visible and conspicuous areas;
 - H. Prior to issuance of a CO for Phase 3, Applicant shall provide resident bicycle storage rooms;
 - I. Continue to allow transient and day-use of marina dockage;
 - J. Prior to issuance of construction permit for Phase 3, Applicant shall provide a construction contract with a breakdown of costs for all public improvements for review and approval by City staff;
 - K. Prior to issuance of building permit for Phase 3, Applicant shall provide a more detailed conceptual staging/storage and construction traffic routing plan for Phase 3. Applicant shall acknowledge that construction debris mitigation measures are to be included in a Construction Debris Mitigation Plan and submitted to the City's Building Official prior to issuance of a building permit for the subject development. Additional measures may be required to ensure compliance with the City's Code, as deemed necessary by the Building Official;
11. Applicant shall enter into a valet parking agreement as required by ULDR Sec. 47-20 and as approved by the City Attorney prior to final DRC sign-off;
12. Any trolley/bus/water taxi stop site improvements proposed as part of Phase 1 shall be reviewed and approved by all pertinent review agencies prior to Final DRC and completed as part of Phase 1 of construction;
13. The Broward County Historical Commission shall be notified within twenty-four (24) hours of any potential discoveries in the event that unanticipated archeological features or artifacts are found as part of development disturbances;

14. Per the archeological assessment, Phase 2 units shall be excavated in the northwest portion of the western parcel to document the archeological site prior to ground-disturbance activities. Intermittent monitoring also should be conducted across the overall parcels during foundation demolition and ground-disturbing activities because of the likelihood that historic features and cultural deposits may occur across the project area that need to be documented prior to their destruction;
15. Per the School Board of Broward County, if approved the residential units are subject to public school concurrency review and mitigation. As applicable, Applicant shall provide a student mitigation satisfaction letter from the Broward County School Board prior to Final DRC;
16. Per the City's Engineering and Transportation & Mobility staff, prior to Final DRC approval, Applicant shall address the following:
 - A. Provide minimum outbound stacking for all garage driveways;
 - B. Provide minimum dimensional requirements for ADA parking spaces;
 - C. In the present configurations of the central and east garages, the column layout, lane geometry and the circulation conflict points induce considerable constraints on pedestrians and drivers and assume that the utmost caution will be exercised and travel will be at speeds lower than what is prevalent in most garages. To the extent feasible, Applicant and city staff need to reach a resolution on minimum safety and best practices for design. To that end, technical workshop(s) shall be held to identify any modifications to the currently proposed layouts;
 - D. The offset intersection created by the egress driveway for the east garage at SW 3 Avenue and SW 4 Court is not safe and needs to be re-designed and a conceptual approval issued by Broward County if stop signs are proposed;
 - E. Construction staging, storage and traffic routing plan needs to be developed in more detail, especially for the latter stages of development;
 - F. Conceptual on-site and off-site drainage plans and calculations need to be developed further;

G. Applicant needs to identify all proposed improvements in the right-of-way and public easements that will be maintained by the development and acknowledge that a maintenance declaration will be provided prior to issuance of CO for Phase 1;

17. Applicant shall submit a detailed construction staging and traffic routing plan to supplement the existing phasing plan, prior to approval of a construction permit for each building;
18. Construction debris mitigation measures are to be included in a Construction Debris Mitigation Plan and submitted to the City's Building Official prior to issuance of a building permit for the subject development. Additional measures may be required to ensure compliance with the City's Code, as deemed necessary by the Building Official;
19. Applicant shall provide maintenance of the property pursuant to the terms of the Development Agreement between the Applicant and the City of Fort Lauderdale;
20. The mitigation described in the executive summary prepared by Applicant's Traffic Engineer, Mr. Joaquin Vargas (which was included in the Planning & Zoning Board's back-up for the May 15, 2013 Public Hearing) is hereby incorporated by reference, subject to minor revisions that are mutually agreed by staff and Applicant. The mitigation that was described by Mr. Joaquin Vargas during the Applicant's opening presentation and made part of the record at the Public Hearing on May 14, 2013, are hereby incorporated as further clarifications to the mitigation described in said executive summary;
21. Applicant shall provide advance warning signs and control devices advising trucks of the low bridge crossing at SW 4th Avenue and SW 5th Avenue. The signs and devices shall be placed in advance of the intersection of SW 4th Avenue and SW 4th Court;
22. Applicant shall provide route and schedule information to tenants and patrons for alternative modes of transportation, such as mass transit, cycle stations, the Wave Streetcar and Water Taxi. The information shall be posted on a website or at kiosks/information stations in visible and conspicuous areas within the project sites of each phase;
23. Egress from the parking garage constructed in Phase 1 shall be restricted to a left turn only onto SW 4th Avenue.
24. All proposed traffic calming shall be completed as part of Phase I.
25. The project shall not exceed 856 dwelling units (including 6 live/work units on the ground

floor of West/Phase 3 garage), with no reduction in proposed parking. All reductions in the proposed number of dwelling units will occur in Phase 3 as well as a reduction in the number of stories.

26. The Riverwalk multi-use path shall not be less than 18' in width and not less than 20' wide at the floating bridge.
27. For safety purposes, the floating bridge shall be sufficiently illuminated by architectural lighting.
28. A public pedestrian easement shall be granted along the banks of the New River from SW 4th Avenue to the FEC right-of-way. The Applicant shall also construct a minimum 12' in width multi-use path within such easement as part of Phase 1.
29. Applicant shall maintain all plant materials integral to architecture of towers and parking garages in perpetuity at his expense in accordance with City Code Property Maintenance standards.
30. The Applicant has consented to donate sixty-one (61) trees on site to City. These trees shall be moved, replanted and maintained during adjustment period, as per ULDR, at developer's expense.
31. Prior to the commencement of Phases 2 and 3, a parking study shall be completed to see if further modifications are needed in number of parking spaces, unit counts or retail/restaurant square footages of Phases 2 and 3.
32. If not moved off-site, FPL transmission lines will be contained wholly on Marina Lofts site. Developer shall seek approval from City on disposition of transmission lines, subject to 30-day City Commission Request for Review.
33. The conditions contain in herein are intended to memorialize the conditions expressed in the record of the hearings at which the application for the development permit was reviewed. In the event that the record of the proceedings contradicts or contains additional conditions not reflected in this instrument, the conditions as expressed on the record of the proceeding shall prevail and are incorporated herein.