



**CITY OF FORT LAUDERDALE**  
**City Commission Agenda Memo**  
**REGULAR MEETING**

**#23-1095**

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**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Greg Chavarria, City Manager

**DATE:** December 05, 2023

**TITLE:** Quasi-Judicial Resolution - Approving a Site Plan Level II Development Permit and Design Deviation Requests – 201 N Federal Highway, LLC – 201 North Federal Highway – Case No. UDP-S22081 – **(Commission District 2)**

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**Recommendation**

It is recommended the City Commission consider adopting a resolution authorizing the issuance of a Site Plan Level II development permit for a 47-story mixed-use building containing two towers with 936 residential units, and 5,569 square feet of commercial use proposed at 201 N. Federal Highway, and design deviation requests for maximum building length and maximum floorplate size pursuant to Unified Land Development Regulations (ULDR) Section 47-13.20.J.3.

**Background**

The subject property is comprised of six parcels generally located at 201 North Federal Highway, proposing a 1,514,160 square foot mixed-use building, containing two towers with 936 residential units and 5,569 square feet of ground floor commercial space. The height of the western and eastern towers are 47 stories (522 feet and ten inches) and 45 stories (492 feet and ten inches), respectively. The property is bound by North Federal Highway to the east, NE 2<sup>nd</sup> Street to the south, with a portion of the property facing towards NE 3<sup>rd</sup> Street. The site has an underlying land use designation of Downtown Regional Activity Center (DRAC) and is zoned Regional Activity Center – City Center (RAC-CC) District.

Per the ULDR, Section 47-13.20.J.3, if an applicant seeks to deviate from the Downtown Master Plan (DMP) Standards, the developer may submit the design of the proposed development for review and determination by the City Commission if the alternative design meets the overall intent of the DMP.

Bonus residential density is allocated to this development, pursuant to Section 47-23.16.B(2)c – Affordable Housing Density Incentives, ULDR, which permits a payment in-lieu of the requirement to provide affordable units. The payment will be

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approximately \$9,360,000 at the time of building permitting, to be split equally between the Housing Trust Funds of the City of Fort Lauderdale and Broward County. The payment in lieu of fee increases by three percent annually, therefore, the final payment in lieu of fee shall be assessed when the applicant applies for building permits.

The Development Review Committee (DRC) reviewed the proposal on January 24, 2023. The Development Application Form is attached as Exhibit 1. The applicant's narrative responses to criteria are attached as Exhibit 2. The site plan and elevations are attached as Exhibit 3. The January 24, 2023, DRC Comment Responses are attached as Exhibit 4.

### **Downtown RAC Review Process and Special Regulations**

The project is located in the RAC-CC, within the Downtown Core Character Area as defined in the DMP. The Downtown Core Character Area is the city's high-intensity downtown zoning district and is intended to be applied to the central downtown core area as a means of accommodating a wide range of employment, shopping, service, cultural, higher density residential and other more intense land uses.

### **Downtown Master Plan**

The following is a summary regarding the DMP and proposed development:

#### **Quality of Architecture**

The proposed materials for both towers consist of stucco, tinted glazed windows, and clear glass balconies with cashmere pearl metal railing. The garage screening is comprised of metal louvers, concrete banding, and synthetic green wall screening. The development incorporates a 22-foot-high ground floor, southeast ground floor plaza, elevated amenity space, and building overhang that functions as a partial shading device above each sidewalk. The perimeter of the parking garage and towers incorporate architectural banding that wraps around the garage and continues vertically upward accentuating the edge of each tower, terminating in a rooftop horizontal overhang.

#### **Active Uses and Building Program**

The first floor incorporates two commercial spaces totaling 5,569 square feet, situated on both sides of a ground floor plaza, located on the southeast corner of North Federal Highway and NE 2<sup>nd</sup> Street. Parallel to the public sidewalk exists an onsite raised arcade, leading to a recessed vehicular drop off lane and main residential lobby along NE 2<sup>nd</sup> Street. The frontage of NE 3<sup>rd</sup> Street serves as a vehicular access point, with an internalized drive continuing through the building southbound to NE 2<sup>nd</sup> Street.

The remainder of the first floor consists of building services, mail rooms, leasing offices, trash storage, and utility rooms. The 2<sup>nd</sup> through 9<sup>th</sup> floor podium contains the parking garage, with liner units shielding the garage along North Federal Highway. Garage screening is comprised of metal louvers, knee high walls, and

mesh to help dilute vehicular lights. The 10<sup>th</sup> floor amenity deck contains a spa, yoga studio, gym, game rooms, bar/lounge, pool, karaoke room, and outdoor recreation area. The western tower contains residential units between the 11<sup>th</sup> through 47<sup>th</sup> floor, and the eastern tower contains residential units between the 11<sup>th</sup> story and 45<sup>th</sup> floor. Contained on the rooftop of the eastern tower is an indoor lounge, outdoor terrace, and enclosed mechanical equipment. Contained on the western tower rooftop is additional enclosed mechanical equipment.

### Streetscape Design

The streetscape along NE 2<sup>nd</sup> Street provides an 8-foot-wide sidewalk, widening midblock, offering a seating wall in front of the vehicular drop off lane, abutting an 11-foot-wide landscape swale, and enough space to accommodate a future 4-foot-wide bike lane. The streetscape on North Federal Highway provides a 12-foot-wide sidewalk and 15-foot and 10-inch-wide landscape swale. Both sidewalks on NE 2<sup>nd</sup> Street and North Federal Highway intersect at a ground floor plaza, offering integrated outdoor hardscape seating and tables. The streetscape of NE 3<sup>rd</sup> street provides a 7-foot-wide sidewalk, 11-foot-wide swale, and a 4-foot-wide bike lane. A total of 16 shade trees and two palms lines the sidewalks, in addition to a variety of bushes and shrubs, totaling 3,649 plants, on the ground floor.

### Downtown Master Plan Deviation

In accordance with ULDR Section 47-13.20.J.3, in the event the developer of a parcel of land in the Downtown RAC district desires to deviate from the requirements of Section 47-13.20.B, Downtown Master Plan Standards, the developer may submit the design of the proposed development for review and determination by the City Commission if the alternative design meets the overall intent of the DMP. The applicant is requesting alternative site design solutions for maximum building length and maximum floorplate size requirements, described in more detail as follows:

#### Maximum Building Length

The applicant is seeking a deviation request to permit a building length of 399-feet 5-inches along the frontage NE 2<sup>nd</sup> Street, exceeding the maximum building length of 300 feet by 99-feet 5-inches.

#### Maximum Building Floorplate Square Footage

The ULDR limits the maximum floorplate size to 18,000 square feet from the first floor of the tower (10<sup>th</sup> floor) up to the 15<sup>th</sup> floor and 12,500 square feet from the 16<sup>th</sup> floor up to the 37<sup>th</sup> floor. Floors exceeding 37 floors shall receive special review and approval.

The applicant is requesting an amenity deck floorplate size of 57,375 square feet on the 10<sup>th</sup> floor, exceeding the maximum building floorplate by 39,375 square feet. Additionally, the western tower is requesting floorplate size of 13,844 square feet without terraces and 15,965 square feet with terraces between the 16<sup>th</sup> floor

to the 47<sup>th</sup> floor and a floorplate size of 13,844 square feet without terraces and 15,965 square feet with terraces within the eastern tower between the 16<sup>th</sup> floor and 45<sup>th</sup> floor, exceeding the permitted maximum floorplate size by 3,465 square feet. Both towers exceed 37 floors and require special review by the City Commission per the DMP.

Table 1 provides a summary of the quantitative dimensions in the DMP and those proposed for the project.

**Table 1. Downtown Master Plan Design Standards Comparison Summary**

<b>DMP Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Complies or Deviates</b>
<b>Maximum Building Height</b>	FAA Approval	East Tower (492'-10") West Tower (522'-10")	Complies
<b>Maximum Building Streetwall Length</b>	300 Feet	NE 2 <sup>nd</sup> Street: 399'-5" NE 3 <sup>rd</sup> Street: 50'-6" N. Federal Highway: 126'-6"	<b>Deviation Request for NE 2<sup>nd</sup> Street only</b>
<b>Maximum Tower Floorplate Size (Square Feet)</b>	18,000 SF (10 <sup>th</sup> -15 <sup>th</sup> Floor) 12,500 SF (15 <sup>th</sup> - 37 <sup>th</sup> Floor)	57,375 SF (10 <sup>th</sup> Floor) 15,965 SF (11 <sup>th</sup> -37 <sup>th</sup> Floor)	<b>Deviation Request</b> <i>(10<sup>th</sup> Floor Requesting Increase of 39,375 SF)</i> <i>16<sup>th</sup> Floor Through 37<sup>th</sup> Floor</i> <i>(Requesting Increase of 3,465 SF)</i>

<b>Maximum Building Podium Height</b>	9 Floors	9 Floors	Complies
<b>Minimum Building Tower Stepback</b>	None	N/A	Complies
<b>Minimum Tower Separation</b>	30 Feet	30 Feet	Complies
<b>Minimum Residential Unit Size (Square Feet)</b>	400	430	Complies

The applicant's deviation request narrative is attached as Exhibit 5.

**Infrastructure Capacity Analysis**

The adequacy criteria of ULDR Section 47-25.2 are used to evaluate the demand created on public services and facilities by a proposed development. A capacity letter has been issued by the City's Public Works Department dated November 22, 2023, which identifies the facilities and associated infrastructure servicing this project and the project's impact on capacity. Currently, the existing water and sewer infrastructure does not have the capacity to support the proposed development. Due to fire connection requirements, the 6-inch main along NE 2nd Street, approximately 1,040 feet, will have to be upsized to 8 inches and approximately 422 LF of new 10" pipe needs to be constructed flowing east of the project site to intercept Basin A-13 at NE 7th Ave. Downstream of that connection, approximately 165 LF of 8" pipe is to be up-sized to 10", and approximately 619 LF of 18" pipe is to be up-sized to 24". The water and sewer improvements shall be constructed, certified, and in operation prior to issuance of any master permit.

The City of Fort Lauderdale Public Works Department Capacity Letter is attached as Exhibit 6.

**Transportation and Traffic Analysis**

A traffic impact analysis was prepared by Ian Rarden, P.E. of Kimley Horn and Associates, Inc., on May 2, 2023, using the Parking Generation Manual published by the Institute of Transportation Engineers (ITE) 11<sup>th</sup> Edition. Per the analysis the project is expected to generate 3,535 new weekday vehicle trips, 224 net new weekend A.M. peak hour vehicle trips and 232 new weekday P.M. peak hour vehicle trips. The parking demand per the ULDR is 946 parking spaces and the development is providing 949 parking spaces and 70 bicycle spaces. The 949 parking spaces are comprised of 19 ADA spaces, 11 compact spaces, 186 stacked parking spaces (372 parking spaces) and 547 standard parking spaces. With the proposed 949 parking spaces provided, the development has met the parking requirements of the city.

The developer is responsible for submitting a valet parking agreement to be reviewed and approved by staff and recorded in the public records of Broward County prior to C.O.

The applicant's traffic impact analysis and response to traffic comments are attached as Exhibit 7.

**Comprehensive Plan Consistency**

The Comprehensive Plan and ongoing City initiatives support the development of additional affordable housing options, specifically Housing Element Policy HS 1.2.9 which states that the city shall support the construction of diverse affordable housing types, include multi-family homes.

The project fulfills Objective FLU 2.4 which states that the City will direct growth to designated Urban Redevelopment/Downtown Revitalization Areas to discourage urban sprawl, maximize the use of existing public facilities and centralize commercial, governmental, retail, residential, and cultural activities.

**Conditions of Approval**

Should the City Commission approve the development, the following conditions apply:

1. At the time of the issuance of building permits, the applicant will be required to pay a Park Impact Fee for the proposed residential units in accordance with ULDR Sec. 47-38A.
2. Per ULDR Section 47-23.16.D.8, Payment In-Lieu of Affordable Housing, a payment in the amount of \$9,360,000, increasing three percent annually (January 1<sup>st</sup> of each year) shall be paid to the City of Fort Lauderdale at the time of building permit issuance, to be equally split between the Broward County Affordable Housing Trust Fund and the City of Fort Lauderdale Affordable Housing Trust Fund. The exact amount of the fee will be determined at the time of building permit issuance.
3. Prior to the issuance of a building permit, the applicant shall provide a final School Capacity Availability Determination (SCAD) letter that confirms that school capacity is available, or if capacity is not available, that mitigation requirements have been satisfied.
4. In accordance with the Water and Wastewater Capacity Availability letter issued by the City Public Works Department dated November 22, 2023, the existing water and sewer distribution system requires improvements to accommodate flow increase from the proposed development. Prior to issuance of Certificate of Occupancy, all necessary improvements stated in the latest Water and Wastewater Capacity Availability letter shall be constructed, certified and in operation per ULDR section 47-25.2. Any deviation from the improvements required within the Water and Wastewater Capacity Availability Letter will require a new analysis and design subject to approval by the City Engineer.
5. Prior to issuance of Certificate of Occupancy, applicant shall record a public right-of-way dedication along the west side of N Federal Highway /U.S. NO.1 consisting of

- ten (10) feet to complete the minimum one hundred twenty (120) foot right-of-way section required per the Broward County Trafficways Plan as approved by the Florida Department of Transportation (FDOT).
6. Prior to issuance of Certificate of Occupancy, applicant shall dedicate and record a public right-of-way dedication along the north side of NE 2nd Street, consisting of ten (10) feet to complete the respective minimum fifty (50) foot right-of-way section as approved by the City Engineer.
  7. Prior to issuance of Certificate of Occupancy, applicant shall dedicate and record a public pedestrian sidewalk access easement along the west side of N Federal Highway /U.S. NO.1, to accommodate a portion of the required pedestrian clear path located outside of existing right-of-way and proposed right-of-way dedications as approved by the FDOT.
  8. Prior to issuance of Certificate of Occupancy, applicant shall dedicate and record a pedestrian sidewalk access easement along the north side of NE 2nd Street, to accommodate a portion of the respective required pedestrian clear path located outside of existing right-of-way and proposed right-of-way easements as approved by the City Engineer.
  9. Prior to issuance of Certificate of Occupancy, applicant shall dedicate a minimum ten (10) foot by fifteen (15) foot water easement for the proposed water meter located within the proposed development and outside of existing right-of-way and proposed right-of-way dedication to facilitate City maintenance access as approved by the City Engineer.
  10. Prior to issuance of Certificate of Occupancy, applicant shall dedicate a minimum ten (10) foot by fifteen (15) foot sewer easement for the proposed first private sanitary sewer manholes located within the proposed development and outside of existing right-of-way and proposed right-of-way dedications to facilitate City maintenance access as approved by the City Engineer.
  11. Prior to issuance of Certificate of Occupancy, applicant shall coordinate and provide a Maintenance Agreement with the FDOT (for property frontage along N Federal Highway /U.S. 1) and with the City (for property frontage along NE 2nd Street and NE 3rd Street). Proposed improvements within adjacent City right-of-way include paver driveway, specialty on-street parallel parking stall paving, concrete curb & gutter, curb and valley gutters, drainage pipes and landscaping including structural soil and irrigation. Please be advised that applicant will be responsible for maintenance of proposed storm drain infrastructure improvements located within adjacent City Right-of-Way during a one (1)-year warranty period, until accepted by the City's Public Works Department.
  12. Prior to Final DRC Approval, the applicant shall update the site plan to meet vehicle reservoir spaces, valet operations, and valet stand to be in compliance with Section 47-20.16.-Valet Parking and Section 47-20.17. Vehicular Reservoir Spaces for Drive-thru Facilities.
  13. The developer is responsible for submitting a valet parking agreement to be reviewed and approved by staff and recorded in the public records of Broward County prior to any Certificate of Occupancy.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

This item is a *2024 Commission Priority*, advancing the Homelessness and Housing Opportunities initiative.

This item supports the *Press Play Fort Lauderdale Strategic Plan 2024*, specifically advancing:

- Neighborhood Enhancement Focus Area.
- Goal 4: Build a thriving and inclusive community of neighborhoods.
- Objective: Ensure a range of affordable housing options.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community*.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan* specifically advancing:

- The Neighborhood Enhancement Focus Area
- The Housing Element
- Goal 1: The Comprehensive Plan shall support the provision of adequate sites for future housing, including affordable workforce housing, housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.

### **Attachments**

Exhibit 1 – Development Application Form

Exhibit 2 – Narrative Responses to Criteria

Exhibit 3 – Site Plan and Elevations

Exhibit 4 – January 24, 2023, Development Review Committee Comment Responses

Exhibit 5 – Deviation Request Narrative

Exhibit 6 – November 22, 2023, Public Works, Water and Wastewater Capacity Letter

Exhibit 7 – May 02, 2022, Traffic Impact Study, Kimley Horn and Associates

Exhibit 8 – Resolution Approving

Exhibit 9 – Resolution Denying

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Prepared by: Adam Schnell, Urban Planner III, Development Services Department

Department Director: Christopher Cooper, AICP, Development Services Department