



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#22-0514

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: July 5, 2022

TITLE: Quasi-Judicial Resolution for a Development Permit Application Requesting an Affordable Housing Height Bonus Incentive and Alternative Design for a Mixed Use, Mixed Income Development – The Arcadian – 640 NW 7th Avenue – Case No. UDP-S21043 – **(Commission District 2)**

Recommendation

Staff recommends the City Commission consider adopting a resolution for a Site Plan Level II Development, requesting additional height through the Northwest Regional Activity Center (NWRAC) affordable housing height bonus incentive and approval of an alternative design that deviates from the maximum floorplate requirements and tower setback requirements of the ULDR for an eight-story mixed-use building.

Background

The applicant, Sunshine Shipyard LLC, is seeking to construct a mixed-use, mixed-income, multifamily development containing 480 residential units with 15,235 square feet of ground commercial space at 640 NW 7th Avenue, located in the Northwest Regional Activity Center-Mixed Use east (NWRAC-MUe) zoning district. The applicant is providing 48 affordable units to be rented to residents with incomes at or below 100% of the median family income (MFI) in perpetuity. The remaining 432 units are non-restricted and can be rented as market rate.

Section 47-13.52.B, of the Unified Land Development Regulations (ULDR) outlines performance standards by which an applicant may request additional height above 65 feet to a maximum 110 feet allowed in the NWRAC-MUe zoning district, located west of NW 2nd Avenue, when the project qualifies as an affordable housing development. This standard was introduced into the ULDR to help facilitate affordable housing projects, through a Site Plan Level II Development Review Committee (DRC) process with City Commission approval. The development is proposing a building height of 85 feet, a request of 20 additional feet in exchange for setting aside 48 residential units as affordable. The applicant will be required to enter into an Affordable Housing Development Agreement under a separate approval process, to be reviewed and voted on by the City Commission prior to the issuance of building permits if the development is approved.

Additionally, the applicant has requested approval of an alternative design that deviates from the minimum tower setbacks requirement. The ULDR requires a 12-foot tower setback on primary streets and 30-foot tower side and rear setbacks. The applicant is requesting a 4-foot setback on the south and west (primary) facades and east (side) façade, and no setback on the north (rear) façade. Per ULDR Section 47-13.31, Table of Dimensional Requirements for the NWRAC-MU District, tower setbacks may be modified if an alternative design is found to achieve the underlying intent of the standards as provided in the NWRAC-MU Illustration of Design Standards.

The Development Review Committee (DRC) reviewed the proposed development on October 21, 2021. All comments have been addressed and are attached as Exhibit 1. The application and project narratives are included as Exhibit 2. The site plan and elevations are included as Exhibit 3.

Review Criteria

Pursuant to Section 47-24, Development Permits and Procedures, the development is subject to Site Plan Level II review criteria specifically the adequacy requirements in Section 47-25.2. A parking reduction has also been requested according to the criteria in Section 47-20.3 – Reductions and Exemptions. The development is also subject to meeting the performance standards of Section 47-13.52.B, Performance Standards and Criteria for Additional Height Bonus and must demonstrate that the alternative design achieves the underlying intent of the standards as provided in the NWRAC-MU Illustration of Design Standards.

Adequacy Requirements

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. The applicant has addressed the Adequacy Requirements and will be properly served by public services and facilities. A Public Works Water and Wastewater Capacity Analysis letter was issued on February 7, 2022, determining the existing water and sewer infrastructure have the capacity to support the proposed development. The letter indicated that the water line on NW 6th Avenue will need to be upsized from NW 6th Street to NW 8th Street. The City of Fort Lauderdale Public Works Department Water and Sewer Availability Letter is attached as Exhibit 4.

Traffic

Vehicular access to the parking garage has been limited to NW 6th Avenue. The proposed project is anticipated to generate approximately 3,881 daily trips, approximately 307 AM peak hour trips (133 inbound and 174 outbound) and approximately 226 PM peak hour trips (129 inbound and 97 outbound). All intersections located near the project site are currently operating at an acceptable level of service and are projected to operate adequately in the year 2024 with the proposed project in place. The intersection of NW 7th Avenue and Sunrise Boulevard is also projected to operate at a good level of service with the proposed project in place. The subject residential development is projected to have minimal (less than 5 additional seconds of delay/wait time) traffic impacts to the intersection of Broward Boulevard and NW 7th Avenue. Moreover, with the

implementation of minor signal timing optimization, the project trips impacting the Broward Boulevard/NW/SW 7th Avenue intersection are mitigated. The traffic study prepared by Traftech Engineering, October 6, 2021 is attached as Exhibit 5.

NWRAC-MU Special Regulation and Performance Standards

ULDR Section 47-13.52.B, NWRAC-MU Performance Standards and Criteria for Additional Height Bonus, requires at least 10% of units be set-aside as affordable to be rented to households within a range that is at or below 50% to 100% of the median family income (MFI). The applicant proposes to set-aside 48 of the 480 units as affordable at or below 100% of the MFI in perpetuity and has submitted an Affordable Housing Development Plan which outlines the number of units to be set-aside as affordable, location of units, marketing strategy and length of restriction. The affordable housing units within the building will be scattered between floors to avoid a concentration of affordable units. The proposed exterior appearance, materials and finishes are detailed within the architectural plans and will not vary between affordable and other units. All units will have similar interior finishes. Prior to building permit issuance, an Affordable Housing Development Agreement and deed restriction shall be recorded in the public records of Broward County as reflected in the conditions of approval, herein. The Affordable Housing Development Agreement is attached as Exhibit 6.

The criteria for permitting additional height, which requires review of location, compatibility, and building massing, have been addressed. Nearby development consists of similar zoning categories, permitted uses, and size. Properties to the south of the subject property are zoned NWRAC-MUe. Properties to the south and east are zoned NWRAC-MUw zoning district. Properties to the north and east are zoned Industrial (I).

The requested 85-foot building height is compatible with constructed and approved development along NW 6th Street/Sistrunk Boulevard and NW 7th Avenue. The proposed Arcadian mixed-use building is compatible with the 65-foot Six13, an existing 142-unit multifamily building, located at 613 NW 3rd Avenue. Approved projects that will be similar in massing and intensity to the Arcadian include the 65-foot The Adderley, a 455-unit mixed use building, located at 501 NW 7th Avenue and the 57-foot Hotel d'Arts, a 100-room located at 301 NW 7th Avenue.

NWRAC Illustrations of Design Standards and Alternative Design Request

The intent of the Northwest Regional Activity Center - Mixed Use east Zoning District is to promote and enhance the existing commercial and residential character of the main corridors of the NWRAC by providing a wide range of employment, shopping, services, cultural and residential opportunities through allowing a mix of residential and non-residential uses. These areas include higher densities along the corridors transitioning to the lower densities and intensities of the surrounding zoning districts.

NWRAC Master Plan

The following is a summary regarding the project's compliance with the NWRAC Master Plan:

Quality of Architecture

The proposed building materials consists of limestone, steel mesh, aluminum, stucco, glass, and a decorative perforated canvas for the garage. The building provides a 15-foot high ground floor, stone finish walls, and decorative aluminum trellises for shading along NW 6th Street and NW 7th Avenue. Floors two through five are framed providing articulation to the facades. The parking garage enhanced by artwork and centered between the two sections of the mixed use building and the pedestrian paseo building with a 42-foot wide breaks up the east and west facades. Balconies are contained throughout the building, providing depth, articulation, and unit activation along all four façades.

Active Uses and Building Program

The proposed site plan includes commercial uses on both NW 6th Street/Sistrunk Boulevard and NW 7th Avenue and the main residential lobby fronting NW 7th Avenue. The façade along NW 6th Avenue is lined with live/work units. Parking is located on the second through the eighth floor and is screened by decorative perforated canvas. Floors two through eight contain a total of 480 residential units to the south and north of the parking garage. The center of the south and north sections have courtyards open to the sky with to provide additional resident amenity space. Back of house areas are to be located on NW 6th Avenue.

Streetscape Design

Aluminum trellises street trees shade pedestrian space and the sidewalk along all facades. All three corners of the building have been angled at 45 degrees to address the intersections and to allow for plazas to be created at all corners of the site. These plazas allow for ample pedestrian circulation and outdoor dining opportunities. The paseo provides a unique midblock crossing connection NW 6th Avenue with NW 7th Avenue designed as a unique public space. Ground floor residential amenities at the base of the parking garage such as the lobby and gym face the paseo.

NWRAC Master Plan Alternate Design

Per Section. 47-13.31, Table of Dimensional Requirements for the NWRAC-MU-District, floorplate and tower setbacks may be modified if an alternative design is found to achieve the underlying intent of the standards as provided in the NWRAC-MU Illustration of Design Standards. The requested setback deviation would permit a setback of 4 feet along the south, west, and east elevations and 0 feet along the north elevation. According to the applicant, rather than providing the required setback requirements of 12 feet for primary streets (NW 6th Street/Sistrunk Boulevard and NW 7th Avenue) and 30 feet for side and rear facades, the building has been designed with two shoulder height breaks. The first shoulder height break occurs at the corners on the third floor where there is a 6-foot setback from the podium to the building. The second shoulder height break is at 65 feet where the building terrace steps back 4 feet on the east, south, and west facades.

The proposed deviations do not detract from the surroundings, limit airflow or light to nearby properties. Table 2 outlines the ULDR dimensional requirement, proposed dimensions, and deviation requests.

Table 2 - Shoulder Height, Floorplate Size and Stepback Regulations (NWRAC-MUe)

Permitted		Proposed	Complies or Specific Request	
Max. Height	65 ft or up 110 ft when approved by City Commission	85 ft	20-ft Deviation Requested	
(**) Min. Shoulder Height	25 ft (2 Stories) min	65 ft (5 stories)	Project Complies	
(**) Max. Shoulder Height	65 ft (5 Stories) max		Project Complies	
Floorplate Max (Non-residential)	≤32,000 sf	South Floor Plate 29,920 sf North Floor Plate 27,275 sf Parking Structure 11,375 sf Total Floor Plate 68,570 sf	Deviation Requested	
Tower Stepback	Primary	12 ft min	NW 6 th Street (South) – 4 ft	8-ft Deviation Requested
	Primary	12 ft min	NW 7 th Avenue (West) – 4 ft	8-ft Deviation Requested
	Side	Side 30 ft min	NW 6 th Avenue (West) – 4 ft	26-ft Deviation Requested
	Rear	Rear 30 ft min	NW 7 th Street (North) – 0 ft	30-ft Deviation Requested

Comprehensive Plan Consistency

The Comprehensive Plan and ongoing City initiatives support the development of additional affordable housing options, specifically furthering Housing Element Policy HS 1.2.9, which states that the City shall support the construction of diverse affordable housing types including multifamily residential dwelling units. The proposed project provides a mixed-income development incorporating 48 residential units for households with incomes at or below 100% of the MFI in perpetuity.

The project supports Urban Design Element Policy UD 1.1.6 which states that where buildings engage the streets, high quality building design will be promoted through the use of high-quality materials and building façade features such as transparency through high amounts of fenestration, and street activation through first floor commercial uses. The project is supported by Future Land Use Goal 1, by aligning with and promoting the distribution of land uses that meet the social and economic needs of the City of Fort Lauderdale, while ensuring compatibility of land uses and providing adequate services and facilities.

The project is further supported by Objective 1.10: Northwest Regional Activity Center (Northwest-RAC) Redevelopment Efforts and Objective 1.21: Encouraging Mixed Use Development, by providing affordable housing opportunities to very low and low-income households within the Northwest-RAC and supporting a “live, work, and shop” environment in by developing a mixed-use, affordable housing project in the area.

Conditions of Approval

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

1. Concurrent with the issuance of building permit, applicant will be required to pay a Park Impact Fee for the proposed residential units in accordance with ULDR Sec. 47-38A.
2. Applicant shall record an Affordable Housing Development Agreement and deed restriction, in a form approved by the City Attorney’s Office, in the public records of Broward County prior to building permit issuance.
3. Applicant shall record a parking reduction agreement with Broward County prior to certificate of occupancy.
4. Concurrent with the issuance of a building permit, the applicant will be required pay proportionate fair share mitigation for the traffic impact to the existing eastbound left turn lane onto Broward Boulevard from the NW 7th Avenue intersection for an additional 14 linear feet out of a 103 linear storage length deficiency. The proportionate fair share calculation, totaling \$4,241.57, is agreed upon by the City and the applicant as the applicant’s proportionate fair share contribution for construction of the transportation improvement.
5. Within 1 year of the project obtaining its final certificate of occupancy for the site plan in its entirety (minimum 90% occupancy), prepare and submit a warrant study to Broward County to determine if a dedicated left turn signal phase needs to be added to the existing signal heads on the mast arm for this turning movement pursuant to Broward County signal warrant criteria at the intersection of Sistrunk and NW 7th Avenue. In the event Broward County determines that the dedicated left turn signal phase is warranted, Applicant shall obtain the required permits and install the necessary additional signal. Prior to the issuance of a building permit for the project, post a bond with the City in the estimated amount of \$30,000 (bond amount may be revised by the City prior to building permit issuance) to cover the cost of the requisite signal warrant study and the cost of installation if warranted; this bond will be released by the City upon a determination by the County that the additional signal phase is not warranted or if warranted upon completion of the installation of the necessary signal.
6. Within 1 year of obtaining a certificate of occupancy for the site plan in its entirety, prepare and submit a warrant study (including manual turning movement counts at the project driveway connection and queueing analysis) to TAM to determine if a southbound right turn lane on NW 6th Avenue is warranted. In the event TAM determines that the dedicated right turn lane is warranted, applicant shall obtain the required permits and install the necessary turn lane. Prior to the issuance of a building permit for the project, post a bond with the City in the estimated amount of \$50,000 (bond amount may be revised by the City prior to building permit issuance) to cover the cost of the requisite right turn lane warrant study and the cost of installation if

warranted; this bond will be released by the City upon a determination by TAM that the right turn lane is not warranted or if warranted upon completion of the installation of the right turn lane.

7. In accordance with the Water and Wastewater Capacity Availability letter issued by the City Public Works Department dated September 13, 2021, the existing water distribution system requires improvements to accommodate flow increase from the proposed development. Applicant voluntarily assumes responsibility for the design, permitting and construction of said improvements to meet adequacy requirements per ULDR section 47-25.2. with the understanding that the costs incurred by the Applicant in connection with the design, permitting and construction of said improvements will be credited on a dollar-for-dollar basis towards any Capital Expansion Fees paid by the Applicant pursuant to Section 163.31801, Florida Statutes.
8. Adjust proposed drainage utility along NW 6th Avenue to accommodate required shade trees within landscaped bulb-outs prior to Final DRC.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a *2022 Top 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

- Future Land Use Element
 - Goal 2: Sustainable Development: The City shall encourage sustainable, smart growth which designates areas for future growth, promotes connectivity, social equity, preservation of neighborhood character and compatibility of uses.
- *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 – DRC Comments, October 12, 2021

Exhibit 2 – Application and Project Narratives

Exhibit 3 – Site Plan and Project Renderings

Exhibit 4 – Water and Sewer Capacity Letter, February 7, 2022

Exhibit 5 – Traffic Study and Parking Reduction Memorandum, October 6, 2021 and
September 21, 2021

Exhibit 6 – Affordable Housing Development Agreement

Exhibit 7 – Resolution Approving

Exhibit 8 – Resolution Denying

Prepared by: Lorraine Tappen, Principal Urban Planner, Development Services
Department
Department Director: Anthony Greg Fajardo, Development Services Department