

**Project:** Flagler Sixth North  
**Owners:** Flagler Sixth LLC  
**Property:** 689 N. Federal Highway  
**Author:** Andrew J. Schein, Esq.

**ULDR NARRATIVES**

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### **GENERAL PROJECT NARRATIVE**

The Project is a multifamily mixed-use development located at 689 N. Federal Highway (the “Property”). The Project consists of 301 multifamily dwelling units and 75,265 square feet of commercial space, including a 34,360 square foot grocery store, in a 31-story building and an existing 4-story building. The Project will replace the plans for the previous development approved on the Property pursuant to City Case No. UDP-S22033, which included 241 residential units and 72,508 square feet of commercial space.

The Project is part of an accompanying application for the property immediately to the south, called “Flagler Sixth South”. Together, Flagler Sixth South and Flagler Sixth North were originally approved for a total of 561 residential units. The total number of units in the combined development will remain at 561 units, however the number of units in each project is being amended through these applications. Flagler Sixth North will have 301 residential units and Flagler Sixth South will have 260 residential units. Applicant is seeking to have the amendments for Flagler Sixth North and Flagler Sixth South approved contemporaneously.

Due to the size of the Flagler Sixth South and Flagler Sixth North development sites, the developments were looked at holistically to form an overall master plan for the properties. The design approach in these developments was focused on the pedestrian experience and creating viable, meaningful commercial space at the ground floor. The developer believes that creating and combining meaningful ground-floor commercial space with an unparalleled pedestrian experience is a critical goal in Flagler Village and along Federal Highway, and this Project fulfills that goal.

The Project includes wide sidewalks ranging from 9.3’ in clear width to 13.3’ in clear width. Shade trees are provided between the sidewalk and the street along all street/private drive frontages. Strategic commercial space is provided on the ground floor, including retail/restaurant uses and a grocery store. The Project also includes a grand lobby entrance at the intersection of NE 5<sup>th</sup> Avenue and the private drive. All loading and unloading will be contained within the site.

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## DOWNTOWN MASTER PLAN NARRATIVE

### PRINCIPLES OF STREET DESIGN

- S1 Maintain fine-grained street grid: discourage vacations.  
**RESPONSE: The Project does not include any new street vacations.**
- S2 Utilize Traffic Calming rather than blocking streets.  
**RESPONSE: The Project does not include the blocking of any streets.**
- S3 Maximize on-street parking except on major arterials.  
**RESPONSE: The project includes parallel parking on NE 7<sup>th</sup> Street.**
- S4 Provide adequate bike lanes in a planned network (next to on street parking: 5ft; next to travel lane: 4ft).  
**RESPONSE: The project is not located in a known planned bike network.**
- S5 Maximize street trees on all Downtown Streets.  
**RESPONSE: The project includes street trees along all street frontages.**
- S6 Encourage location of primary row of street trees between sidewalk and street.  
**RESPONSE: The Project includes a primary row of street trees between the sidewalk and the street along all street frontages.**
- S7 Maximum spacing for street trees: Palms -22ft.; Shade trees - 30 ft.  
**RESPONSE: The Project includes shade trees along all street frontages, which are spaced between 20' and 33' on-center depending on the specific locations.**
- S8 Minimum horizontal clearance (from building face) for trees: Palms - 6ft; Shade trees - 12ft.  
**RESPONSE: The typical horizontal clearance is 12'.**
- S9 Encourage shade trees along streets, palm trees to mark intersections.  
**RESPONSE: Shade trees are provided along all street frontages and palm trees mark the intersections.**
- S10 Eliminate County “corner chord” requirement not compatible with urban areas.  
**RESPONSE: The project is not designed to the County’s corner chord requirement.**

- S11 Encourage curb radius reduction to a preferred maximum 15ft; 20ft for major arterials.  
**RESPONSE: The curb radii are 15' except in the location of the grocery store loading/unloading area, where larger curb radii are needed to facilitate truck traffic.**
- S12 Discourage curb cuts on “primary” streets.  
**RESPONSE: There are no curb cuts on primary streets. The only curb cut is along NE 5<sup>th</sup> Avenue for the grocery store loading/unloading and the residential garage entrance.**
- S13 Encourage reduced lane widths on all streets.  
**RESPONSE: Lane widths have been reduced to 10' where possible.**
- S14 Encourage fixed Rights-of-Way and setbacks for all Downtown streets (to eliminate uncoordinated City setback and County easement requirements).  
**RESPONSE: The Project is set back 35' – 2” from the centerline of NE 5<sup>th</sup> Avenue and 35' – 1” from the centerline of NE 7<sup>th</sup> Street, the only two public rights-of-way fronting the development.**
- S15 Encourage reduced design speeds on all RAC streets (15 - 40 mph).  
**RESPONSE: All RAC streets adjacent to the project respect these recommended design speeds.**
- S16 Bury all power lines in the Downtown Area.  
**RESPONSE: N/A**

#### **PRINCIPLES OF BUILDING DESIGN (SCB)**

- B1 Framing the street: building “street wall” should generally meet setback line (within a percentage).  
**RESPONSE: The Project is set back 35' – 2” from the centerline of NE 5<sup>th</sup> Avenue and 35' – 1” from the centerline of NE 7<sup>th</sup> Street, the only two public rights-of-way fronting the development.**
- B2 Framing the street: encourage open space site requirements for use as pedestrian public space instead of unusable, leftover ‘green perimeter’.  
**RESPONSE: The Project far exceeds the required open space, and the provided open space is not a leftover green perimeter. The Project includes a public plaza at the southwest corner adjacent to the grand lobby, a public plaza with outdoor seating at the southeast corner adjacent to the commercial space, and a covered walkway/arcade along the interior private drive to the east.**
- B3 Framing the street: minimum and maximum building ‘street wall’ heights (see character area guidelines for specifics).  
**RESPONSE: The Project meets the maximum streetwall height of seven (7) stories.**
- B4 Framing the street: encourage maximum building ‘street wall’ length of 300ft.  
**RESPONSE: The maximum streetwall length of the Project is 291' – 6”.**
- B5 Preferred maximum ‘floor plate’ area for towers (see character area guidelines for specifics).

**RESPONSE: Applicant is seeking a waiver from the tower floorplate limitations. A separate waiver narrative is included in this submission.**

B6 Where towers are located on Primary (>60ft wide) and Secondary (< or = 60ft wide) Streets, the towers are encouraged to orient towards the Primary Street.

**RESPONSE: There are no primary streets abutting the Project site. The tower is oriented towards the interior private drive.**

B7 Where towers are located on streets < or = 60ft, increased step backs from the ‘shoulder’ are encouraged to reduce the impact on the street.

**RESPONSE: The tower is oriented towards the private drive. Applicant is seeking a small setback waiver for a minor section of the building adjacent to NE 5<sup>th</sup> Avenue; a separate waiver narrative is included in this submission.**

B8 Surface parking: discourage frontage and access along ‘primary’ street.

**RESPONSE: The project does not include any new surface parking (other than parallel parking). Access to the existing surface parking is from a private drive.**

B9 Parking garages: encourage access from secondary streets and alleys.

**RESPONSE: Access to the parking garage is provided from NE 5<sup>th</sup> Avenue, a secondary street.**

Encourage street level activities and minimize visual exposure of parking, with active space on the ground floor of a parking garage.

**RESPONSE: The ground floor is maximized to the greatest extent possible. The ground floor includes a 34,360 SF grocery store, 13,000 SF of retail space, and a 2,500 SF grand lobby. Other than small areas that are required for the operations of the building (fire command room and the grocery mechanical equipment room), the ground floor is fully activated.**

Upper floors of a parking garage should not be visible along primary streets, waterways, and parks. Active spaces on the upper floors are encouraged as a preferred design.

**RESPONSE: The upper floors of the parking garage are architecturally screened.**

B10 Encourage main pedestrian entrance to face street.

**RESPONSE: The main pedestrian entrance to the grocery store faces NE 7<sup>th</sup> Street. The main pedestrian entrance for the retail space faces the interior private drives. The main pedestrian entrance for the residential component faces NE 5<sup>th</sup> Avenue.**

B11 Maximize active uses and ‘extroverted’ ground floors with retail in strategic locations.

**RESPONSE: The ground floor is maximized to the greatest extent possible. The ground floor includes a 34,360 SF grocery store, 13,000 SF of retail space, and a 2,500 SF grand lobby. Other than small areas that are required for the operations of the building (fire command room and the grocery mechanical equipment room), the ground floor is fully activated.**

B12 Encourage pedestrian shading devices of various types.

**RESPONSE: The Project includes shade trees, awnings, and a covered pedestrian arcade.**

- B13 Encourage balconies and bay windows to animate residential building facades.  
**RESPONSE: The Project includes balconies.**
- B14 In residential buildings encourage individual entrances to ground floor units (particularly in the Urban Neighborhood Character Area).  
**RESPONSE: N/A, no ground floor units are proposed.**
- B15 High rises to maximize active lower floor uses and pedestrian-oriented design at ground floor.  
**RESPONSE: The ground floor is maximized to the greatest extent possible. The ground floor includes a 34,360 SF grocery store, 13,000 SF of retail space, and a 2,500 SF grand lobby. Other than small areas that are required for the operations of the building (fire command room and the grocery mechanical equipment room), the ground floor is fully activated.**
- The ground floor will be a very friendly environment for pedestrians, with numerous types of shading devices (shade trees, awnings, and a covered pedestrian arcade) and wide sidewalks, ranging from 9' – 1" in clear width to 13' – 3" in clear width.**
- B16 Building Design guidelines do not apply to Civic Buildings and Cultural Facilities.  
**RESPONSE: Not applicable.**
- B17 Discourage development above right-of-way (air rights).  
**RESPONSE: The Project does not include development over any rights-of-way.**
- B18 Mitigate light pollution.  
**RESPONSE: The Project is not expected to produce excessive light pollution – see photometric plans for details.**
- B19 Mitigate noise pollution.  
**RESPONSE: Mechanical equipment and other noise producing equipment will be screened to meet the city's noise ordinance.**
- B20 Vertical open space between towers on adjacent lots: Towers are encouraged to maintain vertical open space alongside and rear lot lines: minimum horizontal distance of 30 ft (abutting property owners can coordinate tower placement as long as maintain 60 ft clearance).  
**RESPONSE: The location of the tower is coordinated with the accompanying project to the south. The towers will be spaced 97' – 3" apart.**
- B21 Vertical open space between multiple towers on a single development site: no less than 60 ft apart.  
**RESPONSE: This project includes a single tower. The tower is spaced 97' – 3" from the proposed tower to the south.**
- B22 Residential: Encourage minimum ground floor elevation of 2 ft above public sidewalk level for individual ground floor entrances to private units.  
**RESPONSE: No ground floor units are proposed for the project.**
- B23 Avoid drive thrus in the wrong places.  
**RESPONSE: The project does not include any drive-thrus.**

- B24 The Fifth Façade: Encourage green roofs as visual amenities that provide a combination of usable, landscaped spaces (recreation & open space benefits) and sustainable roof treatments (environmental benefits).  
**RESPONSE: The Project includes extensive landscaping on the 7<sup>th</sup> floor deck. Due to the limited space for mechanical equipment on the roof, no additional landscaping can be provided on the roof.**

## QUALITY OF ARCHITECTURE (SCB)

- Q1 Skyline Drama: Encourage towers to contribute to the overall skyline composition.  
**RESPONSE: The top of the tower is a unique design, gradually sloping down from west to east. The roof of the tower was designed to be architecturally interesting as well as functional. Vertical elements from the façade of the tower continue through to the top of the tower, ending at the sloped concrete overhang. Additional architectural projections at the apex of the slope round out the unique tower top design.**
- Q2 Expressive Tops: Encourage expressive tops for tall buildings above 37 stories in Near Downtown and Downtown Core.  
**RESPONSE: N/A, the Project is less than 37 stories.**
- Q3 Durability and Quality of Materials: Encourage high quality materials for the entire building, with special emphasis on detailing and durability for the first 2 floors.  
**RESPONSE: The Project includes high quality materials for the entire building. The ground floor of the Project contains a significant amount of glazing due to the numerous commercial storefronts on the ground floor. Art opportunities are provided in areas that do not have glazing (such as the mechanical equipment rooms and the back-of-house areas for the grocery store).**
- The upper floors of the podium also contain unique architectural materials, including perforated metal sails, flutter block, and perforated metal panels. The tower contains a mix of opaque glass with a minimal amount of stucco, and the balconies have a mix of picket railings and glass railings.**
- Q4 Respect for Historic Buildings.  
**RESPONSE: N/A**
- Q5 Parking Podium Façades: Where structured parking must be exposed to the street, exceptionally creative solutions should be explored.  
**RESPONSE: The parking garage is architecturally screened; parking will not be exposed to the street.**
- Q6 Response to Natural Environment: Encourage architecture to respond to the unique nature of the south Florida environment (solar orientation, wind direction, rain). Examples: Open breezeway corridors oriented toward prevailing winds; energy efficient glazing; above ground storm water capture and re- use through bio-swales and rain gardens; solar roof panes/awnings.

**RESPONSE: The Project will include energy efficient glazing and extensive landscaping. All stormwater will be retained on site. The tower of the Project was coordinated with the tower to the south, both of which are oriented in an east-west direction to take advantage of the prevailing winds and to create a breezeway corridor.**

Q7 Creative Façade Composition: Encourage a rich layering of architectural elements throughout the building, with special attention to facades below the shoulder level.

**RESPONSE: See response to Q3 above.**

Q8 Original, Self-Confident Design: Encourage a range of architectural styles that each create a strong identity, strive for the highest quality expression of its chosen architectural vocabulary.

**RESPONSE: The Project has a unique design. Rather than projecting balconies, the Project contains inset balconies that create vertical voids in the tower massing. The tower has a curvilinear design that continues around the entirety of the tower, creating an oblong massing that differentiates itself from other towers in the area. The curved design continues down to the podium, where curved perforated metal sails connect the ground floor storefronts to the curved corners of the tower.**

**The rooftop of the tower was designed for both form and function. Mechanical equipment is screened behind dark stucco walls, which are wrapped with horizontal banding elements. Concrete overhangs project from the top of the walls, creating a halo effect at the roof.**

#### **PRINCIPLES OF BUILDING DESIGN (SCB)**

SF1 Retail Location Strategy: Encourage ground floor retail in preferred locations.

**RESPONSE: The ground floor of the Project is maximized with active commercial uses.**

SF2 Encourage a combination of storefront styles and types in adjacent buildings, or within single buildings, to create variety and visual interest at the street level.

**RESPONSE: The Project includes various storefront designs – see elevations for details.**

SF3 Encourage durable materials for ground floor retail and cultural uses.

**RESPONSE: The ground floor will be constructed with durable materials glazing and perforated metal panels.**

SF4 Encourage 15 ft minimum floor-to-floor height and encourage interior ground floor flush with adjacent public sidewalk.

**RESPONSE: The proposed ground floor height is 22' – 8".**

SF5 Encourage significant glass coverage for transparency and views. Encourage restaurants to provide clear visual and physical connections to outdoor seating.

**RESPONSE: The Project includes extensive use of glass.**

SF6 Encourage pedestrian shading devices of various types (min 5 ft depth).

**RESPONSE: The Project includes shade trees along all street frontages, awnings, and a covered pedestrian arcade.**

SF7 Encourage multi-level storefront displays to disguise unfriendly uses or blank walls.



Murals and art are intended for all zones where there are blank walls enclosing parking garage program

**RESPONSE: The Project includes a minimal amount of blank walls for mechanical rooms and back-of-house areas for the grocery store. Art opportunities are provided along these walls.**

SF8 Encourage well-designed night lighting solutions.

**RESPONSE: Pedestrian level street lighting has been designed to provide a safe environment use for the project's active uses without contributing excessive light pollution.**

## CHARACTER AREAS

### Near Downtown

2A Frame the street with appropriate street wall heights: Shoulder: 3-7 floors

**RESPONSE: The shoulder height of the project is 7 floors.**

2B Encourage maximum building height of 30 floors.

**RESPONSE: The project is 31 floors; a separate waiver narrative is included in this submission.**

2C Encourage slender towers to complement the skyline and provide more light and air to streets and open spaces below.

**RESPONSE: Applicant is seeking a waiver for floors 8-15 of the building; a separate waiver narrative is included in this submission.**

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**ADEQUACY REQUIREMENTS**  
**NARRATIVE**

**Sec. 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.

**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.

**Response: The Project is not expected to interfere with the City's 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 (2 1/2) inches of runoff from the impervious surface whichever is greater.

**Response: The Project will receive a stormwater management permit from Broward County prior to commencing construction of the Project.**

**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 well field protection which ordinances are incorporated herein by reference:

- a. Broward County Ordinance No. 89-6.
- b. Section 5-198(I), 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.

**Response: N/A, the Project is not expected to impact any 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.

**Response: Acknowledged, the Project will comply with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.**

**F. *Parks and open space.*** *New park impact fee ordinance adopted in June 2006.*

**Response: Applicant will pay all required park impact fees prior to the issuance of the building permit.**

**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.

**Response: Applicant's design incorporates CPTED principles to minimize risk to public safety and assure adequate police protection.**

**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.

**Response: Applicant requested a capacity letter from the City's Public Works Department on October 27, 2023 and will provide the letter to the City upon receipt.**

**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.

**Response: Applicant requested a capacity letter from the City's Public Works Department on October 27, 2023 and will provide the letter to the City upon receipt.**

**J. Schools.** For all residential plats, the applicant shall contribute to school facilities in accordance with the Broward County Land Development Code and shall provide documentation to the city that such contribution has been satisfied.

**Response: Applicant will pay all required school concurrency fees prior to the issuance of a building permit.**

**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.

**Response: Acknowledged.**

**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.

**Response: Stormwater will be retained on site in accordance with the Broward County Department of Environmental Regulations criteria.**

**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.

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.

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 ( 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 ( 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 traffic ways 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 traffic ways.
  - iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local traffic ways, 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.

**Response: A traffic statement is included in this submission.**

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.

**Response: To the extent any additional right-of-way is needed, Owner will dedicate the same by easement.**

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.

**Response: The Project includes sidewalks along all street frontages.**

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.

**Response: N/A**

**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.

**Response: Acknowledged.**

**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.

**Response: Street trees are provided along all street frontages.**

**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.

**Response: Applicant requested a capacity letter from the City's Public Works Department on October 27, 2023 and will provide the letter to the City upon receipt.**

**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.

**Response: Acknowledged.**

**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.

**Response: This site does not have any historical or archaeological 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.

**Response: N/A. Project is not located east of the Intracoastal Waterway.**

**Project:** Flagler Sixth North  
**Owners:** Flagler Sixth LLC  
**Property:** 689 N. Federal Highway  
**Author:** Andrew J. Schein, Esq.

**DOWNTOWN RAC REVIEW PROCESS AND SPECIAL REGULATIONS NARRATIVE  
ULDR SECTION 47-13.20**

A. *Applicability.* The following regulations shall apply to those uses permitted within the Downtown RAC district, as shown on the List of Permitted and Conditional Uses, Sections 47-13.10 to 47-13.14.

1. Downtown Master Plan Design Guidelines. The guidelines contained in Chapter 4 of the Consolidated Downtown Master Plan for the City of Fort Lauderdale, Florida (herein "Downtown Master Plan") as accepted by the City Commission on November 18, 2003 (Resolution No. 03-170) and updated revisions approved by the City Commission on June 19, 2007 (Resolution 07-120) are hereby incorporated and referred to as Downtown Master Plan Design Guidelines.

**RESPONSE: Applicant has provided a separate point-by-point narrative addressing the Downtown Master Plan Design Guidelines.**

2. Intent. The Downtown Master Plan Design Guidelines are form-based, graphic guidelines intended to guide development within the Downtown Regional Activity Center zoning districts. The Downtown Master Plan includes intent driven language that is not meant to be prescriptive in all situations, to allow for a qualitative design-oriented approach to development and redevelopment proposals.

**RESPONSE: Applicant has provided a separate point-by-point narrative addressing the Downtown Master Plan Design Guidelines.**

3. Downtown Master Plan Chapter 4 Sections. The Downtown Master Plan Design Guidelines consist of ten (10) sections established in Chapter 4 of the Downtown Master Plan. Any proposed development or redevelopment shall be reviewed against these sections of Chapter 4. These ten (10) sections consist of:
  - a. Principles of Street Design
  - b. Street Design Examples
  - c. Principles of Building Design
  - d. Quality of Architecture
  - e. Principles of Storefront Design
  - f. Character Area Guidelines
  - g. Neighborhood Transition Areas
  - h. Thematic Planning Districts
  - i. Principles of Riverfront Design
  - j. Implementation



**RESPONSE: Applicant has provided a separate point-by-point narrative addressing the Downtown Master Plan Design Guidelines.**

B. *Downtown Master Plan Standards.* Development within the Downtown Regional Activity Center shall be required to meet the following minimum standards, as specified by the geographical boundaries of the character area in which the development or redevelopment proposal is located:

1. Maximum Building Height
2. Maximum Building Streetwall Length
3. Maximum Building Tower Stepback
4. Maximum Building Podium (Pedestal) Height
5. Minimum Building Tower Separation Distance
6. Maximum Building Tower Floorplate Square Footage
7. Minimum Open Space Square Footage
8. Transition Zones
9. Local Street Cross Section

**RESPONSE: Applicant has provided a separate point-by-point narrative addressing the Downtown Master Plan Design Guidelines.**

C. *Downtown Character Areas.* In addition to the RAC Districts described in Section 47-13.2.1 the Downtown Regional Activity Center shall be further characterized by three (3) distinct character areas. The character areas are defined by geographic boundaries and are intended to create a variety of urban experiences throughout the Downtown Regional Activity Center through guidelines that set maximum building height, maximum podium height, podium stepback, and floorplate square footage for development in each area. Each character area exhibits unique urban form and characteristics while sharing common themes relating to pedestrian oriented design. Character areas consist of the following:

1. The Downtown Core character area is a mixed-use central business district that encourages a variety and higher intensity of commercial, entertainment, office, civic uses and high-density housing. It is characterized by vertical slender towers with minimum stepbacks, and includes the following Downtown Regional Activity Center zoning districts which guide specific uses:
  - a. RAC-CC
  - b. RAC-AS
  - c. RAC-WMU
2. The Near Downtown character area is made up of a variety of institutional, retail, and office uses, and offers a variety of housing options. It is characterized by intermediate scale buildings that frame the street with a defined building shoulder height and towers stepped back above, and includes the following Downtown Regional Activity Center zoning districts which guide specific uses:
  - a. RAC-CC
  - b. RAC-UV
  - c. RAC-WMU

- d. RAC-EMU
  - e. RAC-SMU
  - f. RAC-AS
3. The Urban Neighborhood area is primarily residential in nature, with supporting community retail, employment opportunities, local amenities and services. It is characterized by varied scale buildings with defined podium heights and some towers stepped back above, and includes the following Downtown Regional Activity Center zoning districts which guide specific uses:
- a. RAC-UV
  - b. RAC-RPO
  - c. RAC-AS
  - d. RAC-EMU
  - e. RAC-WMU
  - f. RAC-SMU
4. Character Area Boundaries. The specific geographical boundaries of each character area are shown on the Addendum "A" of the "Official Downtown Character Area Map of the City of Fort Lauderdale."

**RESPONSE: The Project is located in the Near Downtown character area.**

*D. Development Permit, Density, Effective Date of Approval of Existing Site Plans.*

1. Density within the Downtown Regional Activity Center zoning districts is limited in accordance with the number of units as provided in the City of Fort Lauderdale adopted Comprehensive Plan, as amended from time to time, and as per Section 47-28, Flexibility Rules, and any other applicable provisions in the Unified Land Development Regulations. Density may be increased as provided for in the City's Comprehensive Plan.

**RESPONSE: Acknowledged.**

2. Dwelling units are allocated at the time of development permit approval. Upon expiration of a development permit the dwelling units shall be returned to the density pool for future allocation.

**RESPONSE: Acknowledged.**

3. The allocation of dwelling units shall be subject to all applicable provisions of the ULDR at the time of development permit approval. Dwelling units are allocated on a first come, first serve basis.

**RESPONSE: Acknowledged.**

4. Density in the RAC-TMU District and RAC-RPO District.
- a. All development within the TMU (RAC-EMU, RAC-SMU and RAC-WMU) district that is greater in density than twenty-five (25) dwelling units per net acre shall be eligible to apply for additional dwelling units subject to the following. Such approval shall be based upon consideration of the number of additional dwelling units available under the City's Comprehensive Plan, the number of additional dwelling units requested, the impact of the proposed development on abutting residential areas, the proposed residential density of the proposed development, location of the proposed development, sensitivity to adjacent development of the site design and proposed orientation of the proposed development, including proposed setbacks, pedestrian movements associated with the proposed

development, proposed landscaping, and traffic and parking impacts of the proposed development on the transportation network. Approval for allocation of any additional dwelling units, hotel rooms or both, for multifamily dwellings, hotels and mixed-use developments shall conform to the City's Comprehensive Plan and may be granted subject to approval of a Site Plan Level II permit, subject to the considerations for such review as prescribed above. A minimum setback of twenty (20) feet from all property lines for every building used exclusively for residential purposes may be required. Such minimum setback may also be required for mixed use buildings in which residential use exceeds fifty-nine percent (59%) of the total floor area, exclusive of parking garages.

- b. All development within the RAC-RPO district that is greater in density than thirty-five (35) dwelling units per net acre and up to fifty (50) dwelling units per net acre shall be reviewed subject to the requirements of Section 47-24.3., Conditional Use.

**RESPONSE: The Project is not located within the RAC-TMU or RAC-RPO zoning districts.**

5. A development permit requesting the allocation of flex and reserve units shall comply with Section 47-28.1, Flexibility Rules. Density may be increased through the allocation of bonus density provisions for affordable housing or sleeping rooms and shall comply with provisions on limitation as outlined in the City's Comprehensive Plan.

**RESPONSE: N/A, flexibility units have already been allocated to the Property. Applicant is not seeking a new allocation of flexibility units.**

6. Effective date. The development permit shall not take effect until the 30-day city commission request for review has expired. Effective date shall be the 30-day expiration, or the day of City Commission action.

**RESPONSE: Acknowledged.**

7. Existing Site Plans in DRAC. Development applications received and pending review by the City or approved by the City on or before November 5, 2020, may be amended and modified through the use of provisions of the zoning regulations in effect at the time the approved application was submitted.

**RESPONSE: N/A**

- E. *Open Space Regulations.* Open space, for the purposes of this section, shall include all areas on the site not covered by structures, other than covered arcades, or not covered by vehicular use area. Covered arcades with a minimum width of ten (10) feet and at least one (1) side open to a street shall be credited towards open space requirements. The required open space shall be shaded through the use of trees, canopies, trellises or other unenclosed shade structures and may include seating, fountains and other elements that enhance the public realm. A minimum of twenty-five percent (25%) of the required open space shall be in pervious landscape area. At least forty percent (40%) of the required open space shall be provided at-grade and the remaining open space may be accessible to individual residential units or through common areas, or both. Pervious surface area, for purposes of this requirement, may be provided through open planting beds, porous paving systems, sand-set pavers, or any combination thereof.

The total amount of open space required shall be calculated based on the size and density of the development, as follows:

1. Open Space for Residential Uses. For development in the RAC districts, except for RAC-CC, open space shall be required for any development that includes residential uses as follows.

- a. For developments of fifty (50) residential units or less, or developments of twenty-five (25) dwelling units per acre or less density: A minimum of two hundred (200) square feet of open space per unit;
  - b. For developments of between fifty-one (51) and one hundred fifty (150) residential units, or developments of greater than twenty-five (25) dwelling units per acre and up to sixty (60) dwelling units per acre density: A minimum of one hundred fifty (150) square feet of open space per unit. The minimum total amount of open space shall be no less than the maximum square footage of open space as defined in Section 47-13.20.E.1.a. In no case shall the minimum open space provided be less than ten thousand (10,000) square feet;
  - c. For developments of more than one hundred fifty (150) residential units, or developments of greater than sixty (60) dwelling units per acre density: A minimum of one hundred (100) square feet of open space per unit. The minimum total amount of open space shall be no less than the maximum square footage of open space as defined in Section 47-13.20.E.1.b. In no case shall the minimum open space provided be less than twenty-two thousand five hundred (22,500) square feet.
2. Open space general. For development within the Downtown Regional Activity Center zoning districts that do not include residential uses or for all development within the RAC-CC, open space shall be required at a minimum equivalent of ten (10) percent of the gross lot area. Up to fifty (50) percent credit towards the required landscaping as defined in Section 47-13.20.E for landscaping improvements proposed in the right-of-way may be applied if approved by the agency with jurisdiction over the subject right-of-way. For development sites of 1.5 acres or less, up to seventy-five (75) percent credit may be applied towards the required landscaping as defined in Section 47-13.20.E for landscaping improvements proposed in the right-of-way if approved by the agency with jurisdiction over the subject right-of-way.
  3. For projects that include both residential and non-residential uses the lesser of the calculations above shall apply.

**RESPONSE: The Project includes both residential and non-residential uses. The lot area is 99,031 square feet, which requires 9,904 square feet of open space, of which 2,475 square feet (25%) must be in landscaping and 3,961 square feet (40%) must be at grade.**

**The Project includes a total of 54,579 square feet of open space (551% of the requirement). Of the open space, 7,387 square feet is in landscaping (298% of the requirement) and 15,571 square feet is at grade (393% of the requirement).**

F. *Transition Zones.* Where a proposed use is of larger scale and mass than existing adjacent uses, the design of the structure shall place significant consideration to transition, architectural articulation, superior lining with habitable space and screening of parking garage structures to effectively transition between higher and lower density districts. Transition zones shall be established to ensure a suitable transition from those more intensive zoning districts within the Downtown Regional Activity Center to those less intensive zoning districts outside of the Downtown Regional Activity Center.

1. Commercial Transition Zone:
  - a. Proposed maximum height at the boundary of the RAC-CC district shall be one hundred fifty (150) feet and may be increased one (1) foot for every one (1) foot of setback from the RAC-CC district boundary, for a distance of one hundred (100) feet from the RAC-CC district.
  - b. A transition zone shall be required for any development or redevelopment located within the Downtown Regional Activity Center that is within one hundred (100) feet of a nonresidential property outside of the Downtown RAC. This transition zone shall only be required if the height limitation of the Downtown Regional Activity Center zoning district is greater than

that of the neighboring zoning district and shall consist of the following: a maximum of one hundred and fifty (150) feet for that portion of the structure that is within one hundred (100) feet of the zoning district boundary abutting the RAC and the height may increase a maximum of one (1) foot for each one (1) foot of setback from the boundary for a distance of one hundred (100) feet.

2. Residential Transition Zone: A transition zone shall be required for any development of redevelopment located within the Downtown Regional Activity Center that is within two hundred (200) feet of a residential property. This transition zone shall only be required if the height limitation of the Downtown Regional Activity Center zoning district is greater than that of the neighboring zoning district and shall consist of the following:
  - a. No structure may exceed a height limitation two and one-half times the height of the maximum height of the zoning district outside of the RAC for a distance equal to mid-block of the development site or for a depth of two hundred (200) feet as measured from the zoning district boundary abutting the zoning district of the RAC, whichever is less.

**RESPONSE: N/A, the Property is not in a transition zone as shown on the City’s published Transition Zone Map.**

- G. *RAC Landscape Requirements.* Surface parking lots within the RAC district shall meet the landscape requirements for vehicular use areas as specified in Section 47-21, Landscaping and Tree Preservation Requirements. All other landscape requirements shall comply with the Downtown Master Plan Chapter 4 Design Guidelines.
- H. *RAC Streetscape Design.* All streetscape cross sections shall comply with Chapter 4 of the Design Guidelines of Fort Lauderdale for those streets under City of Fort Lauderdale jurisdiction. Streets not under Fort Lauderdale jurisdiction shall comply with the Downtown Master Plan Chapter 4 Design Guidelines to the greatest extent possible. Alternative streetscape designs may be considered if conflicts with existing utilities prevent placement of street trees and result in the building being placed more than seven (7) feet away from the build to line as prescribed by the street cross sections of the Design Guidelines.

Development shall meet the following streetscape design requirements:

1. VUA landscaping. Surface parking lots shall meet the landscape requirements for vehicular use areas as provided in Section 47-21, Landscaping and Tree Preservation Requirements.

**RESPONSE: The development site includes the existing surface parking lot to the east, which was landscaped pursuant to the VUA requirements. No new surface parking is proposed.**

2. Streetscape improvements. Streetscape improvements are required to be made as a part of a development in accordance with the Downtown Master Plan design standards applicable to the abutting right-of-way. The required streetscape improvements shall be required to be made to that portion of the right-of-way abutting the proposed development site. Developer shall be responsible for making the streetscape improvements in accordance with the Downtown Master Plan design standards applicable to the abutting right-of-way.

Modification to the required streetscape improvements may be permitted based on the preservation of natural barriers, avoidance of interference with utility lines or other obstructions as approved by the DRC or may be modified based on an alternative design found to achieve the underlying intent of the streetscape design as indicated in the adopted design standards. Streetscape improvements shall include but are not limited to the following:

- a. Street Trees. Street trees shall be planted and maintained along the street abutting the property to provide a canopy effect. The trees shall be planted at a minimum height and size

in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements. 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.

- i. In addition to the requirements of Section 47-21, to accommodate proper root growth, street trees shall require the use of a sub-grade soil medium, such as CU Structural Soil® or similar, to be provided to support root growth for trees adjacent to pedestrian pavement and the use of a modular sub-grade block system, such as Silva Cell or similar, to be provided to support root growth for trees adjacent to traffic loads and utilities, and other amenities including but not limited to irrigation, up lighting, porous paving systems.

**RESPONSE: Acknowledged.**

- ii. Street trees shall be shade trees maintained at a minimum twelve (12) foot horizontal clearance from buildings. Shade trees shall be provided at maximum every thirty (30) lineal feet on-center along the street frontage. Palm trees may be provided at intersections where streets with shade trees converge. Provide tall palms at the immediate corners to provide a visual marker and to frame the street. Small canopy trees and small palms may be permitted when existing or proposed physical conditions may prevent the proper growth of shade trees or tall palms, as determined by the DRC, at maximum every fifteen (15) lineal feet along the street frontage. All trees shall satisfy the following standards at the time of planting:

**RESPONSE: The shade trees will be maintained at a minimum 12' horizontal clearance from buildings. Most of the shade trees are spaced less than 30' on-center. In some areas with conflicts (light poles and the grocery store entrance area), the trees are spaced a maximum of 33' on-center.**

- iii. Shade trees: Minimum sixteen (16) feet in height, with a minimum seven (7)-foot ground clearance. Palms are to be single-trunk and a minimum of 7-foot ground clearance and spaced to provide maximum visibility at intersection.

**RESPONSE: The shade trees will be a minimum of 18' in height with a minimum 7' clearance. The palm trees will be a minimum of 12' in height.**

- b. Sidewalk. A minimum 7-foot clear sidewalk shall be provided along all streets defined as local streets in the Downtown Master Plan Chapter 4 Design Guidelines.

**RESPONSE: The sidewalks range from 9.3' to 13.3' in clear width.**

- c. RAC Fencing. Within RAC districts, chain-link fencing shall not be permitted along street frontages.

**RESPONSE: Acknowledged, no chain link fencing is proposed.**

- d. Maintenance Agreement: Applicant shall be required to execute a maintenance agreement providing for the repair, replacement and maintenance of required off-site improvements in form approved by the City Engineer, to be recorded in the public records of Broward County at applicant's expense. The City Engineer is authorized to execute said agreement on behalf of City.

**RESPONSE: Acknowledged.**

- I. *New River Waterfront Corridor*. Except in the RAC-TMU zoning district, development on parcels located within one hundred (100) feet of the New River shall be reviewed pursuant to the process for a site plan level IV development permit (section 47-24.2) without planning and zoning board review, and shall be required to meet the following regulations:

1. Within the RAC-CC and RAC-AS districts a principal structure shall provide a minimum sixty (60) foot setback from the seawall or the high water mark of the river's edge if no seawall exists, or less if the existing right-of-way or easement is less than sixty (60) feet in width, but in no case shall there be less than a forty-five (45) foot setback, except for the following:
  - a. A residential use or marine-related use as specified in sections 47-13.10 and 47-13.11, Boats, Watercraft and Marinas, that have portions of structures devoted to those uses that are no higher than thirty-five (35) feet in height may encroach within the setback specified above, but shall in no case be less than twenty (20) feet from the seawall or the high water mark, if no seawall exists.

If the minimum or greater setbacks specified in subsection J.1. are provided, the development plan shall be reviewed giving consideration to the location, size, height, design, character and ground floor utilization of any structure or use, including appurtenances; access and circulation for vehicles and pedestrians, streets, open spaces, relationship to adjacent property, proximity to New River and other factors conducive to development and preservation of a high quality downtown regional activity center district. No approval shall be given to the setbacks shown on the development plan unless a determination is made that the setbacks conform to all applicable provisions of the ULDR, including the requirements of section 47-13, Downtown Regional Activity Center Districts, that the safety and convenience of the public are properly provided for and that adequate protection and separation are provided for contiguous property and other property in the vicinity. Approval of the setbacks of a development plan may be conditioned by imposing one (1) or more setback requirements exceeding the minimum requirements.

- b. Within the RAC-CC and RAC-AS districts, structures may provide less than the minimum setback specified in subsection J.1., above or exceed the thirty-five (35) foot height limitation, as specified above, if approved in accordance with the requirements of a site plan level IV development permit, (Section 47-24.2) without planning and zoning board review, subject to the review criteria as provided in Section 47-25.3, Neighborhood Compatibility, as provided in Section 47-25.3.A.3.e.iii, and the following additional criteria and limitations are met:
    - i. Principal structures shall provide a minimum of one (1) or more setbacks totaling a minimum of twenty (20) feet, between a height of twelve (12) feet and fifty-five (55) feet.
    - ii. No portion of a structure in excess of thirty-five (35) feet in height shall encroach upon a 1:1 height-to-setback plane, as measured from a line twenty (20) feet from the seawall or high water mark, if no seawall exists, up to a height of ninety-five (95) feet. Portions of structures above ninety-five (95) feet in height may proceed vertically without additional setback, subject to the provisions of subsection J.2.c.
    - iii. Principal structures shall also provide a minimum of five (5) of the following architectural features: variation in rooflines, terracing, cantilevering, angling, balconies, arcades, cornices, architectural ornamentation, color and material banding, or courtyards, plazas or landscaped areas which encourage pedestrian interaction between the development site and the New River.
2. Additional criteria.
  - a. Within the RAC-CC district only, all principal structures located on the south side of the New River shall provide a minimum setback as required so as to not produce a shadow pattern that shadows a point on the river's edge for more than four (4) hours between the hours of 9:00 a.m. and 4:00 p.m. on March 21 (spring equinox).

- b. Within the RAC-CC district only, ground level design and amenities shall functionally and visually coordinate with and complement existing public improvements along the New River adjacent or abutting the development site, including pedestrian access and landscaping.

**RESPONSE: N/A, the project is not along the New River Waterfront Corridor.**

- J. *Review process.* Except as provided in Section 47-24, Table 1. Development Permits and Procedures, development within the following zoning districts shall be reviewed as a Site Plan Level II permit.
  1. A Site Plan Level II approval of a development for which a site plan has been approved by the city commission, or which has been the subject of an agreement with the city shall not be final until thirty (30) days after final DRC approval and then only if no motion is adopted by the city commission seeking to review the application pursuant to the process provided in Section 47-26.A.2 of the ULDR. The action of the DRC shall be final and effective after the expiration of the thirty-day period if no action is taken by the city commission.
  2. Approval of all other Site Plan Level II developments within the RAC shall not be final until thirty (30) days after preliminary DRC approval and then only if no motion is adopted by the city commission seeking to review the application pursuant to the process provided in Section 47-26.A.2 of the ULDR.
  3. In the event the developer of a parcel of land in the Downtown RAC districts desires to deviate from the requirements of Section 47-13.20.B., the developer may submit the design of the proposed development for review and approval by the City Commission, if the alternative design meets the overall intent of the Downtown Master Plan.

**RESPONSE: Acknowledged.**



**Project:** Flagler Sixth North  
**Address:** 689 N. Federal Highway  
**Author:** Andrew J. Schein, Esq.

### **Narrative Addressing ULDR Section 47-13.20.J.3**

#### **Downtown RAC Alternative Design Narrative**

##### **1. General Information**

The Project is a multifamily mixed-use development located at 689 N. Federal Highway (the “Property”). The Project consists of 301 multifamily dwelling units and 75,265 square feet of commercial space, including a 34,360 square foot grocery store, in a 31-story building and an existing 4-story building. The Project will replace the plans for the previous development approved on the Property pursuant to City Case No. UDP-S22033, which included 241 residential units and 72,508 square feet of commercial space.

The Project is part of an accompanying application for the property immediately to the south, called “Flagler Sixth South”. Together, Flagler Sixth South and Flagler Sixth North were originally approved for a total of 561 residential units. The total number of units in the combined development will remain at 561 units, however the number of units in each project is being amended through these applications. Flagler Sixth North will have 301 residential units and Flagler Sixth South will have 260 residential units. Applicant is seeking to have the amendments for Flagler Sixth North and Flagler Sixth South approved contemporaneously.

Due to the size of the Flagler Sixth South and Flagler Sixth North development sites, the developments were looked at holistically to form an overall master plan for the properties. The design approach in these developments was focused on the pedestrian experience and creating viable, meaningful commercial space at the ground floor. The developer believes that creating and combining meaningful ground-floor commercial space with an unparalleled pedestrian experience is a critical goal in Flagler Village and along Federal Highway, and this Project fulfills that goal.

The Project includes certain waivers from the Downtown Master Plan which represent a superior design alternative to both the Master Plan’s limitations and the previously-approved development. These waivers are for (a) floorplate size, (b) tower stepback, and (c) number of stories, as explained below.

##### **2. Floorplate Size Waiver**

The ULDR limits the floorplate size of the Project to 12,500 square feet above the 7<sup>th</sup> floor. The Project has floorplate sizes of 18,000 square feet on floors 8-15 and 12,500 square feet on floors 16-31.

Combined, the properties can reasonable fit four towers, two on each site, while meeting the tower separation requirements. Although this would maximize the intensity of development on the sites, having two towers on each site would create inefficiencies in the design that would have a net negative impact at the pedestrian level. Instead of two towers on the Property with each having a 12,500 square foot floor plate, the projects were designed with a single tower on each site.

Two towers on each site would require the infrastructure to support two towers on the ground floor. Commercial space would be reduced with a second lobby, additional elevator shafts, and additional stairwells. Active ground-floor spaces would be supplanted by additional mechanical equipment rooms. While this design would meet the requirements of the Downtown Master Plan, it would create an inferior pedestrian experience and an inferior architectural layout than the proposed design. For these reasons, Applicant is proposing a single tower, albeit with a floorplate on floors 8-15 that is greater than 12,500 square feet.

The inferior two-tower option, with floorplates at 12,500 square feet, would have a total tower square footage of 575,000 square feet (12,500 square feet per floor, 23 tower floors, two towers). The proposed one-tower design, with the increased floorplates at floors 8-15, will have a total tower square footage of 344,000 square feet (18,000 square feet on floors 8-15 and 12,500 square feet on floors 16-31).

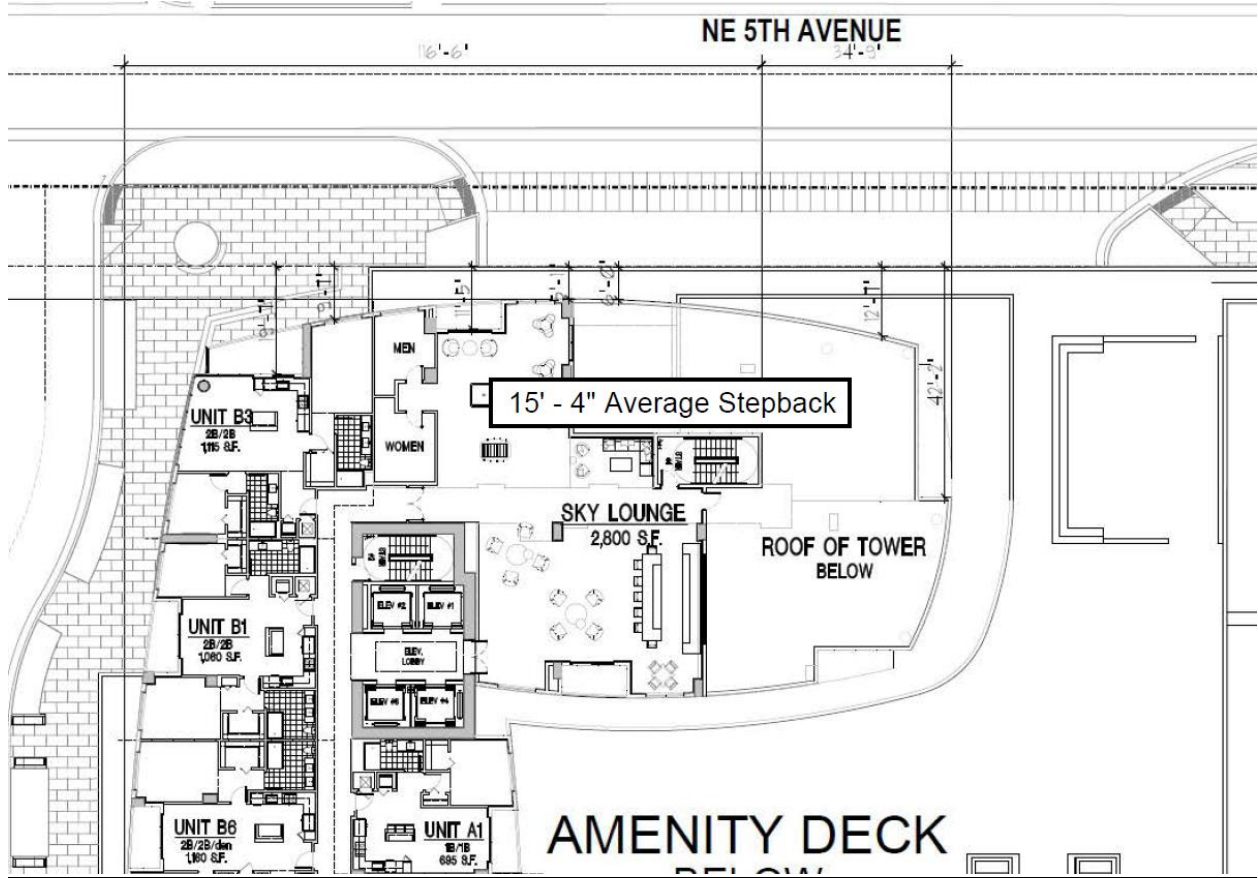
This one-tower design proposed for the Project represents a massing reduction of 231,000 square feet (575,000 – 344,000) compared to the two-tower option, or approximately a 40% reduction. Applicant believes this creates a significantly better design and reduces the overall massing compared to neighboring properties.

### **3. Tower Stepback Waiver**

The design of the tower, with a curvilinear façade and inset balconies, does not fit as neatly into the City’s stepback requirements as a building with a flat façade, projecting balconies, and 90-degree angles. The curved design means that the tower stepback varies; in some locations the stepback is far greater than the City’s requirements, in locations the stepback is smaller. For this Project, the tower stepback only applies to a small portion of the southeast part of the building facing NE 5<sup>th</sup> Avenue. At this location, the stepback varies from 5’ – 11” to 42’ – 2”, for an average stepback of 15’ – 4”; see Figure 1 on the following page. Although this curved nature of the building does not fit neatly into the City’s stepback requirements, the superior design with a 15’ – 4” average stepback meets the intent of the Downtown Master Plan.

In addition to the unique stepback measurements, the previous project for Flagler Sixth North had the tower oriented towards NE 5<sup>th</sup> Avenue. While a small portion of the building requires a stepback waiver, the bulk of the massing was removed from NE 5<sup>th</sup> Avenue. Since the purpose of stepbacks is to reduce massing on the street, this re-orientation of the tower to an east-west orientation represents a significant improvement from the previous project.

Figure 1 – Stepbacks



#### 4. Number of Floors Waiver

Flagler Sixth North was originally approved at a height of 336' – 8". This amendment does not change the height; the height will remain at 336' – 8". As mentioned above, this Project was designed holistically with Flagler Sixth South. The Flagler Sixth South amendment includes the addition of a parking floor, which necessitated changing the floor-to-ceiling heights. For efficiency and consistency purposes, the floor-to-ceiling heights of Flagler Sixth North were also amended in order to complement Flagler Sixth South. This change created an additional floor, bringing the total to 31 floors.