



SUSTAINABLE DEVELOPMENT – URBAN DESIGN & PLANNING

ADMINISTRATIVE REVIEW APPLICATION - AMENDMENT TO SITE PLAN

Rev: 2 | Revision Date: 10/01/2020 | I.D. Number: DSD-UPD-SP1

INSTRUCTIONS: The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). The application must be filled out accurately and completely. Please print or type and answer all questions. *Indicate N/A if question does not apply.*

DEADLINE: The Administrative Review Committee meets weekly to review cases. Submittals must be received by **12:00 P.M. Thursday**, in order to be reviewed at the Administrative Review Committee meeting the following Thursday. Applicants will be notified via email, if plans do not meet the submittal requirements and if changes are required.

FEES: All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, or special advertising costs shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit.

<input type="checkbox"/> Amendment to previously approved Site Plan Level II: Amended DRC	\$ 1,800.00
<input type="checkbox"/> Amendments to Site Plan Level III Projects	\$ 3,550.00
<input type="checkbox"/> Amendments to Site Plan Level IV Projects	\$ 3,750.00
<input type="checkbox"/> Amendments to Site Plan Level III or IV Projects (<5%)	\$ 2,550.00

Amendments to Site Plan Level III or IV Projects: Per ULDR Section 47-24.2.A.5.b.i

Amendment to a site plan level III or level IV permit which has been approved by the planning and zoning board or the city commission pursuant to the ULDR may be approved by the director without further review or approval by such body as follows:

- Any modification to reduce floor area or height of a proposed or existing building.
- Any modification to allow the alteration of the interior of an existing building which does not alter the external appearance of the building.
- Any modification to allow minor cosmetic alteration of the external facade of an existing building, including new or renovated signage, awnings and architectural detailing, provided that the overall architectural character is not changed.
- Any modification increasing yards, setbacks or both, provided that the zoning district does not have a "build to" requirement. If the removal of any portion of a structure results in an increase in yard or setback, the original architectural and site character must be maintained and the department may impose conditions of approval to ensure this requirement is met.

Amendments to Site Plan Level III or IV Projects (<5%): Per ULDR Section 47-24.2.A.5.b.ii

Amendment to a site plan level III or level IV permit which has been approved by the planning and zoning board or the city commission pursuant to the ULDR may be approved by the director, subject to Commission Request for Review as follows:

- Any modification to increase floor area or height to a proposed or existing building, that does not exceed five percent (5%) of the existing or approved floor area or height.
- Any modification to reduce yards or setbacks up to five percent (5%) of the existing or approved yard or setback, that does not violate the required minimum yard or setback; the building has not already received an approved yard modification; and the original architectural style and site character is maintained.

Amendments to Site Plan Level III or IV Projects (>5%) - Other Amendments: Per ULDR Section 47-24-2.A.5.c

If the applicant wishes to change the development to an extent which exceeds the authority of the department to approve amendments as provided in subsection A.5.b. i or ii, the proposed amendment to the site plan level III or level IV permit will be required to be reviewed by the department and forwarded to the body which gave final approval to the original development permit. All approvals of amendments to a development permit by the Planning and Zoning Board shall be subject to City Commission Request for Review.

Original Case Number (if known)	PLN-SITE-20080001
Date of complete submittal	

NOTE: For purpose of identification, the **PROPERTY OWNER** is the **APPLICANT**

Property Owner's Name	800 Las Olas, LLC & Mustang Properties, Inc.
Property Owner's Signature	If a signed agent letter is provided, no signature is required on the application by the owner.
Address, City, State, Zip	517 NE 6th Street, Fort Lauderdale, FL 33304
E-mail Address / Phone Number	cladd@barrondev.com / 954.627.7000 (Charlie Ladd)
Proof of Ownership	[] Warranty Deed or [x] Tax Record

NOTE: If **AGENT** is to represent **OWNER**, notarized letter of consent is required

Applicant / Agent's Name	Andrew Schein, Esq. / Lochrie & Chakas
Applicant / Agent's Signature	
Address, City, State, Zip	1401 E. Broward Blvd, Suite #303, Fort Lauderdale, FL 33301
E-mail Address / Phone Number	aschein@lochrielaw.com / 954.779.1119
Letter of Consent Submitted	[x] Yes

Development / Project Name	1007 East Las Olas
Development / Project Address	1007 E. Las Olas Blvd, Fort Lauderdale, FL 33301
Tax ID Folio Numbers (For all parcels in development)	504211010750
Description of Current Request	Amendment to previously approved site plan

Land Use Designation	Commercial & Medium-high Density Residential
Zoning Designation	CB & B-1
Current Use of Property	Retail & Hotel (Approved DRC#PLN-SITE-20080001)
Number of Residential Units	0
Non Residential SF (and Type)	127, 854sf (Hotel & services); 6, 075sf(commercial)
Total Bldg. SF (include structured parking)	133,929 sf
Site Adjacent to Waterway	No

Dimensional Requirements	Required	Previously Approved	Proposed
Lot Size (SF / Acreage)	None	0.45 ac	NO CHANGE
Lot Density	N/A	N/A	NO CHANGE
Lot Width	None	75' - 100'	NO CHANGE
Building Height (Feet / Levels)	150' max	116' - 8"	123'-5"
Structure Length	None	95' x 220'	NO CHANGE
Lot Coverage	None	82%	NO CHANGE
Open Space	None	11,590 sf	11, 889sf
Landscape Area	None	766 sf	NO CHANGE
Parking Spaces	161	73	73 (65 on-site+8 off-site)

Setbacks (indicate direction N,S,E,W)	Required	Previously Approved	Proposed
Front []	N - 5'	N - 16.7'	N - 18.7'
Side []	E - 5'	E - 5'	NO CHANGE
Side []	S - 5'	S - 10.2'	S - 9.7'
Rear []	W - 0'	W - 0.3'	NO CHANGE

One (1) copy of the following documents:

- ☒ **Completed Application** with all pages filled out as applicable;
- ☒ **Proof of Ownership** (warranty deed or tax record), including corporation documents if applicable;
- ☒ **Property Owner's Signature** and/or agent letter signed by the property owner;
- ☒ **Project Description Narrative** describing project specifics. Please provide as much detail as possible. These project specifics may include: architectural style and important design elements, trash disposal system, security/gating system, hours of operation, multi-modal experience, site improvements, etc.;
- ☒ **ULDR Code Narrative** response referencing all applicable sections of the ULDR, with point-by-point responses of how project complies with criteria. Reference ULDR language that requires project to go through Site Plan Level I review. Narratives must be on letterhead, dated, and with author indicated;
- ☒ **Address Verification Form** To obtain for please contact Devon Anderson at 954-828-5233 or GSutcliffe@fortlauderdale.gov
- ☒ **One Digital Submittal** (CD or USB) containing each of the above documents combined into one PDF file named the following: "Insert Project Name" Documents.pdf

Plan sets should include the following:

- ☒ **Cover sheet** including project name and table of contents;
- ☒ **Current survey(s)** of property, signed and sealed, showing existing conditions. The survey should consist of the proposed project site alone excluding adjacent properties or portions of lands not included in the proposal;
- ☒ **Original approved plan sheets;**
- ☒ **To avoid confusion as to which revision is being submitted for review, the following format must be used in all revisions:**
 - o A revision box in reverse order (from the bottom up) should be drawn near the title box of each sheet. The revision box should consist of three columns: revision number, item being revised, and revision date.
 - o A cloud should be drawn around each detail being revised. Do not cloud the entire sheet. Delta triangles with revision numbers should be marked next to each applicable cloud.
 - With each subsequent submission, all previous clouds are to be erased. However, revision numbers should remain.
 - o Any revision not presented in the required format will not be considered an official submission and will not be reviewed.
- ☒ **Plans "A" thru "H"** may be found below and all elements of those plans are listed under Technical Specifications. *Only include the plans which relate to the proposed Administrative Review submittal.*

A. Site Plan	E. Additional Renderings
B. Details	F. Landscape Plans
C. Floor Plans	G. Photometric Diagram
D. Building Elevations	H. Engineering Plans
- ☒ **One Digital Submittal** (CD or USB) containing each of the above plan sets combined into one PDF file named the following: "Insert Project Name" Plans.pdf

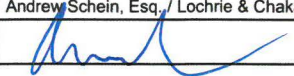
The following number of Plan sets:

- ☒ Two (2) signed and sealed sets at 24" x 36";

(Additional sets will be requested at time of approval. 2 of which will be applicants permit submittal sets and 2 copies, 1 retained for record by Urban Design & Planning)

NOTE: All plans and documents must be clear and legible, provide and bound, stapled and folded to 8 1/2" x 11" and all copy sets must be clear and legible and should include any graphic material in color.

APPLICANT AFFIDAVIT: I acknowledge that the Required Documentation and Technical Specifications of the application are met:

Print Name	Andrew Schein, Esq. / Lochrie & Chakas	Today's Date	10/28/21
Signature			

Staff Intake Review

For Urban Design & Planning Division use only:

Staff Member Consulted	Application Reviewed By	Sets Provided	Accela	Digital Submitted	Version	Fee Paid

Technical Specifications For Plan Submittal

A. SITE PLAN

1. Title Block including project name and design professional's address and phone number
2. Scale (1" = 30' min., must be engineer's scale)
3. North indicator
4. Location map showing relationship to major arterials
5. Drawing and revision dates, as applicable
6. Full legal description
7. Site Plan Data Table
 - Current use of property and intensity
 - Land Use designation
 - Zoning designation
 - Water/wastewater service provider
 - Site area (sq. ft. and acres)
 - Building footprint coverage
 - Residential development: number of dwelling units, type, floor area(s), site density (gross and net)
 - Non-residential development: uses, gross floor area
 - Parking data: parking required (#), parking provided (#), loading zones (if applicable), ADA spaces
 - Floor Area Ratio (FAR) (total building square footage, including structured parking, divided by site area)
 - Building height (expressed in feet above grade)
 - Structure length
 - Number of stories
 - Setback table (required vs. provided)
 - Open space
 - Vehicular use area (as defined by Sec. 47-58.2, in sq. ft.)
 - Open space (in sq. ft.)
 - Landscape area (in sq. ft.)

B. SITE PLAN FEATURES (graphically indicated)

- Municipal boundaries (as applicable)
- Zoning designation of adjacent properties with current use listed
- Adjacent rights-of-way to opposite property lines (indicate all nearby curb cuts)
- Waterway width, if applicable
- Outline of adjacent buildings (indicate height in stories and approximate feet)
- Property lines (dimensioned)
- Building outlines of all proposed structures (dimensioned)
- Ground floor plan
- Dimension of grade at center line of road, at curb, and finished floor elevation
- Dimension for all site plan features (i.e. sidewalks, building lengths and widths, balconies, parking spaces, street widths, etc.)
- Mechanical equipment dimensioned from property lines
- Setbacks and building separations (dimensioned)
- Driveways, parking areas, pavement markings (including parking spaces delineated and dimensioned as well as handicapped spaces as applicable)
- On-site light fixtures
- Proposed ROW improvements (ie. bus stops, curbs, tree plantings, etc.)
- Pedestrian walkways (including public sidewalks and on-site pedestrian paths)
- Project signage

Updated: 10-01-20

- Traffic control signage
- Catch basins or other drainage control devices
- Fire hydrants (including on-site and adjacent hydrants)
- Easements (as applicable)

B. DETAILS

1. Provide details of the following (Scale 1/4" = 1' min.)
 - Ground floor elevation
 - Storefronts, awnings, entryway features, doors, windows
 - Fence/wall
 - Dumpster
 - Light fixtures
 - Balconies, railings
 - Trash receptacles, benches, other street furniture
 - Pavers, concrete, hardscape ground cover material

C. FLOOR PLANS

1. Delineate and dimension, indicating use of spaces
2. Show property lines and setbacks on all plans
3. Typical floor plan for multi-level structure
4. Floor plan for every level of parking garage
5. Roof plan

D. BUILDING ELEVATIONS

1. All building facades with directional labels (ie. North, South) and building names if more than one building
2. Dimensions, including height and width of all structures
3. Dimensions of setbacks and required stepbacks from property lines
4. Dimension grade at crown of road, at curb, sidewalk, building entrance, and finished floor
5. Indicate architectural elements, materials and colors
6. Include proposed signage

E. ADDITIONAL RENDERINGS (as applicable)

For projects subject to Sec. 47-25.3 Neighborhood Compatibility, and/or new buildings 55' or five stories or more in height, the following are required:

- Street-level perspective drawings as one would view the project from a pedestrian level, with ground truths to depict and determine appropriate scale of project
- Oblique aerial drawings from opposing view which indicate the mass outline of all proposed structures, including the outlines of adjacent existing and previously approved structures
- Context plan indicating proposed development and outline of nearby properties with uses and height labeled

F. LANDSCAPE PLAN

1. Site Plan information (in tabular form on plans)
2. Title block including project name and design professional's address and phone number
3. Scale (1" = 30' min, must be engineer's scale)
4. North indicator
5. Drawing and revision dates, as applicable
6. Landscape Plan Information (in tabular form on plans)
 - Site area (sq. ft. and acres)

- Vehicular use area (as defined by Sec. 47-58.2, in sq. ft.)
 - VUA landscape area (minimum 20% of VUA - in sq. ft. and percentage of VUA)
 - Perimeter landscape area (including buffers adjacent to ROW)
 - Interior landscape area (30 sq.ft. per space)
 - Total trees required/provided (1 per 1,000 sq.ft. net lot area)
 - VUA trees required/provided (1 per 1,000 sq.ft. VUA)
 - VUA shade trees required/provided (3" caliper)
 - VUA shade trees required/provided (2-3" caliper)
 - VUA flowering trees required/provided
 - VUA palms required/provided
 - VUA shrubs required/provided (6 per 1,000 sq.ft. VUA)
 - Bufferyard trees (if applicable)
7. Landscape Plan Features (graphically indicated)
- Property lines
 - Easements (as applicable)
 - Landscape areas with dimensions
 - Existing trees and palms, their names and sizes (indicate whether they are to remain, be relocated, or removed)
 - Names and locations for all proposed trees, shrubs and groundcover, with quantities noted at each location
 - Plant list (note species, sizes, quantities and any appropriate specifications)
 - Site elements (buildings, parking areas, sidewalks, signs, fire hydrants, light fixtures, drainage structures, curbing, all utilities both above and below ground)
 - Grading (swales, retention areas, berms, etc.)

G. PHOTOMETRIC DIAGRAM

Foot-candle readings must extend to all property lines

H. ENGINEERING PLANS

1. Paving
2. Grading
3. Drainage
4. Sewer

October 28, 2021

1007 E. Las Olas, Case No. PLN-SITE-20080001

**NARRATIVE ADDRESSING
ADMINISTRATIVE SITE PLAN AMENDMENT**

I. Description of Amendment

800 Las Olas LLC and Mustang Properties, Inc. ("Applicant") are the owners of the property generally located at 1007 East Las Olas Boulevard ("Property"). Applicant received approval for a hotel development on the Property pursuant to DRC Case No. PLN-SITE-20080001 ("Project").

Applicant is requesting approval of an administrative amendment to increase the retail square footage to further activate the street, to increase the overall open space square footage, to increase the height of the building by approximately 7', to update the internal layout to add 2 hotel rooms, to clarify the parking calculations, to make minor internal changes, and to significantly enhance the external façade by increasing glazing and the addition of balconies on the east façade. The 7' height increase allows for the addition of an amenity floor, which will include a fitness center and relaxation lounge for use by the guests.

II. Proposed Modifications

The amended plans include the following modifications:

- 1) Sheet C0: Adjusted setbacks, adjusted various calculations to include the vacated alley, increased open space and right-of-way landscaping, modified the room count from 138 hotel rooms to 140 hotel rooms, and clarified parking calculations
- 2) Sheets A-1 through A-4.1: Layout changes
- 3) Sheet A-5: Amended elevation to add balconies, additional floor, and adjust window sizes to increase glazing
- 4) Sheet A-6: Amended elevation to add additional floor and adjust window sizes to increase glazing
- 5) Sheet A-7: Amended building section to add additional floor and to account for interior layout changes
- 6) Sheets A-8 through A-9.2: Separated life safety plan into multiple plan pages and edited to account for interior layout changes
- 7) Sheet LP-1: Amended landscape plan to remove plantings from areas that conflict with pedestrian access and connectivity; additional plantings were added in other areas, leading to an increase in the shrub and groundcover counts
- 8) Sheet C-2: Background was updated to account for interior layout changes; hotel FFE lowered to 5.85 NAVD; reconfiguration of the onsite drainage system
- 9) Sheet C-3: Background was updated to account for interior layout changes; sewer revised to reflect offsite sewer improvements being done under separate permit; 1.5" water service for irrigation was added.

III. Administrative Review Criteria

The City's ULDR provides that site plans may be amended pursuant to the terms of ULDR Section 47-24.2. The pertinent provisions of the ULDR, as previously applied to site plans of a similar nature to the Project, are noted below along with Applicant's response to each item:

Excerpt of ULDR Section 47-24.2.A.5.b and 47-24.2.A.5.c - Amendments to Site Plan:

- i. Amendment to a site plan level III or level IV permit which has been approved by the planning and zoning board or the city commission pursuant to the ULDR may be approved by the director without further review or approval by such body as follows:

- a) Any modification to reduce floor area or height of a proposed or existing building.

Applicant's response: N/A, this amendment does not include the reduction of floor area or height.

- b) Any modification to allow the alteration of the interior of an existing building which does not alter the external appearance of the building.

Applicant's response: This amendment includes minor modifications to the interior of the proposed building.

- c) Any modification to allow minor cosmetic alteration of the external facade of an existing building, including new or renovated signage, awnings and architectural detailing, provided that the overall architectural character is not changed.

Applicant's response: This amendment includes cosmetic alterations and enhancements of the external façade. The overall architectural character is not changed.

- d) Any modification increasing yards, setbacks or both, provided that the zoning district does not have a "build to" requirement. If the removal of any portion of a structure results in an increase in yard or setback, the original architectural and site character must be maintained and the department may impose conditions of approval to ensure this requirement is met.

Applicant's response: This amendment includes an increase in the north setback, from 16.7 feet to 18.7 feet.

- ii. Amendment to a site plan level III or level IV permit which has been approved by the planning and zoning board or the city commission pursuant to the ULDR may be approved by the director, subject to *Commission Request for Review* as follows:

- a) Any modification to increase floor area or height to a proposed or existing building, that does not exceed five percent (5%) of the existing or approved floor area or height.

Applicant's response: This amendment includes a modification to increase the height of the building from 116' – 8" to 123' – 5" in order to add a gym/spa amenity area for hotel guests, representing an increase of approximately 5.7%.

This led to an increase in the gross floor area of the building from 120,427 square feet to 133,929 square feet, an increase of approximately 11.2%.

- b) Any modification to reduce yards or setbacks up to five percent (5%) of the existing or approved yard or setback, that does not violate the required minimum yard or setback; the building has not already received an approved yard modification; and the original architectural style and site character is maintained.

Applicant's response: This proposed amendment includes a reduction in the south setback from 10.2 feet to 9.7' (~4.91%) due to minor architectural changes on the storefront facing Las Olas Boulevard.

c. Other amendments. If the applicant wishes to change the development to an extent which exceeds the authority of the department to approve amendments as provided in subsection A.5.b. i or ii, the proposed amendment to the site plan level III or level IV permit will be required to be reviewed by the department and forwarded to the body which gave final approval to the original development permit. All approvals of amendments to a development permit by the Planning and Zoning Board shall be subject to City Commission Request for Review.

Applicant's Response: Acknowledged. The City Commission is the body that gave final approval to the original development permit under Case No. PLN-SITE-20080001, approved by the City Commission on May 4, 2021.

Owner: 800 Las Olas LLC and Mustang Properties Inc.
Site Address: 1007 East Las Olas Boulevard
Project Name: 1007 Las Olas East
Prepared by: Andrew Schein, Esq.

March 23, 2022

Off-Site Parking Narrative
ULDR Sections 47-20.4.B and 47-20.18.A

Sec. 47-20.4.B – Distance from Use Served

B. Distance from use served.

1. The off-street parking facilities required by the ULDR shall be located on the same lot or parcel of land that such facilities are intended to serve, except as provided in this subsection.

RESPONSE: Acknowledged.

2. All or a portion of required parking may be located upon an off-site parcel of land as follows:

a. For a house of worship the off-street parking facility may be located within four hundred (400) feet measured along a safe pedestrian path, as defined in subsection B.2.d from the nearest property line of the parcel it is intended to serve.

RESPONSE: N/A

b. For self parking except a house of worship, the off-street parking area may be located within seven hundred (700) feet measured along a safe pedestrian path, as defined in subsection B.2.d, from the nearest property line of the parcel it is intended to serve.

RESPONSE: The off-site parking area is approximately 50 feet from the use intended to be served by the off-site parking.

c. For valet parking the off-street parking may be located within seven hundred (700) feet as measured by airline measurement of the nearest property line of the premises it is intended to serve but may not cross a right-of-way with a paved area of six (6) lanes or more, except State Road A-1-A, nor a waterway more than seventy-five (75) feet in width.

RESPONSE: The off-site parking area is approximately 50 feet from the use intended to be served by the off-site parking.

d. As used in the ULDR, a safe pedestrian path shall be defined as a path which follows public sidewalks or walkways with a minimum four-foot width; includes either designated crosswalks or street crossings with stop signs or traffic signals at street intersection crossings; if there is a waterway, railroad track or other barrier along the path and has a pedestrian overpass crossing same; and is uninterrupted by a right-of-way with a paved area of six (6) lanes or more, except State Road A-1-A.

RESPONSE: Acknowledged.

e. Approval of an off-site, off-street parking facility may be granted by the department subject to the following conditions:

- i. Parking is located upon property where it is a permissible use under the ULDR;
- ii. Parking shall be designed and maintained in accordance with all provisions of the ULDR; and
- iii. An agreement is entered into in accordance with Section 47-20.18.

RESPONSE: Acknowledged.

f. The approval of an off-site parking agreement by the department shall not be effective nor shall a building permit be issued for a use or parking facility until thirty (30) days after approval, and then only if no motion is adopted by the city commission seeking to review the approval as provided in Section 47-26B, Appeals.

RESPONSE: Acknowledged.

g. Denial of an off-street parking agreement may be appealed by the applicant within the thirty (30) day period in accordance with Section 47-26B, Appeals.

RESPONSE: Acknowledged.

Sec. 47-20.18.A – Off-site parking agreement

A. Off-site parking agreement.

1. When the required off-street parking is to be provided on a site at a location different from the site which will be served by the parking as provided in Section 47-20.4.B, the owner of the off-site parcel of land and the owner of the land intended to be served by such off-site parking (if different than the owner of the parcel to be used for parking) shall enter into an agreement with the city. The off-site parking area shall never be sold or transferred except in conjunction with the sale of the parcel served by the off-site parking facilities unless:

RESPONSE: Acknowledged.

a. The parcel to be sold will continue to be used as provided in the off-site parking agreement and the new owner executes a consent to assume and be bound by the obligations of the owner of the parcel used for parking as provided in the agreement. The consent shall be in a form approved and executed by the department and recorded in the public records of the county at the expense of the owner. A copy of the recorded document shall be provided by owner to the department; or

RESPONSE: Acknowledged.

b. A different parcel complying with the provisions of the ULDR and subject to a recorded off-site parking agreement as specified herein may be substituted for the parcel of land subject to the off-site parking agreement; or

RESPONSE: Acknowledged.

c. The parcel being served by the off-site parking no longer requires the parking as evidenced by a written statement executed by the parties executing the off-site parking agreement and as approved by the department and a termination of the off-site parking agreement is executed by the department and recorded in the public records of the county at owner's expense.

RESPONSE: Acknowledged.

B. Valet parking agreement. When an owner of a parcel wishes to provide valet parking services and use the parking design requirements provided in this Section 47-20, the owner must enter into an agreement with the city which includes a legal description of the parcel where parking will be located and states the number of parking spaces which must be provided and that attendants will be provided one hundred percent (100%) of the operating hours of the use. If the parcel to be used for valet parking is different than the parcel the parking serves, the provisions for off-site parking must be met.

RESPONSE: Acknowledged.

C. An off-site parking and valet parking agreement shall be executed on behalf of the city by the department and approved as to form by the office of the city attorney. The agreement shall be recorded in the public records of the county at owner's expense. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors and assigns of said owner.

RESPONSE: Acknowledged.

D. For purposes of this section, "owner" shall be deemed to include lessees of property under long term leases wherein the lessee's right to possession of the property is for a period of not less than fifty (50) years from the date of the off-street parking agreement and where the fee simple owner has joined in the execution of the owner's agreement for the purposes of consenting to the terms of the agreement. Owner shall also include the owner of an exclusive easement for parking purposes as long as the fee simple owner of the property consents to the parking agreement.

RESPONSE: Acknowledged.