



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#23-0347

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

FROM: Greg Chavarria, City Manager

DATE: April 18, 2023

TITLE: Quasi-Judicial Resolution – Approving a Site Plan Level II Development Permit and Design Deviation Requests – Broward County Board of County Commissioners – 600 North Andrews Avenue – Gallery at Flagler Village – Case No. UDP-S23006 – **(Commission District 2)**

Recommendation

Staff recommends the City Commission consider adopting a resolution authorizing the issuance of a Site Plan Level II development permit for a 16-story development consisting of 263 residential units and 2,394 square feet of commercial use proposed at 600 N. Andrews Avenue, and approving design deviation requests for maximum podium height, maximum building height, minimum building tower stepback, and maximum floorplate size requirements pursuant to Section 47-13.20.J.3.

Background

The applicant is proposing to construct a 16-story (167 feet) mixed-use and mixed-income development which deviates from the Downtown Master Plan standards for maximum podium height, maximum building height, minimum building tower stepback, and maximum floorplate size. The development is in the Downtown Regional Activity Center - Urban Village (RAC-UV) Zoning District, within the “Urban Neighborhood” character area. The project consists of 263 residential units and 2,394 square feet of ground floor retail along NE 6th Street. The parcel is owned by Broward County, with the applicant, The Related Group, overseeing the development, use, and operation of the site through a land use lease agreement with Broward County. Of the 263 residential units, 53 units will be restricted to residents whose household income does not exceed fifty percent (50%) of the Broward County median family income (MFI), 97 units will be restricted to residents whose household income does not exceed 120% of the MFI. The affordability restrictions are for 75 years, the length of the land use lease agreement. The remaining 113 units will be market rate. The development includes 273 parking spaces and has received a Site Plan Level I parking reduction, per Section 47-20.3, Reductions and Exemptions, for a reduction of 23 parking spaces.

A previously approved site plan (Case No. UDP-S21013) was approved on September 21, 2021, for the development of a 195-unit mixed-use and mixed-income development,

containing two deviations; a 5-foot reduction in the setback requirements along N.E. 6th Street and an increase of floorplate size from 10,000 square feet to 16,345 square feet for the proposed tower. The updated development proposes to increase the total number of units from 195 to 263, an increase of 68 residential units. The increased program has resulted in two deviation requests: increase in podium height of one additional floor, for a total of seven floors, and building height increase of four floors, for a total building height of 16 floors.

The application and project narratives are included as Exhibit 1. The site plan and elevation plans are attached as Exhibit 2. The February 28, 2023, Development Review Committee (DRC) comment responses are attached as Exhibit 3.

Downtown RAC Review Process and Special Regulations

The project is located in the Downtown Regional Activity Center - Urban Village Zoning District (RAC-UV), within the Urban Neighborhood Character Area as defined in the Downtown Master Plan (DMP). The Urban Neighborhood Character Area is a mixed-use district that encourages primarily residential development with an intermix of community retail and employment activities. Commercial retail uses are encouraged on the ground floor to support pedestrian activity and streetscape improvements focus on maintaining tree-lined streets with wide sidewalks to support neighborhood connectivity.

Downtown Master Plan

The following is a summary regarding the project's compliance with the DMP design guidelines:

- **Quality of Architecture**

The proposed building materials consists of stucco, glass, and a decorative metal screening for the garage. The development incorporates raised ground floor plazas at both primary corners, a rear elevated amenity space and the integration of balconies with metal railings, as well as pedestrian eyebrows for shading along NE 6th Street and North Andrews Avenue. The building has a podium height of seven floors, providing a building setback of 7 feet and 12 feet, along NE 6th Street and North Andrews Avenue, respectively.

- **Principles of Building Design**

The proposed site plan incorporates two plazas. The first plaza serves as a primary focal point at the corner of NE 6th Street and North Andrews Avenue, complementing the prominent corner. The second plaza offers a full growth canopy tree, spanning 24 feet in width and 34 feet in height, with integrated benches to support street activation and shading for both the plaza and pedestrians.

The main lobby is at the corner of NE 6th Street and North Andrews Avenue, with retail space at the corner of NE 6th Street and NE 1st Avenue, complemented by the plazas. The remainder of the first floor consists of residential units, building services, and parking. The 2nd through 5th floors provides liner units, internalizing the garage along NE 6th Street and North Andrews Avenue. Access to the garage

is limited to NE 1st Avenue. The garage is covered with mesh metal screening and decorative murals to reduce the impact of exposed areas. The sixth floor provides residential units, outdoor open space, a swimming pool, and gym amenities. The tower portion of the project (7-16 floors) incorporates residential units and integrates architectural horizontal modulation, with variation in paint colors and balcony placement.

- Streetscape Design

The streetscape provides active frontages, with a 10-foot sidewalk along North Andrews Avenue lined with first floor residential units. The corner of North Andrews is complimented by the building's residential lobby, wrapping the corner of NE 6th Street, which provides a 13-foot sidewalk, and retail space. The corner of NE 6th Street and NE 1st Avenue contains a large plaza and seating area for pedestrians and a 7-foot sidewalk running along NE 1st Street. The building includes shading devices for pedestrians along NE 6th Street and North Andrews Avenue. Street trees and palms line the sidewalks, in addition to a variety of bushes and shrubs, abutting the building's frontages along each right-of-way.

Downtown Master Plan Deviation

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

- Building Height and Podium Height

Within the Urban Neighborhood Character Area, the maximum building height is 12 stories with a maximum podium height of 6 stories. The developer is adding 68 housing units to add more market rate units to create a model mixed-income project. To build a project to match the project needs, the developer requests the building height be increased from 12 floors to 16 floors and the podium height be increased from six to seven floors. The increased podium height will support the parking for the additional housing units

- Building Tower Setback

Maximum shoulder height in the Urban Neighborhood Character Area is 6 floors, with a minimum building setback of 12 feet along primary and secondary streets. The applicant meets the step-back requirements along North Andrews Avenue but is proposing a 7-foot setback along NE 6th Street, requesting five feet of relief.

With a turning lane having been previously constructed on the applicant's property, existing conditions are unique, proving it difficult to meet the setback requirement. The streetscape design standard requires that building be placed 35 feet from

centerline of the abutting right-of-way, but with the existing turning lane located on the applicant's property, the building setback from the centerline of NE 6th Street is 49 feet, affecting the building's location, and therefore also affecting the tower step-back. The intent of the DMP's tower step-back requirement is still upheld, with light and air circulation penetrating the area, due to the building's location being further from the centerline of the street than typically required.

- **Building Floorplate Size**

The maximum residential floorplate size for towers in the Urban Neighborhood Character Area is 10,000 square feet. The applicant is requesting a floorplate size of 16,345 square feet, 6,345 square feet above the permitted square footage. The applicant has indicated based on site constraints additional square footage is required to develop a successful affordable housing project at this location and the increase of 68 units is necessary to offset the lower rental rates.

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

Table 1. Downtown Master Plan Design Standards Comparison Summary

DMP Standard	Required	Proposed	Complies or Deviates
Maximum Building Height	12 Stories	16 Stories (167.2 feet)	Deviation Request
Maximum Building Streetwall Length	300 Feet	236 Feet	Complies
Maximum Tower Floorplate Size (Square Feet)	10,000 SF	16,345 SF	Deviation Request
Maximum Building Podium Height	6 Floors	7 Floors	Deviation Request
Minimum Building Tower Stepback	12 Feet	12 Feet / 7 Feet	Deviation Request
Minimum Tower Separation	30 Feet	NA	Complies
Minimum Residential Unit Size (Square Feet)	400	430	Complies

Infrastructure Capacity Analysis

The adequacy criteria of ULDR Section 47-25.2 are used to evaluate the demand created on public services and facilities by a proposed development. A water and wastewater capacity availability letter has been issued by the City's Public Works Department dated March 17, 2023, which identifies the facilities and associated infrastructure servicing this project and the project's impact on capacity. Currently, the existing sewer infrastructure does not have the capacity to support the proposed development. However, upcoming CIP project # 12605 will construct Pump Station (PS) A-24 to handle the committed

nominal average pump operating time as well as some of the existing flows. Once pump station A-24 is constructed, this project will be within Basin A-21. As a condition of approval, the proposed PS A-24 shall be constructed and on-line prior to the proposed development seeking a Certificate of Occupancy. The City of Fort Lauderdale Public Works Department Water and Wastewater Capacity Letter is attached as Exhibit 4.

Transportation and Parking Analysis

Vehicular ingress and egress to the site to the development's garage is located on NE 1st Avenue, reducing vehicular conflicts on North Andrews Avenue and NE 6th Street. Pedestrian enhancements are proposed along the east, south, and west property frontages. In addition, resident bike storage space is provided in the parking garage.

The applicant has submitted a traffic study dated March 2023, prepared by the applicant's consultant, Traf Tech Engineering, identifying that the project will generate 1,496 new net daily vehicular trips in the area with a net increase of approximately 95 AM peak hour trips and 93 PM peak trips and approximately 124 PM peak hour trips. Per the consultant's analysis, the studied intersections are currently operating adequately and will continue to operate at a good level of service until the year 2026 with the proposed project in place, except for Andrews Avenue & Sunrise Boulevard. This intersection is projected to fail with and without the proposed project in place, which is typical for a dense urban location primed for potential future transportation enhancements. The increase in delay due to the proposed project is less than two seconds.

The applicant is proposing to provide 273 parking spaces on-site, a parking reduction of 23 parking spaces (a reduction of 7.7%) per Section 47-20.3, Reductions and Exemptions. The parking reduction analysis was prepared by Joaquin E. Vargas, P.E. of Traf Tech Engineering, on March 20, 2023, using the Parking Generation Manual published by the Institute of Transportation Engineers (ITE) 5th Edition. Applying the ITE formula for a high-rise multifamily development, the analysis concluded that the proposed 273 parking spaces will accommodate both the commercial space and residential units. The City's Traffic Engineer concurs with the findings based on the location and context of the proposed development. Table 2 provides a breakdown of the parking requirements.

Table 2. Parking Summary

Use	Units/Square Footage	Parking Ratio	Required
Residential Affordable	150 units	1 space per unit	150 spaces
Residential Market Rate	113 units	1.2 space per unit	136 spaces
Commercial	2,394 square feet	1 space per 250 square feet	10 spaces
Required			296 spaces
Provided			273 spaces
Parking Reduction Provided			23 spaces

The applicant's Traffic Impact Study and Parking Reduction Analysis are attached as Exhibit 5.

Residential Unit Allocation

The Comprehensive Plan requires that the department track development in the Downtown RAC and monitor the number of units allocated to development projects. The project will be assigned units from two different unit groups. Currently, there are units available in the Downtown RAC from the 2006 affordable housing unit pool. After the allocation from the Downtown RAC 2006 unit pool, 20 available affordable units will remain from this unit pool. The project is also requesting the allocation of residential flex units. If the residential flex units are approved, the remaining availability will be 100 residential flex units. Table 3 identifies a breakdown of the unit allocation to date and the pending total.

Table 3. Unit Allocation Summary

	Downtown RAC 2006 Unit Pool	Flex Units
Permitted	2,197	12,068
Assigned to Date (<i>Market Rate</i>)	1,743	11,855
Assigned AFH to Date (<i>RAC Required</i>)	284	-
AFH Allocated to this Project	150	113
Remaining After Allocation	20*	100

*Remaining number of units are affordable units only.

Comprehensive Plan Consistency

The Comprehensive Plan and ongoing City initiatives support the development of affordable housing options, specifically Housing Element Policy HS 1.2.9 which states that the city shall support the construction of diverse affordable housing types, include multi-family homes. The proposed project provides a mixed-income development, supporting households with incomes ranging from 50% to 120% of the MFI.

The project supports Urban Design Element Policy UD 1.1.6 which states that where buildings engage the streets, high quality building design will be promoted through the use of high-quality materials and building façade features such as transparency that include plenty of windows.

The project fulfills Objective FLU 2.4 which states that the City will direct growth to designated Urban Redevelopment/Downtown Revitalization Areas to discourage urban sprawl, maximize the use of existing public facilities and centralize commercial, governmental, retail, residential, and cultural activities. It supports Policies FLU 2.4.1, 2.4.1a and 2.4.2b by creating a vibrant mixed-use Downtown, combining new homes with office space, shops, and restaurants, and implementing the Downtown Master Plan principles.

Conditions of Approval

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

1. At the time of the issuance of a building permit, the applicant will be required to pay a Park Impact Fee for the proposed residential units in accordance with ULDR Sec. 47-38A.
2. Prior to the issuance of building permits, the applicant shall provide a final School Capacity Availability Determination (SCAD) letter that confirms that school capacity is available, or if capacity is not available, that mitigation requirements have been satisfied.
3. Trees encroaching the public realm of the sidewalk are to have a canopy height clearance of a minimum 7 feet per ULDR Sec. 47-13.20.H.2.iii and those encroaching the sight triangle to have a minimum 8-foot canopy clearance per ULDR Sec. 47-35.
4. Relocate plaza seating on the corner NE 1st Avenue and NE 6th Street outside of the site triangle.
5. All utilities shall be removed from areas containing structural soil.
6. Prior to Certificate of Occupancy ("CO"), the utility boxes on the northwest corner of the intersection of NE 6th Street and NE 1st Avenue shall be relocated outside of the required 7-foot sidewalk.
7. Prior to the issuance of any Certificate of Occupancy, proposed Pump Station A-24 shall be constructed and on-line as detailed in the Water and Wastewater Capacity Availability letter issued by the City Public Works Department dated March 17, 2023.
8. Prior to issuance of building permit, the Applicant must provide proof that the 15-foot alley vacation is in full force and affect in accordance with ordinance no. C-06-17.
9. Prior to issuance of final Certificate of Occupancy, applicant shall record a 9-foot Right-of-Way dedication or permanent Right-of-Way Easement along east side of North Andrews Avenue and coordinate it with Broward County Highway Construction and Engineering Division (BDHCED), to complete half of 88' Right-of-Way section per the most current Broward County Trafficways Plan as approved by BCHCED.
10. Prior to issuance of final Certificate of Occupancy, applicant shall record a permanent Sidewalk Easement as appropriate along north side of NE 6th Street to accommodate a portion of the 9 foot, 8 inch pedestrian clear path located beyond public Right-of-Way Easement dedication.
11. Prior to issuance of Certificate of Occupancy, 10-feet x 15-feet (min.) utility easement dedication shall be recorded for the proposed 4-inch water meter and first manhole on private property.

12. Prior to issuance of final Certificate Occupancy, a Maintenance Agreement by the City for the maintenance of proposed special improvements within adjacent City right-of-way along NE 6th Street and NE 1st Ave. The maintenance agreement shall provide that the improvements are maintained in perpetuity by property owner include: pedestrian lighting, curb and gutter, valley gutter, landscape, structural soil, irrigation, root barriers, pedestrian lighting, paver driveways, and specialty paving sidewalks as depicted on maintenance exhibit. Perpetual maintenance of newly constructed exfiltration system within adjacent City Right-of-Way will typically revert to the City, upon successful inspection/acceptance by Public Works after 1-year warranty period.
13. Prior to issuance of final Certificate Occupancy, applicant shall coordinate an ancillary Maintenance Agreement with the City for property frontage along N. Andrews Ave (County jurisdiction). Proposed special improvements for this project within adjacent County right-of-way to be maintained in perpetuity by property owner include landscaping and structural soil and irrigation.
14. The applicant shall complete the responses, and necessary changes from the traffic study review prior to Final DRC and agree to the appropriate mitigation requirements that result from the completed review of the Traffic Study.
15. Provide the following required floodproofing information at time of building permit application for all elevations below BFE 6' NAVD 88 + 1' freeboard= 7' NAVD 88:
 - a. Provide a delineation of flood hazard areas, and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
 - b. Provide finish floor elevations (FFE) for all equipment to include generators to meet 7' NAVD 88
 - c. Elevation requirements. All new buildings shall have the lowest floor, including basement, elevated to or above the elevation required in the Florida Building Code or the base flood elevation plus one (1) foot, whichever is higher. (BFE Base Flood Elevation + 1 foot Freeboard = FFE Finish Floor Elevation) (CFL Flood Ordinance CH 14-11). To include the required floodproofing for a mixed use development and applicant will need to submit this information at time of Building Permit application for flood review.
 - d. Please update elevations sheets prior to building permit application to include the (FFE) finish floor elevation using the (NAVD 88 datum) for all levels below the 7' NAVD 88 and provide the needed floodproofing for a mixed use development per code requirements.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a *2022 Commission Priority*, advancing the Homelessness and Housing Opportunities initiative.

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

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

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

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

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

Attachments

Exhibit 1 – Application and Project Narratives

Exhibit 2 – Site Plan and Elevation Plans

Exhibit 3 – February 28, 2023, Development Review Committee Comment Responses

Exhibit 4 – City of Fort Lauderdale Public Works Department Water and Wastewater Capacity Letter

Exhibit 5 – Traffic Study and Parking Reduction Analysis

Exhibit 6 – Resolution Approving

Exhibit 7 – Resolution Denying

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