



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#16-0016

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

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: January 20, 2016

TITLE: Ordinance Amending the Future Land Use Element of the City of Fort
Lauderdale 2008 Comprehensive Plan to increase dwelling units in the
Downtown Regional Activity Center – Case Number 2T13

Recommendation

It is recommended that the City Commission adopt an ordinance amending the Future Land Use Element of the City of Fort Lauderdale Comprehensive Plan to increase the residential density within the Downtown Regional Activity Center (RAC) from 11,060 dwelling units to 16,060 dwelling units, an increase of 5,000 dwelling units.

Background

The Downtown RAC is a land use category intended to encourage development and redevelopment in the City's Downtown urban center, which is an area of regional significance. The City's Downtown Master Plan envisions the Downtown RAC as a truly livable urban center with diverse, healthy residential neighborhoods, and an urban fabric consisting of pedestrian-friendly streets, great public spaces, and high-quality buildings. A key component to carrying out this vision and creating a truly-connected environment is the expansion of multi-modal transportation options including mass transit.

As per the City of Fort Lauderdale 2008 Comprehensive Plan, the Downtown RAC has a maximum allowable density of 11,060 dwelling units. Over the past several years, the City has experienced an influx of new residential and mixed-use development projects in the Downtown RAC. These projects are deducted from the supply of dwelling units in the Downtown RAC.

The proposed amendment is part of a larger effort to increase the supply of dwelling units in the Downtown RAC in order to help the downtown accommodate the anticipated residential density as outlined in the Downtown Master Plan.

The proposed land use plan amendment furthers the Goals, Policies, and Objectives of the City of Fort Lauderdale Comprehensive Plan, Downtown Master Plan, and Broward County Comprehensive Plan. The proposed amendment aligns with Objectives 1.16 and 1.32 of the City's Comprehensive Plan, which encourage mixed-use development and growth in the Downtown RAC in order to support transit use and discourage urban sprawl. The amendment furthers the City's policy of encouraging high density development in the Downtown RAC (Comprehensive Plan Policy 1.14.1) and improving the pedestrian environment (Policy 1.14.4). The proposed amendment is also consistent with Objective 1.15 of the Comprehensive Plan, which strives to protect adjacent established neighborhoods against incompatible uses.

Toward these ends, the amendment will ensure that dwelling units remain available for new residential development projects in the Downtown RAC so that it can continue to thrive and evolve as a vibrant, mixed-use urban center with walkable streets and a sufficient population to support future transit initiatives, such as All Aboard Florida, Tri-Rail Coastal Service commuter rail (located on the FEC rail line), and the Wave Streetcar. By increasing the number of allowable units in the Downtown RAC, the proposed amendment will help guide future residential growth to Downtown consistent with City Vision and Downtown Master Plan.

The proposed land use amendment furthers the following principles of the Downtown Master Plan:

- Principle 1: Capture a greater share of regional redevelopment;
- Principle 2: Increase residential opportunities Downtown, while supporting amenities;
- Principle 3: Strengthen areas of varied neighborhood character and distinct identity;
- Principle 4: Focus most intense development in a compact core;
- Principle 5: Surround the core with strong, walkable, mixed-income neighborhoods;
- Principle 6: Create extroverted, pedestrian friendly buildings; and
- Principle 11: Provide alternatives to the car, including walking, transit and cycling.

Review Process

Broward County Charter requires that all local land use plans conform to the Broward County Land Use Plan and that local governments submit proposed amendments to their land use plans to the Planning Council for review and determination of substantial conformity with the Broward County Land Use Plan. The proposed amendment to the City of Fort Lauderdale Future Land Use Element required an amendment to the Broward County Land Use Plan in order to ensure conformity. Both the proposed amendments to the City of Fort Lauderdale Future Land Use Element and the Broward County Future Land Use Element were authorized for transmission to the Planning Council by the City Commission on October 1, 2013. The City Commission also authorized the Planning Council to concurrently process and transmit the applications to Broward County and State of Florida Department of Economic Opportunity.

During the review process of the proposed amendment to the Broward County Land Use Plan, additional information was requested by Broward County regarding traffic analysis and affordable housing sections of the application. City staff met extensively

with Broward County and Planning Council staff to discuss solutions, providing additional information, and identified steps being taken by the City to address comments.

On February 10, 2015, the Broward County Board of County Commissioners, held the first hearing on the proposed Broward County land use plan amendment and adopted Broward County Resolution 2015-054 approving its transmittal to the Florida Department of Economic Opportunity and other review agencies, accompanied by the following three comments:

1. Transportation Analysis: The City should further demonstrate that the regional roadway network capacity and multimodal facilities will be available in the long-range planning horizon. In addition, the Florida Department of Transportation (FDOT) recommended that the City should contribute funds to the Broward County Active Arterial Management (AAM) program, which includes traffic signal control strategies for multimodal transportation in the Downtown RAC.
2. Affordable Housing: Resolution of a phasing plan or City policy solution that will ensure the implementation of the City's previous commitment to set aside 15% of the 5,000 dwelling units (or 750 units) as affordable housing, in order to prevent a hypothetical scenario where the 4,250 market rate units are constructed without any of the 750 affordable units being constructed. Also, requiring the City to execute a legally enforceable mechanism regarding the affordable housing unit set aside.
3. Educational Mitigation Agreement: The City should amend the existing Educational Mitigation Agreement between Broward County, the City, and the School Board of Broward County, which currently requires higher school impact fees for residential development projects in the Downtown RAC, to incorporate the new units.

In response, City staff worked extensively and collaboratively with Broward County and Planning Council staff to address the above comments and as a result, both land use plan amendment applications proceeded to second public hearing before the Broward County Planning Council on October 22, 2015, and the proposed amendment to the Broward County Land Use Plan before the Broward County Board of Commissioners on December 8, 2015, with the following agreed upon final conditions:

1. Transportation Analysis:
 - a. The City shall monitor and collect data of transportation patterns and use of multimodal options as new Regional Activity Center (RAC) development is established.
 - b. Prior to any future land use amendments for additional dwelling units, the City must demonstrate consistency with the ITE "urban infill area" definition based on the actual development pattern within the RAC and provide data and

analysis demonstrating that the existing and committed multi-modal system mitigates impacts to the transportation network.

2. Affordable Housing:

- a. The City of Fort Lauderdale's commitment to set aside 15% of the additional 5,000 dwelling units (i.e. 750 dwelling units) as affordable housing and that the previous voluntary commitment regarding the provision of affordable housing as part of BCLUP amendment PCT 05-3 remain in effect.
- b. Prior to the issuance of building permits for 2,501 of the 5,000 dwelling units, the City shall demonstrate that at least 15% (375 dwelling units) of the permitted or built units are affordable (up to 120% of the median income limits adjusted for family size for the households). If the City is unable to demonstrate that at least 15% of the permitted or built dwelling units meet that criteria, no additional market rate units shall be permitted or built until such time that the City provides an implementation action plan or program that is reviewed and approved by the County Commission.
- c. In addition, and separate from the 5,000 dwelling units (at least 750 affordable), the City will be granted three additional, density bonus market rate units for every one "very low" (up to 50% of the median income limits adjusted for family size for households) or "low" (up to 80% of the median income limits adjusted for family size for households) affordable dwelling unit that is constructed for a maximum of an additional 750 market rate dwelling units, potential total of new dwelling units to 5,750.

3. Education Mitigation - Public School Impacts:

- a. The City of Fort Lauderdale's commitment to amend the existing Educational Mitigation Agreement between Broward County, the City of Fort Lauderdale, and the School Board of Broward County, Florida, as accepted and conditioned by School Board staff.

The Planning Council approved both land use plan amendments subject to the recordation in the public record of Broward County, Florida, to the satisfaction of Broward County, of a legally enforceable mechanism as proffered and executed by the City regarding the above conditions voluntarily committed to as an inducement for Broward County to favorably consider the application. The Planning Council's approval is also the conditional recertification of the City's land use plan. The Broward County Board of County Commissioners adopted Ordinance 2015-47 amending the 1989 Broward County Comprehensive Plan as requested.

Exhibit 1 is the Amendment Report considered by the Broward County Board of County Commissioners with regards proposed Amendment PCT 15-1, included state agency comments and the conditions of approval. Exhibit 2 is the City's response letter agreeing to the conditions. Exhibit 3 is approval letter from Broward County Planning Council to State of Florida Department of Economic Opportunity indicating that the

County has approved the item.

Final Approval Process

The City Commission shall hold a second public hearing on amending the Future Land Use Element of the City of Fort Lauderdale Comprehensive Plan for the Downtown Regional Activity Center (RAC) land use designation. Upon final approval, staff will forward the City Ordinance and adopted amendment to the State.

In addition, City staff is preparing the Education Mitigation Agreement and Development Monitoring Agreement, which are required as part of the land use approval by Broward County. Staff is coordinate review of the agreement by the different agencies and once completed, the agreements will be placed on City Commission agenda.

Future Initiatives

In keeping with the City's Strategic Initiative, Development Density Policy, regarding planning for future growth, the following planning initiatives is forthcoming in Fiscal Year 2016 as the next steps for the Downtown RAC:

- Downtown Master Plan – updates to the master plan include Transit Oriented Development (TODs);
- ULDR Amendments – Downtown RAC – coordinating code language with master plan and remove inconsistencies, overlap, etc; and
- Unit Allocation Policy – administering policy for downtown dwelling units in a manner fair and equitable, and based on chronological approval.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Neighborhood Enhancement Cylinder of Excellence, specifically advancing:

- Goal 6: Be an inclusive community made up of distinct, complementary, and diverse neighborhoods.

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

Resource Impact

There is no fiscal impact associated with this action.

Attachments

Exhibit 1 – Amendment Report – Proposed Amendment PCT 15-1

Exhibit 2 – City Response Letter

Exhibit 3 – Broward County Planning Council Approval Letter to State

Exhibit 4 – Ordinance

Prepared by: Jim Hetzel, Principal Planner, Sustainable Development

Department Director: Jenni Morejon, Sustainable Development