



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#19-0065

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: February 19, 2019

TITLE: Quasi-Judicial Resolution – Approval of Site Plan Level IV Beach
Development Permit for 21 Multifamily Residential Units – Dev Motwani –
530 N Birch Road – Case No. R18065

Recommendation

It is recommended that the City Commission adopt a resolution approving a Site Plan Level IV Beach Development Permit for the construction of a multifamily residential building with twenty-one (21) residential units in the North Beach Residential Area (NBRA).

Background

The proposed development was reviewed pursuant to criteria outlined in the City's Unified Land Development Regulations (ULDR) Section 47-12, Central Beach Districts. On December 19, 2018 the Planning and Zoning Board (PZB) recommended approval by a vote of 7-0. The site plan and corresponding narratives are provided as Exhibit 1 and Exhibit 2, respectively. The PZB staff report and meeting minutes are attached as Exhibit 3 and Exhibit 4, respectively.

The development consists of an eleven-story building, approximately 120-feet in height. The first floor will contain the lounge and lobby area. Parking will be placed on the first and second floors with six mechanical parking lifts. The third floor will include an amenity deck with a club house, game room, pool area and gym.

The Development Review Committee (DRC) reviewed the proposal on September 25, 2018. The complete application and DRC record is available on file with the Department of Sustainable Development.

Review Criteria

Section 47-12.2 of the ULDR states that the intent of the NBRA zoning district is to encourage the preservation, maintenance and revitalization of existing structures and uses that makes up the distinct neighborhood that occurs in the center of the North Beach Area. Existing residential and transient accommodations represent a substantial resource of the Central Beach Area to be protected, preserved and enhanced.

Residential uses are permitted at a density of up to 32 dwelling units per acre provided they meet the criteria outlined for the NBRA District, Central Beach Criteria, Neighborhood Compatibility and Adequacy requirements, as defined further below. This development proposes 32 dwelling units per acre.

Pursuant to the City's ULDR Section 47-12.5.E.1(d) NBRA District, setbacks for a development approved through the Site Plan Level IV review process may be reduced to 20-feet. The proposed building will provide the required north, south and west setbacks of 20-feet abutting right-of-ways. The applicant proposes to provide balconies on the front façade (Birch Road) that will encroach into the setback by 5-feet. The rear setback is 20-feet where the required setback of one-half the height of the building may be reduced to 20-feet if approved as a development of significant impact.

Pursuant to Section 47-12.6.B of the ULDR, the following criteria shall apply for developments located in the Central Beach area:

1. It shall first be determined whether the proposed development or use is compatible with the character of the overall plan of development contemplated by the revitalization plan for the central beach area;

The proposed development and use are compatible with the character of the plan of development contemplated by the Fort Lauderdale Central Beach Revitalization Plan and the Fort Lauderdale Beach Community Redevelopment Plan. The proposed development is a multifamily building proposed in a multifamily district in the Central Beach Area, which is devoted primarily to existing multifamily residential structures and uses of varying architectural themes, densities, mass and height.

2. It shall then be determined whether the architectural design of the proposed development is compatible with the design guidelines provided in Sec. 47-25.3. The design guidelines provided in Sec. 47-25.3 are intended to provide a framework for design review of proposed developments and outline the design elements which have been determined to be compatible with the revitalization plan;

The project's contemporary architectural design is compatible with the design guidelines of Section 47-25.3. The style is exemplified by simple clean lines, includes modern curved balconies and geometric features along the facades. The facades are well articulated, providing visual variety and interest without being overwhelming.

3. The design guidelines provided in this section are not intended to be exclusive. Alternative architectural and design concepts outlined in the development application will be considered during review of the development application. It shall be the applicant's burden to show that the proposed alternative architectural and design concepts are compatible with the character of the overall plan of development contemplated by the revitalization plan for the

central beach area and not incompatible with the design guidelines provided in this section;

The proposed architecture is compatible with the overall architectural theme of the North Beach Village area. The design also includes unique features including modern curved balconies and geometric features along the façade. The façade of the building is well articulated, providing visual variety and interest without being overwhelming.

4. It shall then be determined whether the proposed development incorporates design or architectural elements which mitigate the development's impacts, if any, on existing uses in the immediate vicinity of the proposed development; and

The project incorporates design and architectural elements which mitigate adverse impacts on existing uses in the area. Those elements include an internal parking garage which will accommodate resident and guest parking thereby minimizing the need for vehicles to park along Birch Road, generous additional setbacks and building separations to nearby properties which enhance the open corridor on adjoining streets, and lush landscaping.

5. The goal of the city in the adoption of the revitalization plan is to facilitate development of the central beach area as a world-class destination resort. The primary objective of the design review shall be to implement the overall plan of development and to foster redevelopment as contemplated in the revitalization plan.

The street level façade enhances a pedestrian friendly environment by incorporating architectural features into its design which add special interest and compatibility with nearby properties and site elements, creating a village like atmosphere featuring wider sidewalks, street lined shade trees with palms highlighting the intersections. The landscape design will incorporate innovative sustainable elements to improve drainage and minimize impact on the local environment. Refer to Exhibit 1, Landscape Plan sheet L-200, included in the plan package.

Adequacy and Neighborhood Compatibility

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. Adequate public services are available in the area to meet the needs and demand of the project. Water and wastewater is serviced by the City of Fort Lauderdale. A capacity letter has been issued by the City's Public Works Department dated August 10, 2018 which identifies the facilities and associated infrastructure servicing this project and the project's impact on capacity. The capacity letter is attached as Exhibit 5.

The properties to the north, south and west of the site are zoned NBRA. Properties to the

east are zoned A-1-A Beachfront Area (ABA). The buildings surrounding the project site range from 2 to 5 stories. Directly to the east are two hotels (2-story and 3-story), and to the north and south, there are buildings that are 3 and 4 stories tall. The proposed building is generally compatible with the mass and scale of surrounding buildings.

The applicant has submitted narratives regarding the project's compliance with Section 47-25.2, Adequacy Requirements, and Section 47-25.3, Neighborhood Compatibility Requirements, attached as Exhibit 2, to assist the Board in determining if the proposal meets these criteria. A context plan and perspective renderings depicting the height, mass, scale, shadow, materials and details of the proposed development as it relates to surrounding properties have also been provided with the site plan submittal material.

Parking and Circulation

The applicant is proposing to provide 48 parking spaces with 6 spaces accommodated by mechanical parking lifts. Each parking space on the mechanical parking lifts will be designated to a specific residential unit. Four bicycle parking spaces are proposed near the lobby entrance and ten additional bicycle spaces are provided within the garage. In addition, the applicant will provide two on-street parking spaces for public use. The applicant also proposes to provide a drop-off/pick-up area for alternative transportation options such as shared ride services.

As per ULDR Sec. 47-20, Parking Requirements, the following criteria apply:

Use	Parking Ratio	Spaces
Residential		
2 Bedroom + Den	6 x 2.1 space/unit	12.6
3 Bedroom	6 x 2.1 spaces/unit	12.6
3 Bedroom + Den	6 x 2.2 spaces/unit	13.2
4 Bedroom + Den	2 x 2.2 spaces/unit	4.4
5 Bedroom	1 x 2.2 spaces/unit	2.2
TOTAL REQUIRED		45
TOTAL PROVIDED		48

Per ULDR Section 47-12.6.F, central beach development permitting and approval, beach development permits located in the Central Beach Area may have allocable capacity trips designated for development if a finding of adequacy that traffic capacity is adequate to support the proposed development. A trip generation analysis, dated July 26, 2018, was conducted by the applicant's traffic consultant Kimley-Horn and Associates, using the Institute of Transportation Engineers (ITE) Trip Generation, 10th Edition for the proposed redevelopment plan. The analysis concluded that the proposed redevelopment will generate 114 daily trips with a PM peak generation of 9 trips. The previous hotel use generated 134 daily trips with a PM peak generation of 10 trips. Therefore, the proposed redevelopment will result in a net decrease of daily PM peak hour trips; however there is an increase of 3 PM peak hour trips. If the proposed project is approved, negative one (-1) allocable capacity trips will be reserved for the project. The analysis is provided as Exhibit 6.

Comprehensive Plan Consistency

The proposed use is consistent with the Central Beach Regional Activity Center (Beach RAC) land use designation. The proposed development is generally consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Future Land Use Element Objective 1.11, Policies 1.11.2 and 1.11.3 which require enhancing landscaping, street and pedestrian amenities through the development review process within the Beach-RAC and views of the oceanfront and Intracoastal Waterway within the Beach-RAC. Objective 1.21 also encourages mixed-use developments to enhance the livability of the City through encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.

The City's Future Land Use Map indicates that the proposed project is located within the boundaries of the Beach RAC. Per an Interlocal Agreement between the City and Broward County, the City is required to monitor and track development entitlements in the City's Regional Activity Centers. The Beach RAC development limitations are based on residential units and vehicular trips. The project proposes 21 residential units and will add a net of 3 PM peak trips. If approved, there will be 445 residential units and 472 trips remaining for development allocation. Note, the remaining totals do not reflect the pending projects currently under review.

Public Participation

Site Plan approval is subject to the public participation requirements established in ULDR Section 47-24.2.A.3.d. Applicants must conduct a public participation meeting a minimum of 30 days prior to the PZB hearing. According to the applicant, a public participation meeting was held on September 27, 2018, in order to offer the neighborhood association surrounding the property the opportunity to learn about the proposal. An Affidavit of Public Participation Notification and a summary of the meetings have been provided by the applicant and are attached as part of Exhibit 7.

Conditions of Approval

Should the Planning and Zoning Board recommend approval of the development, the following conditions are proposed:

1. At time of permit submittal, applicant will be required to pay a Park Impact Fee for the proposed residential units prior to issuance of building permit in accordance with ULDR Sec. 47-38A.
2. Prior to final DRC, applicant shall provide a 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. Engineering Conditions:
 - a) Prior to final DRC sign off, applicant shall provide a non-objection letter from utility owners for the proposed on-site drainage improvements and (any other

- encroachments) within the existing 4' utility easement along the east boundary of the property.
- b) Prior to final DRC sign off, applicant shall confirm all proposed planting within sight triangles (including the landscape island between the drop off area and Birch Road) meet ULDR Section 47-35.
 - c) Prior to final DRC sign off, applicant shall confirm 5 feet horizontal clearance is provided between trees and proposed water and sewer services to the site (within the right to way/ City maintenance). A note shall be included on landscape plans accordingly.
 - d) Prior to Building Permit, applicant shall provide a bond for the construction and/or replacement of public sidewalks/ ADA ramps abutting the proposed development. The bond amount shall be for 125% of the total construction cost. A cost estimate breakdown for the installation of the public sidewalk improvements (including but not limited to materials, labor, mobilization, MOT, permitting and certification) signed and sealed by a Florida Professional Engineer shall be submitted for review and acceptance prior to finalizing the bond.
 - e) Prior to final DRC sign off, applicant shall provide a Maintenance Agreement Area Exhibit, which provides a visual representation of the area within the adjacent public Right-of-Way (adjacent to the proposed development) to be maintained in perpetuity by the developer. Label whether the adjacent Right-of-Way is FDOT, BCHCED, or City jurisdiction, as well as label all proposed improvements, including asphalt and other specialty paving, specialty sidewalks, landscaping, irrigation, lighting, curb and gutter etc. that will be maintained by the Applicant throughout the life of the improvements. Perpetual maintenance of newly constructed exfiltration trenches, inlets, etc. within adjacent City Right-of-Way will typically revert back to the City, upon successful inspection/acceptance by Public Works after 1-year warranty period.
 - f) Prior to issuance of final Certificate Occupancy, applicant shall record a twenty (20) feet corner chord Right-of-Way dedication or right-of-way easement to the City on southeast corner of Windamar Street & Birch Road intersection and on northeast corner of Birch Road & Viramar Street intersection per ULDR Section 47-24.5.D.p, as approved by the City Engineer.
 - g) Prior to issuance of final Certificate Occupancy, applicant shall record a permanent Sidewalk Easement as appropriate along east side of Birch Road and north side of Viramar Street to accommodate portion of the 7' (min.) pedestrian clear path that may be located beyond public Right-of-Way and/or Right-of-Way Easement dedication; as approved by the City Engineer.
 - h) Prior to issuance of final Certificate Occupancy, applicant shall record a 10' x 15' (min.) permanent Utility Easement for any 4 Inch or larger water meter located within the proposed development (for City Maintenance access); as approved by the City Engineer.
 - i) Please be advised that any City right-of-way closure over seventy-two (72) hours requires a Revocable License Agreement, processed by Property Right-Of-Way Committee (DRC) and approved by the City's Commission.

4. The subject property is located on the coastal barrier island in an area identified as the Fort Lauderdale Beach Archaeological Zone. This area has previously yielded significant prehistoric and historic archaeological deposits including recently identified site 8BD5880 (Alhambra), located approximately 1,600 feet south of the subject property. The Alhambra site is a prehistoric midden with evidence that suggest the site was the locus of fishing activities between 1000 BC to AD 1700. The site was discovered during post-demolition archaeological survey of the Casa Alhambra parcel and demonstrates prehistoric archaeological features may remain preserved beneath existing twentieth century development. The following is recommended for archaeological testing and monitoring as part of this new development:

- a) Archaeological Testing – An archaeological survey of vacant lot 2 should be conducted in coordination with the issuance of a demolition permit within the subject property. At the time of applying for a demolition permit, a letter of agreement with a professional archaeologist shall be submitted to the Historic Preservation Planner. The study should consist of shovel test pits (STP) distributed evenly across the parcel at approximately 10 meter intervals (3 transects of 5 STP equaling approximately 15 STP total). If necessary, mechanical assistance may be used to remove asphalt and surface pavement/overburden in order to provide suitable access to the site for conducting STPs. All mechanical operations should be supervised by an archaeologist to monitor activities for archaeological discoveries. STPs that yield prehistoric archaeological materials shall be bounded by double negative judgmental STPs placed at half-intervals in cardinal directions.

Upon completion of the survey, a preliminary report documenting the survey findings and methodology must be submitted prior to applying for foundation, utility, or building permits to the Historic Preservation Planner – Trisha Logan, Historic Preservation Planner, at 954-828-7101 or at tlogan@fortlauderdale.gov. Dependent on results of initial survey additional testing or modifications may be required, including any measures to implement Chapter 872.05 *Florida Statutes* as it pertains to the discovery of unmarked human remains.

- b) Archaeological Monitoring - An archaeologist should monitor subsurface disturbances within the subject property (lots 2 and 3) during the demolition of existing structures. The purpose of the archaeologist will be to observed ground-disturbances and to record and collect discoveries as they deem appropriate. In the event that significant archaeological materials or unmarked human remains are encountered then the archaeologist shall be empowered to direct the project site manager to halt excavation in the vicinity of the find and to alert the City's historic preservation staff to coordinate the discovery and take measures to

implement Chapter 872.05 *Florida Statutes* as it pertains to the discovery of unmarked human remains.

Upon completion of monitoring activities, a preliminary monitoring report documenting the monitoring findings and including a monitoring log must be submitted to the Historic Preservation Planner - Trisha Logan, Historic Preservation Planner, at 954-828-7101 or at tlogan@fortlauderdale.gov.

- c) A final archaeological survey report should be submitted, prior to the issuance of a foundation or building permit, to the Historic Preservation Planner. The report should document study methodology, findings, and recommendations and include results of the survey of lot 2 and accessible portions of Lot 3 as well as the results of the archaeological monitoring.

Resource Impact

There is no fiscal impact associated with this action.

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
- Objective 2: Ensure a range of housing options for current and future neighbors.
- Initiative 2: Provide land use and zoning for a range of housing options to match community and business needs, such as accessory dwelling units and live-work units

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

Attachments

Exhibit 1 - Site Plan
Exhibit 2 - Project Narratives
Exhibit 3 - PZB Staff Report
Exhibit 4 - PZB Meeting Minutes
Exhibit 5 - Water and Sewer Capacity Letter
Exhibit 6 - Traffic Statement
Exhibit 7 - Public Participation Summary and Affidavit
Exhibit 8 - Approval Resolution
Exhibit 9 - Denial Resolution

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