



# MEMORANDUM

## Development Services

### ADMINISTRATIVE MEMORANDUM NO. 17-034

DATE: January 23, 2017

TO: Planning and Zoning Board

VIA: Robin M. Bird, Development Services Director

FROM: Karen Friedman, AICP, Principal Planner

*KBF*

RE: Text Amendment requested by CRA  
§155.3501 (Transit Oriented District) and 155.3708.F (Downtown Pompano Beach Overlay District)  
January 23, 2017 meeting

P&Z # 16-8100001

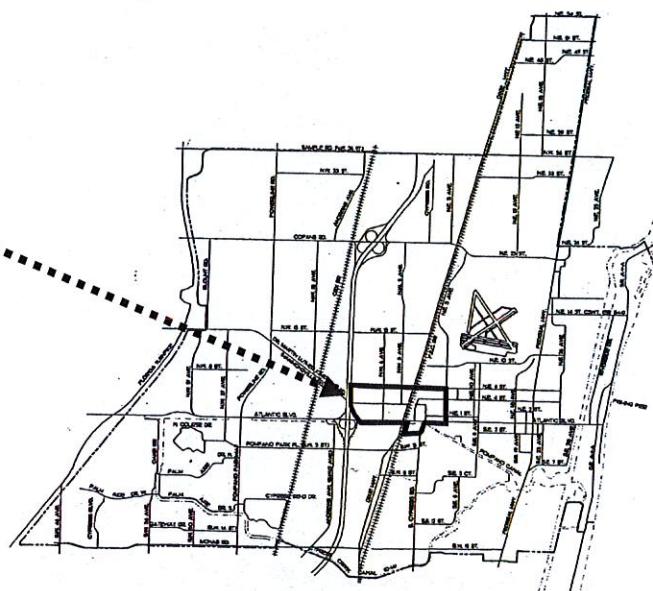
#### **Request**

The CRA is requesting text amendments to the Zoning Code for the Transit Oriented District (TO) and Downtown Pompano Beach Overlay District (DPOD). In particular the text amendments impact the following sections:

- 155.3501.J.2 - TO District Design Standard, Building Configuration and Design
- 155.3708.F - DPOD, Density Regulating Plan and Modified Density Standards, Density Regulating Plan
- 155.3708.G.1 - DPOD, Building Placement Regulating Diagrams and Modified Dimensional Standards, Building Typology
- 155.3708.G.4 - DPOD, Building Placement Regulating Diagrams and Modified Dimensional Standards, Minimum Unit Sizes for Residential Development
- Table 155.3708.H.2 - DPOD, Principal Uses Regulating Table
- DPOD Density Regulating Plan

The text amendments were reviewed for the December 21, 2016 Development Review Committee meeting and are subject to the review standards in §155.2402.C

TO and DPOD Districts



## REVIEW & SUMMARY

**A. DRC COMMENTS.** Meeting Date 12/21/2016. Pursuant to Section 155.2304(C), Application Subject to Staff Recommendation, the Development Services Director has compiled the department reports from the meeting which are summarized below:

### ENGINEERING DEPARTMENT

- No Comments

### FIRE DEPARTMENT

- No Comments

### BUILDING DIVISION

- No Comments

### BSO

- No Comments

### UTILITIES

- The Utilities department has no comment with regard to the requested Code Amendment regarding DPOD Density and Building Standards.

### LANDSCAPE REVIEW

- No Comments

### PLANNING / ZONING

#### **Review for consistency with City's Comprehensive Plan**

The following goal and policies have been identified as relevant to the application:

#### **Future Land Use**

**Goal 01.00.00** The attainment of a living environment which provides the maximum physical, economic and social well-being for the City and its residents through the thoughtful and planned use and control of the natural and man-made environments that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.

**Policy 01.01.05** Review proposals for new development to identify the cumulative impacts of the proposed development on public services and facilities.

**Policy 01.03.04** Consider the preservation of established single family neighborhoods in all rezonings, land use plan amendments and site plan approvals.

**Policy 01.03.05** All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.

**Policy 01.03.06** Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas.

**Policy 01.03.11** Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

**Policy 01.16.02** The City will encourage and implement the use of compact building design principles which preserve more open space, contain mixed use, support multi-modal transportation options, make public transportation viable, reduce infrastructure costs and take advantage of recycled building materials.

**Comments:**

1. The requested text amendments include a revision to §155.3708.F.1 which would eliminate the maximum density cap on properties located within the Core area. The Core is approximately 105 acres. Applicant shall provide an analysis of the impacts which could result from the proposal, including impacts to open space, traffic, and negative impacts to adjacent single family neighborhoods.
2. The applicant shall provide the following information in order to demonstrate the proposed revision to §155.3708.F.1 (elimination of the maximum density cap) is consistent with the Comprehensive Plan:
  - a. An estimate of the additional number of dwelling units that can be attained if the requested text amendment removing the density cap is approved
  - b. Research from other cities with no density caps (including cities in South Florida).
  - c. Additional information as to estimated population increases and the potential impacts on open space, traffic, and negative impacts to single family neighborhoods
3. The applicant is recommended to hold Neighborhood Meetings with the Old Pompano Civic Association and the NW CRA Advisory Board prior to placement on the Planning and Zoning Board Agenda hearing.
4. The applicant shall demonstrate how the proposed revision to §155.3708.F.1 (elimination of the maximum density cap) will not unintendedly decrease redevelopment potential of those properties located outside of the Core.
5. The proposed revision to §155.3708.F.1 (elimination of the maximum density cap) does not require any additional sustainability provisions and therefore does not address the environmental impacts of increased intensity of the area.

**Review for consistency with 2011 ULI TAP Report for the NWCRA**

The Technical Assistance Panel for The City of Pompano Beach, Florida, Northwest Community Redevelopment Agency drafted by the ULI, August, 2011, has been identified as relevant to the application and more specifically the following statements regarding density:

- *The DPTOC will allow greater flexibility and densities than current zoning. That density and intensity should be further concentrated within a more compact core surrounding Dixie and MLK.*
- *For the Hammondville Road/MLK Boulevard corridor, both sides of the street should be lined by low-scale, finer grain commercial and mixed use development that ties in the historic roots and character of the community. The blocks behind those buildings, both immediately to the north and south, are ideal for medium to high-density, market-rate residential buildings.*
- *Higher density buildings that orient toward external needs should be located on Atlantic Boulevard and Dixie Highway (where commercial opportunities such as a retail or office building can generate additional TIF dollars) and near the transit hub (an area that should have residential as well as commercial uses).*

**Comments:**

1. The proposed revision to §155.3708.F.1 (elimination of the maximum density cap) is inconsistent with the recommendation for medium to high density in the area adjacent to Hammondville Road / MLK Boulevard. The proposed elimination of maximum density for the entire "Core" area would impact 105 acres and therefore appears to exceed to locations identified in the report as ideally suited for higher density.

**Review for consistency with City's Zoning Code**

**Comments:**

1. The proposed application, and in particular revision to §155.3708.F.1 (elimination of the maximum density cap), conflicts with the following Code provisions:

**§155.1103. GENERAL PURPOSE AND INTENT**

The general purpose of this Code is to promote the public health, safety, and general welfare, and to implement the goals, objectives, and policies of the City of Pompano Beach Comprehensive Plan. More specifically, this Code is intended to do the following, consistent with the goals and policies of the comprehensive plan:

- C. Deal effectively with future problems that may result from the use and development of land;
- F. Maintain and protect the character and stability of the community and its established neighborhoods;

The applicant shall address how the City can effectively eliminate or decrease the potential of the two following future issues: (#1) the potential for the revision to §155.3708.F.1 (elimination of the maximum density cap) to unintendedly decrease the desire to redevelop parcels located outside of the Core and (#2) the likelihood that other areas of the City and/or property owners in the City will request similar density provisions.

The applicant shall address how the character and stability of the established single family neighborhoods located within and immediately adjacent to the boundaries of the DPTOC Land Use will be maintained and protected.

2. The applicant shall address how the proposed revision to §155.3501.J.4 (decrease in minimum unit sizes) is required by changed conditions. On March 24, 2015, per Ordinance 2015-40, the minimum unit sizes were increased from a minimum unit size of 500 sq ft for efficiencies and 650 ft + 100 per bedroom for all other units. The rationale for the 2015 increase, originally provided by CRA Staff, was to encourage properties with more amenities and increase a mix of dwelling unit sizes. The proposed application's recommended decrease in unit sizes would result in unit sizes that are even smaller than those that existed prior to the 2015 code change. The applicant shall address the 2015 rationale and specifically how the requested reduction in unit sizes will encourage properties with more amenities and increase a mix of dwelling unit sizes.
3. The applicant shall demonstrate how the proposed revisions to §155.3708.F.1 and §155.3501.J.4 address a demonstrated community need. This could be demonstrated by the feedback received from the community via Neighborhood Meetings with the Old Pompano Civic Association and the NW CRA Advisory Board.
4. The applicant shall demonstrate how the request to lift the density cap would improve compatibility among uses and/or would result in a logical and orderly development pattern.

5. The following technical comments for the proposed revisions to 155.3708.G. 1 are offered:
  - a. 155.3708.G.1.a.1. In order to thoroughly understand how the maximum square footage numbers for floorplates was determined, applicant must provide a minimum of two detailed analyses of substantially different sites where the numbers were tested.
  - b. 155.3708.G.1.a.4. Applicant must confirm if the intent of this subsection for the front of the tower to face/address the Greenway or Open Space?
  - c. 155.35010J.2.a. To avoid potential confusion, applicant should consider adding that the maximum dimension of a building shall be 300' at any level or story/floor, for tower, liner....
  - d. 155.3501.J.2.b. Applicant must confirm the following if the following is meant for the adjacent lot, same lot, or both: Where it is stated to provide a minimum of 30' between the subject building and any subsequent building
  - e. 155.3501.J.2.b. Applicant must confirm if the use of the word "subsequent" means "adjacent" (following in place) or "future" (following in time)
  - f. 155.3501.J.2.c. Applicant must confirm the intent of the use of the word "major" when describing "a major break" at the ground level. Is there a definition for "major building break"? If not, this word should be omitted to avoid confusion.

**B. Findings of Fact.** Development Services Department Staff submits the following factual information which is relevant to this Text Amendment request

1. The Districts are 269.06 acres and were established in September 2013
2. The TO and DPOD Districts are generally located east of I-95, west of NE 5<sup>th</sup> Avenue north of Atlantic Blvd (but includes Civic Campus), and south of NE/NW 6<sup>th</sup> Street (with a portion south of NW 6<sup>th</sup> Court).
3. The Application Narrative for the DRC review is attached as Exhibit "A"
4. Supplemental information provided by the CRA for the DRC review is attached as Exhibit "B"
5. The responses to the DRC Comments are attached as Exhibit "C"
6. On January 23, 2016 Pamela Stanton, Planner, confirmed the CRA has adequately addressed her comments regarding 155.3501.J.2 and 155.3708.G.1. This is attached as Exhibit "D"
7. The review standards for Text Amendments are as follows:

*155.2402 C. Text Amendment Review Standards*

The advisability of amending the text of this Code is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. In determining whether to adopt or deny the proposed amendment, the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. Is consistent with the comprehensive plan;
2. Does not conflict with any provision of this Code or the Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

**C. The following goals, objectives and policies of the City's Comprehensive Plan have been identified as pertinent to this Application:**

**Future Land Use**

**Goal 01.00.00** The attainment of a living environment which provides the maximum physical, economic and social well-being for the City and its residents through the thoughtful and planned use and control of the natural and man-made environments that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.

**Policy 01.01.05** Review proposals for new development to identify the cumulative impacts of the proposed development on public services and facilities.

**Policy 01.03.04** Consider the preservation of established single family neighborhoods in all rezonings, land use plan amendments and site plan approvals.

**Policy 01.03.05** All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.

**Policy 01.03.06** Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas.

**Policy 01.03.11** Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

**Policy 01.16.02** The City will encourage and implement the use of compact building design principles which preserve more open space, contain mixed use, support multi-modal transportation options, make public transportation viable, reduce infrastructure costs and take advantage of recycled building materials.

**D. Recommendation:**

Given the information provided to the Board, as the findings of fact, staff provides the following recommendation and alternative motions, which may be revised or modified at the Board's discretion.

**Alternative Motion I**

Recommend approval of the Text Amendment application as the Board has weighed the relevance of the review standards listed in §155.2402 and determined that the proposed text amendments are consistent with the review standards listed in §155.2402. Furthermore, the request is consistent with the goals, and policies of the Comprehensive Plan listed in Section C of this report.

Is it suggested that prior to presentation to the City Commission, the applicant should hold Neighborhood Meeting(s) with the following stakeholders:

- a. NW CRA Advisory Board
- b. Old Pompano Civic Association

**Alternative Motion II**

Table this application for additional information as requested by the Board.

**Alternative Motion III**

Recommend denial of the Text Amendment application as the Board finds that the proposed text amendments are not consistent with the review standards listed in §155.2402. Furthermore, the request is not consistent with the goals, and policies of the Comprehensive Plan listed in Section C of this report.

# Exhibit A

## Application Narrative for the DRC review

1. Is consistent with the comprehensive plan;

The following objectives have been pulled directly from the Land Use and Transportation Elements of the City's Comprehensive Plan.

### **Land Use Element**

#### **Objective: Major Corridor Land Use**

01.04.00 Support and promote the intermix of residential and commercial uses along major traffic corridors

#### **Policies**

01.04.01 The Planning Department shall support and promote the intermix of residential and commercial uses along major traffic corridors, where mass transit is available, through the allocation of flex and reserve units and approval of land use plan map amendments allowing for residential developments

#### **Objective: New Land Use Regulations**

01.07.00 Encourage the adoption of innovative land development regulations. Adopt new land use designations for Residential, Mixed Use, Transportation Oriented Districts, Transportation Oriented Corridors and amend the land development regulations, including the creation of new zoning districts for these land use designations.

#### **Policies**

01.07.02 Continually review and amend new land use designations for Residential, Mixed Use, Transportation Oriented Districts.

01.07.03 Evaluate and revise the land use regulations to conform to current development practices as to housing types and mixed use developments.

01.07.12 Through ongoing updates to the land development regulations revise parking codes and design criteria to include incentives for mass transit use.

#### **Objective: Community Redevelopment**

01.08.00 Amend the Land Use Plan map and Zoning map to support new development and redevelopment in the Community Redevelopment Areas.

#### **Policies**

01.08.01 Follow the recommendation of the Community Redevelopment Plans in all Land Use Plan amendments and rezonings.

#### **Objective: Smart Growth Initiative**

01.16.00 The City will promote "Smart Growth" type initiatives providing for energy efficient development and land use patterns which also account for existing and future electrical power generation and transmission systems in an effort to discourage urban sprawl and reduce greenhouse gasses.

#### **Policies**

01.16.01 The City shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.

01.16.02 The City will encourage and implement the use of compact building design principles which preserve more open space, contain mixed use, support multi-modal transportation options, make public transportation viable, reduce infrastructure costs and take advantage of recycled building materials.

## Transportation Element

### Objective: Level of Service

02.02.00      Coordinate the transportation system with existing and future land uses as shown on the Future Land Use Map and ensure that existing and proposed population densities, housing and employment patterns and land uses are consistent with the transportation modes and services proposed to serve those areas.

### Policies

02.02.10      The City will amend the Land Development Regulations for residential properties along major thoroughfares as necessary, and where feasible, to encourage higher densities which will in turn serve as a buffer between major roadways and low density neighborhoods, and support public transit. The City will coordinate amendments to its Future Land Use Plan with the County and FDOT and incorporate land use guidelines and site design guidelines in the Land Development Regulations based on the feasibility study and as needed to assure accessibility of new development and redevelopment to public transit.

1. Does not conflict with any provision of this Code or the Code of Ordinances.

This proposed amendment is supported by the code and the City's adopted Strategic Plan Objective 4.3.3 "to increase densities around transit stops by 2018". This indicates support for the proposed amendments from a strategic standpoint by the City's elected officials with support from City Staff.

2. Is required by changed conditions.

Residential infill projects that have enough units to fill the height envelop allowed by the city's form-based code, which have the greatest potential to support mass transit, are thwarted due to the density limits set in the Code which are more restrictive than the building forms envisioned by that code. The density of the area subject to the proposed code amendment is currently capped at 80 units per acre. It is now clear that this density is limiting the development community's ability to deliver the 105 foot buildings heights expected to be developed in this area per the DPOD Zoning Code and the DPOD Master Plan which established the vision to be implemented by the DPOD Zoning Code.

3. Addresses a demonstrated community need;

Within the South Florida community the growth rate is greater than in the nation as a whole. The South Florida development patterns and the land development regulations have, in the past, supported auto-oriented development patterns. To address the immediate and long term population growth and the future of Florida in general, increasing densities in already urban areas is the most logical step to enable population growth to be accommodated without furthering urban sprawl and the associated loss of natural resources and agricultural land. Pompano Beach can do its part to support a greener and more sustainable development pattern by increasing development densities and intensities in the urban core in a manner that supports mass transit and other urban functions on already developed property.

4. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;

The purpose statements of both the TO Zoning District and the DPOD Overlay, which this amendment effects, are provided below. The proposed amendments support the purpose and intent of the district and would improve compatibility between the residential, commercial and transportation uses, creating a more efficient distribution of uses and users within the city.

The Transit-Oriented (TO) district is established and intended to encourage transit use as an alternative to auto dependency by accommodating moderate- to high-intensity, compact, mixed-use, and pedestrian-oriented development within convenient walking distance of existing and planned rail stations, major transit hubs, regional and neighborhood transit hubs, and high-priority corridors for bus rapid transit or high performance transit. The purpose of the district is to bring together people, jobs, services, and public spaces and amenities in a way that allows people to safely and conveniently walk, bike, and/or take transit to meet their day-to-day housing, employment, shopping, service, and recreational needs.

The Downtown Pompano Beach Overlay district (DPOD) is established and intended to encourage an urban form that promotes transit usage and pedestrian oriented development.

5. Would result in a logical and orderly development pattern.

The result of this amendment would permit development that is consistent with the transit-oriented development pattern and the building form and height permitted today, while also proposing text which is actually more prescriptive in regard to building length and tower placement. The text proposed will incentivize development to provide a better public realm and enable the promised building form and height to be delivered by the private sector.

6. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

The area affected by this amendment is in the heart of the old Downtown of Pompano Beach, which was previously developed and is already served by urban services. No environmentally sensitive lands are present and the existing infrastructure systems will be utilized to serve the area and mitigate any impacts associated with that development.

Allowing the heights promised in a form-based code to be delivered by removing density restrictions that make those building heights impossible is one of the best ways to reduce the environmental impacts noted above. Density is a tool, arguably the most powerful one controlled by a municipality, to create a more sustainable city while at the same time helping to preserve undeveloped agricultural and conservation lands and open space both within and beyond a City's borders. Furthermore, strategic densification offers positive benefits far beyond an individual metropolitan area. Given the continued growth in world population in general and the continued migration of people to South Florida specifically, the densification of all urban settlements, when done properly, can play a critical role in improving the health of the planet as a whole.

# Exhibit B

## Supplemental Information submitted for DRC review

**Staff Comments in Bold.**

The below are excerpts from the City of Miami, Fort Lauderdale, and West Palm Beach. You will see that in those cities the dwelling unit size minimums are lower and less restrictive.

Density is either unlimited or higher than what can be attained within our DPOD. Reducing the unit size and density restrictions is also in line with our goal of providing a greater diversity of housing stock and an affordable market rate for our residents and attracting more young people to our downtown. A 2014 report by the Urban Land Institute concludes that “municipalities can facilitate more efficient development time frames and reduce costs by enabling more by-right development. This can be accomplished by relaxing restrictions related to density, building height, unit size, and parking minimums, thereby freeing developers from the need to seek waivers, variances, or rezoning.” This report is also cited by a September 2016 Housing Development Toolkit white paper released by the White House encouraging municipalities to address barriers that may reduce the ability of housing markets to respond to growing demands.

**Karen's initial comments:**

- 1. Do you have any research you used to prepare the recommended unit sizes? If yes, please forward to me.**

City Of Miami- The City of Miami provides minimum unit sizes smaller than what is being proposed for the DPOD.

Sec. 909. - Minimum dwelling unit size.

As defined by this ordinance, and except for purposes of federally subsidized housing, minimum dwelling unit size shall be as follows: efficiency—four hundred (400) square feet; one-bedroom—five hundred fifty (550) square feet; two-bedroom—six hundred fifty (650) square feet.

Fort Lauderdale/West Palm Beach- The City of Fort Lauderdale and West Palm Beach have similar standards that require minimums that are confusing and if built to this standard, are smaller than or similar to what is being proposed for the DPOD. The dwelling unit space is not calculated to include common elements like bathrooms, closets, and corridors.

**Definition:**

Habitable room - A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes The term shall not include kitchenettes and efficiency kitchens which have a floor area of less than sixty (60) square feet, bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets, and storage spaces.

Fort Lauderdale:

Article IV – Minimum Housing Code

Sec. 9-277. - Space requirements.

- a) No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein or any hotel, hotel unit, rooming house or rooming unit for the purpose of living or sleeping therein which does not comply with the requirements of this section.
- b) Each dwelling and each dwelling unit shall have a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant and not less than one hundred (100) square feet for each additional occupant.
- c) Every room in a dwelling, dwelling unit, hotel or rooming house occupied for sleeping purposes shall:
  - 1. Have a gross floor area of not less than seventy (70) square feet and, when occupied by more than one (1) occupant it shall have a gross floor area of not less than fifty (50) square feet for each occupant.
  - 2. Have a minimum width of eight (8) feet.
- d) Gross floor area shall be calculated on the basis of total habitable room area, and those exclusions appearing in the definition of habitable room shall not be considered in the calculation of such floor areas.
- e) Every habitable room in a dwelling, dwelling unit, hotel and rooming house shall have a ceiling height of not less than seven (7) feet for at least one-half the floor area of the room. Any portion of a habitable room having a ceiling height of five (5) feet or less shall not be included in computing the total floor area of such room.

West Palm Beach:

Article IV- Housing Code

Sec. 18-99. - Space requirements.

3. Size of dwelling unit. The total of all habitable rooms in a dwelling unit should be such as to provide at least 150 square feet of floor area for the first occupant thereof and at least 100 additional square feet of floor area per additional occupant. No dwelling containing two or more sleeping rooms shall be arranged so that access to a bathroom, shower room or water closet compartment intended for use by the occupants of more than one sleeping room can be achieved only by going through another sleeping room or outside the structure, nor shall room arrangements be such that access to a sleeping room can only be achieved through another sleeping room, bathroom, shower room or water closet compartment.

**2. Do you have an estimate of the additional number of units that can be attained if the Core can go to Building Envelope? Such as an increase in 50% of density?**

The CRA has not conducted a parcel by parcel analysis to determine the additional number of units and much of this would be dependent on the lot assemblages the developer is able to acquire. The district is still limited by the maximum entitlements permitted in the Comprehensive Plan. The CRA studied one site that is 1.74 acres and permitted up to 80 units per acre (roughly 139 units). This same site would now accommodate 257 units or an increase of

**DRC**

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80%. This increase is largely due to the fact that if the building were limited to 80 units per acre, it would not be able to fill the permitted building envelope of 105 feet. Limiting the density is creating scenarios where high-rise residential construction is not feasible and a low return on investment for developers.

**3. Do you have any research of other cities with no density caps (preferably other cities in South Florida)?**

The density in Downtown Fort Lauderdale is capped by the basket of rights permitted in each district, similar to the DPOD. The basket is limited to a total number of units for the entire district and there is no prescribed density (dwelling units per acre) for each lot. The city of Miami prescribes a maximum density for each lot in the Downtown districts. The densities range between 200 to 1000 units per acre. In the downtown districts of West Palm Beach, density is not capped or prescribed. FAR is used instead. In the mixed-use districts outside of the Downtown (CMUD, BMUD, NMUD) density is capped by the basket of rights permitted in each district. The mixed-use districts of North Miami Beach are the same way.

City of Miami

All of the Urban Core Zone in the City of Miami has a density of 150 units per acre. This limited is conditional based on the district in which this zone falls. As previously stated, the exceptions for the downtown districts vary between 200 to 1000 units per acre.

Fort Lauderdale – Sec. 47-13.20.B.4.a

Density.

- a. Density within the entire Downtown RAC is limited to a total of five thousand one hundred (5,100) dwelling units. Additional dwelling units above this limit may be permitted as provided in the City of Fort Lauderdale Comprehensive Plan, as amended from time to time, as per Section 47-28, Flexibility Rules, and any other applicable provisions in the Unified Land Development Regulations. DRC review shall assure compliance with the maximum number of dwelling units permitted. The department is responsible for monitoring the availability of density. Regulations for the assignment of the five thousand one hundred (5,100) dwelling units allocated by the 1989 Comprehensive Plan are provided in this subsection a., and shall be allocated at the time of site plan approval on a first come, first served basis. Unused density shall be returned to the density pool upon expiration of approved site plans.

**Pamela's initial comments:**

**Tower Regulations (155.3708.G.1.a):**

1. **How did you arrive at the maximum square footage number for the Office or Non-Residential single tower floorplate of 45,000 square feet and for Residential, Mixed-Use, Hotel single tower floorplate of 32,500 square feet?**

We started by looking at other cities like WPB and Fort Lauderdale as examples. But our numbers came after testing different sites.

2. For the Tower Stepback, it says the minimum stepback for the tower shall be 10 feet from the podium along interior and *rear side* property lines only. Where it says *rear side*, do you mean *rear and side*?

This should have said interior side and rear property lines only.

Pamela's follow-up comments:

1. 155.3708.G.1.a.1. In order to thoroughly understand how the maximum square footage numbers for floorplates was determined, please provide a minimum of two detailed analyses of substantially different sites where the numbers were tested.

Diagrams attached. Let's discuss.

2. 155.3708.G.1.a.4. Is the intent of this subsection for the front of the tower to face/address the Greenway or Open Space?

Yes, clarified intent in the attached draft.

3. 155.35010J.2.a. To avoid potential confusion, can we add that the maximum dimension of a building shall be 300' at any level or story/floor, for tower, liner....

Yes, changed in the attached draft

4. 155.3501.J.2.b. Where it is stated to provide a minimum of 30' between the subject building and any subsequent building, do you mean on the adjacent lot, on the same lot, or both?

Both. Building separation between lots is maintained by setback requirements and when the building length on any particular lot is greater than 300' the minimum separation between this building and any other is 30'. The same applies to the 60' tower separation. This has been edited in the attached draft for clarity.

5. 155.3501.J.2.b. In this subsection, does the use of the word "subsequent" mean "adjacent" (following in place) or "future" (following in time)? It isn't clear, and the different meanings of the word have very different implications.

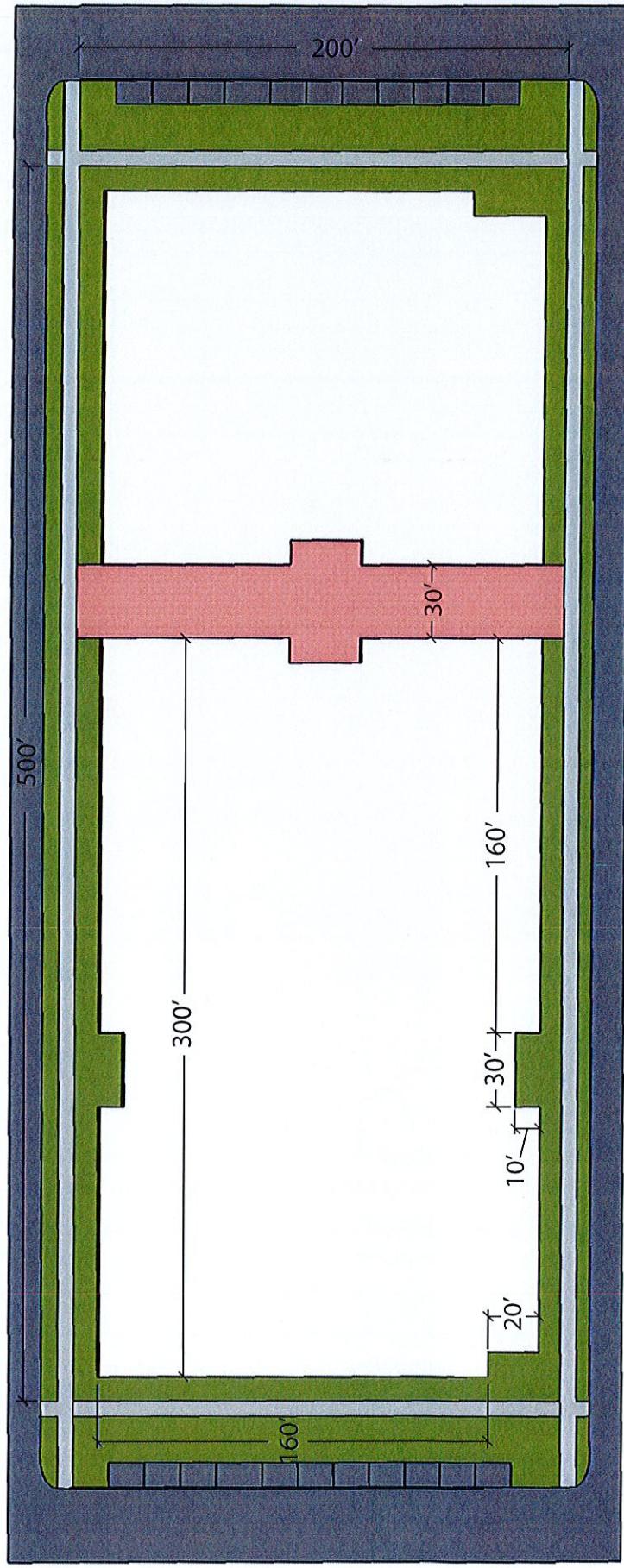
Adjacent. This has been edited in the attached draft for clarity.

6. 155.3501.J.2.c. As dimensions for a building break are provided in this subsection, please clarify the reason for the use of the word “major” when describing “a major break” at the ground level. Is there a definition for “major building break”? If not, this word should be omitted to avoid confusion.

Stated as “major” for emphasis. Has been removed to avoid confusion in the attached draft.

# Block and Building Footprint

Block Length, Building Length, Building Separation, Forecourt



# Single Tower Scenarios

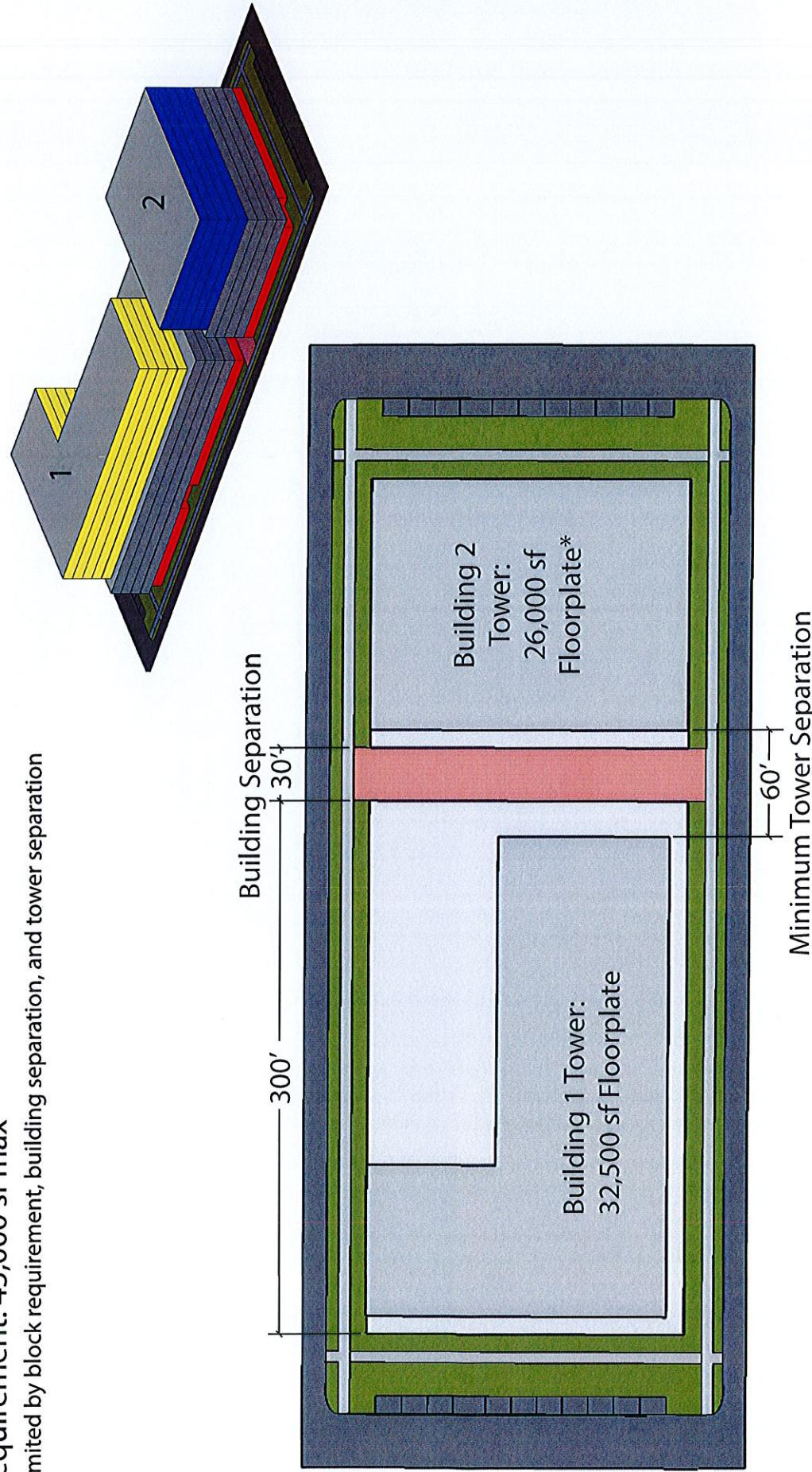
Building 1: Mixed Use Residential

Requirement: 32,500 sf Maximum Floorplate

Building 2: Office

Requirement: 45,000 sf max

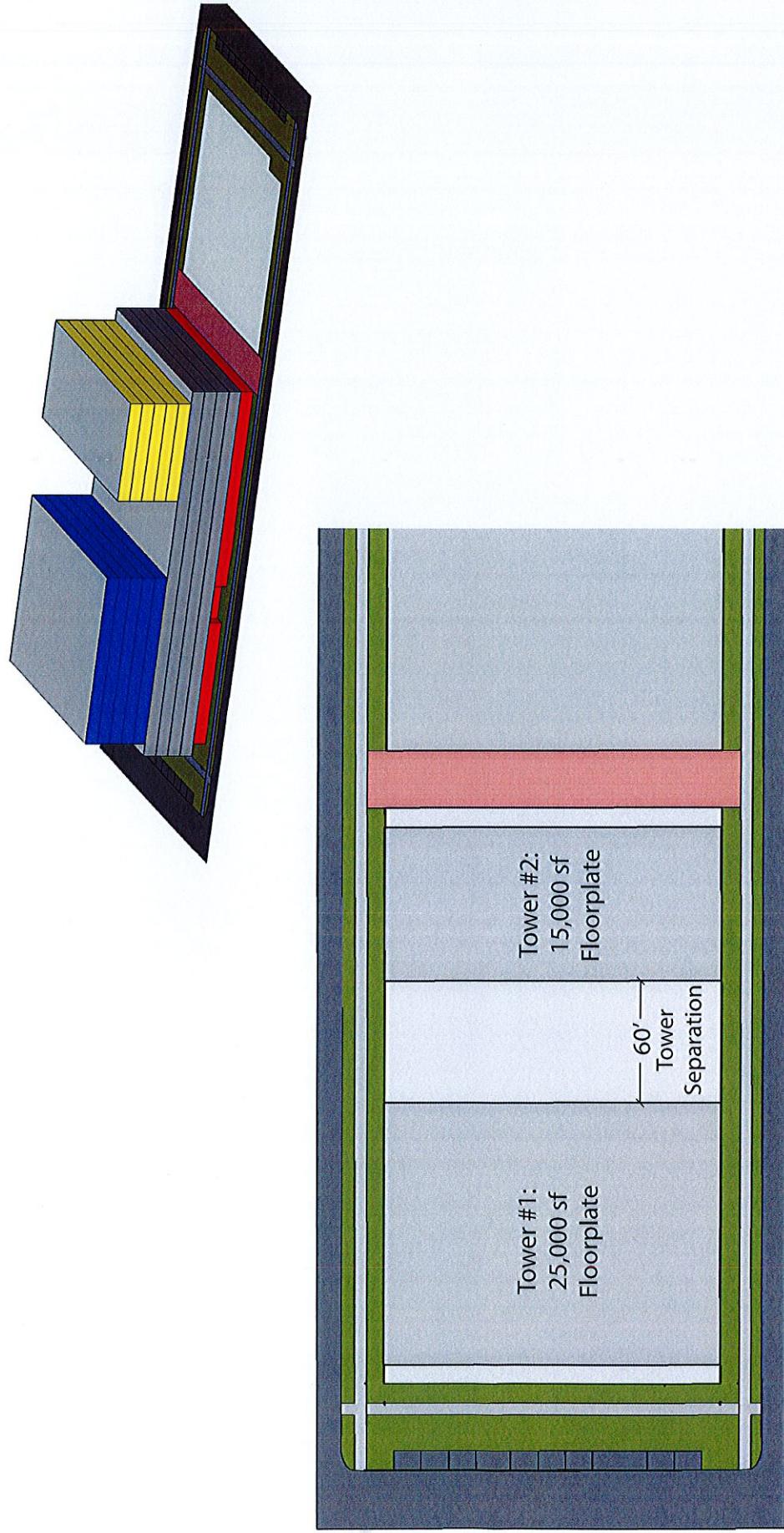
\*limited by block requirement, building separation, and tower separation



## Two Tower Scenario

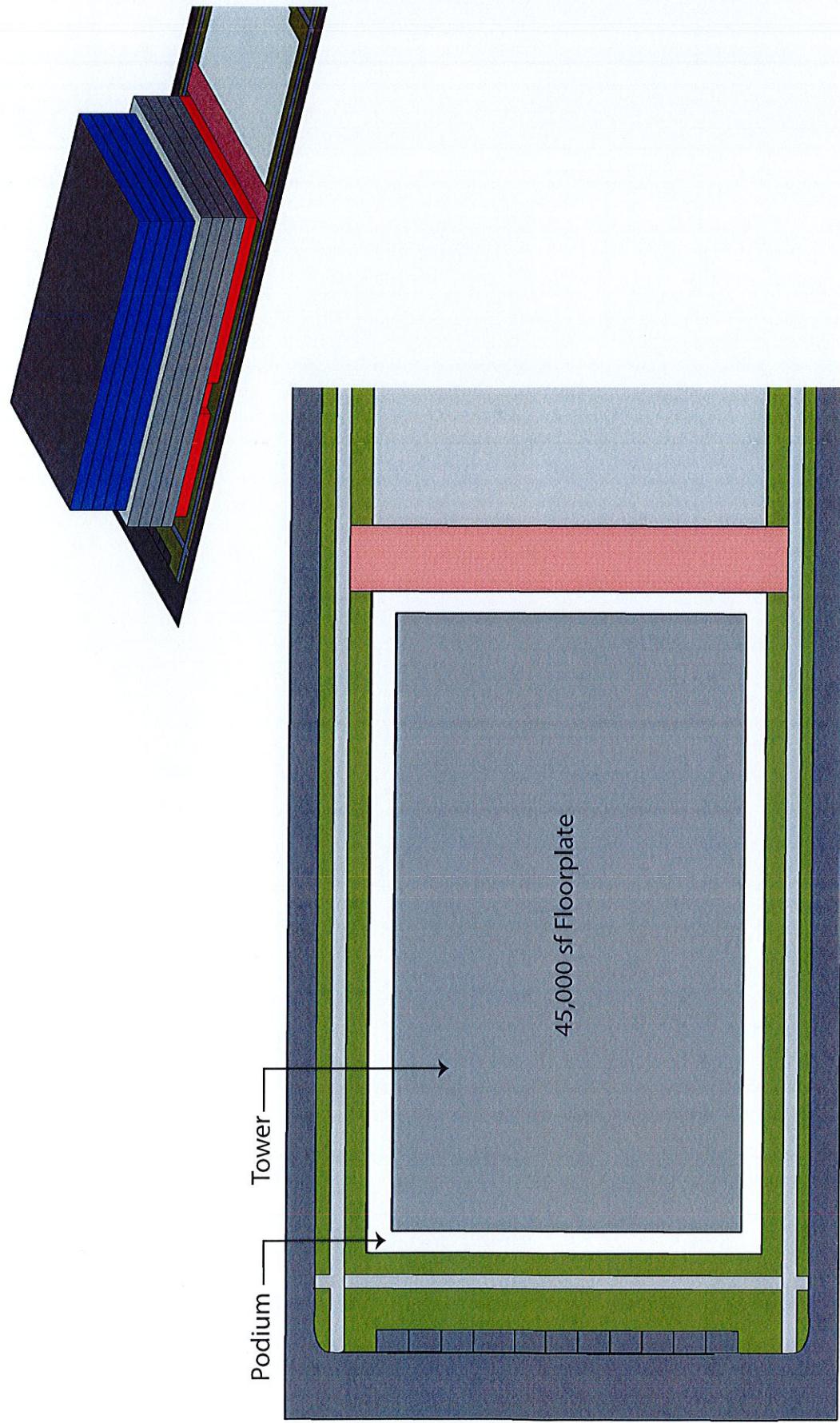
Building 1: Mixed Use/Residential

Requirement: Average of 20,000 sf maximum floorplate size



# Single Tower Office/Non-Residential

Requirement: 45,000 sf Maximum Floorplate



# Exhibit C

## Responses to the DRC Comments

## Planning and Zoning DPOD Density and Building Standards Text Amendment Comments/Responses

### General Response:

The intent of the text amendments to the DPOD is to encourage redevelopment in the Downtown. The Downtown is located in the NWCRA, which is an area that has been recognized as having slum and blight due to years of neglect and lack of development interest. Although land costs are lower in this part of the City, we have seen over and over that it takes much more than cheap or free land to entice development here. For this reason, the CRA has invested heavily over the past several years in infrastructure improvements, business attraction, cultural facilities and programing, branding etc. The CRA's goal is to attract private investment in the Downtown.

The intent of removing the overall density cap for the parcels within the Core sub-area is to make mixed-use development in the Downtown feasible for developers. Strengthening the core will have a profound effect in the redevelopment of the edges of the Downtown and the future Innovation District, which is expected to bring hundreds of jobs to the City. The vision for the redevelopment of the Downtown is to create a place where people can work, live and play in a pedestrian friendly and urban environment. In order to create a more urban environment that has less of an impact on our environment, we need to encourage mixed-use buildings with structured parking. In order to create a more walkable Downtown we need to ensure the ground floor is properly lined with habitable space (primarily commercial in Downtown) to help activate the streets. Commercial space and parking are the two most costly and difficult elements to achieve. Downtowns need the residents living in them to support the businesses. Capping the density in the Core sub-area limits how much commercial space we can build on the ground floor. Structured parking only makes sense if there is enough of a return to offset the cost.

Eliminating the density cap does not mean there is unlimited density. The Comprehensive Master Plan currently limits the total number of dwellings that can be built in the Downtown, which is 1,368 units (of which 989 can be multifamily). The proposed text amendments do not propose to increase the number of units in the Downtown, as that can only be done through a land use amendment. In addition, the proposed text amendments do not change the currently permitted maximum building heights. In exchange for removing the density cap, the proposed text amendments include additional requirements to control the building mass. Restricting the building mass is a more effective way to control density and results in a more predictable building pattern. The proposed text amendments include standards for maximum building length and floorplate size.

There are many local cities, similar in size and character, that do not have density caps and utilize building mass standards to control density while encouraging redevelopment.

### **Review for consistency with City's Comprehensive Plan**

1. The requested text amendments include a revision to §155.3708.F.1 which would eliminate the maximum density cap on properties located within the Core area. The Core is approximately 105 acres. Applicant shall provide an analysis of the impacts which could result from the proposal,

including impacts to open space, traffic, and negative impacts to adjacent single family neighborhoods.

Open Space:

The Downtown Master Plan was designed around the principles of good urban design. The Plan is organized around a system of interconnected streets, open spaces and greenways. Currently, the code requires the development of new public open spaces as new development comes in. Because the proposed text amendments do not increase the number of units in the Downtown, which is also capped by the Comp Plan, there is no impact to open space.

Traffic:

Because the proposed text amendments do not increase the number of units in the Downtown, which is also capped by the Comp Plan, there is no impact to traffic.

Single-family neighborhood:

The single-family neighborhoods are located in the Edge sub-area of the Downtown, which is separated and buffered by the Center sub-area. Because there is no impact to traffic, there will be no impact to the single-family neighborhoods.

2. The applicant shall provide the following information in order to demonstrate the proposed revision to §155.3708.F.1 (elimination of the maximum density cap) is consistent with the Comprehensive Plan:
  - a. An estimate of the additional number of dwelling units that can be attained if the requested text amendment removing the density cap is approved

The Comprehensive Master Plan currently limits the total number of dwellings that can be built in the Downtown, which is 1,368 units (of which 989 can be multifamily). The proposed text amendments do not increase the number of units permitted in the basket of rights for the Downtown, as that can only be done through a land use amendment. Therefore, there are no additional number of units that can be attained for the District.

The additional number of units that can be attained on a particular site is dependent on the lot assemblages a developer is able to acquire. The CRA studied one site that is approximately 1.74 acres in size. This site is currently permitted a maximum density of 80 units per acre and a maximum height of 105 feet (10 stories) by right, which will yield approximately 139 units (6 stories). Without the density cap, the site could accommodate 257 units in 10 stories, which is an increase of 80%. What this means is that the current density cap of 80 units per acre is not comparable with the maximum building height of 105 feet (10 stories). Capping the density is creating scenarios where high-rise residential construction is not feasible and results in a low return on investment for developers.

- b. Research from other cities with no density caps (including cities in South Florida).

The density in Downtown Fort Lauderdale is capped by the basket of rights permitted in each district, similar to the DPOD. The basket is limited to a total number of units for the entire district and there is no prescribed density (dwelling units per acre) for each lot. The city of Miami prescribes a maximum density for each lot in the Downtown districts. The densities range between 200 to 1000 units per acre. In the downtown of West Palm Beach, density is not capped or prescribed. FAR is used instead. In the mixed-use districts outside of the Downtown (CMUD, BMUD, NMUD) density is capped by the basket of rights permitted in each district. The mixed-use districts of North Miami Beach are the same way.

- c. Additional information as to estimated population increases and the potential impacts on open space, traffic, and negative impacts to single family neighborhoods

Please see answer to comment number 1 above.

3. The applicant is recommended to hold Neighborhood Meetings with the Old Pompano Civic Association and the NW CRA Advisory Board prior to placement on the Planning and Zoning board Agenda hearing.

The CRA will provide an update to the NWCRA Advisory Board in January.

4. The applicant shall demonstrate how the proposed revision to §155.3708.F.1 (elimination of the maximum density cap) will not unintendedly decrease redevelopment potential of those properties located outside of the Core.

The intent of removing the overall density cap for the parcels within the Core sub-area is to make mixed-use development in the Downtown feasible for developers. Strengthening the core will have a profound effect in the redevelopment of the edges of the Downtown and the future Innovation District, which is expected to bring hundreds of jobs to the City.

5. The proposed revision to §155.3708.F.1 (elimination of the maximum density cap) does not require any additional sustainability provisions and therefore does not address the environmental impacts of increased intensity of the area.

Because the proposed text amendments do not increase the number of units in the Downtown, which is also capped by the Comp Plan, there is no impact to the environment. Buildings with structured parking are more sustainable and better for the environment than buildings with surface parking lots.

#### **Review for consistency with 2011 ULI TAP Report for the NWCRA**

1. The proposed revision to §155.3708.F.1 (elimination of the maximum density cap) is inconsistent with the recommendation for medium to high density in the area adjacent to Hammondville Road/MLK Boulevard. The proposed elimination of maximum density for the entire "Core" area would impact 105 acres and therefore appears to exceed to locations identified in the report as ideally suited for higher density.

The CRA disagrees that this is in conflict. The DPOD was established as a transit-oriented district which is meant to support high density around transit.

**Review for consistency with City's Zoning Code**

1. The proposed application, and in particular revision to §155.3708.F.1 (elimination of the maximum density cap), conflicts with the following Code provisions:

**§155.1103. GENERAL PURPOSE AND INTENT**

The general purpose of this Code is to promote the public health, safety, and general welfare, and to implement the goals, objectives, and policies of the City of Pompano Beach Comprehensive Plan. More specifically, this Code is intended to do the following, consistent with the goals and policies of the comprehensive plan:

- C. Deal effectively with future problems that may result from the use and development of land;
- F. Maintain and protect the character and stability of the community and its established neighborhoods.

The applicant shall address how the City can effectively eliminate or decrease the potential of the two following future issues: (#1) the potential for the revision to §155.3708.F.1 (elimination of the maximum density cap) to unintendedly decrease the desire to redevelop parcels located outside of the Core and (#2) the likelihood that other areas of the City and/or property owners in the City will request similar density provisions.

The answer to comment (#1) is the same as the answer to comment 1 above. The City controls where they permit similar density provisions. The Downtown and the East Transit Oriented Corridor are the two areas most suitable for these density provisions as they are both along transit corridors and within CRAs.

The applicant shall address how the character and stability of the established single family neighborhoods located within and immediately adjacent to the boundaries of the DPTOC Land Use will be maintained and protected.

The proposed text amendments are within the Core sub-area and do not affect the single-family neighborhoods, which are in the Edge sub-area.

2. The applicant shall address how the proposed revision to §155.3501.J.4 (decrease in minimum unit sizes) is required by changed conditions. On March 24, 2015, per Ordinance 2015-40, the minimum unit sizes were increased from a minimum unit size of 500 sq ft for efficiencies and 650 ft + 100 per bedroom for all other units. The rationale for the 2015 increase, originally provided by CRA Staff, was to encourage properties with more amenities and increase a mix of dwelling unit sizes. The proposed application's recommended decrease in unit sizes would result in unit sizes that are even smaller than those that existed prior to the 2015 code change. The

applicant shall address the 2015 rationale and specifically how the requested reduction in unit sizes will encourage properties with more amenities and increase a mix of dwelling unit sizes.

As the real estate market rebounded from the recession, the type of residential development that was financed in the first half of the decade and up to approximately 2015, relied on changes to the residential units that would be perceived as additional value, enabling lenders to fund and finance residential development. This, however, is a burden on the cost side of development and, although zoning amendments should not directly follow real estate market fluctuations, the great recession presented unprecedented circumstances.

In order to take advantage of the limited amount of development parcels available for residential use, the CRA believes that maximizing density on these limited parcels is important enough to warrant an adjustment, yet again, in unit size.

3. The applicant shall demonstrate how the proposed revisions to §155.3708.F.1 and §155.3501.J.4 address a demonstrated community need. This could be demonstrated by the feedback received from the community via Neighborhood Meetings with the Old Pompano Civic Association and the NW CRA Advisory Board.

The community has expressed on numerous occasions the need for additional employment opportunities and the stabilization of their Downtown. The proposed amendments will encourage redevelopment in the Downtown by bringing more businesses, jobs and housing.

4. The applicant shall demonstrate how the request to lift the density cap would improve compatibility among uses and/or would result in a logical and orderly development pattern.

The proposed text amendments do not change the currently permitted maximum building heights, therefore it is not creating compatibility issues. In exchange for removing the density cap, the proposed text amendments include additional requirements to control the building mass. Restricting the building mass is a more effective way to control density and results in a more predictable building pattern. The proposed text amendments include standards for maximum building length and floorplate size to ensure compatibility with adjacent uses. Please see below examples.

5. The following technical comments for the proposed revisions to 155.3708.8. 1 are offered:
  - a. 155.3708.G.1.a.1. In order to thoroughly understand how the maximum square footage numbers for floorplates was determined, applicant must provide a minimum of two detailed analyses of substantially different sites where the numbers were tested.

Floorplate diagrams were approved by Pamela Stanton as addressing this concern. They are also uploaded.

- b. 155.3708.G.1.a.4. Applicant must confirm if the intent of this subsection for the front of the tower to face/address the Greenway or Open Space?

This was clarified in the code language as submitted 12/16/2016.

- c. 155.3501.OJ.2.a. To avoid potential confusion, applicant should consider adding that the maximum dimension of a building shall be 300' at any level or story/floor, for tower, liner....

This was clarified in the code language as submitted 12/16/2016.

- d. 155.3501.J.2.b. Applicant must confirm the following if the following is meant for the adjacent lot, same lot, or both: Where it is stated to provide a minimum of 30' between the subject building and any subsequent building

Both. Building separation between lots is maintained by setback requirements and when the building length on any particular lot is greater than 300' the minimum separation between this building and any other is 30'. The same applies to the 60' tower separation. This has been edited in the latest uploaded version for clarity.

- e. 155.3501.J.2.b. Applicant must confirm if the use of the word "subsequent" means "adjacent" (following in place) or "future" (following in time)

This was clarified in the code language as submitted 12/16/2016.

- f. 155.3501.J.2.c. Applicant must confirm the intent of the use of the word "major" when describing "a major break" at the ground level. Is there a definition for "major building break"? If not, this word should be omitted to avoid confusion.

Stated as "major" for emphasis. Has been removed to avoid confusion in the latest uploaded version.

# Exhibit D

## Email from Pamela Stanton regarding prior comments

## Karen Friedman

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**From:** Pamela Stanton  
**Sent:** Monday, January 23, 2017 4:10 PM  
**To:** Karen Friedman  
**Subject:** RE: Comments for a proposed text amendment to DPOD  
**Attachments:** DPOD Amendment

Karen-

I received a reply from the CRA addressing the comments I sent you in December 2016, and I have found that the comments have been sufficiently addressed. The CRA's email is attached for your quick reference.



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**From:** Karen Friedman  
**Sent:** Monday, January 23, 2017 4:02 PM  
**To:** Pamela Stanton <Pamela.Stanton@copbfl.com>  
**Subject:** FW: Comments for a proposed text amendment to DPOD



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**From:** Pamela Stanton  
**Sent:** Tuesday, December 6, 2016 2:27 PM  
**To:** Karen Friedman <[Karen.Friedman@copbfl.com](mailto:Karen.Friedman@copbfl.com)>  
**Subject:** RE: Comments for a proposed text amendment to DPOD

Karen-

I have the following comments, inquiries:

1. 155.3708.G.1.a.1. In order to thoroughly understand how the maximum square footage numbers for floorplates was determined, please provide a minimum of two detailed analyses of substantially different sites where the numbers were tested.
2. 155.3708.G.1.a.4. Is the intent of this subsection for the front of the tower to face/address the Greenway or Open Space?

3. 155.35010J.2.a. To avoid potential confusion, can we add that the maximum dimension of a building shall be 300' at any level or story/floor, for tower, liner....
4. 155.3501.J.2.b. Where it is stated to provide a minimum of 30' between the subject building and any subsequent building, do you mean on the adjacent lot, on the same lot, or both?
5. 155.3501.J.2.b. In this subsection, does the use of the word "subsequent" mean "adjacent" (following in place) or "future" (following in time)? It isn't clear, and the different meanings of the word have very different implications.
6. 155.3501.J.2.c. As dimensions for a building break are provided in this subsection, please clarify the reason for the use of the word "major" when describing "a major break" at the ground level. Is there a definition for "major building break"? If not, this word should be omitted to avoid confusion.
7. Please see attached WORD document for recommended changes to sentence structure, grammar and punctuation in green.



**From:** Karen Friedman  
**Sent:** Thursday, December 1, 2016 1:46 PM  
**To:** Pamela Stanton <[Pamela.Stanton@copbfl.com](mailto:Pamela.Stanton@copbfl.com)>  
**Subject:** Comments for a proposed text amendment to DPOD

Pam –

The CRA has applied for a text amendment to the DPOD. I am providing comments on the issues related to density and unit size.

Can you review and advise any comments on the items related to the Tower Changes and the other building Design changes ( I highlighted in blue). As you will notice, the proposed revisions are consistent with the text recommended for the ETOC.

It is scheduled for the 12/21/2016 DRC. But if you could have your comments to me by the end of next week?

Thank you,

