



DEVELOPMENT APPLICATION FORM

Application Form: All Applications | Rev. 03/10/2022

INSTRUCTIONS: The following information is required pursuant to the City's Unified Land Development Regulations (ULDR). The development application form must be filled out accurately and all applicable sections must be completed. Only completed sections indicated for application type with N/A for those section items not applicable. Refer to "Specifications for Plan Submittal" by application type for information requirements for submittal. Select the application type and approval level in **SECTION A** and complete the sections specified.

A APPLICATION TYPE AND APPROVAL LEVEL Select the application type from the list below and check the applicable type.

| | | | |
|--|---|--|--|
| <input type="checkbox"/> LEVEL I ADMINISTRATIVE REVIEW COMMITTEE (ADMIN) <ul style="list-style-type: none"> - New nonresidential less than 5000 square feet - Change of use (same impact or less than existing use) - Plat note/Nonvehicular access line amendment - Administrative site plan - Amendment to site plan* - Property and right-of-way applications (MOTs, construction staging) - Parking Agreements (separate from site plans) COMPLETE SECTIONS B, C, D, G | <input type="checkbox"/> LEVEL II DEVELOPMENT REVIEW COMMITTEE (DRC) <ul style="list-style-type: none"> - New Nonresidential 5,000 square feet or greater - Residential 5 units or more - Nonresidential use within 100 feet of residential property - Redevelopment proposals - Change in use (if great impact than existing use) - Development in Regional Activity Centers (RAC)* - Development in Uptown Project Area* - RAC signage COMPLETE SECTIONS B, C, D, E, F | <input checked="" type="checkbox"/> LEVEL III PLANNING AND ZONING BOARD (PZB) <ul style="list-style-type: none"> - Conditional Use - Parking Reduction - Flex Allocation - Cluster / Zero Lot Line - Modification of Yards* - Waterway Use - Mixed Use Development - Community Residences* - Social Service Residential Facility (SSRF) - Medical Cannabis Dispensing Facility* - Community Business District for uses greater than 10,000 square feet COMPLETE SECTIONS B, C, D, E, F | <input type="checkbox"/> LEVEL IV CITY COMMISSION (CC) <ul style="list-style-type: none"> - Land Use Amendment - Rezoning - Plat Approval - Public Purpose Use - Central Beach Development of Significant Impact* - Vacation of Right-of-Way City Commission Review Only (review not required by PZB) - Vacation of Easement* COMPLETE SECTIONS B, C, D, E, F |
| <input type="checkbox"/> EXTENSION <ul style="list-style-type: none"> - Request to extend approval date for a previously approved application COMPLETE SECTIONS B, C, H | <input type="checkbox"/> DEFERRAL <ul style="list-style-type: none"> - Request to defer after an application is scheduled for public hearing COMPLETE SECTIONS B, C, H | <input type="checkbox"/> APPEAL/DE NOVO <ul style="list-style-type: none"> - Appeal decision by approving body - De Novo hearing items COMPLETE SECTIONS B, C, H | <input type="checkbox"/> PROPERTY AND ROW ITEM <ul style="list-style-type: none"> - Road closures - Construction staging plan - Revocable licenses COMPLETE SECTIONS B, C, E |

*Application is subject to specific review and approval process. Levels III and IV are reviewed by Development Review Committee unless otherwise noted.

B APPLICANT INFORMATION If applicant is the business operator, complete the agent column and provide property owner authorization.

| | | | |
|---------------------------------|--|-----------------------------|--|
| Applicant/Property Owner | Ocean Harbor Properties, LLC | Authorized Agent | Stephanie J. Toothaker, Esa. |
| Address | 1000 Brickell Avenue, Suite 300 | Address | 501 SW 2nd Avenue, Suite 1 |
| City, State, Zip | Miami, FL 33131 | City, State, Zip | Fort Lauderdale, FL 33301 |
| Phone | Agent: 954.648.9376 | Phone | 954.648.9376 |
| Email | Agent: stephanie@toothaker.ora | Email | cc: estefania@toothaker.ora |
| Proof of Ownership | Warrentv Deed | Authorization Letter | Letter Attached |
| Applicant Signature: |  Digitally signed by Stephanie J. Toothaker Date: 2023.10.30 22:55:45 -04'00' | Agent Signature: |  Digitally signed by Stephanie J. Toothaker Date: 2023.10.30 22:55:37 -04'00' |

C PARCEL INFORMATION

| | |
|----------------------------------|-------------------------------|
| Address/General Location | 3013 and 3019 Harbor Drive |
| Folio Number(s) | 504212240070 and 504212NS0000 |
| Legal Description (Brief) | See survey |
| City Commission District | District 4 - Warren Sturman |
| Civic Association | Harbor Drive |

D LAND USE INFORMATION

| | |
|---|------------------|
| Existing Use | Multifamily |
| Land Use | Residential Hiah |
| Zoning | RMH-60 |
| Proposed <small>Applications requesting land use amendments and rezonings.</small> | |
| Proposed Land Use | Residential Hiah |
| Proposed Zoning | RMH-60 |

E PROJECT INFORMATION Provide project information. Circle yes or no where noted. If item is not applicable, indicate N/A.

| | | | |
|--|---|--|-----|
| Project Name | Ocean Harbor | | |
| Project Description <small>(Describe in detail)</small> | Site Plan Level III: Conditional Use for Increased Building Height Exceeding 120 Feet east of Intracoastal Waterway, Waterway Use, and Yard Modification for 36 Multifamily Residential Units | | |
| Estimated Project Cost | \$ | <small>(Estimated total project cost including land costs for all new development applications only)</small> | |
| Waterway Use | Yes | Traffic Study Required | No |
| Flex Units Request | No | Parking Reduction | No |
| Commercial Flex Acreage | No | Public Participation | Yes |
| Residential Uses | | Non-Residential Uses | |
| Single Family | | Commercial | |
| Townhouses | | Restaurant | |
| Multifamily | 36 units | Office | |
| Cluster/Zero Lot Line | | Industrial | |
| Other | | Other | |
| Total (dwelling units) | 36 units | Total (square feet) | N/A |



F PROJECT DIMENSIONAL STANDARDS *Indicate all required and proposed standards for the project. Circle yes or no where indicated.*

| | Required Per ULDR | Proposed |
|--|---|---|
| Lot Size (Square feet/acres) | Min. 5,000 SF | 33,062 SF (0.759 net acres) |
| Lot Density (Units/acres) | Max. 48 du/net acre | 36 units (47 du/net acre) |
| Lot Width | Min. 50' | 200' |
| Building Height (Feet) | Max. 240' w/ conditional use approval | 240' |
| Structure Length | Max 200' or 300' subject to ULDR 47-23.13 | 160' |
| Floor Area Ratio (F.A.R) | N/A | N/A |
| Lot Coverage | N/A | 59.34% (19,617 SF) |
| Open Space | N/A | N/A |
| Landscape Area | Min. 35% lot area = 11,572 SF | 40.66% (13,445 SF) |
| Parking Spaces | 79 spaces | 104 spaces |
| SETBACKS (Indicate direction N,S,E,W) | Required Per ULDR | Proposed |
| Front [S] | 1/2 building height = 120' | Podium: 25' to PL (3' max. architectural projection); Tower: 55' from balcony to PL |
| Side [E] | 1/2 building height = 120' | Podium: 20' to PL (3' max. architectural projection); Tower: 10' from balcony to PL |
| Corner / Side [W] | 1/2 building height = 120' | Podium: 20' to PL (3' max. architectural projection); Tower: 10' from balcony to PL |
| Rear [N] | 1/2 building height = 120' | Podium: 25' to PL (3' max. architectural projection); Tower: 25' from balcony to PL |

For projects in Downtown, Northwest, South Andrews, and Uptown Master Plans to be completed in conjunction with the applicable items above.

| | Required Per ULDR | Proposed | Proposed Deviation |
|---------------------------------|-------------------|----------|--------------------|
| Tower Stepback | | | |
| Front / Primary Street [] | N/A | N/A | |
| Sides / Secondary Street [] | N/A | N/A | |
| Building Height | N/A | N/A | |
| Streetwall Length | N/A | N/A | |
| Podium Height | N/A | N/A | |
| Tower Separation | N/A | N/A | |
| Tower Floorplate (square feet) | N/A | N/A | |
| Residential Unit Size (minimum) | N/A | N/A | |

G AMENDED PROJECT INFORMATION *Provide approved and proposed amendments for project. Circle yes or no where indicated.*

| Project Name | | | |
|---|-------------------|--------------------|--------------|
| Proposed Amendment Description <i>(Describe in detail)</i> | Original Approval | Proposed Amendment | Amended Item |
| Residential Uses <i>(dwelling units)</i> | | | |
| Non-Residential Uses <i>(square feet)</i> | | | |
| Lot Size (Square feet/acres) | | | |
| Lot Density (Units/acres) | | | |
| Lot Width | | | |
| Building Height (Feet) | | | |
| Structure Length | | | |
| Floor Area Ratio (F.A.R) | | | |
| Lot Coverage | | | |
| Open Space | | | |
| Landscape Area | | | |
| Parking Spaces | | | |
| Tower Stepback | | | |
| Building Height | | | |
| Streetwall Length | | | |
| Podium Height | | | |
| Tower Separation | | | |
| Tower Floorplate (square feet) | | | |
| Residential Unit Size (minimum) | | | |
| Does this amendment require a revision to the traffic statement or traffic study completed for the project? | | | |
| Does this amendment require a revised water sewer capacity letter? | | | |

H EXTENSION, DEFERRAL, APPEAL INFORMATION *Provide information for specific request. Circle approving body and yes or no.*

| Project Name | | | |
|---|-------------------------------|--|--|
| Request Description | | | |
| EXTENSION REQUEST | DEFERRAL REQUEST | APPEAL REQUEST / DE NOVO HEARING | |
| Approving Body | Approving Body | Approving Body | |
| Original Approval Date | Scheduled Meeting Date | 30 Days from Meeting <i>(Provide Date)</i> | |
| Expiration Date <i>(Permit Submittal Deadline)</i> | Requested Deferral Date | 60 Days from Meeting <i>(Provide Date)</i> | |
| Expiration Date <i>(Permit Issuance Deadline)</i> | Previous Deferrals Granted | Appeal Request | |
| Requested Extension <i>(No more than 24 months)</i> | Justification Letter Provided | Indicate Approving Body Appealing | |
| Code Enforcement <i>(Applicant Obtain by Code Compliance Division)</i> | | De Novo Hearing Due to City Commission Call-Up | |



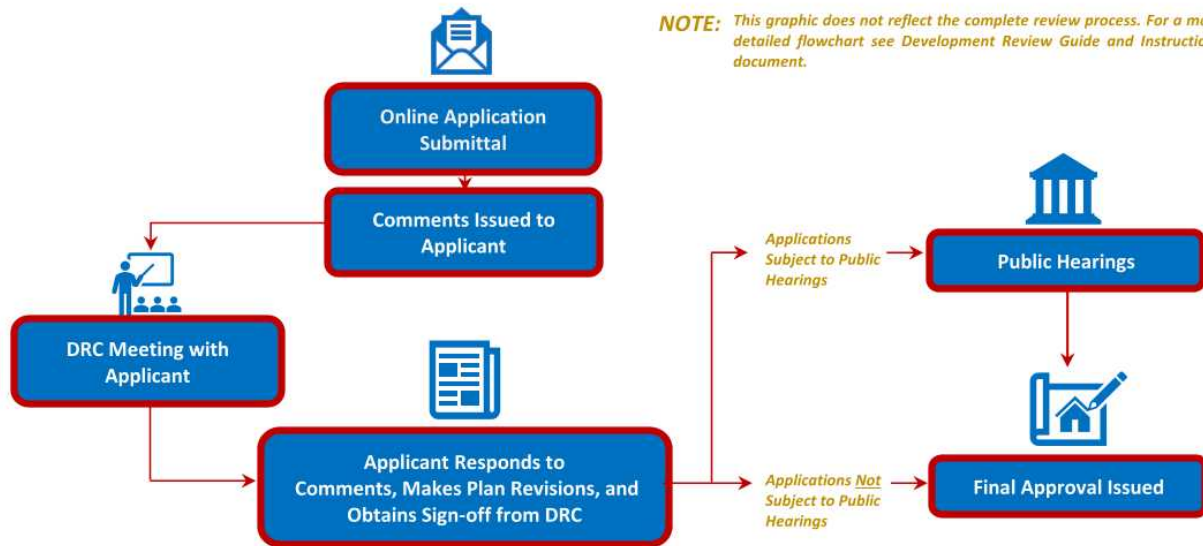
CHECKLIST FOR SUBMITTAL AND COMPLETENESS: The following checklist outlines the necessary items for submittal to ensure the application is deemed complete. Failure to provide this information will result in your application being deemed **incomplete**.

- Preliminary Development Meeting** completed on the following date: 11/22/2023 **PROVIDE DATE**
- Development Application Form** completed with the applicable information including signatures.
- Proof of Ownership** warranty deed or tax record including corporation documents and SunBiz verification name.
- Address Verification Form** applicant contact Devon Anderson at 954-828-5233 or Danderson@fortlauderdale.gov
- Project and Unified Land Development Code Narratives** project narrative and the applicable ULDR sections and criteria as described in the specifications for submittal by application type.
- Electronic Files, File Naming, and Documents** consistent with the applicable specifications for application type, consistent with the online submittal requirements including file naming convention, plan sets uploaded as single pdf.
- Traffic Methodology, Study or Statement** submittal of a traffic study or traffic statement.
- Stormwater Calculations** signed and sealed by a Florida registered professional engineer consistent with calculations as described in the specifications for plan submittal for site plan applications.
- Water and Wastewater Capacity Request** copy of email to Public Works requesting the capacity letter.

OVERVIEW FOR ONLINE SUBMITTAL REQUIREMENTS: Submittals must be conducted through the City's online citizen access portal [LauderBuild](#). No hardcopy application submittals are accepted. Below only highlights the important submittal requirements that applicants must follow to submit online and be deemed complete. View all the requirements at [LauderBuild Plan Room](#).

- **Uploading Entire Submittal** upload all documents at time the application is submitted to prevent delays in processing.
- **File Naming Convention** file names must adhere to the City's [File Naming Convention](#).
- **Reduce File Size** plan sets and other large files must be merged or flattened to reduce file size.
- **Plan Sets** plan sets like site plans, plats, etc. must be submitted as a single pdf file. Staff will instruct when otherwise.
- **Document Categories** choose the correct document category when uploading.

DRC PROCESS OVERVIEW: The entire development review process flowchart can be found in the [Development Application Guide and Instructions](#) document. Below is a quick reference flowchart with key steps in the process to guide applicants.



CONTACT INFORMATION: Questions regarding the development process or [LauderBuild](#), see contact information below.

GENERAL URBAN DESIGN AND PLANNING QUESTIONS

Planning Counter
954-828-6520, Option 4
planning@fortlauderdale.gov

LAUDERBUILD ASSISTANCE AND QUESTIONS

DSD Customer Service
954-828-6520, Option 1
lauderbuild@fortlauderdale.gov

October 5, 2023

VIA LAUDERBUILD
 DEVELOPMENT REVIEW COMMITTEE
 URBAN DESIGN & PLANNING DIVISION
 DEPARTMENT OF DEVELOPMENT SERVICES
 CITY OF FORT LAUDERDALE
 700 NW 19TH AVE
 FORT LAUDERDALE, FL 33311

**Re: Ocean Harbor - Case No. UDP-S23002
 Project & ULDR Narrative for Site Plan Level III: Conditional Use for Increased
 Building Height Exceeding 120 Feet East of Intracoastal Waterway, Waterway Use,
 and Yard Modification for 36 Multifamily Residential Units**

This firm represents Ocean Harbor Properties, LLC (“Applicant”), as owner and developer of the real property located at 3013 and 3019 Harbor Drive, Fort Lauderdale, FL 33316 (the “Property”). Applicant is requesting Site Plan Level III approval for Conditional Use for increased building height exceeding 120 feet east of the Intracoastal Waterway, Waterway Use, and Yard Modification for 36 multifamily units (“Project” or “Ocean Harbor”) in the Harbor Drive neighborhood. We hereby provide the following responses demonstrating the Project’s compliance with the Unified Land Development Regulations (“ULDR”).

1. PROJECT DESCRIPTION

Situated across from A1A between the Intracoastal Waterway and Harbor Drive, Ocean Harbor, a 20-story (240’) 36-unit luxury residential development, is defined by its potential of waterfront living.

The double-height glass façade at the ground lobby and amenity level fronting Harbor Drive and wrapping around to the waterway visually connects the interior with exterior on both sides and activates the pedestrian experience. The ground floor is further fitted with 19,617 square feet of open space with lush landscaping. The architectural treatment on podium levels 2-4 provide a sculptural, undulating movement that embodies the feeling of ocean waves and breezes while screening the 104-space parking garage. The 5th and 19th levels are activated with an amenity deck for residents.

As with the ground level, the tower architecture expresses lightness and transparency with respect to the environment. The façade, featuring extensive glazing and angled, wrap-around terraces with engineered wood soffit and glass railings, connects with the natural landscape.

The Project is of a similar scale to other existing and planned buildings in the area and is consistent with nearby residential and hotel uses. Applicant is requesting to reduce the required setbacks as described in Table 1 below. The request is based on the building scale, massing and architectural treatment of the building which are consistent with the emerging development pattern of this neighborhood.

Stephanie J. Toothaker, Esq.
 land use development political strategy procurement

Stephanie J. Toothaker, Esq., PA 954.648.9376 stephanie@toothaker.org [@stoothaker](#) [@toothakerdevelopment](#)

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 Exhibit 2
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401 E Las Olas Blvd, Suite 130-154 Fort Lauderdale, FL 33301

Table 1. Yard Modification Summary

| Required | | Proposed | |
|----------------------|--------------------------|--|---|
| | | Building Podium to PL (Levels 1-5) | Tower Balcony to PL (Levels 6-20 and roof) |
| Front (S) | ½ building height = 120' | 25' (3' max. garage screening projection) | 55' |
| Side (E) | ½ building height = 120' | 20' (3' max. garage screening projection) | 10' |
| Side (W) | ½ building height = 120' | 20' (3' max. garage screening projection) | 10' |
| Rear (N) Waterway | ½ building height = 120' | 25' (3' max. garage screening projection) | 25' |

2. UNIFIED LAND DEVELOPMENT REGULATIONS ANALYSIS

Provided below is a point-by-point analysis the ULDR criteria applicable to the Project:

- ULDR Section 47-23.8, Waterway Use;**
- ULDR Section 47-23.11, Modification of Required Yards;**
- ULDR Section 47-24.3, Conditional Use Permit Requirements;**
- ULDR Section 47-25.2, Adequacy Requirements; and**
- ULDR Section 47-25.3, Neighborhood Compatibility Requirements**

Sec. 47-23.8. Waterway use

B. For purposes of this Section 47-23.8, "on a waterway" means a development site which abuts a waterway. This section shall not apply to development within the downtown RAC, except for development within the RAC-RPO district, and shall not apply to the central beach area districts. Any proposed nonresidential or multifamily use on a waterway shall require a site plan level III development permit, as provided in Section 47-24, Development Permits and Procedures. The application shall include all elevations visible from the waterfront. A use on a waterway shall, in addition to all other requirements of the ULDR, meet the requirements as follows:

1. A twenty-foot landscaped yard is required adjacent to the existing bulkhead line. The required twenty-foot yard shall not be used or developed for any purpose other than landscaping and the minimum amount of driveways or walkways reasonably necessary to serve permitted nonresidential or multifamily waterfront uses, unless specifically approved by the planning and zoning board. The twenty-foot yard shall not apply to marinas or yacht clubs.

RESPONSE: The Applicant is providing a 25' wide rear yard setback at the ground level, with a landscaped pedestrian pathway and dock adjacent to the bulkhead line. The required rear yard for waterway uses is 20'; therefore, the proposed setback exceeds the requirement by 5' with a garage screening element projection only between the 2nd – 5th floors less than 3' as permitted under ULDR Section 47-19.2, Accessory Buildings, Structures, and Equipment, General. Applicant is requesting to accommodate walkways along the landscape area necessary to serve the permitted multifamily use.

3. Review of Neighborhood Compatibility, Scale, Bulk and Mass, as provided in Section 47-25.3.A.3.e.i.

RESPONSE: Refer to point-by-point analysis provided herein.

Sec. 47-23.11. Modification of Required Yards

- A. **Criteria for modification of required yards.** The planning and zoning board shall upon written application for site plan level III approval, as provided in Section 47-24.2, Development Permits and Procedures, consider a request to modify the required yards as specified in the Table of Dimensional Regulations within the RMM-25, RMH-25 and RMH-60 residential zoning districts, and may change such minimum yard requirements, provided, however, that the following additional criteria for such approval are met:

1. By adjusting the location of the structure on the site, an architectural and/or engineering study can graphically prove that a superior site development as relating to shadows will result from such adjustment; or

RESPONSE: The Applicant provided a shadow study (Sheet A5.00), showing the shadowing effect on the surrounding properties, based on the Spring Equinox and Winter Solstice.

2. By adjusting the location of the structure on the site when the site abuts the Intracoastal Waterway or other permanent public open space, land or water and it is found that allowing a reduction is compatible with adjacent properties, as defined in this section; or

RESPONSE: The Applicant has requested a yard modification due to site constraints and to provide wide, undulating balconies for both practicality and as an attractive architectural feature that adds visual interest to the building.

The property is 200 feet in width. The ground level provides side yard setbacks of 20' to the west and east which continues up to the 5th floor, with garage screening elements that project a maximum of 3' into these side yard setbacks. The tower levels between the 6th floor up to the roof level provide 20' side yard setbacks measured from the tower face to property line while wide wrap-around balconies project to provide 10' side yard setbacks as measured from the tower balcony to property line.

The rear ground and tower setback is 25', with a maximum podium garage screening projection of less than 3'.

The front setback is 25' at the podium level, with a maximum podium garage screening projection of 3', and the setback significantly increases from the 6th level upward due to the stepped back location of the tower at approximately 55' from tower balcony to property line.

The wide, undulating balconies are not only practical to provide residents with more outdoor living space but also create a dynamic façade that adds depth and character to the building.

3. By adjustment of yards it is found that:

- a. There is continuity of yards between the proposed development and adjacent properties; and

RESPONSE: The modified yards would be consistent with the yards of surrounding properties which have similarly requested and been approved for reduced yards due to lot size.

- b. There is continuity of architectural features with adjacent properties which encourages public pedestrian interaction between the proposed development and the public street; or instead of subsections A.3.a and b, it is found that;

RESPONSE: The architectural features provide significant ground floor transparency and glazing, shading devices, waterway activation, and public realm improvements, such as landscaping and sidewalks, offering connectivity from the site to the public realm. The proposed project will improve the streetscape by replacing the existing sidewalk, adding a landscape buffer, and street trees, enhancing the pedestrian experience and offering a new sidewalk connection which encourages public pedestrian interaction between the proposed development and the public street.

- c. There is continuity of architectural features with adjacent properties. Architectural features include but are not limited to those listed in subsection A.3.e; and

RESPONSE: The development provides architectural features found in subsection A.3.e, providing oversized balconies, large windows, and a variety of materials that offer visual interest along the waterway and street frontages. Building podium and tower materials include glass, louver system, planters, and engineered wood. The contemporary features of the building are in alignment with existing and recently approved projects such as Bahia Cabana Hotel and Bahia Cabana Apartments. The landscaping, balconies, and active first floor frontage are in alignment with the character of existing adjacent properties.

- d. There is continuity of urban scale with adjacent properties. Urban scale includes height, proximity to street front and relationship of building size to the lot size;

RESPONSE: Surrounding buildings range from two-story residential structures to residential high-rise towers, and hotels. Seabreeze Boulevard (A1A) is located east of the site, containing a mixture of commercial hotels and residential units ranging in height from three to twelve stories. Abutting and nearby properties have an underlying land use of High Residential, and RMH-60 zoning that permits heights up to 120 feet, or 240 feet through a conditional use request. Approved projects along Harbor Drive include the Bahia Cabana Hotel at 3001 and 3007 Harbor Drive, containing 124 hotel units and 6 multifamily units at a height of 150 feet, Bahia Cabana Apartments at 3018 Harbor Drive, containing 37 multifamily units at a height of 120 feet.

- e. In addition to the reduction in minimum yards meeting subsections A.3.a and b or subsections A.3.c and d, the development includes a minimum of four (4) of the following architectural features: Terracing; variation in rooflines; cantilevering; angling; balconies; arcades; uniform cornice heights; color and material banding; building mass changes; courtyards; plazas and landscaped areas which encourage pedestrian interaction between the development site and a public street.

RESPONSE: As outlined in Subsection c and d, above, the building design provides architectural variation, integrating balconies along all frontages, recessions along the northern façade, with emphasis placed on diverse materials throughout the building, including high levels of fenestration and quality materials.

- 4. In addition to subsection A.1, 2, or 3 the following shall be met:
 - a. The applicable minimums pertaining to all other zoning requirements applicable to the development are met.

RESPONSE: Project complies. All other minimum zoning requirements are met.

- b. A structure with a required yard proposed to be modified that is located on a development site abutting or separated only by a right-of-way from the Intracoastal Waterway or other permanent public open space, land or water shall not cast a shadow that exceeds fifty percent (50%) of such public water or land area at any time between the hours of 9:00 a.m. and 5:00 p.m. on March 21 (vernal equinox). For sites along the Atlantic Ocean, the public area subject to review shall be the sandy beach westward of the mean high water line as defined in Section 47-2, Measurements. The public open space, land or water as described in this section shall be measured by extending a line from the points where the property lines intersect at the corners of the development site abutting the public area or separated from the area by a right-of-way, and extending those lines across the public area perpendicular to the development site.

RESPONSE: The Project does not cast a shadow exceeding fifty percent of the Intracoastal Waterway per the shadow study provided on Sheet A5.00.

- c. That the intent and spirit of the dimensional regulations, of the applicable district concerning yards as relating to air, light and shadow is maintained.

RESPONSE: Project complies. The tower steps back considerably from the property line to the tower face on the south side to maintain appropriate air, light and shadow for neighboring properties.

Sec. 47-24.3, Conditional Use Permit Requirements

E. *Criteria.* The following review criteria shall be applied in considering an application for a conditional use permit:

1. Impact on abutting properties as evaluated under the Neighborhood Compatibility Requirements, Sec. 47-25.3.

RESPONSE: Refer to point-by-point analysis below.

2. Access, traffic generation and road capacities. Consideration will be given to the design capacity of the adjacent roadways, the particular traffic generation characteristics of the proposed conditional use, including the type of vehicular traffic associated with such uses, and traffic generation characteristics of other uses permitted in particular zoning districts.

RESPONSE: The development is requesting to increase the number of residential units from 24 units to 36 units. The impact on traffic is minimal based on the limited number of additional units per the Traffic Statement dated January 9, 2023 prepared by Traf Tech Engineering, Inc.

3. The applicant must show and it must be found by the reviewing body that the following have been met:

- a. The location of the use or structure is not in conflict with the city's comprehensive plan;

RESPONSE: The location of the use and structure complies with the Residential High land use element of the City's Comprehensive Plan.

- b. Off-site or on-site conditions exist which reduce any impact of permitting the use or structure;

RESPONSE: The Project proposes streetscape improvements that include a landscape buffer, separating pedestrians from the roadway, and the addition of a sidewalk, increasing safety and reducing vehicular conflicts.

- c. On-site improvements have been incorporated into the site plan which minimize any adverse impacts as a result of permitting the use or structure;

RESPONSE: The Project provides streetscape improvements that increase pedestrian safety and beautification of the streetscape. A drop-off drive isle decreases vehicular conflicts by removing vehicles from the right-of way when dropping off residents and internalizing it into the site, and the removal of backout parking increases pedestrian and vehicular safety by decreasing the number of vehicles backing into the travel lane and walking path of pedestrians. The massing of the parking podium is limited to the height and width necessary to accommodate the required number of parking spaces and parking garage functionality. To help limit the impact of the tower, it significantly steps back at the 5th level to provide additional light and air between the buildings, minimizing the impact of the building tower massing above the parking garage.

- d. The location of the use in proximity to a similar use does not impact the character of the zoning district in which the use is located;

RESPONSE: Surrounding buildings range from two-story residential structures to residential high-rise towers, and hotels. Seabreeze Boulevard (A1A) is located east of the

site, containing a mixture of commercial hotels and residential units ranging in height from three to twelve stories. Abutting and nearby properties have an underlying land use of High Residential, and RMH-60 zoning that permits heights up to 120 feet, or 240 feet through a conditional use request. Approved projects along Harbor Drive include the Bahia Cabana Hotel at 3001 and 3007 Harbor Drive, containing 124 hotel units and 6 multifamily units at a height of 150 feet, and Bahia Cabana Apartments at 3018 Harbor Drive, containing 37 multifamily units at a height of 120 feet.

- e. There are no adverse impacts of the use which effect the health, safety and welfare of adjacent properties.

RESPONSE: No adverse impacts which effect the health, safety, and welfare of adjacent properties are created with the additional building height.

Sec. 47-25.2. Adequacy Requirements

- A. ***Applicability.*** The adequacy requirements set forth herein shall be used by the city to evaluate the demand created on public services and facilities created by a proposed development permit.

RESPONSE: The adequacy requirements are applicable to the Project.

- B. ***Communications network.*** Buildings and structures shall not interfere with the city's communication network. Developments shall be modified to accommodate the needs of the city's communication network, to eliminate any interference a development would create or otherwise accommodate the needs of the city's communication network within the development proposal.

RESPONSE: The Project is not expected to interfere with the City's communication network.

- C. ***Drainage facilities.*** Adequacy of stormwater management facilities shall be evaluated based upon the adopted level of service requiring the retention of the first inch of runoff from the entire site or two and one-half (2 1/2) inches of runoff from the impervious surface whichever is greater.

RESPONSE: The Project will comply.

- D. ***Environmentally sensitive lands.***
 - 1. In addition to a finding of adequacy, a development shall be reviewed pursuant to applicable federal, state, regional and local environmental regulations. Specifically, a application for development shall be reviewed in accordance with the following Broward County Ordinances which address environmentally sensitive lands and wellfield protection which ordinances are incorporated herein by reference:
 - Broward County Ordinance No. 89-6.
 - Section 5-198(I), Chapter 5, Article IX of the Broward County Code of Ordinances.
 - Broward County Ordinance No. 84-60.
 - 2. The applicant must demonstrate that impacts of the proposed development to environmentally sensitive lands will be mitigated.

RESPONSE: There are no environmentally sensitive lands located on the Property to Applicant’s knowledge.

- E. **Fire protection.** Fire protection service shall be adequate to protect people and property in the proposed development. Adequate water supply, fire hydrants, fire apparatus and facilities shall be provided in accordance with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.

RESPONSE: Fire protection service will be adequate to protect people and property in the proposed development. Adequate water supply, fire hydrants, fire apparatus and facilities will be provided in accordance with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.

- F. **Parks and open space.**
 - 1. The manner and amount of providing park and open space is as provided in Section 47-38A, Park Impact Fees, of the ULDR.
 - 2. No building permit shall be issued until the park impact fee required by Section 47-38A of the ULDR has been paid in full by the applicant.

RESPONSE: Applicant will pay the required park impact fees prior to the issuance of a building permit.

- G. **Police protection.** Police protection service shall be adequate to protect people and property in the proposed development. The development shall provide improvements which are consistent with Crime Prevention Through Environmental Design (CPTED) to minimize the risk to public safety and assure adequate police protection.

RESPONSE: Controlled access doors, security cameras and lobby personal will be provided. The Project will provide improvements which are consistent with Crime Prevention Through Environmental Design principles to minimize the risk to public safety and assure adequate police protection.

- H. **Potable water.**
 - 1. Adequate potable water service shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of potable water systems in accordance with city engineering standards, the Florida Building Code, and applicable health and environmental regulations. The existing water treatment facilities and systems shall have sufficient capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which potable water treatment capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended from time to time. Improvements to the potable water service and system shall be made in accordance with city engineering standards and other accepted applicable engineering standards.
 - 2. Potable water facilities.
 - a. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.

- b. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the development.
- c. Where the county is the projected service provider, a similar written assurance will be required.

RESPONSE: Per the Water and Wastewater Capacity Availability Letter dated July 10, 2023, the existing water infrastructure has the capacity to support the proposed development, and the sewer infrastructure requires improvements to meet the increased demand of the Project which are understood to be conditions of site plan approval.

I. **Sanitary sewer.**

- 1. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from the design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.

RESPONSE: Per the Water and Wastewater Capacity Availability Letter dated July 10, 2023, the existing water infrastructure has the capacity to support the proposed development, and the sewer infrastructure requires improvements to meet the increased demand of the Project which are understood to be conditions of site plan approval.

- J. **Schools.** For all development including residential units, the applicant shall be required to mitigate the impact of such development on public school facilities in accordance with the Broward County Land Development Code or section 47-38C. Educational Mitigation, as applicable and shall provide documentation to the city that such education mitigation requirement has been satisfied.

RESPONSE: A School Capacity Availability Determination (“SCAD”) letter will be obtained during the DRC process and submitted upon receipt.

K. **Solid waste.**

- 1. Adequate solid waste collection facilities and service shall be obtained by the applicant in connection with the proposed development and evidence shall be provided to the city demonstrating that all solid waste will be disposed of in a manner that complies with all governmental requirements.
- 2. Where the city provides solid waste collection service and adequate service can be provided, an adequacy finding shall be issued. Where there is another service provider, a written assurance will be required. The impacts of the proposed development will be determined based on Table 4, Solid Waste, on file with the department.

RESPONSE: Solid waste and recycling collection will be provided by a private contractor licensed with the City of Fort Lauderdale.

- L. **Stormwater.** Adequate stormwater facilities and systems shall be provided so that the removal of stormwater will not adversely affect adjacent streets and properties or the public stormwater facilities and systems in accordance with the Florida Building Code city engineering standards and other accepted applicable engineering standards.

RESPONSE: The Project will be designed with on-site storm water retention. Applicant will submit an application to Broward County, satisfy all current criteria for surface water requirements, and obtain all local and state licenses.

M. Transportation facilities.

1. The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.
2. **Regional transportation network.** The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted traffic elements of the city and the county comprehensive plans, and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the city which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall be made in accordance with the city, the county, and Florida Department of Transportation traffic engineering standards and plans as applicable.
3. **Local streets.** Local streets shall have adequate capacity, safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the city's comprehensive plan and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the city such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the city engineering standards and acceptable applicable traffic engineering standards. Local streets are those streets that are not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.
4. **Traffic impact studies.**
 - a. When the proposed development may generate over one thousand (1,000) daily trips;
 - b. When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half (1/2) hour; or (2) when the proposed use creates varying trip generation each day, but has the potential to place more than twenty percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half (1/2) hour period; the applicant shall submit to the city a traffic impact analysis prepared by the county or a registered Florida engineer experienced in trafficways impact analysis which shall:
 - i. Provide an estimate of the number of average and peak hour trips per day generated and directions or routes of travel for all trips with an external end.
 - ii. Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed trafficways.
 - iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local trafficways, define what city, county or state agencies have programmed the necessary construction and how this programming relates to the proposed development.

- iv. A further detailed analysis and any other information that the review committee considers relevant.
- v. The traffic impact study may be reviewed by an independent licensed professional engineer contracted by the city to determine whether it adequately addresses the impact and the study supports its conclusions. The cost of review by city's consultant shall be reimbursed to the city by the applicant.
- vi. When this subsection M.4.b. applies, the traffic study shall include an analysis of how the peak loading will affect the transportation system including, if necessary, an operational plan showing how the peak trips will be controlled and managed.

RESPONSE: Pursuant to the Traffic Statement prepared by Traf Tech Engineering dated January 9, 2023, no additional traffic-impact analysis is required based on the ULDR.

- 5. ***Dedication of rights-of-way.*** Property shall be conveyed to the public by plat, deed or grant of easement as needed in accordance with the Broward County Trafficways Plan, the city's comprehensive plan, subdivision regulations and accepted applicable traffic engineering standards.

RESPONSE: Not applicable.

- 6. ***Pedestrian facilities.*** Sidewalks, pedestrian crossing and other pedestrian facilities shall be provided to encourage safe and adequate pedestrian movement on-site and along roadways to adjacent properties. Transit service facilities shall be provided for as required by the city and Broward County Transit. Pedestrian facilities shall be designed and installed in accordance with city engineering standards and accepted applicable engineering standards.

RESPONSE: Acknowledged and will comply where appropriate.

- 7. ***Primary arterial street frontage.*** Where a proposed development abuts a primary arterial street either existing or proposed in the trafficways plan, the development review committee (DRC) may require marginal access street, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to assure separation of through and level traffic.

RESPONSE: Not applicable. The Project abuts a local street.

- 8. ***Other roadway improvements.*** Roadways adjustments, traffic control devices, mechanisms, and access restrictions may be required to control traffic flow or divert traffic, as needed to reduce or eliminate development generated traffic.

RESPONSE: Not applicable.

- 9. ***Street trees.*** In order to provide for adequate landscaping along streets within the city, street trees shall be required along the length of the property abutting a street. A minimum of fifty percent (50%) of the required street trees shall be shade trees, and the remaining street trees may be provided as flowering or palm trees. These percentages may be varied based on existing or proposed physical conditions which may prevent the ability to comply with the street tree requirements of this subsection. The street trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21,

Landscape and Tree Preservation Requirements, except in the downtown RAC districts the requirements of Sec. 47-13.20.H.8 shall apply. The location and number of street trees shall be determined by the department based on the height, bulk, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. The requirements for street trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way.

RESPONSE: The Project complies with the minimum street tree requirements. Refer to Landscape Plan Sheet LAPL-1.

N. *Wastewater.*

1. *Wastewater.* Adequate wastewater services shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of a wastewater and disposal system in accordance with applicable health, environmental and engineering regulations and standards. The existing wastewater treatment facilities and systems shall have adequate capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended for time to time. Improvements to the wastewater facilities and system shall be made in accordance with the city engineering and accepted applicable engineering standards.

RESPONSE: Per the Water and Wastewater Capacity Availability Letter dated July 10, 2023, the existing water infrastructure has the capacity to support the proposed development, and the sewer infrastructure requires improvements to meet the increased demand of the Project which are understood to be conditions of site plan approval.

- O. *Trash management requirements.* A trash management plan shall be required in connection with non-residential uses that provide prepackaged food or beverages for offsite consumption. Existing non-residential uses of this type shall adopt a trash management plan within six (6) months of the effective date of this provision.

RESPONSE: Not applicable.

P. *Historic and archaeological resources.*

1. If a structure or site has been identified as having archaeological or historical significance by any entity within the State of Florida authorized by law to do same, the applicant shall be responsible for requesting this information from the state, county, local governmental or other entity with jurisdiction over historic or archaeological matters and submitting this information to the city at the time of, and together with, a development permit application. The reviewing entity shall include this information in its comments.

RESPONSE: To Applicant's knowledge, there is no historic landmark designation of the site or building.

- Q. *Hurricane Evacuation.* If a structure or site is located east of the Intracoastal Waterway, the applicant shall submit documentation from Broward County or such agency with jurisdiction over hurricane evacuation analysis either indicating that acceptable level of service of hurricane

evacuation routes and hurricane emergency shelter capacity shall be maintained without impairment resulting from a proposed development or describing actions or development modifications necessary to be implemented in order to maintain level of service and capacity.

RESPONSE: Applicant will obtain a letter from the Broward County Emergency Management Department regarding hurricane evacuation analysis.

Sec. 47-25.3. Neighborhood Compatibility

A. The neighborhood compatibility requirements are as follows:

1. ***Adequacy Requirements.*** See Sec. 47-25.2.

RESPONSE: The Applicant has provided a point-by-point narrative addressing the adequacy requirements.

2. ***Smoke, Odor, Emission of Particulate Matter and Noise.***

- a. Documentation from the Broward County Department of Natural Resource Protection (DNRP) or a report by a certified engineer, licensed in the State of Florida, that the proposed development will not exceed the maximum levels of smoke, odor, emissions of particulate matter and noise as regulated by Chapter 27, Pollution Control, of the Code of Broward County, and that a DNRP permit for such facility is not required.
- b. Where a DNRP license is required in accordance with Chapter 27, Pollution Control, of the Code of Broward County, all supporting documentation and information to obtain such permit shall be submitted to the DRC as part of a site plan review.
- c. Such DNRP licenses shall be required to be issued and copies provided to the city prior to the issuance of a building permit for the proposed development.

RESPONSE: Should any County license be required, the Applicant will apply and obtain.

3. ***Design and Performance Standards***

- a. ***Lighting.*** No lighting shall be directed from a use which is subject to the requirements of this Sec. 47-25.3 in a manner which illuminates abutting residential property and no source of incandescent or mercury vapor illumination shall be directly visible from any abutting residential property. No neon lights inside or outside structures shall be visible from any abutting residential property.
 - i. ***Glare.*** Any nonresidential operation or activity producing glare shall be conducted so that direct or indirect illumination of light shall not cause illumination in excess of one (1) footcandle on any abutting residential property except as provided in subsection iii. of this subsection a.
 - ii. ***Control of effects of lights from automobiles or other sources.*** Where the site plan indicates potential adverse effects of parking or of other sources on the lot on which the nonresidential use is to be located, such effects shall be eliminated or at a minimum prevented so that lights do not illuminate adjacent residential property below a height of five (5) feet at the residential lot line, or from shining into any residential window if there is to be nonresidential parking on the premises after dark.
 - iii. In addition to the above, parking lots and garages will be subject to the provisions of Sections 47-20.14 and if in conflict with the provisions of this section, the more restrictive provisions shall apply.

RESPONSE: The Project provides an architecturally articulated façade which screens the parking area of the structure.

- b. **Control of Appearance.** The following design standards are provided to protect the character of abutting residential areas from the visual impact which may result from a use which is subject to the requirements of this Sec. 47-25.3.
- i. Architectural features. The facade of any side of a nonresidential building facing the residential property shall be constructed to compliment a residential structure and shall include the following:
- a) Fenestration such as windows, doors and openings in the building wall; and
 - b) Shall contain a minimum of one (1) feature from each of the following architectural feature groups with a total of four (4) architectural features from the following list:
 1. Detail and embellishments:
 - a. Balconies,
 - b. Color and material banding,
 - c. Decorative metal grates over windows,
 - d. Uniform cornice heights,
 - e. Awnings.
 2. Form and mass:
 - a. Building mass changes including projection and recession,
 - b. Multiple types and angles of roofline, or any combination thereof.
 - c) The above required facade treatment shall be required to continue around the corner onto the adjoining wall for a distance of twenty (20) feet.

RESPONSE: The design incorporates a mix of materials, façade articulation, and glazing that provides transparency and movement. The terraces and floor-to-ceiling windows provide visual interest along the waterway façade and from the street view.

- ii. Loading facilities. Loading and service facilities shall be screened so as not to be visible from abutting residential uses or vacant residential zoned property.

RESPONSE: Loading facilities are located internal to the building to be screened from view.

- iii. Screening of rooftop mechanical equipment. All rooftop mechanical equipment, stair and elevator towers shall be designed as an integral part of the building volume and/or adequately screened so that they are not visible from abutting residential uses or vacant residential zoned property.

RESPONSE: All mechanical equipment is screened to not be visible from adjacent properties.

- c. **Setback Regulations.** When a nonresidential use which is subject to the requirements of this Sec. 47-25.3 is contiguous to any residential property, there shall be an additional setback required for any yard of that use which is contiguous to the residential property, as follows:
- i. When any side of a structure greater in height than forty (40) feet is contiguous to residential property, that portion of the structure shall be set back one (1) foot for each one (1) foot of building height over forty (40) feet up to a maximum width equal to one-half ($\frac{1}{2}$) the height of the building, in addition to the required setback, as provided in the district in which the proposed nonresidential use is located.

RESPONSE: Not applicable as a residential use is proposed.

- d. **Bufferyard Requirements.** When a use which is subject to the requirements of this Sec. 47-25.3 is contiguous to any residential property, the property where the use is located shall be required to have a landscaped strip area and a physical barrier between it and the residential property. Such landscape strip shall meet the following requirements:
- i. **Landscape strip requirements.** A ten (10) foot landscape strip shall be required to be located along all property lines which are adjacent to residential property. Such landscape strip shall include trees, shrubs and ground cover as provided in the landscape provisions of Section 47-21, Landscape and Tree Preservation Requirements. The width of the landscape area shall extend to the property line. All required landscaping shall be protected from vehicular encroachment. When walls are required on nonresidential property abutting an alley, required shrubbery shall be installed and located within the landscape area on the exterior of the wall.
 - ii. **Parking restrictions.** No parking shall be located within twelve (12) feet of the property line, within the yard area required by the district in which the proposed nonresidential use is located, when such yard is contiguous to residential property.
 - iii. **Dumpster regulations.** All solid waste refuse containers (dumpsters) shall be set back a minimum of twelve (12) feet from any property line which is contiguous to residential property, and shall be screened in accordance with the Dumpster requirements, as provided in Section 47-19, Accessory Uses, Buildings and Structures.
 - iv. **Wall requirements.** A wall shall be required on the nonresidential property, a minimum of five (5) feet in height, constructed in accordance with Section 47-19.5 and subject to the following:
 - a) Decorative features shall be incorporated on the residential side of such wall according to the requirements of Section 47-19.5,
 - b) Shall be located within, and along the length of the property line which abuts the residential property,
 - c) When the nonresidential property is located adjacent to an alley such wall shall be located at least five (5) feet from the right-of-way line located closest to the nonresidential property,
 - d) When a utility, or other public purpose easement, on the nonresidential property precludes the construction of a wall, then an opaque fence, constructed in accordance with the standards described in Section 47-19.5, may be erected in lieu of the wall required by subsection iv. above. The use of an opaque fence as a physical barrier between nonresidential and residential property shall be reviewed and recommended by the city engineer.

RESPONSE: Not applicable as a residential use is proposed.

- v. **Application to existing uses.** Within five (5) years from the effective date of subsections A.3.c and d (effective date: September 19, 1989), all nonconforming uses of land which were in existence prior to such date shall comply with the requirements of subsections A.3.c and d unless compliance would cause one (1) or more of the following to occur:
- a) Demolition of any load-bearing portion of a building as it exists on September 19, 1989, the effective date of subsections A.3.c and d;
 - b) Reduction of required parking spaces;
 - c) A reduction in the number of parking spaces provided for use of a parcel which would be required if based on the parking requirements of Section 47-20, Parking

- and Loading Requirements in effect on and applicable to such use on March 6, 1990;
- d) Relocation of an existing wall which complied with the Code prior to September 19, 1989, the effective date of subsections A.3.c and d;
 - e) Access to the land would be substantially impaired;
 - f) Installation of the wall as provided in subsection iv. would require a modification of the existing vehicular use area, which would impair traffic circulation on the site and a minimum five (5) foot high hedge, fence or other physical barrier is in place along the length of the nonresidential property line which abuts the residential property;
 - g) In such cases, the use shall otherwise comply with the requirements of this section to the maximum possible extent; however, the requirement of subsections A.3.d.i to install a landscape strip shall be met if an abutting residential property owner agrees in writing that the landscape strip may be placed on his or her property. An agreement in form provided by the department must be executed by the applicant and the abutting property owner. If the abutting property owner removes the landscape strip after it has been installed, there shall be no further requirement to install another landscape strip on the abutting property in connection with the commercial use which existed at the time of the initial installation.

RESPONSE: Not applicable.

- e. ***Neighborhood Compatibly and Preservation.*** In addition to the review requirements provided in subsections A.1, A.2 and A.3.a, b, c, and d, the following review criteria shall also apply as provided below:
 - i. All developments subject to this Sec. 47-25.3 shall comply with the following:
 - a) Development will be compatible with, and preserve the character and integrity of adjacent neighborhoods, the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts. Roadway adjustments, traffic control devices or mechanisms, and access restrictions may be required to control traffic flow or divert traffic as needed to reduce or eliminate development generated traffic on neighborhood streets.

RESPONSE: The Project is compatible with the surrounding area and existing/proposed development. Properties to the north and east are zoned SBMHA - South Beach Marina and Hotel Area District and to the west and south RMH-60 which permits a range of residential uses and a variety of heights (between 120'-240') and densities (max. 60-70 du/net acre). Refer to Sheet C.9.

- b) Consideration shall be given to the recommendations of the adopted neighborhood master plan in which the proposed development is to be located, or which it abuts, although such neighborhood master plan shall not be considered to have the force and effect of law. When recommended improvements for the mitigation of impacts to any neighborhood, conflicts with any applicable ULDR provision, then

the provisions of the ULDR shall prevail. In order to ensure that a development will be compatible with, and preserve the character and integrity of adjacent neighborhoods, the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts. Roadway adjustments, traffic control devices or mechanisms, and access restrictions may be required to control traffic flow or divert traffic as needed to reduce or eliminate development generated traffic on neighborhood streets.

RESPONSE: There is no adopted neighborhood master plan to Applicant's knowledge. The Project complies with the RMH-60 dimensional requirements and meets the intent of a waterway use.

ii. Reserved.

RESPONSE: Not applicable. The Property is zoned RMH-60.

iii. Reserved.

RESPONSE: Not applicable. The Property is zoned RMH-60.

iv. All development that is located on land within the B-1A zoning districts;

AND

All development that is zoned RMM-25, RMH-25 and RMH-60 east of the Intracoastal Waterway;

AND

All nonresidential development lying east of the Intracoastal Waterway.

a) In addition to meeting the other applicable review requirements of this subsection 3., it shall be determined if a development meets the Design and Community Compatibility Criteria.

The purpose of the Community Compatibility Criteria is to define objectives for private sector development which either abuts or is readily visible from public corridors. The relationship between private and public sector development must be carefully planned to avoid negative impacts of one upon the other. The city's intent in implementing these objectives is to:

- i. Protect the investment of public funds in public corridor improvements.
- ii. Improve the visual and functional quality of both public and private development by coordinating the transition between these areas.
- iii. The ultimate goal of these objectives is to integrate buildings, vehicular circulation, pedestrian circulation, open space and site elements into a unique, pedestrian sensitive environment which stimulates revitalization.

The Community Compatibility Criteria that are required to be met are as follows:

b) ***Bulk Controls:***

Density:

Building density should be consistent with the proposed use, adjacent development, and as required under the Central Beach Area, RMM-25, RMH-25 and RMH-60 zoning districts.

RESPONSE: The proposed density complies with the RMH-60 requirements for parcels located east of the Intracoastal Waterway.

Floor Area Ratio:

Building floor area ratio (F.A.R.) should be consistent with the proposed use, and as required under the Central Beach Area.

RESPONSE: Not applicable. The Property is zoned RMH-60.

Maximum Height:

Building height should be consistent with the proposed use, adjacent development, and as required under the Central Beach Area, and RMM-25, RMH-25 and RMH-60 zoning districts. No portion of a structure in excess of thirty-five (35) feet in height shall exceed the prescribed Beach Shadow Ordinance setback.

RESPONSE: The proposed height complies with the RMH-60 requirements for parcels located east of the Intracoastal Waterway. Refer to the conditional use section above.

Yards:

Building yards should be consistent with the proposed use, adjacent development, and as required under the Central Beach Area, RMM-25, RMH-25 and RMH-60 zoning districts. Building yards are in addition to any easements or reserve right-of-way which may be required by the city, county or state. Portions of a structure, up to thirty-five (35) feet in height, may encroach within the A1A setback if the building's street level use is predominantly pedestrian active (pedestrian-oriented retail, sidewalk cafes, etc.). No portion of any structure is permitted to extend, however, into the future right-of-way.

In the PRD, ABA and SBMHA zoning districts, to insure continuity of the ocean front streetscape "edge" a minimum seventy-five (75%) percent of the northbound A1A frontage must be built to the setback line (or approved encroachment limit). In the Planned Resort Development (PRD) district the entire northbound A1A frontage should be built to the future right-of-way line unless otherwise approved under that district's community redevelopment plan.

RESPONSE: Yard modifications are requested which is in character with the surrounding area.

c) ***Massing Guidelines:***

Overall Height:

Buildings should be encouraged to vary in overall height and not be contained in a single volume of continuous height.

RESPONSE: Not applicable as only one building is proposed.

Vertical Plane Moderation:

Buildings exceeding thirty-five (35) feet in height should be encouraged to maintain no more than three (3) stories without horizontal moderation in vertical surface plane. This moderation should consist of a minimum four feet horizontal variation in surface plane such as brise soleil, balconies, building projections, etc. Repetitive moderations should be discouraged.

RESPONSE: Project complies. Horizontal variation is provided on each level with the use of overhangs and projected terraces.

Cornice Height:

All buildings should be encouraged to display a uniform cornice height of a maximum of thirty-five (35) feet in height. This cornice height should consist of a uniform alteration to the building massing for a minimum of twenty (20) feet perpendicular to the vertical surface.

RESPONSE: Project complies. A horizontal architectural datum is provided at the demarcation of every level.

Facade Treatment:

The first thirty-five (35) feet of exterior facade vertical plane should be encouraged to enhance the pedestrian environment by incorporating appropriate architectural features. Such features include cornice detailing, belt courses, corbelling, molding, stringcourses, ornamentation, changes in material or color, and other sculpting of the architectural surface which add special interest and are compatible with public sector site elements.

RESPONSE: Project complies. The podium façade features an undulating, sculptural appearance.

Overstreet Connections:

Connections between structures which pass over public right-of-way may be permitted providing those connections have secured legitimate air rights over the public corridor and meet all applicable codes. Connections over A1A to the beach should be limited to select locations where significant amounts of above grade pedestrian traffic will be generated. Where possible, overstreet connections should access the promenade/beach at or near major beach portal features. All overstreet connections should be of exceptional design, which enhances the visual and functional quality of the streetscape and should be compatible with public sector site elements.

RESPONSE: Not applicable.

d) *Street Level Guidelines:*

Active Use:

The first floor of all buildings, including structured parking, should be designed to encourage pedestrian scale activity. To stimulate pedestrian activity, buildings which front on A1A northbound should devote a majority of their first floor area to retail activities such as restaurants, shops, galleries and similar active uses. Street level retail uses should have direct access to the adjoining public sector sidewalk in addition to any other access which may be provided.

Structured parking facilities should be designed with street level frontages consisting of either occupied retail space or an architecturally articulated facade which screens

the parking area of the structure. Street level openings to parking structures should occur only on side streets and be minimized to accommodate necessary vehicle entrances and pedestrian access only.

Buildings which provide pedestrian active retail uses along a majority of their A1A northbound street level frontage may be permitted to exceed setbacks established under the Central Beach Area Zoning Districts (Section 47-12). In addition, street level retail and restaurant uses may be permitted to use a portion of the public sector sidewalk for sidewalk displays and/or outdoor dining areas. Private use of public sector sidewalks must be temporary only and subject to all applicable codes and lease arrangements. All displays, furnishings and other elements associated with these active street level uses should be designed and maintained to enhance the visual and functional quality of the streetscape and should be compatible with public sector site elements.

RESPONSE: The Project provides an activated ground level residential lobby with amenities.

Fenestration:

To complement pedestrian scale activity on A1A and all People Streets, a majority of the first floor facade on these frontages should be windows, doors or other transparent architectural features. Expanses of solid wall should be minimized. Reflective surfaces on windows or doors should be discouraged. Street level windows and doors should be recessed or receive special design detailing which distinguish them from the building shaft and add variety to the streetscape.

RESPONSE: The first floor façade provides transparent architectural features.

Arcades/Canopies:

Buildings which border directly on A1A northbound or Las Olas Boulevard within the Planned Resort Development (PRD) district should incorporate an arcade or continuous architectural canopy along these frontages, unless otherwise approved under a community redevelopment plan. Buildings in other districts should be encouraged to incorporate an arcade or continuous canopy along their A1A northbound frontage providing the feature is consistent with the proposed use, adjacent development and meets all applicable codes. Arcades or continuous canopies should be a minimum of ten feet wide and maintain acceptable minimum clear height. Arcades and canopies should be designed as a fixed non-retractable element integral to the building's architectural mass and compatible with public sector site elements.

Non-continuous canopies, awnings and marquees should also be provided over street level window treatments and building entrances. Such features may be constructed of either rigid or flexible material but should complement the visual and functional quality of the streetscape and be compatible with public sector site elements. No arcade, canopy, awning or marquee should extend into the future public right-of-way nor interfere with street light fixtures or the growth and maintenance of street trees.

RESPONSE: Not applicable. The Property does not abut A1A or Las Olas Boulevard.

Trash/Loading Facilities:

All building facilities for loading, trash and service should be incorporated within building volume and screened so as not to be visible from the street and pedestrian circulation areas. Trash/loading facilities should be discouraged on A1A and People

Street frontages. Where buildings are of inadequate volume to accommodate these facilities, trash/loading facilities should be architecturally treated as part of the building mass and screened by solid walls, fences, planting or architectural devices which are compatible with public sector site elements. Trash/loading facilities must be of sufficient size and design to accommodate access by large vehicles.

RESPONSE: Trash/loading is internalized into the building volume and will be screened from view.

e) Other Guidelines:

Energy Conservation:

Buildings should be oriented to take advantage of southeasterly breezes for summer cooling and interrupt occasionally strong northeasterly winds. Exterior glass surfaces should be shaded to improve energy efficiency. Roof and exterior wall finishes should be light in color to encourage maximum reflection/minimum transmission of heat loadings.

RESPONSE: Project complies.

Building Separation:

Buildings should allow adequate space between structural masses for the passage of natural breezes. New building masses should be sited to the extent feasible so they maintain reasonable views to the ocean and Intracoastal Waterway from existing structures.

RESPONSE: With the conditional use height of up to 240', the tower floorplate is reduced. The tower steps back significantly on the 5th floor on the south side fronting Harbor Drive to maintain reasonable views to the ocean.

Roof Design:

Where possible, rooftops should be designed to accommodate various forms of human activity such as sun decks, tennis courts, outdoor cafes, etc. Roof surfaces not allocated to human activity should be finished with a surface material that does not effect the quality of views from surrounding buildings.

All rooftop mechanical equipment, stair and elevator towers should be designed as an integral part of the building volume and/or adequately screened.

RESPONSE: Rooftop mechanical equipment is appropriately screened.

f) Vehicular Circulation:

Ingress/Egress:

For the CBA zoning districts, access drives to individual parcels should be limited to those necessary for the adequate function of the use contained therein. Direct vehicular access from A1A northbound should be discouraged unless otherwise approved under the Planned Resort Development (PRD) district community redevelopment plan. Direct vehicular access from A1A southbound should be limited to minimize traffic impacts on the state roadway. Direct vehicular access from sidestreets should be encouraged. Smaller parcels should be encouraged to share common access with adjacent parcels keeping curb cuts to a minimum.

RESPONSE: Not applicable. The Property is zoned RMH-60.

Arrival/Drop-off Areas:

Major arrival/drop-off areas should only be encouraged along sidestreets, especially those designated as People Streets. Arrival/drop-off areas should be encouraged to provide sufficient room for vehicle stacking, loading, unloading, and other main entrance functions. Pedestrian entries for all residential, hotel and commercial structures should be located the maximum possible distance from loading and service areas.

RESPONSE: A residential vehicular drop-off area is provided fronting Harbor Drive.

Other:

Individual parcels should be encouraged to accommodate transit stops for the county bus service, the proposed water taxi and other transit systems. Fire access lanes and other emergency vehicular accessways may be designated by the appropriate public agency. Uses that require service by large vehicles should be designed to allow large vehicle access without blockage of adjoining vehicular or pedestrian circulation.

RESPONSE: Not applicable.

g) *Pedestrian Circulation:*

Urban Open Spaces/Plazas:

Open spaces for public congregation and recreation should be encouraged to the extent that these spaces do not substantially interrupt the streetscape edge at the building line. Open spaces should be permitted both within and behind building yards in proportion to the bulk of the adjacent building. The streetscape edge should be maintained by architectural features (arcades) site furnishings (flagpoles, light standards) for landscape elements (palms, etc.) which provide continuity between the building line of adjoining structures.

All urban open spaces should be accessible and visible from the adjoining public sector corridor while providing for the safety and security of patrons. Severe elevation change and walls should be discouraged between the adjoining public corridor and the open space. Entryways and steps to these open spaces should be kept wide and welcoming in character. All urban open space must be kept handicap accessible.

The following amenities should be encouraged within urban open spaces: ornamental fountains, waterfalls, sculpture, trellises, arbors, seating facilities, landscape features, etc. Design features of these open spaces should serve to enhance the visual and functional quality of the adjoining corridor and be compatible with public sector site elements.

RESPONSE: Open spaces are provided for residential use.

Pedestrian Corridors:

Private sector pedestrian corridors, which supplement public sector pedestrian facilities and improve access to the beach and/or Intracoastal Waterway should be encouraged. These corridors should be of a width and design which encourages pedestrian use and whenever possible allows for emergency vehicle access. The corridors may pass through open air or enclosed portions of surrounding buildings providing the pedestrian experience is largely uninterrupted.

RESPONSE: Pedestrian corridors are provided into the building to access the waterside.

Parking:

Parking should be provided consistent with the proposed use, adjacent development and as required under Section 47-20. Access drives to parking should be limited to those necessary for the function of the facility and comply with vehicular ingress/egress guidelines outlined herein. Direct backout or "head-in" parking should be expressly prohibited.

Parking facilities should be located in close proximity to the building they serve with direct pedestrian access from parking to building which does not impact public pedestrian facilities. Vehicular circulation within parking areas should remain internal to the parking facility and public roads should not be utilized as part of the parking circulation system. Structure parking should be encouraged subject to the street level building guidelines outlined herein. Covered parking should also be encouraged providing the overhead structures are compatible with adjoining architecture/ site elements and comply with the building rooftop design guidelines outlined herein. Grade level parking must be adequately screened so parked cars are not visible from adjoining public corridors, and landscaped to moderate views from surrounding buildings.

Parking perimeters may incorporate walls, fencing, mounds and/or landscape treatments to meet the screening requirement providing these elements are compatible with adjoining public sector site elements and allow safe and secure use of parking facilities. Trash, storage and mechanical equipment located within parking facilities should also comply with the screening requirements outlined herein.

RESPONSE: The Project provides an architecturally articulated facade which screens the parking area of the structure.

h) ***Perimeter Treatments:***

Screening:

All exterior trash, loading and equipment storage facilities should be screened so as not to be visible from adjoining public corridors and landscaped to moderate views from surrounding buildings. Mechanical equipment including all handling units, exhaust outlets, transformer boxes, electric switching units, etc. should be appropriately screened by planting and/or low walls wherever it cannot be concealed within the building volume.

Grade level parking lots should be appropriately screened from adjacent pedestrian areas with walls, fencing and/or planting. Shrubs surrounding ground level parking lots should be of sufficient height to hide automobile grill work. Landscape material used to meet the above requirements should provide 100% screening within one growing season, and must be provided with an automatic irrigation system.

Any lot that becomes vacant through removal of a structure should be screened from the abutting public corridor. Vacant lot screening should utilize the elements described above and additional treatments as necessary to protect the visual and functional quality of the adjoining public corridor. Screening design, materials and maintenance should be compatible with public sector site elements.

RESPONSE: All trash, loading and equipment storage is internalized to be screened and not visible from adjoining public corridors.

Paving:

Public sector paving should be as shown on the approved Beach Revitalization streetscape plans or as specified in other sections of these guidelines. Paving systems used on private plazas and walkways should be compatible in pattern and scale to public sector paving. Private paving systems which immediately abut and are readily visible from adjoining public corridors should reflect the same color, material and texture as the public sector paving and provide a cohesive visual and functional transition without interruption.

While private paving systems should be of outstanding design and character, they should be encouraged to fit within the overall fabric of the streetscape and not dominate the visual experience. Private paving should be sensitive to the needs of the beach-going public and be handicap accessible. Paving design, materials and maintenance should be compatible with public sector site elements.

RESPONSE: Not applicable as the Property is not located within the Beach Revitalization streetscape plans.

Landscape:

Private sector landscape planting should be consistent with the proposed use, adjacent development, and as required under Section 47-12 of the ULDR. Existing trees should be preserved or otherwise mitigated as outlined in the ordinance. Plant material should be used in a contemporary urban context, acknowledging the limitations of the beach environment, and creating a lush tropical environment in keeping with the visual quality of the beach and adjoining public corridors. Plant massings should be rich in material, with special attention given to the ground plane treatment. Color should be used in bold, massive statements where appropriate.

Private sector plant material which immediately abuts and is readily visible from adjoining public corridors should reflect the species, size, and spacing of the public sector landscape and provide a cohesive visual and functional transition without interruption. Landscape design and maintenance should be compatible with public sector site elements. Private sector landscape planting should be consistent with the proposed use, adjacent development, and as required under Section 47-12. Existing trees should be preserved or otherwise mitigated as outlined in Section 47-12. Plant material should be used in a contemporary urban context, acknowledging the limitations of the beach environment, and creating a lush tropical environment in keeping with the visual quality of the beach and adjoining public corridors. Plant massings should be rich in material, with special attention given to the ground plane treatment. Color should be used in bold, massive statements at intersections and where appropriate.

Private sector plant material which immediately abuts and is readily visible from adjoining public corridors should reflect the species, size, and spacing of the public sector landscape and provide a cohesive visual and functional transition without interruption. This street frontage landscaping should not be blocked visually by fences or other architectural treatments. All street frontages should have palms and shade trees. One half of the trees on these frontages should be shade trees. Property abutting the Intracoastal Waterway should have trees and palms planted along this water

frontage. Landscape design and maintenance should be compatible with public sector site elements.

RESPONSE: Landscaping meets ULDR requirements. Refer to Landscape Plan Sheet LAPL-1.

i) ***Site Furnishings:***

Private sector site furnishings should be consistent with the proposed use, adjacent development, and as required by applicable codes. Site furnishings should be considered an integral component of the urban streetscape and designed/located accordingly. Emphasis should be given to maximizing passive relaxation opportunities in locations which allow varying degrees of interaction with adjacent pedestrian corridors. Visual clutter and haphazard distribution of site furnishings should be discouraged. Site furnishing design, materials, and maintenance should be compatible with public sector site elements.

Vending machines visible from public rights-of-way should be located and/or designed to be compatible with the adjacent development and public sector site elements. The location of these vending machines shall be compatible with adjacent architectural color and style; uniform in style, material, height and color when located next to other vending machines and must not interfere with public automobile or pedestrian access.

RESPONSE: Site furnishings will meet the applicable intent for the RMH-60 district and residential use.

j) ***Signage:***

Private sector signage should be consistent with the proposed use, adjacent development, and as required under Section 47-12. Signage should be considered an integral component of the urban streetscape and designed/located accordingly. Signage should be restrained in character and no larger than necessary for adequate identification. Wherever possible, signage should be integrated with the building architecture, arcades or canopies. Private signage which improves the pedestrian's orientation to adjoining pedestrian and vehicular circulation systems should be encouraged.

Building signage should be discouraged above the building's second floor elevation except on hotels which may be permitted to display a single discrete sign on both the north and south faces of the main building mass. Roof signs and billboards should be expressly prohibited. Freestanding signs should be located and sized so they do not obstruct views to/from adjoining parcels or impede clear view of pedestrian and vehicular traffic and traffic control devices.

The intensity and type of signage illumination should not be offensive to surrounding parcels or the uses therein. Signage style and character should enhance the visual and functional quality of the adjoining public corridor. Signage design, material and maintenance should be compatible with public sector site elements.

RESPONSE: Signage will meet the intent and is proposed to be submitted under a separate application/permit.

k) ***Lighting:***

Private sector site lighting should be consistent with the proposed use, adjacent development, and as required under applicable codes. Site lighting should be considered an integral component of the urban streetscape and designed/located

accordingly. Emphasis should be placed on both the nighttime effects of illumination quality and the daytime impact of the standard's appearance.

Site lighting should be consistent with the theme of the immediate context and compatible with the lighting of adjacent parcels. Light distributions should be relatively uniform and appropriate foot-candle levels should be provided for various uses. (Refer to adopted Public Sector Site Lighting Guidelines for average maintained foot-candle recommendations). All exterior private sector spaces should be sufficiently lit to allow police and citizen surveillance, enhance personal security, and discourage undesirable activities. Exterior lighting should be controlled by an automatic timer or photocell to insure regular activation.

Site lighting which immediately abuts and is readily visible from adjoining public corridors should reflect the fixture style, light source and illumination intensity of adjoining public lighting and provide a cohesive visual and functional transition without interruption. Site lighting design, materials and maintenance should be compatible with public sector site elements.

RESPONSE: Proposed site lighting as depicted in the Photometric Plans complies with all code requirements.

l) *Utilities:*

Private sector utilities should be consistent with the proposed use, adjacent development, and as required under applicable codes. Above-grade utilities should be integrated with surrounding uses and carefully located to minimize visual and functional impact on the adjoining streetscape.

New development should be encouraged to provide underground utility lines. Existing or renovated development should be encouraged to relocate overhead utility lines underground.

Any above-grade utility elements should be consistent in placement, orientation, mounting and material. All above-grade utility elements should be painted one unobtrusive color which allows the elements to blend with their surroundings. All above-grade utilities should be screened by planting and/or low walls so they are not visible from the street and pedestrian circulation areas.

RESPONSE: Project complies.

m) *Site Plan Objectives:*

The following Site Plan Objectives shall be incorporated in all development proposals for the Central Beach Revitalization Area and RMM-25, RMH-25 and RMH-60 zoning districts. This section provides an outline on how and what outdoor spaces need to be provided as part of development proposals. The intent is to ensure that development is more than buildings and structures. The quality of the Central Beach Revitalization area will be enhanced with the addition of planned outdoor spaces.

RESPONSE: The site plan meets the intent as described herein.

n) *Usable Outdoor Spaces:*

Hotel and residential development shall provide usable outdoor recreation spaces designated to accommodate passive areas (sitting, etc.) and active areas (pools, etc.). Commercial development shall provide usable outdoor sitting and gathering spaces

designed to furnish a place for pedestrians to view, use or consume the goods and services offered.

There shall be a variety in the sizes of outdoor spaces and the level of detail shall be such as ornamental fountains, waterfalls, sculptures, trellises, arbors, seating facilities and landscape features.

The total size required for the outdoor spaces will be evaluated on the size and use of the proposed development.

RESPONSE: The Project provides ground level open space and ground level and 5th level amenities with active areas.

Pedestrian Accessible Spaces:

Hotel and commercial development shall provide direct access to adjoining public sidewalks in order to stimulate pedestrian activity. These spaces shall supplement public sector walkways and improve access to the beach and the Intracoastal Waterway, or both.

RESPONSE: Not applicable for residential development.

o) Defensible Space:

All projects shall promote a secure environment. This is to be accomplished by designing with CPTED (Crime Prevention Through Environmental Design) principles.

RESPONSE: The Project promotes CPTED principles to improve visibility and safety.

In addition to the above requirements, the following may be required based on the site specifics of each project:

Provide plant material in the adjacent right-of-way.

Provide foundation/entry plantings to the development.

All sites should exhibit lush tropical landscaping.

Provide large trees/shrubs (mature plantings). This may be required in order to mitigate certain objectionable uses or needed to assist in the neighborhood compatibility of the proposed development.

RESPONSE: Lush tropical landscaping is provided to define and enhance the Project and public realm.

Preserve view corridors. The City recognizes that existing and new views to and from the Intracoastal Waterway, Atlantic Ocean, Bonnet House and public parks are important to maintain.

RESPONSE: The Project preserves air and light corridors to the greatest extent with a slender tower and transparent appearance.

Respectfully,

/s/ Stephanie J. Toothaker

Stephanie J. Toothaker, Esq.