



# DEVELOPMENT APPLICATION FORM

Application Form: All Applications | Rev. 06/14/2024

**INSTRUCTIONS:** The following information is required pursuant to the City's Unified Land Development Regulations (ULDR), Section 47-24, Development Permits and Procedures, and must be filled out accurately with all applicable sections completed. Only complete the sections indicated for application type with N/A for those items not applicable. Refer to "Specifications for Plan Submittal" by application type for submittal requirements, which can be found on the City's website.

Select the application type and approval level in **SECTION A** and complete the sections specified under each type.

**A**

APPLICATION TYPE AND APPROVAL LEVEL

Select the application type from the list below and check the applicable type.

<div><input type="checkbox"/> <b>LEVEL I</b></div> <div>ADMINISTRATIVE REVIEW COMMITTEE (ADMIN)</div> <div><input type="checkbox"/> New nonresidential less than 5,000 square feet</div> <div><input type="checkbox"/> Change of use (if same impact or less than existing use)</div> <div><input type="checkbox"/> Plat note or Nonvehicular access line (NVAL) amendment</div> <div><input type="checkbox"/> Administrative site plan</div> <div><input type="checkbox"/> Amendment to site plan*</div> <div><input type="checkbox"/> Affordable Housing per §166.04151(7) Fla. Stat. (Live Local Act)</div> <div><input type="checkbox"/> Property and right-of-way applications (MOTs, construction staging)</div> <div><input type="checkbox"/> Parking Agreements (separate from site plans)</div> <div>COMPLETE SECTIONS B, C, D, G</div>	<div><input type="checkbox"/> <b>LEVEL II</b></div> <div>DEVELOPMENT REVIEW COMMITTEE (DRC)</div> <div><input type="checkbox"/> New Nonresidential 5,000 square feet or greater</div> <div><input type="checkbox"/> Residential 5 units or more</div> <div><input type="checkbox"/> Nonresidential use within 100 feet of residential property</div> <div><input type="checkbox"/> Redevelopment proposals</div> <div><input type="checkbox"/> Change in use (if greater impact than existing use)</div> <div><input checked="" type="checkbox"/> Development in Regional Activity Centers (RAC)*</div> <div><input type="checkbox"/> Development in Uptown Project Area*</div> <div><input type="checkbox"/> Regional Activity Center Signage</div> <div><input type="checkbox"/> Affordable Housing (≥10%)</div> <div>COMPLETE SECTIONS B, C, D, E, F</div>	<div><input type="checkbox"/> <b>LEVEL III</b></div> <div>PLANNING AND ZONING BOARD (PZB)</div> <div><input type="checkbox"/> Conditional Use</div> <div><input type="checkbox"/> Parking Reduction</div> <div><input type="checkbox"/> Flex Allocation</div> <div><input type="checkbox"/> Cluster / Zero Lot Line</div> <div><input type="checkbox"/> Modification of Yards*</div> <div><input type="checkbox"/> Waterway Use</div> <div><input type="checkbox"/> Mixed Use Development</div> <div><input type="checkbox"/> Community Residences*</div> <div><input type="checkbox"/> Social Service Residential Facility (SSRF)</div> <div><input type="checkbox"/> Medical Cannabis Dispensing Facility*</div> <div><input type="checkbox"/> Community Business District for uses greater than 10,000 square feet</div> <div>COMPLETE SECTIONS B, C, D, E, F</div>	<div><input checked="" type="checkbox"/> <b>LEVEL IV</b></div> <div>CITY COMMISSION (CC)</div> <div><input type="checkbox"/> Land Use Amendment</div> <div><input type="checkbox"/> Rezoning</div> <div><input type="checkbox"/> Plat</div> <div><input type="checkbox"/> Public Purpose Use</div> <div><input type="checkbox"/> Central Beach Development of Significant Impact*</div> <div><input type="checkbox"/> Vacation of Right-of-Way</div> <div>City Commission Review No PZB Review</div> <div><input type="checkbox"/> Vacation of Easement*</div> <div>COMPLETE SECTIONS B, C, D, E, F</div>
<div><input checked="" type="checkbox"/> <b>MISCELLANEOUS</b></div> <div><input type="checkbox"/> Affordable Workforce Housing Tax Reimbursement</div> <div><input type="checkbox"/> Community Residence</div> <div><input type="checkbox"/> Construction Noise Waiver</div> <div><input checked="" type="checkbox"/> Design Review Team (DRT)</div> <div>COMPLETE SECTIONS B, C, D, I</div>	<div><input type="checkbox"/> <b>EXTENSION OR DEFERRAL</b></div> <div><input type="checkbox"/> Request to defer after an application is scheduled for public hearing</div> <div><input type="checkbox"/> Request extension to previously approved application (request must be within original approval date timeframe)</div> <div>COMPLETE SECTIONS B, C, H</div>	<div><input type="checkbox"/> <b>APPEAL</b></div> <div><input type="checkbox"/> Appeal decision by approving body and De Novo hearing items</div> <div>COMPLETE SECTIONS B, C, H</div>	<div><input type="checkbox"/> <b>PROPERTY AND RIGHT-OF-WAY</b></div> <div><input type="checkbox"/> Road Closures</div> <div><input type="checkbox"/> Construction Staging Plan</div> <div><input type="checkbox"/> Revocable licenses</div> <div>COMPLETE SECTIONS B, C, H</div>

\*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	NORTH BROWARD HOSPITAL DISTRICT	Authorized Agent	Stephanie J. Toothaker, Esq.
Address	Agent: 501 SW 2nd Avenue, Suite 1	Address	501 SW 2nd Avenue, Suite 1
City, State, Zip	Agent: Fort Lauderdale, FL 33301	City, State, Zip	Fort Lauderdale, FL 33301
Phone	Agent: 954.648.9376	Phone	954.648.9376
Email	Agent: stephanie@toothaker.org	Email	cc: estefania@toothaker.org
Proof of Ownership	Tax Record	Authorization Letter	Provided
Applicant Signature:	<div>Signature Digitally signed by Stephanie J. Toothaker, Esq. Date: 2025.04.25 17:35:56 -04'00'</div>	Agent Signature:	<div>Signature Digitally signed by Stephanie J. Toothaker, Esq. Date: 2025.04.25 17:36:10 -04'00'</div>

**C**

PARCEL INFORMATION

Address/General Location	1601, 1603, 1611, 1627, and 1632 S Andrews Ave; 9 and 17 SW 17 St
Folio Number(s)	5042 15 40 0010, 5042 15 40 0090, 5042 15 40 0100, 5042 15 40 0140, 5042 15 40 0150, 5042 15 40 0160, 5042 15 40 0170
Legal Description (Brief)	See attached survey
City Commission District	
Civic Association	Poinciana Park Civic Association

**D**

LAND USE INFORMATION

Existing Use	Surface parking lot; commercial vacant
Land Use	South RAC
Zoning District	SRAC-S Ae
Proposed	Applications requesting land use amendments and rezonings.
Proposed Land Use	South RAC
Proposed Zoning District	SRAC-S Ae





E

PROJECT INFORMATION

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

Project Name	Broward Health Medical Center (BHMC) Medical Office Building (MOB) and Parking Garage									
Project Description <small>(Describe in detail)</small>	Site Plan Level IV Review: 187,272 GSF Medical Office Building and 695-Space Parking Garage in South RAC with Request for Application of Prior Zoning Regulation									
Estimated Project Cost	\$	N/A <small>(Estimated total project cost including land costs for all new development applications only)</small>								
Waterway Use	No									
Flex Units	N/A		Redevelopment Units		N/A					
Flex Acreage	N/A									
Residential Uses										
Single Family	N/A									
Townhouses	N/A									
Multifamily	N/A									
Cluster/Zero Lot Line	N/A									
Other	N/A									
Total <small>(dwelling units)</small>	N/A									
Residential Unit Mix	Efficiency / Studio	N/A		1- Bedroom	N/A					
Affordable Housing Units										
Affordable Unit Mix	Efficiency / Studio	N/A		1- Bedroom	N/A					
Traffic Study Required	Yes									
Parking Reduction	No									
Public Participation	Yes									
Non-Residential Uses										
Commercial	N/A									
Restaurant	N/A									
Office	187,272 GSF MOB (20,709 SF Mechanical)									
Industrial	N/A									
Other	310,877 GSF Parking Garage									
Total <small>(square feet)</small>	518,858 GSF									
2-Bedroom	N/A		3-Bedroom or More	N/A						
2-Bedroom	N/A		3-Bedroom or More	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 <small>(Square feet/ acres)</small>	N/A		1.74 acres (75,646 SF)	
Lot Density <small>(Units/ acres)</small>	N/A		N/A	
Lot Width	N/A		Varies	
Building Height <small>(Feet)</small>	10-floors/110' max. up to 14-floors/150'		120'-0" (140' -6" T.O. Parapet) per Sec. 47-26.A.1	
Structure Length	150' unless providing design variation/articulation		429'-0" with design variation/articulation	
Floor Area Ratio <small>(F.A.R.)</small>	N/A		0.89	
Lot Coverage	N/A		91.47%	
Open Space	N/A		N/A	
Landscape Area	N/A		1,244 SF	
Parking Spaces	450 spaces		690 spaces	
SETBACKS <small>(Indicate direction N,S,E,W)</small>	Required Per ULDR		Proposed	
Front	Front/Primary: 0'		S. Andrews Ave: 0'	
Side	N/A			
Corner / Side	Corner/ Secondary: 5'-10'		SW 17th St: 5' / SW 1st Ave: 6.4'	
Rear	N/A			

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

Tower Stepback	Required Per ULDR	Proposed	Deviation
Front / Primary Street	0' (S. Andrews Ave); 0' (SW 17th St)	0' (S. Andrews Ave); 272'-8" (SW 17th St)	Not Applicable
Sides / Secondary Street	15" (SW 1st Ave)	0' (SW 1st Ave)	Deviation
Building Height	110' max. up to 150'	120'-0" (140' -6" T.O. Parapet) per Sec. 47-26.A.1	Not Applicable
Streetwall Length	150' unless providing design variation/articulation	429'-0" with design variation/articulation	Not Applicable
Podium Height	75' / 6 stories	73'-0"	Not Applicable
Tower Separation	N/A	N/A	
Tower Floorplate <small>(square feet)</small>	Commercial Buildings > 110': 20,000 GSF	23,409 GSF (portion above 75')	Not Applicable
Residential Unit Size <small>(minimum)</small>	N/A	N/A	Not Applicable

G

AMENDED PROJECT INFORMATION

Provide approved and proposed amendments for project. Circle yes or no where indicated.

Project Name			
Proposed Amendment Description <small>(Describe in detail)</small>			
	Original Approval	Proposed Amendment	Amended
Residential Uses <small>(dwelling units)</small>			
Non-Residential Uses <small>(square feet)</small>			
Lot Size <small>(Square feet/ acres)</small>			
Lot Density <small>(Units/ acres)</small>			
Lot Width			
Building Height <small>(Feet)</small>			
Structure Length			
Floor Area Ratio <small>(F.A.R.)</small>			
Lot Coverage			
Open Space			
Landscape Area			
Parking Spaces			
Tower Stepback			
Building Height			
Streetwall Length			
Podium Height			
Tower Separation			
Tower Floorplate <small>(square feet)</small>			
Residential Unit Size <small>(minimum)</small>			
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?			





### **1 MISCELLANEOUS** *Provide information on the specific request.*

\*Application is subject to specific fees based on hourly rate with minimum amount of: DRT \$477, Affordable Housing Tax Reimbursement \$2,500, Noise Waiver \$954

**CHECKLIST FOR SUBMITTAL AND COMPLETENESS:** The following 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: October 17, 2024
  - ☒ **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** that includes all parcels within the proposed development.
  - ☒ **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 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 [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 delay 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.

June 6, 2022

City of Fort Lauderdale  
Office of the City Clerk  
100 N. Andrews Avenue, 7th Floor  
Fort Lauderdale, FL 33301


Broward County Board of County Commissioners  
115 S. Andrews Avenue, #409  
Fort Lauderdale, FL 33301

**Re: Section 2-262, City of Fort Lauderdale Code of Ordinances and  
Broward County Ordinance No. 2009-34 Authorization Letter**

To Whom it May Concern:

Please accept this letter of authorization permitting Stephanie J. Toothaker, Esq. of Stephanie J. Toothaker, Esq., P.A. d/b/a TOOTHAKER.org to represent the interests of North Broward Hospital District d/b/a Broward Health in connection with permitting in the City of Fort Lauderdale and Broward County.

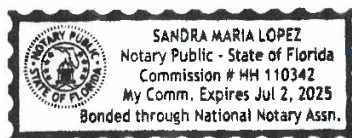
Sincerely,

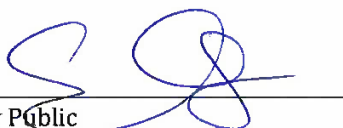
  
\_\_\_\_\_  
Alex Fernandez, CFO

STATE OF FLORIDA  
COUNTY OF

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 6 day of June, 2022 by Alex Fernandez

[Notary Seal]



  
\_\_\_\_\_  
Notary Public  
Sandra M. Lopez  
Name typed, printed or stamped  
My Commission Expires: 7/2/25

X Personally Known OR \_\_\_\_\_ Produced Identification

Type of Identification Produced \_\_\_\_\_





## EXTENSION NOTICE

### DEVELOPMENT REVIEW APPLICATION

### SITE PLAN LEVEL II DEVELOPMENT PERMIT

Pursuant to State Statute 166.033(1):

Within 30 days after receiving an application for approval of a development permit or development order, a municipality must review the application for completeness and issue a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. Within 180 days after the municipality has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order. **Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance.** An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the municipality's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552 or chapter 28-36, Florida Administrative Code.

Instructions: Please sign, date, and return to Case Planner. Note: it is the applicant's responsibility to request an extension of time prior to the expiration date and if the applicant fails to request an extension, the City will deny the application for failure to meet ULDR, Section 47-24.1.E, Review Process.

<b>CASE</b>	UDP-S24072	
<b>PROJECT NAME</b>	Broward Health Medical Center (BHMC) Medical Office Building and Parking Garage	
<b>APPLICATION TYPE</b>	Site Plan Level II Review	
<b>APPROVAL LEVEL</b>	Site Plan Level II with City Commission Review	
<b>Request</b>	Medical Office Building and Garage with a Previous Zoning District Code Section Request and Design Deviation Requests.	
<b>APPLICANT</b>	North Broward Hospital District	
<b>AGENT</b>	Stephanie Toothaker, Esq.	
<b>PROPERTY ADDRESS</b>	1601, 1603, 1611, 1627, and 1632 S. Andrews Avenue	
<b>ABBREVIATED LEGAL DESCRIPTION</b>	CROISSANT PARK RESUB BLK 38 52-8 B LOTS 1 TO 8, 25 TO 30 TOG WITH CROISSANT PARK 4-28 B LOTS 11 THRU 18 BLK 35 TOG WITH POR VAC R/W DESC'D IN OR 34245/470, LESS E 3' THEREOF FOR RD R/W	
<b>ZONING DISTRICT</b>	South Regional Activity Center – South Andrews East (SRAC-SAe) District	
<b>LAND USE</b>	South Regional Activity Center (SRAC)	
<b>COMMISSION DISTRICT</b>	4 – Ben Sorensen	
<b>NEIGHBORHOOD ASSOCIATION</b>	Poinciana Park Civic Association	
<b>SUBMITTAL</b>	December 19, 2024	
<b>COMPLETENESS ISSUED</b>	December 23, 2024	
<b>EXPIRATION</b>	June 17, 2025 (180 Days)	
<b>EXTENSION</b>	<b>August 20, 2025 (additional 64 Days)</b>	
<b>CASE PLANNER</b>	Adam Schnell Urban Planner, III	<b>SIGN:</b>
<b>APPLICANT OR AGENT</b>	Agent: Stephanie J. Toothaker, Esq.	<b>SIGN:</b>
<b>DATE</b>	06/02/2025	

This notice provides an official extension of time for the development permit application described above as agreed upon by the City and applicant. For any questions about this notice, contact the case planner at [yredding@fortlauderdale.gov](mailto:yredding@fortlauderdale.gov) or 954-828-6495.

**DEVELOPMENT SERVICES DEPARTMENT**  
700 NW 19<sup>TH</sup> AVENUE | FORT LAUDERDALE, FLORIDA 33311  
954-828-6520 | [www.fortlauderdale.gov](http://www.fortlauderdale.gov)

April 25, 2025

**VIA LAUDERBUILD**

DEVELOPMENT REVIEW COMMITTEE  
URBAN DESIGN & PLANNING DIVISION  
DEVELOPMENT SERVICES DEPARTMENT  
CITY OF FORT LAUDERDALE  
700 NW 19<sup>th</sup> AVENUE  
FORT LAUDERDALE, FL 33311

**RE: Project & ULDR Narrative**  
**UDP-S24072 – BHMC MOB & Parking Garage**  
**Site Plan Level IV Review: 187,272 GSF Medical Office Building and 695-Space**  
**Parking Garage in South RAC with Request for Application of Prior Zoning**  
**Regulation**

This firm represents the NORTH BROWARD HOSPITAL DISTRICT (dba Broward Health) (the “Applicant”), as owner of the real property located at 1601, 1603, 1611, 1627 and 1632 S. Andrews Avenue and 9 and 17 SW 17<sup>th</sup> Street, Fort Lauderdale, FL 33315, Folio Nos. 5042 15 40 0010, 5042 15 40 0090, 5042 15 40 0100, 5042 15 40 0140, 5042 15 40 0150, 5042 15 40 0160, 5042 15 40 0170 (the “Property”). Applicant is requesting Site Plan Level IV approval to develop the Broward Health Medical Center Medical Office Building and Parking Garage (the “BHMC MOB” or “Project”). The Project consists of a 187,272 GSF, 8-story medical office building (120’-0” to the top of the roof slab of the highest occupied floor / 140’-6” to the parapet), and an attached 695-space, 7-story parking garage (73’-0” to the top of the roof slab of the highest occupied floor / 88’-0” to the top of the stair, elevator and mechanical equipment enclosures) and intended to be an integral part of the BHMC campus in the South RAC. The MOB program includes services in cardiovascular care, pulmonology, primary care, gastroenterology, neuroscience, women’s services and space for future growth, meeting the community’s growing need for convenient, accessible, and high-quality care. There are no current or planned surgical programs within the MOB.

The Property is designated with an underlying South Regional Activity Center future land and is zoned South Regional Activity Center-South Andrews East (“SRAC-SAE”). Prior to the adoption of the SRAC-SA zoning districts in 2010, the Property was zoned Community Business (“CB”), as provided in the attached **Exhibit 1**, which allowed a maximum building height of 150’-0” with no maximum floorplate size restriction or minimum stepback requirements. Applicant is seeking to apply ULDR Section 47-26.A.1, *Request for Application of Prior Zoning Regulations*, to permit a building height of 120’-0” to the top of the roof slab of the highest occupied floor with a tower floorplate of 23,409 GSF for the portion above 75’-0” in height.

The Project provides a substantial and lasting benefit to the community and the City by enhancing pedestrian connectivity, accessibility, and the overall public realm experience. A new east-west crosswalk across S. Andrews Avenue will offer safe and convenient pedestrian access for patients, employees, and the broader public. This crosswalk directly links to the Property’s internal sidewalk network, including a 12’-0”-wide clear sidewalk extending between SW 1<sup>st</sup> Avenue and S. Andrews Avenue. Together, these improvements will significantly enhance pedestrian circulation and safety while establishing a strong visual and physical connection between the BHMC hospital and the planned commuter rail station. This thoughtfully integrated public realm design promotes walkability and fosters a safer, more active, and engaging streetscape that supports the continued evolution of the BHMC campus.

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

**Stephanie J. Toothaker, Esq., PA** 954.648.9376 stephanie@toothaker.org @stoothaker @toothakerdevelopment  
401 E Las Olas Blvd, Suite 130-154 Fort Lauderdale, FL 33301

Additionally, 695 structured parking spaces, well above the 450 spaces required, alleviates parking demand on surrounding streets and ensures convenient, on-site parking for employees, patients, and visitors. In doing so, the Project reinforces hospital operations, improves campus-wide mobility, and contributes to a more integrated, sustainable, and welcoming urban environment.

The following responses demonstrate the Project's compliance with the applicable Unified Land Development Regulations ("ULDR"). An analysis of the Project's compliance with the SRAC-SA Illustrations of Design Standards is provided separately.

### **UNIFIED LAND DEVELOPMENT REGULATIONS ANALYSIS**

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

#### **ULDR Section 47-25.2, Adequacy Requirements ULDR Section 47-25.3, Neighborhood Compatibility Requirements; and ULDR Section 47-26.A.1, Request for Application of Prior Zoning Regulation**

#### **Sec. 47-26.A.1, Request for Application of Prior Zoning Regulation**

*F. Review process.* The review process under this section is as follows:

1. The property owner shall submit a request for application of a prior zoning regulation to the department. The department shall review same and within ten (10) days of the date of submittal, the department shall provide in writing its response to the request and shall state whether the new project meets the provisions of the ULDR except a zoning regulation in effect immediately prior to the adoption date.

**Response: The Applicant submitted a request, and the Zoning Administrator provided the response.**

2. If the new project meets all of the ULDR except a zoning regulation in effect immediately prior to the adoption date, the property owner shall be notified in writing of same by the department and the property owner shall file additional information with regard to its request including the following:
  - a. A statement regarding the existing use of the subject property,
  - b. Whether a vested right to a specific use of real property exists,
  - c. A description regarding how the new project meets the criteria in subsection G and any information supporting same, and
  - d. Any other information deemed necessary by the department to review the request. The information required by 2a-d is contained herein.

**Response: The information required by 2a-d is contained herein.**

3. Within no less than twenty (20) business days and not more than sixty (60) business days from submittal of the applicant's complete request, the planning and zoning board shall hold a public meeting to consider the application and the record and recommendation forwarded by the department and shall hear public comment on the application.

**Response: The application is proceeding to the Planning and Zoning Board.**

4. The planning and zoning board shall determine whether the request meets the criteria provided in subsection G and shall forward its recommendation to the city commission.

**Response: Understood.**

5. During a public meeting, the city commission shall consider the request and the record and recommendation forwarded by the department and planning and zoning board and shall hear public comment on the request.

**Response: Understood.**

6. If the city commission determines that the request meets the criteria provided in subsection G, it shall take action required to approve the request with such conditions necessary to ensure compliance with the criteria provided herein. If the city commission determines that the request does not meet the criteria, the city commission shall deny the request.

**Response: Understood.**

G. *Criteria.* The review criteria for approving a request is as follows:

1. The new project is consistent with the City's Comprehensive Plan.

**Response: The Project is consistent with and will support the City's Comprehensive Plan Goals, Objectives and Policies, including, but not limited to:**

**Future Land Use Element:**

***OBJECTIVE FLU 2.6: Enhance Community Health and Food Access Create neighborhoods that enhance community health through access to public amenities, healthy food, and safe environments, for everyone.***

***POLICY FLU 2.6.3: The City shall institute a cross-disciplinary approach to addressing the social determinants of health and potential impacts to health equity resulting from land use policy, public infrastructure, or services decisions. Considerations shall include potential impacts upon individuals' access to clinical care, air and water quality, housing, transportation, jobs, income, education, social cohesion, community safety, child development, diet and exercise.***

***OBJECTIVE FLU 3.4: Coordination of Transportation and Land Use Planning and Promote Mixed Use Coordinate City land use planning with transportation planning activities of the City, County and State to ensure that regional roadway network levels of service are met.***

***POLICY FLU 3.4.4: Provide for residential mixed land use designations which allow a combination of residential, commercial, employment based and other appropriate uses as described in the permitted uses section of the Future Land Use Element.***

**Urban Design Element:**

***GOAL 2: Encourage urban design which responds to the climate and character of Fort Lauderdale, is pedestrian friendly, human-scaled and contains the infrastructure and amenities to create a vibrant public realm.***

***OBJECTIVE UD 2.1: Promoting Community Identity***

***Promote community identity through building and streetscape enhancements, with a focus on primary entrances and gateways to the City***



***GOAL 3: Streetscape Design Elements - The City of Fort Lauderdale shall promote a complete mobility network and improve multimodal connectivity.***

***OBJECTIVE UD 3.1: Streetscape Design Standards Encourage streetscape design which enhances connectivity, and incorporates technological advancements and improvements in mobility.***

***POLICY UD 3.1.2: The City shall encourage standards for the design of public space facilities, including building orientation and pedestrian and/ or bicycling pathways on site and through buildings, which provide for connections between different modes of travel, including walking, public transit, bicycling, and driving.***

***POLICY UD 3.1.3: Encourage pedestrian and transit-oriented developments with greater emphasis on sidewalk width accommodation of multi-modal transportation options, incorporation of street trees and shading devices, bicycle facilities.***

2. The new project meets all of the requirements of the ULDR except for the zoning regulation which has been amended on or after the adoption date and, but for the amendment of such zoning regulation, the project would meet all the provisions of the ULDR.

**Response: The Property is located in the SRAC-SAe District and meets all of the district's requirements with the exception of the maximum building height described in Sec. 47-13.30, Table of Dimensional Requirements for the SRAC Districts. An alternative design solution to not provide a setback for the portion above 75'-0" in height fronting SW 1<sup>st</sup> Avenue is requested as permitted by Sec. 47-13.30. The tower façade incorporates extensive glazing, which helps to visually soften and reduce the apparent mass of the building. The transparency and reflectivity of the glazing create a lighter architectural expression, minimizing the contrast between the podium and tower elements and reducing the perceived bulk when viewed from the pedestrian realm. The following is an analysis of the Project's compliance with Sec. 47-13.30.**

Sec. 47-13.30. Table of Dimensional Requirements for the SRAC Districts

Requirements	SRAC-SAe		Proposed		Request
Max. Height (Note A)	110’ (10 stories) max.		120’ (8-stories)		Application of prior zoning regulation per ULDR Section 47-26.A.1
Min. Lot Size	None		1.74 acres (75,646 SF)		Complies
Min. Lot Width			Varies		
Max. FAR			0.89		
	Primary Street	Secondary Street	Primary Street/Front (S. Andrews Ave): 0’  Primary Street/Corner (SW 17 <sup>th</sup> Street): 6.3’  Secondary Street/Corner (SW 1 <sup>st</sup> Ave): 6.4’  Side/Rear Yard Setback: N/A		Complies
Front & Corner Yard Build-to Line	0’ max.	5’ min. – 10’ max.			
Side & Rear Yard Setback	None	None			
(*) Shoulder Height	25’ (2 stories) min. to 75’ (6 stories) max.		73’-0” (7-stories)		Complies
(*) Front & Corner Stepback (Note C)	Primary Streets/Front & Corner: (S. Andrews Ave): Exempt  Secondary Street (SW 1 <sup>st</sup> Ave): 15’ min.		Primary Street/Front (S. Andrews Ave): 0’  Primary Street/Corner: (SW 17 <sup>th</sup> St): 274’-3”  Secondary Street/Corner: (SW 1 <sup>st</sup> Ave): 0’		Alternative Design Request for SW 1 <sup>st</sup> Avenue Only
(*) Tower Design Standards	Floorplate Max.	Side/Rear Stepback	Floorplate Max.	Side/Rear Stepback	Complies
Non-Residential	20,001 to 32,000 GSF	30 ft min.	For portion above 75’: 23,409 GSF	N/A	
Note A:	Subject to Site Plan Level II permit, with City Commission request for review, for heights greater than one hundred ten (110) feet, up to two hundred (200) feet, with adherence to the performance standards of Section 47-13.51.B.1 - Performance Standards and Criteria for Additional Height Bonus.				
	or; Subject to Site Plan Level II permit, with City Commission approval, for heights greater than one hundred ten (110) feet, up to one hundred fifty (150) feet, with adherence to the performance standards of Section 47-13.51.B.2. - Performance Standards and Criteria for Additional Height Bonus.				
	Proposed tower(s) cannot exceed the following standards:				
	Max. Floorplate:		Min. Tower Separation:		
	Commercial 20,000 sf		25 ft side and rear stepback		
Note C:	Residential 10,000 sf		25 ft side and rear stepback		
	Any portion of a structure over 7-stories (75-feet in height) shall meet the minimum step back requirements. Structures located on Andrews Avenue or at the corner of Andrews Avenue and any other Street are exempt from the step back requirements along those street frontages.				
(*)	May be modified if alternative design is found to achieve the underlying intent of the design standard as provided in the SRAC-SA Design Standards				

3. The new project is suitable for the property and meets the Neighborhood Compatibility Criteria as provided in Sec. 47-25.3.

**Response:** The Project meets the Neighborhood Compatibility requirements as set forth herein.

4. Restricting the property from being used for the proposed new project as a result of the new zoning regulation unreasonably restricts the use of the property such that the property owner bears a disproportionate share of a burden imposed for the good of the public which in fairness should be borne by the public at large.

**Response:** Application of Sec. 47-13.30, which limits building height to 110'-0" (10 stories) and imposes a 20,000-square-foot floorplate maximum for the tower portion above 75'-0" in height, unreasonably restricts use of the property for a medical office building and disproportionately burdens the property. The proposed MOB is 8 stories with a total habitable height of 120'-0" and a floorplate of 23,409 GSF for the portion above 75'-0" in height. Medical office buildings require greater floor-to-floor heights (commonly 12' to 14') to accommodate more extensive mechanical and HVAC systems, as well as occupancy and safety requirements unique to healthcare. By contrast, the 110'-0" (10-story) limit in Sec. 47-13.30 appears to assume a residential floor-to-floor height of approximately 10'-0", which does not account for the specialized demands of medical office facilities. Imposing such dimensional standards on the MOB places a disproportionate burden on the property owner, who is effectively prevented from providing a building that meets the community's growing healthcare needs. In fairness, this burden should not rest solely on the property owner, especially when the facility's purpose serves the broader public interest.

5. The new project if approved protects the public interest served by the regulation at issue and is the appropriate relief necessary to prevent the governmental regulation from unreasonably restricting the use of the real property.

**Response:** The literal interpretation of the dimensional limitations for the proposed MOB is contrary to the public interest, as it prevents the property from effectively meeting the community's growing healthcare needs. The MOB is 120'-0" to the top of the roof slab of the highest occupied floor (140'-6" to the parapet) and incorporates extensive glazing to introduce transparency and visual depth, effectively breaking down the building's overall mass. This design strategy alleviates perceived bulk and fosters a harmonious relationship with adjacent BHMC buildings, thereby preserving orderly development and visual compatibility while preventing an unreasonable restriction of the property's use to provide convenient, accessible and high-quality care to the community.

#### **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: Project complies. Drainage calculations are provided as part of this application.**

- 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: The Property was previously developed. The proposed redevelopment will not impact any environmentally sensitive lands.**

- 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: 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: Not applicable. Project is non-residential.**

- 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: Acknowledged and taken under advisement.**

- 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: Refer to Water and Wastewater Capacity Availability Letter (ENG-CR-24110005) confirming the pump station and sewer infrastructure do not require improvements to meet the increased demand of the proposed project.**

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: Refer to Water and Wastewater Capacity Availability Letter (ENG-CR-24110005) confirming the pump station and sewer infrastructure do not require improvements to meet the increased demand of the proposed project.**

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: Not applicable. Project is non-residential.**

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: Refer to Solid Waste Management Plan included as part of this application.**

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: Project complies. Drainage calculations are provided as part of this application.**

**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: Refer to Traffic Impact Analysis included with this application and approved by the City's Traffic Engineer.**

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: Right of way easements as necessary will be provided to meet City and County standards.**

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: Project complies. Widened sidewalks encourage safe and adequate pedestrian movement on-site and around the BHMC district.**

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.**

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: Acknowledged and will comply where 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: Project complies. Refer to narrative addressing SRAC Illustration of Design Standards.**

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:** Refer to Water and Wastewater Capacity Availability Letter (ENG-CR-24110005) confirming the pump station and sewer infrastructure do not require improvements to meet the increased demand of the proposed project.

- 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:** Project will comply as 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:** Not applicable.

- 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:** Not applicable. The Property is located west of the Intracoastal Waterway.

**Sec. 47-25.3. Neighborhood compatibility requirements.**

- A. The neighborhood compatibility requirements are as follows:

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

**Response:** Refer to point-by-point narrative addressing the adequacy requirements.

2. *Smoke, odor, emissions 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 DRNP licenses be required, the applicant will apply and obtain as applicable.**

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: Not applicable. The Project does not abut residential properties.**

- 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: Not applicable. The Project does not abut residential properties.**

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: Not applicable. The Project does not abut residential properties.**

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 shall be required to be screened with material that matches the material used for the principal structure and shall be at least as high as six (6) inches above the top most surface of the roof mounted structure.

**Response: Not applicable. The Project does not abut residential properties. However, all mechanical equipment is appropriately screened from view.**

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. The Project is not contiguous to residential properties.**

d. *Bufferyard requirements.* Excluding parks, open space and conservation areas, 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.

**Response: Not applicable. The Project is not contiguous to residential properties.**

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.

**Response: Not applicable. The Project is not contiguous to residential properties.**

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.

**Response: Not applicable. The Project is not contiguous to residential properties.**

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. The Project is not contiguous to residential properties.**

v. *Application to existing uses.* [intentionally omitted]

e. *Neighborhood compatibility 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: Project complies. Refer to narrative addressing SRAC Illustration of Design Standards.**

- 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: Project complies. Refer to narrative addressing SRAC Illustration of Design Standards.**

ii. Reserved.

iii. Reserved.

iv. All development that is located on land within the CBA 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.

*[Intentionally omitted]*

Respectfully submitted,

Stephanie J. Toothaker, Esq.