



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 the 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

LEVEL I ADMINISTRATIVE REVIEW COMMITTEE (ADMIN)	LEVEL II DEVELOPMENT REVIEW COMMITTEE (DRC)	LEVEL III PLANNING AND ZONING BOARD (PZB)	<input checked="" type="checkbox"/> LEVEL IV CITY COMMISSION (CC)
<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) 	<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 	<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 	<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 <p>City Commission Review Only (review not required by PZB)</p> <ul style="list-style-type: none"> - Vacation of Easement*
COMPLETE SECTIONS B, C, D, G	COMPLETE SECTIONS B, C, D, E, F	COMPLETE SECTIONS B, C, D, E, F	COMPLETE SECTIONS B, C, D, E, F
EXTENSION	DEFERRAL	APPEAL/DE NOVO	PROPERTY AND ROW ITEM
<ul style="list-style-type: none"> - Request to extend approval date for a previously approved application 	<ul style="list-style-type: none"> - Request to defer after an application is scheduled for public hearing 	<ul style="list-style-type: none"> - Appeal decision by approving body - De Novo hearing items 	<ul style="list-style-type: none"> - Road closures - Construction staging plan - Revocable licenses
COMPLETE SECTIONS B, C, H	COMPLETE SECTIONS B, C, H	COMPLETE SECTIONS B, C, H	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

Applicant/Property Owner	J, Richard Budd	Authorized Agent	Andrew Schein
Address	1 Harmon Plaza, Floor 9	Address	1401 E Broward Blvd STE 303
City/State/Zip	Secaucus, NJ 07094	City/State/Zip	Fort Lauderdale, FL 33301
Phone	201-210-2727	Phone	954-779-1101
Email	rbudd@nria.net	Email	aschein@lochrielaw.com
Proof of Ownership	Tax Record	Authorization Letter	
Applicant Signature:	<i>J. Budd, COO</i>	Agent Signature:	

C PARCEL INFORMATION

Address/General Location	200 NE 3rd Street
Parcel Number(s)	0942 19 12 0180 0042 10 12 0190 0042 10 12 0170 0042 10 12 0160
Legal Description (if any)	FT LAUDERDAL ISLAND & DEV CO SUB LOTS 1-4 BLK 2 FT LAUD 1-57 2 LOT 30-40 BLK A
City/County/State	2
Civic Association	Flagler Village

D LAND USE INFORMATION

Existing Use	Existing
Land Use	D-RAC
Zoning	RAC-CC
Proposed Use	
Proposed Land Use	D-RAC
Proposed Zoning	RAC-CC

E PROJECT INFORMATION

Project Name	200 Third		
Project Description (Describe in detail)	43 Story, 388 Unit Mixed-Use Development (2,628 SF of Commercial Space)		
Estimated Project Cost	\$ (Estimated total project cost including land costs for all new development applications only)		
Waterway Use	No	Flex Units Requested	Yes
Flex Units Request	Yes	Parking Reduction	No
Commercial Flex Acreage	No	Public Participation	No
Residential Units		Non-Residential Uses	
Single-Family	0	Office	2,628 SF
Multi-Family	0	Industrial	0 SF
Cluster/Zero Lot Line	388	Other	0 SF
Other	0	Other	0 SF
Total	388	Total	2,628 SF



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)	NONE	29,000 SF / 0.66 AC	
Lot Density (Units/acres)	NONE	587 UNITS/AC	
Lot Width	NONE	200'	
Building Height (Feet)	NONE	448'-4"	
Structure Length	300'	126.8'	
Floor Area Ratio (F.A.R)	NONE	16.3	
Lot Coverage	NONE	83.5%	
Open Space	3,400 SF	20,390 SF	
Landscape Area	850 SF	2,229 SF	
Parking Spaces	388	435	
SETBACKS (Indicate direction N,S,E,W)	Required Per ULDR	Proposed	
Front [N]	35.0' from CL	35.0' from CL	
Side [S]	3.0' from PL	3.2' from PL	
Corner / Side [W]	0' from PL	1.4' from PL	
Rear [E]	0' from PL	0.7' from PL	
<i>For projects in Downtown, Northwest, South Andrews, and Uptown Master Plans to be completed in conjunction with the applicable items above.</i>			
	Required Per ULDR	Proposed	Proposed Deviation
Tower Stepback			
Front / Primary Street []			
Sides / Secondary Street []			
Building Height			
Streetwall Length			
Podium Height			
Tower Separation			
Tower Floorplate (square feet)			
Residential Unit Size (minimum)			

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



1401 EAST BROWARD BOULEVARD, SUITE 303
FORT LAUDERDALE, FLORIDA 33301
EMAIL: ASCHEIN@LOCHRIELAW.COM
DIRECT LINE: 954.617.8919
MAIN PHONE: 954.779.1119
FAX: 954.779.1117

Project: 200 Third
Owner: 3rd Street Capital 200-210 LLC
Author: Andrew J. Schein, Esq.

GENERAL NARRATIVE

The Project consists of 388 multifamily residential units and 2,628 square feet of commercial units in a 43-story building. The Project will be located south of NE 3rd Street between NE 3rd Avenue and North Andrews Avenue.

The Project's design includes an activated ground floor facing NE 3rd Street, which will include a leasing office, a double-height lobby, and 2,628 square feet of commercial space. The Project's design incorporates numerous features to promote multimodal activity including 1,200 square feet of bicycle storage, scooter/motorcycle parking, and minimum 7' clear sidewalks. The design of the tower itself is unique to the area, incorporating undulating balconies, significant vertical banding, and a unique rooftop design to improve the Fort Lauderdale skyline.

The Project contains 435 parking spaces in a fully-enclosed parking garage, which is architecturally screened from public view. All loading and unloading activities will be completely internalized to the Project.

Project: 200 Third
Owner: 3rd Street Capital 200-210 LLC
Author: Andrew J. Schein, Esq.

ADEQUACY REQUIREMENTS NARRATIVE

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.

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 communications 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 receive a stormwater management permit from Broward County prior to commencing construction of the Project.

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, an application for development shall be reviewed in accordance with the following Broward County Ordinances which address environmentally sensitive lands and well field protection which ordinances are incorporated herein by reference:

- a. Broward County Ordinance No. 89-6.
- b. Section 5-198(I), Chapter 5, Article IX of the Broward County Code of Ordinances.
- c. 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: N/A, the Project is not expected to 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: Acknowledged, the Project will comply with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.

F. *Parks and open space.* New park impact fee ordinance adopted in June 2006.

Response: Applicant will pay all required park impact fees prior to the issuance of the 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: Applicant's design incorporates CPTED principles to minimize 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: A water/wastewater capacity letter from Public Works is included in this submission.

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.
2. 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 proposed development.
3. Where the county is the projected service provider, a written assurance will be required.
4. Where septic tanks will be utilized, the applicant shall secure and submit to the city a certificate from the Broward County Health Unit that certifies that the site is or can be made suitable for an on-site sewage disposal system for the proposed use.

Response: A water/wastewater capacity letter from Public Works is included in this submission.

J. *Schools.* For all residential plats, the applicant shall contribute to school facilities in accordance with the Broward County Land Development Code and shall provide documentation to the city that such contribution has been satisfied.

Response: Applicant will pay all required school concurrency fees prior to the issuance of a building permit.

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. *Solid waste facilities.* 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: All solid waste collection will be internalized to the site.

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: Stormwater will be retained on site in accordance with the Broward County Department of Environmental Regulations criteria.

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; or

- 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 traffic ways 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 traffic ways.
 - iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local traffic ways, 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: Applicant provided a traffic impact statement to the City.

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: To the extent any additional right-of-way is needed, Owner will dedicate the same by easement.

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: The Project includes sidewalks along NE 3rd Street.

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: N/A

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.

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: Street trees are provided along NE 3rd Street.

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: A water/wastewater capacity letter from Public Works is included in this submission.

O. Trash management requirements. A trash management plan shall be required in connection with non-residential uses that provide prepackaged food or beverages for off-site 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: Acknowledged.

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: This site does not have any historical or archaeological significance.

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: N/A. Project is not located east of the Intracoastal Waterway.

Project: 200 Third
Owner: 3rd Street Capital 200-210 LLC
Author: Andrew J. Schein, Esq.

DOWNTOWN MASTER PLAN DESIGN GUIDELINES

<u>PRINCIPLES OF STREET DESIGN</u>	
S1	Maintain fine-grained street grid: discourage vacations. Applicant's Response: The Project does not include any requests for street vacations.
S2	Utilize Traffic Calming rather than blocking streets. Applicant's Response: Applicant is not proposing any blockage of streets. The Project incorporates bulbouts along NE 3rd Street to aid in traffic calming.
S3	Maximize on-street parking except on major arterials. Applicant's Response: N/A, this Project does not include on-street parking.
S4	Provide adequate bike lanes in a planned network (next to on street parking: 5ft; next to travel lane: 4ft). Applicant's Response: The Project is not located in a planned bike network, however Applicant will work with City staff if the City proposes a bike lane in this area.
S5	Maximize street trees on all Downtown Streets. Applicant's Response: The Project maximizes the number of street trees along the street frontage.
S6	Encourage location of primary row of street trees between sidewalk and street. Applicant's Response: The Project includes a primary row of street trees between the sidewalk and the street.
S7	Reduce preferred maximum spacing for street trees (Palms: 22ft; Shade: 30ft). Applicant's Response: The shade trees along all street frontages are spaced approximately 30' on center.

S8	Reduce horizontal clearances for trees (Palms: 6ft; Shade: 12ft).
	Applicant's Response: The horizontal clearance for the shade trees will be a minimum of 12'.
S9	Encourage shade trees along streets, palm trees to mark intersections.
	Applicant's Response: The Project includes shade trees along the street. There are no intersections abutting the development site.
S10	Eliminate County "corner chord" requirement not compatible with urban areas.
	Applicant's Response: The Project is not designed to the County's corner chord requirement.
S11	Encourage curb radius reduction to a preferred maximum 15ft; 20ft for major arterials.
	Applicant's Response: The Project includes a flared driveway entrance.
S12	Discourage curb cuts on "primary" streets.
	Applicant's Response: The Project does not include curb cuts on a primary street.
S13	Encourage reduced lane widths on all streets.
	Applicant's Response: The proposed eastbound traffic lane on NE 3rd Street will be approximately 10.1'.
S14	Encourage fixed Rights-of-Way and setbacks for all Downtown streets (to eliminate uncoordinated City setback and County easement requirements).
	Applicant's Response: The building is set back 36' from the centerline of NE 3rd Street.
S15	Encourage reduced design speeds on all RAC streets (15 - 40 mph).
	Applicant's Response: The Project utilizes design techniques to maintain the integrity of the street grid to promote decreased speeds.
S16	Bury all power lines in the Downtown Area.
	Applicant's Response: Applicant will work with FPL to determine the feasibility of burying the overhead powerlines.

PRINCIPLES OF BUILDING DESIGN

B1 Framing the street: Building “streetwall” should generally meet setback line (within a percentage).

Applicant's Response: The building generally meets the setback line at 35' from the centerline of NE 3rd Street.

B2 Framing the street: Encourage open space site requirements for use as pedestrian public space instead of unusable, leftover ‘green perimeter’.

Applicant's Response: The Project includes usable open space along NE 3rd Street, including a plaza area in front of the lobby/leasing office and benches between the sidewalk and the building.

B3 Framing the street: Minimum and maximum building ‘streetwall’ heights (see character area guidelines for specifics).

Applicant's Response: The Project complies. The podium height is 9 stories.

B4 Framing the street: Encourage maximum building ‘streetwall’ length of 300ft.

Applicant's Response: The Project complies. The streetwall length is 200’.

B5 Preferred maximum ‘floorplate’ area for towers (see character area guidelines for specifics).

Applicant's Response: The Project complies. The floorplate size is 12,500 square feet.

B6 Where towers are located on Primary (>60ft wide) and Secondary (< or = 60ft wide) Streets, the towers are encouraged to orient towards the Primary Street.

Applicant's Response: The tower is oriented towards NE 3rd Street, the only street abutting the development site.

B7 Where towers are located on streets < or = 60ft, increased setbacks from the ‘shoulder’ are encouraged to reduce the impact on the street.

Applicant's Response: Due to the size of the development site, an additional setback cannot be provided.

B8 Surface parking: discourage frontage and access along ‘primary’ street.

Applicant's Response: N/A, the Project does not include surface parking.

<p>B9 Parking garages: encourage access from secondary streets and alleys.</p> <p>Applicant's Response: Access to the parking garage is provided on NE 3rd Street, a secondary street.</p> <ul style="list-style-type: none"> • Encourage street level activities and minimize visual exposure of parking, with active space on the ground floor of a parking garage. <p>Applicant's Response: The ground level of the Project is activated to the greatest extent possible. The ground level a leasing office, a double-height residential lobby, and 2,628 square feet of commercial space on the ground floor.</p> <ul style="list-style-type: none"> • Upper floors of a parking garage should not be visible along primary streets, waterways, and parks. Active spaces on the upper floors are encouraged as a preferred design. <p>Applicant's Response: The upper floors of the parking garage will not be visible along any street frontages. The parking garage is architecturally screened from view.</p>
<p>B10 Encourage main pedestrian entrance to face street.</p> <p>Applicant's Response: The main pedestrian entrances face the street.</p>
<p>B11 Maximize active uses and 'extroverted' ground floors with retail in strategic locations.</p> <p>Applicant's Response: The Project includes commercial uses on the ground floor.</p>
<p>B12 Encourage pedestrian shading devices of various types.</p> <p>Applicant's Response: The Project includes a combination of shade trees and awnings.</p>
<p>B13 Encourage balconies and bay windows to animate residential building facades.</p> <p>Applicant's Response: The Project includes balconies.</p>
<p>B14 In residential buildings encourage individual entrances to ground floor units (particularly in the Urban Neighborhood Character Area).</p> <p>Applicant's Response: N/A, ground floor units are not proposed.</p>
<p>B15 High rises to maximize active lower floor uses and pedestrian-oriented design at ground floor.</p> <p>Applicant's Response: The ground level of the Project is activated to the greatest extent possible. The ground level a leasing office, a double-height residential lobby, and 2,628 square feet of commercial space on the ground floor.</p>
<p>B16 Building Design guidelines do not apply to Civic Buildings and Cultural Facilities.</p>

<p>Applicant's Response: N/A.</p>
<p>B17 Discourage development above right-of-way (air rights).</p> <p>Applicant's Response: No portion of the development is proposed above a right-of-way.</p>
<p>B18 Mitigate light pollution.</p> <p>Applicant's Response: The Project includes adequate screening to mitigate light pollution. See photometric plan for details.</p>
<p>B19 Mitigate noise pollution.</p> <p>Applicant's Response: All mechanical equipment will be adequately screened, and the Project is not expected to produce significant noise pollution. Rooftop equipment will be screened with screening at least 6" above the highest point of the rooftop equipment.</p>
<p>B20 Vertical open space between towers on adjacent lots: Towers are encouraged to maintain vertical open space along side and rear lot lines: minimum horizontal distance of 30 ft (abutting property owners can coordinate tower placement as long as maintain 60 ft clearance).</p> <p>Applicant's Response: The tower is set back 30' on the east and west sides of the development site. The tower is set back 30' from the centerline of the adjacent alley.</p>
<p>B21 Vertical open space between multiple towers on a single development site: no less than 60 ft apart.</p> <p>Applicant's Response: N/A, the Project only includes one (1) tower.</p>
<p>B22 Residential: Encourage minimum ground floor elevation of 2 ft above public sidewalk level for individual ground floor entrances to private units.</p> <p>Applicant's Response: N/A, the Project does not include ground floor units.</p>
<p>B23 Avoid drive thrus in the wrong places.</p> <p>Applicant's Response: The Project does not include drive thrus.</p>
<p>QUALITY OF ARCHITECTURE</p>
<p>Q1 Skyline Drama: Encourage towers to contribute to the overall skyline composition.</p> <p>Applicant's Response: The Project will be a significant improvement to the skyline composition. The Project includes uniquely-undulated balconies on all sides and prominent vertical banding. The rooftop design is unique for the City, incorporating architectural wings, multiple roofline angles, and architectural projections.</p>

Q2	Expressive Tops: Encourage expressive tops for tall buildings above 37 stories in Near Downtown and Downtown Core.
<p>Applicant's Response: The rooftop design is unique for the City, incorporating architectural wings, multiple roofline angles, and architectural projections.</p>	
Q3	Durability and Quality of Materials: Encourage high quality materials for the entire building, with special emphasis on detailing and durability for the first 2 floors.
<p>Applicant's Response: The ground floor contains significant glazing, a painted mural, vertical metal banding, and perforated metal screening.</p>	
Q4	Respect for Historic Buildings.
<p>Applicant's Response: N/A, there are no historic buildings on the Project site or immediately adjacent to the site.</p>	
Q5	Parking Podium Façades: Where structured parking must be exposed to the street, exceptionally creative solutions should be explored.
<p>Applicant's Response: No structured parking is exposed to the street.</p>	
Q6	Response to Natural Environment: Encourage architecture to respond to the unique nature of the south Florida environment (solar orientation, wind direction, rain). Examples: Open breezeway corridors oriented toward prevailing winds; energy efficient glazing; above ground stormwater capture and re-use through bio-swales and rain gardens; solar roof panes/awnings.
<p>Applicant's Response: See response to Q8.</p>	
Q7	Creative Façade Composition: Encourage a rich layering of architectural elements throughout the building, with special attention to facades below the shoulder level.
<p>Applicant's Response: See response to Q8.</p>	
Q8	Original, Self-Confident Design: Encourage a range of architectural styles that each create a strong identity, strive for the highest quality expression of its chosen architectural vocabulary.
<p>Applicant's Response: The overall architecture is designed in a contemporary manner. The building has been carefully designed to include a variety of materials, colors, textures and art to create a timeless and appealing project for Flagler Village.</p> <p>The ground floor of the building contains a painted mural, floor-to-ceiling storefront glazing, vertical metal elements that are continued to the top of the podium, and perforated metal screening. The podium and the tower will be separated by double-height glass windows at the amenity level on the 10th/11th floor. The tower itself incorporates uniquely-designed undulating and angled balconies along all elevations. On the west façade, the tower is separated from the</p>	

podium by a double-height vertical column, giving a portion of the west façade the feeling that it is floating above the podium.

Project: 200 Third
Owner: 3rd Street Capital 200-210 LLC
Author: Andrew J. Schein, Esq.

FLEXIBILITY ALLOCATION NARRATIVE

ULDR Section 47-28.1.M

M. Allocation of flex units in the Downtown Regional Activity Center.

1. Flex units may be allocated to a development site in the Downtown Regional Activity Center area subject to the following conditions.

- a. Demonstration that the use of flex units is in conformance with goals, objectives and policies of the city's Land Use Plan.

RESPONSE: The City's Downtown Regional Activity Center ("DRAC") future land use designation permits the allocation of flexibility units to projects within the DRAC. Specifically, the comprehensive plan states that the allocations will be made "subject to compliance and consistency with Objectives 1.14 and 1.15, Policies [1.14.1 through 1.14.8], Policies 1.15.1, 1.15.2, 1.15.3, and 1.18.1."

Policy 1.14.1 of the City's future land use element is to provide incentives which encourage housing and hotel units in the DRAC. In this case, the Project consists of housing units in the DRAC. Therefore, the allocation of flexibility units to the Project meets the intent of this policy.

Policy 1.14.2 of the City's future land use element is to utilize land development regulations for the DRAC to address the core, fringe and corridor areas and to promote mixed-use development in the DRAC. In this case, the Project is located within the DRAC and is a mixed-use development. Therefore, the allocation of flexibility units to the Project meets the intent of this policy.

Policy 1.14.3 of the City's future land use element is to improve the pedestrian environment in the DRAC. The Project consists of minimum 7' clear sidewalks and is designed to promote multi-modal transportation. The Project also includes various improvements to the pedestrian environment such as various shading devices, extensive landscaping, a painted mural, and active ground-floor uses. Therefore, the allocation of flexibility units to the Project meets the intent of this policy.

Policy 1.14.4 of the City's future land use element pertains to the New River corridor and is not applicable to the Project.

Policy 1.14.5 of the City's future land use element is to incorporate streetscape guidelines for the DRAC to include provisions for arcades, landscaping and other pedestrian amenities. As stated above, the Project consists of minimum 7' clear sidewalks, various shading devices, extensive landscaping, a painted mural, an outdoor plaza, and active ground-floor uses. Therefore, the allocation of flexibility units to the Project meets the intent of this policy.

Policies 1.14.6 and 1.14.7 of the City's future land use element pertain to the City's Riverwalk Plan and DRAC boundaries and are not applicable to the Project.

Policy 1.14.8 of the City's future land use element is to implement the Downtown Fort Lauderdale Master Plan. The Project meets the intent of the Master Plan and has been submitted for DRT review to determine consistency with the Master Plan.

Policy 1.15.2 of the City's future land use element is to prevent future inconsistent land uses via land development regulations and as a function of redevelopment. The Property has a DRAC future land use designation and is located in the Near Downtown character area. The Project is consistent with the overall guidelines and standards for the Downtown Core character area and the City's Master Plan. Therefore, the allocation of flexibility units to the Project meets the intent of this policy.

Policy 1.15.3 of the City's future land use element is to utilize criteria in the future land use element to limit commercial intensity adjacent to residential uses outside of the DRAC. The Project is not adjacent to residential uses outside of the DRAC, therefore this is not applicable to the Project.

Policy 1.18.1 of the City's future land use element is to encourage parcel assembly, replatting, and higher residential density with design standards in the DRAC. The Project consists of 8 lots which have been assembled into a single development site. The Property does not require replatting in order to accommodate the Project. The Project's density is consistent with other projects in the immediate area. Therefore, the allocation of flexibility units to the Project meets the intent of this policy.

Additionally, Objective 1.16 of the City's future land use element is to concentrate development, particularly large-scale, mixed-use development in the Downtown RAC to discourage urban sprawl. The Project, which is a mixed-use development consisting of residential and commercial uses furthers this objective.

Since the Project is consistent with Objectives 1.14 and 1.15, Policies 1.14.1 through 1.14.8, Policies 1.15.1, 1.15.2, 1.15.3, and Policy 1.18.1, the allocation of flexibility units to the

Project is in conformance with the goals, policies, and objectives of the City's future land use plan.

- b. Development in the Downtown Regional Activity Center shall be reviewed to determine if the development is consistent with the design guidelines or has proposed alternative designs which meet the intent of the design guidelines provided in the Downtown Master Plan ("DMP") and any subsequent amendments to the DMP. In the event compliance with the ULDR would not permit consistency with the design guidelines, the design guidelines shall govern.

RESPONSE: Acknowledged.

- c. Flex units shall be allocated in accordance with the flex zone boundaries that are contained by the Downtown Regional Activity Center.

RESPONSE: Acknowledged.

- d. A Site Plan Level II approval is required in accordance with Section 47-24, Development Permits and Procedures. An approval by DRC is subject to a City Commission request for review, under the provisions of Section 47-26A.2.

RESPONSE: Acknowledged.

- e. Expiration of allocation of flex units. The allocation of flex units shall expire and terminate upon the expiration of the site plan approval in accordance with Section 47-24.1.M.

RESPONSE: Acknowledged.

Project: 200 Third
Owner: 3rd Street Capital 200-210 LLC
Author: Andrew J. Schein, Esq.

**DOWNTOWN RAC REVIEW PROCESS AND SPECIAL REGULATIONS NARRATIVE
ULDR SECTION 47-13.20**

A. *Applicability.* The following regulations shall apply to those uses permitted within the Downtown RAC district, as shown on the List of Permitted and Conditional Uses, Sections 47-13.10 to 47-13.14.

1. Downtown Master Plan Design Guidelines. The guidelines contained in Chapter 4 of the Consolidated Downtown Master Plan for the City of Fort Lauderdale, Florida (herein "Downtown Master Plan") as accepted by the City Commission on November 18, 2003 (Resolution No. 03-170) and updated revisions approved by the City Commission on June 19, 2007 (Resolution 07-120) are hereby incorporated and referred to as Downtown Master Plan Design Guidelines.

RESPONSE: Applicant has provided a separate point-by-point narrative addressing the Downtown Master Plan Design Guidelines.

2. Intent. The Downtown Master Plan Design Guidelines are form-based, graphic guidelines intended to guide development within the Downtown Regional Activity Center zoning districts. The Downtown Master Plan includes intent driven language that is not meant to be prescriptive in all situations, to allow for a qualitative design-oriented approach to development and redevelopment proposals.

RESPONSE: Applicant has provided a separate point-by-point narrative addressing the Downtown Master Plan Design Guidelines.

3. Downtown Master Plan Chapter 4 Sections. The Downtown Master Plan Design Guidelines consist of ten (10) sections established in Chapter 4 of the Downtown Master Plan. Any proposed development or redevelopment shall be reviewed against these sections of Chapter 4. These ten (10) sections consist of:
 - a. Principles of Street Design
 - b. Street Design Examples
 - c. Principles of Building Design
 - d. Quality of Architecture
 - e. Principles of Storefront Design
 - f. Character Area Guidelines
 - g. Neighborhood Transition Areas
 - h. Thematic Planning Districts
 - i. Principles of Riverfront Design
 - j. Implementation

RESPONSE: Applicant has provided a separate point-by-point narrative addressing the Downtown Master Plan Design Guidelines.

- B. *Downtown Master Plan Standards.* Development within the Downtown Regional Activity Center shall be required to meet the following minimum standards, as specified by the geographical boundaries of the character area in which the development or redevelopment proposal is located:
1. Maximum Building Height
 2. Maximum Building Streetwall Length
 3. Maximum Building Tower Stepback
 4. Maximum Building Podium (Pedestal) Height
 5. Minimum Building Tower Separation Distance
 6. Maximum Building Tower Floorplate Square Footage
 7. Minimum Open Space Square Footage
 8. Transition Zones
 9. Local Street Cross Section

RESPONSE: Applicant has provided a separate point-by-point narrative addressing the Downtown Master Plan Design Guidelines.

- C. *Downtown Character Areas.* In addition to the RAC Districts described in Section 47-13.2.1 the Downtown Regional Activity Center shall be further characterized by three (3) distinct character areas. The character areas are defined by geographic boundaries and are intended to create a variety of urban experiences throughout the Downtown Regional Activity Center through guidelines that set maximum building height, maximum podium height, podium stepback, and floorplate square footage for development in each area. Each character area exhibits unique urban form and characteristics while sharing common themes relating to pedestrian oriented design. Character areas consist of the following:
1. The Downtown Core character area is a mixed-use central business district that encourages a variety and higher intensity of commercial, entertainment, office, civic uses and high-density housing. It is characterized by vertical slender towers with minimum stepbacks, and includes the following Downtown Regional Activity Center zoning districts which guide specific uses:
 - a. RAC-CC
 - b. RAC-AS
 - c. RAC-WMU
 2. The Near Downtown character area is made up of a variety of institutional, retail, and office uses, and offers a variety of housing options. It is characterized by intermediate scale buildings that frame the street with a defined building shoulder height and towers stepped back above, and includes the following Downtown Regional Activity Center zoning districts which guide specific uses:
 - a. RAC-CC
 - b. RAC-UV
 - c. RAC-WMU

- d. RAC-EMU
 - e. RAC-SMU
 - f. RAC-AS
3. The Urban Neighborhood area is primarily residential in nature, with supporting community retail, employment opportunities, local amenities and services. It is characterized by varied scale buildings with defined podium heights and some towers stepped back above, and includes the following Downtown Regional Activity Center zoning districts which guide specific uses:
- a. RAC-UV
 - b. RAC-RPO
 - c. RAC-AS
 - d. RAC-EMU
 - e. RAC-WMU
 - f. RAC-SMU
4. Character Area Boundaries. The specific geographical boundaries of each character area are shown on the Addendum "A" of the "Official Downtown Character Area Map of the City of Fort Lauderdale."

RESPONSE: The Project is located in the Downtown Core character area.

D. *Development Permit, Density, Effective Date of Approval of Existing Site Plans.*

1. Density within the Downtown Regional Activity Center zoning districts is limited in accordance with the number of units as provided in the City of Fort Lauderdale adopted Comprehensive Plan, as amended from time to time, and as per Section 47-28, Flexibility Rules, and any other applicable provisions in the Unified Land Development Regulations. Density may be increased as provided for in the City's Comprehensive Plan.

RESPONSE: Acknowledged.

2. Dwelling units are allocated at the time of development permit approval. Upon expiration of a development permit the dwelling units shall be returned to the density pool for future allocation.

RESPONSE: Acknowledged.

3. The allocation of dwelling units shall be subject to all applicable provisions of the ULDR at the time of development permit approval. Dwelling units are allocated on a first come, first serve basis.

RESPONSE: Acknowledged.

4. Density in the RAC-TMU District and RAC-RPO District.
- a. All development within the TMU (RAC-EMU, RAC-SMU and RAC-WMU) district that is greater in density than twenty-five (25) dwelling units per net acre shall be eligible to apply for additional dwelling units subject to the following. Such approval shall be based upon consideration of the number of additional dwelling units available under the City's Comprehensive Plan, the number of additional dwelling units requested, the impact of the proposed development on abutting residential areas, the proposed residential density of the proposed development, location of the proposed development, sensitivity to adjacent development of the site design and proposed orientation of the proposed development,

including proposed setbacks, pedestrian movements associated with the proposed development, proposed landscaping, and traffic and parking impacts of the proposed development on the transportation network. Approval for allocation of any additional dwelling units, hotel rooms or both, for multifamily dwellings, hotels and mixed-use developments shall conform to the City's Comprehensive Plan and may be granted subject to approval of a Site Plan Level II permit, subject to the considerations for such review as prescribed above. A minimum setback of twenty (20) feet from all property lines for every building used exclusively for residential purposes may be required. Such minimum setback may also be required for mixed use buildings in which residential use exceeds fifty-nine percent (59%) of the total floor area, exclusive of parking garages.

- b. All development within the RAC-RPO district that is greater in density than thirty-five (35) dwelling units per net acre and up to fifty (50) dwelling units per net acre shall be reviewed subject to the requirements of Section 47-24.3., Conditional Use.

RESPONSE: The Project is not located within the RAC-TMU or RAC-RPO zoning districts.

5. A development permit requesting the allocation of flex and reserve units shall comply with Section 47-28.1, Flexibility Rules. Density may be increased through the allocation of bonus density provisions for affordable housing or sleeping rooms and shall comply with provisions on limitation as outlined in the City's Comprehensive Plan.

RESPONSE: Acknowledged. Applicant has provided a point-by-point narrative addressing Section 47-28.1.

6. Effective date. The development permit shall not take effect until the 30-day city commission request for review has expired. Effective date shall be the 30-day expiration, or the day of City Commission action.

RESPONSE: Acknowledged.

7. Existing Site Plans in DRAC. Development applications received and pending review by the City or approved by the City on or before November 5, 2020, may be amended and modified through the use of provisions of the zoning regulations in effect at the time the approved application was submitted.

RESPONSE: N/A

- E. *Open Space Regulations.* Open space, for the purposes of this section, shall include all areas on the site not covered by structures, other than covered arcades, or not covered by vehicular use area. Covered arcades with a minimum width of ten (10) feet and at least one (1) side open to a street shall be credited towards open space requirements. The required open space shall be shaded through the use of trees, canopies, trellises or other unenclosed shade structures and may include seating, fountains and other elements that enhance the public realm. A minimum of twenty-five percent (25%) of the required open space shall be in pervious landscape area. At least forty percent (40%) of the required open space shall be provided at-grade and the remaining open space may be accessible to individual residential units or through common areas, or both. Pervious surface area, for purposes of this requirement, may be provided through open planting beds, porous paving systems, sand-set pavers, or any combination thereof.

The total amount of open space required shall be calculated based on the size and density of the development, as follows:

1. Open Space for Residential Uses. For development in the RAC districts, except for RAC-CC, open space shall be required for any development that includes residential uses as follows.
 - a. For developments of fifty (50) residential units or less, or developments of twenty-five (25) dwelling units per acre or less density: A minimum of two hundred (200) square feet of open space per unit;
 - b. For developments of between fifty-one (51) and one hundred fifty (150) residential units, or developments of greater than twenty-five (25) dwelling units per acre and up to sixty (60) dwelling units per acre density: A minimum of one hundred fifty (150) square feet of open space per unit. The minimum total amount of open space shall be no less than the maximum square footage of open space as defined in Section 47-13.20.E.1.a. In no case shall the minimum open space provided be less than ten thousand (10,000) square feet;
 - c. For developments of more than one hundred fifty (150) residential units, or developments of greater than sixty (60) dwelling units per acre density: A minimum of one hundred (100) square feet of open space per unit. The minimum total amount of open space shall be no less than the maximum square footage of open space as defined in Section 47-13.20.E.1.b. In no case shall the minimum open space provided be less than twenty-two thousand five hundred (22,500) square feet.
2. Open space general. For development within the Downtown Regional Activity Center zoning districts that do not include residential uses or for all development within the RAC-CC, open space shall be required at a minimum equivalent of ten (10) percent of the gross lot area. Up to fifty (50) percent credit towards the required landscaping as defined in Section 47-13.20.E for landscaping improvements proposed in the right-of-way may be applied if approved by the agency with jurisdiction over the subject right-of-way. For development sites of 1.5 acres or less, up to seventy-five (75) percent credit may be applied towards the required landscaping as defined in Section 47-13.20.E for landscaping improvements proposed in the right-of-way if approved by the agency with jurisdiction over the subject right-of-way.
3. For projects that include both residential and non-residential uses the lesser of the calculations above shall apply.

RESPONSE: The lot area is 34,000 square feet. The Project is required to include 3,400 square feet of open space (10% of lot area), 1,360 square feet of which is required at grade (40%), and 850 square feet of which is required as landscaping (25%).

The Project includes 18,334 square feet of open space, which is approximately 539% of the required open space. Of this open space, 4,795 square feet is at grade (approximately 352% of the requirement) and 2,229 square feet is in landscaping (approximately 262% of the requirement).

- F. *Transition Zones.* Where a proposed use is of larger scale and mass than existing adjacent uses, the design of the structure shall place significant consideration to transition, architectural articulation, superior lining with habitable space and screening of parking garage structures to effectively transition between higher and lower density districts. Transition zones shall be established to ensure a suitable transition from those more intensive zoning districts within the Downtown Regional Activity Center to those less intensive zoning districts outside of the Downtown Regional Activity Center.
1. Commercial Transition Zone:
 - a. Proposed maximum height at the boundary of the RAC-CC district shall be one hundred fifty (150) feet and may be increased one (1) foot for every one (1) foot of setback from the RAC-CC district boundary, for a distance of one hundred (100) feet from the RAC-CC district.
 - b. A transition zone shall be required for any development or redevelopment located within the Downtown Regional Activity Center that is within one hundred (100) feet of a nonresidential

property outside of the Downtown RAC. This transition zone shall only be required if the height limitation of the Downtown Regional Activity Center zoning district is greater than that of the neighboring zoning district and shall consist of the following: a maximum of one hundred and fifty (150) feet for that portion of the structure that is within one hundred (100) feet of the zoning district boundary abutting the RAC and the height may increase a maximum of one (1) foot for each one (1) foot of setback from the boundary for a distance of one hundred (100) feet.

2. Residential Transition Zone: A transition zone shall be required for any development or redevelopment located within the Downtown Regional Activity Center that is within two hundred (200) feet of a residential property. This transition zone shall only be required if the height limitation of the Downtown Regional Activity Center zoning district is greater than that of the neighboring zoning district and shall consist of the following:
 - a. No structure may exceed a height limitation two and one-half times the height of the maximum height of the zoning district outside of the RAC for a distance equal to mid-block of the development site or for a depth of two hundred (200) feet as measured from the zoning district boundary abutting the zoning district of the RAC, whichever is less.

RESPONSE: N/A, the Property is not in a transition zone as shown on the City's published Transition Zone Map.

- G. *RAC Landscape Requirements.* Surface parking lots within the RAC district shall meet the landscape requirements for vehicular use areas as specified in Section 47-21, Landscaping and Tree Preservation Requirements. All other landscape requirements shall comply with the Downtown Master Plan Chapter 4 Design Guidelines.
- H. *RAC Streetscape Design.* All streetscape cross sections shall comply with Chapter 4 of the Design Guidelines of Fort Lauderdale for those streets under City of Fort Lauderdale jurisdiction. Streets not under Fort Lauderdale jurisdiction shall comply with the Downtown Master Plan Chapter 4 Design Guidelines to the greatest extent possible. Alternative streetscape designs may be considered if conflicts with existing utilities prevent placement of street trees and result in the building being placed more than seven (7) feet away from the build to line as prescribed by the street cross sections of the Design Guidelines.

Development shall meet the following streetscape design requirements:

1. VUA landscaping. Surface parking lots shall meet the landscape requirements for vehicular use areas as provided in Section 47-21, Landscaping and Tree Preservation Requirements.

RESPONSE: N/A, the Project only includes structured parking. No traditional surface parking is proposed.

2. Streetscape improvements. Streetscape improvements are required to be made as a part of a development in accordance with the Downtown Master Plan design standards applicable to the abutting right-of-way. The required streetscape improvements shall be required to be made to that portion of the right-of-way abutting the proposed development site. Developer shall be responsible for making the streetscape improvements in accordance with the Downtown Master Plan design standards applicable to the abutting right-of-way.

Modification to the required streetscape improvements may be permitted based on the preservation of natural barriers, avoidance of interference with utility lines or other obstructions as approved by the DRC or may be modified based on an alternative design found to achieve the underlying intent of

the streetscape design as indicated in the adopted design standards. Streetscape improvements shall include but are not limited to the following:

- a. Street Trees. Street trees shall be planted and maintained along the street abutting the property to provide a canopy effect. The trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements. 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.
 - i. In addition to the requirements of Section 47-21, to accommodate proper root growth, street trees shall require the use of a sub-grade soil medium, such as CU Structural Soil® or similar, to be provided to support root growth for trees adjacent to pedestrian pavement and the use of a modular sub-grade block system, such as Silva Cell or similar, to be provided to support root growth for trees adjacent to traffic loads and utilities, and other amenities including but not limited to irrigation, up lighting, porous paving systems.

RESPONSE: Acknowledged.

- ii. Street trees shall be shade trees maintained at a minimum twelve (12) foot horizontal clearance from buildings. Shade trees shall be provided at maximum every thirty (30) lineal feet on-center along the street frontage. Palm trees may be provided at intersections where streets with shade trees converge. Provide tall palms at the immediate corners to provide a visual marker and to frame the street. Small canopy trees and small palms may be permitted when existing or proposed physical conditions may prevent the proper growth of shade trees or tall palms, as determined by the DRC, at maximum every fifteen (15) lineal feet along the street frontage. All trees shall satisfy the following standards at the time of planting:

RESPONSE: Acknowledged. Shade trees are included along the street frontage and will be maintained at a minimum of 12-foot horizontal clearance from the building. The shade trees are provided approximately 30' on center, except in areas that conflict with the driveway.

- iii. Shade trees: Minimum sixteen (16) feet in height, with a minimum seven (7)-foot ground clearance. Palms are to be single-trunk and a minimum of 7-foot ground clearance and spaced to provide maximum visibility at intersection.

RESPONSE: The trees along the street frontage consist of green buttonwoods and live oaks, all of which will be a minimum of 16' in height with a minimum 7' ground clearance.

- b. Sidewalk. A minimum 7-foot clear sidewalk shall be provided along all streets defined as local streets in the Downtown Master Plan Chapter 4 Design Guidelines.

RESPONSE: The Project includes minimum 7' clear sidewalks.

- c. RAC Fencing. Within RAC districts, chain-link fencing shall not be permitted along street frontages.

RESPONSE: Acknowledged, no chain link fencing is proposed.

- d. Maintenance Agreement: Applicant shall be required to execute a maintenance agreement providing for the repair, replacement and maintenance of required off-site improvements in form approved by the City Engineer, to be recorded in the public records of Broward County at applicant's expense. The City Engineer is authorized to execute said agreement on behalf of City.

RESPONSE: Acknowledged.

I. *New River Waterfront Corridor*. Except in the RAC-TMU zoning district, development on parcels located within one hundred (100) feet of the New River shall be reviewed pursuant to the process for a site plan level IV development permit (section 47-24.2) without planning and zoning board review, and shall be required to meet the following regulations:

1. Within the RAC-CC and RAC-AS districts a principal structure shall provide a minimum sixty (60) foot setback from the seawall or the high water mark of the river's edge if no seawall exists, or less if the existing right-of-way or easement is less than sixty (60) feet in width, but in no case shall there be less than a forty-five (45) foot setback, except for the following:
 - a. A residential use or marine-related use as specified in sections 47-13.10 and 47-13.11, Boats, Watercraft and Marinas, that have portions of structures devoted to those uses that are no higher than thirty-five (35) feet in height may encroach within the setback specified above, but shall in no case be less than twenty (20) feet from the seawall or the high water mark, if no seawall exists.

If the minimum or greater setbacks specified in subsection J.1. are provided, the development plan shall be reviewed giving consideration to the location, size, height, design, character and ground floor utilization of any structure or use, including appurtenances; access and circulation for vehicles and pedestrians, streets, open spaces, relationship to adjacent property, proximity to New River and other factors conducive to development and preservation of a high quality downtown regional activity center district. No approval shall be given to the setbacks shown on the development plan unless a determination is made that the setbacks conform to all applicable provisions of the ULDR, including the requirements of section 47-13, Downtown Regional Activity Center Districts, that the safety and convenience of the public are properly provided for and that adequate protection and separation are provided for contiguous property and other property in the vicinity. Approval of the setbacks of a development plan may be conditioned by imposing one (1) or more setback requirements exceeding the minimum requirements.

- b. Within the RAC-CC and RAC-AS districts, structures may provide less than the minimum setback specified in subsection J.1., above or exceed the thirty-five (35) foot height limitation, as specified above, if approved in accordance with the requirements of a site plan level IV development permit, (Section 47-24.2) without planning and zoning board review, subject to the review criteria as provided in Section 47-25.3, Neighborhood Compatibility, as provided in Section 47-25.3.A.3.e.iii, and the following additional criteria and limitations are met:
 - i. Principal structures shall provide a minimum of one (1) or more setbacks totaling a minimum of twenty (20) feet, between a height of twelve (12) feet and fifty-five (55) feet.
 - ii. No portion of a structure in excess of thirty-five (35) feet in height shall encroach upon a 1:1 height-to-setback plane, as measured from a line twenty (20) feet from the seawall or high water mark, if no seawall exists, up to a height of ninety-five (95) feet. Portions of structures above ninety-five (95) feet in height may proceed vertically without additional setback, subject to the provisions of subsection J.2.c.
 - iii. Principal structures shall also provide a minimum of five (5) of the following architectural features: variation in rooflines, terracing, cantilevering, angling, balconies, arcades, cornices, architectural ornamentation, color and material banding, or courtyards, plazas or landscaped areas which encourage pedestrian interaction between the development site and the New River.

2. Additional criteria.
 - a. Within the RAC-CC district only, all principal structures located on the south side of the New River shall provide a minimum setback as required so as to not produce a shadow pattern that shadows a point on the river's edge for more than four (4) hours between the hours of 9:00 a.m. and 4:00 p.m. on March 21 (spring equinox).
 - b. Within the RAC-CC district only, ground level design and amenities shall functionally and visually coordinate with and complement existing public improvements along the New River adjacent or abutting the development site, including pedestrian access and landscaping.

RESPONSE: N/A, the project is not along the New River Waterfront Corridor.

- J. *Review process.* Except as provided in Section 47-24, Table 1. Development Permits and Procedures, development within the following zoning districts shall be reviewed as a Site Plan Level II permit.
 1. A Site Plan Level II approval of a development for which a site plan has been approved by the city commission, or which has been the subject of an agreement with the city shall not be final until thirty (30) days after final DRC approval and then only if no motion is adopted by the city commission seeking to review the application pursuant to the process provided in Section 47-26.A.2 of the ULDR. The action of the DRC shall be final and effective after the expiration of the thirty-day period if no action is taken by the city commission.
 2. Approval of all other Site Plan Level II developments within the RAC shall not be final until thirty (30) days after preliminary DRC approval and then only if no motion is adopted by the city commission seeking to review the application pursuant to the process provided in Section 47-26.A.2 of the ULDR.
 3. In the event the developer of a parcel of land in the Downtown RAC districts desires to deviate from the requirements of Section 47-13.20.B., the developer may submit the design of the proposed development for review and approval by the City Commission, if the alternative design meets the overall intent of the Downtown Master Plan.

RESPONSE: Acknowledged, the project is being submitted as a Site Plan Level II with City Commission review for a deviation. Section 47-13.20.B of the ULDR requires a 30' separation between towers on adjacent sites under separate ownership. The main face of the tower meets the 30' requirement on the east, west and south, however the tower also contains projecting open-air balconies that encroach 6' within the tower separation.

Balconies, although not required, are encouraged under the City's Downtown Master Plan. Balconies provide multiple benefits – they are significantly more aesthetically pleasing than blank walls or punchout windows, they provide varying articulation in the façade to provide additional visual interest, and they allow for more activity facing the street when residents use the balconies. More activity facing the street has two major benefits on its own – it gives the City a more vibrant and active feel while furthering the natural surveillance goal of CPTED principles in order to create a safer City.