

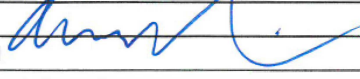
A. DEPARTMENT INFORMATION:

Case Number		Submittal Date		Intake By	
Civic Association				City Commission District	

B. OWNER/APPLICANT CONTACT INFORMATION: For purpose of identification, the PROPERTY OWNER is the APPLICANT

Property Owner's Name	BLF 2021 LLC STATION VILLAGE FLORIDA LLC ETAL	Signature	
Address, City, State, Zip	100 Corporate Pkwy Ste 500 Williamsville, NY 14226		
Phone Number	716.272.0943	Email	
Proof of Ownership	[] Warrant/Deed or [] Agent Auth/OJildllon Com(=)lll S1Jbrn111cd N771		

C. AGENT CONTACT INFORMATION: If AGENT is to represent OWNER, notarized letter of consent is required

Agent's Name	Andrew J. Schein, Esq. Lochrie & Chakas, P.A.	Signature	
Address, City, State, Zip	1401 E. Broward Blvd Ste 303 Fort Lauderdale, FL 33301		
Phone Number	954.779.1119	Email	aschein@lochrirelaw.com

D. DEVELOPMENT INFORMATION

Project Name	199 NW 5th Ave.		
Project Address	(Provide Address Verification Letter) 199 NW 5th Avenue		
Legal Description	1881738 3 0.418388 13 ch10111n0484W4ngChVillorPellfield 138882 163rpub631clVemOb660ffly		
Tax ID Folio Numbers	ii q dll p,11, (l, i, ch,vduf Hllent) 504210 21 0410, 504210 21 0390, 504210 21 0360		
Description of Project	<h1>Mixed Use Development</h1>		
Total Estimated Cost of Project	\$ (Use comma as thousands separator)	Site Adjacent to Waterway	No

E. PROPERTY USE INFORMATION

	Existing	Proposed
Land Use Designation	ORAC	DRAC
Zoning Designation	RACMMU	RACMMU
Use of Property	Warehouse & Commercial	Mixed Use
Number of Residential Units	NONE	400
Non-Residential Square Feet	10,666 SF (Warehouse), 4,880 SF (Commercial)	4,798 SF (Retail)
Building Square Feet (include structured parking)	15,546 SF	432,800 SF

F. DIMENSIONAL REQUIREMENTS

	Required Per ULDR	Proposed
Lot Size (Square Feet / Acreage)	None /	49,000 SF / 11.12 Ac
Lot Density (Units/Acres)	None	367.1
Lot Width	None	350
Building Height (Feet / Floors)	Feet / 37 Floors	Feet 364 / 36 Floors
Structure Length	300'	300'
Floor Area Ratio (F.A.R.)	None	8.83
Lot Coverage	None	37,201 SF / 75.9%
Vehicular Use Area	None	1,767 / 3.6%
Parking Spaces	528	550

Setbacks (indicate direction NSE W)	Required Per ULDR	Proposed
Front [E_]	35' to CL Per DMP	35' to CL (NW 5th Ave)
Side [S_]	0'	0.1'
Side [N_]	35' to CL Per DMP	50' to CL (of NW 2nd St)
Rear [W_]	0'	5'

Required Documentation/ Submittal Checklist

Updated: 10/01/2020



Project: 199 NW 5th Avenue
Address: 199 NW 5th Avenue
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:

- I. 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:

- I. 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 located in the RAC-WMU zoning district and has a greater density than 25 units per net acre. The Project includes 400 residential dwelling units, which is less than the number of dwelling units that the City has available for allocation under the Comprehensive Plan.

The Project was designed to be sensitive towards the adjacent developments. The Project was designed to have residential uses face other residential uses, rather than placing the bulk of the parking garage adjacent to the neighborhood. The deliberate placement of the tower mitigates the impacts of a parking garage adjacent to a residential neighborhood. The Project also includes increased setbacks on the north side, providing additional separation between the Project and adjacent developments.

The Project includes a significant amount of open space, well above what is required under the City's ULDR. For this Project, the ULDR requires 5,921 square feet of open space (10% of the gross lot area). The Project includes 40,423 square feet of open space, 16,004 square feet of which is at grade. The Project far exceeds the City's open space requirement, creating a usable, pedestrian-oriented buffer between the building and the adjacent developments.

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 Project includes both residential and non-residential uses. The gross lot area is 59,203 square feet, which requires 5,921 square feet of open space, of which a minimum of 2,369 square feet (25%) must be in pervious landscaping and 1,481 square feet (40%) must be at grade.

The Project includes a total of 40,423 square feet of open space (682% of the requirement). Of the open space, 10,000 square feet is in pervious landscaping (422% of the requirement) and 16,004 square feet is at grade (675% 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 of 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: The Project was designed to maximize the separation between the Project's tower and potential future development of the property to the south. The tower of the Project is placed 142' – 2" from the southern property line, which will allow significant light and air flow between the two properties once the area is fully developed.

The Project was also designed to have residential uses face other residential uses, rather than placing the bulk of the parking garage adjacent to the neighborhood. The deliberate placement of the tower mitigates the impacts of a parking garage adjacent to a residential neighborhood.

Although the Property is across the street from RM-15 zoned property, the property immediately to the north is not Residential Property as defined in the ULDR, as it is used as a parking lot for a church. The properties to the north also have a Northwest Regional Activity Center future land use designation rather than a single-family or low-density future land use designation. This makes the properties to the north unique from other downtown transition areas, most of which are located next to significantly less intense future land use areas.

- 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:

- I. 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, no 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.

- ü. 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: The shade trees will be maintained at a minimum 12' horizontal clearance from buildings. The shade trees are provided approximately 30' on-center (except where in conflict with driveways) along all streets.

- 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 live oaks will be approximately twenty-four (24) feet in height and will have a minimum seven (7) foot 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:

- I. 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.I. 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.I., 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 for review and approval by the DRC and City Commission.

Project: 199 NW 5th Avenue
Address: 199 NW 5th Avenue
Author: Andrew J. Schein, Esq.

DOWNTOWN MASTER PLAN NARRATIVE

PRINCIPLES OF STREET DESIGN

- S1 Maintain fine-grained street grid: discourage vacations.
RESPONSE: The Project does not include any street vacations.
- S2 Utilize Traffic Calming rather than blocking streets.
RESPONSE: The Project does not include the blocking of any streets.
- S3 Maximize on-street parking except on major arterials.
RESPONSE: The project includes on-street parking.
- S4 Provide adequate bike lanes in a planned network (next to on street parking: 5ft; next to travel lane: 4ft).
RESPONSE: The project is not located in a known planned bike network.
- SS Maximize street trees on all Downtown Streets.
RESPONSE: The project includes street trees along all street frontages.
- S6 Encourage location of primary row of street trees between sidewalk and street.
RESPONSE: The Project includes a primary row of street trees between the sidewalk and the street along all street frontages.
- S7 Maximum spacing for street trees: Palms -22ft.; Shade trees - 30 ft.
RESPONSE: The Project includes shade trees, which are spaced approximately 30' on-center.
- SS Minimum horizontal clearance (from building face) for trees: Palms - 6ft; Shade trees - 12ft.
RESPONSE: The street trees will be maintained at the preferred horizontal clearance.
- S9 Encourage shade trees along streets, palm trees to mark intersections.
RESPONSE: Shade trees are provided along all street frontages and a palm tree is included at the intersection.
- S10 Eliminate County "corner chord" requirement not compatible with urban areas.
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.
RESPONSE: All curb radii have been reduced to the greatest extent possible.
- S12 Discourage curb cuts on "primary" streets.

RESPONSE: There are no curb cuts on primary street. The curb cut will be located along NW 5th Avenue.

- S13 Encourage reduced lane widths on all streets.
RESPONSE: Lane widths have been reduced to 10' where possible.
- S14 Encourage fixed Rights-of-Way and setbacks for all Downtown streets (to eliminate uncoordinated City setback and County easement requirements).
RESPONSE: The Project is set back 35' from the centerline of NW 5th Avenue. The Project is set back 50' from the centerline of NW 2nd Street in order to provide a greater buffer between the Project and adjacent developments.
- S15 Encourage reduced design speeds on all RAC streets (15 - 40 mph).
RESPONSE: All RAC streets adjacent to the project respect these recommended design speeds.
- S16 Bury all power lines in the Downtown Area.
RESPONSE: The applicant is working with FPL to determine the feasibility of burying the overhead power lines.

PRINCIPLES OF BUILDING DESIGN (SCB)

- B1 Framing the street: building "street wall" should generally meet setback line (within a percentage).
RESPONSE: The Project is set back 35' from the centerline of NW 5th Avenue. The Project is set back 50' from the centerline of NW 2nd Street in order to provide a greater buffer between the Project and adjacent developments.
- B2 Framing the street: encourage open space site requirements for use as pedestrian public space instead of unusable, leftover 'green perimeter'.
RESPONSE: The Project contains significantly more open space than is required, including extensive landscaping along NW 2nd Street and a covered arcade along all street frontages.
- B3 Framing the street: minimum and maximum building 'street wall' heights (see character area guidelines for specifics).
RESPONSE: The Project meets the maximum streetwall height of nine (9) stories.
- B4 Framing the street: encourage maximum building 'street wall' length of 300ft.
RESPONSE: The building is 300' in length.
- B5 Preferred maximum 'floor plate' area for towers (see character area guidelines for specifics).
RESPONSE: The floor plate 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.
RESPONSE: Both adjacent rights-of-way are less than 60' wide. The tower is oriented towards NW 2nd Street.
- B7 Where towers are located on streets < or = 60ft, increased step backs from the 'shoulder' are encouraged to reduce the impact on the street.

RESPONSE: To reduce the impact on the street, the tower is set back 50' from the centerline of NW 2nd Street.

- B5 Surface parking: discourage frontage and access along 'primary' street.
RESPONSE: The project does not include traditional surface parking. The project only includes on-street parallel parking and structured parking.
- B9 Parking garages: encourage access from secondary streets and alleys.
RESPONSE: Parking garage access will be provided along NW 5th Avenue, which is a secondary street.
- Encourage street level activities and minimize visual exposure of parking, with active space on the ground floor of a parking garage.
RESPONSE: The ground floor of the building contains active uses along all street frontages.
- 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.
RESPONSE: The upper floors of the parking garage are screened. No garage parking will be visible from the street.
- B10 Encourage main pedestrian entrance to face street.
RESPONSE: The main pedestrian entrance is at the corner of NW 5th Avenue and NW 2nd Street.
- B11 Maximize active uses and 'extroverted' ground floors with retail in strategic locations.
RESPONSE: The Project includes 2 retail locations: a large retail location fronting NW 5th Avenue, and a neighborhood-scale retail location fronting NW 2nd Street.
- B12 Encourage pedestrian shading devices of various types.
RESPONSE: The Project includes shade trees and a covered pedestrian arcade.
- B13 Encourage balconies and bay windows to animate residential building facades.
RESPONSE: The Project includes balconies.
- B14 In residential buildings encourage individual entrances to ground floor units (particularly in the Urban Neighborhood Character Area).
RESPONSE: Not applicable, no ground floor units proposed.
- B15 High rises to maximize active lower floor uses and pedestrian-oriented design at ground floor.
RESPONSE: The ground floor includes active uses facing all street frontages.
- B16 Building Design guidelines do not apply to Civic Buildings and Cultural Facilities.
RESPONSE: Not applicable.
- B17 Discourage development above right-of-way (air rights).
RESPONSE: The Project does not include development over any rights-of-way.
- B18 Mitigate light pollution.

RESPONSE: All lighting will be adequately screened. The Project was designed to produce less than one (1) footcandle of illumination on neighboring properties. See photometric plans for details.

- B19 Mitigate noise pollution.
RESPONSE: Mechanical equipment and other noise producing equipment will be screened to meet the City's noise and equipment screening ordinances.
- B20 Vertical open space between towers on adjacent lots: Towers are encouraged to maintain vertical open space alongside and rear lot lines: minimum horizontal distance of 30 ft (abutting property owners can coordinate tower placement as long as maintain 60 ft clearance).
RESPONSE: The Project only includes a single tower. The tower is spaced a minimum of 30' from abutting property lines.
- B21 Vertical open space between multiple towers on a single development site: no less than 60 ft apart.
RESPONSE: N/ A, the Project includes a single tower.
- B22 Residential: Encourage minimum ground floor elevation of 2 ft above public sidewalk level for individual ground floor entrances to private units.
RESPONSE: No ground floor units are proposed for the project.
- B23 Avoid drive thrus in the wrong places.
RESPONSE: The project does not include any drive-thrus.
- B24 The Fifth Façade: Encourage green roofs as visual amenities that provide a combination of usable, landscaped spaces (recreation & open space benefits) and sustainable roof treatments (environmental benefits).
RESPONSE: The Project includes extensive landscaping on the amenity deck.

QUALITY OF ARCHITECTURE (SCB)

- Q1 Skyline Drama: Encourage towers to contribute to the overall skyline composition.
RESPONSE: The building mass is broken down into a composition of volumes with varying height to create a skyline.
- Q2 Expressive Tops: Encourage expressive tops for tall buildings above 37 stories in Near Downtown and Downtown Core.
RESPONSE: N/ A, the project is less than 37 stories.
- 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.
RESPONSE: The primary exterior finishes for the building include tinted glazing, stone tile, simulated wood, and metal panels on the lower floors.
- Q4 Respect for Historic Buildings.
RESPONSE: N/A

- Q5 Parking Podium Facades: Where structured parking must be exposed to the street, exceptionally creative solutions should be explored.
RESPONSE: The parking will not be exposed to the street. The parking garage is architecturally screened along all street frontages.
- 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 storm water capture and re- use through bio-swales and rain gardens; solar roof panes/awnings.
RESPONSE: Covered pedestrian arcades on NW 2nd Street and NW 5th Avenue offer weather protection to pedestrian and creates a breezeway. The increased separation of the tower from the property to the south will allow wind and light to flow between the property and any future development to the south.
- Q7 Creative Façade Composition: Encourage a rich layering of architectural elements throughout the building, with special attention to facades below the shoulder level.
RESPONSE: The massing of the development is broken down with exterior frames, balcony treatment that is expressed as curves, setbacks, varying roofline, textures and colors.
- QB 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.
RESPONSE: The Project's identity is expressed through creative use of composition to express the development with varying forms, shapes, height and roofline.

PRINCIPLES OF BUILDING DESIGN (SCB)

- SF1 Retail Location Strategy: Encourage ground floor retail in preferred locations.
RESPONSE: The ground floor of the Project includes a retail location fronting NW 5th Avenue, and a neighborhood-scale retail location fronting NW 2nd Street.
- SF2 Encourage a combination of storefront styles and types in adjacent buildings, or within single buildings, to create variety and visual interest at the street level.
RESPONSE: The Project includes various storefront designs - see elevations for details.
- SF3 Encourage durable materials for ground floor retail and cultural uses.
RESPONSE: The ground floor will be constructed with durable materials including tinted glazing, stone tile, simulated wood, and metal panels on the lower floors.
- SF4 Encourage 15 ft minimum floor-to-floor height and encourage interior ground floor flush with adjacent public sidewalk.
RESPONSE: The proposed ground floor height is approximately eighteen (18) feet.

- SFS Encourage significant glass coverage for transparency and views. Encourage restaurants to provide clear visual and physical connections to outdoor seating.
RESPONSE: The Project includes extensive use of glass.
- SF6 Encourage pedestrian shading devices of various types (min 5 ft depth).
RESPONSE: The Project includes shade trees and a covered pedestrian arcade along all street frontages.
- SF7 Encourage multi-level storefront displays to disguise unfriendly uses or blank walls. Murals and art are intended for all zones where there are blank walls enclosing parking garage program
RESPONSE: The Project does not include any unfriendly or blank walls. The storefront displays will be a mix of tinted glazing, stone tile, simulated wood, and metal panels.
- SFS Encourage well-designed night lighting solutions.
RESPONSE: Pedestrian level street lighting has been designed to provide a safe environment use for the project's active uses without contributing excessive light pollution.

CHARACTER AREAS

Downtown Core

- IA Frame the street with appropriate heights - maximum 9 floor shoulder
RESPONSE: The shoulder height of the Project is 9 floors.
- IB Special architectural design encouraged for buildings over 37 floors
RESPONSE: The Project is less than 37 floors
- IC Encourage slender towers to complement the skyline and provide more light and air to streets and open spaces below.
RESPONSE: The tower floorplate is a maximum of 12,500 square feet and meets this requirement.

Project: 199 NW 5th Avenue
Address: 199 NW 5th Avenue
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 ½) inches of runoff from the impervious surface whichever is greater.

Response: Application will be made to Broward County and the applicant will satisfy all current criteria for surface water requirements and obtain all local and state licenses.

- 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(1), 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: There are no environmentally sensitive lands on this site.

- 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: Applicant will request a water/wastewater capacity letter from the City's Public Works Department and will provide the letter to the City upon receipt.

F. *Parks and open space.*

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

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

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

Response: The project incorporates CPTED principles into the design.

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 delineate 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: Applicant will request a water/wastewater capacity letter from the City's Public Works Department and will provide the letter to the City upon receipt.

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: Applicant will request a water/wastewater capacity letter from the City's Public Works Department and will provide the letter to the City upon receipt.

- 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 request a School Capacity Availability Determination ("SCAD") and will provide the SCAD to the City upon receipt.

K. **Solid waste.**

1. Adequate solid waste collection facilities and service shall be obtained by the applicant in connection with the proposed development and evidence shall be provided to the city demonstrating that all solid waste will be disposed of in a manner that complies with all governmental requirements.
2. *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: Owner will contract with a private waste hauler.

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

Response: The project will be designed with on-site storm water retention. Application will be made to Broward County and the applicant will be required to satisfy all current criteria for surface water requirements and obtain all local and state licenses.

M. Transportation facilities.

1. The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.
2. *Regional transportation network.* The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted traffic elements of the city and the county comprehensive plans, and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the city which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall be made in accordance with the city, the county, and Florida Department of Transportation traffic engineering standards and plans as applicable.
3. *Local streets.* Local streets shall have adequate capacity, safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the city's comprehensive plan and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the city such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the city engineering standards and acceptable applicable traffic engineering standards. Local streets are those streets that are not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.
4. *Traffic impact studies.*
 - a. When the proposed development may generate over one thousand (1,000) daily trips; 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 will provide a traffic impact statement to the City.

5. *Dedications 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: If any additional right-of-way is required, the Applicant 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: Applicant is providing sidewalks along all street frontages.

7. *Primary arterial street frontage.* Where a proposed development abuts a primary arterial street either existing or proposed in the traffic ways 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: Acknowledged.

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: The Project includes street trees along all street frontages. See landscape plans for details.

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: Applicant will request a water/wastewater capacity letter from the City's Public Works Department and will provide the letter to the City upon receipt.

- 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: *N/A*, the Property has not been identified as having archaeological or historical 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*. This project is west of the Intracoastal Waterway.

Project: 199 NW 5th Avenue
Address: 199 NW 5th Avenue
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:

- I. 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:

- I. 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 located in the RAC-WMU zoning district and has a greater density than 25 units per net acre. The Project includes 400 residential dwelling units, which is less than the number of dwelling units that the City has available for allocation under the Comprehensive Plan.

The Project was designed to be sensitive towards the adjacent developments. The Project was designed to have residential uses face other residential uses, rather than placing the bulk of the parking garage adjacent to the neighborhood. The deliberate placement of the tower mitigates the impacts of a parking garage adjacent to a residential neighborhood. The Project also includes increased setbacks on the north side, providing additional separation between the Project and adjacent developments.

The Project includes a significant amount of open space, well above what is required under the City's ULDR. For this Project, the ULDR requires 5,921 square feet of open space (10% of the gross lot area). The Project includes 40,423 square feet of open space, 16,004 square feet of which is at grade. The Project far exceeds the City's open space requirement, creating a usable, pedestrian-oriented buffer between the building and the adjacent developments.

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 Project includes both residential and non-residential uses. The gross lot area is 59,203 square feet, which requires 5,921 square feet of open space, of which a minimum of 2,369 square feet (25%) must be in pervious landscaping and 1,481 square feet (40%) must be at grade.

The Project includes a total of 40,423 square feet of open space (682% of the requirement). Of the open space, 10,000 square feet is in pervious landscaping (422% of the requirement) and 16,004 square feet is at grade (675% 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 of 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: The Project was designed to maximize the separation between the Project's tower and potential future development of the property to the south. The tower of the Project is placed 142' – 2" from the southern property line, which will allow significant light and air flow between the two properties once the area is fully developed.

The Project was also designed to have residential uses face other residential uses, rather than placing the bulk of the parking garage adjacent to the neighborhood. The deliberate placement of the tower mitigates the impacts of a parking garage adjacent to a residential neighborhood.

Although the Property is across the street from RM-15 zoned property, the property immediately to the north is not Residential Property as defined in the ULDR, as it is used as a parking lot for a church. The properties to the north also have a Northwest Regional Activity Center future land use designation rather than a single-family or low-density future land use designation. This makes the properties to the north unique from other downtown transition areas, most of which are located next to significantly less intense future land use areas.

- 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, no 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: The shade trees will be maintained at a minimum 12' horizontal clearance from buildings. The shade trees are provided approximately 30' on-center (except where in conflict with driveways) along all streets.

- 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 live oaks will be approximately twenty-four (24) feet in height at planting and will have a minimum seven (7) foot 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:

- I. 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. I. 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 (I) 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 for review and approval by the DRC and City Commission.

Project: 199 NW 5th Avenue
Address: 199 NW 5th Avenue
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 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 just off the Broward Boulevard corridor 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, a covered pedestrian arcade, 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, and active ground-floor uses. Therefore, the allocation of flexibility units to the Project meets the intent of this policy.

Policy 1.14.5 of the City's future land use element is to incorporate streetscape guidelines for the DRAC to include provisions for landscaping and other pedestrian amenities. As

stated above, the Project consists of minimum 7' clear sidewalks, various shading devices, extensive landscaping, and active ground-floor uses. Therefore, the allocation of flexibility units to the Project meets the intent of this policy.

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 Downtown Core character area. The uses and density of the Project is consistent with the pattern of development in the Downtown Core. 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 RAC, however the main retail location was strategically placed to face NW 5th Avenue, with a smaller, neighborhood-scale retail area facing NW 2nd Street.

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 multiple assembled parcels. The Property does not require replatting in order to accommodate the Project. The Projects' residential density is consistent with other projects in the Downtown Core. 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 1.15.2, 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.