

315 NE 3RD STREET - Project Description Narrative

DECEMBER 4, 2024

City of Fort Lauderdale
Urban Design and Planning
700 NW 19th Avenue
Fort Lauderdale, Florida 33311 954.828.6520

The proposed **315 NE 3rd Street** project is a 54-story, multi-family residential building located in the Downtown Core at the intersection of NE 3rd Street and NE 3rd Avenue. The building will offer a total of 607 residential units, including studios, 1-bedroom, 2-bedroom, and 3-bedroom apartments, along with ground-level commercial space designed to engage the urban streetscape.

Parking is provided within a 10-level podium, fully screened from view, ensuring the building's modern appearance. The ground level also accommodates internal loading and trash facilities to maintain a clean and efficient site layout. Situated within the RAC-CC Zoning district in the Downtown Core Character Area, the design complies with the Downtown Masterplan Guidelines. The building's street section aligns with Local Streets Guidelines and does not fall within a Transition Zone.

The project thoughtfully addresses the surrounding urban fabric through its scale, façade articulation, and skyline impact. At the street level, commercial spaces are strategically positioned along the North and South facades to activate the sidewalk. Shade trees are incorporated along the streets, continuing the existing urban pattern and following the guidelines for local streets.

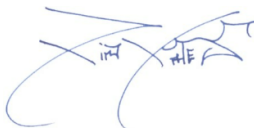
The scale and frontage of the podium are designed to minimize the visual impact of the lower levels, incorporating a combination of glazing, a white aluminum screen with a geometric pattern, and colored aluminum panels. The building features an expressive design with two "C" shapes, creating a striking visual element and a unique, dynamic silhouette. On the south side, a rooftop bar with double-height glazing and a terrace provides expansive views of the city. The inner surface of the "C" shapes is finished in bronze, and will be subtly illuminated from below, casting a soft glow that accentuates the building's presence on the skyline.

The tower itself is carefully articulated with the same "C" shapes, helping to draw the eye upward and add dynamic visual interest. The faces of the tower are modulated with white aluminum screening, complemented by open balconies and expansive glass facades on all four sides. These design elements work together to break up the massing, giving the tower a more refined, vertical profile.

All mechanical equipment will be fully screened and integrated into the East façade of the building, ensuring that it remains unobtrusive and seamlessly part of the overall design.

The design of **315 NE 3rd Street** represents a thoughtful integration of modern architecture with the surrounding urban environment. Through its innovative massing, dynamic façades, and attention to detail, the project enhances the skyline while offering high-quality residential units in a vibrant downtown location. The building's design successfully addresses its context, contributing to the growth and vitality of the city's core.

Cordially yours,



Jiro Yates
Vice President / Design Partner

Updated December 9, 2025

VIA LAUDERBUILD

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

**RE: ULDR Narrative
UDP-S24073 – 315 NE 3rd Street
Site Plan Level II Review: 602 Multifamily Units and 3,653 SF Commercial Use with
Design Deviations in Downtown RAC**

This firm represents AROSA DEVELOPERS LLC (the “Applicant”), contract purchaser of the real property located at 315 NE 3rd Street, Fort Lauderdale, FL 33301, Folio No. 504210110330 (the “Property”). Applicant is requesting Site Plan Level II approval to develop a 55-story mixed use building with 602 multifamily units, 3,653 square feet of commercial use, and 654 parking spaces (the “Project” or “315 NE 3rd Street”). Of the 654 parking spaces, 52 parking spaces will be provided for the Nola Lofts building in accordance with the Declaration of Easement (Instrument No. 107911989) and 602 parking spaces will be provided for the Project. The Property is located in the Regional Activity Center – City Center (“RAC-CC”) District within the “Downtown Core” Character Area as defined in the Downtown Master Plan (“DMP”). Applicant is proposing to provide an Affordable Housing Payment in Lieu Fee in accordance with Section 47-23.16.B.2.c., Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing. We hereby provide the following responses demonstrating the Project’s compliance with the Unified Land Development Regulations (“ULDR”). An analysis of the Project’s compliance with the DMP is provided separately.

UNIFIED LAND DEVELOPMENT REGULATIONS ANALYSIS

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

**ULDR Section 47-13.20, Downtown RAC Review Process and Special Regulations;
ULDR Section 47-13.21, Table of dimensional requirements for the RAC District;
ULDR Section 47-23.16, Affordable Housing Regulations;
ULDR Section 47-25.2, Adequacy Requirements; and
ULDR Section 47-25.3, Neighborhood Compatibility Requirements**

Sec. 47-13.20 - Downtown RAC review process and special regulations

- 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

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

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

2. the City Commission on June 19, 2007 (Resolution 07-120) are hereby incorporated and referred to as Downtown Master Plan Design Guidelines.

Response: Project complies. Refer to separate point-by-point narrative addressing the DMP Design Guidelines.

3. 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: Project complies. Refer to separate point-by-point narrative addressing the DMP Design Guidelines.

4. 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

5. 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: Project complies. Refer to separate point-by-point narrative addressing the DMP Design Guidelines.

- B. ***Downtown Master Plan Standards.*** Development within the Downtown Regional Activity Center shall be required to meet the following minimum standards, as specified by the geographical boundaries of the character area in which the development or redevelopment proposal is located:

1. Maximum Building Height
2. Maximum Building Streetwall Length
3. Maximum Building Tower Stepback
4. Maximum Building Podium (Pedestal) Height
5. Minimum Building Tower Separation Distance
6. Maximum Building Tower Floorplate Square Footage
7. Minimum Open Space Square Footage
8. Transition Zones
9. Local Street Cross Section

Response: Refer to separate point-by-point narrative addressing the DMP 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 setback, and floorplate square footage for development in each area. Each character area exhibits unique urban form and characteristics while sharing common themes relating to pedestrian oriented design. Character areas consist of the following:
1. *The Downtown Core character area is a mixed-use central business district that encourages a variety and higher intensity of commercial, entertainment, office, civic uses and high-density housing. It is characterized by vertical slender towers with minimum setbacks, and includes the following Downtown Regional Activity Center zoning districts which guide specific uses:*
 - a. RAC-CC
 - b. RAC-AS
 - c. RAC-WMU
 2. *Not applicable. As such, this section has been omitted.*
 3. *Not applicable. As such, this section has been omitted.*
 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 Property is zoned RAC-CC within the Downtown Core Character Area. Refer to separate point-by-point narrative addressing the DMP Design Guidelines.
- 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: Not applicable. Applicant is proposing to provide an Affordable Housing Payment in Lieu in accordance with Section 47-23.16.B.2.c., Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing.
 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: Not applicable. Applicant is proposing to provide an Affordable Housing Payment in Lieu in accordance with Section 47-23.16.B.2.c., Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing.

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: Not applicable. Applicant is proposing to provide an Affordable Housing Payment in Lieu in accordance with Section 47-23.16.B.2.c., Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing.
4. Density in the RAC-TMU District and RAC-RPO District.
 - a. *Not applicable. As such, this section has been omitted.*
 - b. *Not applicable. As such, this section has been omitted.*
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 and will comply.
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 and will comply.
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: Not applicable.

- 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; Not applicable. As such, this section has been omitted.
 - 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: Project complies. Refer to open space calculations below:

| OPEN SPACE | REQUIRED | PROVIDED |
|--|-----------------------------------|--|
| OPEN SPACE | 27,624 SF x 10% = 2,762 SF | 18,433 SF @ AMENITY DECK 3,654 SF @ GRADE 22,087 SF TOTAL |
| 40% REQ'D @ GRADE 2,762 SF x 40% = 1,105 SF | | 3,654 SF @ GRADE |
| LANDSCAPING | | |
| ON SITE 2,762 SF x 25% = 690 SF | | 1,383 SF (ON SITE) |
| ROW 690 SF x 75% = 517 SF (75% WITHIN ROW MAY COUNT) 690 SF x 75% = 518 SF | | 518 SF (ROW) |
| TOTAL | | 1,901 SF |

- 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. *Not applicable. As such, this section has been omitted.*
- b. *Not applicable. As such, this section has been omitted.*

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. *Not applicable. As such, this section has been omitted.*

Response: Not applicable. The Project is not located within a transition zone.

- 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.

Response: Not applicable. The proposed project does not have surface parking.

- 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: Not applicable. The Project does not have surface parking.

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.
 - 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:
 - 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: Street trees and sidewalks are designed to meet requirements of subsection H.2.**
- 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 proposed building is located adjacent to two local streets (NE 3rd Street and NE 2nd Street). Minimum 7'-0" clear paths are provided along NE 3rd Street and NE 2nd Street.

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

Response: Not applicable.

- 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 and will comply.

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

- 1. Within the RAC-CC and RAC-AS districts a principal structure shall provide a minimum sixty (60) foot setback from the seawall or the high water mark of the river's edge if no seawall exists, or less if the existing right-of-way or easement is less than sixty (60) feet in width, but in no case shall there be less than a forty-five (45) foot setback, except for the following:
 - a. *Not applicable. As such, this section has been omitted.*
 - b. *Not applicable. As such, this section has been omitted.*
- 2. Additional criteria.
 - a. *Not applicable. As such, this section has been omitted.*
 - b. *Not applicable. As such, this section has been omitted.*

Response: Not applicable. 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.

Response: Not applicable. The Project is not along the New River Waterfront Corridor.

- 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.

Response: Not applicable. The Project is not along the New River Waterfront

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Site Plan Level II in Downtown RAC
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Corridor.

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.

Sec. 47-13.21. Table of dimensional requirements for the RAC District.

Response: The table below provides a summary of the quantitative dimensions in the DMP and those proposed for the Project. The Applicant complies with the dimensional requirements of ULDR Section 47-13.21 except as where deviations are requested as noted below.

| Downtown Core Standard | Required | Proposed | Complies or Deviates |
|------------------------------------|---------------------------------------|---|---------------------------------|
| Maximum Building Height | None (subject to FAA approval) | 55-stories (609'-0") | Complies |
| Maximum Building Streetwall Length | 300' | 103'-4" | Complies |
| Maximum Podium Height | 9 stories | 10 stories | <u>Deviation Request</u> |
| Maximum Tower Floorplate Size | 12,500 SF for entirety of tower up | 12,491 SF | Complies |
| Minimum Tower Stepback | None | 27'-7" (NE 2 nd St) | N/A |
| Minimum Tower Separation | 30' to PL | 13'-3" (min.) and 30' (max.) from Tower Face to W PL 10'-2" (min.) and 30' (max.) from Tower Face to E PL Balcony Projection: 4'-8" (max.) | <u>Deviation Request</u> |
| Minimum Residential Unit Size | 400 SF | 400 SF | Complies |

Sec. 47-23.16. Affordable housing regulations.

B. Affordable Housing Incentives.

Response: Not applicable. As such, this section has been omitted

2. Affordable Housing Density Incentives.

a. Uptown Urban Village.

Response: Not applicable. As such, this section has been omitted.

b. SRAC-SA Zoning Districts.

Response: Not applicable. As such, this section has been omitted.

c. Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing.

Response: Applicant is proposing to provide an Affordable Housing Payment in Lieu Fee in accordance with Section 47-23.16.B.2.c., Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing.

C. Exemptions.

Response: Not applicable. As such, this section has been omitted.

D. Affordable Housing General Requirements.

1. Application and Affordable Housing Development Plan:
2. Affordable Housing Development Agreement and Deed Restriction.
3. Income Limits:
4. Resale of For Sale Affordable Housing Units:
5. Rental of Affordable Housing Units:
6. Annual Affidavit:
7. Conversion:

Response: Not applicable. As such, sections D.1. through D.7 have been omitted.

8. Payment In-Lieu of Affordable Housing:

- a. City affordable housing set-aside requirements per Sections 47-23.16.B.1, 47-23.16.B.2.a, and 47-23.16.B.2.b. of the ULDR may be satisfied via an in-lieu payment to the City of Fort Lauderdale Affordable Housing Trust Fund equal to \$10,000.00 per unit for the total number of units within the development which sum shall increase by 3% annually. Residential flexibility units are excluded from satisfying affordable housing set-aside requirements through in-lieu payments. In-lieu of fees shall be paid at the time of issuance of building permits.

Response: Applicant is proposing to provide an Affordable Housing Payment in Lieu Fee in accordance with Section 47-23.16.B.2.c., Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing.

- b. County affordable unit requirements, per Section 47-23.16.B.2.c. of the ULDR may be satisfied via an in-lieu payment to the Broward County Affordable Housing Trust Fund equal to \$10,000.00 per unit for the total number of units within the development which sum shall increase by 3% annually.
Fifty percent (50%) of in-lieu fees may be paid into the City of Fort Lauderdale Affordable Housing Trust Fund, provided the City requires said monies to be used for the construction

of new affordable units or home repair. All in-lieu payments shall be made at the time of issuance of building permits.

Response: Not applicable.

- c. Payment in-lieu of fees shall apply to the total number of units in a development. The applicant shall provide an analysis of the payment in-lieu of affordable housing fees, to be provided at the time of application submission.

Response: Applicant is proposing to provide an Affordable Housing Payment in Lieu Fee in accordance with Section 47-23.16.B.2.c., Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing.

- d. In-lieu of payments shall be placed into an affordable housing trust fund based on the policy used for unit distribution. If unit distribution is based on Section 47-23.16.B.2.c of the ULDR, in-lieu payments shall be equally split between the Broward County Affordable Housing Trust Fund and the City of Fort Lauderdale Affordable Housing Trust Fund. If unit distribution is based on Section 47-23.16.B.1. of the ULDR, Section 47-23.16.B.2.a of the ULDR, or Section 47-23.16.B.2.b of the ULDR for units distributed from a Regional Activity Center unit pool, in-lieu payments shall be placed into the City of Fort Lauderdale Affordable Housing Trust Fund.

Response: Acknowledged.

- E. Expedited Review Process:

Response: Acknowledged.

Sec. 47-25.2. Adequacy Requirements

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

Response: The adequacy requirements are applicable to the Project.

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

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

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

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

- D. ***Environmentally sensitive lands.***

1. In addition to a finding of adequacy, a development shall be reviewed pursuant to applicable federal, state, regional and local environmental regulations. Specifically, a application for development shall be reviewed in accordance with the following Broward County Ordinances which address environmentally sensitive lands and wellfield protection which ordinances are incorporated herein by reference:

- Broward County Ordinance No. 89-6.
- Section 5-198(I), Chapter 5, Article IX of the Broward County Code of Ordinances.
- Broward County Ordinance No. 84-60.

2. The applicant must demonstrate that impacts of the proposed development to environmentally sensitive lands will be mitigated.

Response: The Property was previously developed with a surface parking lot. The proposed redevelopment will not impact any environmentally sensitive lands.

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

Response: Adequate water supply, fire hydrants, fire apparatus and facilities will be provided in accordance with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.

- F. ***Parks and open space.***

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

Response: Acknowledged and will comply.

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

Response: Acknowledged and taken under advisement.

- H. ***Potable water.***

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

2. Potable water facilities.

- a. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
- b. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the development.
- c. Where the county is the projected service provider, a similar written assurance will be required.

Response: Refer to Water and Wastewater Capacity Availability letter dated June 10, 2025.

I. ***Sanitary sewer.***

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

Response: Refer to Water and Wastewater Capacity Availability letter dated June 10, 2025.

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

Response: Refer to Preliminary SCAD confirming the Project satisfies public school concurrency.

K. ***Solid waste.***

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

Response: Acknowledged and will be provided as part of this application.

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

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

M. ***Transportation facilities.***

1. The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.
2. ***Regional transportation network.*** The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted traffic elements of the city and the county comprehensive plans, and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the city which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall be made in accordance with the city, the county, and Florida Department of Transportation traffic engineering standards and plans as applicable.
3. ***Local streets.*** Local streets shall have adequate capacity, safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and

safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the city's comprehensive plan and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the city such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the city engineering standards and acceptable applicable traffic engineering standards. Local streets are those streets that are not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.

4. ***Traffic impact studies.***

- a. When the proposed development may generate over one thousand (1,000) daily trips;
- b. When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half (1/2) hour; or (2) when the proposed use creates varying trip generation each day, but has the potential to place more than twenty percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half (1/2) hour period; the applicant shall submit to the city a traffic impact analysis prepared by the county or a registered Florida engineer experienced in trafficways impact analysis which shall:
 - i. Provide an estimate of the number of average and peak hour trips per day generated and directions or routes of travel for all trips with an external end.
 - ii. Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed trafficways.
 - iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local trafficways, define what city, county or state agencies have programmed the necessary construction and how this programming relates to the proposed development.
 - iv. A further detailed analysis and any other information that the review committee considers relevant.
 - v. The traffic impact study may be reviewed by an independent licensed professional engineer contracted by the city to determine whether it adequately addresses the impact and the study supports its conclusions. The cost of review by city's consultant shall be reimbursed to the city by the applicant.
 - vi. When this subsection M.4.b. applies, the traffic study shall include an analysis of how the peak loading will affect the transportation system including, if necessary, an operational plan showing how the peak trips will be controlled and managed.

Response: Refer to updated Traffic Study dated September 5, 2025.

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

Response: Right of way easements as necessary will be provided to meet City standards.

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

Response: Project complies. At the street level, commercial spaces are strategically positioned

along the north and south facades to activate the sidewalk. Shade trees are incorporated along the streets, continuing the existing urban pattern and following the DMP guidelines for local streets.

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

Response: Not applicable.

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

Response: Acknowledged and will comply where applicable.

9. **Street trees.** In order to provide for adequate landscaping along streets within the city, street trees shall be required along the length of the property abutting a street. A minimum of fifty percent (50%) of the required street trees shall be shade trees, and the remaining street trees may be provided as flowering or palm trees. These percentages may be varied based on existing or proposed physical conditions which may prevent the ability to comply with the street tree requirements of this subsection. The street trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements, except in the downtown RAC districts the requirements of Sec. 47-13.20.H.8 shall apply. The location and number of street trees shall be determined by the department based on the height, bulk, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. The requirements for street trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way.

Response: Project complies. Refer to DMP Narrative.

N. **Wastewater.**

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

Response: Refer to Water and Wastewater Capacity Availability letter dated June 10, 2025.

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

Response: Project will comply as applicable.

P. ***Historic and archaeological resources.***

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

Response: Not applicable.

Q. ***Hurricane Evacuation.*** If a structure or site is located east of the Intracoastal Waterway, the applicant shall submit documentation from Broward County or such agency with jurisdiction over hurricane evacuation analysis either indicating that acceptable level of service of hurricane evacuation routes and hurricane emergency shelter capacity shall be maintained without impairment resulting from a proposed development or describing actions or development modifications necessary to be implemented in order to maintain level of service and capacity.

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

Sec. 47-25.3. Neighborhood compatibility requirements.

A. The neighborhood compatibility requirements are as follows:

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

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

2. *Smoke, odor, emissions of particulate matter and noise.*

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

Response:Should any DRNP licenses be required, the applicant will apply and obtain as applicable.

3. *Design and performance standards.*

- a. *Lighting.* No lighting shall be directed from a use which is subject to the requirements of this Sec. 47-25.3 in a manner which illuminates abutting residential property and no source of incandescent or mercury vapor illumination shall be directly visible from any abutting residential property. No neon lights inside or outside structures shall be visible from any abutting residential property.
 - i. *Glare.* Any nonresidential operation or activity producing glare shall be conducted so that direct or indirect illumination of light shall not cause illumination in excess of one (1) footcandle on any abutting residential property except as provided in subsection iii. of this subsection a.

- ii. Control of effects of lights from automobiles or other sources. Where the site plan indicates potential adverse effects of parking or of other sources on the lot on which the nonresidential use is to be located, such effects shall be eliminated or at a minimum prevented so that lights do not illuminate adjacent residential property below a height of five (5) feet at the residential lot line, or from shining into any residential window if there is to be nonresidential parking on the premises after dark.
- iii. In addition to the above, parking lots and garages will be subject to the provisions of Sections 47-20.14 and if in conflict with the provisions of this section, the more restrictive provisions shall apply.

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts. However, the Project is designed to prevent light pollution.

- b. *Control of appearance.* The following design standards are provided to protect the character of abutting residential areas from the visual impact which may result from a use which is subject to the requirements of this Sec. 47-25.3.

- i. *Architectural features.* The facade of any side of a nonresidential building facing the residential property shall be constructed to compliment a residential structure and shall include the following:

- a) Fenestration such as windows, doors and openings in the building wall; and
- b) Shall contain a minimum of one (1) feature from each of the following architectural feature groups with a total of four (4) architectural features from the following list:
 - 1. Detail and embellishments:
 - a. Balconies,
 - b. Color and material banding,
 - c. Decorative metal grates over windows,
 - d. Uniform cornice heights,
 - e. Awnings.
 - 2. Form and mass:
 - a. Building mass changes including projection and recession,
 - b. Multiple types and angles of roofline, or any combination thereof.
- c) The above required facade treatment shall be required to continue around the corner onto the adjoining wall for a distance of twenty (20) feet.

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts. However, the Project incorporates several architectural features as more specifically described in the DMP Narrative.

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

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts. However, the Project internalizes the loading within the building.

- iii. *Screening of rooftop mechanical equipment.* All rooftop mechanical equipment, stair and elevator towers shall be designed as an integral part of the building volume and shall be required to be screened with material that matches the material used for the principal structure and shall be at least as high as six (6) inches above the top most surface of the roof mounted structure.

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts. However, all mechanical equipment will be fully screened and integrated into the east façade of the building, ensuring that it remains unobtrusive and seamlessly part of the overall design.

- c. *Setback regulations.* When a nonresidential use which is subject to the requirements of this Sec. 47-25.3 is contiguous to any residential property, there shall be an additional setback required for any yard of that use which is contiguous to the residential property, as follows:

- i. When any side of a structure greater in height than forty (40) feet is contiguous to residential property, that portion of the structure shall be set back one (1) foot for each one (1) foot of building height over forty (40) feet up to a maximum width equal to one-half (½) the height of the building, in addition to the required setback, as provided in the district in which the proposed nonresidential use is located.

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts. The Project complies with the Downtown Core setback requirements.

- d. *Bufferyard requirements.* Excluding parks, open space and conservation areas, when a use which is subject to the requirements of this Sec. 47-25.3 is contiguous to any residential property, the property where the use is located shall be required to have a landscaped strip area and a physical barrier between it and the residential property. Such landscape strip shall meet the following requirements:

- i. *Landscape strip requirements.* A ten (10) foot landscape strip shall be required to be located along all property lines which are adjacent to residential property. Such landscape strip shall include trees, shrubs and ground cover as provided in the landscape provisions of Section 47-21, Landscape and Tree Preservation Requirements. The width of the landscape area shall extend to the property line. All required landscaping shall be protected from vehicular encroachment. When walls are required on nonresidential property abutting an alley, required shrubbery shall be installed and located within the landscape area on the exterior of the wall.

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts. The Project complies with the Downtown Core setback requirements.

- ii. *Parking restrictions.* No parking shall be located within twelve (12) feet of the property line, within the yard area required by the district in which the proposed nonresidential use is located, when such yard is contiguous to residential property.

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts.

- iii. *Dumpster regulations.* All solid waste refuse containers (dumpsters) shall be set back a minimum of twelve (12) feet from any property line which is contiguous to residential property, and shall be screened in accordance with the Dumpster requirements, as provided in Section 47-19, Accessory Uses, Buildings and Structures.

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts. However, refuse is internalized within the building.

- iv. *Wall requirements.* A wall shall be required on the nonresidential property, a minimum of five (5) feet in height, constructed in accordance with Section 47-19.5 and subject to the following:
 - a) Decorative features shall be incorporated on the residential side of such wall according to the requirements of Section 47-19.5,
 - b) Shall be located within, and along the length of the property line which abuts the residential property,
 - c) When the nonresidential property is located adjacent to an alley such wall shall be located at least five (5) feet from the right-of-way line located closest to the nonresidential property,
 - d) When a utility, or other public purpose easement, on the nonresidential property precludes the construction of a wall, then an opaque fence, constructed in accordance with the standards described in Section 47-19.5, may be erected in lieu of the wall required by subsection iv. above. The use of an opaque fence as a physical barrier between nonresidential and residential property shall be reviewed and recommended by the city engineer.

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts.

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

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts. Refer to the DMP Narrative.

- b) Consideration shall be given to the recommendations of the adopted neighborhood master plan in which the proposed development is to be located, or which it abuts, although such neighborhood master plan shall not be considered to have the force and effect of law. When recommended improvements for the mitigation of impacts to any neighborhood, conflicts with any applicable ULDR provision, then the provisions of the ULDR shall prevail. In order to ensure that a development will be compatible with, and preserve the character and integrity of adjacent neighborhoods, the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts. Roadway adjustments, traffic control devices or mechanisms, and access restrictions may be required to control traffic flow or divert traffic as needed to reduce or eliminate development generated traffic on neighborhood streets.

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts. Refer to the DMP Narrative.

- ii. Reserved.
- iii. Reserved.
- iv. All development that is located on land within the CBA zoning districts;

AND

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

AND

All nonresidential development lying east of the Intracoastal Waterway.

[Intentionally omitted]

Respectfully submitted,

Stephanie J. Toothaker, Esq.

Updated December 9, 2025

VIA LAUDERBUILD

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

**RE: ULDR Narrative
UDP-S24073 – 315 NE 3rd Street
Site Plan Level II Review: 602 Multifamily Units and 3,653 SF Commercial Use with
Design Deviations in Downtown RAC**

This firm represents AROSA DEVELOPERS LLC (the “Applicant”), contract purchaser of the real property located at 315 NE 3rd Street, Fort Lauderdale, FL 33301, Folio No. 504210110330 (the “Property”). Applicant is requesting Site Plan Level II approval to develop a 55-story mixed use building with 602 multifamily units, 3,653 square feet of commercial use, and 654 parking spaces (the “Project” or “315 NE 3rd Street”). Of the 654 parking spaces, 52 parking spaces will be provided for the Nola Lofts building in accordance with the Declaration of Easement (Instrument No. 107911989) and 602 parking spaces will be provided for the Project. The Property is located in the Regional Activity Center – City Center (“RAC-CC”) District within the “Downtown Core” Character Area as defined in the Downtown Master Plan (“DMP”). Applicant is proposing to provide an Affordable Housing Payment in Lieu Fee in accordance with Section 47-23.16.B.2.c., Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing. We hereby provide the following responses demonstrating the Project’s compliance with the Unified Land Development Regulations (“ULDR”). An analysis of the Project’s compliance with the DMP is provided separately.

UNIFIED LAND DEVELOPMENT REGULATIONS ANALYSIS

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

**ULDR Section 47-13.20, Downtown RAC Review Process and Special Regulations;
ULDR Section 47-13.21, Table of dimensional requirements for the RAC District;
ULDR Section 47-23.16, Affordable Housing Regulations;
ULDR Section 47-25.2, Adequacy Requirements; and
ULDR Section 47-25.3, Neighborhood Compatibility Requirements**

Sec. 47-13.20 - Downtown RAC review process and special regulations

- 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

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

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

2. the City Commission on June 19, 2007 (Resolution 07-120) are hereby incorporated and referred to as Downtown Master Plan Design Guidelines.

Response: Project complies. Refer to separate point-by-point narrative addressing the DMP Design Guidelines.

3. 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: Project complies. Refer to separate point-by-point narrative addressing the DMP Design Guidelines.

4. 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

5. 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: Project complies. Refer to separate point-by-point narrative addressing the DMP Design Guidelines.

- B. ***Downtown Master Plan Standards.*** Development within the Downtown Regional Activity Center shall be required to meet the following minimum standards, as specified by the geographical boundaries of the character area in which the development or redevelopment proposal is located:

1. Maximum Building Height
2. Maximum Building Streetwall Length
3. Maximum Building Tower Stepback
4. Maximum Building Podium (Pedestal) Height
5. Minimum Building Tower Separation Distance
6. Maximum Building Tower Floorplate Square Footage
7. Minimum Open Space Square Footage
8. Transition Zones
9. Local Street Cross Section

Response: Refer to separate point-by-point narrative addressing the DMP Design Guidelines.

- C. ***Downtown Character Areas.*** In addition to the RAC Districts described in Section 47-13.2.1 the Downtown Regional Activity Center shall be further characterized by three (3) distinct character areas. The character areas are defined by geographic boundaries and are intended to create a variety of urban experiences throughout the Downtown Regional Activity Center through guidelines that set maximum building height, maximum podium height, podium stepback, and floorplate square footage for development in each area. Each character area exhibits unique urban form and characteristics while sharing common themes relating to pedestrian oriented design. Character areas consist of the following:
1. *The Downtown Core character area is a mixed-use central business district that encourages a variety and higher intensity of commercial, entertainment, office, civic uses and high-density housing. It is characterized by vertical slender towers with minimum stepbacks, and includes the following Downtown Regional Activity Center zoning districts which guide specific uses:*
 - a. RAC-CC
 - b. RAC-AS
 - c. RAC-WMU
 2. *Not applicable. As such, this section has been omitted.*
 3. *Not applicable. As such, this section has been omitted.*
 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 Property is zoned RAC-CC within the Downtown Core Character Area. Refer to separate point-by-point narrative addressing the DMP Design Guidelines.
- 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: Not applicable. Applicant is proposing to provide an Affordable Housing Payment in Lieu in accordance with Section 47-23.16.B.2.c., Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing.
 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: Not applicable. Applicant is proposing to provide an Affordable Housing Payment in Lieu in accordance with Section 47-23.16.B.2.c., Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing.

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: Not applicable. Applicant is proposing to provide an Affordable Housing Payment in Lieu in accordance with Section 47-23.16.B.2.c., Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing.
4. Density in the RAC-TMU District and RAC-RPO District.
 - a. *Not applicable. As such, this section has been omitted.*
 - b. *Not applicable. As such, this section has been omitted.*
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 and will comply.
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 and will comply.
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: Not applicable.

- 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; Not applicable. As such, this section has been omitted.
 - 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: Project complies. Refer to open space calculations below:

| OPEN SPACE | REQUIRED | PROVIDED |
|--|-----------------------------------|--|
| OPEN SPACE | 27,624 SF x 10% = 2,762 SF | 18,433 SF @ AMENITY DECK 3,654 SF @ GRADE 22,087 SF TOTAL |
| 40% REQ'D @ GRADE 2,762 SF x 40% = 1,105 SF | | 3,654 SF @ GRADE |
| LANDSCAPING | | |
| ON SITE 2,762 SF x 25% = 690 SF | | 1,383 SF (ON SITE) |
| ROW 690 SF x 75% = 517 SF (75% WITHIN ROW MAY COUNT) 690 SF x 75% = 518 SF | | 518 SF (ROW) |
| TOTAL | | 1,901 SF |

- 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. *Not applicable. As such, this section has been omitted.*
- b. *Not applicable. As such, this section has been omitted.*

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. *Not applicable. As such, this section has been omitted.*

Response: Not applicable. The Project is not located within a transition zone.

- 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.

Response: Not applicable. The proposed project does not have surface parking.

- 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: Not applicable. The Project does not have surface parking.

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.
 - 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:
 - 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: Street trees and sidewalks are designed to meet requirements of subsection H.2.

- 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 proposed building is located adjacent to two local streets (NE 3rd Street and NE 2nd Street). Minimum 7'-0" clear paths are provided along NE 3rd Street and NE 2nd Street.

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

Response: Not applicable.

- 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 and will comply.

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

- 1. Within the RAC-CC and RAC-AS districts a principal structure shall provide a minimum sixty (60) foot setback from the seawall or the high water mark of the river's edge if no seawall exists, or less if the existing right-of-way or easement is less than sixty (60) feet in width, but in no case shall there be less than a forty-five (45) foot setback, except for the following:
 - a. *Not applicable. As such, this section has been omitted.*
 - b. *Not applicable. As such, this section has been omitted.*
- 2. Additional criteria.
 - a. *Not applicable. As such, this section has been omitted.*
 - b. *Not applicable. As such, this section has been omitted.*

Response: Not applicable. 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.

Response: Not applicable. The Project is not along the New River Waterfront Corridor.

- 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.

Response: Not applicable. The Project is not along the New River Waterfront

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Corridor.

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.

Sec. 47-13.21. Table of dimensional requirements for the RAC District.

Response: The table below provides a summary of the quantitative dimensions in the DMP and those proposed for the Project. The Applicant complies with the dimensional requirements of ULDR Section 47-13.21 except as where deviations are requested as noted below.

| Downtown Core Standard | Required | Proposed | Complies or Deviates |
|------------------------------------|---------------------------------------|---|---------------------------------|
| Maximum Building Height | None (subject to FAA approval) | 55-stories (609'-0") | Complies |
| Maximum Building Streetwall Length | 300' | 103'-4" | Complies |
| Maximum Podium Height | 9 stories | 10 stories | <u>Deviation Request</u> |
| Maximum Tower Floorplate Size | 12,500 SF for entirety of tower up | 12,491 SF | Complies |
| Minimum Tower Stepback | None | 27'-7" (NE 2 nd St) | N/A |
| Minimum Tower Separation | 30' to PL | 13'-3" (min.) and 30' (max.) from Tower Face to W PL 10'-2" (min.) and 30' (max.) from Tower Face to E PL Balcony Projection: 4'-8" (max.) | <u>Deviation Request</u> |
| Minimum Residential Unit Size | 400 SF | 400 SF | Complies |

Sec. 47-23.16. Affordable housing regulations.

B. Affordable Housing Incentives.

Response: Not applicable. As such, this section has been omitted

2. Affordable Housing Density Incentives.

a. Uptown Urban Village.

Response: Not applicable. As such, this section has been omitted.

b. SRAC-SA Zoning Districts.

Response: Not applicable. As such, this section has been omitted.

c. Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing.

Response: Applicant is proposing to provide an Affordable Housing Payment in Lieu Fee in accordance with Section 47-23.16.B.2.c., Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing.

C. Exemptions.

Response: Not applicable. As such, this section has been omitted.

D. Affordable Housing General Requirements.

1. Application and Affordable Housing Development Plan:
2. Affordable Housing Development Agreement and Deed Restriction.
3. Income Limits:
4. Resale of For Sale Affordable Housing Units:
5. Rental of Affordable Housing Units:
6. Annual Affidavit:
7. Conversion:

Response: Not applicable. As such, sections D.1. through D.7 have been omitted.

8. Payment In-Lieu of Affordable Housing:

- a. City affordable housing set-aside requirements per Sections 47-23.16.B.1, 47-23.16.B.2.a, and 47-23.16.B.2.b. of the ULDR may be satisfied via an in-lieu payment to the City of Fort Lauderdale Affordable Housing Trust Fund equal to \$10,000.00 per unit for the total number of units within the development which sum shall increase by 3% annually. Residential flexibility units are excluded from satisfying affordable housing set-aside requirements through in-lieu payments. In-lieu of fees shall be paid at the time of issuance of building permits.

Response: Applicant is proposing to provide an Affordable Housing Payment in Lieu Fee in accordance with Section 47-23.16.B.2.c., Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing.

- b. County affordable unit requirements, per Section 47-23.16.B.2.c. of the ULDR may be satisfied via an in-lieu payment to the Broward County Affordable Housing Trust Fund equal to \$10,000.00 per unit for the total number of units within the development which sum shall increase by 3% annually.
Fifty percent (50%) of in-lieu fees may be paid into the City of Fort Lauderdale Affordable Housing Trust Fund, provided the City requires said monies to be used for the construction

of new affordable units or home repair. All in-lieu payments shall be made at the time of issuance of building permits.

Response: Not applicable.

- c. Payment in-lieu of fees shall apply to the total number of units in a development. The applicant shall provide an analysis of the payment in-lieu of affordable housing fees, to be provided at the time of application submission.

Response: Applicant is proposing to provide an Affordable Housing Payment in Lieu Fee in accordance with Section 47-23.16.B.2.c., Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing.

- d. In-lieu of payments shall be placed into an affordable housing trust fund based on the policy used for unit distribution. If unit distribution is based on Section 47-23.16.B.2.c of the ULDR, in-lieu payments shall be equally split between the Broward County Affordable Housing Trust Fund and the City of Fort Lauderdale Affordable Housing Trust Fund. If unit distribution is based on Section 47-23.16.B.1. of the ULDR, Section 47-23.16.B.2.a of the ULDR, or Section 47-23.16.B.2.b of the ULDR for units distributed from a Regional Activity Center unit pool, in-lieu payments shall be placed into the City of Fort Lauderdale Affordable Housing Trust Fund.

Response: Acknowledged.

- E. Expedited Review Process:

Response: Acknowledged.

Sec. 47-25.2. Adequacy Requirements

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

Response: The adequacy requirements are applicable to the Project.

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

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

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

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

- D. ***Environmentally sensitive lands.***

1. In addition to a finding of adequacy, a development shall be reviewed pursuant to applicable federal, state, regional and local environmental regulations. Specifically, a application for development shall be reviewed in accordance with the following Broward County Ordinances which address environmentally sensitive lands and wellfield protection which ordinances are incorporated herein by reference:

- Broward County Ordinance No. 89-6.
- Section 5-198(I), Chapter 5, Article IX of the Broward County Code of Ordinances.
- Broward County Ordinance No. 84-60.

2. The applicant must demonstrate that impacts of the proposed development to environmentally sensitive lands will be mitigated.

Response: The Property was previously developed with a surface parking lot. The proposed redevelopment will not impact any environmentally sensitive lands.

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

Response: Adequate water supply, fire hydrants, fire apparatus and facilities will be provided in accordance with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.

- F. ***Parks and open space.***

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

Response: Acknowledged and will comply.

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

Response: Acknowledged and taken under advisement.

- H. ***Potable water.***

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

2. Potable water facilities.

- a. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.
- b. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the development.
- c. Where the county is the projected service provider, a similar written assurance will be required.

Response: Refer to Water and Wastewater Capacity Availability letter dated June 10, 2025.

I. ***Sanitary sewer.***

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

Response: Refer to Water and Wastewater Capacity Availability letter dated June 10, 2025.

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

Response: Refer to Preliminary SCAD confirming the Project satisfies public school concurrency.

K. ***Solid waste.***

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

Response: Acknowledged and will be provided as part of this application.

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

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

M. ***Transportation facilities.***

1. The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.
2. ***Regional transportation network.*** The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted traffic elements of the city and the county comprehensive plans, and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the city which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall be made in accordance with the city, the county, and Florida Department of Transportation traffic engineering standards and plans as applicable.
3. ***Local streets.*** Local streets shall have adequate capacity, safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and

safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the city's comprehensive plan and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the city such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the city engineering standards and acceptable applicable traffic engineering standards. Local streets are those streets that are not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.

4. ***Traffic impact studies.***

- a. When the proposed development may generate over one thousand (1,000) daily trips;
- b. When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half (1/2) hour; or (2) when the proposed use creates varying trip generation each day, but has the potential to place more than twenty percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half (1/2) hour period; the applicant shall submit to the city a traffic impact analysis prepared by the county or a registered Florida engineer experienced in trafficways impact analysis which shall:
 - i. Provide an estimate of the number of average and peak hour trips per day generated and directions or routes of travel for all trips with an external end.
 - ii. Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed trafficways.
 - iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local trafficways, define what city, county or state agencies have programmed the necessary construction and how this programming relates to the proposed development.
 - iv. A further detailed analysis and any other information that the review committee considers relevant.
 - v. The traffic impact study may be reviewed by an independent licensed professional engineer contracted by the city to determine whether it adequately addresses the impact and the study supports its conclusions. The cost of review by city's consultant shall be reimbursed to the city by the applicant.
 - vi. When this subsection M.4.b. applies, the traffic study shall include an analysis of how the peak loading will affect the transportation system including, if necessary, an operational plan showing how the peak trips will be controlled and managed.

Response: Refer to updated Traffic Study dated September 5, 2025.

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

Response: Right of way easements as necessary will be provided to meet City standards.

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

Response: Project complies. At the street level, commercial spaces are strategically positioned

along the north and south facades to activate the sidewalk. Shade trees are incorporated along the streets, continuing the existing urban pattern and following the DMP guidelines for local streets.

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

Response: Not applicable.

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

Response: Acknowledged and will comply where applicable.

9. **Street trees.** In order to provide for adequate landscaping along streets within the city, street trees shall be required along the length of the property abutting a street. A minimum of fifty percent (50%) of the required street trees shall be shade trees, and the remaining street trees may be provided as flowering or palm trees. These percentages may be varied based on existing or proposed physical conditions which may prevent the ability to comply with the street tree requirements of this subsection. The street trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements, except in the downtown RAC districts the requirements of Sec. 47-13.20.H.8 shall apply. The location and number of street trees shall be determined by the department based on the height, bulk, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. The requirements for street trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way.

Response: Project complies. Refer to DMP Narrative.

N. **Wastewater.**

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

Response: Refer to Water and Wastewater Capacity Availability letter dated June 10, 2025.

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

Response: Project will comply as applicable.

P. ***Historic and archaeological resources.***

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

Response: Not applicable.

Q. ***Hurricane Evacuation.*** If a structure or site is located east of the Intracoastal Waterway, the applicant shall submit documentation from Broward County or such agency with jurisdiction over hurricane evacuation analysis either indicating that acceptable level of service of hurricane evacuation routes and hurricane emergency shelter capacity shall be maintained without impairment resulting from a proposed development or describing actions or development modifications necessary to be implemented in order to maintain level of service and capacity.

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

Sec. 47-25.3. Neighborhood compatibility requirements.

A. The neighborhood compatibility requirements are as follows:

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

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

2. *Smoke, odor, emissions of particulate matter and noise.*

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

Response:Should any DRNP licenses be required, the applicant will apply and obtain as applicable.

3. *Design and performance standards.*

- a. *Lighting.* No lighting shall be directed from a use which is subject to the requirements of this Sec. 47-25.3 in a manner which illuminates abutting residential property and no source of incandescent or mercury vapor illumination shall be directly visible from any abutting residential property. No neon lights inside or outside structures shall be visible from any abutting residential property.
 - i. *Glare.* Any nonresidential operation or activity producing glare shall be conducted so that direct or indirect illumination of light shall not cause illumination in excess of one (1) footcandle on any abutting residential property except as provided in subsection iii. of this subsection a.

- ii. Control of effects of lights from automobiles or other sources. Where the site plan indicates potential adverse effects of parking or of other sources on the lot on which the nonresidential use is to be located, such effects shall be eliminated or at a minimum prevented so that lights do not illuminate adjacent residential property below a height of five (5) feet at the residential lot line, or from shining into any residential window if there is to be nonresidential parking on the premises after dark.
- iii. In addition to the above, parking lots and garages will be subject to the provisions of Sections 47-20.14 and if in conflict with the provisions of this section, the more restrictive provisions shall apply.

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts. However, the Project is designed to prevent light pollution.

- b. *Control of appearance.* The following design standards are provided to protect the character of abutting residential areas from the visual impact which may result from a use which is subject to the requirements of this Sec. 47-25.3.

- i. *Architectural features.* The facade of any side of a nonresidential building facing the residential property shall be constructed to compliment a residential structure and shall include the following:

- a) Fenestration such as windows, doors and openings in the building wall; and
- b) Shall contain a minimum of one (1) feature from each of the following architectural feature groups with a total of four (4) architectural features from the following list:
 - 1. Detail and embellishments:
 - a. Balconies,
 - b. Color and material banding,
 - c. Decorative metal grates over windows,
 - d. Uniform cornice heights,
 - e. Awnings.
 - 2. Form and mass:
 - a. Building mass changes including projection and recession,
 - b. Multiple types and angles of roofline, or any combination thereof.
- c) The above required facade treatment shall be required to continue around the corner onto the adjoining wall for a distance of twenty (20) feet.

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts. However, the Project incorporates several architectural features as more specifically described in the DMP Narrative.

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

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts. However, the Project internalizes the loading within the building.

- iii. *Screening of rooftop mechanical equipment.* All rooftop mechanical equipment, stair and elevator towers shall be designed as an integral part of the building volume and shall be required to be screened with material that matches the material used for the principal structure and shall be at least as high as six (6) inches above the top most surface of the roof mounted structure.

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts. However, all mechanical equipment will be fully screened and integrated into the east façade of the building, ensuring that it remains unobtrusive and seamlessly part of the overall design.

- c. *Setback regulations.* When a nonresidential use which is subject to the requirements of this Sec. 47-25.3 is contiguous to any residential property, there shall be an additional setback required for any yard of that use which is contiguous to the residential property, as follows:

- i. When any side of a structure greater in height than forty (40) feet is contiguous to residential property, that portion of the structure shall be set back one (1) foot for each one (1) foot of building height over forty (40) feet up to a maximum width equal to one-half (½) the height of the building, in addition to the required setback, as provided in the district in which the proposed nonresidential use is located.

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts. The Project complies with the Downtown Core setback requirements.

- d. *Bufferyard requirements.* Excluding parks, open space and conservation areas, when a use which is subject to the requirements of this Sec. 47-25.3 is contiguous to any residential property, the property where the use is located shall be required to have a landscaped strip area and a physical barrier between it and the residential property. Such landscape strip shall meet the following requirements:

- i. *Landscape strip requirements.* A ten (10) foot landscape strip shall be required to be located along all property lines which are adjacent to residential property. Such landscape strip shall include trees, shrubs and ground cover as provided in the landscape provisions of Section 47-21, Landscape and Tree Preservation Requirements. The width of the landscape area shall extend to the property line. All required landscaping shall be protected from vehicular encroachment. When walls are required on nonresidential property abutting an alley, required shrubbery shall be installed and located within the landscape area on the exterior of the wall.

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts. The Project complies with the Downtown Core setback requirements.

- ii. *Parking restrictions.* No parking shall be located within twelve (12) feet of the property line, within the yard area required by the district in which the proposed nonresidential use is located, when such yard is contiguous to residential property.

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts.

- iii. *Dumpster regulations.* All solid waste refuse containers (dumpsters) shall be set back a minimum of twelve (12) feet from any property line which is contiguous to residential property, and shall be screened in accordance with the Dumpster requirements, as provided in Section 47-19, Accessory Uses, Buildings and Structures.

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts. However, refuse is internalized within the building.

- iv. *Wall requirements.* A wall shall be required on the nonresidential property, a minimum of five (5) feet in height, constructed in accordance with Section 47-19.5 and subject to the following:
 - a) Decorative features shall be incorporated on the residential side of such wall according to the requirements of Section 47-19.5,
 - b) Shall be located within, and along the length of the property line which abuts the residential property,
 - c) When the nonresidential property is located adjacent to an alley such wall shall be located at least five (5) feet from the right-of-way line located closest to the nonresidential property,
 - d) When a utility, or other public purpose easement, on the nonresidential property precludes the construction of a wall, then an opaque fence, constructed in accordance with the standards described in Section 47-19.5, may be erected in lieu of the wall required by subsection iv. above. The use of an opaque fence as a physical barrier between nonresidential and residential property shall be reviewed and recommended by the city engineer.

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts.

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

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts. Refer to the DMP Narrative.

- b) Consideration shall be given to the recommendations of the adopted neighborhood master plan in which the proposed development is to be located, or which it abuts, although such neighborhood master plan shall not be considered to have the force and effect of law. When recommended improvements for the mitigation of impacts to any neighborhood, conflicts with any applicable ULDR provision, then the provisions of the ULDR shall prevail. In order to ensure that a development will be compatible with, and preserve the character and integrity of adjacent neighborhoods, the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts. Roadway adjustments, traffic control devices or mechanisms, and access restrictions may be required to control traffic flow or divert traffic as needed to reduce or eliminate development generated traffic on neighborhood streets.

Response: Neighborhood compatibility requirements do not apply to the Downtown Regional Activity Center Districts. Refer to the DMP Narrative.

- ii. Reserved.
- iii. Reserved.
- iv. All development that is located on land within the CBA zoning districts;

AND

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

AND

All nonresidential development lying east of the Intracoastal Waterway.

[Intentionally omitted]

Respectfully submitted,

Stephanie J. Toothaker, Esq.