



August 7, 2020

Development Services Department
City of Delray Beach
100 NW 1st Avenue
Delray Beach, FL 33444

RE: 98 NW 5th Avenue Renovation Project – Waiver Request: Justification Statement

To Whom It May Concern:

Please accept this letter on behalf of the Delray Beach Community Redevelopment Agency (Delray Beach CRA), respectfully requesting the approval of a waiver from the Delray Beach Land Development Regulations (LDR), Section 4.4.13, Dimensional Requirements for Central Business District (CBD) Sub-districts, to reduce the setback and storefront glazing requirements.

The subject property is located at the southwest corner of NW 5th Avenue and NW 1st Street, more specifically 98 NW 5th Avenue. The following request is being sought concurrently with a Certification of Appropriateness (COA)/Class III Site Plan Modification: to repurpose, renovate and bring the current structure into compliance with the Delray Beach LDR Regulations and Florida Building Code (FBC), as well as, Americans with Disabilities Act (ADA) compliance for retail and office use.

Due to the existing site conditions and limitations, the following waivers are being requested:

1. Side Street Setback (North): 1'6" provided in lieu of 10'.
2. Rear Setback (West): 1'8" provided in lieu of 10'.
3. Front Setback (East): 4'8" provided in lieu of 10'.
4. Storefronts are glazed to 7'-2" in lieu of 8'.
5. Storefronts are glazed at a width of 75% (North) and 62% (East) in lieu of 80%.

This request is the minimum necessary to redevelop the property and meet the current and applicable code requirements. The approval of this request will not negatively impact the surrounding area in any way, in fact, the renovation and reuse of this building will have a positive impact on the adjacent properties and surrounding area. Once completed, the redevelopment of 98 NW 5th Avenue will not only provide a beautiful building and landscaping that meets the current Delray Beach LDR and FBC, but also, provide much needed affordable retail/office space for the community. By redeveloping the property, the Delray Beach CRA will further its mission to eliminate slum and blight.

Sec. 2.4.7.(B)(5) – Procedures for obtaining relief from compliance with portions of the Land Development Regulations.

Findings. Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

(a) Shall not adversely affect the neighboring area;

Response: Granting the waiver will be in harmony with the general purpose and intent of the existing regulations, it will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Through the redevelopment of the property, the building will be redeveloped to include, façade renovation on all elevations, to include the conversion of existing ground floor parking to retail and office space. The second story will be converted from apartments to a coworking space. This change in use will provide much needed, affordable retail and office space to the community. The building is currently out of date, in disrepair and unoccupied. Renovation of the exterior and interior, as well as, bringing the property up to current regulations and codes will be a positive attribute to the area. This is an opportunity to stabilize the area, making it more attractive and safer for the community.

(b) Shall not significantly diminish the provision of public facilities;

Response: Granting the waiver will not diminish the provision of public facilities in any way. The building and public facilities are currently existing and are being improved through this redevelopment project.

(c) Shall not create an unsafe situation; and,

Response: Granting the waiver will not create an unsafe situation. In fact, the redevelopment of this existing vacant structure, will increase the safety of the site and surrounding area. The redevelopment of the site and building has incorporated CPTED design elements that assist with creating a safe environment and will be constructed to the current Delray Beach LDR and FBC.

(d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstance on other property for another applicant or owner.

Response: The property is located in the CBD. Granting this waiver will not confer any special privileges provided under the same zoning designation. The building was originally constructed for multifamily residential use (apartments); and through the years, ownership has changed. The previous owner was utilizing the building as a substance abuse rehabilitation center. After the City amended the LDR, the previous owner was unable to comply with the new code regulations due to the financial investment required and vacated the property. The Delray Beach CRA acquired the property and wishes to renovate and repurpose it. The request will not provide any special privileges to the land, structure or

building; only allow the applicant to meet the current LDR and FBC requirements required to renovate the existing building.

Within the CBD the following standards shall be used by the City Commission, SPRAB or HPB when considering waiver requests, in addition to the findings in Section 2.4.7(B)(5): (Ord. No. 19-18, § 11, 10-16-18):

(a) The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.

Response: The requested waivers will not in any way diminish the pedestrian experience along a primary street. The renovation and redevelopment of the property will only enhance the area and bring the property into compliance with the current LDR and FBC, thus, improving the pedestrian experience around the site.

(b) The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.

Response: The requested waivers will not in any way diminish the character of the area. The subject property is neither a historically designated property, nor classified as a historically contributing structure. The renovation and redevelopment of the property will only enhance the area and bring the property into compliance with the current Delray Beach LDR and FBC.

(c) The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/ pedestrian master plan.

Response: The requested waivers will not in any way erode the connectivity of the street and sidewalk network in any negative way. The renovation and redevelopment of the property will only enhance the area and bring the property into compliance with the current Delray Beach LDR and FBC.

(d) The waiver shall not reduce the quality of civic open spaces provided under this code.

Response: The requested waivers will not in any way reduce the quality of civic open space within area. The renovation and redevelopment of the property will only enhance the area and bring the property into compliance with the current Delray Beach LDR and FBC.

If you have any questions or would like to discuss the project further, please contact me directly at (561) 276-8640.

Sincerely,

Tara Toto
Redevelopment Manager