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April 11, 2016

Timothy R Stillings
DIRECTOR OF PLANNING AND ZONING
CITY OF DELRAY BEACH
100 NW 1st Avenue
Delray Beach, Florida 33444

SUBJECT: REQUEST FOR TIME EXTENSION
CONDITIONAL USE AND CLASS V SITE PLAN APPROVAL
DEPOT SQUARE APARTMENT PROJECT

Dear Tim,

Please let this letter serve as a formal request on behalf of Alta Delray Station, LLC, the owner of the Depot Square Apartment Project, for a time extension of the Conditional Use and Site Plan approvals granted for the Depot Square Project on June 3, 2014 and June 25, 2014, respectively. This request is being made pursuant to Section 2.4.4(F) of the Delray Beach Land Development Regulations. The overview of this request and the justification for approval are presented below:

BACKGROUND

JUNE 3rd, 2014 – CONDITIONAL USE APPROVAL - The conditional use for the Depot Square Project was approved by the City Commission on June 3, 2014.

JUNE 25th, 2014 - SPRAB APPROVAL- The site plan for the Depot Square Project was approved by the Site Plan Review and Appearance Board (SPRAB) on June 25, 2014.

SEPTEMBER - 2014 - SUBMISSION OF CERTIFICATION PLAN - After SPRAB approval, the developer proceeded to update his plan package to address staff comments and obtain approval of a certified site plan for use in obtaining his building permits. An updated plan package for certification was submitted in September of 2014.

FEBRUARY 18th, 2015 - APPROVAL OF CERTIFIED SITE PLAN - The review and processing of the certification plan package took several months to complete and it was not until February 18th, 2015 that final certification was obtained.

JUNE 2nd, 2015 - CITY COMMISSION APPROVAL OF SCRIVENER'S ERROR - As the detailed planning for the project moved forward it was discovered that there had been a minor error on one of the previous surveys and legal descriptions that formed the basis for the site plan. Although minor, this issue needed to be corrected by formal action of the City Commission

before final detailed plans could be filed. The Commission approved several documents at their June 2nd, 2015 meeting that served to correct this error.

Site Plan Modification

During the project review that was undertaken as part of the request to remedy the scrivener's error, the Fire Marshal's office discovered that they had neglected to ask for the appropriate turn around areas to be included on the site plan for the project to allow for proper circulation of emergency vehicles. Part of the June 2, 2015 action by the City Commission was approval of a minor site plan modification that addressed that issue.

AUGUST 7th, 2015 - APPROVAL OF MINOR SITE PLAN AMENDMENT - To implement the City Commission action that served to modify the site plan, the developer was required to process a minor site plan application through staff showing this approved change. That minor plan amendment was approved on August 7, 2015.

SEPTEMBER 2015 - BUILDING PERMIT APPLICATIONS - After the approval of the amended site plan, the developer submitted his application for approval of the building permits and site development plans for the project. These plans have been reviewed by City staff and the developer expects to actually pull the final permits and proceed with the development and construction of the project within the next few weeks.

JUSTIFICATION FOR APPROVAL OF TIME EXTENSION

From the above time line, it is clear that after the initial approval of the project by the City Commission and SPRAB the developer has been working diligently and continuously to obtain the permits and approvals needed to initiate development and construction on the project. This is evidenced by the fact that:

- Since obtaining initial City Commission and SPRAB approval, the developer proceeded as quickly as City review procedures would allow to obtain approval of the certification plan for the project, correct the scrivener's error discovered in the base survey, formally amend the plan to address the plan changes approved by the City Commission on June 2nd, 2015 and to prepare and submit the construction documents for final permitting. Unfortunately, the process of obtaining these necessary approvals has consumed most of the two-year time frame established by the Conditional Use and SPRAB approval.
- The developer has executed a contract with general contractor Kaufman Lynn Construction and plans to initiate work on the project in the next few weeks.
- The developer's lender took issue with various documents negotiated by the prior owner that encumber the property. Specifically, the lender was concerned with the inability to take a security interest in abandoned Depot Road until the completion of the new road. That requirement made the project unfinanceable. To solve the issue, the developer was

required to take additional recourse (which further evidences the developer's commitment to complete this project in the most expeditious time frame possible). In addition, the lender had concerns about the ongoing lawsuit between the City of Delray Beach and Depot Warehouse (John Gwynn). These matters delayed the start of construction by six months.

As the project is currently progressing, construction and land development work for the project will be fully under way by the anniversary date of the Conditional Use and SPRAB approvals in June of this year.

I hope this provides you with what you need to process this request for a time extension. Please let me know if you will require anything further.

Sincerely,

CHARLES PUTMAN AND ASSOCIATES, INC

A handwritten signature in blue ink, appearing to read "Charles Putman", with a stylized flourish at the end.

Charles Putman