

306 NE 2nd Street – The Maxwell
Waiver Request Justification Statement – Streetscape

306 NE 2ND STREET, LLC (“Applicant”) is the proposed developer of the +/- 0.86-acre parcel located at 306 NE 2nd Street (PCN: 12434616010900250) (“Property”), which is generally located on the north and south sides of NE 2nd Street, immediately east of the FEC Railroad Tracks in the City of Delray Beach (“City”). The Property has a future land use designation of Commercial Core (CC) and a zoning designation of Central Business District (“CBD”). The Property is located within the Central Core Subdistrict of the CBD. The Property is currently developed with a 2-story commercial building. Applicant is proposing to redevelop the Property with a 4-story condominium building with twenty three (23) units (“Project”). The Project seeks to redevelop this underutilized lot with a vibrant and art deco style multifamily community that will add to the City’s much needed housing supply and further enhance the appearance of the City’s downtown area with an attractive and desirable product. The proposed Project is compatible with the surrounding area, with similar multi-family communities located to the south and east of the Property. The additional housing units will provide an exciting new residential option within the City’s CBD, located just two blocks north of Atlantic Avenue.

In order to develop the Project, Applicant is seeking a waiver from the streetscape requirements along Railroad Street. Pursuant to the City’s Land Development Regulations (“LDR”) Section 4.4.13(E)(2), *Streetscapes*, the front setback areas, which include side setback areas facing streets, shall be detailed to augment public right-of-way design, to establish shaded, continuous routes for pedestrians, and to organize landscaping and other elements to ensure a superior public realm. This includes a minimum four foot (4’) curb zone, six foot (6’) pedestrian clear zone and five foot (5’) remaining setback. As a result, where the LDR requires a minimum front setback of ten feet (10’) and a maximum of fifteen feet (15’), in instances where the streetscape is entirely within the parcel boundaries, the front setback must be fifteen feet (15’) in order to comply with the streetscape standards. The Property is particularly unique as it has street frontages on three (3) sides. As a result, all three (3) sides fronting streets are required to comply with the streetscape standards. However, Railroad Street does not function the same as other primary or secondary streets within the City’s CBD. Rather, it is a twenty-five foot (25’) right-of-way that functions more like an alley that runs parallel to the FEC Railway before turning east along the southern boundary of the subject Property. This right-of-way primarily serves the rear of many parcels fronting NE 4th Avenue and is often parked with vehicles adjacent to the railroad tracks. It does not function as a primary or even secondary street and sees very little pedestrian activity, as there are no sidewalks and no buildings fronting Railroad Street. It truly functions more as an alley for back-of-house accessory uses serving the parcels fronting NE 4th Avenue. As note, Railroad Street continues from its north-south orientation, parallel to the railroad tracks, and turns to the east running along the southern boundary of the Property. The streetscape requirements for the CBD are not applicable to alley frontages, as they see little pedestrian activity and are mainly used for such back-of-house purposes. However, while Railroad Street functions primarily as other alleys in the CBD, since it is not designated as such, the CBD streetscape design standards are being applied to the Project’s Railroad Street frontage and the Applicant has made an effort to comply with such standards to the greatest extent possible. More specifically, the Project continues to

provide a four foot (4') curb zone and six foot (6') pedestrian zone along the Railroad Street frontage. However, rather than providing five feet (5') of additional setback area, the Project proposes an additional setback area of one foot two inches (1'2"). As a result, the building still exceeds the minimum ten foot (10') setback requirement along Railroad Street and provides an additional area for plantings between the proposed building and sidewalk. An expansive pedestrian walkway is also provided in the event pedestrians do seek to utilize this portion of Railroad Street to access the back-of-house areas that exist along the railroad tracks. However, as this right-of-way functions more similar to an alley, the waiver would provide the Applicant much needed relief that will allow for more functional units and retail space contemplated by the Project. Considering the foregoing, Applicant is seeking the following waiver:

Waiver from LDR Section 4.4.13(E)(2), Streetscapes, to reduce the remaining front setback requirement along Railroad Street from five feet (5') to one foot two inches (1'2").

In accordance with the above outlined request, Applicant will demonstrate that the waiver meets the following criteria enumerated in Section 2.4.7(B)(5): That the granting of the waiver (a) Shall not adversely affect the neighboring area; (b) Shall not significantly diminish the provision of public facilities; (c) Shall not create an unsafe situation; and, (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner. Further, the Applicant will demonstrate that the waiver complies with the CBD waiver criteria enumerated in Section 4.4.13(K)(5)(b)2., as follows: (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; (b) the waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land; (c) the waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan; and (d) the waiver shall not reduce the quality of the civic open spaces provided under this code.

Section 2.4.7(B)(5) Waiver Criteria:

(a) The waiver shall not adversely affect the neighboring area.

The waiver shall not adversely affect the neighboring area. As noted above, Railroad Street does not function the same as other primary or secondary streets within the City's CBD. Rather, it is a twenty-five foot (25') right-of-way that functions more like an alley that runs parallel to the FEC Railway before turning east along the southern boundary of the subject Property. This right-of-way primarily serves the rear of many parcels fronting NE 4th Avenue and is often parked with vehicles adjacent to the railroad tracks. It does not function as a primary or even secondary street and sees very little pedestrian activity, as there are no sidewalks and no buildings fronting Railroad Street. It truly functions more as an alley for back-of-house accessory uses serving the parcels fronting NE 4th Avenue. As note, Railroad Street continues from its north-south orientation, parallel to the railroad tracks, and turns to the east running along the southern boundary of the Property. The streetscape requirements for the CBD are not applicable to alley frontages, as they see little pedestrian activity and are mainly used for such back-of-house purposes. However,

while Railroad Street functions primarily as other alleys in the CBD, since it is not designated as such, the CBD streetscape design standards are being applied to the Project's Railroad Street frontage and the Applicant has made an effort to comply with such standards to the greatest extent possible. More specifically, the Project continues to provide a four foot (4') curb zone and six foot (6') pedestrian zone along the Railroad Street frontage. However, rather than providing five feet (5') of additional setback area, the Project proposes no additional setback area. As a result, the building still exceeds the minimum ten foot (10') setback requirement along Railroad Street and provides an additional area for plantings between the proposed building and sidewalk. An expansive pedestrian walkway is also provided in the event pedestrians do seek to utilize this portion of Railroad Street to access the back-of-house areas that exist along the railroad tracks. The Project further complies with the streetscape requirements along the NE 4th Avenue and NE 2nd Street frontages, which are classified as primary streets in the CBD and very much function as such. As Railroad Street functions more akin to an alley and sees little pedestrian movements, the waiver will not adversely affect the neighboring area.

(b) The waiver shall not significantly diminish the provision of public facilities.

The waiver shall not significantly diminish the provision of public facilities. As mentioned, Applicant has provided the required ten foot (10') setback and six foot (6') pedestrian zone. In addition, the Project is providing the required four foot (4') curb zone to accommodate required utilities that are not otherwise included within the adjacent right-of-way. As such, the waiver will not impact the provision of public facilities.

(c) The waiver shall not create an unsafe situation.

As noted above, Railroad Street does not function the same as other primary or secondary streets within the City's CBD. Rather, it is a twenty five foot (25') right of way that functions more like an alley that runs parallel to the FEC Railway before turning east along the southern boundary of the subject Property. This right-of-way primarily serves the rear of many parcels fronting NE 4th Avenue and is often parked with vehicles adjacent to the railroad tracks. It does not function as a primary or even secondary street and sees very little pedestrian activity, as there are no sidewalks and no buildings fronting Railroad Street. It truly functions more as an alley for back-of-house accessory uses serving the parcels fronting NE 4th Avenue. As note, Railroad Street continues from its north-south orientation, parallel to the railroad tracks, and turns to the east running along the southern boundary of the Property. The streetscape requirements for the CBD are not applicable to alley frontages, as they see little pedestrian activity and are mainly used for such back-of-house purposes. However, while Railroad Street functions primarily as other alleys in the CBD, since it is not designated as such, the CBD streetscape design standards are being applied to the Project's Railroad Street frontage and the Applicant has made an effort to comply with such standards to the greatest extent possible. More specifically, the Project continues to provide a four foot (4') curb zone and six foot (6') pedestrian zone along the Railroad Street frontage. However, rather than providing five feet (5') of additional setback area, the Project proposes no additional setback area. As a result, the building still exceeds the minimum ten foot

(10') setback requirement along Railroad Street and provides an additional area for plantings between the proposed building and sidewalk. An expansive pedestrian walkway is also provided in the event pedestrians do seek to utilize this portion of Railroad Street to access the back-of-house areas that exist along the railroad tracks. The Project further complies with the streetscape requirements along the NE 4th Avenue and NE 2nd Street frontages, which are classified as primary streets in the CBD and very much function as such. As the curb zone and pedestrian clear zone are still being provided by the Project to ensure for safe pedestrian movements, the waiver will not create an unsafe situation.

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

The waiver does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner. Railroad Street is a twenty-five foot (25') right-of-way that functions more like an alley that runs parallel to the FEC Railway before turning east along the southern boundary of the subject Property. This right-of-way primarily serves the rear of many parcels fronting NE 4th Avenue and is often parked with vehicles adjacent to the railroad tracks. It does not function as a primary or even secondary street and sees very little pedestrian activity, as there are no sidewalks and no buildings fronting Railroad Street. It truly functions more as an alley for back-of-house accessory uses serving the parcels fronting NE 4th Avenue. The streetscape requirements for the CBD are not applicable to alley frontages, as they see little pedestrian activity and are mainly used for such back-of-house purposes. However, while Railroad Street functions primarily as other alleys in the CBD, since it is not designated as such, the CBD streetscape design standards are being applied to the Project's Railroad Street frontage. Nevertheless, the Project continues to provide a four foot (4') curb zone and six foot (6') pedestrian zone along the Railroad Street frontage. However, rather than providing five feet (5') of additional setback area, the Project proposes no additional setback area. Considering the unique circumstances of this particular right-of-way, the waiver does not result in the grant of a special privilege.

Section 4.4.13(K)(5)(b)2. Waiver Criteria

(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.

The waiver does not result in an inferior pedestrian experience along the primary street. Pursuant to Figure 4.4.13-B-1, Central Core and Beach Sub-districts Regulating Plan, NE 4th Avenue and NE 2nd Street are the primary streets that lie adjacent to the Property. Railroad Street is not identified as a primary street per the regulating plan. Both NE 4th Avenue and NE 2nd Street meet or exceed the minimum four foot (4') curb zone, six foot (6') pedestrian zone and five foot (5') remaining setback in accordance with the required streetscapes along the primary street frontages. These streetscapes are further improved by the sizable civic open space area at the corner of this prominent intersection. Additional plantings and green areas are provided along NE 4th Street to further soften the appearance of the building by providing

some attractive landscape plantings at the ground level. The building also provides articulation throughout and a variety of materials to further create a visual interest and eliminate any appearance of blank walls. The garage structure is tucked in the rear adjacent to the FEC Railroad and not along a primary street frontage. As such, the waiver does not result in an inferior pedestrian experience along a primary street.

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

The waiver will not create significant incompatibilities with nearby buildings or uses of land. The Project seeks to redevelop this underutilized lot with a vibrant and architecturally modern multifamily community that will add to the City's much needed housing supply and further enhance the appearance of the City's downtown area with an attractive and desirable product. It will provide an attractive, mixed-use development that is compatible with the surrounding area, with similar multi-family communities located to the south and east of the Property. The Project still proposes to provide a four foot (4') curb zone and six foot (6') pedestrian zone to ensure safe pedestrian travel and an attractive streetscape is provided along Railroad Street. This far exceeds the streetscape that is otherwise provided along Railroad Street, which functions more as an alley and does not contain any existing sidewalks and often little to no curb zone. The streetscape requirements are met along the primary streets adjacent to the Project. As such, the waiver will not create incompatibilities with nearby buildings or uses of land.

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

The waiver does not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle or pedestrian master plan. As previously discussed, both NE 4th Avenue and NE 2nd Street meet or exceed the minimum four foot (4') curb zone, six foot (6') pedestrian zone and five foot (5') remaining setback in accordance with the required streetscapes along the primary street frontages. These streetscapes are further improved by the sizable civic open space area at the corner of this prominent intersection. A four foot (4') curb zone and six foot (6') pedestrian zone are also being provided along Railroad Street to ensure safe pedestrian movements adjacent to the Property, even though this right-of-way functions more similar to an alley and no other sidewalks exist. As an expansive pedestrian realm is still being provided along Railroad Street, the waiver will not erode the connectivity of the street or sidewalk network or otherwise impact any adopted bicycle or pedestrian master plan.

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

The waiver will not reduce the quality of the civic open space. The Applicant has positioned the civic open space component at the main intersection of NE 4th Avenue and NE 2nd Street, which creates a significant relief from the perceived mass of the building along both street frontages and creates a more open feel for vehicles traveling along the adjacent roadways, as well as pedestrians at the street level. The waiver for the remaining setback portion of the streetscape along Railroad Street will not negatively impact the civic open space at the northeast corner of the Project. Rather, it will allow for the site to maintain its

layout in the current format to really highlight the civic open space adjacent to two (2) primary streets at this prominent corner. The civic open space has also been designed with curved landscape areas and planting beds which create visual interest and movement. Concrete benches are also provided to complement the curvature of these landscape areas and provide seating and gathering opportunities to residents and visitors in the area. Water fountains and pet drinking fountains are also placed within the civic open space to provide relief for both pedestrians and their pets. This attractive and functional civic open space can be maintained in its full scale and at such a prominent intersection because the waiver would allow for the proposed location at the northeast corner of the Property. As such, the waiver will not reduce the quality of civic open space.

