

CITY OF DELRAY BEACH



100 N.W. 1st AVENUE

DELRAY BEACH, FLORIDA 33444

561/243-7300

February 12, 2014

Mr. Michael Covelli
Covelli Design Associates, Inc.
2295 NW Corporate Boulevard, Suite 213
Boca Raton, FL 33431

RE: Atlantic Crossing Conditional Use and Class V Site Plan Approval Letter.

Dear Mike:

This letter is being provided to you as the designated agent for the above referenced project. As you are aware, on November 20, 2013, the Site Plan Review and Appearance Board took the following actions regarding the special action, site plan and landscape plan for the Atlantic Crossing project:

Special Actions:

Approved the special action to modify the frontage requirements, 192 frontage on Federal Hwy./60 West side of NE 7th Avenue/75 east side of NE 7th Avenue. for the lower floors along Atlantic Avenue, NE 6th Avenue, and NE 7th Avenue based on the finding per LDR Section 4.4.13(F)(4)(e)(4), that the modifications are in order to accommodate public plazas that allow for public seating areas and public art.

Site Plan:

Approved the request for a Class V site plan for Atlantic Crossing, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(F)(5), and Chapter 3 of the Land Development Regulations, subject to the following conditions:

1. Address all Site Plan and Engineering Technical Items. (Exhibit A and Exhibit B).
2. Approval of a site plan by SPRAB that is in general conformance to the submitted sketch plan.



3. That any potential conflicts at the circular driveway as it relates to multiple functions be addressed during the site plan review process.
4. That the applicant contributes the cost of a shuttle bus to the City and details of a shuttle stop in the development be finalized during the site approval process.
5. That modification to NE 7th Avenue and NE 1st Street (including potentially restricting NE 7th Avenue to southbound only at NE 1st Street) and or funding of a traffic signal at NE 6th Avenue and NE 1st Street is considered during site plan approval to reduce concerns over encroachment into the neighborhoods from this site.
6. That a written finding of concurrency approval from the School District be submitted.
7. That provision of the bus shelter and easement is addressed during the site plan review process.
8. That a minimum of two additional bicycle racks be provided along Federal Highway and two along Atlantic Avenue.
9. That the provision of workforce housing units be addressed per an agreement to be approved by the Community Improvement Director and executed prior to certification of the site plan.
10. That a minimum of 75% of the surface area of the front street walls along Atlantic Avenue at the ground floor area of buildings I and II are devoted to display windows and to entrances.
11. That a dedication of 7 feet be provided for Atlantic Avenue east of NE 7th Avenue.
12. That at least one building achieves the designation as "LEED for Neighborhood Development (certified)."
13. That revised floor plans are submitted that reflect the revised residential unit count.
14. That a final finding of concurrency be conducted as part of the site plan process to address the current revision.
15. Applicant shall pay for the closure of N.E. 7th Avenue at N.E. 1st Street as per the design on the overhead slide presented at the meeting of December 4, 2012 and with direction from the City Engineer and in accordance with the City's LDRs. Applicant shall pay all costs incurred by the City associated with the closure.
16. Applicant shall pay all costs for traffic calming on Palm Square, which may include a cul-de-sac, beginning at the intersection with Atlantic Avenue and south to S.E. 2nd Street in accordance with the City's LDRs and as determined by the City Engineer.
17. That public access easements are provided for those portions of the required sidewalk widths that encroach onto the property and along NE 7th Avenue.
18. Engineering does not support closure of NE 7th Avenue at NE 1st Street. If direction is given by City Commission to keep NE 7th Avenue open then additional comments will be generated.
19. Revise civil phasing plans to include project overall phasing plan, such phases need to be clearly shown on the plans and a narrative describing the phasing program provided per LDR Section

- 2.4.3 (B) (22). Also, include the demolition of existing buildings as part of the phasing plan. How the water and sewer phasing plan will be affected by the overall phasing plan needs to be shown on civil plans. The building demolition sequence must be shown to ensure service will be maintained to existing customers.
20. Provide demolition plans in accordance with above comment. The sequence of building removal as it pertains to the removal and/or relocation of water and sewer needs to be shown on plans prior to Site Plan Certification.
 21. Clearly specify on civil phasing plans when existing water and sewer mains will be abandoned and removed in association with overall project.
 22. Clearly indicate on civil plans the sequence of water and sewer service removal and replacement to existing customers along Atlantic Avenue, NE 7th Avenue, NE 1st Street, antique shop, offices at corner of Federal Highway and NE 1st Street in association to overall project.
 23. Please take into consideration constructability, health department releases, road closures, re-paving, inconvenience to local residence, etc. when developing a civil phasing plan. This comment will be removed after a phasing plan has been shown on civil plans and City is in agreement with phasing plan.
 24. Provide copy of South Florida Water Management District (SFWMD) permit.
 25. That the sidewalks in the CBD zoning district be a minimum of 8 feet and 10 feet wide and that the sidewalks should be 10 feet along Atlantic Avenue and on Federal Highway and 8 feet on all other locations within the project.
 26. Provide certification letter in accordance with LDR Section 7.1.3 (B) (2) for all buildings not meeting finish floor elevation requirements. The finished floor elevation is required to be a minimum of 18-inches above average crown / centerline of adjacent roads. Letter must state drainage conditions have been investigated and the proposed finished floor elevation is above the 100-year flooding level.
 27. Provide signed and sealed drainage report indicating the proposed system's ability to meet storm water quality and quantity requirements in accordance with the South Florida Water Management District regulations per LDR Section 2.4.3 (D) (7). In addition, the surface water management system needs to be designed in accordance with LDR Section 6.1.9 for a minimum of a 10 yr./24 hr. storm event. The system needs to provide for positive drainage of lots, streets, roads, and other public areas as well as handling any run-off from adjacent areas that historically flowed into the subject area. Include drainage calculations confirming that there will be no negative post development impacts on adjacent homes, structures or properties.
 28. Provide documentation from FDOT indicating this project has permission to tie into FDOT's drainage system. If FDOT approves proposed discharges from the private drainage system into their system along Federal Highway and Atlantic Avenue, then clearly indicate where system becomes private and this must be noted as such on plans and FDOT approved permit. Previous FDOT letter was dated 8/26/10, please obtain a more recent letter so they can provide approval on current post-development discharge rates.

29. Remove connection to City drainage system on NE 7th Avenue or provide calculations indicating discharge into City system exceeds a 25-year / 3 day event and include a control structure on applicant side of property line.
30. Irrigation system needs to be designed so it can be connected to the City's reclaimed water system when it becomes available. Owner's irrigation system should be designed to accommodate the future connection through one master meter. Upon connection, the City will install a valve and meter at the property line. Please coordinate with the Public Utilities Department on the location of the system's entry point to the owner's irrigation system. Please indicate which sheet this can be found.
31. Provide signed and sealed calculations indicating current and proposed estimated flows into existing force main; submit to my attention at the Engineering Division. Upon review and approval, a letter from the Deputy Director of Public Utilities stating that the City's system has sufficient capacity to treat proposed flows will be issued. This is a requirement in accordance with LDR Section 5.3.3 (D) for the Off-Site Impact Assessment to the City's water and sewer systems.
32. Revise water main / fire hydrant connections at intersection of NE 7th Avenue and Atlantic Avenue in order to avoid tapping existing 8" on Atlantic Avenue and keeping fire hydrant City owned (i.e. before meter). Therefore, keep existing 12" water main to just pass existing fire hydrant then cap or plug existing 12" water main; and provide a tap off of existing 12" water main for 8" master meter.
33. At intersection of NE 7th Avenue and NE 1st Street relocate fire hydrant off of existing 12" water main so it is City owned. Modify connections on north side of meter to accomplish this, similar to #16 above.
34. Indicate plans to grout portion of existing 8" sanitary sewer line to remain at SE corner on Atlantic Avenue at existing manhole #4. This can be done prior to Building Permit issuance.
35. Since existing 24" FM will not be abandoned at east side of building IV, remove "abandoned". This can be done prior to Building Permit issuance.
36. Indicate 24" FM will be capped just west of connection to 36" / 24" DIP FM, at east side of Building IV. This can be done prior to Building Permit issuance.
37. Revise note / intention at existing sanitary sewer manhole #60, a manhole needs to remain at this intersection. If replacement was the intention, please clarify and manhole #69 is already in use.
38. Provide a Composite Utility Plan signed by a representative of each utility provider attesting to the fact that services (water, sewer, drainage, gas, power, telephone and cable) can be accommodated as shown on the Composite Utility Plan. The Composite Utility Plan needs to address the responsibility for relocation of existing services and installation of new services in accordance with LDR Section 2.4.3 (F) (4). Composite Utility Plan is also used to ensure physical features do not conflict with each other and existing or proposed utility services.
39. Indicate on plans a City approved bus shelter will be installed in accordance with Palm Tran and ADA requirements (e.g. 5' x 8' landing area, 30' from intersection, direct access to site, etc.). Please indicate which sheet this can be found.
40. Please note, a Financial Guarantee in accordance with LDR Section 2.4.10 may be required to ensure the timely and proper installation of public improvements which are required to support the

proposed development. Refer to LDR Section 2.4.10 (A) for items which require a Financial Guarantee. The Financial Guarantee (surety) amount is quantified in the approved Engineer's Opinion of cost. Surety format can be Letter of Credit, Cash Deposit or Performance Bond (Subdivision Format). Surety is required prior to issuance of any permits from the Building Permit Department.

41. Developer will be required to contribute funds for the future signalization at all applicable intersections, this will be required prior to Building permit issuance.
42. Developer will be required to contribute funds towards the City's US 1 Beautification project, this will be required prior to Building permit issuance.
43. That a recorded plat be submitted.
44. That a provision is made within the Property Owner's Association documents that obstructions which would restrict vehicular access to the townhouse garages such as storage are prohibited.
45. That the plans be revised to correctly note the building frontage dimension along NE 6th Avenue.
46. That the plans be revised to correctly note the northern frontage dimensions of building VI.
47. That the shared parking calculation table noted on the site plan be revised to be consistent with the current development proposal.
48. That the applicant contributes the cost of a shuttle bus trolley to the City.
49. That the applicant design and fund turn lane improvements (NE 1st Avenue/Northbound right turn lane on to NE 6th Avenue) and provide the cost for the traffic signal at NE 6th Avenue and NE 1st Street.
50. That a written finding of concurrency approval from the School District be submitted.
51. That the applicant funds a bus shelter along Federal Highway.
52. That the provision of workforce housing units be addressed per an agreement to be approved by the Community Improvement Director and executed prior to certification of the site plan.
53. That at least one building achieves LEED certification.
54. Applicant shall provide design plans and pay for the closure of N.E. 7th Avenue at N.E. 1st Street. A temporary closure is to be provided at this time and if warranted after project impacts are analyzed the permanent closure would be constructed.
55. Applicant shall provide design plans and pay all costs for traffic calming on Palm Square, which may include a cul-de-sac, beginning at the intersection with Atlantic Avenue and south to S.E. 2nd Street in accordance with the City's LDRs and as determined by the City Engineer.
56. That the roll down gates have Knox boxes to allow entrance.
57. If the Board finds that the loading facilities are adequate, the management company shall require delivery services to utilize the designated loading zones exclusively, and this be noted on the plan.

58. That the two tandem parking spaces in the subgrade parking area on the west-side of NE 7th Avenue are to be eliminated.
59. That the last parking space in all dead-end parking tiers be striped-out to provide adequate turn-around options.
60. That the photometric plans be revised to include illumination levels in the east/west courtyards.
61. Unbundle parking from rent/purchase for those residents who do not need a car or a parking space.
62. Atlantic Crossing will disseminate third party bicycle rental information to all residents.
63. Provide an inside, safe and secure storage area for bicycles with racks for a minimum of 86 bicycles for the residents of Atlantic Crossing.
64. Provide storage, showers and lockers for employees.
65. Provide space for a permanent transportation information kiosk within the lobby or mailroom areas with info on short term vehicle rentals. The kiosk will contain: info and route and schedule information for Palm Tran, Tri-Rail, the Delray Shuttle, and the Roundabout as well as new or substitute providers (such as Tri-Rail Coastal Link); info on how to start a carpool and vanpool; details of the emergency ride home program; and Tri-Rail Bicycle Locker Program Application Forms.
66. Provide the following information at each calendar year to SAFE and the City for the first 5 years following occupancy:
 - The number of residents who are paying a lower rent, because they don't own a car, or need a parking space,
 - The number of owner stored bicycles at calendar year end,
 - The number of times the residents used a community vehicle for grocery shopping. The number of times the shared bicycles are used in a calendar year.
67. Install a device that counts and records the number of motor vehicles that enter and exit the garages by hr./day, and report this activity annually to the SAFE and the City.
68. That if the traffic study and the City deem that retractable electric or pneumatic bollards are a viable option to assist in the closure of NE Seventh Avenue the developer will fund this system including on-site and remote operation.
69. That the trash receptacles on-site as labeled be accompanied by recycling receptacles and that residential and commercial recycling be provided to the entire site.
70. That the green wall shall be considered a trellis and shall be allowed to encroach in the setback along Federal Highway.
71. That the applicant will create an ingress from Federal Highway adjacent to the location of the egress into the garage level as long as this is approved by the FDOT and the City Engineer.

Landscape Plan:

Approved the landscape plan for Atlantic Crossing based on positive findings with respect to Section 4.6.16 of the Land Development Regulations, subject to the following conditions:

1. That all the Landscape Technical Items are addressed.
2. The Landscape Plan will need to take into account the improvements along NE 6th Avenue as part of the Federal Highway Beautification project. Plans for this project are available through our Engineering Department. Please call Tim Tack at (561) 243-7315. Show all improvements associated with this beautification project within the limits of the Atlantic Crossing project on the Landscape Plans.
3. The donation of existing trees on site was made a Condition of Approval prior to the changing of ownership of this project. All existing trees that were proposed for removal and were of interest to the City of Delray Beach were required to be root-pruned and relocated to a park designated by the City of Delray Beach. This requirement shall remain. As such, a new Existing Tree Survey is required. Show all existing trees with a caliper of 4" or greater. Label all trees with their botanical name, common name, height and spread specifications, condition and proposed action (remain, relocate or remove). All trees proposed for removal based on this new survey will be evaluated by City staff who will determine the value of the trees to the City. These tasks shall be fully funded by the developer and that includes the relocation of all of the trees determined by the City Landscape Planner including all root pruning, relocation of the trees and putting them into their new site and establishing them.
4. It was discussed that a similar streetscape proposed along the north side of Atlantic Avenue would be replicated along the south side of Atlantic Avenue. A combination of Live Oaks and Royal Palms were to be used. This has not been indicated on the plans.
5. There appears to be a conflict with proposed trees within the parking lot on the north side of NE 1st Street and existing underground utilities. The proposed trees will need to be shifted so that these conflicts are resolved.
6. The proposed Royal Palms along the north side of Atlantic Avenue are planted too close together. Space out the palms so that the edge of the canopies are touching, but are not grossly encroaching on each other.
7. Per LDR 4.6.16(H)(3)(h), All landscape islands are required to contain a minimum of seventy-five (75 SF) square feet of shrubs and groundcovers. Shrubs shall be placed at the back of the island with low groundcovers in the nose to eliminate sight visibility issues.
8. Per LDR 4.6.16(H)(3)(i), landscape islands are required to contain one (1) shade tree that is at least sixteen feet (16') in height. Palms are not permitted.
9. That the vegetation be maintained below 3 feet and above 6 feet to maintain good surveillance throughout the property.
10. That the project have additional potted vegetation on the upper deck above the porte cochere on building number Four-S.

11. That additional multilevel vegetative screening be provided around all switch cabinets and transformer enclosures wherever possible when not conflicting with an access point and that the screening doors be provided to staff for review for appropriate aesthetics.

Special Action:

At its meeting of December 18, 2013, the SPRAB reconsidered and approved the special action associated with the correct building setbacks, as follows:

- Along NE 6th Avenue: allow 280.67 feet, where a minimum of 407.87 feet is required, a difference of 127.20 feet;
- Along the west side of NE 7th Avenue: allow 287.08 feet, where a minimum of 407.63 is required, a difference of 120.55 feet;
- Along the east side of NE 7th Avenue, allow 240.58 feet, where a minimum of 407.63 feet is required, a difference of 167.05 feet;
- Along Atlantic Avenue, allow 155.42 feet, where a minimum of 183.25 feet is required, a difference of 27.83 feet for the lower floors for Atlantic Avenue west of NE 7th Avenue.

Building Elevations:

At its meeting of December 18, 2013, the SPRAB approved the building elevations subject to the following conditions:

1. That the windows of the businesses and offices remain unobstructed by signage.
2. That the metal roof material on Building IV-S be revised to either barrel clay tile, or a canvas awning to match the other proposed awnings on the building.
3. A 200-foot line of sight survey needs to be submitted for verification for the roof top equipment on Buildings IV-N and V.
4. That the rooftop equipment be relocated to the interior of the roof deck and the requisite line of sight surveys submitted for buildings III/VI-N&VI-S.
5. That a note be added to the plans that indicate light transmission for ground floor glass areas be no greater than 20%.
6. That at least one building achieves LEED certification.
7. That the developer study screening mechanical equipment that may be visible from the upper floors within the development, and to provide perimeter screening of any visible mechanical equipment from the sides.
8. That the developer modifies the metal awnings on building VI and building IV-S to be more proportional to the building and also to provide additional shutter detailing.
9. That more shutters be provided on Building number VI, not including the interior courtyard areas, just the exterior street-facing elevations and again to work on the proportion of the small metal awnings and overhangs.

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10. That the Art Deco building, in the revised elevations, has a lower level glass which is storefront with no simulated mullions and that the stone material is identified with "ST-1."
11. That any tree or tree-like vegetation that is planted in that location (along Seventh Avenue and along Veterans Park) will have a minimum twenty-two foot (22') planted height and that the connector area between building V and building IV-N be one foot (1') back from the building wall of the top floor of the Mediterranean style building.

Conditional Use:

At its meeting of December 4, 2012, the City Commission approved the conditional use for the subject property.

Private Appeal:

At its meeting of January 21, 2014, the City Commission considered the private appeal of the project and upheld the SPRAB approval.

Next Steps

Five complete sets of all plans and documents (folded and collated) that address the conditions of approval need to be submitted to the Planning and Zoning Department. Once the site plans have been certified, you will need to submit the building permit application to the Community Improvement Department.

Please be advised that the site plan approval and conditional use approval are valid for 24 months. Thus, the conditional use will expire on December 4, 2014 and the site plan approval will expire on January 21, 2016. Prior to the expiration date of the approvals, 25 percent of the cost of all improvements associated with this development approval must be constructed in order for this proposal to be considered established.

If you have any questions, please contact me at (561) 243-7321.

Sincerely,



Scott Rabe, AICP, FCP
Senior Planner

Cc: Project file
Correspondence file

EXHIBIT A

1. Approval of a site plan by SPRAB that is in general conformance to the submitted sketch plan.
2. That any potential conflicts at the circular driveway as it relates to multiple functions be addressed during the site plan review process.
3. That the applicant contributes the cost of a shuttle bus to the City and details of a shuttle stop in the development be finalized during the site approval process.
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9. That a minimum of 75% of the surface area of the front street walls along Atlantic Avenue at the ground floor area of buildings I and II are devoted to display windows and to entrances.
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11. That at least one building achieves the designation as "LEED for Neighborhood Development (certified)."
12. That revised floor plans are submitted that reflect the revised residential unit count.
13. That a final finding of concurrency be conducted as part of the site plan process to address the current revision.
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EXHIBIT B

1. That public access easements are provided for those portions of the required sidewalk widths that encroach onto the property and along NE 7th Avenue.
2. Engineering does not support closure of NE 7th Avenue at NE 1st Street. If direction is given by City Commission to keep NE 7th Avenue open then additional comments will be generated.
3. Revise civil phasing plans to include project overall phasing plan, such phases need to be clearly **shown on the plans** and a narrative describing the phasing program provided per LDR Section 2.4.3 (B) (22). Also, include the demolition of existing buildings as part of the phasing plan. How the water and sewer phasing plan will be affected by the overall phasing plan needs to be shown on civil plans. The building demolition sequence must be shown to ensure service will be maintained to existing customers.
4. Provide demolition plans in accordance with above comment. The sequence of building removal as it pertains to the removal and/or relocation of water and sewer needs to be **shown on plans prior** to Site Plan Certification.
5. Clearly specific on **civil phasing plans** when existing water and sewer mains will be abandoned and removed in association with overall project.
6. Clearly indicate on **civil plans** the sequence of water and sewer service removal and replacement to existing customers along Atlantic Avenue, NE 7th Avenue, NE 1st Street, antique shop, offices at corner of Federal Highway and NE 1st Street in association to overall project.
7. Please take into consideration constructability, health department releases, road closures, re-paving, inconvenience to local residence, etc. when developing a civil phasing plan. This comment will be removed after a phasing plan has been shown on civil plans and City is in agreement with phasing plan.
8. Provide copy of South Florida Water Management District (SFWMD) permit.
9. Clearly indicate sidewalk dimensions, sidewalks utilized by the public in the Central Business District are required to be a minimum of 10-feet wide. Dimensions could not be found in last submittal.
10. Provide certification letter in accordance with LDR Section 7.1.3 (B) (2) for all buildings not meeting finish floor elevation requirements. The finished floor elevation is required to be a minimum of 18-inches above average crown / centerline of adjacent roads. Letter must state drainage conditions have been investigated and the proposed finished floor elevation is above the 100-year flooding level.

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15. Provide signed and sealed calculations indicating current and proposed estimated flows into existing force main; submit to my attention at the Engineering Division. Upon review and approval, a letter from the Deputy Director of Public Utilities stating that the City's system has sufficient capacity to treat proposed flows will be issued. This is a requirement in accordance with LDR Section 5.3.3 (D) for the Off-Site Impact Assessment to the City's water and sewer systems.

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