

# SILBERSTEIN ARCHITECTURE

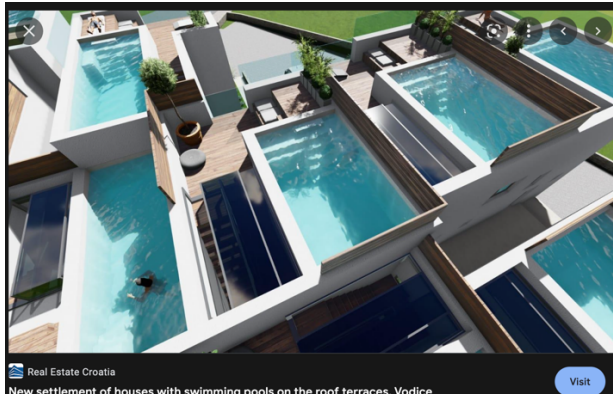
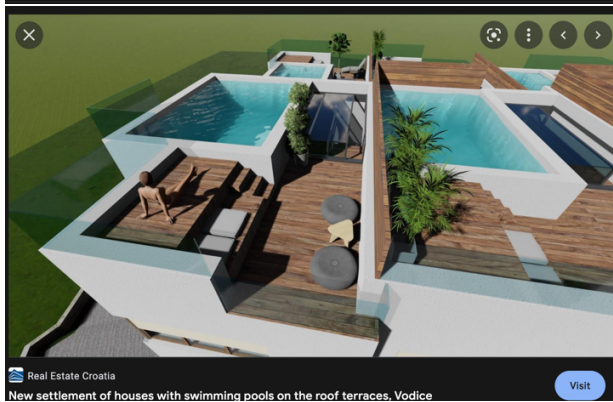
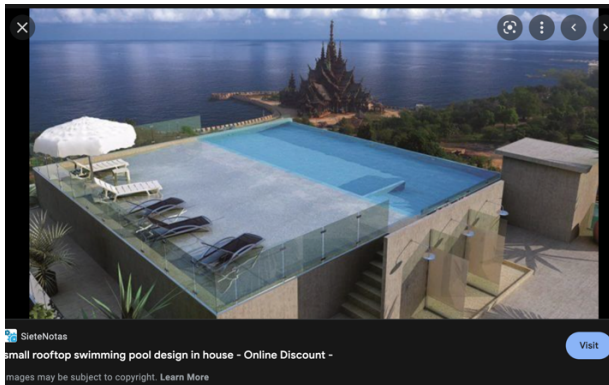
July 28, 2022

Re: 354 SE 5<sup>th</sup> avenue, Waiver Request – Omit the 5' surround of the pool on three sides

To Whom It May Concern

This letter is a waiver request pursuant to Section 2.4.7(B)(5) and Section 4.4.13(C)(4)(h)(4)(c) of the Delray Beach Land Development Regulations ("LDRs"). In this situation the following would apply:

The proposed pools for each unit shall be surrounded on all sides by a 5-foot walkway per LDR section 4.4.13(C)(4)(h)(4)(c). The proposed second-floor terraces are considered rooftop terraces. **the 5' walkway around pool i believe is excessive and not a cool design. There would be nothing left of the pool if it had 5' surrounds. The images below are of townhome residential roof terrace pools that do not have surrounds. this is not a public pool. I believe the ordinance is applicable to large condo projects where residents share the pool**



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**the west edge of pool, reads as an infinity edge. the pool is separated from the adjacent units by 42" walls. Image of our pool design below:**



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As per the Land Development Regulations, Section 2.4.7(B)(5) requires that the governing body make positive findings to support the granting of a waiver based on the following:

- a) The waiver shall not adversely affect the neighboring area;
- b) The waiver shall not significantly diminish the provision of public facilities;
- c) The waiver shall not create an unsafe situation; and,
- d) The waiver does not result in the granting of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

Positive findings with respect to LDR Section 2.4.7(B)(5) Waiver Findings, can be made as follows:

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

*The waiver is internal to the project and will not adversely affect the neighboring area.*

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

*The waiver is internal to the project and will diminish the provision of public utilities*

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

*The waiver is internal to the project and will not create an unsafe situation*

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

**e) The waiver is internal to the project and will not result in the granting of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.**

Also, within the CBD, the following standards per Section 4.4.13(K)(5)(b)2 shall be used by the City Commission when considering waiver requests, in addition to the findings in Section 2.4.7(B)(5) above:

**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 is internal to the project and will not result in an inferior pedestrian experience along a Primary Street*



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

*The waiver is internal to the project and will 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.**

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*The waiver is internal to the project and will not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/ pedestrian master plan*

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

*The waiver is internal to the project and will not reduce the quality of civic open spaces provided under this code.*

Positive findings with respect to LDR Section 2.4.7(B)(5) and Section 4.4.13(K)(5)(b)2 can be made and the request for the above waiver can be approved.

Please feel free to email or call if you have any questions.

Sincerely,  
Jeffrey Silberstein, AIA

Silberstein Architecture, Inc