

## UPTOWN ATLANTIC

It is noted that the development proposal is being considered under the Land Development Regulations that were in effect prior to the revisions that were adopted on February 24, 2015.

The properties are located within the West Atlantic Overlay and are zoned Central Business District. The properties contain a 4,854 sq. ft. funeral home with a 957 sq. ft. apartment; a 6,320 sq. ft. retail building, and two single-family homes of 1,068 sq. ft. and 864 sq. ft., respectively. The site also contains parking areas and vacant land.

The development proposal incorporates the following:

- ☐ Demolition of the existing buildings and construction of a mixed-use development consisting of 112 dwelling units, 17,267.3 square feet of office, 6,040 square feet of restaurant, and 43,162 square feet of commercial/retail. The residential portion of the development includes 15 efficiency units; 18 one-bedroom units; 75 two-bedroom units, and 4 three-bedroom units.
- ☐ The recreational amenities include a gazebo, tot lot, swimming pool, a gymnasium on the 2<sup>nd</sup> floor of building #800, a teen room on the 3<sup>rd</sup> floor of building #800, and a computer room on the 4<sup>th</sup> floor of building #800.
- ☐ The development proposal provides a total of 355 on-site parking spaces.
- ☐ Building #800 includes two bicycle storage rooms.
- ☐ Installation of sidewalks, walkways, courtyards, and associated landscaping.

**The following excerpt provides**  
**key components of the development analysis**  
**Parking Requirements:**

LDR Section 4.4.13(G)(2)(c) requires six (6) parking spaces per 1,000 square feet of gross floor area for restaurants, and one (1) parking space per 300 square feet of total floor area for all nonresidential uses (4.4.13.(G)(2). Per LDR Section 4.4.13(G)(2)(g), the parking for business and professional office is one space per 300 square feet of net floor area. Parking for multi-family residential structures and mixed use development must be provided pursuant to the following (LDR Section 4.6.9 (C)(2):

• Efficiency dwelling unit	1.0 space/unit
• One bedroom dwelling unit	1.5 spaces/unit
• Two or more bedroom dwelling unit	2.0 spaces/unit
• Guest parking shall be provided cumulatively as follows:	
- for the first 20 units	0.5 spaces/unit
- for units 21-50	0.3 spaces/unit
- for units 51 and above	0.2 spaces/unit

The proposed mixed use development contains 17,267.3 square feet of office use; 6,040 square feet of restaurant use; 43,162 square feet of commercial/retail use; and 112 Multi-family dwelling units comprised of 15 efficiency units, 18 one-bedroom units, 75 two-bedroom units, and 4 three-bedroom units. Based on this development mix, the required parking for the proposed development is 469 parking spaces.

LDR Section 4.6.9(C)(8)(a) – Shared Parking allows for buildings or a combination of buildings on a unified site to utilize the shared parking calculations which affords reduced parking requirements by accommodating varied peak utilization periods for different uses (see below).

Use	Required	Weekday						Weekend			
		Night		Day		Evening		Day		Evening	
		Midnight to 6 AM		9 AM to 4 PM		6 PM to Midnight		9 AM to 4 PM		6 PM to Midnight	
Residential	100.4	100%	100.4	60%	60.24	90%	90.36	80%	80.32	90%	90.36
Office	57.5577	5%	2.877885	100%	57.5577	10%	5.75577	10%	5.75577	5%	2.877885
Commercial/Retail	143.873	5%	7.19365	70%	100.7111	90%	129.4857	100%	143.873	70%	100.7111
Restaurant	36.24	10%	3.624	50%	18.12	100%	36.24	50%	18.12	100%	36.24
Reserved Parking	131	100%	131	100%	131	100%	131	100%	131	100%	131
Other		100%	0	100%	0	100%	0	100%	0	100%	0
<b>TOTALS</b>	<b>469</b>		<b>245</b>		<b>368</b>		<b>393</b>		<b>379</b>		<b>361</b>

Per the shared parking calculation table, the minimum total parking requirement is the highest sum of the vertical columns. The subject development application requires a minimum of 393 spaces.

The development proposal provides a total of 355 on-site parking spaces. As noted in the background section of this report, an in-lieu request for 38 parking spaces (19 with the credit for the on-street spaces provided).

### Compact Parking:

Pursuant to LDR Section 4.6.9(C)(1)(g), up to 30% of the required parking for any use may be designated for compact cars. The development proposal includes 105 compact parking spaces, which is 29.6% of the total required parking. Thus, the development proposal complies with this requirement.

### Handicapped Accessible Parking:

Pursuant to LDR Section 4.6.9(C)(1)(b), parking spaces designed for use by the handicapped shall be provided pursuant to the provisions of Florida Accessibility Code for Building Construction (FACBC). Accessibility for residential units is addressed by the Federal Fair Housing Act. Pursuant to the FACBC, 18 handicap accessible spaces are required. The plan complies with this requirement since 18 handicap accessible parking spaces are provided.

Staff Recommendation:

### **Minimum Residential Floor Area:**

Pursuant to LDR Section 4.4.13(H)(6) and LDR Section 4.3.4(K)[Minimum residential floor area], the minimum required floor area for efficiency dwelling units is 400 square feet, a one-bedroom unit is 600 square feet, a two-bedroom unit is 900 square feet, and a three-bedroom unit is 1,250 square feet. There are 15 efficiency dwelling units that range in size from 400 square feet to 411 square feet; 18 one-bedroom dwelling units that range in size from 635 square feet to 707 square feet; 75 two-bedroom dwelling units that range in size from 900 square feet to 1,102 square feet; and 4 three-bedroom dwelling units that are all 1,269 square feet. Based upon the above this LDR requirement has been met.

### **Efficiency or Studio Type Dwelling Units:**

Per LDR Section 4.4.13(I)(2) the total number of efficiency or studio type units shall not exceed 25% of the total number of units in the project, including both family/workforce units and market rate units. The development includes 15 efficiency units, which is 13.4% of the total number of dwelling units within the development.

### **Workforce Housing Units:**

Per LDR Section 4.7.9(c)(h), no efficiency or studio type units shall be allowed under the family/workforce housing program. If the project is approved, the applicant will need to enter into a family/workforce housing program covenant with the City that ensures municipal oversight of this program. One of the stipulations of this covenant will be that no efficiencies or studio units be utilized in this program and this requirement is attached as a condition of approval. It is noted that this covenant will need to be fully executed prior to issuance of a building permit.

Per LDR Section 4.4.13(I)(1) the proposed development shall provide 20% of the residential units above the 12 du/acre as workforce housing. Based on the LDR requirements, the subject development is required to have 8 units workforce housing. The applicant is proposing 22 workforce housing units. Thus, the applicant exceeds this standard.

### **Staff's Recommendation:**

1. That no efficiencies or studio units be utilized in this program and this requirement is attached as a condition of approval and that this be addressed as part of the Workforce Housing Agreement.

This recommendation was supported by the Board.

### **Green Building Design:**

Per LDR Section 4.6.18(B)(14)(v)(6), cross-ventilation, energy efficiency, and green building design shall be considered for all projects. The project includes canopies and balconies that will shade the south facing windows to reduce heat gain. The vertical fins on the east and west facing windows reduce heat gain. The storefronts are oriented on the north side of the buildings to reduce heat gain. Covered walkways are provided on all sides of the building to provide shade. The roofs will have a high Solar Reflective Index to reduce the heat island effect. The buildings will include a high R

value insulation to reduce heat gain. The project will include continuous insulation with no thermal breaks to reduce heat gain and reduce mold forming condensation inside the walls. The rooftop storm water will be collected to irrigate the landscaping. Finally, low flow toilets and showers and energy star appliances will be provided.

### **Waiver Requests and Analysis:**

The development proposal includes waivers to the following sections of the Land Development Regulations:

1. A waiver to LDR Section 4.4.13(F)(4)(b)(2), which requires setbacks for the upper level building setback for that portion of a building above 37 feet.
2. A waiver to LDR Section 4.4.13(F)(4)(c)(1), which requires setbacks for the lower levels of the buildings along SW 6<sup>th</sup> Avenue, SW 7<sup>th</sup> Avenue, SW 8<sup>th</sup> Avenue, and SW 9<sup>th</sup> Avenue.
3. A waiver to LDR Section 6.1.3(B)(1)(f) which requires a sidewalk width of 8 feet in the Central Business District and 6 feet is proposed along SW 6<sup>th</sup> Avenue, SW 7<sup>th</sup> Avenue and SW 9<sup>th</sup> Avenue.

### **The following excerpt is from the Staff Report**

“The project does not comply with LDR Section 4.4.13(F)(4)(c)(1) for the lower floors for buildings 600, 700, and 800 along SW 6<sup>th</sup> Avenue, SW 7<sup>th</sup> Avenue, SW 8<sup>th</sup> Avenue, and SW 9<sup>th</sup> Avenue. Per LDR Section 4.4.13(F)(4)(b)(2), building 800 does not comply for the upper floors along Atlantic Avenue.

The applicant has submitted the following verbatim narrative in support of the waivers:

*“...Please consider this our formal request for a waiver to Section 4.4.13(F)(4)(e)(6)(c) of the Land Development Regulation (LDRs) of the City of Delray Beach Side Street Building Frontage and Setback allowing the primary frontage to be continued 60'-0" from the front property line along the side street. According to the above mentioned code section the 37' height break for additional setback and the 0'-0" setback for arcaded building may be continued on side streets for a distance of 60'-0" and then the height break transitions 25' and the setback becomes 5'-0". Our request is to maintain the same height and setback conditions to the back corner of our building. A transition at 60' back from the front property line would occur in the middle of an apartment. This continuous treatment of the façade is in our opinion a better aesthetic solution, more unifying and more functional. The continuity of the Arcade allows a connection between the parking to the rear of the building and the entrances to the retail spaces facing Atlantic Avenue. It should be pointed out that there are no adjacent buildings in close proximity to the rear of the buildings which is the intent of the LDRs...”*

*“...Please consider this our formal request for a waiver to the Front Setback Requirement for areas of buildings over 37'-0" fronting on Atlantic Avenue per section 4.4.13(F)(4)(b)(2) of the Land Development Regulations (LDRs) of the City of Delray Beach. The height of the front façade of the 600 building (Eastern most on the site) requires an adjustment to the height at which an additional front setback is required. The floor to floor height of this building on the ground floor needs to be a minimum of 21'-0" to accommodate a grocery store. In order to build two additional floors above the grocery store the prescribed additional setback at 37'-0" in height will present a difficulty. The second*

*floor of this building would need to be 16'-0" floor to floor to reach the 37' break point and then the third floor would set back an additional 5'-0" for the remainder of the building height up to the height limit of 48'. The 16' second level would be out of scale. We request that the building not be required to have an additional setback at the 37' height which with conventional floor to floor heights for the residential units above the grocery store that height would fall 4'-0" above the third floor level in the middle of the third floor units. This is a result of the unique condition of having a Grocery on the ground floor of this building which is a key component of the Uptown Atlantic development..."*

### **Analysis:**

The proposed waiver for the lower floors along SW 6<sup>th</sup> Avenue, SW 7<sup>th</sup> Avenue, SW 8<sup>th</sup> Avenue, and SW 9<sup>th</sup> Avenue are not egregious since the setbacks are greater than the required maximum setback of 10 feet. If the intent was to continue the building frontage along the street further south from Atlantic Avenue, these waivers might be problematic. However, the CBD zoning district ends at the southern end of the Uptown Atlantic project. Thus, there is no need to extend that urban design principle of bringing the buildings up to the street.

The proposed waiver for the upper floor of building 800 cannot be supported. In this case the fourth floor of this building is required to be stepped-back 15 feet from the front property line for a distance of 196 feet and the building is only setback 15 feet for 130 feet from the front setback. The width of West Atlantic Avenue is greater than East Atlantic Avenue, which perceptively mitigates the effects of the additional massing. Based on the above positive findings can be made with respect to LDR Section 2.4.7(B)(5), Waiver Findings."

### **Sidewalk Width Reduction Waiver**

This is a waiver to LDR Section 6.1.3(B)(1)(f) which requires a sidewalk width of 8 feet in the Central Business District and 6 feet is proposed along SW 6<sup>th</sup> Avenue, SW 7<sup>th</sup> Avenue and SW 9<sup>th</sup> Avenue.

The staff reported at the meeting that the sidewalk waiver request can be supported as the requirement for an 8 foot sidewalk is required along the side streets for the CBD zoned properties. However as one travels from Atlantic Avenue into the neighborhood the sidewalk requirement decreases from 8 feet to 5 feet. Staff reported that the waiver could be supported as a 6 foot sidewalk provides a better transition to the 5 foot sidewalk which is required to the south of the project.

The following lists the Board Approval and itemizes the conditions of approval:

### **Waivers:**

1. Recommended approval to the City Commission (5 to 0, Andrew Younggross and Jose Aguila stepped down) the waiver to LDR Section 4.4.13(F)(4)(b)(2), which requires a minimum street frontage setbacks for the upper levels of the buildings along Atlantic Avenue.

2. Recommended approval to the City Commission (5 to 0 Andrew Younggross and Jose Aguila stepped down) the waiver to LDR Section 4.4.13(F)(4)(c)(1), which requires setbacks for the lower levels of the buildings along SW 6<sup>th</sup> Avenue, SW 7<sup>th</sup> Avenue, SW 8<sup>th</sup> Avenue, and SW 9<sup>th</sup> Avenue.
3. Recommended approval to the City Commission (5 to 0 Andrew Younggross and Jose Aguila stepped down) the waiver to LDR Section 6.1.3(B)(1)(f) which requires a sidewalk width of 8 feet in the Central Business District and 6 feet is proposed along SW 6<sup>th</sup> Avenue, SW 7<sup>th</sup> Avenue and SW 9<sup>th</sup> Avenue.

**Site Plan:**

Approved (5 to 0 Andrew Younggross and Jose Aguila stepped down), the Class V site plan for **Uptown Atlantic**, 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 to be completed or satisfied prior to site plan certification:

1. Address all Site Plan and Engineering Technical Items and submit four (4) copies of the revised plans.
2. That a Master Development Agreement that includes the in-lieu parking fee agreement, landscape maintenance agreement, workforce housing agreement, and addresses the Community Benefit Agreement between the community and the applicant be approved by City Commission.
3. That at least one additional bike rack be provided per block on the north side of these buildings and that the plans be revised.
4. That no efficiencies or studio units be utilized in this program and this requirement is attached as a condition of approval and that this be addressed as part of the Workforce Housing Agreement.
5. That the photometric plan be revised to comply with the residential illumination standards.
6. That the access points to the upstairs areas that contain office and residential areas have a physical access control such as a key card system to track and only allow authorized users in the areas and that this be noted on the plans.
7. That the project includes mechanical surveillance such as a high quality security camera system and that this be noted on the plans.
8. That “no trespassing” signs be posted on the property and a trespass affidavit signed and on file with the police department to allow officers the right to enforce the law and remove unwanted subjects from the property.
9. That all exterior lighting on the property be LED and that this is noted on the plans.

10. That rear doors to retail and restaurants have a security window or peep hole to allow employees to look outside prior to exiting into a possible ambush.
11. That the applicant contribute \$11,000 toward the provision of a bus shelter.

**Landscape Plan:**

Approved (5 to 0 Andrew Youngross and Jose Aguila stepped down) the landscape plan for **Uptown Atlantic** based on positive findings with respect to Section 4.6.16 of the Land Development Regulations, subject to the condition that all that all Landscape Technical Items are addressed and three (3) copies of the revised plans are submitted.

**Elevations:**

Approved (5 to 0 Andrew Youngross and Jose Aguila stepped down) the proposed elevations for **Uptown Atlantic** based on positive findings with respect to LDR Section 4.6.18(E), subject to the following condition:

1. That an “L” bracket be used for the simulated lap siding if available.

<b>EXHIBIT “A”</b>
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1. That the executed Community Benefits Agreement be submitted prior to issuance of a building permit and that compliance with the Community Benefits Agreement be achieved prior to issuance of a Certificate of Occupancy.
2. That the plat and alley abandonment applications be approved and recorded prior to issuance of a building permit.
3. That a Tri-party agreement be approved and recorded for the in-lieu parking fee request.
4. Clearly indicate location of site wall on all plans. Site plan shows a 3’ site wall.
5. Please coordinate location of all existing and proposed easements on Plat, Site, Civil, Landscape and Composite Utility Plans. Existing and proposed easement locations and labeling needs to be consistent on all plans. This will be checked when plat is submitted.
6. Undergrounding of overhead facilities are required per LDR Section 6.1.8. Required easements cannot be in right-of-way and will need to be shown on al plans.
7. Provide a minimum 10-foot General Utility Easement (GUE) through the property for all other utilities. This will need to be shown on all plans.
8. Indicate street lights in right-of-way will be the acorn type, refer to City of Delray Beach Standard Detail RT 11.1. Also address responsibility for installation and maintenance per LDR

- 2.4.3 (D) (6) and note on plans. Ensure location of light poles do not conflict with ADA requirement for sidewalks.
9. Florida Department of Transportation (FDOT) permit(s) required for this project per LDR Section 2.4.2 (C) (2) (c). Submit copy of FDOT pre-application letter.
  10. Clearly indicate limits of pavement restoration for all streets with proposed underground utility installations.
  11. Provide sidewalks adjacent to right-of-way line in accordance with LDR Section 6.1.3 (B). Sidewalks utilized by the public in the Central Business District are required to be a minimum of 10-feet wide.
  12. Provide finished floor elevation. In accordance with LDR Section 7.1.3 (B) (2), if finished floor elevation is less than 18-inches above centerline of adjacent road, but above the 100-year storm or National Flood Insurance minimum elevations, **then a letter is required** from a professional registered engineer certifying that the drainage conditions have been investigated and the proposed floor elevation is above the flooding level. It must be shown that the property will have adequate drainage to ensure that flooding will not occur in a 100-year, 3-day storm event. **Provide letter.**
  13. 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) (8). 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. **Provide calculations.**
  14. Indicate existing water service lines will be removed back to the main at all locations water meters are to be removed.
  15. Provide signed and sealed calculations indicating proposed estimated flows into existing sanitary sewer system; 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.
  16. 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.



17. Indicate a City approved bus shelter and mass transit easement (as applicable) will be provided per City of Delray Beach Comprehensive Plan, Policy A-1.5 and LDR Section 2.4.3 (D) (7). Since there's an existing bus stop, a bus shelter is required.
18. Please indicate on plans a City approved bus shelter will be installed in accordance with Palm Tran and ADA requirements (eg. 5' x 8' landing area, 30' from intersection, direct access to site, etc). In accordance with LDR Section 6.1.14, bus shelter needs to include a pad, an ADA-compliant boarding and alighting area, and an ADA-compliant structure which includes a mounted trash receptacle, bike rack, bench and sufficient illumination.