

Mr. Scott Pape, Principal Planner
City of Delray Beach
100 N.W. 1st Avenue
Delray Beach, Florida 33444

October 2, 2019

Re: Building Setback Waiver Request

Dear Mr. Pape,

This letter is a waiver request pursuant to Section 2.4.7(B) of the Delray Beach Land Development Regulations ("LDRs"). Please accept this letter as a formal request involving the granting of relief from LDR Section 4.3.4(H)(4)– Building Setbacks.

LDR 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.

This waiver request will not adversely affect the neighboring area, significantly diminish the provision of public facilities, create an unsafe situation and/or result in the grant of a special privilege in that the same waiver would be and has been granted under similar circumstances on other property for another applicant or owner. Thus, this waiver request should be approved. Positive findings with respect to LDR Section 2.4.7(B)(5) Waiver Findings, can be made as follows:

The waiver shall not adversely affect the neighboring area.

The granting of the waiver will not adversely affect the neighborhood because the waiver request is applicable to only the portion of the building that is underground. The vertical construction above ground meets all setbacks as specified in the Land Development Regulations for structures in the Central Business District. Granting of the waiver will permit the construction of an underground parking garage that will take vehicles out of the view of the surrounding neighborhood and minimize pedestrian conflicts. This will permit the creation of a pedestrian friendly streetscape that will contribute to the quality of life for the future patrons of the project and the surrounding residents.

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

Out-dated utilities will be relocated and upgraded to service the proposed project as well as provide more efficient service for the surrounding neighborhood. Storm water facilities will be designed and installed to insure that no flooding occurs during storm conditions and all storm water is retained on site.

The waiver shall not create an unsafe situation.

Because the subject of the waiver is applicable to only the underground portion of the building no unsafe condition is created. Because of the location of the underground walls within the setbacks the at grade site design moves the landscaping towards the street and incorporates the creation of landscape zones between the vehicular travel lanes of NE 2nd Street and NE 5th Avenue. Both streets are Primary Streets. The curbing and landscape area will provide both a visual and physical barrier to protect pedestrians walking on sidewalks creating a safer situation than currently exists.

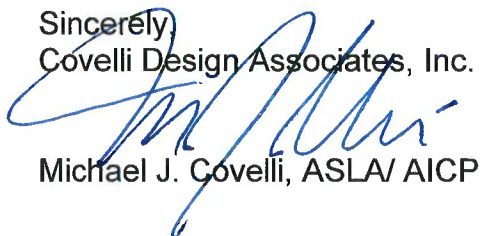
The waiver does not result in the granting of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

No special privilege will result from the granting of this waiver. The purpose of setbacks is to provide perimeter area to accommodate landscaping and pedestrian areas. All above ground setbacks are unchanged and are in conformity with the applicable Land Development Regulations. The streetscape and civic area are designed to provide a pedestrian friendly design that could be introduced into any number of development projects within the city.

In addition, this type of waiver request has been granted previously on another project to accommodate an underground parking structure which confirms no special privilege would be granted to this proposed project by granting the waiver.

Therefore, positive findings with respect to LDR Section 2.4.7(B)(5) Waiver Findings, can be made and the request for the above waiver can be approved. This project meets or exceeds the requirements of LDR Section 2.4.7(B)(5) for this waiver request. By granting this waiver, a superior product will be achieved. Please feel free to call if you have any questions.

Sincerely,
Covelli Design Associates, Inc.



Michael J. Covelli, ASLA/ AICP