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Kent Walia
Planning, Zoning and Building Department
City of Delray Beach
100 N.W. 1st Avenue
Delray Beach, Florida 33444

Property: 655 George Bush Blvd., Delray Beach, FL 33483 ("Property")
Waiver Request: LDR Section 4.4.9(B)(5)
Owner/Applicant: Marc Julien Homes ("Applicant")

Dear Mr. Walia:

Please accept this request for waiver pursuant to Delray Beach Land Development Regulation ("LDR") Section 4.4.9(B)(5), in conjunction with development applications currently pending for the Property, and pursuant to the processes and requirements set forth in LDR Section 2.4.7(B). This request seeks relief from LDR Section 4.4.9(B)(5) relating to ground floor commercial use and separate residential and commercial accessways for a mixed-use development identified as the George, to be located at 655 George Bush Blvd., Delray Beach, Florida (the "Project").

The subject Project is a four (4) story boutique mixed-use office and residential building with covered parking on the ground floor. The proposed design emphasizes efficiency in parking and the building facilities and creates for a "greener" or more environmentally and economically sustainable work and living environment. For example, the Applicant has consolidated use to just one common elevator for both the residential and commercial occupants and invitees as well as common stairwells. The proposed design also allows for covered parking on the first level that comprises about 62% of the ground floor space, so that there is less need for open surface parking. The remaining 38% of the space on the ground floor will be used as a commercial office and house the common lobby, lift, stair access and mechanical systems. We trust that these beneficial design concepts will meet with the City's approval.

LDR Section 4.4.9(B)(5) requires that the residential and commercial uses have physically separate accessways. In addition, it requires that twenty-five percent (25%) of the building's square footage be commercial space to be located on the ground level.

Since there is a combination of commercial office use and residential use, the City of Delray Beach, ("City") shared parking requirements have been satisfied because the Applicant expanded ground level parking by designing parking under a portion of the building. The remaining commercial use office space is primarily on the second floor of the building. The proposed commercial use is professional office space, which is commonly seen on upper floors of buildings as opposed to the ground level. Additionally, since the building only contains four (4) commercial office units and three (3) residential units, the efficiency of a single shared elevator and stair help to eliminate unnecessary duplication of circulation for such a modest number of spaces.

The Applicant therefore respectfully requests that the City grant a waiver from the accessway and ground floor requirements in LDR Section 4.4.9(B)(5), under the standards set forth in LDR Section 2.4.7(B)(5). In support of the waiver, the Applicant addresses the following criteria:

1. The granting of the waiver will not adversely affect the neighboring area.

The granting of the waiver will not adversely affect the neighboring area. In fact, the proposed design will redevelop the property with a mix of residential and commercial uses that will help revitalize the surrounding area. Further, based upon shared parking calculations, the City's requirements to have 20 parking spaces have been satisfied with a design that includes covered parking spaces on the ground level. Granting a waiver in this case will allow for covered parking on the ground floor which will eliminate the need for tenants to use street parking and will avoid adding to any traffic congestion in the surrounding area that could result if visitors were required to search for street parking. Considering the compatible residential and commercial uses with common access points and covered first level parking, the waiver will not adversely affect the neighboring area.

2. The granting of the waiver will not significantly diminish the provision of public facilities.

The granting of the waiver will not significantly diminish the provision of public facilities. This request is a change to the use and accessway of the Property only and it will have no negative affect on the public facilities. The waiver will add to the provision of public facilities such as paved roads, storm water drainage, and water and sewer by allowing for the covered parking on the ground floor and avoid the need for parking on the street, especially since the design complies with existing parking requirements for mixed use projects, such as Applicants.

3. The granting of the waiver will not create an unsafe situation.

The granting of the waiver will not create an unsafe situation. The waiver does not alter or reduce the City's scope for review of submittals regarding the Property. The City will be able to thoroughly review the site plan for elements such as pedestrian and vehicular accessways to ensure

the safety of those living on the Property and visiting the commercial uses. The Project provides for a dedication of land and improvements to the alley adjacent to the Property. The shared use of the access driveway/alley for both the residential and commercial users will also eliminate vehicular stacking and the point of entry is a safe distance from the closest intersections. The Applicant's design eliminates the requirement for vehicles to back out onto George Bush Blvd, which is the current parking condition at the Property. Consequently, due to the significant improvement in the parking and traffic design the Applicant received Palm Beach County's approval of the Traffic Performance Standards concerning the Projects impact on traffic. Further, in addition to video surveillance at the building, in order to increase security and provide enhanced separation between the commercial and residential uses, there will be a gate at the third-floor entry that will only be accessible by residents via a keypad. The elevator will also require a residential key card to access the third floor where the residential unit entries are located.

4. The granting of the waiver will 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 granting of the waiver will 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 proposed commercial use is professional office space and such office space is consistent with approvals of similar buildings in Delray where offices are on the upper floor versus the ground floor such as the recently built mixed use office and residence located at 226 Palm Court and George Bush Blvd., Delray Beach. In addition, the shared accessways are beneficial where additional security measures have been implemented, as have been here. As a result, there would be no special privilege afforded to the Applicant for this Project.

Based upon the foregoing, the Applicant respectfully requests that positive findings be made with respect to LDR Section 2.4.7(B)(5) and that the waiver be approved as requested. Should further information be required to process this application or to make a more complete determination, please do not hesitate to contact me directly.

Very truly yours,



Michael W. Simon

MWS:er
cc: client