



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

100 NW 1ST AVENUE, DELRAY BEACH, FLORIDA 33444
 PLANNING & ZONING DIVISION: (561) 243-7040 • BUILDING DIVISION: (561) 243-7200

SITE PLAN REVIEW AND APPEARANCE BOARD

Meeting: August 14, 2019 | File No.: 2019-148-SPF-SPR-CLIV | Application Name: Buddha Skybar

General Data:

Applicant: Bobby Yampolsky, ECJ Luxe
Agent: Steve Siebert, Steve Siebert Architecture
Location: 217 E. Atlantic Avenue
PCN: 12-43-46-16-01-084-0102
Property Size: .1852 Acres
FLUM: Central Business District – Central Core (CBD)
Zoning: Commercial Core (CC)
Adjacent Zoning:

- North: CBD
- East: CBD, FEC Railroad
- South: CBD
- West: CBD

Existing Land Use: Restaurant

Proposed Land Use: Mixed-Use (Restaurant/Retail)

Floor Area Ratio: 1.53

Item before the Board:

The action before the Board is for the approval of a Class IV Site Plan modification for Buddha Skybar pursuant to LDR section 2.4.5 (G)(1)(d) and section 3.1.1, including the following:

- Site Plan
- Landscape Plan
- Architectural Plan

Location Map



Optional Board Motions for Action Items:

1. Move to continue with direction
2. Move approval of the Class IV (2019-148) Site Plan modification, Landscape Plan, Architectural Elevations for Buddha Skybar located at 217 E. Atlantic Avenue as amended, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in 2.4.5(G)(1)(d), 2.4.5 (I)(5), 4.6.16 , 4.6.18 (E), and Chapter 3 of the Land Development Regulations.
3. Move denial of the Class IV (2019-148) Site Plan modification, Landscape Plan, Architectural Elevations for Buddha Skybar located at 217 E. Atlantic Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in 2.4.5(G)(1)(d), 2.4.5 (I)(5), 4.6.16 , 4.6.18 (E), and Chapter 3 of the Land Development Regulations.

<p>Project Planner: Kent Walia, AICP, Senior Planner; waliak@mydelraybeach.com 561-243-7365</p>	<p>Review Dates: SPRAB Board: August 14, 2019</p>	<p>Attachments</p> <ol style="list-style-type: none"> 1. Site Plans 2. Landscape Plans 3. Architecture Plans
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Notes:

1. Provide street trees on another area of the site or provide the equivalent cost of \$1,000 into the City's "Tree Trust Fund," prior to Building Permit Issuance.
2. Provide a Landscape Cost Estimate prior to Building Permit issuance.
3. Provide a tree removal permit application at time of building permit application.
4. Provide a hold harmless agreement for the awnings that extend into the public right-of-way prior to building permit issuance.
5. Provide striping for the east sight line visibility triangle on page SP.1 prior to site plan certification.
6. Extend the curbing at the north west corner of the garage entrance to be same length of the adjacent parking spaces prior to site plan certification.

Assessment and Summary:

The subject site consists of a 0.1852-acre parcel located at 217 E. Atlantic Avenue within the Central Business District (CBD) Central Core zoning district. The proposed Class IV Site Plan application is for the modification to an existing 3-story restaurant building (Buddha Skybar). The modifications are associated with façade renovations to the existing building, a 2nd floor outdoor dining deck addition, the change of use of the ground floor area from restaurant to retail, and associated site improvements. The façade renovations include new replacement modern style awnings, a building color change, new storefront, and contemporary metal handrails with glass balustrade walls. The outdoor dining deck features a covered bar area, outdoor seating, decorative lighting, and modern façade elements. Furthermore, the 2nd floor deck will cover the existing onsite parking area. The site improvements include the removal and replacement of landscaping, and parking lot striping and reconfiguration. Positive findings can be made in regard to the proposed site plan modification for compliance within the Land Development Regulations (LDR).

Background:

The 0.1852-acre subject site is situated on Lot 11 and the east (10') of Lot 10, on block 84 of the Town of Delray as indicated on Palm Beach County Plat book 1, page 3. The property is located in the CBD Central Core zoning district. Currently situated on the site is a three-story, 9,743 sf restaurant building. The following is list of events involving the site:

- Records show that the site was originally developed in 1925.
- The site was composed of two buildings which were occupied by previous uses such as Richwagon Bicycle Shop, Power's Lounge and Bob's Famous Bar.
- On November 30, 1998, a site plan m request was submitted for the reconstruction of the existing buildings and parking area and a 2nd floor apartment addition. The application was found to be deficient with respect to the minimum application requirements. The files were closed, and the applicant did not submit the minimum necessary items to proceed with the request.
- On October 3, 2001, a site plan modification (2001-226) was requested for the demolition of an existing two-story structure and reconstruction of an 2,982 sf commercial building, construction of an 1,800 sf 2nd floor one bedroom apartment, and conversion of the 1st floor 1,800 sf floor retail space to restaurant, reconfiguration of an existing parking lot, and installation of landscape areas, walkways, and a dumpster enclosure.
- The previous buildings were demolished in October of 2002, and the existing Buddha Skybar has been in operation since 2008.
- On May 25, 2005, the Class I Site Plan modification was administratively approved by staff for the removal of one ADA parking space to allow for a water line for a fire hydrant.
- On January 16, 2007, the City Commission approved the in-lieu parking fee for 6 parking spaces associated with the proposed conversion of the roof deck to a restaurant. At its meeting of March 6, 2007, the City Commission approved the in-lieu parking fee for 1 additional required parking space for the proposed conversion.
- On March 3, 2007, the City Commission approved ordinance 06-07 which updated the CBD regulations which the building was built with. This included the 5' minimum front setback and 48' height requirement.



- On March 14, 2007, the Site Plan Review and Appearance Board (SPRAB) approved a Class III site plan modification (2007-076), associated with the conversion of the flat roof deck to a restaurant area with lounge, construction of a bar, and the extension of a staircase and elevator.
- On May 17, 2007, the City Commission approved an in-lieu parking request as recorded in Palm Beach County Official Records Book (ORB) book 21936, page 0493, providing the subject site a credit of 7 parking spaces.
- On March 13, 2008, the City Commission approved an in-lieu parking request as recorded in Palm Beach County ORB book 22691, page 1479, providing the subject site a credit of 1 parking space.
- On June 22, 2010, the City Commission approved an in-lieu parking request as recorded in Palm Beach County ORB book 23992, page 1905, providing the subject site a credit of 8 parking spaces.
- On December 21, 2011, the City Commission approved an in-lieu parking request as recorded in Palm Beach County ORB book 24994, page 1035, providing the subject site a credit of 8 parking spaces.
- On February 24, 2015, the City Commission adopted Ordinance 02-15, which updated the CBD regulations that created the Atlantic Avenue Limited Height Area and 10' required front setback.
- On March 9, 2016, the SPRAB approved a Class II Site Plan modification (2015-223), associated with the interior conversion of the second floor to restaurant space, the construction of a new second floor deck as a designated smoking area, installation of a new ground level entry doors on the east side, fencing on an outdoor landscaped area, and installation of an awning over a proposed pedestrian pathway into an interior bar stool seating area on the east side.

Summary:

In summary, throughout the existence of the property the subject site has received in-lieu parking credits, vested parking credits, and site plan modifications for the reconstruction of the building on site. The building was rebuilt in accordance with the 2001 LDR requirements, which now differ from the current 2019 LDR. The proposed request for the 2nd floor outdoor deck expansion and change of use meets the current LDR requirements for setbacks, height, and parking.

Foreword:

The following demonstrates the application's compliance with applicable LDR sections:

Site Plan Analysis:

Compliance with the Land Development Regulations:

Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

Central Business District (CBD)

- Pursuant to LDR Section 4.4.13(A), **Purpose and intent for the CBD**, *The Central Business District (CBD) Zone District is established in order to preserve and protect the cultural and historic aspects of downtown Delray Beach and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area.*

Central Core Sub-District:

Pursuant to LDR Section 4.4.13 (A)(1) **Central Core**, *The regulations are intended to result in development that preserves the downtown's historic moderate scale, while promoting a balanced mix of uses that will help the area evolve into a traditional, self-sufficient downtown.*

- As mentioned, the proposed site plan modification is associated with the renovation of the existing three-story Buddha Skybar restaurant located on 217 E. Atlantic Avenue, in the CBD. The modification consists of an outside deck addition to the 2nd floor, the interior renovation of the 2nd floor, and the change of use on the first



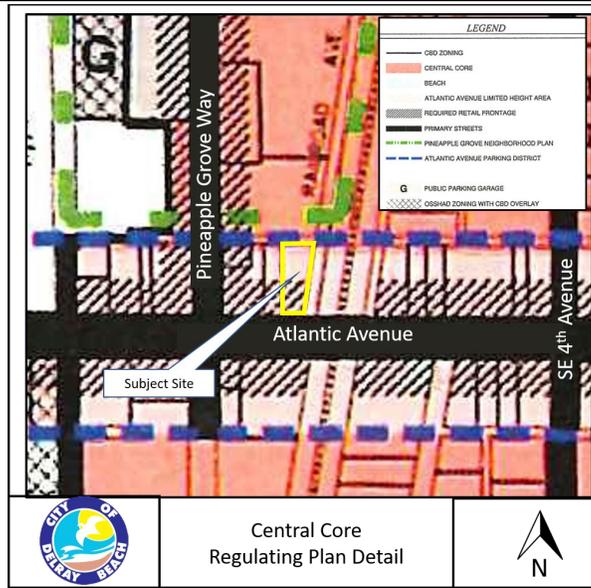
floor from restaurant to retail. The proposed modification furthers the intent of the regulation by promoting a mix of uses and retaining the existing scale of the building envelope which was approved in previous years to be compatible in the CBD. The ground level retail will provide a use which will add to the existing corridor of shops and restaurants that line the downtown corridor. Secondly, the outside deck addition is an extension of the 2nd floor. Lastly, the 2nd floor addition remains within the parameters of the existing building footprint, meeting the required front, rear, and side setbacks. Thus, a positive finding can be made regarding this LDR section.

Pursuant to LDR section 4.4.13 (B) **Regulating Plans**, *The Delray Beach Central Business District (CBD) regulating plans depict additional information necessary to apply the standards contained in this Section and are hereby officially adopted as an integral part of these regulations.*

- According to the Central Core regulating plan Figure 4.4.13-5, the subject site is located in the **Atlantic Avenue Limited Height Area** (the Limited Height Area), **Atlantic Avenue Parking district**, requires **Retail Frontage**, and is along a **Primary street**. As mentioned, the proposed project was approved by SPRAB in 2001 and rebuilt in 2007. The existing building exceeds the maximum height of 38' in the Limited Height Area by 5' and is considered a nonconforming structure. However, pursuant to LDR section 1.3.5 (B)(1), a non-conforming structure maybe enlarged as long as the enlargement or alteration is in compliance with the LDR. As proposed, the building addition meets the current LDR CBD regulations.
- Pursuant to LDR section 4.4.13 (B)(2), certain streets within the CBD are designated for required retail frontage. Furthermore, required retail frontages are required to use storefront or Arcade with storefront, and have a frontage width for the 1st story not to exceed 75'. The project proposes retail space on the ground floor level with storefront glazing on the façade. In addition, the existing frontage for the proposed ground level retail is approximately 47' along Atlantic Avenue, thus complying with this regulation.
- Pursuant to LDR section 4.4.13 (C)(2), primary streets are intended to be superior pedestrian environments. Pursuant to LDR section 4.4.13 (C)(2)(b)3., primary street uses shall be lined along the street for a building depth of at least 20 feet on all stories by a use permitted on all streets. The site plan modification is proposing a retail space on the first floor, and minor modifications to the front façade. The depth of the proposed ground level retail is between 47'-97', which exceeds the 20' minimum requirement. The minor alterations presented do not appear to degrade the existing pedestrian environment and allow it to function as its always been.

Pursuant to LDR section 4.4.13 (D)(1)(a)1. **Atlantic Avenue Limited Height Area**, *within the area a maximum overall building height in feet is 38 feet and maximum building height in number of stories is three. The Atlantic Avenue Height Limit Area is defined as those properties, or portions of properties, located within 125 feet north or south of the Atlantic Avenue right-of-way line, between Swinton Avenue and the Intercoastal Waterway.*

- The subject site is located on 217 E. Atlantic Avenue, within the CBD Central Core zoning district. According Figure 4.4.13-5, the subject site is located in the Atlantic Avenue Limited Heights Area. As referenced, the height is limited to a maximum of 38' and three-stories. As shown on the plans, the height of new outdoor deck addition to the 2nd floor is 27'-10". The overall height of the existing building is 43', exceeding the maximum height, and is thereby considered a nonconforming structure. However, pursuant to LDR section 1.3.5 (B)(1) Nonconforming Structure Enlargement or Alteration "enlargement or alteration of the structure in a way that complies with applicable dimensional standards and does not create any new nonconformity, or alteration of the structure in a way that decreases the degree of nonconformity, is permitted." As proposed, the 2nd floor addition complies with the current height and setback requirement listed in the LDR, thus, complying with the aforementioned LDR regulations.



Establishment of the Proposed Use/ Certificate of Occupancy:

Per LDR section 2.4.6(C), a certificate of occupancy is required prior to the establishment of use on any site or occupancy of a structure.

Base District Requirements:

LDR sections 4.4.13 (D), Table 4.4.13 (B), and 4.3.4 (K) Development Standards Matrix

Zoning	Required / Allowed	Provided
Central Business District – Central Core		
Lot Frontage (Min./Max)	75/100%	98.6%
Lot Width (Min.)	20'	47.28
Lot Area (Min.)	2000 sf	8,224
Open Space (Min.)	0%	5.2%
Height (Max.)	38'	43**
Stories (Max.)	3	3
Ground Floor (Min.)	12'	12'
Setbacks (Min.):		
Front (South)	10'-15'	5'-6' approx.*
Side Interior (West)	0'	0'
Side Interior (East)	0'	1'-5'
Rear (North)	10'	10'

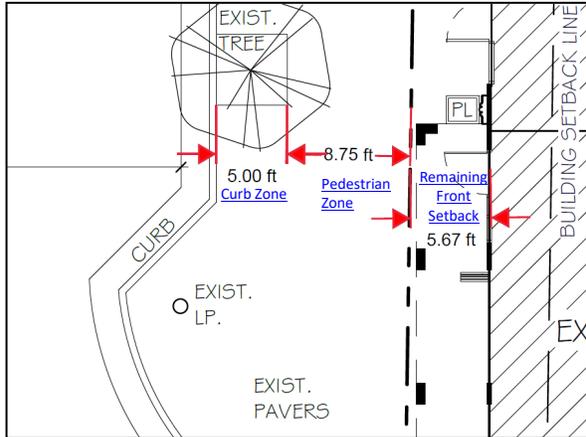
*When the existing building was built it complied with the LDR requirements for CBD zoning district at the time (Ord. 06-07). When the CBD ordinance changed on February 24, 2015 (Ord. 02-15), the regulations for the Atlantic Avenue Limited Height Area and the 10' minimum front setback were created, thus making the building nonconforming. However, the building is allowed to expand in accordance with LDR section 1.3.5 (B)(1), as long as the addition does not increase the nonconformity and is built in compliance with the current LDR requirements. The proposed building addition is in compliance with the current LDR requirements.

Pursuant to LDR section 4.4.13 (E)(2) **Minimum Streetscape Width**, the combination of public sidewalk (located within the right-of-way) and hardscape (located in front setback areas) shall provide a minimum streetscape area no less than 15 feet in width, measured from the back of curb.

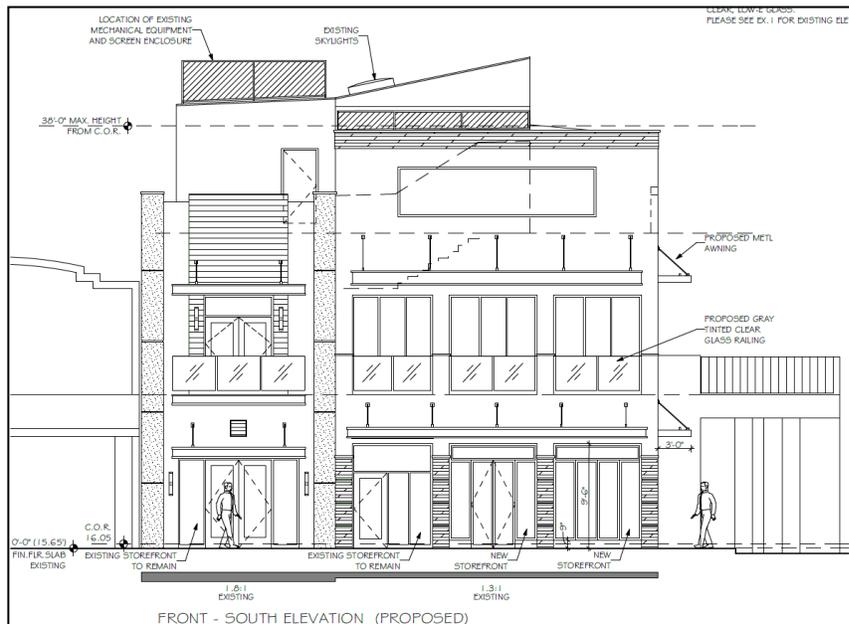
- Pursuant to LDR section 4.4.13 (E)(3)(a)1., the **curb zone** shall be at least 4' in width and shall accommodate street, and public infrastructure needs such as utility poles, streetlights, street signs, parking meters etc. The provided plans show 5' existing curb zone which contain existing mature street trees and parking meters, thus comply with this requirement.



- Pursuant to LDR section 4.4.13 (E)(3)(a)2., the **pedestrian clear zone** shall be a least 6' feet wide and provide clear adequate walking space. The plans provided show an 8.75' of existing pedestrian clear zone which contain unobstructed walking space.
- Pursuant to LDR section 4.4.13 (E)(3)(a)3., the **remaining front setback area** shall be remainder within the minimum 15' streetscape width to accommodate hardscape design features. The plans provided show the remaining front setback as 5.67' from the property line which has an existing under an existing arcade space. The project is not proposing any physical modifications to the front of the existing structure, only façade improvements. As such, the project is providing approximately 19' (5 'curb + 8.75' pedestrian + 5.67' arcade) of streetscape area, thus complying with this section.



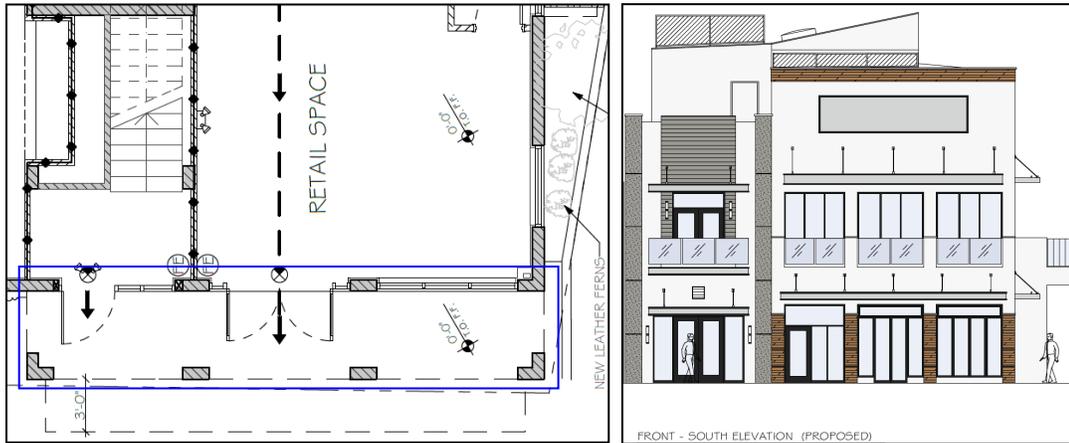
- Pursuant to LDR section 4.4.13 (E)(4)(e) **Storefront**, is a frontage type along sidewalk level of the ground story, typically associated with commercial uses. Storefronts are frequently shaded by awnings or arcades. As mentioned, the proposed project is a site plan modification to an existing building. The plans show new aluminum storefront and metal awnings, providing modern aesthetics and size to meet the current LDR requirements. The new storefront system shown will replace the existing storefront and will retain the existing 5' setback from the property line in accordance with the previous regulations. The awnings proposed will replace the existing fabric awning with new modern design metal awnings. The replacement awnings will extend 5' from the building storefront and 3' from the arcade into the public ROW to create shade for pedestrians in accordance with the LDR.





Pursuant to LDR section 4.4.13 (E)(4)(f) **Arcade**, is a covered, unglazed, linear hallway attached to the front of a building, supported by columns or pillars. The arcade extends into the public right-of-way, over the streetscape area, creating a shaded environment ideal for pedestrians. This frontage type is typically associated with commercial uses.

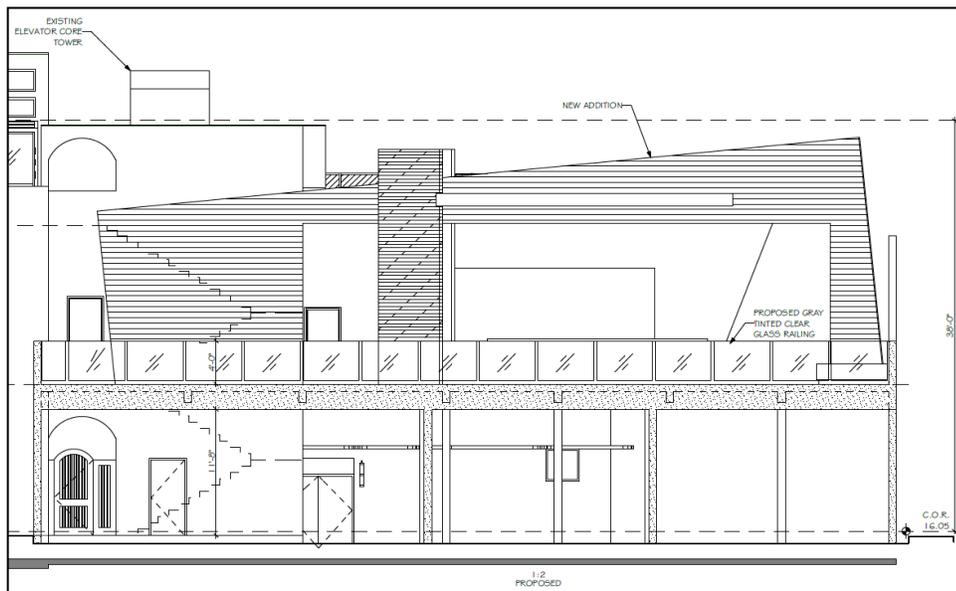
- As mentioned, the proposed project is a site plan modification to an existing building. The plans show the existing Arcade to remain without structural modifications. The plans show aesthetic modifications such as new color paint, stucco, and architectural façade cladding. The plans show the existing arcade attached to the building, supported by columns, and covers the storefront system. The arcade is located within the 5' front setback of the building and does not extend into the public right-of-way. The arcade space, which was used as outdoor dining, is now being shown on the proposed floor plan as a covered entry space. As such, the arcade will still provide a shaded environment for pedestrians and consumers, thus complying with this requirement.



Pursuant to LDR section 4.4.13 (F)(2)(d), **Façade composition compliance**, all development submittals shall provide diagrams and/or documentation to illustrate compliance with the requirements of this Section which includes Building Articulation, Tripartite Composition, and Visual Screening.

Pursuant to LDR section 4.4.13 (F)(2)(a)1., **Building Articulations**, form of a change in building height and building placement shall be incorporated so that building façade proportions do not exceed height to width ratios of 3:1 or 1:3. Building articulations shall be reinforced by changes in roof design, fenestration patterns, or architectural elements

- As mentioned, the proposed project consists of a second-floor outdoor deck addition, 1st floor change of use, interior renovations, and façade improvements to an existing three-story restaurant/lounge building. The 2nd floor addition can be seen from the east and north elevations. The east elevation has a building articulation ratio of 1:2, and the north elevation has an articulation ratio of 1:1, thus complying with this requirement.





Pursuant to LDR section 4.4.13 (F)(2)(b), **Tripartite Composition**, all buildings shall have a clearly expressed base, middle, and top in the façade design.

- The proposed project includes a 2nd floor outdoor deck addition to an existing three-story building. The 2nd floor addition includes a deck that covers the parking lot area thereby creating a garage space, decorative veneer covered walls, and covered roof canopies covering the bar and kitchen areas. As such, most of the façade modifications occur on the west and north elevations. The west and north elevations provided show compliance with the tripartite composition in providing a base, middle and top. The base shown on the east elevation is created by the garage space on the first floor, and the monolithic columns framing the first level. The middle of the building’s composition is defined by the 2nd floor. The 2nd floor consists of the awnings and windows on the primary building, and an outdoor lounge/dining deck consisting of a metal hand railing system with glass balustrades, and contemporary shaped walls with architectural cladding. The top of the building’s composition is defined by the third floor. The third floor consists of an existing balcony area covered by a glass wall, parapet walls, and screening features covering roof top equipment. Thus, a positive finding can be made in regard to the aforementioned regulation.

Pursuant to LDR section 4.4.13 (F)(3)(a) **Architectural Styles**, the "Delray Beach Central Business District Architectural Design Guidelines", identifies seven architectural styles as appropriate for downtown Delray Beach. The permitted architectural styles are outlined in the "Delray Beach Central Business District Architectural Design Guidelines" document.

- The existing building design appears to be mostly compatible with "Mediterranean Revival" architecture in accordance with CBD Design guidelines. The existing building design incorporates exterior stair and elevator towers, balconies, arcades and asymmetrical window and door patterns. However, the 2nd deck addition and façade renovation shown on the plans proposes a design transition from "Mediterranean Revival" to "Masonry Modern." The façade renovation includes a color change to black and white, contemporary metal awnings, and metal handrails with glass balustrades. The outdoor deck addition includes contemporary metal handrails with glass balustrades, decorative shaped walls with architectural cladding, and a covered roof canopy. The composition of the second-floor addition shows contemporary tectonic architecture system that reflects a decomposition of a solid mass. It is important to note that the CBD design manual recommends that railings be metal, wood, or extensions of solid wall, however the board can allow for the proposed glass wall alternative. Overall building aesthetic complies with the masonry modern design; thus, a positive finding can be made.



CBD Parking Requirements

Pursuant to LDR Section 4.4.13(l)(2), **Off Street Parking Requirement**,

- As previously mentioned, the project is proposing the change of use of the 1st floor from restaurant to retail, and a 3,070-sf outdoor deck addition. Records indicate that the property has in-lieu and vested parking credits which allow the building to remain in compliance with the LDR. The project is proposing to relocate the existing 1st floor restaurant/lounge area from the 1st floor (3,301 sf) to the proposed 2nd floor outdoor deck



addition (3,070 sf). Since the restaurant use is staying within the same building and decreasing in square footage, no additional parking is required. According to LDR section 4.4.13 (l)(2)(d), properties less than 65 feet in width are not required to provide off-street parking, except for restaurant and lounge uses, thus the 1st floor retail space does not require any parking spaces. Lastly, the plans show the property will retain 9 existing parking spaces underneath outdoor deck area which are being proposed to be restriped. In summary, the proposed project does not require any additional parking, thus complying with minimum parking requirement in the LDR.

Pursuant to LDR Section 4.4.13(l)(4), **Bicycle Parking Requirement**, the minimum number of bicycle parking spaces for retail, restaurant and commercial uses is 1 space per 1,000 sf.

- The proposed building gross square footage is 12,593 sf which requires approximately 13 bicycle spaces in accordance with this LDR section. The plans provided show two proposed bicycle racks which can accommodate up to 14 total bicycles, thus complying with this requirement.

Supplemental District Regulations:

Lighting:

- Pursuant to LDR section 4.6.8 (A)(3) table 2, **Photometric requirement**, on-site lighting must be provided and be consistent with the minimum and maximum foot candle illumination level requirements. The following chart shows the photometric calculations proposed for the site.

Photometric Plan	Requirements		Proposed	
	Minimum (fc)	Maximum (fc)	Minimum (fc)	Maximum (fc)
Garage Area	1.0	10.0	1.0	7.3
Property Line	0.0	0.25	0.0	0.2

Photometric Plan	Required	Proposed
Light Pole	25' (Max.)	10'

- As proposed, photometric plan PH.1 luminary calculations comply with the aforementioned LDR section. Furthermore, the proposed foot candles meet the required illumination and the light pole height are less than the maximum allowed, thus positive finding can be made.

Off Street Parking Requirements:

- The following are off-street parking regulation requirements applicable to this project.

LDR Section	Required	Provided
4.6.8 (D)(3)(b), 4.6.8 (D)(3)(b) Point of Access from Alley	20' Wide drive aisle entrance	21'
4.6.8 (D)(3)(c) Stacking Distance	5' (20 or less spaces)	10.5'
4.6.8 (D)(4)(e) 90° Parking Spaces	9'x18'	9'x 18'
70° Parking Spaces	-	9'x19'-2" *

* The angled parking spaces that exist at the site are designed with an irregular angle due to the existing site conditions and back out onto Railroad Avenue. The applicant is proposing 70° angled parking spaces in an effort to comply more closely with the LDR. The LDR does not have any size requirements for 70° angled parking spaces. However, the parking spaces have been reviewed by Engineering and have been deemed compatible for this specific due to the existing conditions.

- As proposed, the covered parking area complies with the aforementioned LDR requirements, thus positive finding can be made.

Landscape Analysis:

Pursuant to LDR section 4.6.16(C)(1)(a), *prior to the issuance of a building permit for a structure or a paving permit, compliance with the requirements of section 4.6.16 shall be assured through the review and approval of a landscape plan submitted pursuant to section 2.4.3(C).*

- Plan pages A1.10 and A1.2, show minor landscape improvements consisting of the removing and replacing of existing plants and trees on site. The landscape modifications have been reviewed by the City's Senior



Landscape Planner for compliance with the LDR. Plan page A1.10, shows new leather fern, phapis palms, and simpson stopper plants replacing the existing landscaping at the east side of the building adjacent to railroad. The plans show the removal of existing trees interior to the parking lot where the proposed outdoor deck will be located. Lastly, in accordance with LDR section 4.4.13 (E)(2)(b)1., *street trees shall be provided for all existing buildings that are proposing to exceed 20% gross square footage*. Furthermore, for those properties where street trees exist at the time of site plan approval, street trees can be provided in another location on-site, or an equivalent contribution can be paid into the Tree Trust Fund. As such, note has been added to this report requiring that additional streets trees be provided in an alternative location on site, or the equivalent monetary donation be contributed to the City's "Tree Trust Fund" in the amount of \$1,000. Thus a positive finding can be made in regard to this regulation.

Architecture Elevations:

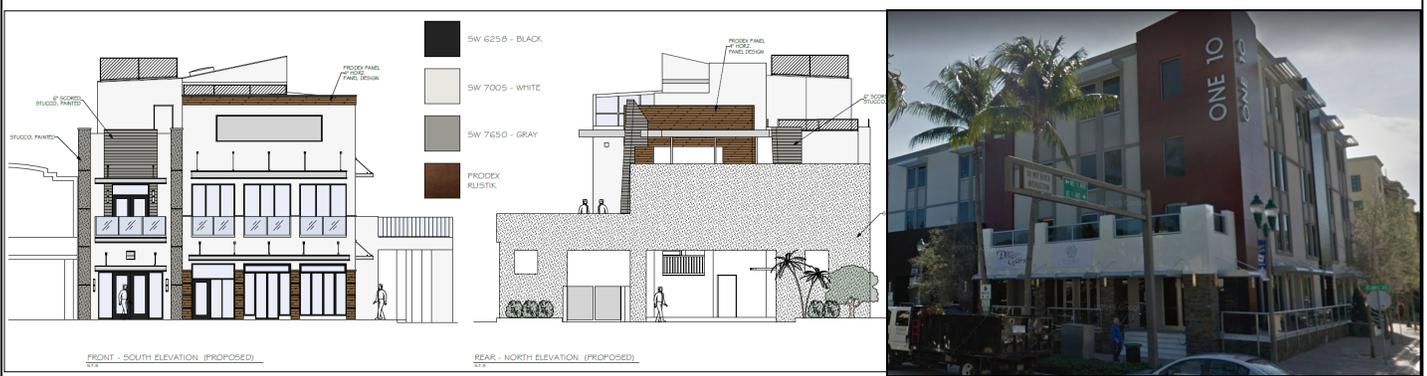
Pursuant to LDR section 4.6.18(B)(2), *buildings or structures located along strips of land or on single sites, and not a part of a unified multi-building complex, shall strive to achieve visual harmony with the surroundings.*

- As mentioned, the proposed site plan modification is associated with a conversion of use on the 1st floor from restaurant to retail, an addition of an outdoor dining/lounge deck on the 2nd floor, and interior renovation on the 2nd floor, façade modifications, and site and landscape improvements. The façade modifications consist of a building color change, the replacement of awnings, handrail materials, and storefront glazing, and the addition of decorative wall cladding. The building color change proposed is Sherwin William Pure White (SW 7005), which is intended to replace the existing building's sandstone color (grayish/orange) façade. The base wall color will be accented by gray stucco reveals and columns and manufactured "Prodex Rustik" wood cladding. The wood cladding proposes a modern design, with natural aesthetics. Furthermore, the door and window frames shown on the plan page EX.3 are painted black. The plans propose the replacement of the existing canopy awnings with new contemporary style metal awnings around the building's exterior. Furthermore, the plans show the replacement of the existing handrails in the balconies with metal handrails with gray tinted glass balustrades. The colors and materials selected for the façade changes to the existing building reflecting masonry modern aesthetics.

The 2nd floor outdoor dining deck addition introduces irregular angled shapes to the buildings design. The accent wall shown vertically on elevation page A2.1 appears to reflect the shape of the floor plan of the outdoor deck. The overall building design uses angular shapes throughout the building's design, both on the existing structure and the proposed addition. The addition includes "Prodex Rustik" wood clad walls, gray color scored walls, pure white stucco walls, glass railings and a canopy roof structure covering the outdoor bar area.

As presented, the overall building design follows masonry modern aesthetics. The aesthetics of the proposed design does not mimic the design of the older buildings that populate the majority of the corridor, but reflects new modern architectural design features which are similar to the more recently constructed buildings such as the One 10 building just a few blocks west of the subject site.

In conclusion, since the existing structure is only receiving minimal exterior changes apart from the 2nd floor addition, a positive finding can be made that the buildings design complies with the surrounding buildings along the corridor.



Pursuant to LDR section 4.6.18 (E), **Criteria for board action**, the following criteria shall be considered, by the Site Plan Review and Appearance Board or Historic Preservation Board, in the review of plans for building permits.

1. The plan or the proposed structure is in conformity with good taste, good design, and in general, contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.
 - As mentioned, the building design is compatible with the downtown and will increase the overall aesthetic design of the community. Furthermore, the size and scale of the proposed building addition is in compliance with the recently LDR requirements for the CBD. Thus, a positive finding can be made in regard to this requirement.

2. The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.
 - As mentioned, the exterior design incorporates masonry modern designed architecture. It can be anticipated that the proposed restaurant/lounge addition and retail space conversion would attract more visitors to the downtown area, likely contributing to increase foot traffic and revenue to businesses in the along the corridor. Thus, a positive finding can be made regarding this requirement.

3. The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.
 - As mentioned, the proposed project is compatible in scale and zoning of the properties adjacent to the site. Furthermore, the project complies with the goals, objectives, and policies (GOP) listed in the comprehensive plan. Specifically, the project furthers the GOP of the comprehensive plan by improving building aesthetics in the CBD, furthers economic growth, retains local business, and for providing retail on the ground floor. Thus, a positive finding can be made in regard to this requirement.

Required Findings:

Pursuant to section 3.1.1 **Required Findings**, prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, written materials submitted by the applicant, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application. These findings relate to the following areas:

Section 3.1.1 (A) - Future Land Use Map:

The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Future Land Use Map.

- As mentioned, the subject property has a FLUM designation of Commercial Core (CC) and a Zoning map designation of Central Business District (CBD). The CBD zoning district is consistent with the CC FLUM designation. In accordance with LDR section 4.4.13 (C)(3), Table 4.4.13 (A), restaurant and retail uses are permitted principle use in the CBD zoning district. Therefore, based on the information above, a positive finding can be made with respect to consistency with the Future Land Use Map (FLUM) designation.



Section 3.1.1 (C) – Concurrence:

Facilities which are provided by, or through, the City shall be provide to new development concurrent with the issuance of a Certificate of Occupancy. The facilities shall be provided pursuant to levels of service established within the Comprehensive Plan.

- As described in Appendix “A”, a positive finding of can be made in regard to water and sewer, streets and traffic, drainage and solid waste.

Section 3.1.1 (C) – Consistency:

Compliance with performance standards set forth in Chapter 3 and required findings in section 2.4.5(F)(5) for the request shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.

- As described in Appendix “B”, a positive finding of Consistency can be made as it relates to Standards for Site Plan Actions.

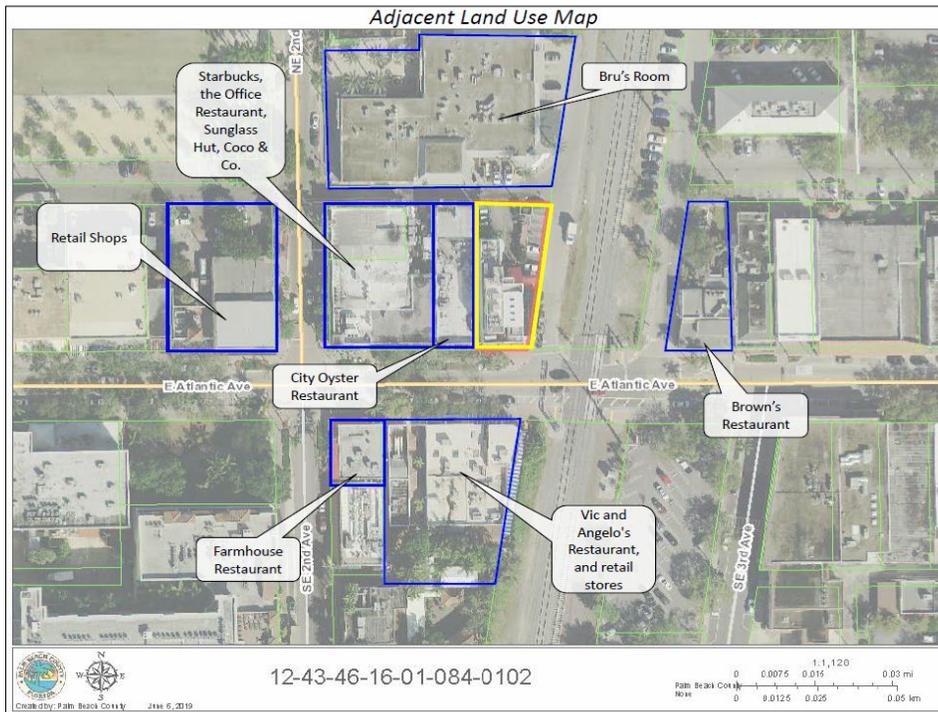
Section 3.1.1 (D) – Compliance with the LDRs:

Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

- As described under the Site Plan Analysis section of this report, a positive finding of compliance with the LDRs can be made.

Adjacent Land Uses:

Pursuant to LDR section 2.4.5(F)(5), **Adjacent land use designations**, “the approving body must make a finding that development of the property pursuant to the site plan will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values”: The following image indicates the zoning and land use of the properties surrounding the subject property:



	Zoning	Future Land Use (FLUM)	Current Use
North	Central Business District (CBD)	Commercial Core (CC)	▪ Restaurant
East	Central Business District (CBD)	Commercial Core (CC)	▪ Restaurant
South	Central Business District (CBD)	Commercial Core (CC)	▪ Restaurant ▪ Retail
West	Central Business District (CBD)	Commercial Core (CC)	▪ Restaurant ▪ Retail



As mentioned, the subject site is located at 217 E Atlantic Avenue. The subject site is adjacent to the restaurant uses on all sides. Furthermore, retail uses are located adjacent to the subject site as well as along the corridor. The plans provided show modern design aesthetic improvements for the existing building, which has existed in the corridor since 2007. The building design proposes contemporary transition from the existing architecture established in this part of the corridor. As such, the proposed project demonstrates a compatible and harmonious assimilation with the adjacent and neighboring properties and will contribute to improving the building aesthetics along the corridor while increasing foot traffic past local businesses. Thus, a positive finding can be made in regard with this LDR requirement.

Comprehensive Plan Policies:

A review of the objectives and policies of the adopted Comprehensive Plan was conducted, and the following applicable objectives or policies were noted.

Future Land Use Element (FLUE)

Objective A-1: Property shall be developed or redeveloped, in a manner so that the future use, intensity, and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses and fulfill remaining land use needs.

- As mentioned, the proposed site plan modification is associated with a 2nd floor outdoor deck addition, change of use on the ground floor, interior renovations, and associated site and landscape improvements. The project is located 217 E. Atlantic Avenue. The subject site is located in the CBD zoning district, which allows residential and retail uses. Currently, the building on the subject site is the Buddha Skybar restaurant and lounge. As mentioned, the building was rebuilt in 2007, and complied with CBD regulations when the site plan was approved. The building has existed in the downtown for the past 12 years and remains in compatibility with adjacent building and structures. The proposed building addition would be located on the north and east sides of the building and will be built in accordance to the current LDR requirements. Therefore, a positive finding can be made with regard to Future Land Use Element Objective A-1.

Pursuant to LDR section 3.2.3 (B), *separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists, and vehicles in a manner consistent with policies found under Objectives D-1 (Separation of Transportation Modes) and D-2 (Accommodating Bicycles) of the Transportation Element.*

- As mentioned, the subject site is located at the corner of E. Atlantic Avenue and Railroad Avenue. The project as designed demonstrates compliance with some of the multimodal techniques in the comprehensive plan. The subject site is adjacent to an existing 10' sidewalk to the south and a 3' sidewalk to the east. The existing sidewalks contribute to the interconnection of the existing paving network throughout the City and enhance the pedestrian experience by providing safe walkable streets. The site is not located on a bus route but is located within two blocks of a bus stop and route. Additionally, since the site is not located on a bus route, the development would be providing 50% of the cost of bus shelter in order to contribute to the finding in building a shelter elsewhere in need. The subject site is not located on a bike route. However, since the development is a non-residential project, it is required to provide bicycle racks. As such, the plans show bicycle racks on the plans to accommodate potential riders. Thus, a positive finding can be made in regard to the attempt to demonstrate compliance with the aforementioned LDR and comp plan element.

Review by Others:

Utility Providers:

Pursuant LDR section to 2.4.2 (C)(2)(a), utility providers were notified of the site plan submission. A comment was provided by FPL requiring the relocation of an existing transformer and easement. The plans show the relocation of the transformer. Thus, a positive finding can be made.

Community Redevelopment Agency (CRA):

Pursuant to LDR section 2.4.2 (C)(1)(b), Notice of all development applications within its geographic limits of the CRA is required.

- A summary was provided to the CRA notifying the board of the project.



Downtown Development Authority (DDA):

Pursuant to LDR section 2.4.2 (C)(1)(a), notice of all development applications within its geographic limits of the DDA is required.

- A summary was provided to the DDA notifying the board of the project. On June 10, 2019, the DDA voted unanimously in favor of the project.

Courtesy Notices:

Pursuant to 2.4.2 (C)(3), courtesy notices have been provided to the following neighborhood associations:

- Pineapple Grove Main Street

*Letters of objection or support, if any, will be presented at the Site Plan Review and Appearance Board (SPRAB) meeting.

Appendix “A” – Concurrency Findings

Pursuant to LDR section 3.1.1(B), Concurrency, as defined pursuant to Objective B-2 of the Land Use Element of the Comprehensive Plan, must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:

Water and Sewer:

- Site Plan SP.1 shows a proposed lateral connection into an existing water main along the rear alley way.
- Site Plan SP.1 shows a proposed lateral connection into an existing sanitary sewer main along rear alley way.
- Pursuant to the City’s Comprehensive Plan, treatment capacity is available at the City’s Water Treatment Plant and the South-Central County Wastewater Treatment Plant for the City at build-out. Based upon the above, positive findings can be made with respect to this level of service standard.

Streets and Traffic:

Provided with the application was a traffic statement created by TY Lin International. The statement mentions that trip generation analysis was created for AM and PM peak hours. The statement mentions that the building will open only during PM hours, thus not increasing the traffic demand during AM hours. The statement indicates that the proposed renovation would increase by 12 the number of trips in the PM peak hours by 12 vehicles. The statement concludes by indicating that there will be no adverse impacts on the surrounding traffic operations. Subsequently, the statement was provided to the Palm Beach County Traffic Division for review and met with approval.

- As such, a positive finding was made by the Palm Beach County Traffic Division.

Solid Waste:

Proposed Demand:

Current Restaurant Use: $9,292 \text{ g.s.f} \times 24.9\text{lbs} = 231,370.8 / 2,000 = 115.69 \text{ tons per year}$

Retail Use: $3,301 \text{ g.s.f} \times 10.2\text{lbs} = 33,670.2 / 2,000 = 16.84 \text{ tons per year}$

Total Tonnage per year = 133 tonnage

- The proposed Buddha Skybar building renovation will add approximately 17 tons of waste per year to the current demand as a result of the increase square footage and use change. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals till the year 2048; thus, meeting concurrency.

APPENDIX “B” - STANDARDS FOR SITE PLAN ACTIONS Sec. 3.2.3 (A) through (J)

A. Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation. **(Existing building)**

- Not applicable
- Meets intent of standard
- Does not meet intent

B. Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists, and vehicles



in a manner consistent with policies found under Objectives D-1 and D-2 of the Transportation Element.

- Not applicable
- Meets intent of standard
- Does not meet intent

C. Open space enhancements as described in Policies found under Objective B-1 of the Open Space and Recreation Element are appropriately addressed.

- Not applicable
- Meets intent of standard
- Does not meet intent

D. The City shall evaluate the effect that any street widening, or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the neighborhood, the project shall not be permitted.

- Not applicable
- Meets intent of standard
- Does not meet intent

E. Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations.

- Not applicable
- Meets intent of standard
- Does not meet intent

F. Property shall be developed or redeveloped in a manner so that the future use and intensity are appropriate in terms of soil, topographic, and other applicable physical considerations; complementary to adjacent land uses; and fulfills remaining land use needs.

- Not applicable
- Meets intent of standard
- Does not meet intent

G. Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Objective B-2 of the Housing Element.

- Not applicable
- Meets intent of standard
- Does not meet intent

H. The City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability, and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.

- Not applicable
- Meets intent of standard
- Does not meet intent

I. Development shall not be approved if traffic associated with such development would create a new high accident location, or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation.

- Not applicable
- Meets intent of standard
- Does not meet intent



J. Tot lots and recreational areas, serving children from toddler to teens, shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units.

- Not applicable
- Meets intent of standard
- Does not meet intent



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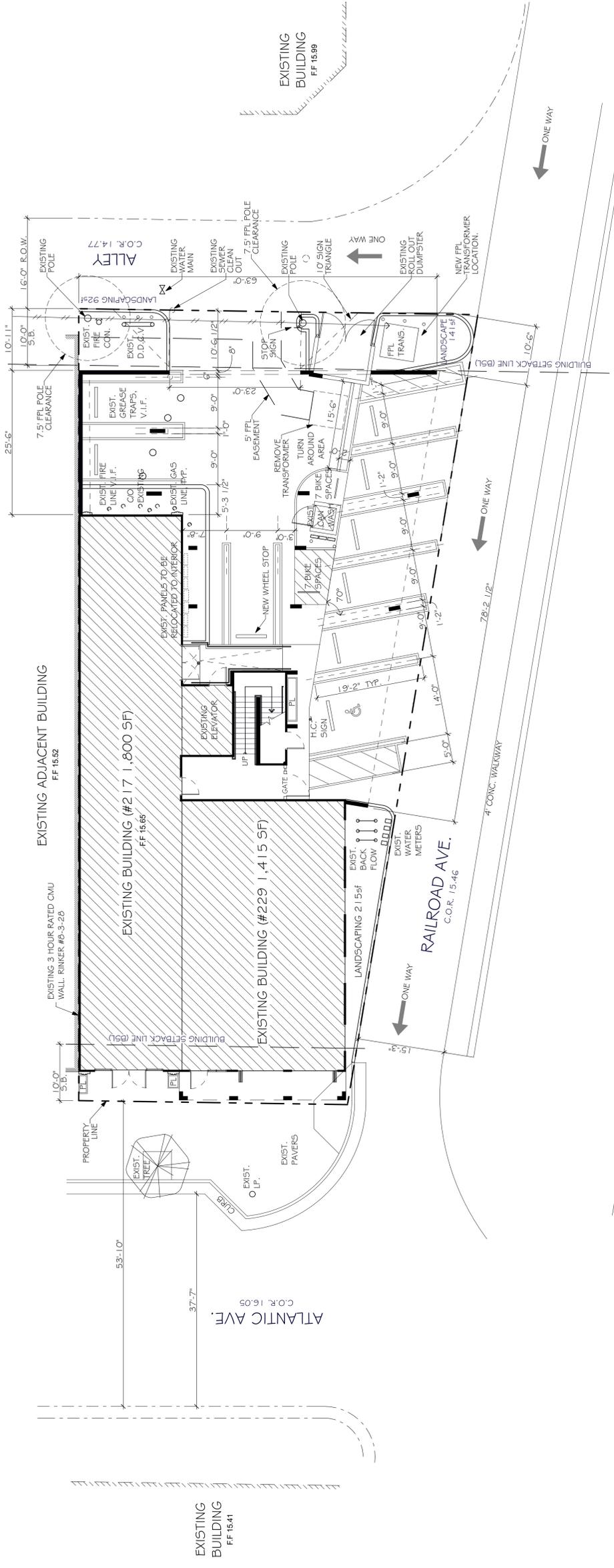
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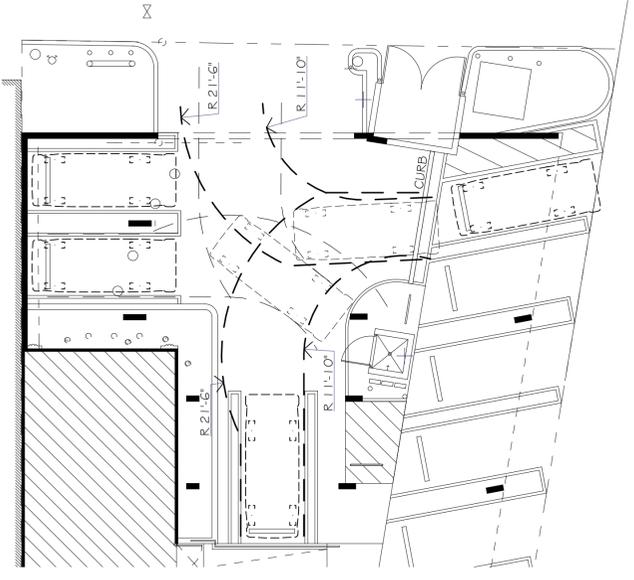
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DRAWN BY:	S.K.
CHECKED BY:	S.S.
REVISIONS:	
REVISION #1	5/21/19
REVISION #2	7/18/19

ARCHITECTURAL SITE PLAN

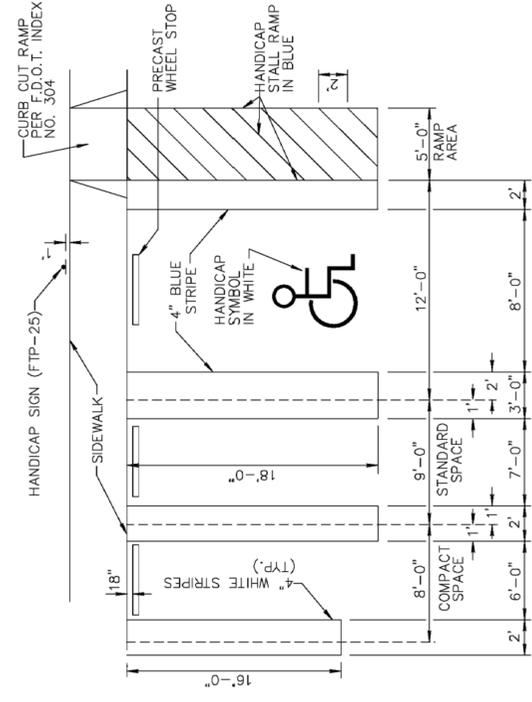
SP.1
SHEET NO.



ARCHITECTURAL SITE PLAN
SCALE 1" = 10'

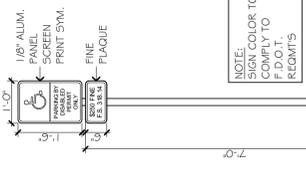


TURNING DIAGRAM DTL.
SCALE 1" = 10'

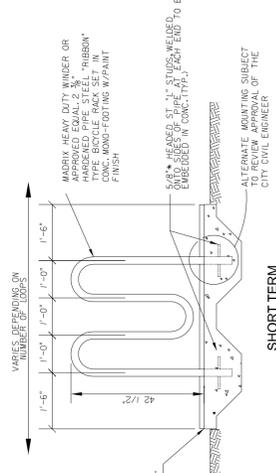


TYP. PARKING SPACE DTL.
SCALE N.T.S.

FLORIDA ACCESSIBILITY CODE 2017;
502.6 IDENTIFICATION.
PARKING SPACE IDENTIFICATION SIGNS SHALL INCLUDE THE INTERNATIONAL SYMBOL OF ACCESSIBILITY COMPLYING WITH 703.7.2.1. SIGNS IDENTIFYING VAN PARKING SPACES WHEN REQUIRED BY 502.2 SHALL CONTAIN THE DESIGNATION "VAN ACCESSIBLE."



TYP. H.C. SPACE SIGNAGE DTL.
SCALE N.T.S.



BIKE RACK DTL.
SCALE N.T.S.



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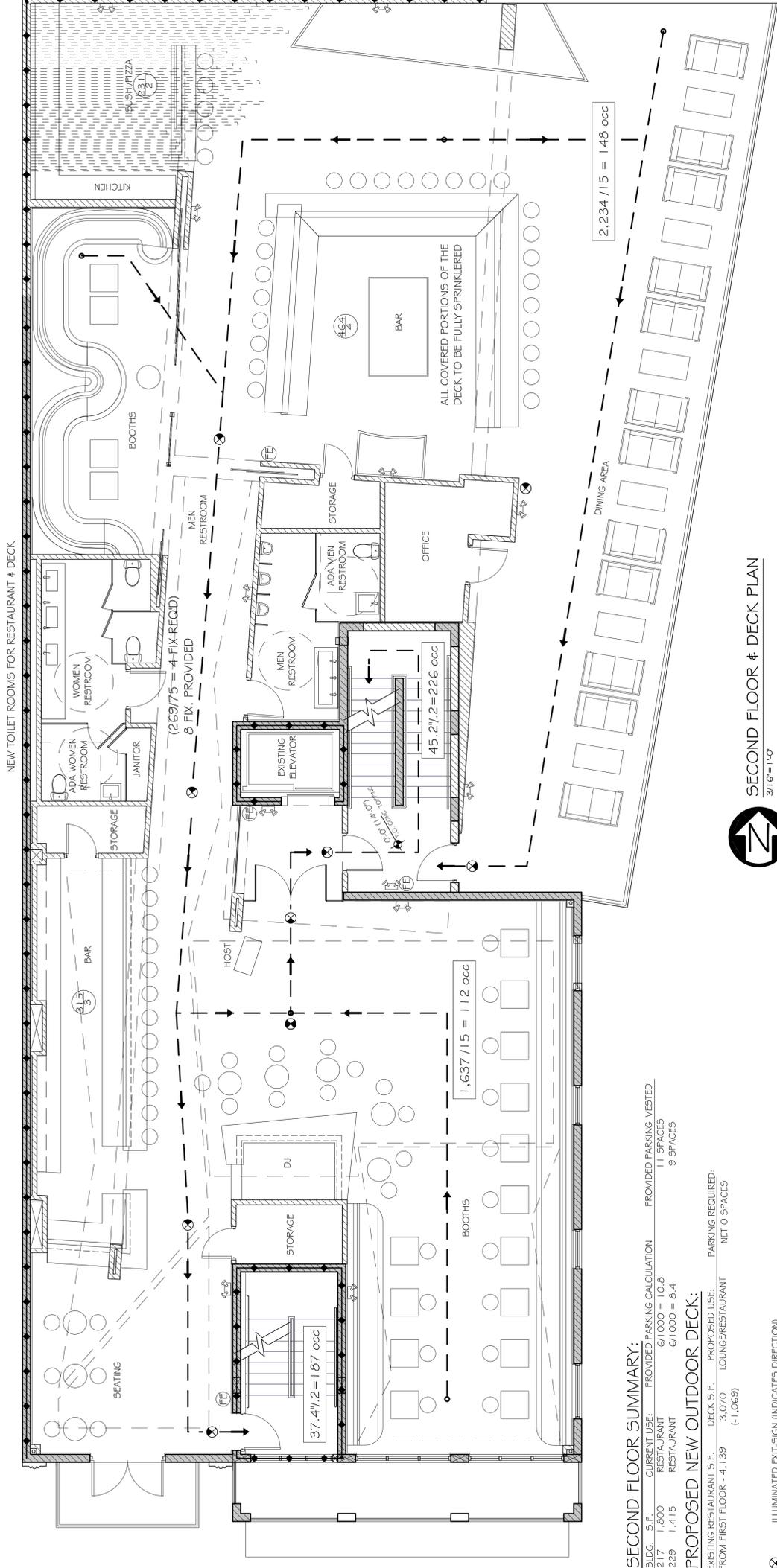
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2ND FLOOR & DECK
A1.2
SHEET NO.

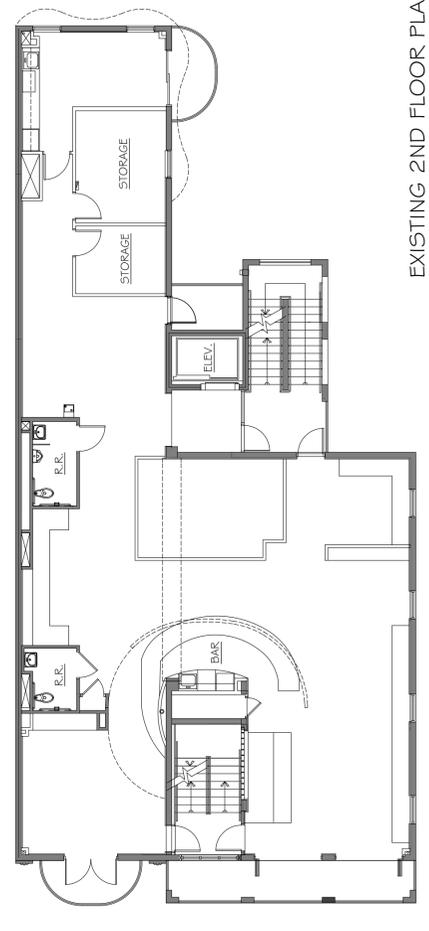


SECOND FLOOR SUMMARY:
BLDG. S.F. CURRENT USE: PROVIDED PARKING CALCULATION PROVIDED PARKING-VESTED:
217 1,800 RESTAURANT 6/1000 = 10.8 11 SPACES
229 1,415 RESTAURANT 6/1000 = 8.4 9 SPACES

PROPOSED NEW OUTDOOR DECK:
EXISTING RESTAURANT S.F. DECK S.F. PROPOSED USE: PARKING REQUIRED:
FROM FIRST FLOOR - 4,139 3,070 LOUNGE/RESTAURANT NET 0 SPACES
(-1,069)

- ILLUMINATED EXIT-SIGN (INDICATES DIRECTION)
- EMERGENCY BATTERY WALL PACK W/ TWIN HEADS
- EXIT LIGHT FIXTURE, DIRECTION ARROWS AS SHOWN
- FIRE EXTINGUISHER (4-PROVIDED)
- REMOTE HEAD
- EXIT OR EXIT ACCESS
- PATH OF TRAVEL
- OCCUPANCY (TOP=5FROT=OCC)

SECOND FLOOR & DECK PLAN
3/16" = 1'-0"



EXISTING 2ND FLOOR PLAN
N.T.S.



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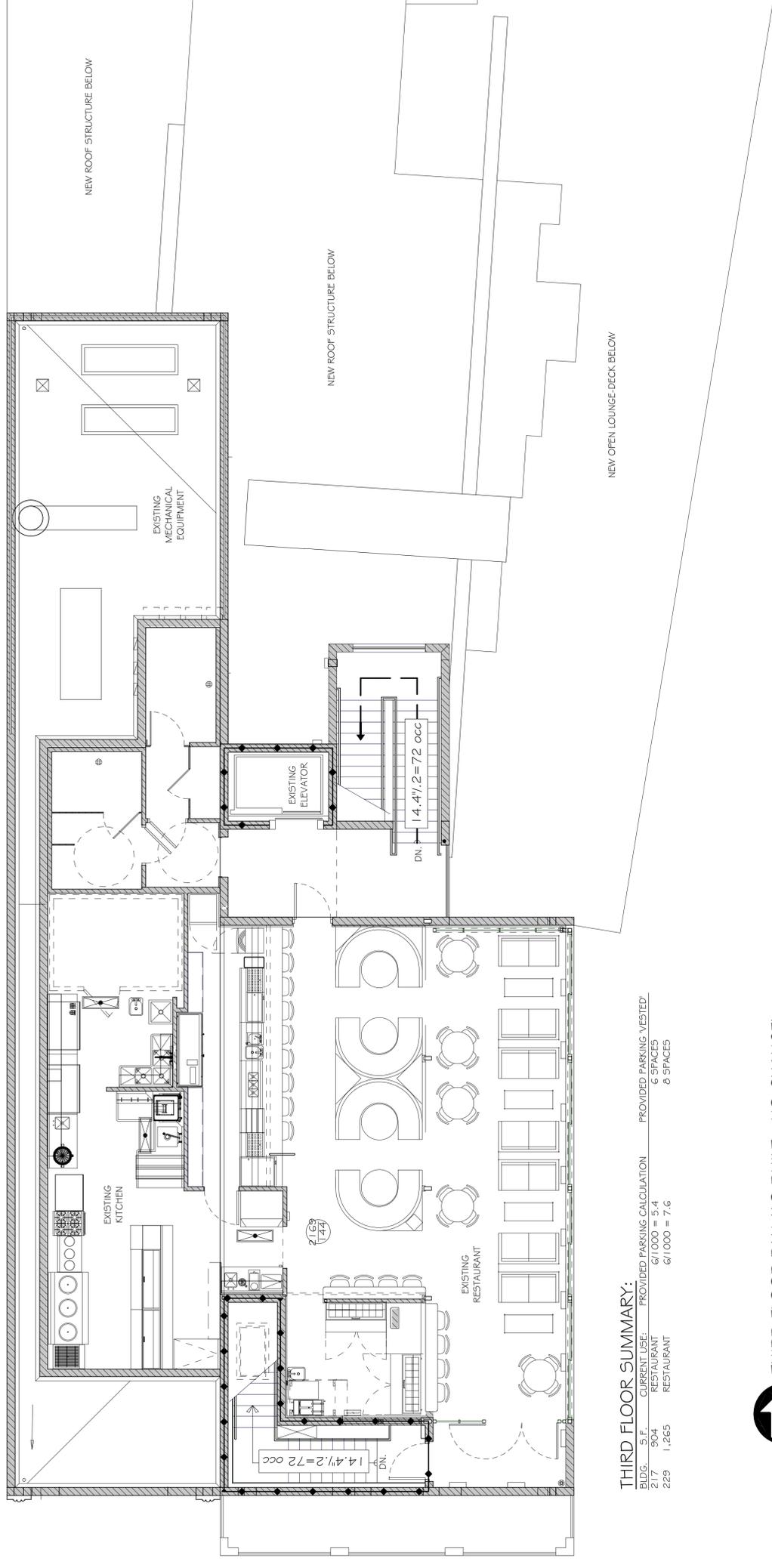
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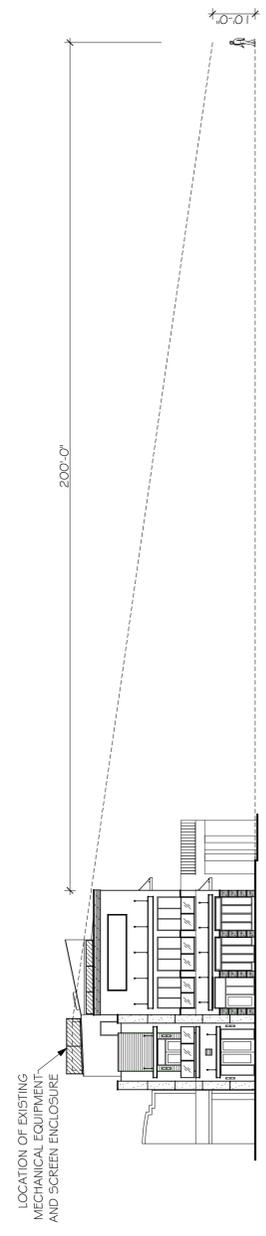
THIRD FLOOR PLAN

A1.3
SHEET NO.



THIRD FLOOR SUMMARY:

BLDG.	S.F.	CURRENT USE:	PROVIDED PARKING CALCULATION	PROVIDED PARKING VESTED:
217	904	RESTAURANT	6/1,000 = 5.4	6 SPACES
229	1,265	RESTAURANT	6/1,000 = 7.6	8 SPACES



SIGHT LINE STUDY
1" = 20'



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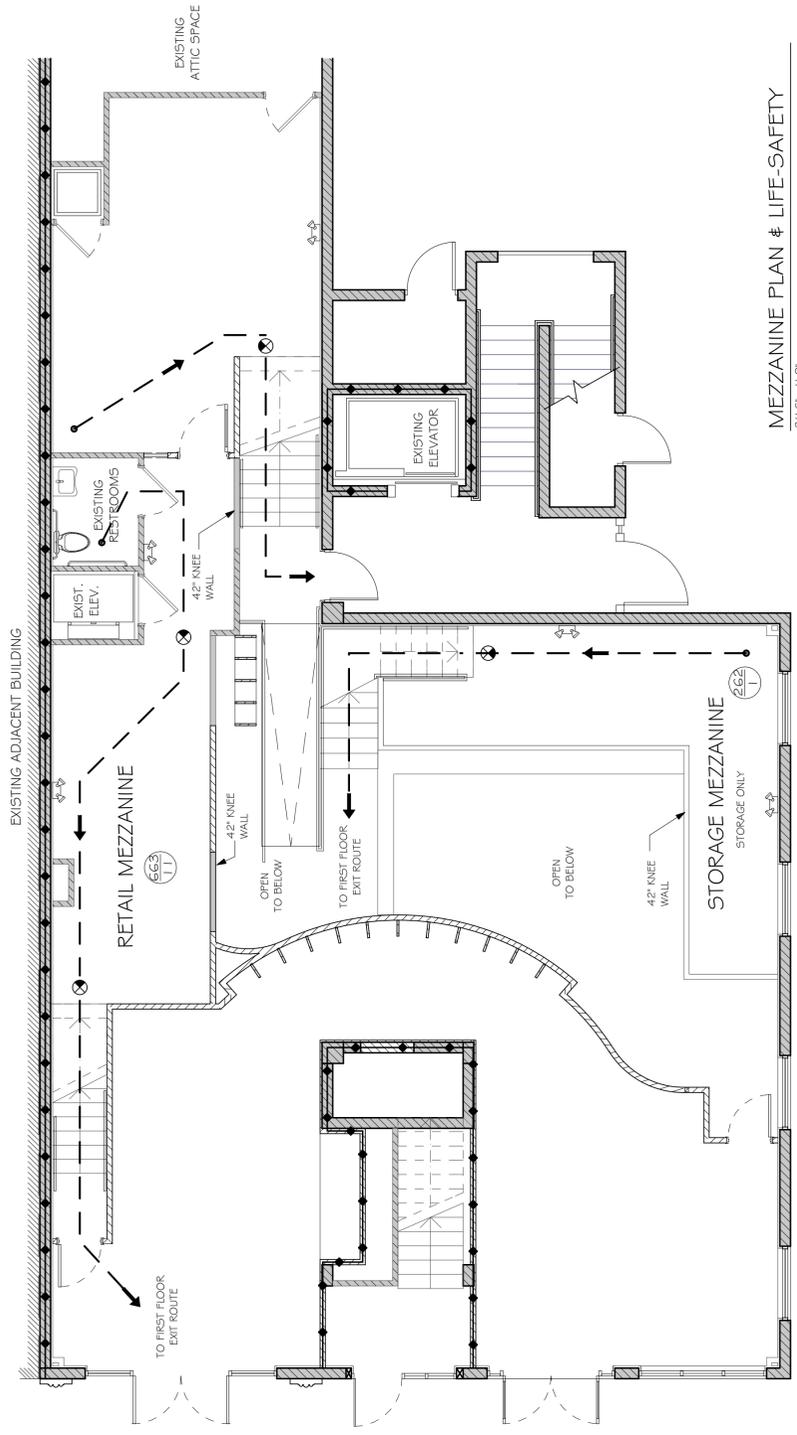
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MEZZANINE FLOOR PLAN

A1.11
SHEET NO.

CLASS-4 SITE MODIFICATION FOR:



MEZZANINE PLAN & LIFE-SAFETY
3/16" = 1'-0"

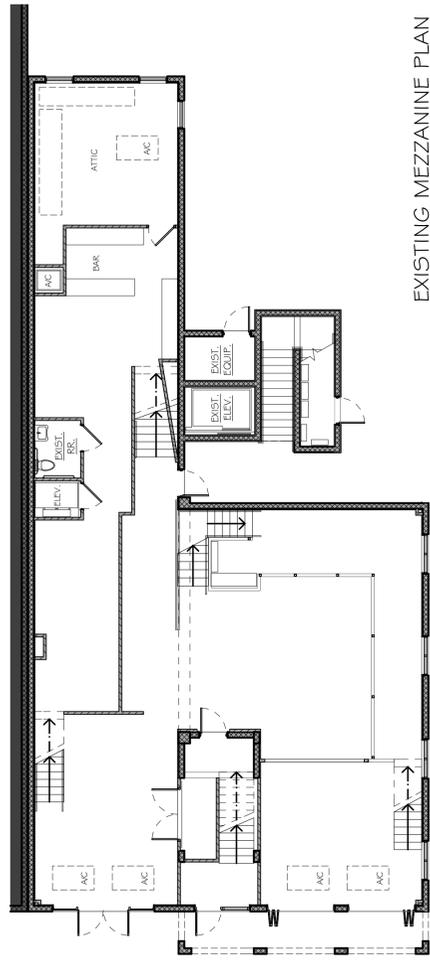
GROUND FLOOR SUMMARY:

BLDG.	S.F.	CURRENT USE:	VESTED PARKING	PROPOSED USE:	PARKING:
217	1,800	RESTAURANT	6/1000 = 10.6	RETAIL	0 REQ. - 11 SPACES CREDIT
229	1,415	RESTAURANT	6/1000 = 6.4	RETAIL	0 REQ. - 9 SPACES CREDIT

MEZZANINE SUMMARY:

S.F.	CURRENT USE:	VESTED PARKING	PROPOSED USE:	PARKING:
924	RESTAURANT	6/1000 = 5.5	RETAIL	0 REQ. - 6 SPACES CREDIT

- ILLUMINATED EXIT-SIGN (INDICATES DIRECTION)
- EMERGENCY BATTERY WALL PACK W/ TWIN HEADS
- EXIT LIGHT FIXTURE, DIRECTION ARROWS AS SHOWN
- FIRE EXTINGUISHER (4-PROVIDED)
- REMOTE HEAD
- EXIT OR EXIT ACCESS
- PATH OF TRAVEL
- OCCUPANCY (TOP=5/FBOT=OCC)



EXISTING MEZZANINE PLAN
N.T.S.



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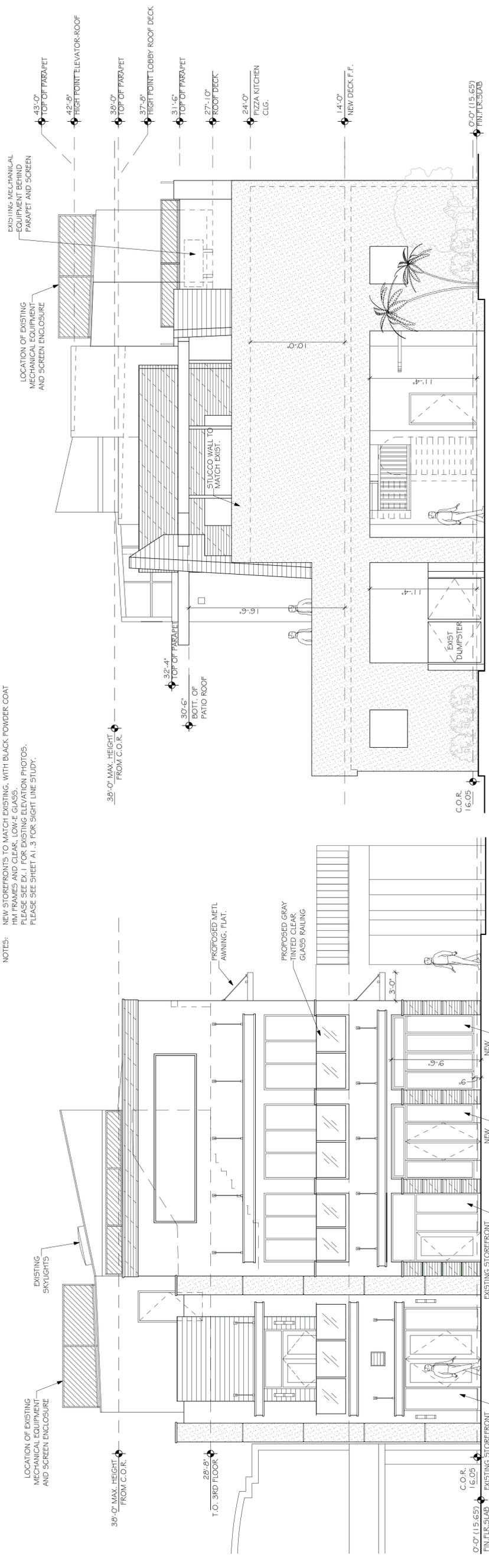
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PROPOSED ELEVATIONS

A2.1
SHEET NO.

NOTES: NEW STOREFRONTS TO MATCH EXISTING, WITH BLACK POWDER COAT
M/F FRAMES AND CLEAR, LOW-E GLASS.
PLEASE SEE EX. 1 FOR EXISTING ELEVATION PHOTOS.
PLEASE SEE SHEET A1.3 FOR SIGHT LINE STUDY.



1:1 EXISTING
1:1 EXISTING
1:1 EXISTING

FRONT - SOUTH ELEVATION (PROPOSED)
3/16" = 1'-0"

REAR - NORTH ELEVATION (PROPOSED)
3/16" = 1'-0"

1:1 PROPOSED
1:1 PROPOSED

1:1 PROPOSED
1:1 PROPOSED

1:1 EXISTING
1:1 EXISTING

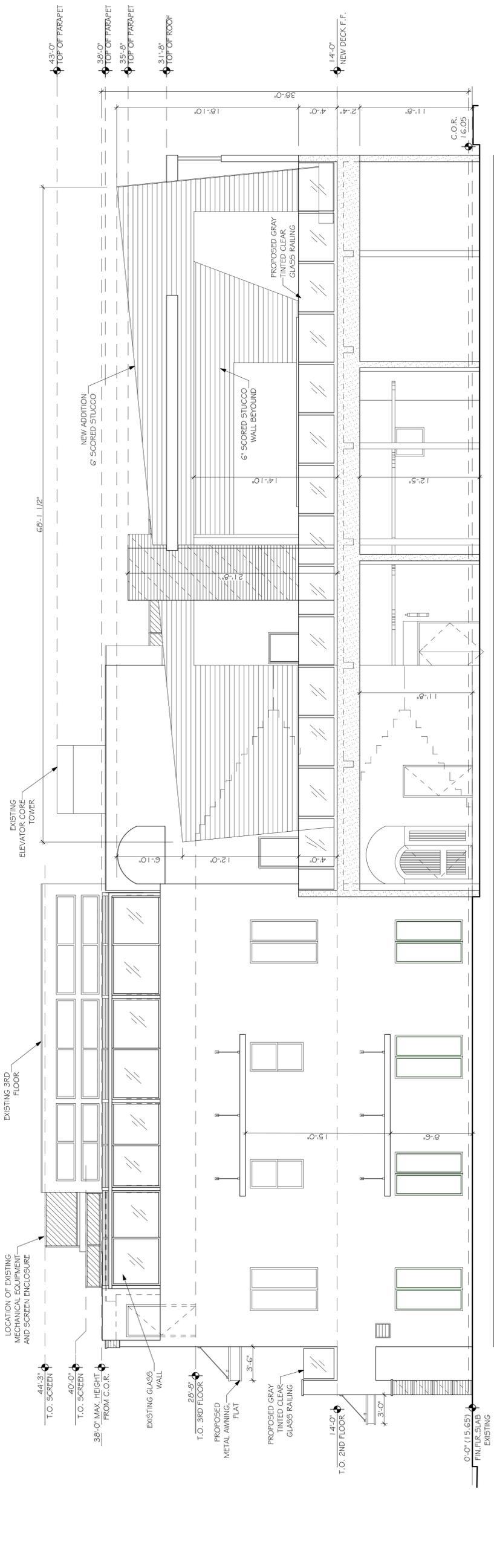
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1:1 EXISTING



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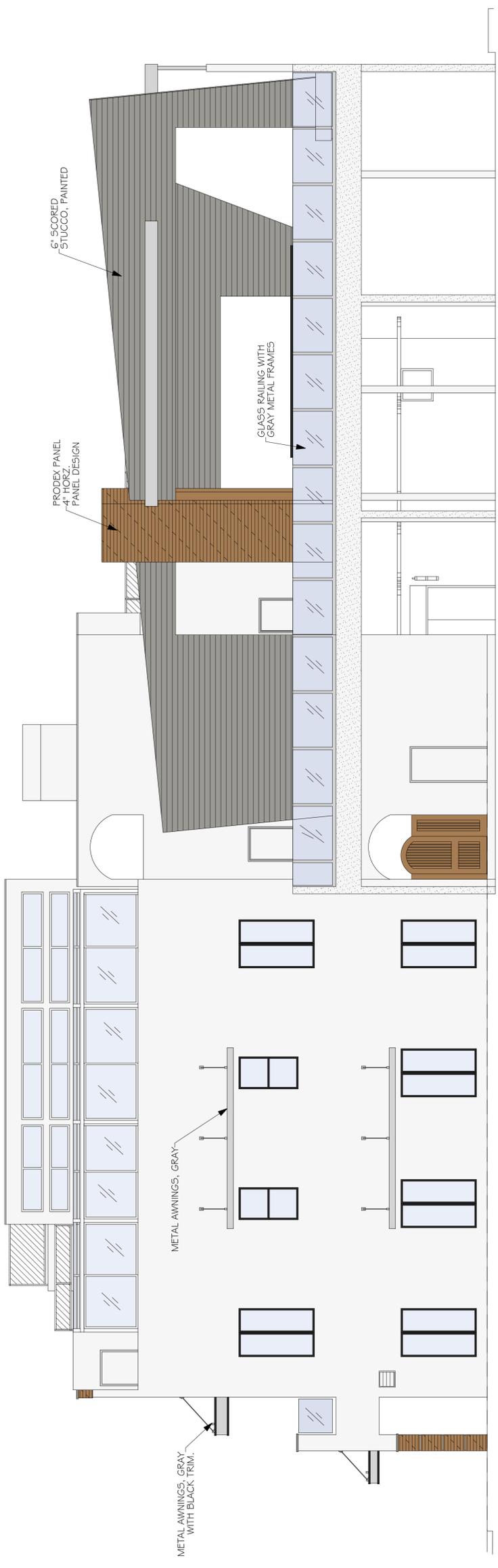
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	REVISION #2 7/18/19

EX.3



FRONT - SOUTH ELEVATION (PROPOSED)
N.T.S

REAR - NORTH ELEVATION (PROPOSED)
N.T.S



SIDE - EAST ELEVATION (PROPOSED)
N.T.S

METAL AWNINGS, GRAY WITH BLACK TRIM.

METAL AWNINGS, GRAY.

GLASS RAILING WITH GRAY METAL FRAMES

PRODEX PANEL - 4\"/>

6\"/>

PRODEX PANEL - 4\"/>

6\"/>

STUCCO, PAINTED

STUCCO, PAINTED

6\"/>

SW 6258 - BLACK

SW 7005 - WHITE

SW 7650 - GRAY

PRODEX RUSTIK



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steve@stevesiebert.com

CLASS-3 SITE MODIFICATION FOR:
SKY BAR HOLDINGS
217 EAST ATLANTIC AVENUE
DELRAY BEACH, FLORIDA 33444

WRITTEN DIMENSIONS ON THESE
DRAWINGS SHALL TAKE PRECEDENCE
OVER ANY DIMENSIONS SHOWN ON
CONTRACTOR SERIALS, ELEVATIONS AND
SECTIONAL DRAWINGS. THE CONTRACTOR
AND CONSULTANTS ON THE JOB, AND
ANY SUBSTITUTES THEREOF, SHALL BE
RESPONSIBLE FOR VERIFYING THE
CORRECTNESS OF ALL DIMENSIONS OF
EXISTING CONDITIONS AND FOR
REPRODUCING OR OBTAINING OF
THIS DRAWING IS PROHIBITED.

PROJECT NO. 18_204
DATE: 3.25.19
DRAWN BY: S.K.
CHECKED BY: S.S.
REVISIONS:

RENDERINGS

EX.2

