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**HISTORIC PRESERVATION BOARD STAFF REPORT**

**Upton Park - 103 NW 5th Avenue**

Meeting	File No.	Application Type
May 7, 2025	2024-164	Level 2 Site Plan Modification, Certificate of Appropriateness, & Waiver

**REQUEST**

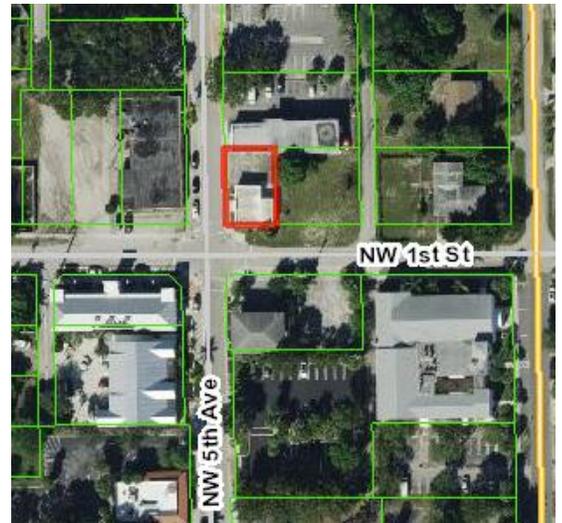
The item before the Board is consideration of a Level 2 Site Plan Modification, Certificate of Appropriateness, and Waiver (2024-164) request associated with alterations and construction of an addition to an existing one-story non-contributing commercial structure at the property located at 103 NW 5th Avenue to be known as Upton Park, within the West Settlers Historic District.

**GENERAL DATA**

**Owner:** Romau, LLC  
**Agent:** Gareth Dunn  
**Location:** 103 NW 5th Avenue  
**PCN:** 12-43-46-16-01-027-0083  
**Property Size:** 0.9 acres  
**Zoning:** CBD (Central Business District)  
**Historic District:** West Settlers Historic District  
**Land Use:** Commercial Core  
**Adjacent Zoning:**

- East: CBD (Central Business District)
- North: (Community Facilities)
- West: CBD (Central Business District)
- South: CBD (Central Business District)

**Existing Use:** Commercial  
**Proposed Use:** Mixed-Use



**BACKGROUND AND PROJECT DESCRIPTION**

The subject property consists of the west 51' of Lot 8, Block 27 and is zoned GC (General Commercial). Located at the northeast corner of NW 5<sup>th</sup> Avenue and NW 1<sup>st</sup> Street, the property contains a one-story 1,339 sq. ft., non-contributing commercial building within the West Settler's Historic District. Built in 1952 as a restaurant, the original 364 square foot building was designed by Samuel Ogren, Jr. In 1962 a larger addition was constructed. Presently, the building possesses minimal architectural merit with the exception of recent additions of the portico and decorative cornices along the building's facade. The commercial current use is a boxing gym.

At their meeting of July 18, 2001, the Historic Preservation Board (HPB) approved a site plan modification to construct a 165 sq. ft. addition at the northeast corner of the building and associated elevation changes that included the construction of a portico with columns and decorative cornices on the front facade. The addition and elevation changes completed; however, the addition was never constructed.

<b>Project Planner:</b> Katherina Paliwoda, Senior Planner, Paliwodak@mydelraybeach.com Michelle Hoyland, Principal Planner, HoylandM@mydelraybeach.com	<b>Review Dates:</b> HPB: May 7, 2025	<b>Attachments:</b> 1. Plans 2. Materials and Color Samples 3. Renderings 4. Justification Statements
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At its meeting of June 4, 2003, HPB approved the Certificate of Appropriateness (2003-240) request for the installation of a free-standing monument sign.

On October 20, 2021, Staff administratively approved Certificate of Appropriateness (2021-017) request for a color change for the property Specifically, the revised approval is as follows:

- Yellow - Behr “Polka Dot Skirt” (P280-3) – Walls; and,
- Black - Behr “Pure Black” (8620) – Windows, Door trim, and Fascia

The subject request is a Level 2 Site Plan Modification, Certificate of Appropriateness, and Waiver request for alterations and construction an addition as follows:

- Alterations of the existing 1,339 sq. ft. structure including new arcades and façade changes on the west and south sides of the existing structure;
- Proposed ground floor additions on the north, west, and south sides of the existing structure;
- Proposed 6,086 sq. ft. second floor addition above the existing one-story non-contributing commercial structure consisting of three residential units with rooftop terraces;
- Waiver request to allow a reduction in the required minimum rear (east) setback from the required 10-15’ to 5’1” – 5’7”;
- Landscaping and hardscaping.

The request is now before the board.

#### REVIEW AND ANALYSIS

**LDR Section 2.4.10(A)(1)(b), Level 2. Level 2 Site Plan applications include new construction, additions to an existing building, or the conversion of an existing single-family residence or duplex, consisting of no more than a total of five dwelling units for multi-family residential development or 15,000 gross square feet of mixed-use or non-residential development.**

The project is being reviewed and processed as a Level 2 Site Plan Modification. The proposal involves an increase to the building size via additions to the existing commercial structure, which will contain additional ground floor commercial space and three new second floor residential units with rooftop terraces. A setback waiver is also proposed, review of which is by the Historic Preservation Board. The overall project will contain a total of 9,824 square feet.

**LDR Section 2.4.10(A)(3)(b), Findings. All site plan applications require compliance with the applicable regulations and review criteria and shall be consistent with the Comprehensive Plan and other local ordinances.**

- **Level 2, Level 3, and Level 4 Site Plan applications require compliance with the findings in Chapter 3, Performance Standards.**

The proposal is for exterior alterations and additions to an existing one-story non-contributing commercial structure. A review of the Performance Standards can be found later in this report.

**Pursuant to Land Development Regulation (LDR) Section 2.4.10(A)(3)(d), Architectural Elevations, including modifications to existing building facades, require an overall determination of consistency with the objectives and standards of Section 4.6.18, Architectural Elevations and Aesthetics, and any adopted architectural design guidelines and standards, as applicable.**

Pursuant to Land Development Regulation (LDR) Section 2.4.12(A)(5), prior to approval, a finding must be made that any Certificate of Appropriateness is consistent with Historic Preservation purposes pursuant to Objective HPE 1.4 of the Historic Preservation Element of the Comprehensive Plan; the provisions of Section 4.5.1; the Delray Beach Historic Preservation Design Guidelines; and, the Secretary of the Interior's Standards for Rehabilitation.

### **ZONING AND USE REVIEW**

Pursuant to LDR Section 4.4.13 – The Central Business District (CBD) is established 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.

Pursuant to LDR Section 4.4.13(A)(3) – West Atlantic Neighborhood Sub-district. The West Atlantic Neighborhood Sub-district regulations are intended to be consistent with the adopted West Atlantic Avenue Redevelopment Plan and the Downtown Delray Beach Master Plan. The emphasis of these regulations is on the preservation and enhancement of existing neighborhoods, while promoting a pedestrian friendly commercial area along West Atlantic Avenue that contains a mix of residential, commercial and civic functions. Businesses that are oriented toward serving the local neighborhood, as opposed to a regional area, are encouraged. Density incentives are available for redevelopment in this Sub-district to promote the inclusion of workforce housing.

Pursuant to LDR Section 4.4.13(B)(5) – West Atlantic Neighborhood Commercial Area. The location of commercial uses is limited within the West Atlantic Neighborhood Sub-district to protect established residential areas from commercial intrusion.

The subject property is subject to compliance with those additional regulations noted in the LDRs and required for this area. The proposed commercial and residential uses are permitted within the subject LDR Section.

Pursuant to LDR Section 4.4.13(C)(3)(c) Allowable Uses, Required Retail Frontage Use Limitations - West Atlantic Neighborhood Sub-district, At least 50 percent of the building frontage of the sidewalk level story shall be for General retail uses and/or facilities, except that sales of automotive parts, lawn care equipment, firearms, or second hand material (other than verifiable antiques) are not permitted and Services and facilities. Up to 50 percent of the building frontage of the sidewalk level story may be for business, professional, and medical uses/offices; more than 50 percent may be approved as a Conditional Use.

The proposal involves the construction of additions to an existing non-contributing commercial building, which will contain commercial uses (Retail and Services & Facilities) on the ground floor and three new second-floor residential units with rooftop terraces. The existing one-story structure contains a service use (boxing gym) to which the proposed ground floor addition on the north side of the building will contain retail use. The proposed uses are permitted within the CBD zoning district.

Pursuant to LDR Section 4.4.13 properties located within the CBD zoning district shall be developed according to the requirements noted in the chart below.

The proposal is in compliance with the applicable requirements, or a waiver has been requested.

DEVELOPMENT STANDARDS	REQUIRED/ PERMITTED	EXISTING	PROPOSED
Required Setbacks:			
Front (West)	10' Min./15' Max	4'10"	0'3"-11'4" **
Side Interior (North)	0' Min./5' Max	1'5"	1'1 1/2"
Side Street (South)	10' Min.	12'6"	9'3"-14'3" **
Rear (East)	10' Min.	31'7"	5'1" – 5'7"*
Building Height:	35' Max (3 stories)	12' (1-story)	35' (2-stories)
Minimum Lot Size:	2,000 sq. ft.	3,902 sq. ft.	3,902 sq. ft.
Minimum Lot Width & Frontage:	20' (75%)	51'/77.5' (60%)	51'
Minimum Lot Depth:	N/A	76.5'	76.5'
Open Space	N/A	503 sq. ft. (12.9%)	574 sq. ft. (14.9%)
Floor Area Ratio (Per the Comprehensive Plan – Neighborhood, Districts, & Communities Policy)	3.0	.34	2.52

\* Proposed Waiver

\*\*Encroachment of setback permitted for Arcade frontage

Pursuant to LDR Section 4.4.13(C)(4)(h) Rooftop Terraces. Uses- Rooftop terraces may be used for outdoor dining, open-air lounges, exercise and fitness activities (both as principal or accessory uses), rooftop gardens, urban agriculture, and recreational amenities.

For properties adjoining or separated by an alley from a residential zoning district, OSSHAD, or an existing residential use, rooftop terrace design shall provide screening at least six feet in height along the adjoining perimeter to limit oversight into residential properties. Privacy screening shall not extend above 60 feet and may consist of a parapet, landscape, railings, etc.

Railings or parapets shall be a minimum of four feet in height, consistent with proposed architectural style, and provided for the full perimeter of rooftop terrace. Railing and parapet height may not extend beyond the maximum building height of 60 feet.

The proposed second story residential addition contains a three new units with individual unit rooftop terraces that include a sun deck with fire pit, a covered lounge area, and a summer kitchen. There are both metal railings and parapet walls surrounding the rooftop that meet the 4' height requirement and planter areas. Also, as there are three proposed residential units that will be adjoined, there is an additional 8' wall and landscaping between the terraces to provide privacy screening. Therefore, request meets the requirements of this section.

**FRONTAGE STANDARDS, MINIMUM STREETScape WIDTH**

Pursuant to LDR Section 4.4.13(E), Frontage Standards define architecture and design components for the entrance(s) to buildings and the area between building facades and streets.

Building setbacks and other development standards are coordinated with street cross-sections to ensure a superior public realm result, improving both the overall visual appearance and multi-modal uses of downtown streets.

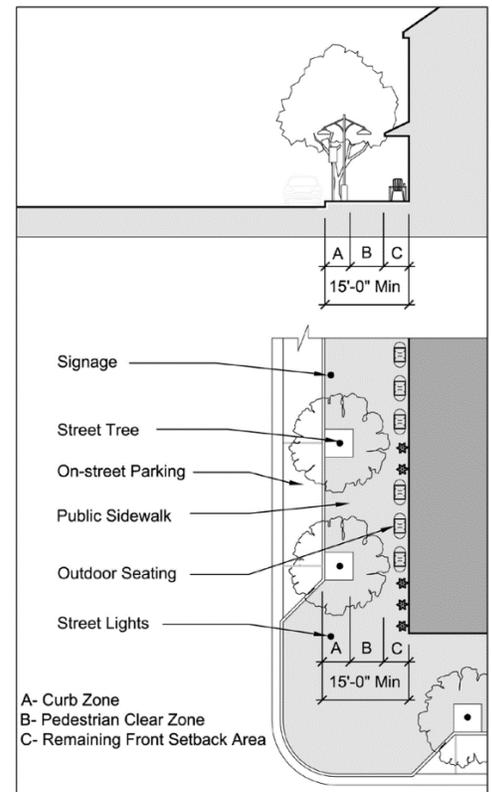
(1) Frontage standards and allowable uses. The use of the ground story is an important factor in streetscape design and appropriate frontage types. For the purposes of Frontage Standards, unless otherwise specified, residential uses are single-family homes, townhomes, multi-family residential dwellings, assisted living facilities that do not comport with the definition of "community residence", nursing homes, continuing care facilities, community residences, and large family childcare homes and live/work uses. All other uses are considered to be "commercial uses" for the purposes of this section.

(2) Streetscape standards. Front setback areas, which include side setback areas facing streets, shall be detailed to augment public right-of-way design, to establish shaded, continuous routes for pedestrians, and to organize landscaping and other elements to ensure a superior public realm.

(a) 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. The streetscape area shall be organized as follows:

1. Curb zone. The curb zone shall be at least four feet wide, measured from the back of curb to the pedestrian clear zone. This zone accommodates street trees and public infrastructure needs such as utility poles, street lights, street signs, parking meters, etc. These elements shall be located as close to the curb as possible; signs and parking meters shall be consolidated as much as possible. Space for pedestrian use is also accommodated in the curb zone. See Figures 4.4.13-E-1 and 4.4.13-E-2.

2. Pedestrian clear zone. A continuous pedestrian clear zone shall be provided on all streetscapes (See Figures 4.4.13-E-1 and 4.4.13-E-2). Any portion of the pedestrian clear zone within the front setback area shall be improved as an extension of the public sidewalk and shall match the public sidewalk in design and material, providing a seamless physical transition. A sidewalk easement, in a form acceptable to the City Attorney, over any portion of the pedestrian clear zone located within the front setback shall be granted to the City. The property owner shall also be required to enter into a maintenance agreement, in a form acceptable to the City Attorney, requiring the property owner to be responsible for and maintain any improvements made or installed by the owner to meet the requirements of this section. The sidewalk easement and maintenance agreement



require City Commission approval subsequent to site plan approval and shall be recorded prior to site plan certification.

- a. The minimum width of the pedestrian clear zone in the Central Core, Beach, West Atlantic Neighborhood and Railroad Corridor Sub-districts is six feet.
  - b. The minimum width of the pedestrian clear zone on Primary Streets in the South Pairs Neighborhood Sub-district is 10 feet and the minimum width of the pedestrian clear zone on all other streets in the Sub-district is six feet.
3. Remaining front setback area. Any remaining front setback area within the 15-foot wide minimum streetscape shall be detailed appropriately for the ground story use of the building (See Figures 4.4.13-E-1 and 4.4.13-E-2):
- a. Commercial uses. Buildings with retail or commercial uses in the ground story shall detail and design any remaining front setback area within the 15-foot wide minimum streetscape area using a hardscape design. This portion may be used to accommodate outdoor dining areas, subject to Section 6.3. Landscaping comprised of plants in removable planters, palms and/or ground planting may be installed adjacent to the building provided views into storefront windows are not obstructed.
  - b. Residential or hotel uses. Buildings with residential or hotel uses in the ground story shall detail and design any remaining front setback area within the 15-foot wide minimum streetscape area using hardscape or foundation planting landscaping. The encroachment of porches or stoops in this area may be permitted, pursuant to Section 4.4.13(E)(4).

The subject property has frontage along NW 5<sup>th</sup> Avenue (west side) and NW 1<sup>st</sup> Street (south side). There is a five-foot right-of-way dedication required along NW 5<sup>th</sup> Avenue. Additionally, since the Pedestrian Clear Zone encroaches onto the property along NW 5<sup>th</sup> Avenue and SW 1<sup>st</sup> Street, a Pedestrian Clear Zone Easement will need to be submitted for review by the City Attorney and approved by the City Commission. This item is attached as a Site Plan Technical Item. It is also noted that there is an existing terrazzo material along the sidewalks of NW 5th Avenue and partially along the side of NW 1<sup>st</sup> Avenue. This material will and design style will be retained (see image below).



Pursuant to LDR Section 4.4.13(E)(2)(b) Street trees. Street trees are intended to provide a shaded environment for the pedestrian, provide a physical separation between pedestrians and vehicles, improve the overall visual appearance of the street, and reduce urban heat island effects.

The subject request includes an arcade with storefront frontage, to which the street trees are not required. However, the proposal includes three (3) Japanese Blueberry Trees on the south of the property within landscape islands in the adjacent right-of-way.

It is noted that the property owner shall be required to enter into a maintenance agreement, in a form acceptable to the City Attorney, requiring the property owner to be responsible for and maintain any tree grates, irrigation, and landscaping installed by the property owner to meet the requirements of this section. This is included as a site plan technical item.

**FRONTAGE TYPES**

Pursuant to LDR Section 4.4.13(E)(4)(e), Frontage Types, Storefront, the storefront is a frontage type along sidewalk level of the ground story, typically associated with commercial uses. The table below, as regulated by Table 4.4.13(I), provides the dimensional requirements for all elements contained in a storefront and identifies compliance with the requirements:

Storefronts	Minimum Required	Maximum Allowed	Proposed
Building Setback	10'	15'	15'
Storefront Width	N/A	75' on Required Retail Street	59' 11 1/2" -West 24'7" - South
Storefront Base	9"	3'	2'
Glazing Height	8'	---	10'2"
Required Openings	80%	----	80.86%

Pursuant to LDR Section 4.4.13(E)(4)(f), An 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.

1. *Arcade dimensions.* Table 4.4.13(J) provides the dimensional requirements and the maximum allowable encroachment permitted (see below). Figure 4.4.13-E-13 illustrates the dimensional requirements and Figure 4.4.13-E-14 provides a character example.

Arcade Dimensions	Minimum	Maximum	Proposed
Building Setback	Varies	15'	15'
Arcade Depth	10'	20'	10'
Arcade Height	10'	20'	12'
Column/Pillar to Face of Curb	2'	5'	4'
Column/Pillar Width and Depth	1'	--	1'3"

Figure 4.4.13-E-13 Arcade Frontage Type



Figure 4.4.13-E-14 Arcade Character Example



- a. Arcades shall extend over the sidewalk. A sidewalk should not run parallel to an arcade, allowing pedestrians to bypass storefront windows.
- b. Use of the arcade on local streets requires entering into a right-of-way agreement, in a form acceptable to the City Attorney, with the City. The City Commission shall determine in its sole and absolute discretion whether to approve or deny an agreement, which shall be based upon a determination of whether the arcade is in the best interest of the general public. This agreement shall establish liability, indemnification, and insurance responsibilities in a form acceptable to the City. For County, State, and Federal roads, agreements with the appropriate agencies and the City shall be required.
- c. Arcades shall have a clear depth between the interior face of the columns and the building facade of at least ten feet and no more than 20 feet. If the distance between the property line and the face of curb is not sufficient to accommodate the minimum depth of ten feet required for an arcade, or, if the distance between the property line and the face of curb is deep enough that using the required building setback results in an arcade with a clear depth greater than 12 feet, the front setback may be administratively adjusted by the Development Services Director, taking into consideration the ultimate location of the face of curb. If determined necessary by the City, the property owner shall grant a pedestrian and underground utility easement to the City, in a form acceptable to the City Attorney, on the applicant's property to reach ten feet of clear depth.
- d. Arcade ceilings shall be designed with coffers or exposed beams extruding at least six inches, aligned with columns or pillars. Arcades shall have a clear height above the sidewalk of at least ten feet and no more than 20 feet.
- e. Support columns or pillars shall be at least 12 inches wide and deep. See Section 4.6.18(B)(14)(iii). Columns and pillars shall be placed two to five feet from the face of the curb.
- f. The arcade area extending over the public right-of-way may contain a second story or incorporate roof terraces; additional stories are not permitted.

## 2. Arcade elements

- a. Arcades shall be combined with storefronts.

- b. The height and proportions of the arcade shall be consistent with the architecture and proportions of the building to which it is attached.**
- c. Potted landscaping or ground planting shall be provided between the face of the columns or pillars and the face of curb.**
- d. Lighting shall be incorporated into arcades to meet CPTED principles.**

The subject proposal includes arcade with storefront frontage along the south and west facades which extend over the public right-of-way and contain a second story for use with the residential use. The proposal meets the design requirements for arcades. It is noted that since the arcade on the south side of the structure extends into SW 1<sup>st</sup> Street a right-of-way agreement acceptable to the City Attorney will need to be submitted and approved by the City Commission. This item is attached as a Site Plan Technical Item.

### **ARCHITECTURAL STANDARDS**

**Pursuant to LDR Section 4.4.13(F), Architectural standards. To ensure high quality architecture in the downtown area, the following architectural standards apply to all buildings in the Central Business District Sub-districts and in the OSSHAD with CBD Overlay. In addition to the standards in Section 4.6.18, the following standards apply in all CBD Sub-districts.**

The architectural standards include façade composition, appropriate architectural styles, walls, openings, roofs, elements, parking garages, reduction of urban heat islands, and green building practices. In addition to the architectural standards, the architectural style must adhere to the Delray Beach Architectural Design Guidelines, the Delray Beach Historic Preservation Design Guidelines, the Secretary of the Interior's Standards for Rehabilitation, and the Historic Preservation Visual Compatibility Standards due to its location within a Historic District.

**Pursuant to LDR Section 4.4.13(F)(6)(d)&(e) Flat roofs shall be screened from adjacent properties and streets with decorative parapets. The maximum height of the parapet wall shall be six feet in height or sufficient height to screen all roof mounted equipment, whichever is greater, measured from the top of the roof deck to the top of the parapet wall. Exception to the height requirements shall be pursuant to Section 4.3.4(J)(3).**

**Roof mounted electrical, mechanical, air conditioning, and communication equipment shall be completely screened from adjacent properties and streets.**

The proposed rooftop terraces are expected to be appropriately screened as the parapet and aluminum railings are four feet tall and the interior parapet walls will be eight feet walls to separate the adjoining residences. The rooftop will include A/C units which will be screened from the public right-of-way and adjacent residences.

### **GREEN BUILDING REQUIREMENTS:**

**Pursuant to LDR Section 4.4.13(F)(9) Reduction of Urban Heat Islands. To reduce urban heat islands for both roofed and non-roofed areas, the following standards shall apply to building and site design:**

**Non-roofed: Provide landscaped or vegetated shade (within five years of planting) on at least 30 percent of non-roofed surfaces on the side, including parking lots, walkways, plazas, etc.; or use light-colored/high-albedo materials (reflectance of at least 0.3) for 30 percent of the site's non-roofed impervious surfaces; or, use open-grid pavement system (net impervious area of less than 50 percent) for a minimum of 50 percent of the parking lot area.**

**Roofed: Use Energy Star roof-compliant, high-reflectance and high emissivity roofing based on the specifications of Low-Sloped Roofs (pitch: up to 2:12) and Steep-Sloped Roofs (pitch: greater than 2:12) or install a "green" (vegetated) roof for at least 50 percent of the roof area.**

The subject request includes a rooftop terrace that contains covered areas and landscaping which meets the minimum requirements at 10.14% (276 sq. ft.). However, the applicant has not specified how the rooftop materials will meet this requirement, this is included as a site plan technical item.

### **PARKING**

**LDR Section 4.4.13(I)(2)(d) Minimum number of off-street parking spaces -Properties less than 65 feet in width with a building no more than two stories in height are not required to provide off-street parking, except for restaurant and lounge uses. Properties less than 65 feet in width with a building more than two stories in height shall provide the full parking requirement for all uses in all stories.**

The subject property is 51 feet wide and the proposal includes a second story addition to the existing one-story structure with rooftop terraces; thus, the request is not required to provide parking.

### **BICYCLE PARKING**

**Pursuant to LDR Section 4.4.13(I)(4)(a)(3) Minimum Number of Bicycle Parking Spaces – Bicycle parking requirements are applied to new development, expansion of an existing use, and changes of use.**

**Pursuant to LDR Section 4.4.13(I)(4)(a)(3)(b)(1)(a)-(c) Design and location:**

- a. Provided in a safe, accessible and convenient location within 300 feet of a main building entrance; when there is more than one building entrance, bicycle parking shall be distributed to serve all entrances.**
- b. If bicycle parking is proposed within the minimum streetscape area (see Section 4.4.13(E)(2)), it shall not encroach within the minimum pedestrian clear zone.**
- c. If bicycle parking is proposed within the right-of-way, a maintenance agreement (in a form acceptable to the City Attorney) is required.**

A minimum number of 1 bicycle parking space is required in the CBD for this property. The proposal will include one city standard bicycle rack, which holds 2 bicycles to be placed in the front west side of the property.

## **ARTICLE 4.6 SUPPLEMENTAL DISTRICT REGULATIONS**

### **LIGHTING**

**Pursuant to LDR Section 4.6.8 – Lighting: All developments/redevelopments are encouraged to utilize energy efficiency lighting. The maximum height for luminaires on buildings and structures is 25' or eave overhang, whichever is lower, and 25' for a parking lot. All perimeter exterior lighting shall be full cutoff luminaires to minimize spillover on adjacent properties. In order to decrease urban glow, no luminaires shall be directed upwards.**

**Pursuant to LDR Section 4.6.8 – Requirements for outdoor parking and commercial sites: Light control and spillage. For perimeter exterior lighting, only full cutoff luminaires will be approved. The applicant is encouraged to minimize light spillage from building and site and to reduce urban glow for the development/redevelopment proposed. Maximum allowable illumination at the property line of any adjoining parcel or public right-of-way is 0.25 horizontal and vertical foot-candles measured at six feet above grade level.**

A Photometric Plan has been submitted; however, it does not comply with the Lighting regulations. The photometric plan is required to show existing and proposed illumination for the storefront on the west side of the building fronting NW 5<sup>th</sup> Avenue, as well as show a maximum spillage of .25 on the south side of the property line fronting NW 1<sup>st</sup> Street. This has been added as a site plan technical item.

**PUBLIC INFRASTRUCTURE**

**Pursuant to LDR Section 6.1.2(A) Infrastructure and Public Property – Improvement Obligations, Concurrent, or prior to construction associated with an approved development application, the development shall provide for the construction of improvements as identified in Section 5.3.1(C) and off-site improvements to the following extents:**

**Pursuant to LDR Section 5.3.1(C) - Standard improvements, The standard improvements which are to be accommodated in street right-of-way are:**

- Travel lanes, including turning lanes
- Parking lanes, where appropriate;
- Drainage devices either curb and gutter or swale systems;
- Pedestrian ways (sidewalks);
- Bicycle lanes or paths, where appropriate.

**Such improvements shall be provided in accordance with design standards set forth in Section 6.1.2 and 6.1.3.**

**Pursuant to LDR Section 5.3.1(D)(4) - Additional right-of-way width may be required to promote public safety and welfare; to provide for stormwater management; to provide adequate area for street trees; and to assure adequate access, circulation, and parking in high intensity use areas. Such a determination shall be advanced by a recommendation from the City Engineer and may be based upon the results of a traffic study or general knowledge of the City. The authority for requiring such additional right-of-way shall rest with the body having the approval authority of the associated development application.**

A 5' right-of-way dedication is required for NW 5<sup>th</sup> Avenue. The dedications must be completed prior to the submittal of a building permit. This has been added as a site plan technical item.

**REFUSE CONTAINER AREA**

The project proposes a refuse area on the north side of the property which will be enclosed with a five-foot high wall on the east side of the area, landscaping on the north side and a wood gate on the west side, facing the front of the property.

**LANDSCAPE ANALYSIS**

**Pursuant to Land Development Regulation (LDR) Section 2.4.10(A)(3)(c), Findings.**

**Landscape Plans, including modifications to existing landscaping, shall be consistent with Section 4.6.16, Landscape Regulations.**

**Pursuant to LDR Section 4.6.16 – Landscape Regulations – The provisions of this Section are minimum standards which may be increased in accordance with the guidelines contained herein as well as aesthetic criteria established by the Site Plan Review and Appearance Board and the Historic Preservation Board when applicable. Additional landscape requirements may**

be required for certain zoning districts and roadways as provided for elsewhere in these regulations.

The ground floor landscaping and landscaping within the adjacent rights-of-way have been designed to accommodate the proposed arcades and streetscape requirements. With regard to the rooftop terrace, the outer areas will be screened with planters that contain a variety of shrubs to meet the requirements for rooftop terrace screening. Overall, the landscape plans for the proposed site have been reviewed by the Senior Landscape Planner and can be determined to be in compliance with the code.

## HISTORIC PRESERVATION ANALYSIS

### LDR SECTION 4.5.1

#### **HISTORIC PRESERVATION: DESIGNATED DISTRICTS, SITES, AND BUILDINGS**

Pursuant to LDR Section 4.5.1(E), Development Standards, all new development or exterior improvements on individually designated historic properties and/or properties located within historic districts shall, comply with the goals, objectives, and policies of the Comprehensive Plan, the Delray Beach Historic Preservation Design Guidelines, the Secretary of the Interior's Standards for Rehabilitation, and the Development Standards of this Section.

#### **Pursuant to LDR Section 4.5.1(E)(2) – Minor Development.**

The subject application is considered "Minor Development" as it involves "The construction, reconstruction, or alteration of more than 25 percent of the existing floor area of the building and all appurtenances within the Central Business District."

**Pursuant to LDR Section 4.5.1(E)(3)(a)(1.)(d) – Buildings, Structures, Appurtenances and Parking: Buildings, structures, appurtenances and parking shall only be moved, reconstructed, altered, or maintained, in accordance with this chapter, in a manner that will preserve the historical and architectural character of the building, structure, site, or district:**

**Appurtenances: Appurtenances include, but are not limited to, stone walls, fences, light fixtures, steps, paving, sidewalks, signs, and accessory structures.**

**Fences and Walls: The provisions of Section 4.6.5 shall apply, except as modified below:**

- a. Chain-link fences are discouraged. When permitted, chain-link fences shall be clad in a green or black vinyl and only used in rear yards where they are not visible from a public right of way, even when screened by a hedge or other landscaping.
- b. Swimming pool fences shall be designed in a manner that integrates the layout with the lot and structures without exhibiting a utilitarian or stand-alone appearance.
- c. Fences and walls over four feet (4') shall not be allowed in front or side street setbacks.
- d. Non-historic and/or synthetic materials are discouraged, particularly when visible from a public right of way.
- e. Decorative landscape features, including but not limited to, arbors, pergolas, and trellises shall not exceed a height of eight feet (8') within the front or side street setbacks.

The project proposes a refuse area on the north side of the property which will be enclosed with a five-foot high wall on the east side of the area, landscaping on the north side and a wood gate on the west side, facing the front of the property. The proposal meets the requirements of this code.

## **SECRETARY OF THE INTERIORS STANDARDS**

Pursuant to LDR Section 4.5.1(E)(5) - Standards and Guidelines: a historic site, building, structure, improvement, or appurtenance within a historic district shall only be altered, restored, preserved, repaired, relocated, demolished, or otherwise changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines, as amended from time to time.

### **Standard 1**

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

### **Standard 2**

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

### **Standard 3**

Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

### **Standard 4**

Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

### **Standard 5**

Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

### **Standard 6**

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

### **Standard 7**

Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

### **Standard 8**

Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

### **Standard 9**

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

**Standard 10**

**New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.**

**Standards 9 and 10** are applicable. The existing non-contributing structure was constructed as a commercial building and will continue to maintain its original use as a boxing gym with the addition of storage space for the gym, a retail space, and three upper floor residential units with rooftop terraces. The proposed architectural style for the structure is Art/Streamline Moderne, and a single structure exists in the Art Deco style within the West Settlers Historic District. The structure represents a modest approach to the style, with simple architectural detailing. The proposed structure is a more elaborate approach to the style, primarily in the building articulations and architectural detailing. The Streamline Moderne style was created in the 1930s as a more simplified version of the Art Deco architectural style that appeared in the 1920s. While the Art Deco style emphasized vertical lines and elements, Streamline emphasized a more horizontal approach to the style. The overall appearance of Streamline Moderne was very clean and smooth without any harsh corners on the building.

The additions will be constructed from CBS block with smooth stucco walls. Decorative elements on the exterior will use raised smooth textured stucco and decorative metal grills. Windows will be white aluminum framed with clear glass, and railings will also be white aluminum. There are no concerns with any of the proposed materials as they can be considered appropriate to the property and the historic streetscape.

**Pursuant to LDR Section 4.5.1I(7) – Visual Compatibility Standards: new construction and all improvements to both contributing and noncontributing buildings, structures, and appurtenances thereto within a designated historic district or on an individually designated property shall be visually compatible. In addition to the Zoning District Regulations, the Historic Preservation Board shall apply the visual compatibility standards provided for in this Section with regard to height, width, mass, scale, façade, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in Section 4.5.1. Visual compatibility for minor and major development as referenced in Section 4.5.1I(2) shall be determined by utilizing criteria contained in (a)-(m) below.**

- a. Height:** The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district for all major and minor development. For major development, visual compatibility with respect to the height of residential structures, as defined by 4.5.1I(2)(a), shall also be determined through application of the Building Height Plane.
- b. Front Facade Proportion:** The front facade of each building or structure shall be visually compatible with and be in direct relationship to the width of the building and to the height of the front elevation of other existing structures and buildings within the subject historic district.
- c. Proportion of Openings (Windows and Doors):** The openings of any building within a historic district shall be visually compatible with the openings exemplified by prevailing historic architectural styles of similar buildings within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings shall be visually compatible within the subject historic district.

- d. **Rhythm of Solids to Voids:** The relationship of solids to voids of a building or structure shall be visually compatible with existing historic buildings or structures within the subject historic district for all development, with particular attention paid to the front facades.
- e. **Rhythm of Buildings on Streets:** The relationship of buildings to open space between them and adjoining buildings shall be visually compatible with the relationship between existing historic buildings or structures within the subject historic district.
- f. **Rhythm of Entrance and/or Porch Projections:** The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible with existing architectural styles of entrances and porch projections on existing historic buildings and structures within the subject historic district for all development.
- g. **Relationship of Materials, Texture, and Color:** The relationship of materials, texture, and color of the facade of a building and/or hardscaping shall be visually compatible with the predominant materials used in the historic buildings and structures within the subject historic district.
- h. **Roof Shapes:** The roof shape, including type and slope, of a building or structure shall be visually compatible with the roof shape of existing historic buildings or structures within the subject historic district. The roof shape shall be consistent with the architectural style of the building.
- i. **Walls of Continuity:** Walls, fences, evergreen landscape masses, or building facades, shall form cohesive walls of enclosure along a street to ensure visual compatibility with historic buildings or structures within the subject historic district and the structure to which it is visually related.
- j. **Scale of a Building:** The size of a building and the building mass in relation to open spaces, windows, door openings, balconies, porches, and lot size shall be visually compatible with the building size and mass of historic buildings and structures within a historic district for all development. To determine whether the scale of a building is appropriate, the following shall apply for major development only:
  - a. For buildings wider than sixty percent (60%) of the lot width, a portion of the front façade must be setback a minimum of seven (7) additional feet from the front setback line:
  - b. For buildings deeper than fifty percent (50%) of the lot depth, a portion of each side façade, which is greater than one story high, must be setback a minimum of five (5) additional feet from the side setback line:
- k. **Directional Expression of Front Elevation:** A building shall be visually compatible with the buildings, structures, and sites within a historic district for all development with regard to its directional character, whether vertical or horizontal.
- l. **Architectural Style:** All major and minor development shall consist of only one (1) architectural style per structure or property and not introduce elements definitive of another style.
- m. **Additions to individually designated properties and contributing structures in all historic districts:** Visual compatibility shall be accomplished as follows:
  - 1. Additions shall be located to the rear or least public side of a building and be as inconspicuous as possible.
  - 2. Additions or accessory structures shall not be located in front of the established front wall plane of a historic building.
  - 3. Characteristic features of the original building shall not be destroyed or obscured.

4. **Additions shall be designed and constructed so that the basic form and character of the historic building will remain intact if the addition is ever removed.**
5. **Additions shall not introduce a new architectural style, mimic too closely the style of the existing building nor replicate the original design but shall be coherent in design with the existing building.**
6. **Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.**

With regard to **Height**, the second-floor addition, there are existing contributing commercial structures within the historic streetscape that are also at the 2-story level, so there are no concerns with regard to the height of the residential additions.

With regard to **Relationship of Materials, Texture, and Color**, the proposed ground floor and 2<sup>nd</sup> floor additions will be constructed out of CBS with a smooth stucco material with raised smooth stucco bands to create horizontal band designs throughout the structure. Additional design elements include decorative metal grills and entry gate, horizontal metal railings, stucco columns, and concrete eyebrows. Exterior walls will be painted white with two accent colors of Benjamin Moore – Palace Blue (CW 605) and Cranberry Cocktail (2083-20). Windows and doors will be white aluminum with clear glass. Proposed railings throughout the structure will be white aluminum.

Regarding the **Front Façade Proportion**, new arcades are proposed on the front (west) and side (south) of the property and will be the first arcades to exist within the West Settlers Historic District. The arcades will provide shaded walkways forward of the buildings storefronts. The walkways will utilize the same terrazzo material and design that currently exists in front of the property and along NW 5<sup>th</sup> Avenue. Additionally, the proposal includes the construction of landscaping within the adjacent rights-of-way, to ensure compatibility with the historic streetscape.

Regarding **Roof Shapes**, the proposed material will be a flat roof with modified bitumen with a built-up wooden deck for the rooftop terrace. The proposal also includes covered rooftop areas and decorative tile walls adjacent to the proposed outdoor kitchen areas.

Regarding **Rhythm of Solids to Voids**, the proposed structure consists of arcades with storefront windows and doors on the ground floor, meeting the storefront requirements of the CBD. Particular attention has been paid to the front facades along NW 5<sup>th</sup> Avenue and NW 1<sup>st</sup> Street in that the design of the structure can be considered visually compatible with the historic district.

- a. **Proportion of Openings (Windows and Doors): The openings of any building within a historic district shall be visually compatible with the openings exemplified by prevailing historic architectural styles of similar buildings within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings shall be visually compatible within the subject historic district.**

The **Proportion of Openings (Windows and Doors)** is visually compatible with the styles of similar buildings within the historic district as other commercial structures exist in the area with storefronts. With respect to the upper floor residential units, the window proportions are a bit larger than the prevailing style for other multi-family residential uses but are consistent with the proposed window opening for the overall structure. It is noted that the north side of the building only consists of two window openings, given its close proximity to an adjacent two-story structure. The openings on the rear

of the structure can be considered appropriate for the structure and the district, which include windows, balcony recesses, and decorative metal detailing.

As for the proposed **Additions** and **Architectural style**, the existing structure is non-contributing to the historic district. The existing structure does not possess architectural features that would be considered contributing to the district in the future, largely due to the fact that the façade of the structure has been altered. The proposed architectural style of Art/Streamline Moderne is a style within the historic period of significance for the historic district. The Streamline Moderne style was created in the 1930s as a more simplified version of the Art Deco architectural style that appeared in the 1920s. While the Art Deco style emphasized vertical lines and elements, Streamline emphasized more horizontal style. The overall appearance of Streamline Moderne was very clean and smooth without any harsh corners on the building. According to the 1997-2000s Resource Survey for the West Settlers Historic District, there is only one structure existing in the Art Deco architectural style existing within the district. The 1946 structure is located at 53 NW 5<sup>th</sup> Avenue and was known as The Green Inn. The building's style includes a stepped central parapet, block glass windows, and clean lines that are significant to the Moderne style. The structure, as with most structures within the West Settlers Historic District, had modest designs which differentiated the community from its adjacent neighbors where architectural styles were designed with larger more elaborate elements.



The proposed Art/Streamline Moderne structure incorporates the softened corners and clean lines throughout the building along with some decorative metal features used over some of the residential windows and entrance gates. The three existing block glass windows on the side (east) elevation will be retained, where the existing one-story structure remains. The Art/Streamline Moderne architectural style is a more simplified version of Art Deco style; however the board must determine how appropriate and visually compatible the proposed Art/Streamline Moderne style is for the West Settlers Historic District.

### ARCHITECTURAL ANALYSIS

Pursuant to LDR Section 4.6.18(E), Criteria for Board Action, the following criteria shall be considered by the Historic Preservation Board (HPB) in the review of plans for building permits. If the following criteria are not met, the application shall be disapproved:

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.

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.
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.

A complete review of the elevations and aesthetics can be found in the Historic Analysis section of this report. The development proposal is also subject to the requirement for Visual Compatibility pursuant to LDR Section 4.5.1(E)(7), which provides for a specific analysis of the exterior of the proposal as it is situated within the West Settlers Historic District. As previously mentioned, the existing structure currently has no defined architectural style. Decorative elements that currently exist on the structure include the front portico with columns, decorative arched eyebrows over the windows, and block glass windows on the side (east) interior of the building. The proposed design of the structure is in the Art/Streamline Moderne style. The structure is considered a non-contributing resource to the West Settlers Historic District. The design of the existing building has been taken into account with the proposed modifications and the board will need to determine that the proposal meets the requirements of this code section.

**Pursuant to LDR Section 4.4.13(K)(3) Historic Preservation Board. Any development of properties located within a Historic District or Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I) is subject to review by the Historic Preservation Board (HPB), pursuant to Article 2.1. Architectural styles are determined by those which are both permitted in the CBD and identified as appropriate for the historic district based on the Period(s) of Significance per the adopted Ordinance.**

The proposed architectural style for the subject property is Art/Streamline Moderne. The Art Deco and Streamline Modern styles are found within the CBD and Art Deco can be found within the West Settlers Historic District, the request does not require a recommendation from HPB to City Commission for the approval of the proposed architectural style. Therefore, HPB would be the approving body to review and approve the style and ensure its compliance with the LDRs. The proposal incorporates architectural elements that can be considered in conformity with good taste, good design, and is anticipated to contribute to the improvements of the West Settlers Historic District.

**WAIVER ANALYSIS**

**CBD WAIVER CRITERIA:**

**Pursuant to LDR Section 2.1.9(E)(12)(h)- The Historic Preservation Board - Board Actions. The Board hereby has the authority to take action on the following items associated with property, sites, and structures located within a Historic District or for Individually Designated Sites as listed on the Local Register of Historic Places in Section 4.5.1(I), pursuant to the procedures and standards of the LDR:**

**(h) Waivers within the Central Business District.**

**Pursuant to 2.4.11(B)(4)(b)(2) Waivers on Historic Properties or Sites. For waiver requests, including those to the requirements of the CBD zoning district, the Historic Preservation Board (HPB) shall take final action on property under its purview.**

## **WAIVER REQUEST**

**Pursuant to LDR Table 4.4.13(C) - Rear Setback, the required rear setback is a minimum of 10'.** The subject waiver is to allow a reduction in the required rear (north) setback from 10' to 5'1" - 5'7" for the construction of a new addition for ground floor commercial use and second floor residential uses.

## **LDR FINDINGS:**

### **a. Shall not adversely affect the neighboring area;**

The north side of the structure is considered the rear for setback purposes and currently exists at a 31' 8½" setback. The proposal is to provide a 5'1" - 5'7" setback on the rear (west) side of the property. The lot is only 51' x 76.50' and contains 3,902 sq. ft. The north side of the property is the only area on the small lot where an addition could be accommodated (aside from a vertical addition). Additionally, given the fact that the front of the property (for setback purposes) is technically SW 1<sup>st</sup> Avenue, the north side of the property serves as the rear. Yet NW 5<sup>th</sup> Avenue is the commercial corridor for the West Settlers Historic District, requiring a 10' setback on the north breaks the continuity of the commercial streetscape. Therefore, the design of the proposal provides a better pedestrian experience along NW 5<sup>th</sup> Avenue, by placing the buildings closer together, which is typical of downtown commercial areas. The board will need to make a determination that the proposed configuration will not adversely affect the neighboring area.

### **b. Shall not significantly diminish the provision of public facilities;**

The subject request for relief is not anticipated to significantly diminish the provision of public facilities. The proposal does include the provision of arcades within the right-of-way on the south and west sides of the property, where the setback will also be reduced as requested. Public facilities will be accommodated as required by code.

### **c. Shall not create an unsafe situation; and,**

The subject request is not anticipated to create an unsafe situation as the relief request specifically pertains to the north side of the property and will allow for a continuous pedestrian experience incorporated with the proposed arcade.

### **d. Does 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 waiver request will facilitate the expansion of an existing commercial business within the West Settlers Historic District and is not expected to grant any special privileges in that the same waiver could be granted under similar circumstances.

## **Within the CBD, the following additional Waiver findings are applicable:**

### **1. The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.**

Given the fact that the front of the property (for setback purposes) is technically SW 1<sup>st</sup> Avenue, the north side of the property serves as the rear. Yet NW 5<sup>th</sup> Avenue is the commercial corridor for the West Settlers Historic District. Literal interpretation of the code requires a 10' setback on the north, which could break the continuity of the commercial streetscape and the pedestrian experience. The proposed design provides a better pedestrian experience along NW 5<sup>th</sup> Avenue, by placing the buildings closer together, which is typical of downtown commercial areas.

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

As the subject request only affects north setback of the structure, and the proposed setback still permits enough space to accommodate refuse area and a/c equipment, there are no concerns

that the granting of this waiver would have a negative effect on any adjacent structures or uses of land.

**3. The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/ pedestrian master plan.**

The subject request proposes an arcade with storefront along NW 5<sup>th</sup> Avenue and NW 1<sup>st</sup> Street which ensures a walkable experience for pedestrians by not creating a large expanse or break in the streetscape.

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

As the existing site is smaller than the 20,000 square feet requirement for open space, the request is not required to provide a civic open space.

**FINDINGS AND PERFORMANCE STANDARDS**

Pursuant to LDR Section 2.4.10(A)(3)(b), Level 2, Level 3, and Level 4 Site Plan applications require compliance with the findings in Chapter 3, Performance Standards.

**LDR 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.**

A complete review and analysis of the request based on the Required Findings of LDR Section 3.1.1 are provided throughout the following report sections.

**LDR SECTION 3.1.1(A) - LAND USE MAP**

The subject property has a Land Use Map (LUM) designation of CC (Commercial Core) and a zoning designation of CBD (Central Business District) The zoning district is consistent with the Land Use Map designation. The proposed commercial uses are permitted. Positive findings can be made with respect to Future Land Use Map consistency.

**LDR SECTION 3.1.1(B) - CONCURRENCY**

As described in Appendix "A", a positive finding of concurrency can be made as it relates to water and sewer, streets and traffic, drainage, and solid waste.

**LDR SECTION 3.1.1(C) - CONSISTENCY**

As described in Appendix "B", a positive finding of Consistency can be made as it relates to Standards for Site Plan Actions (LDR Section 3.2.3).

**LDR SECTION 3.1.1(D) - COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS**

As described under the Site Plan Analysis section of this report, a positive finding of compliance with the LDRs can be made, provided the conditions of approval are met.

The development proposal involves change of use, modifications to existing architectural elevations, and to site design. Specifically, the proposal includes additional commercial space and three new residential units on the second floor with rooftop terraces. The board will need to determine that positive finding can be made with respect to compliance with the LDRs.

## COMPREHENSIVE PLAN

**Pursuant to the Historic Preservation Element (HPE), Objective 1.4, Historic Preservation Planning: Implement appropriate and compatible design and planning strategies for historic sites and properties within historic districts.**

The objective shall be met through continued adherence to the City's Historic Preservation Ordinance and, where applicable, to architectural design guidelines through the following policies:

**HPE Objective 1.4 - 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.**

The development proposal involves the request for the ground floor additions, construction of a second-story residential addition above a one-story non-contributing commercial structure and exterior modifications. There are no concerns with respect to soil, topographic or other physical considerations. With respect to the adjacent land uses, the property is in an historic district that is comprised of commercial, single-family, and multi-family uses. The board will need to make a determination that the proposal can be found to be consistent with the requirements of this Comprehensive Plan Policy.

**Historic Preservation Element 1.4.1 Prior to approval or recommending approval of any land use or development application for property located within a historic district or designated as a historic site, the Historic Preservation Board must make a finding that the requested action is consistent with the provisions of Section 4.5.1 of the Land Development Regulations relating to historic sites and districts and the "Delray Beach Design Guidelines".**

The board will need to make a determination that the alterations are consistent with the requirements of the Comprehensive Plan, and the provisions of LDR Section 4.5.1 relating to historic sites and districts as well as the "Delray Beach Historic Preservation Design Guidelines".

## SITE PLAN TECHNICAL ITEMS

1. That prior to certification the applicant will need to submit the approved SCAD form.
2. That the 5' R.O.W dedications must be completed prior to submittal of a building permit.
3. That a Pedestrian Clear Zone Easement be submitted for review by the City Attorney and approved by the City Commission prior to submittal of a building permit.
4. That a landscape maintenance agreement be completed prior to submittal of a building permit.
5. That a right-of-way agreement acceptable to the City Attorney will need to be submitted and approved by the City Commission prior to submittal of a building permit.
6. That the applicant include documentation to show compliance with the standards to reduce urban heat islands for both roofed and non-roofed areas of development within the CBD.
7. That the number of bikes for the bike rack are included on the site data table and a detail of the bike rack be included with the plan set.
8. That existing and proposed building square foot calculations are consistent through the plan set.
9. Include all proposed fencing on the site plan.
10. Revise photometric plan to ensure it meets the Lighting requirements of LDR Section 4.6.8.
11. That the park impact fee of \$500.00 per dwelling unit will be collected prior to issuance of a building permit.

**ALTERNATIVE ACTIONS**

- A. Move to continue with direction.
- B. Approve the Level 2 Site Plan Modification, Certificate of Appropriateness, and Waiver (2024-164), for the property located at **103 NW 5th Avenue, West Settlers Historic District**, by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.
- C. Approve Level 2 Site Plan Modification, Certificate of Appropriateness, and Waiver (2024-164), for the property located at **103 NW 5th Avenue, West Settlers Historic District** by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, subject to the following conditions:
- D. Deny Level 2 Site Plan Modification, Certificate of Appropriateness, and Waiver (2024-164), for the property located at **103 NW 5th Avenue, West Settlers Historic District**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations.

**PUBLIC AND COURTESY NOTICES**

<input checked="" type="checkbox"/> Courtesy Notices were provided to the following, at least 5 working days prior to the meeting: <input checked="" type="checkbox"/> West Settlers Historic District Homeowners Association	<input checked="" type="checkbox"/> Public Notices are not required for this request. <input checked="" type="checkbox"/> Agenda was posted on 4/30/25, 5 working days prior to meeting.
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**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:

Water and sewer services are existing on site. Pursuant to the Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South-Central County Waste Water 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.

Drainage:

Drainage and water run-off will be addressed through the on-site retention and exfiltration trenches. There should be no impact on drainage as it relates to this level of service standard.

Transportation:

The proposed project results in an increase of two peak hour AM trips and four peak hour PM trips. Because the site generates fewer than 37 peak hour trips, a full traffic study is not required. Furthermore, this residential project is allowed an exception from the traffic concurrency standards. Therefore, the project meets the Palm Beach County Traffic Performance Standards.

Parks and Recreation:

**Pursuant to LDR Section 5.3.2**, a park impact fee of \$500.00 per dwelling unit will be collected prior to issuance of a building permit.

Solid Waste:

The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054.

Schools:

The applicant submitted a SCAD letter in June 2024. Prior to certification the applicant will need to submit the approved form.

**APPENDIX "B"**  
**CONSISTENCY FINDINGS & STANDARDS FOR SITE PLAN ACTIONS**

**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.**

Not applicable \_\_\_\_\_  
Meets intent of standard  X

Does not meet intent \_\_\_\_\_

**B. All development shall provide pedestrian, bicycle, and vehicular interconnections to adjacent properties, where possible, and include accessible routes from the entry points of publicly-accessible buildings to the sidewalk network in accordance with the Americans with Disabilities Act (ADA).**

Not applicable \_\_\_\_\_  
Meets intent of standard  X   
Does not meet intent \_\_\_\_\_

**C. Open space enhancements and recreational amenities shall be provided to meet Objective OPR 1.4 and other requirements of the Goals, Objectives and Policies, as applicable, of both the Open Space, Parks, and Recreation Element and Conservation Element.**

Not applicable \_\_\_\_\_  
Meets intent of standard  X   
Does not meet intent \_\_\_\_\_

**D. Any proposed street widening or modifications to traffic circulation shall be evaluated by the City, and if found to have a detrimental impact upon or result in the degradation of an existing neighborhood, the request shall be modified or denied.**

Not applicable \_\_\_\_\_  
Meets intent of standard  X   
Does not meet intent \_\_\_\_\_

**E. Development of residentially zoned vacant land shall be planned in a manner consistent with adjacent development regardless of zoning designations.**

Not applicable \_\_\_\_\_  
Meets intent of standard  X   
Does not meet intent \_\_\_\_\_

**F. Property shall be developed or redeveloped in a manner so that the 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.**

Not applicable \_\_\_\_\_  
Meets intent of standard  X   
Does not meet intent \_\_\_\_\_

**G. Development shall provide a variety of housing types that accommodates the City's growing and socio-economically diverse population to meet the Goals, Objectives, and Policies the Housing Element.**

Not applicable \_\_\_\_\_  
Meets intent of standard  X

Does not meet intent \_\_\_\_\_

**H. Consideration shall be given to the effect a development will have on the safety, livability, and stability of surrounding neighborhoods and residential areas. Factors such as but not limited to, noise, odors, dust, and traffic volumes and circulation patterns shall be reviewed and if found to result in a degradation of the-surrounding areas, the project shall be modified accordingly or denied.**

Not applicable \_\_\_\_\_  
Meets intent of standard   X    
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   X    
Does not meet intent \_\_\_\_\_

**J. Tot lots and recreational areas, serving children, teens, and adults 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   X    
Meets intent of standard \_\_\_\_\_  
Does not meet intent \_\_\_\_\_

**K. Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program: development in all other areas shall not exceed the Standard density. (Ord. No. 23-20, § 12, 9-10-20)**

Not applicable   X    
Meets intent of standard \_\_\_\_\_  
Does not meet intent \_\_\_\_\_

**L. Development shall meet the intent of CSR 5, Energy Efficiently and Diverse Energy Mix and, where applicable, the requirements of LDR Section 7.11.1, Green Building Regulations.**

Not applicable \_\_\_\_\_

HISTORIC PRESERVATION BOARD TBA May 7, 2025  
103 NW 5th Avenue

Meets intent of standard   X    
Does not meet intent \_\_\_\_\_

Review No.	Submittal Date	TAC Comments Transmitted	Fee Due with Next Submittal?:
1	6/5/2024	6/21/2024	No <input checked="" type="checkbox"/> Yes _____ Amount: _____
EX	Extension Request	12/6/2024	Approved on 11/14/2024 (deadline to respond to Notice of Closure letter - 11/15/24)
EX	Extension Request	12/20/2025	Approved on 12/13/2024
2	12/19/2024	1/16/2025	No <input checked="" type="checkbox"/> Yes _____ Amount: _____
EX	Extension Request	03/7/2025	Approved on 2/24/2025
3	3/5/2025	Determined Board Ready 3/20/2025	No <input checked="" type="checkbox"/> Yes _____ Amount: _____