



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

SITE PLAN REVIEW AND APPEARANCE BOARD

Delray Central

| Meeting | File No. | Application Type |
|---------------------------|---------------------------|--|
| March 22, 2023 | 2021-137 | Class IV Site Plan |
| Applicant | Property Owners | Authorized Agent |
| G&C Arbors Investors, LLC | G&C Arbors Investors, LLC | Dunay, Miskel, and Backman, LLP Bonnie Miskel, Esq. |

Request

Consideration of a Class IV Site Plan Modification, Landscape Plan, and Architectural Elevations for Delray Central, located at 1615 & 1625 South Congress Avenue, associated with the addition of an eight-story building containing 1,095 square feet of non-restaurant, commercial use and 271 residential units, including amenities and an attached eight-level parking structure.

Site Data & Information

Location: 1615 & 1625 South Congress Avenue
PCN: 12-43-46-30-10-001-0000, 12-43-46-30-11-001-0000
Property Size: 12.135 acres

Land Use Map Designation: Congress Avenue Mixed-Use (CMU)
Zoning: Mixed Residential, Office, Commercial (MROC)

Adjacent Zoning:

- **North:** MROC
- **South:** Industrial (I)
- **East:** Conservation District (CD)
- **West:** Multi-family Residential, Medium Density (RM), Special Activities District (SAD), General Commercial (GC)

Existing Land Use: Office

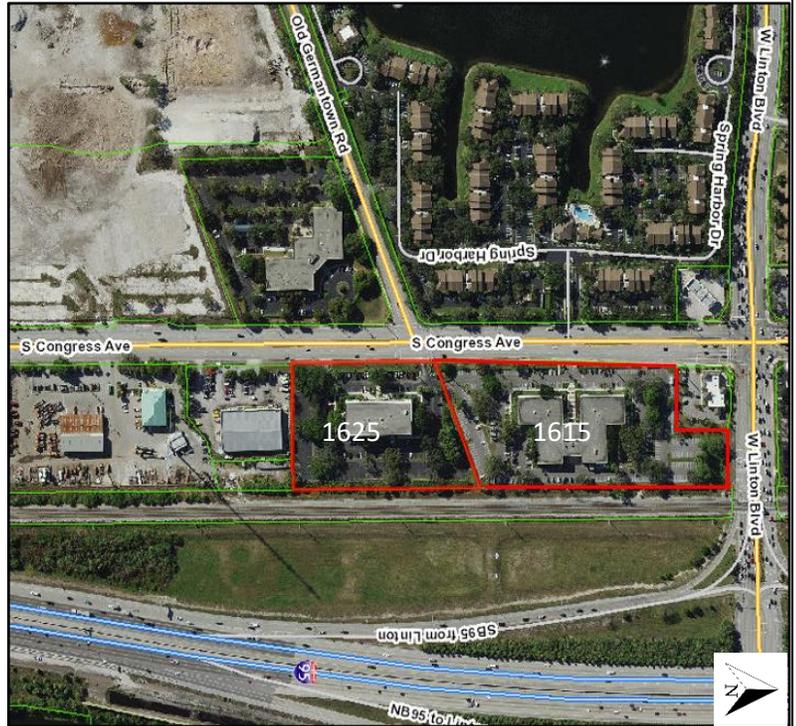
Proposed Land Use: Office (within two existing buildings), Residential (271 units within new building), and commercial (1,095sf non-restaurant within new building)

Floor Area Ratio:

- **Existing:** 0.34
- **Proposed:** 1.31
- **Maximum Allowed:** 2.5

Density:

- **Existing:** NA
- **Proposed:** 22.33 du/acre (271 units)
- **Maximum Allowed:** 40 du/acre



Background Information

The subject properties are generally located at the southeast corner of West Linton Boulevard and South Congress Avenue at the southern terminus of Old Germantown Road. The northernmost property, which consists of 7.19 acres, is located at 1615 South Congress Avenue, and contains an 80,580 GSF 2-story office building and associated parking (449 surface parking spaces). The southernmost property, which consists of 4.94 acres, is located at 1625 South Congress Avenue, and contains a 101,006 GSF 4-story office building and associated parking (350 surface parking spaces). Both buildings were constructed in the early 1980s, are leased, and contain active office uses.

Given the location within the MROC zoning district, approval of a Master Development Plan (MDP) is required prior to the review and consideration of a site plan. The current request is for the addition of an eight-story building containing 1,095 square feet of non-restaurant, commercial use and 271 residential units, including amenities and an attached eight-level parking structure. The MDP was reviewed and approved as follows:

- May 16, 2022: The Planning and Zoning Board denied the MDP request and four related waivers.
- August 9, 2022: The City Commission conducted a *de novo* consideration of the MDP and four related waivers and directed the applicant to revise the plan and return to the Planning and Zoning Board. The City Commission's direction specified reducing the number of requested waivers, increasing open space, reducing the landscape waiver requests, and improving the mobility and connectivity on the site and to the surrounding area.
- October 17, 2022: The Planning and Zoning Board considered a revised MDP based on the City Commission's direction. The Board denied the MDP and two remaining waivers regarding the front setback and parking adjacent to Congress Avenue.
- December 6, 2022: The City Commission approved the MDP and two related waivers following a *de novo* consideration of request. The two waivers approved with the MDP are:
 1. Front Setback Increase - LDR Section 4.4.29(G)(2)(g)(1), to allow a maximum 90'-10" front setback from the west property line along Congress Avenue in lieu of the 20-foot front setback along Congress Avenue.
 2. Parking Adjacent to Congress Avenue - LDR Section 4.4.29(H)(11), to allow parking adjacent to Congress Avenue (an existing nonconformity that is reduced by the MDP).

The approved MDP provided for 271 dwelling units at 22.33 du/ac includes the provision of 20% workforce housing units (20% of 271 units = 54.2) at the moderate average median income level (80% to 120% AMI) for Palm Beach County. The moderate-income level is defined as "a household with a gross combined income between 81 and 120 percent of the Palm Beach County Area Median Income..." The FY2022 Area Median Income (AMI) was \$90,300. The moderate-income levels ranging from 80% to 120% were \$51,500 (1-person household at 80%) to \$163,392 (10-person household at 120%). Since the development does not exceed the base density of the MROC district, the workforce housing units are a community benefit the applicant is providing beyond the LDR requirements. The units will be proportionately distributed, as typically required for income restricted units, throughout the unit types as "floater" units; see sheet AS 1.12.

It is important to note in 2019, the Florida Legislature adopted HB 7103, amending s. 125.01055, F.S. to require municipal governments fully offset all costs to a developer of a required affordable housing contribution, either monetarily or via incentives. The legislative change has been interpreted such that required "set asides" whereby a percentage of all units must be income qualified is not permissible; however, affordability requirements paired with density incentives are. Therefore, the 20% Workforce Housing requirement in the MROC district was revised to apply only to projects that propose to exceed the established base density of 32 du/ac.

The graphic below is the approved MDP, which illustrates the approved overall layout of the site and includes the new eight-story structure located in the center of the site, between the existing office buildings, general improvements to the landscaping, open space, and surface parking modifications.



Description of Proposal

Delray Central incorporates a new building centrally located between two existing office buildings. The 8-story mixed use building includes 1,095 square feet of non-restaurant, commercial space and 271 residential rental units with a mix of unit types consisting of 136 one-bedroom units, 121 two-bedroom units, and 14 three-bedroom units. The rear of the building consists of an 8-level parking garage with 585 spaces. The residential amenities include a gym and yoga space, central courtyard area with swimming pool, bike storage room, a co-working/conference room, and on-site leasing office.

Site improvements include the provision of multiple 'pocket parks' along South Congress Avenue that include enhanced landscaping and seating areas, and a shared-use path along the rear of the property. In addition to these added landscape and open space features, the existing landscape islands throughout the parking area are modified to comply with the City's minimum requirements. The site improvements will increase the existing amount of open space on the site to 27.31%. The two parcels, which are currently operating independently of one another, will be unified as one development and the respective access drives will be interconnected. Access to all elements of the development is provided from three driveways off South Congress Avenue.

The MROC district is specifically prescribed to ensure the distribution and allocation of a mix of uses throughout the corridor in a transit-oriented development (TOD) pattern that encourages the inclusion of workforce housing. Therefore, the MROC district allows higher density and stand-alone residential buildings in closer proximity to the Tri-Rail Station, while mixed-use buildings are required when development is further than 1,000 feet from the Tri-Rail station. Additionally, the MROC Special Regulations require that, "Multi-family dwelling units may be located...in mixed-use buildings that contain a combination of residential and non-residential uses. However, where residential uses are located in structures having frontage on Congress Avenue except if development is 100 percent residential within 1,000 feet of the Tri-Rail Transit station, there must be nonresidential uses fronting on Congress Avenue on the ground floor." Given this requirement, residential units are not located on the ground floor of the new building facing South Congress Avenue. The new building has 1,095 SF of commercial tenant space on northwest corner and arranges amenities to the residential uses, including a co-working space, gym, mail room, and leasing office facing Congress Avenue. The mix of uses in the development is provided via the varied uses among the three buildings on the site.

The building is set back from South Congress Avenue approximately 90 feet, and generally in line with the two adjacent office buildings that contain two and four stories. Similar to other recent development proposals within the city, the architecture delivers a contemporary design that is customary and typical for a suburban mid-rise, mid-density residential development. Subtle breaks and recesses across the façade, as well as shifts in the color palette, strive to introduce interest and movement across a façade that is otherwise very rectangular and repetitive in its design language.



Following the approval of the MDP, the SPRAB's consideration of the Class IV Site Plan Modification is primarily focused on the details of the implementation of the project, such as architectural elevations, landscape species and design, unit layouts, etc. The basic configuration of the changes, the number of units, and the anticipated scale of the project were considered with the approval of the MDP and associated waivers.

Review & Analysis: Site Plan and Zoning

LDR Section 2.4.5(G)(1)(e), Class IV Site Plan Modification

A modification to a site plan which represents either a significant change in the intensity of use or significant changes which affect the spatial relationship among improvements on the land, requiring full review of Performance Standards found in Section 3.1.1.

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.

3.1.1(A), 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 Land Use Map.

The subject property has a Land Use Map designation of CMU, and a zoning designation of MROC, which are compatible with each other. Pursuant to Section 4.4.6 (l)(2), multiple-family dwellings are a permitted use (subject to additional requirements) at the location with a "standard" density of 32 dwelling units per acre so long as they are proposed as part of a mixed-use development containing office and/or commercial uses; the project, through the MDP approval, provides 22.33 dwelling units per acre and includes a small commercial (1,095 sf) component in the ground floor of the new building. Office uses will be maintained in two existing buildings. The FAR limitation of the CMU land use is 2.5. The FAR of the project, including both the existing buildings and the proposed structures (including the garage levels) is 1.31.

3.1.1(B), Concurrency

Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.

Potable Water and Sewer Municipal water service and sewer service is available via connections along South Congress Avenue; a thorough review of the connection locations and types will be conducted during the site plan review, which requires complete engineering plans. Pursuant to the Comprehensive Plan, treatment capacity is available at the South-Central County Waste Water Treatment Plant for the City at build-out.

Drainage. Drainage and water run-off will be addressed through on-site retention at the north end of the site and an exfiltration trench system throughout the site, which should not impact the level of service standard.

Transportation: A Traffic Performance Standards (TPS) letter has been provided by Palm Beach County indicating the project meets concurrency standards with an anticipated new peak our trip generation of 80 AM trips and 107 PM trips. The County has required the property owner or developer to restrict the proposed driveway on Congress Avenue to a right-in / left-in/ right-out only, prohibiting any left-out movements. For the purposes of traffic concurrency, the general commercial land use category does not include restaurants. If the commercial space is proposed for conversion to restaurant in the future, the traffic concurrency review will need to be reanalyzed. Comments by the Planning and Zoning Board at the previous review included a desire for a more significant commercial tenant space in the proposed building. Plan sheet A.101 shows a larger tenant space (1,483 SF). If the intent is to enlarge the commercial space, the TPS review will need to be updated and the data and parking tables updated on the plant sheets prior to certification.

Parks and Open Space: A park impact fee of \$500 per residential unit will be applied at time of building permit; 271 units = \$135,500.00.

Solid Waste: The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals until the year 2054. The anticipated amount of waste is calculated for each use, and totals approximately 1,026.08 tons per year and represents an increase by 544.87 tons/year generated by the new development.

- Residential: 1.99 tons per unit per year (271 units = 539.29 tons)
- Commercial (Store/Retail): 10.2 pounds per square foot per year (1,095sf = 11,169 pounds = 5.58 tons)
- Office: 5.4 pounds per square foot per year (178,226sf = 962,420.4 pounds = 481.21)

Refuse collection is provided through the two trash chutes located on each of the residential floors and collected in a trash room adjacent to the northern garage entrance; the trash room includes recycling collection, as well.

Schools: A review (dated May 12, 2022) by the Palm Beach County School District for compliance with the adopted Level of Service for School Concurrency indicates that there will be no negative impact on the public school system. The review is valid for one year and will expire on May 11, 2023.

Fire Concurrency: In addition to the concurrency review above, Delray Beach Fire-Rescue will require Delray Central to undergo a Fire Department Service Delivery Concurrency Evaluation in accordance with NFPA 1, Chapter 15. Proposed developments that would increase the fire department's service population by more that 1 percent shall be subject to the above referenced evaluation. This requirement is included as a technical note for the site plan and required prior to the issuance of a building permit.

3.1.1(E), Consistency

A finding of overall consistency may be made even though the action may be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.

The applicable subsections of Article 3.2, Performance Standards, are Section 3.2.1, which requires a determination of consistency with the Comprehensive Plan, and Section 3.2.3, which provides standards for site plan actions.

Section 3.2.3, Standards for site plan and/or plat actions

The proposed development generally meets the Standards, which address impacts on the surrounding area, traffic circulation, multi-modal connections and other considerations to ensure quality development throughout the city that addresses the needs of Delray Beach's diverse population. The standards provided below are those that either merit consider additional consideration by the Board or require emphasis given the proposed improvements.

(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).

Significant interconnections throughout the site have been provided and incorporate connections to the crosswalk at the intersection of South Congress Avenue and Old Germantown Road. This crosswalk connection is important given the approved mixed-use development (Parks at Delray) that is anticipated to provide an array of commercial opportunities for the area, including the future residents at Delray Central.

(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.

In addition to the civic pocket park areas located along South Congress Avenue, other open space enhancements are located within the development, including a tot lot and dog park situated between the residential building and the office to the north. In addition to the requisite buffers surrounding the property, the applicant is providing a 10-foot wide shared-use path and easement along the rear of the property that will ultimately connect to other easements provided along the railroad corridor to provide an alternate bike-ped route.

(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.

The proposal is fulfilling anticipated land uses, by providing an additional 271 residential units, with 20% of the units designated as workforce housing. The intensity and density of the project is also appropriate given the parameters set by the Comprehensive Plan for the FAR and density. The project is indicative of the more recent evolution of Congress Avenue where there is a desire for more residential uses to complement the existing commercial development, encourage new commercial development, and maximize the transit opportunities in the area. This project added a Palm Tran shelter at the front of the property.

(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.

The proposal includes a mix of one, two, and three-bedroom units, 20 percent of which will be provided for median income workforce housing; both the mix provided, and the workforce housing units will assist meeting this Standard. The mix is, however, predominantly one and two-bedrooms (257 of the 271 units). The LDR requires that when workforce housing is provided that a proportionate mix of market rate to workforce units be provide. The project has provided the appropriate proportions. Projects that are required to provide workforce housing cannot provide more than 30% of the total number of units as one-bedroom; however, this limitation is not applicable to this project as the workforce housing is not required by the LDR.

(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.

While there will be an inherent impact on vehicular traffic in the area resulting from the new units, the overall additional development should not have a negative impact on the surrounding neighborhoods and other commercial areas. It is anticipated that the future residents would also take advantage of the commercial opportunities in close proximity and use the pedestrian and bicycle connections rather than drive for every trip to the closer destinations. A letter from the County has been received indicating the project meets transportation standards, as Congress Avenue is under the County's purview. For vehicular circulation, there are three connections to South Congress Avenue, one of which is aligned with the intersection at Old Germantown Road.

Comprehensive Plan

Overall, the proposed application is consistent with the applicable Goals, Objectives, or Policies of the Comprehensive Plan, particularly those of the Neighborhood, Districts, and Corridors Element. The additional development on the lot remains within the parameters of the CMU regulations that encourage development at a scale consistent with the development pattern found throughout the adjacent area, with incentive to encourage redevelopment and revitalization along prominent corridors within the city. While the current pattern

is off a lesser scale, the LDR anticipates larger scale development, particularly when adjacent to the I-95 corridor where there will be less impact on adjacent properties of a lower scale, particularly if they are residentially zoned.

Neighborhoods, Districts, and Corridors Element

Objective 1.3: *Apply the mixed-use land use designations of Commercial Core, General Commercial, Transitional, Congress Mixed-Use, and Historic Mixed-Use to accommodate a wide range of commercial and residential housing opportunities appropriate in scale, intensity, and density for the diverse neighborhoods, districts, and corridors in the city.*

Policy NDC 1.3.1: *Apply mixed-use land use designations to foster development patterns that support pedestrian and bicycle activity, stimulate public transit ridership, and create a park-like environment.*

Policy NDC 1.3.2: *Apply the mixed-use land use designation that best maintains the scale, density, intensity, and enhances the character of the surrounding neighborhood, district, or corridor.*

Policy NDC 1.3.3: *Apply the density and intensity in mixed-use land use designations to encourage adaptive re-use, development, and redevelopment that advances strategic, policy-driven goals, such as diverse residential housing opportunities, sustainable building practices, historic preservation, public parking, civic open space, or economic development strategies.*

Policy NDC 1.3.17: *Allow a maximum floor area ratio (FAR) of 2.5, and a standard density up to 40 dwelling units per acre with a revitalization/incentive density up to 50 dwelling units per acre for properties with a Congress Avenue Mixed Use land use designation to encourage a mix of uses and continue to transform the Congress Avenue corridor as a destination and great street.*

Policy NDC 1.3.18: *Use the Congress Avenue Mixed Use future land use designation to accommodate a variety of commercial, office, and residential uses that provide development intensities that advance economic growth, provide incentives for transit-oriented development, and create multimodal development patterns along the Congress Avenue corridor, south of West Atlantic Avenue.*

The CMU land use designation provides a foundation for the MROC zoning district, which strives to create a corridor with a mix of commercial uses supported by residential uses, with higher densities offered based on proximity to the commuter rail transit service and as an incentive for the inclusion of workforce housing. The proposed development results in a mix of uses on a single site by maintaining the existing office buildings and adding residential units and a small commercial space in a new building. The desired mix of uses on the site are those that can support the residents of the property and reduce trips to/from the site. The introduction of residential uses with the office uses provides an opportunity to live and work on the site. Restaurant uses are not provided and only a small space provides the option for retail or personal services; however, the impact of the large mixed-use development (Parks at Delray) across Congress Avenue must be considered, both from a market and benefit perspective. Parks at Delray will provide access to an array of non-residential uses (i.e. a grocery store) that will benefit the office workers and residents of Delray Central, provided the mobility connections are in place to facilitate multi-modal access.

The addition of 271 residential units to the site complies with the maximum density allowed per the Always Delray Comprehensive Plan and LDR (maximum 40 du/ac allowed, 22.33 du/ac proposed). The resulting FAR, which includes the parking garage, is also in compliance as the maximum allowed is 2.5, and approximately 1.3 will result with the addition of the proposed building.

Housing Element

Policy HOU 5.1.1 Encourage construction of mixed-income housing developments to avoid a concentration of affordable units in one development or neighborhood and to provide a full range of residential unit types and prices.

Policy HOU 5.1.2 Support a robust and diverse supply of housing options to meet the needs of all residents, including older adults and residents with disabilities, with an emphasis placed on those units located in close proximity to services and transit.

The location of the proposed development provides future residents with access to services and transit. The project proposes 271 units, comprised of 136 one-bedroom units, 121 two-bedroom units, and 14 three-bedroom units. The commitment to dedicate 20% of the units as workforce housing will contribute 55 units to the City's supply and reduce the demand gap for housing for moderate income workers in Delray Beach.

Mobility Element

Policy MBL 2.2.3: *Create bicycle/pedestrian paths along canal, rail, and public corridor rights-of-way as part of an interconnected network of greenways, parks, and open spaces, for non-motorized transportation.*

Policy MBL 2.4: *Integrate local transit stops into existing and future development to provide convenient access to destinations, safe and comfortable waiting areas, and other amenities to improve the rider experience and increase transit ridership in the City.*

Objective MBL 2.5: *Optimize Connectivity Maintain safe and effective operation of the transportation network through optimization of connectivity.*

Policy MBL 2.5.2: *Ensure safe vehicular, pedestrian, and bicycle operations in all new development, redevelopment, and on all City streets, including at driveway entrances and at intersections.*

Policy MBL 2.5.3: *Establish connectivity between transportation modes as an integral part of providing overall mobility.*

The MDP proposes a string of landscaped plaza features along South Congress Avenue, including a transit stop, that are linked to the existing and proposed buildings. The design provides a greenway with areas of respite along the South Congress Avenue sidewalk.

A 1,450-foot long linear (over a quarter mile) section of shared-use path is provided along the CSX railway, complying with Mobility Policy 2.2.3. The path provides an alternative bike-ped route parallel to South Congress Avenue, which is auto-dominated, a connection to Linton Boulevard, which is another important city corridor, and establishes a significant portion of the link in the path intended to eventually connect the Tri-Rail Station. The Florida Greenbook (published by the Florida Department of Transportation) requires such pathways to be 10 to 14 feet wide and only allows an eight-foot-wide path where right-of-way is constrained. The proposed path is eight feet wide, which staff found compliant with the Florida Greenbook based on the presence of utilities, drainage, and existing parking on the site.

For the benefits of mixed use to be realized, particularly in trip capture and traffic alleviation, appropriate bike-ped links are critical among the buildings on the site, the tot lot, and parking areas, as well as to external destinations. Parks at Delray is across South Congress Avenue and the light at Germantown Road provides a safe pedestrian and bicycle crossing point to access the stores, restaurants, and future neighbors. The main adjustments to the MDP from previous version are the reconfiguration of the vehicular route and a higher level of detail and connectivity for pedestrians. The vehicular route from the entry point at the South Congress Avenue - Germantown Road intersection has been reconfigured to a two-way lane, circulating through the new garage, and then north of the office building at 1615 South Congress Ave. The detailing of the intersection on the site plan includes paver brick, a traffic calming technique, and crosswalk details to emphasize pedestrian routes.

Since the project relies upon achieving mixed-use through a mostly horizontal arrangement of uses, the mobility links for pedestrians and cyclists both within the site and to the surrounding area were scrutinized. Missing links noted in previous the staff reports have been addressed. For example, the sidewalk network links to the pedestrian crossing light at the South Congress Avenue intersection in a more direct, intuitive route. The reconfigured two-way access drive has a continuous sidewalk along its edge. The plan provides two connection points to the multi-use path in the rear of the property along the CSX railway, which will provide access for pedestrians and cyclists traveling to work at the offices or for future residents.

Open Space, Parks, and Recreation Element

Objective OPR 1.4 Private Development Requirements: *Provide sufficient and appropriate park and recreational facilities to supplement the City's provision of recreation facilities and programs in private development, particularly residential, for the well-being of the future residents of the development.*

Policy OPR 1.4.1: *Continue to require the provision of sufficient open space in public and private development projects through the Land Development Regulations.*

Policy OPR 1.4.2: Require residential developments to include tot lots and recreational areas, serving children from toddlers to teens, within all new housing developments consisting of more than 12 units or located outside the downtown area.

Policy OPR 1.4.4: Direct the siting of appropriate private recreational facilities within Delray Beach through the development review process.

Policy OPR 1.4.5: Maximize public accessibility to open space, parks, and recreational facilities provided by requiring them to be strategically planned and located within new development.

In addition to the Parks impact fee, the plan includes on-site open space. The open space areas include the provision of a series of small 'pocket parks' along South Congress Avenue that include enhanced landscaping and seating areas, including a transit stop. The project also has a tot lot that is located between the proposed new multi-family building and the office building at 1615 South Congress Avenue. The area is fully landscaped and linked by pedestrian routes; the vehicular travel lane originally proposed between the buildings has been removed.

3.1.1(D), Compliance with the LDRs

Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.

Section 4.4.29, MROC District

| Standard/Regulation | Review | |
|--|---|---|
| Height 4.3.4(K) – Development Standards Matrix | Maximum: 85 feet | Proposed (Residential Building): 80 feet, 4 inches (finished roof) 84 feet (top of parapet) |
| Floor Heights | Minimum: - Residential: 9 feet, floor to floor - Commercial: 12 feet on first floor | Proposed: - Residential, 2-7 stories: 9ft-6 in, floor to floor - Residential, 8 th story: 10ft-6in, floor to fin. roof - Ground Floor: 12ft, 6in, floor to floor |
| Setbacks 4.3.4(K) – Development Standards Matrix | Minimum Required Front – 10 feet (min.) to 20 feet (max.) Interior – 15 feet Rear – 25 feet (adj. to CSX Railway) | Provided: Front (West) – 90.88 ft (Waiver approved) Interior (North/South) – exists with Office bldgs. Rear (East) – 25 feet |
| Open Space (non-vehicular) | Minimum: 25% | Provided: 27.31% |
| Lot Coverage 4.4.29(G)(2)(c)1. | Maximum: 75% (building, pavement, and hardscape) | Provided: 68.84% |
| Separation of Buildings 4.4.29(G)(2)5 | Minimum: 25 feet | Provided: - 1615 S Congress Avenue: +30ft - 1625 S Congress Avenue: +45ft |

Other Development Regulations

| Standard/Regulation | Review | |
|-------------------------------|---|-------------------------------|
| Off-Street Parking | Required: Office: 627 spaces Commercial: 402 spaces Residential: 504 spaces Total: 1,148 spaces <u>Shared Use Parking: 1,042 spaces</u> | Provided: 1,058 spaces |
| 4.6.9, Bicycle Parking | 79 bicycle parking spaces | |

| | |
|------------------------|--|
| | <ul style="list-style-type: none"> - 68 accommodated within the parking garage - 11 located throughout the site. |
| 4.6.8, Lighting | The provided lighting levels generally comply with the minimum and maximum standards. However, additional information is needed to ensure compliance with the parking garage lighting requirements for both daytime and nighttime levels, as well as the levels for the accent pathways and open space areas. Given that there are no anticipated issues with the provision of the additional information as it is checked for compliance, this information can be provided as a technical item. |

Review & Analysis: Landscape Plan

LDR Section 2.4.5(H)(5), Findings
At the time of action on a landscape plan, the approving body shall make finding with respect to the proposed plan's relationship to the following:

- (a) Objectives of landscaping regulations Section 4.6.16.;
- (b) Site and landscape design standards pursuant to Section 4.6.16.

An overall determination of consistency with respect to the above items is required in order for a landscaping plan to be approved.

The proposed landscape improvements include the entire site and is not limited to the area adjacent to the new building. Including the entire site in the plan is required of the LDR as more than 25% of the site if being modified. Therefore, existing non-conformities were required to be compliant. As a result, all of the existing landscape islands were modified to comply with the minimum requirements (more natural green space and trees), which also resulted in the removal of excess parking spaces (hardscaping). The amount of trees and palms removed from the site have been mitigated through the proposed landscaping; the plan exceeds the minimum mitigation requirements. For example, 709 caliper tree inches were removed, and 724 were provided. As a result, no in-lieu fees are required. In addition, there is a landscape buffer required around the perimeter of the property.

The MROC regulations require that the perimeter buffer along South Congress Avenue “*be landscaped to provide a boulevard effect.*” The front buffer area adjacent to South Congress Avenue is lined with ample shade trees to not only provide the boulevard effect that is desired along the corridor while enhancing the overall streetscape aesthetic and pedestrian experience by providing shaded opportunities. Within the site, there is a mix of shade trees and palms with accent landscaping adjacent to the main entrance driveway and the walkways through the site. Additionally, the tot lot and dog park include multiple shade trees for the users, including the parents or caretakers of the children playing on the tot lot and the dogs playing at their park.

The Landscape Plan has been reviewed for technical compliance by the Landscape Plan Reviewer and the scope of work has been deemed to comply with all applicable regulations. A thorough mix of shade trees, shrubs, and foundation landscaping is interspersed throughout the site to help soften the mass of the building as viewed from the right of way.

Review & Analysis: Architectural Elevations and Aesthetics

LDR Section 2.4.5(I)(5), Architectural (Appearance) Elevations: Findings
At the time of action on architectural elevations the approving Board shall make findings with respect to the objectives and standards as contained in the architectural regulations, Section 4.6.18. An overall determination of consistency with respect to the above is required in order for an architectural plan to be approved.

4.6.18, Architectural Elevations and Aesthetics (A), Minimum Requirements

1. *The requirements contained in this Section are minimum aesthetic standards for all site development, buildings, structures, or alterations except for single family development.*
2. *it is required that all site development, structures, buildings, or alterations to same, show proper design concepts, express honest design construction, and be appropriate to surroundings.*

Consideration of the minimum requirements is provided throughout the review below.

(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. 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.*

The proposed elevations have been reviewed for compliance with Section 4.6.18(E). The exterior finish is stucco with a neutral color scheme consisting of a mix of whites and warm grays, accented by a smoky blue applied to the end “towers” and black railings throughout for the residential balconies. The overall architectural design language is generally found to be in good taste but is representative of conventional suburban multi-family residential development found in new development throughout the region. The proposed design could be found to be generally appropriate when viewed within the existing context of the surrounding area. While the project does not conform to some of the higher design standards that projects located within the Central Business District are subject to, this property is not located within the downtown core, rather, it is located along a major suburban arterial in need of redevelopment and investment.

The Board should consider if the elevations meet the aesthetic vision for Delray Beach and determine if sufficient details are provided in the overall design, inclusive of the color scheme, that distinguish the proposal from other new developments found along similar corridors throughout the south Florida region. Further, the rear elevation is void of detail, and, at eight levels, will be highly visible both from the railway and Interstate-95. Such a large elevation, though at the rear of the project, should not be ignored, given its visibility.

While not under the Board’s purview, the applicant should consider adding interest on the rear elevation with a mural, or other type of public art to take advantage of the elevation’s visibility. The addition of a mural could be used to deemphasize the scale of the building while providing an attractive elevation and illustrating the vibrancy found throughout Delray Beach.



The addition of a mural, or other type of public art, is strongly supported by **Policy NDC 2.6.4** of the Always Delray Comprehensive Plan: *Improve the appearance of Delray Beach from the FEC and CSX Railways and Interstate95 using strategies such as, promoting public art opportunities, requiring landscaping, using the development review process to improve building façades facing the corridors, and using code enforcement as needed.*

If a mural is not desired by the applicant, the Board could require that other architectural treatments be incorporated to meet the Policy.

Board Action Options

- A. Move **approval** of a Class IV Site Plan Modification, Landscape Plan, and Architectural Elevations (2021-137) for **Delray Central**, located at **1615 & 1625 South Congress Avenue**, associated with the addition of an eight-story building containing 1,095 square feet of non-restaurant, commercial use and 271 residential units including a parking structure and amenities, finding that the request is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- B. Move **approval as amended** of a Class IV Site Plan Modification, Landscape Plan, and Architectural Elevations (2021-137) for **Delray Central**, located at **1615 & 1625 South Congress Avenue**, associated with the addition of an eight-story building containing 1,095 square feet of non-restaurant, commercial use and 271 residential units including a parking structure and amenities, finding that the request is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations, with revisions.
- C. Move **denial** of a Class IV Site Plan Modification, Landscape Plan, and Architectural Elevations (2021-137) for **Delray Central**, located at **1615 & 1625 South Congress Avenue**, located at 1615 & 1625 South Congress Avenue, associated with the addition of an eight-story building containing 1,095 square feet of non-restaurant, commercial use and 271 residential units including a parking structure and amenities, finding that the request is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.
- D. Continue With Direction.

Public and Courtesy Notices

Courtesy Notices were sent to:
Delray Estates

Public Notice was not required.

Technical Items

- Compliance required prior to Site Plan Certification:
 - The drainage calculations need to match the square footage identified on the site plan.
 - Identify the location of the main entrance door for the commercial space on the floor plan; the door should be located on the west elevation for public access.
 - Label the trash chute in the northeast corner of the upper floors.
 - Correct the east elevation rendering (A4.00) to properly reflect the building configuration and confirm that all other renderings have been accurately depicted.
 - Provide a detail of the light pole and include the overall measured height, to be consistent with the noted mounting height on the plans.
 - Provide a fixture cut sheet within the plans specifying that all lights will be full cut-off luminaires.
 - Provide a photometric plan indicating the nighttime lighting levels (including entrances and ramps) in compliance with the lighting levels for parking garages, per LDR Section 4.6.8, and specify both garage lighting plans as either for nighttime or daytime.
 - Include the lighting levels for the accent pathways, open spaces areas, etc. on the detailed photometric plans (AS1.42, AS1.43, and AS1.44)
- Compliance required prior to the issuance of a building permit:
 - Delray Beach Fire-Rescue will require Delray Central to undergo a Fire Department Service Delivery Concurrency Evaluation in accordance with NFPA 1, Chapter 15. Proposed developments that would increase the fire department's service population by more than 1 percent shall be subject to the above referenced evaluation.
 - That a plat to combine the two parcels and incorporate any requisite easements and/or dedications be approved and recorded prior to the issuance of a building permit.
 - Please note, the City has adopted Ordinance No. 30-22, which requires that *new construction or addition(s) consisting of more than 50,000sf of Gross Floor Area that is air-conditioned space in one or more buildings on a single parcel or as a part of a unified development shall achieve at least a certification level of LEED Silver or equivalent*. This is applicable if the building permit is submitted after November 1, 2023, this requirement will apply to the project.