



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

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

## SITE PLAN REVIEW AND APPEARANCE BOARD

Meeting: August 26, 2020 | File No: 2020-054-SPM-SPR-CLIV | Application Name: The Ray Hotel

### General Data:

**Applicant:** Grove Rosebud Two, LLC.  
**Agent:** Jordana Jarjura, Menin Development, Inc.  
**Location:** 233 NE 2<sup>nd</sup> Avenue  
**PCN:** 12-43-46-16-01-082-0010  
**Property Size:** 1.087 Acres  
**FLUM:** Commercial Core (CC)  
**Zoning:** Central Business District (CBD)

### Adjacent Zoning:

- **North:** CBD – Central Core (CC)
- **East:** CBD-Railroad Corridor (RC)
- **South:** CBD – (CC)
- **West:** CBD – (CC)

**Existing Land Use:** Hotel

**Proposed Land Use:** Hotel

**Floor Area Ratio:** 1.37

**Neighborhood:** Pineapple Grove

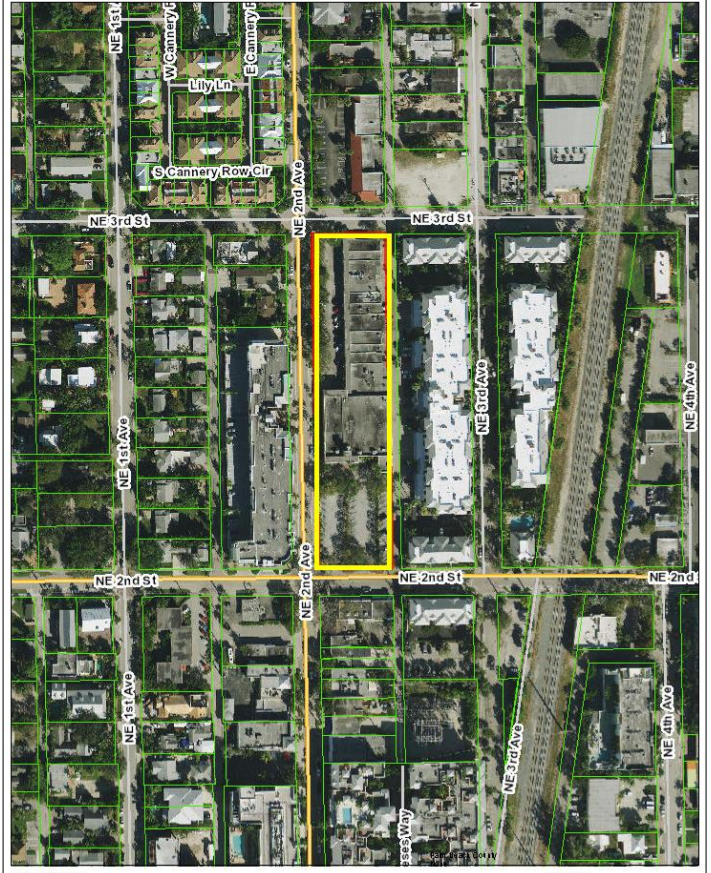
**Boundaries:** CRA, DDA

### Item before the Board:

The action before the Board is for the approval of a Class IV Site Plan application for The Ray Hotel pursuant to LDR section 2.4.5 (F)(1)(a), including the following:

- Site Plan
- Landscape Plan
- Architectural Plan

Location Map



May 13, 2020

1:2,257  
0 0.0175 0.035 0.07 mi  
0 0.03 0.06 0.12 km

### Optional Board Motions for Action Items:

1. Move to continue with direction
2. Move approval of the Class IV (2020-054) Site Plan, Landscape Plan, and Architectural Elevations for The Ray hotel located at 233 NE 2<sup>nd</sup> Avenue as amended, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations, subject to the following conditions:
  1. That a valet parking agreement in accordance with LDR Section 4.6.9 (F)(3), be executed prior to site plan certification.
3. Move denial of the Class IV (2020-054) Site Plan, Landscape Plan, and Architectural Elevations for The Ray hotel located at 233 NE 2<sup>nd</sup> Avenue, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations.

### Project Planner:

Kent Walia, AICP, Senior Planner;  
[waliak@mydelraybeach.com](mailto:waliak@mydelraybeach.com)  
561-243-7365

### Review Dates:

SPRAB Board:  
August 26, 2020

### Attachments

1. Site Plans
2. Landscape Plans
3. Architecture Plans

**Notes:**

1. Execute a plat exemption subdividing the Ray parcel from the adjacent parcel to the north prior to site plan certification.
2. Provide a revised pedestrian clear zone easement showing the revised configuration prior to Certificate of Occupancy (CO).
3. Provide a bicycle parking agreement for racks in the public ROW prior to Certificate of Occupancy.
4. Provide a right-of-way easement for the portions of the alley within the private property line prior to Certificate of Occupancy.
5. Update the roof top covering percentage calculations on sheet 20 to 18% prior to site plan certification.
6. Replace fixture LX-211C on the roof top light plans sheets LT-800 and LT-801 to a full cut off luminaire prior to site plan certification.
7. Provide photometric foot candle values to the edge of the roofs on sheets LT-800 and LT-801 prior to site plan certification.
8. Confirm the correct photometric values for the lower roof top level prior to site plan certification.
9. Lower the roof light fixture heights to below the maximum allowable height of the building (54') in accordance with 4.4.13 (C)(4)(g)2.b., prior to site plan certification.

**Project Description:**

The proposed Class IV Site Plan application (2020-054) is a modification to a previously approved Class IV Site Plan application (2017-197) for The Ray hotel. The first Class IV (CLIV) application (2017-197) was associated with a Site Plan, Architectural Elevations, and Landscape Plan with waiver requests to demolish an approximately 15,381 sq. ft. portion of a one-story shopping center and construct a four-story 143 room hotel with retail and restaurant uses in the first story, a two-level subterranean parking garage with 186 valet parking spaces, and rooftop amenities, located at 233-279 NE 2nd Avenue. The proposed site modification includes 141 rooms, a reconfigured roof top area with restaurant structure, redesigned civic open space, façade changes, balcony modifications, and conversion of underground parking lot from self-parking to valet.

**Background:**

The 82,762 sq. ft. (1.89 acres) is located on the east side of NE 2<sup>nd</sup> Avenue, between NE 2<sup>nd</sup> Street and NE 3<sup>rd</sup> Street. The subject site is situated on Lots 1 through 12, Block 82, Subdivision of Block 82, Delray Beach, Florida according to the Plat thereof, recorded in Plat Book 12, Page 30, of the Public Records of Palm Beach County, Florida. The following is a list of events relating to the property:

- According to the Palm Beach County property appraiser (Property Appraiser), in 1954 the subject site was developed with a 32,511 sq. ft. single story shopping plaza with surface parking.
- On December 5, 2017, the City Commission approved a Tropical Modern design (file number 17-905) and the following waivers and appeals:
  - A waiver to LDR Section 4.4.13(l)(3)(a), to permit parking in front setbacks or civic open spaces, with a valet drop-off, queue, and parking.
  - A waiver to LDR Section 4.4.13(l)(3)(b)(6), to permit public sidewalks to be deviated to accommodate drop-off or valet parking on NE 2nd Avenue.
  - A waiver to LDR Section 4.4.13(D)(2)(a), reducing the rear setback from a minimum of 10 feet to zero for fully subterranean parking levels.
  - A waiver to LDR Section 4.4.13(D)(2)(a), reducing the rear setbacks from a minimum of 10 feet to zero for the parking garage access ramps.
  - An appeal to the required right-of-way width of 20 feet for the alley, which would not require a dedication of two feet.
  - An appeal to the required paving width of 20 feet for an alley to permit a paving width of between 16 feet and 10 feet.
  - The development proposal includes a request for a waiver to LDR Section 4.6.16(H)(3)(i), which requires a landscape island for every 13 standard parking spaces, whereas the existing surface parking lot to the north has a row with 20 spaces.
- On February 14, 2018, the Site Plan Review and Appearance Board (SPRAB) approved the Class IV Site Plan (2017-197) for with conditions for the four-story, 143 room, The Ray hotel with retail and restaurant uses on the 1<sup>st</sup> floor, rooftop amenities, and a subterranean parking garage with 186 valet parking spaces.



- On October 5, 2018 - a portion of the existing building was demolished to make way for the construction of The Ray Hotel (permit 18-179413).
- On November 2, 2018 - The Ray is started construction (permit #18-179958)
- On August 5, 2019, the proposed Class IV Site Plan application (2020-054) was submitted to modify the previously approved Class IV Site Plan (2017-197) which is currently under construction.
- On January 1, 2020, a Class IV Site Plan application (2020-099) was submitted for the proposed The Ray House. The hotel consists of 33-rooms with ground floor restaurants & retail space, and a rooftop meeting room and pool deck. The Ray House will be the northern half of the site where the remaining one-story retail building exists.

**Site Plan Analysis:**

**Compliance with the Land Development Regulations:**

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

**Central Business District (CBD)**

- Pursuant to LDR Section 4.4.13(A), **Purpose and intent for the CBD**, *The Central Business District (CBD) 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.*

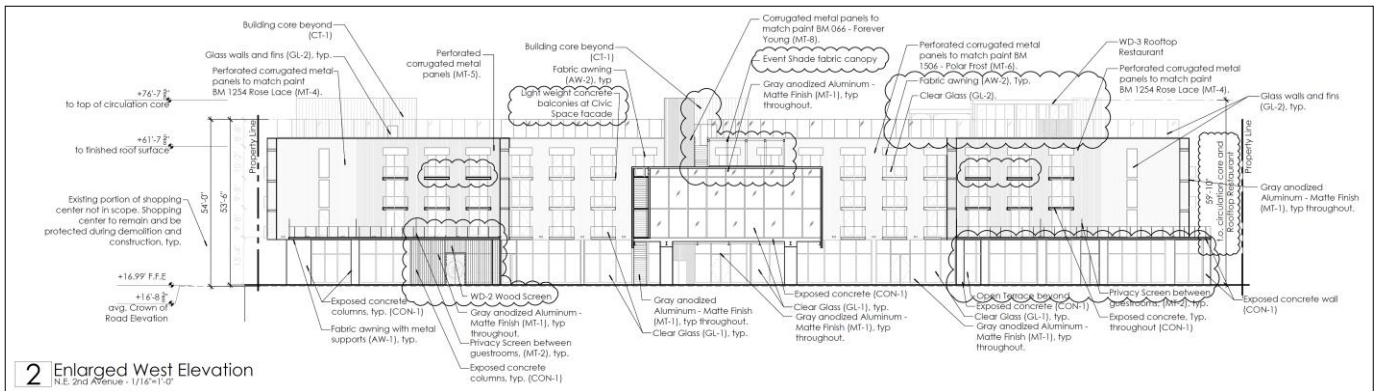
**Central Core Sub-District:**

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

- The subject site is located in the CBD zoning district within the Central Core sub-district. The development proposes hotel retail and restaurant uses which furthers the mix of use intent of the CBD Central Core.

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

- According to the Central Core regulating plan Figure 4.4.13-5, the subject site is located along a **Primary Street** with required **Retail Frontages**.
  - Pursuant to LDR Section 4.4.13 (C)(3)(a)2., **Required Retail Frontage** requires that properties on designated streets (i.e., NE 2<sup>nd</sup> Avenue/Pineapple Grove Way) to provide retail use on the sidewalk level with a storefront or arcade frontage, and have individual commercial space width not to exceed 75' and a depth of at least 20'. Restaurants and Hotel uses are considered Retail Frontages in accordance with LDR Sections 4.4.13(C)(3)(b) and Table 4.4.13 (A). The plans show that the building with restaurant uses on the ground floor with storefront façades, widths of approximately 67' and 73', and depths of approximately 97' and 111' respectively. The ground level will be lined with retail uses with storefront framing and glazing. Also, the northwest restaurant façade will have decorative wood screening in front of the storefront.





- The regulating plans require that **Primary Streets** have superior pedestrian environments and, as such, are held to higher standards in the regulations regarding building placement, building frontage, and the location of parking and service uses. The plans provided show that the building will provide restaurant and Hotel uses on the ground floor adjacent to NE 2<sup>nd</sup> Street which in accordance with regulating plan.

**Base District Requirements:**

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

<u>Zoning</u>	<b>Required / Allowed</b>	<b>Provided</b>
<b>Central Business District – Central Core</b>		
Lot Frontage (Min./Max)	75% / 100%	82%
Lot Width (Min.)	20'	350'-2"
Lot Area (Min.)	2000 sf	47,334 sq. ft.*
Civic Open Space (Min.) Sites > 40,000 sf	20,000 sf = 0 20,000 sf x .05 = 1,000 7,334 sq. ft. x .09 = 660 sq. ft. Total = 1,660 sq. ft.	4,098 sq. ft.
Height (Max.)	60' <sup>**</sup>	59'-10"
Stories (Max.)	4	4
Ground Floor Height (Min.)	12'	15'- 4"
Setbacks (Min.):		
<b>Front (West)</b>	10' (min) / 15' (max), 20' (min) above 3 <sup>rd</sup> floor	10', 20' above 3 <sup>rd</sup> floor
<b>Side Street (South)</b>	10' (min) / 15' (max), 20' (min) above 3 <sup>rd</sup> floor	10', 22'-3½"
<b>Side Interior (North)</b>	0'	35'-1¼" <sup>***</sup>
<b>Rear (East)</b>	10'	0 <sup>****</sup>

\*The site plan modification includes a proposed parcel split. The Ray Hotel site will include Lots 7-12, will split from Lots 1-6 (Esplanade Plaza/proposed The Ray House). A note has been added to this staff report requiring that a plat exemption be provided prior to site plan certification grouping the Lots to form two separate parcels.

\*\*Pursuant to LDR Section 4.4.13 (C)(4)(g)3.d.i., Covered structures located above the maximum number of stories shall not exceed a maximum height of 60 feet.

\*\*\*As a result of the proposed Lot split The Ray Hotel will now have a 35'-1¼" side interior setback for the Esplanade Plaza/proposed The Ray House parcel to the north.

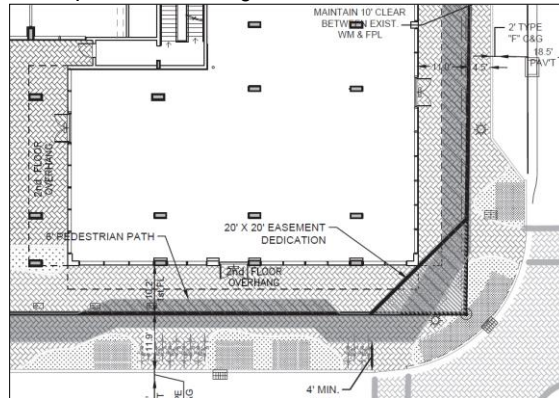
\*\*\*\*On December 5, 2017, the site plan received a waiver (file number 17-905) from LDR Section 4.4.13(D)(2)(a), reducing the rear setbacks from a minimum of 10 feet to zero for the parking garage access ramps.

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

- Pursuant to LDR section 4.4.13 (E)(3)(a)1., the **curb zone** shall be at least 4' in width and shall accommodate street, and public infrastructure needs such as utility poles, streetlights, street signs, parking meters, etc. The plans provided show curb zones over 4' in width with bicycle racks, light poles, and trees.
- Pursuant to LDR section 4.4.13 (E)(3)(a)2., the **pedestrian clear zone** shall be a least 6' feet wide and provide clear adequate walking space. The plans show a minimum 6' wide pedestrian clear zone provided. It is important to note that the pedestrian clear zone configuration differs from the previous CLIV site plan modification (2017-197), thus a note has been added to this staff report requiring a new revised pedestrian clear zone easement agreement. The easement would be made for the portions of the pedestrian clear zone that encroaches on to private property.



- Pursuant to LDR section 4.4.13 (E)(3)(a)3., the **remaining front setback area** shall be the remainder within the minimum 15' streetscape width to accommodate hardscape design features. Hardscape features can include outdoor dining areas, landscape features such as potted plants, or additional sidewalk space. The plans provided show a minimum 5' paved remaining front setback area.



Pursuant to LDR Section 4.4.13 (E)(4)(e) **Storefront**, is a frontage type along sidewalk level of the ground story, typically associated with commercial uses. Storefronts are frequently shaded by awnings or arcades.

- The project is proposing a storefront façade on the ground level of the building along NE 2<sup>nd</sup> Avenue and NE 2<sup>nd</sup> Street. The required retail street adjacent to the development is NE 2<sup>nd</sup> Avenue. Storefront facades are required to comply with the Dimensional Requirements listed in LDR Section 4.4.13 (E)(4)(e)1., a, Table 4.4.13 (I), A. The following table demonstrates the project's compliance with the aforementioned LDR Section:

**Dimensional Requirements for Storefront Table 4.4.13 (I)**

	Minimum	Maximum	Provided
Building Setback	10'	15'	10' (min.), 12' (max)
Store Width	N/A	75' on Req. Retail Streets	66'-9¾" (min), 72'-9¾" (max)
Storefront Base	9"	3'	10"
Glazing Height	8'	-	15'-4"
Required Openings	80%	-	77% (South), 67% (West)*
Awning Projection	5'	-	5'

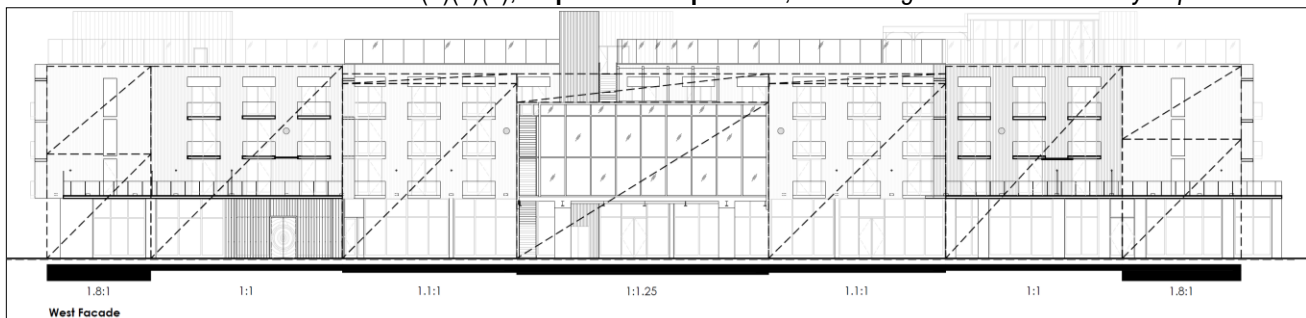
\*The ground floor framing and openings have already been approved in the previous CLIV site plan modification by SPRAB (2017-197). The project is also under construction with permit #18-179958.

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

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

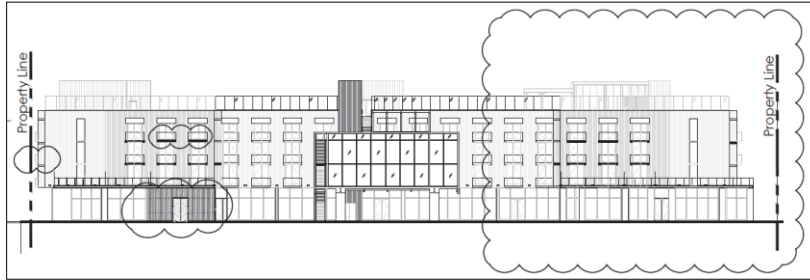
- Sheet 31a shows that The Ray Hotel has building articulation ratios between 1:1.25 (0.8) – 2.2:1 (2.2), in compliance with the minimum 1:3 (0.33) and maximum 3:1 (3.0).

Pursuant to LDR section 4.4.13 (F)(2)(b), **Tripartite Composition**, all buildings shall have a clearly expressed base,



middle, and top in the façade design.

- The LDR requires that all buildings in the CBD have a Tripartite Composition (base, middle, and top). The proposal uses a highly transparent storefront as the base, with the corrugated metal body comprising the middle (the second, third, and fourth stories above the storefront base). The elevation plan shows the base of the building with storefront windows with aluminum framing. The storefront system on the base of the building is augmented by wood paneling, exposed concrete columns, and potted plants that provide unique contrasts. The middle of the building is composed of floors 2, 3, and 4 and has a façade composed of corrugated metal panels, fabric awnings, and glass glazing with aluminum framing. The top of the building includes a rooftop terrace with a restaurant structure, pool, trellis stairwells, and elevator shafts. The top of the building includes changes in color, materials, and uses. The LDRs require flat roofs to be screened from view by a parapet; this design proposes to use a transparent wall.



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

- Pursuant to LDR Section 4.4.13 (F)(3)(c), elevations introducing a new style may be utilized with City Commission approval, via a recommendation by SPRAB. On December 5, 2017, the City Commission approved the "Tropical Modernism" design for The Ray Hotel which varies from the architectural styles listed Delray Beach Central Business District Architectural Design Guidelines. The approval included conditions that: (1) vines or similar landscape materials would be included in the corrugated wall panels for the façade of the building, a rooftop garden be provided, (2) a minimum of one art sculpture be provided for each of the two proposed civic spaces, and (3) art be presented on the north façade of the civic space.

The proposed façade design maintains the Tropical Modernism design that was approved in the previous CLIV (2017-197) site plan modification. The Tropical Modernism design is an industrial influenced building with metal wall panels, storefront windows, with landscape features woven through. The architecture was inspired by an industrial style which was historically a common design in the downtown area Arts District and Railroad Corridor sub-district, which boarder the FEC railing. The proposed architectural changes are the addition of the rooftop restaurant deck area, the internal reconfiguration of the ground floor retail spaces, and the conversion of the underground parking garage from self-parking to valet parking. A condition has been added to the motion that approval of a valet parking agreement by the City Commission is required prior to



3 | Previously Approved Rendering: Aerial View



4 | Proposed Rendering: Aerial View

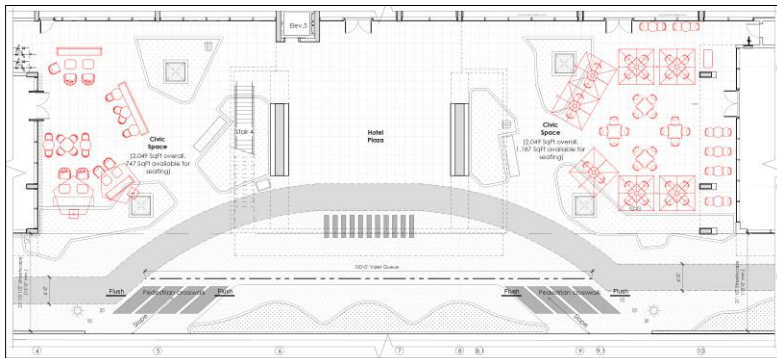


certificate of occupancy (CO).

**Civic Open Space**

Pursuant to LDR Section 4.4.13 (G)(1)(b), "Sites 40,000 square feet or more in size are required to provide civic open. Civic open space is calculated as: (1) Five percent of the site's area between 20,000 and 40,000 square feet; plus (2) Nine percent of the site's area above 40,000 square feet."

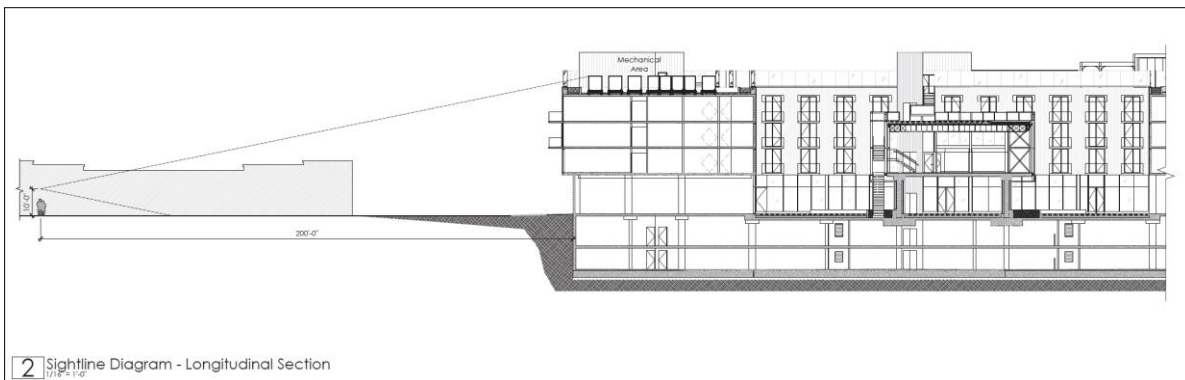
- The site plans show that a Plaza type civic open space is being proposed. Pursuant to LDR Section 4.4.13 (G)(2)(b), "A plaza is at least 1,500 square feet in size and adjoins streets on at least two sides or a street and a pedestrian passageway or main building entry. Plazas are mostly hardscaped with formally arranged landscaping and a water feature." In accordance with the LDR the civic open space is required to be 1,660 sq. ft. ( $20,000 * 0\% = 0$ ,  $+ 20,000 * 5\% = 1,000$  sq. ft.,  $+ 7,334$  sq. ft.  $* 9\% = 660$  sq. ft.). Sheet 25 shows a 4,098 sf plaza open space provided on the west side of the building, which exceeds the minimum requirement of the LDR. The plaza design shows paving, benches, one drinking fountain, trash receptacles, a pet clean up station, and patio space. The design also shows a portion of the civic open space with outdoor dining seating which is allowed in accordance with LDR Section 4.4.13 (G)(4)(a).



**Visual Analysis**

Pursuant to LDR Section 4.4.13 (K)(1)(e), A **Sight Line Study** of all development consisting of two or more stories shall be submitted for review by the approving body. The study shall include a one or more two-dimensional cross-section, at a minimum scale of 1:100, of the site showing the building with the equipment screening in relation to the adjacent properties (including views from upper stories) and/or the public street.

- The plans provided show a sight line visibility section that shows the screening of rooftop mechanical units.



**Green Building Practices Analysis**

Pursuant to LDR Section 4.4.13 (F)(10), All development which proposes to build 50,000 square feet or more, in one or more buildings, shall be at a **minimum certified as Silver** by the United States Green Building Council (USGBC) **Leadership in Energy and Environmental Design (LEED)** standards or equivalent standards adopted or approved by the City.

- The first-Class IV Site Plan (2017-197), required the LEED Silver certification for the development. The development is maintaining its progress to obtain the certification as part of the proposed Class IV (2020-054) site plan modification.

**CBD Parking Requirements**



Pursuant to LDR Section 4.4.13(l)(2)(d), **CBD Parking Standards:** Following table lists the number of parking spaces required and provided for each of the uses proposed on the subject site.

Use	Proposed	Required	Provided
Hotel Units	141	0.7 spaces per room x (141) = 98.7	-
Hotel Shops & Meeting Room	3,650 sf	1 per/800 sf x (3,650) = 4.56	-
Restaurant Proposed	15,931	6 per/1,000 sf x (15,931) = 95.586	-
<b>Total</b>		<b>199 spaces</b>	<b>223 Space</b>

- Pursuant to LDR Section 4.4.13 (l)(2)(h), “Restaurants, Cocktail Lounges, Hotels, and Residential Type Inns may provide their required vehicular parking as valet parking, subject to the provisions of Section 4.6.9(F)(3).” The subject site proposes two subterranean parking garage levels. The application proposes valet parking for both parking levels for all the parking spaces. The plans show that 223 spaces are proposed. The parking spaces are composed of 92 standard spaces and 82 compact striped parking spaces, and 45 non-striped valet spaces. The plans show 7 proposed alternative fuel vehicle parking spaces which equate to 3% of the minimum required parking spaces in accordance with LDR Section 4.4.13(l)(2) Table 4.4.13(L). The parking spaces provided includes the rooftop restaurant, two ground floor tenant space restaurants, and a small lobby bar area for a total of 15,931 gross square feet. The proposed parking was determined based on parcel subdivision between The Ray Hotel and the Esplanade plaza/The Ray House. It is important to note that the proposed perpendicular valet parking space configuration differs from the sequential intent of tandem parking spaces referenced in the LDR. The site plan shows a valet queuing area greater than 100’ linear feet (LF) in accordance with LDR Section 4.6.9 (F)(f). A condition has been added to the motion requiring that a valet parking agreement and a waiver to the tandem parking space configuration be provided with City Commission approval prior to CO.

Pursuant to LDR Section 4.4.13(l)(4), Table 4.4.13 (M), **Bicycle Parking Requirement**, the minimum number of bicycle parking spaces for Hotels/Motels are 1 space per 10 guest rooms plus 1 space per 5,000 sf. of restaurant, meeting rooms, and shops; if more than 10 spaces are required, then 50% shall be in lockers or secured, inside the storage area. The following table lists the number of bicycle parking spaces required and provided for each of the uses proposed on the subject site:

Use	Proposed	Required	Provided
Hotel Rooms	141	1/10 Rooms x (141) = 14.1	-
Hotel Shops, Meeting Rooms & Restaurants	19,581	1/5,000 sf x (19,581) = 3.92	-
<b>Total</b>		<b>18 Spaces</b>	<b>18 Spaces</b>

- Per the aforementioned LDR section, the subject site is required to provide 18 bicycle parking spaces. The site plan provided shows 12 dual space bicycle parking racks (24 spaces). The bicycle spaces would be accessible by both The Ray and The Ray House sites. The LDR states “if more than 10 spaces are required, then 50% shall be in lockers or secured, inside the storage area.” The previous CLIV site plan application (2017-197) approved the bicycle parking racks in central and public ROW locations, and not in lockers or secured storage locations. The plans show the bicycle racks to be located within the public ROW, civic open space, and linear pedestrian greenway.

	<b>09-BIKE RACK</b>		
	COLOR:		SILVER
	FINISH:		POWDER COATED
	DIMENSIONS:		MANUFACTURER'S SPECS
SOURCE:		FORMS + SURFACES (EQUAL / APPROVED)	

**Supplemental District Regulations:**





**Lighting:**

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

Area	Requirements		Proposed	
	Minimum (fc)	Maximum (fc)	Minimum (fc)	Maximum (fc)
Building Entrance	1.0	10.0	0.3	<b>46.7</b>
Porta Cochère	3.0	30.0	0.4	11.8
Property Line	0.0	0.25	0.0	<b>2.5</b>
Parking Garage Area	1.0	10.0	1.5	5.8
Parking Ramps (Day)	2.0	20	2.1	7.3
Parking Ramps (Night)	1.0	10	2.1	7.3
Parking Entrance (Day)	50	500	-	-
Parking Entrance (Night)	1.0	10	-	-
Stairways	2.0	5.0	-	-
Roof Terrace	1.0	10.0	1.0	<b>37.9</b>

Light Fixture Height	Maximum Allowed	Proposed
Ground Floor	25'	16'
Roof top lighting	54'	54'-10"

\*A note had been added to the staff report requiring all roof fixture heights to be below the maximum allowable height of the building in accordance with 4.4.13 (C)(4)(g)2.b.i.

- The photometric plans provided show lighting foot candles higher than what is allowed in the LDR at the building entrance, property line, and rooftop. Pursuant to LDR Section 4.6.8 (E), Lighting may vary from this Section to the extent necessary to comply with specific State requirements i.e., increased intensity required for automatic bank teller areas, etc. The applicant has provided cut sheets from the Illuminating Engineering Society of North America (I.E.S.), showing higher required foot candles for fixtures in these areas per LDR Section 4.6.8 (B)(1). The fixtures identified in the plans are full cut off luminaires to prevent light pollution. The plans show higher foot candle values on the property line as a result of the project providing streetlights illuminating along the sidewalk on NE 2<sup>nd</sup> Street and NE 2<sup>nd</sup> Avenue.

**Roof Top Terrace Analysis:**

The following table shows the project's compliance with the roof terrace regulations listed in LDR Section Pursuant to 4.4.13 (C)(4)(g):

	Allowed/Required	Provided
Uses	outdoor dining, open-air lounges, exercise and fitness activities (both as principal or accessory uses), rooftop gardens, urban agriculture, and recreational amenities.	outdoor dining, open-air lounges
Landscaping	Minimum 10%	12.7%
Parapet Height	4' (minimum)	6'
Screening Height (separated by an alley from a residential use)	6' (not to exceed 60')	6' (54'-0" above finish elevation)
Covered Structures	Maximum 25%	(2,530 sq. ft. roof top dining + 551 sq. ft. Restroom + 749 sq. ft. Canopies + 561 sq. ft. Event canopy / 24,365 roof = 18% provided)

Pursuant to LDR section 4.4.13 (C)(4)(g)3.c, *Roof top terraces shall be landscaped over a minimum of ten percent of*



the rooftop terrace area. Landscaping shall consist of trees, shrubs, ground cover, and vines.

- The plans provided shows modifications to the existing landscape design and additional plantings on the rooftop area to comply with LDR Section 4.4.13 (C)(4)(g)3.c. The landscape plans have been reviewed by the Senior Landscape Planner. The rooftop landscape plan sheet L710 shows plants consisting of Traveler and Thatch Palms, Autograph and Silverbutton trees, Bridalveil, and Frangipani “Tricolor” potted plants, Bougainvillea, Cocoplum, Monstera and Philodendron shrubs and ground covers, and Slanders Weaver’s Bamboo. Sheet L003a shows 14% of landscape material provided. The perimeter landscaping on the rooftop consists of Philodendron, Bougainvillea, Monstera, and Cocoplum shrubs.

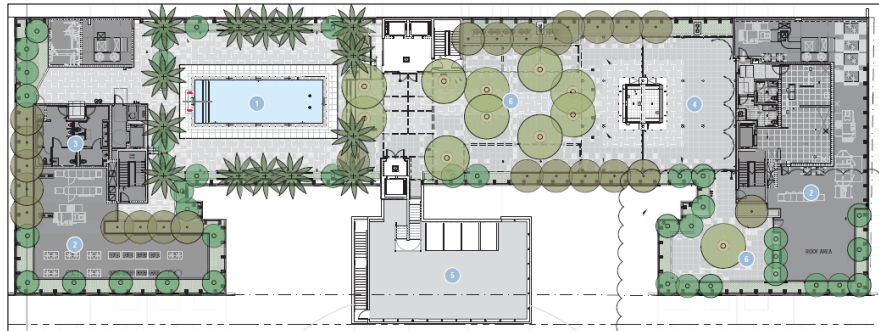
The ground level landscape design has been revised and certain plant species have been replaced as recommended by the City’s Senior Landscape Planner. The quantities provided are still in compliance with the LDR. The ground level landscape plan consists of Alexander, Hurricane, Satakentia, and Washingtonia Palms, Gumbo Limbo, Autograph, Sea Grape, Japanese Privet, Bay Rum, and Frangipani Trees, Blue, and Black Bamboo, Bird’s nest fern, Pink Ginger, Bougainvillea, Dwarf Clusia, Dioon, Creeping Vince, Blue Lily terf, Philodendron, Wart Fern, and Purple Fountain Grass plants.

Pursuant to 4.4.13 (C)(4)(g)2.b.iii., *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.*

- The subject site is separated from a residential use property by an alley on the east side of the site. The building elevations show a 6’ tall parapet wall with glazing and landscaping provided along the east side of the roof.

Pursuant to 4.4.13 (C)(4)(g)3.b., *Rooftop terraces shall be hardscaped with materials such as, but not limited to, patterned concrete, pavers, or wood decking.*

- The roof plan provided shows roof paver material in accordance with this LDR section.



**Architecture Elevations:**

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

- As mentioned in the Architectural Styles section of the report, on December 5, 2017, the City Commission approved the “Tropical Modernism” design for The Ray Hotel. The design was approved for its compatibility with the visual harmony of the surrounding buildings.

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

1. *The plan or the proposed structure is in conformity with good taste, good design, and in general, contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.*
  - As mentioned, the building design is compatible with the downtown and will increase the overall aesthetic appearance of the community. Furthermore, the size and scale of the proposed building complies with the LDR requirements for the CBD.
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.*

- The project which is under construction does not appear to diminish the surrounding property values.

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 project is compatible with the scale and zoning of the properties adjacent to the site. Furthermore, the project complies with the goals, objectives, and policies (GOP) listed in the comprehensive plan. Specifically, the project furthers the GOP of the comprehensive plan by improving building aesthetics in the CBD, furthering economic growth, creation of local business, and providing restaurant retail space.

**Required Findings:**

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

**Section 3.1.1 (A) - Future Land Use Map:**

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

- The subject property has a FLUM designation of Commercial Core (CC) and a Zoning map designation of Central Business District (CBD). The CBD zoning district is consistent with the CC FLUM designation. In accordance with LDR section 4.4.13 (C)(3), Table 4.4.13 (A), general retail, services, and facilities (restaurants) uses as permitted principal uses in the CBD zoning district and on the ground floor for Required Retail corridors. The development is proposing restaurant and hotel lobby use on the ground floor in compliance with this LDR section.

**Section 3.1.1 (B) – Concurrency:**

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

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

**Section 3.1.1 (C) – Consistency:**

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

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

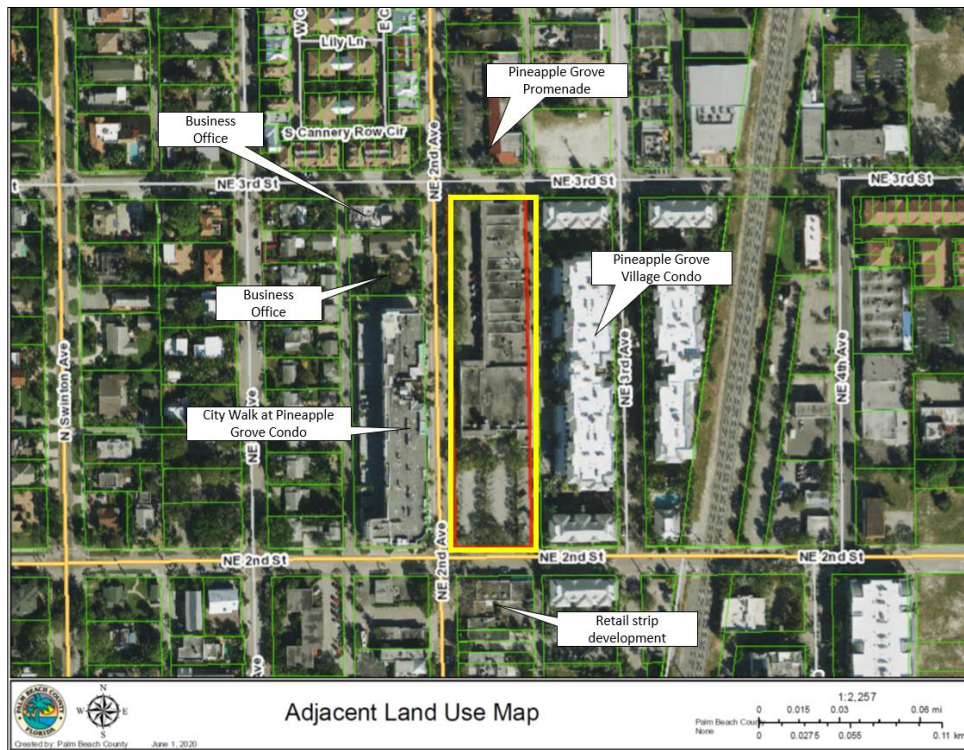
**Section 3.1.1 (D) – Compliance with the LDRs:**

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

- See the Site Plan Analysis section of this report.

**Adjacent Land Uses:**

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



	<i>Adjacent Zoning</i>	<i>Adjacent Future Land Use (FLUM)</i>	<i>Current Use</i>
<b>North</b>	<i>CBD – Central Core</i>	<i>Commercial Core (CC)</i>	<i>Retail Strip Development</i>
<b>East</b>	<i>CBD – Railroad Corridor</i>	<i>Commercial Core (CC)</i>	<i>Multi-Family residential homes</i>
<b>South</b>	<i>CBD – Central Core</i>	<i>Commercial Core (CC)</i>	<i>Retail Strip Development</i>
<b>West</b>	<i>CBD – Central Core</i>	<i>Commercial Core (CC)</i>	<i>Mixed Use Development (Residential/Retail)</i>

The subject site with address 233 NE 2<sup>nd</sup> Avenue is located in the CBD Central Core. The site is adjacent to retail strip plaza to the north and south, a mixed-use residential/commercial development to the west, and a multi-family residential property to the east. The proposed mixed-use Hotel with a ground-level retail restaurant complies with the uses allowed in the CBD. As mentioned, the development which is proposing a revised rooftop area and reconfigured commercial space was previously approved by SPRAB and is currently under construction. The proposed project demonstrates compatible and harmonious assimilation with the adjacent and neighboring properties and will contribute to improving the building aesthetics in the neighborhood.

**Comprehensive Plan Policies:**

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

**Neighborhood, Districts and Corridors (Always Delay Comprehensive Plans)**

*Policy NDC 1.1.14: Continue to require that property be developed or redeveloped or accommodated, 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 subject site located at 233 NE 2<sup>nd</sup> Avenue is located in the CBD Central Core sub-district, allows for retail/hotel mixed-use development. The site plan modification proposes a new 2,530 sf enclosed restaurant on a redesigned rooftop terrace, reconfigured civic open space, and minor elevation and landscaping alterations. The Floor Area Ratio (FAR) for The Ray with the remaining bays of the Esplanade Plaza is 1.35. If the Ray parcel were to be subdivided from the Esplanade/The Ray House the reduced parcel size would



result in The Ray site having a FAR of 2.1. It is important to note that subterranean parking does not count towards FAR. There are no known conflicts between the proposed development and this policy.

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

- On February 4, 2020 the City Commission meeting approved Ordinance 19-19 adopting the Always Delray Comprehensive Plan. The Comprehensive Plan update replaced the Transportation Element with Mobility Element (MBL). The corresponding element Policy MBL 2.5.2 requires projects to “ensure safe vehicular, pedestrian, and bicycle operations in all new development, redevelopment, and on all City streets, including at driveway entrances and at intersections.”

The project is located 233 NE 2<sup>nd</sup> Avenue and situated at the corner of NE 2<sup>nd</sup> Street and NE 2<sup>nd</sup> Avenue. The site plan shows a minimum 4’ wide curb zone, 6’ wide pedestrian clear zone, and a 5’ wide paved remaining front setback, and an internal private road that separates The Ray from The Ray House. The streetscape area shown provides adequate space for pedestrian walking. Furthermore, on the building elevation show awnings on the ground floor which will aid in providing shade for pedestrians. The curb zone and internal road provided shows 18 bicycle parking spaces that meet the minimum requirement of the LDR. The racks shown provide adequate spaces for bicycles to park, which encourages a sustainable alternative to automobile transportation. Lastly, the project provides striped crosswalks at the building’s Porte-cochère and entrances, along with sight line visibility which contributes to multimodal safety.

**Review by Others:**

**Utility Providers:**

Pursuant LDR section to 2.4.2 (C)(2)(a), utility providers were notified during the previous site plan submission. Since the project is under construction, any concerns raised by the utility providers will be handled during permitting.

**Community Redevelopment Agency (CRA):**

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

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

**Downtown Development Authority (DDA):**

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

- A summary was provided to the DDA notifying the board of the project. On February 10, 2020, the DDA voted unanimously in favor of the project.

**Courtesy Notices:**

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

- Pineapple Grove Main Street

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

**Appendix “A” – Concurrency Findings**

Pursuant to LDR Section 3.1.1(B), Concurrency, as defined pursuant to NDC 3.1 of the Neighborhood, Districts and Corridors of the Always Delray Comprehensive Plan Objective “Allow new development within the Planning Area provided the necessary public facilities and services that are provided by, or through, the City are available concurrently.”

**Water and Sewer:**

- Civil sheet CS-103 shows a 4” Potable Water Service line from the building connecting to an 8” existing domestic water supply main on SE 2<sup>nd</sup> Street.



- Civil plan CS-103 shows a 6” PVC Sanitary Sewer line from the building connecting to an 8” Sanitary Sewer Line in the Alley.
- Pursuant to the City’s Comprehensive Plan, treatment capacity is available at the City’s Water Treatment Plant and the South-Central County Wastewater Treatment Plant for the City at build-out. Based on the above, positive findings can be made with respect to this level of service standard.

**Streets and Traffic:**

Provided with the application was a traffic statement created by Morris Depew. The statement mentions that the project will generate an additional 161 average daily trips when built-out. The study indicates *“that when considering pass-by reduction, a larger number of net new trips is observed in the proposed condition due to there being less shopping center floor area to take advantage of. Although this is the case, the number of net new trips generated by the proposed development, after applying the pass-by reduction, is minimal and will have an inconsequential impact on the surrounding roadway network.”* The statement was provided to the Palm Beach County Traffic Division for review and met with approval.

**Solid Waste:**

Proposed Demand:

Hotel: 186,341 gsf x 4.7lbs = 879,073.9/ 2,000 = 439.54 tons per year

Restaurant: 15,931 gsf x 24.9lbs = 396,681.9/2,000 = 198.34 tons per year

**Tonnage per year = 637.88 tons**

The Ray project will add approximately 637.88 tons of waste per year to the current demand. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals until the year 2048.

**Drainage:**

Provided with the application was drainage calculations created by Morris Depew Engineers. The calculations were based on F.A.C Chapter 64E-6.008(1)(B) & SFWMD standards. The drainage calculations provided indicate that there will be 42,911 gallons per day (GPD) of estimated sewage flow generated by the site. It is important to note that the project has received a permit for drainage and sewer and is in compliance.

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

- A. Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.
  - Not applicable
  - Meets intent of standard
  - Does not meet intent
  
- B. Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists, and vehicles in a manner consistent with policies found under Policy MBL 2.5.2 of the Mobility Element.
  - Not applicable
  - Meets intent of standard
  - Does not meet intent
  
- C. Open space enhancements as described in Policies found under Objective OPR 3.1 of the Open Space Preservation and Enhancement Element are appropriately addressed.
  - Not applicable
  - Meets intent of standard
  - Does not meet intent
  
- D. The City shall evaluate the effect that any street widening or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the



neighborhood, the project shall not be permitted.

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

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

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

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

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

G. Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Objective NDC 3.1 of the Neighborhood Districts and Corridor Element of the Always Delray Comprehensive Plan.

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

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

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

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

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

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

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