



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### 398 NE 6<sup>th</sup> Avenue Development

| Meeting                                                    | File No.         | Application Type              |
|------------------------------------------------------------|------------------|-------------------------------|
| February 23, 2026                                          | 2025-082-SPF-LV3 | Level 4 Site Plan with waiver |
| Property Owner                                             | Applicant        | Authorized Agent              |
| Delray 6 <sup>th</sup> Avenue Realty, LLC, Salvatore Ditta | Same as Owner    | Bradley Miller                |

#### Request

Provide a recommendation to the City Commission on a Level 4 Site Plan application for a four-story, 20,399 square-foot mixed-use building at 398 NE 6<sup>th</sup> Avenue including Architectural Elevations; a Landscape Plan, with an associated waiver to the minimum 20-foot required front setback depth above the third story, relief to the tower element above the third story, and a determination of adequacy for reduction of required off-street loading.

#### Site Data & Information

**Location:** 398 NE 6<sup>th</sup> Avenue

**PCN:** 12-43-46-16-05-105-0010

**Property Size:** 0.3 acres (13,001 square-foot)

**Land Use:** Commercial Core (CC)

**Zoning:** Central Business District (CBD) –  
Central Core

#### Adjacent Zoning:

- **North:** CBD – Central Core Sub-district
- **South:** CBD – Central Core Sub-district
- **East:** CBD – Central Core Sub-district
- **West:** CBD – Central Core Sub-district

**Existing Use:** Commercial

**Proposed Use:** Mixed-use, 8-unit Multi-family Residential and 1,166 sf retail

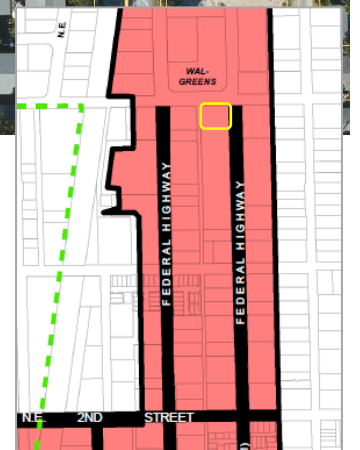
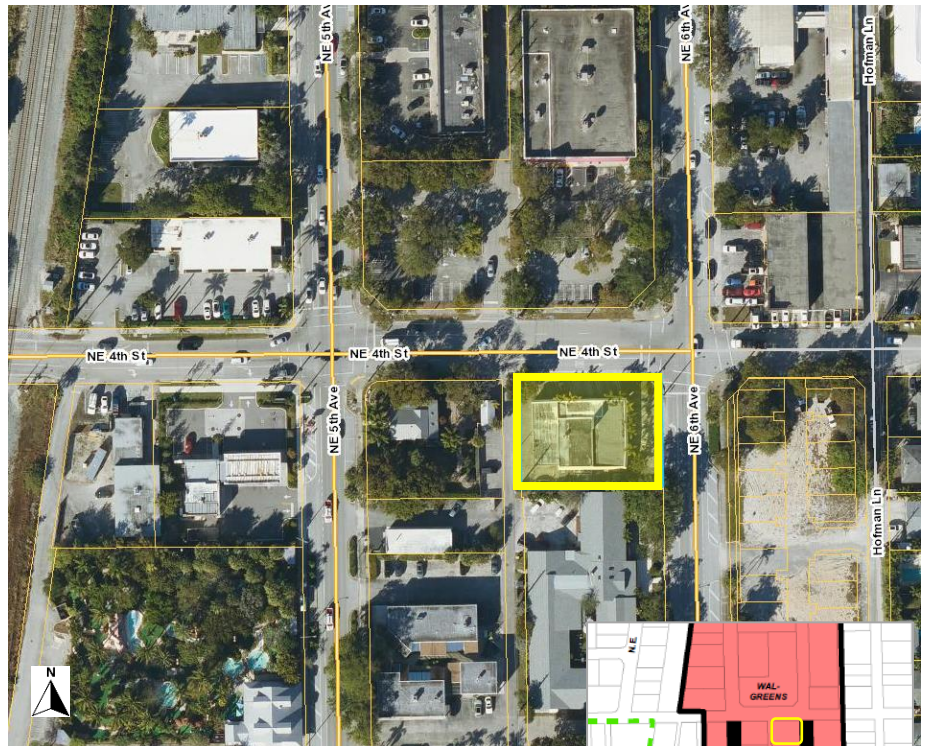
#### Floor Area Ratio:

- **Existing:** 0.38
- **Proposed:** 1.63
- **Maximum Allowed:** 3.0

#### Density:

- **Existing:** N/A
- **Proposed:** 27 du/acre (8 units)
- **Maximum Allowed:** 30 du/ac (8 units)

**NE 6<sup>th</sup> Avenue:** Primary Street



Project Planner:

Alexia Howald, Senior Planner; [howalda@mydelraybeach.com](mailto:howalda@mydelraybeach.com)

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## Background Information

The subject property, located at 398 NE 6th Avenue, occupies a 0.3-acre parcel (approximately 13,001 square feet) within the Central Core Sub-district of Delray Beach's Central Business District (CBD). The site occupies a prominent corner condition in a highly urbanized area with street frontage by Federal Highway located immediately east and NE 4<sup>th</sup> Street forming the northern boundary of the block and an alley to the west, while the south abuts existing commercial. This location places the project at a transitional edge between the intense commercial corridor of Federal Highway and the more pedestrian-oriented downtown street network to the west.



The Central Core district emphasizes pedestrian orientation, active street frontages, vertical integration of uses, and architectural quality. On corner lots, the CBD envisions new development to define the corner and to increase intensity through mixed-use, multi-story developments that contribute to a vibrant and walkable downtown fabric. The property's adjacency to CBD-zoned parcels on all sides further reinforces its strategic redevelopment potential. With access to multiple rights-of-way, including a rear alley for service access, the site is well-positioned to accommodate parking and service areas towards the rear while creating active ground-floor uses along the prominent street network.

The site is currently occupied by a 4,754 single-story commercial building constructed in 1946. The building was originally occupied by a retail store and most recently functions as part of a gymnasium and boutique store. The existing building provides approximately 23 parking spaces that surround the existing building on all sides.

On June 16, 2025, the City Commission approved **Resolution No. 132-25**, to utilize the Art Deco as the proposed architectural style.

## Project Description

The proposed development is a four-story, mixed-use development consisting of eight-unit multi-family condominium residential development and 1,166 square feet of retail storefront at the ground level with a gross building area of 20,399 square feet. The eight units range between 1,580 square feet and 2,049 square feet. In addition to the residential and commercial uses, the project incorporates rooftop amenities above the fourth level. These include a swimming pool, restrooms, and a pergola providing residents with recreational and communal spaces within the urban core. The residential units are proposed as market rate, and no workforce housing component is included.



The building has been intentionally designed to respond to its context by emphasizing the corner through its massing, architectural form, and primary lobby entry. The curved corner façade establishes a strong visual identity at the intersection, creating a focal point that is readily visible from both NE 4th Street and Federal Highway. This articulation not only defines and accentuates the corner condition, but also successfully advances the vision of the CBD by reinforcing appropriate building placement close to the roadway, expanding the sidewalk width, planting of continuous street trees along the sidewalk creating a shade coverage and incorporating active uses that interact with the streetscape enhancing the pedestrian experience, while creating buffered protection from the vehicular travel lanes and removing nonconforming surface parking area that are inconsistent with the intent of the CBD. Furthermore, the parking for the



development is provided at the rear of the site accessible from the alley and designed to be partially located beneath the structure, concentrating parking and loading services and circulation at strategic locations to reduce visual and operational impact.

The proposed architectural style is Art Deco, a permitted style pursuant to the Delray Beach CBD Guidelines. Overall, the utilization of this style is well presented, and execution of the style performs well at the corner. A full architectural analysis will be provided in subsequent sections.

To facilitate the proposed development, three requests for regulatory relief are included:

- A waiver from **LDR Section 4.4.13(D)(2)(a)3.a.**, to reduce the minimum required front setback depth above the third story from 20 feet to 17 feet and 11 inches.
- A determination of adequacy under **LDR Section 4.6.10(C)** for off-street loading, where two loading spaces are required based on the gross floor area of the project, but no loading spaces are proposed. The applicant instead proposes managing loading operations using the public alley. A thorough analysis of the issue is provided in the following section.
- Relief from the additional setback required above the third story for building entries, lobbies, and vertical circulation areas configured as tower elements consistent with the architectural character of the building pursuant to **LDR Section 4.4.13(K)(2)(b)**.

The City Commission will take final action on the Level 4 Site Plan and associated waiver and relief requests after receiving a recommendation from the Planning and Zoning Board.

#### Review and Analysis: Site Plan

##### **LDR Section 2.1.5. - The Planning and Zoning Board – Board Recommendations**

*The Planning and Zoning Board shall review and make recommendations to the City Commission with respect to the following items, pursuant to the procedures and standards of the Land Development Regulations (LDR):*

- *Level 4 Site Plan Applications, including any density or height increases, and associated relief such as waivers, variances, etc*

##### **LDR Section 2.4.10(A)(1)(d)4.**

*Applications that include new construction or additions to an existing building of 15,000 gross square feet or more for nonresidential development is a Level 3 Site Plan application.*

##### **LDR Section 2.4.10(A)(1)(d)5. - Site Plan Applications Level 4**

*Level 4 Site Plan applications include requests that could otherwise be classified as a Level 2 or Level 3 Site Plan application but have concurrent request requiring final action by the City Commission for one or more of the following:*

- *Approval of Waiver(s) not otherwise authorized to other approving bodies.*

##### **LDR Section 2.4.10(A)(2)(d)5., Board Review**

*The following applications require board action:*

- *Level 4 Site Plan applications require review and recommendation by the Planning and Zoning Board and/or Historic Preservation Board prior to action by the City Commission.*

The application is classified as a Level 4 Site Plan pursuant to LDR Section 2.4.10(A)(1)(d)5., due to the inclusion of waiver requests that require final action by the City Commission. Although the proposed development satisfies the criteria for a Level 3 Site Plan based on its size, the requested waivers exceed the approval authority of the Planning and Zoning Board and therefore require elevation to Level 4.

The Planning and Zoning Board is responsible for conducting a comprehensive review of the application and providing a formal recommendation to the City Commission, which serves as the final decision-making body for the site plan and all associated relief.

##### **LDR Section 2.4.10(A)(3), Findings**

*All site plan applications require compliance with the applicable regulations and review criteria and shall be consistent with the Comprehensive Plan and other local ordinances.*

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

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



- (d) *Architectural Elevations, including modifications to existing building facades, require an overall determination of consistency with the objectives and standards of Section 4.6.18, Architectural Elevations and Aesthetics, and any adopted architectural design guidelines and standards, as applicable.*
- (e) *Site Plan applications that include a variance(s) are subject to the findings of Section 2.4.11(A).*
- (f) *Site Plan applications that include a waiver(s) are subject to the findings of 2.4.11(B).*

The site plan application requires compliance with b, c, and d listed above while the variance and waiver are subject to the findings of LDR Section 2.4.11. The analysis of the required findings is further identified below.

#### **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, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application.*

The required findings relate to the land use map, concurrency, consistency, and compliance with the Comprehensive Plan. Compliance with the required findings is discussed below.

**(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.*

As noted, the subject property is zoned Central Business District (CBD), which is a preferred zoning district under the Commercial Core (CC) land use designation. Mixed-used development is a permitted use in the CBD zoning district. Therefore, the proposed land use is consistent with the underlying land use designation. Additionally, the maximum floor area ratio (FAR) allowed within the CC land use is 3.0; and the proposed development has an FAR of 1.63, thus complying with the FAR requirements.

**(B) 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, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

Potable Water and Sewer. The development will connect to existing water and sewer networks as approved by the City Utilities Department.

Drainage. Drainage will be accommodated on site. All stormwater runoffs will be collected and contained within the subject property through an exfiltration trench and underground chambers.

Transportation. A Traffic Performance Standard (TPS) letter issued by Palm Beach County dated December 18, 2025, confirmed that the proposed development will generate fewer than 21 peak hour trips, and will therefore have an insignificant impact on traffic.

Solid Waste. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals through the year 2071. The development proposes two new dumpsters to be provided on site within the building envelope.

Parks and Open Space: A park impact fee of \$500.00 per dwelling (8) unit will be collected prior to issuance of a building permit. A total of \$4,000 impact fee will be collected.

Public Schools. The School District of Palm Beach County has determined that there will be no negative impact on public school capacity.

**(C) Consistency** *A finding of overall consistency may be made even though the action will 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.*



## Article 3.2 Performance Standards

The following standards contained in Article 3.2 are applicable:

- **LDR Section 3.2.1, Basis for Determining Consistency**
- **LDR Section 3.2.3, Standards for site plan and/or plat actions**
- **LDR Section 3.2.4, Standards for Specific Areas or Purposes**

The proposed development aligns with each of these standards, and there are no identified concerns regarding its overall consistency with Article 3.2. as discussed in detail below.

- **LDR Section 3.2.1. Basis for Determining Consistency.**

The following applicable objectives or policies from the Always Delray Comprehensive Plan apply to the request.

### Neighborhoods, Districts, and Corridors Element

Policy NDC 1.1.7 *Establish the maximum density, measured in dwelling units per gross acre, for residential land use and mixed-use designations (See Table NDC-1). The Standard density is the range of density allowed in the land use designation. The Revitalization/Incentive density is the maximum density that may be offered in the Land Development Regulations to achieve a certain community benefit in a specific area as part of an incentive program, or to implement the recommendations of an adopted redevelopment or neighborhood plan. Standards in the Land Development Regulations, including those guiding compatibility and transitions, such as setbacks, height limitations, open space criteria, etc. may limit the actual density achievable on a specific site.*

Policy NDC 1.1.2 *Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide: Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods. Uses that meet the daily needs of residents. Public open spaces that are safe and attractive.*

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.*

Objective NDC 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 1.3.5 *Use the Commercial Core land use designation to stimulate the vitality and economic growth of the city while simultaneously enhancing and preserving the cultural and historic downtown area.*

### Housing Element

Policy HOU 1.1.6 *Promote good design in new housing construction and rehabilitation that highlights beauty, flexibility, and innovation, and respects existing neighborhood character.*

Objective HOU 3.2 *Expansion of the Housing Supply Expand the housing supply by allowing different unit types in a variety of locations for all income levels.*



*Policy HOU 3.2.1 Allow a variety of housing types to reflect the needs of all household types, including both rental and ownership opportunities for single people, couples, families, seniors, persons with disabilities and multi-generational families.*

## **Mobility Element**

*Policy MBL 2.5.9 New development or modifications to existing development shall upgrade points of access to meet current, adopted standards.*

Overall, the proposed development aligns with the applicable Goals, Objectives, and Policies of the Always Delray Comprehensive Plan, which promotes redevelopment that is compatible with surrounding land uses in terms of use, intensity, and density. The plan also supports the continued growth of the City's housing supply in ways that reflect demographic diversity and economic vitality, consistent with Policy HOU 3.2.1 and Policy NDC 1.3.5.

The proposed mixed-use redevelopment is structured in a manner intended by the adopted Goals, Objectives, and Policies of the Always Delray Comprehensive Plan through the integration of residential and commercial uses within the Commercial Core land use designation. The inclusion of eight residential dwelling units above ground-floor retail reflects the compact, mixed-use redevelopment pattern and pedestrian-oriented urban form envisioned for the downtown core under NDC 1.3.1 and NDC 1.3.5. The project's location within an established CBD block places the redevelopment within the reinvestment pattern anticipated for the downtown activity center.

The proposed density of approximately 27 dwelling units per acre occurs within the density range established for the Commercial Core designation and reflects the framework described in Policy NDC 1.1.7, where achievable density is influenced by site configuration, compatibility considerations, streetscape design requirements, and infrastructure constraints. The urban infill condition, alley service orientation, corner clip dedication, and required streetscape buildout collectively shape the development envelope consistent with policy direction that density be evaluated in relation to urban design performance and contextual integration.

The development pattern reflects the planning structure expected under Objective NDC 1.3 and the compatibility framework described in Policy NDC 1.1.14, placing residential units in proximity to commercial activity in a manner typical of downtown mixed-use redevelopment. The site maintains pedestrian connectivity, defined pedestrian clear zones, and streetscape buildout along multiple frontages. The ground-floor plan along the NE 4th Street frontage incorporates internal building support functions; while not inconsistent with development standards, additional active frontage in this location could further reinforce pedestrian activity patterns typically associated with mixed-use downtown corridors, recognizing that such programming is often balanced with parking, loading, and overall project feasibility considerations.

The project introduces multi-family ownership housing within the downtown core in consistency with Housing Element Objective HOU 3.2 and Policy HOU 3.2.1, contributing to housing diversity within proximity to employment, services, and mobility corridors. The site design incorporates pedestrian infrastructure, bicycle parking, and alley-oriented service access, which is reflective of mobility integration patterns described in Mobility Element Policy MBL 2.5.9.

- **LDR Section 3.2.3, Standards for site plan action.**

The overall development configuration reflects an infill redevelopment pattern typical of constrained downtown parcels, balancing building placement, streetscape integration, and service function consolidation within a limited development envelope while maintaining active street presence and supporting long-term downtown reinvestment patterns.

The following standards are applicable to the request:

*(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.*

*(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).*



- (D) Any proposed street widening or modifications to traffic circulation shall be evaluated by the City, and if found to have a detrimental impact upon or result in the degradation of an existing neighborhood, the request shall be modified or denied.
- (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.
- (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.
- (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.
- (K) Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program: development in all other areas shall not exceed the Standard density.

The proposed mixed-use development complies with the applicable standards of LDR Section 3.2.3, which ensure that site design promotes compatibility, access, and functional integration, except for the board consideration to the loading accommodations proposed. The plan includes accessible pedestrian pathways and active frontages along all street interfaces, consistent with Subsection (B) and aligned with Mobility Policy MBL 2.5.9 and Policy NDC 1.3.1, which encourage walkable, connected development.

Bounded by three public streets, the site presents spatial constraints that influence building orientation, vehicular access, while meeting the intent of the central business district. These elements have been evaluated in relation to Subsections (A), (D), and (H), which address traffic safety, visibility, and neighborhood livability. The layout avoids adverse impacts and responds to its urban context with an appropriate balance of design elements. The mix of unit sizes supports Subsection (G) and advances Objective HOU 3.2 by contributing to a diverse housing supply. The use, intensity, and form of development reflect compatibility with adjacent properties, consistent with Subsection (F) and Policy NDC 1.1.14.

#### • LDR Section 3.2.4, Standards for Specific Areas or Purposes

The property is not located within a flood prone zone area, an environmentally sensitive area, on the barrier island, or a historic district. The property is not an individually designated site or would impact adjacent local government. The subject property is not located within Wellfield Protection Zone.

- (D) Compliance with the LDRs** *Whenever an item is identified elsewhere in the LDR, 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.*

The proposed mixed-use development complies with the development requirements of the CBD zoning district, with the exception of the requested landscape waiver and determination of adequacy for off-street loading. Specific standards are discussed below.

#### Section 4.4.13, Central Business District

| Standard/Regulation     | Required                       | Proposed:                                                                                                                                                                                                     |
|-------------------------|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Table 4.4.13(C), Height | Maximum:<br>54 feet, 4 stories | <ul style="list-style-type: none"> <li>54 feet, (4 stories+Mezzanine) to top of flat roof;</li> <li>60 feet to top of parapet*</li> <li>63 feet, 9 inch to top of elevator overrun and stairways**</li> </ul> |



|                                                                       |                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                       |                                                                                                                                                                                                                                                                                                                                                                     | <p>*Parapets for roof screening shall be a minimum of 4 feet, maximum of 6 feet in height, but shall not extend beyond the maximum building height of 60 feet.</p> <p>**Elevator overruns and stairways are not limited by number of stories; however, they shall not exceed 10 feet above the maximum overall building height</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Table 4.4.13(C), Setbacks</b>                                      | <p><b>Required:</b><br/><b>Front:</b> Min. 10 feet – Max. 15 feet<br/><b>Front Above 3<sup>rd</sup> Story:</b> Min. 20 feet<br/><b>Side:</b> 0 feet<br/><b>Rear:</b> Min. 10 feet</p>                                                                                                                                                                               | <p><b>Front:</b><br/><b>Corner:</b><br/><b>1<sup>st</sup> Story:</b> 13.8"<br/><b>2<sup>nd</sup> &amp; 3<sup>rd</sup> Story:</b> 10'<br/><b>*Above 3<sup>rd</sup> Story:</b> 17.11'<br/><b>*Requesting a waiver</b></p> <p><b>NE 4<sup>th</sup> Street:</b><br/><b>1<sup>st</sup> Story:</b> 10.1"<br/><b>2<sup>nd</sup> &amp; 3<sup>rd</sup> Story:</b> 10 feet<br/><b>Above 3<sup>rd</sup> Story:</b> 20 feet</p> <p><b>NE 6<sup>th</sup> Avenue:</b><br/><b>1<sup>st</sup> Story:</b> 10'<br/><b>2<sup>nd</sup> &amp; 3<sup>rd</sup> Story:</b> 10'<br/><b>Above 3<sup>rd</sup> Story:</b> 20'</p> <p><b>Side:</b><br/><b>1<sup>st</sup> Story:</b> 5'<br/><b>2<sup>nd</sup> &amp; 3<sup>rd</sup> Story:</b> 5'<br/><b>Above 3<sup>rd</sup> Story:</b> 5'<br/>-12 feet, 3 inch of separation between the existing and new building</p> <p><b>Rear:</b><br/><b>1<sup>st</sup> Story:</b> 10'<br/><b>2<sup>nd</sup> &amp; 3<sup>rd</sup> Story:</b> 10'<br/><b>Above 3<sup>rd</sup> Story:</b> 20'</p> |
| <b>4.4.13(D)(1)(d)1., Dwelling Unit Standards, Diverse Unit Types</b> | <p><b>Required:</b> <i>In projects consisting of more than 12 dwelling units, the proportion of efficiency or studio type units may not exceed 25 percent of the total units. One bedroom units may not exceed 30 percent; however, if no efficiency or studio units are constructed, the cumulative amount of one bedroom units may not exceed 55 percent.</i></p> | <p><b>Provided:</b> The request includes 8 residential units comprised of the following unit mix:</p> <ul style="list-style-type: none"><li>• 4 two-bedroom</li><li>• 4 three-bedroom</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |



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|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>4.4.13(E)(2), Minimum Streetscape Width</b>                        | <b>Required:</b> 15 ft<br><b>Curb Zone:</b> 4 ft (min.)<br><b>Ped. Clear Zone:</b> 6 ft (min.)<br><b>Remaining Front Setback Area:</b> up to 15 ft                                                                                                                                                                                                                                                                                                                                             | <b>NE 4<sup>th</sup> Street:</b> 15.2 feet<br><b>Curb Zone:</b> Min 4 ft<br><b>Ped. Clear Zone:</b> 6 ft with a 8-foot sidewalk<br><b>Remaining Front Setback Area:</b> 3 ft 2 inch<br><br><b>NE 6<sup>th</sup> Avenue:</b> 15.8 feet<br><b>Curb Zone:</b> Min 4 ft<br><b>Ped. Clear Zone:</b> 6 ft with a 8-foot sidewalk<br><b>Remaining Front Setback Area:</b> 3 ft 8 inch |
| <b>4.4.13(E)(2)(a)3, Remaining Front Setback Area</b>                 | Hardscape or Landscaping comprised of plants in removable planters, palms and/or ground planting may be installed adjacent to the building provided views into storefront windows are not obstructed.                                                                                                                                                                                                                                                                                          | The remaining front setback area is primarily hardscape on all four sides of the block. A mix plantings are located within a portion of the front setback area.                                                                                                                                                                                                                |
| <b>4.4.13(E), Frontage Type: Stoop, Storefront, Arcade, and Lobby</b> | <b>Storefront Requirements:</b><br><b>Building Setback:</b> 10 to 15 ft<br><b>Store Width:</b> max. 75 ft<br><b>Storefront Base:</b> 9 in to 3 ft<br><b>Glazing Height:</b> Min 8 ft<br><b>Required Openings:</b> Min 80%<br><b>Awning Projection:</b> Min 5 ft<br><br><b>Lobby Requirements:</b><br><b>Building Setback:</b> 10 to 15 ft<br><b>Overhang/Awning Projection:</b> Max 10 ft<br>*Lobby entries shall be directly accessible from the sidewalk and may be recessed up to ten feet. | <b>Storefront Requirements:</b><br><b>Building Setback:</b> 10 ft 6 in<br><b>Store Width:</b> 50 ft<br><b>Storefront Base:</b> 18 in<br><b>Glazing Height:</b> 10 ft<br><b>Required Openings:</b> 81%<br><b>Awning Projection:</b> N/A<br><br><b>Lobby Requirements:</b><br><b>Building Setback:</b> 13.8 ft<br><b>Overhang/Awning Projection:</b> 7 ft, 6 inch                |
| <b>4.4.13(G), Civic Open Space</b>                                    | Not required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Not required                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Other Development Regulations</b>                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Standard/Regulation</b>                                            | <b>Required</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Proposed</b>                                                                                                                                                                                                                                                                                                                                                                |
| <b>4.6.8(A)(3), Lighting</b>                                          | Illumination spillover is limited to the maximum degree feasible given the minimum illumination requirements for street lighting, off-street parking illumination, and lighting at the building and garage entrance. The proposed lighting complies with the minimum and maximum illumination requirements for off-street parking illumination, lighting at the building entrance, and lighting at the property line adjacent a parcel or public right-of-way.                                 |                                                                                                                                                                                                                                                                                                                                                                                |
| <b>4.4.13(I), CBD Parking Standards</b>                               | <b>Required:</b> 20 parking spaces total<br><br>*The applicant utilized the shared parking table as there are a mix of uses (retail and residential) proposed as part of this project                                                                                                                                                                                                                                                                                                          | <b>Provided:</b> 20 parking spaces, including 6 compact spaces (30%)                                                                                                                                                                                                                                                                                                           |
| <b>LDR Table 4.4.13(M), Bicycle Parking</b>                           | <b>Residential:</b><br>Type I spaces – 1 spaces per 25 units = 1 space<br>Type II spaces – .25 spaces a unit = 2space<br><br><b>Retail:</b>                                                                                                                                                                                                                                                                                                                                                    | Type I spaces – 2<br>Type II spaces - 5                                                                                                                                                                                                                                                                                                                                        |



|  |                                                                 |  |
|--|-----------------------------------------------------------------|--|
|  | Type I spaces – 2/10,000 sf = 1 space<br>Type II – Not Required |  |
|--|-----------------------------------------------------------------|--|

#### **LDR Section 7.11.1(C), Green Building Certification Required**

*Certification is required through a green building certification entity for new construction or additions consisting of 15,000 square feet of gross floor area that is condition space.*

The applicant is required to obtain green building certification, as the total Gross Floor Area is over 15,000 square feet. The total square footage, under air, is 20,399 square feet.

#### **LDR Section 4.6.10, Off-Street Loading**

Multi-family residential development has a robust need for intensive loading and unloading activities. Although it may not occur frequently, they often require the use of substantially large vehicles. Specifically, it can be reasonably anticipated that certain periods, such as initial move-in and move-out, delivery of furniture, and delivery or removal of large appliances, will be expected to generate significant loading demands. A dedicated loading area ensures that the loading demand for a development is not dispersed onto the public street and alley network, which could unfairly burden surrounding property owners and the general public.

LDR Section 4.6.10 requires at least one 12 feet by 30 feet loading berth is provided for residential development between 5,000 and 20,000 square feet and one berth for retail between 3,000 and 10,00 square feet; the proposal is approximately 19,233 square feet of residential development and 1,166 square feet of retail for a total of 20,399 gross floor area. When aggregated as a single development, the project would meet the threshold that could be interpreted as requiring two loading berths. However, when analyzed by individual use categories, the residential component would require one loading berth, while the retail component, being below the minimum



threshold, would not independently trigger a loading requirement. This distinction highlights an inherent ambiguity in applying loading standards to small-scale mixed-use projects, particularly where the overall building area marginally exceeds a threshold but individual uses function at a neighborhood scale. Nonetheless, the proposed number of units, while not significant, will at some point require use of a loading zone, and because one is not provided conflict with the surrounding area is anticipated.

The project places parking and service functions at the rear of the site, consistent with adopted planning and design principles. However, due to the smaller urban infill environment, the provision of a full code-compliant loading berth would significantly impact the site circulation, parking layout, and building design. In this context, strict compliance with loading dimensions may not be feasible without undermining other urban design and functional objectives.



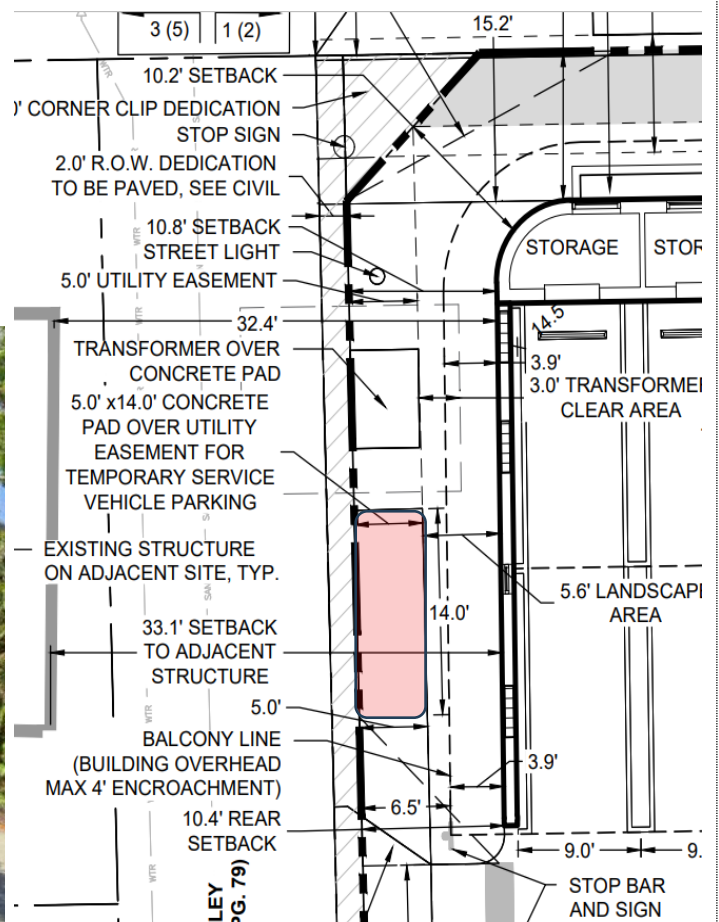
While this development proposal does not include any on-site dedicated loading zone, in-lieu of a full-sized loading berth, the applicant is proposing a 5-foot by 14-foot concrete pad located adjacent to the alley, within the site, to accommodate delivery vehicle pull-off and short duration loading activities. While this does not meet the dimensional standards of the LDR, it represents a deliberate attempt to address loading needs in a constrained urban setting. As such, it can be expected that during periods of move-in/move-out and delivery of large furniture and appliances, vehicles will at least partially obstruct the alley for significant periods of time. This may negatively impact the open flow of the alley network and negatively affect surrounding properties. The alley currently functions as a shared service corridor for multiple properties. Surrounding developments, including the property at 393 NE 5<sup>th</sup> Avenue and adjacent parcels to the south, already utilize the alley for parking, circulation and service access. The proposed project follows this established pattern by orienting parking, refuse, and delivery activity toward the alley rather than primary streets.



REAR ELEVATIONS

Given the modest scale of the development, the frequency of loading is expected to be limited and primarily associated with residential move-ins, package deliveries, and small-scale retail operations.

As such, the proposed arrangement is not anticipated to create a significant or unsafe impact on the alley or surrounding street network. Instead, it represents a practical response to site constraints while maintaining the intent of the loading and circulation standards by keeping service away from major street networks. In evaluating the proposed loading arrangement, the Board should consider whether the alternative approach adequately fulfills the intent of Section 4.6.10 of the Land Development Regulations, which is to ensure that loading and service activities occur in a manner that protects public safety and maintains efficient circulation. The applicant's justification is attached.





## Review & Analysis: Architectural Elevations

### **LDR Section 2.4.10(A)(3)(d), Findings**

*Architectural Elevations, including modifications to existing building facades, require an overall determination of consistency with the objectives and standards of Section 4.6.18, Architectural Elevations and Aesthetics, and any adopted architectural design guidelines and standards, as applicable.*

### **LDR Section 4.6.18. - Architectural elevations and aesthetics - Minimum requirement**

*The requirements contained in this Section are minimum aesthetic standards for all site development, buildings, structures, or alterations except for single family development. 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*

There are five subsections for consideration in **LDR Section 4.6.18**:

- (A) Minimum requirements;
- (B) Building and structure requirements;
- (C) Exterior space;
- (D) Parking lots and vehicular use areas, and
- (E) Criteria for board action.

### **(E) Criteria for Board Action.**

*The following criteria shall be considered by the Site Plan Review and Appearance 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.*
- (4) *The proposed elevations provided below have been reviewed for compliance with Section 4.6.18 - Architectural Standards.*

In conjunction to the above minimum requirements, all buildings in the CBD Sub-districts shall utilize one of the architectural styles as identified in the *Delray Beach Architectural Design Guidelines* and adhere to the defining characteristics outlined in the guideline document to ensure high quality architecture in the downtown area.

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

The proposed development is utilizing the Art Deco architectural style, which is one of the seven styles that are within the guidelines. However, the Art Deco and Masonry Modern style are two styles that require City Commission approval prior to consideration of the site plan. On June 16, 2025, the City Commission approved Resolution No. 132-25 to allow the utilization of Art Deco as the proposed architectural style.



A further analysis of compliance with the CBD Architectural Design Guidelines and LDR Section 4.6.18 are discussed below.

#### Delray Beach Central Business District - Architectural Design Guidelines

*“Art Deco is an influential modern design style that first appeared in France post WWI. It is an eclectic style, borrowing traditional craft details and incorporating influences from the streamlined machine age. The popularity of the Art Deco waned post WWII, although it is often referenced in modern architectural design. While stone typically was used in northern examples of the Art Deco, masonry and stucco with vivid color highlights are common in Florida.”*

The proposed four-story mixed-use building has been reviewed for consistency with the architectural standards of LDR Section 4.4.13(F), which establishes minimum architectural quality, façade articulation, and design expectations for development within the CBD. The building is designed utilizing the Art Deco architectural style. The use of the Art Deco architectural style for this property received recommendation for approval by the Planning and Zoning Board in June 2025 and final approval by and City Commission in July 2025 pursuant to **Resolution No. 132-25 (2025)**, authorizing the use of the Art Deco architectural style in accordance with LDR Section 4.4.13(F)(3)(e). The following evaluation addresses applicable architectural standards and building elements in relation to the submitted architectural plans, elevations, renderings, and supporting architectural narrative.



**LDR 4.4.13(F)(2) - Façade Composition, Tripartite Organization:** The proposed building demonstrates a legible base, middle, and top composition consistent with CBD architectural expectations and the CBD Architectural Design Guidelines. The ground floor establishes a defined base through storefront glazing, recessed entry features, framed architectural openings, and integrated planters



supporting pedestrian-scale interaction. Upper residential levels form the middle façade field through repetitive window rhythm, horizontal stucco banding, cantilevered eyebrow projections, and integrated balcony elements. The building is visually terminated at the roofline through parapet articulation and horizontal banding, providing a defined upper building termination consistent with both CBD building typologies and Art Deco architectural vocabulary. The curved corner treatment provides vertical continuity through the façade tiers and reinforces the prominence of the corner condition at NE 6th Avenue and NE 4th Street, consistent with downtown corner activation expectations.

**LDR 4.4.13(F)(3) - Architectural Style, Art Deco:** The building design incorporates defining characteristics of the Art Deco architectural style, including curved corner geometry, horizontal streamlined ornamentation, smooth stucco façade finishes, pastel accent banding, ribbon window groupings, metal railing elements, and vertical architectural features emphasizing building entry and corner identity. These architectural elements are consistent with the defining characteristics of Art Deco architecture as described in the CBD Architectural Design Guidelines and reflected in the applicant's architectural narrative and supporting renderings.

**LDR 4.4.13(F)(4) - Walls and Primary Materials:** The exterior material palette is primarily composed of smooth stucco finishes with complementary architectural metal and glazing systems. The restrained material palette supports architectural cohesion and reinforces the stylistic discipline typical of Art Deco façade composition. The material transitions are expressed through subtle color variation,



NORTHWEST CORNER

horizontal banding, and geometric relief features, providing façade depth and visual interest while maintaining architectural consistency across building elevations.

**LDR 4.4.13(F)(5) – Openings and Transparency:** Ground-floor storefront glazing and upper-story window systems are integrated into the façade design to maintain visual rhythm and façade articulation. Storefront systems provide pedestrian engagement along primary street frontages through transparent glazing, recessed entry conditions, and pedestrian-scaled façade detailing. Upper-story fenestration incorporates ribbon window groupings and recessed openings that create shadow lines and façade relief consistent with Art Deco architectural expression and CBD façade articulation expectations.

**LDR 4.4.13(F)(6) - Roof Form and Screening:** The building utilizes a flat roof configuration consistent with CBD urban building typologies. Rooftop mechanical equipment is screened from public view through parapet extensions integrated into the overall architectural composition. The rooftop amenity level is visually incorporated into the building massing through parapet detailing and horizontal banding consistent with the Art Deco architectural language.

**LDR 4.4.13(F)(7) - Architectural Elements:** Architectural detailing includes cantilevered eyebrow projections for solar shading, geometric stucco relief detailing, metal rail systems, and vertical architectural elements reinforcing building entry and corner emphasis. Structural expression elements contribute to façade depth and architectural interest consistent with CBD Architectural Guidelines and the selected architectural style.

**LDR 4.4.13(F)(8) - Parking and Service Integration:** Vehicular access and service functions are consolidated along the rear alley network, limiting visibility of service and parking functions from primary pedestrian frontages. This configuration supports pedestrian-oriented street activation and maintains the functional relationship between building frontage and the public realm along primary streets.

**LDR 4.4.13(F)(9) - Urban Heat Island Reduction and Green Building:** The building incorporates reflective roofing materials and energy-compliant roof systems consistent with urban heat island reduction objectives. The building size exceeds thresholds requiring green building compliance and will be subject to applicable green building certification requirements under adopted City regulations.

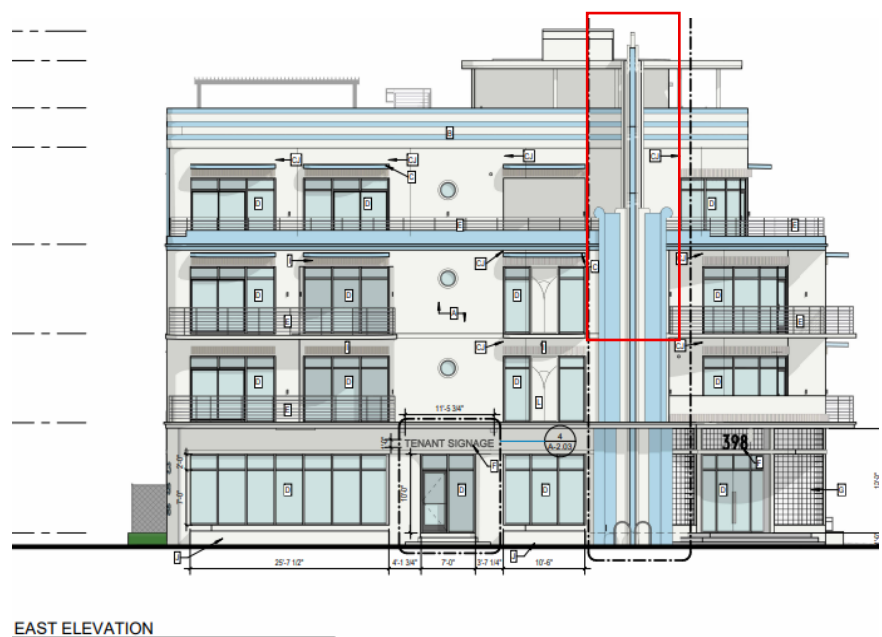
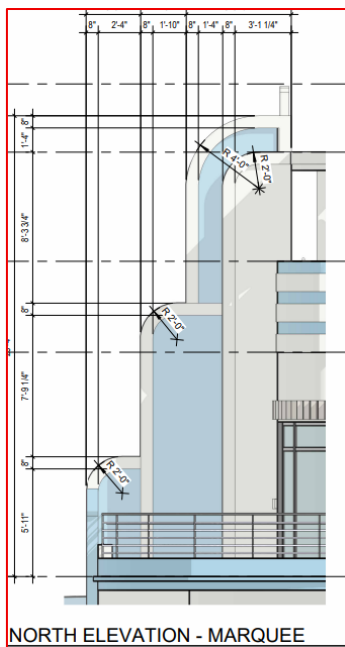
The proposed architectural design reflects the defining characteristics of the approved Art Deco architectural style and demonstrates architectural composition, façade articulation, and material consistency anticipated for development within the CBD. The building reinforces the corner condition, supports pedestrian-oriented frontage design, and reflects architectural quality expectations established under LDR Section 4.4.13(F).



The proposed design incorporates a tower element extending above the third story, providing vertical articulation and reinforcing the building's corner presence. LDR Section 4.4.13(D)(2)(a)1.b. provides that, with approval from the board, building entries, lobbies, and vertical circulation areas located above the second story may not be required to increase the setback to 20 feet when configured as tower elements determined to be consistent with the CBD Architectural Design Guidelines.

The tower element appears integrated into the overall Art Deco architectural composition through consistent material application, horizontal banding transitions, vertical emphasis, and proportional relationship to the primary building mass. Vertical tower or marquee-style elements are characteristic of Art Deco architecture, where vertical features are often used to contrast strong horizontal banding, emphasize building entries, and create visual identity at prominent corners. The proposed tower element reflects these architectural principles and is incorporated into the overall façade composition rather than appearing as an isolated vertical projection.

From an architectural and urban design perspective, this element contributes to façade articulation, corner identity, and skyline variation typical of mixed-use buildings within the Central Core Sub-district. The Board may determine that the tower element is appropriate, consistent with the Architectural Design Guidelines, and may approve the configuration as presented.





SOUTHEAST CORNER

| Standard/Regulation                                                                | Review                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Façade Composition Tripartite Composition: Base Middle, Top</b><br>4.4.13(F)(2) | The development meets the intent of the building composition requirements. For example, there is strategic use of treatment, materials, and setbacks that differentiate the base from the middle and the top.                                                                                                                                                                                               |
| <b>Appropriate Architectural Styles</b><br>4.4.13(F)(3)                            | <b>Style:</b> Art deco with Lobby Entrance Frontage Type<br><b>Proposed:</b> The proposed Art Deco architectural style is one of the seven permitted styles outlined in the <i>CBD Architectural Design Guidelines</i> ; however, requires City Commission approval prior to site plan. The style was reviewed and considered by City Commission and the project was granted approval to utilize the style. |
| <b>Walls</b><br>4.4.13(F)(4)                                                       | <b>Required:</b> Maximum two primary material's appropriate to architectural style<br><b>Provided:</b> Smooth stucco texture and a decorative aluminum screen                                                                                                                                                                                                                                               |
| <b>Openings</b><br>4.4.13(F)(5)                                                    | <b>Required:</b> Transparent windows covering 20%-75% of each story<br><b>Proposed:</b> Primary entrances are easily identified and storefront for new retail <ul style="list-style-type: none"><li>• <b>East Elevation:</b> 31%-37%</li><li>• <b>North Elevation:</b> 25%-47%</li></ul>                                                                                                                    |
| <b>Roofs</b><br>4.4.13(F)(6)                                                       | Flat roof and rooftop equipment are screened by a four-foot parapet and is consistent with the overall architectural language                                                                                                                                                                                                                                                                               |
| <b>Reduction of Urban Heat Islands</b><br>4.4.13(F)(9)                             | The project will use energy star roof-compliant, high reflective and high emissivity roofing.                                                                                                                                                                                                                                                                                                               |
| <b>Green Building Practices</b><br>4.4.13(F)(10)                                   | Ordinance No. 30-22 has been adopted and requires that all new construction of 15,000 square feet or more (air-conditioned space) that submit for a building permit on or after November 1, 2023, must obtain a minimum level of certification from a green building certification entity. <u>The subject building contains 20,399 square feet under air; green building certification is required.</u>     |

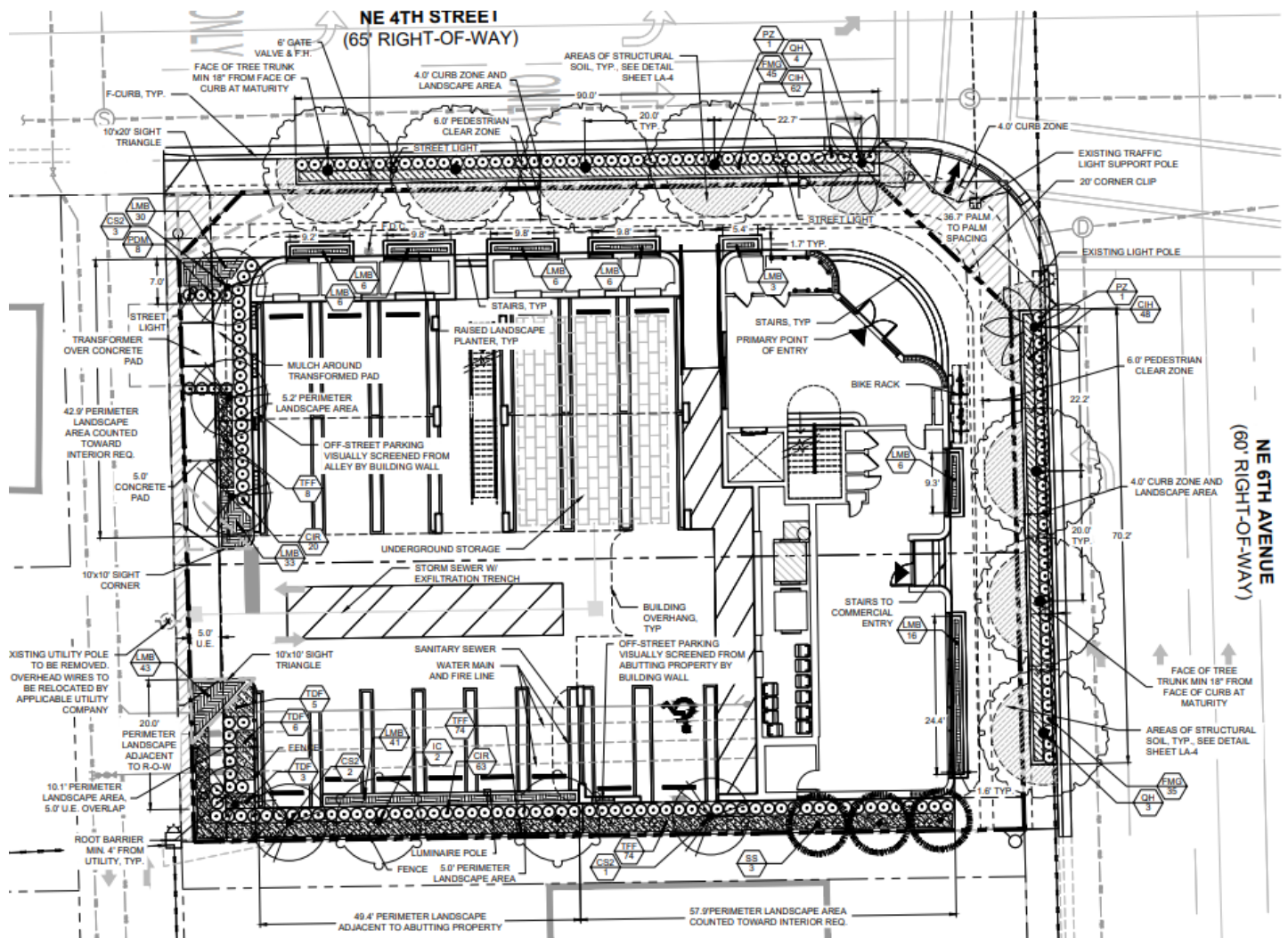


## Review & Analysis: Landscape Plan

### LDR Section 2.4.10(A)(3)(c), Findings

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

A technical review of this site plan has been performed, and a determination has been made that the project complies with all applicable landscape regulations. Landscaping is interspersed throughout the site in a way that is appropriate for the urban setting, where some foundation landscaping is incorporated to soften the mass, while a wide sidewalk is simultaneously paired with street trees to establish a walkable corridor. The landscape plan provides mitigation in the form of three (3) 3-inch caliper Silver Buttonwood trees (9-inch total caliper) and one (1) tree-for-tree replacement, which satisfies the required mitigation for the tree removal. A full landscape plan is available as an attachment. Tree disposition and mitigation information is available on sheet LA-2.



## Review & Analysis: Waivers

**LDR Section 4.4.13(D)(2)(a)3.a., Front and rear setbacks above the third story are 20 feet minimum.**

The building placement is required to be a minimum 20 feet in depth measured from the property line for portion of the structure above the third story. The applicant is requesting a waiver to reduce the minimum required front setback depth from 20 feet to **17 feet and 11 inches**.

The reviewing body must review and make a recommendation on a waiver request based on a negative or positive finding on the below.

### LDR Section 2.4.11(B)(5), Waiver: Findings

*Prior to granting a waiver, the granting body shall make findings that granting of a waiver:*



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depth above the third story remains consistent with the intent of LDR Section 4.4.13(D), and the articulated corner design continues to promote high-quality architecture and an activated streetscape consistent with the design vision for this area of the City.

Furthermore, the requested waiver does not interrupt or diminish the required streetscape design because the encroachment occurs only above the third story. At the pedestrian level, the building fully complies with the minimum 10-foot front setback, and a streetscape design of at least 15 feet is maintained in accordance with LDR Section 4.4.13(E)(2). As a result, the ground-floor relationship to the public realm, including sidewalk width, landscaping is consistent with code requirements.

#### Options for Board Action

- A. Move to recommend to the City Commission **approval** of a Level 4 Site Plan Application including Architectural Elevations and a Landscape Plan, to construct a 20,399 square-foot mixed-use building including an associated waiver to the minimum 20-foot required front setback depth above the third story, relief to the tower element above the third story, and a determination of adequacy for reduction of required off-street loading with the development located at 398 NE 6<sup>th</sup> Avenue, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan.
- B. Move to recommend to the City Commission **approval** of a Level 4 Site Plan Application including Architectural Elevations and a Landscape Plan, to construct a 20,399 square-foot mixed-use building including an associated waiver to the minimum 20-foot required front setback depth above the third story, relief to the tower element above the third story, and a determination of adequacy for reduction of required off-street loading with the development located at 398 NE 6<sup>th</sup> Avenue, finding that the request is consistent with the Comprehensive Plan and meets the criteria in the Land Development Regulations, **subject to conditions**.
- C. Move to recommend to the City Commission **denial** of a Level 4 Site Plan Application including Architectural Elevations and a Landscape Plan, to construct a 20,399 square-foot mixed-use building including an associated waiver to the minimum 20-foot required front setback depth above the third story, relief to the tower element above the third story, and a determination of adequacy for reduction of required off-street loading with the development located at 398 NE 6<sup>th</sup> Avenue, finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria in the Land Development Regulations
- D. **Continue with direction.**

#### TAC Review Timeline

| Review No. | Submittal Date                  | TAC Comments Transmitted |
|------------|---------------------------------|--------------------------|
| 1          | 12/13/2024<br>Distributed 12/20 | 01/31/2025               |
| 2          | 3/31/2025                       | 4/29/2025                |
| 3          | 06/30/2025                      | 7/24/2025                |
| 4          | 9/23/2025                       | 10/15/2025               |
| 5          | 11/03/2025                      | 11/21/2025               |
| 6          | 12/22/2025                      | 1/13/2026                |

Total time with Applicant: **201 days**

Total time under review: **195 days**