



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## SITE PLAN REVIEW AND APPEARANCE BOARD

### Bricktop's Restaurant

Meeting	File No.	Application Type
July 24, 2024	2022-300	Level 2- Site Plan Application
Property Owner	Agent	
12 NE 5 <sup>th</sup> LLC	Jeffrey A. Costello, AICP, FRA-RA	

### Request

Consideration of a Level 2 Site Plan, Landscape Plan, and Architectural Elevations for the construction of a one-story, 4,420 sf restaurant with 580 sf mezzanine located at 12 NE 5<sup>th</sup> Avenue.

### Site Data & Information

**Location:** 12 NE 5<sup>th</sup> Avenue

### Zoning Map

**PCN:** 12-43-46-16-01-100-0070

**Property Size:** 0.368 acres (16,030.08 square feet)

**Land Use Designation:** Commercial Core

**Zoning District:** Central Business District (CBD)  
Central Core (CC) Sub-district

- o **SE 5<sup>th</sup> Avenue:** Primary Street

### Adjacent Zoning:

- o **North:** CBD-CC
- o **East:** CBD-CC
- o **South:** CBD-CC
- o **West:** CBD-CC

### Existing Use:

Two-story, 7,106 square foot commercial building

### Proposed Use:

4,420 sf restaurant with 580 sf mezzanine with outdoor dining

### Floor Area Ratio:

- o **Proposed:** 0.32
- o **Maximum Allowed:** 3.0



Existing Site Conditions

## Background

The subject property is a 0.368-acre lot located on the west side of NE 5th Avenue (N. Federal Hwy), north of East Atlantic Avenue. This property, originally platted in the subdivision, block 100 Town of Delray, includes lots 7 and a portion of lot 8. It currently houses a two-story building constructed in 1956, with a warehouse addition from 1957 on lot 7, and a 26-space parking lot on lot 8. Previously, the ground level was occupied by Bethesda Bargain Box, while the second floor served as office space. The property is within the boundaries of the Downtown Development Authority (DDA) and Subarea 2 of the Community Redevelopment Agency (CRA) district.

The initial application was submitted in October 2022 for a Class V Site Plan application and a parking in-lieu request for 9 spaces. In conjunction, a plat exemption is processed with the site plan application.

A significant aspect of the development proposal is the inclusion of a sidewalk café, crucial for the economic viability of establishing a restaurant on the property. This sidewalk café is planned to occupy part of the sidewalk along NE 5th Avenue within the Florida Department of Transportation (FDOT) right-of-way. Current code regulations allow sidewalk cafés within FDOT right-of-way only along East Atlantic Avenue and South Ocean Boulevard, under an existing leasing agreement between the City and FDOT. The application was therefore contingent on the approval of a new leasing agreement between the City and FDOT to permit and establish leasing fees for sidewalk cafés on NE 5th Avenue.

The application progressed through various advisory boards and approving bodies as follows:

- **April 10, 2023.** DDA supported the Level 2 Site Plan Application (previously Class V) and Parking In-lieu request.
- **April 25, 2023.** The Parking Management Advisory Board (PMAB) supported the Level 2 Site Plan Application and Parking In-lieu request.
- **May 16, 2023.** City Commission approved the parking in-lieu for 9 spaces (**Reso. No. 91-23**).
- **June 13, 2023** City Commission approved a waiver to increase light transmission reduction into the building from a maximum of 20% to 36% to comply with Florida Building Code, Energy Conservation Code 7<sup>th</sup> Edition (**Reso. No. 100-23**).

On **May 21, 2024**, the City approved the amendment of the leasing agreement to include sidewalk cafes to be located on NE 5<sup>th</sup> Avenue within the FDOT right-of-way.

During the site plan application process, on October 17, 2023, the City repealed and replaced Chapter 2, affecting the City's development applications and processes. This amendment reclassified the Class V Site Plan application as a Level 2 Site Plan Application, further detailed in the report.

Additionally, in May 2023, the City passed Ordinance No. 12-23, amending the Land Development Regulations (LDR) to require City Commission approval for using Masonry Modern and Art Deco architectural styles in the CBD zoning district before site plan application approval. The proposal, featuring an Art Deco style, was submitted before the ordinance's effective date and reviewed by various Advisory Boards. Consequently, the application will be reviewed for Board Action by the Site Plan and Appearance Board (SPRAB) for compliance with CBD architectural guidelines and LDR Section 4.6.18.



**LDR Section 2.1.6(E)(1)(a)1., Board Action**

*The SPRAB has the authority to take action on the following items pursuant to the procedures and standards of the LDR:*

- *Level 1 or Level 2 Site Plan applications when associated with the following requests for relief: Waivers that do not require City Commission action.*

The Level 2 Site Plan application with an associated request for relief that does not require City Commission action are subject to final action by Site Plan and Appearance Board (SPRAB).

**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.*

The site plan application requires compliance with b, c, and d listed above. The analysis of the required findings are 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, 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.*

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.

**3.1.1(A) Land Use Map**

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

The property has a Land Use Map designation of Commercial Core (CC), and a Zoning designation of Central Business District (CBD)- Central Core Sub District, which is the preferred zoning district to implement the CC land use designation, pursuant to Table NDC-1 of the Always Delray Comprehensive Plan. A restaurant use is listed as a permitted use in the Central Core Sub-District of the CBD as shown in *Table 4.4.13(A)- Allowable uses and Structures in the CBD Sub-Districts*. Therefore, the use of land is compatible with the underlying land use.

**3.1.1(B) Concurrency**

*Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the*

*public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

Potable Water and Sewer: Water and sewer services will be provided through connection to existing water and sewer lines. Pursuant to the Always Delray 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. As the project is adjacent to FDOT roadway, prior to the issuance of a building permit, a Hold Harmless Agreement with FDOT may be required if water or sewer connections are made in the FDOT right-of-way.

Drainage: The 100 year storm stage is in line with the FEMA maps calculating flood elevation. Per FEMA FIRM 12099C0979F effective 10/05/2017, the site falls well outside the area for 1% annual flood change. Stormwater runoff from new impervious areas will be directed via sheet flow to the existing alleyways south and west of the property. Runoff will follow the historical (pre-development) path to the existing catch basins via the 2' concrete valley gutters in each alley. The Drainage statement has been reviewed and deemed sufficient by the City Engineer.

Transportation: A Traffic Performance Standard (TPS) letter from Palm Beach County dated April 4, 2023, and a Traffic Impact Statement, performed by JMD Engineering Inc., has been provided indicating that the project will result in 222 new daily trips and 23 peak hour trips. A technical note has been added, requiring an updated TPS letter prior to site plan certification, utilizing Palm Beach County's most recent trip generation rates to ensure that the concurrency requirement is met.

Parks and Open Space: Not applicable. Parks impact fees are only required for residential development.

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

Public School: Not applicable to commercial development.

### 3.1.1(C) Consistency

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

### Article 3.2 Performance Standards

The following standards contained in Article 3.2 are applicable:

- **LDR Section 3.2.1, Basis for Determining Consistency** requires a determination of overall consistency with the Comprehensive Plan,
- **LDR Section 3.2.3, Standards for site plan and/or plat actions**, and
- **LDR Section 3.2.4, Standards for Specific Areas or Purposes addresses** development compliance in various areas.

The proposed site plan modification generally 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.** The following applicable objectives or policies from the Always Delray Comprehensive Plan apply to the request.

### **Comprehensive Plan**

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

### **Neighborhoods, Districts, and Corridors Element**

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.*

Policy NDC 2.2.7: *Within the Commercial Core, locate and design off-street parking areas in a manner that does not detract from the character by providing standards in the Land Development Regulations, such as locating parking to the side or rear of buildings, limiting size of lots, and landscaping and façade requirements. Large fields of parking between building facades and streets are generally not desirable.*

### **Economic Prosperity Element**

Policy ECP 3.3.4 *Continue to support efforts of commercial districts, streets and neighborhoods to improve their physical attributes by encouraging infill, adaptive reuse, redevelopment and other strategies.*

### **Mobility**

Policy MBL 2.6.1: *The City shall not abandon alley rights-of-way, and recognizes the important functions alleys provide by dispersing traffic, diversifying access points to properties, providing for multimodal access, and facilitating local trips.*

Policy MBL 2.6.2: *The City shall maintain the existing network of alleys in the downtown, which provide multiple benefits that enhance the quality of the area:*

- *Providing access for sanitation collection*
- *Providing locations for utilities*
- *Minimizing commercial deliveries from occurring in the primary street network*
- *Reducing pedestrian-vehicular conflict points on the sidewalk*

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

- (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.*
- (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.*
- (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.*

Overall, the proposed development aligns with the applicable Goals, Objectives, and Policies of the Always Delray Comprehensive Plan, specifically within the Neighborhood, Districts, and Corridors Element, the Economic Prosperity Element, and the Mobility Element. The plan emphasizes the need for redevelopment that matches the use, intensity, and density compatible with neighboring land uses. It also promotes the use of alleys to disperse traffic, situating parking behind buildings, providing access for sanitation collection, and diversifying access points to properties. The redevelopment proposal for The Property adheres to the CBD form-based regulations, encouraging developments that are consistent in scale with the existing development pattern throughout the downtown area.

**LDR Section 3.2.4, Standards for Specific Areas or Purposes**

The subject property is not located within a wellfield protection zone, an environmentally sensitive area, a flood prone area or a historic district. The property is not located on the barrier island and is not an individually designated site or would impact adjacent communities. The new use will not result in the addition of more than 50 employees.

**3.1.1(D) Compliance with Land Development Regulations (LDR)**

*Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in [Section 2.4.10](#) and in special regulation portions of individual zoning district regulations.*

**LDR Section 4.4.13(A)(1), Central Core Sub-district**

*The Central Core Sub-district 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. Residential development is permitted at a density that fosters compact, pedestrian oriented growth that will support downtown businesses. See Figure 4.4.13-B-1 "Central Core and Beach Sub-Districts Regulating Plan."*

The applicable regulations are outlined in the table below.

**Section 4.4.13, Central Business District**

Standard/Regulation	Review
<b>Height</b> Table 4.4.13(C)	<b>Maximum:</b> 54 feet, 4 stories <b>Proposed:</b> 26 feet and 7 inches
<b>Setbacks</b>	<b>Required:</b> <b>Front:</b> Min. 10 feet/Max. 15 feet <b>Front Above 3<sup>rd</sup> Story:</b> 20 feet <b>Side:</b> 0-5 feet <b>Rear:</b> 10 feet  <b>Proposed:</b> <b>Front (East):</b> 10 feet, 6 inches <b>Front Above 3<sup>rd</sup> Story:</b> Not applicable <b>Side (South):</b> 17.18 feet <b>Side (North):</b> 7.83 feet <b>Rear (West):</b> 69.72 feet
<b>Streetscape Standards</b> 4.4.13(E)(2)	The project complies with the minimum requirements of the CBD streetscape standards.
<b>Minimum Streetscape Width</b>	<b>Required:</b> 15 feet <b>Curb Zone:</b> 4 ft (min.) <b>Ped. Clear Zone:</b> 6 ft (min.) <b>Remaining Front Setback Area:</b> up to 15 ft  <b>Provided:</b> range from 20.91-20.99 feet <b>Curb Zone:</b> 4.41 ft <b>Ped. Clear Zone:</b> 6-6.08 feet <b>Remaining Front Setback Area:</b> 10.5 feet  The project provides curb zone that ranges from 6 ft to 6.08 ft along SE 5 <sup>th</sup> Avenue where the required street trees are provided. A seven-foot pedestrian clear zone is provided leading up to the remaining setback area of 10.5 feet.
<b>Remaining Front Setback Area</b> 4.4.13(E)(2)(a)3.	<b>Required:</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.  <b>Proposed:</b> The remaining front setback area contains a 7-foot walkway between the associated tables and chairs for the proposed sidewalk café.
<b>Frontage Type:</b> Storefront 4.4.13(E)(4)(e)	<b>Required:</b> <b>Building Setback:</b> 10 to 15 ft <b>Width:</b> 75 ft on required retail streets <b>Storefront Base:</b> Min. 9 in to Max. 3 ft <b>Glazing Height:</b> Min. 8 ft <b>Required Openings:</b> Min. 80% <b>Allowable Encroachment:</b> <b>Awning Projection:</b> Min. 5 ft



	<p><b>Proposed:</b>  <b>Building Setback:</b> 10.5 ft  <b>Width:</b> 80.5 ft on required retail streets  <b>Storefront Base:</b> Range from 9 in to 3 ft  <b>Glazing Height:</b> 10 ft  <b>Required Openings:</b> 80%  <b>Awning Projection:</b> 5 ft</p>
<b>Architectural Elevations</b> 4.4.13(F)	A review of the CBD architectural requirements is provided under the <b>Architectural Elevations</b> section of the report.
<b>Civic Open Space</b> 4.4.13(G)	Sites smaller than 20,000 square feet have no civic open space requirement.
<b>CBD Parking Standards</b> 4.4.13(I)	<p><b>Required:</b> 30 spaces  Restaurants and lounges: 6 spaces/1,000 sf. of gross floor area  <b>Max. Compact:</b> 6 spaces</p> <p><b>Proposed:</b>  21 spaces on site, including 1 ADA and 6 compact spaces  9 spaces via in-lieu parking (Reso. No. 91-23)</p>
<b>Bicycle parking and facilities</b> 4.4.13(I)(4)	<p><b>Required:</b> 2 spaces  Type I: 1 space/2,500 sf  Type II: less than 10,000 sf: not required</p> <p><b>Provided:</b> 2 (Type I) spaces</p>

**Article 4.6 – Supplemental District Regulations**

Regulation	Review
<b>Lighting (Photometric Plan)</b> 4.6.8(A)(3), Illumination Standards: Table 2	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 entrance.
<b>Off-Street Loading</b> 4.6.10	<p><b>Required:</b> One Berth</p> <p><b>Proposed:</b> One Berth  <b>LDR Section 4.6.10(B)-Off-Street Loading-Determination of adequacy.</b>  The LDRs provide guidelines for off-street loading for each use which requires such an item based on gross floor area. At least one loading space should be provided in a configuration that complies with the minimum size requirements and location does not create confusion or conflict with other use areas. <b>LDR Section 4.6.10(B)</b>, allows the approving body to determine the adequacy of the provisions to accommodate (un)loading by providing a loading demand statement.</p> <p>The applicant has submitted a loading demand statement for the Board's consideration to justify the location of one loading space. Based on the applicant's justification, the (un)loading area within the parking lot drive aisle can accommodate deliveries for the business in a manner that will not negatively impact adjacent properties or impeded access through abutting alleys. The applicant states that the delivery schedules will not interfere with the business operations or</p>

	conflict with customer parking as the delivery will be in the morning while the operations of the restaurant will be closed.
<b>Sight visibility</b> 4.6.14	<b>Alley intersecting street.</b> <b>Required:</b> 10-foot visibility triangle  <b>Proposed:</b> 10-foot visibility triangle

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

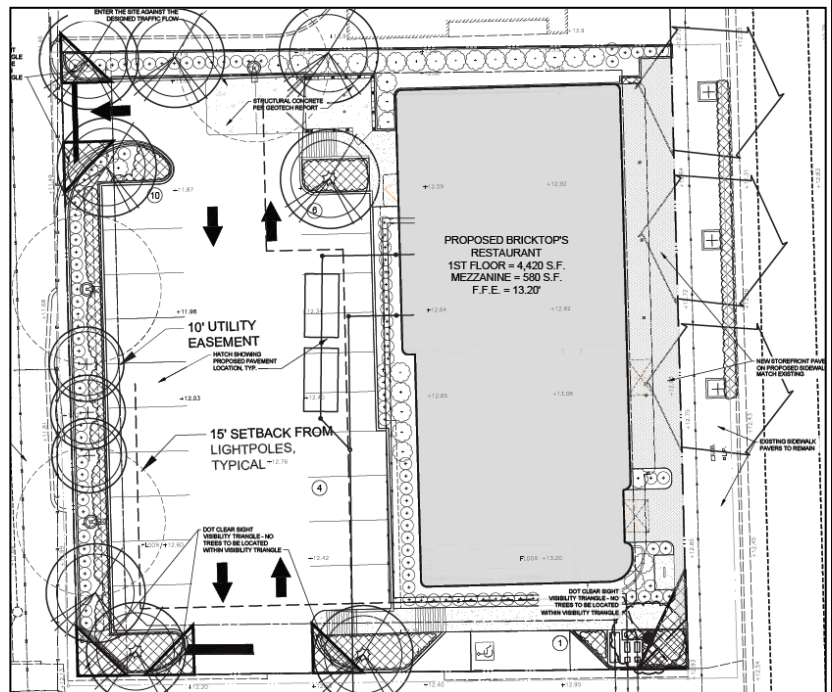
Certification is required through a green building certification entity for new construction or additions consisting of 15,000 square feet of gross floor area that is condition space.

The applicant is not required to obtain a Certification through a green building certification entity as the total Gross Floor Area is under 15,000 square feet.

**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.*

The project includes three new Cathedral Live Oak trees planted in tree grates and lined with shrubs along NE 5<sup>th</sup> Avenue intended to provide a shaded environment for the pedestrian, provide a physical separation between pedestrians and vehicles and, improve the overall visual appearance of the street. The north, west and south perimeter of the site is lined with lush layers of ground cover and shrubs with proposed eight Green Buttonwood, three Truimpt trees and palms. The development facing the parking lot is filled with foundation planting wrapped around the south side



Overall, the landscape plan has been deemed technically compliant by the Senior Landscape Planner, pursuant to the applicable requirements of LDR Section 4.6.16.

**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.*

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

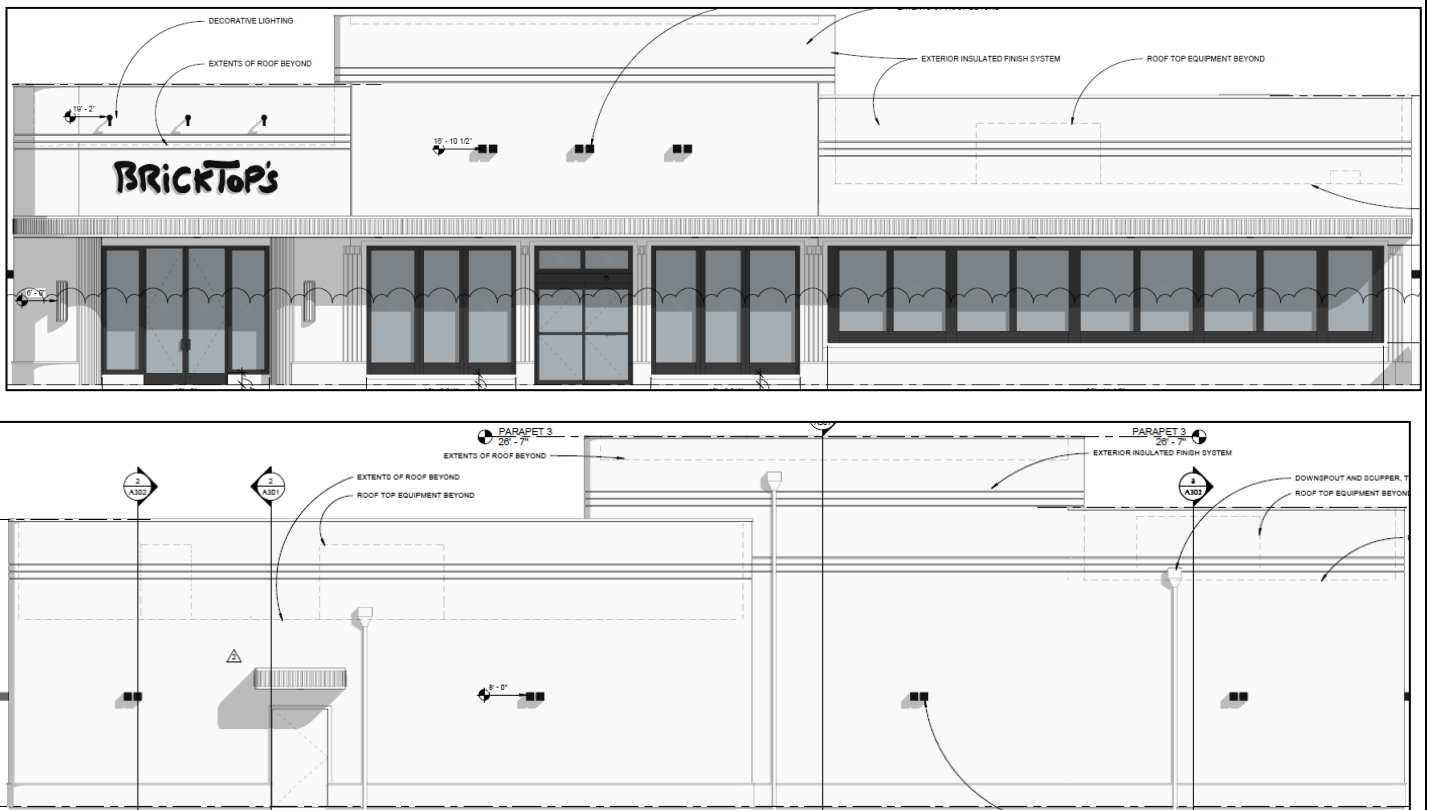
- (A) Minimum requirements;
- (B) Building and structure requirements;
- (C) Exterior space;

- (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.*
- (1) *The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.*

The proposed elevations provided below have been reviewed for compliance with Section 4.6.18 and the architectural standards in 4.4.13 and Architectural Guidelines for properties within the CBD.



### **Delray Beach Central Business Architectural Design Guidelines**

*Art Deco is defined by architectural language with both traditional and modern influences. The strong horizontal lines of an Art Deco building in Florida are typically juxtaposed to vertical features such as towers and marquees that mark the building entrances. Elements include clearly marked entrances, shaded storefronts, cantilevered eyebrows for protection from sun and rain. The components that make up an Art Deco building are influenced by modern architecture. Roof top terraces, ribbon windows that often turn buildings' corners, and streamlined horizontal details all embody a more modern aesthetic and express advances in building tectonic.*

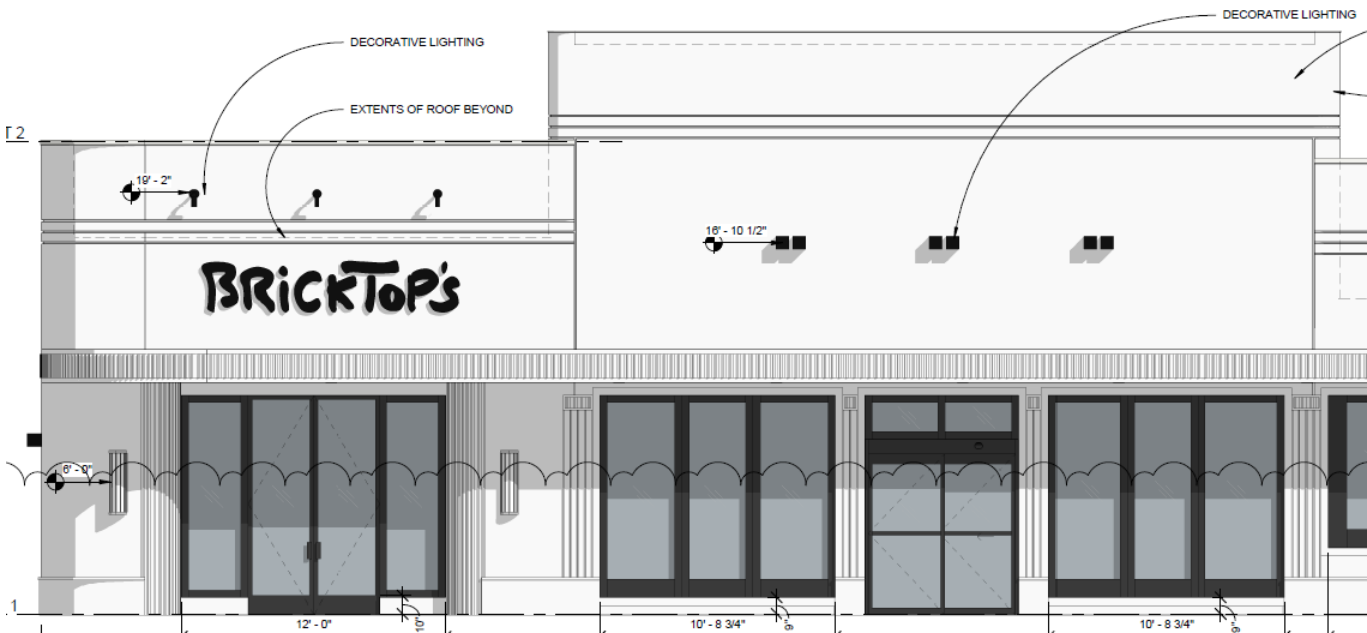
Art Deco is characterized by its opulence, geometric patterns, bold lines, lavish ornamentation, and vivid color palette. The art deco style often referred to as "Miami Modern" or "MiMo," incorporates the nautical, tropical and whimsical motifs. The elements include clearly marked entrances, cantilevered eyebrows, corners often rounded and horizontal lines are expressed to embody a more modern aesthetic. This is further accentuated by pastel colors and integrated signage with modern font type.



The overall architecture demonstrates a simple streamline art deco style design that incorporates rounded corners with a cantilevered eyebrow, smooth stucco finish with simple horizontal lines along the parapet, and embellished design along the windows.



EAST ELEVATION



The East Elevation effectively maintains symmetries in the articulation of solid and void, but the other three elevations lack symmetry, massing, and richness of details. To better align with Art Deco principles, the designer should incorporate more pronounced elements, openings, and a mixture of colors, such as mirrored motifs or recurring patterns, to enhance visual cohesion and evoke the grandeur typically associated with this iconic style. To generate a more pleasant visual harmony and symmetry, additional effort in creating an iconic roof skyline is encouraged by emphasizing on the main entrance to be centered to create symmetry and accentuate the horizontal elements or capturing the corner with a vertical decorative tower used to display the name. Further enhancements towards detail depicting the local flora and fauna to be incorporated into the stucco and painted with contrasting colors.



NORTH-EAST CORNER



SOUTH-WEST CORNER



SOUTH-EAST CORNER

**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.

Standard/Regulation	Review
<p><b>Façade Composition</b> <b>Tripartite Composition:</b> <b>Base Middle, Top</b> 4.4.13(F)(2)</p>	<p>A successful Art Deco facade often consists of distinct sections—base, middle, and top—each with its own decorative treatment. The design clear division of base, middle and top sections create a sense of balance and harmony.</p>
<p><b>Appropriate Architectural Styles</b> 4.4.13(F)(3)</p>	<p><b>Proposed Style:</b> Art Deco <b>Style Details Utilized:</b> Art Deco (see above)</p>
<p><b>Walls</b> 4.4.13(F)(4)</p>	<p><b>Required:</b> Maximum two primary material's appropriate to architectural style <b>Provided:</b> Smooth stucco The choice of stucco finishes, decorative lighting, and stucco wall decorative columns successfully express the style. However, the monochromatic color palette, while smooth and sleek, could benefit from a mixture of more pastel harmonious colors to enrich the visual experience.</p> <p><b>Required:</b> Maximum four base wall colors <b>Provided:</b> One base wall color (OC-65 Chantilly Lace)</p>
<p><b>Openings</b> 4.4.13(F)(5)</p>	<p>The design's approach to openings is effective in capturing the essence of Art Deco architecture in many areas. However, the North, South, and West Elevations lack a balance of solid and void elements, which diminishes both authenticity and visual impact. To enhance the Art Deco aesthetic, a more intentional incorporation of openings and decorative detailing is recommended to achieve a visually cohesive and engaging appearance. Additionally, for security reasons, it is highly recommended to introduce more openings on these three elevations, particularly on the West elevation facing the parking lot. It is worth noting that the transparency requirements apply only to elevations facing streets, as specified in LDR 4.4.13(F)(5)(a).</p> <p>Transparency requirements have been met. The applicant was granted a waiver to 4.4.13(F)(5)(a) to increase light transmission reduction into the building from a maximum of 20% to 36% to comply with Florida Building Code, Energy Conservation Code 7<sup>th</sup> Edition.</p> <p>The primary entrance is identified from SE 5<sup>th</sup> Avenue.</p>
<p><b>Roofs</b> 4.4.13(F)(6)</p>	<p>Art Deco roofs are iconic for their flat forms, stepped parapets, and striking shapes that contribute to the vertical emphasis of the building. The design attempts to introduce horizontal detailed parapets that wrap the mass from all sides of the structure.</p>

	Flat roof and rooftop equipment are screened by a parapet
<b>Parking Garages</b> 4.4.13(F)(8)	Not applicable
<b>Reduction of Urban Heat Islands</b> 4.4.13(F)(9)	The roofed area will be required to utilize Energy Star roof-compliant, high-reflectance and high emissivity roofing for a minimum of 75 percent of the roof's surface. Roofing details to ensure compliance with this requirement will need to be submitted at time of building permit.

Overall, the design authentically captures the essence and visual impact of the Art Deco architectural style. However, there is room for improvement by introducing more openings on the other three elevations that do not face NE 5th Avenue, enriching the color palette, and adding more details to the walls and parapet. To generate a more pleasant visual harmony and symmetry, additional effort in creating an iconic roof skyline is encouraged.

The Board should consider the following when evaluating the proposed style:

- Is the Masonry Modern style appropriate for both the regional and site-specific context, such that it fits well within the general downtown Delray Beach urban fabric?
- Is the proposed design a well-executed example of a Masonry Modern, such that the design elements from the Masonry Modern style – including material, form, and proportion - are clearly represented, or should an alternate style be proposed?
- If additional architectural detailing would assist in further enhancing the Art Deco style.

**Options for Board Action**

- A. **Move approval** of the Level 2 (2022-300) Site Plan, Landscape Plan, and Architectural Elevations, for the construction of a one-story, 5,000 square foot restaurant, located at **12 NE 5<sup>th</sup> Avenue**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- B. **Move approval, as amended**, of the Level 2 (2022-300) Site Plan, Landscape Plan, and Architectural Elevations, for the construction of a one-story, 5,000 square foot restaurant, located at **12 NE 5<sup>th</sup> Avenue**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- C. **Move denial** of the Level 2 (2022-300) Site Plan, Landscape Plan, and Architectural Elevations, for the construction of a one-story, 5,000 square foot restaurant, located at **12 NE 5<sup>th</sup> Avenue**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.
- D. **Move to continue with direction.**

**Technical Notes**

- Prior to Site Plan Certification:
1. A technical note has been added, requiring an updated TPS letter prior to site plan certification, utilizing Palm Beach County's most recent trip generation rates to ensure concurrency.



Prior to Building Permit Issuance:

1. Relocation of FPL pole at the southwest corner of the site shall be resolved.
2. The property owner shall complete a right-of-way deed process to dedicate the required two feet of alleyway.
3. The roofed area will be required to utilize Energy Star roof-compliant, high-reflectance and high emissivity roofing for a minimum of 75 percent of the roof's surface. Roofing details to ensure compliance with this requirement will need to be submitted at the time of building permit.