



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Delray Swan

Meeting	File No.	Application Type
November 27, 2023	2022-063-SPF-SPR-CL5	Level 4 Site Plan with CBD Waivers
Property Owner		Agent
Clifford Rosen, SM-CDR Assemblage Delray, LLC		Neil Schiller, Esq., Government Law Group and Jeff Costello, AICP, JC Planning Solutions

Request

Provide a recommendation to the City Commission for a Level 4 Site Plan, Landscape Plan, and Architectural Elevations for the construction of a +/-304,506 square foot, five-story mixed-use building known as Delray Swan, including a revitalization incentive density bonus of up to 70 dwelling units per acre.

Site Data & Information

Location: 118 SE 2nd Street; 240, 258, 264, and 280 SE 2nd Avenue; and 215, 219, 223, 227, 231, 237, 243, 251, and 253 SE 1st Avenue

PCNs: 12-43-46-16-01-079-0010; 12-43-46-16-01-079-0210; 12-43-46-16-01-079-0200; 12-43-46-16-01-079-0190; 12-43-46-16-01-079-0170; 12-43-46-16-01-079-0060; 12-43-46-16-01-079-0080; 12-43-46-16-01-079-0090; 12-43-46-16-01-079-0100; 12-43-46-16-01-079-0110; 12-43-46-16-01-079-120; 12-43-46-16-01-079-0130; 12-43-46-16-01-079-0141; 12-43-46-16-01-079-0142

Property Size: 2.36 Acres (102,819.84 square feet prior to ROW dedications)

Land Use Designation: Commercial Core (CC)

Zoning District: Central Business District (CBD), Railroad Corridor Sub-district

Adjacent Zoning:

North: CBD, Central Core Sub-district

South & East: CBD, Railroad Corridor Sub-district

West: Medium Density Residential

Current Use: Mix of Light Industrial, Warehouse Distribution, and Single Family Residential

Floor Area Ratio:

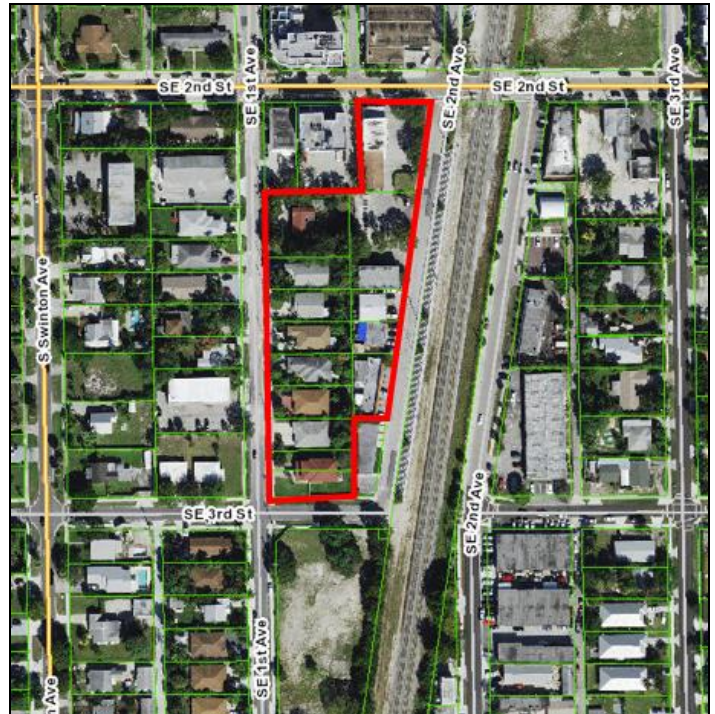
Proposed: 2.9

Maximum Allowed: 3.0

CBD Railroad Corridor Sub-district

SE 1st Avenue and SE 2nd Street - Primary Street

SE 2nd Avenue and SE 3rd Street - Secondary Street



Project Planners:

Julian Gdaniec, Senior Planner; Alexis Rosenberg, Senior Planner
gdaniec@mydelraybeach.com; rosenberga@mydelraybeach.com
561-243-7365; 561-243-7226

Attachments:

- Justification Statement
- Architectural Plans
- Project Renderings

- Building Materials & Color sample
- Engineering Plans
- Landscape Plan

- Photometric Plan
- Survey
- Traffic Statement

- TPS Letter
- Loading Analysis
- Autoturn Analysis



Background

The subject area is comprised of 14 parcels, spanning nearly an entire City block. Positioned on the Western side of the block, across from RM zoning, is a duplex constructed in 2005 and seven single-family residences constructed between 1958 and 1998. The Eastern side of the block, facing CBD zoning, features a mix of light industrial and warehouse uses constructed between 1956 and 1984.

On May 4, 2021, the City Commission approved Ordinance No. 09-21, a small-scale land use map amendment, to re-designate nine parcels on the west side of the block (215, 219, 223, 227, 231, 237, 243, 251, and 253 SE 1st Avenue) from Medium Density (MD) to Commercial Core (CC), and Ordinance No. 10-21, a rezoning to rezone the same nine parcels from Medium Density Residential (RM) to Central Business District (CBD), Railroad Corridor Sub-district. Currently, the entire block containing the subject property has a land use designation of CC and a zoning designation of CBD, Railroad Corridor Sub-district. In 2022 the applicant sought a waiver to allow an application for the abandonment of SE 2nd Avenue to be submitted. This waiver request was denied by City Commission on June 14, 2022.

On October 10, 2023, the City Commission considered and approved three waivers following recommendations from the Site Plan Review and Appearance Board:

- **Resolution No. 171-23.** A waiver from LDR Section 4.4.13(D)(2)(a)(1), allowing a front setback for the first, second, and third stories facing SE 2nd Avenue to range from zero feet to 30 feet, instead of the required 10 to 20 feet.
- **Resolution No. 172-23.** A waiver from LDR Section 4.4.13(D)(2)(a)(3)(a), allowing a setback of zero feet to 20 feet above the third story facing SE 2nd Avenue, instead of the required 20 feet.
- **Resolution No. 173-23.** A waiver from the requirement in LDR Section 4.4.13(D)(2)(a)(6) to include a pedestrian/bicycle passageway. The Resolution was approved by City Commission with the condition that the applicant provide a complete pedestrian connection around all sides of the block.

The subject property is also located within Subarea 2 of the Community Redevelopment Agency (CRA) district boundaries, which is part of the Osceola Park Neighborhood Improvement area (Phase I and II). While the Property is not located within the Osceola Park Neighborhood, it is included in the 2019 Osceola Park Neighborhood Redevelopment Plan Update.

Description of Proposal

The proposal is for the construction of a new +/-304,506 square foot, five-story mixed-use building, inclusive of 165 units and a 2,975 square foot ground-floor commercial space.

The architectural design is proposed in the Anglo-caribbean style – which is a permitted style listed in the Central Business District Architectural Design Guidelines.



The CBD Railroad Corridor Sub-district allows a base density of 30 dwelling units per acre, which equates to 70 units. Developments utilizing the City's Incentive Program may establish up to 70 dwelling units per acre when located in the Railroad Corridor Sub-district, south of SE 2nd Street, as outlined in LDR Section 4.4.13(H)(1)(c), subject to compliance with all criteria outlined in LDR Section 4.4.13(H)(2) and (3). The applicant is proposing to utilize the incentive density of 70 du/acre – allowing a total of 165 units total (33



workforce).

The unit mix includes studio, one-bedroom, two-bedroom and three-bedroom units, ranging from 567 square feet to 1,293 square feet. There is a diverse mix of unit types including standard mid-rise apartment units on floors two through five with two-story rowhouse typologies along SE 1st Avenue. Units on the ground floor adjacent to the street provide front door design elements and connect to the sidewalk through various frontage types including stoops and porches. The primary residential lobby is accessed from the SE 1st Avenue frontage, which is a primary street designation and held to a higher standard of design to facilitate a high-quality public realm at the pedestrian level. A secondary residential entrance is located off of the SE 2nd Avenue frontage, which is a secondary street. The block does not include an alley, and as such, certain back-of-house elements of the development are located along the secondary street frontage, including the mail room, trash room, loading area, bicycle storage, and mechanical room. Required civic open space is provided both at the north and south end of the project. A public plaza is located at the corner of SE 2nd Street and SE 2nd Avenue, which is lined by the commercial bay on the ground floor where a storefront frontage type is utilized to connect the building to the public realm and activate the civic space. On the southwest corner of the block, a green is provided with amenities including benches, shade trees, and pet refuse containers.

Private amenities for building residents are provided on the ground floor with a pool deck located between two wings of the primary building mass, open to the SE 1st Avenue frontage. The applicant is required to incorporate a privacy wall with landscaping between the amenity deck and public sidewalk, so the integrity of the streetscape is maintained.

Parking is provided in a five-story parking structure that is wrapped by the building on three of four sides, with the garage exposed along the SE 2nd Avenue frontage, a secondary street that is facing the FEC railroad corridor. In efforts to improve the aesthetic quality of the garage façade, the applicant has designated specific areas to accommodate murals, although the specific content of each mural is subject to approval by the Public Art Advisory Board. As part of the required streetscape improvements, the applicant is providing new on-street parking along the entire perimeter of the block. The project exceeds the minimum parking requirements by providing 296 spaces, whereas 290 are required.

It should be noted that the applicant has indicated that there are no restaurant uses on the floor plan. Therefore, if a restaurant use is proposed at the site in the future, parking would be reassessed using the restaurant parking ratio (six spaces per 1,000 square feet of gross floor area).

NOTE: As part of the City Commission approval of Resolution No. 173-23, the waiver to omit a pedestrian passageway connecting SE 1st Avenue with SE 2nd Avenue, a condition was placed that a full-block sidewalk connection must be provided where no sidewalks currently exist, so that there is a fully integrated pedestrian network. As of the date of agenda posting, the applicant has provided Engineering Plans for review that propose a sidewalk connection around the entire block. However, the proposed sidewalks at the northwest and southeast corners do not meet requirements to be deemed technically compliant by the City Engineer. Therefore, prior to site plan certification, the applicant will be required to provide updated Engineering Plans that demonstrate in a technically sufficient method how the City Commission's condition at the waiver hearing has been addressed and code requirements (such as ADA accessibility) are adequately met.

Review & Analysis: Site Plan and Zoning

LDR Section 2.4.10(A)(1)(d), Level 4

A 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:

- 1. Increase of height or density as part of a City workforce housing or incentive program*
- 2. Utilization of the Central Business District (CBD) Incentive Program*
- 3. Approval of Conditional Use*
- 4. Granting of an In-lieu of Parking Fee request*
- 5. Approval of Waiver(s) not otherwise authorized to other approving bodies*

As the proposal is for a new construction development inclusive of a revitalization incentive density bonus of up to 70 dwelling units per acre, the project is being reviewed and processed as a Level 4 Site Plan.

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



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

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

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 CC, and a zoning designation of CBD, which, pursuant to Table NDC-1 of the Always Delray Comprehensive Plan, is the preferred zoning district to implement the CC land use designation. Pursuant to LDR Table 4.4.13(A), multi-family residential and various commercial uses are permitted in the Railroad Corridor Sub-district of the CBD. Therefore, the resulting 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 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.

Drainage: Inlets and trench drains are located along the perimeter of the property for connection. Therefore, drainage and water run-off will be addressed through on-site retention, which should not impact the level of service standard.

Transportation: A Traffic Performance Standards (TPS) letter from Palm Beach County, dated November 22, 2021, and a Traffic Impact Statement, performed by Simmons & White, provide traffic analysis for the development of 195 dwelling units and 2,137 square feet of general retail space. It is noted that the project has since been modified, proposing a total of 165 dwelling units and 2,975 square feet of commercial space.

Based on the 2021 TPS letter, the project is anticipated to generate 1,163 new daily trips. However, applying the 11th Edition of the County's Trip Generation Rates (applicable to traffic studies submitted on or after September 1, 2022), the project is anticipated to generate a total of 833 new daily trips. As the development is located within the Coastal Residential Exception Area, the residential portion of the development is exempt from the TPS of Palm Beach County.

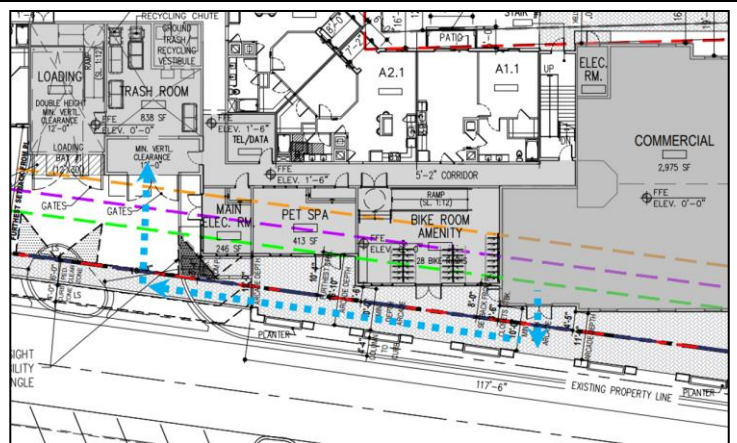
Parks and Open Space: The project is required to provide 6,717 sq. ft. of civic open space on site and does so successfully through the incorporation of a plaza and green at the NE and SW corner of the site respectively. Pursuant to LDR Section 5.3.2, a park impact fee of \$500.00 per dwelling unit will be collected prior to issuance of a building permit.

Solid Waste: Based on the waste generation rates for Palm Beach County, the proposed development will generate approximately 6.53 tons (2.89 tons + 3.64 tons) of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054.

However, there are significant concerns as to whether the proposed development offers a sufficient strategy for functionally appropriate trash disposal. A sufficient number of trash containers are proposed, but they are not adequately accessible by tenants of the commercial bays. Specifically, there is no logical connection between the sole trash room provided on site and the commercial bay. There is no feasible connection for employees of the commercial bay tenant to dispose of waste in the trash room without navigating the trash out through the primary storefront entrance of the commercial bay, through the public sidewalk under the arcade,



off-site into public right of way, back on site further down the block, and finally into the designated trash room (image at right). It is also important to note that there is no pedestrian door or access point from the exterior into the trash room. This route to the trash room via the public sidewalk will create an opportunity for waste to leak during transit and negatively impact the smell and appearance of the public realm with remnants of commercial waste. This is not an acceptable solution in the opinion of staff. This is a conflict, because this element of the proposed use does not have a viable means to accommodate a vital aspect of functional site design. There is no public benefit (and a potential detriment) to the proposed trash disposal strategy; alternative solutions exist. Staff recommended that an interior door be provided to allow waste to be transported from the commercial bay to the trash room via the interior corridor, thereby mitigating the adverse impacts on public space.



Schools: The applicant has submitted a School Capacity Availability Determination application with the Palm Beach County School District. The School District stated that based on the findings and evaluation of the proposed development, there will be no negative impact on the School District of Palm Beach County public school system.

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.

The applicable subsections of **Article 3.2, Performance Standards**, are **Section 3.2.1, Basis for consistency**, which requires a determination of consistency with the Comprehensive Plan, and **Section 3.2.3, Standards for site plan actions**. Generally, the standards *either reflect a policy from the adopted Comprehensive Plan or a principle of good planning practice*, and ensure that new development will not have a negative impact on the surrounding area. Specifically, the standards relate to the provision of appropriate amenities to enhance the quality of life for residents of residential units; the provision of appropriate mobility connections, open space, and recreational improvements; and compliance with the maximum intensity and density allowed for the land use designation and zoning district. The proposed development generally meets the applicable standards, apart from major concerns specifically pertaining to refuse and off-street loading, which are outlined in the concurrency and LDR compliance analysis of the report (Pages 4-5 and 9-10).

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.

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 1.1.14 *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, Mixed-Use Land Use Designations *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 1.3.6 *Allow a maximum floor area ratio of 3.0 and a maximum density of 12 dwelling units per acre east of the Intracoastal*



Waterway, and a standard density of 12-30 dwelling units per acre with a revitalization/incentive density of 30-100 dwelling units per acre for the Commercial Core land use designation; specific standards in the Land Development Regulations adjust density and intensity based on compatibility, scale, character, adopted Redevelopment or Neighborhood Master Plans, or workforce housing incentives.

Policy NDC 2.8.3 *Continue to utilize workforce housing programs and incentives, such as but not limited to, increased density and smaller lot sizes where appropriate and compatible in the Land Development Code to encourage the provision of workforce housing in the city.*

Overall, the proposed development is consistent with the applicable Goals, Objectives, and Policies of the Neighborhood, Districts, and Corridors Element of the Always Delray Comprehensive Plan. The Plan speaks to the provision of diverse housing types throughout the City, the development of underutilized property, and applying the revitalization/incentive density to achieve more diverse housing opportunities. The development provides a mix of unit types including studios, one-bedroom, two-bedroom and three-bedroom units, ranging from 567 square feet to 1,293 square feet. Further, the development is utilizing the CBD's residential incentive program, allowing a density of up to 70 dwelling units per acre with the provision of reserving 20 percent of the total number of units for workforce housing (33 units). The increase in density allows additional housing, while also providing diverse housing opportunities, which furthers the goals of the Always Delray Comprehensive Plan.

Policy NDC 2.7.16 *Continue to support the variety of commercial and light industrial uses on land with mixed-use land use designations in Osceola Park.*

Policy NDC 2.7.17 *Continue to support the accommodation of compatible housing types within Osceola Park based on the recommendations and overall intent of the adopted Osceola Park 2019 Redevelopment Plan Update.*

2019 Osceola Park Neighborhood Redevelopment Plan Update. Pursuant to Priority 2 of the Redevelopment Plan, updated in July of 2019, there should be an encouragement of *adaptive reuse and infill development within and around the neighborhood while respecting the single-family character in the heart of the community.* Strategy 2.1 specifically encourages redevelopment and adaptive reuse of existing properties in the commercial districts. Increased setbacks are established above the third floor on the portion of the building across from single family residences. Additionally, the development incorporates a mix of street trees and shrubs along the west perimeter to soften the façade and further buffer the building from the single-family residences across SE 1st Avenue.

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.*

Policy HOU 3.2.2 *Establish and regularly reassess criteria for requiring workforce housing units in new development (either on-site or through participation in a housing program) based upon proposed development density, intensity, and size.*

Policy HOU 6.1.2 *Encourage income diversity by requiring a mix of unit types in new development.*

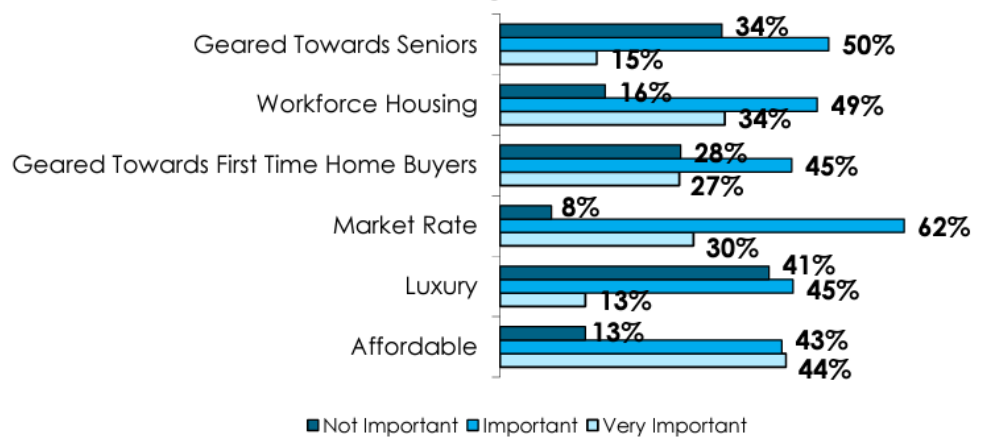
Policy HOU 6.4.10 *Encourage a shared responsibility for the private sector to address workforce housing needs by offering incentives.*



Based on projected population growth analyzed in both the Neighborhoods, Districts, and Corridors and Housing Elements, additional housing units are generally needed. Respondents to surveys during the Always Delray Comprehensive Plan update (figure at right) identified a desire to see more workforce housing, more market rate housing, housing for seniors; fewer respondents expressed an interest in seeing more luxury housing, and many expressed a desire for additional workforce

housing, identifying it as “Important” or “Very Important.” Generally, workforce housing units play an important role in the creation of a stable and equitable community, where all income levels in the workforce have the opportunity for such individuals to live close to employment opportunities within the city. The proposed development will designate 20 percent of the total number of units as workforce housing units, which equates to 33 units, 132 units being market-rate units. Therefore, the project supports the housing goals of the Always Delray Comprehensive Plan.

Figure HOU - 16 SURVEY RESPONSE
Is it Very Important, Important or Not Important for Delray Beach to have housing that is:



**3.1.1(D), Compliance with the LDRs:**

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

Section 4.4.13, Central Business District

Standard/Regulation	Review
Height Table 4.4.13(C)	<p>Maximum:</p> <ul style="list-style-type: none"> 54 feet, 5 stories (south of SE 2nd Street) <p>Proposed:</p> <ul style="list-style-type: none"> 49 feet and 6 inches, 5 stories to top of flat roof; 53 feet and 6 inches to top of parapet*; 60 feet and 8 inches to highest vertical point** <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>**Architectural features including cupolas are not limited by story height; however, they shall not exceed 10 feet above the maximum overall building height unless specifically approved by the City Commission (4.4.13(D)(1)(a)(11)).</p>
Setbacks Table 4.4.13(C)	<p>Required:</p> <p>Front: Min 10 - Max 15 feet</p> <p>Front Above 3rd Story: Min 20 feet</p> <p>Side: Minimum 5 feet</p> <p>Rear: Min 10 feet</p> <p>Proposed:</p> <p>Along SE 1st Avenue, SE 2nd Street, and SE 3rd Street:</p> <p>Front: 0 feet to 30 feet</p> <p>Front Above 3rd Story: 0 feet to 20 feet</p> <p>Along SE 2nd Avenue:</p> <p>Front: 11 ft 6 in to 14 ft ½ in</p> <p>Front Above 3rd Story: 20 feet*</p> <p>Interior Side Setbacks: 10 feet</p>
Dwelling Unit Standards, Diverse Unit Types 4.4.13(D)(1)(d)1.	<p>Required: <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>Provided: The request includes 165 residential units comprised of the following unit mix:</p> <ul style="list-style-type: none"> 27 studios (16 percent of total units) 49 one-bedroom (29 percent of total units) 75 two-bedroom 14 three-bedroom
Streetscape Standards 4.4.13(E)(2)	The project complies with the minimum requirements of the CBD streetscape standards.



Minimum Streetscape Width	<p>Required: 15 ft Curb Zone: 4 ft (min.) Ped. Clear Zone: 6 ft (min.) Remaining Front Setback Area: up to 15 ft</p> <p>Proposed: 15 feet Along SE 1st Avenue, SE 2nd Street, and SE 3rd Street: Curb Zone: Min 4 ft Ped. Clear Zone: Min 6 ft Remaining Front Setback Area: Min 5 ft Along SE 2nd Avenue: Curb Zone: Min 4 ft Ped. Clear Zone: Min 6 ft to Remaining Front Setback Area: Varies*</p> <p>*A waiver request was approved to LDR Section 4.4.13(D)(2)(a)(1), allowing a front setback for the first, second, and third stories facing SE 2nd Avenue to range from zero feet to 30 feet.</p>
Remaining Front Setback Area 4.4.13(E)(2)(a)3.	<p>Required: 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.</p> <p>Proposed: The remaining front setback area is primarily hardscape on all four sides of the block. A mix of trees and ground plantings are located within a portion of the front setback area along SE 2nd Avenue, which lines the parking garage.</p>
Frontage Type: Porch, Stoop, Storefront, Arcade, and Lobby 4.4.13(E)(4)(a), (b), (e), (f), and (g)	<p>Porch Requirements: Building Setback: 10 to 15 ft, Provided: 11 ft 3 in Depth: 8 to 12 ft, Provided: 10 ft 8 in Width: 40% - 100% of the façade, Provided: 56% to 58% Floor Elevation: 0.5 – 4 ft, Provided: 1 ft 6 in</p> <p>Stoop Requirements: Building Setback: 10 to 15 ft, Provided: 10 ft Depth: 5 to 8 ft, Provided: 5 ft Width: Min 4 ft, Provided: 4 ft to 6 ft Floor Elevation: 1 – 4 ft, Provided: 1 ft 6 in</p> <p>Storefront Requirements: Building Setback: 10 to 15 ft, Provided: 60 ft 2 in (facing civic open space) Storefront Base: 9 in to 3 ft, Provided: 9 in Glazing Height: Min 8 ft, Provided: 11 ft 6 in Required Openings: Min 80%, Provided: 80% Awning Projection: Min 5 ft, Provided: 5 ft</p> <p>Arcade Requirements: Building Setback: Max 15 ft, Provided: 3 ft 6 in to 10 ft 4 in Arcade Depth: 10 to 20 ft, Provided: 10 ft to 16 ft 10 in Arcade Height: 10 to 20 ft, Provided: 10 ft 6 in to 12 ft 6 in Column/Pillar to Face of Curb: 2 to 5 ft, Provided: 4 ft 1 in to 4 ft 4 in Column/Pillar Width to Depth: Min 1 ft, Provided: 3 ft x 1 ft 6 in</p> <p>Lobby Requirements: Building Setback: 10 to 15 ft, Provided: 50 ft 3 in (facing civic open space) Overhand/Awning Projection: Max 10 ft, Provided: N/A</p>



Civic Open Space LDR Section 4.4.13(G)	Required: 20,000 sf = 0 sf 20,000 – 40,000 sf = 1,000 sf > 40,000 sf = 4,961.45 sf Total = 5,961.45 sf Proposed: Plaza = 3,910 sf Green = 3,410 sf Total = 7,320 sf
--------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Other Requirements

Standard/Regulation	Review
Lighting (Photometric Plan) 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 and garage entrance.
Off-Street Parking	Required: 290 parking spaces total with at least 15 spaces designated for EV parking* *The applicant utilized the shared parking table as there are a mix of uses (commercial and residential) proposed as part of this project Provided: 296 parking spaces are provided on site, including 27 compact spaces (9%) and 15 spaces for electric vehicles (5%)* *The applicant has provided 30 on-street parking spaces that are not included in the required parking count
Bicycle Parking LDR Table 4.4.13(M)	Required: 18 Type 1 Spaces, 28 Type 2 Space Provided: 18 Type 1 Spaces, 28 Type 2 Spaces
Sec. 4.6.10. - Off-Street Loading.	Required: 3 Provided: 1 The LDRs provide guidelines for off-street loading that suggests - for a project of the use mix and square footage as proposed – at least three loading bays should be provided in a configuration that complies with the minimum size requirements. It is reasonable, given the scope of the project, that the demand for loading and unloading of freight by users will exceed the capacity that can be accommodated on site through the single loading bay provided. The applicant has submitted a loading demand statement for the Board's consideration to justify the sufficiency of one loading bay; however, staff has concerns with the applicant's rationale and would suggest the Board strongly consider the sufficiency of the proposed loading/unloading strategy for a development of this size. Based on the applicant's justification, move-in and move-out of residential tenants will be coordinated by property management to ensure that the single loading bay is not double-booked. However, while this may be the case, there are scenarios other than initial move-in and move-out of tenants that would likely require use of a loading area. The applicant's loading demand statement does not factor into account the likelihood that tenants may, on occasion, require delivery of large parcels such as new furniture or appliances in between the date of initial move-in and move-out. Specifically, in the case of appliances, emergency replacement is a time sensitive issue and the lack of more than one loading bay may instill an undue inconvenience upon existing tenants by requiring a delay in delivery, or more likely, is that these deliveries may occur regardless of the availability of the loading bay and encroach



into and obstruct public right of way when necessary. This creates conflict and causes an unnecessary negative impact on the public.

Moreover, in the applicant's analysis of sufficiency an anticipated move-in/move-out time slot of four hours per move has been quoted. This is highly ambitious given that the configuration of the building provides one singular, centrally located elevator stack. A scenario where a tenant located on an upper floor on the far north or far south end of the development takes more than four hours to complete a move is certainly plausible.

These issues have yet to factor in the loading demand of the commercial bay, which is also expected to utilize the single loading area. Depending on the type of commercial tenant, a high frequency of delivery may be expected. There are no deed restrictions or conditions proposed that would limit the use of the commercial bay to those that have low to no loading demand. As such, as part of the site design, the loading demand of all possible use categories should be accounted for in the site configuration. Otherwise, unnecessary and avoidable issues may arise in the future that may potentially create an environment where public right of way is frequently obstructed in order to meet the loading demand of the project.

Lastly, the applicant has provided a turning radius diagram to illustrate how larger trucks should be expected to navigate the provided loading area. Commonly available rental trucks can extend upwards of 26 feet. The provided turning radius diagram casts significant doubt as to whether a truck of this size will be able to successfully navigate into the designated loading bay. More likely, again based on the diagram provided, is that larger trucks will park in the drive aisle which is intended to provide maneuverability for ingress and egress but is not intended to function as the loading bay itself. This can cause significant conflict with the location of the trash room. A plausible scenario certainly exists where a large truck parked in the drive aisle obstructs access to the trash room and prevents waste from being processed. The LDRs specifically state that loading areas shall not be located so as to create confusion or conflict with other use areas e.g. dumpster locations.

In summary, there are numerous issues identified regarding the applicant's proposed design strategy for accommodating loading and unloading demand for a project of this size, and staff encourages the Board to thoroughly consider these issues when evaluating the ability of the project to meet requisite criteria.

Further review of the project for compliance with the LDR is provided as part of the Landscape Plan and Architectural Elevations review.

Review & Analysis: Landscape Plan

LDR Section 2.4.10(A)(3)(c), Site Plan Applications: Findings

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

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

The project proposes a lush and substantial landscape plan that successfully accentuates the architecture, while benefiting the public realm and creating a sense of cohesion that connects the private space with the public streetscape. Specifically, required street trees are dispersed along the full extent of the block, where applicable. Shade trees provide a pleasant environment for pedestrians that incentivizes and encourages walkability. Furthermore, tiered foundation planting is provided along the building base which helps visually enhance the streetscape and softens the mass of the structure as experienced from the sidewalk. The civic open space is well programmed with shade and other amenities including benches and pet refuse stations that encourages residents, patrons, and passersby to enjoy the space.

There are a number of existing trees on site that are proposed to be removed in order to accommodate the proposed development. While some trees are being mitigated through on-site replacement, an in-lieu payment of \$61,675 into the tree trust fund is required in order to account for the deficiency in mitigation. The building footprint of the proposed project is substantially greater than the existing

building footprint being demolished, and while the project complies with all minimum landscape requirements, there is not sufficient open space on site to plant trees at the diameter at breast height (dbh) width and amount that would be needed to completely mitigate for the number of existing trees to be removed.

Review & Analysis: Architectural Elevations

LDR Section 2.4.10(A)(3)(d), Site Plan Applications: 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 and LDR Section 4.4.13 CBD Design Guidelines

(A) Minimum Requirements

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

The proposed front elevations provided below have been reviewed for compliance with both Section 4.6.18 and the architectural standards in 4.4.13.

South Elevation



North Elevation



West Partial Elevation



East Partial Elevation



Delray Beach Central Business Architectural Design Guidelines

Anglo-Caribbean architecture is often considered an eclectic style, common to the British-settled isles of the Caribbean and influenced by Portuguese, Dutch, French, and Spanish colonization. Anglo-Caribbean architecture is characterized by wooden upper floors and roofs historically added over time to the masonry ground floors of initial settlements. The style today often references this through a change in material between floors or as a predominantly masonry construction with sculptural transitions between horizontal and vertical areas, incorporating wood building features.

The minimum aesthetic standards of this Section have generally been met by the proposed architectural design. The architectural style of Anglo-Caribbean is a permitted design in the CBD, is regionally appropriate, and is a customary style for coastal Florida architecture.

The design utilizes a neutral, white-dominant, color palette which is appropriate for the style. The design is elevated through the use of various materials, such as smooth stucco and stamped stucco to convey a faux brick motif on lower floors, that help define the base of the composition and add a textural interest across the building façade. Contrast is introduced by way of dark bronze accents in the balcony columns and railings. Other subtle design detail is placed throughout the composition to reinforce the style and minimal but thoughtful use of ornamentation is appropriate for an Anglo-caribbean design. Staff would encourage the applicant to reconsider the use of the brown color on the stucco portion of the balcony, instead maintaining all stucco elements as white, with the contrast elements isolated to the balcony columns and railings.

Subtle detailing is used throughout the composition to introduce movement and interest across the façade. The ground floor is well integrated into the public realm through successful incorporation of appropriate frontage types. While the building is a continuous homogenous mass, the structure is broken up through recesses and breaks in the mass that help alleviate any potential for the building to convey a sense of heaviness or repetition. There is significant variety provided throughout the different facades to create a composition where each elevation is harmoniously connected through common design threads, while being differentiated enough to deliver an interesting and varied building, even though it occupies the entire block.

The building is configured such that the visual impact on the adjacent low intensity residential development to the west is appropriately accounted for. The units on the west of the project are conveyed in a rowhouse typology which helps facilitate a sense of lower scale residential along SE1st Avenue. Furthermore, all required setbacks, including those above the third floor, are provided to ensure that the mass is recessed on upper floors to deliver a “cake effect” that ensures the mass of the structure does not create a domineering presence over the adjacent residential.

**(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.

The proposed development is generally in conformity with good taste and good design as it incorporates many elements of the Anglo Caribbean architectural style outlined in the Delray Beach CBD Architectural Guidelines. The overall design and quality appearance is not anticipated to "materially depreciate" the adjacent properties or other properties in the vicinity. Further, there are no specific design elements identified that are not in keeping with the architectural style or the intent of the Criteria for Board Action.

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
Façade Composition Tripartite Composition: Base Middle, Top 4.4.13(F)(2)	The proposed design conveys a clear tripartite composition. Variations in material and frontage elements, such as porches and stoops, help define the base; and additional detailing and ornamentation is interspersed throughout the upper floor to differentiate the top from the middle of the composition.
Walls 4.4.13(F)(4)	Required: Maximum two primary materials appropriate to architectural style Provided: Smooth stucco and stamped stucco (faux brick)
	Required: Maximum four base wall colors Provided: One base wall color (White); Contrast color in railings and columns (urbane bronze); proposed mural - design TBD, and submitted for separate approval.
Openings 4.4.13(F)(5)	The frequency and distribution of window and door openings complies with minimum requirements. The applicant will be required to confirm that proposed window tint glazing meets maximum transparency requirements at time of building permit.
Roofs 4.4.13(F)(6)	The design proposes a combination of gabled and flat roofs. All rooftop mechanical equipment will be screened by parapets that meet minimum height requirements.
Parking Garages 4.4.13(F)(8)	The development includes a five-story parking garage with a rooftop deck. Subtle design detailing is incorporated into the garage elevation. It is lined on three sides by the building with exposure occurring adjacent to the railroad corridor. Blank walls are minimized and murals are proposed to enhance the overall aesthetic.
Reduction of Urban Heat Islands 4.4.13(F)(9)	Shade trees are interspersed throughout the perimeter of the site and amenity deck which helps facilitate reduction in heat generated by exposed hardscape.
	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. Furthermore, a shade structure is proposed on a portion of the rooftop of the parking



	garage as required.
Green Building Practices 4.4.13(F)(10) and Ordinance No. 30-22	Green building certification of at least LEED Silver or an equivalent from a different certifying agency is required for developments containing over 50,000 square feet. As the proposed building has a gross floor area well above that threshold, the building shall achieve the minimum required level of certification from a green building certification entity. Documentation explaining how the green building certification will be achieved shall be provided at time of permit.

LDR Section 4.4.13(H), Incentive Program.

Pursuant to **LDR Section 4.4.13(H)(1), Residential Incentive Program**, to encourage a variety of unit types, and income ranges within the downtown area, opportunities to increase density are offered in certain CBD Sub-districts. This Residential Incentive Program is the only way to obtain increases in density for property zoned CBD.

LDR Section 4.4.13(H)(1)(c), Railroad Corridor Sub-district

Density may be increased over 30 du/ac (up to 70 du/ac) within the Railroad Corridor Sub-district south of SE 2nd Street. The applicant is proposing 165 dwelling units (70 dwelling units per acre), with 20 percent of the total number of units designated as workforce housing units. Therefore, a total of 33 units will be workforce housing units, and 132 units are market-rate units.

LDR Section 4.4.13(H)(2), Performance standards for density increases

Projects proposing to increase density from the base amount allowed in the West Atlantic Neighborhood Sub-district, the Railroad Corridor Sub-district, or the South Pairs Neighborhood Sub-district between SE 5th Avenue and SE 6th Avenue, shall provide workforce housing units as follows:

- (a) Workforce housing units, equal to at least 20 percent of the total density shall be provided within the development onsite, offsite, or through monetary contributions as referenced in Article 4.7 (fractions shall be rounded up).
- (b) The workforce housing units shall be equally distributed between the low and moderate-income levels and shall comply with other applicable provisions of Article 4.7.
- (c) Projects within the Railroad Corridor Sub-district shall provide at least 20 percent of the total units as workforce housing units located on-site with an equal distribution of units for very low, low, and moderate Average Median Income levels for Palm Beach County.

The applicant is providing 20 percent (33 units) of the total number of units as on-site workforce housing units. A breakdown of the number of one-bedroom, two-bedroom, and three-bedroom units that will be provided as workforce housing is provided below.

WORKFORCE HOUSING UNIT DISTRIBUTION		
UNIT TYPE	MARKET RATE UNITS	WORKFORCE UNITS
	165	20% (33 units)
1 BD	76 units	15 units
2BD	75 units	15 units
3BD	14 units	3 units
Total	165 units	33 units

Prior to issuance of a building permit, the applicant will be responsible for providing the necessary documentation to comply with this criterion and all applicable provisions of Article 4.7.

LDR Section 4.4.13(H)(3), Approval Process for incentives

Applications to utilize the Incentive Program will be reviewed as part of a site plan for compliance with the regulations in this code that direct building configuration, uses, open space, streetscape design, parking location and quantity, and the performance standards in Chapter 3 and Section 4.4.13(H)(2). The board reviewing the site plan will make a recommendation to the City Commission on the entire site plan application before the City Commission takes final action to approve or deny the site plan and the increased density.



Pursuant to the process recently adopted in Chapter 2, requests for an increase in density are reviewed holistically with the site plan, to allow the Board to determine if the density can be accommodated by the proposed site plan. The proposed development generally meets the minimum requirements for building configuration, uses, open space, streetscape, and parking. All performance standards outlined in Chapter 3 are met, apart from specific concerns with refuse and off-street loading solutions, which are outlined in the concurrency and LDR compliance analysis of the report (Pages 4-5 and 9-10). The requested density increase up to 70 dwelling units per acre is not the inherent cause of the problematic trash and loading strategy, however. The Board should consider if the increase in density is therefore appropriate given the general compliance with the standards for approval.

Review by Others

The **Community Redevelopment Agency (CRA)** reviewed the Level 4 Site Plan request with waivers in its March 10, 2023 CRA report.

The **City Commission** is anticipated to review the Level 4 Site Plan in December 2023.

Optional Board Motions

- A. **Move approval** of the Level 4 (2022-063) Site Plan, Landscape Plan, and Architectural Elevations, for **Delray Swan**, a +/- 304,506 square foot, five-story mixed-use building, including a revitalization incentive density bonus of up to 70 dwelling units per acre, at 118 SE 2nd Street; 240, 258, 264, and 280 SE 2nd Avenue; and 215, 219, 223, 227, 231, 237, 243, 251, and 253 SE 1st 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 4 (2022-063) Site Plan, Landscape Plan, and Architectural Elevations, for **Delray Swan**, a +/-304,506 square foot, five-story mixed-use building, including a revitalization incentive density bonus of up to 70 dwelling units per acre, at 118 SE 2nd Street; 240, 258, 264, and 280 SE 2nd Avenue; and 215, 219, 223, 227, 231, 237, 243, 251, and 253 SE 1st 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 4 (2022-063) Site Plan, Landscape Plan, and Architectural Elevations, for **Delray Swan**, a +/-304,506 square foot, five-story mixed-use building, including a revitalization incentive density bonus of up to 70 dwelling units per acre, at 118 SE 2nd Street; 240, 258, 264, and 280 SE 2nd Avenue; and 215, 219, 223, 227, 231, 237, 243, 251, and 253 SE 1st 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.**

Courtesy Notices

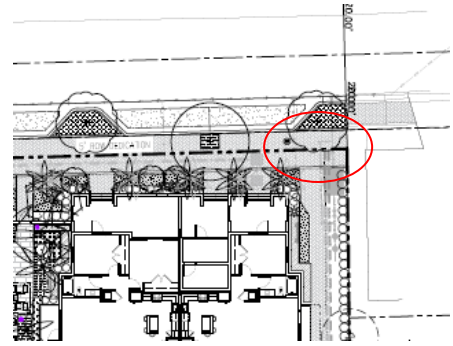
X Courtesy Notices were sent to:

- Osceola Park
- Merritt Park

**Technical Notes**

Prior to the site plan certification, the following must be completed:

1. Amend Sheets SP-1 (and all other applicable site plan and floor plan sheets) as well as Sheets LP-1 and LP-2 to remove the landscape island at the northwest corner of the property, to accommodate the required sidewalk extension. Staff suggests reconfiguring the on-street parking to provide six parallel parking spaces and one end island. Currently, the site plan proposes five parallel spaces, a middle landscape island, two more parallel spaces, and an end landscape island. Coordinate with staff accordingly.
2. Provide commitment from Florida Power and Light (FPL) agreeing to move the utility poles at the northwest corner of the block in order to construct the proposed sidewalk connection.
3. Provide an updated Engineering Plan demonstrating how the City Commission's condition regarding a full-block sidewalk connection will be addressed. Note that the proposal shall comply with all technical requirements.
4. Amend Sheet A-3.4 to ensure the height of the arcade is consistent in all figures.
5. Add a note to Sheet SP-1 and provide documentation to demonstrate the windows used to meet the minimum opening requirements meet the definition of transparent as outlined in LDR Section 4.4.13(F)(5)(a), meaning non-solar, non-mirrored glass with a light transmission reduction of no more than 20 percent.
6. Provide a note on the photometric plan confirming that the illumination levels provided at the property lines, if in excess of .25 foot candles, are the minimum feasible when accounting for required street lighting.
7. Add the required and provided bicycle parking spaces to the site data table on Sheet SP-1 as the information has been removed from the current version of the site plan.
8. As a portion of the pedestrian clear zone is located within the property lines, the property owner shall enter into a pedestrian clear zone easement agreement with the City.
9. As there are landscape improvements proposed in the City right-of-way, the property owner shall enter into a landscape maintenance agreement requiring the property owner to be responsible for and maintain any improvements made or installed by the owner in the right of way.



Prior to the submittal of a building permit, the following must be completed:

10. As the project is spanning over multiple parcels and right-of-way dedications are required, the project shall unify through a Major Plat. Prior to recordation of the Plat, all existing structures on the Property shall be demolished.
11. All addressing shall be completed. Please review the City's Addressing Policy online and apply for an address change.

Prior to the issuance of a building permit, the following must be completed:

12. The property owner shall submit documentation to demonstrate that the roofed area is Energy Star roof-compliant, high-reflectance and high emissivity roofing for a minimum of 75 percent of the roof's surface.
13. As the proposed development exceeds 50,000 square feet, the building shall achieve at least a certification level of LEED Silver or equivalent. Documentation explaining how the green building certification will be achieved shall be provided at time of permit.
14. Provide all necessary documentation to comply with LRR Section 4.4.13(H)(2) and all applicable provisions of Article 4.7.
15. Obtain and provide approval (sign-offs) from AT&T and FPL.

Note: Submit separate application for review and approval of signage; not included with the subject request per LDR.