



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING
100 NW 1ST AVENUE, DELRAY BEACH, FLORIDA 33444
(561) 243-7040

HISTORIC PRESERVATION BOARD STAFF REPORT

131 NW 1st Avenue

Meeting	File No.	Application Type
November 6, 2019	2019-150	Certificate of Appropriateness & Class III Site Plan, Landscape Plan & Elevations

REQUEST

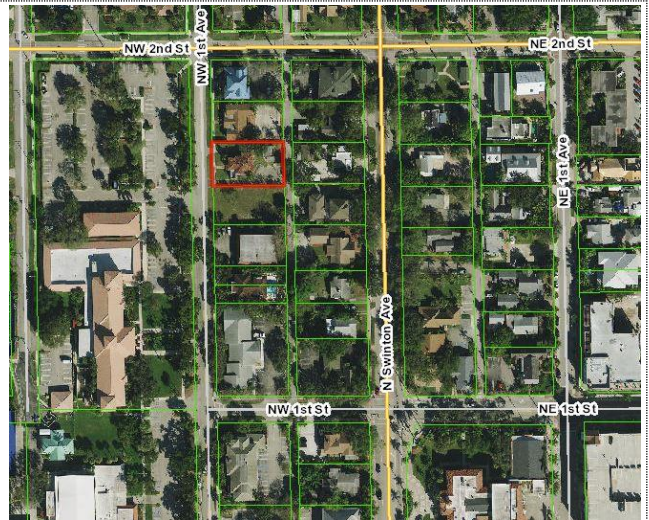
The item before the Board is consideration of a Certificate of Appropriateness, Class III Site Plan Modification, Landscape Plan, and Elevation requests associated with a renovation and addition to the existing contributing, mixed-use structure on property located at **131 NW 1st Avenue, Old School Square Historic District**.

GENERAL DATA

Agent: Randall Stofft Architects
Owner: Joseph and Donna Marion
Location: 131 NW 1st Avenue
PCN: 12-43-46-16-01-059-0021
Property Size: 0.22 Acres
Zoning: OSSHAD (Old School Square Historic Arts District)
FLUM: OMU (Other Mixed Use)
Historic District: Old School Square Historic District
Adjacent Zoning:

- OSSHAD (North)
- Community Facilities (CF) (West)
- OSSHAD (South)
- OSSHAD (East)

Existing Land Use: Mixed Use (Office and Residence)
Proposed Land Use: Mixed Use (Office and Residence)



BACKGROUND AND PROJECT DESCRIPTION

The subject 0.22-acre property is located on the east side of NW 1st Avenue between NE 1st Street and NE 2nd Street. The property is located within the Locally and Nationally Registered Old School Square Historic District (OSSHD) and consists of the South 3 Feet of Lot 2, & Lot 3, Block 59, Town of Delray. The property contains a 1-story Mediterranean Revival style mixed-use structure, built in 1925 and is classified as contributing to the OSSHD. The 1,375 sq. ft. structure was built as a single-family residence. Also, an accessory structure built in 1941 exists on the east side (rear) of the property. The structure was built as detached garage with an apartment and is of the same architectural style as the principal structure.

In 1997, the Historic Preservation Board approved a Class V Site Plan for the subject property. The approval provided for the conversion of the single-family residence into a mixed-use building containing residential and office uses.

On July 25, 2001, a COA was administratively approved for the replacement of the front entrance door with a solid panel on the bottom and impact resistant glass in the upper half of the door. Then at its meeting of May 2, 2007, the Historic Preservation Board (HPB) approved a COA for the replacement of the original wood framed, casement and sash windows with aluminum framed single-hung windows with a six-over-six muntin configuration. A set of French doors on the north elevation were also replaced.

Project Planner:

Katherina Paliwoda, Planner
Michelle Hoyland, Principal Planner
paliwodak@mydelraybeach.com
hoylandm@mydelraybeach.com

Review Dates:

HPB: November 6, 2019

Attachments:

1. Architectural Plans
2. Applicant Justifications
3. Photographs



On October 15, 2019 the City Commission approved a waiver to increase the maximum width of a building fronting a street from the maximum allowable of 60' to 63'8". The request is in association with the subject Class III site plan modification and COA.

The item before the board is the subject Class III Site Plan modification and COA request for the renovation of the existing 1-story, 1,375 sq. ft., mixed-use building, construction of a 1,433 sq. ft. addition including a garage, reconfiguration of the existing parking spaces, construction of a new pool and associated deck & landscaping. The structure is proposed to contain 2,808 total square feet including the garage. The 412 sq. ft. guest cottage will undergo renovation but will not be enlarged.

SITE PLAN REVIEW AND ANALYSIS

Pursuant to LDR Section 2.4.5(G)(5) Modification to site and development plans - Findings. Formal findings are not required for a Class I or II modification. A finding that the proposed changes do not significantly affect the originally approved plan must be made concurrent with approval of a Class III modification. Class IV modification is subject to the same findings required of a new submittal.

Pursuant to LDR Section 3.1.1(D), Compliance with 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.

The applicable LDRs have been identified and reviewed throughout this report and shall be specifically addressed by the body taking final action on the site and development proposal.

Article 4.4 Base Zoning District Regulations

Pursuant to LDR Section 4.3.4(K), Development Standards, properties located within the OSSHAD zoning district shall be developed according to the requirements noted in the chart below:

DEVELOPMENT STANDARDS	REQUIRED	EXISTING	PROPOSED
Principal Structure			
Required Setbacks: Front (West)	25'	25'3"	25'-26'
Side Interior (North)	7'6"	20'	7'6"
Side Interior (South)	7'6"	14'3"	7'6"
Rear (East)	10'	57'	36'4"
Building Height:	35' Max.	19'	no change
Guest Cottage			
Required Setbacks: Front (West)	25'	91'7"	no change
Side Interior (North)	7'6"	6'1"†	no change
Side Interior (South)	7'6"	53'	no change
Rear (East)	10'	17'2"	no change
Building Height:	19' (no taller than principal structure)	11'4"	no change
Minimum Lot Size:	8,000 sq. ft.	10,462 sq. ft.	9,905 sq. ft.*
Minimum Lot Width & Frontage:	80'	79.50'†	No Change
Minimum Lot Depth:	100'	124.60'	No Change
Maximum Lot Coverage:	40% Max.	19%	32.5%
Open Space	25% Min.	54%	27.8%
Floor Area Ratio (Per the Comprehensive Plan - Future Land Use Element)	1.0 Max.	.15 (1,572 sq. ft. office)	0.13 (1,305 office)

†Existing non-conformity

*Lot area reduces due to required 2' alleyway dedication on east side of property



Pursuant to LDR Section 4.4.24(B)(3) - **Principal Uses and Structures:** Within the OSSHAD zoning district, Business, Professional, Medical and Government offices are listed as a Permitted Use.

Pursuant to LDR Section 4.4.24(C)(2) - **Accessory uses and structures:** On a parcel that has as its principal use a non-residential use, there may be no more than two residential units, either within a separate structure or within a structure housing a non-residential use.

Pursuant to LDR Section 4.4.24(F)(4) - **Maximum Building Width:** the maximum width of a building fronting a street shall be limited to 60 feet and shall have a minimum separation of 15 feet between buildings fronting a street in a development site that contains more than one structure.

The applicant requested a waiver from the maximum building width, to allow the maximum width of the building fronting a street (NW 1st Avenue) to be exceeded by 3'8" as the proposed building width is 63' 8" where 60' is permitted. The approving body for waivers to this code section is the City Commission. The waiver was reviewed and approved by the City Commission at their meeting of October 15, 2019.

Pursuant to LDR Section 4.4.24(G)(3), all parking, except for single-family homes and duplexes, shall be located in the side or rear yard or adjacent to a rear alley. No such parking shall be located in the area between any street and the closest building or structure.

The intent of this regulation is met as the required parking is located in the rear of the building adjacent to the alley and within the proposed garage.

Pursuant to LDR Section 4.4.24(G)(4)(d) – **Parking Requirements:** Business and professional offices shall provide one space per 300 square feet of total new or existing net floor area being converted to office use. This requirement may be reduced to one parking space per 400 square feet of net floor area or by at least one space, where there is a mix of residential and office use in the same structure.

The proposal requires 5 parking spaces and 5 parking spaces are provided – 3 parallel spaces with access off of the alley in the rear and 2 spaces in the garage (via parking lift). It is noted that there is an FPL utility pole within the north/south alley on the east side of the property adjacent to the maneuvering area of the south parallel parking space. This utility pole poses an access issue and the utility pole must be moved closer to the property line to allow for required amount of maneuver space for vehicles. This item is added as a site plan technical item.

LDR Section 4.4.24(H)(1) – Special District Regulations: The gross floor area of residential units within a structure containing permitted non-residential use(s) shall not exceed 50 percent of the gross floor area of the structure within which they are located.

The proposal is for a mixed-use building as it incorporates a business office and a single-family residential unit within one structure. In the OSSHAD zoning district a maximum of 2 residential units are permitted on a parcel that has its principal use a non-residential use. Further, the Special District Regulations limits the gross floor area of those 2 units to no more than 50 percent of the gross floor area of the mixed-use structure within which they are located. The proposal includes one residential unit containing 1,337 sq. ft. and a 1,385 sq. ft. office space, meeting the intent of the regulation. It is noted that the site plan includes a shared use parking calculation table, and such parking calculations are not applicable to this project. Removal of this table is added as a site plan technical item.

Article 4.6 Supplemental District Regulations

Pursuant to LDR Section 4.6.8 – **Lighting:** All developments/redevelopments are encouraged to utilize energy efficiency lighting. The maximum height for luminaires on buildings and structures is 25' or eave overhang, whichever is lower, and 25' for a parking lot. All perimeter exterior lighting shall be full cutoff luminaires to minimize spillover on adjacent properties. In order to decrease urban glow, no luminaires shall be directed upwards.



Pursuant to LDR Section 4.6.8(A)(3) – **Illumination Standards**: The applicable illumination standards are as follows:

	FOOT CANDLES		
	Maximum Permitted	Minimum Permitted	Provided
Commercial Parking Lot	12	1.0	1.0 – 4.1

Pursuant to LDR Section 4.6.8 – **Requirements for outdoor parking and commercial sites**: Light control and spillage. For perimeter exterior lighting, only full cutoff luminaires will be approved. The applicant is encouraged to minimize light spillage from building and site and to reduce urban-glow for the development/redevelopment proposed. Maximum allowable illumination at the property line of any adjoining parcel or public right-of-way is 0.25 horizontal and vertical foot-candles measured at six feet above grade level.

A Photometric Plan has been submitted, which complies with the regulation. The proposal includes pole mounted fixtures in the front and rear of the building. The style fixtures are residential in nature and are appropriate for the surrounding historic area. It is noted that the site lighting calculations are missing within the parallel parking area on the east side of the property. A site plan technical item has been added to include site lighting calculations within this parking area.

HISTORIC PLAN ANALYSIS

Pursuant to LDR Section 2.4.6(H)(5), Certificate of Appropriateness – Findings. Prior to approval, a finding must be made that any Certificate of Appropriateness which is to be approved is consistent with Historic Preservation purposes pursuant to Objective A-4 of the Land Use Element of the Comprehensive Plan and specifically with provisions of Section 4.5.1, the Delray Beach Historic Preservation Design Guidelines, and the Secretary of the Interior’s Standards for Rehabilitation.

LDR SECTION 4.5.1 - HISTORIC PRESERVATION: DESIGNATED DISTRICTS, SITES, AND BUILDINGS

Pursuant to LDR Section 4.5.1(E), **Development Standards**, all new development or exterior improvements on individually designated historic properties and/or properties located within historic districts shall, comply with the goals, objectives, and policies of the Comprehensive Plan, the Delray Beach Historic Preservation Design Guidelines, the Secretary of the Interior’s Standards for Rehabilitation, and the Development Standards of this Section

Pursuant to LDR Section 4.5.1(E)(2)(c)(4) – **Major Development**.

The subject application is considered “Major Development” as it involves alteration of more than 25 percent of a contributing structure.

Pursuant to LDR Section 4.5.1(E)(3)(a)(2) – **Garages and carports**, Garages and carports are encouraged to be oriented so that they may be accessed from the side or rear and out of view from a public right-of-way.

While the proposal does include a street facing garage, the garage is set back more than 18’ from the front façade and 38’ from the front setback. Historically, the existing accessory structure located within the northeast corner of the site once housed a 1-car garage and would have been visible from the adjacent right-of-way. Further, the garage is proposed as a 2-car garage but has an appearance of a 1-car garage, this design is possible through the use of a vehicle lift system. This design is to help alleviate the impact of the garage on the front façade so as to not detract from the front façade of the structure.

Pursuant to LDR Section 4.5.1(E)(4) – **Alterations**: in considering proposals for alterations to the exterior of historic buildings and structures and in applying development and preservation standards, the documented, original design of the building may be considered, among other factors.

The existing structure, and its remaining original form, has been considered with respect to the proposed addition and site improvements.



Pursuant to LDR Section 4.5.1(E)(5) - Standards and Guidelines: a historic site, building, structure, improvement, or appurtenance within a historic district shall only be altered, restored, preserved, repaired, relocated, demolished, or otherwise changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines, as amended from time to time.

Standard 1

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Standard 2

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Standard 3

Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Standard 4

Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Standard 5

Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

Standard 6

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Standard 7

Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Standard 8

Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Standard 9

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Standard 10

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



Standards 2, 3, 5, 9, & 10 are applicable to the proposed renovation and addition to the structure. The proposed 1-story addition to the south side of the structure and the new garage addition to the north side of the structure have been designed to be compatible and in direct relationship with the low-scale of the existing structure. The additions have been situated to the sides and rear of the structure. The garage addition has been setback from the front façade to preserve the original scale of the front façade. The design will preserve distinctive features that characterize the historic property. The addition has been designed to protect the historic integrity of the property and its environment. The new additions have been designed to the side and rear of the structure and in such a manner that should they be removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The new addition to the south side of the structure includes a revised window pattern on the front façade (west side) by separating the 3 original windows and by introducing a 4th window. There is concern with the modification of the window pattern on the front façade as this change represents an alteration that changes the defining characteristics of the building and creates a false sense of historical context affecting the historical integrity of the structure, site, and environment. A condition of approval is added to retain the original window pattern of the front façade.

It is also noted that the front façade has a flat roof component that was once a jalousie porch, which had been enclosed over the years. The proposal includes a new addition on the south side of this portion of the building with a new pitched roof component over the existing flat deck roof. The pitched roof is designed to be incorporated into design of the main roof yet is designed to appear as a separate massing. This design provides for differentiation of this portion of the structure, while also allowing for the originality of the new design.

Pursuant to LDR Section 4.5.1(E)(8) - Visual Compatibility Standards: new construction and all improvements to both contributing and noncontributing buildings, structures and appurtenances thereto within a designated historic district or on an individually designated property shall be visually compatible. In addition to the Zoning District Regulations, the Historic Preservation Board shall apply the visual compatibility standards provided for in this Section with regard to height, width, mass, scale, façade, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in Section 4.5.1. Visual compatibility for minor and major development as referenced in Section 4.5.1(E)(2) shall be determined by utilizing criteria contained in (a)-(m) below. Visual compatibility for all development on individually designated properties outside the district shall be determined by comparison to other structures within the site.

The following criteria apply:

- 1. Height:** The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district for all major and minor development. For major development, visual compatibility with respect to the height of residential structures, as defined by 4.5.1(E)(2)(a), shall also be determined through application of the Building Height Plane.
- 2. Front Facade Proportion:** The front facade of each building or structure shall be visually compatible with and be in direct relationship to the width of the building and to the height of the front elevation of other existing structures and buildings within the subject historic district.
- 3. Proportion of Openings (Windows and Doors):** The openings of any building within a historic district shall be visually compatible with the openings exemplified by prevailing historic architectural styles of similar buildings within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings shall be visually compatible within the subject historic district.
- 4. Rhythm of Solids to Voids:** The relationship of solids to voids of a building or structure shall be visually compatible with existing historic buildings or structures within the subject historic district for all development, with particular attention paid to the front facades.
- 5. Rhythm of Buildings on Streets:** The relationship of buildings to open space between them



and adjoining buildings shall be visually compatible with the relationship between existing historic buildings or structures within the subject historic district.

6. **Rhythm of Entrance and/or Porch Projections:** The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible with existing architectural styles of entrances and porch projections on existing historic buildings and structures within the subject historic district for all development.
 7. **Relationship of Materials, Texture, and Color:** The relationship of materials, texture, and color of the facade of a building and/or hardscaping shall be visually compatible with the predominant materials used in the historic buildings and structures within the subject historic district.
 8. **Roof Shapes:** The roof shape, including type and slope, of a building or structure shall be visually compatible with the roof shape of existing historic buildings or structures within the subject historic district. The roof shape shall be consistent with the architectural style of the building.
 9. **Walls of Continuity:** Walls, fences, evergreen landscape masses, or building facades, shall form cohesive walls of enclosure along a street to ensure visual compatibility with historic buildings or structures within the subject historic district and the structure to which it is visually related.
 10. **Scale of a Building:** The size of a building and the building mass in relation to open spaces, windows, door openings, balconies, porches, and lot size shall be visually compatible with the building size and mass of historic buildings and structures within a historic district for all development. To determine whether the scale of a building is appropriate, the following shall apply for major development only:
 - a. For buildings wider than sixty percent (60%) of the lot width, a portion of the front façade must be setback a minimum of seven (7) additional feet from the front setback line:
 - b. For buildings deeper than fifty percent (50%) of the lot depth, a portion of each side façade, which is greater than one story high, must be setback a minimum of five (5) additional feet from the side setback line:
 11. **Directional Expression of Front Elevation:** A building shall be visually compatible with the buildings, structures, and sites within a historic district for all development with regard to its directional character, whether vertical or horizontal.
 12. **Architectural Style:** All major and minor development shall consist of only one (1) architectural style per structure or property and not introduce elements definitive of another style.
- (m) **Additions to individually designated properties and contributing structures in all historic districts:** Visual compatibility shall be accomplished as follows:
1. Additions shall be located to the rear or least public side of a building and be as inconspicuous as possible.
 2. Additions or accessory structures shall not be located in front of the established front wall plane of a historic building.
 3. Characteristic features of the original building shall not be destroyed or obscured.
 4. Additions shall be designed and constructed so that the basic form and character of the historic building will remain intact if the addition is ever removed.
 5. Additions shall not introduce a new architectural style, mimic too closely the style of the existing building nor replicate the original design but shall be coherent in design with the existing building.
 6. Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.

The proposed additions are situated to the side and rear of the structure facilitating visual compatibility of the historic property and maintaining the Front Façade Proportion. The original structure's façade depicts a texture stucco that is very common on Spanish Revival styles of architecture. The proposed additions to the north and south should also include a type of textured stucco but should be a slightly different pattern to



differentiate it from the original. This item is attached as a condition of approval. Terra Cotta barrel tiles are to be utilized where the new roof is proposed, adding authenticity to the structure.

With respect to the Proportion of Openings (Windows and Doors) the addition to the south side of the structure proposes modification of the existing window pattern on the front façade by splitting the existing 3 window opening and adding a 4th window. This change negatively affects the original Proportion of Openings by introducing a conjectural feature not original to the historic structure. The replication of the original architectural design through the revised window pattern makes it difficult to decipher the originality of the window pattern by the trained eye. The front façade of a contributing structure is a vital part of the look and feel to the continuity of a historic district; therefore, it is crucial to maintain its authenticity. A condition of approval is added to retain the existing window pattern on the front façade of the main structure.

It is also noted that the front façade has an existing flat roof component that was once a jalousie porch, which had been enclosed over the years. The proposal includes a new addition on the south side of this portion of the building with a new pitched roof component over the existing flat deck roof. The pitched roof is designed to be incorporated into design of the main roof, yet will also appear as a separate massing. This design provides for differentiation of this portion of the structure while also allowing for the design to be deciphered by the trained eye.

The guest cottage to the rear of the structure was built in the 1940s, according to the site's building card, which makes it a contributing structure to the site. The proposed relocation of windows and doors to the guest cottage is an alteration to the façade that would the historic integrity of the structure.

The proposed additions to the existing 1-story structure will allow for an addition and modernization of the residence with durable materials that are compatible with the property and its environment. The overall proposal maintains the existing Mediterranean Revival style architectural details appropriate for the Old School Square Historic District. If the proposed additions to the north and south sides of the original structure were to be removed at a later date, the essential form and integrity of the historic property and its environment would be unimpaired.

The proposal does not note the type of window glass proposed. Clear glass is original to the structure and should be utilized. It is noted that the use of Low E windows, which typically have a green, slightly iridescent/reflective tint to them does not meet the intent of the Secretary of the Interior's Standards for the Treatment of Historic Properties, which states:

"It is not recommended to change the appearance of windows that contribute to the historic character of the building by replacing materials, finishes, or colors which noticeably change the sash, depth of the reveal, and muntin configurations; the reflectivity and color of the glazing; or the appearance of the frame."

Therefore, a condition of approval is added that the proposed windows be clear glass with no reflectivity or tint.

Overall and provided the conditions of approval are met, the relationship and Rhythm of Solids to Voids of the proposed is visually compatible with other structures in OSSHD and particular attention has been paid to retaining the character of the front façade. The Rhythm of Entrance and Porch Projections to the adjacent sidewalk on NW 1st Avenue is being retained. The Relationship of Materials, Texture and Color of the building are being retained in that stucco siding exists and is proposed for the addition, similar materials including aluminum framed windows and a terra cotta barrel tile roof are proposed; and, the proposed earth tone color scheme is appropriate for the Mediterranean Revival style which are generally associated with warm colors (Delray Beach Historic Preservation Design Guidelines, page 38).

Pursuant to LDR Section 2.4.5(l)(5), Architectural (appearance) elevations - Findings. At the time of action on architectural elevations the approving Board shall make findings with respect to the



objectives and standards as contained in the architectural regulations, Section 4.6.18. An overall determination of consistency with respect to the above is required in order for an architectural plan to be approved.

Architectural Elevations Analysis

Pursuant to LDR Section 4.6.18(E), Criteria for Board Action, the following criteria shall be considered by the Historic Preservation Board (HPB) 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 development proposal is also subject to the requirement for Visual Compatibility pursuant to LDR Section 4.5.1(E)(7) which provides for a specific analysis of the historic exterior of the proposal. The existing structure is of the Mediterranean Revival architectural style with a stucco siding, pitched barrel tile roof, minimal roof overhangs and simple casement style windows within arched openings on the front facade. A small front porch covers the front walkway and front door which will facilitate a new handicapped ramp. Provided the conditions of approval are addressed, the proposed architectural elevations present design elements that will contribute to the general area, will maintain the architectural harmony, compatibility, and quality of the neighborhood. It will not cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

LANDSCAPE PLAN ANALYSIS

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

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

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

Pursuant to LDR 4.6.16(H)(3)(g): The amount of interior landscaping within off-street parking areas shall amount to no less than ten percent of the total area used for parking and accessways.

Pursuant to LDR 4.6.16(E)(5): Trees. Shall be a species having an average mature spread of crown greater than 20 feet and having trunks which can be maintained in a clean condition with over six feet of clear mature wood. Trees having an average mature spread of crown less than 20 feet may be substituted by grouping the same so as to create the equivalent of a 20 foot spread of crown. Tree species shall be a minimum of 16 feet in overall height at the time of planting, with a minimum of six feet of single straight trunk with eight feet of clear trunk, and a seven-foot spread of canopy. Tree species required for single family homes and duplexes shall be a minimum of 12 feet in overall height at the time of planting, with a minimum of four feet of single straight trunk with six feet of clear trunk, and a six-foot spread of canopy.

There are existing mature Live Oak and Gumbo Limbo trees on the property along with existing ground cover and foundation plantings. The proposal incorporates new Silver Buttonwood, Green Buttonwood, and Alexander Palm trees on the site along with additional foundation plantings. The landscape plan meets the intent of the regulation.

**FINDINGS**

Pursuant to 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. These findings relate to the following areas:

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

The subject property has a zoning designation of Old School Square Historic Arts District (OSSHAD) and a Other Mixed Use (OMU) Future Land Use Map designation. Business and Professional Offices are allowed pursuant to LDR Section 4.4.24(B)(3) and the residential units are permitted as an accessory use to the office. The purpose and intent of the OSSHAD includes promoting a mixed-use district and mixed-use structures are allowed as a permitted uses.

LDR Section 3.1.1(B) – Concurrency: Facilities which are provided by, or through, the City shall be provided to new development concurrent with issuance of a Certificate of Occupancy. These facilities shall be provided pursuant to levels of service established within the Comprehensive Plan. Refer to Appendix “A”, as it relates to water and sewer, streets and traffic, drainage, and solid waste.

LDR Section 3.1.1(C) – Consistency: Compliance with performance standards set forth in Chapter 3 and required findings in Section 2.4.5(F)(5) for the request shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency. Refer to Appendix “B”, as it relates to Standards for Site Plan Actions (LDR Section 3.2.3).

LDR Section 3.1.1(D) - Compliance with the Land Development Regulations

Refer to the Site Plan and Historic Plan Analysis sections of this report as they relate to Compliance with the Land Development Regulations.

Comprehensive Plan Policies: A review of the objectives and policies of the adopted Comprehensive Plan was conducted, and the following applicable objectives or policies are noted:

Future Land Use Objective A-1 Property shall be developed or redeveloped, in a manner so that the future use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.

The development proposal involves incorporating a mixed-use of residential and office on the subject property through building additions. A parking area to the rear of the property is proposed and a pool is proposed on the east side of the structure. There are no concerns with respect to soil, topographic or other physical considerations. With respect to the adjacent land uses, the property is in an area surrounded by a mix of uses. The property is zoned for both residential and office, as well as retail, restaurant, and other commercial uses.

Pursuant to the Future Land Use Element, Objective A-4, the redevelopment of land and buildings shall provide for the preservation of historic resources. The objective shall be met through continued adherence to the City’s Historic Preservation Ordinance and, where applicable, to architectural design guidelines through the following policies:

Future Land Use Policy A-4.1 Prior to approval or recommending approval of any land use or development application for property located within a historic district or designated as a historic site, the Historic Preservation Board must make a finding that the requested action is consistent with the provisions of Section 4.5.1 of the Land Development Regulations relating to historic sites and districts and the “Delray Beach Design Guidelines”.

The structure is contributing to the Old School Square Historic District and the purpose for OSSHAD is to



“provide for mixed uses of residential, office, and commercial activities, with an emphasis on the arts that will encourage the restoration or preservation of historic structures and, yet, maintain and enhance the historic and pedestrian scale of the area”. The mixed-use structure (residential unit and professional office) is appropriate and may assist in the maintenance and protection of the historic district.

Review by Others:

The project is within the CRA boundary, the HPBs action will be reported to the CRA.

Courtesy Notice:

This development proposal is not in a geographic area requiring courtesy notices.

OPTIONAL BOARD MOTIONS FOR ACTION ITEMS

1. Move to continue with direction.
2. Move approval of the Class III Site Plan Modification, Certificate of Appropriateness (2019-150), Landscape Plan, and Elevation requests associated with the renovation of the existing 1,375 sq. ft. mixed-use structure and construction of a new 1,433 sq. ft. addition on property located at **131 NW 1st Avenue, Old School Square Historic District**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
3. Move approval of the Class III Site Plan Modification, Certificate of Appropriateness (2019-150), Landscape Plan, and Elevation requests associated with the renovation of the existing 1,375 sq. ft. mixed-use structure and construction of a new 1,433 sq. ft. addition on property located at **131 NW 1st Avenue, Old School Square Historic District**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations, subject to the following conditions:
 1. That the original window pattern of the front façade be retained;
 2. That the proposed additions include a type of textured stucco that is slightly different from the original; and,
 3. That the proposed windows be clear glass with no reflectivity or tint.

Site Plan Technical Items:

1. That the shared use parking calculation table be removed from the site plan;
 2. That the rear setback for all structures be identified on the site plan;
 3. That the percentage of existing and proposed open space and lot coverage be identified on the site plan;
 4. That the existing square foot calculations for residential and office uses be identified on the site plan.
 5. That the utility pole within the north/south alley on the east side of the property be moved closer to the property line to allow for the required amount of maneuver space for vehicles; and,
 6. That site lighting calculations be provided on the Photometric Plan for the parking area on the east side of the property adjacent to the north/south alley.
4. Move denial of the Class III Site Plan Modification, Certificate of Appropriateness (2019-150), Landscape Plan, and Elevation requests associated with the renovation of the existing 1,375 sq. ft. mixed-use structure and construction of a new 1,433 sq. ft. addition on property located at **131 NW 1st Avenue, Old School Square Historic District**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.



APPENDIX “A”-CONCURRENCY FINDINGS:

Pursuant to **LDR Section 3.1.1(B)** Concurrency as defined pursuant to Objective B-2 of the Land Use Element of the Comprehensive Plan must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:

Water and Sewer:

- Water service exists.
- Sewer service exists.

Pursuant to the Comprehensive Plan, treatment capacity is available at the City’s Water Treatment Plant and the South Central County Waste Water Treatment Plant for the City at build-out.

Streets and Traffic: The proposed development will not have an increase upon traffic concurrency.

Parks and Recreation Facilities: The proposal does not include an increase to the existing number of units on the property; therefore, the proposal will not have a significant impact with level of service standards for parks and recreation facilities.

Solid Waste: Solid waste generated each year by this development will be approximately 5.72 tons per year. The residential unit generates 1.99 tons per year and the 610 sq. ft. office generates 3.73 tons per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2046.

Drainage: Drainage will be accommodated on site.



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

- A. Building design, landscaping and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.
- ☐ Not applicable
☒ Meets intent of standard
☐ Does not meet intent
- B. Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists and vehicles in a manner consistent with policies found under Objectives D-1 and D-2 of the Transportation Element.
- ☐ Not applicable
☒ Meets intent of standard
☐ Does not meet intent
- C. Open space enhancements as described in Policies found under Objective B-1 of the Open Space and Recreation Element are appropriately addressed.
- ☐ Not applicable
☒ Meets intent of standard
☐ Does not meet intent
- D. The City shall evaluate the effect that any street widening or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the neighborhood, the project shall not be permitted.
- ☒ Not applicable
☐ Meets intent of standard
☐ Does not meet intent
- E. Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations.
- ☒ Not applicable
☐ Meets intent of standard
☐ Does not meet intent
- F. Property shall be developed or redeveloped in a manner so that the future use and intensity are appropriate in terms of soil, topographic, and other applicable physical considerations; complementary to adjacent land uses; and fulfills remaining land use needs.
- ☐ Not applicable
☒ Meets intent of standard
☐ Does not meet intent
- G. Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Objective B-2 of the Housing Element.
- ☐ Not applicable
☒ Meets intent of standard
☐ Does not meet intent



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

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

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

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

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

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