

# M E N I N

November 12, 2019

## VIA HAND-DELIVERY & E-MAIL

Jennifer Buce  
City of Delray Beach  
Building Department  
100 NW 1st Ave  
Delray Beach, FL 33444

**Re: City Commission Sign Waiver Request**  
**Property Address – 307 E Atlantic Avenue, Delray Beach, FL 33483 (“Property”)**  
**Property Owner – Rosebud 307, LLC (“Applicant”)**  
**Restaurant - Lionfish**

Dear Ms. Buce:

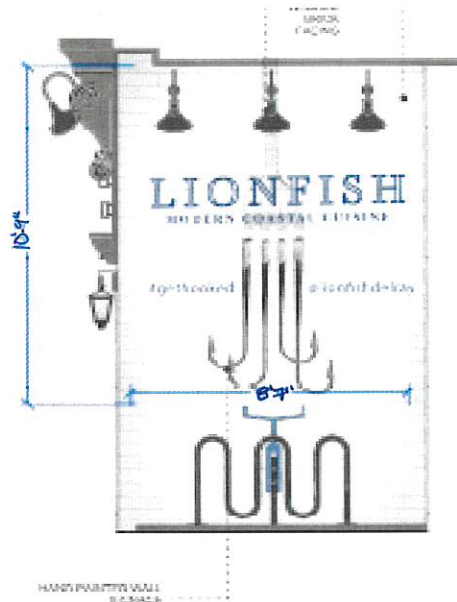
As discussed, we have submitted applications for a Site Plan Class I Modification and Signage for the above-referenced property to be reviewed by SPRAB at the December 18, 2019 meeting. Additionally, we are requesting a waiver from the City Commission for an additional wall sign on the east facing exterior wall.

The Applicant is proposing two signs for the proposed Lionfish restaurant.

The first sign is a back-mounted Channel sign that is along the south-facing front façade along Atlantic Avenue and measures 49 square feet. This sign meets all code requirements and has been submitted to the City for SPRAB approval. It is shown in rendering below.



The second sign is a hand-painted wall sign that is on the east facing exterior wall that measures 90 square feet.



While the signage is facing a different direction (eastern) than the front façade signage (southern), the building has only Atlantic Avenue street frontage and therefore requires a waiver from the Commission from section 4.6.7(E)(7) of the LDRs. Section 4.6.7(E)(7) of the Land Development Regulations (LDRs) provides that “one wall sign shall be permitted facing a dedicated street frontage and a wall sign cannot exceed 160 SF.”

Pursuant to section 2.4.7(B)(5) and Section 4.4.13(K)(8)(b)(2) of the LDRs, the criteria for the City Commission to grant the waiver and the Applicant’s responses are laid out below.

#### **I. SECTION 2.4.7(B)(5)**

##### **(a) Shall not adversely affect the neighboring area;**

*The proposed signage shall not adversely affect the neighboring area, but rather it will enhance the Downtown core and this Primary Street with improved signage and streetscape vistas.*

*The CBD zoning district was established “to preserve and protect...downtown Delray Beach and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area.” Section 4.4.13(A) of the LDRs. The CBD’s intent is to result in development that “preserves the downtown’s historic moderate scale” while helping “the area evolve.” Section 4.4.13(A)(1) of the LDRs.*

*“Primary Streets are intended to develop over time as superior pedestrian environments.” Section 4.4.13(B)(1) of the LDRs. Required Retail Frontage streets are “intended to be lively, highly active pedestrian environments that support businesses and reinforce local character.” Section 4.4.13(B)(2) of the LDRs.*

*The Applicant is making a significant investment to the Property with the improvements to the overall structure to modernize and activate the Property, while at the same time re-imagining and re-purposing a building originally constructed in 1955. Longtime locals will know that the Property has gone through a myriad of owners and operators for the past couple of decades. Part of the issue is that most of the new owners/operators retrofitted the existing space rather than enhanced and improved upon. That is not the case here.*

*The overall construction investment is aimed to draw people in with elevated design. With the addition of the folding glass doors, the Applicant seeks to maximize the indoor/outdoor lifestyle people flock to Florida for. These design change makes the entire space usable regardless of the weather without sacrificing the outdoor dining and pedestrian experience.*

*The Applicant has also brightened the entire space up with a lighter color palette and lighting – again with the goal to make this dark space draw people in.*

*The signage is yet another design element to draw people in as they meander down our lauded Atlantic Avenue and to reinforce the Downtown’s unique character and streetscape. The hand-painted sign captures those heading west down Atlantic Avenue and creates one of those “Instagrammable” moments replacing what is currently an ignored, almost back-of-house wall along a Primary, Required Retail Street.*

*Important to note, had the eastern wall been adjacent to a street rather than another building, this sign would not require a waiver as both signs are facing two different directions. Again, the front sign faces south, and this requested sign faces east. Accordingly, the signs provide wayfinding to do entirely separate vehicular and pedestrian users.*

*Given the reasons discussed above, the east facing wall sign does not adversely affect the neighboring area, but rather improves it.*

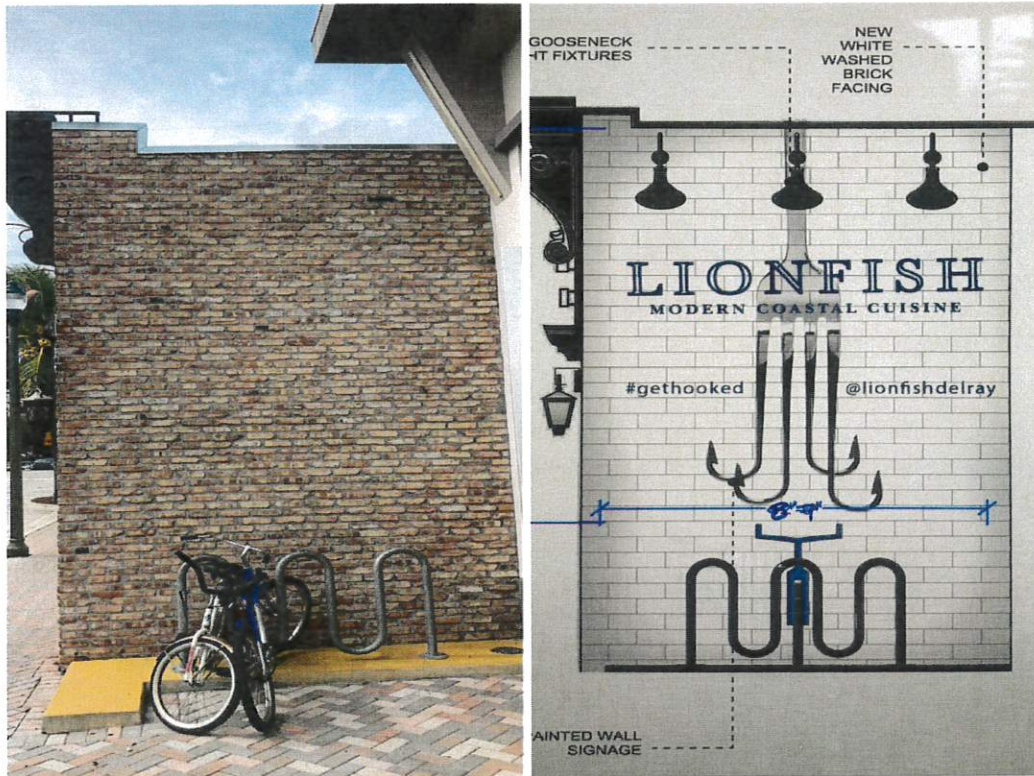
**(b) Shall not significantly diminish the provision of public facilities;**

*The requested wall sign does not diminish the provision of public facilities. No utilities or City infrastructure will be impacted by the requested signage.*

*There is an existing bike rack directly in front of the proposed signage. The existing wall appears as an afterthought – almost a back-of-house treatment. By including this exterior east facing wall into the design with lighting, updated finishes, paint and signage, the Applicant will draw pedestrian and bicyclists to this area from several blocks away.*



*See photo below which shows existing and proposed.*



*The requested wall sign shall not diminish the provision of any public facilities.*

**(c) Shall not create an unsafe situation; and**

*The requested wall signage will not create an unsafe situation. The proposed signage and improvements to the east facing wall will actually improve safety conditions with enhanced wayfinding, lighting and showcasing of one of the City's underutilized bike racks.*

**(d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.**

*As discussed above, the Property is uniquely situated in that it has both a south and east facing wall despite only facing one street. The setback of the adjacent property allows for a design and wayfinding opportunity that most Atlantic Avenue properties don't enjoy.*

*The intent of the LDRs is to create wayfinding and enhance business opportunities without cluttering the streetscape. As articulated above, the vistas to both signs are two separate users.*

*If you are viewing the front Channel sign that faces south, you are not also viewing the requested wall sign that will be facing east. The east facing wall sign is at pedestrian level and is aimed at users (both vehicular and non-vehicular) traveling west on Atlantic Avenue.*

*The proposed signage and overall Property enhancements to both the front and side facades are the type of modifications the LDRs and the City should encourage for our most famous Primary Street. No special privilege is being granted as for the few properties that have this unique condition along Atlantic Avenue, the City should also grant a waiver as it meets the goals and intent of the CBD regulations..*

## **II. SECTION 4.4.13(K)(8)(B)(2)**

Within the CBD, in addition to the findings in Section 2.4.7(B)(5), the below standards shall be used by the City Commission when considering waiver requests. The Applicant's responses to each are also laid out below.

- (a) The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.**

*As discussed above the requested waiver will enhance, not diminish, the pedestrian experience.*

- (b) The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.**

*The requested waiver does not create any incompatibilities with nearby uses or buildings but rather improves the area's experience overall. The requested signage will actually create a placemaking opportunity at an existing unattractive space. Drawing pedestrians and activity in will increase foot traffic for the retail property directly adjacent.*

- (c) The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/ pedestrian master plan.**

*Again, as discussed above, the requested waiver will enhance the pedestrian and bicyclist experience. By creating a "destination" on an underutilized and blighted wall, the wall signage and lighting will highlight currently overlooked bike racks. It will enhance the pedestrian vistas of those traveling west on Atlantic Avenue.*

- (d) The waiver shall not reduce the quality of civic open spaces provided under this code.**

*No civic space is affected by this request. Accordingly, this criterion is not applicable.*

**Menin Development**  
**307 East Atlantic Avenue – Lionfish**  
**Sign Waiver Request**  
**November 12, 2019**  
**Page 6 of 6**

For the reasons set forth herein, the Applicant respectfully requests a sign waiver from section 4.6.7(E)(7) of the LDRs to permit a second sign on the Property's eastern side wall. Should you have any questions or need anything further, please do not hesitate to contact us. For ease of review, while only the second sign is before the Commission, we have attached the complete SPRAB presentation to this request.

Very Truly Yours,



Jordana L. Jarjura  
Vice President/General Counsel

Enclosures

cc: Craig Menin  
Jose Gonzalez, Gonzalez Architects  
Vincent Celano, Celano Design Studio  
Andy Masi, Clique Hospitality  
Craig O'Keefe, Clique Hospitality  
Neal de Jesus, ICM  
Lynn Gelin, City Attorney  
Anthea Gianniotis, Development Services Director  
(All Via E-Mail)

# LIONFISH

MODERN COASTAL CUISINE



307 E ATLANTIC AVE  
DELRAY BEACH, FL

M E N I N

CLIQUE  
HOSPITALITY

CELANO  
design studio



González Architects





EXISTING ELEVATION ALONG E ATLANTIC AVE





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PREVIOUSLY APPROVED DESIGN



PROPOSED ELEVATION ALONG E ATLANTIC AVE





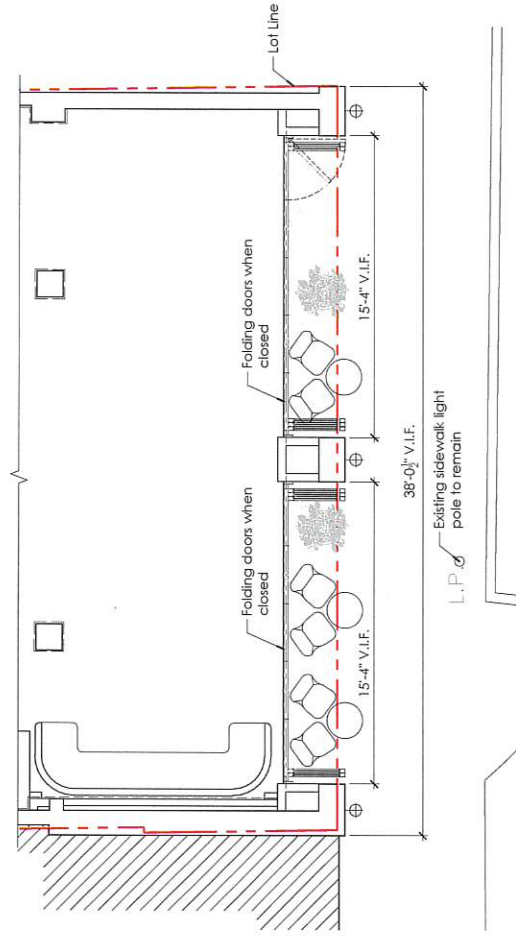
EXTERIOR MODIFICATIONS ALONG E ATLANTIC AVE





NEW OPERABLE FOLDING  
PARTITION STOREFRONT  
(SHOWN CLOSED)

EXTERIOR MODIFICATIONS ALONG E ATLANTIC AVE



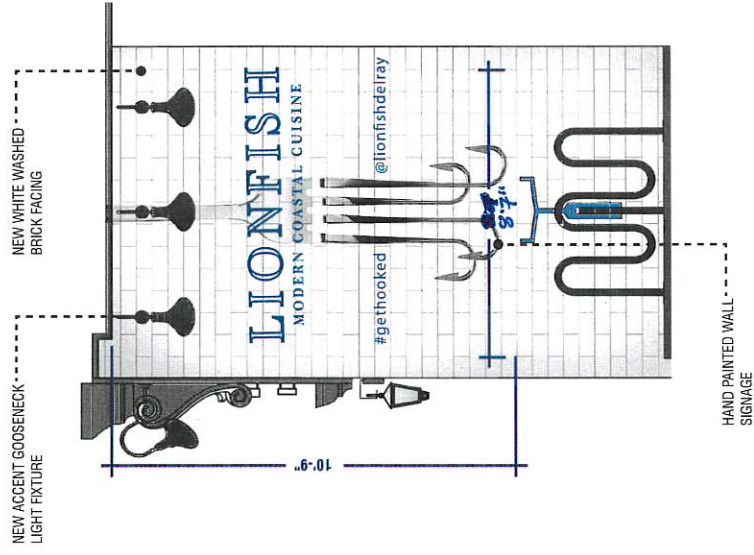
PROPOSED SITE PLAN - OUTDOOR/INDOOR LOUNGE SEATING



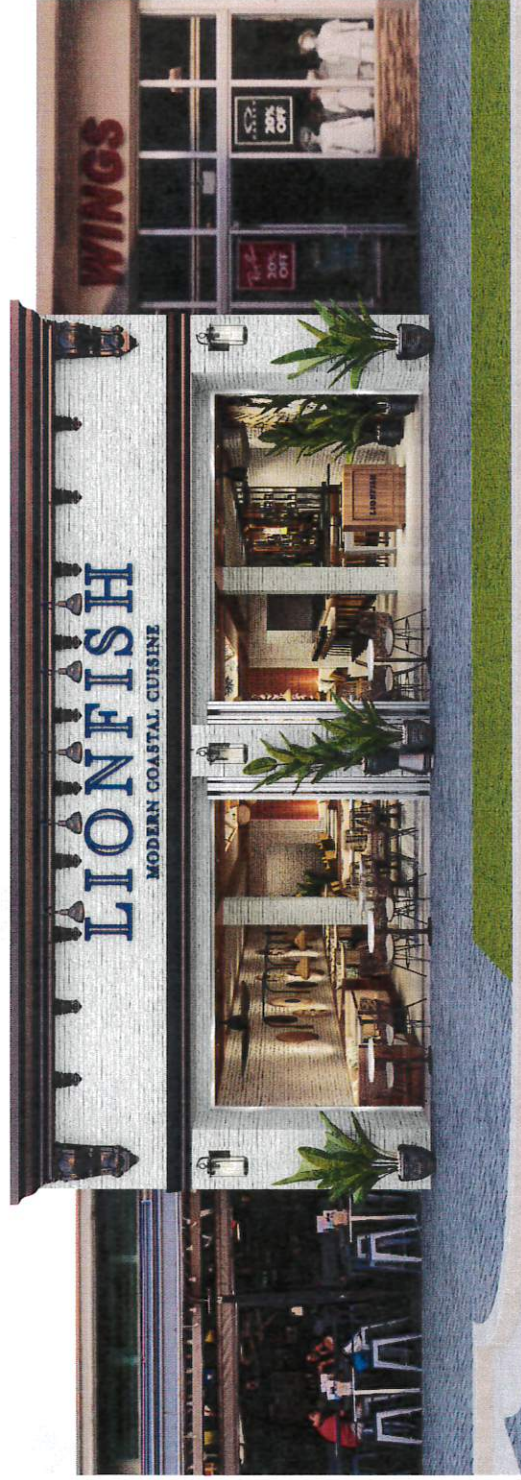




SIGNAGE ALONG E ATLANTIC AVE



SIDE ELEVATION SIGNAGE (EAST FACING EXTERIOR WALL)



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THANK YOU