



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING
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HISTORIC PRESERVATION BOARD STAFF REPORT

Atlantic Grove

Meeting	File No.	Application Type
March 3, 2021	2020-281	Class IV Site Plan, Certificate of Appropriateness, & Waiver

REQUEST

The item before the Board is for recommendation to the City Commission for consideration of a Class IV Site Plan, Landscape Plan, Elevations, Certificate of Appropriateness & Waiver (2020-281) request associated with construction of 14 three-story townhouses within two new buildings and construction of a new cabana on the property located at **Atlantic Grove, West Settlers Historic District**.

GENERAL DATA

Agent: New Urban Communities
Owner: Atlantic Grove Partners, LLC
Location: Atlantic Grove – 35-37 NW 4th Avenue
PCN: 12-43-46-16-01-036-0160;
12-43-46-16-01-036-0180;
12-43-46-16-01-036-0200
Property Size: 0.49 Acres
Zoning: CBD – Central Business District
LUM Designation: Commercial Core
Historic District: West Settlers Historic District
Adjacent Zoning:

- R-1-AA – Single Family Residential (North)
- CF – Community Facility (East)
- CBD - Central Business District (South)
- CF– Community Facility (West)

Existing Land Use: Vacant
Proposed Land Use: Multi-Family Residential



BACKGROUND INFORMATION AND PROJECT DESCRIPTION

The subject 0.49-acre parcel is located on the east side of NW 4th Avenue and north of West Atlantic Avenue. The property is located within the development known as Atlantic Grove, which is a mixed-use development. The site is located within West Atlantic Avenue Redevelopment Area of the Central Business District, this portion of the property is also located in the West Settlers Historic District.

In the late 1990's the Atlantic Grove site consisted of properties assembled by the CRA for redevelopment as a mixed-use project. The CRA issued a Request for Proposal (RFP) for the project on March 1, 2000 and the Atlantic Grove development was chosen from among four proposals.

On July 24, 2001, the City Commission approved a Conditional Use to allow a density of 16.54 units per acre for the project and on August 7, 2001, the City Commission approved the rezoning and

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Review Dates:
HPB: March 3, 2021

Attachments:

- Architectural Plans
- Color Rendering
- Justification Statements
- Photos

conditional use for the stand-alone parking lot located on the west side of NW 4th Avenue, immediately south of Mount Olive Missionary Baptist Church.

The Site Plan for the mixed-use development consisting of 3-story townhouses on the north side of the site and mixed-use commercial and condominium buildings fronting on West Atlantic Avenue was reviewed and approved by HPB on August 15, 2001. On March 6, 2002, the Board approved the Landscape Plan, final Building Elevations, and design elements for the project. Groundbreaking for the project was scheduled for November 8, 2002.

The site currently contains eight 3-story buildings. There are eight buildings containing 55 townhouses with two-car garages, a cabana building, and two mixed-use buildings that contain 47,856 square feet of retail/office/restaurant space and 20 residential condominium units, which front on West Atlantic Avenue. There are 201 off-street parking spaces located in parking lots behind the commercial buildings and 71 on-street parking spaces on NW 3rd Avenue, NW 4th Avenue, NW 5th Avenue and NW 1st Street. Paver brick sidewalks and street lighting matching those existing on West Atlantic Avenue surround the site. A cabana and swimming pool area exists within the townhome area and there are two gated entries on NW 3rd Avenue and NW 1st Street.

The subject request includes:

- Construction of 14 new three-story townhomes within two buildings along NW 4th Avenue and interior to the site;
- Utilization of the residential Incentive Program, to allow for an increase in density from 16.54 du/ac to 16.9du/ac through the provision of one (1) Workforce Housing Unit priced in the Moderate-income household range;
- Demolition of the existing cabana/restroom building and construction of a new cabana/restroom building;
- Reconfiguration of the hardscape within the cabana/swimming pool area; and,
- New landscaping, hardscaping, driveways, site lighting, and fencing.

The Class IV Site Plan Modification and COA request is now before the Historic Preservation Board for review and recommendation to the City Commission.

REVIEW AND ANALYSIS

ZONING AND USE REVIEW

Pursuant to LDR Section 4.4.13 – The Central Business District (CBD) is established to preserve and protect the cultural and historic aspects of downtown Delray Beach and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area.

Pursuant to LDR Section 4.4.13(A)(3) – West Atlantic Neighborhood Sub-district. The West Atlantic Neighborhood Sub-district regulations are intended to be consistent with the adopted the Downtown Delray Beach Master Plan and The Set Transformation Plan (*now adopted and known as the West Atlantic Master Plan*). The emphasis of these regulations is on the preservation and enhancement of existing neighborhoods, while promoting a pedestrian friendly commercial area along West Atlantic Avenue that contains a mix of residential, commercial and civic functions. Businesses that are oriented toward serving the local neighborhood, as opposed to a regional area, are encouraged. Density incentives are available for redevelopment in this Sub-district to promote the inclusion of workforce housing.

The subject request is within the West Atlantic Neighborhood Sub-district. The proposal involves an increase in density pursuant to the Incentive Program noted in LDR Section 4.4.13(H) and includes the provision of one (1) workforce housing unit.

Pursuant to LDR Section 4.4.13(C) and Table 4.4.13(A) identifies the allowable principal, accessory, and conditional uses for each area of the CBD.

The subject request is to construct 14 additional townhouse units on the Atlantic Grove mixed-use project. Multi-family residential dwelling units are a principal use permitted within the West Atlantic Neighborhood Sub-district of the CBD.

Pursuant to LDR Section 4.4.13(C) West Atlantic Neighborhood Sub-district Supplemental Use Standards: The following supplemental district regulations apply in the West Atlantic Neighborhood Sub-district:

- 1. West Atlantic Neighborhood Commercial Area. Commercial and mixed-use structures may extend up to 150 feet from West Atlantic Avenue and are allowed on NW 5th Avenue and SW 5th Avenue. Residential structures and accessory uses such as parking areas, landscaping, and drainage retention areas may extend beyond the 150-foot limit. Full service grocery stores may extend beyond the 150-foot limit from West Atlantic Avenue with approval by the SPRAB or the HPB of a site plan design that ensures compatible transitions between commercial and residential areas. Establishment or expansion of commercial and mixed-use structures beyond the 150-foot limit may be allowed as a conditional use, subject to the required findings of Section 2.4.5(E)(5). The West Atlantic Neighborhood Commercial Area is mapped on the West Atlantic Neighborhood Regulating Plan.**

The proposal involves the establishment of 14 new townhouse units, which are permitted to extend beyond the 150-foot limit.

Pursuant to LDR Section 4.4.13(D)(1)(a) – Configuration of Buildings, Standards for CBD – Building Height: The following building configuration standards apply:

- Except within limited height areas, maximum overall building height in feet is 54 feet and maximum building height in number of stories is four.**
- The ground story of residential buildings shall be a minimum of ten feet tall.**
- Each story above the ground story in all buildings must be at least nine feet tall.**
- Within the West Atlantic Neighborhood Sub-District, residential units must have the floor of the first habitable story elevated at least 12 inches above the sidewalk.**

The maximum overall building height is 35'3", the ground story of the proposed buildings is 11'6", the 2nd floor is 10'6", and the 3rd floor is 9'. The first floor of the first habitable story is proposed to be elevated 12" above the sidewalk. Based upon the above, the proposal meets the requirements of this code section.

Pursuant to LDR Section 4.4.13(D)(1)(d) – Configurations of Buildings, Standards for CBD – dwelling unit standards:

- 1. Diverse unit types. A number of different unit types, sizes and floor plans shall be available within the development. Two and three bedroom units are encouraged, as are a combination of multi-level units and flats. 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. There is no maximum percentage for unit types**

established for projects having 12 or fewer units, however, a mix of unit types and sizes is encouraged.

2. **Minimum floor area.** Minimum floor area for multi-family residential dwelling units shall be as established for the Medium Density Residential (RM) zoning district in Section 4.3.4(K).

Pursuant to LDR Section 4.3.4(K) - two-bedroom dwelling units are required to be a minimum of 900 sq. ft. and three-bedroom dwelling units are required to be a minimum of 1,250 sq. ft. The proposal includes 14 new townhouse units 4 of which are 2-bedroom units and 10 are 3-bedroom units. All units will meet the minimum floor area requirements as they are proposed to be 2,165 sq. ft. and 2,260 sq. ft.

Pursuant to LDR Section 4.3.4(D)(2) - Dimensional requirements for CBD Sub-districts: Table 4.4.13(C) provides the dimensional requirements regarding lot size, building placement, building size, height, density, and civic open space for each CBD Sub-district.

- (a) Buildings shall be located in accordance with the minimum and maximum setbacks in Table 4.4.13(C).

The proposal meets the dimensional requirements for the West Atlantic Neighborhood Sub-district.

FRONTAGE STANDARDS, MINIMUM STREETSCAPE WIDTH

Pursuant to LDR Section 4.4.13(E)(2) - Streetscape standards: Front setback areas, which include side setback areas facing streets, shall be detailed to augment public right-of-way design, to establish shaded, continuous routes for pedestrians, and to organize landscaping and other elements to ensure a superior public realm.

- (a) **Minimum Streetscape Width.** The combination of public sidewalk (located within the right-of-way) and hardscape (located in front setback areas) shall provide a minimum streetscape area no less than 15 feet in width, measured from the back of curb. The streetscape area shall be organized as follows:

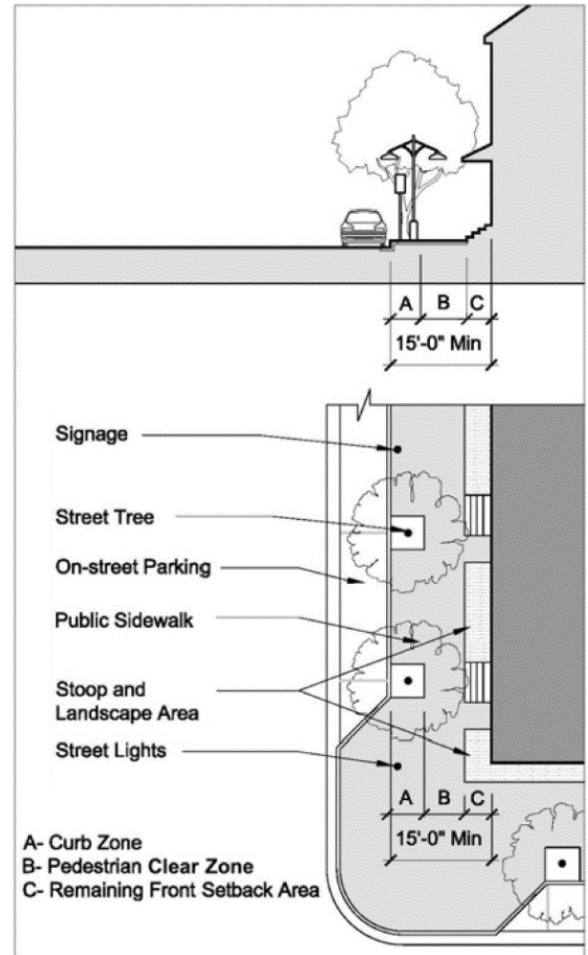
1. **Curb zone.** The curb zone shall be at least four feet wide, measured from the back of curb to the pedestrian clear zone. This zone accommodates street trees and public infrastructure needs such as utility poles, street lights, street signs, parking meters, etc. These elements shall be located as close to the curb as possible; signs and parking meters shall be consolidated as much as possible. Space for pedestrian use is also accommodated in the curb zone. See Figures 4.4.13-13 and 4.4.13-14.
2. **Pedestrian clear zone.** A pedestrian clear zone at least six feet wide shall be provided on all streetscapes (See Figures 4.4.13-13 and 4.4.13-14). Any portion of the pedestrian clear zone within the front setback area shall be improved as an extension of the public sidewalk and shall match the public sidewalk in design and material, providing a seamless physical transition. A sidewalk easement, in a form acceptable to the City Attorney, over any portion of the pedestrian clear zone located within the front setback shall be granted to the City. The property owner shall also be required to enter into a maintenance agreement, in a form acceptable to the City Attorney, requiring the property owner to be responsible for and maintain any improvements made or installed by the owner to meet the requirements of this section. The sidewalk easement and maintenance agreement require City Commission approval subsequent to site plan approval and shall be recorded prior to site plan certification.
3. **Remaining front setback area.** The remaining front setback area within the minimum 15 feet wide streetscape shall be detailed appropriately for the ground story use of the building (See Figures 4.4.13-13 and 4.4.13-14):

- a. **Commercial uses.** Buildings with retail or commercial uses in the ground story shall detail and design any remaining front setback area within the 15-foot wide minimum streetscape area using a hardscape design. This portion may be used to accommodate outdoor dining areas, subject to Section 6.3. Landscaping comprised of plants in removable planters, palms and/or ground planting may be installed adjacent to the building provided views into storefront windows are not obstructed.
 - b. **Residential uses.** Buildings with residential uses in the ground story shall detail and design any remaining front setback area within the 15-foot wide minimum streetscape area using hardscape or foundation planting landscaping. The encroachment of porches or stoops in this area may be permitted, pursuant to Section 4.4.13(E)(4).
- (b) Street trees.** Street trees are intended to provide a shaded environment for the pedestrian, provide a physical separation between pedestrians and vehicles, improve the overall visual appearance of the street, and reduce urban heat island effects.
1. All new construction, relocation of a building, or addition equal to or greater than 20 percent of the gross floor area of an existing building shall install street trees at the time of development. Street trees shall be a canopy species, planted in the public right-of-way directly in front of the property line(s), uniformly spaced no greater than 30 feet on center. Spacing of trees may only exceed 30 feet in order to accommodate curb cuts, fire hydrants, utilities, existing trees, and other infrastructure elements. Palm varieties may be used at corners, crosswalks, or to accent building entrances and may be permitted in lieu of shade trees when physical conditions may prevent the proper growth of shade trees, as determined by the Planning, Zoning and Building Director Consistency in street tree species shall be established on both sides of the street along each block The first to develop shall establish the species with approval from the Planning, Zoning and Building Director.
 2. Street trees shall be located in the curb zone of the streetscape, in order to separate pedestrians from vehicular lanes and to provide room for tree canopies. Street trees may be planted in planting strips, landscaped planters or tree grates with approval from the Planning, Zoning and Building Director.
 3. All trees shall be Florida Grade #1 or better and satisfy the following standards at the time of planting:
 - a. Canopy species: Minimum 14 feet in height with a clear trunk space of six feet and a spread of no less than eight feet.
 - b. Palm trees: Minimum 18 feet in height, with a clear trunk space of eight feet.
 4. In the event that site constraints, such as existing utility easements, infrastructure, or right-of-way constraints prevent the installation of required street trees, the Planning, Zoning and Building Director may approve a different organization of the curb and pedestrian clear zones. Additional elements such as removable planters of small palms and shrubs, vines or seasonal flowers may be required. In addition, the building shall provide devices such as awnings or roof overhangs to establish a shaded pedestrian environment.
 5. The property owner shall be required to enter into a maintenance agreement, in a form acceptable to the City Attorney, requiring the property owner to be responsible for and maintain any tree grates, irrigation, and landscaping installed by the property owner to meet the requirements of this section.

6. For those properties where street trees exist at the time of site plan approval, the property owner shall either provide the required street trees in another location on-site or pay into the Tree Trust Fund, in accordance with the fee schedule in Section 4.6.19(E)(5)(d).

Streetscape Standards	Minimum Standard	Proposed
A- Curb Zone	4'-0"	4'
B- Pedestrian Zone	6'-0"	6'
C- Remaining Front Setback Area	5'-0"	7'
Total Streetscape Width	15'-0"	17'

The proposal meets the intent of this code requirement. It is noted that due to existing site conditions involving the adjacent right-of-way and sidewalk configuration, the configuration of the pedestrian clear zone is situated within the front setback for a portion of the development. The Development Services can approve a different organization of the curb and pedestrian zones and has approved of the proposed configuration. In order to accommodate the public sidewalk within the boundary of the private property the owner is required to enter into a sidewalk easement and maintenance agreement in a form acceptable to the City Attorney. Such easement and agreement are required to be approved by the City Commission and recorded prior to site plan certification. This item is attached as a Site Plan Technical Item.



Pursuant to LDR Section 4.4.13(E)(2)(4)(c) - Frontage types: Frontage Types define architectural characteristics for the detailing of building entrances. Seven distinct frontage types have been identified, which are appropriate for different uses. Using one or more of frontage types identified is required.

Bracketed balcony. A bracketed balcony is a second-story balcony, located over the main building entry, which provides cover for a person entering or exiting the building, emphasizes the entryway, and creates a semi-public space overlooking the street. The Delray Beach Architectural Design Guidelines provide guidance on balcony detailing. Bracketed balconies are typically associated with buildings with commercial uses in the ground story; however, bracketed balconies may be used with residential uses if combined with a stoop. Figure 4.4.13-19 illustrates the dimensional requirements from Table 4.4.13(G). Figure 4.4.13-20 provides a character example.

Bracketed Balconies	Minimum Required	Maximum Allowed	Proposed
Building Setback	10'	15'	10'
Depth	N/A	5'	N/A'
Width	4'	N/A'	287.2' (per block)
Floor Elevation	0'	0'	0'
Allowable Encroachment	N/A	5'	5'

Figure 4.4.13-19 Bracketed Balcony
Frontage Type

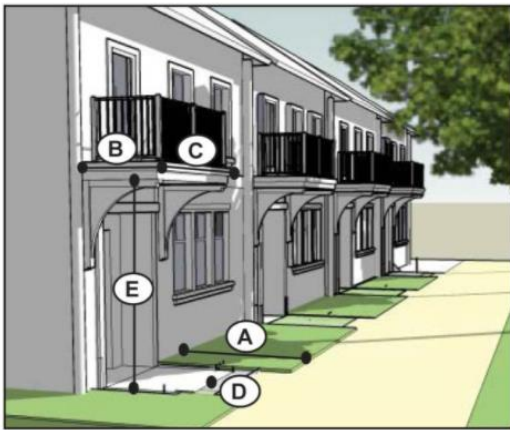


Figure 4.4.13-20 Bracketed Balcony
Character Example



The frontage type for the proposed townhouses is Bracketed Balcony, which is permitted for townhomes. The proposal will also meet the dimensional requirements of this code section; thus, the proposal can be considered in compliance with this requirement.

Pursuant to 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.

(1) **Required standards.** In addition to the standards in this section, all buildings shall follow the Delray Beach Architectural Design Guidelines. Properties located within a Historic District or Individually Designated Sites, as listed on the Local Register of Historic Places in Section 4.5.1(I), shall also comply with the Visual Compatibility Standards of Section 4.5.1(E)(7).

(2) **Façade composition.**

(a) **Building Articulations.** Buildings articulations that respond to the site's unique urban condition, such as but limited to, locations on corners, near public open spaces, terminating the visual axis of a street, and/or that emphasize main building entries, shall be clearly expressed in the design.

1. Building articulations in the form of a change in building height and building placement shall be incorporated so that building façade proportions do not exceed height to width ratios of 3:1 or 1:2
2. Building articulations shall be reinforced by changes in roof design, fenestration patterns, or architectural elements.

(b) Tripartite composition (base, middle, top). All buildings shall have a clearly expressed base, middle, and top in the façade design.

(3) Appropriate architectural styles. The adopted "Delray Beach Central Business District Architectural Design Guidelines", as amended, identifies architectural styles as appropriate for downtown Delray Beach, based on historical precedent, climate, and building scale. Defining characteristics and character examples are provided for each of the styles as guidance.

The proposal townhouses are designed in the Masonry Vernacular style with an Anglo-Caribbean influence. As the property is within the West Settlers Historic District the architectural style must also be designed in one of the prevailing styles for the district. As proposed the design and architectural style of the townhouses can be considered compliant with the requirements of this code section.

Pursuant to LDR Section 4.4.13(F)(4)-(7) – Walls, Openings, Roofs, and Elements: design requirements.

The subject proposal complies with the design requirements and standards of this code section. It is noted that the proposed townhouses include gutters and downspouts for stormwater drainage. The downspouts for the 6-unit building, are located on the façade along NW 4th Avenue, which are directly connected to the on-site drainage. The downspouts for the 8-unit townhomes are facing the courtyard and are discharged at ground level. Therefore, the proposal can be considered compliant with this requirement.

Pursuant to LDR Section 4.4.13(F)(9) - Reduction of Urban Heat Islands: In order to reduce urban heat islands for both roofed and non-roofed areas, the following standards shall apply to building and site design:

(a) **Non-roofed:** Provide shade (within five years) on at least 30 percent of non-roof impervious surface on the site, including parking lots, walkways, plazas, etc.; or use light-colored/high-albedo materials (reflectance of at least 0.3) for 30 percent of the site's non-roofed impervious surfaces; or, use open-grid pavement system (net impervious area of less than 50 percent) for a minimum of 50 percent of the parking lot area.

(b) **Roofed:** Use Energy Star roof-compliant, high-reflectance and high emissivity roofing (initial reflectance of at least 0.65 and three-year-aged reflectance of at least 0.5 when tested in accordance with ASTM E903 and emissivity of at least 0.9 when tested in accordance with ASTM 4080 for a minimum of 75 percent of the roof surface; or install a "green" (vegetated) roof for at least 50 percent of the roof area.

Regarding the proposed non-roofed areas for the development, the applicant has provided a chart demonstrating the required 30% impervious surface will be shaded on site within the next five years. Below is the chart demonstrating that the proposal can meet this portion of the code requirements.

Species	QTY	Canopy Radius at Planting	Canopy Area at Planting	Growth Factor (5yrs)	Canopy Radius after 5 yrs	Canopy Area after 5 yrs
Gumbo Limbo	2	3	56.55	2	6	226.19
Satin Leaf	4	3	113.09	2	6	452.38
Dahoon Holly	8	2	100.53	2	4	402.11
Crape Myrtle	4	3	113.09	2	6	452.38
Live Oak	7	4	351.85	2	8	1407.39
Simpson's Stopper	2	2.5	39.27	2	5	157.08
Ligustrum	4	2.5	78.54	2	5	314.15
Total	31	20	852.92	2	40	3411.67

With regards to the roofed regulations, the applicant has specified that proposed shingle roofs are an energy star roofing material; however, for the proposed steep sloped roof to meet the energy efficiency requirements, it would need to be a type of white metal low sloped roofing material. As the proposal involves building-out a remaining portion of the overall project where there are existing buildings with asphalt shingle roofs, utilizing a different material such as metal roofs would not provide for a cohesive design of the overall project. The applicant has requested a waiver to this portion of the code requirement in order to utilize a roofing material that matches what exists for the overall development. The waiver is discussed later in this report.

Pursuant to LDR Section 4.4.13(G) - Civic Open Space- Civic open spaces are privately maintained outdoor spaces which are accessible by the general public, improve the pedestrian environment, are aesthetically pleasing, and serve as an amenity for the city as a whole as well as for occupants of the building which the open space serves. The proposal provides for an 80 sq. ft. civic open space area that will consist of a fountain and a dog waste station to be located on the south side of the proposed 6-unit townhouse building adjacent to NW 4th Avenue. The area will be surrounded by fencing that wraps around the east side of the open space area, that allows for the space to be accessed from the sidewalk on NW 4th Avenue. A gate is not permitted for this area and is not proposed. Based upon the above, the proposal can be considered to be compliant with this code requirement.

WORKFORCE HOUSING

Pursuant to LDR Section 4.4.13(H) - Incentive program: Certain incentives may be offered from time to time to encourage development that advances City strategic, policy-driven goals, such as diverse residential housing opportunities, sustainable building practices, historic preservation, public parking, civic open space, or office uses within the CBD. The specific incentives and required performance criteria are set forth in this section and may be revised or amended after seeking community input and in response to factors such as update to the Downtown Master Plan, changing conditions within the CBD, transportation impacts, or market and/or demographic shifts. Any incentives shall be broad based and applicable within the entire CDB or CDB sub-district, no incentives programs shall be considered on a case-by-case basis or project-by-project basis.

(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. The maximum density allowed by Table 4.4.13(C) in certain CBD Sub-districts may only be increased in the locations described below. The required Performance Standards are set forth in Section 4.4.13(H)(2).

- (a) Density may be increased over 12 du/ac (up to 30 du/ac) within the West Atlantic Neighborhood Sub-district.
- (b) Properties located within a historic district or on individually designated sites as listed on the Local Register of Historic Places in Section 4.5.1(I) are not eligible to use the Residential Incentive Program, except properties that meet the criteria in (c) below.
- (c) Properties located within the West Atlantic Neighborhood Sub-district that are also located within the West Settlers Historic District may utilize the Residential Incentive Program to increase the density to over 12 du/ac (up to 20 du/ac) if the following criteria is met:

1. The property is located between West Atlantic Avenue and NW 1st Street; and,
 2. The property does not contain a contributing structure;
 3. The property does not contain a non-contributing structure that is at least 30 years old, from the original date of construction;
 4. If the property is vacant, it has not contained a structure on the site for at least 15 years.
- (2) ***Performance standards for density increases.*** Projects which propose to increase density from the base amount allowed in the West Atlantic Neighborhood Sub-district shall provide workforce housing units. Workforce housing units, equal to at least 20 percent of the bonus density shall be provided within the development onsite, offsite, or through monetary contributions as referenced in Article 4.7 (fractions shall be rounded up). The workforce housing units shall be at the low or moderate income levels and shall comply with other applicable provisions of Article 4.7.
- (3) ***Approval process for incentives.***
- (a) Applications to utilize the Incentive Program will be reviewed as part of a Class V site plan by the SPRAB (or HPB) 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 Section 4.4.13(H)(2). The SPRAB (or HPB) will make a recommendation to the City Commission on the entire Class V site plan before the City Commission takes final action to approve or deny the site plan and the increased density.
 - (b) Applications must include, in addition to the standard application items of 2.4.3(A), a site and development plan (including landscaping, elevations, and floor plans) of sufficient detail to determine that the applicable development and performance standards are being met.

The density for the existing 4.781 acre site is 15.69 dwelling units per acre and the site contains 75 dwelling units. The density for the proposed 5.28 acre site is 16.9 dwelling units per acre with 89 total dwelling units (14 new units). When the request was originally approved in On July 24, 2001, the City Commission approved a Conditional Use to allow a density of 16.54 units per acre for the project. At the time the Land Development Regulations did not require the establishment of workforce housing as a requirement for density increases. In March 2015, Ordinance No. 02-15 was adopted which repealed and replaced Land Development Regulations (LDR) Section 4.4.13, Central Business District (CBD) and the revised code included requirements for density increase as they relate to Workforce Housing known as the "Incentive Program".

Then, on December 3, 2019, the City Commission approved a privately initiated LDR text amendment to allow residential incentives in the form of increased density on certain lots that do not contain contributing historic structures or non-contributing structures that are more than 30 years old within the West Settlers Historic District portion of the West Atlantic Neighborhood Sub-district. The request was submitted by Timothy Hernandez, with New Urban Communities. The impetus behind the request was that at the time the Atlantic Grove development was originally approved, there was a portion of land that could not be developed due to pending litigation with the owner of the land. The litigation was settled and the land was eventually acquired New Urban Communities. The current request is to build out the remainder of the project with 14 additional townhouse units; however, the proposed density of 16.9 du/ac is more than the 16.54 du/ac that was originally approved for the development. In order to allow the additional density, utilization of the Incentive Program is proposed. Based upon the increase in density one (1) Workforce Housing unit is required.

It is also important to note that while at the time the original project was approved, there were no requirements for Workforce Housing, those requirements were not codified until December of 2004 (LDR Section 4.7). During the build-out of the development the Community Redevelopment Agency (CRA) approached the developer, Atlantic Grove Partners (and LLC owned by New Urban Communities, and two local not-for-profit organizations, the TED Center and the Delray Beach CDC), and asked that they consider setting aside 10 units for qualified low to moderate income households. The developer voluntarily agreed to set aside 10 dwelling units that were sold at an affordable price of \$134,000. Six of those units are still owned by the original owners.

In order for the project to be approved, based upon the LDR requirements for bonus density one (1) Workforce Housing unit is proposed, to be located in the 6-unit building, fronting NW 4th Avenue. The proposed workforce housing unit will be priced at the moderate-income level. Pursuant to LDR Section 4.7(1)(n), (Family/Workforce Housing) a Moderate-income household is defined as **A household with a gross, combined income between 81 percent and 120 percent of the Palm Beach County Adjusted Median Income (as defined by the Florida Housing Finance Authority)**. An added condition of approval is that one (1) Workforce Housing unit and process all required agreements with the City of Delray Beach for said unit prior to the issuance of a building permit. The request will comply with applicable provisions of LDR Section 4.7 (Family/Workforce Housing); therefore, the request can be found to be in compliance with this code section.

PARKING

Pursuant to LDR Table 4.4.13(L), parking for residential dwelling units containing two or more bedrooms is 1.75 spaces per unit and 0.20 guest parking spaces for units 51 and above.

Pursuant to LDR Section 4.6.9(C)(8) – Shared Parking Multiple uses:

- (a) Shared parking. When a building or combination of buildings on a unified site or sites contains a mix of uses as categorized in the table below, the minimum total number of required parking spaces shall be determined by the following method:**

Multiply the required parking spaces for each individual use by the appropriate percentage listed in the table below for each of the designated time periods. Add the resulting minimum required spaces in each of the five vertical columns for the table. The minimum total parking requirement is the highest sum of the vertical columns.

For mixed use developments utilizing the shared parking calculations table, which contain both residential and non-residential uses, a minimum of one parking space shall be reserved for each residential unit. These reserved spaces, or any spaces reserved for other uses, must be included in the "other" category and applied as 100 percent utilization. Furthermore, subsequent to the issuance of a Certificate of Occupancy (CO), the reservation of additional parking spaces will require a site plan modification and be subject to the provision of the minimum parking requirements.

The parking requirements for the development proposal have been calculated based upon the shared parking calculation. With the addition of the 14 new townhomes, the site is required to provide a total of 322 parking spaces. The property does have an existing shared parking schedule with the parking lot southwest of the proposed site, across NW 4th Avenue. The shared schedule applies to both weekdays and weekends to which they meet the requirement. There are also garage spaces that will be built for each of the 14 units for private use. Additionally, the request includes the construction of five new on-street parking spaces within the NW 4th Avenue right-of-way, in front the proposed 6-unit

townhomes. Below are the parking calculation tables for the existing and proposed development demonstrating compliance with the requirements of these code sections.

EXISTING

Parking Spaces Required

Retail - 1/300 sq. ft. x 10,990 sq. ft.	= 36.63
Office - 1/300 sq. ft. x 26,462 sq. ft.	= 88.21
Restaurant - 6/1000 sq. ft. x 10,000 sq. ft.	= 60.00
2 Bedroom Townhouse - 2/unit x 31	= 62.00
3 Bedroom Townhouse - 2/unit x 24	= 48.00
2 Bedroom Condo - 2/unit x 20	= 40.00
0.5 guest spaces for first 20 units	= 10.00
0.3 guest spaces for next 30 units	= 9.00
0.2 guest spaces for next 25 units	= 5.00
TOTAL	=358.84

PROPOSED

Parking Spaces Required

Retail - 1/300 sq. ft. x 10,990 sq. ft.	= 36.63
Office - 1/300 sq. ft. x 26,462 sq. ft.	= 88.21
Restaurant - 6/1000 sq. ft. x 10,000 sq. ft.	= 60.00
2 Bedroom Townhouse - 2/unit x 35	= 70.00
3 Bedroom Townhouse - 2/unit x 34	= 68.00
2 Bedroom Condo - 2/unit x 20	= 40.00
0.5 guest spaces for first 20 units	= 10.00
0.3 guest spaces for next 30 units	= 9.00
0.2 guest spaces for next 39 units	= 7.80
TOTAL	=389.64

SHARED PARKING CALCULATIONS

WEEKDAYS	MIDNIGHT TO 6 AM	100% RESIDENTIAL = 64.00 5% OFFICE = 4.41 5% RETAIL = 1.83 10% RESTAURANT = 6.00 TOTAL = 77
	9 AM TO 4 PM	60% RESIDENTIAL = 38.40 100% OFFICE = 88.21 70% RETAIL = 25.64 50% RESTAURANT = 30.00 TOTAL = 183
	6 PM TO MIDNIGHT	90% RESIDENTIAL = 57.60 10% OFFICE = 8.82 90% RETAIL = 32.97 100% RESTAURANT = 60.00 TOTAL = 160
WEEKENDS	9 AM TO 4 PM	80% RESIDENTIAL = 51.20 10% OFFICE = 8.82 100% RETAIL = 36.63 50% RESTAURANT = 30.00 TOTAL = 127
	6 PM TO MIDNIGHT	90% RESIDENTIAL = 57.60 5% OFFICE = 4.41 70% RETAIL = 25.64 100% RESTAURANT = 60.00 TOTAL = 148

PARKING SPACES REQUIRED = 293
SHARED REQUIREMENTS = 183
TOWNHOUSE GARAGES = 110

NOTE: SHARED PARKING CALCULATIONS UTILIZE ALL CONDO SPACES AND ALL GUEST SPACES.

SHARED PARKING CALCULATIONS

WEEKDAYS	MIDNIGHT TO 6 AM	100% RESIDENTIAL = 66.80 5% OFFICE = 4.41 5% RETAIL = 1.83 10% RESTAURANT = 6.00 TOTAL = 79
	9 AM TO 4 PM	60% RESIDENTIAL = 40.08 100% OFFICE = 88.21 70% RETAIL = 25.64 50% RESTAURANT = 30.00 TOTAL = 184
	6 PM TO MIDNIGHT	90% RESIDENTIAL = 60.12 10% OFFICE = 8.82 90% RETAIL = 32.97 100% RESTAURANT = 60.00 TOTAL = 162
WEEKENDS	9 AM TO 4 PM	80% RESIDENTIAL = 53.44 10% OFFICE = 8.82 100% RETAIL = 36.63 50% RESTAURANT = 30.00 TOTAL = 129
	6 PM TO MIDNIGHT	90% RESIDENTIAL = 60.12 5% OFFICE = 4.41 70% RETAIL = 25.64 100% RESTAURANT = 60.00 TOTAL = 150

PARKING SPACES REQUIRED = 322
SHARED REQUIREMENTS = 184
TOWNHOUSE GARAGES = 138

NOTE: SHARED PARKING CALCULATIONS UTILIZE ALL CONDO SPACES AND ALL GUEST SPACES.

ARTICLE 4.6 SUPPLEMENTAL DISTRICT REGULATIONS

LIGHTING

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:

Pursuant to LDR Section 4.6.8(B)(3) - Design criteria:

(b) 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.

	FOOT CANDLES		
	Maximum Permitted	Minimum Permitted	Provided
Main Courtyard	5.0	0	1.2- 4.9
South Courtyard	5.0	0	1.2- 4.2

A Photometric Plan has been submitted that provides for photometric calculations for the swimming pool area, the internal courtyard, and public streetlights within the right-of-way along NW 4th Avenue. There are no calculations provided for the proposed lighting on the front façade of the new Building that faces NW 4th Avenue nor the new parking/driveway area internal to the site. An added Site Plan Technical Item is that a photometric plan be provided that demonstrates compliance with the requirements of this code section for proposed lighting levels in the front and rear of the new townhouse structure along NW 4th Avenue.

WAIVER REQUEST

Pursuant to LDR Section 4.4.13(F)(9) - Reduction of Urban Heat Islands: In order to reduce urban heat islands for both roofed and non-roofed areas, the following standards shall apply to building and site design:

- (a) Non-roofed:** Provide shade (within five years) on at least 30 percent of non-roof impervious surface on the side, including parking lots, walkways, plazas, etc.; or use light-colored/high-albedo materials (reflectance of at least 0.3) for 30 percent of the site's non-roofed impervious surfaces; or, use open-grid pavement system (net impervious area of less than 50 percent) for a minimum of 50 percent of the parking lot area.
- (b) Roofed:** Use Energy Star roof-compliant, high-reflectance and high emissivity roofing (initial reflectance of at least 0.65 and three-year-aged reflectance of at least 0.5 when tested in accordance with ASTM E903 and emissivity of at least 0.9 when tested in accordance with ASTM 4080 for a minimum of 75 percent of the roof surface; or install a "green" (vegetated) roof for at least 50 percent of the roof area.
- (c) Parking garage roofs:** Provide shade on at least 30 percent (within five years) of any exposed parking on the roof.

The request meets the requirements for non-roofed area but will not meet the requirements for roofed area. With regards to the roofed regulations, the applicant has specified that proposed shingle roofs are an energy star roofing material; however, for the proposed steep sloped roof to meet the energy efficiency requirements, it would have to be a type of white metal low sloped roofing material. The proposal is to build-out a remaining portion of the overall project where there are existing buildings with asphalt shingle roofs. The applicant has indicated that utilizing a different material such as metal roofs would not provide for a cohesive design of the overall project and has requested a waiver to this code requirement in order to utilize a roofing material that matches what exists for the overall development.

Pursuant to LDR Section 4.4.13(K)(5) – Waivers: This section allows consideration of two types of waivers:

- (a) Section 2.4.7(B)(1)(a) authorizes the waiver of certain regulations irrespective of a property's zoning district. Those waivers may be considered within the CBD in accordance with those specific provisions. When reviewing applications that include waivers that can only be granted by the City Commission, the SPRAB and the HPB shall make formal recommendations to the City Commission regarding those waivers prior to site plan consideration.
- (b) Section 2.4.7(B)(1)(b) authorizes the City Commission to waive certain other regulations that no other official or board have the authority to waive.
1. Within the CBD, that authority of the City Commission is limited by the following restrictions:
 - a. **Building Height Waivers.** Building Height Waivers. Waivers to increase the number of stories or maximum height of a building are not permitted.
 - b. **Front Setback Waivers.** Waivers to decrease the minimum front setback depth are permitted if the reduction would not result in a streetscape that does not meet the minimum requirements of Section 4.4.13(E)(2).
 - c. **Sidewalk Width Waivers.** Waivers to decrease the minimum sidewalk width are not permitted in the CBD.
 2. Within the CBD, the following standards shall be used by the City Commission, SPRAB or HPB when considering waiver requests, in addition to the findings in Section 2.4.7(B)(5):
 - 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.
 - b. The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.
 - c. The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/ pedestrian master plan.
 - d. The waiver shall not reduce the quality of civic open spaces provided under this code.

LDR REQUIRED FINDINGS

Pursuant to LDR Section 2.4.7(B)(5) Findings. Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area;
- (b) Shall not significantly diminish the provision of public facilities;
- (c) Shall not create an unsafe situation; and,
- (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.

CBD WAIVER CRITERIA:

- 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.**

The subject waiver request to utilize a roof material that does not comply with the requirements for reducing Urban Heat Islands is not anticipated to create an inferior pedestrian experience. It is noted that the proposal includes street trees along NW 4th Avenue that will aid in providing shade to the property and area.

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

The waiver request it is not anticipated to create incompatibilities with the surrounding area, rather the request proposes to utilize a roof material that will match the overall Atlantic Grove development.

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

The subject waiver request is not anticipated to have a negative impact any adopted bicycle/pedestrian master plan.

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

The waiver request is not anticipated to the quality of civic open space on the site. It is noted that shade trees and landscape areas are proposed to surround the new civic open space area.

LDR FINDINGS:

(a) Shall not adversely affect the neighboring area;

Allowing relief for this request is not anticipated to have an adverse effect upon the neighboring area as the request is to utilize a roofing material that matches the roofing of the existing structures within the Atlantic Grove development.

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

The waiver request is not anticipated to significantly diminish the provision of public facilities.

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

The waiver request is not anticipated to create an unsafe situation, as the proposal involves an architectural element on the proposed structures.

(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.

The waiver request is not anticipated to result in the grant of any special privileges in that the same waiver could be granted under similar circumstances.

LANDSCAPE ANALYSIS

Pursuant to LDR Section 2.4.5(H)(5) – Landscape 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 Section 4.6.16(A) – Landscape Regulations – The objective of this article is to improve the appearance of setback and yard areas in conjunction with the development of commercial, industrial, and residential properties, including off-street vehicular parking and open-lot sales and service areas in the City, and to protect and preserve the appearance, character and value of the surrounding neighborhoods and thereby promote the general welfare by providing minimum standards for the installation and maintenance of landscaping.

The request includes the removal of an assortment of different trees such as laurel oaks, mango, mahogany, and sea grape trees. Existing trees such as live oaks and queen palms will remain on site and coconut palms to be relocated. New landscaping will include native trees and foliage. The applicant has also submitted a landscape maintenance agreement stating that the owners of the property (Atlantic Grove Partners) are responsible to the overall maintenance of the property. The proposal can be determined to be in compliance with the code with respect to landscaping.

ARCHITECTURAL ELEVATIONS ANALYSIS

Pursuant to Land Development Regulation (LDR) Section 2.4.5(I)(5), Architectural (appearance) elevations, the Site Plan Review and Appearance Board or the Historic Preservation Board, as appropriate, may approve subject to conditions or deny architectural elevations or plans for a change in the exterior color of a building or structure, or for any exterior feature which requires a building permit.

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 requirements for Visual Compatibility pursuant to LDR Section 4.5.1(E)(7), which provides for a specific analysis of the design of the proposal. The existing structures were designed in the Masonry Vernacular architectural style with smooth stucco siding, shingle roofs, balconies, and aluminum framed windows. The design of the existing buildings and overall development have been taken into account with the proposal and is intended to enhance the surrounding historic streetscape. A complete review of the elevations and aesthetics can be found in the Historic Analysis section of this report. The proposal can be considered to be compliant with this code requirement.

HISTORIC PRESERVATION 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) – Minor Development.

The subject application is considered "Minor Development" as it involves "new construction within the CBD zoning district."

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.

Standard 1, 9, & 10 are applicable. The subject request is for the new construction of 14 three-story townhouses within two buildings on a vacant lot within the West Settlers Historic District. As the Atlantic Grove development was constructed in the early 2000s, this property is not eligible to be a contributing site within the district. The existing site contains a mix of uses including: residential condominiums, townhouses, and commercial uses.

Regarding Standard 1, the proposed site is located within the West Settlers Historic District, which historically included both residential and commercial properties.

Regarding Standards 9 and 10, the subject request is considered new construction and is proposed infill that is designed to match the townhouses that currently exist on site. The proposed townhouses are designed in the Masonry Vernacular architectural style with an Anglo-Caribbean influence. Masonry Vernacular is an architectural style commonly used within the West Settlers Historic District and the Anglo-Caribbean architectural style is permitted within the Central Business Zoning District. The combination of styles ensures the structures will be compatible with the surrounding area and existing structures.

Pursuant to LDR Section 4.5.1(E)(7) - 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.

- a. **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.
- b. **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.
- c. **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.

- d. 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.
- e. 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.
- f. 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.
- g. 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.
- h. 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.
- i. 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.
- j. 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:
- k. 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.
- l. 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 proposal involves the construction of 14 three-story townhouses within 2 buildings on existing vacant lot within a mixed-use development known as Atlantic Grove.

Regarding the **Relationship of Materials, Texture, and Color** states that 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. The proposed new construction includes smooth stucco walls and trim, wood fascia, and dimensional asphalt shingle roofs. Windows will be white framed aluminum with dimensional muttons and hard-coated foam shutters. Railings for the balcony and fences will be a black aluminum material. The exterior will be painted a light blue gray for the walls, with an off white for the accents and an alabaster color for the trim. The Texture and Color of the new structures will be visually compatible with what is existing on-site and can be considered appropriate to the district.

The use of authentic materials guarantees the longevity and authenticity of the district, ensuring there will be future resources that will contribute to the architectural and historical context of the historic district. The proposal can be considered compliant with the intent of this standard.

Regarding the **Architectural Style** which states 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. The subject request's architectural style is Masonry Vernacular style with an Anglo-Caribbean influence. As this structure is located within the Central Business Zoning District and within the West Settlers Historic District, having a Masonry Vernacular/Anglo Caribbean conforms to the architectural requirements to both districts.

REQUIRED FINDINGS

Pursuant to LDR Section 2.4.5(G)(1)(e) - Class IV Site Plan Modification: A modification to a site plan which represents either a significant change in the intensity of use or significant changes which affect the spatial relationship among improvements on the land, requiring full review of Performance Standards found in Section 3.1.1.

Pursuant to LDR Section 2.4.5(G)(5) - Modifications to Site Plans and Development Plans: Class IV modification is subject to the same findings required of a new submittal. In addition to provisions of Chapter 3, the approving body must make a finding that development of the property as represented by the Class V site plan or MDP will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.

The proposal involves infill development to "build-out" a portion of the existing Atlantic Grove development. The proposed addition of the 14 new townhouses on the development can be considered compatible and harmonious with adjacent and nearby properties and the City as a whole. The request is not anticipated to cause a depreciation of property values. Further discussion and analysis regarding the use is provided below. Therefore, a positive finding can be made with respect to this code requirement.

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) - LAND USE MAP

The subject property has a Land Use Map (LUM) designation of CC (Commercial Core) and a zoning designation of CBD (Central Business District). The zoning district is consistent with the Land Use Map designation. The proposed residential townhouse use is a permitted use. Positive findings can be made with respect to Future Land Use Map consistency

LDR SECTION 3.1.1(B) - CONCURRENCY

As described in Appendix "A", a positive finding of concurrency can be made as it relates to water and sewer, streets and traffic, drainage, and solid waste.

LDR SECTION 3.1.1(C) - CONSISTENCY

As described in Appendix "B", a positive finding of Consistency can be made 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

As described under the Site Plan Analysis section of this report, a positive finding of compliance with the LDRs can be made provided the Site Plan Technical Items are addressed.

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:

Pursuant to the Historic Preservation Element (HPE), Objective 1.4, Historic Preservation Planning: Implement appropriate and compatible design and planning strategies for historic sites and properties within historic districts.

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:

Policy HPE 1.4.1

Continue to require that the Historic Preservation Board make findings that any land use or development application for a historic structure, site or within a historic district, is consistent with the provisions of the Secretary of the Interior's Standards for Rehabilitation, the Land Development Regulations, and Delray Beach Historic Preservation Design Guidelines.

The development proposal involves the new construction of 14 three-story townhouses within 2 new buildings on an existing mixed-use commercial/residential site. The property is zoned for both residential and commercial uses. The proposed use can be found to be an appropriate intensity and density for the site. Additional parking is required for the new construction and is provided. In addition, five new on-street parallel parking spaces and 14 new two-car garages allow for the subject proposal to meet the parking requirements. 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 residential and office uses and is specifically surrounded on three sides by the existing townhouse portion of the Atlantic Grove development. The proposed improvements demonstrate the

investment the property owner(s) are making to support the historic fabric of the community. Further, the proposed infill for the site is appropriate and assists in the maintenance and protection of the historic district and the adjacent NW 4th Avenue corridor. A complete review of LDR Section 4.5.1 and the Delray Beach Design Guidelines was conducted, and the proposal can be found to be in compliance with the requirements of the code.

Neighborhoods, Districts, and Corridors Element

Policy NDC 3.4.2

Use the development review process to determine development, redevelopment, and adaptive reuse is consistent with and complementary to adjacent development, regardless of the implementing zoning designations for each land use designation (See Table NDC-1).

The subject site is zoned CBD, which is consistent with the existing CC land use designation.

Housing Element

Policy HOU 1.1.5

Accommodate Delray Beach's existing and future housing needs through maintenance of existing residential neighborhoods, provision of infill development opportunities and redevelopment of underutilized parcels.

The subject request is to develop an infill parcel along NW 4th Avenue within the block where the Atlantic Grove development exists. The proposal allows for completion of the development pattern within the NW 4th Avenue block between W. Atlantic Avenue and NW 1st Street; thus, meeting the intent of this policy.

Policy HOU 3.1.4

Encourage development of vacant or underdeveloped land for housing and mixed-uses, and promote rehabilitation of underutilized housing into desirable places to live.

The proposal fulfills this Housing element policy as it represents the development of vacant land for housing within a mixed-use development known as Atlantic Grove. The location of the development near to the West Atlantic Avenue corridor and downtown makes this location a desirable place to live.

Policy HOU 4.1.7

Support innovative use of higher density in detached and attached housing which maintains usable open space, while providing larger living spaces.

The proposed development complies with this policy in requesting the Incentive Program outlined in the CBD zoning regulations to provide for a density of 16.9 du/ac as the proposal provides for larger living spaces over the minimum required by code. Also, the existing recreational area is being expanded to provide for a larger open space area.

Policy HOU 6.2.4 and Policy ECP 8.2.2

Utilize incentives outlined in the workforce housing ordinance to develop additional workforce housing units.

The proposed project is requesting a bonus density of 16.9 du/ac pursuant to the CBD zoning Incentive Program. The developer will provide for a single workforce housing unit on-site priced within the moderate-income range. The single unit represents 20% of the required bonus density. The request will meet the requirements of LDR Section 4.7 Family/Workforce Housing.

REVIEW BY OTHERS

At the meeting of November 16, 2020, the **Downtown Development Authority (DDA)** reviewed the development proposal and recommended approval.

OPTIONAL BOARD MOTIONS FOR ACTION ITEMS

- A. Move to continue with direction.
- B. Recommend approval of the Class IV Site Plan, Landscape Plan, Elevations, Certificate of Appropriateness, and Waiver (2020-281) request for the property located at **Atlantic Grove, West Settlers Historic District** by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.
- C. Recommend approval of the Class IV Site Plan, Landscape Plan, Elevations, Certificate of Appropriateness, and Waiver (2020-281) request for the property located at **Atlantic Grove, West Settlers Historic District** by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, subject to the following conditions:

1.

SITE PLAN TECHNICAL ITEMS:

1. That the entire site data table be shown on Site Plan.
 2. That a sidewalk easement and maintenance agreement in a form acceptable to the City Attorney are recorded prior to site plan certification.
 3. That one (1) Workforce Housing unit be provided and that all associated processes and required agreements with the City of Delray Beach for said unit be recorded prior to the issuance of a building permit.
 4. That a photometric plan be provided that demonstrates compliance with the requirements of LDR Section 4.6.8 for proposed lighting levels in the front and rear of the new townhouse structure along NW 4th Avenue.
 5. That prior to issuance of a building permit, the impact fee for Parks and Recreation be paid in the amount of \$7,000.
 6. That the School Capacity Availability Determination Concurrency letter be received prior to site plan certification
- D. Recommend denial of the Class IV Site Plan, Landscape Plan, Elevations, Certificate of Appropriateness, and Waiver (2020-281) requests for the property located at **Atlantic Grove, West Settlers Historic District**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations.

PUBLIC AND COURTESY NOTICES

☒ Courtesy Notices are not applicable to this request.

☒ Agenda was posted on (1/27/21), 5 working days prior to meeting.

APPENDIX "A" CONCURRENCY FINDINGS

Pursuant to LDR Section 3.1.1(B) – Concurrency: as defined by 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 CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach: 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 and sewer services are existing on-site. 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. Based upon the above, positive findings can be made with respect to this level of service standard.

Drainage:

Drainage and water run-off will be addressed through the on-site retention. There should be no impact on drainage as it relates to this level of service standard.

Traffic:

The applicant has provided a traffic statement stating the addition of the proposed 14 residential units will generate a maximum of 76 new Daily Trips and it is not anticipated to significantly affect traffic circulation nor cause negative impacts upon the surrounding area. A letter from Palm Beach County (PBC) Traffic Engineering Division has been received indicating that the proposal is located within the City of Delray Beach Traffic Concurrency Exception Area (TCAE) and is exempt from the Traffic Performance Standards of Palm Beach County.

Parks and Recreation:

Pursuant to LDR Section 5.3.2(C), Impact Fee Required, whenever a development is proposed upon land which is not designated for park purposes in the Comprehensive Plan, an impact fee of \$500.00 per dwelling unit (including hotel rooms) will be collected prior to issuance of building permits for each unit. Thus, an impact fee of \$7,000 will be required of this development. The proposal is not anticipated to have a negative impact on the City's Parks and Recreation facilities.

Solid Waste:

The 14 new residential dwelling units will generate 27.86 tons of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals until the year 2054; thus, a positive finding with respect to this level of service standard can be made.

Schools:

School concurrency findings apply for residential uses and the School Capacity Availability Determination (SCAD) form has been submitted to the School District of Palm Beach County and a response has not been received to date. An added Site Plan Technical Item is that the SCAD Concurrency letter be received prior to site plan certification. It is noted that applicable impact fees will be determined at the time of permitting.

APPENDIX "B"
CONSISTENCY FINDINGS & STANDARDS FOR SITE PLAN ACTIONS

- 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 X
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 X
Does not meet intent _____

- C. Open space enhancements as described in Policies found in the Open Space, Parks, and Recreation Element are appropriately addressed.**

Not applicable _____
Meets intent of standard X
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 X
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 X
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 X
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 X

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 X

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 X

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 X

Meets intent of standard _____

Does not meet intent _____