



DEVELOPMENT SERVICES

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

HISTORIC PRESERVATION BOARD STAFF REPORT

98 NW 5th Avenue

Meeting	File No.	Application Type
October 7, 2020	2019-261	Class III Site Plan & Certificate of Appropriateness

REQUEST

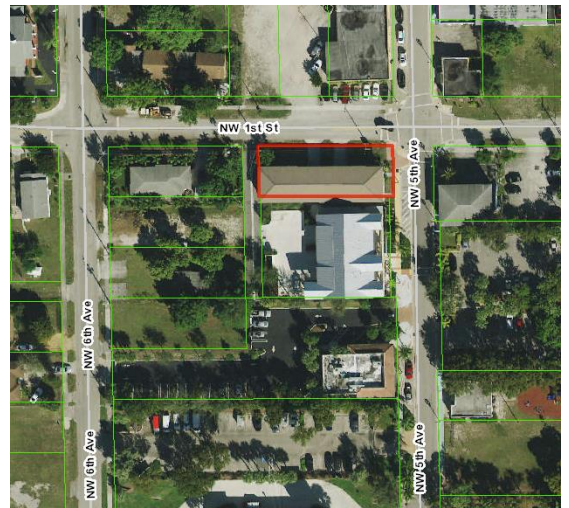
The item before the Board is in consideration of a Class III Site Plan, Landscape, Elevations, and Certificate of Appropriateness (2019-261) requests associated with the adaptive reuse and addition to a 2-story non-contributing commercial structure on the property located at **98 NW 5th Avenue, West Settlers Historic District**.

GENERAL DATA

Agent: Tara Toto
Owner: Delray Beach CRA
Location: 98 NW 5th Avenue
PCN: 12-43-46-16-01-020-0110
Property Size: 0.16 Acres
Zoning: CBD – Central Business District
LUM Designation: MD (Medium Density Residential)
Historic District: West Settlers Historic District
Adjacent Zoning:

- CBD - Central Business District (North)
- CBD - Central Business District (East)
- CBD - Central Business District (South)
- CBD– Central Business District (West)

Existing Land Use: Multi-family Residential
Proposed Land Use: Commercial



BACKGROUND INFORMATION AND PROJECT DESCRIPTION

The subject property consists of the north 50 feet of the east 135 feet of Block 20, Town of Delray and is located on the southwest corner of NW 5th Avenue and NW 1st Street. The two-story apartment building was built in 1972 in a modern style and is of CBS construction with a flat cement tile roof. The 7,076 square foot structure contains garages on the first floor and apartments on the second floor and is a non-contributing structure within the West Settlers Historic District. The property is currently zoned Central Business District (CBD).

At its meeting of May 4, 2005, the Historic Preservation Board approved the Certificate of Appropriateness request for the replacement of the existing gray cement roof tiles with tan dimensional asphalt shingles.

The subject request involves the renovation and adaptive reuse of the existing 2-story mixed-use non-contributing building for use as retail and office. A Certificate of Appropriateness and Class III Site Plan Modification have been requested for the adaptive reuse project, which involves:

- Enclosure of the ground floor parking garage for use as retail space;

Project Planners:

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Katherina Paliwoda, Planner
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Review Dates:

HPB: October 7, 2020

Attachments:

1. Architectural Plans
2. Justification Statements
3. Photos
4. Color Rendering

- Conversion of the 2nd floor residential use to office space;
- Construction of an elevator shaft on the north side of the building;
- Interior and exterior architectural improvements; and,
- Landscaping, hardscaping, and site lighting.

Also, associated with the project are several Waiver requests from the Central Business District (CBD) zoning requirements. At its meeting of September 2, 2020, the Waiver requests went before the Historic Preservation Board and were recommended for approval to the City Commission. At its meeting of September 22, 2020, the City Commission approved waiver requests. The COA and Class III Site Plan Modification request are now before the board.

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 West Atlantic Avenue Redevelopment Plan and the Downtown Delray Beach 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.

Pursuant to LDR Section 4.4.13(B)(5) – West Atlantic Neighborhood Commercial Area. The location of commercial uses is limited within the West Atlantic Neighborhood Sub-district to protect established residential areas from commercial intrusion.

The subject property is subject to compliance with those additional regulations noted in the LDRs and required for this area. The proposed office and retail spaces are permitted within the subject LDR Section.

Pursuant to LDR Section 4.4.13(C)(3)(c) Allowable Uses, Required Retail Frontage Use Limitations - West Atlantic Neighborhood Sub-district, At least 50 percent of the building frontage of the sidewalk level story shall be for General retail uses and/or facilities, except that sales of automotive parts, lawn care equipment, firearms, or second hand material (other than verifiable antiques) are not permitted and Services and facilities. Up to 50 percent of the building frontage of the sidewalk level story may be for business, professional, and medical uses/offices; more than 50 percent may be approved as a Conditional Use.

The proposal involves the conversion and adaptive reuse of an existing mixed-use building from office and multiple-family residential uses to ground floor retail and second story office uses. It is noted that other uses are permitted via the Conditional Use process such as 100% office on the ground floor but require a Conditional Use approval.

Pursuant to LDR Section 4.4.13 properties located within the CBD zoning district shall be developed according to the requirements noted in the chart below.

The proposal is in compliance with the applicable requirements or a waiver has been granted; therefore, positive findings can be made.

DEVELOPMENT STANDARDS	REQUIRED	EXISTING	PROPOSED
Required Setbacks: Front (East)	10' Min/15' Max	9'8"	4'2"-4'8" **
Side Interior (North)	10' Min/15' Max	19'	1'6"-9"
Side Street (South)	10'	2'1"	No change
Rear (South)	10'	3'2"	1'8"- 3'8"***
Building Height:	35' Max	21' -4"	23'-4"
Minimum Lot Size:	2,000 sq. ft.	6,750 sq. ft.	6,425 sq. ft.
Minimum Lot Width & Frontage:	96'4"	50'	128'-6"
Minimum Lot Depth:	100'	135'	128'-6"
Open Space	N/A	2,184 sq. ft. (32.36%)	1,452 sq.ft. (22.60%)
Floor Area Ratio (Per the Comprehensive Plan – Neighborhood, Districts, & Communities)	3.0	1.14	1.23

* Existing non-conformity

**Approved Waiver as noted in the following chart

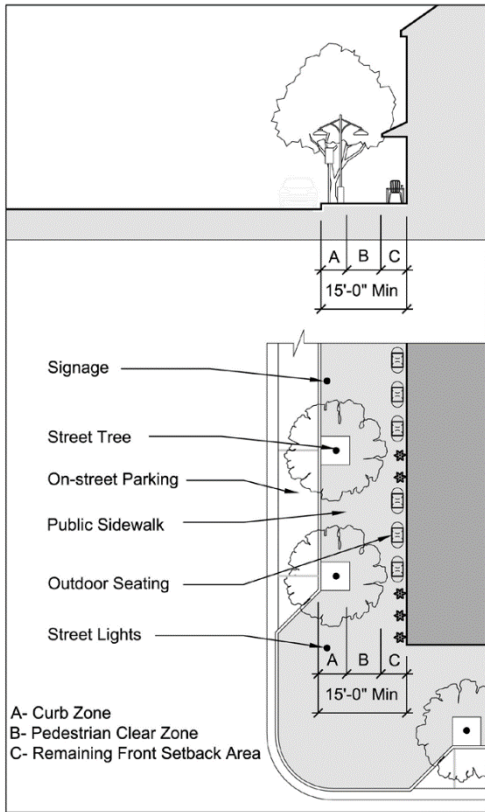
WAIVERS

Five waiver requests from requirements listed in LDR Section 4.4.13 were approved for the subject property. The Waiver requests were previously reviewed by HPB at the September 2, 2020 meeting and recommended for approval to the City Commission. At the September 22, 2020, City Commission approved the waiver requests as follows:

	Approved Waiver	Required	Existing	Proposed
1	Relief from LDR Table 4.4.13(C) , to allow a reduction in the required minimum front (east) setback.	10' min. 15' max.	9'8"	4'2" – 4'8"
2	Relief from LDR Table 4.4.13(C) , to allow a reduction in the required minimum side street (north) setback.	10' min. 15' max.	19'	1'6" – 9'
3	Relief from LDR Table 4.4.13(C) , to allow a reduction in the required rear (west) setback.	10'	3'2"	1'8" – 3'8"
4	Relief from LDR Section 4.4.13(E)(4)(e)(1)(d) to allow reduced storefront glazing heights on the front (east) and side (north) elevations.	8'	--	7'2"
5	Relief from LDR Section 4.4.13(E)(4)(e)(1)(b) to allow relief for the percentage of required façade storefront openings on the front (east) and side (north) elevations.	80%	--	75% (East) 62% (North)

FRONTAGE STANDARDS, MINIMUM STREETSCAPE WIDTH

Pursuant to **LDR Section 4.4.13(E)(2)(a)**, 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 fifteen feet (15') in width, measured from the back of curb. The streetscape area shall be organized as follows:



Streetscape Standards	Minimum Standard	Proposed
A- Curb Zone	4'-0"	4' (east) 7' (north)
B- Pedestrian Zone	6'-0"	6' (east) 6' (north)
C- Remaining Front Setback Area	5'-0"	4'8" (east) 1'6" (north)
Total Streetscape Width	15'-0"	14'8" (east) 14'6" (north)

The subject property has frontage along NW 5th Avenue (east side) and NW 1st Street (north side). There is a five-foot right-of-way dedication required along NW 5th Avenue and a 1'6" alley right-of-way dedication required along the north/south alley in the rear of the property. On the north side of the property, a 10' easement is proposed along NW 1st Street. While the site plan indicates that the requirements of the code can be met as there is sufficient space to accommodate the required streetscape, the dimensions are incorrectly illustrated on plan sheet AS-102 as 7' is dimensioned rather than 4' along NW 1st Street. An added condition of approval is that the site plan be updated to correctly illustrate the required 4' Curb Zone along NW 1st Street.

Pursuant to LDR Section 4.4.13(E)(2)(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).

The proposal provides for new trees within the constraints of the subject property adjacent to NW 1st Street rather than within the Curb Zone of the adjacent NW 1st Street right-of-way as is required by this code section. Sufficient space exists within the NW 1st Street right-of-way to locate the trees within the required Curb Zone, even with the existing Florida Power & Light (FPL) overhead power lines and proposed 10' easement.

It is important to note that the setback Waivers approved on September 22, 2020 by the City Commission are limited in that the City Commission is not authorized to approve Waivers that **negatively affects the proposed streetscape and the street trees are considered part of the streetscape.** (see code reference below) This means that the recent City Commission approved Waivers to decrease the minimum front setback on NW 1st Street would be in violation of this code requirement. Note both NW 5th Avenue & NW 1st Street are considered fronts per LDR Section 4.4.13(D)(2)(a)(1) and Table 4.4.13(C).

Pursuant to LDR Section 4.4.13(K)(5) the City Commission is authorized to waive certain other regulations that no other official or board have the authority to waive with the following limitation pursuant to LDR Section 4.4.13(K)(5)(b)1.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).

Based upon the above, an added condition of approval is that street trees be located within the Curb Zone of the adjacent NW 1st Street right-of-way.

FRONTAGE TYPES

Pursuant to LDR Section 4.4.13(E)(4)(e), Frontage Types, Storefront, the storefront is a frontage type along sidewalk level of the ground story, typically associated with commercial uses. The table below, as regulated by Table 4.4.13(I), provides the dimensional requirements for all elements contained in a storefront and identifies compliance with the requirements:

Storefronts	Minimum Required	Maximum Allowed	Proposed
Building Setback	10'	15'	4'2"- 4'8" (waiver approved)
Storefront Width	N/A	75' on Required Retail Street	29'
Storefront Base	9"	3'	9"
Glazing Height	8'	---	7'2" (waiver approved)
Required Openings	80%	----	75%(east) (waiver approved) 62%(north) (waiver approved)
Awning Projection	5'	----	5'*

AWNINGS/ALUMINUM CANOPIES

As required by LDR Section 4.4.13(E)(4)(e) and Table 4.4.13(I), the Storefront frontage type requires awnings to project a minimum of 5' from the building.

The existing site configuration limits the size of the proposed awnings on the east side of the site as the building is only setback 4'2"-4'8" from the property line. Three 5' deep aluminum canopies are proposed to project into the adjacent right-of-way on the east façade. Additionally, plan sheet A-201(black line elevations) and A-201 (color elevations) each indicate conflicting measurements for the proposed aluminum canopies as 5' and 4', respectively. Added conditions of approval are that the aluminum canopies not encroach into the adjacent right-of-way or that a hold harmless agreement be executed and approved between the property owner and the City of Delray Beach; and, that the plans be updated to be consistent with respect to the size of the aluminum canopies.

PARKING

Pursuant to LDR Section 4.4.13(I)(2)(d) Properties less than 65 feet in width are not required to provide off-street parking, except for restaurant and lounge uses.

The subject property is 50 feet wide; thus, is not required to provide parking.

While parking is not required, the CRA has arranged to provide available parking spaces in the parking lot to the east, which is situated across the street on the east side of NW 5th Avenue. The CRA obtained a non-exclusive and perpetual easement for the purposes of public parking on Monday through Saturday from the Mt. Olive Missionary Baptist Church. The site has 33 standard parking spaces and 2 disabled spaces.

GREEN BUILDING REQUIREMENTS:

Pursuant to LDR Section 4.4.13(F)(9), contains standards to reduce urban heat islands for both roofed and non-roofed areas of development within the CBD.

The applicant has specified that proposed aluminum standing seam roofs are energy star roofing with high reflectance and high emissivity roofing to comply with ASTM E903 and ASTM D4080. Therefore, the Green Building requirements have been met.

BICYCLE PARKING

Pursuant to LDR Section 4.4.13(I)(4)(a)(3) Minimum Number of Bicycle Parking Spaces – Bicycle parking requirements are applied to new development, expansion of an existing use, and changes of use.

Pursuant to LDR Section 4.4.13(I)(4)(a)(3)(b)(1)(a)-(c) Design and location:

- a. Provided in a safe, accessible and convenient location within 300 feet of a main building entrance; when there is more than one building entrance, bicycle parking shall be distributed to serve all entrances.
- b. If bicycle parking is proposed within the minimum streetscape area (see Section 4.4.13(E)(2)), it shall not encroach within the minimum pedestrian clear zone.
- c. If bicycle parking is proposed within the right-of-way, a maintenance agreement (in a form acceptable to the City Attorney) is required.

Minimum number of 5 bicycle parking spaces required in the CBD for this property. The proposal illustrates 6 bicycle parking spaces to be placed on the north side of the property. Therefore, this proposal is in compliance with the applicable requirement.

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:

	FOOT CANDLES		
	Maximum Permitted	Minimum Permitted	Provided
Building Entrance	10	1.0	1.0-0.7

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

A Photometric Plan has been submitted; however, it does not comply with the Lighting regulations. As a condition of approval, the photometric plan is required to show existing and proposed illumination for the storefront on the east side of the building fronting NW 5th Avenue, as well as show a maximum spillage of .25 on the north side of the property line fronting NW 1st Street.

PUBLIC INFRASTRUCTURE

Pursuant to LDR Section 6.1.2(A) Infrastructure and Public Property – Improvement Obligations, Concurrent, or prior to construction associated with an approved development application, the development shall provide for the construction of improvements as identified in Section 5.3.1(C) and off-site improvements to the following extents:

Pursuant to LDR Section 5.3.1(C) - Standard improvements, The standard improvements which are to be accommodated in street right-of-way are:

- **Travel lanes, including turning lanes**
- **Parking lanes, where appropriate;**
- **Drainage devices either curb and gutter or swale systems;**
- **Pedestrian ways (sidewalks);**
- **Bicycle lanes or paths, where appropriate.**

Such improvements shall be provided in accordance with design standards set forth in Section 6.1.2 and 6.1.3.

Based upon this code requirement the project is to provide for on-street parking lanes/spaces, where appropriate. On-street parking spaces exist on the east side of the subject property; however, the spaces are currently striped as a loading area for a bus stop. Public transportation in the area loads to the south where the sidewalk conforms to ADA requirements. The existing parking spaces need to be re-striped as spaces instead of a bus stop. This item is attached as a condition of approval.

Additionally, the request does not provide for the construction of new on-street parking spaces within the NW 1st Street right-of-way. While there is a requirement for the installation of street trees within the NW 1st Street right-of-way, it may be possible for the construction of some on-street parking spaces, as appropriate. An added condition of approval is that on-street parking spaces, if appropriate, be constructed within the NW 1st Street right-of-way.

Finally, there is a decorative sidewalk within the NW 5th Avenue right-of-way adjacent to the east side of the subject property. The proposed sidewalk improvements on the east side of the building need to be consistent with the decorative concrete in this area. An example as to how this design can be executed is similar to the adjacent sidewalk in front of the Delray Beach Housing Authority at 82 NW 5th Avenue. An added condition of approval is that the new concrete sidewalks on the east side of the property be consistent in design with the sidewalks along NW 5th Avenue. The proposed sidewalk on the north side of the property may be standard concrete, to be consistent with sidewalks along side streets in the area.

Pursuant to LDR Section 5.3.1(D)(4) - Additional right-of-way width may be required to promote public safety and welfare; to provide for stormwater management; to provide adequate area for street trees; and to assure adequate access, circulation, and parking in high intensity use areas. Such a determination shall be advanced by a recommendation from the City Engineer and may be based upon the results of a traffic study or general knowledge of the City. The authority for requiring such additional right-of-way shall rest with the body having the approval authority of the associated development application.

A 5' right-of-way dedication is required for NW 5th Avenue and a 1'6" right-of-way dedication is required for the north/south alley on the west side of the property. The dedications must be completed prior to issuance of a building permit. These items are added as conditions of approval.

REFUSE CONTAINER AREA

The project proposes to utilize existing dumpsters on the neighboring Housing Authority property. An added condition of approval is that an agreement be provided between the two properties for use of the adjacent refuse container area.

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 two existing trees. A Ficus tree located on the northwest corner of the site that is growing into the powerlines and an Adonidia tree located on northeast corner of the property that is being removed due to its poor condition. The landscape plan includes replacement of existing landscape material as well as installation of new landscaping to meet the requirements of the code. Street trees are required to be installed within the NW 1st Avenue right-of-way as has been discussed earlier in this report and is attached as a condition of approval. Provided the condition of approval is address, 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.

A complete review of the elevations and aesthetics can be found in the Historic Analysis section of this report.

The development proposal is also subject to the requirement for Visual Compatibility pursuant to LDR Section 4.5.1(E)(7) which provides for a specific analysis of the historic exterior of the proposal. The existing structure is of the Masonry modern architectural style with smooth stucco siding, metal roof with vent, and aluminum windows. The addition of the columns to the east, north, and west elevations enhance the architectural style of the original structure. The structure is considered a non-contributing resource to the West Settlers Historic District. The design of the existing building has been taken into account with the proposed renovation and is intended to enhance the surrounding historic streetscape.

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) – Major Development.

The subject application is considered “Major Development” as it involves “the rehabilitation of a commercial building 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, 4, 5, 9, & 10 are applicable. The existing structure on the site is non-contributing to the West Settlers Historic District. With future historic resource surveys and as the period of significance of the district is re-evaluated in the future, this structure has the potential of being reclassified as a contributor. The existing structure contains of ground floor commercial space and a parking area/garage with multi-family residential on the 2nd story. The adaptive reuse will allow for more public use as well as provide more economic opportunities in the district.

Regarding Standard 5, the proposed structure has been designed to keep its modern architectural style which is one of the prominent styles seen throughout the West Settlers Historic District. The proposed improvements incorporate a stucco finish exterior with a mill finish aluminum standing seam metal roof. The proposed structure uses authentic materials that are commonly used on other structures within the district. The unique ground floor parking area will be converted into habitable office/retail space and while the exterior improvements such as the new elevator shaft and exterior staircase towers modify the north and east elevations (which could affect the future reclassification of the structure as a potential contributor) overall the improvements do not change the existing exterior detailing such as the stucco, railings, and storefront appearance of the building. This is appropriate for a rehabilitation to be compatible with the historic streetscape of the district.

Regarding Standard 9, the proposed changes to the structure will modernize the use of the building for public access with the update of the exterior staircases and the addition of the ADA compliant elevator. While the new elevator shaft modifies the north elevation, this alteration is not intended to affect the historic integrity the streetscape.

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 renovation to an existing structure and an adaptive reuse for retail and office uses. The proposal also includes updates to comply with life safety and ADA requirements, such as the replacement of the existing staircases and the addition of a new elevator.

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 renovation includes textured and smooth stucco walls, a mill-finish standing metal roof, aluminum canopies on the east elevation, wood fascia, and aluminum impact storefront window and door system on the ground floor. All proposed 2nd story windows will be white, aluminum framed windows with raised dimensional muntins and clear glass. The main walls on the 2nd floor for the structure are to be painted a light pastel blue with the ground floor to be an off white, railings to be gray, and columns to be a light sand color. The Texture and Color of the new structure will be visually compatible with the district.

The use of authentic materials guarantee 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.

REQUIRED FINDINGS

Pursuant to LDR Section 2.4.5(G)(1)(d)(Class III Site Plan Modification), a Class III site plan modification is a modification to a site plan which represents either a change in intensity of use, or which affects the spatial relationship among improvements on the land, requires partial review of Performance Standards found in LDR Sections 3.1.1 and 3.2.3, as well as required findings of LDR Section 2.4.5(G)(5).

Pursuant to LDR Section 2.4.5(G)(5), Modifications to Site Plans and Development Plans, the approving body must make a finding that the proposed changes do not significantly affect the originally approved plan must be made concurrent with approval of a Class III modification. The subject property and its uses currently exist. The proposed changes incorporate a change of use that does intensify the subject property as new habitable space is proposed on the ground floor where a covered parking area exists. Further discussion and analysis regarding the uses is provided below. Therefore, a positive finding can be made with respect to LDR Section 2.4.5(G)(5).

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 commercial office and retail uses are permitted. 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.

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:

HPE Policy 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 conversion of the existing mixed-use commercial/residential building to commercial office and retail uses. Also, the proposal involves creation of new habitable space by enclosing the ground floor parking area. The proposal of use can be found to be an appropriate intensity and density for the site. Parking is not required for the conversion, but a parking agreement has been provided for access to parking spaces directly across NW 5th street within an existing improved parking lot. 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. The property is zoned for both residential and commercial uses. The proposed improvements demonstrate the investment the property owner is making to support the historic fabric of the community. Further, the adaptive reuse is appropriate and assists in the maintenance and protection of the historic district and the adjacent NW 5th Avenue commercial area. 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.

REVIEW BY OTHERS

At the meeting of September 9, 2019, 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. Approve Certificate of Appropriateness (2019-261), request for the property located at **98 NW 5th Avenue, 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. Approve Certificate of Appropriateness (2019-261), requests for the property located at **98 NW 5th Avenue, 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. That on-street parking spaces, if appropriate, be constructed within the NW 1st Street right-of-way.
 - 2. That the existing on-street parking spaces within the NW 5th Avenue right-of-way be re-stripped as parking spaces

SITE PLAN TECHNICAL ITEMS:

1. That the plan sheet AS-102 and any associated plan sheets be updated to correctly illustrate the required 4' Curb Zone along NW 1st Street.
2. That street trees be located within the Curb Zone of the adjacent NW 1st Street right-of-way;
3. That the aluminum canopies do not encroach into the adjacent right-of-way or that a hold harmless agreement be executed and approved between the property owner and the City of Delray Beach for any potential projections into the adjacent right-of-way;
4. That the plans be updated to be consistent with respect to the size of the proposed aluminum canopies;
5. That the photometric plan complies with LDR Section 4.6.8 and illustrate existing and proposed lighting;
6. That the new concrete sidewalks on the east side of the property be consistent in design with the sidewalks along NW 5th Avenue;
7. That 5' right-of-way be dedicated for NW 5th Avenue and 1'6" of right-of-way be dedicated for the north/south alley on the west side of the property prior to issuance of a building permit;
8. That an agreement be provided between the subject property owner and the owner of 82 NW 5th Avenue for co-location of the refuse container area; and,
9. That the Palm Beach County Traffic Engineering Division approval letter be filed with the city indicating that the proposal meets the County's Traffic Performance Standards.

D. Deny Certificate of Appropriateness (2019-261), requests for the property located at **98 NW 5th Avenue, 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 (9/30/20), 5 working days prior to meeting.

APPENDIX "A"
CONCURRENCY FINDINGS

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

Water and Sewer:

Water 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 7,076 commercial building will generate a maximum of 139 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 not been received indicating that the proposal meets the county Traffic Performance Standards. An added condition of approval is that the PBC Traffic Engineering Division letter be filed with the city indicating that the proposal meets the Traffic Performance Standards for PBC.

Parks and Recreation:

Non-residential uses are not considered to have an impact on the City's Parks and Recreation facilities.

Solid Waste:

The 7,076 sq. ft. commercial building will generate 27.59 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 2046, thus a positive finding with respect to this level of service standard can be made.

Schools:

School concurrency findings do not apply for non-residential uses. Thus, the proposed development will not have an impact with respect to this level of service standard.

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 X
Meets intent of standard _____
Does not meet intent _____

F. Property shall be developed or redeveloped in a manner so that the future use and intensity are appropriate in terms of soil, topographic, and other applicable physical considerations; complementary to adjacent land uses; and fulfills remaining land use needs.

Not applicable _____
Meets intent of standard 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 X
Meets intent of standard _____
Does not meet intent _____

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

Not applicable _____
Meets intent of standard 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 _____