

RESOLUTION NO. 81-26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ACCEPT A ONE-TIME PAYMENT OF \$320,000 IN LIEU OF PROVIDING TWO ON-SITE WORKFORCE HOUSING UNITS FOR THE PROJECT FORMALLY KNOWN AS BLISS ON 4TH, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Prime on 4th, LLC (“Owner”), is the owner of a parcel of land located at 10 SW 4th Avenue (“Property”), measuring approximately 0.33 acres, as more particularly described in Exhibit “A”; and

WHEREAS, the Owner is represented by Jeffrey Lynne, Esq., (“Agent”) for the Property; and

WHEREAS, the property is zoned Central Business (CBD) District (“CBD”) and is within the West Atlantic Neighborhood Sub-district; and

WHEREAS, Section 4.4.13(H) “Incentive Program” of the City of Delray Beach Land Development Regulations (“LDR”) provides opportunities to increase density to encourage a variety of unit types and income ranges within the downtown area in certain CBD Sub-districts; and

WHEREAS, pursuant to LDR Section 4.4.13(H)(1)(b), properties within the West Atlantic Neighborhood Sub-district may increase density over 12 dwelling units per acre up to 30 dwelling units per acre, subject to the Performance Standards in LDR Section 4.4.13(H)(2); and

WHEREAS, pursuant to LDR Section 4.4.13(H)(2)(a) workforce housing units, equal to at least 20 percent of the total density, shall be provided within the development onsite, offsite, or through monetary contributions as referenced in Article 4.7; and

WHEREAS, pursuant to LDR Section 4.4.13(H)(2)(b) the workforce housing units shall be equally distributed between the low and moderate-income levels; and

WHEREAS, pursuant to LDR Section 4.4.13(H)(3)(a), applications to utilize the Incentive Program are reviewed as part of a site plan for compliance with the CBD regulations and the performance standards in Chapter 3 and LDR Section 4.4.13(H)(2); and

WHEREAS, pursuant to Section 3.2.3(G) “Standards for site plan and/or subdivision plan actions,” development shall provide a variety of housing types that accommodates the City's growing and socio-economically diverse population to meet the Goals, Objectives, and Policies the Housing Element; and

WHEREAS, on June 13, 2023, the City Commission approved Resolution No. 110-23, approving a Class V Site Plan, Landscape Plan, and Architectural Elevations (2022-223-SPF-SPR-CLV) for the construction of a four-story, mixed-use building on the Property, containing a retail bay and nine residential units, utilizing the Incentive Program found in Section 4.4.13(H) in exchange for providing one workforce housing unit for the low income level and one workforce housing unit for the moderate income level (“Project”); and

WHEREAS, on March 24, 2026, the Agent submitted a request to change the provision of the two workforce housing units in the approved site plan from two onsite units to a one-time in-lieu payment to the City (the “Request”); and

WHEREAS, pursuant to LDR Section 4.7.3(B)(2) a payment of \$160,000 payable to the City of Delray Beach Housing Trust Fund would be required for each workforce housing unit approved by the City Commission as an in-lieu payment; and

WHEREAS, the LDR does not require different in-lieu payments for low and moderate-income units; and

WHEREAS, on May 19, 2026, the City Commission considered the Request and reviewed the respective portions of the Land Development Regulations and the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The forgoing recitals are hereby incorporated herein by this reference and are approved and adopted.

Section 2. The City Commission hereby authorizes the City Manager to accept a one-time payment of \$320,000 payable to the City of Delray Beach Housing Trust Fund in-lieu of the provision of two on-site workforce housing units. No permits for the Project shall be issued until the funds are deposited with the City.

Section 3. This Resolution shall become effective immediately upon adoption.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Jeffrey Lynne, Esq., at 712 U.S. Highway One, Suite 400, North Palm Beach, Florida 33408.

Section 5. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2026.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT "A"
Legal Description

Lots 7, 8, 9, and 10, Block 29, Re-Subdivision of Blocks 29 & 37, Delray, Florida, according to the map or plat thereof as recorded in Plat Book 9, Page 66, Public Records of Palm Beach County, Florida.