

# City of Delray Beach

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[www.delraybeachfl.gov](http://www.delraybeachfl.gov)



## Minutes - Draft

Tuesday, March 31, 2026

4:00 PM

Special Meeting at 4:00 PM

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## City Commission

*Mayor Thomas F. Carney, Jr.*  
*Vice Mayor Angela Burns*  
*Deputy Vice Mayor Tom Markert*  
*Commissioner Judy Mollica*  
*Commissioner Juli Casale*

Pursuant to Section 3.12 of the Charter of the City of Delray Beach the Mayor has instructed me to announce a Special Meeting of the City Commission to be held for the following purposes:

The March 31, 2026 Special City Commission meeting was called to order at 4:03 p.m. Alexis Givings, City Clerk, called the roll, and the following were present:

**Present: 5** - Mayor Thomas F. Carney, Jr., Vice Mayor Angela Burns , Deputy Vice Mayor Tom Markert, Commissioner Juli Casale, and Commissioner Judy Mollica.

Others present were:  
Terrence Moore, City Manager  
Lynn Gelin, City Attorney  
Alexis Givings, City Clerk

#### SP.1. PUBLIC COMMENTS

Mayor Carney opened the floor to public comments, explaining that the comments must be general and not related to Subculture. He noted that the public comments relating to Subculture would be heard later in the meeting.

Seeing no one present, Mayor Carney closed public comments.

#### SP.2.

RESOLUTION NO. 64-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REQUIRING ADDITIONAL OFF-STREET PARKING SPACES FOR THE PROPERTY LOCATED AT 302 NE 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO SECTION 4.6.9 OF THE LAND DEVELOPMENT REGULATIONS; REQUIRING 44 SPACES BASED ON THE USE OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 64-26 assessing addl off-street parking](#)  
[Res. No 53-26](#)  
[Composite Exhibit A](#)  
[Approved Application](#)  
[Letter dated February 26, 2026 to Mr. Rodney Mayo re Notice of Hearing](#)  
[Subculture Amended Zoning Certificate of Use \(002\) Life Safety Plan](#)  
[LRC Reso 64-26](#)  
[Meeting Excerpt - April 18 2023](#)

Mayor Carney stated that this was a quasi-judicial hearing and anyone wishing to testify would be under oath. He requested those members to stand and be sworn in by the Clerk.

Alexis Givings, City Clerk, swore in those individuals who wished to provide testimony on this quasi-judicial item.

Mayor Carney read the quasi-judicial rules into the record.

Assistant City Attorney, Kelly Brandon, read Resolution 64-26 into the record.

Mayor Carney asked City staff to read the file into the record. Lynn Gelin, City Attorney, clarified that this process is different in that there was no file application for the record and that it was a City initiated matter. The City would introduce into the record all the documents that were included in the backup material on the agenda.

Mayor Carney asked his colleagues to disclose any ex-parte communication:

Commissioner Casale: Spoke with Mr. Mayo, Mr. Rose, Mr. Richwagon and whatever is on the City's email server.

Vice Mayor Burns: Spoke with Mr. Mayo a year ago and Mr. Rose a couple of months ago.

Deputy Vice Mayor Markert: Spoke with Mr. Rose, Mr. Mayo and Mr. Richwagon.

Commissioner Mollica: Spoke with Mr. Mayo.

Mayor Carney: Spoke with Mr. Mayo, Mr. Roses and Mr. Richwagon, all some time ago, and whatever is on the City's email server.

City Attorney Lynn Gelin explained the hearing was to reevaluate off-street parking requirements for Subculture Coffee at 302 NW 6th Street in Delray Beach. The hearing was not about shutting down Subculture, taking any licenses, or seeking additional in-lieu payments. It was strictly about compliance with the terms and conditions of City approvals and finding ways to achieve that compliance. In 2023, Mr. Mayo purchased the property and sought parking relief because he only had eight on-site spaces but needed five more. Under oath, he told the Commission it would be a majority grab and go restaurant where people would stay 15 minutes or less, which led to approval. Is it thirteen spaces for this restaurant, or is it really forty-four spaces because he's having a meeting place that's a cultural gathering spot for the community. In March 2024, he submitted a Zoning Certificate of Use, describing a restaurant or café with pre-made goods, but did not indicate it would function as a community gathering

space hosting events, which would have required further parking analysis. He was approved and opened around July 24, 2024.

Since opening, residents, neighbors, and nearby businesses, especially Daniel Rose's Law Office and Richwagen's Bicycles have reported ongoing parking issues, primarily due to un-permitted events.

Since opening, there have been ongoing parking issues reported by residents, neighbors, and business owners, particularly two nearby businesses; Daniel Rose's Law Office and Richwagen's Bicycles, who are closest to Subculture and most affected by the un-permitted events.

Ms. Gelin called Sergeant Matt Saraceni, City of Delray Beach Traffic Sergeant of about nine years, who testified he reviewed Subculture complaints by conducting frequent patrols focused on vehicles in no-parking areas and safety zones near Richwagen's and Mr. Rose's businesses. Though they complained that patrons parked in their lots, he never witnessed it. He found no dangerous roadway impacts or obstruction to traffic, pedestrians, or sight lines, concluding the parking problems were within the property boundaries.

John Clary, attorney for Mr. Mayo, cross-examined Sergeant Saraceni about conditions immediately north of Subculture on Federal Highway, where Sgt. Saraceni acknowledged seeing box trucks from a sign company frequently parked, but could not confirm how long they remained, how many spaces they used. Sgt. Saraceni agreed those parked vehicles could free multiple spots, noting uncertainty because he thought there was a safety zone over there as well.

Ms. Gelin then questioned Anthea Gianniotas, Development Services Director, who testified that eight on-site spaces were supposed to exist, the permit to stripe the lot had been open for 210 days and no work had been completed. Ms. Gelin emphasized that proper striping would mitigate parking concerns and noted staff had met with Mr. Mayo on-site regarding these issues.

Ms. Gelin addressed unapproved events at the property since July 2024, highlighting they impact parking because there are only eight spaces. City staff denied requests to operate as a community cultural gathering place because the site cannot withstand the impacts of these events. The current approval is a restaurant with 41 seats and has to remain the same during all hours of operation. She noted that social media shows customers using the space as an office workspace and cozy place to hang out, enlarging the use and creating parking issues.

She outlined the legal basis for reevaluating parking based on enlargement or change in use and presented the following options: maintain the status quo, redefine the use with additional parking, including a tri-party off-site agreement, or require mitigation measures such as striping, a parking attendant, off-site employee parking, and limiting events.

Mr. Clary called Ms. Gianniotas as a witness to question the restriped parking lot done by Mr. Mayo outside his permit according to what was there when it was approved. Ms. Gianniotas stated emphasized any re-striping requires a permit, noting that it is a non-conforming parking lot that can come into compliance. She added no zoning change is needed if it achieves eight spaces. Mr. Clary asked if Subculture would be approved as a meeting place and Ms. Gianniotas stated it would be zoned out of business, clarifying it's a restaurant.

Mr. Clary called Rodney Mayo to testify. Mr. Mayo stated events were limited and they stopped all events. He stated there are about 32 parking spots available within one block, but noted trucks have been in certain spots for eighteen months, taking up two of their prime spots. He stated 63% of their customers are grab and go. On parking requirements, he argued the demand for 44 spaces is impossible. When asked about special event permits, Mr. Mayo stated costs were about \$3,200 to \$3,400. Mr. Clary concluded that despite conflict, parking issues could be addressed, particularly if trucks were removed and the lot re-striped. Ms. Gianniotas clarified the amount Mr. Mayo mentioned for a special events permit was the cost for a conditional use.

Ms. Gelin cross-examined Mr. Mayo regarding the restaurant's "grab and go" designation and employee parking. Mr. Mayo confirmed the restaurant is grab and go and employees do not park on site. She questioned him about an off-site parking arrangement, and he stated he paid \$1,000 on a month-to-month basis. She asked about his request to amend the zoning certificate of use, and he stated it was done at the recommendation of City staff; however, he signed it under oath. Lastly, she asked about continued events after being told they were allowed if not outdoors, and he confirmed activities like "open mic nights, latte art and chess tournaments" were not held outdoors.

Mayor Carney announced the floor was open for public comments and each person was allotted three minutes to speak.

Several members of the public spoke for an hour; some in support for Subculture, stating it brings people together and is a, safe, cozy, vibrant community gathering space while others complained about the parking issues, being harassed by Subculture's customers and impacts to

neighboring properties.

Ms. Gelin stated the Commission can interpret the use, that the 44 spaces were a mathematical computation, and that fewer spaces could be assessed. She stated City amended the in-lieu parking ordinance and required applicants to improve their own lot. She noted the case exists because Mr. Mayo refuses to comply with the land development regulations and his approvals.

Mr. Clary argued meetings were aimed to revoke Subculture's zoning. He maintained the business is more than 60% grab and go. Mr. Mayo stated they had tried to cooperate and that he initiated meetings and attempted for years to meet with the neighbors but was cut off. He offered to meet and sit down and have coffee to reach an agreement.

The Mayor stated it is within the Commission's purview to review whether the use has morphed from what was originally approved, emphasizing the issue is a real narrow focus on whether the site's use and parking remain consistent, not on Mr. Mayo's character or success.

Commissioners stated they support small business, but acknowledged the business has morphed from the original application and that parking is challenging. They proposed a phased solution including striping the lot to standards, hiring a design professional for a level one site plan, enforcing employee off-site parking, and seeking an off-site parking agreement, with 90 days given for compliance. Vice Mayor Burns added there may be some flexibility to work with the City to create another parking spot in the back. Staff clarified that while the lot is striped, it is "non conforming" and must be redesigned to city standards with proper geometry and possibly additional spaces.

A motion was made by Commissioner Casale, seconded by Vice Mayor Burns to postpone this item for 90 days The motion carried by the following vote:

**Yes 5: Mayor Carney Jr., Vice Mayor Burns, Deputy Vice Mayor Markert, Commissioner Casale and Commissioner Mollica.**

There being no further business to discuss, Mayor Carney adjourned the meeting at 6:57 p.m.

The City shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the City. Please contact the Human Resources Department at (561) 243-7125 at least 24 hours prior to the program or activity for the City to reasonably accommodate your request . Adaptive listening devices are available for meetings in the Commission Chambers.