



## Cover Memorandum/Staff Report

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**File #:** 26-0888

**Agenda Date:** 7/21/2026

**Item #:** 7.E.

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**TO:** Mayor and Commissioners  
**FROM:** Jeffrey L. Oris, CEcD, Assistant City Manager  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** July 21, 2026

UPDATE ON SUBCULTURE COFFEE'S EFFORTS TO RESPOND TO CITY COMMISSION REQUESTS FROM MARCH 31, 2026 MEETING

**Recommended Action:**

The Commission is asked to review Subculture's response actions to date and direct staff as to desired next steps.

**Background:**

On April 18, 2023, based on representations from the property owner that Subculture would operate as a "grab and go" coffee restaurant, the City Commission approved Resolution No. 62-23 granting an in lieu of parking request. The property had eight existing on-site spaces, and the City Commission approved an in lieu of payment from the property owner for the remaining five spaces.

On February 24, 2026, the City Commission approved Resolution No. 53-26 for the reconsideration of the parking requirement for the property located at 302 NE 6<sup>th</sup> Avenue, Delray Beach (the "Property") commonly known as Subculture Coffee Delray ("Subculture").

On March 31, 2026, the City Commission held a special meeting to have a public hearing related to Resolution 64-26 (attached) requiring additional off-street parking spaces for the property as it was asserted that the business was not utilizing the property as per the representations made at the April 18, 2024 meeting. During this hearing the Commission, City staff, and residents expressed concerns about on-going issues on the property which included illegal, short term parking around the property, the failure of Subculture to properly permit and stripe their parking lot, the lack of any formal arrangement with nearby property owners for off-site parking and other concerns. Representatives of Subculture, some residents, as well as patrons and employees of Subculture were also given an opportunity to rebut concerns or speak their opinions. The item wound down with the City Commission proposing a phased solution that included: striping the parking 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, all within 90 days. The resolution was not put to a vote and the issue formally ended with a motion by the City Commission to postpone this item for 90 days.

This item is designed to update the City Commission as to Subculture's efforts to date to meet the City Commission's proposed solutions. As of the preparation date of this agenda item, there has been no definitive action by Subculture on any of the items of concern or any item that would be a part of the Commission's proposed solution. Subculture's attorney had contact with the City Attorney which included an email with some questions (attached) and he subsequently forwarded a potential

agreement for their employees to sign (attached) that they will not park on-site during their individual working hours, though no signed agreements have been produced. Additionally, a copy of a letter that was forwarded to the attention of Albert Richwagen at Richwagen's Bike & Sport proposing an off-site parking arrangement was shared (attached) but again, no signed agreement nor indication of any response from, Mr. Richwagen nor any communication with any other nearby property owner has been shared with the City. Relating to the open permit application for the on-site parking lot, no additional movement has been made to address any of the outstanding review comments. The comments on this permit application have now gone unanswered for over 200 days. Staff is also unaware of any design professional having been engaged to address the level 1 site plan or any related issue(s). Subculture's attorney enquired into what it would take to approve special events at the business and the parking requirements should the site be utilized for a different restaurant concept, but again, no formal submittals have been made to the City for any alterations to on-site activities.

An effort was made by Subculture to update their application for a Zoning Certificate of Use (ZCU) for the property (the original application was submitted on July 23, 2025). Unfortunately, this ZCU application expired due to inactivity on October 21, 2025, though within our online portal an expired application does not close or lock down and thus a new document was able to be uploaded to the file. Subculture was made aware that the application expired and informed they would need to create a new ZCU application (information related to ZCU amendment attempt attached).

Lastly, the 3rd and final payment of \$29,575.00 to the City for the In-Lieu of Parking agreement was due on April 18, 2026 and has not yet been received by the City. It should be noted that Subculture's attorney noted in his June 16, 2026 email; that Subculture was holding those funds in escrow though the amount due to the City remain unpaid and overdue (see attached email from P.Pipes).

Staff is not aware of any other efforts by this property owner to address any other issues that may have previously been noted by the Commission or City Staff.

**City Attorney Review:**

N/A

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

The City Commission postponed this item for 90 days.