Cover Memorandum/Staff Report

File #: 20-132   **Agenda Date:** 3/3/2020   **Item #:** 6.D.

TO: **Mayor and Commissioners**
FROM: **Anthea Gianniotes, Development Services Director**
THROUGH: **George Gretsas, City Manager**
DATE: **March 3, 2020**

ACCEPTANCE OF A TOTAL 597.97 SQUARE FOOT PERPETUAL PEDESTRIAN CLEAR ZONE EASEMENT, A 197.97 SQUARE FOOT CORNER CLIP DEDICATION LOCATED AT PORTIONS OF LOT 1, BLOCK 93, OF THE RE-SUBDIVISION OF BLOCK 93, AS RECORDED IN PLAT BOOK 10, PAGE 53, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FROM PIERRE DELRAY ONE LLC, "THE GRANTOR", A HOLD HARMLESS AGREEMENT, AND A BICYCLE PARKING MAINTENANCE AGREEMENT FOR THE SUBJECT PROPERTY LOCATED AT 302 E. ATLANTIC AVENUE (PROJECT APPROVED AS "PIERRE DELRAY I").

Recommended Action:
Review and consider acceptance of a perpetual pedestrian clear zone easement, a corner clip dedication, a hold harmless agreement, and a bicycle parking maintenance agreement for the Pierre Delray 1 building located at 302 E. Atlantic Avenue.

Background:
At its meeting on December 10, 2019, the City Commission approved Resolution No. 203-19 providing for the granting of a waiver request to LDR Section 4.4.13 (E)(4)(e)1., a., Table 4.4.13 (I) "Dimensional Requirements for Storefronts", A, allowing for 7'-10" proposed front setback in lieu of a 10' required front setback in the Central Business District (CBD), for the Pierre Delray I building (SunTrust Bank) located at 302 E. Atlantic Avenue.

At its meeting on December 11, 2019, the Site Plan Review and Appearance Board (SPRAB) approved a Class III Site Plan modification (2019-256) for the Pierre Delray I building associated with façade improvements, a square footage increase on the first story, a new roof, site lighting, and utility improvements in the public Right-Of-Way (ROW). The code requires a pedestrian clear zone at least six feet wide be provided on all streetscapes. The staff report included notes that a Pedestrian Clear Zone easement agreement, a Hold Harmless agreement, Bicycle Parking Maintenance agreement, and a Corner Clip dedication would be required prior to building permit issuance.

Pursuant to LDR Section 4.4.13 (E)(2)(a)2., "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." Pursuant to LDR Section 5.3.1(D)(3), "a right-of-way dedication will be required at all intersections in the Central Business District (CBD). This right-of-way dedication will be referred to as a "corner clip" and is provided to ensure adequate right-of-way for the safe movement of pedestrians in the CBD. Pursuant to LDR Section 4.4.13 (I)(4)(b)1.c., "if bicycle parking is proposed within the right-of-way, a maintenance agreement (in a form acceptable to the City Attorney) is required." The hold harmless agreement is required for all portions of the building that encroaches

the public right-of-way (i.e., roof cornice, building columns, portions of the second floor, awnings, etc.), alleviating the City of any liabilities and requiring the owner to assume all maintenance and responsibilities for the encroachments.

This item is the acceptance of a Pedestrian Clear Zone easement, Corner Clip dedication, Hold Harmless agreement, and Bicycle Parking Maintenance agreement for the Pierre Delray 1 building located at 302 E. Atlantic Avenue. The Grantor is proposing to dedicate a combined 597.97 square foot perpetual sidewalk easement to contribute to a 6-foot wide Pedestrian Clear Zone located at Lot 1 of Block 93 along Atlantic Avenue and SE 3rd Avenue. In addition, the Grantor is proposing to dedicate a combined 197.97 square foot Corner Clip dedication located at Lot 1 of Block 93 along the intersections of Atlantic Avenue and SE 3rd Avenue.

City Attorney Review:
Approved as to form and legal sufficiency.

Funding Source/Financial Impact:
N/A

Timing of Request:
The agreements are required to be recorded prior to issuance of a building permit.