

50 SE 4th Avenue LLC

11 S Swinton Ave, Ste C
Delray Beach, FL 33444

February 20, 2025

Development Services
City of Delray Beach
100 N.W. 1st Avenue
Delray Beach, FL 33444

Re: Project Description – 50 SE 4th Ave, Delray Beach Request for In-Lieu of Parking Relief

We respectfully request the City of Delray Beach's consideration to grant approval of project relief in the form of an In-Lieu of Parking request associated with 50 SE 4th Avenue. This request reflects the current needs of the property while balancing practical solutions for the surrounding community and the city. Below, we provide an overview of the property's development, the current situation, and the justification for our request.

Background

- **March 2017:** Submitted a Class V Site Plan application for a 5,742 SF restaurant with rooftop dining, requiring 34 parking spaces in compliance with LDR Section 4.4.13(I)(2)(a). Two spaces were provided onsite, with the remaining 32 secured through offsite parking agreements within 750 feet of the site.
 - **December 2017:** City Commission approved the two offsite parking agreements for 32 spaces at:
 1. 85 SE 4th Avenue (7 spaces).
 2. 350 SE 1st Street (25 spaces).
 - **January 2018:** SPRAB approved the Class V Site Plan with conditions limiting weekday operations to evenings.
 - **December 2018:** SPRAB amended prior approval to allow lunch service without additional daytime parking requirements due to available alternative parking options.
 - **March 2021:** SPRAB approved a Class III Site Plan reducing the restaurant size to 3,625 SF. This lowered the parking requirement to 22 spaces.
 - **August 2024:** Construction of the restaurant shell was completed, and a Certificate of Completion was issued.
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Current Situation

The Coastal Group Inc., owners of 350 SE 1st Street, recently requested the termination of the Tri-Party Offsite Parking Easement Agreement.

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Maintaining the easement imposes undue restrictions on the Coastal Group, preventing them from utilizing their property for alternative purposes, such as residential or affordable housing development — a benefit to the city's long-term growth goals. Furthermore, the existing parking infrastructure near the site (e.g., IPIC garage, pay lots, street parking, valet stand) provides more than adequate capacity, rendering the offsite parking agreement unnecessary in practice.

Reasoning for Request

1. **Adequate Existing Parking:** With the revised restaurant size and availability of nearby parking options on the same block of SE 4th Ave, the 13 spaces from 350 SE 1st Street are not necessary for use in daily operations.
 - **iPic Parking Garage:** 90 public spaces
 - **Street Parking on SE 4th Ave:** 27 spaces
 - **Pay Lot to the North:** 17 spaces
 - **Pay Lot to the South:** 10 spaces
 - **Pay Lot to the Southeast:** 8 spaces
 - **Additional Pay Lot to the South:** 7 spaces starting at 5pm on weekdays
 - **Valet Stand:** Located 200 feet north of the property
 2. **Dedicated Parking Not Necessary for Restaurant Success:** As a landlord of numerous restaurants in the Delray Beach Central Business District for the past 28 years, experience has proven that dedicated parking is not a determining factor in a restaurant's success. None of the restaurants we have leased space to have had dedicated parking, yet the absence of it has never negatively impacted their operations or viability. Some of the more recent successful restaurants in our properties include:
 - The Office
 - RACKS Fish House
 - El Camino
 - Sazio
 - Tin Roof
 - Bull Bar/Atlantic Avenue Yacht Club
 - Jimmy's Bistro
 3. **Burden on Property Owners:** The easement restricts the Coastal Group from pursuing redevelopment opportunities, thus limiting the property's value and the city's ability to generate additional revenue.
 4. **In-Lieu Parking Fees:** To resolve this matter equitably, the property owners of 50 SE 4th Avenue and 350 SE 1st Street propose splitting the in-lieu parking fees associated with the release of the easement. The request further generates additional capital to be used by the City's Parking Management Fund.
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Justification Statement

Findings: The following findings must be made prior to approval of project relief in the form of an In-Lieu of Parking request.

- (a) Public parking options, including on-street parking, public parking lots, and public parking garages are available within 1,320 feet measured along a pedestrian route to the building entrance.

See summary of Existing Parking on SE 4th Ave above. Additionally, access to the Railroad Lot is located approximately 660 feet away.

- (b) The in-lieu of parking fee request supports at least one of the following City policy-driven goals:
 - 1 Preservation of a historic structure by allowing its use, adaptive reuse, or expansion while maintaining the character of the property or historic district by avoiding excessive use of historic properties for parking; or
 - 2 Investment in the West Atlantic Neighborhood Sub-district consistent with the West Atlantic Master Plan; or
 - 3 Adaptive reuse or expansion of an existing building resulting in a building not more than a total of two stories in height.

This finding is not being met. However, given the unique situation and reasoning behind this request, as well as other findings being met, approval of project relief should be considered.

- (c) The in-lieu of parking fee request does not facilitate development that will demolish the following types of structures with Central Business (CBD) District or Old School Square Historic Arts District (OSSHAD) zoning:
 - 1 An individually designated or contributing historic structure in a historic district;
 - 2 A non-contributing structure that is at least 35 years old in a historic district, unless the Historic Preservation Board makes a finding the building should not be reclassified to contributing;
 - 3 Any structure that has been identified for potential designation through a resource survey.

This structure has not been identified for potential designation through a resource survey.

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Conclusion

We sincerely appreciate your consideration of this unique request. By approving the in-lieu parking request and subsequently releasing the easement, the city can facilitate fair outcomes for all parties involved while supporting practical, community-focused development.

We are happy to provide additional details or meet to discuss this matter further. Please do not hesitate to contact us at your convenience.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Cohen". The signature is fluid and cursive, with the first name "Steven" and last name "Cohen" clearly distinguishable.

Steven Cohen

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