

RESOLUTION NO. 212-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ACCEPT A ONE-TIME PAYMENT OF \$160,000 IN LIEU OF PROVIDING ONE ON-SITE WORKFORCE HOUSING UNIT FOR THE PROJECT KNOWN AS ATLANTIC GROVE; RELEASING THE WORKFORCE HOUSING COVENANT FROM 63 NW 4TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, New Urban Communities is the developer of Atlantic Grove (the “Project”); and

WHEREAS, Atlantic Grove Partners, LLC, is the owner of 63 NW 4th Avenue (the “Property”), as more particularly described in Exhibit “A”; and

WHEREAS, Mr. Timothy L. Hernandez, AICP, is both Owner and Agent (“Agent”) for the Property; and

WHEREAS, on April 6, 2021, the City Commission approved Resolution No. 57-21, approving a Class IV Site Plan Application, Certificate of Appropriateness, Landscape Plan, Architectural Elevations and approving an increase in residential density through the Central Business District Incentive Program pursuant to Section 4.4.13(H)(1) of the Land Development Regulations (LDR) in exchange for providing one workforce housing unit for the Project; and

WHEREAS, pursuant to LDR Section 4.7.3(B) developments requesting an increase in height and/or density must provide workforce housing units onsite, through an in-lieu payment, by delivery of offsite units, or a combination of these three options; and

WHEREAS, on July 5, 2024, Atlantic Grove Partners, LLC, recorded a Workforce Housing Covenant for the Property located in OR BK 35124, PG 328; and

WHEREAS, on September 25, 2025, Atlantic Grove Partners, LLC submitted a request to utilize the option of making a one-time in-lieu payment to the City instead of providing the workforce housing unit onsite (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 is required for each workforce housing unit approved by the City Commission as an in-lieu payment; and

WHEREAS, on October 21, 2025, 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 \$160,000 payable to the City of Delray Beach Housing Trust Fund in-lieu of the provision of an on-site workforce housing unit.

Section 3. The City Commission hereby authorizes the City Manager to record a release of the Workforce Housing Covenant for the property located at 63 NW 4th Avenue, upon proof of full payment made to the Delray Beach Housing Trust Fund.

Section 4. This Resolution shall become effective immediately upon adoption.

Section 5. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Timothy L. Hernandez of Atlantic Grove Partners, LLC at PO Box 8319, Delray Beach, Florida 33482.

Section 6. 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 _____, 2025.

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

ATLANTIC GROVE PLAT NO 2 LT 65