



Cover Memorandum/Staff Report

File #: 26-0304

Agenda Date: 3/9/2026

Item #: 7.C.

TO: Mayor and Commissioners
FROM: Lynn Gelin
DATE: March 9, 2026

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)

Recommended Action:

Review and consider a resolution assessing additional off-street parking spaces for 302 NE 6th Avenue.

Background:

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 6th Avenue, Delray Beach (the "Property") commonly known as Subculture Coffee Delray ("Subculture"). This quasi-judicial hearing will allow the property owner and the City an opportunity to review and assess the use of the Property since 2023 and determine if additional parking spaces should be required.

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. To date, the manner in which the Property is used requires City Commission reconsideration of the previously assessed parking requirement. Despite the property owner's representations to the City Commission, patrons are encouraged to stay longer than 15 minutes (the average stay according to the property owner) by hosting on-site events suggesting that Subculture is a meeting hall and not a grab-and-go restaurant. While the property owner did request a change in use to operate as a "community cultural gathering place," that request was denied by the City. Nevertheless, the property owner continues to host such events despite the City's objections and subsequent enforcement actions. The unapproved, unauthorized use of the Property includes open mic nights, community workshops, concerts, and ticketed events that draw crowds exceeding the maximum occupancy of the approved restaurant use and negatively impact the surrounding community. See Composite Exhibit A, attached hereto and incorporated herein.

The City Commission is authorized to reconsider its approval. According to the Section 1.4.3 of the City of Delray Beach Land Development Regulations (the "LDR"), "nothing herein shall prevent the City of Delray Beach from taking such other lawful action deemed necessary to prevent or remedy any violation." This quasi-judicial hearing will afford the property owner an opportunity to address the City Commission regarding his use of the property and, should he so choose, offer remedial action to correct same. It should be noted that the City is not precluded from taking corrective action, as the manner in which the use of the Property is conducted is not consistent with the City's zoning approvals and the violations of the approved use continue to recur.

The LDR state that the purpose of off-street parking regulations is "to ensure that adequate off-street parking is provided and maintained to meet the needs of users of structures and usage of land. All parking areas shall be designed and situated to protect public safety and to mitigate **potential adverse impacts on adjacent uses or properties**. It is the responsibility of the developer of property to provide and maintain adequate off-street parking." See Section 4.6.9(A) of the LDR (emphasis added). Further, "[o]ff-street parking facilities shall be provided...for any change in the occupancy of an existing building or **the manner in which a use is conducted that would result in additional parking spaces required.**" See Section 4.6.9(B)(1)(d) of the LDR (emphasis added). While the requirements for restaurants and stand-alone bars is 12 spaces per 1,000 square feet of gross floor area, the City Commission has the discretion to impose a higher requirement. The use of this Property, contrary to the representations made in 2023, is akin to a "meeting/assemble spaces" that would be required to provide "three-tenths of a parking space for each seat or one space for each 50 sq.ft. of gross floor area, whichever is greater." See Section 4.6.9 (C)(6)(a). Thus, under this analysis, because the building consists of 2,205 square feet, 44 parking spaces (**see footnote below**) would be required.

The property owner should be given 30 days to comply.

FOOTNOTE: *The actual number of spaces is 44.1. However, "[w]hen the determination of the number of required parking spaces results in a requirement of a fractional space, any fraction less than one-half space shall be rounded down to the nearest whole number and any fraction of one-half space or more shall be rounded up."* See Section 4.6.9(C)(1)(a) of the LDR.

City Attorney Review:

Approved as to form and legal sufficiency.