



Legislation Text

File #: 18-744, Version: 1

TO: Mayor and Commissioners
FROM: Timothy Stillings, Development Services Director
THROUGH: Mark R. Lauzier, City Manager
DATE: December 4, 2018

IN LIEU OF PARKING FEE REQUEST FOR 1 SPACE FOR HNM OFFICE LOCATED AT 143 SOUTH SWINTON AVENUE. (QUASI-JUDICIAL HEARING)

Recommended Action:

Motion to Approve the in lieu of parking fee request in the amount of \$10,140 for 1 parking space for HNM Office, located at 143 South Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in Section 4.6.9(E) of the Land Development Regulations, subject to the condition that full payment be paid prior to issuance of a building permit and that applicant construct three additional on-street parking spaces adjacent to the subject property within the Swinton Avenue and SE 2nd Street rights-of-way.

Background:

The subject request is for the approval of 1 in lieu of parking space associated with a Class V Site Plan and Certificate of Appropriateness for the rehabilitation, addition, and conversion of the existing historic single family structure to a commercial office use.

The property, located at the northeast corner of South Swinton Avenue and SE 2nd Street, is zoned Old School Square Historic Arts District (OSSHAD) and is within the Old School Square Historic District. The existing structure is considered a contributing resource in the historic district.

Rehabilitation of the existing structure and the new addition provides for a total square footage of 4,360 sq. ft. of office use (1,571 sq. ft. existing and 2,789 sq. ft. proposed). The proposed net floor area is 3,370 sq. ft.; thus, the proposed office use requires 11.23 parking spaces, rounded down to a total of 11 spaces. Taking the one-time, one-space reduction into consideration, the parking requirement is reduced to 10 spaces. The applicant is providing 8 parking spaces on site and constructing 3 parking spaces in the adjacent right-of-way (for which a 1 parking space credit can be taken); thus, the proposal is deficient 1 parking space. The applicant is requesting to utilize the in lieu of parking for this space.

The subject property is located within In Lieu Area 2, which requires \$10,140 per space.

Pursuant to LDR Section 4.6.9(E)(3), new development, use conversion to existing buildings, building additions and/or renovations, that result in the requirement to provide new parking or additional parking, have the option of requesting some of the parking spaces to be approved by the City Commission through the payment in lieu of parking program. A maximum limit of 30 percent of

eligible required parking can be provided under this option, except for use conversions for which there is no maximum. Before granting the request, the City Commission must find that adequate public parking options are available and that the request is consistent with the Land Development Regulations, City Comprehensive Plan, and all currently adopted City policies and/or studies.

Additionally, pursuant to LDR Section 4.6.9(E)(3)(e), in addition to in lieu fees due, where adequate right-of-way exists adjacent to a proposed project for which an in lieu parking fee has been approved, the applicant must construct additional on-street parking, not to exceed the total amount of spaces subject to in-lieu fees unless authorized by the City Commission. The applicant will be credited up to one-half of a parking space for each full parking space constructed within public right-of-way.

Adequate right-of-way exists adjacent to the proposed project; hence, the applicant is constructing 3 on-street parking spaces within the adjacent rights-of-way. Construction of the on-street parking spaces allows for a credit of 1 parking space (0.5 space x 3 spaces = 1.5 spaces and rounded down for a total of 1 credited parking space). This credit leaves the site deficient 1 parking space. The applicant is requesting to utilize the in lieu of parking for this space.

The intent of the in lieu program is to assist with new development, redevelopment, and adaptive reuse of buildings throughout the downtown. The new building addition and conversion of the building from residential to office use is to accommodate the relocation of the headquarters of the local architectural firm HNM Architecture to Downtown Delray Beach. The requested in lieu of parking for the 1 outstanding parking space is 10% of the total required parking spaces, which is less than allowed 30% of the total required parking spaces.

Given the location of the 4 on-street parking spaces adjacent to the subject property (one existing and 3 proposed), there will be adequate public parking spaces within the immediate proximity of the subject property; therefore, the request is supportable.

The Parking Management Advisory Board (PMAB) will consider the parking in lieu fee request for 1 parking space (\$10,140) at its November 2018 meeting. PMAB's recommendation will be provided to the City Commission.

On November 7, 2018, the Historic Preservation Board (HPB) reviewed the in lieu request for 1 parking space and recommended denial by a vote of 4-2 (Bright Absent).

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

Approval of the In Lieu of Parking request is required prior to approval of the Class V site plan, Certificate of Appropriateness, Waiver, and Variance applications.