



## Cover Memorandum/Staff Report

File #: 23-744

Agenda Date: 6/6/2023

Item #: 7.B.

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Terrence Moore, ICMA-CM  
**DATE:** June 06, 2023

RESOLUTION NO. 104-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN IN-LIEU OF PARKING FEE REQUEST FOR THE PROPERTY LOCATED AT 319 NE 3<sup>rd</sup> AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT CONSISTENT WITH THE APPROVAL HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

### **Recommended Action:**

Review and consider Resolution No. 104-23, an in lieu of parking fee request in the amount of \$55,200.00 for 12 parking spaces for the project located at 319 NE 3rd Avenue.

### **Background:**

A Class III Site Plan Modification application (File No. 2022-268) has been submitted, which includes an addition to an existing structure and change of use to convert the existing office use to a restaurant. The site plan modifications also include major facade renovations to incorporate a new architectural design, as well as streetscape improvements including planting street trees. A waiver for the rear setback to accommodate a portion of the addition has also been requested.

The existing building is one story in height and approximately 1,800 sq. ft. The plan proposes to convert it from an office into a restaurant with a full-service bar, and add a second story providing access to rooftop terrace of approximately 850 sq. ft. The proposed square footage, including both the use conversion of the existing ground floor and the new second story terrace, generates a requirement of 16 parking spaces. The plan proposes to bring the front setback area into compliance with the current streetscape standards for the Central Business District (CBD) by removing four existing nonconforming parking spaces that back-out directly onto NE 3rd Avenue and installing parallel parking, sidewalk area and a street tree. The project has been credited the four existing spaces, as the removal is predicated on the requirement to comply with LDR streetscape requirements, and eliminates a potential vehicular-pedestrian conflict. The applicant is also providing one on-street parking space that is not counted towards fulfilling the required parking. No other parking spaces are being provided on site. As such, the proposed change to restaurant and site modifications generate a requirement for 12 parking spaces.

The subject property is located within Area 4, which has an In Lieu of Parking fee amount of \$4,600 per space. Therefore, the in-lieu of parking fee for 12 spaces is \$55,200.

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 provided through the payment in lieu of parking fee, subject to approved by the City Commission. A maximum limit of 30 percent of eligible required parking can be provided under this option for new floor area, and use conversions of existing buildings are not limited to a maximum percentage. 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. Public parking is located in the general vicinity, including two public lots on 3<sup>rd</sup> Avenue, and on-street parking along both 3<sup>rd</sup> Avenue and 3<sup>rd</sup> Street. This is one of three projects submitted prior to the establishment of a Zoning in Progress for utilizing the In Lieu of Parking option.

The Downtown Development Authority (DDA) reviewed the request and recommended approval by a vote of 4-1.

The Parking Management Advisory Board (PMAB) reviewed the parking in-lieu fee request for 12 parking spaces and recommended approval on a vote of 5-0.

**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 fee request is required prior to consideration of the Class III Site Plan application.