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**301 SE 1st Avenue – Delray Beach
Proposed Text Amendment**

1st Avenue Capital 301 LLC (“Petitioner”) is the owner of the +/- 1.46 acre property located at 301 SE 1st Avenue, which is generally located at the southeast corner of SE 1st Avenue and SE 3rd Street (“Property”) in the City of Delray Beach (“City”). The Property has a land use designation of Commercial Core (“CC”) and is designated Central Business District (“CBD”) on the City’s zoning map. The Property is further located within the Railroad Corridor of the CBD (“CBD-RC”) and specifically for parcels south of SE 2nd Street. The Property is currently vacant. Petitioner is proposing to develop the Property with an attractive new multi-family residential development with a small café and retail component (“Project”). The Project will provide a vibrant and sustainable use for the Property that will support the existing uses within this particular area of the City that is in need of revitalization.

In order to develop the Project, Petitioner is requesting a text amendment to the City’s Land Development Regulations (“LDRs”). More specifically, Petitioner is proposing to amend the LDRs in order to allow for an increase in height from four (4) floors and fifty four (54) feet to five (5) floors and fifty four (54) feet and an increased density from a maximum of thirty (30) dwelling units per acre to a maximum of seventy (70) dwelling units per acre with the provision of Workforce Housing. Several developments in the City have already been developed within the City at significantly higher densities than what the LDRs currently allow. Examples of existing higher density developments in excess of the current fifty four (54) foot height limitation include Worthing Place, The Strand, and SOFA. These projects have proven successful for the community and there is a demand for additional housing of this type within the CBD. The CBD-RC is the most appropriate corridor for these higher density areas as it is outside of the Atlantic Avenue Limited Height area which includes a large number of parcels that face the Federal East Coast (FEC) railroad track, making it unappealing for lower density residential development. In addition, Petitioner is proposing to expand the permitted automated parking area from the north CBD-RC to also include the southern parcels within the CBD-RC district.

Support for Increase in Maximum Allowed Density in the CBD-RC (for parcels south of SE 2nd Street)

As population rates continue to grow, American cities must find ways to keep up with the increasing demand for space. Over the last few decades, development trends favored low-density, subdivision development, which contributed to the widening area of urban sprawl across the country.¹ This widespread development has contributed to the dwindling of natural areas and is a key contributing factor to environmental concerns such as greenhouse gases, smog, and air and water pollution.² Widespread low-density development has also created a heavy reliance on personal vehicles. More personal vehicles on the road have contributed to transportation concerns such as increasingly long commutes and traffic congestion.³ A potential solution is to integrate well-designed, higher-density developments into existing communities. These higher density developments help address the growing need for housing, while also stimulating the local economy with new restaurant and commercial uses.⁴ Factors to consider include infrastructure demands, economic growth, community impacts, public transit and environmental impacts.

The following will demonstrate support for amending the existing density maximums in the CBD-RC to encourage higher density development.

Infrastructure

A massive network of public infrastructure is needed to support sprawling development. Low-density building requirements drive cities to grow wider in size, instead of more efficiently using the space that is already dedicated to urban development.⁵ Larger infrastructure networks are required to service all the areas located in the municipality, which are sometimes far reaching from the center of a city's activity.⁶ Widespread demand on an infrastructure network may require the construction of additional roadways, longer water and electrical lines, larger sewer systems, and funding for public services including police and fire services.⁷ Often, local governments absorb much of the costs related to the construction and maintenance of infrastructure. According to one study, reducing the distance between homes, shops, and offices directly reduces the cost of public infrastructure.⁸ Therefore, introducing higher density maximums in areas such as the CBD-RC can help curtail widening urban sprawl and infrastructure costs.

Economic Growth

Higher density development also provides substantial opportunities for economic growth without significantly burdening existing infrastructure. One case study states, “[c]ommunities that focus on providing a high quality of life with the energy and vitality created by urban centers will be much more likely to attract highly prized, talented, and productive workers than communities of faceless sprawl.”⁹ Furthermore, “[d]iversifying housing options and adding amenities like shops and offices close by will improve the quality of life and attract businesses and people that will strengthen the communities economic stability.”¹⁰ Other studies suggest that those attracted to a suburban downtown living would likely spend a substantial portion of their discretionary income on shopping, eating and entertainment.¹¹

In Delray Beach, East Atlantic Avenue is already a bustling center of economic activity. Increasing the maximum allowed density in the CBD-RC, will expand the central area of economic activity to include a portion of the railroad-corridor subdistrict that is in need of revitalization. Expanding the central area of economic activity will generate additional income for the City and attract new high-quality businesses to the area. The Project will provide additional housing to support existing businesses and provide space for additional dining and shopping options to consumers with available discretionary income, many of whom are tourist who may be more likely to dine out and purchase goods.

Proximity to Brightline Track

Initially, the Project wanted to capitalize on its close proximity to the existing Florida East Coast Railway Corridor and incorporate a station to facilitate a new Brightline transit stop. The Brightline transit stop would provide even greater connectivity to other major south Florida metropolitan areas including Fort Lauderdale, Miami and West Palm Beach. This connectivity could draw workforce residents as well as leisurely visitors to Delray Beach, without the need for a personal vehicle. This type of Brightline expansion would further stimulate the economy in Delray Beach and could potentially attract larger businesses who

are seeking locations for corporate headquarters. However, Brightline had significant concerns about incorporating Delray Beach as a transit stop precisely because there is not enough density. By increasing the maximum density allowances, specifically in the CBD-RC, new higher density developments can stimulate the type of density that public transit companies, like Brightline, require when evaluating potential new transit stops.

Environmental Impacts

The increasing frequency of major weather events and fire incidents across the world have initiated discussions regarding environmental concerns. Low-density sprawl into natural areas and habitats destroys ecosystems and increases air and water pollution. It also forces people to use private vehicles to travel further distances in order to complete daily tasks. Vehicle emissions contribute to smog and greenhouse gases which further pollute the air we breathe. One study states that “[p]lacing new development into already urbanized areas that are equipped with all the basic infrastructure like utility lines, police and fire protection, schools and shops eliminates the financial and environmental costs of stretching those services farther and farther out from the core community. Compact urban design reduces driving and smog and preserves the natural areas that are assets of the community.”¹² By increasing the allowed density maximums in the CBD-RC (for parcels south of SE 2nd Street), Delray Beach has the opportunity to advocate more environmentally conscious developments standards in South Florida and encourage other municipalities to do the same.

Safety

Increasing density maximums can also improve the safety of the areas surrounding higher density development. Higher density developments increase the number of people living in a particular area. This increased presence can reduce crime because a greater number of people will have the ability to monitor activity in and around the community.¹³ Furthermore, new high-density developments can offer updated site features that can enhance community safety and provide benefits such as upgraded lighting and landscape designs.¹⁴

Visual Preferences

Higher density developments are sometimes associated with negative implications. However, higher density development does not always result in intrusive, unattractive building structures and undesirable effects on the existing community. Instead, well planned, higher density development can be seamlessly integrated into a community and introduce features such as lush landscape boulevards, fountains and showcase a unique architectural style.¹⁵ When visually compared, these high-density developments are preferred to faceless low-density developments that often evoke no sense of community attachment.¹⁶ Below are some visual examples of higher density developments that have been integrated into existing low-density areas.



Community

On a world stage, studies show that countries with a strong sense of community and urban connectivity are home to the happiest citizens.¹⁷ The low density, urban sprawl trend of the past has created a disconnect between individual homeowners and their communities, isolating residents from convenient access to local restaurants and shops. New higher density developments can revitalize the sense of community in a neighborhood and combine residential design with modern commercial conveniences to create spaces for the community to gather and draw residents back to the center of the community.¹⁸

Delray Beach has a thriving CBD district that attracts residents and visitors from around the country. The intention of the proposed higher density maximums in the CBD-RC is to expand the vibrancy of the Atlantic Avenue area into the surrounding sub-corridors. The Project will improve the CBD-RC neighborhood and serve as the central neighborhood hub that will compliment Atlantic Avenue.

¹ Richard M. Haughey et al., *Higher-Density Development: Myth and Fact*, The Urban Land Institute, 10 (2005).

² *Id.* at 22.

³ *Id.*

⁴ *Id.* at 12.

⁵ *Id.* at 10.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 11.

⁹ *Id.* at 12

¹⁰ *Id.*

¹¹ Will Macht, *Flexible Parking Structures as Civic Catalysts*, Urban Land Magazine, (2019).

¹² Haughey, at *supra* note 1 at 22.

¹³ *Id.* at 21

¹⁴ *Id.*

¹⁵ Haughey, at *supra* note 1 at 26.

¹⁶ *Id.*

¹⁷ Leslie Braunstein, *Parking Yields to the Sharing Economy*, Urban Land Magazine, (2013).

¹⁸ Edward W. Gosselin, *A Technical Assistance Panel Report: How to Spur Redevelopment Within and Beyond the Long Branch Community's Commercial Center*, The Urban Land Institute Washington, 7 (2005).