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December 3, 2020

Ms. Anthea Gianniotis
Development Services Director
City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444

**RE: Amendment to the LDRs – Section 4.4.13(I)(2)(j) – Off-Street Parking Requirements
Change of Use in the Railroad Corridor Sub-district**

Dear Ms. Gianniotis:

Please be advised that the law firm of Saul Ewing Arnstein and Lehr, represents CDR Development, LLC, who is seeking this amendment to the City of Delray Beach's Land Development Regulations. Pursuant to Section 2.4.4.(M) of the City's LDRs, a privately initiated amendment requires a formal written request that references the subject LDR section and provides a rationale for the requested amendment, providing a analysis of the amendment and its potential impacts, and submission of the processing fee. Included with this correspondence is my client's: (1) written request and rationale for the amendment; (2) analysis of the amendment; and (3) required application fee.

The proposed amendment to Section 4.4.13(I)(2)(j) is the creation of paragraph (d) to allow for the extension of the parking exemption program for changes of use in the Railroad Corridor Sub-district. The proposed language is as follows:

(i) Existing buildings located in the portion of the CBD Railroad Corridor Sub-district between SE 2nd Street and SE 3rd Street that undergo a change of use are not required to provide additional on-site parking spaces required by the new use category, if applicable. The provisions of this sub-subsection shall only be effective until December 31, 2024, and subject to submittal of a building permit.

RATIONALE

This sub-district has a variety of existing buildings that can be repurposed for other uses, which is why the City Commission approved this incentive for this area. This proposed language just extends the Change of Use Parking Incentive program for an additional three years and six months.

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This extension is necessary as the COVID-19 pandemic has impacted the local economy with some of these businesses being forced to close as a result. Parking availability is an issue in the sub-district however, a 61-space surface parking lot was approved earlier this year which should alleviate any current parking shortages. The cost of finding or developing parking spaces required for a selected use is usually a barrier to entry for many small businesses and thus this ordinance will promote more small businesses to locate in this sub-district.

ANALYSIS

- The proposed amendment is consistent with the following Always Delray Comprehensive Plan Policies:
- Objective HOU 1.1: "Support and respect the diverse and distinct character of Delray Beach's neighborhoods." *The proposed amendment supports the Railroad Corridor Sub-district by promoting adaptive reuse as an incentive for businesses to change the existing use of a property.*
- Policy HOU 1.1.9: "Encourage plans and investments to protect and/or restore the socioeconomic diversity of cultural stability of established neighborhoods." *The incentive for changing the use of a property in this Sub-district is an investment in small businesses, which many will say is the backbone of our economy.*
- Policy HOU 1.1.10: "Utilize infill and redevelopment programs as a way to improve the neighborhood quality of life and to promote neighborhood preservation and stabilization." *This parking incentive program for changes of use in this Sub-district improves the quality of life for the neighborhood by creating additional jobs in the neighborhood, as well as, lowering the cost of starting a business in Delray Beach.*
- Policy NDC 1.3.7: "Implement the Commercial Core land use designation using form-based code to provide for adaptive-reuse, development, and redevelopment that preserves the downtown's historic moderate scale, while promoting a balanced mix of uses that will help the area continue to evolve into a traditional, selfsufficient downtown. This designation is applied to the Community's downtown area. It includes a substantial portion of the Transportation Concurrency Exception Area described in the Future Land Use Element and graphically shown in Map 9. The Commercial Core designation accommodates a variety of uses including commercial and office development; residential land use upper story apartments; older homes renovated to accommodate office use; and uses such as "bed and breakfast" establishment; and industrial/commerce type uses." *The proposed amendment is for the Railroad Corridor Sub-district, which has a Commercial Core land use designation. The amendment furthers adaptive reuse by incentivizing business owners who change the use of the property or building to avoid any additional parking required by the new use.*
- Policy NCD 2.2.3: "Encourage the adaptive reuse of existing structures located within mixed-use and commercial land use designations, particularly those that were originally established as single-family homes or are over 50 years old, by providing incentives, such

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as relief in the Land Development Regulations, grants to facilitate retrofitting or rehabilitation, etc. [Complete by 2025-2040]" *The amendment furthers adaptive reuse by incentivizing business owners who change the use of the property or building to avoid any additional parking required by the new use.*

- Policy NDC 2.2.4: "Provide incentives in the Land Development Regulations that encourage the long-term viability, adaptive reuse, and redevelopment of small properties located within mixed-use and commercial land use designations to maintain the historic development pattern over time. [Complete by 2025-2040]" *The amendment furthers adaptive reuse by incentivizing business owners who change the use of the property or building to avoid any additional parking required by the new use.*
- Policy NDC 2.2.7: "Within the Commercial Core, locate and design off-street parking areas in a manner that does not detract from the character by providing standards in the Land Development Regulations, such as locating parking to the side or rear of buildings, limiting size of lots, and landscaping and façade requirements. Large fields of parking between building facades and streets are generally not desirable." *The proposed amendment is consistent with this policy.*
- Policy NDC 2.7.16: "Continue to support the variety of commercial and light industrial uses on land with mixed-use land use designations in Osceola Park." *The proposed amendment is consistent with this policy by creating incentives for property/business owners to change existing uses on their properties without having to provide additional parking required by the new use.*

Please let me know if you need any additional information. The required application fee of \$5,500.00 is attached to this correspondence.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Neil M. Schiller', followed by a stylized flourish.

Neil M. Schiller, Esq.