

**PARKING MANAGEMENT ADVISORY BOARD MINUTES  
TUESDAY, JUNE 28, 2011, 5:30 P.M.  
FIRST FLOOR CONFERENCE ROOM**

**MEMBERS PRESENT:**

Fran Marincola  
Bruce Gimmy  
John Gergen  
William Morse  
Margie Walden  
Cecelia Boone  
Brian Rosen

**MEMBERS ABSENT:**

Mark Krall  
Herman Stevens  
Alan Kornblau  
Peggy Murphy

**STAFF PRESENT:**

Scott Aronson, Parking Management Specialist  
Amy Alvarez

**STAFF ABSENT:**

None

**GUESTS/OTHERS:**

Andre Fladell  
Michael Weiner, Esq.

**I. CALL TO ORDER:**

The meeting was called to order by Chairperson, Mr. Fran Marincola, at 5:39 p.m.

**II. APPROVAL OF AGENDA:**

Mr. Gergen made a motion to amend the agenda so that "Comments by Citizens" would be heard prior to Old Business. The motion was seconded by Ms. Boone and passed unanimously.

**II A. COMMENTS BY CITIZENS:**

Mr. Andre Fladell addressed the Board, proposing a modification to the the Beach Parking Permit program, to benefit senior citizens, by allowing them to use parking spaces on SR A1A in the off season. He said Beach Parking Permits, issued for parking in parking lots near the beach area, east of the Intracoastal Waterway, are restricted to parking in the parking lots on west side of SR A1A. He has observed senior citizens, some struggling, traverse between the beach and parking lot(s), (about a ¼ mile away from the beach), while there is an abundance of vacant parking on SR A1A that can be utilized. He noted that while parking spaces are available on SR A1A, the permit is only valid in the lots. A minimum age of 55 was proposed for participation in the program.

Discussion ensued amongst Board members and Mr. Fladell regarding the struggle some seniors encounter with the distance the elderly have to walk to access the beach from parking lots, while vacant spaces remain on SR A1A.

### III. OLD BUSINESS:

Mr. Aronson advised the Board of City Commission's approval for the request from Burger Place for the purchase of two (2) in-lieu parking spaces, as well as approval of a request from Max's Harvest to establish a valet parking queue on the 100 block of Pineapple Grove Way..

### IV. MINUTES

Ms. Walden made a motion to approve the minutes for March 22, 2011, and April 26, 2011. The motion was seconded by Mr. Gimmy and passed unanimously.

### III. NEW BUSINESS:

#### A. Review A Request From 85 SE 6<sup>th</sup> Avenue To Waive Required Parking To Legitimize Illegal Site Plan Modifications Completed In Years Prior

City Clerk, Chevelle D. Nubin, swore in those individuals wishing to give testimony.

At this time, Mr. Marincola read the quasi-judicial rules.

No ex-parte communications were provided from any Board members.

Mr. Aronson stated that the subject property is an historic home, formally known as "The Blank House", built in the early 1900's. The home was illegally converted to restaurant with Class III site plan modification has been submitted to bring the site into compliance, commensurate with modifications converting the home to restaurant and the garage to office without providing the required parking. The 2004 site plan modification proposed the construction of a Rose Garden on the south west corner of the property, which required the provision of six, (6) in-lieu of parking spaces in addition to the three (3) spaces provided.

The Board recommended a compromise be made to provide one (1) row of parking on the east and a tea garden that was being proposed outside the restaurant to the south of the Blank House. The item was presented before the City Commission a few times with alternate scenarios to provide the required parking. The applicant now requests a waiver to providing any parking, citing a recent code provision which references the preservation of historic properties allowing parking surfaces other traditional pavement. The code does not state that the parking should be waived as there are other means of providing parking including off-site parking, In-Lieu Program and the Public Parking Fee Program. The programs will allow the applicant to meet the requirements without actually providing parking. The tea garden that was requested and presented in 2004 was never installed. Staff recommends denial of the applicant's request to waive the provision of the six (6) parking spaces.

Discussion ensued between Board members and staff regarding the location of the restaurant and tea garden and where the parking spaces were suggested to be placed.

Ms. Alvarez stated that a waiver would negatively impact the historic integrity of the property. The code provision was not to do away with parking on historic properties. Maybe a compromise can be decided upon if all parking is not provided on site.

Board members and staff spoke of the tea garden with Mr. Aronson stating that the tea garden proposed in 2004 was never installed. However, sod, plants and tables have been set up and an outside sidewalk café license has been requested. Ms. Alvarez advised that the sidewalk café has not yet been approved. However, an application has been submitted.

Mr. Aronson explained that the applicant applied for a sidewalk café proposed on a property that was not compliant with the Land Development Regulations.

Mr. Weiner stated that he will discuss a waiver request associated with a Class III Site Plan Modification for "The Blank House". The structure has gone through a series of modernizations. Site Plans have been proposed for the site. However, they always required additional paved parking areas. Section 4.5.1 of the Land Development Regulations states that a waiver may be granted by the Historic Preservation Board for relief for a number of parking spaces as long as parking can be achieved by alternate means and can be found with keeping with the provisions and intents of the Delray Beach Historic Design Guidelines. Approval of the waiver will not grant special privileges, will not adversely affect the neighboring area and does not significantly diminish the provision of a public facility nor does it create an unsafe situation. Mr. Weiner feels that the City placed the provision in the Land Development Regulations to accommodate this type of request. The restaurant is slightly more than 2,000 square feet and the office is approximately 1,000 square feet. The utilization of the office parking will be from 9:00 a.m. until 5:00 p.m. Parking lots are in walking distance to the property. The applicant would like the property to exist with just the presently paved area. Mr. Weiner noted that the Parking Management Study recommends zero spaces for an office site within 660 feet of public parking facilities that contains a minimum of fifty (50) parking spaces.

Mr. Gimmy asked who made the site historic. Ms. Alvarez stated that the City Commission deemed the site historic.

Mr. Marincola asked why the applicant cannot pay the in-lieu parking fees. Mr. Weiner stated that the Ordinance does not require the applicant to pay in-lieu fees.

Ms. Boone asked about alternate means of parking. Mr. Weiner stated that the alternate means are the one hundred sixty-nine (169) parking spaces that are in the other City parking lots. There are three (3) parking spaces near the property.

Mr. Aronson stated that the property has been non-compliant since 1995. Therefore, the three (3) spaces are not there by right.

Mr. Boone spoke of Bankers Row stating that properties were converted from residential to commercial use. Street parking was counted because some of the properties could not accommodate the parking on-site. A city lot was also provided. Consequently, in-lieu fees did not have to be paid.

Mr. Aronson advised the Board there was a Bankers Row Development plan enacted to preserve the historic integrity of the neighborhood. The plan provided for a small parking configuration for each property. The development plan allowed for the conversion of residential units to any use, other than restaurant, listed in the Old School Square Historic Arts District as permitted use.

The Banker's Row parking lot was constructed by the CRA to support the businesses so that in-lieu spaces were not required as long as they complied with the parking area drafted within the plan.

Ms. Boone asked if the 1,000 feet existed as an office which would be credited three (3) spaces.

Mr. Aronson stated that the 1,000 feet was a garage which was converted to office use. The new use created a parking demand and removed two (2) existing parking spaces.

Ms. Walden asked if the restaurant provided in-lieu.

Mr. Aronson stated that the parking requirement prior to 1999 for all uses one block north and south of Atlantic Avenue, were one (1) space per 300 square feet. In 1999, the restaurant provisions were enacted for the six (6) spaces per 1,000 square feet.

Ms. Boone stated that she prefers seeing a café and the corner preserved. She asked if getting three (3) spaces would be a problem.

Mr. Weiner stated that the building has been an office for more than fourteen (14) years.

Discussion ensued regarding this topic.

Ms. Boone asked if the property can be grandfathered in. She asked if a total of six (6) spaces were being requested.

Mr. Aronson stated that three (3) spaces per 1000 square feet are needed. In addition, two (2) spaces were removed from the building across the street.

Ms. Boone mentioned that she has to make arrangements for parking to expand a restaurant even though there is parking in the area.

Mr. Weiner stated that the property is not historically designated.

Ms. Boone stated that she recommends waiving three (3) spaces. The three (3) by the Office should not be waived.

Mr. Weiner stated that he will consider a consensus for a number less than six (6).

Mr. Gimmy made a motion to recommend approval of the waiver for six (6) parking spaces, seconded by Ms. Boone. The motion was denied 7-0.

Ms. Boone made a motion to recommend a waiver for three (3) of the required six (6) spaces with the remaining three (3) provided on site. The motion was seconded by Mr. Rosen.

Board members decided to allow staff to discuss this issue with the applicant. Therefore, the motion was withdrawn.

Ms. Boone suggested an alternate means for parking such as utilizing parking at the nearby church.

Mr. Marincola recommended the applicant request in-lieu spaces.

### **B. Review A Request From 32 East For The Expansion Of It's Current Valet Parking Queue**

32 East has had six (6) of the eight (8) parallel parking spaces on the block as a valet queue. There are two (2) remaining spaces at the west end of the queue for a total of eight (8) spaces. The two (2) spaces are public spaces. It has been a challenge maintaining those spaces as open to the public. Staff has recommended that the licensee accommodate the additional two (2) spaces to avoid future misunderstandings. Within the last year, 32 East has rented the library parking lot which affords one hundred (100) of the one hundred, sixty-five (165) spaces to use for the valet service. Staff recommends approval of the applicants request to incorporate the two (2) remaining spaces on the block into the valet queue. This will generate an additional \$100.00 per month, totaling \$2,400.00 per year, in addition to the six (6) spaces they already have.

Mr. Gergen made a motion to approve the request from 32 East to incorporate the two (2) additional parking spaces into the valet queue, seconded by Mr. Morse. The motion passed unanimously.

### **C. Parking Study Updates**

In an attempt to address what some perceive as a slow response to implementing the Parking Plan Mr. Aronson advises the Board of the timeline provided by the consultants, which was a three (3) year implementation. There have been questions regarding the programs and why they are not yet in place. Staff is still meeting with the merchants and the business people to discuss where the metered parking will be. Planning & Zoning has recommended approval of changing the in-lieu parking which was recommended by the study such as allowing new construction use of the in-lieu program. Language was added to allow benchmarks for the approval of in-lieu requests, such as being able to show that there is public parking available nearby and consideration is to be made to the Cluster Study and the Parking Study.

Discussion ensued regarding the changes recommended.

Mr. Marincola mentioned that the Downtown Development Authority and the Planning & Zoning Board recommended denial of the residential portion of the study. In-lieu spaces can only be requested for a mixed used commercial component.

Mr. Aronson stated that only the commercial component is allowed in-lieu spaces. Residential parking needs to be provided in accordance with the LDR.

Mr. Marincola asked if the Board could make a recommendation to put meters on the avenue with a condition that allows the members to mitigate. He went on to say that the Board is voting to place the meters where the study recommends. However, the Board is not voting on hours of operation or other mitigating circumstances. He wanted to discuss how the Board can help the merchants instead of whether or not meters will be installed.

Board members stated that they voted for paid parking in Delray Beach.

Mr. Aronson stated that staff is meeting with a group of three (3) from the group who will represent the remaining merchants. He suggested developing a program to present to the merchants before installing meters.

Mr. Gimmy stated years ago examples were given of communities that had already implemented this process and programs. The initial reaction was negative. However, within a year the change was helping rather than hurting the businesses. Mr. Gimmy asked if there were current examples that were similar to Delray Beach.

Mr. Aronson used our own town as an example of a successful metering program, elaborating how a problem with beach goers, rather than pay to park on SR A1A parked for free on Atlantic, leaving monopolizing spaces for customers of the retail shops. Installation of meters on East Atlantic Avenue, forcing beach goers to pay the same fee as East Atlantic Avenue retrained beachgoers to park on A1A or in Beach Parking Lots thereby providing space for customers, which do not a small/reasonable fee for the convenience of a space being available..

He then spoke of a Wilbur Smith report done in 1988 which suggested metering Atlantic Avenue and keeping the money collected in a fund to build parking garages. Mr. Aronson noted he felt the plan would fail if the recommendation only addressed Atlantic Avenue without addressing the surrounding areas of free parking.

Mr. Gimmy stated that meters were implemented in the 1950's and there was no need at that time.

Mr. Marincola stated that Board members should discuss how to mitigate the meters to help the merchants.

Ms. Walden asked about signage for the parking garage. She also asked about the Request for Proposal for the fee based plan for the parking garage.

Mr. Aronson stated that Ameristar was selected as the vendor.

Mr. Krejcarek advised that a sign was installed on West Atlantic just east of 1<sup>st</sup> Avenue. A request to Palm Beach County was made to hang signs on the strand wire at Atlantic and Swinton Avenue. There is a way finder sign for the County garage just west of 2<sup>nd</sup> Avenue.

Mr. Walden stated that the way finder sign cannot be seen at nighttime.

Discussion ensued between Board members and staff regarding a fee based parking program and parking meters on Atlantic Avenue.

## **VI. COMMITTEE REPORTS ON PARKING RELATED ISSUES:**

Board members presented a brief status report of items taking place on their respective Boards. Members agreed due to agendas and minutes available from the Board, there was no need for detailed minutes on this agenda item.

**VII. NON-AGENDA ITEMS:**

**A. Comments by Board Members**

Mr. Boone spoke about validation and parking issues with the valet queue granted to Tramonti located in front of Bond Street Salon. She stated that the owner of Solita's Restaurant has advised that the valets are not validating for their customers as agreed. The neighborhood gym has received complaints from the gym members who now have to pay for parking in the garage.

Mr. Gergen stated that both restaurants stated that they would work together.

Mr. Marincola stated that La Solita's Restaurant was supposed to provide parking spaces.

Mr. Aronson advised that the Valet Parking Agreements are being changed. The valets will now have to accommodate those who want validations. He went on to say that he will speak to the owners of La Solita's and Tramonti.

**B. Comments by Citizens**

With the exception of Mr. Fladell, no other comments were made by any member of the public.

**C. Comments by Staff**

None

There being no further business, Chairperson, Mr. Marincola, declared the meeting adjourned at 7:58 p.m.

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Venice Cobb, Executive Assistant/Board Liaison

The undersigned is the Secretary of the Parking Management Advisory Board and the information provided herein is the minutes of the meeting of said Parking Management Advisory Board on June 28, 2011, which minutes were formally approved and adopted by the Board on

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Venice Cobb, Executive Assistant/Board Liaison

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