

**PARKING MANAGEMENT ADVISORY BOARD MINUTES  
TUESDAY, JULY 26, 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  
Alan Kornblau  
Peggy Murphy  
Mark Krall  
Herman Stevens

**MEMBERS ABSENT:**

None

**STAFF PRESENT:**

Scott Aronson, Parking Management Specialist

**STAFF ABSENT:**

None

**GUESTS/OTHERS:**

Michael Weiner, Esq.  
Lorne Jennings  
Larry Lipnick

**I. CALL TO ORDER:**

The meeting was called to order by Chairperson, Mr. Fran Marincola, at 5:34 p.m.

**II. APPROVAL OF AGENDA:**

Board members moved "Comments by Citizens" to be heard after approval of the minutes.

Mr. Gimmy made a motion to approve the amended agenda, seconded by Mr. Gergen and approved unanimously.

**III. OLD BUSINESS:**

There was no Old Business to discuss.

**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.

**V. NEW BUSINESS:**

**A. Review A Request From Ocean Club For The Purchase Of Four (4) In-Lieu Parking Spaces**

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

Deputy City Clerk, Lanelda Gaskins, swore in those individuals wishing to give testimony.

There were no ex-parte communications from any Board members.

Mr. Aronson advised that Atlantic Club has requested to purchase four (4) in-lieu parking spaces to accommodate the conversion of use from office to restaurant. The Atlantic Club was to present to the Board on May 24, 2011, a request for two (2) in-lieu parking spaces. A revised submittal is now being presented increasing the conversion from 728 to 1,572 square feet of floor area on the second floor. The property has had several in-lieu parking spaces and is now seeking additional spaces. There was an approval of eleven (11) spaces for a roof top bar and a mezzanine on the first floor earlier this year. The property has had twenty-one (21) in-lieu parking spaces approved already. Off-site parking was offered to the applicant and eight (8) spaces are attributed to the development. Land Development Regulations 4.6.9 requires that the provision of parking be done on site so as not to create a negative impact to neighboring areas. The new program stated in Section 4.6.9 allows City Commission to approve in-lieu spaces if possible or appropriate. However, in-lieu should be based upon the available parking in the area. This area is one of the most congested as it is near 3<sup>rd</sup> Street and Railroad Avenue. The nearby parking lots are being fully utilized. The revised proposal excludes the square footage of two (2) adjacent balconies, restrooms, and a corridor. These areas must also be included in the parking calculation. Mr. Aronson advised Board members of alternative actions.

Mr. Dorling advised that the actual development of the office was used to support the previous in-lieu request. The applicant was to provide a Class A office which would generate jobs. There is a diversity of uses in the Downtown area. It has been said that the north and south side of Atlantic Avenue has been inundated with conversions from office to restaurant. There have been changes in the Land Development Regulations and initiatives to encourage Class A office. This proposal is a direct contrast to the direction of the City.

Mr. Weiner stated that changing uses is a permitted right under the zoning code. The Central Business Zoning District regulation shall facilitate and encourage rehabilitation and revitalization and shall at a minimum address accommodating parking needs through innovative actions. The charge is to take a look at the Ordinances and to do what is right under the Ordinances presently passed. Ordinance 4.6.9 (e) states that when a requirement for additional parking results from infill development, from a change in use or adding floor space, then the City Commission may approve the payment of a fee in-lieu of providing such required parking. The City Commission may take action based upon justifiable, rational and reasonable standards that can be quantified. Before granting such approval, the City Commission must find that is impossible or inappropriate to provide the required on-site or off-site parking spaces. The Site Plan submitted is being utilized for good reason and it is impossible to create another parking space. The applicant was before the City with a proposal to convert a portion of the space. However, an Advisory Board did not feel

comfortable with approving the request but made a recommendation. After looking into the recommendation, calculations were done and the applicant is willing to purchase eight (8) spaces.

Ms. Lorne Jennings stated that the entire septic floor of 3,065 square feet requires eight (8) parking spaces.

Mr. Weiner stated that the law requires that all decisions must be based upon whether the project meets the requirements of law, the comprehensive plan and the Land Development Regulations. At this time, Mr. Weiner discussed court cases which he presented having to do with disregard of criteria basing decisions upon unlisted or no criteria.

Mr. Marincola asked if one of the balconies were included in the calculations.

Ms. Lorne advised that two (2) balconies were included.

Ms. Walden asked for clarification regarding the number of spaces requested.

Mr. Aronson advised that the original application was submitted prior to a recommended Ordinance change.

Mr. Dorling stated that the change of use is allowed by right. However, compliance of the Land Development Regulations is required. The applicant does not meet the parking requirement. The Board members have the ability to advise that this request is not consistent with the Comprehensive Plan.

Mr. Aronson stated that the Land Development Regulations states that parking shall be provided. There are other innovations ways to obtain parking rather than in-lieu parking.

Mr. Weiner stated that the Board has to look at the Ordinance and make a decision based the policy in place and facts presented.

Mr. Marincola stated that it is unreasonable of the applicant to ask the Board not to consider anything of the past. He then spoke of a past request presented by Mr. Albert Richwagen in which the Board was reluctant to award him eleven (11) parking spaces.

Mr. Gimmy stated that he is uncomfortable making a decision without an attorney present, therefore made a motion to table the item. The motion was seconded by Mr. Stevens and passed unanimously.

Mr. Lipnick stated that the property is mixed use with the office on the second floor. He was advised that his office could not operate upstairs without a restaurant license. Consequently, he requested the conversion from office to restaurant so that he can maintain the office upstairs.

Mr. Aronson advised that the Code requires that all office square footage affiliated with a restaurant have to comply with the restaurant provisions. Otherwise, the office cannot be affiliated with the management of the restaurant.

Mr. Weiner stated that the applicant reserves all rights with respect to any decisions in the event he needs to be heard in a court of law.

Mr. Marincola asked about seating inside the restaurant.

Mr. Lipnick stated that there would be sixty (60) seats.

Mr. Weiner stated that the seating would be buffet style.

Ms. Boone asked if the office was being treated as a meeting room.

Mr. Lipnick stated that he would like to treat it as a meeting room and for weddings and birthday parties.

Mr. Aronson stated that those provisions are for meeting places, lodges or a place to have gatherings which requires one (1) space per fifty (50) square feet.

Ms. Peggy Murphy suggested the applicant resubmit a proposal for the 3,065 feet that is needed with the number of spaces it requires.

Mr. Weiner asked that the Board consider the presentation that was made and vote upon the request.

Mr. Marincola stated that the original application was for four (4) spaces and 1,500 square feet. An additional 1,500 square feet is being requested which would now require eight (8) spaces.

Mr. Dorling stated that the application is for four (4) spaces. If eight (8) spaces are needed, the applicant would have to modify the application.

Ms. Boone asked if the Board can approve the four (4) spaces and the applicant keep his office.

Mr. Aronson stated that 1,572 square feet is the application before the Board. This includes seating area on the south end and a kitchen on the north end consisting of a freezer and storage. The excluded area is the office that the applicant manages the restaurant with which he is not permitted to do. If the four (4) spaces are approved and the applicant wishes to maintain the office on the floor, that too must be provided at the restaurant parking calculation which is six (6) spaces per thousand square feet.

Mr. Marincola asked how the spaces for the offices were left out of the calculation.

Ms. Boone stated that office manages two (2) restaurants.

Mr. Lipnick stated that he also manages a building in Washington, DC. He also owns the building beside the restaurant which also needs to be managed.

Ms. Walden feels that this type of venue could be valuable. However, she does not feel that the Board could vote on the request as presented.

Mr. Aronson stated that the applicant can withdraw the application and re-submit solidified plans.

Discussion ensued between Board members and staff regarding the request being withdrawn. They also spoke about conditions of approval for a past request for in-lieu made by the applicant.

Mr. Kornblau made a motion to approve the recommendation with the condition that the applicant has to purchase as many parking spaces as deemed necessary by the City.

Mr. Aronson stated that such a motion may not be possible because of the zoning in progress.

Mr. Gimmy made a motion to table the item, seconded by Mr. Stevens. The motion passed 10-1 with Ms. Boone dissenting.

Mr. Lipnick expressed his concerns regarding tabling his request. He stated that staff was not in favor of 1,572 or 3,065 square feet.

Mr. Aronson stated that decisions are based on the law. He went on to say that the number of parking spaces associated with the property overburdens the parking system in the surrounding area.

Mr. Listick asked if he can operate the restaurant on the second floor on a section of the 1,500 square feet.

Mr. Aronson stated that the restaurant would have to be operated within the 1,500 square feet and is subject to the Board's approval.

## **B. Provide Direction Regarding Beach Permit Parking Restriction**

Mr. Aronson stated that the residents of Delray Beach recommended that the beach parking permit be available to all comers for \$80.00 plus tax each fiscal year. It was suggested that during off-season, senior citizens should be allowed to use metered parking spaces on SR A1A without metered fees. This should not cause a negative impact due to reduced activity during the off-season. It was suggested that senior citizens should pay a marginal fee. The program would require a sticker to monitor utilization. Staff is seeking the Board's direction in structuring the program. Mr. Aronson suggested excluding the thirty-nine (39) angled parking spaces just south of Atlantic Avenue as they serve the adjacent business district. The seven (7) handicapped spaces should be excluded as well.

Mr. Kornblau asked if anyone driving the vehicle would be entitled to utilize the parking.

Mr. Aronson advised that anyone driving can park in those spaces being that the sticker would be tied to the vehicle.

Mr. Gimmy felt that the parking should be available to seniors over 55 years old. He spoke of multiple stickers being needed if an owner has multiple cars.

Ms. Walden is in favor of the request for beach goers at age 60 and above during the time period of May 1<sup>st</sup> through December 1<sup>st</sup>. The angled parking should be excluded as staff recommended.

Ms. Boone feels like an assessed cost of \$20.00 will be unaffordable to senior citizens because they are on a fixed income.

Mr. Aronson suggested an additional fee of \$4.00 be assessed. Therefore, the parking permit would cost \$90.00 including tax. This program is available to anyone. There will be two (2) stickers available and the appropriate sticker will be given to the appropriate demographic.

Ms. Walden made a motion to create a parking permit program for seniors fifty-five years old and up from May 1<sup>st</sup> through December 1<sup>st</sup> for \$90.00 including taxes beginning October 1, 2011. The motion is seconded by Ms. Boone.

Mr. Gimmy feels that the program should apply to citizens at sixty or sixty-five years old and older. He also feels that the time frame should be lessened to November.

Mr. Marincola feels that extending to December is preferable.

Ms. Walden amended her motion to create a parking permit program for seniors sixty years old and up from May 1<sup>st</sup> through November 30<sup>th</sup> for \$90.00 including taxes beginning October 1, 2011. The motion was seconded by Ms. Boone and passed 10-1 with Ms. Murphy dissenting.

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

Board members scheduled a special meeting on August 15, 2011, to discuss this item.

## **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. Marincola stated that merchants are concerned because staff has not provided numbers.

Mr. Aronson stated that the numbers are being compiled and will be presented to the City Commission at the workshop of August 9, 2011.

Mr. Kornblau asked if the Board had a new City Commission Liaison being that former Commissioner Gary Eliopoulos is no longer holding office.

Mr. Aronson informed that Commissioner Carney is the new Liaison.

### **B. Comments by Citizens**

There were no comments by citizens.

**C. Comments by Staff**

None

There being no further business, Chairperson, Mr. Marincola, declared the meeting adjourned at 7:51 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 July 26, 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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S/City Clerk/Boards/Parking Management Board/minutes