



LAUDERDALE • BY • THE • SEA

Agenda Memorandum

Office of the Town Manager

Bud Bentley

Assistant Town Manager 

COMMISSION MEETING DATE - 7:00 PM

September 11, 2012

Agenda Type: New Business

SUBJECT TITLE: Hardship Parking Permits Policy

EXPLANATION: Attached for your information, is a list (**Exhibit 1**) of the 16 properties that were approved for 49 Hardship Parking Permits in Fiscal Year 2011-2012.

The Code provides for Hardship Permits in Section 19.26 (C), which is reprinted below.

19.26 – Parking Permits.

...

- (c) Hardship parking permit. The Town Commission shall consider all applications for non-exclusive hardship permits for the use by the customers of the hotel, motel, apartment hotel, apartments and other businesses and may approve or deny applications for hardship permits for meters within specific geographic locations.

I interpret this language to mean that a condominium is not eligible for a hardship permit based on the phrase in the Code "... for use by the customers of the hotel, motel, apartment hotel, apartments and other businesses"

However, the Ocean Terrace Beachside Condominium has purchased Hardship Permits in the past, was approved for two permits in March 2012, and has applied for three (3) permits for FY13. Their application is a separate item on tonight's agenda. In doing the research for this item, we learned that this building used to be a motel and was converted to a condominium in the late 1980s.

The Town Attorney advises that she has concerns with this interpretation and the way the existing Code is written. The language is not consistent because it lists apartments, which are long term residential uses, with other uses that are transient rental residential uses and implicitly describes them all as "businesses." Also, case law limits the Town's ability to regulate based solely on ownership of property. In other words, a condominium cannot be regulated differently than the identical building next door that is a rental apartment.



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Reasons to Revise the Hardship Permits Section

We are recommending the Commission provide policy direction on the following issues and then staff will prepare code amendments to clarify the intent of the program.

1. **Who can apply for hardship permits?** A literal reading of the Code that allows a condominium to apply for a hardship permit would also seem to allow “. . . other businesses . . .” to apply, such as restaurant, retail stores, bars or individuals who rent their units.

Recommendation: We recommend that east of A1A hardship permits be granted only to tourist related lodging. We need to research and then provide a recommendation to the Commission of the impact west of A1A of allowing residential uses to apply for hardship permits.

2. **Compliance with the Comprehensive Plan.** The Comprehensive Plan indicates it is Town policy to support the development and operation of tourist lodging and discourage the conversion of tourist lodging to residential units. The Commission last year affirmed that philosophy.

If a motel converts to a multiple-family use, Sec. 30-314 (b) (4) provides: “When an existing building or structure is changed in use to a new use which would require more off-street parking pursuant to these sections than the former use, *the new use shall receive credit for the off-street parking spaces attributable to the former use pursuant to these sections, even if the former use lacked sufficient parking pursuant to these sections.*”

Currently under our Code, a motel can be converted to a condominium and no new parking spaces would be required if the number of rooms is sufficiently reduced.

Table 2 – Motel to Condo Conversion Example

	On-site parking	Motel Required Parking (1995 parking credit)	Condo Required Parking
Motel (20 units)	10	20 (1 space per room)	
Condo (10 units)	10		17 parking spaces (1)

(1) 1.5 spaces for a unit with less than 3 bedrooms or 2 spaces per unit with 3 or more bedrooms. Plus 1 guest spaces for each 5 units.

In the example above, the converted condo is required to have 17 parking spaces and since the motel property was credited with 20 spaces, no new spaces are required. Because the convert condo only has 10 actual parking spaces and the Code requirement is 17, they could apply for hardship permits.

Recommendation: This Item would be addressed if the Commission accepts our recommendation for Item 1. If not, we recommend tourist lodging properties that convert to a residential use not be eligible to apply for hardship permits.



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3. **There is no standard or guideline for “hardship”.** We understand that staff may have operated in the past under the assumption that a property had to have less than the number of parking spaces required by Code. While this standard can fairly be implied from the use of the term ‘hardship’ it is not specified in the Code.

Recommendation: We recommend establishing a standard that allows a property to apply for a percentage of the property’s parking deficiency.

4. **There is no limit on the number of permits or ratio of hardship permits to the number of public parking meters in a given area.** For example:

- On Hibiscus Avenue, 10 hardship permits have been issued for the 13 public parking spaces between A1A and the Portal.
- On Washingtonia Avenue, nine (9) hardship permits have been issued for the 10 public parking spaces between A1A and the Portal.

Our concern is that by issuing so many permits for an area, the Town is essentially privatizing the parking and excluding the public from public parking spaces.

Recommendation: This is often very situational in nature and the Commission may need to decide on a case by case basis.

RECOMMENDATION: Given the very limited number of public parking spaces on El Mar and the Beach Portal cross streets, we recommend these issues be addressed as noted above through an amendment to the Code.

We recommend that any change in the code be applied going forward and those properties currently receiving hardship permits be allowed to continue to apply for annual permits until there is a change of use.

EXHIBITS: 1. List of Hardship Permits

Reviewed by Town Attorney

Town Manager Initials

Yes No

Town of Lauderdale-By-The-Sea
 Hardship Parking Permits Issued in FY 2011-2012

Line No.	Business Name	Address	Permit No.	Date Issued	Assigned Spaces	Type of BTR License
1	Gordon Chase	4145 Bougainvillea Dr	14	10/21/2011	201-203	Rental Apts
		1				
2	4346 (4344 LLC)	4344 E Tradewinds	42	12/13/2011	304-307	Rental Apts
3	4344 (4344 LLC)	4344 E Tradewinds	43	12/13/2011	304-307	Rental Apts
4	4346 (4344 LLC)	4344 E Tradewinds	44	12/13/2011	304-307	Rental Apts
5	4344 (4344 LLC)	4344 E Tradewinds	45	12/13/2011	304-307	Rental Apts
6	Basin Drive LLC	4342 E Tradewinds	4	10/4/2011	304-307	Rental Apts
		5				
7	Ocean Terrace Beachside Condo	4564 El Mar Dr	48	5/8/2012	242-243 A&B	
8	Ocean Terrace Beachside Condo	4564 El Mar Dr	49	5/8/2012	242-243 A&B	
9	2RM Inv. LLC / FKA Parkhill	4144 El Mar Dr	15	11/10/2011	103-106 A&B	Rental Apts
10	2RM Inv. LLC / FKA Parkhill	4144 El Mar Dr	16	11/10/2011	103-106 A&B	Rental Apts
11	2RM Inv. LLC / FKA Parkhill	4144 El Mar Dr	17	11/10/2011	103-106 A&B	Rental Apts
12	2RM Inv. LLC / FKA Parkhill	4144 El Mar Dr	18	11/10/2011	103-106 A&B	Rental Apts
13	2RM Inv. LLC / FKA Parkhill	4144 El Mar Dr	19	11/10/2011	103-106 A&B	Rental Apts
14	2RM Inv. LLC / FKA Parkhill	4144 El Mar Dr	20	11/10/2011	103-106 A&B	Rental Apts
15	Ocean Time LLC	4200 El Mar Dr	30	11/22/2011	98-102	Rental Apts
16	Ocean Time LLC	4200 El Mar Dr	31	11/22/2011	98-102	Rental Apts
17	Ocean Time LLC	4200 El Mar Dr	32	11/22/2011	98-102	Rental Apts
18	Sea Cliff Apartments	4201 El Mar Dr	8	10/13/2011	103-106	Rental Apts
19	Sea Cliff Apartments	4201 El Mar Dr	9	10/13/2011	103-106	Rental Apts
20	Sea Cliff Apartments	4202 El Mar Dr	10	10/14/2011	103-107	Rental Apts
21	Windjammer Beach Rsrt	4244 El Mar Dr	2	10/12/2011	92-97	Lodging
22	Windjammer Beach Rsrt	4244 El Mar Dr	5	10/12/2011	92-97	Lodging
23	Windjammer Beach Rsrt	4244 El Mar Dr	6	10/12/2011	92-97	Lodging
24	Windjammer Beach Rsrt	4244 El Mar Dr	7	10/12/2011	92-97	Lodging
25	Sea Spray Inn	4245 El Mar Dr	25	11/10/2011	92-94	Rental Apts
26	Sea Spray Inn	4245 El Mar Dr	26	11/10/2011	92-94	Rental Apts
27	Santa Barbara Inn	4301 El Mar Dr	21	11/9/2011	92-97	Rental Apts
28	Santa Barbara Inn	4301 El Mar Dr	22	11/9/2011	92-97	Rental Apts
29	Santa Barbara Inn	4301 El Mar Dr	23	11/9/2011	92-97	Rental Apts
30	Santa Barbara Inn	4301 El Mar Dr	24	11/9/2011	92-97	Rental Apts
31	Ocean Treasure	4308 El Mar Dr	27	11/21/2011	92-97	Lodging
32	Ocean Treasure	4308 El Mar Dr	28	11/21/2011	92-97	Lodging
33	Ocean Treasure	4308 El Mar Dr	29	11/21/2011	92-97	Lodging
34	Ocean Terrace	4565 El Mar Dr	11	10/14/2011	92-97	Rental Apts
35	Ocean Terrace	4565 El Mar Dr	12	10/15/2011	92-98	Rental Apts
36	Ocean Terrace	4565 El Mar Dr	13	10/14/2011	92-97	Rental Apts
37	Coral Key Inn	4601 El Mar Dr	33	12/1/2011	247-250	Rental Apts
38	Coral Key Inn	4601 El Mar Dr	34	12/2/2011	247-251	Rental Apts
39	Coral Key Inn	4601 El Mar Dr	35	12/3/2011	247-252	Rental Apts
40	Coral Key Inn	4601 El Mar Dr	36	12/4/2011	247-253	Rental Apts
41	Coral Key Inn	4601 El Mar Dr	37	12/5/2011	247-254	Rental Apts
		35				

**Town of Lauderdale-By-The-Sea
Hardship Parking Permits Issued in FY 2011-2012**

Exhibit 1

Line No.	Business Name	Address		Permit No.	Date Issued	Assigned Spaces	Type of BTR License
42	Paradise By The Sea Resort	4208	N Ocean Dr	38	12/5/2011	200-203 A&B	Lodging
43	Paradise By The Sea Resort	4208	N Ocean Dr	39	12/5/2011	200-203 A&B	Lodging
44	Paradise By The Sea Resort	4208	N Ocean Dr	40	12/5/2011	200-203 A&B	Lodging
45	Paradise By The Sea Resort	4208	N Ocean Dr	41	12/5/2011	200-203 A&B	Lodging
46	Beachside Village Resort	4564	N Ocean Dr	46	12/17/2012	245-246 A&B	Lodging
47	Beachside Village Resort	4564	N Ocean Dr	47	12/18/2012	245-246 A&B	Lodging
			6				
48	Breakaway Inn Guest Hs	4457	Poinciana St	1	10/4/2011	224-225 A&B	Rental Apts
49	Breakaway Inn Guest Hs	4457	Poinciana St	3	10/4/2011	224-225 A&B	Rental Apts
			2				
Total Number of Permits				49			
Cost of Hardship Permit		\$125					
FY12 Revenue		\$6,125					

Locations	Permits	%	East of A1A
Bougainvilla	1	2%	
El Mar	35	71%	
Ocean	6	12%	84%
Tradewinds	5	10%	
Poinciana	2	4%	
Total	49	100%	