

JOSEPH A. RUIZ
Attorney at Law

396 Alhambra Circle
North Tower, 14th Floor
Miami, FL 33134
T: (305) 373-4075 F: (305) 351-8301
jrui@daypitney.com

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VIA ELECTRONIC DELIVERY

Alexia Howald, Senior Planner
Development Services Department // Planning & Zoning Division
City of Delray Beach
100 NW 1 Avenue
Delray Beach, Florida 33444

RE: DELRAY BUNGALOWS RESTAURANT | 25-27 SE 3 AVENUE
Letter of Intent – Level 4 Site Plan Approval Application

Dear Ms. Howald,

Day Pitney, LLP serves as land use counsel to 25 SE 3RD Avenue, LLC (the “Applicant”), in connection with the adaptive reuse of the property located at 25-27 SE 3 Avenue, Delray Beach, FL 33483 (the “Property”).¹

Located within the Central Core Sub-district of the Central Business District (“CBD”), just south of E Atlantic Avenue, the Property comprises approximately 9,043 square feet with a single frontage on SE 3rd Avenue. The Property is currently improved with an 8,379 square foot, two (2) story office building with a bank teller drive-thru, constructed on or about 1966, which, until recently, served as SunTrust Bank. The Applicant is proposing to improve and re-activate the Property, through the renovation and adaptive reuse of the existing building as a restaurant with both indoor and outdoor dining (the “Project”), which will contribute to the balanced mix of uses within the sub-district that will help the area continue to evolve into a traditional, self-sufficient downtown.

Accompanying this Letter of Intent, the Applicant hereby submits a Level 4 Site Plan application (the “Application”), inclusive of updated and revised architectural drawings prepared by Archima, P.A., and updated and revised landscape drawings prepared by Ebrahimian Creative Group, LLC. The Application also includes all required supplemental materials for your review and referral to the Planning and Zoning Board for review and recommendation pursuant to Section 2.4.10(A)(2)(d)(5) of the City of Delray Beach (the “City”) Land Development Regulations (the “LDR”), with final action by the City Commission in accordance with LDR Section 2.4.10(A)(1)(d). This updated submittal, including the revised Application and Letter of Intent,

¹ Property Controls Numbers: 12-43-46-16-01-093-0360 (25 SE 3 Avenue), and 12-43-46-16-01-093-0340 (27 SE 3 Avenue).

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has been prepared in direct response to comments received from the Technical Advisory Committee on February 10, 2026. A narrative response to each remaining unresolved staff comment is also included as part of this resubmittal.

Project Overview & Operational Plan. As stated above, the Applicant is proposing to improve and re-activate the Property, through the renovation and adaptive reuse of the existing vacant former office building as a restaurant with both indoor and outdoor dining, with the Project providing a significant and thoughtful relationship between indoor and outdoor spaces. The approximately 8,379 square foot interior space will be renovated and adaptively reused to deliver a first-class dining experience.

In addition, over 4,000 square feet of existing cement pavement – formerly utilized for a bank teller drive-thru – will be transformed into a vibrant outdoor dining area. This conversion not only repurposes an underutilized impervious surface but also meaningfully contributes to the activation of the streetscape. The existing condition includes a wide curb cut along SE 3rd Avenue that disrupts the sidewalk and creates an uninviting, and potentially unsafe, pedestrian environment. By eliminating this curb cut and reclaiming the space for pedestrian-oriented use, the Project will significantly enhance walkability, improve safety, and foster a more engaging and accessible public realm.

Also included as part of the scope of work for the Project – and as required, in part, due to the change in use and occupancy classification – will be a new sprinkler/life safety system, gas service, landscaping, grease/sanitary system, mechanical, electrical, and plumbing systems, elevator, stairs, windows, and doors. Structural modifications will also be made to accommodate, in part, the new outdoor dining. When complete, the Project will bridge the gap between the recently renovated building to the north of the Property and the former *Delray Beach Market* to the south of the Property, creating a highly activated, and uninterrupted, pedestrian experience from E Atlantic Avenue through to SE 1 Street.

The proposed hours of operation for the Project are as follows:

Monday-Wednesday: 12PM-1AM
Thursday-Friday: 12PM-2AM
Saturday-Sunday: 10AM-2AM

Chapter 3 – Performance Standards. The Project satisfies the applicable performance standards set forth in LDR Section 3.2.3, particularly subsections (B) and (I). The proposed adaptive reuse of the vacant office building as a restaurant – with an intentional integration of indoor and outdoor dining areas – fosters an active and engaging pedestrian realm while enhancing the character and vitality of the surrounding streetscape, consistent with subsection (B). Moreover, the Project incorporates significant site improvements, including the removal of a wide, inactive curb cut along SE 3rd Avenue to enhance walkability and pedestrian safety, as well as the transformation of over 4,000 square feet of previously impervious pavement into a thoughtfully landscaped, vibrant outdoor dining area. These enhancements are consistent with subsection (I),

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which promotes sustainability and the activation of underutilized spaces. Subsections (D), (E), (G), and (J) are not applicable to the proposed scope of work.

Parking and Mobility. The proposed restaurant, including all associated outdoor dining areas, encompasses a *gross* floor area of 10,811 square feet, resulting in a parking requirement of sixty-five (65) spaces. However, credit is applied for the previously existing office/bank use, which had a *net* floor area of 7,780 square feet and generated a requirement of twenty-nine (29) parking spaces. Accordingly, the Project requires a net total of thirty-six (36) parking spaces.²

The Property, in its current condition, does not provide any off-street parking. However, abutting the Property to the east is a surface parking lot owned by the Applicant.³ As part of the Project, this lot will be reconfigured and improved with additional landscaping and eight (8) 45-degree angled parking spaces that exit onto SE 4 Avenue. *See* Sheets A1 and OV1.

In addition, two (2) new on-street parking spaces, one (1) of which is a handicapped parking space, are also being created towards the entrance of the Project, along SE 3rd Avenue. The remaining twenty-six (26) parking spaces will be satisfied through a payment into the City's Parking In-Lieu Fund as approved by the City Commission on June 17, 2025. *See* Resolution No. 109-25.

Landscape Regulations – Waiver. In order to accommodate the eight (8) 45-degree angled parking spaces within the surface parking lot, the Applicant respectfully requests a Waiver from the landscape requirement set forth in LDR Section 4.6.16(H)(a), which requires, in relevant part, “a strip of land at least five feet in depth located between the off-street parking area ... and the right-of-way.”

The requested Waiver seeks a reduction in the minimum landscape strip depth in order to maximize the number of off-street parking spaces that can be provided on-site in support of the Project. As proposed, the depth of the landscape strip will vary from a minimum of 1 foot 2 inches to a maximum of 9 feet 5 inches. *See* Sheet A1.

Importantly, the request satisfies all of the required findings for a Waiver as set forth in LDR Section 2.4.11(B)(5). Granting the Waiver will allow for a more efficient use of the site while still incorporating meaningful landscape improvements and ensuring compliance with the broader intent of the City's Land Development Regulations.

Off-Street Loading – Determination of Adequacy. As set forth in LDR Section 4.6.10, off-street loading requirements are calculated based on the “Gross Floor Area in square feet.”⁴ Sheet A10 confirms that the existing building contains a Gross Floor Area of 8,379 square feet. The Project also includes 2,432 square feet of covered outdoor dining. When combined, this results

² *See* Planning Comment #32 regarding parking ratio calculations for banks.

³ The parcel has no address; however, is identified by Parcel Control Number 12-43-46-16-01-093-0072.

⁴ “Gross Floor Area” is defined as “[t]he total floor area contained within a building measured from the exterior surface of outer building walls.” *See* LDR Appendix A.

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in a total of 10,811 square feet. Unlike off-street parking, where “[o]utdoor use areas” are included in the calculation pursuant to LDR Section 4.4.13(C)(4)(g), the off-street loading requirement is based strictly on Gross Floor Area. The covered outdoor dining does not qualify as Gross Floor Area under the LDR; however, the City is nonetheless requiring its inclusion in the calculation of off-street loading, which triggers a requirement for two (2) loading berths – based solely on a mere 811 square feet.

In response, the Applicant respectfully seeks a *Determination of Adequacy* from the City Commission pursuant to LDR Section 4.6.10(B), requesting that only one (1) off-street loading berth be required due to the size, character, and operational needs of the Project. Importantly, this Project involves the adaptive reuse of an existing building by a single operator and is not a large-scale or multi-tenant development that would typically necessitate multiple loading berths.

Further, the Project is creating a new off-street loading berth where none currently exist, thereby improving functionality and reducing potential loading-related impacts to the surrounding area. This loading berth is thoughtfully located along the alley at the rear of the Property – consistent with the location of loading for the adjacent former *Delray Beach Market* – to avoid any conflict with the pedestrian experience along SE 3 Avenue or SE 4 Avenue.

The Applicant submits that one (1) off-street loading berth is sufficient to support the anticipated operational demands of the single-tenant building and that the proposed solution provides a balanced, context-sensitive approach consistent with LDR goals and the City’s urban design principles.

Conclusion. We respectfully request the City’s favorable consideration of the Level 4 Site Plan application for the *Delray Bungalows Restaurant*. We look forward to presenting the Project to the Planning and Zoning Board and, subsequently, to the City Commission at the earliest available meeting.

Sincerely,



Joseph A. Ruiz

Cc Susana Rodrigues, Planner
Steven J. Wernick, Esq. AICP, Day Pitney, LLP