



Cover Memorandum/Staff Report

File #: 25-220

Agenda Date: 3/11/2025

Item #: 7.A.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: March 11, 2025

RESOLUTION NO. 24-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS," SUBSECTION 4(F)(3)(d), "VALET PARKING," OF THE LAND DEVELOPMENT REGULATIONS; TO ALLOW A DRIVE AISLE WITH A REDUCED WIDTH OF 15 FEET 6 INCHES FOR THE DEVELOPMENT LOCATED AT 33 SE 3RD AVENUE, KNOWN AS DELRAY BEACH MARKET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

APPROVING A VALET PARKING AGREEMENT

Recommended Action:

Review and consider a Valet Parking Agreement and Resolution No. 24-25, approval of a waiver to LDR Section 4.6.9(F)(3), to reduce the drive aisle distance on the fourth and rooftop level of the parking garage, associated with a Level 1 Site Plan Modification to change the use from mixed-use to restaurant use, remove eight on-street parking spaces for the valet queue, reconfigure the parking garage spaces, and add 41 stacked valet parking spaces located at 33 SE 3rd Avenue.

Background:

The property at 33 SE 3rd Avenue, located within the Central Business District (CBD) in the Central Core Sub-district, consists of a 156,818 square-foot, four-story building with restaurant and retail spaces on the ground floor, offices on the mezzanine, and basement storage. The parking garage spans the upper stories including the rooftop level. Since its completion in 2021, the ground floor have transitioned from a collection of food and retail vendors to two restaurants and a stand-alone bar. The Level 1 request seeks to convert the existing vacant retail, office, and storage spaces within the basement, ground, and mezzanine levels into restaurant use, totaling 37,765 square feet.

The request to change the use to restaurant use requires modifications to the parking garage to accommodate increased parking demand. The proposed modifications include:

- ☐ Addition of 41 stacked valet parking spaces,
- ☐ Reconfiguration of the second level to provide three additional ADA spaces open to the public,
- ☐ Relief to **LDR Section 4.6.9(F)(3)(d)** to reduce the required drive aisle width from 24 feet to 15 feet 6 inches to accommodate stacked parking spaces, and
- ☐ Removal of 8 on-street parking spaces on SE 3rd Avenue to facilitate the valet queue.
- ☐ The fourth and rooftop level will strictly be operable for valet parking

- The third level will remain in the same, self service configuration, but could be used to accommodate additional valet services on demand.

The building as 100% restaurant requires 227 spaces, with the removal of 8 on-street spaces, 235 spaces are required. The proposal provides 244 by using the rooftop and fourth level as valet, with parked cars stacked in front of spaces as needed by the valet service, which handles retrieval, etc.

It is important to note, the valet must operate during all business hours to meet the parking requirement. This means, the valet service will open prior to the 5 pm typical start time, taking the on-street parking off line. The Valet Agreement will need to reflect this, and increase the monetary amount due to the City, if based on hourly revenue lost.

The waiver relief to **LDR Section 4.6.9(F)(3)(d)** seeks to reduce the required drive aisle width on the fourth and rooftop levels to accommodate the additional stacked valet parking spaces. This waiver must be reviewed and approved prior to the approval of the Level 1 Site Plan Modifications. The existing drive aisle width is 24 feet, which allows for two-way traffic flow and ensures safe vehicle maneuvering, including backing out of spaces without conflicts. The proposed valet parking configuration will reduce this width to 15 feet 6 inches, as the stacked valet spaces will occupy 8.5 feet of the existing drive aisle.

The stacked valet parking spaces are positioned perpendicular to the west spaces on the fourth and rooftop levels, along the ramp leading up to the rooftop level, and at the southeast corner of the rooftop level, perpendicular to two other spaces. The proposed configuration does not block emergency stair access; however, it significantly reduces maneuverability within these levels. The site plan indicates an inner turning radius of 18 feet 9 inches along the narrow drive aisle, a gate restricting public access to valet-only floors, and a turning radius of 15 feet 3 inches for vehicles maneuvering away from the gate.

Although only parking professionals will operate within this reduced-width area, staff has concerns regarding traffic congestion, maneuverability, and employee parking. The elimination of two-way traffic flow may lead to congestion, as vehicles will need to yield and pull aside to allow passage, increasing the risk of conflicts and delays. The reduced back-out dimensions create challenges for vehicle movement, particularly along the ramp leading to the rooftop level. Additionally, employee parking locations must be clearly defined, as publicly accessible floors are limited, and employees should not park on the fourth and rooftop levels, which should be designated exclusively for valet operations.

Given the substantial reduction in the drive aisle width and the associated operational concerns, the City Commission must determine whether the reduced drive aisle width is appropriate within the parking garage and whether it aligns with the Comprehensive Plan and does not detrimentally impact the surrounding area. Key findings for approval under LDR Section 2.4.11(B)(5) are also required, specifically assessing that the waiver:

- (a) Shall not adversely affect the neighboring area;
- (b) Shall not significantly diminish the provision of public facilities;
- (c) Shall not create an unsafe situation; and
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

- (e) Within the CBD, the following additional findings apply:
1. The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.
 2. The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.
 3. The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan.
 4. The waiver shall not reduce the quality of civic open spaces provided under this code.

In terms of criteria (a) and (b), potential impacts to the surrounding area and public on-street parking availability should be considered. The other property to use the proposed strategy is the Ray Hotel. Cars frequently stack well beyond the drop off, impacting the intersection on busy weekend evenings. The change will also require the valet queue to function during all business hours, essentially privatizing the 8 on-street spaces. However, the proposal results in 9 additional spaces in the downtown area - and more if the 3rd level is tapped. Like the Ray Hotel, the circulation requires using the public street and alleys between the drop off and the garage. The proposed pattern seeks to avoid E. Atlantic Avenue by relying predominantly on the alleys.

On February 10, 2025, the Downtown Development Authority (DDA) conducted a review of the site plan and associated waiver request for the proposed development. The DDA voted unanimously (6-0) to recommend approval to the City Commission. Key points of discussion included the valet queue length and route; members noted that the queue does not need to occupy eight on-street parking spaces, the queue should remain on the west side of the street, and employees are provided free parking within the parking garage. Staff has advised the applicant after the initial submittal that the valet queue cannot be located on the west side due to the new development, The Strand, utilizing the on-street parking spaces for the development's required parking spaces. The length of the queue exceeds the required minimum 100-foot stacking; however, the applicant has requested to utilize this full length to anticipate high traffic volumes. No concerns were noted for the waiver request.

On February 25, 2025, the Parking Management Advisory Board (PMAB) conducted a review of the site plan and associated waiver request for the proposed development. The PMAB voted 3-0 to recommend approval to the City Commission. Key points of discussion included the shortening of the valet queue length to a minimum of five spaces, and providing directions for valet access on the restaurants' websites to minimize potential traffic concerns. Staff noted in this meeting that any future restaurant operating in the remaining bay may be limited to the hours of operation of the valet services as the restaurant is fully dependent on all parking spaces in the garage including the valet spaces for operation.

Valet Parking Agreement

Pursuant to LDR Section 4.6.9(F)(3), a parking facility with a valet service or operator which allows for attendants to receive, park and deliver the automobiles of occupants, tenants, customers, invitees, and visitors, including tandem parking may be utilized in lieu of the requirements of this Section provided the following requirements are complied with subsection (a) through (g):

- (a) *Any required valet or tandem parking utilized in lieu of the parking requirements set forth in this section shall be governed by an agreement with the City (in such form as may be approved by the City Attorney), and recorded in the public records of Palm Beach County. The agreement shall constitute a covenant running with the land binding upon the owners, heirs, administrators,*

successors, and assigns. The agreement may be released by the City Commission at such time that site plan approval is obtained for an alternative parking arrangement which satisfies the parking requirements for said use.

A covenant has been submitted and is attached for approval.

- (b) *The required queue is to be provided on private property as opposed to public rights-of-way.*

The valet parking drop off queue is located west of the subject property in the public right-of-way. It will remove eight existing on-street parking spaces during all business hours, and replace them within the private garage. The removed eight spaces are included in the required parking space calculations.

- (c) *There is a parking professional available for the vehicle retrieval during business hours.*

The applicant has confirmed that parking professionals will be provided for all valet service during all business hours, not just starting at 5 pm, unless some of the restaurants are not open until 5 pm.

- (d) *The dimensions for valet and tandem parking spaces shall be a minimum of eight and one-half feet wide and 16 feet deep with a maximum stacking of two vehicles along with a drive aisle of 24 feet.*

The stacked valet spaces are 8.5 feet wide and 16 feet deep. An accompanying waiver has been requested to provide a drive aisle 15 feet and 6 inches wide.

- (e) *Valet parking may be utilized to conform with the number of handicap accessible parking spaces provided that:*

- (i) *At least two handicapped accessible spaces are provided adjacent to the vehicle queuing area for those vehicles which cannot be operated by the parking professional; and,*

The site plans provided indicate the addition of 3 ADA spaces on the second level for a total of 5 ADA parking spaces on the second level and open to the public.

- (ii) *The disabled person's vehicle may be safely operated by aforementioned parking professional.*

The applicant has confirmed that the valet parking attendants will be professionally trained to operate the variety of different types of vehicles including vehicles specifically configured for disabled people.

- (f) *Valet drop-off/queuing area must be provided with a minimum length of 100 feet. Greater queuing area may be required as a condition of site plan or conditional use approval based upon the intensity of the use. The length of the queuing area may be reduced when supported by a traffic study.*

The site plan provided shows a valet drop-off/queuing area 176 feet and 3.5 inches long in the front of the building on SE 3rd Avenue within the public right of way.

(g) *Interior landscape areas required by Section 4.6.16 shall not be required if landscape requirements which would otherwise have been installed on the interior of the parking lot are evenly distributed along the perimeter of the parking area or facility and subject to the following requirements:*

(i) *That a ten feet perimeter landscape buffer consisting of a hedge and trees 30-feet on center be provided.*

This requirement is not applicable since the valet is within a parking garage.

The item before the City Commission is final action on the project. Commission approval of the Valet Agreement and Resolution No. 24-25 for the waiver would constitute a determination that the application is consistent with the City's Comprehensive Plan and adheres to the required standards of the Land Development Regulations. This will not appear as an appealable item on a future agenda.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

Approval of the Waiver is required prior to the review of the Level 1 Site Plan. The Level 1 Site Plan is eligible for administrative approval.