

**Delray Beach Market**  
**Valet Parking Drive Aisle Waiver Request Justification Statement**

Rosebud 3rd Avenue LLC (“Applicant”) is the owner of the +/- 0.86-acre parcel located at 33 SE 3<sup>rd</sup> Avenue (PCN: 12-43-46-16-P3-001-0000) (“Property”), which is generally located at the northeast corner of SE 1<sup>st</sup> Street and SE 3<sup>rd</sup> Avenue in the City of Delray Beach (“City”). The Property has a future land use designation of Commercial Core (CC) and a zoning designation of Central Business District (“CBD”). The Property is located within the Central Core Subdistrict of the CBD. The Property with the Delray Beach Market (“DBM”), which was originally approved, constructed and opened as a mixed-use food hall. Upon opening in April 2021, DMB had twenty nine (29) different food and retail vendors on the ground level, a vacant restaurant, and storage and office in the basement level, as well as a flex market space on the mezzanine. Due to the impacts of COVID-19, and related labor and food cost changes, many vendors struggled to perform, leading to DBM to close its doors in January 2023. Since this closing, the Applicant has been in the process of redeveloping DBM into a restaurant and entertainment multi-tenant venue (“Project”).

Currently, DBM has three tenants, Bounce, Lefkes and Good Night John Boy. All three tenants have been approved through separate ZCU applications. Bounce is a sports bar and opened its doors on March 16, 2024. Lefkes is a Greek restaurant and is currently under construction with a planned opening of summer 2024. Good Night John Boy is a 70’s discotheque and has obtained approval as a Standalone Bar. There is still roughly 14,556 square feet of leasable vacant space (3127 square feet in the basement, 6,074 square feet in the ground level, and 5,355 square feet in the mezzanine respectively). While the Applicant is in discussions with a wide range of potential tenants from restaurants to fitness to office, to ensure adequate parking for whichever end user, the Applicant is vacating its shared parking and ***seeking a conversion of the entire gross leasable area from mixed-use to restaurant***, which has the highest parking requirement under code. In order to do so, the Applicant is seeking to convert ***the 4<sup>th</sup> floor and rooftop to valet only***. Per the attached site plan, the Applicant will provide an additional 40 parking spaces to the existing 204 parking spaces for a total of 244 parking spaces. Accordingly, the Applicant will have a surplus of 11 parking spaces once the 4<sup>th</sup> floor and rooftop converted to valet. In order to provide the additional parking spaces on the 4<sup>th</sup> and rooftop levels, the Applicant is seeking to reduce the width of the drive aisles, as these floors are restricted to valet use only, and cannot be accessed by the general public. As valet operators can coordinate the movement of vehicles in and out of the garage spaces and along reduced drive aisles, as is typical in the industry. However, in order to provide for the additional spaces and reduce the drive aisles on the 4<sup>th</sup> and rooftop levels, the Applicant is requesting the following waiver:

Waiver from Section 4.6.9 (F)(3)(d) to provide a minimum fifteen (15) foot six (6) inch drive aisle where twenty four (24) feet is required.

In accordance with the above outlined request, Applicant will demonstrate that the waiver meets the following criteria enumerated in Section 2.4.11(B)(5): That the granting of 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)(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 within 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; and (4) the waiver shall not reduce the quality of civic open space provided under this code.

**(a) The waiver shall not adversely affect the neighboring area.**

The waiver will not adversely affect the neighboring area. The waiver request relates specifically to the 4<sup>th</sup> and rooftop levels within the existing parking garage. The Applicant is proposing a minimum fifteen (15) foot six (6) inch drive aisle on these floors that will be restricted to valet use only. As the reduction relates to an internal area that is restricted from public use, the waiver will not adversely affect the neighboring area. Further, the valet operators that are contracted by the Applicant have over twenty (20) years of experience operating valet parking areas within the City. The valet staff are trained to maneuver vehicles and are to constantly communicate when doing so. The drive aisles proposed give ample room for a vehicle to circulate through the garage and the valet team will be able to coordinate, in the event of two-directional traffic, to move a vehicle to the side or into a space in order to allow another vehicle to pass within the valet area, as is standard practice in many valet parking areas. The valet operators also utilize new Flash Parking Technology to allow them to log and track all vehicles and coordinate the parking and retrieval of cars for efficient operations. The Applicant has further demonstrated turning radii on the plans to confirm vehicles will be able to adequately circulate the garage without conflicts to the proposed valet parking spaces. As the waiver is specific to the restricted, valet-only areas of the garage and will be accessed only by such trained valet operators, the waiver will not adversely affect the neighboring area.

**(b) The waiver shall not significantly diminish the provision of public facilities.**

The waiver will not significantly diminish the provision of public facilities. The proposed waiver related to a drive aisle on upper levels of a garage and will not affect the provision of water, sewer, solid waste, or other public facilities.

**(c) The waiver shall not create an unsafe situation.**

The waiver shall not create an unsafe situation. As detailed above, the waiver request relates specifically to the 4<sup>th</sup> and rooftop levels within the existing parking garage, which will not be open

to public use. On these levels only, the Applicant is proposing a minimum fifteen (15) foot six (6) inch drive aisle on these floors that will be restricted to valet use only, which provides significant area for the circulation of a vehicle per industry standards. Further, the valet operators that are contracted by the Applicant have over twenty (20) years of experience operating valet parking areas within the City. The valet staff are trained to maneuver vehicles are to constantly communicate when doing so, allowing valet staff to understand when vehicles are being retrieved and maneuvering through the garage, and when other vehicles are being parked. The drive aisles proposed give ample room for a vehicle to circulate through the garage and, in the event of two-directional traffic on upper levels, the valet team will be able to coordinate to move a vehicle to the side or into a space in order to allow another vehicle to pass within the valet area, as is standard practice in many valet parking areas. The valet operators also utilize new Flash Parking Technology to allow them to log and track all vehicles and coordinate the parking and retrieval of cars for efficient operations. The Applicant has further demonstrated turning radii on the plans to confirm vehicles will be able to adequately circulate the garage without conflicts to the proposed valet parking spaces. As the waiver is specific to the restricted, valet-only areas of the garage, where valet staff are specifically trained to maneuver vehicles and coordinate in the parking and retrieval of such vehicles, the waiver will not create an unsafe situation.

**(d) The waiver 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.**

The waiver 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. A waiver for a reduction in drive aisle dimensions was previously approved for another project in the City. However, this situation is particularly unique, as it relates to parking levels that will be restricted to valet use only. The second and third floors, which may have public use, will maintain the required 24' drive aisle. The reduced drive aisle dimensions are only proposed for the 4<sup>th</sup> and rooftop levels that will be restricted to use by the valet operators only. Although not always on an approved plan, valet parking operators frequently park and store vehicles along drive aisles in their storage lots in order to accommodate more vehicles. Valet operators are accustomed to maneuvering within such reduced drive aisles and coordinating with other valet team members in order to park and retrieve vehicles from storage lots. The proposed layout and reduced drive aisles are reflective of standard industry practice, and ensures sufficient turning radii for vehicles circulating the garage in these areas without conflict to parked vehicles within the valet areas. As such, formalizing the use of the valet storage area through such a waiver will not create a special privilege.

**(e)(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.**

The waiver will not result in an inferior pedestrian experience. The waiver is proposed solely within the existing parking garage on the 4<sup>th</sup> and rooftop levels that will be restricted to valet use only. As a result, it will not impact the pedestrian experience along a Primary Street. Rather, it will allow for the revitalization of an existing structure that was greatly impacted as a result of the COVID-19 pandemic and will allow for new and vibrant tenants to open within the City and bring new life to the Property.

**(2) The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.**

The waiver will not allow the creation of incompatibilities with nearby buildings or uses of land. The waiver is proposed solely within the existing parking garage on the 4<sup>th</sup> and rooftop levels that will be restricted to valet use only. As such, it will not create any incompatibilities.

**(3) The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan.**

The waiver will not erode the connectivity of the street or sidewalk network, or negatively impact any adopted bicycle/pedestrian master plan, as there is already valet parking in the area and the request to reduce the drive aisles related only to the internal garage areas that will be restricted to valet use only. Rather, the additional valet parking will allow for the revitalization of an existing structure that was greatly impacted as a result of the COVID-19 pandemic and will allow for new and vibrant tenants to open within the City and bring new life to the Property.

**(4) The waiver shall not reduce the quality of civic open space provided under this code.**

The waiver will not reduce the quality of civic open space, as there is already valet parking in the area and the request to reduce the drive aisles related only to the internal garage areas that will be restricted to valet use only. The civic open space that was approved and exists on the Property will not be changes as a result of the internal modification to the garage.