



SITE PLAN REVIEW AND APPEARANCE BOARD STAFF REPORT

DEVELOPMENT SERVICES DEPARTMENT

100 NW 1ST AVENUE, DELRAY BEACH, FLORIDA 33444

PLANNING & ZONING DIVISION: (561) 243-7040 • BUILDING DIVISION: (561) 243-7200

SITE PLAN REVIEW AND APPEARANCE BOARD

Meeting: 12-15-18 **File No.:** 2019-027-SP1-SPR-CL1 **Application Type:** Class 1 Site Plan Modification – 50 SE 4th Avenue

General Data:

Applicant: Covelli Design Associates – Mike Covelli

Owner/Previous Applicant: 50 SE LLC. – Steve Cohen

Location: 50 SE 4th Avenue

PCN: 12-43-46-16-01-093-0090

Property Size: 0.13 acres

FLUM: CC (Central Core)

Zoning: CBD (Central Business District)

Adjacent Zoning:

- CBD (North)
- CBD (West)
- CBD (South)
- CBD (East)

Existing Use: 2,619 SF one-story office building

Proposed Use: 5,742 SF restaurant (SPRAB approved 2017-112)

Item before the Board:

A Class I Site Plan modification for 50 SE 4th Avenue pursuant to LDR Section 2.4.5 (G)(1)(d); specifically:

- ☐ Parking Study – a request to amend the condition limiting restaurant operation on weekdays from 6 pm to 2 am to allow for operation during the daytime.
- ☐ Site Plan



Recommendation: By Separate Motions:

Parking Study

Move denial of the request for a Class I Site Plan modification 2019-027-SP1-SPR-CL1 for **50 SE 5th Avenue**, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with the Comprehensive Plan and does not meet criteria set forth in Sections 2.4.5(G)(5) and Chapter 4 Section 4.6.9 of the Land Development Regulations.

If SPRAB approves the Class I site plan modification the following would be the staff recommendations are suggested:

1. That the applicant secures 32 offsite parking spaces for the proposed hours of operation for customer use within 750' of the subject site with parking agreements on private properties in accordance with LDR sections 4.4.13 (I)(3)(a)(5) and 4.6.11 (E) (1) (5) (6).
2. That the applicant request approval from the City Commission for in-lieu of parking fees for up to 30% of the required parking spaces, in accordance with LDR Section 4.6.9 (E)(3).

Project Request:

Project Planner:
Kent Walia, AICP, Senior Planner;
waliak@mydelraybeach.com,
561-243-7365

Review Dates:
SPRAB Board:
December 12, 2018

Attachments
1. Parking Study



The request is a Class I Site Plan Modification for 50 SE 4th Avenue to modify the previous Class V Site Plan (2017-112) approval by amending the condition limiting restaurant operations on weekdays from 6 pm to 2 am to allow for lunch time operation during daytime (11 am to 6 pm) on weekdays, and to allow for public parking spaces within 750' feet to be used to reduce the minimum parking required during daytime hours only. The applicant has supplied a parking study as special documentation in support for their request.

Background:

On March 2, 2017, the property owner, submitted a Class V Site Plan application for a new 5,742 SF, one-story restaurant with rooftop open air dining. The project, as proposed, was required to have a total of 34 parking spaces (6 spaces per 1,000 SF) in accordance with LDR section 4.4.13 (l)(2)(a). The applicant provided 2 spaces onsite and requested to provide the remaining 32 spaces offsite. LDR Section 4.4.13(l)(3)(a)(5) allows for offsite parking arrangements, provided that the other property is located within 750' feet of the subject site, as measured along the closest pedestrian route between the nearest building entrance and nearest parking entrance. Additionally, the parking spaces used offsite shall be available for day to day operations and shall not diminish the ability of the providing property to accommodate its own required parking.

On December 11, 2017, the City Commission approved the offsite-parking agreements for 50 SE 4th Avenue. The item included two off-site parking agreements, a parking management plan, site plan and a location map. The agreements allowed the applicant to secure a total of 32 offsite parking spaces at two locations within 750' feet of the subject site: (1) 85 SE 4th Avenue (7 spaces) and (2) 350 SE 1st Street (25 spaces). It is important to note that the offsite locations have office uses. The applicant indicated in their parking management plan and in their lease that they will be utilizing the offsite parking spaces when the office use lots are available during the hours between 6 pm to 2 am. The approval of the agreements provided adequate parking for the proposed development during the hours between 6 pm to 2 am, allowing the applicant to move forward with the Class V Site plan application to the SPRAB.

On January 10, 2018, the Site Plan Review and Appearance Board (SPRAB) approved a Class V Site Plan, Landscape Plan with waiver request, and Architectural Elevations to demolish an existing one-story office building and construct a 5,742 SF, two-story restaurant building with open air rooftop dining. The SPRAB approved the application with the condition that "restaurant operation on weekdays be limited to 6 pm to 2 am", which consistent with the City Commission's decision. The reason for this limitation is that the properties supplying the parking spaces, are office use, and operate during daytime, utilizing the spaces for their business needs.

On October 25, 2018, the Development Services Department received a Class 1 Site Plan modification application to amend the condition of the earlier site plan approval to allow for restaurant operations during daytime hours, and to allow for public parking spaces to be used to reduce the minimum parking required during daytime hours only.

Parking Study Summary:

The applicant has submitted the attached parking study (the "Study") and accompanying technical memorandum (the "Memo") created by KBP Consulting, Inc. (the "Traffic Consultant"), as special documentation pursuant to 4.6.9 (F)(1), to demonstrate before the SPRAB that a reduced number of parking spaces will accommodate the restaurant use, by showing that there is an adequate supply of parking exists within a walking distance of 700' feet of the subject site to accommodate the 32 parking space requirement for parking during daytime. The memo mentions that applicant would be able to secure an additional 7 privately owned parking spaces during the daytime through a private lease agreement with an offsite property, thereby reducing need to 25 required spaces. However, since the applicant has not secured these spaces with City Commission approval prior to this SPRAB meeting, they cannot be contributed at this time. The Study shows that there are 319 parking spaces within a 700-foot radius of the subject site.

The Study surveyed public parking usage on Thursday September 13, 2018, and Friday September 14, 2018, in 30-minute intervals between the hours of 11 am and 2 pm as a case study of a typical day. The Study identifies that the peak parking demand was on Friday between 1:30 pm and 2 pm when 206 spaces occupied equating to a 65% utilization of the available



parking. In addition, the Study also takes into further consideration the “average peak season” conditions for South Florida by adding a FDOT peak season adjustment factor of a 1.20 multiplier to the demand study to analyze parking conditions throughout the 13 highest volume traffic weeks of the year. The Study indicates that when including the FDOT multiplier that parking demand increases to 247 spaces during peak seasons. As such, when adding the 25 required spaces to the peak parking demand the peak projected occupancy demand increases to 272 occupied spaces. This assumes that up to 47 parking spaces would be available during the daytime.

The Study concludes, indicating that there is sufficient parking within 700' feet of the subject site throughout the year to ensure an adequate supply of parking during the daytime to accommodate the restaurant's parking demands.

Staff Review:

Compliance With The Land Development Regulations:

Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

Pursuant to LDR Section 4.4.13 (l)(2)(a) Table (L) **Minimum Number of Off-Street Parking Space**, *the minimum number of off-street parking spaces required in the CBD for restaurants is 6 spaces per 1,000 SF of gross floor area.*

- ✖ The applicant is required to have 34 parking spaces ($5,742 \text{ gsf}/1,000 \text{ sf} * 6 = 34 \text{ spaces}$). The applicant previously met the minimum parking requirement for approval by providing 2 spaces onsite and 32 spaces offsite between the hours of 6 pm and 2 am only. Since the applicant was only able to secure the offsite parking spaces during times of vacancy, a condition of approval was imposed by the SPRAB. The condition limited restaurant operation on the weekdays to hours from 6 pm to 2 am, because the offsite (office use) properties would be utilizing the spaces during the daytime business hours (i.e. 8 am to 5 pm). The Study indicates use public parking spaces to reduce the minimum required parking, which is not the same as providing or securing off-street parking spaces. As such, the applicant has not demonstrated that they will be providing the minimum required parking during the daytime hours in accordance with any of the LDR parking regulations; thus, not meeting this requirement.

Pursuant to LDR Section 4.6.9 (E)(1) **Location of Parking Spaces**, *street parking, parking located in the public right-of-way, or parking located in public parking facilities shall not be used to satisfy on-site parking requirements, except as provided for herein. The terms "on-site parking" and "off-street parking" are synonymous. However, pursuant to the requirements of Section 4.6.9(E)(3)(e) and Section 4.6.9(E)(4)(d), the construction of additional on-street public parking may reduce the number of in-lieu and public parking fee spaces required.*

- ✖ The applicant is proposing that the current availability of on-street and off-street public parking spaces supplies their required parking demand during the daytime hours. This proposal does not satisfy the aforementioned regulation; thus, not complying with this requirement.

Pursuant to LDR Section 4.6.9 (F)(1), **Reduction allowed**. *When, upon receipt and acceptance of special documentation, it is conclusively demonstrated that a reduced number of parking spaces will accommodate a specific use, the body which acts on the attendant site plan may reduce the parking requirements accordingly.*

- ✖ The Study supplied by the applicant was provided as special documentation to support the applicant's request for SPRAB to modify the previous Class V Site Plan (2017-112) approval by amending the condition limiting restaurant operations on weekdays from 6 pm to 2 am to allow for lunch time operation (11 am to 6 pm), and to allow for public parking spaces within 700' feet of the subject site to be used to supplement the minimum parking requirement for the use during daytime hours only. Since utilization of non-designated parking spaces cannot be dedicated to restaurant for use, in order for the SPRAB to accommodate the applicants request as proposed, a reduction of the number of required parking spaces during the daytime from 32 spaces to 2 spaces would have to be approved. The approval would allow restaurant customers and staff to use non-dedicated public parking spaces within 700' of the subject site. Since the submitted



documentation does not demonstrate compliance with any of the regulatory options for reducing parking in the LDR, no positive finding can be made; thus, not complying with this requirement.

Pursuant to LDR Section 4.6.9 (E)(6) and 4.4.13 (I)(3)(a)5, **Off-Site Parking Agreement**, *in instances where uses do not have sufficient space to accommodate customer and employee parking demands, parking requirements may be provided off-site in accordance with the following:*

- a) *Normal operations. Parking for day-to-day operation may be provided on other property within 750' feet ("CBD") provided that both properties are of the same general type of zone designation (i.e. commercial, industrial, office, etc.), and when in compliance with, and pursuant to, the following:*
 - 1) *The 750 ("CBD") foot distance shall be measured along an acceptable pedestrian route;*
 - 2) *Approval of such off-site parking may be granted by the body which has approval authority of the related site and development plan;*
 - 3) *An agreement providing an easement for such use is prepared pursuant to Subsection (E)(5) and is recorded prior to certification of the site and development plan;*
 - 4) *The provision of the parking easement shall not diminish the ability of the property upon which it is placed, to accommodate its required parking.*
- ✖ The Study mentions that the applicant would be able to secure 7 offsite parking spaces with an agreement which would bring the total required parking down to 25 spaces. If approved, the applicant would be proposing the use of free and metered on-street and off-street public parking to supplement the remaining 25 spaces in order to reduce the parking requirement from 34 spaces to 2 spaces during the daytime hours in order to allow for lunchtime restaurant operations. This proposal is in conflict with LDR Section 4.6.9 (E)(1), which restricts the use of public parking to satisfy on-site parking demands. As mentioned previously, the applicant has secured offsite parking with executed agreement during the hours of 6 pm to 2 am only. As such, the proposal hasn't demonstrated that the applicant can secure the 25 offsite parking spaces on a private property with similar zoning designation with an easement agreement within 750' feet of the subject site during daytime hours; thus; not complying with this requirement.

Pursuant to LDR Section 4.6.9 (E)(3), **In-Lieu Fee.**, *new development, use conversion to existing buildings, building additions and/or renovations, that result in the requirement to provide new parking or additional parking, have the option of requesting some of the parking spaces to be approved by the City Commission through the payment in-lieu of parking program. A maximum limit of 30 percent of eligible required parking can be provided under this option, except for use conversions for which there is no maximum. Before granting such approvals, the City Commission must find that adequate public parking options are available and that the request is consistent with the Land Development Regulations, City Comprehensive Plan, and all currently adopted City policies and/or studies.*

- ✖ The approved Class V site plan for a new 5,742 SF, one-story restaurant with rooftop open air dining required a total of 34 parking spaces (6 spaces per 1,000 SF), in accordance with LDR section 4.4.13 (I)(2)(a). The applicant elected to provide 2 spaces onsite, and to secure 32 space offsite from 6 pm to 2 am in order to meet the parking requirement instead of pursuing the in-lieu fee for parking option. If the applicant had selected in the in-lieu option this would have subtracted 10 spaces from their parking requirement bring their total to 22 spaces. Furthermore, if the applicant were to secure the 7 offsite parking spaces this would lower their request to a 15-space reduction.

Review by Others:

Downtown Development Authority Board (DDA)

- The application was present before the DDA for review and comments. The board's comments are attached.



Assessment and Conclusion

Staff reviewed the Class I Site Plan modification request for 50 SE 4th Avenue to modify the previous Class V Site Plan (2017-112) approval by amending the condition limiting restaurant operations on weekdays from 6 pm to 2 am to allow for lunch time operation during daytime (11 am to 6 pm), and to allow for public parking spaces within 700' feet of the subject site to be used to reduce the minimum parking requirement from 34 spaces to 2 spaces during daytime hours only, and determined that the application did not comply with the LDR. No positive findings could be made pursuant to the LDR requirements; therefore, staff was unable to support approval of this application. However, the decision to warrant approval of the modification to the previous application and to reduce the required parking lies with the SPRAB. It's important to note that SPRAB's decision on this application will not void the current offsite parking agreements which were approved by the City Commission.

It is important to note, the "compartmentalizing" parking by days and times is not conceivable for the City to monitor. Additionally, if the application is approved, the utilization of public parking to reduce the required parking would in-effect contradict the available parking reduction mechanisms in the LDR (i.e. Parking In-Lieu, and Offsite Parking agreement) and set the precedent for further applications to do the same. Consequently, if approved, the decision could allow for previous applicants who paid the in-lieu fee, and have executed previous parking agreements, to modify their applications and seek a refund or terminate agreements in order to public parking to reduce their parking requirement. Lastly, if public parking spaces are allowed to be used then its it likely then when demand increases the supply won't increase equally, thereby, creating an unforeseen lack of available parking in the future without mitigating funds for public parking garages.

Alternative Actions:

- A. Continue with direction.
- B. **Move approval** of the request for a Class I Site Plan modification 2019-027-SP1-SPR-CL1 for **50 SE 5th Avenue**, by adopting the findings of fact and law contained in the staff report subject to the following condition that the applicant secures 32 offsite parking spaces for the weekday daytime hours of operation (11 am to 6 pm) for customer use within 750' feet of the subject site with parking agreements on private properties in accordance with LDR sections 4.4.13 (I)(3)(a)(5) and 4.6.11 (E) (1) (5) (6), and find that the request is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(G)(5) and Chapter 4 Section 4.6.9 of the Land Development Regulations.
- C. **Move approval** of the request for a Class I Site Plan modification 2019-027-SP1-SPR-CL1 for **50 SE 5th Avenue**, by adopting the findings of fact and law contained in the staff report subject to the following condition that the applicant request approval from the City Commission for in-lieu of parking fees for up to 30% of the required parking spaces in accordance with LDR Section 4.6.9 (E)(3), and to execute an offsite parking agreement for the remainder of the parking in accordance with 4.6.9 (E)(5), and find that the request is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(G)(5) and Chapter 4 Section 4.6.9 of the Land Development Regulations.
- D. **Move denial** of the request for a Class I Site Plan modification 2019-027-SP1-SPR-CL1 for **50 SE 5th Avenue**, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with the Comprehensive Plan and does not meets criteria set forth in Sections 2.4.5(G)(5) and Chapter 4 Section 4.6.9 of the Land Development Regulations.

KBP CONSULTING, INC.

September 17, 2018

Mr. Steven Cohen
Manimal Land Co., Inc.
Mizner Park
140 N. Federal Highway, Suite 200
Boca Raton, Florida 33432



**Re: 50 SE 4th Avenue Restaurant – Delray Beach, Florida
Parking Study**

Dear Steve:

Based upon our discussions, we understand that the proposed restaurant at 50 SE 4th Avenue in Delray Beach wishes to be open for lunch; however, it must first be demonstrated that an adequate supply of parking exists within the general area to accommodate the future demand of this business during the mid-day time period. (A preliminary site plan for the proposed restaurant is presented in Attachment A to this memorandum.) The purpose of this technical memorandum is to document the available public parking supply within a reasonable walking distance of the subject site, the number of spaces needed for the proposed restaurant, and the current parking demand within this area. Utilizing this information, along with seasonal adjustment factors, the adequacy of the existing parking supply can be determined.

Parking Evaluation

It is our understanding that the proposed restaurant will require 35 parking spaces. We also understand that seven (7) nearby privately owned parking spaces will be made available to this restaurant during the mid-day time period through a private lease agreement. As such, the balance of 28 parking spaces must be available within a reasonable walking distance of the subject site. Additionally, these spaces must be available to the general public (i.e. not private / reserved); however, they may be free or metered spaces.

Generally speaking, in south Florida 700 feet is considered to be a reasonable walking distance between a parking space and the ultimate destination. Therefore, we identified the publicly available parking spaces within a 700-foot radius of the proposed restaurant site. The total number of existing public parking spaces (free and metered) within 700 feet is 319. This number was field verified. *(Note that we did not consider any parking areas or spaces on the west side of the FEC Rail Road tracks due to effective walking distances and safety considerations for future patrons of the subject site.)* A location map and aerial image depicting the locations of the parking supply is presented in Attachment B to this memorandum.

Given the desired lunchtime operations of this proposed restaurant, we conducted the parking demand study on a typical Thursday (9/13/18) and Friday (9/14/18) between 11:00 AM and 2:00 PM. During this time period, the number of occupied public parking spaces was documented in 30-minute intervals. The peak parking demand within the observation period was 206 occupied parking spaces between 1:30 PM and 2:00 PM on Friday (or, 65% occupancy of the available parking spaces within the applicable study area). The parking data for this study is presented in Attachment C to this memorandum.

Since parking data for this analysis was collected in mid-September, it is advisable to adjust the parking counts to reflect the seasonality exhibited in south Florida. Traffic data utilized for analyses conducted in south Florida is typically adjusted to reflect "average peak season" conditions. This is accomplished by utilizing a multiplier that converts traffic related data collected during specific weeks of the year to average peak season conditions representing the average of the highest 13 weeks of the year.

8400 North University Drive, Suite 309, Tamarac, Florida 33321

Tel: (954) 560-7103 Fax: (954) 582-0989

KBP CONSULTING, INC.

The Florida Department of Transportation (FDOT) publishes peak season adjustment factors for each county in the State of Florida. For locations in Palm Beach County west of US 1 to State Road 7, traffic related counts performed on September 13-14 may be adjusted to average peak season conditions by multiplying the values by 1.20 (see Attachment D). In other words, the data should be increased by 20.0% in order to reflect average peak season conditions for the study area. This adjustment results in an increase of the peak parking demand to 247 parking spaces. When considering the additional parking requirement of the proposed restaurant (i.e. 28 parking spaces), the total peak parking demand is projected to be 275 occupied parking spaces during the mid-day time period during the peak season. This information is summarized in Attachment E to this memorandum.

Conclusions

The results of this analysis indicate that the area within a 700-foot radius of the proposed restaurant at 50 SE 4th Avenue will have an adequate parking supply during the mid-day time period to accommodate the existing and projected areawide parking demands. In fact, during the peak time period (Fridays during the peak season between 1:30 PM and 2:00 PM), it is estimated that there will be a surplus of 44 available parking spaces when considering the additional parking demand created by the proposed restaurant. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

KBP CONSULTING, INC.

A handwritten signature in blue ink, appearing to read 'Karl B. Peterson', with a long horizontal flourish extending to the right.

Karl B. Peterson, P.E.
Senior Transportation Engineer

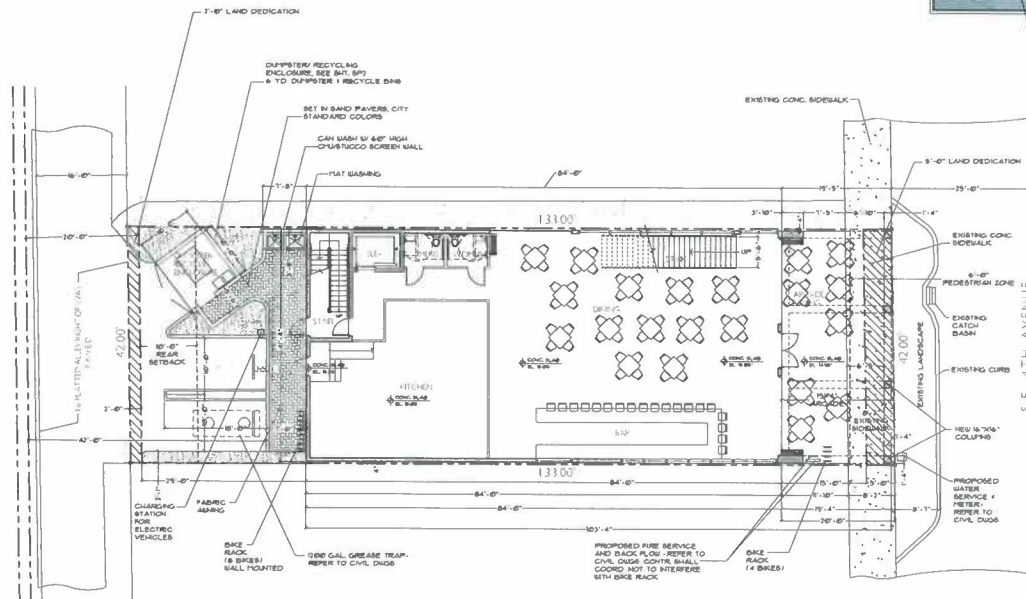
Attachment A

50 SE 4th Avenue Restaurant

Site Plan



NOTE: "BUILDING PLACEMENT IN THE CBD DISTRICT WHERE NO SIDE SETBACK IS REQUIRED IS SUBJECT TO FURTHER LIMITATIONS SET FORTH IN THE LDR'S AND ANY FUTURE, ADJACENT PROPERTY DEVELOPMENT MAY OBSCURE THE VIEW AND ACCESS FROM THE NORTH AND SOUTH SIDES OF THIS STRUCTURE."



PROPOSED SITE PLAN

SITE AREA:	PROPOSED
TOTAL SITE AREA:	5.049 (.02 ACRES) 1,247.24' ALL 1/4' OR D.
FIRST FLOOR TOTAL GROSS BUILDING AREA:	3,736 S.F. (60.0% OF SITE)
SECOND FLOOR TOTAL CUSTOMER SERVICE AREA:	2,430 S.F.
TOTAL PARKING/PAVED AREA:	1,928 S.F. (34.3% OF SITE)
TOTAL LANDSCAPED AREA:	781 S.F. (4.7% OF SITE)

BUILDING	PROPOSED
FRONT SETBACK (NORTH): 10' MIN. REQUIRED	0'-0"
STOREFRONT OPENING AREA (% WIDTH PERCENTAGE)	360 SF / 333%
GLAZING HEIGHT	11'-0"
REAR SETBACK (WEST): 10' MIN. REQUIRED	75'-7"
SIDE STREET SETBACK (EAST): 6' REQUIRED	N/A
SIDE INTERIOR (SOUTH): 0' REQUIRED	0'-4"
BARBARIC: 0' REQUIRED	0'-3"
BUILDING HEIGHT 10' MIN. - 30' MAX. (CROWN OF ROAD)	20'-0"

	PROPOSED
PARKING SPACES REQUIRED (REQUIREMENT)	3,806 SF * 6 PER UNIT SF = 35.37 SPACES
TOTAL NEW PARKING REQUIRED:	35 SPACES
TOTAL ON-SITE PARKING:	0
TOTAL OFF-SITE PARKING PROVIDED:	2
TOTAL IN-LIST PARKING REQUEST:	35 (NOTE: LEASE AGREEMENTS ARE BEING PREPARED FOR ADJACENT PROPERTIES PARKING)

TOTAL BIKE RACK SPACES REQUIRED:	7 BIKE RACKS
TOTAL BIKE RACK SPACES PROVIDED:	8 BIKE RACKS

BUILDING	REQUIRED	PROPOSED
BUILDING SETBACK	MIN. VARIAB. B. MAX.	35'-0"
ARCADIE DEPTH	10' MIN. / 30' MAX.	35'-0"
ARCADIE HEIGHT	10' MIN. / 30' MAX.	13'-0"
COLUMN PILLAR TO FACE OF CURB	2' MIN. / 4' MAX.	8'-1"
COLUMN PILLAR WIDTH AND DEPTH	7' MIN.	16" x 16"
ARCADIE MICROCLIMATE	VARIABLE	



LOCATION MAP



AR0013954

DATE	02-08-2017
PERMIT NO	
REVISIONS	
06-12-2017	
STAFF COMMENTS	

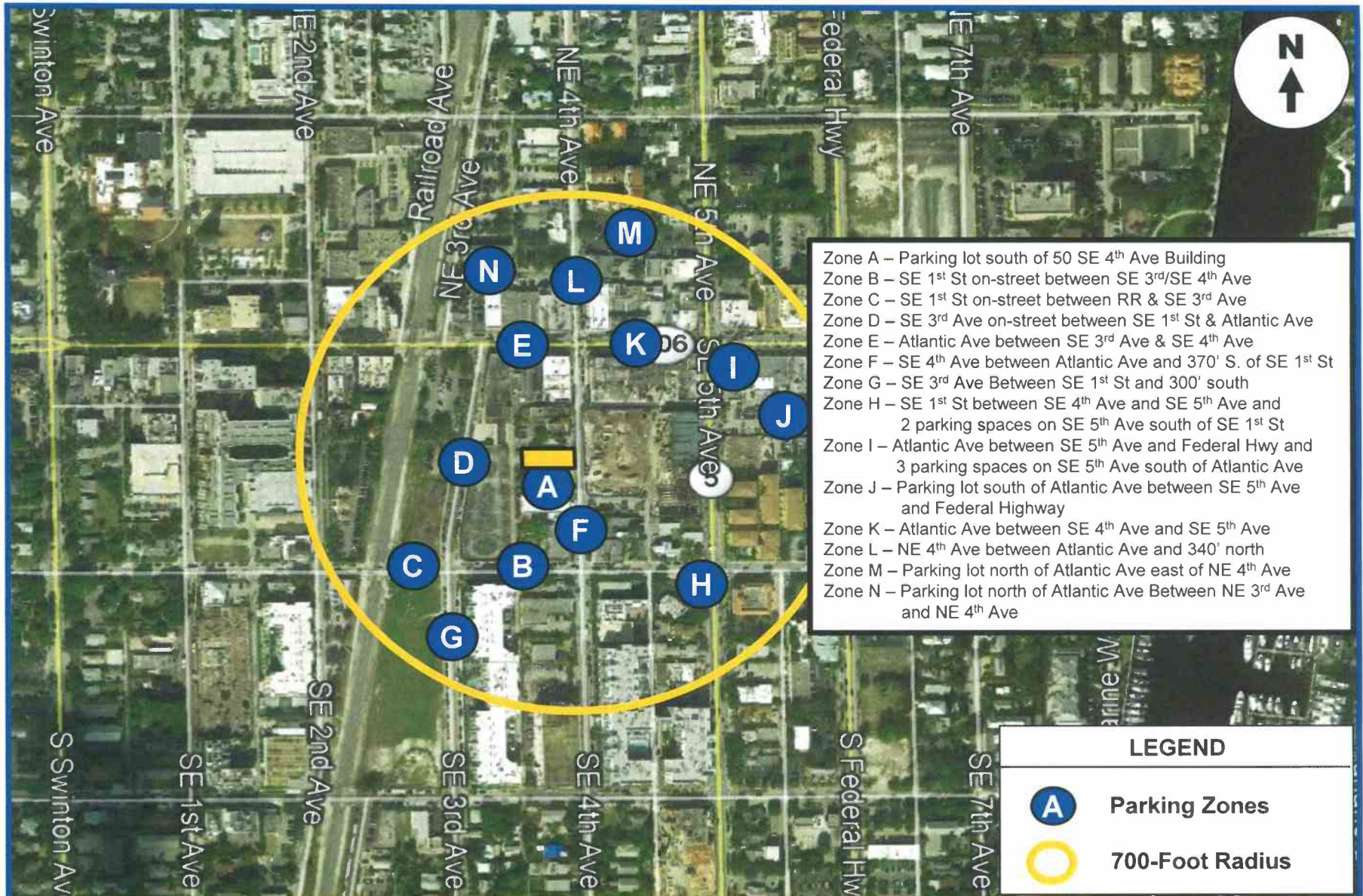


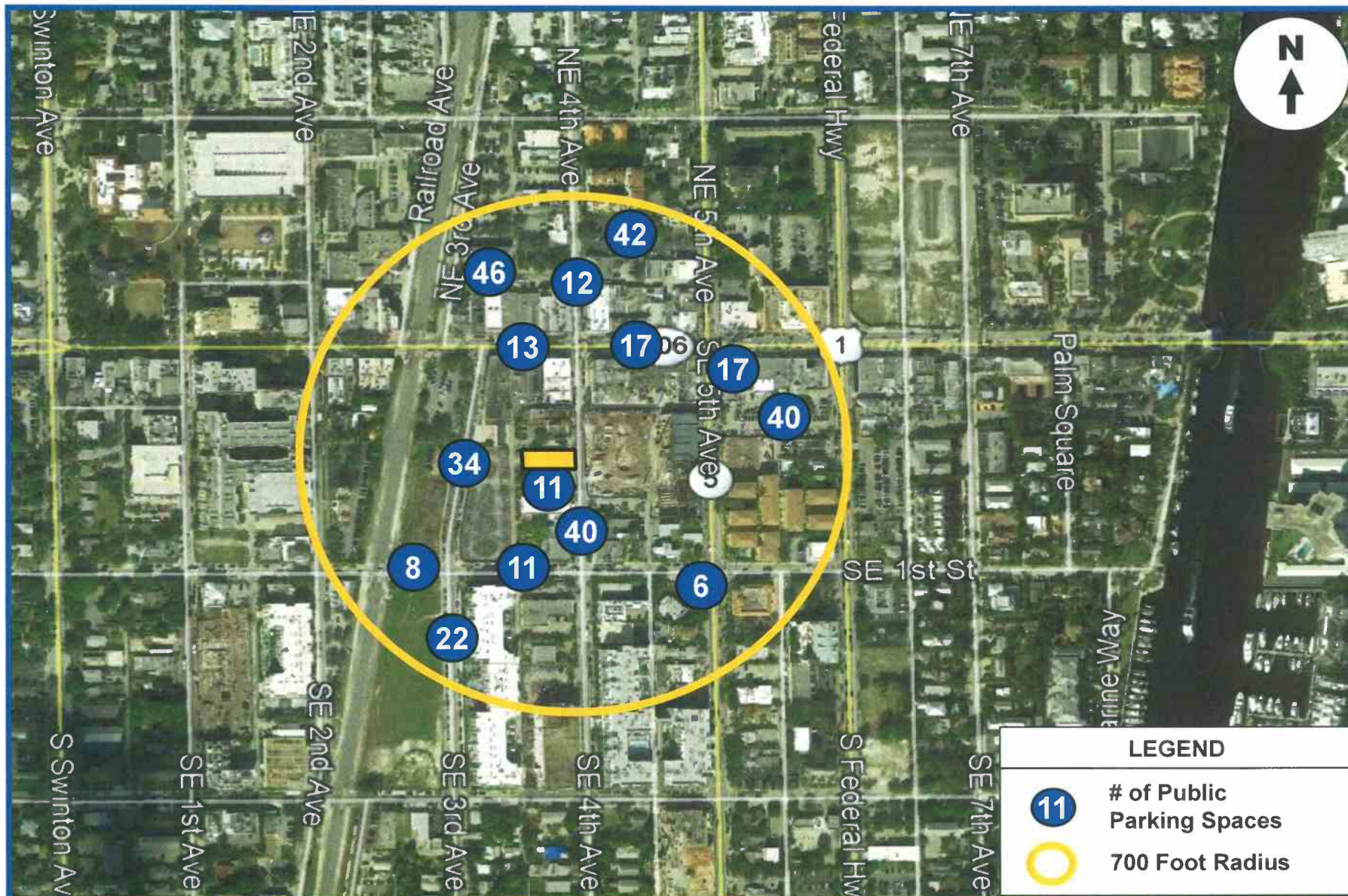
SP1

Attachment B

50 SE 4th Avenue Restaurant

Parking Radius and Zones





Attachment C

50 SE 4th Avenue Restaurant

Parking Data

KBP Consulting, Inc.
 8400 N. University Drive
 Suite 309
 Tamarac, Florida 33321
 (954) 560-7103

Project: 50 SE 4th Avenue Restaurant

Analyst: KBP

Project No.: P16.437

Date: Thursday, September 13, 2018

Time Period: 11:00 AM to 2:00 PM

Parking Zone	Number of Available Spaces	Number of Occupied Parking Spaces													
						11:00 AM to 11:30 AM	11:30 AM to 12:00 PM	12:00 PM to 12:30 PM	12:30 PM to 1:00 PM	1:00 PM to 1:30 PM	1:30 PM to 2:00 PM				
A	11					5	2	3	2	2	3				
B	11					11	11	11	11	11	11				
C	8					6	6	7	6	7	8				
D	34					3	6	7	6	5	10				
E	13					9	10	6	8	12	12				
F	40					32	30	27	25	22	31				
G	22					18	22	16	16	14	17				
H	6					5	6	6	6	6	6				
I	17					7	7	5	5	13	12				
J	40					15	16	15	24	31	30				
K	17					14	12	12	12	13	12				
L	12					6	6	6	5	5	3				
M	42					19	19	19	22	25	26				
N	46					14	15	14	21	20	21				
Total	319	0	0	0	0	164	168	154	169	186	202	0	0	0	0

Source: KBP Consulting, Inc. (September 2018)

KBP Consulting, Inc.
8400 N. University Drive
Suite 309
Tamarac, Florida 33321
(954) 560-7103

Project: 50 SE 4th Avenue Restaurant

Analyst: KBP

Project No.: P16.437

Date: Friday, September 14, 2018

Time Period: 11:00 AM to 2:00 PM

Parking Zone	Number of Available Spaces	Number of Occupied Parking Spaces													
						11:00 AM to 11:30 AM	11:30 AM to 12:00 PM	12:00 PM to 12:30 PM	12:30 PM to 1:00 PM	1:00 PM to 1:30 PM	1:30 PM to 2:00 PM				
A	11					3	5	3	3	4	3				
B	11					11	11	10	11	7	7				
C	8					7	8	8	7	5	8				
D	34					0	3	9	10	12	15				
E	13					11	12	11	10	6	9				
F	40					29	30	29	26	26	26				
G	22					17	16	17	14	14	15				
H	6					5	5	5	5	6	5				
I	17					8	9	7	7	13	12				
J	40					14	13	20	24	34	23				
K	17					10	10	12	16	11	15				
L	12					5	8	6	3	3	8				
M	42					21	22	25	28	31	29				
N	46					10	16	26	32	27	31				
Total	319	0	0	0	0	151	168	188	196	199	206	0	0	0	0

Source: KBP Consulting, Inc. (September 2018)

Attachment D

FDOT Peak Season Factor Category Report

2017 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
 CATEGORY: 9301 CEN.-W OF US1 TO SR7

MOCF: 0.96

WEEK	DATES	SF	PSCF
1	01/01/2017 - 01/07/2017	0.98	1.02
2	01/08/2017 - 01/14/2017	0.98	1.02
3	01/15/2017 - 01/21/2017	0.98	1.02
4	01/22/2017 - 01/28/2017	0.98	1.02
* 5	01/29/2017 - 02/04/2017	0.97	1.01
* 6	02/05/2017 - 02/11/2017	0.96	1.00
* 7	02/12/2017 - 02/18/2017	0.95	0.99
* 8	02/19/2017 - 02/25/2017	0.95	0.99
* 9	02/26/2017 - 03/04/2017	0.95	0.99
*10	03/05/2017 - 03/11/2017	0.95	0.99
*11	03/12/2017 - 03/18/2017	0.94	0.98
*12	03/19/2017 - 03/25/2017	0.95	0.99
*13	03/26/2017 - 04/01/2017	0.95	0.99
*14	04/02/2017 - 04/08/2017	0.96	1.00
*15	04/09/2017 - 04/15/2017	0.96	1.00
*16	04/16/2017 - 04/22/2017	0.97	1.01
*17	04/23/2017 - 04/29/2017	0.97	1.01
18	04/30/2017 - 05/06/2017	0.98	1.02
19	05/07/2017 - 05/13/2017	0.98	1.02
20	05/14/2017 - 05/20/2017	0.99	1.03
21	05/21/2017 - 05/27/2017	1.00	1.04
22	05/28/2017 - 06/03/2017	1.01	1.05
23	06/04/2017 - 06/10/2017	1.02	1.06
24	06/11/2017 - 06/17/2017	1.03	1.07
25	06/18/2017 - 06/24/2017	1.04	1.08
26	06/25/2017 - 07/01/2017	1.05	1.09
27	07/02/2017 - 07/08/2017	1.05	1.09
28	07/09/2017 - 07/15/2017	1.06	1.10
29	07/16/2017 - 07/22/2017	1.05	1.09
30	07/23/2017 - 07/29/2017	1.04	1.08
31	07/30/2017 - 08/05/2017	1.03	1.07
32	08/06/2017 - 08/12/2017	1.02	1.06
33	08/13/2017 - 08/19/2017	1.02	1.06
34	08/20/2017 - 08/26/2017	1.05	1.09
35	08/27/2017 - 09/02/2017	1.09	1.14
36	09/03/2017 - 09/09/2017	1.12	1.17
37	09/10/2017 - 09/16/2017	1.15	1.20
38	09/17/2017 - 09/23/2017	1.12	1.17
39	09/24/2017 - 09/30/2017	1.09	1.14
40	10/01/2017 - 10/07/2017	1.05	1.09
41	10/08/2017 - 10/14/2017	1.02	1.06
42	10/15/2017 - 10/21/2017	0.99	1.03
43	10/22/2017 - 10/28/2017	0.99	1.03
44	10/29/2017 - 11/04/2017	0.99	1.03
45	11/05/2017 - 11/11/2017	0.99	1.03
46	11/12/2017 - 11/18/2017	0.99	1.03
47	11/19/2017 - 11/25/2017	0.99	1.03
48	11/26/2017 - 12/02/2017	0.98	1.02
49	12/03/2017 - 12/09/2017	0.98	1.02
50	12/10/2017 - 12/16/2017	0.98	1.02
51	12/17/2017 - 12/23/2017	0.98	1.02
52	12/24/2017 - 12/30/2017	0.98	1.02
53	12/31/2017 - 12/31/2017	0.98	1.02

* PEAK SEASON

02-MAR-2018 15:35:06

830UPD

4_9301_PKSEASON.TXT

Attachment E

50 SE 4th Avenue Restaurant

Parking Analysis – Summary

Table E-1
Projected Parking Availability
50 SE 4th Avenue - Delray Beach, Florida

Parking Zone	Number of Available Parking Spaces	Time Intervals (Number of Parked Vehicles)			
		Thursday (9/13/18) (Peak Hour)		Friday (9/14/18) (Peak Hour)	
		1:00 PM to 1:30 PM	1:30 PM to 2:00 PM	1:30 PM to 2:00 PM	2:00 PM to 2:30 PM
A	11	2	3	4	3
B	11	11	11	7	7
C	8	7	8	5	8
D	34	5	10	12	15
E	13	12	12	6	9
F	40	22	31	26	26
G	22	14	17	14	15
H	6	6	6	6	5
I	17	13	12	13	12
J	40	31	30	34	23
K	17	13	12	11	15
L	12	5	3	3	8
M	42	25	26	31	29
N	46	20	21	27	31
Total	319	186	202	199	206
Seasonal Adjustment (x 1.20)		223	242	239	247
Parking Spaces Required for:					
- Additional Parking Required for the proposed Restaurant at 50 SE 4th Avenue		28	28	28	28
Total Peak Demand		251	270	267	275
Surplus (Unused) Spaces		68	49	52	44

Source: KBP Consulting, Inc., September 2018.

Mr. Timothy R. Stillings, Director
City of Delray Beach
100 N.W. 1st Avenue
Delray Beach, Florida 33444

October 9, 2018

Re: 50 SE 4th Avenue – Modification of weekday lunch parking restriction

Dear Mr. Stillings,

Please accept this letter as a formal request to modify the condition of approval that restricted restaurant operations on weekdays between the hours of 6 p.m. and 2 a.m., to permit operations with no restriction weekdays to include serving lunch.

Please find attached copies of the following documents:

- Tri-party offsite parking easement agreement for Plaza 85, Inc.
- Tri-party offsite parking easement agreement for The Coastal Group, Inc.
- A parking study evaluating parking space availability during the lunch hour
- Approved Site Plan
- SPRAB Staff report
- Commission staff report approving the parking agreement

The site plan and the parking agreements were approved utilizing off street parking in two private office building parking lots that are not utilized after working hours. The city commission approved the Tri-party offsite parking easement agreements December 11, 2017. On January 10, 2018 the site plan was approved by SPRAB with a condition of approval to restrict restaurant operations on weekdays to the hours of 6 p.m. to 2 a.m., weekends are permitted to be open to serve lunches. The attached Tri-party parking easement agreements only address reservation of the parking spaces to be utilized and are silent as to the restriction related to not serving lunches during weekdays.


Because of the agreements only address the location and quantity of parking spaces to be reserved to service the restaurant, I do not believe they will need to be revised in the event of approval of a modification to serve lunches during weekdays. Therefore, the modification requested will be to the condition of approval contained in the motion to approve the site plan by SPRAB. The condition of approval was as follows: "Restaurant operations on weekdays are limited to 6pm to 2 am".

In order to be able to provide parking for the weekday lunch patrons a parking study was prepared analyzing parking availability within a 700 foot radius of the site. 35 parking

spaces are required for full capacity of the proposed restaurant. There are 7 spaces available during the day in the approved Tri-party agreement lot at the 350 SE 1st Avenue location to the south of the restaurant site. This leaves 28 spaces that would be proposed to be satisfied by using public parking which is free, metered, or a pay lot. There are 319 spaces available within the 700 foot radius study area. Space availability was verified between the hours of 11:00 AM and 2:00 PM. Factors were added to the data to account for peak seasonal demands resulting in 44 spaces being available during the lunch hours evaluated. Please see the attached parking study for more detailed information.

Approval of this request would remove the restriction and permit the restaurant to be open to serve lunch all days of the week. The attached parking study demonstrated there is more than adequate public parking available to accommodate parking for the lunch patrons in this area.

Your consideration in timely processing this request is appreciated.
Best regards,



Michael Covelli, ASLA/ AICP
Covelli Design Associates, Inc.