

Pour and Famous
524 W. Atlantic Avenue, Delray Beach, Florida

PROJECT DESCRIPTION: The Applicant seeks a Conditional Use to allow for the inside portion of their restaurant to be open after midnight. The proposed hours of operation extend until 2:00 a.m., thus requiring this Conditional Use. The Applicant, based on the conditions set forth by the commission in their Change of Use to close the outside by 10:30pm on all days of the week besides 11pm on Friday and Saturday, is requesting for the interior operation exclusively.

Operating for the last 3 months as a restaurant, closing the interior at 12am, the applicant has found it extremely difficult to retain staff and customers. Staff has expressed they can make more money working elsewhere that can operate during this active and lucrative time from 12am-2am. Thus, their departure is adding further hardship as the applicant navigates the pandemic. Patrons have also requested additional operational hours as there are limited food options between 12am-2am in this district and the rest of the downtown.

There are residential units partially abutting the sites property on the last 4 feet of the Southwest corner. -Those residential rental units are also owned by the owners of the subject property. These eighteen residential units have been thoroughly renovated and include storm rated windows and doors in each of the units. These windows and doors were selected to not only protect from hurricanes, but also to block noise from the outside. Additionally, supplementary landscape buffering was required during the conversion which has been installed along the perimeter of the property further removing any possibility of nuisance to the residential rental units. Please see attached letters from commercial and residential tenants. Furthermore, it's important to again note that because we are requesting the extended hours for inside use only and the entrance to the restaurant is on Atlantic Ave, there will be no disruption to the tenants during the extended hours. Finally, please see our updated security plan for details and clarification on safety protocol.

REQUIRED FINDINGS: Pursuant to Section 3.1.1 of the Land Development Regulations, please find the Applicant's response.

- A. Future Land Use Map: the restaurant and proposed extended hours at this location is consistent with the CBD (Central Business District) and CC (Commercial Core) future land use designation. Still, this proposal is also consistent with Objective ECP 6.5: "support the growth and development of small businesses that enhance the vitality and quality of life in Delray Beach neighborhoods." The proposed restaurant will begin to draw the public to the West Atlantic area, which supports the revitalization and development of the area.
- B. Concurrency: the restaurant and proposed extended hours does not exceed the ability of the City of Delray Beach to fund and provide, or to require the provision of, needed capital improvements in order to maintain the established Levels of Service.

- C. Consistency: the application and restaurant along with proposed extended hours is in conformity with the performance standards found in Sec. 3.2.3 of the Delray Beach Land Development Regulations. A further review of the standards follows:
- a. The building design, landscaping and lighting will not create unwarranted distractions or block visibility as it pertains to traffic circulation. The existing building will not be substantively enlarged, nor does the Applicant intend to install any additional landscaping or lighting that will impact West Atlantic Avenue, the adjacent street.
 - b. The restaurant will encourage its guests and employees to use different forms of transportation including use of cars, bicycles, scooters, ride share programs and their own two feet.
 - c. The restaurant seeks to utilize the open space on its property by incorporating outdoor amenities like outdoor dining during permitted hours of use. Additionally, a portion of the open space is adjacent to West Atlantic Avenue, which gives the public a terrific view corridor into the restaurant's open space from West Atlantic Avenue.
 - d. The restaurant does not require any modifications to West Atlantic Avenue or any of the surrounding streets or traffic circulation pattern.
 - e. The property at issue is already developed as a commercial use.
 - f. The restaurant does not contemplate any residential use and therefore this standard is not applicable.
 - g. The restaurant will improve the neighborhood's stability as it will bring late-night dining and entertainment back to this neighborhood. By having an active place of business that is open later than other neighborhood businesses, the neighborhood benefits from increased activity, which will also encourage other businesses to locate to this area. From a safety perspective, having this property lit and active at night will deter several property and personal crimes that have previously occurred in the area because of inactivity. The restaurant is partly adjacent to a residential use, which will not be impacted due to the fact that the adjacent portion is limited to a rear concrete block corner that is used for storage with a setback. There are multiple layers of insulation insuring no intrusion or interruption. Additionally, the Applicant is the owner of the residential property to the south and during the renovations of that building, included hurricane-rated windows and doors which will further mitigate any noise from the restaurant.
 - h. The proposed additional hours for the restaurant will not create or exacerbate traffic that would result in a high accident location.

- i. During its prior use, the operator was grandfathered into a 2am operational time. Over the last 5-10 years the operator has never had a noise complaint from the surrounding properties. Please see attached records request from the City of Delray Beach confirming this statement.

D. Consistency: the application and proposed extended interior hours for the restaurant is in conformity with the standards found in West Atlantic Master Plan. A further review of the standards follows:

- a. The restaurant and proposed extended hours helps solve multiple unique challenges to the area where this part of Atlantic Ave lacks in multi-modal connectivity between east/west – this restaurant helps bridge the pedestrian traffic. Further mentioned is the lack of attractions and tourist destinations on West Atlantic Avenue which this restaurant will be a true destination in all senses of the word.
- b. Additionally, the plan states, “The unintentional consequence of clustering municipal functions along W. Atlantic Avenue is the creation of a pedestrian “dead zone” particularly in the evening.” By allowing the property to operate and serve food till 2am, more pedestrians, residents and tourists will cross the “dead zone” which will help build an entertainment/hospitality district along West Atlantic Ave.
- c. Projects/programs that remain to be implemented per the West Atlantic Redevelopment Plan, Downtown Master Plan and the West Atlantic Avenue Needs Assessment specifically state “creation of entertainment/hospitality district.” This location serves as a gateway to such a district as it will foster additional growth in the surrounding blocks.

E. Consistency: the application and proposed extended interior hours for the restaurant is in conformity with the standards found in Always Delray Comprehensive Master Plan. A further review of the standards follows:

- a. Per the Housing Policy HOU 1.1.12 – “Require that proposals for new development illustrate compatibility with adjacent neighborhoods with respect to noise, odors, dust, traffic volumes and circulation patterns in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of the any neighborhood, the project shall be modified accordingly or denied.”
 - i. The restaurant use and late night hours are compatible with adjacent neighborhoods in that we are in the CBD and CC. With respect to noise, we are only requesting inside use which will not create amplified noise outside. With respect to odors, we are not producing unpleasant odors from our kitchen, this is not applicable; With respect to dust, this is not applicable. With respect to traffic volumes, as you can see by our traffic study the area is not impacted by the additional requested hours. With respect

habitability and stability of residential areas, establishing late night hours will provide a needed service during this time to the residents, as well as provide activity in the area which will help deter crime that the neighborhood currently has suffered from.

- b. Per the Neighborhoods, Districts, and Corridors – DIA – “The West Atlantic Neighborhood Sub-district provides for development that emphasizes the preservation and enhancement of the existing neighborhood, while promoting a pedestrian friendly commercial area along West Atlantic Avenue. Businesses that are oriented toward serving the local neighborhood, as opposed to the city as a whole, are encouraged.”
 - i. The subject property has a longstanding history of being a community meeting place. We plan to preserve this rich history continuing its use as a community space, now as a restaurant instead of stand-alone bar. Further this space enhances the neighborhood, bringing additional food options after midnight and promotes a pedestrian traffic. Finally, we are a neighborhood restaurant with a large local clientele.
- c. Per the Economic Prosperity Element – DIA – Talent and Human Capital – “Delray Beach needs to invest in its residents, business owners and entrepreneurs and provide greater economic opportunities for all. Strategies which address this need will ultimately attract new workers and cultivate grassroots talent including the hard to employ, out of work and entrepreneurs who will drive a resilient and robust economy focused on legacy industries and new industry clusters.”
 - i. As mentioned previously, our staff is suffering from the limited interior hours and the business is failing as a result. Additional hours will provide greater economic opportunities for Pour and Famous, both the business and the talent it employs.
- d. Per the Economic Prosperity Element – DIA – Economic Placemaking Recommendations – “Support the growth and development of small businesses that enhance the vitality and quality of life in neighborhoods.”
 - i. By supporting Pour and Famous and allowing additional interior operating hours, you’re enhancing the vitality of West Atlantic Avenue and improving the quality of life for residents that want restaurant options after 12am.