

PROJECT RELIEF REQUEST

Identify if the proposal requires relief from any of the applicable requirements noted in the Land Development Regulations. If no relief is being requested, check the first box under each section below.

WHAT TYPE OF RELIEF IS BEING SOUGHT:

☐ VARIANCE ☒ WAIVER ☐ INTERNAL ADJUSTMENT ☐ IN-LIEU OF PARKING

☐ REQUIRED FEE(S) ATTACHED IN THE AMOUNT OF: _____

Has a request for relief been previously filed with the City of Delray Beach regarding the subject property? If so, please state the nature of the relief request, the project file number, and whether the relief was granted or denied. Attach separate sheet if necessary.

VARIANCE

- ☐ NO VARIANCES REQUESTED OR APPLICABLE
☐ HISTORIC: ATTACH JUSTIFICATION STATEMENT THAT ADDRESSES THE FINDINGS IN LDR SECTION 2.4.7(A)(5)&(6)
☐ NON-HISTORIC: REQUEST SUBMITTED FOR REVIEW BY THE BOARD OF ADJUSTMENT. APPLICATION NO.: _____

REQUEST

CODE SECTION	REQUIREMENT	EXISTING	PROPOSED REQUEST
FRONT YARD SETBACK			
SIDE YARD SETBACK			
SIDE YARD SETBACK			
REAR YARD SETBACK			
PARKING			
HEIGHT			
LOT AREA			
BASE FLOOD ELEVATION			
OTHER			

WAIVER

- ☐ NO WAIVERS REQUESTED
☒ ATTACH JUSTIFICATION STATEMENT THAT ADDRESSES THE WAIVER FINDINGS IN LDR SECTION 2.4.7(B).
☒ ATTACH PLANS AND OTHER DOCUMENTS NEEDED (I.E. SURVEY, SITE PLAN, ETC.) FOR REVIEW OF REQUEST.

REQUEST

CODE SECTION	REQUIREMENT	EXISTING	PROPOSED REQUEST
LDR Sec. 4.6.9(F)(3)(d)	8.5' x 16' (valet spaces)		9' x 18' (Standard Spaces) 12' x 15' (handicap spaces) 8' x 16' (compact spaces)

INTERNAL ADJUSTMENT

- ☐ NO INTERNAL ADJUSTMENTS REQUESTED
☐ ATTACH JUSTIFICATION STATEMENT THAT ADDRESSES THE FINDINGS IN LDR SECTION 2.4.7(C).

REQUEST

CODE SECTION	REQUIREMENT	EXISTING	PROPOSED REQUEST

PROJECT RELIEF REQUEST

IN-LIEU OF PARKING

☐ NO IN-LIEU OF PARKING REQUESTED OR APPLICABLE. IF GRANTED IN THE PAST, ATTACH APPROVAL LETTER(S).

FOR SUBMITTAL OF AN IN-LIEU REQUEST, THE FOLLOWING MUST BE INCLUDED:

- ☐ ATTACH JUSTIFICATION STATEMENT THAT ADDRESSES THE FINDINGS LISTED IN LDR SECTION 2.4.5(O) AND DESCRIBE IN DETAIL THE SCOPE OF WORK (I.E. EXPANSION OF USE, CHANGE OF USE, NEW CONSTRUCTION, ETC.).
- ☐ ATTACH SKETCH PLAN INCLUDING CURRENT AND PROPOSED SQUARE FOOTAGE.
- ☐ ATTACH ADJACENT RIGHTS-OF-WAY AND PROPOSED PARKING TO BE CONSTRUCTED.

REQUEST

REQUIREMENT	EXISTING	PROPOSED REQUEST

STATEMENT OF PUBLIC NOTICE COMPLETENESS AND ACCURACY

The following statement is required for all variance requests and other requests that require a public notice.

Before me, the undersigned authority, personally appeared Jordana Jarjura, who being by me first duly sworn, acknowledges and confirms: (Applicant or Agent's Name)

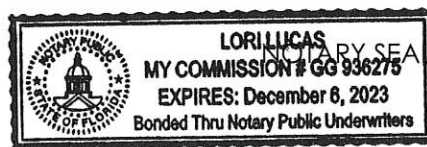
- That the accompanying property owners list is, to the best of my knowledge, a complete and accurate list of all property owners' names, mailing addresses, and legal descriptions of all property lying within five hundred feet (500') of the subject property as recorded on the latest official County tax rolls.
- That certain documents such as, mailing list, labels, certificate of attorney or consent forms, might be required to be revised or updated if older than 6 months from the application submittal date.
- That the subject property is legally described as follows (give legal description):

Jordana Jarjura
(Applicant or Agent's Name)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 8th day of September, 2020, by Jordana Jarjura (Applicant or Agent's name), who has produced _____ as identification and/or is personally known to me.

Lori Lucas
(Print Name of Notary Public)

Lori Lucas
(Signature of Notary Public)



OR STAMP

Notice Information:

The required notice information and documents must be obtained from the Palm Beach County Public Records Dept. Phone: 561-355-2881 Email: pa-pubsvc@pbcgov.org. South County Service Center Phone: 561-276-1250

The required mailing labels must be typed and state the property owner's name, mailing address and property control number (PCN#). (When Condominiums are included, the names and addresses of all owners must be submitted. The returned address label must be attached to each envelope and state the following information: City of Delray Beach, Development Services Department, 100 NW 1st Ave, Delray Beach, FL 33444. Postage may be in the form of stamps or metered postage; for metered postage, applicants are responsible for any additional cost and to ensure that the mailing date is turned off.

M E N I N

September 2, 2020

VIA HAND-DELIVERY & E-MAIL

Kent Walia
City of Delray Beach
Development Services
100 NW 1st Ave
Delray Beach, FL 33444
waliak@mydelraybeach.com

Re: Project Name – The Ray Hotel
Property Address – 233 NE 2nd Ave, Delray Beach, FL 33483
Property Owner – Grove Rosebud Two, LLC (“Applicant”)
SPRAB Class IV Modification Site Plan Submitted on December 4, 2019 (2020-054)
Request for Waiver from LDR Section 4.6.9(F)(3)(d) & Request for Restrictive Covenant for a Valet Only Parking Garage

Dear Mr. Walia:

We are requesting from the City Commission a waiver from LDR Section 4.6.9(F)(3)(d) as well as approval of a Restrictive Covenant consistent with LDR Section 4.6.9(F)(3)(a).

I. BACKGROUND

The Ray Hotel (hereafter “Project” or “the Ray”) was originally approved by the Site Plan and Appearance Board (“SPRAB”) on February 14, 2018 (“2018 Approval”) and is currently under construction with an estimated completion date of May 2021. At the time of the Ray’s approval, the Land Development Regulations (“LDRs” or “Code”) did not have the currently codified Section 4.4.13(C)(4)(g), which addresses Rooftop Terraces.

In light of this new LDR section, on December 4, 2019, we submitted an application for a Class IV Site Plan Modification (“2020-054”) to the 2018 Approval to amend the previously approved rooftop plan. In addition to the revisions to the rooftop, we also submitted modifications to update the façade of one of the ground floor restaurants, update the landscaping significantly to further the Tropical Modern architecture (i.e., living walls now occupy almost 50% of the façade), reduce hotel rooms from 143 to 141, balcony modifications to the north façade, and convert the underground parking garage to valet only.

Additionally, since the 2018 Approval and the 2020-054 submittal, we decided to move forward with redeveloping the northern half of the Property. On January 31, 2020, we submitted a SPRAB Class IV Modification application for the Ray House (formerly Ray North)(2020-099). As you know from our TAC Comments meeting this past March regarding both the 2020-054 and 2020-099 applications, as well as several City Staff and Advisory Board meetings since, we shall be seeking from Palm Beach County a folio split along one of the platted lot lines (Lot 6) in order to split the Property into two separate parcels. Accordingly, we amended the 2020-054 application package to reflect the requisite changes necessary for the Ray to be a stand-alone property, and to meet or exceed all LDR requirements. Simultaneous to the Ray re-submittal, we also re-submitted supplemental documents to the Ray House 2020-099 Application, including upgrading it to a Class V Site Plan Application, to show the roughly 70’ separation between the buildings, how the two proposed parcels would develop the block and the enhanced pedestrian experience with roughly 21,850 square feet of open space (roughly three times the size of the pocket park in front of Worthing Place or about half of a football field).

In February, we received unanimous recommended approval from the DDA & PGAD for the Ray's modifications. We were then set for SPRAB's April meeting, but due to COVID-19 and City Hall's closure, the meetings were suspended. And just last week, on August 26, 2020, we received unanimous approval from SPRAB.

In the Ray's TAC Comments, we were advised that if we chose "to keep the current parking lay-out, a **waiver approval from LDR Section 4.6.9(F)(3)(d) would be required.**" In the SPRAB Staff Report it states, "[i]t is important to note that the **proposed perpendicular valet parking space configuration differs from the sequential intent of tandem parking spaces referenced in the LDR.**" *City of Delray Beach, SPRAB Staff Report dated August 26, 2020, page 8 (emphasis added).* The Report goes on to state that "[a] condition has been added to the motion requiring that a **valet parking agreement and a waiver to the tandem parking space configuration be provided with City Commission approval prior to CO.**" *Id. (emphasis added).*

LDR Section 4.6.9(D) lays out the design standards for a traditional parking garage and/or lot. LDR Section 4.6.9(F) titled "Special Provisions" covers four different alternative parking options, which includes valet parking as one of the alternative parking options. **"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."** *LDR Section 4.6.9(F)(3)(emphasis added).*

Consistent with Section 4.6.9(F)(3), the Applicant submitted as part of its Class IV Modification, a parking garage plan for a valet only parking garage. The plan met all requirements for valet parking as laid out below, except for the one highlighted in red.

- (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.*
- (b) *The required queue is to be provided on private property as opposed to public rights-of-way.*
- (c) *There is a parking professional available for the vehicle retrieval during business hours.*
- (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.***
- (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,*
 - (ii) *The disabled person's vehicle may be safely operated by aforementioned parking professional.*

- (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.*
- (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.*

In response to the TAC Comment and the Staff condition to the Applicant's SPRAB approval, please find our request for waiver from LDR Section 4.6.9(F)(3)(d) and our request for approval of a Restrictive Covenant consistent with LDR Section 4.6.9(F)(3)(a).

II. REQUEST FOR WAIVER FROM LDR SECTION 4.6.9(F)(3)(d) & REQUEST FOR RESTRICTIVE COVENANT FOR A VALET ONLY PARKING GARAGE

The LDR's provide that "[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 utilize[d] in lieu of the requirements of this Section" provided that seven requirements are met. *City of Delray Beach, LDR Section 4.6.9(F)(3)(emphasis added).*

The first requirement is that the Applicant enter into an agreement with the City that constitutes "a covenant running with the land" and is "recorded in the public records of Palm Beach County." *Id. at 4.6.9(F)(3)(a).* The Code goes on to state, "[a]ny 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." *Id. (emphasis added).*

Consistent with LDR Section 4.6.9(F)(3)(a), the Applicant seeks approval of a Restrictive Covenant for a valet only parking garage prepared by the City Attorney and placed on the next available City Commission agenda. While the City SPRAB Report requires this agreement prior to CO, given that the Ray is under construction, time is of the essence. We respectfully request that the City Attorney provide us with the City's agreement for our signature, and we be placed on the next available City Commission agenda.

The other requirements for valet parking include: (i) that the required queue is on private property; (ii) that there is a parking professional available for the vehicle retrieval during business hours; (iii) that parking spaces be 8.5'x16' with a maximum stacking of two vehicles and 24-foot wide drive aisles; (iv) that it conforms with handicap accessible parking requirements; (v) that it has a valet queuing area of at least 100 feet; and (vi) that it has certain landscape buffers (not applicable here given that the garage is subterranean). *Id. at 4.6.9(F)(3)(b)-(g).*

The Applicant meets all of these other requirements, but for one. Specifically, LDR Section 4.6.9(F)(3)(d), which states "[t]he dimensions for valet and tandem parking spaces shall be a minimum of [8.5'x16'] with a maximum stacking of two vehicles along with a drive aisle of 24 feet."

As shown on Site Plan Sheets 14, 15, 15b and 23, the parking space dimensions are 9'x18' for the 93 standard parking space, 12'x18' for the four handicap accessible parking spaces, and 8'x16' for the 81 compact

parking spaces. In fact, these dimensions are the exact dimensional requirements laid out for a standard parking lot or garage in LDR Section 4.6.9(D)(4). While the Applicant sought to operate the garage as valet only, the Applicant did not redesign the parking space dimensions. This was purposeful in order to provide for the greatest flexibility and sustainability of this roughly \$10 million parking garage. Ironically, the waiver would result in larger parking spaces for the majority of the parking spaces as the standard and handicap accessible spaces exceed the minimum required valet parking space dimensions. And for the compact spaces, the waiver is for a mere six inches in width.

With regard to the second comment regarding the tandem parking space configuration in the drive aisle, we are unclear as to what Code section requires a waiver. **The drive aisle is 24 feet in width consistent with Code.** The Applicant is proposing to park an additional 20 vehicles on Level 1 and 25 vehicles on Level 2 **utilizing tandem, stacked parking within the 24' drive aisle** (as shown on the plans these spaces are 9'x18').

The LDRs specifically provides for tandem parking. **"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."** *LDR Section 4.6.9(F)(3)(emphasis added).*

Additionally, it is important to note that the dimensional requirements for valet parking spaces and the SPRAB Report comment prohibiting use of the drive aisle for tandem parking is contrary to the industry wide operation practices for valet parking. We have attached to this request letters from LAZ Parking, Ameristar Parking Solutions and Morris-Depew that speaks to this industry wide practice. LAZ and Ameristar are parking garage and valet parking professionals. Morris-Depew is the Ray's Traffic Engineer. Below are excerpts from the letters from these three parking and traffic professionals. The complete letters are attached to this request.

Stack parking involves parking vehicles alongside drive aisles and directly behind and perpendicular to striped spaces. Such parking strategy is commonplace in our industry for making the most efficient use of parking footprints in order to maximize stall capacity and is successfully deployed in many of our facilities locally and across the Country, whether on a regular basis or simply on occasion to accommodate overflow demand. In stack parking operations, attendants are strategic in terms of how and where to best stack park vehicles, so that sufficient maneuvering and circulation can be maintained. For example, stack parking in turning bays and near the tops/bottoms of the ramps are typically avoided and vehicles are most often parked along the righthand side of drive aisles, so that the passenger side of the vehicle can be parked as closely as possible to the adjacent perpendicular parking row, thus keeping the drive aisle as wide as possible. LAZ Parking letter dated July 6, 2020 (emphasis added).

One of the main tools used in a professionally managed and operated space is "Stacking". This allows trained staff to utilize space far more efficient than the general public. Typically, this may require moving a car to retrieve a car but when done in a professional manner we are accustomed to, it leads to more vehicles fitting into a smaller space in a safe manner. Priority number one with Ameristar Parking is safety. We will not jeopardize safety in any circumstance. With the drawings and design, we have been provided and reviewed, it is in our professional opinion it is more than sufficient space to satisfy our goals. Ameristar Parking Solutions letter dated August 31, 2020 (emphasis added).

In the case of the design of...parking facilities,...[parking design] standards can be significantly reduced or relaxed where you have limited the users of the parking facility to a staff who is familiar with the location and layout, physically able to operate the vehicles to a degree that is much higher than even the average driver, and are doing so in a controlled environment such as the parking facility included in the design of this project. *Morris-Depew letter dated August 31, 2020 (emphasis added).*

As stated in the attached Parking Professionals and Traffic Engineer's letters, the purpose of having a valet only parking garage or lot is to maximize the number of parking spaces. Here the result is a parking space surplus of 24 vehicles over the required amount.

The reason the City requires a Restrictive Covenant is so that only professional drivers access the garage, where their operating practices deviate from traditional parking and circulation methods. Simply put, there shouldn't be any dimensional or design requirements for a valet-only garage as it should remain in design as a traditional parking garage and then be operated as a valet parking garage.

We have done a survey of codes through-out Palm Beach County and were unable find one other city that had dimensional requirements for a valet only parking garage or lot. The ADA actually excuses dimensional requirements for valet parking garages or lots. The American Planning Association recognizes the flexibility of permitting valet parking to increase parking availability by non-conformance with dimensional and design requirements.

From a sustainability standpoint, by redesigning the garage and striping for valet spaces, we would limit the future flexibility of the garage. After spending nearly \$10 million on this underground parking garage, we want to ensure the sustainability of it, not just for the next decade but for the next century. The LDRs clearly contemplate long-term sustainability when it provides that the Restrictive Covenant "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." *Id.* Should the parking requirements or uses change over time, the Applicant would not need to redesign the parking garage as it meets the Code's dimensional requirements for a traditional parking garage. They simply would need to request termination of the Covenant and cease valet operations.

With that analysis in mind, pursuant to Section 2.4.7(B)(5) and Section 4.4.13(K)(8)(b)(2) of the LDRs, the criteria for the City Commission to grant a waiver from LDR Section 4.6.9(F)(3)(d) to allow for standard, compact and handicap accessible parking space dimensions in lieu of valet parking space dimensions, and to permit the Applicant's valet operator to do tandem parking within the drive aisle is laid out below.

LDR Section 2.4.7(B)(5)

(a) Shall not adversely affect the neighboring area;

The proposed waiver to allow for standard, compact and handicap accessible parking space dimensions in lieu of valet parking space dimensions, and to permit the Applicant's valet operator to do tandem parking within the drive aisles shall not adversely affect the neighboring area, but rather the desired design will enhance the Downtown core and this Primary Street.

When reviewing or discussing a project, so much focus is usually on the height, the number of floors, the architectural style or the parking. However, one of the most impactful parts of a development is the pedestrian

experience at the ground level. The 2014 revised Central Business District ("CBD") LDRs clearly understood this as much focus was given to the pedestrian realm. From the addition of Civic Spaces to non-waivable, enlarged sidewalk widths to streetscape design to uses lining the street – through-out the CBD Section of the LDRs, there are requirements that show the City's desired focus on ground level design and investment.

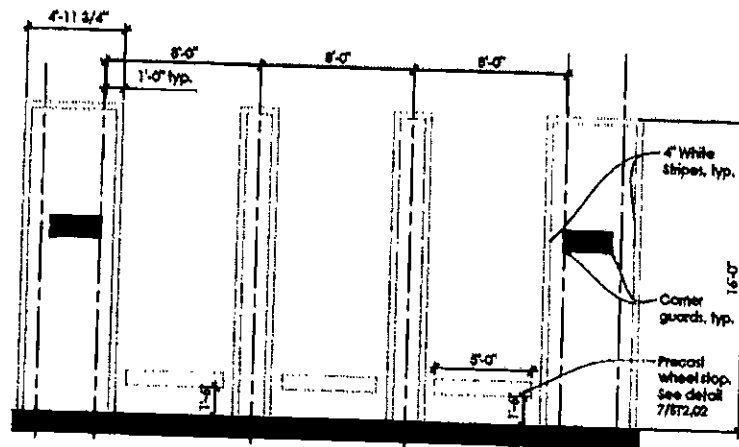
"Primary Streets are intended to develop over time as **superior pedestrian environments** and, as such, are held to higher standards in the regulations regarding building placement, building frontage, and the location of parking and service uses." *City of Delray Beach, LDR Sec. 4.4.13(B)(1)*. "Certain Primary Streets within the CBD are intended to be lively, **highly active pedestrian environments** that support businesses and reinforce local character. Streets designated as with Required Retail Frontage are held to stricter standards regarding allowable frontage types and uses located within sidewalk level stories." *Id. at Sec. 4.4.13(B)(2)*.

In looking to redevelop the Property, the design of the Ray in the 2018 Approval included prioritizing the pedestrian experience in this neighborhood. One example, that added a significant expense and length of construction time, was the underground parking garage. "The demand for parking in downtown areas over time resulted in significant auto use within the ground floor, which negatively impacts the form of streets and pedestrian environment. It is important to note that structures and uses which shape streets into superior pedestrian environments are a key part of sustainability in city design." *City of Delray Beach, City Commission, Staff Report dated December 5, 2017, page 3 (emphasis added)*. By putting all the parking underground, the Applicant allowed a design, which significantly enhanced the overall streetscape and in turn, the neighborhood.

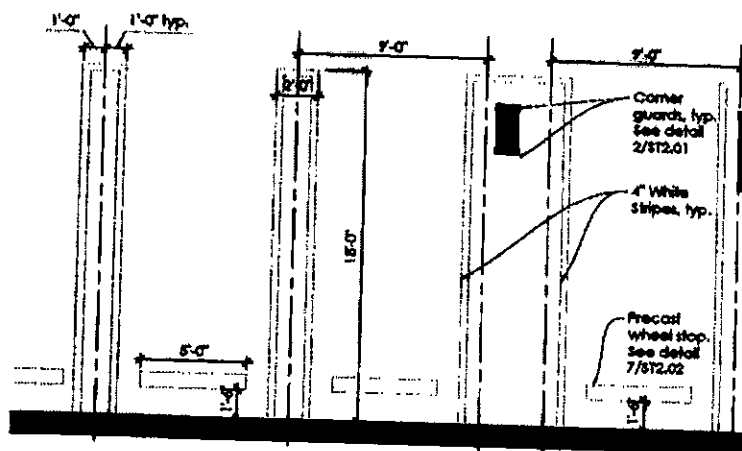
Instead of looking at parking garage entrances and exits, a pedestrian gets to meander through the 15'-11" to 22'-5" sidewalks (far exceeding the LDR required 8' minimum width) totaling 3,868 square feet, as well as through the roughly 10,903 square feet of open space/pedestrian space, which includes the 4,098 square foot Civic Space Plaza (which exceeds the required Civic Space by 2,438 square feet).

With this waiver request, as explained above, the Applicant is actually seeking approval to build larger parking spaces than what is required by Code for valet parking spaces (this is for the 141 standard, handicap accessible and valet spaces). And the compact spaces, are just six inches shy of the valet parking space dimensional requirements. Again, the proposed dimensional requirements are consistent with the Code's requirements for a traditional parking lot or garage (non-valet only). And, with this waiver request the Applicant will have a parking surplus of 24 parking spaces. Please see below taken from the Site Plan Sheets for further information on this.

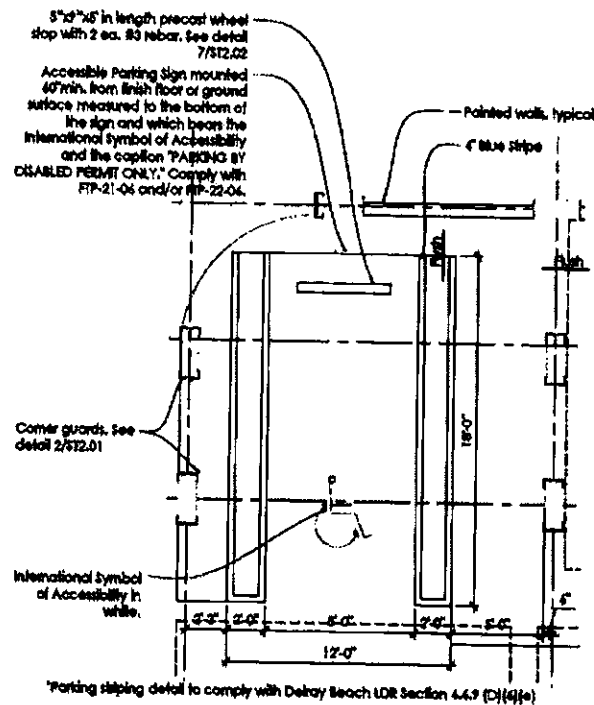
Location of Parking	Number of Spaces		
First Level Garage	Standard	42 spaces	223
	Compact	37 spaces	
	Accessible	4 spaces	
	Valet	20 spaces	
Second Level Garage	Standard	51 spaces	
	Compact	44 spaces	
	Valet	25 spaces	
New On-Street Spaces - Ne 2nd Street	3		
On-Street Spaces Removed	2		
Total Spaces Provided	223 spaces		
Total Spaces Required	199		
Number of Alternative Fuel spaces (3% of total)	7		
Number of Handicap Spaces	4		
Number of Compact Spaces	61		



1 Typical Enlarged Compact Parking Detail



2 Typical Enlarged Standard Parking Detail



5 Enlarged Accessible Parking Detail
1/4" = 1'-0"

With regards to the 24' drive aisle width, as stated above the Applicant has designed a garage with 24' drive aisles. The Applicant is proposing to do stacked, tandem parking perpendicular to the standard parking spaces in certain areas of the garage. See attached Plan Sheets 14, 15, 15b and 23.

The LDRs specifically provides for this in 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 utilize[d] in lieu of the requirements of this Section." City of Delray Beach, LDR Section 4.6.9(F)(3)(emphasis added). And again in LDR Section 4.6.9(F)(3)(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." Id.(emphasis added).

That said, in the SPRAB Staff Report it states, "[i]t is important to note that the proposed perpendicular valet parking space configuration differs from the sequential intent of tandem parking spaces referenced in the LDR." City of Delray Beach, SPRAB Staff Report dated August 26, 2020, page 8 (emphasis added). The Report goes on to state that "[a] condition has been added to the motion requiring that a valet parking agreement and a waiver to the tandem parking space configuration be provided with City Commission approval prior to CO." Id. (emphasis added).

We are unclear as to the where in the LDRs the SPRAB Report is referencing with regard to the "sequential intent of tandem parking spaces." As stated above, the LDRs specifically contemplates and permits tandem parking. Moreover, as stated in the attached letters from two separate parking operators as well as from the Project's Traffic Engineer, stacked, tandem parking is an industry norm for valet operations. If there is a prohibition of

stacked, tandem parking in the drive aisles, then we do not believe a waiver of such LDR requirement would adversely affect the neighboring area for the same reasons detailed above. On the contrary, such design will enhance it as the waiver results in a parking surplus, all of which is located underground and removed from the pedestrian view and experience.

By building the parking underground, the Applicant has drastically improved the pedestrian experience and streetscape of the neighborhood. The underground parking also further reduces the building's massing and removes parked vehicles from the street. The request to operate this as a valet only, but with a waiver to keep design of garage consistent with a traditional parking space dimensions, allows for the long-term sustainability of this significant investment. **For all of these reasons, the Commission can make a positive finding that this request does not adversely affect the neighboring area, but rather enhances it.**

(b) Shall not significantly diminish the provision of public facilities;

The requested waiver does not diminish the provision of public facilities. Again, the waiver impacts private property located completely underground. No utilities or City infrastructure will be impacted by the requested waiver.

(c) Shall not create an unsafe situation; and

The requested waiver will not create an unsafe situation. The proposed design will actually improve safety conditions to the public streetscape by eliminating additional vehicular/pedestrian conflicts at the street level. The waiver would result in a surplus of parking spaces located all underground. Moreover, the garage will be subject to a Restrictive Covenant that requires access and use of the garage to professional valet operators only. The Applicant has installed certain security measures (i.e., card reader access for valet operators only in the elevators, card reader access for valet operators only in stairwells at garage levels, and card reader access for valet operators only at the garage ramp gate arm) to ensure no one from the public can access the garage. Lastly, this request includes letters from three parking and traffic experts attesting to its safety.

(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.

No special privilege is being granted. Because of the unique characteristics of valet parking operations, valet only parking garages and lots should not be subject to design standards as the purpose of valet parking is to accommodate more parking spaces on the site.

Most developers would not spend the money and time on constructing an underground parking garage. It adds seven to eight months to a construction schedule as well as \$5 to \$10 million dollars to overall costs depending on which method you utilize. Should another applicant or owner be willing to construct an underground parking garage and restrict it to valet only, they should be granted the same waiver.

Instead of looking at parking garage entrances and exits, a pedestrian gets to meander through the 15'-11" to 22'-5" sidewalks (far exceeding the LDR required 8' minimum width) totaling 3,868 square feet, as well as through the roughly 10,903 square feet of open space/pedestrian space, which includes the 4,098 square foot Civic Space Plaza (which exceeds the required Civic Space by 2,438 square feet). Should another applicant or owner be willing to invest such a significant amount of money for the public benefit of an enhanced streetscape and pedestrian experience, they should be granted the same waiver.

As stated in a City Staff Report, "[t]he demand for parking in downtown areas over time resulted in significant auto use within the ground floor, which negatively impacts the form of streets and pedestrian environment. It is important to note that structures and uses which shape streets into superior pedestrian environments are a key part of sustainability in city design." *City of Delray Beach, City Commission, Staff Report dated December 5, 2017, page 3 (emphasis added)*. By putting all the parking underground, the Applicant allowed a design, which significantly enhanced the overall streetscape and in turn, the neighborhood.

The Applicant's parking space design is consistent with the LDR requirements for regular parking spaces (standard, handicap accessible and compact). Again, this ensures long-term flexibility of this \$10 million underground garage.

The Applicant's proposed operations of stacked, tandem parking is permitted by the LDRs (with no limitation as to location). This type of parking is industry standard in valet operations and the Applicant's site plans and operations plan have been designed and/or reviewed and approved by three parking and/or traffic experts.

LDR Section 4.4.13(K)(8)(B)(2)

Within the CBD, in addition to the findings in Section 2.4.7(B)(5), the below standards shall be used by the City Commission when considering waiver requests. The Applicant's responses to each are also laid out below.

- (a) 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 requested waiver will greatly enhance, not diminish, the pedestrian experience. The requested waiver allows for all required parking to be hidden from view underground, along with a parking surplus of 24 parking spaces. The design of the garage allows for a significantly better above-ground structure in terms of active uses, living walls, expanded tree canopy, massing, open space and sidewalks.

To the east is City Walk, a mixed-use, 4-story building with 40 condos and retail/restaurants on the ground floor. To the northwest is Canary Row, a townhome community. To the west, on the east side of the alley, is the back of Pineapple Grove Condominiums. The Ray, which will have two restaurants, a hotel lobby entrance and a coffee shop, will enhance the east side of this block so that the residents of Pineapple Grove will have active uses on both sides of this Primary Street. Once both projects completed, the residents will have an enhanced pedestrian experience with roughly 22,000 square feet of open space – basically, three times the size of the pocket park in front of Worthing Place.

Addison Gallery and O'Conner's will benefit as instead of a blighted, private, parking lot that they could not use directly across from them, there will be active uses to drive foot traffic and customers to these establishments. Restaurants such as Brulee, Yama, Joseph's and the Grove will benefit from an influx of hotel guests and the enhanced pedestrian connectivity for the many residents of this area. Additionally, spas and salons such as Lisa B and Company will benefit from the visitors to the Ray and again the enhanced connectivity to the residents north, east and west. And, once the Ray House is finished, which will have ground floor neighborhood retail and restaurants and the continued streetscape of oversized sidewalks, plazas and pedestrian pathways, the retail and restaurants north of NE 3rd Street will benefit as the design on the Ray and Ray House extends the pedestrian connectivity of the Pineapple Grove Arts District.

The Ray will enhance the walkability of the neighborhood with its 15 to 22-foot sidewalks, multiple plazas and pedestrian pathways, and significant tree canopy. Its sidewalk and ground level design (made possible by the

subterranean garage) enhances the City's grid system and walkability by extending the connectivity of the Pineapple Grove Arts District. For our City to have long-term sustainability, we must be more than Atlantic Avenue. The Ray and Ray House will significantly enhance NE 2nd Avenue, NE 2nd Street and NE 3rd Street and create new connectivity and destinations for the residents of this area as well as the visitors to the hotel and restaurants.

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

The requested waiver does not create any incompatibilities with nearby uses or buildings, but rather improves the area's experience overall.

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

Again, as discussed above, the requested waiver will actually enhance the connectivity of the street and sidewalk network. Further, it meets or exceeds all applicable codes and plans related to bicycling and pedestrian experience. The requested waiver allows for all required parking, plus 24 surplus spaces, to be hidden from view underground, which results in a superior pedestrian experience and streetscape.

- (d) The waiver shall not reduce the quality of civic open spaces provided under this code.**

With this waiver request, the Applicant, for the most part, is actually seeking approval to build larger parking spaces than what is required by Code for valet parking spaces. And for the compact spaces, they are just six inches shy of the valet parking space dimensional requirements. Additionally, the Applicant is seeking to employ tandem, stacked parking which results in an overall surplus of 24 parking spaces. This waiver is for parking located underground and results in a surplus of 24 parking spaces.

The waiver will not reduce the quality of the civic space. On the contrary the design of the garage is a main reason why we have such an oversized civic space (required to have a 1,660 square foot Civic Space and instead are providing a 4,098 square foot Civic Space Plaza) plus the 15 to 22.5'-foot sidewalks, pedestrian passageways and multiple pedestrian plazas.

III. REQUEST & CONCLUSION

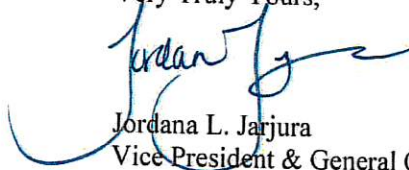
For the reasons set forth herein, the Applicant respectfully requests a waiver from LDR Section 4.6.9(F)(3)(d) to permit the standard, handicap accessible and compact parking space dimensions in lieu of valet parking space dimensions. Applicant also requests use of tandem, stacked parking within the 24-foot drive aisle.

Finally, consistent with LDR Section 4.6.9(F)(3)(a), the Applicant seeks approval of a Restrictive Covenant for a valet only parking garage prepared by the City Attorney.

While the City SPRAB Report requires this agreement and waiver prior to CO, given that the Ray is already under construction, time is of the essence. Accordingly, we respectfully request that both of these requests be placed on the next available City Commission agenda.

Should you have any questions or need anything further, please do not hesitate to contact us.

Very Truly Yours,



Jordana L. Jarjura
Vice President & General Counsel

Enclosures:

1. LAZ Parking letter dated July 6, 2020
2. Ameristar Parking Solutions letter dated August 31, 2020
3. Morris-Depew letter dated September 2, 2020
4. Plan Sheets 14, 15, 15b and 23.

cc: Jennifer Alvarez, Interim City Manager
Lynn Gelin, City Attorney
Anthea Gianniotis, Development Services Director
Craig Menin
Jose Gonzalez, Gonzalez Architects
Bill Morris, Morris-Depew
Rio Lupisan, LAZ Parking
John Powers, Ameristar Parking Solutions
Jon England, Ameristar Parking Solutions
(All Via E-Mail)



10635 Santa Monica Blvd.
Suite #145
Los Angeles, CA 90025
Ph 888.937.2758
Fax 310.441.1792
www.lazparking.com

July 6, 2020

City of Delray Beach
Attention: Planning Department
100 NW 1st Avenue
Delray Beach, FL 33444

Re: Stack Parking via Valet / The Ray

To Whom It May Concern,

As the 2nd largest parking company in the country, LAZ Parking currently manages over 3,000 parking facilities in the US and over 300 alone in Florida, with its vast portfolio consisting of self and valet parking operations serving an array of commercial and hospitality locations. Menin Development, Inc. has retained LAZ Parking (LAZ) to review parking plans regarding the above subject properties, specifically to focus on the feasibility of implementing stack parking through the deployment of either valet or attendant-assist operations.

Stack parking involves parking vehicles alongside drive aisles and directly behind and perpendicular to striped spaces. Such parking strategy is commonplace in our industry for making the most efficient use of parking footprints in order to maximize stall capacity and is successfully deployed in many of our facilities locally and across the country, whether on a regular basis or simply on occasion to accommodate overflow demand. In stack parking operations, attendants are strategic in terms of how and where to best stack park vehicles, so that sufficient maneuvering and circulation can be maintained. For example, stack parking in turning bays and near the tops/bottoms of the ramps are typically avoided and vehicles are most often parked along the righthand side of drive aisles, so that the passenger side of the vehicle can be parked as closely as possible to the adjacent perpendicular parking row, thus keeping the drive aisle as wide as possible.

With the above strategies in place, municipal parking design standards pertaining to drive aisle widths and turning movements become irrelevant, as these have been developed to provide optimum and comfortable maneuverability with typical, self-parking patrons in mind. In parking facilities solely managed by valet attendants, such as those proposed to serve The Ray, all drivers: 1) are professionally-trained;

REGIONAL OFFICES

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Chicago
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Hartford
Houston
Los Angeles
Miami
New York
Philadelphia
San Diego
San Francisco
Washington, DC

2) are acutely aware of the potential vehicular movements surrounding them in a stack parking operation; and 3) become intimately familiar with the nuances of the facility's physical layout.

In summary, while parking design standards are necessary for designing parking facilities to appropriately serve typical parkers, those facilities employing valet and attendant-assist operations should not fall into this category, as attendants are trained in these scenarios to mitigate any functional impacts resulting from vehicles parked outside of physically marked stalls.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Rio Lupisan
Special Projects / Development Manager

rlupisan@lazparking.com

cc: Christopher B. Walsh, Regional Vice President – LAZ Parking



August 31, 2020

ATTN:

City of Delray Beach

Planning Department

100 NW 1st Avenue Delray Beach, FL 33444

Re: The Ray Hotel

To whom it may concern,

Ameristar Parking Solutions prides itself on being a boutique parking management company based out of the East coast, specifically Delray Beach. With a combined 50 years of parking experience between the 2 main partners Jon England and John Powers, our company has grown at a steady rate the last 15 years. We have thorough experience in valet, garage management, and flat surface parking. We also have worked with the city of Delray Beach since the late 1990s servicing the garages, running private events, and operating a majority of the valet operations in the downtown district. This includes but is not limited to: Presidential Rallies, The Tennis Tournament, all Cress Theatre events, 4th and 5th project(lpic) , being awarded the downtown garage management RFP operating for 6 years, and various other events and full time locations. Our current full time locations include: Taverna Opa, Roccas Tacos, The Grove, Lionfish, and lpic.

Menin Development had hired Ameristar Parking to work alongside Laz Parking to oversee the development of The Ray parking structure and ultimately run the operation once completed. They have taken a proactive approach involving our teams early to insure a proper and efficient layout. This includes both safety and efficiency.

One of the main tools used in a professionally managed and operated space is "Stacking". This allows trained staff to utilize space far more efficient than the general public. Typically this may require moving a car to retrieve a car but when done in a professional manner we are accustomed to, it leads to more vehicles fitting into a smaller space in a safe manner. Priority number one with Ameristar Parking is safety. We will not jeopardize safety in any circumstance. With the drawings and design we have been provided and reviewed, it is in our professional opinion it is more than sufficient space to satisfy our goals.

Ameristar Parking Solutions

www.apsvalet.com

If anyone has any questions or needs to contact Ameristar Parking at any time please feel free to call or email me, John Powers at my information below. I am born and raised locally and reside in Delray.

Respectfully,

John Powers

Ameristar Parking Solutions

561-901-8234

DocuSigned by:
John Powers
7CCC29F731E3497...

8/31/2020

MORRIS

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DEPEW

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September 2, 2020

City of Delray Beach
Attn: Planning Department
100 NW 1st Avenue
Delray Beach, FL 33444

RE: The RAY - Stack Parking via Valet

To Whom It Concerns,

The purpose of this letter is to address apparent concerns by Staff related to the operation of a parking facility by a professional valet staff.

As you are aware, the dimensional requirements for a parking lot in most land development regulations including those of the City of Delray Beach are predicated on their being used by the general public. As with most design standards related to the operation of vehicles, the basis of dimensions, speeds, etc. are correlated to a safety factor that accommodates the lowest common denominator of drivers.

In the case of the design of roadways, parking facilities, etc., it is my opinion as a Professional Engineer that these standards can be significantly reduced or relaxed where you have limited the users of the parking facility to a staff who is familiar with the location and layout, physically able to operate the vehicles to a degree that is much higher than even the average driver, and are doing so in a controlled environment such as the parking facility included in the design of this project.

Furthermore, I firmly believe that this reduction in the published municipal standards should extend to stacked and tandem parking stalls which are commonly found in locations with valet service where the availability of parking area is limited and needed. From an environmental standpoint, I also find that allowing for the concentration of parking in this manner increases efficiency and promotes the overall reduction of development footprint since more parking spaces can be placed in a smaller area.

We have designed other similar facilities with a reduction in parking space/aisle scale for operation by valet service only and I firmly believe this is a measure that has been used appropriately in the design of this project.

Sincerely,

MORRIS DEPEW ASSOCIATES, INC. (FL CA 6532)

William Morris, Jr., PE 5554
Professional Engineer
State of Florida

Cc:

M. Morris
A. Niembro
J Gonzalez

MENIN



233 NE 2nd Avenue
 Delray Beach, FL 33444
 Amendment to SPMA Approval

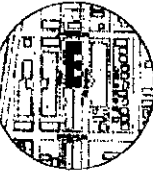
Class IV Site Plan Certification
 02/14/2018

Class IV Amendment 12/04/2019

Re-submitted 01/02/2020

Re-submitted 02/02/2020

Re-submitted 02/09/2020

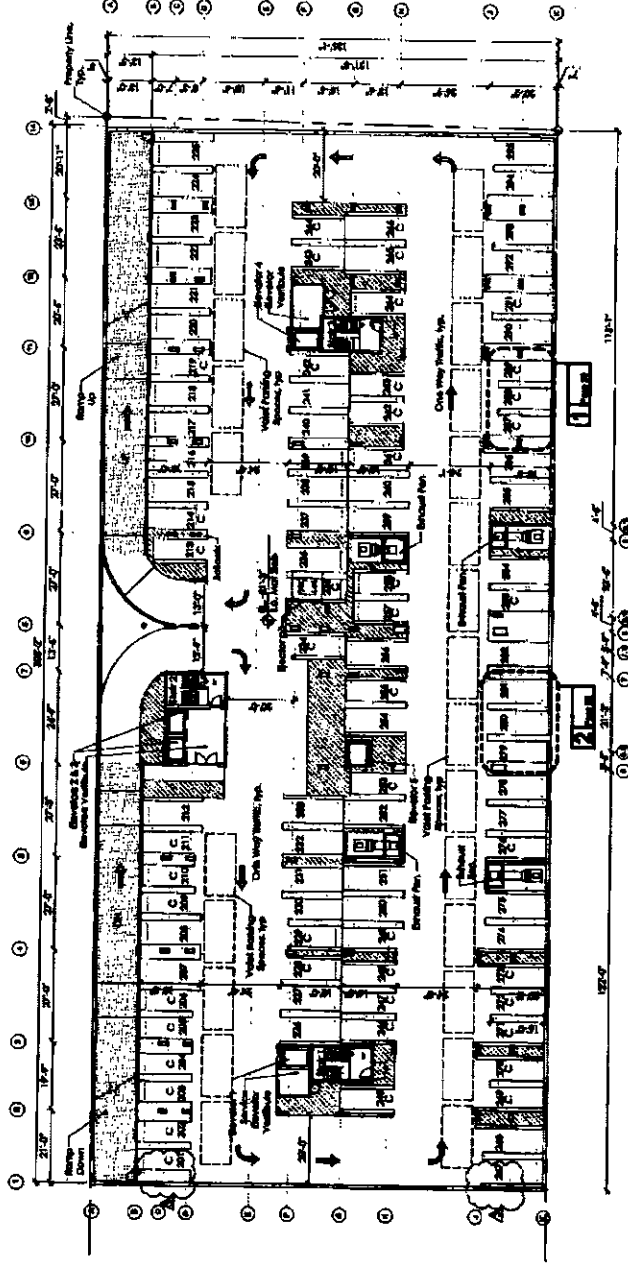


Enlarged Floor Plan
 Parking 2nd Level

Scale
 1/8" = 1'-0"

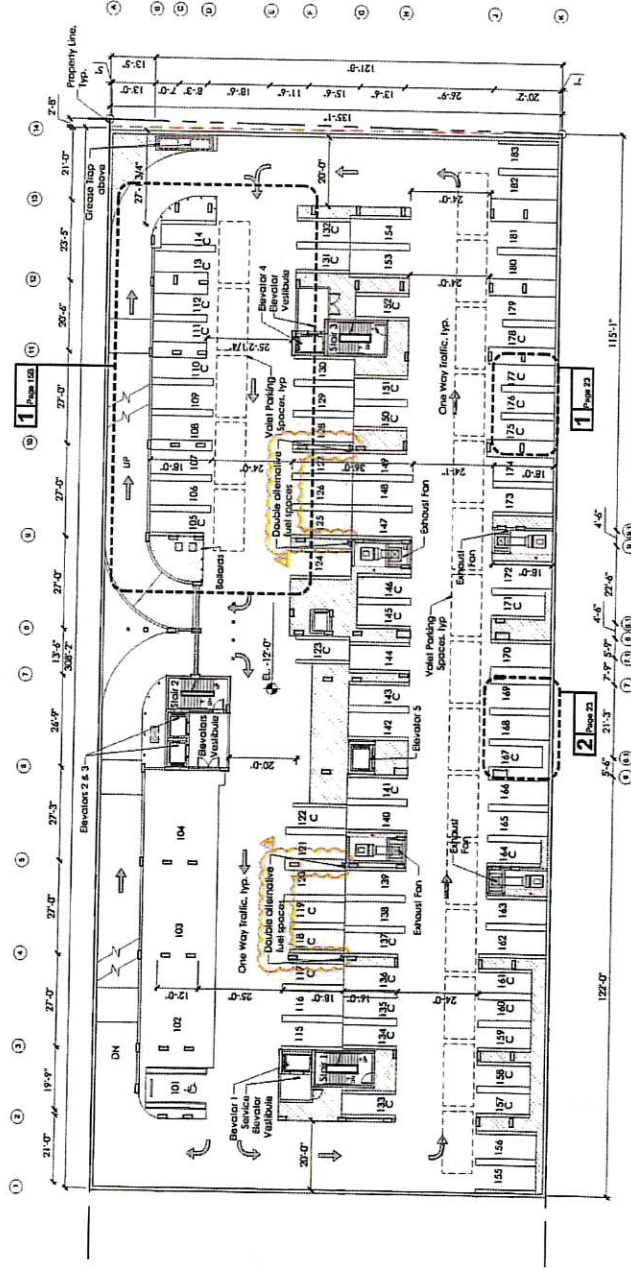
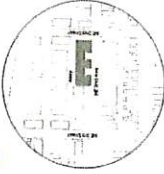
14

Corradine Architects



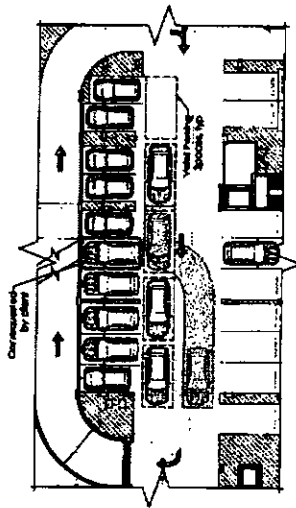
Existing Level 2 - Enlarged Floor Plan

Location of Parking	Number of Spaces
Level 2	100
Level 3	100
Level 4	100
Level 5	100
Level 6	100
Level 7	100
Level 8	100
Level 9	100
Level 10	100
Level 11	100
Level 12	100
Level 13	100
Level 14	100
Level 15	100
Level 16	100
Level 17	100
Level 18	100
Level 19	100
Level 20	100
Level 21	100
Level 22	100
Level 23	100
Level 24	100
Level 25	100
Level 26	100
Level 27	100
Level 28	100
Level 29	100
Level 30	100
Level 31	100
Level 32	100
Level 33	100
Level 34	100
Level 35	100
Level 36	100
Level 37	100
Level 38	100
Level 39	100
Level 40	100
Level 41	100
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Level 44	100
Level 45	100
Level 46	100
Level 47	100
Level 48	100
Level 49	100
Level 50	100

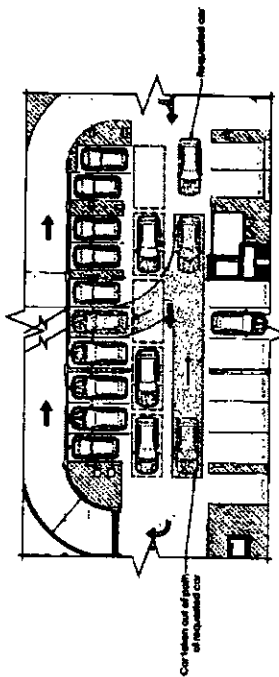


1 Parking Level 1 - Enlarged Floor Plan
1/16"=1'-0"

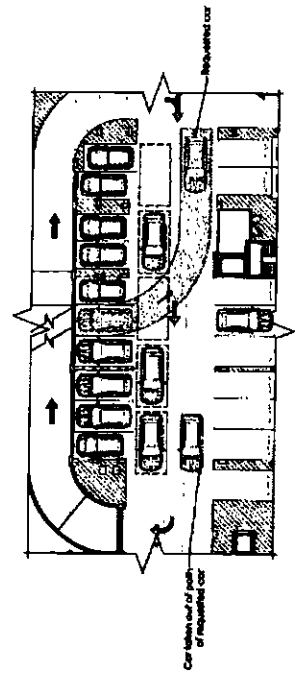
Location of Parking 1st Level Garage		Number of Spaces	
Garage	45 spaces	Garage	45 spaces
Accessories	4 spaces	Accessories	4 spaces
Other	24 spaces	Other	24 spaces



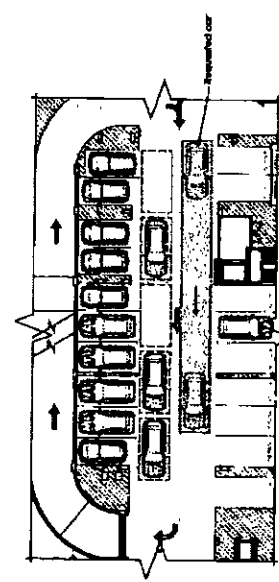
STEP 1: Locate the car that was requested by guest.
If car is located in clear path by valet, car is escorted by the guest.
Valet represents car's path of travel.



STEP 2: Valet, located car in requested car's requested spot.
Valet represents car's path of travel.



STEP 3: Pull requested car out of parking space and park off to the side as 2-way carpool with car being requested.
Valet represents car's path of travel.



STEP 4: Valet requested car to valet.
Valet represents car's path of travel.

