



## Cover Memorandum/Staff Report

File #: 20-764

Agenda Date: 10/6/2020

Item #: 7.B.

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** October 6, 2020

RESOLUTION NO. 168-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING TWO WAIVER REQUESTS TO SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS," SUBSECTION 4(F)(3)(d), "VALET PARKING," OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE DIMENSIONS OF VALET AND TANDEM PARKING SPACES TO BE EIGHT FEET WIDE BY SIXTEEN FEET DEEP AND APPROVING DRIVE AISLE TO BE FIFTEEN FEET WIDE FOR THE DEVELOPMENT LOCATED AT 233 NE 2ND AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

### APPROVING A VALET PARKING AGREEMENT

#### **Recommended Action:**

Review and consider Resolution No. 168-20 and a Valet Parking Agreement associated with The Ray Hotel located at 233 NE 2nd Avenue.

#### **Background:**

Review and consider Resolution No. 168-20, and a Valet Parking Agreement.

The subject site is zoned Central Business District (CBD) and is in the Central Core sub-district. The 1.89-acre site is located at 233 NE 2<sup>nd</sup> Avenue, which is situated on the east side of NE 2<sup>nd</sup> Avenue, between NE 2<sup>nd</sup> Street and NE 3<sup>rd</sup> Street.

On February 14, 2018, the Site Plan Review and Appearance Board (SPRAB) approved the Class IV Site Plan (2017-197) with conditions for The Ray Hotel consisting of a four-story, 143-room hotel, with retail and restaurant uses on the 1st floor, rooftop amenities, and a subterranean parking garage with 186 valet parking spaces. As part of this request, on December 5, 2017, the City Commission approved a unique architectural style and several waivers, including a valet parking drop-off in the front of the building on a Primary Street.

On August 26, 2020, the Site Plan Review and Appearance Board approved, with a condition, a Class IV Site Plan Modification (2020-054) for The Ray Hotel associated with reconfiguring roof top area and adding a restaurant structure, redesigning the civic open space, façade changes, balcony modifications, and converting the underground parking garage from self-parking to valet. Changing the parking to valet allows for smaller spaces and tandem arrangements, increasing the number of parking spaces in the project from 174 to 223. On July 23, 2020, the applicant indicated that a waiver request to LDR Section 4.6.9(F)(3)(d) related to the dimension of the valet parking spaces. The

condition of approval by the SPRAB requires that “a valet parking agreement in accordance with LDR Section 4.6.9 (F)(3), be executed prior to site plan certification.”

On September 2, 2020, the Development Services Department received the waiver request to LDR Section 4.6.9(F)(3)(d), with an accompanying valet parking agreement request with justification statement.

### **Staff Analysis**

The project is proposing to use 100% of the parking garage spaces in the two-level underground parking garage for valet parking. LDR Section 4.4.13 (I)(2)(h), allows that Restaurants, Cocktail Lounges, Hotels, and Residential Type Inns may provide their required vehicular parking as valet parking, subject to the provisions of Section 4.6.9(F)(3).

LDR Section (F)(3), lists the standards (a)-(g) for granting valet parking. The applicant is requesting waivers from LDR Section 4.6.9 (F)(3)(d), which states “*The dimensions for valet and tandem parking spaces shall be a minimum of eight and one-half feet wide and 16 feet deep with a maximum stacking of two vehicles along with a drive aisle of 24 feet.*”

The request is to allow for (1) smaller parking spaces (8 feet wide instead of 8 and ½ feet wide) and (2) a drive aisle width of 15 feet, instead of the required 24 feet. It is important to note that the requested reduction of parking space dimensions meets the LDR dimensional requirement for compact parking spaces.

Based on the site plan modification submitted, the Ray Hotel is required to provide a minimum of 199 parking spaces. The proposed reconfigured parking garage provides 223 spaces, composed of 93 standard parking spaces (9 feet by 18 feet), 81 compact parking spaces (8 feet by 16 feet), 45 non-striped spaces in the drive aisles (9 feet by 18 feet), and 4 ADA accessible parking spaces (12 feet by 18 feet). If the valet parking agreement is granted the project will have 223 valet spaces. If the valet agreement is not granted, the current plans provide 174 parking spaces, or 25 spaces fewer spaces than the minimum required for the increased rooftop design.

### **Waiver Standards**

Within the CBD, the standards in LDR Section 4.4.13 (K)(5), shall be used by the City Commission, SPRAB, or HPB when considering waiver requests, in addition to the findings in Section 2.4.7(8)(5). The applicant's justification statement is attached.

### **Required Findings LDR Section 4.4.13 (K)(5)(b)(2)**

- 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.
- b. The waiver shall not allow the creation of significant incompatibilities with nearby buildings or use of land.
- c. The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan.
- d. The waiver shall not reduce the quality of civic open spaces provided under this code.

### **Required Findings LDR Section 2.4.7 (B)(5)**

Pursuant to LDR Section 2.4.7 (B)(5), prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

- a. Shall not adversely affect the neighboring area;
- b. Shall not significantly diminish the provision of public facilities;
- c. Shall not create an unsafe situation;
- 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.

If granted, the relief would be provided in the striping of the underground parking garage and would not be visible to the surroundings. The approved plans for the Ray Hotel has over 4,000 square feet of Civic Open Space and streetscapes that are 15 feet to 22 feet wide on NE 2<sup>nd</sup> Avenue (Primary Street) and NE 2<sup>nd</sup> Street, and a private mid-block plaza that provide ample walking space for pedestrians in an aesthetically pleasing environment. The approved façade elevations for The Ray do not have large expanses of blank walls or expose the parking to the street.

The plans provided include diagrams and an auto-turn analysis that demonstrate how the vehicles will maneuver through the garage. To ensure accuracy, the plans are signed and sealed by the architect and a letter is also provided by the applicant's valet parking consultant LAZ Parking to demonstrate the safety of the maneuvering and function as a valet parking garage. The approved site plan includes sight line visibility triangles and lighting photometric plans that meet the LDR requirements.

#### **Valet Parking Agreement**

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

- a. Any required valet or tandem parking utilized in lieu of the parking requirements set forth in this section shall be governed by an agreement with the City (in such form as may be approved by the City Attorney), and recorded in the public records of Palm Beach County. The agreement shall constitute a covenant running with the land binding upon the owners, heirs, administrators, successors, and assigns. The agreement may be released by the City Commission at such time that site plan approval is obtained for an alternative parking arrangement which satisfies the parking requirements for said use.

*A covenant has been submitted and is attached for approval.*

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

*The Ray Hotel valet parking drop off queue has a 100 feet of stacking distance.*

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

*The applicant has confirmed that parking professionals will be provided 24 hours a day for valet service.*

- 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.

*An accompanying waiver has been requested to provide parking spaces 8 feet wide by 16 feet wide with a drive aisle 15 feet wide.*

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

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

*The site plans provided show two on street ADA parking spaces (12 feet by 18 feet) on NE 2<sup>nd</sup> Avenue adjacent to the valet queuing area.*

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

*The valet parking review letter provided by LAZ Parking indicates that the valet parking attendants will be professionally trained to operate the variety of different types of vehicles. The applicant has confirmed that the professionals will trained to operate vehicles specifically configured for disabled people.*

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

*The site plan provided shows a valet drop-off/queuing area 16 feet wide by 100 feet long in the front of the building on NE 2<sup>nd</sup> Avenue.*

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

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

*This requirement is not applicable since the valet parking garage is subterranean. However, the plans provide landscape areas between the valet queue and the NE 2<sup>nd</sup> Avenue and meet streetscape standards.*

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

The waiver and agreement must be approved prior to site plan certification.