

11am

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
WORKSHOP SUMMARY**

Meeting Date: February 27, 2018
Department: Facilities Development & Operations

Title: Downtown WPB County Facilities Master Plan Update

Summary: Since the mid-1980s, the City of West Palm Beach (City) has requested that the County support various City planning initiatives in its downtown. The County has made multiple large investments and long-term planning decisions based on the City’s comprehensive plan and zoning regulations or project/area specific agreements with the City. This has resulted in County facilities becoming “anchor” businesses in the north, south and west side of the City’s downtown. The County’s significant investments were accomplished largely without financial assistance from the City, and in reliance on the written representations and commitments of City officials. In recent years, the City has taken actions or failed to take actions which Staff believes are/could be inconsistent with prior representations and commitments that lead to present day County facilities and land holdings in the downtown. The cumulative effect of such actions substantially undermines the value of the County’s past investments, future development potential and most importantly, impacts our operations at existing facilities. Staff is seeking Board direction on the above issues so that Staff can attempt resolution thereof with the City. As detailed within the attachments, Staff recommends that the Board authorize the County Administrator to take the following actions relating to the County Facilities Downtown Master Plan:

- A) Request that the City follow through on its prior commitment to consider an amendment to the Downtown Master Plan allowing for a base building height of 12 stories on the County’s Block D Courthouse and Governmental Center properties.
- B) Request the City approve: 1) restriping of the existing surface parking lot serving the Community Services building at 810 Datura Street as a form of routine maintenance and in its historic configuration without having to stripe that lot in accordance with current code, however, the County will place minimal landscaping around the perimeter of the lot; 2) granting an easement to the County for utilization of the alley; and 3) issuance of a permit for installation of access control features upon the County Block if/when deemed necessary by the County.
- C) Advise the City that: 1) at this time the County cannot support the City’s proposed extension of Fern Street to Clearwater Drive via an additional railroad crossing as the projected increase in traffic is anticipated to negatively impact Palm Tran bus traffic on Clearwater Drive; and 2) as a result of City actions to explore the proposed Fern Street Crossing, Staff recommends that Board postpone consideration of TV’s request for a 1 year extension until an understanding and agreement on those issues is reached amongst the County and City as more specifically discussed in Attachment 3. Staff recommends the Board schedule a workshop between the City and County Commissions to discuss these issues.
- D) Advise the City that: 1) impacts upon the Convention Center need to be fully considered during review of ordinance changes and development approvals for private projects, and 2) the Convention Center Parking Garage cannot be used to address any recurring daily parking demand from private uses or properties that are unrelated to the Convention Center. **FDO Admin (Countywide/District 2/7) LDC**

Background & Policy Issues:

Attachments:

- 1. Government Center, Courthouse & SA/PD; Block D – Height Restrictions
 - 2. Government Hill
 - 3. Wedge Property and the Proposed Fern Street Crossing
 - 4. Letter from PBC Engineering – Fern Street Crossing
 - 5. Letter from Palm Tran – Fern Street Crossing
 - 6. Convention Center – Future Expansion and Parking Garage Utilization
 - 7. Feb. 1st letter from City Administrator Jeff Green
 - 8. *permitted* February 16 letter from County Administrator Verdenia Baker
-

Recommended By: *[Signature]* **Department Director** 2/20/18 **Date**

Approved By: *[Signature]* **County Administrator** 2/26/18 **Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	*				
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget: Yes No

Does this item include the use of federal funds Yes No

Budget Account No: Fund Dept Unit Object
Program

B. Recommended Sources of Funds/Summary of Fiscal Impact:

* The fiscal impact, if any, is indeterminable at this time and will be dependent on the outcome of the workshop and any resulting planning initiatives or implications that follow.

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development & Control Comments:

OFMB 2/22/18
Contract Development and Control 2/23/18

B. Legal Sufficiency:

Assistant County Attorney 2/23/18

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

ATTACHMENT 1
Government Center, Courthouse & SA/PD
Block D - Height Restrictions

Background: In the early to mid 1980's, the City requested that the County site the new Courthouse and SA/PD Complex in downtown West Palm Beach in lieu of the property that the County held for this purpose adjacent to the Sheriff's Headquarters on Gun Club Road. The list below identifies the challenges identified at that time:

- Movement of inmate, jurors and employees in and out of the downtown
- Adequate parking
- Land for future growth over the next 50-75 years as the siting decision was essentially forever

Each of these challenges was overcome and agreed upon through a traffic management plan, an interlocal agreement with the City for the City's design and construction of the Judicial Center Parking Garage¹ and through the purchase of Block D.

In the mid 1990's, the County purchased the property known as Block D (current 4th Street Parking Lot) to accommodate the future growth of the County's judicial system. At the time of the purchase there were no height restrictions on Block D (nor on the Courthouse or Government Center properties).

Subsequent Planning Actions:

1995 – Downtown Master Plan adopted by the City Commission with height restrictions. Despite the height restrictions being approved via referendum, the County had voiced its opposition to Block D being included in the area under consideration.

March 2006 –The County Administrator writes Mayor Frankel requesting the County's future judicial space needs be taken into account as the City evaluates modifications to the height restrictions imposed by the referendum and/or Downtown Master Plan for the purpose of facilitating the redevelopment of the City Hall property.

July 2006 – BCC Workshop concludes in support of the County Facilities Master Plan for downtown West Palm Beach, which specifically identifies need to build-out Block D to its original development potential and the longer term need for the relocation of the Government Center (in whole or in part) to Government Hill. Without full development potential at both properties, the ability to retain the County seat in West Palm Beach would be challenged at some time in the future. The City and the County both wanted to retain the County seat in the downtown, and that mutual desire is believed by Staff to remain unchanged. The BCC also provided direction to work with the City and State to maximize the development potential of the Government Hill property.

¹This interlocal agreement was ultimately terminated and the County purchased the design plans from the City. Further, the City would not permit the garage as had been designed by the City unless limited to a maximum of 4 stories. Later, due to the lack of parking the City approved the additional two floors and the County spent additional money (more so than would have been required if originally constructed to 6 stories) to add the two additional floors.

December 2007 – Discussions were underway with regard to the creation of the Transit Oriented Development (TOD) District and specifically related to; 1) traffic operations on Australian Avenue, Clearwater Drive and Banyan Boulevard, and 2) maximizing the development potential of the State and County blocks within the TOD (f.k.a. Government Hill).

June 2009 – The City amends (increases) the maximum height and story potential in the Downtown Master Plan/Quadrille Garden District (QGD), however without any coordination with County, the amendment was not sufficient to accommodate the County's needs.

June 2014 – The County Administrator writes Mayor Muoio reminding the City of the County's need for relief from the height restrictions on Block D as the City considers; 1) modifying the height restriction in the QGD at the request of a private developer, and/or 2) modifying the height restrictions that apply to the former City Hall site; the County's Block D being situated between those sites.

January 2015 – Having received no response, the County Administrator again writes Mayor Muoio indicating that the County became aware of a first reading of City initiated amendments to the City's Comprehensive Plan and Zoning and Land Development Regulations that would allow for additional building height and development capacity within the QGD and allow for up to 25 to 30 stories and FAR of up to 6.5 through the use of various incentives for Class A office space and/or hotel (to accommodate a proposed private project). With that letter the County requested that it be treated identical to that of adjacent private parties and the geographic boundary of the amendment be expanded to include the County's government facilities. Doing so would be of no consequence to any of the properties that surround Block D while strengthening the position of the City and downtown as the County seat.

February 2015 – Staff delivered comments similar to the content of the January 2015 letter to Mayor Muoio at the City's public hearing and the Mayor indicated that she would direct City staff to meet and resolve the matter with the County.

March 2015 – County and City Staff met with the conclusion being that the City Staff was generally comfortable with the concept of increasing the height allowance for public buildings in the QGD via a Comprehensive Plan text amendment, with implementing zoning provisions being codified at a later date when the County submitted a specific project for approval. City staff requested that County staff supply a conceptual design drawing to justify and support the request.

June 2015 – County Staff disseminated a conceptual site design drawing, draft ordinances that would accomplish the requests and additional supporting documentation to City Staff, including the fact that existing County buildings exceed the height limits of current City regulations, so that the City could move forward with simple text amendments at the next opportunity to resolve these conflicts and accommodate the future development of Block D.

September 2015 – For lack of any response, County Staff sent two reminders to City Staff before a follow-up meeting was scheduled.

October 2015 – Meeting of County and City Staff conducted to review the materials that had been disseminated by County Staff in June. City Staff concluded that they would consult the Mayor for direction.

November 2015, December 2015 (2), & February 2016 – E-mails were issued by County Staff reminding the City Staff that it had agreed to pursue the advancement of the text amendment. A subsequent meeting never occurred.

July 2017 – County Staff corresponds with City Staff regarding City initiated amendments to the Comprehensive Plan Downtown Master Plan Element, Downtown Master Plan Urban Regulations and Downtown Master Plan Zoning Atlas to allow for building heights of up to 25 stories and reduced parking requirements in the proposed Okeechobee Business District to accommodate a proposed private development project.

Summary:

1. The City has taken actions which are contrary to the representations, commitments and/or plans relied upon in making a nearly \$200M investment in judicial facilities in the downtown, and has demonstrated unequal treatment to County and private development interests.
2. The City has not moved forward with a minor text amendment to recognize that new courthouse construction requires floor to floor heights greater than traditional office buildings and hotel construction and that current security requirements prohibit parking from being located under the Courthouse – thus both requiring an increase in the number of stories and building height beyond the 10 stories and/or 128 feet that is currently permitted in order to accommodate the future growth of the judicial system upon Block D and rectify conflicts with building height of the existing Courthouse (11 stories and 207 feet) and Governmental Center (12 stories and 177 feet) buildings. City Administrator Jeff Green indicated in his February 1 letter (Attachment 7) that City Staff would support amending the City's code to allow variances to be issued for Governmental projects. The mere ability to request a variance does not deliver the predictability required for the County's long range planning efforts.

Action Requested: The City Commission adopt a City initiated text amendment to the Downtown Master Plan Element of the City Comprehensive Plan allowing for a base building height of 12 stories for public buildings in the Quadrille Boulevard Corridor and District Interior of the Quadrille Garden District and a concurrent amendment to the Downtown Master Plan Urban Regulations allowing for a base building height of 12 stories or 210 feet, whichever is less, for public buildings in the Quadrille Garden District (QGD-10), while leaving the maximum FAR and incentive stories unchanged.

ATTACHMENT 2

Government Hill

Background: The Transit Oriented Development District (TOD) consists of four (4) blocks east of Tamarind Avenue (known in large part as Government Hill) and the Wedge Property (which is discussed in Attachment 3). Just north of Government Hill, the Federal government owns an additional block and never participated in the planning effort. Of the remaining three blocks, the State owns the North Block and the County was the primary owner in the Middle and South Blocks during the active planning effort.

In order to gain County support for the creation of a TOD, which is largely made up of County and/or government property (Wedge/Intermodal Parcel and Government Hill holdings), the City urged and supported two County efforts necessary to preserve the development potential of the County's holdings on Government Hill. The first was to develop a Government Hill Master Plan for the County (South and Middle Block) and the State Block (a.k.a. Dimick Block) together which would provide for the maximum development potential on the Dimick Block by redesigning and relocating the then pending Health Department Building from fronting Tamarind Avenue to Clematis Street in a more urban setting; thereby 1) creating a high intensity commercial development parcel on the Dimick Block which could be used by the County for its future Government Center, 2) supporting approximately 1,000 structured parking spaces for the State Block and future County building, and 3) allowing the South and Middle blocks to be sold by the County to a private developer to partially offset the increased costs of development on the Dimick Block. It was the City's responsibility and commitment to ensure a condition of the private development on the South and Middle Blocks was to provide approximately 1,500 spaces for the County.

The County subsequently donated an additional \$4.75M to fund the Health Department's redesign and construction of its building from the frontage of Tamarind Avenue to the current day location on Clematis Street. In addition, County Staff spent hundreds of hours of staff time between 2009 and 2013 negotiating and drafting new leases and subleases between three State agencies holding an interest in the Dimick Block to accommodate over 300,000 sf of County office building and a parking garage on the State Block so that a plan would be in place to actually realize that building intensity in the future.

A part of the leases and subleases was a parking study for the governmental uses on Government Hill as the Dimick Block was developed. A key assumption of the parking study was that sufficient parking would be constructed on the Dimick Block to accommodate all of the State users with the remainder being provided by the private developer of the South and Middle Blocks.

Subsequent Planning Actions:

August 2015 – The City makes the land available to the County for the Ballpark of the Palm Beaches only if the County “paid” for that former landfill via an exchange for the County's South Block on Government Hill. While the South Block exchange was a value for value exchange at current values; 1) the likelihood of the City ever identifying a purchaser to purchase the Ballpark property at appraised value was remote, and 2) the City plans to sell the South Block to a developer at a higher price than it “paid” and without a requirement that the developer of the South Block provide parking for the County consistent with the Government Hill Master Plan.

August 2015 – The City approves the very low intensity 4th District Court of Appeals (4th DCA) Courthouse project on the Tamarind Avenue frontage of the Dimick Block (that was slated for the future County Government Center) without consideration for, contrary to and effectively negating the entire Government Hill Master Plan. Subsequent to the approval of the 4th DCA and in an effort to assist the State with construction efforts, the City agreed to reserve on-street parking on Government Hill to the contractor without any discussion with adjacent property owners (which are almost entirely owned by the County), leaving State employees and visitors without any options but to use the County's adjacent underutilized property upon which the County's Department of Community Services' building sits.

June 2016 – Staff requests that the City approve a permit to perform routine striping maintenance on the surface parking lot to facilitate the State's use of the County's underutilized parking area during construction. The City Staff takes the position that it cannot issue a permit for routine striping maintenance without the County complying with current standards.

July 2017 – The County is informed that 50-100 State employees will likely be without parking on the Dimick Block following the completion of construction of the 4th DCA Courthouse and no onsite parking accommodations have been made for visitors.

November 21, 2017 – Staff advances an agenda item addressing the potential parking and operational impacts upon the County's 810 Datura Street/Department of Community Services facility as a result of the City approved 4th DCA Courthouse development program on the Dimick Block. The Board authorizes: 1) State employees and visitors to park in the County owned paved lots surrounding the 810 Datura Street facility unless/until the cumulative parking impact comes to have sustained impacts on parking availability for County employees, programs and services; 2) the installation of access and operational controls to the County's 810 Datura Street facility if/when necessary and to request that the City abandon the alley which bisects that County property in preparation for same; and 3) the Mayor to send a related letter to the State expressing the County's disappointment in the State's overall parking plan on Government Hill, intentions to implement physical and operational controls if/when necessary and need for the State to plan for its future parking need without any reliance upon County property.

Summary:

1. The County performed all of the planning and funded millions of dollars in unbudgeted costs for the State/DOH to relocate (at the City's request and just before building permit issuance) from the frontage of Tamarind Avenue to Clematis Street to allow for a more intensive development of the State, Middle and South Blocks.
2. The City approved the 4th DCA project on the State Block, thereby: 1) undoing the previous planning efforts to realize the envisioned intensity in the TOD, 2) not requiring compliance with the parking plan previously agreed upon by the County and State, and 3) failing to coordinate with adjacent property owners (County) regarding the impact of under-parking the State Block.
3. The Board has authorized the installation of access and operational controls to the County's 810 Datura Street facility if/when necessary in order to protect and preserve the integrity of County operations. To fully secure the facility, a City-owned alley that traverses the property and which: 1) the County has repeatedly had to undertake surface repairs and maintenance

at its sole expense for operational continuity and functionality reasons and 2) is neither regularly utilized nor required to access property owned by any other party, will need to be abandoned. The Board did also authorize that the City be requested to abandon that alley in preparation for any installations to meaningfully control access. In City Administrator Jeff Green's February 1st letter, he offered the County the right to temporarily close the alley for the County's exclusive use. However, in exchange the City would require the County to resurface and restripe the parking lots and install new landscaping, all in accordance with current code. This is exactly what County Staff was trying to avoid having to do.

Action requested: Again request the City approve: 1) a permit to restore striping of the existing surface parking lot serving the Community Services building at 810 Datura Street without having to stripe that lot in accordance with current code, 2) an Easement granting the County the right to close the alley that traverses the County Block and have exclusive use thereof with the County volunteering to place minimal landscaping around the perimeter of the lot; and 3) a permit for installation of access control features upon the County Block if/when deemed necessary by the County.

ATTACHMENT 3

Wedge Property and the Proposed Fern Street Crossing

Background: The County's Intermodal Transit Center (ITC) operates from the Wedge Property and was strategically situated on a local road and adjacent to the passenger rail line to facilitate a multimodal transit option for the downtown and region. The facility is largely the result of a 1992 Interlocal Agreement between the City and County, whereby the County bought the majority share of the property from CSX for \$3.6M and the City committed to: 1) a one-time five percent (5%) capital cost contribution, 2) 50% funding support for ongoing facility operations, and 3) convey a piece of City-owned property to the County toward assembling the site for development of the ITC.

In 2009, the County held a grand opening for the ITC. The ITC has remained in continuous operation ever since. In 2010, at the request of the City and contrary to County Staff's several recommendations against same, the Board directed County Staff to issue a RFP to Lease or Purchase the Wedge Property for development of a Transit Oriented Development in support of transit ridership. Transit Village, LLC (TV) was subsequently the sole RFP respondent. TV's project will include development of an office building(s), residential units, a Hotel and supporting retail space. This development will be built over the top of the existing ITC.

The forecasted traffic volumes on Australian Avenue, Banyan Boulevard, Clearwater Drive and Clearwater Place was thoroughly evaluated during the RFP award process to ensure that Palm Tran's operations would not be unduly impacted by TV's development. Clearwater is the sole means of access to the Intermodal Transit Center (ITC), which is a critical hub for Countywide Palm Tran operations. The introduction of additional vehicular traffic onto Clearwater has significant potential to adversely impact Palm Tran's arrival to and departure from the ITC and hence destinations remote from the ITC.

In 2012, the Agreement for Purchase and Sale of the Wedge Property with TV was approved by the Board of County Commissioners, including an exhibit devoted to traffic limitations and operational assurances. That exhibit and the study related thereto, both of which have been provided to City Staff on multiple occasions, did not contemplate a Fern Street crossing of the SFRTA/FDOT rail corridor connecting to Clearwater Drive.

Subsequent Planning Actions:

October 2016 - TV receives conceptual approval from the City of West Palm Beach for between \$80M-\$120M in tax increment financing assistance.² This approval of TIF was the latest of three actions by the City that demonstrate the City's changing planning policies, unpredictable and/or inconsistent treatment of the County relative to the Downtown.³

² It is the understanding of County Staff that the current amount of tax increment financing being discussed is \$25M-\$35M.

³ First, the City funding assistance for the development of the Wedge when the City has previously indicated that no funding assistance was available to support such a development when such assistance would have resulted in additional revenues to the County. Second, the City required the County to "pay" for the Ballpark land despite it

November 2016 - The Board grants TV a one year time extension to August 14, 2018 for fulfillment of TV's contractual obligation to secure Building Permits and close. In that Board item, County Staff indicates that the City had been unwilling to provide the County any financial support for this and other projects within the Government Hill/TOD areas. At that same meeting, the County Staff advised the Board that the City was evaluating the possibility of adding another railroad crossing at Fern Street despite being well aware of the County's concerns regarding traffic capacity on Clearwater and the County's requirements for uninterrupted travel of the Palm Tran busses along Clearwater to and from the ITC. The City subsequently communicated that it had not been decided to pursue a crossing at Fern Street.

March 2017 - City commences a multifaceted Mobility Study aimed at alleviating vehicular congestion and encouraging modes of transportation other than passenger vehicles in the downtown. That study has identified an additional gateway to and from the downtown as a potential means to relieve existing traffic. An additional vehicular connection would immediately result in the redistribution of existing vehicular traffic; thereby reducing vehicular volume on the links and key intersections of the existing Okeechobee Boulevard and Banyan Boulevard gateways to the downtown.

April 2017 – FDO Staff becomes aware that the City is pursuing the possibility of an extension of Fern Street between Australian Avenue to the west and Tamarind Avenue to the east as the additional road connection to the downtown. The extension of Fern Street would include crossing the SRFTA/FDOT rail corridor and connecting to Clearwater Drive and Clearwater Place to ultimately reach Australian Avenue. The County Engineer and Director FDO immediately notified a representative of City Administration that FDO is to serve as the County's representative on the subject and should be invited to all meetings, copied on all correspondence relative to same and/or participate no different than any other property owner and/or stakeholder.

June 2017 – Although the focus of the Charrette was Okeechobee Boulevard, graphic and verbal representations of the proposed Fern Street Crossing were made throughout same. FDO voiced its concerns with the proposal to both City Staff and City consultants that were in attendance.

August 2017 – During a public meeting of the City's Downtown Action Committee (DAC) for the Okeechobee Business District, City Staff stated that an application for the proposed Fern Street Crossing had been submitted to FDOT's Central Office following the Okeechobee Boulevard Charrette. City Staff later informed FDO staff of: 1) that having been a misstatement, 2) having received direction to make application "since it received an overwhelming amount of support from the public," 3) intentions to meet with stakeholders following submission of the City's application, and 4) intention to meet with FDO and Palm Tran Staff in September to obtain feedback on City ideas for potential transit improvements.

December 2017 – County Staff obtains a copy of the City's application to the State of Florida Department of Transportation (FDOT) for the proposed Fern Crossing from FDOT after prior requests for same to City Staff were not fulfilled. Upon review, County Staff discovers that: 1) the

achieving mutual redevelopment objectives. Third, the City permitted the 4th DCA at a suburban format with insufficient parking after requiring the County to fund the re-design of the Health Department to an urban intensity.

City estimates traffic volumes of 13,410 average daily vehicle crossings; 2) non-motorized traffic improvements would generate additional crossing volume (thereby heightening direct interactions with Palm Tran vehicles in route to/from the ITC), 3) the City's Fern Street Extension Final Feasibility Study was completed on May 26, 2016 and memo of findings from an evaluation of rail crossing traffic completed on March 31, 2017 without any prior coordination with or even mention of to County Staff, and 4) there is no mention of or findings relative to the County's traffic study that was prepared in collaboration with City Staff to evaluate the implications of the Transit Village project on the Wedge Property for ITC/Palm Tran operations. It should also be noted that County Staff understands that FDOT would require the closure of 2 existing rail crossings elsewhere in the City as a pre-condition of allowing the proposed Fern Crossing. Although no crossings are identified in the City's application, the City does have crossings it could close and hence the initiative remains technically viable. Jack Stephens, executive director of SFRTA, indicated in his January 26 letter that SFRTA was not aware of any application for approval of an additional crossing, that SFRTA must be included in the approval process and that SFRTA does not support an additional at grade crossing at Fern Street. While Mr. Stephens' position is helpful in shedding light on how difficult it will likely be to obtain approval of this proposed crossing, we have all seen how many times the impossible becomes reality. The only action which would provide some level of certainty, would be for the City to formally abandon their efforts. In his February 1st letter, Mr. Green has indicated that the City is unwilling to do so. Recently, both the County Engineer and Palm Tran have reviewed the potential impacts of the crossing upon traffic using Clearwater Drive and believe those impacts are likely to be material. Letters from the Traffic Division and Palm Tran are attached (Attachments 4 & 5).

At roughly the same time in December that FDO Staff learned that the City was continuing to pursue the proposed Fern Street Crossing, FDO Staff discovered that City Staff expressed to Palm Tran and the MPO/TPA the City's interest in relocating Palm Tran routes from the ITC to another location in the downtown. Just last week Staff was informed that the City has issued a RFQ for developers to submit their concepts for redevelopment of the City's Tent Site, including relocation of the ITC to the Tent Site. While Staff was not consulted prior to issuance of the RFQ and has not been provided with details on what or how many routes the City proposes to relocate, if the City desires to relocate a significant number of routes, such relocations could call into question the continued viability of the ITC in its current location, as well as TV's project. Palm Tran has indicated that it will not support relocating the ITC, but is in the process of evaluating measures to improve efficiencies of existing routes and transfers, which could result in 1 or 2 buses no longer routing through the ITC.

January 2018 – County Staff receives a written request from TV for an additional 1 year extension of the deadline for closing (from August 13, 2018 until August 13, 2019). TV is claiming that it is entitled to the requested extension as a result of governmental delay. Staff does not agree, as at the time of the last extension the only milestone/deadline remaining was to obtain building permits and close. To Staff's knowledge TV has not yet completed its project design, and has therefore not submitted an application for building permits. TV has been pursuing tax increment financing assistance from the City, which has been a lengthy process. However, such financing is not a milestone to which governmental delay is applicable under the County's agreement with TV. Even when construed in a light most favorable to TV, the agreement with TV only allows for 1 year of cumulative extensions for governmental delay and TV has already received a 1 year extension.

Summary

It is unfortunate for all parties that it has taken so long for TV to get to this point. However, County Staff warned at the outset that this project would require 5-7 years to obtain all required approvals and permits. TV and Mr. Massanoff have invested more than a decade and significant financial resources to move this project forward. Staff agrees that TV will not be in a position to close by the current deadline. The City and SFRTA have both indicated their continuing support for TV's proposed development and TV's extension request. Staff's concerns regarding an extension are the result of actions taken by the City which call into question the routes, operations and functionality of the ITC. Specifically, those actions are the discussion of relocating the ITC in whole or in part, and the proposed Fern Street crossing. Until such time that the City formally changes its position on the proposed crossing and the location of the ITC, Staff is hesitant to recommend that the Board extend TV's contract. However, without the extension the project will be placed on hold at best. If the Board desires to grant a further extension, Staff would recommend that such extension be conditioned upon the following:

1. The City and County enter into a formal agreement documenting the City's agreement to not construct the Fern Street crossing until such time that the ITC has been relocated at the City's expense, or the City obtains a traffic study acceptable to the County demonstrating that the proposed crossing will not adversely impact Palm Tran operations. The most effective and quickest way to resolve this is to have a workshop between the County and City Commissions.
2. In consideration for receiving a further 1 year extension, TV convey TV's .4 acre parcel at the corner of Tamarind and Datura to the County at no cost to the County.
3. TV agreeing to extended time frames for County Staff review of TV submittals during the Review Process.

The Agreement between the City and County would allow the City to continue exploring the viability of the proposed crossing and potential for relocating the ITC, while providing the County assurances that the ITC will not be impacted by traffic or need to be relocated at County expense.

Charging TV for the extension is what a private property owner would typically require from a developer. What should be recognized here is that the purchase price TV agreed to pay the County was based upon TV being faced with extraordinary development costs, almost all of which TV has found a way to be relieved of. As things have worked out, TV in essence already received a substantial subsidy from the County. Now Mr. Masanoff is looking to recover his investment in the .4 acre parcel; which was never a part of the TOD/TV transaction, Mr. Masanoff's argument against having to pay for the extension is that the Wedge property was acquired with 80% Federal, 10% FDOT, 5% City and 5% County funding, such that the County has only a minimal investment in the property. TV's proposed project is a transit oriented development of the type encouraged by FTA, and FTA approved both the structure of the transaction and the purchase price. Requiring TV to pay for the extension is in essence a repayment to the County of grant funding assistance provided by others and contrary to efforts of FTA, SFRTA and the City to provide TV's project as much funding assistance as possible. This will be an extremely expensive project to develop; and TV asserts that all of the governmental financial assistance is essential for the project to be

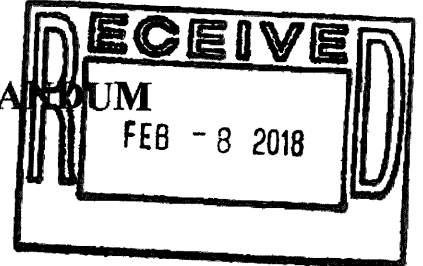
economically viable. Staff believes the issue of whether to charge for the extension is a policy decision for the Board.

In any event, Staff does not recommend buying the .4 acre parcel from TV. While acquisition of this property would round out the County's holdings in the Evernia/Datura block, purchasing this property would require a roughly \$1.5-\$2M transfer from General Fund Contingency. Setting off the value of the property as a credit against the purchase price for the Wedge property as Mr. Masanoff proposes, would both require FTA approval and would likely require encumbering the .4 acre parcel with Federal restrictions which would limit the County's ability to use the property. In addition, this would result in an indirect transfer of funds from Palm Tran to the General Fund.




ATTACHMENT 4

INTER-OFFICE MEMORANDUM



**Department of Engineering
and Public Works**
P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
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DATE: February 6, 2018
TO: Audrey Wolf, Director - FDO
Ross Hering, PREM Director - FDO
Eric McClellan, Strategic Planning Director - FDO
FROM: David L. Ricks, P.E., County Engineer 
RE: Fern Street Extension – Intermodal Transit Center

**Palm Beach County
Board of County
Commissioners**

Melissa McKinlay, Mayor
Mack Bernard, Vice Mayor
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Paulette Burdick
Dave Kerner
Steven L. Abrams
Mary Lou Berger

County Administrator
Verdenia C. Baker

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This memo is to summarize the Engineering Department's review comments on the impact of the proposed Fern Street extension on Palm Tran's bus access to the Intermodal Transit Center (ITC).

These comments are based on the review of documents provided by the City of West Palm Beach, including the Railroad Grade Crossing Application, the Fern Street Extension Rail Crossing Traffic Evaluation, and the Fern Street Extension Final Feasibility Study. The proposed Fern Street extension will make it harder for the Palm Tran buses to access the ITC and, subsequently, will increase their travel time to and from Australian Avenue. A detailed engineering study will need to be commissioned to re-evaluate the traffic circulation as a result of the Extension to determine the extent of the adverse impact on the ITC's access and buses' travel time.

Following are some of the highlights to be considered:

- Incoming buses will no longer be able to access the ITC from Australian Avenue through Clearwater Place. The proposed Extension will restrict Clearwater Drive to a right-in/right-out only stop-control at the intersection with Clearwater Place.
- All incoming buses need to be re-routed to access the ITC through Banyan Boulevard. Similarly, the Transit Village (TV) traffic will need to be re-assigned from Clearwater Place to Banyan Boulevard.
- The intersection of Clearwater Drive at the ITC entrance needs to be re-configured to provide at least one southbound left turn lane to accommodate the re-routed incoming buses.
- The proposed Extension will divert an estimated 10,800 daily trips to Fern Street from Banyan Boulevard and Okeechobee Boulevard. An estimated 1,680 daily trips coming from the TV development will also be diverted to the Extension.



February 6, 2018
Page 2

- The traffic circulation study done in 2012 in conjunction with the TV development proposed two (2) westbound lanes on Clearwater Place between Australian Avenue and Clearwater Drive. The proposed Fern Street extension shows only one (1) westbound lane even though some 5,400 daily trips are estimated to be added to this movement.
- During the train passing times, the eastbound traffic on Clearwater Place may back up as far west as Australian Avenue causing access to Clearwater Park Road to be blocked. Due to the restricted eastbound left turn at the intersection with Clearwater Drive, traffic has nowhere to go when the crossing gates are down.

In summary, the proposed Fern Street Extension is expected to increase travel time for Palm Tran busses accessing the ITC, the extent of which still to be determined. There is need for a reevaluation of the traffic circulation to determine whether the previously adopted roadway/intersection improvements are still valid and whether other improvements are also warranted.

Please let me know if you have any questions or need more information regarding this matter.

MAA:bc

cc: Faye Johnson, Assistant County Administrator
Tanya N. McConnell, P.E., Deputy County Engineer
Motasem Al-Turk, Ph.D., P.E., Traffic Operations Manager
Clinton Forbes, Executive Director, Palm Tran

File: Roads - "F" Misc
N:\TRAFFIC\MAA\Correspondence\2018\IOC (FDO) Fern Street Extension ITC 2-6-18.docx

Palm Tran Downtown West Palm Beach Intermodal Facility
February 13, 2018

**Palm Tran****Administrative Offices**

3201 Electronics Way
West Palm Beach, FL 33407-4618
(561) 841-4200
FAX: (561) 841-4291

Palm Tran Connection

50 South Military Trail
Suite 101
West Palm Beach, FL 33415-3132
(561) 649-9838
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**Palm Beach County
Board of County
Commissioners**

Melissa McKinlay, Mayor
Mack Bernard, Vice Mayor

Hal R. Valeche

Paulette Burdick

Dave Kerner

Steven L. Abrams

Mary Lou Berger

County Administrator

Verdenia C. Baker

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Official Electronic Letterhead

The Intermodal Facility was a central feature and one of the primary goals of the 2005 West Palm Beach charrette master plan. Ten (10) Palm Tran bus routes began operating out of the Intermodal Transit Center (ITC) in May 2009. The Intermodal is located on the west side of the FEC railroad tracks at the West Palm Beach Tri-Rail station. Unique to Palm Beach County, the location represents a convergence of multiple modes of transit, including Tri-Rail (commuter rail), Amtrak passenger train service, and Greyhound bus service as well as taxis, motorists, bicyclists, and pedestrians.

Palm Tran relocated all buses that previously used the downtown Quadrille transfer location to the intermodal site. The relocation required extensive rerouting and schedule adjustments to the entire transfer network of routes that previously used the Quadrille location. The intermodal design consists of 18 bus bays with access from Clearwater Drive. The ITC was intentionally and strategically constructed with surplus capacity to support Palm Tran ridership and system growth into the future—additional space has been programmed exclusively for future routes.

Currently, the ITC serves 10 routes (Routes: 1, 2, 31, 40, 41, 42, 43, 44, 45, and 49) between 5:30 am and 10:30 pm. On any given weekday, more than 425 buses use Australian Ave and Clearwater Place to go in and out of the ITC. That is about 30 buses every hour. Additionally, the ten (10) routes that utilize the ITC carry about half of our ridership (4.6 million passengers per year, or 16,000 passengers per day).

From inception of SFRTA/Tri-Rail service, Palm Tran receives \$666,667.00 annually from the SFRTA which supports Palm Tran's operating budget for feeder service. These funds are used to offset some of the operational expense of Palm Tran's routes connecting to Tri-Rail stations in Palm Beach County. Nearly thirty percent of Palm Tran routes connect at the West Palm Beach Intermodal Station and any disruption of service, or if feeder service becomes ineffective, could potentially subject the County to renegotiation of this funding support.

From the proposed solution by City of WPB, it is understood that incoming Palm Tran buses will no longer be able to access the ITC from Australian Avenue through Clearwater Place. This means that the only access to ITC will be through Banyan Boulevard. Such a scenario will have a catastrophic impact on the bus service throughout the entire county should this lone access (Clearwater Drive) be blocked due to a major incident. It is industry standard to provide at least two access ways to any transit facility.



The proposed connection between Fern St and Clearwater Drive will have some adverse impacts on Palm Tran's bus service. Additional traffic will impede the movement of Palm Tran's buses (which, as stated, average about 30 buses every hour, or one bus every 2 minutes). More critical is the potential for a complete closure of Clearwater to bus service in case of an incident involving train and a vehicle. This would cause major disruption to the bus service and to most of our riders.

It is also important to note that even under normal circumstance, the traffic from Transit Village will cause severe congestion on Clearwater Drive whenever the rail guards are down—thus hindering the passage of buses on Clearwater Drive. The sheer number of additional vehicular traffic in the area will negatively impact the bus level of service and on-time performance in particular. Added delays will translate into added operational cost (service hours, salaries, fuel, and maintenance).

In summary:

- The inability to access the ITC through Clearwater Place will have catastrophic impacts on the bus service throughout the entire County should this lone access (Clearwater Drive) be blocked due to a major incident.
- The proposed connection between Fern St and Clearwater Drive will have some adverse impacts is the potential for a complete closure of Clearwater to bus service in case of an incident involving train and a vehicle. This would cause major disruption to the bus service and to most of our riders.
- Even under normal circumstance, the traffic from Transit Village will cause severe congestion on Clearwater Drive whenever the rail guards are down—thus hindering the passage of buses on Clearwater Drive.
- The sheer number of additional vehicular traffic in the area will negatively impact the bus level of service and on-time performance in particular. Added delays will translate into added operational cost (service hours, salaries, fuel, and maintenance). Each one-minute delay will translate to \$187,000 in added annual operational cost. The total operational cost impact may very well be between \$600,000 and \$800,000 annually (not factoring in pollution cost, and loss of productivity).
- Negative impact on bus feeder service to SFRTA/Tri-Rail service could subject the County to reduction in funding support.

ATTACHMENT 6

Convention Center – Future Expansion and Parking Garage Utilization

Background: In 2000, the City and County entered into an Interlocal Agreement to realize the construction of the Convention Center as part of the CityPlace DRI Development Order and at a prominent downtown location fronting Okeechobee Boulevard. The Agreement concluded a multi-year site selection process undertaken by the County and resulted in the City committing land, annual payments and other financial and non-financial contributions in support of the project. Amongst other material terms and conditions, the Agreement sets forth a build out consisting of approximately 620,000 sf of Convention Center space and an approximately 1,044,126 sf parking structure, with recognition that the project would be served by roads connecting to Okeechobee Boulevard and be delivered in phases.

Consistent with the Interlocal Agreement, the County opened the Convention Center in 2004 consisting of approximately 350,000 total square feet of building area. The parking structure commenced operations in March of this year and has been sized to support a peak parking demand required by the future expansion of the Convention Center to 620,000 sf.

In recent years the City has granted numerous development approvals to parcels both along the Okeechobee Boulevard corridor and elsewhere in the downtown that gain access via Okeechobee Boulevard. At no time during deliberations on any recent downtown development proposal or approval has City Staff or its consultants made mention of the sizeable expansion of the Convention Center still to come. All of that development lends to mounting reliance on Okeechobee Boulevard to arrive and depart the downtown. County and Convention Center Staff share in the City's concerns for Okeechobee Boulevard and supports the ongoing evaluation of opportunities, as accessibility and traffic operations are critical to the success of the County's past, ongoing and future investment in the Convention Center.

Subsequent Planning Actions:

March 2017 – The Convention Center Parking Garage commences operation.

May 2017 – The City sponsored an Okeechobee Boulevard Traffic Forum for public participation. A variety of County Staff were in attendance.

June 2017 – The City hosted an Okeechobee Boulevard/Mobility Study Charrette that was open to the public. A variety of County Staff were again in attendance.

July 2017 – County Staff becomes aware that the City is advancing the City-initiated Okeechobee Business District (OBD) amendments to its Comprehensive Plan and development regulations which would accommodate a tower building of up to 25 stories for office use on the Okeechobee Boulevard corridor to the east of the Convention Center. A component of that proposal would have allowed parking at a rate of only two (2) spaces per 1,000 building square feet, at the same time that the City is undertaking a downtown parking study that has taken great interest in the capacity of the Convention Center Parking Garage. FDO addressed the City's Downtown Action Committee (DAC) with concerns related to the proposed OBD, including: 1) having had no

participation to date despite City representations of extensive outreach having occurred, 2) failure to recognize the future expansion of the Convention Center in advancing the proposal, 3) the potential impact should the parking demand of any new project exceed the allowance for only two (2) parking spaces per 1,000 square feet of building, 4) the timing of the proposal given the incomplete status and underlying objectives of the Downtown Mobility Study, and 5) the unequal treatment afforded County operations and interests as compared to that of private parties. A letter from FDO to City Staff containing similar content was issued days later, followed by a response letter from City Staff expressing surprise by and disagreement with the County's statements.

August 2017 – Representatives of FDO attended a Downtown Parking Study stakeholder meeting per an invitation extended by City Staff and their consultant. FDO Staff emphasized that the Convention Center Parking Garage could not be relied upon by the City or others to satisfy continual or permanent off-site parking demands on account of the: 1) structure having been sized to support the build out of the existing facility only, 2) County being compelled to maximize the success of the Convention Center, and 3) use of tax exempt bond funding to accomplish its construction.

September 2017 – In a 3-2 vote, the City Commission does not approve City Staff's OBD proposal.

Summary:

The City initiated a Downtown Master Plan amendment relieving the height restrictions in the QGD, and more recently put forth the OBD, both in response to private development proposals, but has not been willing to initiate the text amendment to accommodate the County's future Block D development and existing governmental buildings. Similar to what happen at Government Hill, the OBD would have caused current business impacts on the Convention Center and been contrary to the County's future expansion plan for the Convention Center, which is directly tied to the planning decisions and facility investments already made by the County. County Staff is seriously concerned about the City Staff's failure to consider, represent and respect the County's investments and standing agreement/commitments when considering new downtown planning initiatives.

Action Requested: Transmit correspondence to the City: 1) advising that impacts upon the Convention Center and its future expansion that is documented in the Interlocal Agreement between the County and City need to be fully considered during review of ordinance changes and development approvals for private projects; and 2) stating the County's position that the Convention Center Parking Garage cannot be used to address any recurring daily parking demand from private uses or properties that are not directly related to the Convention Center.

ATTACHMENT 7



City Administration
401 Clematis Street
West Palm Beach FL 33401
561-822-1400
Fax: 561-822-1424

February 1, 2018

Verdenia Baker
Palm Beach County Administrator
301 North Olive Avenue
West Palm Beach, FL 33401

Dear Verdenia:

Thank you for meeting with us last week to discuss your issues. We have reviewed your requests and believe we can do the following to help the County:

Block D

We would propose resolving your issue on Block D by amending the City Code to create a variance authorization for Governmental entities in the downtown. This would allow the DAC to authorize a variance for the County. This would be our proposed new language (in red).

Section 94-54(d)(4)

Unauthorized variances. The DAC is not authorized to grant variances for any of the following:

- a. Any action...
- b. An increase in building height above the maximum height allowed by the corresponding building requirement table. Governmental organizations may be allowed to request variances for height and stories for government uses which due to particular requirements do not fit the building envelope prescribed by the current urban regulations.

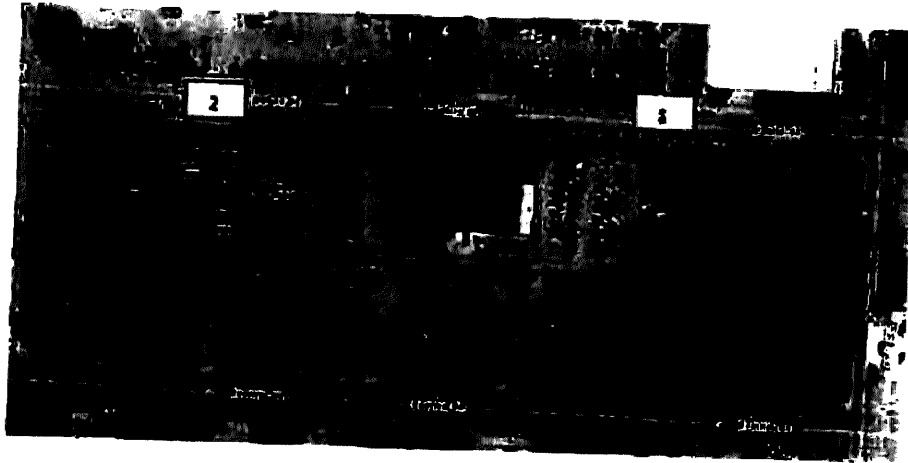
Convention Center Garage

We do not believe that you are fully maximizing the potential revenue that this Garage is capable of generating for the County. Finding opportunities to offer monthly parking and/or utilization for the adjoining hotel(s) can only further benefit the convention center and the County. The city would like to have further discussions with you on this, and see if we cannot come up with some creative solutions. That being said, we understand your position on this asset.

Surface parking at 801 Evernia Street:

Staff is recommending that we allow you to close the alley for your exclusive use. While this is not the same as abandonment, it would give you the ability to do all of the things discussed. In exchange for that we would require that the lot be re-striped and sealed and proper landscape buffering is installed. Their recommendation is below.

- The existing surface parking is in bad shape, it is not striped and I believe at least some seal coat is needed. There is no landscape. If we are allowing the County to close the alley for their exclusive use, I would recommend we require them to improve the landscape. The best option is to require them to install the required 5 foot landscape buffer along the street frontage (hedge, trees every 30 feet, and irrigation). We also need to ensure the dimensions of the parking stalls and drive aisles meet current codes. The landscape improvement should be provided for the entire frontage along Datura Street and Evernia Street if they are doing anything there.



1. Initial request for work. Landscape improvement required
2. If work conducted, landscape improvements will be required.

We will also consider approving the proposed gates you mentioned, provided we can see the exact locations so we can evaluate any impacts.

Fern Street Crossing

We understand your concerns regarding the proposed RR crossing, and we will just have to agree to disagree on this. We continue to believe that the advantages of an additional east-west connection into and out of downtown at Fern Street far outweighs and impact at the Intermodal Facility. We will continue to move forward on our request, but will certainly provide you any information we have on traffic and other analysis on this proposal.

Transit Village

This letter will confirm the continuing support of the City of West Palm Beach to the development and implementation of Transit Village's proposed development in downtown West Palm Beach. City staff has been working with Transit Village on this project for many years and continues to direct considerable efforts to bring Transit Village's project through implementation. The City urges you to continue to support Transit Village's efforts and to grant the closing extension to Transit Village.

I believe this addresses all of the issues discussed. Please feel free to call me if you have any questions

Sincerely,



Jeffrey Green
City Administrator



ATTACHMENT 8

County Administration

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(561) 355-2030
FAX: (561) 355-3982
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**Palm Beach County
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Hal R. Valeche

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Dave Kerner

Steven L. Abrams

Mary Lou Berger

County Administrator

Verdenia C. Baker

February 23, 2018

SENT VIA E-MAIL/2nd REVISED

Jeffrey Green, City Administrator
City of West Palm Beach
401 Clematis Street
West Palm Beach, FL 33401

Dear Jeff:

Thank you for your consideration of the issues raised at our January 22nd meeting. I am writing in response to your February 1, 2018 letter that provided a response to those issues and the County's position on those responses.

Block D

The ability to make application for a variance fails to deliver the predictability and future assurances the County relied on when the City encouraged the County to purchase the Block D property to ensure sufficient property for a second Courthouse building and its long-range facility planning. County Staff presented amendments that would accomplish that worthy public objective at no consequence to any nearby properties. To date the City has given no substantive reason for its refusal to advance those amendments, while same has been done for other downtown landowners. It is vital that we move forward with the amendment to meet critical planning benchmarks for the expansion of the Judicial Complex in downtown West Palm Beach. I respectfully request that you reconsider your variance proposal in favor of the County's good faith efforts and honest intentions behind the Comprehensive Plan and Zoning text amendments that were prepared and provided by County Staff in 2015.

801 Evernia Street

The County appreciates the City's willingness to close the alley. County Staff will prepare and then exchange the necessary materials to formally document this arrangement via an easement to be approved by the City Commission.

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The County acknowledges that this facility is nearing end of life, and has plans in place for a future replacement. In fact, the County has committed \$23M in future Infrastructure Sales Tax proceeds for this purpose. The proposed maintenance is intended only to preserve operations in the interim. A landscaping installation to code in this instance is therefore not a lasting public investment or directly related to the maintenance at hand. The County will, however, develop a scope of work and provide for minimal landscaping around the perimeter of the property.

Fern Street Crossing

We do very respectfully agree to disagree on this subject. The County believes this crossing could subject the Intermodal Transit Center to material impacts of consequence to mass transit operations. Unless and until that Countywide operation is protected and preserved, we will not be able to lend support to this City initiative.

Transit Village

The County too remains in support of Transit Village. County Staff is committed to recommend that an extension be granted by the Board with terms and conditions that would be equally as beneficial to the County as it would TV.

Convention Center Garage

The County will continue to commit the use of this asset to benefit appropriately coordinated and planned special events in the downtown. However, the priority of this facility will continue to be direct support to the utilization and operational success of the adjacent Convention Center and therefore we cannot support routine or dedicated use by others.

I thank you again for your attention and consideration on these issues of great importance to the County, and hope we can continue working collaboratively toward mutually agreeable solutions and conclusions.

Sincerely,

A handwritten signature in cursive script that reads "Verdenia C. Baker".

Verdenia C. Baker
County Administrator

Attachment

c: Mayor and Members of the BCC
Audrey Wolf, Director, Facilities Development & Operations
Ross Hering, Director, FD&O PREM
R. Eric McClellan, Director FD&O Strategic Planning
Jeri Muoio, Mayor, City of West Palm Beach
Scott Kelly, Deputy City Administrator, City of West Palm Beach
Rick Greene, Development Services Director, City of West Palm Beach