



401 Clematis Street
West Palm Beach, Florida 33401
(561) 822-2222 (TTY) 800-955-8771
www.wpb.org

Mayor Keith A. James
Commission President Christy Fox (District 3)
Commissioner Cathleen Ward (District 1)
Commissioner Shalonda Warren (District 2)
Commissioner Joseph A. Peduzzi (District 4)
Commissioner Christina Lambert (District 5)

CRA Executive Director Christopher Roog
City Attorney Kimberly Rothenburg
City Clerk Shaquita Edwards

**City of West Palm Beach
Community Redevelopment Agency
PASS/FAIL Agenda
Monday, April 3, 2023
3:30 PM**

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three days prior to any proceeding, contact the City Clerk's Office, 401 Clematis Street, West Palm Beach, FL 33401, (561) 822-1210.

1. CALL TO ORDER

2. CIVILITY AND DECORUM

The City of West Palm Beach is committed to civility and decorum by its officials, employees and members of the public who attend this meeting. The City Code, Secs. 2-31(8), 2-31(18) and 2-31(22), provides in pertinent part:

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.
- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.

3. COMMENTS FROM THE PUBLIC

Public comments are limited to 3 (three) minutes. Anyone wishing to address the Commission should complete a "Comments by the Public" card and present it to the City Clerk prior to the Public Comments. When you are called to speak, please go to the podium and state your name and address for the record prior to addressing Commission. The Commission will not discuss the matter nor respond to the comment this evening. Comments made will become part of the record and may be addressed at a later date.

4. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA

6. CONSENT CALENDAR- **APPROVED**

All items listed under the consent calendar are considered routine and will be enacted by one motion. There will be no separate discussion of these items.

- 6.1. Minutes of the Community Redevelopment Agency Meeting of March 6, 2023.

Originating Department:
Mayor's Office

7. RESOLUTIONS- **APPROVED**

- 7.1. Resolution No. 22-52 authorizing the execution of a TDR sale and purchase agreement with WPB Fern Holdings, LLC for the sale of transferable development rights related to 311 N. Sapodilla Avenue.

Originating Department:
Community Redevelopment Agency

Ordinance/Resolution:

RESOLUTION NO. 22-52: A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY APPROVING THE SALE OF TRANSFERABLE DEVELOPMENT RIGHTS FROM CRA PROPERTY LOCATED AT 311 N. SAPODILLA AVENUE; AUTHORIZING THE EXECUTION OF A TDR SALE AND PURCHASE AGREEMENT BETWEEN THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND WPB FERN HOLDINGS, LLC; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:
Approve Resolution No. 22-52.

Background Information:

On October 19, 2021, the CRA Board passed Resolution No. 21-9 approving a purchase and sale agreement between the CRA and Nivia A. and Fritz Jean Louis for the acquisition of the property located at 311 N. Sapodilla Avenue. The agreement allowed the CRA to renovate the historic structure into a full service restaurant and lease the building back to the original owners with an option to purchase. The renovation of the building is almost complete, and the CRA now desires to sell the transfer of development rights (TDRs) available from the historic property to offset the cost of the building renovations.

Section 94-132 of the Code of Ordinances of the City of West Palm Beach provides a transfer of development rights program, which allows

designated sending sites to transfer unused development rights (TDRs) from historic or landmark properties to a purchaser who may apply the TDRs toward development of an eligible receiving site, or may bank the TDRs for future use.

The City Commission approval for the historic designation of the 311 N. Sapodilla building is scheduled for approval on April 3, 2023 through Ordinance No. 5035-23, and the purchase and sale agreement is conditional to the final approval for historic designation by the City Commission.

Resolution No. 22-52 authorizes the execution of a TDR Sale & Purchase Agreement between WPB Fern Holdings, LLC (the "Buyer") and the West Palm Beach Community Redevelopment Agency (the "CRA"), whereby the CRA will sell 18,148 square feet of TDRs from the property located at 311 N. Sapodilla Avenue at seventeen dollars per square foot (\$17) for a total amount of Three Hundred and eight thousand five hundred and sixteen and 00/100 Dollars (\$308,516). The CRA will transfer and assign the rights to 18,148 square feet of TDRS to the Buyer upon the closing date set forth in the agreement. WPB Fern Holdings, LLC agrees to utilize the TDRs for the development of the properties located at 418, 464 Fern Street and 401 S. Dixie Highway, which is a designated TDR receiving site.

The renovation of the 311 N. Sapodilla Avenue advances Goal No. 8 of the Downtown / City Center Strategic Finance Plan (Amendment 17), which seeks the promotion and attraction of new businesses to the Northwest Neighborhood.

Commission District 3: Commissioner Christy Fox.

CRA District: Downtown / City Center.

Fiscal Note:

Proceeds will be put in Transferable Development Rights Default Account.

- 7.2. Resolution No. 23-7 approving a sixth amendment to the interlocal agreement between the City of West Palm Beach, West Palm Beach Community Redevelopment Agency, and the CityPlace Community Development District; and

Resolution No. 23-8 approving a second amendment to Right-of-Way Improvement and Maintenance Agreement between the City of West Palm Beach, CityPlace Community Development District, and the West Palm Beach Community Redevelopment Agency.

Originating Department:

Community Redevelopment Agency

Ordinance/Resolution:

RESOLUTION NO. 23-7: A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY APPROVING THAT CERTAIN SIXTH AMENDMENT TO INTERLOCAL AGREEMENT BY AND AMONG THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY, THE CITY OF WEST PALM BEACH, AND THE CITYPLACE COMMUNITY DEVELOPMENT DISTRICT, AMENDING SECTION 4.5 RELATING TO EXPENDITURE OF EXCESS INCREMENT REVENUE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 23-8: A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY APPROVING THAT CERTAIN SECOND AMENDMENT TO RIGHT-OF-WAY IMPROVEMENT AND MAINTENANCE AGREEMENT BY AND AMONG THE CITY OF WEST PALM BEACH, THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY, AND THE CITYPLACE COMMUNITY DEVELOPMENT DISTRICT, AMENDING AND RESTATING SECTION 15 RELATED TO EXCESS INCREMENT REVENUE.

Staff Recommended Motion:

Approve Resolution No. 23-7 and Resolution No. 23-8.

Background Information:

The City of West Palm Beach (City), West Palm Beach CRA (CRA) and CityPlace Community Development District (CDD) have been operating under an agreement that the CDD will maintain a portion of the right-of-way impacted by its development within its boundary districts. The original agreement stipulates that the CRA will pay increment revenues, which are applied for payment of principal, redemption price, and interest on the bonds issued in 2012. In addition, the District has bonds issued in 2018 that were used to pay for recent infrastructure enhancements. The 2012 bonds have approximately \$15 million in principal remaining to be paid, and the 2018 bonds have approximately \$40 million in principal to be paid that will occur until the CRA sunsets in 2046. The payment of the bonds and other obligations are summarized in order as listed below:

1. 2012 Bond Debt Service Obligations;
2. While the 2012 Bonds are outstanding; Required Agency (CRA) Payments;
3. Operating and maintenance obligations and other lawful purposes of the CDD while the 1012 bonds are outstanding;
4. 2018 Bond Debt Service Obligations;

5. 1/12 of the 2018 Bonds Debt Service Obligations retained in a revenue fund;
6. Operating and maintenance obligations for public improvements and any other lawful purpose of the CDD; and
7. Funds remaining after obligations 1-6 are met, remain with the CDD to be used for lawful purposes.

The second amendment to the right-of-way agreement acknowledges that if Excess Increment Revenue remains available after fulfilling its obligations under the original ROW Agreement, it may expend the funds for any other lawful district purpose provided the uses are also consistent with those permitted under Chapter 163, Part III, Florida Statutes and the Amended and Restated Community Redevelopment Plan for the Expanded City Center Area as is more fully identified in Exhibit A to the Sixth Amendment to the Interlocal Agreement between the City of West Palm Beach, the West Palm Beach Community Redevelopment District and the Cityplace Community Development District.

The Sixth Amendment to the Interlocal Agreement imposes annual reporting of distribution of Excess Increment Revenue and an approval processes for expenditures that are not one of the enumerated items listed in Exhibit A.

The CDD proposes to use Excess Increment Revenue for the following purposes:

- Gap financing for the development associated with affordable or workforce housing;
- Creation of public space improvements inclusive of shared parking facilities;
- Mobility and traffic solutions;
- Incentives for new job creation and above market tenant allowance or concessions required to attract new businesses to West Palm Beach with priority given to those firms seeking to hire residents;
- On-going maintenance, programming and repair costs associated with new public space improvements, public right of way, and shared parking garages;
- Public Art; and
- Incentives for development that attracts tourism.

Approval of Resolution No. 23-7 and Resolution No. 23-8 will authorize execution of the agreements as summarized above.

The City Commission companion items are Resolution No. 70-23 and Resolution No. 71-23.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No financial terms have been changed.

- 7.3. Resolution No. 23-9 approving an agreement among the City, the CRA, and 300 Banyan LLC regarding funding in the amount of \$2,500,000 for the construction of City improvements in a portion of the 300 Block alley located between Banyan Boulevard and Clematis Street.

Originating Department:

Community Redevelopment Agency

Ordinance/Resolution:

RESOLUTION NO. 23-9: A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY APPROVING AN AGREEMENT AMONG THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY, THE CITY OF WEST PALM BEACH, AND 300 BANYAN LLC, REGARDING FUNDING IN THE AMOUNT OF \$2,500,000 FOR CITY IMPROVEMENTS IN THE ALLEY LOCATED IN THE 300 BLOCK BETWEEN CLEMATIS STREET AND BANYAN BOULEVARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 23-9.

Background Information:

The Developer, 300 Banyan LLC, is currently constructing a new twelve-story office building on the site located at the SW corner of Banyan Boulevard and Olive Avenue. The project, which includes the renovation of the existing 301 Clematis Street building, envisions the activation of the east-west alley located between the two sites with a new restaurant and outdoor seating extending on the alleyway.

In 2019, the CRA completed the renovation of the 300 block alleyway located between Clematis Street and Datura Street with the intention to continue with other alleyway improvements in the subsequent years. The Developer's idea to activate the alleys fits the City's and CRA's goal to enhance downtown's pedestrian realm and improve pedestrian connectivity through alleyways, as included in Goal 4 of the Downtown Target area of the CRA's Strategic Finance Plan.

Considering the alignment of goals, the CRA is proposing an agreement with the project Developer for the construction of the alley improvements on the portion of the alley immediately adjacent to their project (eastern portion). The goal is to avoid duplicate work and expedite the construction of the improvements.

The Developer has been working with the City on the design of the improvements, and the proposed agreement will provide funding for the project in an amount not-to-exceed \$2,500,000 for soft and hard cost. The Developer is contributing \$500,000 to the project that has been used for design services.

The funding for the project is currently allocated in FY 23 and includes additional funds for the City to complete the western section of the alley improvements.

Resolution No. 23-9 approves the funding and authorizes execution of the Agreement for Improvements in City Alley.

Resolution No. 81-23, included on the April 3, 2023 City Commission agenda, is a companion item to this Resolution and provides the City's approval for the Developer to perform the City improvement work.

Commission District 3: Commissioner Christy Fox.

CRA District - Downtown / City Center District.

Fiscal Note:

\$2,500,000 for the project is allocated in CRA FY23 budget.

8. ADJOURNMENT

NOTICE: IF ANY PERSON DECIDES TO APPEAL ANY DECISION OF THE CITY COMMISSION AT THIS MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THAT PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY OF WEST PALM BEACH DOES NOT PREPARE OR PROVIDE SUCH A RECORD