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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)

City Administrator Faye W. Johnson
City Attorney Kimberly Rothenburg
City Clerk Shaquita Edwards

City of West Palm Beach
City Commission
PASS/FAIL Agenda
Monday, May 1, 2023
5:00 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. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. 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.
- Any person desiring to address the Commission **shall** file a written request with the city clerk prior to consideration of the matter by the Commission or prior to the public comment portion of a meeting. The person wishing to speak **shall** complete a comment card for each agenda item the person wishes to address, which **shall** include the person's full name, address, and the numbered agenda item. The person will not be recognized if the comment card is not completed.

5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA- **APPROVED**

8.8A: Resolution No. 125-23 approving a project funding interlocal agreement between the City of West Palm Beach and the City of West Palm Beach Downtown Development Authority for the purchase of equipment for the City of West Palm Beach Police Department to use exclusively in the Entertainment District.

6. PROCLAMATIONS- **PRESENTED**

6.1. Proclaiming May 1-7, 2023 as National Small Business Week. Proclamation to be accepted by Frank Hayden, Director of the Office of Small & Minority Business Programs; Joseph Sanches, President of the Black Chamber of Commerce of Palm Beach County; Donald Burgess, President & CEO of the Chamber of Commerce of the Palm Beaches; Maria Antuña, CEO of the Hispanic Chamber of Commerce of Palm Beach County; Juan Pagan, President of the Florida Hispanic American Chamber of Commerce.

Originating Department:

Mayor's Office

6.2. Proclaiming May 7-13, 2023 as Gulfstream Goodwill Industries Week. Proclamation to be accepted by Keith Kennedy, President and CEO of Gulfstream Goodwill Industries.

Originating Department:

Mayor's Office

7. APPOINTMENTS- **APPROVED**

7.1. City Commission approval is requested for the Mayor's reappointment of Marion Gross to the Nuisance Abatement Board for a term of two (2) years to expire February 28, 2025. Ms. Gross has served over the maximum allowed number of terms (3), and it is required that the City Commission confirms her reappointment.

Originating Department:

Mayor's Office

Staff Recommended Motion:

Ms. Gross's reappointment is supported, because she is a dedicated member of the Board who is an active representative of the North end of the City.

7.2. City Commission approval is requested for the Mayor's reappointment of Antonio Duboy, Eric Sain, and Robert Norberg to the Watersheds Advisory Committee for a term of two (2) years to expire June 2, 2025. Mr. Duboy, Mr. Sain, and Mr. Norberg have served over the maximum allowed number of terms (3), and it is required that the City Commission confirms their reappointments.

Originating Department:

Mayor's Office

Staff Recommended Motion:

This reappointment is supported because these member have served since the committee was formed in 2015. They fit the requirements established by FEMA, and their committed service has led to an improved flood plain rating and lower flood insurance rates for West Palm Beach property owners.

8. 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.

- 8.1. Minutes of the Regular City Commission Meeting of April 3, 2023.

Originating Department:

Mayor's Office

- 8.2. Minutes of the Special City Commission Meeting of April 6, 2023.

Originating Department:

Mayor's Office

- 8.3. Minutes of the Regular City Commission Meeting of April 17, 2023.

Originating Department:

Mayor's Office

- 8.4. Resolution No. 77-23 approving an Interlocal Agreement between the City of West Palm Beach and Palm Beach County for participation in the 2023-2026 Drowning Prevention Coalition's Learn to Swim Voucher Program to be offered at the Warren Hawkins Aquatic Center in Gaines Park.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 77-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND PALM BEACH COUNTY FOR PARTICIPATION IN THE 2023-2026 DROWNING PREVENTION COALITION'S LEARN TO SWIM PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Palm Beach County Fire Rescue manages and houses the Drowning Prevention Coalition (DPC). Palm Beach County, through the DPC, operates the "DPC Learn to Swim Program". In this program, the DPC distributes vouchers to the public that can be redeemed for swimming lessons at designated aquatic facilities.

The DPC requests the City of West Palm Beach Department of Parks and Recreation to be a designated facility and provide Learn to Swim lessons using voucher reimbursement. Under this agreement, the City would provide Learn to Swim lessons at Warren Hawkins Aquatic Center to voucher recipients. The Learn to Swim lessons provided would be paid up to \$60 per voucher by the DPC.

The City has been a partner with the DPC since 2006 and would like to renew the agreement for free or reduced cost lessons, understanding the importance of knowing how to swim living in Florida with canals, lakes, ponds, and beaches.

Resolution No. 77-23 approves the Interlocal Agreement with Palm Beach County providing Learn to Swim vouchers for lessons offered at the Warren Hawkins Aquatic Center in Gaines Park.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

No fiscal impact.

- 8.5. Resolution No. 97-23 authorizing the assessment of City liens in the total amount of \$16,018.78 for unpaid water service, sewer service, and storm water service charges for the month of February 2023.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 97-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE CHARGES FOR THE MONTH OF FEBRUARY 2023; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 97-23 are for unpaid water service, sewer service, and stormwater service charges for the month of February 2023. The list of properties to be assessed and the associated charges totaling \$16,018.78 are provided in Resolution No. 97-23 as Exhibit A - Utility Lien List - February 2023.

Fiscal Note:

No fiscal impact.

- 8.6. Resolution No. 101-23 waiving a potential conflict of interest relating to Greenberg Traurig, P.A.'s representation of the Town of Palm Beach in connection with negotiating a new potable water supply agreement and its representation of the City in unrelated matters.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 101-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, WAIVING A POTENTIAL CONFLICT OF INTEREST RELATING TO GREENBERG TRAUIG, P.A.'S REPRESENTATION OF THE TOWN OF PALM BEACH IN CONNECTION WITH NEGOTIATING A NEW POTABLE WATER SUPPLY AGREEMENT AND ITS REPRESENTATION OF THE CITY IN UNRELATED MATTERS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City of West Palm Beach is represented by Greenberg Traurig, P.A. (the "firm") as Outside Counsel related to bond matters.

The firm desires to represent the Town of Palm Beach ("Town") in connection with negotiating a new potable water supply agreement with the City of West Palm Beach when the current agreement's term expires.

The firm requests that the City waive any potential conflict and have stated that they are able to provide competent and diligent representation to both the City in unrelated bond matters and the Town in the matters described herein.

The firm agrees that it will not represent the Town in any formal litigation or similar adversarial proceedings against the City, and if the matter it expects to handle for Town becomes adversarial, it will not represent either party in the litigation.

The firm also sought consent from the Town, and the Town has agreed to waive this potential conflict under the conditions outlined herein.

Chapter 2 (Administration), Section 2-222 (Qualifications, Term), of the Code of Ordinances of the City of West Palm Beach (the "Code") allows the City Commission to waive a potential conflict of interest in unrelated matters or transactions, which will not adversely affect the counsel's representation of the City.

The City of West Palm Beach desires to waive the potential conflict of interest between the City of West Palm Beach and the firm.

Fiscal Note:

No fiscal impact.

- 8.7. Resolution No. 105-23 authorizing the assessment of City liens in the total amount of \$15,128.30 for unpaid water service, sewer service, and storm water service charges for the month of November 2022.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 105-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE FOR THE MONTH OF NOVEMBER 2022; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 105-23 are for unpaid water service, sewer service, and stormwater service charges for the month of November 2022. The list of properties to be assessed and the associated charges totaling \$15,128.30 are provided in Resolution No.105-23 as EXHIBIT A - Utility Lien List - November 2022. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

- 8.8. Resolution No. 107-23 approving a Sponsorship Agreement between the City of West Palm Beach and the FAU Center for Urban and Environmental Solutions for "FAU CUES 50th Anniversary" to be held on May 17, 2023 from 5:30 p.m. to 8:30 p.m. at the Waterfront Lake Pavilion.

Originating Department:

Community Redevelopment Agency

Ordinance/Resolution:

RESOLUTION NO. 107-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING SPONSORSHIP OF FLORIDA ATLANTIC UNIVERSITY'S CENTER FOR URBAN AND ENVIRONMENTAL SOLUTIONS 50TH ANNIVERSARY RECEPTION TO BE HELD ON MAY 17, 2023; WAIVING CERTAIN FEES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On May 17, 2023, the Center for Urban and Environmental Solutions (CUES) at Florida Atlantic University will mark the occasion of 50 years of research, education, and service to the South Florida region with an anniversary event in the Lake Pavilion.

The event will bring together urban planners, real estate professionals, hazard and mitigation experts, and others in public service and private practice. The event will mark the changes in land use and transportation planning over the last five (5) decades, celebrate the partnerships between CUES and the City of West Palm Beach and other partners over the years, and look ahead to productive collaborations in the future.

The anniversary event will be held in the Lake Pavilion from 5:30 p.m. to 8:30 p.m. and includes light refreshments and alcoholic and non-alcoholic beverages. Admission is \$25 and includes one (1) drink ticket. Students may qualify for free admission.

Resolution No. 107-23 approves a Sponsorship Agreement between the City and the FAU Center for Urban and Environmental Solutions. The FAU Center for Urban and Environmental Solutions will provide the City with the benefits of a Gold Sponsorship valued at \$3,000, which includes logo listings/display on marketing and event materials, ability to provide event signage, recognition during opening remarks, and three (3) admission tickets. The FAU Center for Urban and Environmental Solutions will provide a \$500 refundable security deposit, a \$1 million general liability insurance policy, a \$1 million liquor liability insurance policy, and pay all costs related to City staffing the event, on call and cleaning fees. In return, the City will waive the facility rental fee of \$1,155, four (4) parking spots valued at \$100, and specialty tables and risers rental of \$200.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

9. RESOLUTIONS-APPROVED

- 9.1. Resolution No. 72-23 finding that City property located at 1400 Henrietta Avenue is not needed for City purposes, declaring the property as surplus, and authorizing the disposition of the property through negotiation of conveyance to the West Palm Beach Housing Authority.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 72-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FINDING THAT CITY-OWNED PROPERTY LOCATED 1400 HENRIETTA AVENUE IS NOT NEEDED FOR CITY PURPOSES AND IS DECLARED TO BE SURPLUS; AUTHORIZING THE METHOD OF DISPOSITION TO BE CONVEYANCE TO THE WEST PALM BEACH HOUSING AUTHORITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 72-23.

Background Information:

On July 17, 2006, the City of West Palm Beach accepted the conveyance from Palm Beach County, without charge, of property at 1400 Henrietta Avenue. By deed restrictions, use of the Property was initially limited to the development of affordable or workforce housing. In 2011, Palm Beach County agreed to amend the deed restrictions to allow for the utilization of the property to suit other neighborhood needs such as use as an urban market garden, a community center, a recreation center, cultural facility, or park. From September 2013 to October 2021, the parcel was leased to a third party in attempts to establish an urban market garden for the purpose of providing sustainable farming education, job training, and employment opportunities. However, as addressing affordable housing in the West Palm Beach continues to be a high priority need, City staff is of the opinion that it is in the best interest of the City to develop the site under the original conditions of the conveyance by the County.

At the December 9, 2022 Mayor/Commission Work Session, the City Commission expressed support of a partnership with the West Palm Beach Housing Authority (WPBHA) for the redevelopment of the 1.5 acres site as an affordable rental housing development for families. The presentation is provided in the agenda item.

Before staff can formally negotiate with the WPBHA, and in accordance with Section 2-31 of the City's Code of Ordinances, the City Commission must make a determination that the property is not needed for City purpose, must declare the property as surplus, and select a method of disposition. The recommended method of disposition is formal negotiations with an interested party, in this case, the West Palm Beach Housing Authority.

Upon approval of this resolution, City staff will fully negotiate the terms with the WPBHA and present to the City Commission for consideration. Approval of the conveyance is subject to approval of the City Commission by Ordinance which requires two (2) readings and two (2) approving votes of City Commission. One such vote must be by super majority of the City Commission.

Resolution No. 72-23 finds that property located at 1400 Henrietta Avenue is not needed for City purposes, declares the property as surplus, and authorizes the conveyance of the property through negotiations with the West Palm Beach Housing Authority.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

No fiscal impact at this time.

- 9.2. Resolution No. 103-23 finds by the City Commission and declares property within Dreher Park as surplus and no longer needed for City purposes and authorizes City staff to negotiate lease terms with the Boys and Girls Club.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 103-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA FINDING THAT PROPERTY LOCATED WITHIN THE BOUNDARIES OF DREHER PARK IS NOT NEEDED FOR CITY PURPOSES AND IS DECLARED TO BE SURPLUS; AUTHORIZING CITY STAFF TO NEGOTIATE THE TERMS FOR A LEASE WITH THE BOYS & GIRLS CLUB OF PALM BEACH COUNTY, INC.; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 103-23.

Background Information:

Over the past three years, the Boys and Girls Clubs of Palm Beach County has been evaluating the needs for services throughout the region and West Palm Beach. They identified the southern end of the City, specifically in District 5, where the vast majority of the youth from Belvedere Elementary, Palmetto Elementary, Conniston Middle, and Forest Hill High Schools are economically disadvantaged and are not testing to grade level in either reading or math proficiencies. The Boys and Girls Clubs of Palm Beach County started investing in the youth at Conniston Middle School and Forest Hill High School offering programs after school on the schools

campuses. To serve students in District 5, the Boys and Girls Clubs of Palm Beach County desires to open a club in Dreher Park.

They have been meeting with the community, neighborhood associations, and City staff to determine the best location for a new club to be built. The Parks and Recreation Advisory Committee and the community have shown support for the request from the Boys and Girls Clubs of Palm Beach County for approximately 1.6 acres, more or less, in the Northwest area of Dreher Park.

At the Mayor/Commission Work Session held on April 10, 2023, the Boys and Girls Clubs of Palm Beach County presented their request to build a club in Dreher Park. The Mayor directed staff to prepare the necessary documents for consideration by the City Commission to surplus the land needed for the project, as outlined in the City Code. The Mayor recommended the Boys and Girls Clubs of Palm Beach County continue to reach out to the community for feedback and to continue to coordinate with the Cox Science Center and Palm Beach Zoo.

Pursuant to Section 2031(27)(b) of the City Code, the City Commission shall make legislative findings that City property is not needed for City purposes and declare the property surplus; and select a method of disposition.

Therefore, Resolution No. 103-23 of the City Commission of the City of West Palm Beach, Florida finding that the property located within the boundaries of Dreher Park is not needed for City purposes and is declared surplus, authorizes City staff to negotiate the terms for a lease with the Boys and Girls Clubs of Palm Beach County, Inc.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

10. PUBLIC HEARING - QUASI-JUDICIAL-APPROVED

Disclosure of ex-parte communications, if any*
Swearing-in of witnesses.

- 10.1. Public Hearing of Resolution No. 90-23 regarding a request by Harvey E. Oyer, III, of Shutts & Bowen, LLP, on behalf of CityPlace Retail, LLC, for the approval of a Major Planned Development Amendment to the CityPlace Commercial Planned Development (CPD) to amend the Rosemary Square Core Development Regulations relating to artificial turf in the Rosemary Square Plaza privately owned urban open space, the addition of

Minority/Women Business Enterprise firm participation, office use parking requirements, and demolition timing.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 90-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR PLANNED DEVELOPMENT AMENDMENT TO THE CITYPLACE COMMERCIAL PLANNED DEVELOPMENT TO AMEND THE ROSEMARY SQUARE CORE DEVELOPMENT REGULATIONS RELATING TO ARTIFICIAL TURF IN THE ROSEMARY SQUARE PLAZA PRIVATELY OWNED URBAN OPEN SPACE, THE ADDITION OF MINORITY/WOMEN BUSINESS ENTERPRISE FIRM PARTICIPATION, OFFICE USE PARKING REQUIREMENTS, AND DEMOLITION TIMING; DECLARING THIS RESOLUTION CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 90-23.

This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background Information:

The Rosemary Square Core Development Regulations, which include the Rosemary Square Core Regulating Plan, govern the permitted uses and the development regulations for Rosemary Square. The Rosemary Square Core must adhere to the overall development capacity established in the CityPlace DRI.

CityPlace Retail, LLC, and its parent, Related Companies, is constantly evaluating Rosemary Square and the surrounding areas in the context of the downtown urban setting. The requests included with this amendment are: (1) to amend the text within the Rosemary Square Core Development Regulations to amend the Rosemary Square Plaza subarea relating to permitting artificial turf; (2) to amend the language relating to Small Business Enterprise firm participation; (3) to reduce the amount of parking required for office uses; and (4) to clarify the requirements for the demolition of existing structures within the area covered by the Rosemary Square Core Regulating Plan.

The changes listed in this report do not approve a specific project. Specific projects are reviewed for compliance with the development regulations and

the CityPlace DRI Capacity Table as a Level III Site Plan Review. The Level III Site Plan Review will require public hearings before the Planning Board and City Commission.

Artificial Turf

In 2020, CityPlace Retail renovated the Rosemary Square Plaza around the Himmel Theater. The renovation included a splash pad and a multiuse grass area. The use of the grass area was highly successful; however, this high use led to the need to constantly replace the grass as it died from the high amount of foot traffic across it. CityPlace Retail approached the City regarding the replacement of the grass with artificial turf. The proposed text that will be included within the Rosemary Square Plaza specifically grants approval by the City Commission for the installation of artificial turf in accordance with Section 94-451, which requires that the City Commission approve the installation of artificial turf for non-City owned parks, which is the Privately Owned Urban Open Space.

Small Business Enterprise (SBE)

The Rosemary Square North, Center, South, and East subareas include a requirement that 15 percent (15%) of the construction costs for a new building be for SBE firms located within Palm Beach County. CityPlace Retail has indicated that limiting the 15 percent (15%) requirement to SBE firms is proving to be difficult and is requesting that the requirement be expanded to also include Minority/Women Business Enterprise (MWBE) firms. Staff does not object to this request.

Office Parking Minimum Requirement

In the original application, CityPlace Retail requested that the office and retail (which includes restaurant) minimum parking requirements for the Rosemary Square Core be reduced to 1.5 parking spaces per 1,000 square feet. The majority of the DMP requires 2.5 parking spaces per 1,000 square feet of office and 2 parking spaces per 1,000 square feet of retail. The Justification Statement provides back up information for the reduction of the office requirement but does not provide adequate justification for a reduction in the retail parking minimum requirement. After reviewing the information provided by CityPlace Retail and multiple meetings, the applicant amended the request to leave the minimum retail parking requirement as it currently exists and to modify the office minimum parking requirement to 1.75 parking spaces per 1,000 square feet. The reduction from 2.5 to 1.75 parking spaces per 1,000 square feet is a 30 percent (30%) reduction in the amount of required parking, which mirrors the parking waiver allowance for planned developments that is provided in Section 94-207(b)(13). The CityPlace CPD is a project that conforms to the concepts of new urbanism. The applicant has provided evidence supporting the proposed reduction and has both on-street parking within the CityPlace CPD and other parking facilities within the DMP that can be

assist in meeting parking needs. Furthermore, the applicant supports Transportation Demand Management (TDM) strategies to encourage and promote improved mobility in the City.

The Justification Statement includes pre-Covid parking garage utilization counts for three Class A office buildings within the DMP that Related Companies (parent company of CityPlace Retail) controls: Esperante, Phillips Point, and CityPlace Tower, which shows a utilization of approximately two (2) parking spaces per 1,000 square feet of office. The post-Covid parking garage utilization counts for the same three buildings (CityPlace Tower was by separate email and not in the Justification Statement) show reductions to around 1 parking space per 1,000 square feet. These examples verify that there is a trend for less parking being required for offices due to remote work, whether fully remote or workers not in the office for five (5) days a week. While the number of remote workers may lessen over time, the expectation is that many office types have realized that employees do not need to be in the office every day, which would lessen the need to provide parking spaces. Additionally, the Rosemary Square Core is located in close walking distance to the Brightline station and along the trolley route servicing the West Palm Beach Tri-Rail station, which provides alternative modes of transportation for the office users.

The Rosemary Square Core is unique in that it has four (4) parking garages with approximately 3,400 parking spaces that serve the retail, office, and residential users within the CityPlace CPD. The residential users have designated parking areas that are not shared with the non-residential users. The garages have over 400 parking spaces in excess of the minimum number required by the Rosemary Square Core retail and office uses. The minimum number of parking spaces do not account for any reduction for shared parking at the times that the retail and office users do not overlap. While CityPlace Retail has not submitted plans for the redevelopment of the Brio and AMC movie theater block, they provided some draft parking counts at 1.75 parking spaces per 1,000 square feet of office, and there would still be over 100 excess parking spaces within the garages.

While CityPlace Retail has provided information that there is less demand for parking, that there would be excess capacity within the Rosemary Square Core garages, and that the Rosemary Square Core is within close proximity of regional transit such as Tri-Rail and Brightline, staff has included TDM strategies that will be required of CityPlace Retail for new office buildings to help further reduce the parking demand of the new buildings.

Demolition of Existing Structures

The CityPlace CPD is located within the boundaries of the Downtown Master Plan (DMP). The DMP prohibits the demolition of buildings unless the developer has an approved building permit for the replacement building. The purpose of this requirement is to prevent vacant lots from proliferating in the City's Urban Core and thus creating a negative experience for pedestrians.

Since the CityPlace CPD is silent on the issue of requiring a building permit prior to the issuance of a demolition permit for the new building, the underlying DMP requirements are considered for how to treat demolitions. CityPlace Retail is requesting an amendment to the Rosemary Square Core portion of the CityPlace CPD to permit the demolition of buildings without having a building permit or a Level III Site Plan issued for the replacement building. CityPlace Retail has stated that their immediate plan is to replace the block that included the former Brio and AMC movie theater with two office towers. The demolition of that block will take months and CityPlace Retail would like to overlap the demolition with the Level III Site Plan approval process to save time on the ultimate redevelopment of the site. As part of the allowance to demolish the buildings, CityPlace Retail has agreed to an interim use of the site for urban green space if the building permit for the new building or a Level III Site Plan have not been approved within certain time frames.

While philosophically staff does not support the removal of buildings without having permits in place to replace the building, staff recognizes the unique character of the CityPlace CPD, which includes the area regulated by the Rosemary Square Core Development Regulations. While the proposed demolition allowance would apply to any parcel within the Rosemary Square Core, staff anticipates that CityPlace Retail, as the master commercial developer of the CPD, will redevelop parcels as quickly as possible after the demolition. However, if a parcel does sit vacant for an extended period of time, the use as an informal urban green space will not negatively affect the nearby residents. An example is the former Macy's site, which was a heavily used green space for approximately a year between demolition and the start of the current construction.

STANDARDS: The Planning Division has determined that the Major Planned Development Amendment to the Rosemary Square Core Development Regulations meets all eight (8) of the required amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

Compliance with the above referenced standards is detailed in the Planning Board Staff Report.

PLANNING BOARD: The Planning Board recommended approval (6-0) of the request to the City Commission after a Public Hearing on March 21, 2023.

NOTICE: Individual notices were mailed to all property owners within 500 feet of the area covered by the Major Amendment. Signs for the Major Amendment were posted on the property on March 6, 2023.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

11. 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.

12. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

13. ADJOURNMENT

*Pursuant to Resolution No. 179-95, adopted according to the provisions of Section 286.0115, Florida Statutes, members of the Commission shall disclose on the record: 1) ex-parte communications - verbal or written 2.) written communications shall be placed in the record; and 3) site visits, investigations, etc. shall be disclosed.

NOTICE: If any person decides to appeal any decision made by the City Commission at this meeting, that person will need a record of the proceedings, and that, for such purposes, may need to ensure that a verbatim records of the proceedings be made, which record includes the testimony and evidence upon which the appeal is based. The City of West Palm Beach does not prepare or provide such record.