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**VIA E-MAIL**

August 3, 2018

Mr. Richard Greene, AICP, Director  
City of West Palm Beach Development Services  
401 Clematis Street  
P.O. Box 3147  
West Palm Beach, FL 33402

**RE: Proposed Comprehensive Plan Text Amendments (WPB18-01) to the  
Downtown Master Plan Element to Create the Okeechobee Business  
District (OBD)**

*FDEO Reference No. West Palm Beach 18-1ESR*

Dear Mr. Greene:

Please be advised that the County is in receipt of the above-referenced amendments and provides the following formal comments pursuant to s.163.3184 F.S.

As the City has been made aware through various written and oral comments dating back to July 26, 2017, multiple Palm Beach County departments have taken concern with this proposed amendment to the City's Comprehensive Plan that would create the OBD. Palm Beach County is not only a "reviewing agency" pursuant to Florida Statutes ss. 163.3184(1)(c)10, but also by definition an "affected person" as both an adjoining local government and owner of the abutting real property underlying the Hilton Hotel and Convention Center. In full satisfaction of Florida Statutes ss. 163.3184, the purpose of this letter is to formally notify the City and state land planning agency (FDEO) of the County's entire comments as a "reviewing agency" and "affected person" concerning these amendments, in response to the City's transmitted documents received by the County on July 5, 2018. Authority to transmit this letter was unanimously granted by the Palm Beach County Board of County Commissioners while joined in regular session on July 10, 2018.

**Notification and Coordination**

Importantly, the County first learned of the OBD initiative upon receipt of a standard City public hearing notice mailed in the middle of July 2017. This is

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despite: 1) “a public outreach process”<sup>1</sup> from December 2016 thru June 2017 that is clearly demonstrated by the City Staff’s reports to have excluded Palm Beach County (but such staff reports were not included in the City’s Transmittal Package); 2) two workshops at City Hall in April 2017; and 3) June 12-15, 2017 “charrette and public meeting centered on the traffic operations of Okeechobee Boulevard.”<sup>1</sup> At no time during the traffic charrette did the City make mention of the OBD. Failure to notify and coordinate with the County forced County Staff to deliver advance written correspondence and oral remarks at the City’s July 26, 2017 Planning Board meeting.

After September 25, 2017, when the City Commission voted not to approve the OBD amendments, the City never contacted the applicable County Staff to discuss the County’s concerns. The County’s Property and Real Estate Management Division (PREM) did not even receive a mailed public meeting notice<sup>2</sup>, as it had in 2017, for the City’s Amendment Round 18-01 revived OBD initiative. The most applicable County Staff only learned of this renewed initiative through communications on entirely unrelated matters and local media reports. Certainly this approach is not compliant with the spirit, intent and express provisions of the Intergovernmental Coordination Element of any Comprehensive Plan. All of this is to call the integrity of the City’s outreach effort into question, as it has left the County with no option but to object through this letter since timely opportunities for coordination were neither extended nor accepted by the City.

### **Relationship and Effect on County Comprehensive Plan**

Per Florida Statutes ss. 163.3184(1)(c)10, Palm Beach County is a Reviewing Agency of all municipal amendments within its jurisdiction. The County’s Planning Division in conjunction with the Department of Engineering and Public Works raises the following objections, and offers recommendations to address the potential conflicts with the County’s Plan as well as potential for substantial impacts on the increased need for publicly funded infrastructure in accordance with Florida Statutes ss. 163.3184(1)(a).

The City has not provided adequate data and analysis demonstrating that the proposed OBD would have no impacts upon Okeechobee Boulevard. Rather, the City indicates that the downtown is designated a Transportation Concurrency Exception Area (TCEA) by the County’s and City’s Comprehensive Plans. The TCEA was, however, granted by the County to benefit the development of *the entire downtown* as envisioned at that time by the Downtown Master Plan (DMP). That TCEA was not granted by the County with the intent to simply implement any potential design derivatives of the DMP (such as the proposed OBD), but was justified with the specific DMP that was a companion to this TCEA’s enabling legislation. This OBD proposal and the traffic generation, distribution and direct impact to Okeechobee Boulevard reasonably

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<sup>1</sup> Excerpts taken from City Staff’s report prepared for the June 28, 2018 City Commission Public Hearing and First Reading of Ordinance No. 4783-13

<sup>2</sup> Standards and procedures for notice of public hearing are established in Sec. 94-39 of the City’s Code of Ordinances, as well as Florida Statutes ss. 163.3225 and 166.041, amongst others



resulting from same stands as a material change to the DMP for which the TCEA was granted by the County.

Additionally, the City's proposed amendment neither considers nor accounts for extra jurisdictional impacts on the road network outside of the TCEA and DMP. Rather, there is an inferred reliance by the City upon a notion that any trips within the TCEA and DMP boundary are equal and allowable, regardless of origin/destination, so long as the ultimate cap and/or land use balance ratios established by the TCEA are not exceeded. While this may be consistent with the regulatory function of the TCEA, it is contrary to good planning principles and engineering practice that requires detailed study of origin and destination points rather than considering trip generation within a limited geographic area alone.

The County also finds it significant that the City of West Palm Beach TCEA stipulated in Policy 1.2-m of the Transportation Element of the County's Comprehensive Plan requires that the City "develop a centrally-managed system of strategically located parking facilities." However, the City's own Map 10 of its Comprehensive Plan Transportation Element presents a complete lack of major parking facilities owned by the City along or anywhere in the immediate vicinity of Okeechobee Boulevard. Further complicating that is the fact that the City-owned "Tent Site" within the proposed OBD and currently the subject of an RFQ does not commit the property to delivering such a strategically located and meaningful supply of public parking. At the same time, the City has been contemplating the demolition of existing City-owned parking structures in the downtown to repurpose the underlying real property for private development. The endurance of strategically located parking facilities in the downtown, and hence compliance with this express policy of the TCEA, is being called into question by current thinking, planning and the proposed OBD itself by its restrictions upon the supply of parking allowed to accompany new development.

All together, the County sees the OBD as being contrary to the purpose and intent of the TCEA and its implementing provisions within the County's Comprehensive Plan. Establishing the OBD "to clearly identify the Okeechobee corridor as one of the core office districts in Downtown"<sup>3</sup> and/or as "the new office district downtown"<sup>4</sup> has never been a common objective of the County's and City's respective Comprehensive Plan as it pertains to the TCEA enacted to implement the City's DMP. The County does not share the view that the OBD is "keeping in mind the development goals of the downtown area and the City as a whole"<sup>5</sup>. The County therefore concludes that the proposed OBD detracts from the comprehensive planning approach of the prevailing DMP and conditions intended by the TCEA.

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<sup>3</sup> Excerpt taken from City Staff's report prepared for the June 28, 2018 City Commission Public Hearing and First Reading of Ordinance No. 4783-13 and page 3 of the City's DEO Transmittal Report

<sup>4</sup> Excerpt taken from page 19 of the City's DEO Transmittal Report

<sup>5</sup> Excerpt taken from page 3 of the City's DEO Transmittal Report



Given the foregoing, the proposed OBD is inconsistent with the purpose and intent of the TCEA enabling legislation of the County's Comprehensive Plan, and therefore does not uphold the relationship and effect that is intended by the County's Comprehensive Plan in accordance with Florida Statutes ss. 163.3184(3)(b)3.b. The County would recommend that the City propose changes to the TCEA prior to or concurrent with OBD amendments to allow the County, City, FDOT, other affected persons and interested local governments alike to fully understand, address, and respond to concerns for the public transportation network resulting from previously unforeseen downtown planning interests.

Finally, the County is aware of multiple transportation planning efforts and initiatives currently in progress relative to the downtown. The West Palm Beach multi-modal study involving representatives of FDOT, the County, Town of Palm Beach, general public and others is just one example. That study advances the notion of establishing bus only transit lanes along Okeechobee Boulevard by conversion of an existing lane of vehicular travel through the bustling and vibrant West Palm Beach downtown. There are other mobility studies, "road diets", pedestrian enhancements along Clematis Street, and a plethora of other ideas being circulated by the City all at the same time that are seemingly unconnected and uncoordinated with one another. The County strongly recommends that the City await a conclusion to these studies and physical changes already in progress to provide the adequate data and analysis that is demanded of a Comprehensive Plan. This approach would indicate whether these uncoordinated efforts will have meaningful benefits or cumulative impacts upon the public road network to and through the downtown. This approach would also afford a much needed focus, a comprehensive overview and a meaningful understanding of the proposed impacts of the many pending, proposed and anticipated changes to the downtown and its public roadway network, and ultimately a stable foundation upon which to review and analyze the proposed OBD legislation.

### **Traffic Operations and Signalization**

The specific **location** of the proposed OBD is a primary concern of the County. The effect of the proposed OBD is to allow more intensity directly abutting Okeechobee Boulevard than current regulations and the prevailing DMP otherwise allow. While total development intensity of the entire downtown may remain unchanged, the concentration of development intensity that would be afforded by the proposed OBD presents potential for adverse effects on the present and future functionality of Okeechobee Boulevard, and hence increased need for publicly funded roadway and signalization infrastructure to counter direct effects not previously contemplated to this critical corridor.

The proposed OBD is characterized by City Staff as "a high-rise district."<sup>6</sup> With high-rise development comes a volume of vehicular traffic that is proportionately higher than a low- or

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<sup>6</sup> Excerpt taken from City Staff's report prepared for the June 28, 2018 City Commission Public Hearing and First Reading of Ordinance No. 4783-13 and page 3 of the City's DEO Transmittal Report



mid-rise form of development. Okeechobee Boulevard is inherently being relied upon to service the proposed district given its direct adjacency. Yet the data and analysis prepared in support of the City's proposed amendments considers only current traffic volumes on Okeechobee Boulevard. No professionally prepared forecast was undertaken or any mention whatsoever made by the City about the *future* operating implications of supporting the heightened level of site-specific development capacity made possible by the proposed OBD. This approach departs from conventional practice and stands as a glaring omission.

To impart some current data to the analysis, the present day ADT on Okeechobee Boulevard between I-95 and Australian Avenue is approximately 75,000 vehicles. That volume is already much higher than the 67,300-vehicle LOS "D" standard capacity (notwithstanding the TCEA) for an 8-lane divided road such as that segment of Okeechobee Boulevard. The 2018 ADT on the segment of Okeechobee Boulevard between Australian Avenue and Tamarind Avenue / Parker Avenue is 66,800 vehicles, which is just barely short of the LOS "D" capacity of that existing 8-lane section of road. Without even accounting for impediments to free-flow conditions, it is clear that much of the Okeechobee Boulevard corridor at the western gateway of the downtown is operating either at or slightly worse than a LOS "D" under the current traffic demand conditions. That being the case, it is going to be a monumental challenge to maintain an acceptable operating condition on Okeechobee Boulevard when the vacant parcels along this corridor are developed and/or other parcels redeveloped under the currently allowed density/intensity of the prevailing DMP, let alone the future impacts of the proposed OBD.

Traffic flow along this 1.5-mile long corridor is already disrupted by train preemption at two railroad crossings, consisting of Tri-Rail and Amtrak trains on the CSX tracks as well as freight trains and the newly commissioned Brightline express trains on the FEC tracks. Periodic openings of the bascule bridge at the eastern terminus of the corridor introduce even further disruption. Further complicating is the proximity of some signalized intersections, with some lying as close as just 475' in the east/west direction and only 130' in the north/south direction. Vehicular traffic queues at times already extend past upstream intersections, bringing traffic to a standstill and impeding operations of facilities already established along the corridor. These conditions all combine to substantially undermine the ability of this corridor to efficiently, timely and safely process the amount of traffic expected under future growth scenarios (even absent the OBD) based on standard lane capacities of similarly sized roads.

Recognizing these challenges, FDOT has invested heavily in deploying an advanced traffic-adaptive signal control system. FDOT has further deployed an Active Arterial Management System along this corridor with consultant staff managing it from the county's Traffic Management Center (TMC). How the proposed OBD could possibly be immune to current conditions that spurred those measures, or offer improvement upon existing or future operations, completely contradicts any local experience.



Based upon recent statements by City Staff, the City of West Palm Beach contends that 5% of the current traffic volume on Okeechobee Boulevard between I-95 and the Royal Park Bridge is either transit, bike, or pedestrian traffic. Yet there has never been any formal transit service on Okeechobee Boulevard east of Australian Avenue, aside from one mere block of Okeechobee Boulevard that is traversed by the City's Downtown Trolley in route to other destinations. While the City has failed to provide any empirical evidence to back its assertion, one cannot reasonably imagine that over 3,300 bikers and pedestrians currently traverse this corridor on a daily basis. The City has further contended, again without any evidence or reputable study to substantiate the claims, that 25% of travelers will come to switch travel modes from personal vehicles to transit by 2040, in spite of written representations that "(t)he City's desire is to encourage a mode-shift resulting in a 14% increase in walking, biking and transit"<sup>7</sup>. By comparison, the City of Miami and others alike having a much larger downtown in terms of area, population and density/intensity have not been able to attain more than a 12% mode shift.

Importantly, many of the trips attracted to downtown West Palm Beach originate west of the downtown, such as from the central western communities. Others arrive from points north and south via the I-95 and Florida's Turnpike interchanges on Okeechobee Boulevard to the west. It is therefore not realistic or reasonable to expect long distance travelers and/or others from throughout the region that have no direct rapid transit access to suddenly abandon their personal vehicles just to travel their final approach on Okeechobee Boulevard via bus, bicycle or foot without some significant incentive for doing so. No such incentive is provided by the proposed OBD, nor does one exist for the entire remainder of the downtown. This raises further challenge to the parking assumptions and supply limitations behind the proposed OBD; the failure of which would be to the detriment of those already invested along the corridor and its operational integrity.

Palm Beach County has legitimate health, safety and welfare reasons to be concerned with operating conditions on Okeechobee Boulevard at present *and* continuing into the future. In addition to simply providing access to downtown West Palm Beach for constituents countywide, Okeechobee Boulevard carries significant thru traffic and is one of just three access routes over the intercostal waterway to the Town of Palm Beach. It is therefore an important coastal emergency evacuation route providing direct access to I-95 and Florida's Turnpike for the residents of and visitors to the Town, City and County. Palm Beach County alone supplies, operates and maintains the traffic signal control system along this corridor on behalf of FDOT at the County's sole expense. The development capacity of the proposed OBD would inevitably work against the physical capabilities of the existing and any future signal system as well as emergency evacuation efforts to render effective public service. Allowing higher development intensity (such as the proposed OBD) directly on the corridor will certainly add traffic demands that will ultimately exceed the functional capability of Okeechobee Boulevard. The lack of

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<sup>7</sup> Excerpt taken from page 18 of the City's DEO Transmittal Report



traffic analysis to justify and support the proposed OBD only seems to leave the timing and extent of failure unanswered.

### **Threat to Public Investments**

In addition to its past and ongoing public investment in traffic signal infrastructure, Palm Beach County is also an affected person/landowner. Palm Beach County is concerned for its publicly funded and investment-backed expectations in the County's only Convention Center. The Palm Beach County Convention Center fronts Okeechobee Boulevard on the western edge of the proposed OBD. An overwhelming share of the traffic destined for and departing from the proposed OBD would no doubt utilize that same segment of Okeechobee Boulevard as the Convention Center; thereby directly interacting with Convention Center exhibitors, guests and patrons. Nothing can be more fundamental to the ongoing success of the County's public investment in a Convention Center than the ability for a mass volume of vehicular traffic to access and depart the facility with ease and on demand.

The City has not analyzed the direct relationship between the proposed OBD, the Convention Center and/or any other existing and future downtown development that will rely upon this important corridor. Rather, the City simply asserts that there is no overall increase in downtown traffic volume, and therefore no traffic impact. The City also argues that the proposed OBD does not have the effect of increasing development capacity despite the intent of this initiative to make the addition of numerous floors of building intensity a regulatory reality and physical possibility directly abutting Okeechobee Boulevard. These positions completely neglect the significant correlation between the **location** of development and its corresponding traffic impacts.

More concerning is the implications of the proposed OBD for the much-anticipated expansion of the County's Convention Center. The City and County entered into an Interlocal Agreement in 2000 to provide for the phased delivery of such a facility consisting of approximately 620,000 square feet and supported by an approximately 1,044,126 square foot parking structure. Just last year the County completed its nearly \$51 million investment in that parking structure in anticipation of and preparation for a capital expansion upward of 400,000 square feet to the existing +/-300,000 square foot building. That expansion remains actively under discussion with the marketing study having been authorized and funds in excess of \$10 million already appropriated for design and early construction phases. Again, in the absence of any traffic studies that fully account for the impacts of existing, approved and intended future development to support the proposed OBD, the City has done absolutely nothing to assess the future operability of Okeechobee Boulevard and protect the ongoing public investment in the Convention Center. Whether and the extent to which the proposed OBD will compound existing and/or future conditions, thereby causing increased need for publicly funded infrastructure to preserve operations if even financially attainable, is being left unanswered.



### Divergent Planning Approaches/Perspectives

The County fails to understand how the City's traffic contentions can hold any validity given permissible development capabilities being increased from 5 to as much as 25 stories (a 400% increase). The County does understand that the maximum FAR would remain unchanged on certain properties, and development capacity under current DMP, CPD and DRI regulations held constant. However, the need for such a drastic increase in number of building stories clearly illustrates the *physical inability* to achieve current maximum regulatory allowances absent the significant increase in number of stories that defines the proposed OBD. The City Staff's reports completely fail to disclose the fundamental relationship between existing regulations, number of floors and actual building square footage yield per site, and hence actual overall traffic generation in a **location** that is more defined than the entire downtown. Were no change required to achieve the full development potential of existing regulations there would be no need at all for the OBD initiative. Consequently, there would obviously be no need to "modify DMP Element Policy 3.1.3 Table DMP-1: Maximum development capacity, and Figure DMP-2: Subdistrict Boundaries, to include the maximum development capacity of each of the new subdistricts within the Okeechobee Business District."<sup>8</sup>

The County finds it equally curious and concerning that the proposed OBD incentivizes only Class A office use, despite there being no applicant (for office or any specific use) associated with the proposed amendments. The City could equally incentivize other beneficial uses such as hotels, public and civic institutions and/or mixed use development in place of or in conjunction with office. Yet the City is targeting only Class A office while City Staff's reports have repeatedly represented that more than 1,130,000 square feet of Class A office is already approved by valid development orders. The City's own "Tent Site" within the proposed OBD is also actively being marketed for Class A office space, based solely upon "anecdotal evidence"<sup>9</sup> and because "the recent effort by the Related Companies to build a 25-story class-A office tower in WPB underpins"<sup>3</sup> an assumption about a deficient supply of office space. With so much existing capability to deliver Class A office space throughout the entire downtown as intended by the DMP, the City has demonstrated no need for the proposed OBD. This is especially true for a strip of land fronting the busiest and perhaps most regionally important street in the entire downtown, and for which no independent traffic study has demonstrated the resulting immediate or long-range operational impact.

The true effect of the proposed OBD would be to spread the intended purpose and intensity of the City's Quadrille Garden District (QGD), Quadrille Business District (QBD), Transit Oriented Development District (TOD) and Clearlake District (CLD), all of which permit building heights of 25 or more floors, directly onto Okeechobee Boulevard. This clearly departs from the original DMP vision and operating environment that is conducive to traffic signalization/management,

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<sup>8</sup> Excerpt taken from page 5 of the City's DEO Transmittal Report

<sup>9</sup> Excerpts taken from Addendum No. 1 to City of West Palm Beach RFQ No. 17-18-404





public roadway operation and the Convention Center. Recent downtown construction activity, vested development orders, continuous good faith efforts to implement valid development orders, and existing regulations all combine to support the ongoing relevance of those aforementioned districts and the existing DMP.

The development capacity (theoretical and physically attainable) that would be brought within regulatory reach by the proposed OBD has not been quantified by the City, compared against that under current regulations, or even paired with any demonstrated need to front directly on Okeechobee Boulevard. Further, the City has presented no analysis of the implications of the proposed OBD on the remainder of the downtown that is equally part of the comprehensive DMP. The City's Transmittal Package does, however, expressly state that "An inventory of the land available for redevelopment within the two incentive areas (Quadrille Garden and Quadrille Business incentive areas) results in a total of approximately 2.9 million square feet of potential development,"<sup>10</sup> which is more than sufficient to fulfill any "economic growth that is desperately needed in our downtown."<sup>11</sup>

The City's written and oral statements in support of the OBD insinuate that the TCEA has created an obligation to achieve 15 million square feet of non-residential development. However, the TCEA clearly establishes that capacity as an upward bound. The TCEA is in no way intended as a substitute for good planning practice and continuously responsible governance as it relates to long-term traffic impacts and the roadway operational implications of land use decisions. Regardless of the semantics of development capacity that the City is using in defense of the proposed OBD, the true traffic implications of the proposed OBD for Okeechobee Boulevard is of great public concern and bears significant further consideration.

Buildout of the downtown and delivery of office use is not a race. Construction starts today are not a valid measure of the long-term land use balance and/or traffic distribution that is intended by professional planning practice, regulations and adopted Comprehensive Plans. The districts already established by the DMP, their valid development approvals and their untapped capacity, combine to demonstrate that there is no imminent indication of any long-range planning failure or office shortage that can serve at this time to justify the OBD. Some of the valid Class A office development orders are in fact for properties that lie adjacent to and/or upon existing County ownership and raised no County objection at all. Thus, the County is clearly able and willing to support Class A office intensity and initiatives related thereto when sited at no material consequence to public resources.

### **Requested Actions**

Palm Beach County asks that the City afford a reasonable amount of time for intergovernmental

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<sup>10</sup> Excerpt taken from page 21 of the City's DEO Transmittal Report

<sup>11</sup> Excerpt taken from page 3 of the City's DEO Transmittal Report



coordination on a traffic model to conclude with delivery of this meaningful planning tool, followed by review of its results by all decision makers, immediate stakeholders and the general public. In recent weeks representatives of FDOT, Palm Beach County, the Town of Palm Beach and the City of West Palm Beach have commenced collaborating toward the development of a traffic model to more closely examine the future operating conditions of Okeechobee Boulevard. The resulting product will render information that is better than has ever been available, and that is necessary to fully and accurately assess traffic impacts of the OBD and other downtown development upon Okeechobee Boulevard. Fully informed decision-making and policy setting demands nothing less. There being no applicant behind the proposed OBD, the County simply cannot and does not understand the rush to complete the proposed OBD legislation.

Fundamental assumptions of the accepted Mobility Plan aimed at shifting modes of travel into the downtown and diverting traffic from Okeechobee Boulevard via a new rail crossing on Fern Street are indeterminable at this time and questionable at the very best. Additionally, County Staff simply cannot deduce how the development reality of the proposed OBD would improve upon traffic conditions that already compelled the City to voluntarily initiate the Mobility Plan. Introduction of the proposed OBD, which in itself is not a mobility enhancement to Okeechobee Boulevard or even contemplated in the accepted plan, is therefore viewed by County Staff as being premature. The forthcoming traffic model will, on the other hand, allow the result of specific mobility improvements and techniques to be evaluated against development initiatives (such as the proposed OBD). In turn, meaningful public commitments can be incorporated into an adopted Mobility Plan and the intended performance of the public transportation network ultimately realized in the future. Without that capability and predictability the proposed OBD does not stand as a creative traffic solution, but rather a gamble with the future fate of public investments, public facilities and public expectation.

The County also requests that the City identify the information that is required to adopt a Mobility Plan. County Staff have posed numerous comments and questions on the accepted Mobility Plan that remain unanswered by the City. Yet references to the recently accepted Downtown Mobility Plan resonate throughout the City's Staff reports and Transmittal Package for the proposed OBD, and according to the City "supports the proposed amendments."<sup>12</sup> While the past initiation and recent acceptance of the Mobility Plan signaled genuine intentions for bettering circulation along Okeechobee Boulevard in the downtown, the proposed OBD initiative came about at a time and in a manner as if the City is now aimed in an entirely different direction. Only through the time, outcomes and responses arrived at through the actions requested and suggestions passed herein can the potential for substantial impacts on the increased need for publicly funded infrastructure, as established in Florida Statutes ss. 163.3184(1)(a), be objectively evaluated by Palm Beach County.

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<sup>12</sup> Excerpt taken from page 2 of the City's DEO Transmittal Report



## Conclusion

Downtown West Palm Beach is truly a regional-serving downtown. The downtown does not exist in a vacuum, and the urbanization of Palm Beach County beyond the downtown has been no less transformative than the downtown itself. The attraction of the downtown grows in sync with the remainder of the region, and so too does traffic volume entering and departing the downtown. This is evident by the more than 10,000 additional average vehicle trips per day that are documented by City Staff's reports and Transmittal Package to travel Okeechobee Boulevard as compared to just two decades ago. Yet the magnitude and impact of that growth is belittled and outright neglected by the City, as is the significance of sustained growth in the downtown and region on roadway operational performance. All told, background traffic conditions are greatly changed from that which existed at the time of approval of the TCEA, DRI and CPD. Simply because the City does not share (with the County, FDOT and the motoring public) in the financial and operational burdens of mounting impacts to Okeechobee Boulevard, does not make the reality of those impacts of any less public consequence.

Everyone can relate to interest in economic development opportunities. The preservation of historic landmarks and delivery of public waterfront open space are equally laudable. Palm Beach County does support those specific aspects of the proposed OBD, along with the concepts of public transit operations funding, parking garage retrofit/conversion capability and LEED or equivalent construction requirements. However, the County will not support fulfilling those objectives in exchange for development initiatives that ultimately come at the expense of significant past and ongoing public investments in Okeechobee Boulevard, its traffic control infrastructure and the County's Convention Center. The proposed OBD simply does not hold the same promises for the County and countywide constituents as it does for the City alone.

To be clear, Palm Beach County acknowledges, respects and appreciates the fact that the City has land use and zoning authority in the downtown. Palm Beach County is not at all opposed to the downtown or its continued maturation with Class A office and other uses in the locations and amounts as already permitted by existing regulations. To the contrary, Palm Beach County admires the downtown enough to have made its own strategic public investments in that location and regulatory allowances within its own Comprehensive Plan. The County simply strives for its downtown capital improvements and ongoing public investments to remain a meaningful part of the downtown into the future.

The County remains committed to the foresight of the existing Downtown Master Plan that justified not only a TCEA being granted through the County's Comprehensive Plan, but multimillions of public dollars being invested by the County in infrastructure and facilities to serve the entire population of Palm Beach County. The proposed OBD challenges all of those past decisions and their promises for the betterment of the entire downtown. Based upon that outlook and available information, Palm Beach County cannot support the proposed OBD. Palm



Beach County hopes that the City, if not the DEO, will recognize the shortsightedness of the proposed OBD and stand true to the Downtown Master Plan already in place by suspending further progress on the subject OBD amendments.

Respectfully,

Patrick Rutter  
Assistant County Administrator

Cc:

Ray Eubanks, Plan Processing Administrator, FDEO  
Michael J. Busha, AICP, Executive Director, TCRPC  
Mayor Jeri Mouio  
West Palm Beach City Commission  
Scott Kelly, Assistant City Administrator  
Hazeline Carson, City Clerk  
Board of County Commissioners  
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