April 18, 2017

RE: 17-2 ER Town of Palm Beach Transmittal of Comprehensive Plan Amendments Based on the Town's Recent Evaluation & Appraisal - Existing Comprehensive Plan (Ord. No. 9-2017)

Dear Mr. Eubanks:

I spoke before the Town's Planning and Zoning Commission, the Council and the Council as Local Planning Agency as an affected person regarding existing text within the Town's Comprehensive Plan and changes made to the Plan during a recent EAR process. I also wrote several letters. Many of the comments and concerns I repeatedly expressed to the Town were not addressed and were not included in the transmittal from the Town to the Department of Economic Opportunity dated March 30, 2017.

The letter you received from Town of Palm Beach Planning Administrator, John Lindgren, states that "the Town "refreshed" the Plan by updating data" and "added some language to strengthen policies preserving the Town's character, as well as create new policies that address development impacts from neighboring municipalities, energy planning, and water conservation".

This description is misleading because it seeks to minimize the changes made in an attempt to qualify the revisions for an expedited review. I believe the Town’s assertion is incorrect: As stated in s.163.3184(2)(a), "plan amendments adopted by local governments shall follow the expedited state review process in subsection(3), except as set forth in paragraphs (b) and (c)." Paragraph (c) states, among other exceptions to expedited review is when a local government proposes an "update [to] a comprehensive plan based on an evaluation and appraisal report pursuant to s.163.3191".
At the beginning of the process, John Page, Director of Planning, Zoning and Building wrote to the Town Council on April 1, 2015 and included a list of suggested Comp Plan updates. He also stated that "some of these changes can be completed by Staff, while others will require the use of a consultant, if the Council elects to conduct more than a minimum review of the Plan."

At the October 20, 2015 Planning and Zoning Commission (P&Z) meeting, Mr. Page said, "we are not adding or subtracting Elements, so it basically stays the same. As we have gone through the Plan page by page, element by element, we see references to studies or tasks that have been completed in recent years or are essentially obsolete or no longer needed, maps, statistics, hard data, needs to be updated. In terms of a broad based appeal to the public for their comments, the Council is of the opinion that the Plan is not changing in any substantive way." This statement was not true. The Plan that P&Z received in September, 2016 did contain substantive changes.

Richard Cannone, the Calvin Giordano & Associates (CG&A) planning consultant contracted by the Town to assist with the EAR, refers to the Comp Plan in The Palm Beach Daily News: [12-7-16] "most of the changes were to revise and eliminate out-of-date text and data".

This statement is also misleading. Revisions and some out-of-date text and data was eliminated and there was an updating of maps by Town staff, but many changes were not cursory or minimal. An entirely new Element, (Element X- Public Safety), was included. This is contrary to statements made by Mr. Page that none would be added.

Disappointedly, portions of the work product reviewed and revised by CG&A and Town staff was facially deficient. (Additionally, there were many instances of questionable vestigial language that was glossed over and allowed to remain in the Plan from previous editions of the Plan. These instances do not rise to the level of importance raised by other deficiencies, but are emblematic of a much too casual "review").

Of major concern are the old and new portions that are vague, inconsistent, and lacking specificity and proper planning data and analysis. Efforts by residents to seek redress for the absence of clarity in the Plan's language were further thwarted and frustrated by the confines of limited public comment. How can the deficiencies contained within a 308 page document be remedied by lay residents within three minutes at the podium, especially when a Town Council does not require its staff to provide clarity? The staff themselves seemed unprepared to address the inconsistencies and were dismissive with their responses.

Comprehensive plans should "contain a consistent set of visions, goals, policies, objectives, and actions that are based upon evidence about community conditions as well as major issues and impacts. [Sustaining Places: Best Practices for Comprehensive
Plans, (The American Planning Association (APA), p.17). I know the requirements for "approval" have changed since the Town had its last EAR. But the Plan still needs to satisfy basic planning practices. It doesn't consistently do this.

It would appear that Palm Beach's Town Council and staff /consultant proceeded with the belief they could be unresponsive to resident concerns and do so with impunity.

The Department of Economic Opportunity and the Treasure Coast Regional Planning Council are the gate-keepers needed to protect Palm Beach's townsfolk who, for the most part, do not have the awareness, comprehension or skills to fathom the ramifications or consequences that could be triggered by new text language. These are the "affected persons" referred to in the State Statute governing the challenging of local government Comprehensive Plan adoption.

I hope you will transmit an Objections, Recommendations and Comments letter to the Town requiring it to be responsive in a manner that provides the missing clarity that is required within a planning document.

Here's a sampling of many of the examples where basic planning practices were not utilized or employed satisfactorily despite questions repeatedly posed to the Council. I've included portions of my letters with references to the updated Element page numbers. I've also included the questions and comments I repeatedly raised which appear in blue. (The original letter is included with this package).

The Town's contract with CG&A identifies Task 2:

Review background information, previous studies and planned improvements "including an assessment of the regulatory provisions including density and intensity."

The Comp Plan refers to residential density and commercial intensity with regard to development off-Island but the required consistency of this fundamental planning term is absent throughout the document and should be corrected.

The Future Land Use Element is the pivotal element of the Town's Comprehensive Plan. It recognizes the intrinsic value of the Town as a residential community, and takes on the challenge of setting management goals and techniques which will allow the community to control the type, distribution, and density of development and redevelopment.

(I-3) (p. 17)

- Encourage development and redevelopment at lower density levels than existing zoning allows, except for redevelopment where maintaining previous densities and/or intensities are allowed after unintentional damage

(I-4) (p.18)
For proper consistency, shouldn't it read "at lower residential density and commercial intensity levels . . . "?

POLICY 2.4

To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character, and to overall property values of the community, the Town will take all technical and administrative measures legally available to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow.

"Lower the pattern of residential density and commercial intensity, where possible . . . ."

The following citation caused concern among residents for a number of reasons. Town voters drafted signatures in 2015 for a referendum to prevent the creation of a new Planned Unit Development (PUD) in the heart of the Town's Historical Main Street which has a Commercial-Town Serving designation. The referendum succeeded in defeating the PUD, but code changes were subsequently made to parking requirements in the area.

The tremendous pressure for expansion of commercial land use is a direct function of the economically valuable image of a Palm Beach address. It is imperative that region-serving, high traffic generating, commercial uses be prevented from further proliferating and be reduced wherever possible. To this end, the Town is committed to ensure that the existing businesses and commercial areas within the Town remain vital and continue to meet the needs of its residents.

This new, broad language lacks specificity.
* Committed to "ensuring"? How?
* How is commitment quantifiably measured?
* Remain vital? What does this mean? How would this be achieved? How is the vitality to be measured? Does vitality mean increased intensity of future redevelopment?
* Meet the "needs". What are their needs?
What is the intended purpose of this language? How would it be implemented?
Would implementation trigger consequences that are inconsistent with the Plan's Goals, Objectives and Policies (GOPs) of reducing commercial intensity?
The public doesn't know.

Element X - "Public School Facilities Element" has been replaced by "Public Safety Element" (starting on page 306 in the Comp Plan)
OBJECTIVE 2
The Town will continue to implement innovative and state of the art law enforcement techniques and technologies to ensure the health, safety and welfare of residents, businesses and visitors.

POLICY 2.1
Incorporate “Crime Prevention Through Environmental Design” (CPTED) concepts and techniques to the maximum extent feasible during site planning for new development and redevelopment.

(p. 307)

I made an effort at the March 30th Council meeting to get an explanation regarding "CPTED concepts and techniques" and how they would be used in the Town. The question and discussion was "shut down" by the Council. It wasn’t discussed by the Planning and Zoning Commission during their 3 1/2 hours of "review" and it wasn’t discussed by the Council, staff or the consultant. Why not?

POLICY 3.2
Due to the Town’s location within the Coastal High Hazard Area and general vulnerability to hurricane events, the Town shall ensure that future development or redevelopment maintains or reduces hurricane evacuation times through land use controls.

POLICY 3.3
Coordinate with adjacent municipalities, Palm Beach County, the Florida Department of Transportation and other responsible agencies, to ensure that the regional transportation network provides for the safe and timely evacuation of residents in a hurricane or other emergency event is not degraded as a result of Transportation Concurrency Exemption Areas (TCEA).

(X-3) (p.308)

Policy 3.2: What are the land use controls that will be used?
Policy 3.3: As a barrier island that is impacted by road and traffic conditions on the western side of the Intracoastal, emergency evacuations from Town could be affected. Where are the Transportation Concurrency Exemption Areas (TCEA). The public doesn't know and neither do some members of the Town Council. This was never discussed.
The issue is not clarified in the Transportation Element, either.

TRAFFIC GENERATORS

There are four main bridges crossing the Intracoastal Waterway and connecting the Town to the mainland; these are:

(B) (p.87)

Bridges are not traffic generators, land uses are.

Developments in nearby communities may cause increases in traffic on regionally significant roadways in the Town. The Town lacks sufficient data to evaluate these impacts. In 2001, the Town negotiated with the City of West Palm Beach and reached an agreement with regards to the Town's concerns over the lack of LOS determinations in the City of West Palm Beach's downtown Master Plan.

(B) (p.88)

* The text lacks identification of specific land uses. The text could identify off-island land uses as they occur. There are other sections of the Plan which claim that development in nearby communities IS the cause of traffic increase.
* This is another planning fallacy which needs to be corrected.
* Does the Town still lack sufficient data to evaluate development impacts?
* What was the agreement reached in 2001?

Traffic and parking problems in the Town.

The Traffic and Parking Improvement Plan prepared by the Town's consulting engineers in 2006 indicated that in certain instances insufficient parking may be affecting the ability of residents and others to safely and conveniently access recreational (including the municipal docks) and school facilities. Bridge openings at the Royal Park and Flagler Memorial Bridges needed to be synchronized to be consistent with peak seasonal operations. The Town evaluated the alternative strategies of the Plan and implemented strategies as needed.

(B) (p.90)

* Where's the data? Who were the engineers? What strategies were implemented? The section would benefit from a citation for reference.

Based on the data prepared by Kimley-Horn & Associates and an update prepared by Progressive Design & Engineering as outlined in the Table above, the yearly peak season daily traffic volumes have remained steady or increased slightly between 2010 and 2015. In a report dated March, 2007, the study recognized that the peak seasonal population in the Town is expected to increase only minimally during the planning period over the estimated population in 2009. Therefore, the Town expects to be able to meet its current adopted levels of service. While some locations along SR
This is another example of inconsistent data concerning traffic volumes. This says remained steady or decreased slightly and contradicts claims made in other portions of the Plan, i.e.

A growing concern that will likely impact the Town’s transportation system and recreational and park facilities is the amount of residential density and intensity being added within the City of West Palm Beach’s downtown as well as potential growth in the City of Lake Worth. With limited recreation space and a Transportation Concurrency Exemption Area (TCEA) in place, expected spillover of that increased density and intensity into the Town will only exacerbate capacity concerns along County Road Ocean Boulevard State Road A1A.

There is inconsistent text regarding population growth:

small amount of undeveloped land left in the Town. Future population growth is expected to remain relatively flat.

As shown in the table below, the Town’s population continues to decline. In addition, the Town is experiencing the combination smaller lots in order to create a larger parcel for new single family homes; thereby reducing the overall number of housing units.

Why is the reference to population decline combined with a reference to the combination of smaller lots? Is this combination responsible for the decline?

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The Town has been embroiled in a contentious project to redevelop Seaview Park and Recreation Center based on a public/private partnership. Population numbers and
projections were in the Plan prior to the hiring of a consultant who was tasked to create a Business Plan by a newly formed Foundation. Residents questioned whether the data provided by the consultant accurately cited projected growth and the demographic breakdown under 18 years of age (the historic focus of the Center). A request was made by residents to expand the population figures, 18 and younger, in this Table (there are Census numbers readily available.) The numbers were not provided.

=====================================================================

Policies regarding change in the Land Use element have vestigial language:

**INNOVATIVE APPROACHES**

There is evidence of a trend to demolish smaller existing homes and replace them with new structures built to the maximum size permitted under the Town’s Land Development Regulations, particularly in the R-B Zoning District. New construction is increasingly out-of-scale and character with the surrounding area. In order to maintain the existing character, regulations encouraging renovation and discouraging demolition and reconstruction, may be warranted.

(I-5) (p. 19)

This is a meaningless header. Are innovative approaches identified? Where’s the data and analysis to support the statement regarding the trend that new construction is "increasingly" out-of-scale? What are the ramifications/consequences of this new construction? "May be warranted"? Encourage"? How? Have regulations been implemented? Which ones?

Here's an example of existing, inconsistent language that was supposed to be remedied. It wasn't:

3. The commercial concentration in the vicinity of Royal Poinciana Way, near the Flagler Memorial Bridge, is primarily oriented to the local retail and service needs of Town residents and visitors. However, the Royal Poinciana Plaza, a concentration of shops, restaurants, and offices just east of the Flagler Memorial Bridge, serves a broader clientele.

(I-10) (p. 24)

"and the Royal Poinciana Playhouse" was previously omitted from this sentence and needs to be reinserted. The Playhouse is referenced within the Plan's Recreation/Cultural Element.
Here's a sentence that was modified and advocates an approach that still has no validity:

**OBJECTIVE 2**

Prevent the Town's housing stock from deteriorating to a substandard condition. The measurement of this objective is the extent to which deterioration of the housing stock is prevented, and the degree to which the following policies are implemented.

**POLICY 2.1**

As needed At least once per year, the Town shall conduct a windshield survey of structural conditions of housing throughout the Town.

(III-9) (pg. 134)

Windshield surveys to identify structural deficiencies? 
You can't judge the structural integrity of a building from behind the windshield of a car.

The Town is also embroiled in a contentious project to underground all utilities Town-wide. It will require the granting of easements and the removal of all FPL poles as a result of a referendum to approve the financing of the 90-plus million dollar project which passed by 62 votes. This 10-year undertaking will impact every street and Town roadway and will also include sections of land and roadway owned by the Town of Lake Worth. The removal of poles may also impact the Town of South Palm Beach and the City of Lake Worth.

The highlighted language wasn't discussed by the Council within the context of the Comp Plan.

- Disruption to the community, including noise and traffic congestion is anticipated tie-ups
- Project cost may exceed the approved referendum amount: generation of funds, taxation
- Removal of equipment from poles has been a challenge in similar communities: need for new utility corridors consisting of rights of way and easements
- Increased reliability for all utilities. Results in provision of modern public utility systems throughout Town
- Improved aesthetics for the entire community due to removal of wood and concrete

(IV-18) (p.158)
Lack of data and specificity: "Removal of equipment from poles" - Which communities, they aren't identified. Under what conditions? What were the challenges?

Project cost may exceed the approved referendum amount: "may" as in "might" exceed or "may" as is allowed/permitted to exceed the referendum amount?

The "increased" reliability data presented by the Town to justify the approval of the project has been called into question by those who have opposed the Plan.

"Improved aesthetics for the entire community" may no longer be a valid argument since there are areas of town where large transformers and other equipment are going to visually impact properties.

**OBJECTIVE 7**

The Town shall continue to consider burying its overhead utility systems in a financially feasible manner to improve aesthetics, reliability and safety throughout the Town and to require future development to place utility lines underground.

(VIII-22) (p. 265)

**POLICY 1.6**

The Town shall ensure that the Capital Improvement Element and the entire Comprehensive Plan remains financially feasible, as defined by F.S. 163.3164(32).

(VIII-16) (p. 259)

What constitutes a financially feasible "manner"? Is the project financially feasible if it exceeds the approved referendum amount?

The undergrounding project is going to impact many elements of the Comprehensive Plan including Transportation, Infrastructure and Capital Improvements.
CAPITAL IMPROVEMENTS ELEMENT

LOCAL POLICIES AND PRACTICES

Local practices to guide the timing and location of capital improvement projects weigh needs against projected revenue sources, including the availability of grants. The Town does not have a formalized procedure for prioritizing capital improvements. However, it does use the following set of considerations in balancing project needs with available funds:

- Public health, safety, and welfare benefits of the facility;
- Degree of public benefit;
- Maintenance of established levels of service, including prevention of future capital costs;
- Critical nature of facility need;
- Financial feasibility;
- Overall distribution of projects between facility types and geographical location;
- Quality of life and timing issues—balancing public improvement needs with general welfare and inconvenience.

What does the last sentence mean in measurable terms?
How is "balance" to be achieved?
What is "general welfare"?
What is "inconvenience"?

According to state law, as indicated below,

(818-1) (245)

- The requirement that the schedule demonstrate financial feasibility has been removed. However, the necessary capital projects must still be listed in the schedule, projected revenue resources identified, and the project listed as "funded" or "unfunded" and assigned with a level of priority for funding. [163.3177(3)(a)4., Florida Statutes].

The Town admits that it does not have a process to determine priority for funding and whether projects are funded or unfunded. Calvin Giordano & Associates and staff should not be presenting this approach as something that meets DEO requirements.
This section needed more review by P&Z. (It wasn't discussed)
What are the accepted planning practices that should be utilized before work is proposed, approved and scheduled?
What are the procedures and means of implementation?
What monitoring will be conducted?
This informal process has proven very effective for the Town which, because of due to its small size and nearly fully developed state, is able to keep close tabs on the nature of its facility needs. However, the Town should consider establishing a more formal ranking system for use in the future.

EXISTING AND FUTURE PUBLIC EDUCATION FACILITIES

(VIII-3) (p. 246)

Where is the data to support the effectiveness of this "informal" approach? Re: Consideration of a more formal ranking system for use in the future? What are the standards to be used for the ranking? When in the future?

Deficiencies. Because of the very limited anticipated growth in the Town over the next five to ten years (as shown in the population projections found in the Future Land Use Element), most of the existing infrastructure can continue to support the needs of the Town's residents. Many of the projects identified in the Schedule of Capital Improvements are those needed for deficiencies.

(VIII-4) (p. 247)

* Another example of inconsistency with this statement and other population references in the Plan.

* Is there a flaw in the statement regarding existing infrastructure and its ability to support the needs of the Town's residents?: The population may be flat or declining or has very limited growth. However, there is anecdotal evidence that seems to indicate that although the population may be flat, the increase in the size of houses and their infrastructure demands, especially gas, has resulted in a failure in delivery to users as needed which could affect the health, safety and welfare of Town residents.

Other activities that will be undertaken within the next five years are not listed because they are subject to funding from other sources (such as the Florida Department of Transportation) or because their costs do not qualify as capital expenditures.

(VIII-4) (p.247)

This paragraph has rolled over from 2009. What were the "activities"?

CAPITAL IMPROVEMENT PROGRAM PROJECT DESCRIPTION

Undergrounding Utility Lines Town Wide
The residents of the Town of Palm Beach passed a referendum in March 2016 to fund the Town Wide Undergrounding of all utilities. The Town expects to move forward on the first phase of construction in May 2017. The overall project will take 6 to 10 years to complete.
Project Budget $90,000,000

Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < $7,500 annually.)

(VIII-5) (p. 248)

The description of the expenditure for a Stormwater pump Station, D-14, is described with great specificity in 15 lines (p. 248) (as are other Public Works projects) but a 10 year, 90 million dollar expenditure is described in less than 3 lines. Where is the breakout of the schedule and the funding year by year? And there will be an increase in personnel as a result of the project.

Fuel Tank Replacement Program
These funds will allow for the continuation of improvements to the Town’s fuel tanks and/or piping to remain in compliance with state regulations. The following is a list of the fuel tanks that are to be replaced (including their locations):

19) Par 3 Golf Course - 2345 South Ocean Boulevard
20) Seaview Tennis Center - 340 Seaview Avenue

Project Budget $1,964,000

Operating Budget Impact: There will be no increase to personnel. Operating costs associated with this project should minimally increase. (Repairs and Maintenance < $5,000 annually.)

(VIII-11) (p. 254)

Was this fuel tank replaced? When? Where is it on the property?

Pay-as-you-go Five Year Capital Improvement Plan
FY2017 Budget

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<th>FY2018</th>
<th>FY2019</th>
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Lakeside, Bradley - what is this expenditure?

The portion below was also brought to the attention of the Council, staff and the Consultant on two separate occasions. Even with the roadmap given to them of page
numbers, they turned a blind eye because the typo was never corrected. Was the correction crucial? No. But the lack of attentiveness was a disappointment because this old language didn't get corrected in the last go-around either. How many sets of eyes does it take to catch a typo?

The latest three-year average for recycling tonnage totaled 1,650 tones year using 2014 figures. Public education efforts help to increase awareness of meeting future goals. Despite minor increases in Town population, recycling tonnage is increasing dramatically from year-to-year in each pickup category and totaled 1,758 tons in 1995.

(IV-7)(p. 147)

Even the attempt to instill a small bit of humor into this humorless task by writing "Ton, ton, ton, ton . . . needs better editing" didn't catch anyone's attention. Is this any way to review and 'refresh' a Comp Plan?

Staff responded to my letter of January 5, 2017. (I revised and laboriously resubmitted it in February and included the Element page numbers.)

The response includes this paragraph:

Resident asserts there is an absence of sufficient data and analysis in the Plan. Individual words, phrases, and sentences are highlighted as examples, i.e., population decline, lot combinations, State Road A1A, Worth Avenue, airport, and the trend of demolishing smaller existing homes replaced with larger homes at maximum sizes. **Staff finds that some of these excerpts have long existed in the Plan, have met with approval from either the Planning & Zoning Commission or the Town Council, and are commonly accepted. Staff does not support the notion of incurring additional expense to generate more data and analysis.**

and this one:

Remaining pages contain excerpts from the updated Plan, partially highlighted, with very similar comments and questions, i.e., inheritance/needs better editing/how much runoff/which areas/source statements/contracting and project management practices/which communities/financially feasible manner/support data/how is balance to be achieved/what is general welfare/what is inconvenience, etc. The Plan, already 300+ pages, is a tool used by the Town to make future land use and operational decisions. It is not necessary to define each term or to attach extraneous volumes of support data. **If deemed accurate and endorsed by the Town Council, the Plan itself serves as a data source for the Island's continued governance.**

and this:
In summary, the “bones” of the existing Plan remain intact. Updates/changes were carefully vetted with responsible staff in all affected Town Departments. The consultant has continually amended the Plan to comply with Planning & Zoning Commission/Council changes (as directed since last fall) and is thought to be compliant with all State requirements. Further changes, as advocated by Ms. Seltzer, appear to be unnecessary.

That there are "excerpts that have long existed in the Plan that have met with approval from Planning and Zoning or the Council" did not relieve the professional planning staff from making a more thorough review of the text. That’s what they were tasked to do.

The Council didn’t want a complete revision but it and the public were assured that there would be a page-by-page review. There are three relatively new Council members who lack extensive institutional memory. None of the Council members have planning certification that would provide the ability for them to know that accepted planning practices were followed or enable them to sufficiently “deem that the text within the Plan is accurate.” That’s why they have the reasonable expectation that staff will present competent data and analysis.

I will repeat the request I made on page 3: I hope you will transmit an Objections, Recommendations and Comments letter to the Town requiring it to be responsive in a manner that provides the missing clarity that is required within a planning document.

Sincerely yours,

A. Seltzer

cc:
Thomas Lanahan, Deputy Director
Treasure Coast Regional Planning Council

Attachments:

1. The Resubmission of my letter to the Council dated 1/5/2017 which was updated with page numbers within the Comp Plan
2. PZB staff Responses to Anita Seltzer 1/5/17 Letter
3. Letter to Editor- Palm Beach Daily News- A. Seltzer - "Comprehensive Plan Deserves proper Scrutiny" 3/12/17
4. Palm Beach Daily News- "Neighborhood Act taken out of Comp Plan" 4/2/17
5. Letter to the Editor- Palm Beach Daily News- Juliette de Marcellus (sister of the late former Mayor and long time Councilwoman, Deedy Marix ) Re: Comprehensive Plan
Local Voices: Comprehensive plan deserves proper scrutiny

OPINION

While residents were focused on elections and other activities during the past several months, revision and review of our Comprehensive Plan advanced below the radar screen. Land-use planning is complicated and some folks in town believe many of us are too old, too tired, too rich or too uninterested to care about this stuff. But we need to care. Text has been added that could seriously impact all of us.
Town staff and a paid consultant "revised" the 308-page plan. Planning and Zoning Commissioners reviewed it for 3½ hours and approved it even though many sections still contained outdated text, inconsistency, vagueness and a lack of specificity, data and analysis. Planning and Zoning's chairman assured council members in December that changes strengthened the plan. But this was misleading. Broad, sweeping "goals, objectives, policies" and text were included that weren't sufficiently vetted by the consultant, staff, P&Z Planning and Zoning and the council. The plan is scheduled for approval at first reading by the council as the "Local Planning Agency" on Wednesday and again by the council, later in the day, before being forwarded to a state agency for review.

The plan is online. One newly added policy consists of a single sentence: "The Town may encourage the establishment of Neighborhood Improvement and/or Safe Neighborhood District(s) where appropriate, consistent with Florida Statutes, as a mechanism to enhance and preserve existing neighborhoods within the Town." This was briefly and benignly described by staff as merely a "tool in the tool box." But alarmingly, the policy is tied to a massive, 23-page state statute (www.flsenate.gov/Laws/Statutes/2012/Chapter163/Part_IV) that wasn't shown to P&Z by the consultant until its last session and wasn't given to the council at all. None of this was discussed; no data and analysis was presented. Similar text was part of a rejected Town Ordinance in 2005 (#08-2005), a fact never disclosed by staff to P&Z or the council. And a Planning, Zoning & Building staff member stated to the council in February that staff had not researched the statutes. They aren't required in our Comp Plan and all references associated with them should be removed.
Existing “policy” says “the Town doesn’t have a formalized procedure for prioritizing capital improvements.” Newly added text states: “Capital Improvement” and “Infrastructure” Projects, (such as the town-wide Underground Utilities or anything else deemed by the council) could subject residents to major “inconvenience,” “timing issues” and “disruption to the community, including noise”; “traffic congestion is anticipated.” The plan now includes language regarding taking private property for easements. When referencing Undergrounding Utilities, the text already stated in September 2016 that “project costs may exceed the approved referendum amount.”

If you care about protecting the quality of your daily life and the town’s character, please, write the mayor (mayor@townofpalmbeach.com) and council (council@townofpalmbeach), and request that this planning document receive the scrutiny it deserves. Approval at first reading on Wednesday will be a disservice by those entrusted to protect us.

A. Seltzer is a Palm Beach resident.
Neighborhood act taken out of comp plan

Council members say more research needed, opposition says town doesn’t need it in the plan.

By William Kelly - Daily News Staff Writer

Posted: 9:00 a.m. Sunday, April 02, 2017

Saying it needs to learn more before making a decision, the Town Council has struck all references to the Safe Neighborhoods Act from proposed amendments to the comprehensive plan.

The council unanimously voted in a special meeting Thursday to remove the references for now, but said it will research the matter further before making a final decision.

Opponents were uneasy with the idea of creating neighborhood improvement districts that could put up gates or close their streets, and impose their own taxes.

“This is a development tool,” Councilwoman Julie Araskog said. “This is more about an urban environment. It creates a mini-government. ... Most of these towns are big ... or they’re poor and need that safety.”

The staff proposal to reference the act in the comprehensive plan was recommended by the Planning and Zoning Commission and brought before the council with no research from town staff, Araskog said.
Town Manager Tom Bradford said he suggested the neighborhoods act be included in the comprehensive plan as a tool that would be available to the council amid concerns about crime and traffic impacts caused by a tide of development in neighboring West Palm Beach.

Bradford said staff, in its research, identified 23 neighborhood or special improvement districts created under the act. "Some are in crime-ridden areas," he said. "Some are above-average communities that have done it in a pro-active manner."

Old Northwood in West Palm Beach is one example where a district was established and some streets were closed to discourage crime. Some neighborhoods set up check points, Bradford said. Those things could not happen in Palm Beach under existing regulations, he said.

The comprehensive plan is a guide for land-use and community goals. Referring to the neighborhoods act in the comprehensive plan would not, in itself, make it possible to establish the neighborhood districts in Palm Beach. That would require additional action by the council.

Councilwoman Danielle Moore, who made the motion to strike the language from the plan, said she's not necessarily opposed to it, but agreed more research is needed.

In December, the council agreed with the zoning board's recommendation to include the neighborhoods acts in the comprehensive plan. Thursday's reversal came after the council confronted opposition.

"I think it's a perversion," resident Jere Zenko said. "This doesn't belong in the town of Palm Beach. I can see it in Riviera Beach. They have it there."

"This is totally inappropriate to be included in the comprehensive plan," Anne Pepper said. "It sends a very bad message … You have [crime-fighting] tools already, police and cameras on the bridges."

"I'm leery of putting something in there without really understanding it," said Zoning Commissioner Carol LeCates.

She voted affirmatively when the commission unanimously recommended adding the act to comprehensive plan. But LeCates said Thursday that, upon closer review, she concluded it is more suitable for urban renewal areas.
Anita Seltzer said the town staff should have made a copy of the Safe Neighborhoods Act available for inspection by the zoning board and council.

"All of us continue to have to do the work that our staff is not doing and should be allowed to do," Seltzer said.

Bradford sent a memo to the council about the act on Tuesday. Not good enough, Seltzer said.

"Tuesday's memo was a little too little, a little too late," she said.

Local governments are expected to review and update comprehensive plans, which are a guide to land-use and community goals, about every seven years. Many of the amendments are tweaks and updated language to keep the plans current.

The council voted to send Palm Beach's plan, with numerous other proposed amendments, to the Florida Department of Community Affairs, which reviews the changes to make sure they are consistent with state guidelines.

The council will review the plan again for a final vote but no date has been set.
Letter: Comprehensive Plan includes ‘tools’ for development

By Juliette de Marcellus - Special to the Daily News

Posted: 7:00 a.m. Sunday, April 16, 2017

It is disheartening, if not ominous, to see how a generation of open and responsible governance of our town is slipping through our fingers, as our present Town Council ignores, if not disdains, to respond to its citizens.

This is exemplified in its insistence on ramming the Comprehensive Plan through, despite the desperate attempts of many Palm Beachers to ask for complete transparency, adherence to proper schedules and resistance to the monstrosity with which they wish to replace our playground-gathering place for children.

The Comprehensive Plan includes the "element tools" necessary for development, which is quite obviously the aim of all this.

JULIETTE DE MARCELLUS

Palm Beach
Mayor Gail Coniglio,
Council President Michael Pucillo,
Council members Richard Kleid,
Bobbie Lindsay Buck,
Danielle Moore and
Margaret Zeidman
Town of Palm Beach
360 S. County Rd.
Palm Beach, FL 33480

January 5, 2017

Re: Revisions being made to the Town Of Palm Beach Comprehensive Plan pursuant to your draft report discussion of December 14, 2016

Dear Mayor and Town Council:

I am a resident, a taxpayer and an affected party who will be impacted by text revisions being considered within the Town’s Comprehensive Plan. Your December 14th discussion of the draft report recommended for approval by the Planning and Zoning Commission (P&Z) on November 15, 2016, assumed that P&Z gave the Plan a thorough, thoughtful review. It didn’t. The document they received from our credentialed staff and consultant contained text that is internally inconsistent and deficient in data and analysis. Despite the statement made at the November P&Z meeting that "we had a thorough airing last month and four items remain", this is not an accurate assessment of the "readiness" of the Plan that was passed on to you.

In a report entitled Sustaining Places: Best Practices for Comprehensive Plans, (The American Planning Association (APA), Planners David R. Godschalk and David C. Rouse write that there are "plan-making design standards that shape the content and characteristics of comprehensive plans. For example, the Consistent Content Attribute states that the plan should contain a consistent set of visions, goals, policies, objectives, and actions that are based upon evidence about community conditions as well as major issues and impacts. An example of a best practice for meeting the Consistent Content Attribute is to identify major strengths, weaknesses, opportunities, and threats in the community." (pg, 17) . The P&Z review was incomplete. And based on your December 14th discussion, it’s apparent that staff and the consultant didn’t provide you with sufficient input, either. The omissions are contrary to accepted planning practices.
Calvin Giordano & Associates (CG&A) were hired by the Town to review our Comprehensive Plan in August, 2015 and were given guidelines in their contract. Presumably, several departments provided input in addition to the liaison provided by Planning, Zoning and Building Director John Page, (PZ&B), Zoning Administrator Paul Castro, Planning Administrator John Lindgren and Town Manager Thomas Bradford. P&Z Commissioners received a binder with draft language on September 20, 2016 and there was a half hour discussion led by CG&A consultant, Richard Cannone. In advance of the October 14th P&Z meeting, Commissioners received a memo from CG&A dated September 19, 2016. There were 10 Commission members; four were absent at the October meeting and a new member did not have sufficient time to review the material. Consequently, only five members discussed the memo and the 308 page text. The discussion lasted 1-1/2 hours. And although the text contained a new Goal and a new objective and policy under the Goal, there was no backup from staff or GG&A to inform the Commissioners about this language. When questioned about this, Mr. Cannone, said he would provide material for the next meeting. The "material" regarding Safe Improvement Districts/Neighborhood Improvement Districts (SIDs/NIDs), Florida Statues 163.501-163.526 was included in a memo to P&Z dated November 7, 2016. It consisted of 23 pages of text pulled off the State’s website with a stamp imprint of January 12, 2016 on the bottom of the pages. (a few of the pages are included for the record as exhibits). The November 15th P&Z discussion of the Plan lasted one hour, 20 minutes.

Presence of internal consistencies:

Pursuant to Resolution No. 120-2015, the award of the purchase contract to CG&A by the Town Council outlines the work expectations. According to their contract, CG&A was expected to perform several tasks including:

2. TASK 2: REVIEW BACKGROUND INFORMATION, PREVIOUS STUDIES AND PLANNED IMPROVEMENTS ($5,540). In order to develop a comprehensive understanding of the Town, we begin every project with an intense review to familiarize ourselves with the Town and its main issues. As part of the review CG&A will review relevant policy and regulations, ownership patterns, development characteristics, roadway/transit improvements, and previous studies. Included will also be an evaluation of current physical conditions, background information provided by the Town, and any related studies by Palm Beach County, Florida Department Of Transportation, South Florida Water Management District and others. CG&A will conduct an assessment of the existing built conditions relative to the Town’s regulatory provisions including density and intensity. This will include an evaluation of specific land use and zoning regulations to confirm that the allowable maximum development parameters will not permit increases in density or intensity based on Census and BEBR updates and projections.
The Comp Plan refers to residential density and commercial intensity with regard to development off-Island but the required consistency of use of this fundamental planning term is absent throughout the document and should have been corrected. Aside from the clumsy language that has been added to the Plan in the Executive Summary, this clip illustrates the absence of consistency:

**re: FUTURE LAND USE ELEMENT**

**EXECUTIVE SUMMARY**

The Town of Palm Beach is at an important juncture in its planning history. About 97% of the Town has been developed. Thus, the stabilization and protection of the existing high quality of life has supplanted the past emphasis on ordering future growth. The Town of Palm Beach is essentially "built-out." This unique island community has grown and developed into a premier residential community of exceptional beauty. As a result, the future of the island will be focused on preserving and protecting this residential island community while maintaining the culture, serenity, and the unique character of the Town.

The Future Land Use Element is the pivotal element of the Town's Comprehensive Plan. It recognizes the intrinsic value of the Town as a residential community and takes on the challenge of setting management goals and techniques which will allow the community to control the type, distribution, and density of development and redevelopment.

(I-3) Par. 1 and 2

There is an absence of sufficient data and analysis in the Plan: And vestigial language has been allowed to remain in the document without being discussed.

As shown in the table below, the Town's population continues to decline. In addition, the Town is experiencing the combination smaller lots in order to create a larger parcel for new single family homes; thereby reducing the overall number of housing units.

(I-2) Par. 2

Why is the reference to population decline combined with a reference to the combination of smaller lots? Is this combination responsible for the decline?
In addition, the impact of the world beyond the Town’s limits has increased. Palm Beach County has grown immensely in the last several decades ten years. Literally million more of people are now within a relatively easy drive of the world renowned Worth Avenue. State Road A1A is more heavily traveled. Nearby Palm Beach County International Airport has greatly continues to expanded its service, with unhappy results for Town residents who live within under the flight path.

* Is Worth Ave the only "world renowned" destination in Palm Beach? This reference also appears elsewhere in the document.
* "State Road A1A more heavily traveled". Where is the data that supports this statement? More in frequency than before or with greater frequency than other town roads?
* Expansion of PBIA service". Where is the data to support this?
* Where is the flight path?
* What are the "unhappy" results?

- Encourage development and redevelopment at lower density levels than existing zoning allows, except for redevelopment where maintaining previous densities and/or intensities are allowed after unintentional damage

* It should read "at lower residential density and commercial intensity levels . . . " and corrected throughout the document.

The tremendous pressure for expansion of commercial land use is a direct function of the economically valuable image of a Palm Beach address. It is imperative that region-serving, high traffic generating, commercial uses be prevented from further proliferating and be reduced wherever possible. To this end, the Town is committed to ensure that the existing businesses and commercial areas within the Town remain vital and continue to meet the needs of its residents.

Examples of Vague Language

* " Expansion of commercial land use". Increase in intensity of use?
* " a direct function of an economically value image". What is this sentence trying to say?
* Which specific commercial uses are to be prevented from further proliferating? This sentence lacks specificity.
New broad language has been added which also lacks specificity.
* Committed to "ensuring"? Measurable commitment? "Ensure" how?
* remain vital? What does this mean? How would this be achieved? How is the vitality to be measured?
* Meet the "needs". What are their needs?
What is the intended purpose of this language? How would it be implemented?
Could it be used to loosen protective zoning controls ie., reduce parking requirements, allow for stores to be combined, allow for longer business hours, completely eliminate town-serving requirements?
Would implementation trigger consequences which are inconsistent with the Plan's Goals, Objectives and Policies (GOPs) of reducing commercial intensity?

To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character and to overall property values of the community, the Town will take all technical and administrative measures legally available, including the use of this Comprehensive Plan, to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow.

(I-5) par. 2

The language must be consistent throughout the document: "Lower the pattern of residential density and commercial intensity, where possible . . . ."

INNOVATIVE APPROACHES

There is evidence of a trend to demolish smaller existing homes and replace them with new structures built to the maximum size permitted under the Town’s Land Development Regulations, particularly in the R-B Zoning District. New construction is increasingly out-of-scale and character with the surrounding area. In order to maintain the existing character, regulations encouraging renovation and discouraging demolition and reconstruction may be warranted.

(I-5) par. 3

Meaningless header. Are innovative approaches identified?
Where's the data and analysis to support the statement regarding the trend that new construction is "increasingly" out-of-scale? What are the ramifications/consequences of this new construction?
"May be warranted"? Encourage"? How? Have regulations been implemented? Which ones?
place estimates the 2012 April 2000 population at 56,400. Future growth is severely limited by the small amount of undeveloped land left in the Town. Future population growth is expected to remain relatively flat.

Table I-1
Demographic Data 1990 to 2010
Town of Palm Beach

<table>
<thead>
<tr>
<th></th>
<th>2010</th>
<th>2000</th>
<th>1990</th>
<th>% Change (1990 to 2010)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Population</td>
<td>8.161</td>
<td>8.348</td>
<td>8.814</td>
<td>-16.7% -14.9%</td>
</tr>
<tr>
<td>&lt;18</td>
<td>572</td>
<td>989</td>
<td>657</td>
<td>-12.9%</td>
</tr>
<tr>
<td>18-65</td>
<td>7.776</td>
<td>9.479</td>
<td>9.157</td>
<td>-15.0%</td>
</tr>
<tr>
<td>Median Age</td>
<td>67.4</td>
<td>66.6</td>
<td>66.2</td>
<td>-11.5%</td>
</tr>
<tr>
<td>Total # of Households</td>
<td>4.799</td>
<td>5.789</td>
<td>5.421</td>
<td>-13.5%</td>
</tr>
<tr>
<td>Average Household Size</td>
<td>1.74</td>
<td>1.81</td>
<td>1.91</td>
<td>-10.8%</td>
</tr>
</tbody>
</table>


Were these numbers used to justify the intensification of a new Recreation Center? They are useless. I specifically asked for a cohort breakdown, especially for the age group below 18 years old which is readily available on-line from the 2010 Census figures. Although such figures are six years old they would have provided a more accurate number of children in each age group below age 18. (f.i. those who were 13 years old in 2010 are now 20 years old.) This data was not provided as asked or included with this document.

In contrast, time and staff effort was harnessed to provide a table of "Employment Data from 2012 - Town of Palm Beach" that may have been intended to try and satisfy the Town-serving requirement of the proposed controversial redevelopment of a new Recreation Center that was expanded in mass, height and usage.

Residential is the predominant land use within the Town, accounting for 60% of all land area. The majority of single-family units are located in the north and south central portions of the Town. In contrast, most multi-family dwellings are located in the southernmost part of Town, south of Sloan's Curve, and were developed beginning in the 1960's. Because of the high cost of
What's the data for this? What's the definition of a multi family dwelling? Should this be changed to "many"? This sentence must be re-worded.

The Town-serving commercial area, including the commercial areas of South County Road and Peruvian Avenue, serves as an adjunct to the more famous Worth Avenue shopping area, providing additional shops and services. The Town's objective is to retain and enhance the "Town-serving" character of this section of Palm Beach.

Adjunct?

3. The commercial concentration in the vicinity of Royal Poinciana Way, near the Flagler Memorial Bridge, is primarily oriented to the local retail and service needs of Town residents and visitors. However, the Royal Poinciana Plaza, a concentration of shops, restaurants, and offices just east of the Flagler Memorial Bridge, serves a broader clientele.

Inconsistent language. The Royal Poinciana Playhouse was previously omitted from this sentence and needs to be reinserted. It is included within the Plan's Cultural Element.

However, in order to maintain the Town's predominantly residential character, no additional lands for commercial uses are considered necessary or appropriate. The Town's inventory of recreational lands and facilities is more than adequate to provide for anticipated needs throughout the planning period. Given the small amount of population growth projected, no additional land will be needed for governmental or institutional uses.

Why are these sentences mashed together? No additional lands for commercial use, but what about existing land for residential use or for PUDs ie, Royal Palm Way or Sunrise Avenue? "small amount of population growth": Another example of inconsistent language re population.
The Town's storm drainage system is old and contains a number of outfalls which discharge into Lake Worth. The Town is currently obtaining National Pollutant Discharge Elimination System (NPDES) permitting for its drainage system. Because the Town is almost entirely developed, future drainage strategies must be directed toward practical corrections, while mitigating the impacts of future development.

The Town foresees no shortage in the areas of public infrastructure facilities or services over the next ten years.

(I-13) Par. 5

pg 8. - Re: Palm Beach Comprehensive Plan Revisions

The storm drainage system is old? How old?
"Drainage strategies?" What are they?
Areas of public infrastructure facilities? This language is vague.

expected spillover of that increased density and intensity into the Town will only exacerbate capacity concerns along County Road Ocean Boulevard State Road A1A.

(I-14) Par. 2

Where's the data. What about the other major roads like Royal Palm Way, Cocoanut Row, Bradley Place?

Undergrounding of Utilities

The conversion of the overhead utilities to underground locations will be one of the most ambitious infrastructure projects ever undertaken by the Town of Palm Beach. The undergrounding will preserve the historic character of the Town and enhance the aesthetics of the landscape and scenic vistas. The conversion will significantly improve the level of service and reliability of the electric, telephone, and cable communications to the Town.

(I-15) Par. 3

What data is being used to support the assertion regarding "significant" improvement?

On the other hand, there are a great many properties in the Town that were developed earlier at densities or intensities now considered inappropriate. Most, however, while inconsistent with the Town's Future Land Use Plan Map are not inconsistent with the Town's overall character.

(I-15) Par. 5

"great many" - Another example of no data being used to support the text.
Future Redevelopment of Royal Poinciana Plaza/Royal Poinciana Way

There has been considerable interest in the past in the redevelopment not only of the Royal Poinciana Plaza, but and nearby commercial areas, as well as in the reopening of the long-shuttered Royal Poinciana Theater. Given its size and highly visible location, redevelopment of this area would no doubt have a major impact on the character of the Town and the quality of life of its residents. The future of redevelopment of this area of the Town has been studied through a

pg 9. - Re: Palm Beach Comprehensive Plan Revisions

Given its highly visible location, redevelopment of the Royal Poinciana Plaza has significant potential to affect the established community character of the Town of Palm Beach. The Comprehensive Plan suggests that the key lynchpin of what makes the special physical character of the Town of Palm Beach so special is the Town's long standing commitment to gradual and graceful evolution of development within the Town - as opposed to significant departures from the existing fabric of development.

Repetitious language re "impacts"
Why do references to the Plaza continue to be lumped together with development in "nearby " commercial areas? This seems inappropriate given the special character of the property, its landmarked status and its separate zoning designation?

TRANSPORTATION ELEMENT
TRAFFIC GENERATORS

There are four main bridges crossing the Intracoastal Waterway and connecting the Town to the mainland: these are:

- Royal Park Bridge
- Flagler Memorial Bridge
- Southern Boulevard Bridge

Robert A. Harris Memorial Bridge (Lake Worth Rd.)

Bridges are not traffic generators, land uses are. The list should start from the North and go south, i.e., the first bridge should be Flagler Memorial, then Royal Park, etc.

Developments in nearby communities may cause increases in traffic on regionally significant roadways in the Town. The Town lacks sufficient data to evaluate these impacts. In 2001, the Town negotiated with the City of West Palm Beach and reached agreement with regards to the Town's concerns over the lack of LOS determinations in the City of West Palm Beach's downtown Master Plan.

The text lacks identification of specific land uses. The text could identify off-island land uses as they occur. There are other sections of the Plan which claim that development in nearby communities IS the cause of traffic increase.

* This is another planning fallacy which needs to be corrected.
* Does the Town still lack sufficient data to evaluate development impacts?
* What was the agreement reached in 2001?
cial areas during the mid-day hours (11 a.m. — 1 p.m.). Map II-2 identifies the principal areas of traffic and parking problems in the Town.

The Traffic and Parking Improvement Plan prepared by the Town’s consulting engineers in 2006 indicated that in certain instances insufficient parking may be affecting the ability of residents and others to safely and conveniently access recreational (including the municipal docks) and school facilities. Bridge openings at the Royal Park and Flagler Memorial Bridges needed to be synchronized to be consistent with peak seasonal operations. The Town evaluated the alternative strategies of the Plan and implemented strategies as needed.

(II-6) Par. 1

Where's the data? Who were the engineers? What strategies were implemented? Needs citation for reference.

Based on the data prepared by Kimley-Horn & Associates and an update prepared by Progressive Design & Engineering as outlined in the Table above, the yearly peak season daily traffic volumes have remained steady or decreased slightly over the reporting period. In a report dated March, 2007, the study recognized that the peak seasonal population in the Town is expected to increase only minimally during the planning period over the estimated population in 2009. Therefore, the Town expects to be able to meet its current adopted levels of service. While some locations along SR A1A may experience traffic levels in excess of the adopted level of service, as a whole traffic levels on A1A will remain within level of service E.

(II-9) Par. 1

Another example of inconsistent data concerning traffic volumes. This says remained steady or decreased slightly and contradicts claims made in other portions of the Plan.

POLICY 1.2

The Town should consider will modifying its land development regulations to adopt a "joint use access" provision controlling the number of access points at which driveways enter onto the roadway system.

(II-13)

What does this mean?
The Town will coordinate with the MPO, FDOT, and PalmTran to ensure that pedestrian, bicycle, and mass transit connections are provided within the Town. The Town will also seek enhancement grants through the MPO, FDOT, and other available sources to fund bicycle and pedestrian improvements within the Town, as opportunities arise.

What grants have been applied for?

HOUSING ELEMENT

According to the U.S. Census BEBR, there were 8,857,9240 dwelling units in the Town in 2010-2006. Of the total dwelling units, 4,184 (47.2%) units were vacant of which 39.9% (approximately 3,534) units were vacant and considered used for seasonal, recreational, or occasional use and the other 7.3% were either for sale, for rent, or other vacant. Almost 42% of all units were either seasonally vacant or for sale and rent purposes. However, 86% of the vacant units were not available for sale or rent, but were vacant for other reasons. Many of these were held for occasional use and should be considered as housing for seasonal or vacation occupancy. The actual sale-rental vacancy rate was 5.8%.

Is there updated data? Is this statement correct regarding vacant dwellings?

Based on the U.S. Census 2010-2014 American Community Survey, the 1990 Census recorded the estimated median monthly rental rates in the Town was $1,259 at $658 compared to $1,158 $499 in Palm Beach County. Whereas the Census recorded the median estimated value of owner occupied units in Palm Beach County during the timeframe in 1990 at was $194,600 $98,400, it was $931,700 over $500,000 in the Town of Palm Beach.

Does this paragraph have any relevance?

OBJECTIVE 6

Identify, protect and maintain the Town’s inheritance of housing structures and neighborhoods having significant historic and/or architectural merit. The measurement of this objective shall be the extent to which such structures and neighborhoods are protected, and the degree to which the following policies are implemented.

Inheritance?
Objective 8:

2. **Conduct off-windshield surveys of structures in the Town to identify structural deficiencies substandardness.**

(III-12)

Windshield surveys to identify structural deficiencies? This approach has no validity. You cannot judge the structural integrity of a building from behind the windshield of a car.

**INFRASTRUCTURE ELEMENT**

The latest three-year average for recycling tonnage totaled 1,650 tones/year using 2014 figures. Public education efforts help to increase awareness of meeting future goals. Despite minor increases in Town population recycling tonnage is increasing dramatically from year to year in what is a small area.

(IV-7) Par. 7

**Ton, ton, ton, ton . . . . needs better editing.**

Extensive shoreline and surface water changes have occurred since 1883. The slough and low lake shorelines have been filled for urban development, and the Atlantic shoreline has receded due to beach erosion. The urbanization of the Town has reduced the amount of water infiltrating to the surficial aquifer and has increased runoff from impermeable surfaces. The coastal ridge still dominates the island's topography, acting as a seaward barrier to surface drainage. In addition, remnants of slough areas are prone to flooding.

(IV-8) Par. 1

**How much runoff? Where?**

The Town's drainage system consists of a combination of pumping stations and gravity outfalls. Pumping stations are necessary because areas of the Town are below Lake Worth's high tide level, causing backflow through stormwater outfalls when above normal tides are experienced in the Lake.

(IV-8) Par. 3

**Which areas?**

prevent future flooding, the Strategic Planning Board considered how system improvements will be made. Specifically, the Strategic Planning Board explored whether or not changes are needed in Town policy governing construction contracts and construction project management to ensure

(IV-10) Par. 7
that these major projects are completed successfully. During 2001, the Town experienced a very disruptive and unsuccessful project on Bradley Place. In response to that situation, and building upon both successful and unsuccessful past experiences, the Town staff proposed over 30 specific improvements to the Town's contracting and project management practices. These were approved by the Town Council and have been implemented.

(IV-11) Par. 1

What are the "improvements" regarding contracting and project management practices that have been implemented?

While developing this program for improving the public infrastructure is necessary to better protect against flooding, the Town's elected officials, staff, and consultants also have been developing strategies for reducing the impacts of storm water run-off from private properties into the public drainage system. Town regulations were substantially strengthened in this regard in 2001 and 2002. Additional measures are also being considered.

(IV-11) Par. 4

Where is the monitoring data based on the strengthened regulations?
What additional measures are being considered?

Report which can be reviewed on the City's website. Potable water quality has been consistently good, winning awards in recent years for its outstanding taste.

(IV-13) Par. 1

Is this true? what is the source of this statement?

Impacts of the Issue

The impacts of the Town-wide underground utilities conversion project include installing underground utilities for all areas of the Town that presently have overhead utilities. There are some areas within the Town that have already converted their utilities to underground. Those areas include: Everglades Island; Via Fontana; Lake Towers; 300 block of DuBau Road (summer of 2016); and Nightingale and LaPuerta (started summer of 2016). The conversion will include locating most of the utilities in the Town's road right-of-ways wherever possible. The utilities will be located in alley ways in those neighborhoods which have rear access alleyways wide enough for truck access.

The construction is anticipated to take 6 to 10 years. The most disruptive construction will take place during the summer months with the actual utility connections to take place during the winter months. The last step of removing poles and equipment primarily from rear yards will take place the following spring. The undergrounding conversion construction will be coordinated with other Capital Improvement Projects as identified in the Capital Improvements Section of the Comprehensive Plan.

(IV-16) Par. 2 and (IV-17) Par. 3

Where is the construction sequencing and project estimates?
The potential impact of undertaking a Town-wide underground utilities conversion project is such that the project can be construed as the initiation of a Community Redevelopment Plan. The underground utilities project has potential impact to the Transportation Element of the

(IV-16) Par. 5

Was the undertaking of a Town-wide underground utilities project as a Community Development Plan initiated? And if not, why not?

Specifically, the underground utilities project, if approved by the Town's voters, will affect the pavement and or right-of-way associated with every road within the Town. Also, every property owner will be impacted to some degree. Therefore, the underground utilities project must be

(IV-17) Par. 1

If approved by the Town's voters? Which voters? Registered voters or property owners?

underground. Of course, additional unanticipated changes in circumstances could affect the timing for the initiation of the underground utilities project in any given area of Town as well as the available funding and or financing for the underground utilities work to be done. Also, this project will not proceed without voter approval.

(IV-17) Par. 2

If the project "will not proceed without voter approval", as stated in the Comp Plan, why were property owners /voters denied the ability to vote as to whether they wanted undergrounding? Did the decision taken by the Town Council in October, 2014 disenfranchise Town property owners and voters in contradiction of the Comp Plan?

- Removal of equipment from poles has been a challenge in similar communities. Need for new utility corridors consisting of rights-of-way and easements

(IV-17) Par. 3

Which communities? Other two lane barrier islands? Under what conditions? Where is the data to support the statement? What were the challenges?

- Project cost may exceed the approved referendum amount. Generation of funds: taxation versus assessments

"May" exceed? ie, "might" exceed in cost? and if so, why? What data supports this statement? How will funds be generated to cover the shortfall? Or "may" exceed ie, is allowed/permitted to exceed the referendum amount?
OBJECTIVE 7
The Town shall continue to consider burying its overhead utility systems in a financially feasible manner to improve aesthetics, reliability and safety throughout the Town and to require future development to place utility lines underground.

What constitutes a financially feasible "manner"? Is the project financially feasible if it exceeds the approved referendum amount?

COASTAL MANAGEMENT/CONSERVATION ELEMENT

This Element of the Plan has been developed updated based upon

1. Analysis of existing land uses in the coastal area as of January 2006-April 2016; conflicts among shoreline uses; need for water-dependent and water-related uses; areas in need of redevelopment; and, the economic base of the coastal area;

Where is the data and analysis supporting the need for water-dependent and water related uses?
What are the uses? Where would they be implemented?

Air and Other Physical Conditions

The Town of Palm Beach has very good air quality. There are no point sources of pollution within the Town. Increased, and mobile pollution sources, such as including automobiles and air traffic, do not constitute a known problem will continue to cause a concern. Air quality is enhanced by the Town’s location on the coast, where it benefits from regular sea breezes. Air

Where is the data to support any of these statements regarding air quality or increased pollution from automobiles or air traffic?

RECREATION/OPEN SPACE ELEMENT

In 2016, the Town conducted an extensive community survey regarding the Town’s park and recreation facilities and opportunities. The survey lead to a needs assessment and master plan for the Town’s Seaview Park and Recreation Center. Other park and recreation improvements were also identified, including a new Recreational Center.

Where is the data and analysis based on the needs Assessment?
Where is the master Plan for Seaview Park and Recreation Center?

POLICY 3.5

The Town of Palm Beach shall develop a master plan for redevelopment of Seaview Park and Recreation Center based on feedback received from Town residents through the needs assessment process and community-wide survey.

POLICY 3.6

The Town of Palm Beach shall prioritize potential improvements to Town park and recreation facilities based upon residents’ feedback through the need assessment process and community-wide survey.

(VI-12)

The GOPs of a Master Plan based on the described input process seems unclear.

CAPITAL IMPROVEMENTS ELEMENT

LOCAL POLICIES AND PRACTICES

Local policies to guide the timing and location of capital improvement projects weigh needs against projected revenue sources, including the availability of grants. The Town does not have a formalized procedure for prioritizing capital improvements. However, it does use the following set of considerations in balancing project needs with available funds:

- Public health, safety, and welfare benefits of the facility;
- Degree of public benefit;
- Maintenance of established levels of service, including prevention of future capital costs;
- Critical nature of facility need;
- Financial feasibility;
- Overall distribution of projects between facility types and geographical location.
- Quality of life and timing issues – balancing public improvement needs with general welfare and inconvenience.

According to state law, as indicated below,
To the regular expedited amendment review procedures,

- The requirement that the schedule demonstrate financial feasibility has been removed. However, the necessary capital projects must still be listed in the schedule, projected revenue resources identified, and the project listed as "funded" or "unfunded" and assigned with a level of priority for funding. [163.3177(3)(a)4., Florida Statutes].

(Department of Economic Opportunity) related to Comprehensive Plans, the Town needs to prioritize projects. Why doesn't the Town have a formalized procedure? Calvin Giordano & Associates and staff should not be presenting this approach as something that meets the Dept. of Economic Opportunity requirements. This section needs more discussion by P&Z.

What does the last sentence mean in measurable terms?

How is "balance" to be achieved?
What is "general welfare"?
What is "inconvenience"?

What are the accepted planning practices that should be utilized before work is proposed, approved and scheduled?
What are the procedures and means of implementation?
What monitoring will be conducted?

This informal process has proven very effective for the Town which, because of due to its small size and nearly fully developed state, is able to keep close tabs on the nature of its facility needs. However, the Town should consider establishing a more formal ranking system for use in the future.

EXISTING AND FUTURE PUBLIC EDUCATION FACILITIES

(VIII-3) Par. 5

Where is the data to support the effectiveness of this "informal" approach?
Re: Consideration of a more formal ranking system for use in the future?
What are the standards to be used for the ranking?
When in the future?
deficiencies. Because of the very limited anticipated growth in the Town over the next five to ten years (as shown in the population projections found in the Future Land Use Element), most of the existing infrastructure can continue to support the needs of the Town's residents. Many of the projects identified in the Schedule of Capital Improvements are those needed for

(VIII-4) Par. 1

pg 18. - Re: Palm Beach Comprehensive Plan Revisions

* Lack of consistency with this statement and other population references in the Plan.
* Is there a flaw in the statement regarding existing infrastructure and its ability to support the needs of the Town's resident? 

The population may be flat or declining or has very limited growth. However, there is anecdotal evidence that seems to indicate that although the population may be flat, the increase in the size of houses and their infrastructure demands, especially gas, has resulted in a failure in delivery to users as needed. This affects their health, safety and welfare.

Other activities that will be undertaken within the next five years are not listed because they are subject to funding from other sources (such as the Florida Department of Transportation) or because their costs do not qualify as capital expenditures.

(VIII-4) Par 2

This paragraph has rolled over from 2009. What were the "activities"?

CAPITAL IMPROVEMENT PROGRAM PROJECT DESCRIPTION

Undergrounding Utility Lines Town Wide
The residents of the Town of Palm Beach passed a referendum in March 2016 to fund the Town Wide Undergrounding of all utilities. The Town expects to move forward on the first phase of construction in May 2017. The overall project will take 6 to 10 years to complete.

<table>
<thead>
<tr>
<th>Project Budget</th>
<th>$90,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance &lt; $7,500 annually.)</td>
<td></td>
</tr>
</tbody>
</table>

(VIII-5)

The description of the expenditure for a Storm water pump Station, D-14, is described with great specificity in 15 lines (as are other Public Works projects) but a 10 year- 90 million dollar expenditure is described in less than 3 lines.
Where is the breakout of the schedule and the funding year by year? There HAS been an increase in personnel as a result of the project.

**Bradley Place Roadway Improvements**

Accelerated Capital Improvements Program. 2013 Bond funds were allocated to correct roadway drivability issues, drainage, curbing sidewalk and update curb ramps to ADA standards where possible. Improvements also include replacing the existing street lights along the corridor and "trumbole" style mast arms at Sunrise Avenue with a decorative mast arm that meets the current State windload criteria.

Where is the data for this ACIP expenditure? What were the roadway drivability issues? What curb ramps were updated?

**Lake Trail Paving and Drainage Improvements**

Accelerated Capital Improvements Program. 2013 Bond funds were allocated for improvements on the Town-maintained Lake Trail pedestrian path. Pavement and drainage along Lake Trail from Royal Palm Way to Reef Road are in need of significant improvements. These improvements also include the Lake Trail access paths.

<table>
<thead>
<tr>
<th>Project Budget</th>
<th>$2,300,000</th>
</tr>
</thead>
</table>

Operating Budget Impact: There will be no increase to personnel. Operating costs associated with the project should minimally increase. (Repairs and Maintenance < $5,000 annually.)

(VIII-7)

What portion of this expenditure includes the design and construction of the Bradley Park trail extension?

**Fuel Tank Replacement Program**

These funds will allow for the continuation of improvements to the Town's fuel tanks and piping to remain in compliance with state regulations. The following is a list of the fuel tanks that are to be replaced (including their locations):
Pay-as-you-go Five Year Capital Improvement Plan

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>FY2017 Budget</th>
<th>FY2016 Est.</th>
<th>FY2017</th>
<th>FY2018</th>
<th>FY2019</th>
<th>FY2020</th>
<th>FY2021</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Coastal Structures/Lake Worth Lagoon</td>
<td>$156,588</td>
<td>$115,094</td>
<td>$366,403</td>
<td>$180,000</td>
<td>$200,000</td>
<td>$220,000</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Bulkheads</td>
<td>$ -</td>
<td>$115,094</td>
<td>$110,000</td>
<td>$125,000</td>
<td>$140,000</td>
<td>$135,000</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Seawalls</td>
<td>$ -</td>
<td>$256,403</td>
<td>$55,000</td>
<td>$60,000</td>
<td>$65,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Lakeside, Bradley - what is this expenditure?

HISTORIC PRESERVATION ELEMENT

Minor changes to landmarked properties such as replacing door hardware, shutters, re-painting a structure in color to match existing or re-roof with same material, etc., which have a total estimated value of $2,000 or less, can be approved as "minor exterior changes." at the discretion of the Planning Administrator, Landmarks Project Coordinator, with concurrence from the Chairman. Usually, no Certificate of Appropriateness would need to be filed for these approved minor changes.

Why is the concurrence being deleted?

How Another Municipality Presents its Comprehensive Plan Data

Since ACIP expenditures are a major part of the Town's budget and is being included as new language within the Comprehensive Plan, I am attaching several pages from the Town of Jupiter's Comp Plan which was approved in September, 2016. It is illustrative, specific and concise regarding the "physical" elements of their projects as well as their financial data for budget expenses, funding and operating
expenses for the yearly projections.

Thank you for your attention to these issues. I expect further discussion at the P&Z Commission. The Draft as reviewed and recommended for approval by them is still rough and lacking detail.

Sincerely yours,

A. Seltzer

February 9th Addendum to my January 5th letter:

Should the Comp Plan now include references to impacts to Town traffic created by visits to Mar-a-Lago President Trump.

Undergrounding of Utilities

The conversion of the overhead utilities to underground locations will be one of the most ambitious infrastructure projects ever undertaken by the Town of Palm Beach. The undergrounding will preserve the historic character of the Town and enhance the aesthetics of the landscape and scenic vistas. The conversion will significantly improve the level of service and reliability of the electric, telephone, and cable communications to the Town.

Is this editorializing?
Impacts of the Issue

The impacts of the Town-wide underground utilities conversion project include installing underground utilities for all areas of the Town that presently has overhead utilities. There are some areas within the Town that have already converted their utilities to underground. Those areas include: Everglades Island; Via Fontana; Lake Towers; 300 block of Dunbar Road (summer of 2016); and Nightingale and LaPuerta (started summer of 2016). The conversion will include locating most of the utilities in the Town’s road right-of-ways wherever possible. The utilities will be located in alley ways in those neighborhoods which have rear access alleys wide enough for truck access.

The construction is anticipated to take 6 to 10 years. The most disruptive construction will take place during the summer months with the actual utility connections to take place during the winter months. The last step of removing poles and equipment primarily from rear yards will take place the following spring. The undergrounding conversion construction will be coordinated with other Capital Improvement Projects as identified in the Capital Improvements Section of the Comprehensive Plan.

The potential impact of undertaking a Town-wide underground utilities conversion project is such that the project can be construed as the initiation of a Community Redevelopment Plan. The underground utilities project has potential impact to the Transportation Element of the Comprehensive Plan as well as to the Infrastructure Element and the Capital Improvements Element.

Is this a realistic time table?
Are there are other issues?
Resulting Problems or Opportunities

Problems associated with the underground utilities project include:

- Easements will be required for transformers and other above ground equipment. There is a potential that eminent domain will be required for some easements. Need for funds is great.
- Disruption to the community, including noise and traffic congestion is anticipated. Tie-ups.
- Project cost may exceed the approved referendum amount. Generation of funds: taxation versus assessments.
- Removal of equipment from poles has been a challenge in similar communities. Need for new utility corridors consisting of rights-of-way and easements.
- Potential need for use of eminent domain.

Opportunities are include:

- Increased reliability for all utilities. Results in provision of modern public utility systems throughout Town.
- Improved aesthetics for the entire community due to removal of wood and concrete poles. Enhanced utility reliability.
- Potential for improved broadband and wireless services. Enhanced community aesthetics.
- Enhanced public services opportunity to upgrade potentially affected infrastructure simultaneously with the underground utilities project.

Needed Actions to Address the Issue

- Complete Master Plan which includes construction sequencing and project estimate of cost. A referendum of the electorate to approve the project.

  Timeframe: Master Plan for first assessment phase of the Town will be completed in December 2016. Pending Referendum scheduled for February 2009.

Does the statement regarding "increased reliability " represent editorializing since there is competent data and analysis that refutes this statement?
9. **Analysis of quality of life and timing issues – balancing public improvement needs with general welfare and inconvenience.**

(VIII-1)

**This is repeated again.**

**LOCAL POLICIES AND PRACTICES**

Local practices to guide the timing and location of capital improvement projects weigh needs against projected revenue sources, including the availability of grants. The Town does not have a formalized procedure for prioritizing capital improvements. However, it does use the following set of considerations in balancing project needs with available funds:

- Public health, safety, and welfare benefits of the facility;
- Degree of public benefit;
- Maintenance of established levels of service, including prevention of future capital costs;
- Critical nature of facility need;
- Financial feasibility;
- Overall distribution of projects between facility types and geographical location.
- **Quality of life and timing issues – balancing public improvement needs with general welfare and inconvenience.**

And it's repeated again under IMPLEMENTATION - VIII-13.
POLICY 7.1

As approved by Town voters on March 15, 2016 recommended by the Strategic Planning Board in April 2003, the Town shall continue to develop and implement a Master Plan considering a plan to place utilities underground, as follows:

7.1a. Oversee an evaluation of the technological and economic feasibility of installing utility lines underground to provide information to decide on the desirability of proceeding on a long-term project. The study should include alternate methods of financing.

7.1b. Investigate opportunities for limited, prioritized, high-visibility demonstration projects, including finance mechanisms and public-private cost-sharing.

7.1c. Investigate the feasibility of a program to place utilities underground following a natural disaster.

POLICY 7.2

By December 2008, the Town Council shall make policy decisions relative to Objective 7, estimated capital costs, financing alternatives including the use of special non-ad valorem assessments, use of eminent domain and coordination with other infrastructure improvements simultaneous with the underground utilities projects.

Town voters did not vote to approve the undergrounding of Town-wide utilities.
To: Mayor and Town Council

From: John Page, Planning Zoning & Building Director

Re: PZB Staff Responses to Anita Seltzer 1/5/17 Letter Titled: Revisions being made to the Town of Palm Beach Comprehensive Plan pursuant to your draft report discussion of December 14, 2016.

Date: January 31, 2017

Resident Anita Seltzer has submitted an unnumbered 24-page letter to the Town Council, dated January 5, 2017, wherein she details perceived inconsistencies and raises questions regarding the updated Comprehensive Plan. She has highlighted questionable terms, sentences and paragraphs throughout. Responses to her letter follow:

1. Resident asserts that the terms “density and intensity” are not consistent throughout the document and should be corrected. The updated Plan continues to discourage the amount and type of region-serving commercial development; controls the pace, type and intensity of redevelopment; and encourages lower densities. Such core language (Page 1-4) remains unchanged from the previous Plan. Staff believes these terms are used correctly throughout the Plan.

2. Resident asserts there is an absence of sufficient data and analysis in the Plan. Individual words, phrases, and sentences are highlighted as examples, i.e., population decline, lot combinations, State Road A1A, Worth Avenue, airport, and the trend of demolishing smaller existing homes replaced with larger homes at maximum sizes. Staff finds that some of these excerpts have long existed in the Plan, have met with approval from either the Planning & Zoning Commission or the Town Council, and are commonly accepted. Staff does not support the notion of incurring additional expense to generate more data and analysis.

3. Resident cites examples of vague language. Multiple pages of text follow with highlighted words, fragments of sentences, etc. Examples include: “expansion of commercial land use; increase in intensity of use; ensuring; vitality; needs, etc.” Resident questions whether the Plan could be used to loosen protective zoning controls, reduce parking requirement, allow for stores to be combined, allow for longer business hours, completely eliminate town-serving requirements? The Plan does not call for any of these potential “detriment” to occur.

4. Resident questions demographic data. A highlighted section identifies 572 residents under the age of 18 in 2010 followed by questions including... “Were these numbers...
used to justify the intensification of a new Recreation Center?” Employment data was added to the Plan per direction of the Planning & Zoning Commission, to which it is suggested... “may have been intended to try and satisfy the Town-serving requirement of the proposed controversial redevelopment of a new Recreation Center that was expanded in mass, height, and usage.” This data was obtained from the US Census and was not intended to favor or disfavor a new Recreation Center.

5. Resident highlights/questions various references to Worth Avenue, the Royal Poinciana Plaza, and the Town’s residential character. It is asserted that Plan language is inconsistent, that the Playhouse should be included within the description of the Plaza, and that various sentences are “mashed together.” Staff has no objection to including the Playhouse within the description of the Plaza (but the change is non-substantive). Further editing appears unnecessary.

6. Resident highlights infrastructure language and poses additional questions. The Plan reads... “The Town’s storm drainage system is old.” It is asked how old? The Plan reads that a density or intensity increase would exacerbate capacity concerns along County Road/Ocean Boulevard/State Road A1A. It is asked why other roads were not included? The drainage system, of course, is made of multiple components, each having a different age component. No change is recommended. Staff has no objection to amend verbiage to read that an increase in runoff would exacerbate road capacity throughout the Island, yet the existing language connecting runoff intensity to road capacity seems to achieve its purpose without further edits.

7. Resident highlights/questions underground utility language. New references to the intended undergrounding of utilities was deliberatively held to a minimum. Knowing there is strong public sentiment both for and against underground, the Planning & Zoning Commission was careful to insist on language that was concise and non-political. The resident asks what data is used to “support the assertion regarding significant improvement?” Staff does not believe the existing verbiage requires further editing.

8. Resident is critical of Royal Poinciana Plaza redevelopment language. It is asked/suggested that the Plaza should not be “lumped together” with nearby commercial areas, implying that a separate section should be devoted to the Plaza. The verbiage found on Page I-16 is clearly titled future redevelopment at Royal Poinciana Plaza and Royal Poinciana Way. The suggested change is not necessary.

9. Resident requests that Bridge ordering be revised. Page III-3 of the Plan identifies the four main bridges connecting Palm Beach to the mainland (starting with the Royal Park Bridge). Resident suggests that the list of bridges be reordered from north to south. The suggested change is unnecessary.
10. **Resident questions traffic and parking data.** Some, but not all, of the highlighted language being questioned remains unchanged from the previous Comprehensive Plan. It is argued that more data is needed, that proper citations are needed, and that inconsistencies exist within the Plan. The issues of traffic and parking have been debated on the Island since its time of incorporation, and will likely continue indefinitely. Staff believes the information included in the updated Plan is sufficient.

11. **Resident questions Policy regarding “joint access use.”** The following “old” statement... “The Town will modify its land development regulations to adopt a “joint use access” provision controlling the number of access points at which driveways enter onto the roadway system” has been amended to read... “The Town should consider modifying its land development regulations...” An explanation is requested. The language was amended from being mandatory to being optional. Joint use access simply means that one accessway (curbcut) would serve more than one property. The amended, more relaxed verbiage, is superior to the original text.

12. **Resident asks for a listing of grant applications.** Policy 3.4 in the Transportation Element reads that the Town will seek enhancement grants to fund improvements as opportunities arise. Resident asks what grants have been applied for? There is no need to include a listing of submitted applications in the Comprehensive Plan. The intent importance of the Policy is to simply acknowledge that grant monies should be considered as a potential funding source for future projects.

13. **Resident questions U.S. Census data and relevancy.** Updated information from the census pertaining to dwelling units has been added to the Plan, including a statement that 39.9% of total units were vacant “and considered used for seasonal, recreational, or occasional use and the other 7.3% were either for sale, for rent, or other vacant.” Accuracy is questioned. Data source was the U.S. Census, and seems reasonable given the Island’s seasonal character. Relevancy of rental values were also questioned. The Council opted (1/11/17 discussion) to retain similar home value data, deciding it reflected historical data.

14. **Remaining pages contain excerpts from the updated Plan, partially highlighted, with very similar comments and questions, i.e., inheritance/needs better editing/how much runoff/which areas/source statements/contracting and project management practices/which communities/financially feasible manner/support data/how is balance to be achieved/what is general welfare/what is inconvenience, etc.** The Plan, already 300+ pages, is a tool used by the Town to make future land use and operational decisions. It is not necessary to define each term or to attach extraneous volumes of support data. If deemed accurate and endorsed by the Town Council, the Plan itself serves as a data source for the Island’s continued governance.
15. Resident concludes by attaching five pages from the Town of Jupiter’s Plan, including capital projects detailing. She contends that the Plan is “still rough and lacking detail.” CIP materials are included in the Palm Beach Plan, even though they appear in different format than Jupiter’s and do not contain the same specificity as done in Jupiter. Nevertheless, capital improvements are included as required by the State, and the public is always welcome to ask for additional details about any particular project. Staff is satisfied that the Plan has been updated as originally directed by the Town Council and as required by the State.

In summary, the “bones” of the existing Plan remain intact. Updates/changes were carefully vetted with responsible staff in all affected Town Departments. The consultant has continually amended the Plan to comply with Planning & Zoning Commission/Council changes (as directed since last fall) and is thought to be compliant with all State requirements. Further changes, as advocated by Ms. Seltzer, appear to be unnecessary.
Local Voices: Comprehensive plan deserves proper scrutiny

OPINION

OPINION  By A. Seltzer - Special to the Daily News

The Town Council is slated to discuss the town's comprehensive plan on Wednesday at Town Hall.

Posted: 8:00 a.m. Sunday, March 12, 2017
While residents were focused on elections and other activities during the past several months, revision and review of our Comprehensive Plan advanced below the radar screen. Land-use planning is complicated and some folks in town believe many of us are too old, too tired, too rich or too uninterested to care about this stuff. But we need to care. Text has been added that could seriously impact all of us.

Town staff and a paid consultant "revised" the 308-page plan. Planning and Zoning Commissioners reviewed it for 3½ hours and approved it even though many sections still contained outdated text, inconsistency, vagueness and a lack of specificity, data and analysis. Planning and Zoning's chairman assured council members in December that changes strengthened the plan. But this was misleading. Broad, sweeping "goals, objectives, policies" and text were included that weren't sufficiently vetted by the consultant, staff, P&Z Planning and Zoning and the council. The plan is scheduled for approval at first reading by the council as the "Local Planning Agency" on Wednesday and again by the council, later in the day, before being forwarded to a state agency for review.

The plan is online. One newly added policy consists of a single sentence: "The Town may encourage the establishment of Neighborhood Improvement and/or Safe Neighborhood District(s) where appropriate, consistent with Florida Statutes, as a mechanism to enhance and preserve existing neighborhoods within the Town." This was briefly and benignly described by staff as merely a "tool in the tool box." But alarmingly, the policy is tied to a massive, 23-page state statute (www.flsenate.gov/Laws/Statutes/2012/Chapter163/Part_IV) that wasn't shown to P&Z by the consultant until its last session and wasn't given to the council at all. None of this was discussed; no data and analysis was presented. Similar text was part of a rejected Town Ordinance in 2005 (# 08-2005), a fact never disclosed by staff to P&Z or the council. And a Planning, Zoning & Building staff member stated to the council in February that staff had not researched the statutes. They aren't required in our Comp Plan and all references associated with them should be removed.

Existing "policy" says "the Town doesn't have a formalized procedure for prioritizing capital improvements." Newly added text states: "Capital Improvement" and "Infrastructure" Projects, (such as the town-wide Underground Utilities or anything else deemed by the council) could subject residents to major "inconvenience," "timing issues" and "disruption to the community, including noise"; "traffic congestion is anticipated." The plan now includes language regarding taking private property for easements. When referencing Undergrounding Utilities, the text already stated in September 2016 that "project costs may exceed the approved referendum amount."

If you care about protecting the quality of your daily life and the town's character, please, write the mayor (mayor@townofpalmbeach.com) and council (council@townofpalmbeach), and request that this planning document receive the scrutiny it deserves. Approval at first reading on Wednesday will be a disservice by those entrusted to protect us.

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A. Seltzer is a Palm Beach resident.
Neighborhood act taken out of comp plan

Council members say more research needed, opposition says town doesn’t need it in the plan.

NEWS  By William Kelly - Daily News Staff Writer

Posted: 9:00 a.m. Sunday, April 02, 2017

Saying it needs to learn more before making a decision, the Town Council has struck all references to the Safe Neighborhoods Act from proposed amendments to the comprehensive plan.

The council unanimously voted in a special meeting Thursday to remove the references for now, but said it will research the matter further before making a final decision.

Opponents were uneasy with the idea of creating neighborhood improvement districts that could put up gates or close their streets, and impose their own taxes.

"This is a development tool," Councilwoman Julie Araskog said. "This is more about an urban environment. It creates a mini-government. ... Most of these towns are big ... or they're poor and need that safety."

The staff proposal to reference the act in the comprehensive plan was recommended by the Planning and Zoning Commission and brought before the council with no research from town staff, Araskog.
"I still don't understand why you think this fits in with our town when my research doesn't show that," she said.

Town Manager Tom Bradford said he suggested the neighborhoods act be included in the comprehensive plan as a tool that would be available to the council amid concerns about crime and traffic impacts caused by a tide of development in neighboring West Palm Beach.

Bradford said staff, in its research, identified 23 neighborhood or special improvement districts created under the act. "Some are in crime-ridden areas," he said. "Some are above-average communities that have done it in a pro-active manner."

Old Northwood in West Palm Beach is one example where a district was established and some streets were closed to discourage crime. Some neighborhoods set up check points, Bradford said. Those things could not happen in Palm Beach under existing regulations, he said.

The comprehensive plan is a guide for land-use and community goals. Referring to the neighborhoods act in the comprehensive plan would not, in itself, make it possible to establish the neighborhood districts in Palm Beach. That would require additional action by the council.

Councilwoman Danielle Moore, who made the motion to strike the language from the plan, said she's not necessarily opposed to it, but agreed more research is needed.

In December, the council agreed with the zoning board's recommendation to include the neighborhoods acts in the comprehensive plan. Thursday's reversal came after the council confronted opposition.

"I think it's a perversion," resident Jere Zenko said. "This doesn't belong in the town of Palm Beach. I can see it in Riviera Beach. They have it there."

"This is totally inappropriate to be included in the comprehensive plan," Anne Pepper said. "It sends a very bad message ... You have [crime-fighting] tools already, police and cameras on the bridges."

"I'm leery of putting something in there without really understanding it," said Zoning Commissioner Carol LeCates.

She voted affirmatively when the commission unanimously recommended adding the act to comprehensive plan. But LeCates said Thursday that, upon closer review, she concluded it is more suitable for urban renewal areas.

Anita Seltzer said the town staff should have made a copy of the Safe Neighborhoods Act available for
inspection by the zoning board and council.

“All of us continue to have to do the work that our staff is not doing and should be allowed to do,” Seltzer said.

Bradford sent a memo to the council about the act on Tuesday. Not good enough, Seltzer said.

“Tuesday’s memo was a little too little, a little too late,” she said.

Local governments are expected to review and update comprehensive plans, which are a guide to land-use and community goals, about every seven years. Many of the amendments are tweaks and updated language to keep the plans current.

The council voted to send Palm Beach’s plan, with numerous other proposed amendments, to the Florida Department of Community Affairs, which reviews the changes to make sure they are consistent with state guidelines.

The council will review the plan again for a final vote but no date has been set.

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**About the Author**

WILLIAM KELLY

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**Reader Comments**

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**Next Up in Local News**

**Police: Worker injured during construction on Palm Beach home**

*by Carla Trivino, Daily News Staff Writer*
Letter: Comprehensive Plan includes ‘tools’ for development

OPINION  By Juliette de Marcellus - Special to the Daily News

Posted: 7:00 a.m. Sunday, April 16, 2017

It is disheartening, if not ominous, to see how a generation of open and responsible governance of our town is slipping through our fingers, as our present Town Council ignores, if not disdains, to respond to its citizens.

This is exemplified in its insistence on ramming the Comprehensive Plan through, despite the desperate attempts of many Palm Beachers to ask for complete transparency, adherence to proper schedules and resistance to the monstrosity with which they wish to replace our playground-gathering place for children.

The Comprehensive Plan includes the "element tools" necessary for development, which is quite obviously the aim of all this.

JULIETTE DE MARCELLUS

Palm Beach
Ms. Deena Woodward, Historic Preservation Planner  
Department of State  
Bureau of Historic Preservation  
500 South Bronough Street  
Tallahassee, FL 32399-0250

May 2, 2017

RE: (17-2 ER) Town of Palm Beach Transmittal of Comprehensive Plan Amendments Based on the Town’s Recent Evaluation & Appraisal- Existing Comprehensive Plan (Ord. No. 9-2017)

Dear Ms. Woodward:

Because Palm Beach is a Certified Local Government (CGL) under the Historic Preservation Program, a copy of the Town's Revised Comprehensive Plan was transmitted to you and several other governmental agencies.

As an affected person to changes that have been made to the Plan, I sent a letter to the Department of Economic Opportunity (DEO), Treasure Coast Regional Planning Council and the Town of Palm Beach. In anticipation of the pending deadline for submitting comments, I have reviewed sections regarding Landmarked properties in addition to text within Element IX, Historic Preservation. There are portions I would like to bring to your attention as well as administrators in other Historic Resources Divisions regarding clarity, consistency within the Plan and Town compliance with the Historic Preservation Program. I hope you and other State staff members will review the sections and transmit recommendations and comments to DEO.

Page 51 (Element I-37: Future Land Use) states:

**OBJECTIVE 9**

The Town shall protect its inheritance of structures and neighborhoods having historic or architectural merit. The measurement of this objective is the extent to which historic or architectural structures or neighborhoods are preserved, and the degree to which the following policies are implemented.

What is the "measurement" of the objective in quantifiable terms? The rest of the sentence including the word "extent is vague? Is there a better way to express the language of this Objective within the requirements of being a CLA since it also appears elsewhere in the Plan?

**POLICY 9.1**

Continue to protect the Town’s historically significant properties and aesthetic character through the active participation of the Architectural and Historic Landmarks Preservation Commissions in the development review and approval process, as authorized under Chapter 5, Article IX, Sec. 5-378 and Chapter 16, Article III, Sec. 16-32 of the Town’s Code of Ordinances.
Re: Policy 9.1: Is this sentence perfunctory? Is it vague? What is meant by "active participation?" (The Code of Ordinance criteria governing the Architecture Commission's development review (ARCOM) is different from the stewardship that guides the Landmarks Preservation Commission (LPC) because it is required to follow guidelines for establishing, regulating, preserving, and protecting historic districts and landmarks within the Department of Interior's Standards Manual.)

Chapter 16, Article III, Sec. 16-33 has been removed and only the words, the "Town's Code of Ordinances", remains. Which Town Code Ordinances will be implemented? Should this Policy be rewritten to separate the separate functions of the two Commissions?

Page 198 (Element V-27 Coastal Management/Conservation) repeats the Objective but rewords the policies:

**OBJECTIVE**

The Town shall protect and preserve its prehistoric and historic resources. The measurement of this objective shall be the extent to which such resources are protected, and the degree to which the following policies are implemented.

**POLICY 9.1**

The Town will update its list of historic structures as needed on an annual basis.

**POLICY 9.2**

Continue to designate structures, sites, and districts considered worthy of Landmarking in accordance with Chapter 16, Article III, of the Town's Code of Ordinances.

**POLICY 9.3**

Prevent destruction of Historic Landmark Structures through provisions in Chapter 16, Article III, of the Town's Code of Ordinances.

1. Policy 9.1: Are there state requirements for updating the Town's list of historic structures? What are the guidelines that determine "as needed"?

2. Is Policy 9.2 and 9.3 vague? Chapter 16, Article III has been stricken from both sentences, but the Ordinance Chapters that speak to the worthiness of landmarking designation have not been included here. And the Ordinances that would "prevent destruction of Historic Landmark Structures" have not been included, either.

**There is inconsistency of language within Pages 280 (Element IX-13 Historic Preservation), pages 51 and 198:**

The wording in Objective 1 repeats the text on pages 51 and 198.

However, the wording in Policy 1.1 on page 280 is not consistent with Policy 9.1 on page 198.

**POLICY 1.1**

The Town shall continue to update the list of historic structures.
The wording in Policy 1.2 and Policy 1.3 is not consistent with the wording on Pages 51 and 198: in those sentences, Chapter 16, Article III was deleted. In the sections, below, Chapter 16, Article III has been included. What is the consistent wording that should be used? And what is Chapter 16, Article III?

**POLICY 1.2**

Continue to designate structures, sites, and districts considered worthy of Landmarking in accordance with Chapter 16, Article III of the Town’s Code of Ordinances.

**POLICY 1.3**

Prevent destruction of Historic Landmark Structures through provisions in Chapter 16, Article III of the Town’s Code of Ordinances.

In contrast to the language on page 51, page 137 of the Plan’s Housing Element (III-12) separates and identifies the Code requirements for ARCOM and the Landmarks Preservation Commission, i.e., Chapter 54 and Chapter 18. Should this appear elsewhere in the Plan?

**POLICY 6.2**

The criteria for a historically significant house shall be determined by the Landmarks Preservation Commission as outlined in Chapter 54, Section 16.33 (Article III, Landmarks Preservation) of the Town’s Code of Ordinances.

**POLICY 6.3**

Housing structures which are not designated as Landmarks shall be reviewed in accordance with Chapter 18, Section 5.378 (Article IX, Architectural Review and Procedure) of the Town’s Code of Ordinances.

re: page 271 (Element IX-4 Historic Preservation): Should the figure be updated to include the number of properties landmarked since May, 2016?

In 1996 and 2004 the Town received grants from the Florida Department of State, Division of Historical Resources to update the survey again. The survey was done again in 2010. That survey is ongoing as this Historic Preservation Element is being prepared. Currently, 1,162 sites have been surveyed and included on the Florida Site File. The Town has designated 313 landmarks as of May 2016.

Page 273 (IX-6) is entitled: "Policy for the Establishment of Selection Priorities"

The Landmarks Commission Staff, in conjunction with an architectural history consultant, should review each of the structures eligible for consideration every five years, and cross-reference the site information is cross-referenced with historical records housed in the Town of Palm Beach Department of Planning, Zoning and Building Records Office, and in the Historical Society of Palm Beach County and the Preservation Foundation of Palm Beach. The research should result in a more condensed, focused list of structures eligible for local designation under at least two of the Landmarks Preservation Ordinance’s criteria. The sites on the resulting list should be categorized as either structures of primary significance, or structures of secondary significance, and the list of primary sites should be distributed to the Landmarks Commissioners.

What is meant by a "a more condensed focused list of structures" and how is this used during the process?
Each commissioner should independently visit every structure on the primary resulting list of targeted properties for discussion at, and nominate three structures of paramount priority and one alternate structure, in descending order. The priority list of properties will be established through this system a public meeting. At said meeting, the Commission should actively discuss the properties listed during a presentation provided by the historic preservation consultant, and select properties to be placed under consideration for landmarking during the upcoming designation season. The Commission can conduct this process at multiple meetings if necessary.

What are the selection priorities? Properties are eligible for designation under at least one criteria contained with the Landmarks Preservation Ordinance's criteria and there are 1,162 structures considered eligible for consideration. Many significant properties have not been saved because they were not under consideration by the Landmarks Preservation Commission and ARCOM's Ordinance application process could not prevent demolition. A limited number of properties are chosen each year for designation consideration. Based on that limitation, what criteria is used by the Town's consultant and the LPC to "prioritize" the list? If research shows that a property is not eligible, does this reduce the number of properties that year that will achieve designation?

re: Page 277 (IX-10): The following language has been deleted from "Policy for the Establishment of Educational Programs": Are these functions required under the Historical Preservation Program that should be re-implemented by the Town?

POLICY FOR THE ESTABLISHMENT OF EDUCATIONAL PROGRAMS

A biennial newsletter should be established to keep the owners of landmarked sites apprised of the latest information on historic preservation legislation, the availability of grant assistance, and tax incentives.

The newsletter should be written by the Landmarks Commission Staff under the direction of a subcommittee of Commission Members. The newsletter would also offer helpful hints on upkeep and maintaining an historic residence, product information, and list a calendar of Town meetings and events.

The greatest benefit of a newsletter would be in its ability to defray the fears and misconceptions surrounding the regulations of the Landmarks Preservation Ordinance.

An annual "Preservation Celebration" should be held in conjunction with the National Trust for Historic Preservation's "National Preservation Week." This yearly event should be held in alternating historic sites, and could be informative, educational, entertaining, or social in nature. The net result:

increased awareness and publicity of the historic preservation programs, is the ultimate goal.

The National Trust offers "Preservation Week Packets" to its members, offering interesting topics and fun activities pertaining to the annual theme.

Encourage an Asian Historic Marker Program should be considered to better educate the public on areas of "living history" throughout the Town of Palm Beach. Such a program could be locally funded, or work within an already established state or national framework. Such a program could be the result of the efforts of inter as specified in "section 8.0: Policy for the Establishment of Historical Research."
Page 134 (Element III-9) states:

**POLICY 1.1**

Provide information and technical assistance, upon request, and assist with the design process on new construction and rehabilitation projects through the Architectural and Landmarks Preservation Commissions for the 253 housing units expected to be built in the Town through the year 2019 for the resident and seasonal population.

**OBJECTIVE 2**

Prevent the Town's housing stock from deteriorating to a substandard condition. The measurement of this objective is the extent to which deterioration of the housing stock is prevented, and the degree to which the following policies are implemented.

**POLICY 2.1**

As needed. At least once per year, the Town shall conduct a windshield survey of structural conditions of housing throughout the Town.

Does this approach have validity? Can windshield surveys be used to identify structural deficiencies?

The previous version of Element IX (Optional Historic Preservation) in the Town's Comprehensive Plan was changed. The word "Optional" was removed. It now includes new language regarding the Policy for Archeological Management and new language was added to. The minutes of the 10-19-2016 LPC meeting show that revision of the Comp Plan was mentioned.

**X. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR:**

Mr. Page stated that the designation season will begin next month.

Mr. Cooney asked if the Planning and Zoning Commission would like their opinion on the Historic Preservation section in the draft Comprehensive Plan. Mr. Page stated there is still an opportunity to make comments and/or suggestions. Mr. Page stated the next Planning and Zoning Commission Meeting would be held on November 15, 2016.

and the minutes for 11-16-2016 indicate that one Commissioner did attend the November 15th P&Z meeting:

Mr. Silvin stated he attended the Planning and Zoning Commission meeting where the Comprehensive Plan was discussed. He pointed out that the landmark designation process was discussed at that meeting and encouraged other members to attend other Commission meetings.
It does not appear as though the text changes that were added and removed from pages 272, 278 and 280 were discussed by the LPC Commission.

Since the language informs their Ordinance as well as requirements and guideline contained in the State's Historic Preservation Program, should the Commission have been given the opportunity to review the changes?

In reviewing the text, I hope you will make recommendations and comments to the language in the Comprehensive Plan that will help strengthen the Town's Historic Preservation Program.

Thanking you in advance,

A. Seltzer

Mr. Ray Eubanks, Plan Processing Administrator
Florida Department of Economic Opportunity
State Land Planning Agency

Mr. Thomas Lanahan, Deputy Director
Treasure Coast Regional Planning Council

Jason Aldridge, Supervisor of Federal and State Compliance and Review
and Deputy, SHPO

Michael Zimny, Historic Sites Specialist
Compliance and Review

Mr. John Lindgren, Planning Administrator
Town of Palm Beach
May 2, 2017

Re: Town of Palm Beach Comprehensive Plan Amendments
(17-02 ER)

Dear Mr. Eubanks:

I am writing to voice my objection to the Town of Palm Beach’s Comprehensive Plan Amendments (the “Comprehensive Plan”) that were transmitted to your Office. The specifics of my objections are discussed below.

I, like hundreds if not thousands of residents, vehemently object to the Town Council’s decision and unflagging determination to impose Town-wide undergrounding of its utilities. The ostensible purpose of the Council’s decision to install Town-wide undergrounding was to improve the aesthetics, safety and reliability of our power infrastructure. However, based on the Mayor’s numerous public comments, this project was conceived by the Mayor and the Council when FPL advised the Town that it would be embarking on an utilities infrastructure project of strengthening and upgrading the Town’s existing overhead delivery system with new concrete poles and coated power lines capable of withstanding winds of up to 150 MPH. As the minutes of the Council reflect, the specter of “large ugly concrete poles” in Palm Beach was too much for the Mayor and the Council; at best it was an eyesore. This upgraded infrastructure was previously installed by FPL and currently exists in the portion of Town located south of the Lake Worth Bridge (the “South End”). At no time did the Council ever voice concern over or an objection to FPL’s installation of “large, ugly concrete” poles in the South
End. In fact, the poles are neither, large or ugly. They are an efficient, safe and reliable means of delivering power to our homes. The cost of hardening our infrastructure through the use of hardened wires and concrete poles is approximately a $1 to $3 a month surcharge on FPL’s electric bills.

Acting on the Mayor’s initiative, Council members unanimously voted to impose Town-wide undergrounding in October, 2014. In furtherance of this project, they created an Underground Utilities Task Force and placed a Referendum on the 2016 ballot to approve the issuance of not more than $90 million of General Obligation bonds to finance the 10 year project. This measure passed by a margin of 62 votes out of more than 4,000 votes cast.

The Town seized on this vote as a mandate to move forward with the undergrounding despite reliable data and analysis that contradicted the engineering feasibility of Town-wide undergrounding on a flood prone barrier island. Several law suits were brought by residents to overturn the results of the referendum as well as attacking the methodology the Town indicated it would use to compute resident’s Special Assessments to pay for its general obligation bonds. In light of this litigation, the Town has not been able to obtain general obligation bond financing. To date, all of the Town’s efforts to dismiss the litigation have failed. Notwithstanding the failure of the Town’s several teams of attorneys, the Town moves inexorably forward spending hundreds of thousands of dollars on creating Master Plans, hiring consultants and Peer review engineers despite having no fixed cost of construction or completion. For example, the Town’s newly hired engineer team of Kimley-Horn (K-H) reviewed the Town’s undergrounding budget of $90 million and determined that the project would actually require a budget increase of an additional $30 million. How did the Town’s Task Force justify its woefully inadequate budget estimate of $90 million project costs? Not easily. K-H’s conclusion was patently unacceptable to the Task Force and the Council. The undergrounding budget was then reconstituted to remove millions of dollars of construction costs, approximately $13 million of which was placed into the Town’s general budget. This resulted in a revised undergrounding budget of more than $98 million. There were no significant actual cost revisions or reductions made to arrive at the $98 million figure. It was a slight of hand, hocus pocus, mish mosh that moved costs out of the undergrounding budget into the general budget; it was a sop to placate residents who were and are concerned with the lack of fiscal responsibility of Town officials. One resident went so far as to dub this budget revision process “Voodoo economics.”

However, even at $98 million the revisionist budget does not provide or authorize funds to pay for eminent domain proceedings to obtain easements, expert fees in such
proceedings, easement acquisition costs, or costs for further legal challenges to the Town’s Special Assessment methodologies. Further, the total projected costs including the upward revision in interest cost are not disclosed. Additional interest costs arise from the increased interest rate differential required for special revenue bond financing in lieu of general obligation bonds.

Missing Data
The Comprehensive Plan fails to reference the Kimley-Horn (K-H) authored Master Plan for Undergrounding to the Town dated February 2017. The Master Plan Report is 204 pages and details the impact of the project to the Town over the project’s life. Contrast this with a section within the January 31, 2017 memo written to the Council by Mr. John Page, Director, Planning, Zoning and Building Commission in response to questions raised by a town resident about the absence of specificity within the Comprehensive Plan: Item # 7 states:

It is easy to conclude that Mr. Page is wrong footed and perhaps a bit disingenuous. He opted to stonewall the resident because he was “careful to insist on language that was concise and non-political.” Mr. Page’s determination was wholly political. He and thereby the Town’s justification for refusing to include the data used to “support the assertion regarding significant improvement” was not transparent. Despite the fact that undergrounding utilities is “one of the most ambitious infrastructure projects ever taken by the Town of Palm Beach” and likely the most profound and impactful undertaking in its history, a request by a Town resident that the Town produce the supporting data was rejected. There is no justification for the Town to exclude this critical data from its Comprehensive Plan.

Moreover, as the K-H Master Plan notes, previous bond funding for several projects contained in the Town’s Capital Improvement Program must be expended by 2019. This is an overriding consideration when deciding which remaining capital projects will have to be constructed concurrently with the individual undergrounding phases. These remaining projects may have considerable impact of the undergrounding schedule or vice versa. No analysis or feasibility review of the outstanding projects and their integration with, and/or, impact on undergrounding phases is considered in the Comprehensive Plan. This invites chaos.
There are detailed and extensive maps related to phasing of the underground project on pages 65 - 72 of the K-H Master Plan. Where is the correlation with the Capital Improvements Element in the Comprehensive Plan?

There is a whole section with detailed maps in the Master Plan that show the transportation impact that will be incurred by the town related to the undergrounding project. At a minimum, the Comprehensive Plan must reference the Master Plan. Further, in terms of timing and expenditures, the Comprehensive Plan must align with the Master Plan.

Further, the Comprehensive Plan at page 29 (Element 1-15) states:

“The Conversion of the overhead utilities to underground locations will be one of the most ambitious infrastructure projects ever taken by the Town of Palm Beach. The undergrounding will preserve the historic character of the Town and enhance the aesthetics of the landscape and scenic vistas. The conversion will significantly improve the level of service and reliability of the electric, telephone, and cable communications to the Town.”

Is this statement fact or fiction?
Will undergrounding preserve the historic character of Palm Beach? This is at best ad agency hyperbole. In fact, it will destroy it! Since the invention of the telephone and electricity, these services were delivered to Palm Beach through overhead utilities. To claim that removing this delivery system serves to preserve the historic character is ludicrous.

Will it enhance the aesthetics of the landscape and scenic vistas? For some residents it will. For many, it will not. Undergrounding will require easements to place more than 100 six foot high switch cabinets on raised concrete pads throughout the South End of Town. There is no aesthetic improvement in having massive, ugly and hazardous high voltage switch boxes marring our property or scenic vista. Sadly, most South End residents will be forced to have more than one of these massive, ugly and hazardous boxes imbedded on once pristine lawns that the Town will be seize through eminent domain takings.

Throughout its campaign to “sell” undergrounding to its residents prior to the referendum, the Town placed a 2 ft. x 3 ft. low style transformer box in front of Town Hall, and then declaimed that this size was indicative of the type of box that would be placed on our properties. No massive switch box was paraded before the residents. This
catchy, cuddly low style box demonstration was intended to obfuscate the reality that undergrounding would require placing these massive, repellant switch boxes on the front of our properties. Such deceit by the Town should not be countenanced.

The Town claims that undergrounding will “significantly improve the level of service and reliability” of the Town utilities. What does this mean? Is Palm Beach an outlier receiving diminished service than all of the other towns in Florida? How will undergrounding improve our level of service? Should our Comprehensive Plan be based on platitudes and Madison Avenue jargon? Where is the data?

What of reliability? FPL currently delivers reliability of 99.98% statewide. Any perceived improvement in reliability is at best a miniscule fraction of less than a hundredth of one percent. Does this fact appear anywhere in the Comprehensive Plan? Further, any claim to “significant improvement” (at best, less than one hundredth of one percent) is fallacious. Comparisons are made to systems whose infrastructure has not been storm hardened with concrete poles and coated wire and most if not all of the undergrounded systems are inland and not underground on a barrier island. There are no comparable comparisons that the Town can rely upon. The existing hardened infrastructure that delivers power to the South End is in danger of being forever destroyed without any enhancement of aesthetics or reliability. This is shameful. The Comprehensive Plan fails to recognize that despite the Town’s posturing of being “One Town” different needs and priorities still exist. In the South End of Town the hardened infrastructure has eliminated the issue of reliability whereas other parts like the North End deserve and are entitled to undergrounding. If there is a fire burning in the North End of Town there is no need to hose down the homes in the mid and south portions of the Town. The Comprehensive Plan fails to recognize the distinct differences in need.

Lastly, what is most difficult to reconcile is the Comprehensive Plan’s omission of any mention of increased “safety” to the Town by undergrounding. This omission is truly glaring when you realize that approximately 40% of the proposed Special Assessment measurement methodology is based on safety (aesthetics [20%], and reliability [40%] account for the balance). The omission of the “safety” criterion in the Comprehensive Plan Statement above adds credence to the fact that undergrounding overhead lines does not enhance safety and that outages resulting from flooding are harder to locate and take longer to repair. FPL’s web site unequivocally states these facts.

Moreover, the above critique will surely be the basis of years of litigation relating to eminent domain takings, methodologies and tax assessments none of which are funded or provided for in the Town’s current undergrounding budget. Perhaps, this is due to the fear
that any further inflation of the budget will overwhelm the Town’s residents and cause a
grass roots revolt which is currently brewing in the South End of Town.

For the reasons set forth above, I respectfully request that you reject the Town of Palm
Beach’s Comprehensive Plan as submitted.

Very truly yours,

Ira Smith

cc:
Mr. Thomas Lanahan, Deputy Director
Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, FL 34994

Mr. John Lindgren, Planning Administrator
Town of Palm Beach
360 South County Rd.
PO Box 2029
Palm Beach, FL 33480
Stephanie Heidt

From: Thomas Lanahan
Sent: Monday, May 01, 2017 10:52 AM
To: Stephanie Heidt
Subject: FW: Town of Palm Beach, Florida Comprehensive Plan Updates and Concerns: Memorandum
Attachments: Town of Palm Beach Comp Plan to DEO.pdf

Stephanie:

Please put this with the Palm Beach 17-2ER file.

Thomas Lanahan
Deputy Executive Director
Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, Florida 34994
772-221-4060
tlanahan@tcrpc.org

From: SUSAN WATTS [mailto:sbwatts@yahoo.com]
Sent: Monday, May 1, 2017 8:54 AM
To: Ray.Eubanks@deo.myflorida.com
Cc: Thomas Lanahan; John Lindgren; SUSAN WATTS
Subject: Town of Palm Beach, Florida Comprehensive Plan Updates and Concerns: Memorandum

Dear Mr. Eubanks,

As you review the Comprehensive Plan submitted by the Town of Palm Beach, I ask that you consider my concerns about the document. Of particular concern are two projects, one of which is the Town-wide undergrounding of utilities on our island. Project costs have skyrocketed since the budget was first presented, and it is questionable if the project is in compliance with requirements stated in the Comp Plan. As it is a decade-long construction project and taxpayers will be paying for it for nearly 30 years, it warrants your attention.

The second concerns another construction project, the demolition of our current Recreation Center and construction of a new Recreation Center. Our current Comp Plan clearly states we have sufficient recreational facilities based on our ever-diminishing population and fully built-out land use. Our Plan calls for NEED when considering the taking of green space and increasing traffic and parking problems. This proposed project does not meet those criteria.

The subjective language used repeatedly in the submitted Comp Plan to validate these two costly and controversial projects should be removed from the submitted plan, those in addition to other questionable statements I have sited in the attached Memorandum and related newspaper articles.

I am a former Planning and Zoning Commissioner and have brought these concerns forward to our Town Council on several occasions.

Thank you for taking these issues into consideration.
Susan Watts
44 Cocoanut Row, #822A
Palm Beach, FL 33480
MEMORANDUM

To: Mr. Ray Eubanks, Plan Processing Administrator
Florida Department of Economic Opportunity
State Land Planning Agency
Caldwell Building
107 East Madison - MSC 160
Tallahassee, FL 32399

Cc: Mr. Thomas Lanahan, Deputy Director
Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, FL 34994

Mr. John Lindgren, Planning Administrator
Town of Palm Beach
360 South County Rd.
PO Box 2029
Palm Beach, FL 33480

From: Mrs. Susan Watts
(past Member, Planning and Zoning Commission, Town of Palm Beach)
44 Cocoanut Row
Palm Beach, FL 33480
917/414-3617

Date: May 1, 2017

Re: (17-02ER) Town of Palm Beach Transmittal of Comprehensive Plan Amendments Based on the Town's Recent Evaluation & Appraisal- Existing Comprehensive Plan (Ord.# 9-2017)

Over the past year, I have spoken at several Town Council meetings and have written e-mails regarding language added to the Town of Palm Beach, Florida Comprehensive Plan which is now being reviewed by your Department. I would like to again focus on references to the Town-wide undergrounding utilities project, whether it is financially feasible and in compliance with requirements within the Comp Plan; and whether the Town has adequately included scheduling within the Plan for the project and other Capital Improvement Projects. I also want to focus on references in the Plan to Recreation needs and the redevelopment of Seaview Park and Recreation Center. For your convenience, I am including page numbers and topic headings.
Undergrounding of Utilities

The conversion of the overhead utilities to underground locations will be one of the most ambitious infrastructure projects ever undertaken by the Town of Palm beach. The undergrounding will preserve the historic character of the Town and enhance the aesthetics of the landscape and scenic vistas. The conversion will significantly improve the level of service and reliability of the electric, telephone, and cable communications to the Town.

1. We do not know with certainty that the conversion will "... preserve the historic character of the Town..."; nor has it been absolutely proven it will "...significantly improve the level of service and reliability of the electric, telephone, and cable communications to the Town." That is a debatable assumption, hotly contested among experts in the communications field. Please do not include this in the Comp Plan revisions.

2. Section IV Infrastructure, item 2: "Improved aesthetics for the entire community....". Not necessarily. Many residents think the large, green transformer boxes and other electrical equipment that will be placed on numerous single-family home sites and on the property of multi-family dwellings is NOT an aesthetic improvement. "Improved aesthetics" is a subjective opinion and not appropriate language in a Comprehensive Plan.

3. We don't know for certain that telephone and other utilities, such as cable, are going to be included in the project.

4. The Town has included language re: improvement of level of service in this paragraph and other sections of the Comprehensive Plan i.e. (IV-16) and it should be removed.

Page 157 (IV-17) states:

The undergrounding conversion construction will be coordinated with other Capital Improvement Projects as identified in the capital Improvement Section of the Comprehensive Plan.

Page 248 (VIII-5) says: "Project Budget $90,000,000 (estimated)." (For your information, the budget is already tens of millions of dollars in excess of that estimate.) Operating Budget Impact: there will be no increase to personnel. Operating costs associated with the project will minimally increase. (Repairs and Maintenance <$7,500 annually)

Page 158 (IV-18) says "project cost may exceed the approved referendum amount".

Page 259 (VIII-16) Policy 1.4 states: "The town shall continue to establish a priority ranking system for capital improvement projects identified as necessary in the various elements of its Comprehensive Plan. This system will include consideration as to whether each project: . . ."

1.4e Is financially feasible

and Policy 1.6 states: "The Town shall ensure that the Capital Improvement element and the entire Plan remains financially feasible."
Page 265 (VIII-22) Objective 7 states:
"The Town shall continue to bury its overhead utility systems in a financially feasible manner to improve aesthetics, reliability and safety throughout the Town and to require future development to place utility lines underground."

5. Is the Comprehensive Plan in compliance with the requirement for financial feasibility if the Town-wide Undergrounding project exceeds the approved referendum amount?

6. Page 245 (VII-2) of the Plan states: "The Town does not have a formalized procedure for prioritizing capital improvements". Doesn't this statement appear to contradict Policy 1.4 on page 259 and need to be corrected?

7. What is the basis for the projection that "repairs and maintenance will not exceed $7,500 a year"?

8. Where is the schedule of Capital Improvements for the next 5-7 years or the schedule for the Undergrounding project?

9. Re: Element VIII-3 pg. 246 Capital Improvements: Have you received Appendix A, B and C?

Recreation facilities, needs and level of services

A Comprehensive Plan is an instrument that determines goals and aspirations in terms of community development. It is not appropriate to focus on specific construction projects, rather outline GOALS that promote the health and safety of a community.

With regard to Recreation facilities, needs and level of service: the town as owner of Seaview Park and Recreation Center is finalizing its plans to redevelop the property. It began the demolition application process with a design that exceeded the existing building by 200% and increased the intensity of use based on a needs analysis survey. A Business Plan was commissioned by a "third party" after the demolition request was submitted by the Town to the Architectural Commission and it projected an increase in population growth (to justify the intensification of use and size). However:

Element I-2, page 16 states: "the Town's population continues to decline".

Element I-6, page 20 states: "Future population growth is expected to remain relatively flat."

Element III-5, page 130 states: "the Town’s population is projected to remain steady or increase slightly over the next 10-year planning period ."

Doesn’t a Comprehensive Plan require language consistency?

POLICY 3.3 (page 221- VI-13) states: "All acquisitions of, and physical improvements to, park and recreation facilities costing greater than $25,000 each, included in this Element, shall be scheduled in the Capital Improvements Element of this Comprehensive Plan. Capital items shall be prioritized and included on an as needed annual basis." This sentence and the requirement for prioritization is inconsistent with statements within "Local Policies and Practices", page 245.
Page 27 (I-13) states: "the Town's inventory of recreational lands and facilities is more than adequate to provide for anticipated needs throughout the planning period. Given the small amount of population growth projected, no additional land will be needed for governmental or institutional uses." It also states, "the Recreational /Open Space Element shows that public recreational facilities in Town far exceed minimum standards".

(The needs assessment and projected increase in the Town's population growth [as stated in the contracted Business Plan] does not appeared to be supported within the Comprehensive Plan's population figures or the Recreation Element's Level of Service standards.)

Since this is the case, why is the Town preparing to build a facility which the majority of residents do not deem necessary? The project has generated overwhelming community concern. Because of that, it is not appropriate to include this project in our Comprehensive Plan as all community concerns have not been successfully addressed or resolved. It is conceivable the project may not go forward as outlined in the Comprehensive Plan revisions; therefore references to this project should be eliminated.

Thank you for your attention to my concerns. I will be sending you a hard copy of this letter for your files.

Sincerely yours,

Susan Watts

Attachments:

Palm Beach Daily News- October 18, 2016 - "Council appoints two new members over zoning board incumbents"

Palm Beach Daily News- February 26, 2017 Michael Scharf- "Stop flawed, misrepresented undergrounding project"

Palm Beach Daily News- April 29, 2017 - Opinion Izak Teller- "Let neighborhoods decide whether to do risky utility burial"

Palm Beach Daily News- April 30, 2017- Marianne Beyl- "Why is town upset over wireless equipment and not utility boxes"?

Palm Beach Daily News- April 30, 2017- Terri Rovelli- South End has a right to opt out of undergrounding project".
Council appoints two new members over zoning board incumbents

By: William Founder - Daily News Staff Writer

Posted: 10:06 a.m. Tuesday, October 13, 2015

Susan Watts is the second member of the Planning and Zoning Commission to quit the board since mid-September.

Watts was one of three alternate commissioners passed over last week by the Town Council when it named three people to voting seats on the zoning board. Two of the appointees are new to the board.

> More Palm Beach Town Council coverage

In her resignation letter two days later, Watts questioned the council's decision to select two people without experience on the board, just as it was starting an update of the town's comprehensive plan. The document, which is updated every seven to 10 years, is the backbone of the town's zoning code.

"I simply do not understand the thinking or the objectives of the council in making that illogical decision," wrote Watts, who was an alternate since 2014. "I have contributed to the discussions and recommendations in a thoughtful, progressive and honest capacity."

The council also declined to reappoint voting member Michael Scherf — a former political opponent of two council members.

The council reappointed Vice Chairman Lew Cranston to a voting seat and named Carol LeDates, a former financial analyst and Kenneth Walker, an architect, to the seats held by Scherf and Susan Marklin, who resigned Sept. 15.

Scherf, a businessman, unsuccessfully sought to unseat council members Richard Kleid and Michael Pucillo in the hard-fought 2014 and 2015 town elections, respectively. Scherf and Kleid both did not return messages seeking comment. Pucillo declined to comment on Scherf.

The Planning and Zoning Commission's seven voting members and three alternates normally serve three-year terms and are appointed by the council to serve at its pleasure. The council is not obligated to promote alternates into voting seats.

The alternates participate in board discussions but do not vote unless substituting for an absent voting member or temporarily filling a vacant seat.
In submitting her resignation, Marklin, a former chairwoman of the board and former council member, accused the council of overspending and said she disagreed with the direction in which the council was leading the town.

In a Daily News story about Marklin’s resignation, both Watts and Schaff made comments that were sympathetic to Marklin. Watts said Marklin’s comments reflect the concerns of many Palm Beach residents, and the number is growing.

Marklin supported Schaff in his 2016 campaign against Pucillo and even hosted a campaign event for Schaff and another candidate, then-Councilman Bill Diamond, at her home. Diamond was unseated by Danielle Moore in that year’s election.

In the story about her resignation, Schaff praised Marklin for her deep knowledge of town issues and government. “The issues she cited in her resignation letter, fiscal irresponsibility, a penchant to encourage larger commercial development and ill-conceived and poorly executed capital projects, should be of concern to every Palm Beach resident who wants to preserve the special character of Palm Beach,” he was quoted as saying.

Watts and Schaff were appointed as part of an all-new roster of zoning commissioners by a previous Town Council after a majority of that council — Robert Wiland, Penny Townsend and Diamond, all of whom are no longer on the council — voted to sack the entire zoning board and Landmarks Preservation Commission. Schaff and Pucillo strongly objected to the decision to sack the two boards, which stemmed from the two boards’ support of the PUD-5 zoning initiative for Royal Palm Beach that left the town bitterly divided. Voters rejected the initiative in a March 2014 referendum.

At the Oct. 10 meeting, council members each voted for three out of the nine candidates on the ballot. All five council members — Pucillo, Keel, Moore, Bobbitt, Lindsay and Margaret Zuckerman — voted for Crampton.

LeCates and Walker tie for second, with three votes each.

* Pucillo, Keel, and Moore voted for LeCates.

* Pucillo, Keel and Zuckerman voted for Walker.

Watts came in third, with two votes, one each from Lindsay and Zuckerman.

Pucillo noted at the meeting that the council was faced with a strong pool of applicants.

“There were a number of highly qualified people,” he said last week. “The two people who ended up being chosen, in addition to Lew Crampton, both have very significant experience relevant to planning and zoning commission work. They both had applied before and were passed over.”

Pucillo said he was sorry Watts resigned. “She’s been a very active, good alternate.”
Letter to the Editor: Stop flawed, misrepresented undergrounding project

OPINION  By MICHAEL SCHARF - Special to the Daily News

Residents of of Geaspry, Seawave and Seabreeze avenues listen to Town Manager Tom Bradford speak about undergrounding utilities on March, 10, 2016.

Posted: 7:00 a.m. Sunday, February 26, 2017

I have reached a “boiling point” from reading about the undergrounding fiasco and the Town Council’s irresponsibility in proceeding “like a bull in a china shop” with a project that is so flawed and that has been so dishonestly represented to residents.

Here are some salient facts: The bond referendum passed by 62 votes, hardly a resounding
endorsement; the $90 million direct project cost was presented as a definite figure; and $60 million in interest and ancillary costs were added as the amount necessary to fund completely the proposed project; the Town Council brazenly hired an expensive public relations firm, without competitive bidding, and paid it $125,000 to drum up support for the referendum (the same firm that previously ran the political campaigns of Michael Pucillo and Richard Kleid).

Now for some questions: How was the $90 million figure arrived at? Who prepared it, and who reviewed it? Who tested its assumptions? Why are the Town Council and town manager now scrounging every way possible to keep the $90 million estimate intact by fobbing off on residents excess costs and re-characterizing other items to protect the $90 million "fig leaf"? Is this why the revised Comprehensive Plan language given to the Planning & Zoning Commission in September 2016 states that "project cost may exceed the approved referendum amount?" Does "may" mean "might exceed," or does "may" mean "is allowed to spend?" What did the Town Council already know in September that it did not tell the public?

If the $90 million cost estimate is as flawed as it seems to be, and the actual undergrounding cost, based on new estimates, will be $15 million to $20 million greater, two things should happen. First, anyone on the Town Council who was complicit in accepting and promulgating such a misleading cost estimate should resign immediately because such a level of ineptitude and financial irresponsibility is not what residents deserve or have a right to expect. Second, the undergrounding project should be stopped until precise, reliable and complete cost estimates are formulated, including those costs being shifted away from the previously proposed funding formula, which will result in higher taxes.

When the total cost determination is finalized, a new referendum should be held, based on accurate projections. The costs set forth in relation to the previous referendum were inaccurate, misleading and possibly fraudulent. We the proud residents of Palm Beach deserve better, and it behooves the Town Council to act honorably as a steward of "our" money.

MICHAEL SCHARF
Palm Beach

Michael Scharf is a former member of the Planning and Zoning Commission. He previously lost bids for Town Council seats to Michael Pucillo and Richard Kleid.

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Red Queen  Mar 4, 2017
Mr. Scharff is right about the chaos and deceit that surround the undergrunding plan. But it's not the Council that plays fast and loose with the facts, hands out sweetheart contracts, and looks the other way when things go wrong. Until someone with leadership skills takes the helm, the bait-and-switch will continue.

Like  Reply

PBRES  Feb 26, 2017
Mr. Scharff could not have made a better case.

It's time for the Inspector General to step in and examine the process and the Council and the UUTF's role in what has become a fiasco.

Was their fraud, misrepresentation or gross negligence?

What did they know and when did they know it?

Like  Reply

Next Up in Opinion

Editorial: A loss of luxury: Closing of Avenue's Cartier boutique shows recent struggles of high-end retail

by PRIN
Letter: Let neighborhoods decide whether to do risky utility burial

OPINION    By Izak Teller - Special to the Daily News

I am the vice president of 2600 Condo board of directors on South Ocean Boulevard in the South End. I am a licensed professional engineer in New York City and Connecticut with over 30 years of municipal engineering experience.

In my opinion, converting to underground utilities on a flood-prone barrier island has great safety risks. Underground wires are subject to corrosion from saltwater intrusion and gases that form, thereby putting the entire electrical power system at risk.

The placement of approximately 100 large, mostly around 6-foot-tall, high-voltage boxes along the front lawns of South Ocean Blvd., is both hazardous and unsightly. Placing the electrical equipment on the public right of way exposes the town and others, including the original property owner, to possible legal liability in the event of injury to motorists and/or pedestrians, landscapers, etc., as a result of these obstructions placed in close proximity to the roadway.

It will turn beautiful front lawns into an industrial-looking area of town. It will destroy the residential ambiance that currently exists.

These huge boxes contain combustibles and are subject to the build up of gases.
This has already occurred in October of 2015 at the Sun & Surf Condo, where the gases built up and created an explosion. There have been recent electrical explosions from underground electric utilities in New York City at various locations, including just outside the ABC building.

The large unsightly industrial-style electrical equipment boxes, in addition to being dangerous and ugly, will adversely impact property values in the South End.

FPL is currently providing 99.9 percent reliability to its customers, and there is no significant improvement expected to justify an undergrounding project of this magnitude.

It is unnecessary to utilize town-wide undergrounding, when the utility’s method of hardened poles, coated wires and smart technology that the State of Florida has mandated at no cost, provides 99.9 percent reliability, at less risk to the public.

The Town Council needs to reconsider the current blanket approach and change the program into neighborhood projects whereby the areas of the town that want to take these risks are free to do so.

Izak Teller is a Palm Beach resident.
Local Voices: Why is town upset over wireless equipment and not ugly utility boxes?

OPINION  By Marianne Beyl - Special to the Daily News

One of the underground utility boxes along Island Drive on Everglades Island.

Posted: 7:00 a.m. Sunday, April 30, 2017
I find it rather hypocritical that our mayor and Town Council can preach to us that we are all one town and yet know full well that there is a third of the town that is not given the same consideration.

Below is a perfect example of the town’s lack of concern and disingenuous actions, which show a blatant disregard for a large segment of the taxpayers of this town.

Mayor Gail Coniglio, with the support of the council, is quoted in the Daily News and the News and Views urging that we object and oppose the “placement of potentially unsafe utility wireless communication equipment” such as antennas and poles. The mayor stated, “we in essence could have every public right of way marred by a utility we have no control over.” (Daily News, March 25).

The mayor’s request is that residents speak up in opposition to these antennas or poles. Yet, as approved by the mayor and the Town Council, they remain silent regarding the town's plan to install on easements or public rights of way at least 98, 5'5" to 6 foot huge industrial high voltage boxes from Slocan's Curve to the town's southern boundary. Is that not hypocrisy by a town government?

These huge electrically charged equipment boxes will be installed on our private properties, if the town succeeds in its request for easements, which means each property owner would lose control over parcels of their private property. The Town Council and mayor will also be installing these huge metal monstrosities along the public rights of way, which are part of the manicured front lawns of our residential boulevard.

By ignoring the safety risks and destroying our property values this is nothing more than disdain for taxpayers, who in addition to the unsightly high voltage boxes will actually pay annual, inequitable, non-tax deductible special assessments for a project that the residents were not allowed to vote for or against. [Only registered town voters could vote in the referendum.]

At the hands of the mayor and Town Council, Palm Beach residents are being made to pay for a town-wide project that will destroy our property values and turn the South End into an industrial looking street lined with combustible, unsafe, hideous electrical boxes.

How can the Town Council compare placing antennas on a right of way, with 98 huge metal combustible eyesores in the South End of our town?

Midtown will be the next catastrophe in this town-wide disaster.

The mayor and Town Council need to do what they are elected to do, which is to represent all areas of the town equally. Council members, it is time that you stop this ill-fated project and return to petition-driven neighborhood undergrounding. Leave the rest of us alone.

Marianne Beyl is a Palm Beach resident.
Letter to the Editor: South End has a right to opt out of undergrounding project

OPINION  By Terri Revelli - Special to the Daily News

We have one town with different needs.

The South End does not benefit at all from the proposed undergrounding; in fact, the town will be destroying the aesthetics and safety of our portion of town. The metal high voltage electric boxes are not only unsightly but dangerous as well. They would be supplying thousands of condo units and sitting on flood prone ground.

With this South End of town, conditions would be made worse. We have no power outage issues as we have fairly new, high hurricane resistant poles and few wires that blend in well with the environment. That eliminates the reliability problem. We don't have an aesthetic problem as we are much better off now than what we would be paying millions of dollars for 98 grotesque metal boxes and we are safer with high voltage high above us than rather than sitting in
Sent from my iPhone

Begin forwarded message:

From: Anne Pepper <annepepper@mac.com>
Date: May 5, 2017 at 6:43:50 PM EDT
To: Thomas Lanahan <tlanahan@tcrpc.org>
Subject: Letter re Palm Beach Comp Plan language

I have been out straight since delayed flight to FL. Here is the letter. I see that it didn’t attach when I sent it on the 2nd, and then again the 3rd.

Anne Pepper
annepepper@me.com
To: Mr. Ray Eubanks, Plan Processing Administrator  
Florida Department of Economic Opportunity  
State Land Planning Agency  
Caldwell Building  
107 East Madison - MSC 160  
Tallahassee, FL 32399

Cc Mr. Thomas Lanahan, Deputy Director  
Treasure Coast Regional Planning Council  
421 SW Camden Avenue  
Stuart, FL 34994  
Mr. John Lindgren, Planning Administrator  
Town of Palm Beach  
360 South County Rd.  
PO Box 2029  
Palm Beach, FL 33480

From: Anne Pepper  
333 Seaspray Avenue  
Palm Beach, FL 33480  
561-685-2287

Date: May 2, 2017

Re: (17-2ER) Town of Palm Beach Transmittal of Comprehensive Plan  
Amendments Based on the Town’s  
Recent Evaluation & Appraisal- Existing Comprehensive Plan (Ord.# 9-2017)  
P1 56-Element IV-16 Underground Conversion of  
Utilities

Dear Mr. Eubanks:

I am a Palm Beach resident and a person who will be affected by changes that are being made to the Town's Comprehensive Plan which you and other agencies are reviewing.

Map II-2: "Town of Palm Beach Traffic & Parking Areas Map- 2016 " accurately shows parking and related problems but it doesn't reflect the traffic conditions that are intensified during the seasonal/school year on Cocoanut Row (a major north/south street) between Royal Palm Way and Seaview Avenue as well as extended bridge openings which back up cars north of Seaview Avenue on Cocoanut Row. It needs to be corrected.

I live half a block from Cocoanut Row and two blocks from Royal Palm Way, one of the main roads that leads in and out of the Town via the Royal Park Bridge.
This is a traffic and parking "challenged" section of Town that is the site of already intense usage by non-residential activities. The Four Arts Complex which includes a large Auditorium, the King Library, a Children's Library, Public Gardens and the Dixon Building also known as the Campus on the Lake. Lectures which attract 900 members, daily classes, concerts, exhibits, movies and musicals and plays are held there. The Palm Beach Day Academy and Seaview Recreation Center and Park are located on Seaview Avenue, just east of Cocoanut Row. The Recreation Center has a large group of tennis players who require parking as do the Recreation Center which has adult classes during the day and after school activities for both island and off-island children. Once the parking on Seaview is filled, Seaspray Avenue is subject to extensive parking by the users of the Recreation Center and the schools as well as the Four Arts Members who don't wish to be trapped in their parking lot after heavily attended lectures where exiting onto Royal Palm Way is extremely difficult.

School buses and parents drop off and pick up children on Seaview Avenue, a one-way street heading west and drop off and pick up on Cocoanut Row. Cars are lined up on South County Road trying to head west onto Seaview and Royal Palm Way has cars lined up heading west to turn north on Cocoanut to also pick up children. The Seaview Recreation Center and Park, a Town-owned property, is now scheduled for redevelopment with intensified uses.

"The Traffic and Parking Improvement Plan prepared by the Town's consulting engineers in 2006 indicated that in certain instances insufficient parking may be affecting the ability of residents and others to safely and conveniently access recreational (including the municipal docks) and school facilities. Bridge openings at the Royal Park and Flagler Memorial Bridges needed to be synchronized to be consistent with peak seasonal operations. Friday The Town evaluated the alternative strategies of the Plan and implemented strategies as needed. (Page 90) Further, the proposed additional 32 trains a day to be added with the Brightline Project along with regular Amtrack, unit freight trains filled with sand and the commuter train cause extensive back ups from West Palm Beach, across the Royal Park Bridge and Royal Palm Way and includes blockage all the way up and down Cocoanut Row.

What are the alternative strategies that were evaluated and implemented to allow for safe and convenient access to the recreational and school facilities?

The intensification of use at the Seaview Recreation Center is scheduled to take place even though "traffic will likely increase as surrounding areas develop or redevelop to higher intensity" and there is concern about ... the Royal Park Bridge during the morning and afternoon "rush hours" ... and Traffic and parking conflicts continue, particularly in residential districts adjacent to [these] commercial districts or the beach areas." (Page 89)
Is the Level of Service (LOS) "E" at Seaview Avenue and Cocoanut Row?

Map II-2 needs to be corrected to show that traffic problems also exist on Cocoanut Row between Seaview Ave. and Royal Palm Way.
This map needs to be corrected to accurately reflect the traffic conditions which exist on Cocoanuit Row between Royal Palm Way and Seaview Ave.

I would further say that the blocks from Royal Palm Way up to the light at Primavera are subject to intense blockage. Sometimes we are prisoners of Seaspray Avenue when bridge problems at the Flagler Memorial Bridge cause traffic trying to exit Palm Beach to back up on both Cocoanuit Row and South County Road as people try to access the Royal Park Bridge. This should be addressed.

P.156- Element IV-16 Underground Utilities Conversion

The second item in the Comprehensive Plan that is being submitted is the use of opinion regarding Underground Utility Conversion. There is no proof that underground conversion delivers a safer or more reliable service than above ground. The Florida Power and Light website shows the most nominal improvement-hundredths of a percent in service from the current extremely high reliability levels. The aesthetic improvement is also a matter of opinion as many feel the large junction boxes are more unsightly than the hardened poles. The build of gases with the high voltages contained in these boxes can pose significant danger to the safety and well-being of the residents.

The residents were led to believe that the 90 million dollar referendum for financing was the actual complete cost. This figure has been greatly expanded and that is not what the residents voted for. Language stating that the cost 'may' exceed is false and should be removed.

The Underground section should be only the statement of fact: Underground conversion will be the biggest infrastructure project undertaken by the Town. This project is objected to by many residents and subject to two ongoing lawsuits. All other statements about reliability, safety and aesthetics are debatable opinions and should be excluded from the Comp Plan.

Respectfully submitted for your consideration,
Anne C. Pepper
333 Seaspray Avenue
Palm Beach, FL 33480