



WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY
Monday, August 10, 2020 Board Meeting
Meeting Will Be Held via Zoom Platform

CONTACT CRA FOR ZOOM LINK

NOTE: Agenda Summary (Pages 3-7)
Staff Report (Pages 8-13)

- I. CALL TO ORDER / ROLL CALL**
- II. AGENDA APPROVAL**
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 - 1. Approval of Proposed 20-02 WCRA Zoning Overlay Amendments (Pages 19-38)**
 - 2. Approval of Density Bonus Units, TCEA trips, and Site Plan for Autumn Ridge – 1580 7 1610 N. Congress Avenue (Pages 39-57)**
 - 3. Approval of FY 2020-2021 Budget (Pages 58-60)**
 - 4. Approval of Ward & Company, P.A., Engagement Letter for FY 2020 Audit Services (Pages 61-68)**
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1. Administrative/Finance –
2. Capital Improvements – Chair, Mr. Daniels
3. Land Use –
4. Real Estate – Chair, Mr. Kirby
5. Marketing –
6. Community Affairs –
7. Special Events – Chair, Ms. Rufty

IX. ADJOURNMENT

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE BOARD WILL BE BARRED FROM FURTHER AUDIENCE BEFORE THE BOARD BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE BOARD AS GRANTED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, HE WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ON JUNE 7, 1994, THE BOARD OF COUNTY COMMISSIONERS APPROVED RESOLUTION NO. 94-693, KNOWN AS THE CODE OF ETHICS. UNDER SECTION 11, IT IS REQUIRED THAT PAID AND UNPAID LOBBYISTS REGISTER. PLEASE REFER TO SECTIONS 11.01 AND 11.02 IN THE CODE OF ETHICS FOR REGISTRATION SPECIFICS. FOR YOUR USE, REGISTRATION FORMS ARE AVAILABLE FROM THE CRA'S ADMINISTRATIVE ASSISTANT.



AGENDA ITEMS

Westgate/Belvedere Homes CRA Board Meeting

August 10, 2020

REGULAR AGENDA:

1. Approval of Proposed 20-02 WCRA Zoning Overlay Amendments

A. **Background and Summary:** The CRA has been working with Palm Beach County Zoning Department to amend the Westgate CRA Zoning Overlay in the 20-02 Unified Land Development Code (ULDC) Amendment Round. Here is an outline of the proposed articles under consideration.

1. Art. 3.B.14.D. Development Review Procedures – WCRA Recommendation

Restructure the section to simplify ULDC Art. 2 zoning approval processes that require WCRA review and recommendation.

2. Art. 3.B.14.E. WCRAO Sub-Area Use Regulations

Prohibit or restrict certain commercial uses where not compatible with the intent of the Sub-area or the WCRA Community Redevelopment Plan:

3. Art. 3.B.14.F Property Development Regulations – Sub-area PDRs & Sky Exposure Planes

Revise lot dimension PDRs for non-residential and mixed use projects in the NG, NC, UG, and UH Sub-areas; reduce the current 50-foot front setback requirement for CG Zoning Districts; and eliminate Sky Exposure Planes in the Overlay.

4. Art. 3.B.14.H – Density Bonus Programs

Revise Density Bonus Program language to be consistent with the Workforce Housing Program (WHP) and address design, compliance, and enforcement provisions that have been refined and developed as a part of the County's effort to update the functionality of the WHP. The new Program language provides incentives



to use the WCRA's density bonus pool furthering both affordable and workforce unit production, while promoting mixed-income housing and maintaining the County's goal not to concentrate low-income housing in any single community; and Revise WCRA Recommendation criteria to allow for better access to the density bonus pool units from a wider range of development, including projects under 10 units, commensurate with WHP applicability.

5. Art. 4.A.9.C – Use Regulations, Development Thresholds, Density Bonus

To clarify that an amendment to an existing development or a new proposed residential development that seeks additional residential density under the WCRAO density bonus pool is subject to WCRAO approval thresholds and WCRA recommendation.

6. Art. 2.B.7.D.2 & Art. 2.C.5.E.2– Application Processes and Procedures, Public Hearing Processes, Type 2 Waiver & Administrative Processes, Type 1 Waiver

Amend a provision allowing relief from Art. 7 landscaping requirements for Density Bonus Pool projects from being subject to a Type 2 Waiver process requiring BCC approval allowing to a Type 1 Waiver process which may be approved by the DRO administratively.

B. Recommendation: Staff recommends the amendment of the Westgate CRA Zoning Overlay as proposed.

2. Approval of Density Bonus Units, TCEA trips, and Site Plan for Autumn Ridge – 1580 & 1610 N. Congress Avenue

A. Background and Summary: The +/-3.58-acre site is located on the east side of Congress Avenue south of Westgate Avenue. The site consists of 2 contiguous narrow parcels which back onto a drainage lake privately owned by the Lakeside Mobile Home Park. The site has split zoning: the parcel to the north is zoned Residential Multifamily medium density (RM) and has a small single family dwelling; the larger parcel to south is zoned Commercial General (CG) and is vacant. Both parcels have a Commercial High with an underlying residential future land use designation of 8 du/acre (CH/8). The parcel to the south was approved in 2002 for a vocational school/non-profit assembly



use in Res. #R-2002-0835, but the project didn't move forward, and all entitlements have expired. The site is located within the boundaries of the Urban General (UG) Sub-area of the WCRAO. Directly to the north of the site is a 7.5-acre vacant assemblage approved for a 198-unit market rate multifamily development called the Greene Apartments; the project is currently in permitting. To the south is an established commercial office-warehouse development. The site is in the U/S Tier as well as in the Revitalization and Redevelopment Infill Overlay (RRIO), Urban Redevelopment Area Overlay (URAO), and the CCRT area.

Landmark Companies, the contract purchaser (dba Autumn Ridge, LLC), is a Miami-based workforce/affordable housing developer with several successful multifamily projects in South Florida including the recently constructed Dunbar Village in West Palm Beach, as well as Westgate Plaza, an 80-unit seniors affordable housing development built in 2012 on Westgate Avenue. Autumn Ridge is a 106-unit multifamily seniors-only Low Income Tax Credit (LITC) rental development comprised of 1 and 2 bedroom units in a 5-story building, for a total GFA of 108,989 sf, including a small 1,100 sf ground floor ancillary commercial retail space; 54 one-bedroom units and 52 two-bedroom units are proposed. A recreation space, open to the public, is also included as a site amenity. To streamline entitlements, avoid tripping the development and public hearing approvals thresholds, and to achieve the desired density, the applicant is requesting 77 WCRAO density bonus units. These additional units may be approved by the DRO if the increase does not exceed 22 dwelling units per acre; this project is requesting an additional density of 21.6 du/ac.

Summary of Request: The applicant is seeking approval for:

1. A 106-unit multifamily seniors-only Low Income Tax Credit (LIHTC) rental development with an 1,100 sf commercial retail space on a +/- 3.58-acre site;
2. An allocation of 77 units from the unit pool of WCRAO Density Bonus Program;
3. An allocation of 610 trips per day, 38 am peak hour trips and 50 pm peak hour trip from the WCRAO Transportation Concurrency Exception Area (TCEA) trips pool; and
4. Staff further recommends DRO site plan approval.



Income Mix: The Westgate CRA area has a very large concentration of households which are low and very low income. Only 20% of households earn an income that can be classified as moderate or above moderate. Affordable or low-income housing targets an AMI of 50%-80%; very-low is 60% or below of AMI. This LTC project proposes 72 of 106 units to be very-low at 60% of AMI or less; 16 units are proposed to be extremely-low at 0-30%. 12 units are proposed to be low at 60-80% of AMI, with 7 units in the moderate or middle income category. Overall, 90% of the total project units are proposed to be low, very-low or extremely-low, with only 10% of the units above 80% of AMI.

B. Recommendation: CRA Staff recommends **approval** of the following:

1. A 106-unit multifamily seniors-only LTC rental development with an 1,100 sf commercial retail space on a +/- 3.58-acre site. The subject application requests a recommendation of approval from the Westgate CRA Board for the proposed development pursuant to include the following:
2. An allocation of 77 units from the unit pool of WCRAO Density Bonus Program;
3. An allocation of 610 trips per day, 38 am peak hour trips and 50 pm peak hour trip from the WCRAO Transportation Concurrency Exception Area (TCEA) trips pool; and
4. DRO site plan approval.

3. Approval of FY 2020-2021 Budget

- A. Background and Summary:** The CRA Budget includes three parts, the Redevelopment Trust Fund, the Capital Improvement Project, and the Transportation Enhancement grants. The Redevelopment Trust Fund presents in a line-by-line format all the items funded by the tax increment revenues and rental income. This part details the administrative and the programmatic expenses. A new line item was created to add funding for the COVID-19 Small Business Assistance Grant. The preliminary tax roll value shows that the TIF might increase by 9% this year (adding more than \$200,000 to the budget); however, we don't expect to see much of an increase when the final tax is computed at the end of the year. It is very probable that market value of real properties may decrease which will result in a decrease in TIF.



The Capital Improvement Project portion provides funding from the trust fund and grants to complete infrastructure improvement projects and acquire properties for redevelopment. The grants received from CDBG and SWA are included in this portion of the Budget.

The Transportation Enhancement part shows the grants received from the Transportation Planning Agency and the Department of Transportation. These grants are being managed by the Palm Beach County Engineering Department, but they were awarded to the CRA through grant applications submitted by CRA Staff. These funding is provided on a reimbursement basis. This information is being shared with the Board to show the TPA grant activities and timeline. No actual cash will be given to the CRA.

B. Staff Recommendation: Staff recommends the approval of FY 2020 - 2021 Budget.

4. Approval of Ward & Company, P.A., Engagement Letter for FY 2020 Audit Services.

A. Background and Summary: The CRA is seeking the service of Ward & Company to audit the financial records of the CRA for fiscal year 2020. The auditors will be responsible to test the accounting records of the Westgate CRA and perform other procedures considered necessary to prepare a comprehensive report in accordance with the standards for financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. **It is estimated that a single audit will not be needed this year.** Ward and Company has submitted a proposal for the work. The company proposes to complete the audit for an amount not to exceed \$25,000.

B. Recommendation: Staff recommends that the Board authorizes staff to engage Ward and Company, P.A. to provide auditing services for fiscal year ending in September 2020.

WESTGATE/BELVEDERE HOMES CRA BOARD MEETING**Staff Update on In-House Projects****August 10, 2020****COVID-19 Small Business Emergency Relief Forgivable Loan Program**

The Board approved the Program at the June meeting. The program has been advertised on our website as well as Facebook page. Staff is preparing a direct mail out to Westgate businesses.

Background: Small businesses have suffered financial loss and hardship due to the COVID-19 crisis. Small businesses in the CRA district with less than 25 employees can apply for up to \$10,000 in financial assistance in the form of a forgivable loan for eligible expenses associated with rent, payroll support, inventory purchases, utilities, expenses associated with technology upgrades to facilitate remote working, and/or expenses associated with the reconfiguration of interior spaces to accommodate a 6' physical separation. First come, first served basis. \$150,000 from the CRA's budget has been allocated to the program.

2020-01 and 2020-02 ULDC Amendment Round (NEW)

Update: Due to workflow and scheduling challenges caused by COVID-19 spring lockdowns, the WCRAO Amendment is being moved from the first round (2020-01) to the second round (2020-02). Staff is still working with 2GHO. Summary of amendments including timeline for approval and the amendment draft are included in the 8/10/2020 Board agenda packet.

The CRA is seeking to make amendments to its overlay that are focused on the following: restrict or limit certain commercial and industrial uses that do not support the intent of the Sub-area or the Plan such as car wash, landscape service, commercial parking, self-storage and distribution facilities, manufacturing & processing, warehouse, and wholesaling; revise PDR's to reflect smaller lot sizes on Westgate Ave and Okeechobee Blvd allowing more flexibility in development without the need for variances; eliminate sky exposure planes; and revise the Density Bonus Program to be consistent with the County's WHP in design, compliance and enforcement, also revising the criteria for WCRA approval of bonus units to allow better access for smaller residential projects.

Background: Amendments to the County's Unified Land Development Code (ULDC) occur twice annually. The CRA regularly participates in this process to update areas of its WCRA Zoning Overlay to better achieve the goals and objectives of the agency and the amended Community Redevelopment Plan, respond to industry and market trends, simplify processes, and correct technical and language glitches.

Public Assistance Grant (ONGOING)

FEMA has approved nearly \$100,000 to pay for debris removal, and clean up detention ponds as a result of Hurricane Irma. Staff is working with the Florida Department of Emergency Management to implement this project.

Community Garden/Greenmarket (ONGOING)

Update: Construction to install electricity, an irrigation pump and an irrigation system have been installed. Staff is working on securing a contractor for site improvements and installation of a pre-manufactured structure to act as a permanent greenmarket. Once the Plat is approval and recorded and the corner clip conveyed, building permits can be submitted.



Background: Staff engaged Schmidt-Nichols (SN) to prepare a site plan for the community garden and the green market. The CRA initiated new regulations to allow green markets to operate as an accessory to community gardens without having to buffer surrounding residential uses with an opaque wall and 20 ft landscape buffer. The site plan includes an enclosed structure with a bathroom and a walk-in cooler. The community garden/greenmarket received site plan approval in March 2018.

CRA staff proposed amendment language, adopted in the 2018-02 Round, to eliminate the community garden use from landscaping requirements, and modified code language regarding hours of operation and building size and placement for the accessory greenmarket use. Schmidt Nichols submitted an administrative amendment (ZAR) to remove the landscape buffers and ROW utility easement. The ZAR was approved in April 2019. The permits have been approved to operate the community garden. The electrician and plumbing contractors are working with the utility companies. The CRA will begin to work with a contractor/architect to design the greenmarket structure and prepare plans to submit for building permit. Platting is a condition of approval and is underway.

PBC Solid Waste Authority (SWA) Blighted & Distressed Properties Grants

FY 2018 – Oswego Avenue Properties Clean-up (STARTED)

Update: The CRA has paid a contractor to remove evasive trees, vegetation and debris on the sites. An additional time extension of the grant agreement has been provided by the SWA.

Staff worked with Schmidt Nichols on the dog park design. A site and landscape plan, along with cost estimate have been provided. The CRA is also working with County Purchasing to see if the agency can utilize the County's annual contract "piggyback" policy. The remaining lots will be cleared, sodded, and fence commensurate with the original scope.

Background: The CRA was awarded in the amount of \$92,700 to clean-up, clear, sod and fence 6 vacant CRA-owned properties on Oswego Avenue east of Seminole Blvd. previously earmarked for the L-2 Canal Expansion project. The CRA is proposing match funds in the amount of \$34,460. An Interlocal Agreement between the CRA & SWA was approved by the BCC in March 2018. The CRA received a 50% disbursement of total funds in April 2018.

SWA has approved an extension to the grant timeline and a change of scope to develop a dog park on three of the Oswego Avenue parcels targeted for the properties clean-up. The dog park will include areas and equipment for small and large dogs, fencing, landscaping, and benches. By the fall of 2018, the LWDD cleared a majority of the vegetation overgrowth along the L-2 canal leaving a window of opportunity in the budget to create a simple dog park and still maintain the overall budgeted amount.

FY 2017 – Oswego Oaks Park (ONGOING)

Update: The park is now open to the public and maintenance has been taken over by the CRA. Staff will begin working on a small-scale ribbon cutting.

DHES has allowed an agreement extension until the end of January 2020 to allow for grant close out. The park reached final construction completion at the end of August 2019. Final inspections began in September 2019 and punch list items were addressed. The LWDD requires drainage permit as-builts, several sub-permits were required (pavilion roof, site electrical) and remain under review due to delays caused in part by contractor inaction and by an extremely slow County Building review process. Staff is working with the County and with West to expedite, however, due to the impact to workflows from the COVID-19 spring lockdown, close-out was delayed. Final inspections were passed in May 2020. Staff is working with DHES and West to provide required CDBG certified payrolls and documents. All that remains to be done is a formal close out of the grant. Contractor final retainage is held until approval of grant documents is provided by DHES. Anticipate full project close out by end of August, 2020.

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Background: The CRA was awarded in the amount of \$151,000 to design and build a neighborhood park on Oswego Avenue at Seminole Blvd across from the Westgate Recreation Center. The park will utilize 3 vacant CRA owned lots formerly earmarked for the L-2 Canal expansion project. Staff worked with PBC Parks & Recreation to design the project. In 2017, PBC HES originally approved a request for \$114,000 in CDBG funds to match the SWA grant. The SWA forwarded 50% of the grant amount to the CRA to start the project. Following completion of design and engineering drawings, it became clear that the project was underfunded. CRA Staff requested additional funding of \$231,000 in FY 2018 CDBG allocations from HES to cover a budget shortfall for the park project. Construction drawings were finalized and the project was advertised for bid in August 2018. The contract was awarded to the lowest bidder West Construction Inc. The contract has been executed and construction began in November 2018.

PBC Transportation Planning Agency (TPA) Transportation Alternatives (TAP) & Local Initiatives (LI) Grants

FY 2020 Cherry Road Pedestrian & Safety Improvements (NEW)

Update: The Cherry Road project received approval for funding by the TPA Governing Board in July, 2020.

The CRA engaged consultants, WGI to refine the Cherry Rd. improvements project for TPA TAP grant application submittal in the 2020 cycle. CRA Staff and WGI worked with Engineering on improving the proposed typical sections. The project proposes reduced with travel lanes for traffic calming, new sidewalks on the south side of Cherry Rd east and west of the bridge to the intersection of Country Club Rd., a new 12' shared multi-use path on the north side of the corridor, new crosswalks, pedestrian scale lighting, and shade trees where allowed. The total project cost is \$1.96 million. The grant reimburses \$1 million. The application was submitted to the TPA on February 28, 2020.

FY 2019 and Seminole Blvd. Complete Streets (FUNDED/ONGOING)

Update: The Transportation Planning Agency Governing Board approved funding for the Seminole Blvd project at their July 18th meeting. The Seminole project was ranked #1. Staff and WGI presented the projects to FDOT and BTPAC in early April; Seminole was ranked #1 and Cherry Rd was #4. The Board recommended that the Seminole Blvd project should be prioritized since it ranked higher and is a larger project.

Background: The Board approved a two-fold work assignment with WGI in November 2018 to prepare a feasibility analysis to identify the best two projects to submit to the TPA for the 2019 Transportation Alternatives Program (TAP) cycle. Based on findings presented by WGI, the Board selected the following projects:

1. Seminole Blvd Complete Streets which expands existing sidewalks to 10-12 ft. multi-use paths on each side of the roadway, adds high visibility crosswalks at each intersection, adds pedestrian scale lighting, and shade trees. The project boundaries are from Okeechobee Blvd. to Oswego Ave. Total construction cost is \$1,622,979. The grant reimburses \$1 million.
2. Cherry Road Pedestrian Safety Improvements adds new sidewalks on the south side of Cherry Rd and expands existing sidewalks on the north side to 10-12 ft., adds HAWK signalization to intersection at Country Club Rd., and two new crosswalks along the corridor, new pedestrian scale lighting, and shade trees. The project boundaries are from Quail Drive to N. Military Trail. Total construction cost is \$911,142.

TAP grant projects are designed and constructed within 3 years of prioritized funding. Design will begin in 2020 with construction completion in 2022.

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FY18 – Westgate Avenue Corridor Complete Streets (DESIGN STARTED)

Update: Design has begun on the Westgate Avenue project and must be completed by July 2021. Design is moving forward without a roundabout. CRA Staff met with County Roadway Production and the project consulting engineers in February to discuss the design, scope and timeline of the project. The CRA has been asked to provide input on lighting design and landscaping. The consulting engineers have included a roundabout at the intersection of Westgate Ave. and Seminole Blvd. in their design. At their February meeting, the CRA Board, following discussion, expressed their disapproval of a roundabout at this location.

A County Selection Committee met in November 2019 and selected American Consulting Engineers of Florida (ACE) to design the project. CRA staff was in attendance for the presentations and scoring. The County Engineering Department had shortlisted three firms for the project, including CRA consultants WGI, however, volume of previous work was an overriding factor in selection.

Background Information: Staff engaged WGI to coordinate the preparation of travel demand forecast modelling to determine the impact of reducing Westgate Ave from 5 lanes to 3 lanes utilizing a road diet approach. WGI facilitated communication with PBC TPA and Engineering to determine the best design alternative, held a public input meeting, and drafted the final design for the project to be used to obtain funding. WGI met with the Engineering Department to present the lane elimination plan. County staff is in support of the lane reduction from Wabasso to Congress, but they are not in support of the elevated landscape median. An alternative design, which allows for 3 lanes (2 thru lanes and one center turn lane), bike lanes, and floating landscape islands on both sides of the ROW alternating with on street parking was presented to County Engineering for approval and support. With assistance from WGI, the LI grant application was submitted on March 2, 2018. CRA staff is working with County Engineering and Administration to design and administer all 3 of the TPA grant projects.

The TPA Governing Board voted to adopt the TPA List of Priority Projects for the LRTP FY 2020-2024 at their September 20, 2018 meeting. Projects that met TPA and FDOT eligibility requirements were ranked by internal advisory boards, committees and TPA Staff to be forwarded to the Governing Board. The Westgate Avenue Complete Streets project was ranked #1 of 6 entries to receive Local Initiatives Program funding. This project has been moved up the timeline due to the inability of other funded projects to proceed. Design can start in July 2019 for FY 2019/20. Construction funding will be approved after the design is completed.

FY 2018 – Phase II Belvedere Heights Streetlights & Sidewalks (FUNDED/ONGOING)

Update: The BCC is considering an agenda item on June 16 for the design of this second phase. The TPA Governing Board voted to adopt the TPA List of Priority Projects for the LRTP FY 2020-2024 at their September 20, 2018 meeting. Projects that met TPA and FDOT eligibility requirements were ranked by internal advisory boards, committees and TPA Staff to be forwarded to the Governing Board. Phase II of the Belvedere Heights Streetlights and Sidewalks project was ranked #3 of 4. This project has been moved up the timeline due to the inability of other funded projects to proceed. Design can start in July 2019. Construction funding will be approved after the design is completed. The CRA needs to execute an MOU and provide upfront funding to the County for design.

Background Information: CRA staff prepared and submitted a Transportation Alternatives Program (TAP) grant application for Phase II – Wellington Road to Bridgeman Road, of the Belvedere Heights Neighborhood for sidewalks and streetlights to PBC TPA in March 2018.

FY 2017 – Phase I Belvedere Heights Streetlights & Sidewalks (DESIGN NEARLY COMPLETE)

Update: The neighborhood has experienced chronic poor drainage and the water mains have reached the end of their useable life and must be replaced. Mock Roos, the contractor for the sidewalks/streetlights project requested that PBC Water Utilities do the water main work prior to the

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installation of sidewalks and they have agreed; Mock Roos will also do this work. Engenuity Group has been working on a drainage design for the area and a request has been made for Water Utilities in collaboration with Engineering to do this work ahead of sidewalk installation as well. Water main replacement will occur January thru March, 2021 with drainage in March thru July, 2021. Construction on the sidewalks project is set to begin in August 2021.

Engineers are preparing the second part of the design. The Engineering Department has engaged several consultants through a CRA/County MOU to implement the project. Design is almost completed. The County is currently reaching out to the residents.

Background Information: An application was submitted to the TPA Transportation Alternatives Grant to request almost \$1 Million to install sidewalks and streetlights in Belvedere Heights in 2017. The funds will not be available until 2019. The BCC approved Engineering Department sponsorship of the project via resolution in May 2018.

CRA 5-year Strategic Plan (ONGOING)

CRA staff has begun drafting a 5-year strategic plan that will implement the goals and objectives of the newly amended Redevelopment Plan. A strategic plan will outline the specific tasks, timeline and budget required for redevelopment activities over the next 5 years. It can also serve as a platform for the CRA to refine its vision and mission statement in a way that is current with its shifting priorities. Staff has received some initial input from Board members. Work on the Strategic Plan is ongoing.

Streetlights for Belvedere Homes (ONGOING)

The Engineering Department is partnering with Office and Community Revitalization to install streetlight in Belvedere Homes. An initial meeting has been held. Citizens are currently gathering signatures and easement authorization from residents and property owners.

Proposed Private Redevelopment Projects

Below is list of private development projects in the Westgate CRA that are in the entitlements or permitting process:

Projects	Address	Status
Westgate Ave fine art storage	4200 Westgate Ave	Pre-app phase – proposing a 4-story, 50,000 sf fine art and antique storage facility
Autumn Ridge LITC mixed use	Congress Ave	106 units by Landmark Construction, 90% of units at or below 60% of AMI
Soapy Shark Car Wash (potential project --formerly KFC/Jack's Restaurant)	2200 Okeechobee Blvd.	DRO Approval & 4 variances required. Submitted to Zoning
Cottage home project	2611 Saranac	1-acre site newly subdivided into 14 25 ft lots for cottage homes
New Country Motor Cars – Mercedes-Ferrari	4000 Okeechobee	DOA/Concurrent Type II variance requests – redistributing square footage, expanding/renovating maintenance area, roof top inventory parking
Health Career Institute	1764 Congress Ave	In Zoning review for a DOA to a MUPD. Adding 680 students. Redistributing square footage. Increasing daily trips by 500 (CRA may not have TCEA trips remaining in pool)
Quick Lane (Ford/Lincoln Dealership)	1668 N. Military Trail	Not yet submitted. Requires rezoning to CG and BCC approval for a Class A conditional use
Congress Avenue - Greene Apartments	1600 N. Congress Ave	In Zoning for DRO approval. 198 units – 138 density bonus units from WCRA pool; 55 income restricted. Issues with compensating storm water storage – SFWMD permit received at end of July utilizing available acre feet from the Preserve
Fern House	Church Street	In Zoning for DRO approval
MacDonald Industrial/McArthur Dairy	N. Florida Mango	Type 2 waiver for extended hours of operation. BCC approved January. Construction to begin mid 2019
Extraordinary Charities	2635 Old Okeechobee Rd	Nonconformities certification. Interior/exterior renovations complete
Mi Pais Express (Fernandez) Mixed Use	2633 Westgate Ave	Platting process has begun. Permit submitted. Architectural review for mixed use required. CRA has prepared easement agreement. Architectural review underway. Now in permitting
Dos Hermanos Mixed Use	Westgate & Seminole Blvd	Rezoning & variances approved. DRO site plan approval. New architect
Speedy's Tires Auto Repair expansion	Congress Ave. & Cherry Rd.	Approved at Dec BCC/Final DRO. Admin amendment. Zoning complete. Platting & contractor selection
Westgate One	Westgate at Nokomis	Approved/ Extension. Potential residential project

**WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY
1280 N. CONGRESS AVE., SUITE 215, WEST PALM BEACH, FL. 33409
MINUTES OF THE MONTHLY MEETING**

July 13, 2020

I. CALL TO ORDER (MEETING HELD VIRTUALLY ON ZOOM PLATFORM)

Mr. Daniels, the Board Chair, called the meeting to order at 5:10 p.m. The roll was called by Ms. Bui.

Present: Ronald Daniels
Joanne Rufty
Joseph Kirby
Yeraldi Benitez
Ruth Haggerty – Logged on at 5:11 p.m.

Absent: Enol Gilles
Ralph Lewis

Staff Present: Elizée Michel, Executive Director
Denise Pennell, Senior Planner
Carmen Geraine, Bookkeeper
Mai Bui, Administrative Assistant
Thomas J. Baird, Esq., General Counsel

II. AGENDA APPROVAL

1. Additions, Deletions, Substitutions to Agenda

- No Additions, Deletions, Substitutions to Agenda

2. Adoption of Agenda

- It was moved by Ms. Rufty and seconded by Ms. Haggerty to adopt the Agenda.
Motion carried (4-0)

III. ADOPTION OF W/BH CRA MINUTES

Ms. Haggerty had corrections for June 08, 2020 minutes:

- Note that meeting was via zoom.
- The nomination for Mr. Daniel for Chair. Ms. Haggerty made the motion and seconded by Ms. Rufty.

- **It was moved by Ms. Haggerty and seconded by Ms. Rufty to adopt the minutes of the June 08, 2020 meeting as amended. Motion carried (5-0)**

IV. PUBLIC COMMENT

- No public comment

V. DISCLOSURES

- No disclosures

VI. CONSENT AGENDA

- No consent agenda

VII. REGULAR AGENDA

1. Approval of Density Bonus Units and TCEA trips for Autumn Ridge – 1580 &1610 N. Congress Avenue

The agenda was introduced by Mr. Michel.

Josh Nichols with Schmidt Nichols, Francisco Rojo and Justin Gilbert with Landmark Company presented the project to the Board:

Josh Nichols explained that the +/-3.58-acre site is located on the east side of Congress Avenue south of Westgate Avenue and south of the Jeff Green project. He discussed the Zoning and the Land Use of the surrounding parcels. The site has split zoning: the parcel to the north is zoned Residential Multifamily medium density (RM) and has a small single family dwelling; the larger parcel to south is zoned Commercial General (CG) and is vacant. Both parcels have a Commercial High with an underlying residential future land use designation of 8 du/acre (CH/8). Furthermore, he discussed the site plan which shows the placement of the a 5-story building for the 106 residential units and 1,100 s.f. of retail. The site plan also showed location of amenities, recreation area, 174 parking spaces, and public open space. A proposed elevation was also discussed.

The applicant requested first, 77 bonus density units from the WCRA Bonus Density Pool. The project meets the criteria for Bonus Density Units by providing 61% of Building Frontage (60% is required); 40% of bonus units (31 units) will be set aside for low to medium income residents; 10% of total site area will be set aside for open space (5% required); and the project also meets the preferred uses. The project meets four of the six criteria, but only three are required for this sub-area.

The applicants second request is the traffic concurrency exception. The development is located within Westgate Transportation Concurrency Exception Area and sought reliefs for an ADT of 610 trips, AM peak total of 38 trips and a PM peak total of 50 trips.

Josh summarized his presentation as follows. The site area is 3.58 acres. Total number of dwelling units is 106. A request of 77 units from the WCRA Bonus Density is being sought. 29 units will come from the standard CH/8 density. The total gross floor area is 108,989 s.f. The applicant is proposing more parking spaces than is required, 174 instead of 164.

The applicant also pointed out that the housing units are not being developed exclusively for seniors. The developer wants to keep the development open at this time to accommodate seniors or family residents.

Francisco Rojo, from Landmark Companies, reminded the Board that they had developed Westgate Plaza in the CRA a few years ago and have completed another development in Palm Beach County in the City of West Palm Beach. He presented the projects as successful prototypes for the development proposed for Congress Avenue. He reiterated that they are not able to commit to an exclusive elderly housing development at this time.

Mr. Michel informed the Board that staff had reviewed the application with the impression that it was going to be an elderly housing development and that the staff recommendation was based on that fact. He added that a family housing development has different issues that were not taken into accounts when the recommendation for approval was made. A family development will increase the concentration of low income families in the area which is discouraged by both the Comprehensive Plan and the CRA Redevelopment Plan. Mr. Michel suggested that a senior housing development may have less impact on the concentration. Since the application was not reviewed as a family development, Mr. Michel told the Board that staff will need more time to review the project before they can make a recommendation to the Board.

After a discussion of the issues by Board members, Mr. Baird, the CRA legal counsel suggested that the item could be continued and brought back next month if the Board wanted to give staff more time to review the project.

It was moved by Ms. Haggerty and seconded by Ms. Rufty to continue the item and bring it back to the next meeting. The motion passed unanimously (5-0)

2. Approval of Funding for the Design of Westgate Avenue Streetscape Project

The agenda was presented by Mr. Michel. In April, the CRA Board approved a Memorandum of Understanding to allow the County to administer the CRA's Transportation Agency Grant for Westgate Avenue. To implement the grant, the County's Engineering Department has asked advance funding for the design and the administration of the Project.

The project will cover Westgate Avenue from Wabasso Drive to Congress Avenue. It will reduce travel lanes, add on-street parking, install streetlights, reconfigure sidewalks, move curb and gutters and install street trees and landscaping. American Consulting Engineers is the prime consultant. Brown & Phillips, Inc. will provide surveying services. Constructive Engineering Inc. will provide signing/pavement marking. Insite Studio will provide landscape architecture Services. Smith Engineering Consultants, Inc. will provide lighting design services. The cost for the prime consultant and the subs is \$540,549.01. It also includes post design fees. The Engineering Department is asking a total amount of \$945,948.80 to cover the consultant fees, administration and contingencies.

Staff recommended that the Board authorizes a funding of \$945,948.80 to Engineering Department for the design of the Westgate Avenue Streetscape Project.

It was moved by Ms. Haggerty and seconded by Ms. Benitez to approve funding to Engineering Department for the design. The motion passed unanimously (5-0)

3. Draft Budget for FY 2020-2021

The agenda item was presented by Mr. Michel. The CRA Budget includes three parts, the Redevelopment Trust Fund, the Capital Improvement Project, and the Transportation Enhancement grants. The Redevelopment Trust Fund presents in a line-by-line format all the items funded by the tax increment revenues and rental income. This part details the administrative and the programmatic expenses. A new line item was created to add funding for the COVID-19 Small Business Assistance Grant. The preliminary tax roll value shows that the TIF might increase by 9% this year (adding more than \$200,000 to the budget); however, we don't expect to see much of an increase when the final tax is computed at the end of the year. It is very probable that market value of real properties may decrease which will result in a decrease in TIF.

The Capital Improvement Project portion provides funding from the trust fund and grants to complete infrastructure improvement projects and acquire properties for redevelopment. The grants received from CDBG and SWA are included in this portion of the Budget. The Transportation Enhancement part shows the grants received from the Transportation Planning Agency and the Department of Transportation. These funding is provided on a reimbursement basis. This information is being shared with the Board to show the TPA grant activities and timeline. No actual cash will be given to the CRA.

This is the first reading of the budget. Staff is only seeking input. A final budget will be presented at next month meeting. It will include considerations and input from the July meeting.

- No Motions Needed

VIII. STAFF REPORTS

Mr. Michel reported to the Board the Oswego Parks is completed. The final walk through will go through this week to turn over the keys to the CRA.

Mr. Michel reported to the Board that Engenuity is working on completing the design for the Belvedere Heights drainage project.

Ms. Pennell reported to the Board that the Cherry Road is going to the TPA Governing Board for approval to be placed on their priority list.

Ms. Pennell reported to the Board that Staff and 2GHO are working on another round of amendments of the WCRA Zoning Overlay.

IX. AJOURNMENT

It was moved by Ms. Rufty and seconded by Ms. Benitez to adjourn the meeting. The meeting adjourned at 6:31p.m.

Mai Bui Administrative Assistant, Westgate CRA



20-02 Round of ULDC Amendments

Amendment Timeline

BCC Initiation & draft due to Zoning	May 28, 2020
Zoning & Agencies Round Tables	June 18 & 19, 2020
Land Development Regulations Advisory Board (LDRB) Meeting	August 26, 2020
BCC Request for Permission to Advertise	November 23, 2020
BCC 1 st Reading	December 22, 2020
BCC 2nd Reading & Adoption	January 28, 2021

*The CRA prepared this amendment draft for inclusion in the 20-01 Round of ULDC Amendments, however, the amendment schedule was impacted by the March/April County-wide lockdown, and the CRA's amendment was moved to the 20-02 round.

Summary of Proposed WCRAO Amendments

1. **Art. 3.B.14.D. Development Review Procedures – WCRA Recommendation**

Restructure the section to simplify ULDC Art. 2 zoning approval processes that require WCRA review and recommendation. Clarify that WCRA recommendation is required when a development order is abandoned to ensure trips allocated from the WCRA TCEA for the project are returned to the pool, as well as specifying the types of variances and waivers requiring recommendation. Further to clarify that certain Art. 2 administrative approval processes, specifically full DRO, abandonments, and Zoning Agency Reviews for new uses and square footage modifications require WCRA administrative review and recommendation.

2. **Art. 3.B.14.E. WCRAO Sub-area Use Regulations**

Prohibit or restrict certain commercial uses where not compatible with the intent of the Sub-area or the WCRA Community Redevelopment Plan:

- limit Car Wash in the UG Sub-area to those lots fronting Okeechobee Boulevard;
- prohibit Convenience Store in the UG Sub-area where currently several retail gas stations and standalone convenience stores already exist;
- allow Electric Vehicle Charging Stations to operate as an accessory use only in the NRM, NG, UG and UH Sub-areas and allow as a principal use in the UI Sub-area subject to standards of zoning district;
- allow Employment Agencies in the UH and UI Sub-areas subject to Code;
- prohibit Retail Gas and Fuel Sales in the UG Sub-area;
- prohibit Landscape Service in all Sub-areas except the UI Sub-area;



- prohibit Commercial Parking on a surface lot in all Sub-areas, but allow structured Commercial parking in the NC, UG, UH, and UI Sub-areas subject to Class A Conditional Use approval (note, this provision does not impact ULDC commercial parking requirements); and,
- update Self-Service Storage to reflect Code changes separating the use into Limited and Multi-Access, and prohibit Multi-Access Storage in all Sub-areas except the UI Sub-area.

Prohibit or restrict certain industrial uses where not compatible with the intent of the Sub-area or the WCRA Community Redevelopment Plan:

- update Contractor Storage Yard to revert to standard code in the UG Sub-area; and,
- consistent with the objectives of the WCRA Community Redevelopment Plan to monitor Comp Plan policy to ensure appropriate implementation in the redevelopment area, prohibit or restrict certain light industrial uses now allowed to operate in CG Zoning Districts with a CH FLU including Distribution Facility, Manufacturing and Processing, Warehouse, and Wholesaling are proposed to be prohibited in the NRM, NG, NC, and UG Sub-areas, allowed by Class A Conditional Use approval in the UH Sub-area, and by DRO approval in the UI Sub-area.

3. Art. 3.B.14.F Property Development Regulations – Sub-area PDRs & Sky Exposure Planes

- revise lot dimension PDRs for non-residential and mixed use projects in the NG, NC, UG, and UH Sub-areas to address smaller lot sizes that are unable to meet current CG Zoning District PDRs for lot size, width, and depth;
- reduce the current 50-foot front setback requirement for CG Zoning Districts to address smaller lot sizes in the NC and UH, non-conforming lots in the UH, and historical building placement primarily along Okeechobee Boulevard; and,
- eliminate Sky Exposure Planes and default to Sub-area height standards contained in Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs and Table 3.B.14.F, WCRAO Residential PDRs as applicable.

4. Art. 3.B.14.H – Density Bonus Programs

- revise Density Bonus Program language to be consistent with the Workforce Housing Program (WHP) and address design, compliance, and enforcement provisions that have been refined and developed as a part of the County's effort to update the functionality of the WHP. Revisions to the provisions of the Program will create a housing program for the WCRA which can be monitored consistent with the WHP. The new Program language provides incentives to use the WCRA's density bonus pool furthering both affordable and workforce unit production, while promoting mixed-income housing and maintaining the County's goal not to concentrate low-income housing in any single community;
- Revise WCRA Recommendation criteria to allow for better access to the density bonus pool units from a wider range of development, including projects under 10 units, commensurate with WHP applicability. Current criteria, heavily focused on achieving form and architecture, is too restrictive for smaller residential projects. Also to reiterate that a recommendation of



approval is provided pursuant to the Plan FLUE WCRAO sub-objective and policies. Recommendation of approval from the WCRA must also be consistent with the intent of the Program; created to facilitate redevelopment of the area commensurate with the housing objectives of the WCRA Community Redevelopment Plan which focuses on preserving existing affordable housing and achieving new mixed income housing stock for the workforce.

5. Art. 4.A.9.C – Use Regulations, Development Thresholds, Density Bonus

- To clarify that an amendment to an existing development or a new proposed residential development that seeks additional residential density under the WCRAO density bonus pool is subject to WCRAO approval thresholds and WCRA recommendation.

6. Art. 2.B.7.D.2 & Art. 2.C.5.E.2– Application Processes and Procedures, Public Hearing Processes, Type 2 Waiver & Administrative Processes, Type 1 Waiver

- Amend a provision allowing relief from Art. 7 landscaping requirements for Density Bonus Pool projects from being subject to a Type 2 Waiver process requiring BCC approval allowing to a Type 1 Waiver process which may be approved by the DRO administratively. A Type 2 Waiver process is unduly burdensome for projects with additional density from the WCRAO Density Bonus Program of 4.01 to 22 units per acre which can be approved by the DRO.



Figure 3.B.14.C – Map of WCRAO Boundaries and Sub-areas

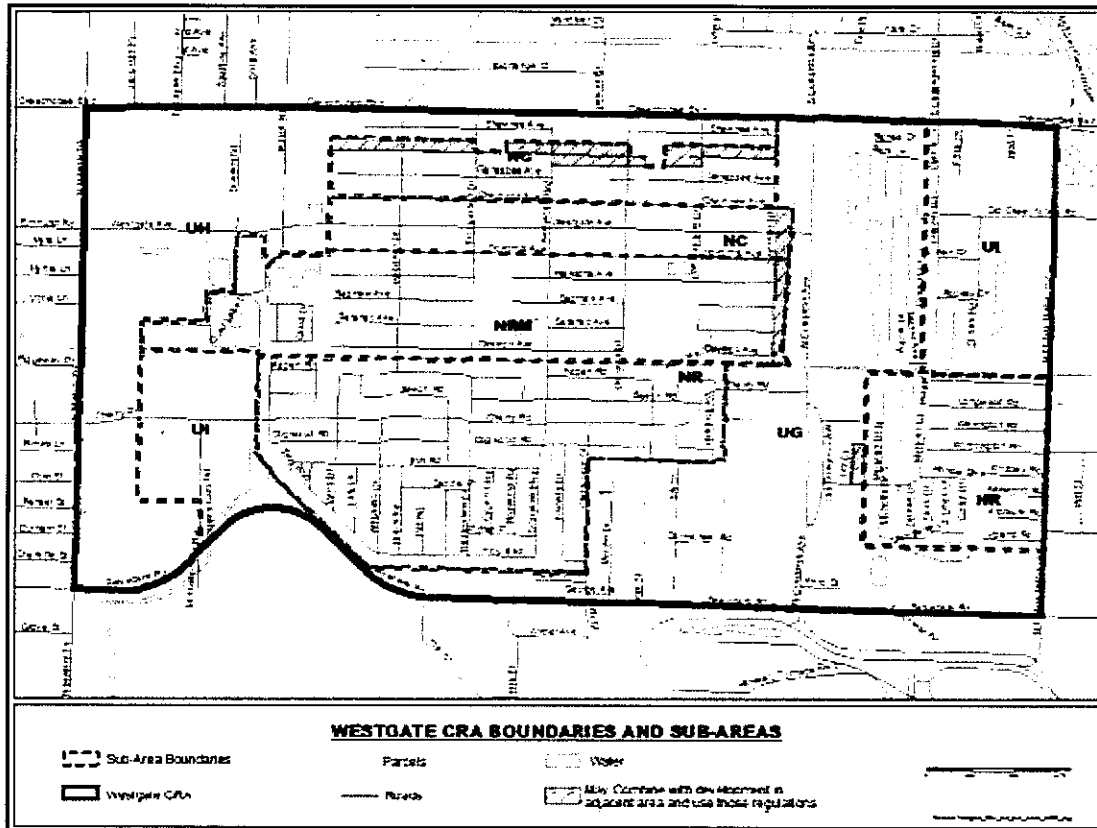


EXHIBIT X

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS WCRAO DEVELOPMENT REVIEW PROCEDURES, USE REGULATIONS, PROPERTY DEVELOPMENT REGULATIONS, SUPPLEMENTARY STANDARDS, AND DENSITY BONUS PROGRAMS ARTICLE 4 – USE REGULATIONS

CR-2020-0013, 14 and 30
(Updated 08/06/20)

Part 1. ULDC Art. 3.B.14.D.1, Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Overlay, Development Review Procedures, WCRA Recommendation (page 44 of 213, Supplement 27), is hereby amended as follows:

Reason for amendments: [Westgate CRA]	
1.	Restructure to simplify purpose and intent for Art. 2 zoning approval processes that require WCRA review and recommendation. Clarifying WCRA recommendation is required when a development order is abandoned to ensure trips allocated from the WCRA TCEA for the project are returned to the pool, as well as specifying the types of variances and waivers requiring recommendation. Further clarifying that certain Art. 2 administrative approval processes, specifically full DRO, abandonments, and Zoning Agency Reviews for new uses and square footage modifications require WCRA administrative review and recommendation.

CHAPTER B OVERLAYS

Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

D. Development Review Procedures

1. WCRA Recommendation

Applicants must obtain and provide evidence of recommendation from the WCRA prior to with the submittal of any applications pursuant to the following:

a. Types of Applications

1) Non-conforming lots,

~~The development of Single Family or duplex residential structures on a non-conforming lot.~~

2) Public Hearing Processes

~~or a Applications outlined under Art. 2, Application Processes and Procedures Art. 2.B, Pubic Hearing Processes Application Processes and Procedures, for the following: Official Zoning Map Amendments, Conditional Uses, Development Order Amendments, Abandonments, Plan Amendments, Density Bonuses, Type 2 Variances and Type 2 Waivers.~~

3) DRO approval

~~and projects requiring Applications outlined under Art. 2.C, Administrative Processes, for the following: Full DRO Approval, Abandonments, Type I Variances and Waivers, and Zoning Agency Review (ZAR) limited to a new use and modifications to the square footage of an approved use.~~

~~An application for a WCRA recommendation must be made in accordance with the following:~~

~~[Ord. 2006-004] [Ord. 2007-013] [Ord. 2018-002]~~

ab. Application Requirements

The form and application requirements for a WCRA recommendation shall be submitted as specified by the WCRA; however, in no case shall supporting documents required by

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CR-2020-0013, 14 and 30
(Updated 08/06/20)

1 the WCRA exceed the requirements of the Development Review Procedures listed above.
2 [Ord. 2006-004]
3 [Renumber Accordingly]

Part 2. ULDC Art. 3.B.14.E.2, Overlays and Zoning Districts, Overlays, WCRAO, Westgate
Community Redevelopment Overlay, Use Regulations, Sub-area Use Regulations, Use
Regulations (page 46 of 213, Supplement 27), is hereby amended as follows:

Reason for amendments: [Westgate CRA]	
1.	Prohibit or restrict certain commercial uses where not compatible with the intent of the Sub-area or the WCRA Community Redevelopment Plan: limit Car Wash in the UG Sub-area to those lots fronting Okeechobee Boulevard; prohibit Convenience Store in the UG Sub-area where currently several retail gas stations and standalone convenience stores already exist; allow Electric Vehicle Charging Stations to operate as an accessory use only in the NRM, NG, UG and UH Sub-areas and allow as a principal use in the UI Sub-area subject to standards of zoning district; allow Employment Agencies in the UH and UI Sub-areas subject to Code; prohibit Retail Gas and Fuel Sales in the UG Sub-area; prohibit Landscape Service in all Sub-areas except the UI Sub-area; and, prohibit surface Commercial Parking in all Sub-areas, but allow structured parking in the NC, UG, UH, and UI Sub-areas subject to Class A Conditional Use approval. Update Self-Service Storage to reflect Code changes separating the use into Limited and Multi-Access, and prohibit Multi-Access Storage in all Sub-areas except the UI Sub-area.
2.	Prohibit or restrict certain industrial uses where not compatible with the intent of the Sub-area or the WCRA Community Redevelopment Plan: update Contractor Storage Yard to revert to standard code in the UG Sub-area; and, consistent with the objectives of the WCRA Community Redevelopment Plan to monitor Comp Plan policy to ensure appropriate implementation in the redevelopment area, to prohibit or restrict certain light industrial uses now allowed to operate in CG Zoning Districts with a CH FLU: Distribution Facility, Manufacturing and Processing, Warehouse, and Wholesaling are prohibited in the NRM, NG, NC, and UG Sub-areas, allowed by Class A Conditional Use approval in the UH Sub-area, and by DRO approval in the UI Sub-area.

CHAPTER B OVERLAYS

....

Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

....

E. Use Regulations

....

2. Sub-area Use Regulations

a. Use Regulations

In addition to the requirements of Art. 4.B, Use Classification, the following uses shall be prohibited or permitted in the WCRAO Sub-areas: [Ord. 2006-004]

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CR-2020-0013, 14 and 30
(Updated 08/06/20)

Table 3.B.14.E – WCRAO Sub-area Use Regulations

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	Supplementary Use Standards # (2)
Residential Uses								
Single Family	P	P	X	X	X	X	X	4.B.1.C.5
Cottage Home – Single Unit on a Single Lot	X	P	X	X	X	X	X	4.B.1.C.2
Cottage Home – Multiple Units on a Single Lot or Site	X	P	P	X	X	X	X	4.B.1.C.2
Zero Lot Line (ZLL)	X	X	X	X	X	X	X	4.B.1.C.7
Multifamily (MF)	X	P (5)	P (5)	P (5)	P (5)	P (5)	X	4.B.1.C.4
Townhouse	X	P (5)	P (5)	P (5)	P (5)	P (5)	X	4.B.1.C.6
Commercial Uses								
Adult Entertainment (3)	X	X	X	X	X	X	X	4.B.2.C.1
Car Wash	X	X	X	X	- (7)	-	-	4.B.2.C.4
Convenience Store	X	X	X	X	- X	-	-	4.B.2.C.7
Electric Vehicle Charging Station Facility	X	X - (8)	X - (8)	X - (8)	X - (8)	X - (8)	X -	4.B.2.C.10
Employment Agencies (6)	X	X	X	X	X	X -	X -	4.B.2.C.26
Gas and Fuel Sales, Retail	X	X	X	X	- X	-	-	4.B.2.C.16
Landscape Service	X	X	X	X	X	X	-	4.B.2.C.21
Parking, Commercial (9)	X	X	X	X	X	X	X	4.B.2.C.27
Repair and Maintenance, Heavy	X	X	X	X	-	-	-	4.B.2.C.30
Repair and Maintenance, Light	X	X	X	X	-	-	-	4.B.2.C.31
Self-Service Storage, Limited Access	X	X	X	X	-	-	-	4.B.2.C.37
Self-Service Storage, Multi-Access	X	X	X	X	X	X	-	4.B.2.C.37
Vehicle Sales and Rental, Light	X	X	X	X	-	-	-	4.B.2.C.41
Vehicle or Equipment Sales and Rental, Heavy	X	X	X	X	-	-	-	4.B.2.C.40
Work/Live Space	X	P (4)	P (4)	P (4)	P (4)	P (4)	P (4) X	4.B.2.C.44
Industrial Uses								
Office Warehouse	X	X	X	X	A (1)	A (1)	-	4.B.5.C.17
Contractor Storage Yard	-	-	-	-	A -	-	A	4.B.5.C.1
Distribution Facility	X	X	X	X	X	A	D	4.B.5.C.3
Manufacturing and Processing	X	X	X	X	X	A	D	4.B.5.C.8
Warehouse	X	X	X	X	X	A	D	4.B.5.C.17
Wholesaling	X	X	X	X	X	A	D	4.B.5.C.18
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-007] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-001]								
Notes:								
1.	Limited to lots with a CH FLU designation and corresponding zoning district. [Ord. 2006-004] [Ord. 2018-002]							
2.	A number in the Supplementary Use Standards # column refers to Art. 4.B, Use Classification, which are applicable to the use. [Ord. 2006-004] [Ord. 2020-001]							
3.	Adult Entertainment shall also be prohibited as an accessory use to other principal uses within the Sub-areas. [Ord. 2007-013]							
4.	Limited to lots with a CH or CL FLU designation and corresponding zoning district. Work/Live Space shall be Permitted by Right in all Sub-areas except the NR and UI. [Ord. 2007-013] [Ord. 2020-001]							
5.	Multifamily and Townhouse units may be Permitted by Right in non-residential districts where mixed use is permitted in accordance with Table 3.B.14.E, WCRAO Mixed Use. [Ord. 2017-002] [Ord. 2020-001]							
6.	Employment Agencies as contained in Art. 4, Use Regulations under Office, Business or Professional. [Ord. 2017-007]							
7.	Limited to lots which front Okeechobee Boulevard and consistent with Article 11.E.2.A.4.b.							

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CR-2020-0013, 14 and 30

(Updated 08/06/20)

8.	Permitted in the NRM, NG, NC, UG and UH Sub-areas as an accessory use.
9.	Commercial Parking use on surface lots is prohibited in all Sub-areas. Commercial Parking use in structured parking garages is permitted in the NC, UG, UH, and UI Sub-areas subject to Class A Conditional Use approval.
Key:	
X	Prohibited in Sub-area
-	Subject to Use Regulations of zoning district
P	Permitted by Right in Sub-area [Ord. 2007-013] [Ord. 2009-040] [Ord. 2020-001]
D	Permitted by DRO approval
A	Class A Conditional Use [Ord. 2017-007]

Part 3. ULDC Art. 3.B.14.F.1, Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Overlay, Property Development Regulations (PDRs), Sub-area PDRs and Sky Exposure Planes (page 48 and 51 of 213, Supplement 27), are hereby amended as follows:

Reason for amendments: [Westgate CRA]	
1.	Revise lot dimension PDRs for non-residential and mixed use projects in the NG, NC, UG, and UH Sub-areas to address smaller lot sizes that are unable to meet current CG Zoning District PDRs for lot size, width, and depth.
2.	Reduce the current 50-foot front setback requirement for CG Zoning Districts to address smaller lot sizes in the NC and UH, non-conforming lots in the UH, and historical building placement primarily along Okeechobee Boulevard.
3.	Eliminate Sky Exposure Planes and default to sub-area height standards contained in Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs and Table 3.B.14.F, WCRAO Residential PDRs as applicable.

CHAPTER B OVERLAYS

Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

F. Property Development Regulations (PDRs)

1. Sub-area PDRs

Table 3.B.14.F – WCRAO Non-Residential and Mixed Use Sub-area PDRs

Sub-areas	NR (1)	NRM	NG	NC	UG	UH	UI
Lot Dimensions (2)							
Min. Frontage/Lot Width	-	-	75' (4)	75' (4)	100'	100' (5)	-
Min. Lot Depth	-	-	-100'	-100'	-100'	-100'	-
Max. Building Coverage	N/A	40%	40%	40% (23)	40% (23)	40% (23)	45% (23)
Build-to-Line/Setbacks							
Front or Side Street Build-to-Line (3)(8)(10)	N/A	Build-to-Line - 15'	Build-to-Line - 15'	Build-to-Line - 10'	Build-to-Line - C/MU:	Build-to-Line - 10-25'	Build-to-Line - C/IND:

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CR-2020-0013, 14 and 30
(Updated 08/06/20)

					10-25'		10-25'
Min. Side	N/A	10' (46)	10' (46)	10' (46)	15'	15'	15'
Min. Rear		25'	25'	25'	25'	25'	25'
Min. Building Frontage							
Min. Frontage (810)	-	60%	60%	80%	60%	-	C/IND: 60%
Optional Plazas and Squares							
Build-to-Line Exception	N/A	Max. 50% of building frontage, min. width of 20', and max. depth of 25'				-	-
Max. Stories/Height (68)							
Max. Stories	N/A	3	4	6	20	10	15
Max. Height (68)	N/A	36'	48'	72'	240'	120'	180'
Other							
Max. Building Length (57)(79)	N/A	300'	300'	300'	300'	-	-
[Ord. 2006-004] [Ord. 2010-022] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001]							
C	For commercial uses.						
MU	For mixed uses.						
Notes:							
1.	PDRs for Single Family dwellings in the NR Sub-area shall be in accordance with Table 3.B.14.F, WCRAO Residential Sub-area PDRs. [Ord. 2020-001]						
2.	Minimum lot size per Table 3.D.1.A, Property Development Regulations shall not apply.						
23.	Building coverage may be increased to 60 percent if all parking is provided curbside or in a parking structure. [Ord. 2006-004] [Ord. 2020-001]						
3.	Additional setbacks may apply per Art. 3.B.14.F.3, Sky Exposure Planes. [Ord. 2006-004]						
4.	May be reduced to 50 feet if rear or cross access is provided. If no rear access is provided, evidence of reciprocal agreement to allow vehicular cross access between two properties must be obtained prior to final DRO approval or issuance of a building permit.						
5.	May be reduced to 75 feet for lots fronting Okeechobee Boulevard with vehicular access limited only to the rear or via cross access from the adjacent property.						
46.	Side setbacks may be reduced to zero in accordance with Art. 3.B.14.F.1.a, NRM, NG, and NC Side Setback Reduction. [Ord. 2006-004]						
57.	Mid-block separation a minimum of 20 feet in width is required at the first floor level for building length in exceeding 200 feet, and must be 50 feet or more from either end of the building. [Ord. 2006-004]						
68.	Minor increases in maximum height may be permitted subject to all of the standards of Art. 5.C.1.E.4.a-c and as exempted by Art. 3.D.1.E.4, Height Exceptions, and as defined by Art. 1, General Provisions. [Ord. 2010-022]						
79.	Buildings shall be articulated so that the longest side faces the front build-to-line. Where a parcel is located at the intersection of two or more streets, at least one building shall be placed at a corner in accordance with Art. 3.B.14.F.2.b.2), R-O-W/Easement Exception, and comply with the build-to-line for both streets. [Ord. 2015-031]						
810.	Minimum frontage shall only apply to the front build-to-line, and may be reduced in accordance with Art. 3.B.14.F.2.b.1)(a), Minimum Building Frontage Exception. [Ord. 2015-031] [Ord. 2017-025]						

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3. Sky Exposure Planes

In the NC, UG, and UI Sub-areas, the maximum height of a structure at the build-to-line shall be in accordance with Table 3.B.14.F, Sky Exposure Plane, and Figure 3.B.14.F, Sky Exposure Plane. [Ord. 2006-004] [Ord. 2008-003]

Table 3.B.14.F—Sky Exposure Plane

Sub-area		NC	UG and UH	UI
s—Initial Setback Distance	Narrow Street	20'	20'	20'
	Wide Street	15'	15'	15'
h—Max. Height of Sky Exposure Plane at Build-to Setback Line		48' or 4 stories, whichever is less	60' or 5 stories, whichever is less	72' or 6 stories, whichever is less
On Narrow Street	v—Vertical Distance 1	4	2.7	3.7
	a—Horizontal Distance 2	4	4	4
On Wide Street	v—Vertical Distance 1	4	5.6	7.6
	a—Horizontal Distance 2	4	4	4
[Ord. 2006-004]				
Notes:				
1.	Slope is expressed as a ratio of vertical distance to horizontal distance. [Ord. 2006-004]			
2.	A narrow street has a R-O-W of 60 feet or less, and a wide street has a R-O-W of 60 feet or greater. [Ord. 2006-004]			

Figure 3.B.14.F—Sky Exposure Plane

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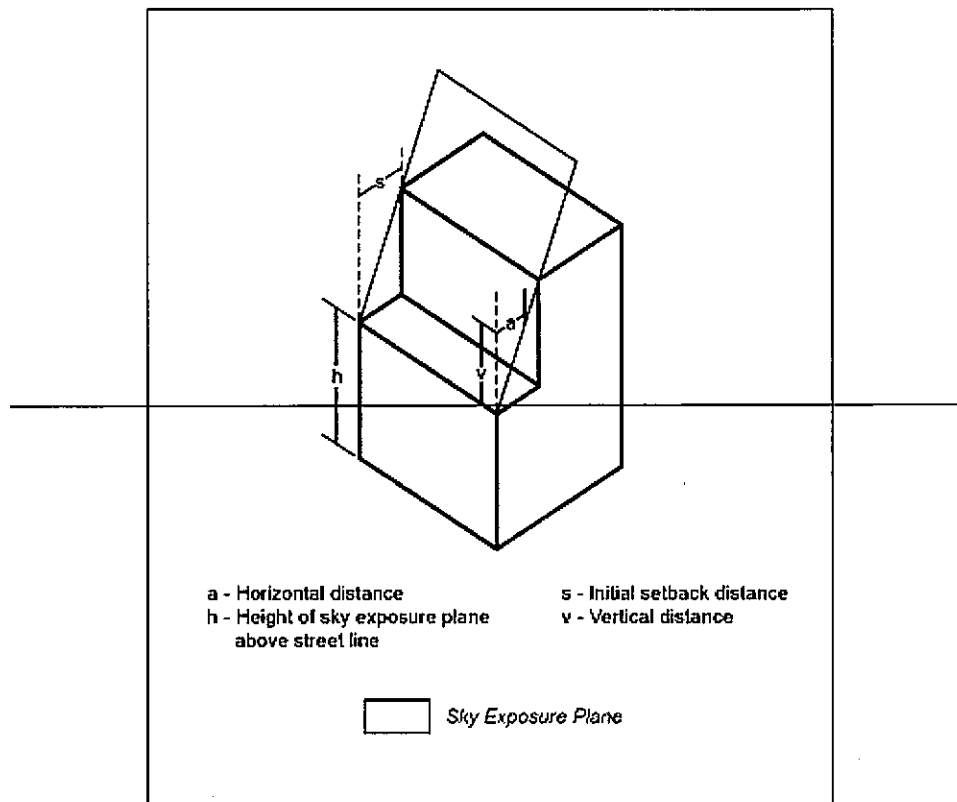
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[Ord. 2006-004]

Part 4. ULDC Art. 3.B.14.H, Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Overlay, Density Bonus Programs (page 55-57 of 213, Supplement 27), is hereby amended as follows:

Reason for amendments: [Westgate CRA]	
1.	Revise Density Bonus Program language to be consistent with the Workforce Housing Program (WHP) and address design, compliance, and enforcement provisions that have been refined and developed as a part of the County's effort to update the functionality of the WHP. Revisions to the provisions of the Program will create a housing program for the WCRA which can be monitored consistent with the WHP. The new Program language provides incentives to use the WCRA's density bonus pool furthering both affordable and workforce unit production, while promoting mixed-income housing and maintaining the County's goal not to concentrate low-income housing in any single community.

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Reason for amendments: [Westgate CRA]	
2.	Revise WCRA Recommendation criteria to allow for better access to the density bonus pool units from a wider range of development, including projects under 10 units, commensurate with WHP applicability. Current criteria, heavily focused on achieving form and architecture, is too restrictive for smaller residential projects. Reiterate that a recommendation of approval is provided pursuant to the Plan FLUE WCRAO sub-objective and policies. Recommendation of approval from the WCRA must also be consistent with the intent of the Program; created to facilitate redevelopment of the area commensurate with the housing objectives of the WCRA Community Redevelopment Plan which focuses on preserving existing affordable housing and achieving new mixed income housing stock for the workforce.

CHAPTER B OVERLAYS

Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

H. Density Bonus Programs

The provisions of Art. 5.G, Workforce Housing Program applies when WCRAO Density Bonus Program units are not utilized. The following provisions apply when additional density is utilized through the WCRAO Density Bonus Program.

1. Density Bonus Pool

In accordance with WCRAO Plan Policy 1.2.3-b, Notwithstanding the provisions of Art. 5.G, Density Bonus Programs, an additional 1,300 residential units, that may be utilized for rental and for-sale projects, are available in the WCRAO in accordance with Plan Policy 1.2.3-b, and pursuant to the following: [Ord. 2006-004]

Table 3.B.14.H – WCRAO Density Bonus Pool Limits

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Max. WCRAO Density Bonus Per Acre	N/A	20	30	50	150	150	N/A
[Ord. 2006-004]							
Notes:							
1.	Additional Density Bonus Pool Units are only permitted where a project utilizes all allowed density as indicated by FLU designation and the Plan. [Ord. 2006-004]						

a. WCRA Recommendation

Any proposed project that includes a request from the Density Bonus Pool shall obtain a recommendation from the WCRA in accordance with the standards of Art. 3.B.14.D.1.b, Timeframe for Response. A project shall receive a recommendation for approval from the WCRA that either meets three of the following six factors, for: (1) The UH Sub-area; (2) That portion of the NRM Sub-area located west of the LWDD L-2B Canal and between Suwanee Drive and the E-3 1/2-8 Canal; or, (3) The UG Sub-area; or meets four of these six

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factors for: (1) That portion of the NRM Sub-area located between the LWDD L-2B Canal and Suwanee Drive; (2) The NG Sub-area; or, (3) The NC Sub-area: **[Ord. 2006-004] [Ord. 2007-013] [Ord. 2011-001]**

1) ~~The proposed project meets the minimum building frontage requirements of Table 3.B.14.F, WCRAO Sub-area PDRs. **[Ord. 2006-004]**~~

2) ~~The proposed project has a rear lot line abutting a R-O-W to ensure that vehicular access to parking is limited to the rear of the lot, in accordance with Art. 3.B.14.I.1.a.1). **[Ord. 2006-004] [Ord. 2011-001]**~~

3) ~~Where permitted, the proposed project includes mixed use with a minimum of ten percent and a maximum of 50 percent of the GFA dedicated to non-residential uses. **[Ord. 2006-004]**~~

4) ~~A minimum of five percent of the gross lot area is set aside for open space with a public amenity or a public plaza, with a minimum size of 800 square feet and 25 feet in width, including but not limited to public art (not depicting any advertising); fountains of at least eight feet in height and 16 feet in diameter; pergolas; bell or clock tower; and public seating areas (not in conjunction with any restaurant seating). **[Ord. 2006-004]**~~

5) ~~A minimum of 40 percent of the projects allowed density is reserved for affordable housing meeting the requirements of Art. 3.B.14.H.1.c, Affordability Standards. **[Ord. 2006-004]**~~

6) ~~Preferred uses: **[Ord. 2006-004]**~~

a) ~~NRM Sub-area: business or professional office, medical or dental office, personal services, and Townhouses. **[Ord. 2006-004]**~~

b) ~~NG Sub-area: business or professional office, medical or dental office, personal services, printing and copying services, Type 1 Restaurants that meet the requirements of Art. 4.B.2.C.33.b.2), Permitted by Right, and Type 2 Restaurants. **[Ord. 2006-004] [Ord. 2007-013]**~~

c) ~~NC, UG and UH Sub-areas: business or professional office, personal services, printing and copying services, Type 1 Restaurants that meet the requirements of Art. 4.B.2.C.33.b.2), Permitted By Right, and Type 2 Restaurants. **[Ord. 2006-004]**~~

b. Approval Process

~~The review process for a WCRAO Density Bonus Pool approval is based on the density bonus requested in accordance with Table 3.B.14.H, WCRAO Density Bonus Pool Approval. Notice of all proposed projects shall be forwarded to the BCC administratively by the Division responsible for reviewing the application. **[Ord. 2006-004] [Ord. 2007-013] [Ord. 2010-022]**~~

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Table 3.B.14.H – WCRAO Density Bonus Pool Approval

Approval Process Required (1)	Range of Bonus Units per Acre	Min. Percentage of Density Bonus Units Required to be Affordable (3)
Permitted by Right	0.1-4 (2)	40%
DRO Approval	4.01-22	
BCC Approval	≥ 22.01	
[Ord. 2006-004] [Ord. 2007-013]		
Notes:		
1.	The transfer of density to a PDD or TDD requires approval as a Class A Conditional Use. [Ord. 2006-004] [Ord. 2018-002]	
2.	Up to one unit may be Permitted by Right for projects less than one acre in size. [Ord. 2006-004]	
3.	Affordable units shall consist of WHR units pending the adoption of the WCRA Inclusionary Housing Policy, as mandated by the Plan, to include very low through middle income households. [Ord. 2006-004] [Ord. 2008-003]	

c. Affordability Standards

Where required by Table 3.B.14.H, WCRAO Density Bonus Pool Approval, units required to be affordable shall comply with the following: [Ord. 2006-004] [Ord. 2007-013] [Ord. 2008-037]

1) Design Requirements

All density bonus units required to be affordable shall be designed to a compatible exterior standard as other units within the development or pod. These units may be clustered or dispersed throughout the project. [Ord. 2007-013]

2) Sales and Rental Prices

Affordable units shall be offered for sale or rent to very low through middle income households. The sale and rent prices may be updated annually by the County Administrator, or designee, based on the AMI, and household income limits for PBC (West Palm Beach/Boca Raton metropolitan statistical area) as published annually by HUD. [Ord. 2007-013] [Ord. 2008-037]

3) Master Covenant

Prior to Final DRO approval, the Applicant shall record in the public records of Palm Beach County a Covenant binding the entire project, in a form provided by the County, which identifies each required affordable unit. In the event the project is not subject to Final DRO approval, the Applicant must submit a recorded copy of the Covenant to the Building Division prior to issuance of the first Building Permit. The Covenant shall include but not be limited to restrictions requiring: that all identified affordable units shall be sold, resold, or rented only to very low through middle income qualified households at an attainable housing cost for each of the targeted income ranges; that these restrictions remain in effect for a minimum of ten years for units sold to eligible households, and a minimum of 20 years for rental units, from the date of each unit is first purchased or designated as a rental unit; and that in the event a unit is resold before the ten or 20 year periods conclude, a new ten or 20 year period shall take effect on the date of resale. The Covenant shall further provide monitoring and

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compliance requirements including but not limited to those set forth below to ensure compliance with Plan TE Policy 1 2-r. Every deed for sale of an affordable housing unit shall incorporate by reference the controlling Covenant. [Ord. 2007-013] [Ord. 2008-037]

4) ~~Monitoring and Compliance~~

Shall be in accordance with the monitoring and compliance requirements of the applicable Sections of Art. 5.G.1, Workforce Housing Program, or Art. 5.G.2, Affordable Housing Program. [Ord. 2007-013] [Ord. 2011-001]

5) ~~Enforcement~~

Shall be in accordance with the enforcement requirements of the applicable Sections of Art. 5.G.1, Workforce Housing Program, or Art. 5.G.2, Affordable Housing Program. [Ord. 2007-013] [Ord. 2011-001]

6) ~~Limitations on Restrictions~~

Shall be in accordance with the limitations and restriction requirements of Art. 5.G.2, Affordable Housing Program. [Ord. 2007-013] [Ord. 2011-001]

7) ~~Affordability Ranges~~

Required-affordable WCRAO Density Bonus units shall be distributed in accordance with Table 3.B.14.H, WCRAO Affordability Ranges. Multifamily or Townhouse developments less than ten dwelling units may be excluded from this requirement. [Ord. 2008-037] [Ord. 2011-001]

Table 3.B.14.H – WCRAO Affordability Ranges

	Very-Low-Income	Low-Income	Moderate-Income	Middle-Income	Maintenance of Affordability (Years)
New Bonus Density Pool Projects (1)	40% (2)				10 (for sale) 20 (rental)
Redevelopment of Existing Affordable Housing Project (1)	10% max. (3)		30% min. (4)		10 (for sale) 20 (rental)
[Ord. 2008-037]					
Notes:					
1.	Requirements are applicable to for-sale and rental units.				
2.	Percentage is a combination of very-low, low, moderate, and middle-income requirements. However, a single project shall be limited to a maximum of 40 percent low or 40 percent very low-income units.				
3.	Percentage is a combination of very low and low-income requirements.				
4.	Percentage is a combination of moderate and middle-income requirements.				

2. ~~Other Density Bonus Programs~~

The Applicant may request to modify or reduce the landscape requirements pursuant to Art. 7, Landscaping subject to a Type 2 Waiver process. The request shall be consistent with the Plan and a WCRA recommendation for approval. [Ord. 2006-004]

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a. WCRA Recommendation

In accordance with Plan FLUE Sub-Objective 1.2.3 and Policy 1.2.3-b, any proposed project that includes a request from the Density Bonus Pool shall must obtain a recommendation of approval from the WCRA in accordance with the standards of Art. 3.B.14.D.1-b, ~~Timeframe for Response~~ Development Review Procedures. A project shall receive a recommendation for approval from the WCRA consistent with the provisions below:

- 1) WCRA Community Redevelopment Plan Housing Policy Goal 3.1 and Objectives 3.2 to facilitate the development of diverse, quality housing stock that addresses a mix of income levels;
- 2) Meets the requirements of Table 3.B.14.E – WCRAO Sub-area Use Regulations and Table 3.B.14.F – WCRAO Non-Residential and Mixed Use Sub-area PDRs and WCRAO Residential PDRs as applicable;
- 3) Provides a minimum of five percent of the project residential square footage as outdoor space for resident use, which may include but not be limited to: individual unit porches, patios and/or balconies; usable open space for on-site common outdoor amenities such as grilling areas and tot lots; or, neighborhood amenities such as pedestrian streetscapes with furnishings, landscaping, or hardscape elements; and,
- 4) For projects with ten or more units, provides a minimum of twenty percent of the total units in the project as on-site affordable and workforce housing units such that:
 - a) A minimum of ten percent of the total project units qualify at or below the Workforce Housing Program Low-Income category, with no more than forty percent of the total project units qualifying within this category or below; and a minimum of ten percent of the total project units that qualify as workforce housing Moderate 1 income category, as defined in Art. 5 G.1.A.3.b, Income Categories;
 - b) These units meet Art. 5.G.1.A.1.3.h, Workforce Housing Program Design Standards; and,
 - c) These units meet the provisions of Art. 5.G.1.D., Delivery of WHP Units and Art. 5.G.1.E., Enforcement.

b. Approval Process

The review process for a WCRAO Density Bonus Pool approval is based on the density bonus requested in accordance with Table 3.B.14.H, WCRAO Density Bonus Pool Approval. Notice of all proposed projects shall be forwarded to the BCC ~~administratively~~ County Administrator or designee by the Division responsible for reviewing the application. [Ord. 2006-004] [Ord. 2007-013] [Ord. 2010-022]

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Table 3.B.14.H – WCRAO Density Bonus Pool Approval

Approval Process Required (1)	Range of Bonus Units per Acre (3)	Min. Percentage of Density Bonus Units Required to be Affordable (3)
Permitted by Right (2)	0.1-4 (2)	40%
DRO Approval	4.01-22	
BCC Approval	≥ 22.01	
[Ord. 2006-004] [Ord. 2007-013]		
Notes:		
1.	The transfer of density to a PDD or TDD requires approval as a Class A Conditional Use. [Ord. 2006-004] [Ord. 2018-002]	
2.	Up to one unit may be Permitted by Right for projects less than one acre in size. [Ord. 2006-004]	
3.	Affordable units shall consist of WHP units pending the adoption of the WCRA Inclusionary Housing Policy, as mandated by the Plan, to include very low through middle income households. [Ord. 2006-004] [Ord. 2008-003] Additional units may be acquired through the County's TDR program.	

c. Incentives for Density Bonus Pool Projects

- 1) The Applicant may request to modify or reduce the landscape requirements pursuant to Art. 7, Landscaping subject to a Type 2 Waiver process. The request shall be consistent with the Plan and receive a WCRA recommendation for approval. [Ord. 2006-004]
- 2) The Applicant may request to utilize WHP incentives available under the Full Incentive Option pursuant to Art. 5.G.1.B.2.f, Incentives Available under Full Incentive Option. The request shall be consistent with the Plan and receive a WCRA recommendation for approval.

Part 5. ULDC Art. 2.B.7.D.2, Application Processes and Procedures, Public Hearing Processes, Types of Applications, Type 2 Waiver, Applicability (page 35 and 36 of 101, Supplement 27), is hereby amended as follows:

Reason for amendments: [Westgate CRA]	
1.	Amend the provision allowing relief from Art. 7 landscaping requirements for Density Bonus Pool projects from being subject to a Type 2 Waiver process requiring BCC approval allowing to a Type 1 Waiver process which may be approved by the DRO. A Type 2 Waiver process is unduly burdensome for projects with additional density from the WCRAO Density Bonus Program of 4.01 to 22 units per acre which can be approved by the DRO.

CHAPTER B PUBLIC HEARING PROCESSES

Section 7 Type of Applications

D. Type 2 Waiver

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2. Applicability

Requests for Type 2 Waivers shall only be permitted where expressly stated within the ULDC or indicated in the following Table. [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]

Table 2.B.7.D – Summary of Type 2 Waivers

Urban Redevelopment Overlay (URAO)	Table 3.B.16.G, Type 1 and 2 URAO Waivers
WCRAO Expansion of Existing Non-Conforming Parking	Art. 3.B.14.B.1.a, Expansion of Existing Non-Conforming Parking
WCRAO Density Bonus Programs	Art. 3.B.14.H.2, Other Density Bonus Programs
IRO Residential Setbacks	Art. 3.B.15.F.6.e.4)a), Residential Setbacks
URA Residential Setbacks	Art. 3.B.16.E.3.a, Residential Setbacks
PDD Minimum Frontage	Art. 3.E.1.C.2.a.1)a), Type 2 Waiver – Infill Development
PDD Cul-de-sacs	Art. 3.E.1.C.2.a.5)b), Type 2 Waiver for additional percentage
AGR Tier – Parking Structure	Art. 3.F.2.A.2.d.1)a), Type 2 Waiver for Parking Structures
AGR-TMD – Block Structure	Art. 3.F.4.D.9.a, Type 2 Waiver for Block Structure
Commercial Communication Towers	Art. 4.B.9.H.5, Type 2 Waiver from Required Dimensional Criteria
Unique Structure	Art. 5.C.1.E.2, Unique Structure
Hours of Operation	Art. 5.E.5.E, Type 2 Waiver
Large Scale Commercial Development – Parking	Art. 6.B.2.A.1.b.1)d), Type 2 Waiver
[Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-005]	

Part 6.
ULDC Art. 2.C.5.E.2, Application Processes and Procedures, Administrative Processes, Types of Applications, Type 1 Waiver, Applicability (page 54 of 101, Supplement 27), is hereby amended as follows:

Reason for amendments: [Westgate CRA]	
1.	Amend the provision allowing relief from Art. 7 landscaping requirements for Density Bonus Pool projects from being subject to a Type 2 Waiver process requiring BCC approval allowing to a Type 1 Waiver process which may be approved by the DRO.

CHAPTER C ADMINISTRATIVE PROCESSES

Section 5 Type of Applications

E. Type 1 Waiver

2. Applicability

Requests for Type 1 Waivers shall only be permitted where expressly stated within the ULDC: [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]

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Table 2.C.5.E – Summary of Type 1 Waivers

Requests	ULDC Reference
Glades Area Overlay (GAO)	Table 3.B.4.F, Type 1 Waivers for Industrial Pods
NEO, Native Ecosystem Overlay	Art. 3.B.7.D, Property Development Regulations (PDRs)
Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines	Table 3.B.8.E, Type 1 Waivers for NBOZ Design Guidelines
[WCRAO Density Bonus Programs]	[Art. 3.B.14.H.21.] Other Density Bonus Programs Incentives for Density Bonus Pool Projects, Landscaping
Infill Redevelopment Overlay (IRO)	Table 3.B.15.G, Type 1 Waivers
Urban Redevelopment Overlay (URAO)	Table 3.B.16.G, Type 1 and 2 URAO Waivers
Structural Setback – Reduction not to exceed five percent less than the minimum requirement (1)	Table. 3.D.1.A, Property Development Regulations (PDRs)
Required Parking in Type 1 Restaurant with Drive-Through	Art. 4.B.2.C.33.f.3)a)(2), Location Criteria – Exceptions, Design Criteria
Commercial Greenhouse Loading	Art. 4.B.6.C.17.c.4)b), Loading
Solid Waste Transfer Station	Art. 4.B.7.C.10.d, Buffer
Green Architecture	Art. 5.C.1.E.3, Type 1 Waiver – Green Architecture
Parking for Community Vegetable Garden	Table 6.B.1.B, Minimum Parking and Loading Requirements, Note 10
Parking Spaces	Art. 6.C.1.A, Type 1 Waiver
Loading Spaces	Art. 6.E.2.B.3, Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces
Loading Space Width or Length	Art. 6.E.4.A.1.d, Type 1 Waiver – Reduction of Loading Space Width or Length
Landscaping	Table 7.B.4.A, Type 1 Waivers for Landscaping
Billboard Location	Art. 8.H.2.D.4., Replacement
PUD Informational Signs	Art. 8.G.3.B.5.b, Standards for Type 3 Electronic Message Signs
[Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2016-042] [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-001]	
Notes:	
1.	This Waiver shall only be utilized for detached housing types on individual lots, and shall not be utilized for multiple lots under one application, i.e. “blanket” application.

Part 7. ULDC Art. 4.A.9.C, Use Regulations, User Guide and General Provisions, Development Thresholds, Density Bonus (page 12 of 199, Supplement 28), is hereby amended as follows:

Reason for amendments: [Westgate CRA]	
1.	To clarify that an amendment to an existing development or a new proposed residential development that seeks additional residential density under the WCRAO density bonus pool is subject to WCRAO approval thresholds and WCRA recommendation.

CHAPTER A USER GUIDE AND GENERAL PROVISIONS

Section 9 Development Thresholds

Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be deleted. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT X

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS WCRAO DEVELOPMENT REVIEW PROCEDURES, USE REGULATIONS, PROPERTY DEVELOPMENT REGULATIONS, SUPPLEMENTARY STANDARDS, AND DENSITY BONUS PROGRAMS ARTICLE 4 – USE REGULATIONS

CR-2020-0013, 14 and 30

(Updated 08/06/20)

....

C. Density Bonus

Any amendment to an existing development, or new construction of projects, which includes an existing or proposed WHP, AHP, ~~or TDR~~, or WCRAO DBP residential density bonus, shall require confirmation of any applicable thresholds for approval process in accordance with Art. 5.G, Density Bonus Programs, or Art. 3.B.14.H, WCRAO Density Bonus Program. [Ord. 2017-025]

....

Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be deleted. ~~*Stricken and italicized*~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

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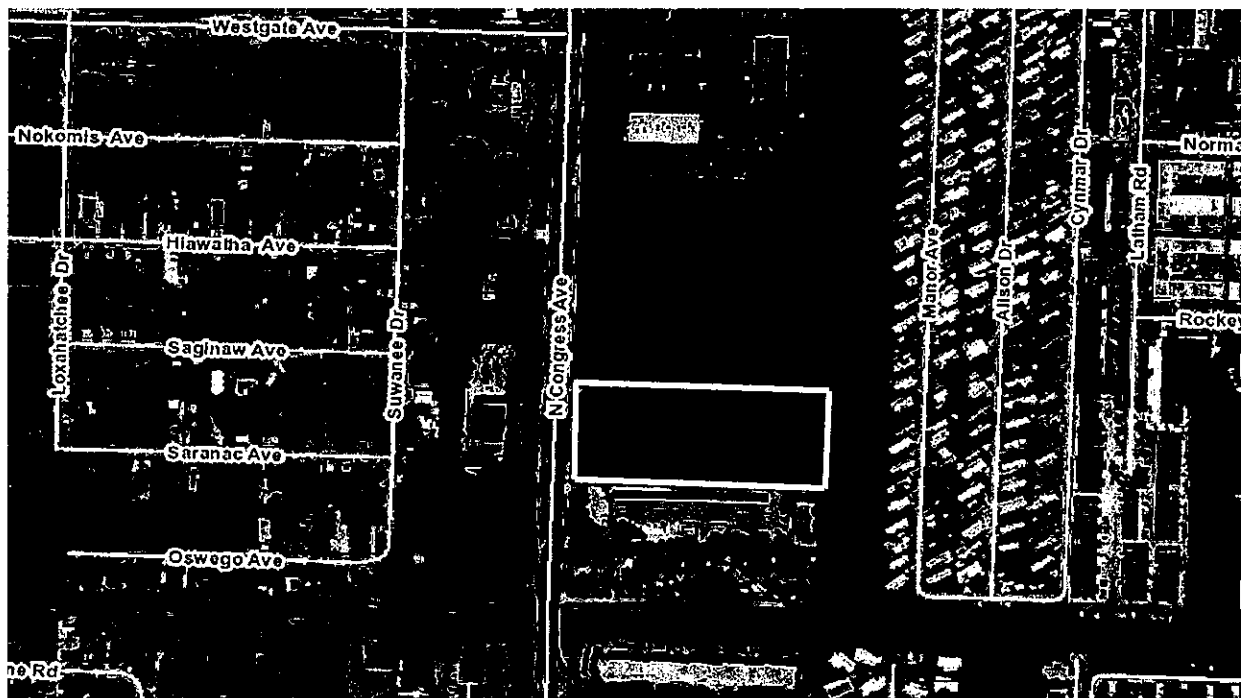
Westgate CRA Board Meeting
August 10, 2020

AGENDA ITEM SUMMARY

Autumn Ridge (REVISED)

1580 & 1610 N. Congress Avenue
PCNs 00-43-43-29-00-000-3160; 3180
Control No. 2001-00056

WCRAO Density Bonus Program & WCRAO TCEA Recommendation
for a 106-Unit Multifamily Mixed-Use Development



Location Map

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Project Overview:

The +/-3.58-acre site is located on the east side of Congress Avenue south of Westgate Avenue. The site consists of 2 contiguous narrow parcels which back onto a drainage lake privately owned by the Lakeside Mobile Home Park. The site has split zoning: the parcel to the north is zoned Residential Multifamily medium density (RM) and has a small single family dwelling; the larger parcel to south is zoned Commercial General (CG) and is vacant. Both parcels have a Commercial High with an underlying residential future land use designation of 8 du/acre (CH/8). The parcel to the south was approved in 2002 for a vocational school/non-profit assembly use in Res. #R-2002-0835, but the project didn't move forward, and all entitlements have expired. The site is located within the boundaries of the Urban General (UG) Sub-area of the WCRAO. Directly to the north of the site is a 7.5-acre vacant assemblage approved for a 198-unit market rate multifamily development called the Greene Apartments; the project is currently in permitting. To the south is an established commercial office-warehouse development. The site is in the U/S Tier as well as in the Revitalization and Redevelopment Infill Overlay (RRIO), Urban Redevelopment Area Overlay (URAO), and the CCRT area.

Landmark Companies, the contract purchaser (dba Autumn Ridge, LLC), is a Miami-based workforce/affordable housing developer with several multifamily projects in South Florida including the recently constructed Dunbar Village in West Palm Beach, as well as Westgate Plaza, an 80-unit seniors affordable housing development built in 2012 on Westgate Avenue. Autumn Ridge is a 106-unit multifamily Low Income Tax Credit (LITC) rental development comprised of 1 and 2 bedroom units in a 5-story building, for a total GFA of 108,989 sf, including a small 1,100 sf ground floor ancillary commercial retail space; 54 one-bedroom units and 52 two-bedroom units are proposed. A recreation space, open to the public, is also included as a site amenity. To streamline entitlements, avoid tripping the development and public hearing approvals thresholds, and to achieve the desired density, the applicant is requesting 77 WCRAO density bonus units; only 28.6 units are permitted by right. These additional units may be approved by the DRO if the increase does not exceed 22 dwelling units per acre; this project is requesting an additional density of 21.6 du/ac.

Summary of Request:

The applicant proposes to develop a 106-unit multifamily seniors-only LITC rental development with an 1,100 sf commercial retail space on a +/- 3.58-acre site. The subject application requests a recommendation of approval from the Westgate CRA Board for the proposed development pursuant to include the following:

1. An allocation of 77 units from the unit pool of WCRAO Density Bonus Program; and,



2. An allocation of 610 trips per day, 38 am peak hour trips and 50 pm peak hour trip from the WCRAO Transportation Concurrency Exception Area (TCEA) trips pool.

CRA Staff further recommends DRO site plan approval provided the project complies with the architectural and supplementary standards of Art. 5 and the WCRAO, and demonstrates that the criteria for obtaining WCRAO density bonus units has been met pursuant to the following:

1. The minimum frontage requirement for the UG Sub-area of 60% is met (including exceptions for ULDC required site elements);
2. A public plaza, with a minimum size of 800 sf and 25 feet in width, including but not limited to public art, fountains, pergolas, clock tower, and public seating areas is provided and is accessible by the public; and,
3. A minimum of 40% of the projects allowed bonus density is reserved for affordable housing.

Staff Analysis:

A development application is reviewed by the CRA for general conformity to WCRAO sub-area PDR's, design guidelines, and other overlay standards. Our site plan review and comments are preliminary, since the Zoning Division and other County departments conduct a separate, more extensive review of the site plan and related application documents via the DRO or Public Hearing process. While the primary objective of the CRA's review is to consider appropriateness of use and consistency with the intent, goals, and policies of the CRA Redevelopment Plan, Staff must contemplate projects in the CRA area in a way that facilitates development and redevelopment, but also with a critical eye that considers the larger picture and how a project will impact the community over the long term.

Consistency with the WCRA Redevelopment Plan & and the WCRA Overlay

WCRAO property development regulations were established to encourage a pedestrian friendly environment, street presence, and mixed use developments that reinforce the smart growth principles of the CRA Redevelopment Plan and the County's Comprehensive Plan. The UG sub-area is envisioned as an area that allows for mixed use development with more intense commercial and residential uses, including multi-story towers where feasible. Mixed use is preferred in the UG sub-area but it is not required. While it is unlikely this project will be a catalyst project for the redevelopment of the CRA district, the importance of providing affordable seniors housing in a moment of national economic uncertainty cannot be understated. Many seniors have been adversely impacted by the Covid-19 crisis. By including a retail component, which is proposed be open to the public, the project becomes more consistent with the intent of the sub-area to provide mixed use with intense residential development.



LITC projects are extremely competitive and the current cycle expires in October. The project must be supported by the local jurisdiction and must also not require public hearing entitlements in order to be built. To further streamline the process for the applicant and bypass the need to rezone the commercial piece, the agent argues that split residential/commercial zoning is consistent with the property development regulations and intent of the UG sub-area of the WCRAO where mixed use is the preferred redevelopment; multifamily and townhouse developments are permitted by right in non-residential zoning districts where mixed use is permitted. Further, SB 1339, recently signed in to law by the Florida Governor, allows the development of affordable housing on any parcel of land zoned residential, commercial or industrial. This legislation will enable affordable housing projects throughout the State to be expedited. Ultimately, the PBC Zoning Division will determine whether a rezoning is necessary.

Project Demographics

Of the 106 residential units proposed, 80% or 85 units will be restricted to elderly residents, as defined by the Fair Housing Act, who are age 55 or older. Note, that at least one household member must meet the age criteria. The remaining 21 residential units will not be restricted to elderly housing and will be available for rent to persons of any age category, including those who are seniors.

WCRAO Density Bonus Program (DBP)

The Housing Element of the Comprehensive Plan sets aside 1,300 bonus density units for the Westgate CRA area. To qualify for WCRAO density bonus units, a number of criteria must be met. A project in the UG sub-area must meet three (3) of six (6) criteria outlined in the WCRAO's standards. Based primarily on site design, the applicant has chosen to comply with the following criteria:

1. Minimum frontage requirements based on WCRAO sub-area PDR's. 60% building frontage is required in the UG;
2. ...a public plaza, with a minimum size of 800 sf and 25 feet in width, including but not limited to public art, fountains, pergolas, clock tower, and public seating areas; and,
3. A minimum of 40% of the projects allowed density is reserved for affordable housing.

In addition, the WCRAO conditions the distribution and lifespan of affordable units through its Affordability Standards:

- i. All units required to be affordable shall be designed with a compatible exterior as other units within the development, and may be clustered or dispersed throughout the project;
- ii. Affordable units shall be offered for sale or rent to very low thru middle income households based on the County's AMI for any given year;

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- iii. Prior to DRO approval the applicant shall record a Covenant binding the entire project which identifies each required affordable unit. These units are to be sold or rented to only very-low thru middle income households for a minimum number of years. The Covenant shall provide for monitoring or compliance requirements based on the County's WFH program. The applicant has included a draft Covenant with this application. The applicant is required to record the covenant prior to final DRO approval.

To achieve the 106 units needed for this project, 77 units from the CRA's density bonus pool are requested to be allocated. The 3.58-acre site has a permitted density of only 8 dwelling units per acre which is 29 units by right. Additional density from the CRA's bonus pool increases the density per acre to 29.6 units. Of those 77 units allocated from the bonus pool, 40% or 31 units must be set aside as affordable. This project targets low to extremely-low income households, well exceeding the affordability requirements of the WCRAO DBP.

The Westgate CRA area has a very large concentration of households which are low and very low income. Only 20% of households earn an income that can be classified as moderate or above moderate. Affordable or low-income housing targets an AMI of 50%-80%; very-low is 60% or below of AMI. This LITC project proposes 72 of 106 units to be very-low at 60% of AMI or less; 16 units are proposed to be extremely-low at 0-30%. 12 units are proposed to be low at 60-80% of AMI, with 7 units in the moderate or middle income category. Overall, 90% of the total project units are proposed to be low, very-low or extremely-low, with only 10% of the units above 80% of AMI.

PBC Workforce Housing Program (WHP) Requirement

Workforce housing targets households earning 60% - 140% of the County's published AMI (average median income) for any given year. The workforce sector has been chronically overlooked in the past and as a result the County has adopted a mandatory inclusionary zoning policy that requires that a certain number of units in any medium to large scale residential project be set aside and offered for rent or sale to households that meet the workforce housing criteria. Since the applicant will utilize the maximum of 8 units per acre density allowed by the site's CH/8 FLU designation, residential projects exceeding 10 units must reserve a percentage of the maximum density for workforce housing. For this project, 3 units for workforce housing are required to be reserved pursuant to the Art. 5 of the ULDC in addition to the 40% units that must be affordable to receive additional density from the WCRAO DBP. Those 3 restricted WHP units are proposed to be in the moderate to middle income categories of 80-140% of AMI.



Income Categories for WCRAO DBP & PBC WHP Units

Income Restrictions (% of AMI) ¹	No. of Units ²	No. of WCRA DBP Units ^{3&5}	No. of PBC WHP Units ⁴	Total
0% - 30%	16	N/A	N/A	16
Very Low (0% - 60%)	56	12	N/A	68
Low (60% - 80%)	N/A	12	N/A	12
Moderate (80% - 120%)	N/A	3	N/A	3
Middle (120% - 140%)	N/A	4	N/A	4
Units Below are Subject Only to the PBC WHP ⁴				
Moderate 1 (80% - 100%)	N/A	N/A	1	1
Moderate 2 (100% - 120%)	N/A	N/A	1	1
Middle (120% - 140%)	N/A	N/A	1	1
Sub Total	72	31	3	106

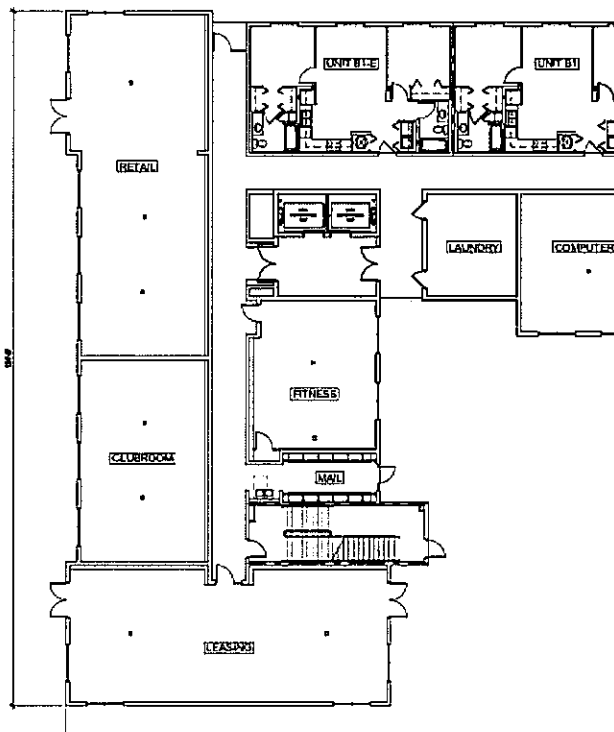
Notes:

- 1) AMI = Area Median Income, adjusted for family size.
- 2) Units not subject to WCRA DBP³ and PBC WHP⁴.
- 3) DBP = Density Bonus Pool. Represents number of units restricted pursuant to WCRA income set-aside requirements. 31 WCRA DBP units represent 40% of 77 bonus units requested per WCRA regulations.
- 4) PBC = Palm Beach County. WHP = Workforce Housing Program. Represents number of units restricted pursuant to WHP income set-aside requirements.
- 5) Very Low WCRA DBP Units are as defined on PG. 2 of the Palm Beach County Housing Element, revised 8/22/2019, see attached.
- 6) The proposed is planned to be an "Elderly" development pursuant to the attached FHFC criteria.



WCRAO Property Development Regulations & Landscaping Provisions

Individually, the parcels have a relatively small frontage, however combined the frontage of the site is 259 linear feet. The UG has a 60% building frontage requirement and the frontage must be on the build to line of 10-25 ft. The applicant has utilized a WCRAO minimum building frontage exception which allows the frontage to be reduced for required site elements such as setbacks, access, sidewalks, and buffer widths. Based on the preliminary site plan, the minimum requirement is met in compliance with the recommendation criteria for WCRAO density bonus units. Generally, despite an expanded setback from the R-O-W to accommodate a 120 ft. future R-O-W width dedication, the frontage provides good massing and street presence. The 1,100 sf retail space is located along the street; a minimum depth of 30 ft. is required in the UG. The maximum building height in the UG is 240 ft. or 20 stories; the building complies at 5 stories in height.



Preliminary ground level floor plan
(snapshot of entrances, common
areas and retail space)

Although the site has an area of 3.58 acres, buildable land is minimized due to the poor soil quality near the private retention lake at the rear or west of the site. Some fill has been added to the site by the current owner to reduce 'muck' to preserve land value. However, this condition, along with WCRAO



build to line requirements, necessitates the entire site design to be shifted west towards Congress Avenue. A build to line of 10 ft. to 25 ft. is required in the UG and a 25 ft. building setback has been provided. Side (min. 10 ft.) and rear (min. 25 ft.) setbacks are provided to code standards. The WCRAO stipulates that the primary entrance orientation be from the street. Access to the leasing office and the retail space are from Congress Ave. A secondary access has been provided at the rear of the building to access the lobby and elevators.

A landscape plan has not been provided, but is required must at building permit. The north parcel of the site has many invasive plant species that will be cleared out for construction. R-O-W and incompatibility buffer widths are indicated on the site plan and do comply with code. WCRAO landscape deviations for the UG Sub-area allow for a reduced perimeter buffer for mixed use projects, but that reduction has not been provided. R-O-W planting reductions area also applicable in the UG Sub-area. Foundation plantings may also be reduced for projects where a build to line is required pursuant to approval of an ALP by the DRO. Further relief from the landscape requirements of Art. 7 may be allowed subject to a Type 2 Waiver process pursuant to Art.3.B.14.H.2.

The applicant utilized a WCRAO provision to reduce the recreational open space required by the Parks and Recreation Department; 0.32 of an acre is provided immediately to the rear, extending to the south side of the building and will include landscaping, pathways, and a gazebo for use by residents. This area is proposed to be enclosed by a fence for security. A 7,788 sf publicly accessible open space is provided adjacent to this area and is proposed to include a covered seating area and landscaping. The public open space must be incorporated into the site design as required by the WCRAO to receive WCRA approval for the density bonus units.

Parking

Building placement is shifted to the site's frontage and required parking is located to the rear of the building. WCRA overlay regulations provide a substantial reduction from residential and mixed use parking requirements. Article 6 requires two (2) parking spaces per unit (one bedroom or more), plus 1 space per 4 guests for multi-family developments. WCRAO parking deviations for residential projects (Table 3.B.14.I.) allow the required number of parking spaces to be reduced to 164 including guest spaces; 171 spaces have been provided, over-parking the site by 7 spaces. Bike rack parking areas have been provided and ADA compliant spaces have been provided directly adjacent to the building.



Conceptual rendering of west or street-facing (Congress Ave) facade

Architecture & Design

The applicant has provided conceptual architectural elevations and floor plans for the building design. WCRAO regulations require a porch or balcony for all units on each floor of a multi-family development. The developer, in seeking to comply with the standard, has provided “Juliet” balconies on each unit. This type of faux balcony provides the visual appearance of a balcony, without the necessary extension to allow it to function as a true balcony. WCRAO Supplementary Standards require a minimum 3 ft. depth for balconies in the NR, NRM, NC and NG, but is silent in applicability in the UG Sub-area. Architectural guidelines in Art. 5.C.1.H.2.b requiring “individual balconies and/or patios to be provided for a minimum of 20% of the total number of units per building” will likely apply once the project is submitted for architectural review.

As a mixed use project, compliance with the standards of Art. 5, as well as WCRAO architectural and supplementary standards will be required. The architecture incorporates a modern aesthetic with recesses and projections in contrasting colors for architectural interest. The main building color is white

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with gray accents. A clean, neutral color schematic is increasingly popular in newer south Florida architecture. The proposed design is complementary to the architecture of the Greene Apartments to the north.

Drainage Considerations

Like the vacant parcels to the north of this site, development interest in this segment of Congress Avenue has fluctuated over time. Due to some unique physical challenges, many developers have become discouraged as due diligence progresses. While the larger of the two parcels have been mostly cleared, the north parcel is heavily vegetated and both parcels are historically prone to water collection at the rear as it slopes toward the retention area. Drainage is problematic since storm water cannot be directed to the privately owned retention lake, and for a large scale development project, it is difficult to design a project to sufficiently store stormwater on site. Most importantly, since Westgate is within the C-51 drainage basin, compensating floodplain storage is also required by South Florida Water Management District (SFWMD). This means that to mitigate the impact of lost site permeability as a result of development, permeable vacant land for the storage of storm water must be permanently secured and dedicated for that singular purpose.

In the case of a development that covers a 3.58-acre site, the compensating storage requirement is significant. The applicant is utilizing all available land to allow the site to function with the number of units necessary to meet their pro forma. To ensure a successful outcome, the project will require additional land as retention to guarantee off site compensating floodplain storage requirements can be met. A drainage statement has been included with the application and indicates that legal positive outfall to the L-2 canal is available by way of the Congress Avenue drainage system. Compensation for flood storage can be accommodated on additional properties. Storm water management through the use of exfiltration piping will be used to meet retention requirements.

Traffic & Vehicular Access

A traffic statement requests an allocation of 610 trips per day to and from one access driveway; 38 am peak hour trips and 50 pm peak hour trips, from the WCRA's Traffic Concurrency Exception Area (TCEA) pool. The statement also indicates that project build-out is anticipated in 2023. It should be noted that the applicant may have to provide a mass transit easement on Congress Avenue should it be required by Palm Tran. Future cross access between sites is a requirement of the URAO and may be applicable to this project.

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Staff Recommendation:

The proposed use and site plan is consistent with the intent and policies of the Comprehensive Plan, including the Provisions for Affordable Housing outlined in the Housing Element by providing affordable and workforce housing units. The project represents a substantial investment in the community and will enhance the character of the Congress Avenue corridor by eliminating an out-of-place single family home through the development of vacant land. This project comes at a time when the housing market is seeing a lack of supply of rental units that could be considered affordable by a large percentage of the population coupled with increasingly inflated sales and rental rates across the County.

CRA Staff recommends **approval** of a 106-unit multifamily seniors low-income rental development with an 1,100 sf commercial retail space on a +/- 3.58-acre site. The subject application requests a recommendation of approval from the Westgate CRA Board for the proposed development pursuant to include the following:

1. An allocation of 77 units from the unit pool of WCRAO Density Bonus Program; and,
2. An allocation of 610 trips per day, 38 am peak hour trips and 50 pm peak hour trip from the WCRAO Transportation Concurrency Exception Area (TCEA) trips pool.

CRA Staff further recommends DRO site plan approval provided the project complies with the architectural and supplementary standards of Art. 5 and the WCRAO, and demonstrates that the criteria for obtaining WCRAO Density Bonus Program units has been met pursuant to the following:

1. The minimum frontage requirement for the UG Sub-area of 60% is met (including exceptions for ULDC required site elements);
2. A public plaza, with a minimum size of 800 sf and 25 feet in width, including but not limited to public art, fountains, pergolas, clock tower, and public seating areas is provided and is accessible by the public; and,
3. A minimum of 40% of the projects allowed bonus density is reserved for affordable housing.



**Justification Statement
Autumn Ridge Apartments
Palm Beach County, FL
Westgate CRA Application
Original Submittal: June 29, 2020
Resubmittal: July 27, 2020**

Project History

Schmidt Nichols (Agent), on behalf of S&M Services III, LLC and Vythia Tum & Thida Tum Revocable Trust (Owners) and Autumn Ridge, LLC (Applicant), respectfully requests your consideration of this application for Westgate CRA Density Bonus Pool request for the proposed mixed use development consisting of 106 multifamily dwelling units and 1,100 s.f. of commercial retail space. The subject property consists of two parcels, totaling 3.58 acres located at 1610 N Congress Avenue (PCNs: 00-43-43-29-00-000-3180; 00-43-43-29-00-000-3160). The property currently has a single family home on the northern parcel and the southern parcel is currently vacant and mostly cleared. The southern parcel was previously approved for a vocational school/non-profit assembly use for Carpenter's Union Local 130 in Resolution No. R-2002-0835, dated May 23, 2002. This development was never constructed and all associated entitlements have since expired. The northern parcel has not been part of a land use application of any kind.

The subject property is located within the Urban/Suburban Tier and currently supports a Future Land Use (FLU) designation of Commercial High, with underlying High Density Residential, 8 units per acre (CH/8). The subject property is also located within two zoning districts, the north parcel being located in the Multifamily Residential (RM) district and the south parcel being located within the General Commercial (CG) zoning district. However, the subject property is also located within the Westgate Community Redevelopment Area Overlay, more specifically the Urban General (UG) sub-area. This overlay allows for mixed use development on this site which is consistent with its split zoning designation, hence the proposed mixed use development.

Project Overview

The proposed project will include 108,989 s.f. of leasable area, 1,100 s.f. of which will be devoted to commercial uses. The residential portion of the project will consist of 106 units, 80% (85 units) of which will be restricted to elderly residents, as defined and regulated by the Fair Housing Act (55 and older). It should be noted, at least one household member must meet this age criteria. The remainder of units (21 units) will not be restricted to elderly residents and will be available to residents of any age group, including elderly residents. Additionally, 0.32 acres of recreational space (10% of total site area) is proposed for the use by residents which will include outdoor amenities,



such as a gazebo and seating. The retail space is proposed to be located along the building's west facade, facing N Congress Avenue, with pedestrian connections to the right-of-way and the parking area behind the building via the public open space area. The public open space area is proposed to be 7,788 s.f. which meets the minimum 5% of site area (7,787 s.f.) and will include a shade structure as a focal point and public amenity. Drainage for the project is proposed to be achieved through legal positive outfall to the L-2 canal via the Congress Avenue drainage system. The proposed development will add to the newly budding collection of multifamily residential developments with rates affordable to a wide range of income levels. Furthermore, the immediate vicinity of the site consists of many vacant parcels, some of which contain invasive plant species. The proposed development will result in a significant improvement to the N Congress Avenue corridor in the Westgate Redevelopment Overlay.

Below is a summary of the surrounding properties:

Adjacent Lands	FLU	Zoning	Uses
Subject Property (Proposed)	CH/8	RM & CG	Mixed Use (Multifamily Residential & Commercial)
North	CH/8	RM	Vacant (198 Multifamily Uses Approved)
South	CH/8	CG	Office/Warehouse
East	HR-8	RM	Lake/Residential Manufactured Homes
West	CH/8	CG	Office/Warehouse/Retail

Parking

Since the subject project is proposed to consist of a mix of residential and commercial uses, the applicant proposes to utilize the reduced parking requirements outlined in Table 3.B.14.I – WCRAO Mixed Use and Residential Parking Deviations. Based on this table, the parking is calculated below:

1 space / 1 bedroom unit @ 54 units = 54 spaces

1.5 spaces / 2 bedroom unit @ 52 units = 78 spaces

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1 guest space / 4 units @ 106 units = 27 spaces

2.5 spaces / 1,000 s.f. commercial uses @ 1,100 s.f. = 5 spaces

Total parking requirement: 164 spaces

The applicant proposes 171 parking spaces which is in compliance with the minimum requirement.

Workforce Housing

The Applicant is required to reserve 40% of the requested WCRAO Density Bonus Pool units for workforce housing. In this case, the Applicant is requesting a density bonus of 77 units, resulting in 31 units being reserved for workforce housing. These 31 units are proposed to be spread amongst the four income categories as defined in the Housing Element of the Comprehensive Plan and as referenced in Article 3.B.14 of the ULDC. This breakdown is shown in the chart at the end of this section. Furthermore, this breakdown by income level meets the intent of Article 3.B.14.H.c of the ULDC and is intended to be compatible with the typical fixed income levels of elderly residents, for which 80% of the total units will be restricted.

Additionally, the Applicant is proposing to utilize the maximum 8 units per acre density allowed by the site's HR-8 underlying FLU designation. As such, according to Article 5.G.1.B.1.c of the ULDC, residential projects exceeding 10 units must reserve 2.5% of the Standard Density, 8% of the Maximum Density, and 17% of any WHP density bonus. The subject property is permitted to have 22 units based on Standard Density and 29 units based on Maximum Density. Therefore, the Applicant is required to reserve 3 units for Palm Beach County's Workforce Housing Program. These 3 units will be spread among three different income level as shown in the chart below.

Workforce Units Income Set-Asides

Income Restrictions (% of AMI) ¹	No. of Units ²	No. of WCRA DBP Units ^{3&5}	No. of PBC WHP Units ⁴	Total
0% - 30%	16	N/A	N/A	16
Very Low (0% - 60%)	56	12	N/A	68
Low (60% - 80%)	N/A	12	N/A	12
Moderate (80% - 120%)	N/A	3	N/A	3
Middle (120% - 140%)	N/A	4	N/A	4
Units Below are Subject Only to the PBC WHP ⁴				
Moderate 1 (80% - 100%)	N/A	N/A	1	1
Moderate 2 (100% - 120%)	N/A	N/A	1	1
Middle (120% - 140%)	N/A	N/A	1	1
Sub Total	72	31	3	106

Notes:

1) AMI = Area Median Income, adjusted for family size.

2) Units not subject to WCRA DBP³ and PBC WHP⁴.

3) DBP = Density Bonus Pool. Represents number of units restricted pursuant to WCRA income set-aside requirements. 31 WCRA DBP units represent 40% of 77 bonus units requested per WCRA regulations.

4) PBC = Palm Beach County. WHP = Workforce Housing Program. Represents number of units restricted pursuant to WHP income set-aside requirements.

5) Very Low WCRA DBP Units are as defined on PG. 2 of the Palm Beach County Housing Element, revised 8/22/2019, see attached.

6) The proposed is planned to be an "Elderly" development pursuant to the attached FHFC criteria.

In total, the Applicant is proposing to reserve 34 out of the 106 total proposed units for workforce housing.

Recreation

The proposed project is required by the ULDC to provide recreation space for residents. The WCRAO has a specific formula for calculating the required size of



this recreation space which is equivalent to 1.25 acres of developed land per 1,000 people population, based on 2.39 people per proposed unit. The Applicant is proposing 106 units which, when multiplied times 2.39, equals 254 people. Given this population, the Applicant is required to provide 0.32 acres of recreation space. The Applicant is proposing 0.32 acres of recreational space which includes an outdoor amenity such as a gazebo and seating areas.

Requests

Below is a detailed overview of the Applicant's requests as part of this application:

Request 1: Density Bonus Request to allow for a density bonus of 77 units for a total of 106 multifamily residential units.

WCRA Density Bonus Request: Any proposed project that includes a request from the Density Bonus Pool shall obtain a recommendation from the WCRA in accordance with the standards of Art. 3.B.14.H.1.a, WCRAO Recommendation. A project shall receive a recommendation for approval from the WCRA that meets three of the following six factors for the UG sub-area.

Below are the three criteria that are being met by the proposed project:

1. The proposed project meets the minimum frontage requirements of Table 3.B.14.F, WCRAO Sub-area PDRs.

Response: The proposed project meets the minimum frontage requirement of 60% as outlined in Table 3.B.14.F-9, WCRAO Sub-area PDRs. According to Note 8 of this table, properties with frontage on only one ROW may subtract minimum required site features, such as ingress/egress driveways, sidewalks to ROW, landscape buffer widths, and minimum setbacks from the overall frontage length used in this calculation. Therefore, once calculated, the overall frontage of the property is 204.56'. The overall length of the proposed building façade along this same frontage is 124'. Therefore, the proposed project meets the minimum requirement by providing 60.6% of frontage along N Congress Avenue.

2. A minimum of five percent of the gross lot area that is set aside for open space with a public amenity or a public plaza, with a minimum size of 800 square feet and 25 feet in width including but not limited to public art (not depicting advertising); fountains of at least eight feet in height and sixteen feet in diameter; pergolas; bell or clock tower; and public seating areas (not in conjunction with any restaurant seating).

Response: The proposed project will consist of 0.32 acres of public open space which is proposed to include outdoor amenities such as seating areas



and a gazebo located behind the proposed building frontage along N Congress Avenue. These areas consist of approximately 10% of the overall site area.

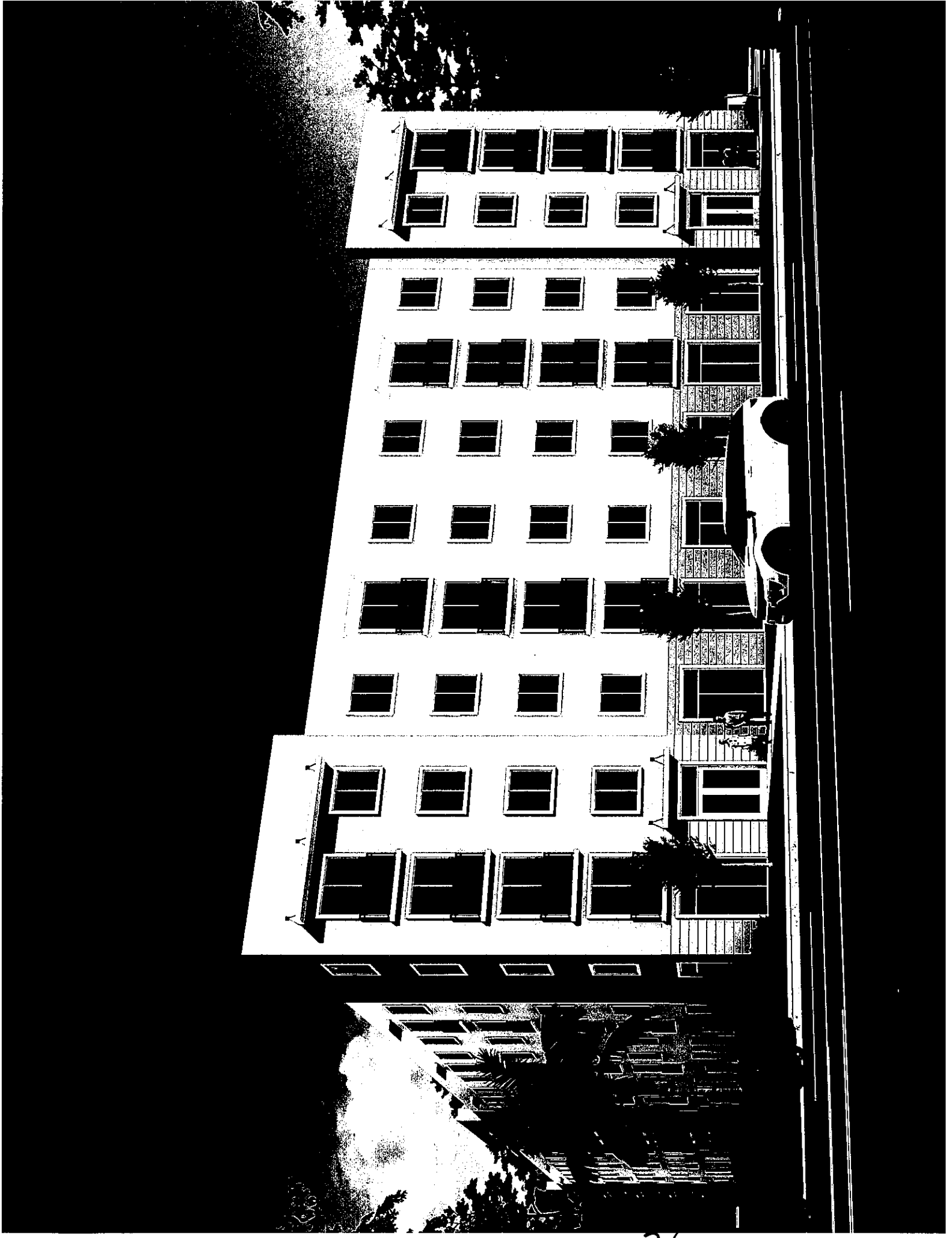
3. A minimum of 40 percent of the projects allowed density is reserved for affordable housing meeting the requirements of Art. 3.B.14.H.1.c, Affordability Standards.

Response: 40% of the 77 bonus dwelling units being requested will be reserved for affordable housing for Very-Low to Middle Income status residents. This results in a total of 31 dwelling units reserved for affordable housing. The Applicant is also proposing to reserve 3 additional workforce housing units to be in compliance with the standard ULDC for a total of 34 workforce housing units (31 + 3). See the "Workforce Housing" sub-section above for more details.

Request 2: Exception from Traffic Concurrency Standards

The proposed multifamily residential project is located within the Westgate Transportation Concurrency Exception Area being located on the east side of Congress Avenue and the south side of Westgate Avenue. Therefore, the proposed project is eligible for an exception from the traffic concurrency standards. According to the Traffic Statement prepared by Pinder Troutman Transportation Consultants (included with application), the average daily trips for the proposed project is 687 with an AM peak total of 38 trips and a PM peak total of 50 trips.

On behalf of the Applicant, and the Owners, Schmidt Nichols respectfully requests your consideration of approval for this Bonus Density, and Traffic Concurrency Exemption Request application for Autumn Ridge.



REDEVELOPMENT TRUST FUND

	APPROVED BUDGET FY2020	PROPOSED BUDGET FY2021	INCREASE/ (DECREASE)
REVENUE:			
Balance Brought Forward	900,000	1,000,000	100,000
Ad Valorem Taxes (TIF)	2,471,187	2,737,786	266,599
Rental Income	58,000	65,000	7,000
Interest	1,000	1,000	0
TOTAL REVENUE	3,430,187	3,803,786	373,599
EXPENSES:			
Employee Expenditures:			
Salaries & Wages	374,300	385,530	11,230
Retirement	33,659	34,670	1,011
Insurance - Health/Dental	74,000	74,000	0
Payroll Taxes	29,090	30,000	910
Total Payroll Expenditures	511,049	524,200	13,151
Professional Expenditures			
Eng. & Const. Coordination	200,000	200,000	0
Technical Assistance	350,000	350,000	0
Audit Fees	20,000	20,000	0
Legal Fees	50,000	50,000	0
Total Professional Expenditure	620,000	620,000	0
Other Expenditures			
Government Fees & Services	300	300	0
Insurance/Property/Liability	25,000	25,000	0
Landscape & Prop. Maintenance	140,000	140,000	0
Property Management	30,000	30,000	0
Streetlights/Utilities	65,000	65,000	0
Office Rent/Utilities	70,000	70,000	0
Advertising	10,000	10,000	0
Community Garden	100,000	100,000	0
Community Activities	100,000	100,000	0
PR & Marketing	60,000	60,000	0
Mortgage Payments	19,500	0	-19,500
Bank Fees & Charges	2,200	2,200	0
Neighborhood Preserv. Grant	80,000	60,000	-20,000
COVID-19 SBA Program	0	100,000	100,000
Tenant Buildout Asst.	100,000	100,000	0
Rent Asst. program	100,000	100,000	0
Site Develop. Asst. Program	225,000	225,000	0
Commun /Mailouts	5,500	6,500	1,000
Dues & Subscriptions	2,500	2,500	0
Housing & Economic Devel.	382,500	350,000	-32,500
Staff & Board Development	15,000	15,000	0
Office Equipment/Supplies	20,000	20,000	0
Miscellaneous	16,638	18,086	1,448
Transfer to Capital Improv.	730,000	1,060,000	330,000
Total Other Expenditures	2,299,138	2,659,586	360,448
Total Expenditures	3,430,187	3,803,786	373,599

CAPITAL IMPROVEMENT FUND

	APPROVED FY2020	PROPOSED FY2021	INCREASE/ DECREASE
REVENUES:			
Balance Brought Forward	357,000	600,000	243,000
Property Acquisition	0	0	0
Solid Waste Authority	100,000	91,000	-9,000
Transferred from Trust Fund	550,000	1,060,000	510,000
CDBG Grant	232,000	300,000	68,000
Total Revenue	1,239,000	2,051,000	812,000
EXPENDITURES:			
Construction Projects			
Property Acquisition	147,000	600,000	453,000
BH Streetlights and Sidewalks	300,000	1,320,000	1,020,000
Dog Park	192,000	131,000	-61,000
Westgate Avenue	0	0	0
Neighborhood Park	600,000	0	-600,000
Total Expenditures	1,239,000	2,051,000	812,000

Transportation Planning Agency Fund

	APPROVED FY2020	PROPOSED FY2021	INCREASE/ DECREASE	CONSTRUCTION
REVENUES:				
Balance Brought Forward	4,467,000	4,467,000	0	
BelvedereHeights Phase 1	0	0	0	
Belvedere Heights Phase 2	0	0	0	
Westgate Ave Streetscape	0	0	0	
Seminole Boulevard	887,982	887,982	0	
Cherry Road	0	1,000,000	1,000,000	
Total Revenue	5,354,982	6,354,982	1,000,000	
EXPENDITURES:				
Construction Projects				
Belvedere Heights Phase 1	1,104,000	1,104,000	0	2021
Belvedere Heights Phase 2	956,000	956,000	0	2022
Westgate Ave Streetscape	2,407,000	2,407,000	0	2023
Seminole Boulevard	887,982	887,982	0	2023
Cherry Road	0	1,000,000	1,000,000	2024
Total Expenditures	5,354,982	6,354,982	1,000,000	



Zenora Kerr Ward, CPA

Ward & Company, P.A.

CERTIFIED PUBLIC ACCOUNTANTS

5725 Corporate Way, Suite 106

West Palm Beach, FL 33407

P: (561) 697-9468 F: (561) 697-5277

June 4, 2019

Board of Directors
Westgate/Belvedere Homes
Community Redevelopment Agency
1280 N. Congress Avenue, Suite 215
West Palm Beach, FL 33409

Please find enclosed our engagement letter for audit services for the year ending September 30, 2019.

The organization should prepare the management's discussion and analysis (MD&A), financial statements and footnotes, as part of its presentation of audit documents provided to the auditor. An outside CPA firm or consultant can be used to assist in the preparation of these financial statements including footnotes.

Per conversation with management, no single audit is required for the year ended September 30, 2019. Should, during the course of the audit, it be determined that a single audit is required, we will revise our engagement accordingly. We will send a document request list by July 12, 2019 to assist staff in preparing for the audit.

If you have any questions please give me a call at the above telephone number.

Thank you for your consideration of Ward & Company, P.A. for your auditing services.

Sincerely,

Zenora Kerr Ward

ZKW:cyc

Enclosure



Zenora Kerr Ward, CPA

Ward & Company, P.A.

CERTIFIED PUBLIC ACCOUNTANTS

5725 Corporate Way, Suite 106

West Palm Beach, FL 33407

P: (561) 697-9468 F: (561) 697-5277

June 4, 2019

Board of Directors
Westgate/Belvedere Homes
Community Redevelopment Agency
1280 N. Congress Avenue, Suite 215
West Palm Beach, FL 33409

We are pleased to confirm our understanding of the services we are to provide Westgate/Belvedere Homes Community Redevelopment Agency for the year ended September 30, 2019. We will audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of Westgate/Belvedere Homes Community Redevelopment Agency as of and for the year ended September 30, 2019. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement Westgate/Belvedere Homes Community Redevelopment Agency's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to Westgate/Belvedere Homes Community Redevelopment Agency's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U. S. generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Supplemental schedule of budgetary comparison information for the year ended September 30, 2019
- 3) Supplemental schedule of proportionate share of net pension liability
- 4) Supplemental schedule of contributions – pension plans

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of Westgate/Belvedere Homes Community Redevelopment Agency and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of Westgate/Belvedere Homes Community Redevelopment Agency's financial statements. Our report will be addressed to Board of Directors of Westgate/Belvedere Homes Community Redevelopment Agency. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that Westgate/Belvedere Homes Community Redevelopment Agency is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

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Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of Westgate/Belvedere Homes Community Redevelopment Agency's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

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Management Responsibilities

Management is responsible for designing, implementing, establishing and maintaining effective internal controls, relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements and all accompanying information in conformity with U.S. generally accepted accounting principles, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contract or grant agreements, or abuse that we report.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to [include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

We will provide electronic copies of our reports to the Auditor General; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Ward & Company P.A. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the Auditor General or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Ward & Company P.A. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the Auditor General. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately July 16, 2019 (Interim) and November 12, 2019 (Final) and to issue our reports no later than January 8, 2020. Zenora Kerr Ward is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

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Our fee for these services is estimated to range from \$17,000 to \$19,000 plus out-of-pocket costs (such as report reproduction, word processing, postage, copies, etc.). Our invoices for these fees will be rendered as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. In accordance with our firm policy we require a retainer of \$5,000 prior to commencement of the audit.

We are providing you with a copy of our most recent peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of contract. Our 2017 peer review report accompanies this letter.

We appreciate the opportunity to be of service to Westgate/Belvedere Homes Community Redevelopment Agency and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,



Ward & Company, P.A.

RESPONSE:

This letter correctly sets forth the understanding of Westgate/Belvedere Homes Community Redevelopment Agency.

Management signature:

Title: _____

Date: _____

Governance signature:

Title: _____

Date: _____

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FICPA Peer Review Program
Administered in Florida by the
Florida Institute of CPAs



AICPA Peer Review Program
Administered in Florida by the
Florida Institute of CPAs

July 19, 2018

Zenora Kerr-Ward
Ward & Company, P.A.
5725 CORPORATE WAY STE 106
WEST PALM BEACH, FL 33407-2036

Dear Zenora Kerr-Ward:

It is my pleasure to notify you that on July 18, 2018, the Florida Peer Review Committee accepted the report on the most recent System Review of your firm. The due date for your next review is December 31, 2020. This is the date by which all review documents should be completed and submitted to the administering entity.

As you know, the report had a peer review rating of pass. The Committee asked me to convey its congratulations to the firm.

Thank you for your cooperation and support of the profession's practice-monitoring programs.

Sincerely,

FICPA Peer Review Committee

Peer Review Team
FICPA Peer Review Committee
paul@ficpa.org 800-342-3197 ext. 251
Florida Institute of CPAs

CC: Judson Baggett

Firm Number: 900010126191

Review Number: 554848



**Department of Housing &
Economic Sustainability**

Capital Improvements, Real Estate,
& Inspection Services

100 Australian Avenue - Suite #500

West Palm Beach, FL 33406

(561) 233-3600

www.pbcgov.com

□

**Palm Beach County
Board of County
Commissioners**

Mack Bernard, Mayor

Dave Kerner, Vice Mayor

Hal R. Valeche

Gregg K. Weiss

Robert S. Weinroth

Mary Lou Berger

Melissa McKinlay

County Administrator

Verdenia C. Baker

July 15, 2020

Mr. Elizee Michel
Executive Director
Westgate CRA
1280 N. Congress Avenue, Suite 215
West Palm Beach, FL 33409

**Re: Westgate CRA – Oswego Oaks Neighborhood Park
Agreement R2018-0272;
Amended Agreement 01 R2018-1576;
Amended Agreement 02 R2019-1774**

Monitoring Letter

Dear Mr. Michel,

DHES is tasked with monitoring the Performance Benchmarks for this project as approved in the original agreements referenced above.

Although 100% of the funding for this project has been expended and the construction has been completed, the project is still not closed out. We have been monitoring Monthly Reports which have noted that final permits have been obtained recently. However, please be aware that at this time the agreement with DHES is expired and Westgate CRA is out of compliance. Please submit a request workplan identifying the next steps and specific dates for completion and closeout for this project.

Please submit this plan by Friday, July 24, 2020.

Sincerely,

Elena O'Keefe

Elena O'Keefe
Project Coordinator

cc. Denise Pennell, Project Manager, Westgate CRA (by email)
Bud Cheney, Manager, DHES – CIREIS



July 24, 2020

Jonathan Brown, Executive Director
Palm Beach County Department of Housing & Economic Sustainability
100 Australian Avenue, 4th Floor
West Palm Beach, FL 33406

**Re: Westgate CRA – Oswego Oaks Neighborhood Park
Request to Reinstate Interlocal Agreement (Monthly Performance Requirements)
& Work Plan to Complete the Project**

Dear Mr. Brown;

In response to your request, the Westgate CRA submits this letter to advise of next steps and the projected timeline to complete the Oswego Oaks Park project. Following numerous unforeseen construction delays and setbacks, well-documented and communicated to DHES, construction was completed on the park at the end of August 2019. Although the end June 2019 project closeout was not met, 100% of CDBG funds were expended by the June 2019 deadline commensurate with the approved revised project performance benchmarks.

Immediately following construction completion, final inspections began in early September 2019. With a deficiency uncovered during the building inspection, as well as corrective drainage work and punch list items that remained to be addressed, along with the time needed to ensure Davis Bacon compliance and other grant requirements were met, the CRA requested, and was granted, an extension on the agreement performance benchmarks to January 31, 2020.

The CRA, along with the Project Engineer, worked with West Construction into late 2019 to address site issues, deficiencies, and corrective work that included: manufacturing, installation and permitting of an ADA handrail on the pavilion guardrail to address a failed building inspection; re-sloping of too deep retention areas; re-pouring of chipped/cracks in concrete sidewalks; and, remedial action on other minor site and landscaping issues. Final plumbing, electrical and building inspections were not called by the contractor until early 2020; and it wasn't until that time, that the contractor learned that separate site lighting and pavilion and kiosk roofing sub-permits were required to be submitted, reviewed and approved by County Building. By March 2020 and through to May 2020, with new sub-permits under review and resubmittals required, permit close out lagged, and coordination between the CRA, the contractor and the County Building Division became even more difficult with the process being impacted and exacerbated by changing workflows and response times due to the COVID-19 crisis.

Finally, at the end of May 2020, the park passed final building inspections and the permits were closed out. Through June until current, the CRA has been working with West's PM along with their HR coordinator on certified payroll for the prime and subs, along with the other documentation required by the grant. Certified payrolls review has been completed by the CRA and submitted to DHES, with grant sub-recipient reporting, such as the Section 3 report, well underway. Other mandatory documents from the prime and subs have been received to be forwarded to DHES. West's Final Pay Application has been received and is being held until DBA compliance and other grant requirements are deemed met by DHES. At this juncture, all that remains is final review and coordination of grant closeout, and final payment to the contractor. The CRA predicts 6 to 8-weeks

[1]

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from the date of this letter will be needed for coordination with the contractor and DHES to ensure grant compliance is met and to complete the closeout. We kindly request an extension of the project to closeout at the latest by September 30, 2020.

Thank you for your continued assistance and guidance.

Sincerely,

Elizée Michel, AICP, FRA-RA
Executive Director, Westgate CRA