

Intelligence Report - January 2014

We are back to report on the Delray political scene. We had hoped that with a new City Manager things would improve at City Hall. We are disappointed to report that not much has changed.

We will discuss our downtown and then a peek at a curious situation in City Hall.

The Young and The Restless –or- Bye-Bye Village

You may have heard that on January 21st the City Commission effectively approved the Atlantic Crossing development (the existing Atlantic Plaza). It will be the biggest development of our time in downtown Delray, and will have a major impact on traffic, congestion and the character of our town.

The Site Plan and Appearance Board approved the site plan for the project in November. However, it did not consider the traffic implications. A group of residents representing three nearby neighborhoods got together, raised \$10,000 and hired a professional traffic engineer to evaluate the impact of the project. Based on the results of the study, the residents appealed the decision of the SPRAB Board to the City Commission. The Appeal was heard on January 21st. Over a four hour period presentations were made by the Appellants, the traffic engineer, the developer and City staff.

Your Editor was in the audience, and can report that it was the most professional and thorough presentation he has ever heard in City Hall. The Appellants were requesting that the developer put in an east/west surface road between Federal Highway Northbound and NE 7th Avenue to take pressure off the traffic along Atlantic Avenue, Federal Highway, and the adjoining neighborhoods. It seemed to this observer that the case for the road was convincing. However, on a 3 to 2 vote, the Commission denied the Appeal and the project was approved without the road.

[The Mayor gave an especially compelling summary of the current state of development and outlined a clear vision for the future.](#)

Mayor Glickstein and Commissioner Petrolia voted to approve the Appeal and to support the neighbors. Commissioners Gray, Frankel and Jacquet voted to deny the Appeal and support the developer.

We think it might be helpful to put this project into perspective. During the past several months, a number of other projects have been approved for the area east of Swinton, west of Federal Highway Southbound and a block or two south of Atlantic in the heart of downtown Delray, in addition to Worthing Place. Some of these projects were passed on divided votes, as Atlantic Crossing was.

Let's take a look:

Note: Square Feet are listed in 1,000's

Name	Date Appvd	Rental Units	Condo	Density Units Per Acre	Resid Sq/Ft	Office Sq/Ft	Retail Sq/Ft	Rest Sq/Ft
Sofa 1	2013	122	0	69	117			
Sofa 2	2013	58	0	69	55			
Strand	2013	198	0	63	220			
Uptown	2013	146	0	69	150	4		
Worthing		217	0	92	330		8	6
Atl Crossing	2014	264	83	40	372	83	76	38
iPic Theater 529 seats	2013					43	7	
Total		1,005	83		1,244	130	91	44

Including Worthing Place, a total of one and a half million square feet of development has been approved within a few square blocks.

At no time during these approvals did the City do a traffic study or consider the overall impact of the new development. It is interesting to note that State Law mandates that the City update a traffic study every year. The last one done by Delray was 5 years ago.

Instead, each project was considered individually and never in context. This is probably the first time you have seen all the approvals considered as a whole. This may be the first time the Commissioners have seen the whole picture. Why, we wonder?

There are a couple of interesting things that pop out from the chart above. First, most of the residential units will be rentals and very few will be condominiums.

Secondly, not shown on the chart is that the majority of these new units will be studios and small one bedrooms. The Strand will have 85% small units, even though City standards suggest a limit of 50%.

Third, notice the high densities, some of which were granted without meeting the criteria specified in the City's Land Development Regulations.

Fourth, the new restaurant space will come close to doubling the existing restaurant space on Atlantic Avenue.

We expect that the small rental apartments will be filled with young, swinging singles who will turn Atlantic Avenue into the party mecca of Palm Beach County. (Maybe your Editor is jealous that he no longer fits the description.)

Consider also the effect on traffic. Anyone who has tried to navigate Atlantic Avenue recently knows that the traffic in downtown Delray often comes to a standstill, with backups of several blocks in all directions. Imagine, then, what will happen when the full 1,500,000 square feet of residences, offices, retail and restaurants is built and occupied.

Oh...we forgot to mention a couple of additional factors:

--Atlantic Crossing sits at the foot of the Atlantic Avenue Bridge. When the bridge opens there is a backup for several blocks. The backup is sure to get longer.

-- Commuter trains will be added to the FEC tracks crossing Atlantic Avenue downtown at SunBank . This will add approximately another 32 trains daily causing the gates to close much more often.

--Both Federal Highways through the downtown are being narrowed.

--Delray has gradually become the weekend "fairgrounds" of Palm Beach County with an endless parade of Art Fairs, Garlic, Seafood, South Asian and other dubious events, which close Atlantic Avenue or side streets.

The City staff says it sees no problem with traffic in the future. The three Commissioners who denied the Appeal on Atlantic Plaza (Jacquet, Frankel and Gray) also see no problems ahead.

Fortunately, the Mayor has proposed a complete review and update of the City's Land Development Regulations. Treasure Coast Regional Planning is now conducting a study, and will present recommendations in the future. We hope that all Commissioners will support a sensible update .

One member of our Planning & Zoning Board stated, "Gridlock is good". As we remove the Village by the Sea signs we might consider it for a new logo.

Talking of Cars

Did anyone see the irony later at the same meeting when Commissioner Jacquet asked his fellow Commissioners to approve special "Free Parking Passes" for each Commissioner? Just before approving Atlantic Crossing with inadequate parking, he turned to his colleagues and said that he conducted most of his public business downtown and that he "could get tickets while meeting". To avoid getting tickets, he proposed that the Commission vote an exemption to parking rules for itself. He explained that "having the leeway of knowing you can park without being ticketed can go a long way as opposed to going out to move your car every hour or so".

The matter was postponed to the end of the meeting when Mr. Jacquet brought it up again. After stating that Atlantic Crossing posed no traffic problems, he persisted, "I have brought this up many times". He pressed for an agreement. Mr. Frankel mentioned that it might be construed as a gift and might not be within ethics guidelines. The Mayor said he was not in favor of granting special privileges to anyone. Mr. Jacquet admitted defeat, but concluded, "I think it is a great idea."

We are a bit puzzled at his request for special parking privileges. He lives only 3 blocks from Atlantic Avenue and is a young man in good health. We at Friends of Delray are concerned for him. We don't want to see his car ticketed, so we suggest that he walk the 3 blocks when he meets his constituents downtown. It will take less time than searching for a parking place in the heavy traffic and it will allow the hard-working Commissioner a chance to get some exercise.

Walking would be, as he so often puts it, a "win-win" solution.

Closing on Atlantic Avenue

Strolling on Atlantic Avenue on a warm afternoon we came across the following message on the window of Nutrition Cottage, which has been a valued part of our community for many years:

Rents are going sky high, driving out local business
The backbone of your community is the Mom and Pop shop

Nutrition Cottage is closing. Its employees have added much to our town and we will miss them.

An Odor in the Air

The Consent Agenda for the evening of the Atlantic Crossing hearing listed an item regarding an order for garbage carts. The Consent Agenda is that part of the agenda proposed by the City Manager that does not require discussion. However, any Commissioner can request that an item be moved from the Consent Agenda to the Regular Agenda, which does require discussion. Commissioner Petrolia requested that the matter of the purchase of additional garbage carts be moved for discussion.

Late in the evening after the Atlantic Crossing matter had concluded, Ms. Lula Butler representing the City stood before the Commission and stated that she needed emergency authorization to order \$60,000 worth of carts because the City inventory was low. She stated, "We need new carts to continue our services." When asked what the current inventory is, she answered that she didn't know but "my staff knows what the inventory is and what the demand is. We don't have enough to fill our needs now." After more questioning by Commissioners she added, "At this time we have to order carts. We have to serve our current customers".

Ms. Butler acknowledged that other suppliers could provide the same carts and perhaps offer lower prices, but she insisted that inventory was low and the City could not wait. "We cannot afford to run out of carts".

She was careful to request "A blanket order good for the current fiscal year". That was the first tipoff that something was odd.

But it was midnight, and everyone was tired. The approval was given on a 4-1 vote.

In an email to the City Manager the next day, Petrolia requested the exact number of units then in storage at the City warehouse. In a reply the following day, the City

Manager acknowledged that there were over 1,000 garbage carts in storage - an amount sufficient for about a normal year.

She asked for an explanation for the urgency that Ms. Butler had so vigorously maintained, and the following day she received a call from the City Attorney who admitted that the City had no emergency and did not need additional carts.

Apparently, during the Fall of 2013 the City staff went ahead and ordered the additional carts for a total cost of \$60,000 in violation of the City's procedures. Rather than going out to bid, the staff simply reordered the carts from the previous supplier. It appears that the charade at the Commission meeting was designed to get authorization quietly after the fact without the Commission or the public knowing. That was the meaning of "blanket order good for the fiscal year" which covered the period last Fall when the actual order was placed.

Perhaps Ms. Butler mistakenly believed there was an urgent need for new carts. During the meeting Mr. Chapman supported Ms. Butler's request. Perhaps he, too, believed new carts were needed.

We don't know who is at fault. But we do know that the City Commission and the taxpayers were misled and were given false information. We do know it is a poor way to run a city.

During the approval process, Commissioner Gray commented, "Staff has been doing this for a long time and knows what it is doing". We wouldn't be surprised. .

That Time Again

You will see signs going up for candidates for the election in March. There are two Commission seats that will be contested. The filing period is not closed, so there may be more candidates, but at this time the following have filed:

Seat 2:

Al Jacquet (incumbent)
Chris Davey (Member, Planning and Zoning Board. HOA President)
Richard Burgess (operator of Valet service on Atlantic Avenue)

Seat 4:

Angelita Gray (Incumbent)

Jordana Jarjura (Member, Planning and Zoning Board)
Dr. Victor Kirson (HOA President)

There will also be a ballot initiative. We will have more to say on these races and the candidates in the future.

As a reminder, any registered voter can request an Absentee Ballot and vote from home. To sign up, click on this link:

<https://www.pbcelections.org/genericform.aspx?id=5>

Tidbits.....

We are delighted to hear that a group of former Mayors, headed by our old friend Woodie McDuffie, is planning to offer us a blog. We look forward to hearing the views of these luminaries.