

# *Alliance of Delray Residential Associations, Inc.*

*Serving the Membership ♦ Improving the Community Lifestyle ♦ Working Toward Sustainable Development*

*Applying Resilience Thinking to Our Natural Resources*

**Visit Our Website at: [www.allianceofdelray.com](http://www.allianceofdelray.com)**

October 2021 issue of The Alliance Connection

## **ZOOM MEETING**

**HERE IS THE LINK TO**

**Wednesday October 6, 2021 10 AM**

Link: <https://us02web.zoom.us/j/87311426585>

Topic

**“Meet the New PBC Schools Superintendent”**

**&**

**“The Other Half of the Penny Tax”**

**Speakers:**

**Michael Burke, PBC Schools Superintendent**

**Leanne Evans, Treasurer School District of PBC**

**And, Updates from PBSO, PBCFR, and our Elected Officials**

**Go to [www.allianceofdelray.com](http://www.allianceofdelray.com) for phone-in instructions**

**Reminder for  
November “In Person”  
Membership Meeting  
Wednesday November 3, 2021  
We Expect to be Back  
at the Civic Center!  
Doors Open 9 AM  
Meeting Begins 9:30 AM  
Bagels & Coffee/Tea**



**Palm Beach County  
Schools  
Superintendent  
Mike Burke  
Featured Speaker on  
Alliance ZOOM  
Meeting 10 AM  
Wednesday  
October 6, 2021**

### *OFFICERS AND DIRECTORS OF THE ALLIANCE*

*Robert Schulbaum, President*

*Lori Vinikoor, Executive Vice President*

*Norma Arnold, Vice President. Allen Hamlin, Vice President. Arnold Katz, Vice President, Ken Markowitz, Vice President*

*Evelyn Spielholz, Secretary*

*Deborah Borenstein, Treasurer*

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*Assistants to the President: Rose DeSanto, John Gentithes, Rhoda Greifer, Joel Vinikoor,*

*Legal Counsel: Joshua Gerstin*

*ALLIANCE OF DELRAY 1 OCTOBER 2021*

# Alliance of Delray Working from the Everglades to the Ocean

The Alliance thanks our Board of County Commissioners (BCC) for its patience in working with the Aspen Ridge community and the developer of Tuscan Gardens. It has been a long road from the Alliance's original request on January 31, 2021 to Zoning for correcting violations relating to the Phase 1 Tuscan Gardens. The Alliance further supported our Community through the Zoning process and attended meetings with the community and five Zoning meetings (4/1/21, 5/6/21, 6/3/21, 6/24/21, & 7/22/21).

What a pleasure it was to receive a phone call from Aspen Ridge the evening before the August 26, 2021 BCC Zoning meeting and hear that the Community and the developer came to an agreement and that Aspen Ridge was supporting the project.

The Alliance will continue to monitor the process of this development to be sure that our member community, Aspen Ridge, receives all that was agreed upon and is treated honestly and fairly by the developer in the future.

Following up on the City bus shelter issue for Shadywoods, the Alliance has learned that permits are pending. After ten years, our community will be seeing some relief. The Alliance has been informed by City officials that the bus stop will require permitting from another agency, as well as construction of a concrete pad prior to installation. Public Works staff has started the permit application process and will construct the pad and install the bus stop as soon as that application has been approved and the City is clear to work in the right of way. This process should take around six Months.

Your leadership can reach out to the Alliance for any issue at [allianceofdelray@bellsouth.net](mailto:allianceofdelray@bellsouth.net) or call (561)495-4694.

In-Person Mature Drivers Safety Course resumes in November 2021. Contact the Alliance to sign up for one in your community.

## Agricultural Reserve Workshop Will Bring Changes

As with the 2015 Agricultural Reserve Roundtable discussions, the Alliance is engaging in the new workshop proposed for October 26, 2021. Here are some discussion items:

1. Size of a PUD: The large acreages for PUD's of 60/40 (150 acre preserve and 100 acre development) have been exhausted. A 60 acre PUD may be acceptable for remaining parcels with 36 acres for preserve and 24 acres for development with a design that should protect the skyline. CLF's would generate less traffic and should be considered along the major corridors in addition to Lyons Road.
2. Density: 6 units per acre could be considered with a 25 % on site Workforce Housing bonus.
3. Commercial: A "use it or lose it" amendment would be beneficial for future developments. If a site plan is presented the developer could have a delineated amount of time to either use any square footage or it can go back into a "pool." Example: The recent Hospital approval resulted in 60,000 square feet that probably will never be used for neighborhood commercial. Both TMD's have additional commercial that have not been used. A Study of commercial acreage might be undertaken for the major east/west corridors to possibly use an "acreage" model rather than a "square footage" model for determining maximum development and using adopted location criteria in Policy 2.2.2 Commercial as a guide.
4. Light Industrial Zoning: Please see attached Alliance letters regarding the Homrich parcel from January 22, 2016 and April 26, 2016 delineating criteria for a Light Industrial designation.
5. Disenfranchised property owners: The policies proposed above should assist these landowners. The Morningstar property at the northwest corner of Atlantic Avenue and the Fl. Tpk has potential however, Starkey Road and Persimmon Avenue must be aligned for any quality development to be realized.



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### **Delray Medical Center Imaging at Palm Court**

5130 Linton Blvd. Suite I-1 • Delray

### **Palm Beach Gardens Medical Center**

3360 Burns Rd. • Palm Beach

### **St. Mary's Medical Center**

901 45th St. • West Palm

### **Good Samaritan Medical Center Outpatient Imaging**

3713 S. Congress Ave.  
Lake Worth  
561-964-8414

440 N. State Road 7  
Royal Palm Beach  
561-209-6083

2529 Burns Rd.  
Palm Beach Gardens  
561-625-4441

# Home Based Businesses Get Nod from State Legislators

During the 2021 Legislative Session, House Bill 403 relating to home-based businesses was passed and became effective upon signing by the Governor. The new law prohibits local governments from taking certain actions relating to the licensure and regulation of home-based businesses. It bans city and county governments from regulating work that happens strictly inside a residence. It specifies conditions under which a business is considered a home-based business and authorizes home-based businesses to operate in areas zoned for residential use. Home-based businesses will be subject to certain business taxes. Further, the new law authorizes the prevailing party in such challenge to recover specified attorney fees and costs. Local restrictions on activities that affect the outside of a residence including parking, noise or emissions, could continue under the new law.

## **Bill sponsors were Senator Keith Perry and Representative Mike Giallombardo.**

Local regulations exist to prevent a next-door neighbor from opening a noisy dog kennel in the backyard, not to prevent someone from sitting in their home office using a computer. The overreaching nature of these ordinances can dictate the maximum square footage of a home office and restrict how business owners sell products, and limit how many family members can work for a home-based business.

Many businesses start at home due to the reduced operating costs. For disabled persons, seniors, or people with family obligations, the flexibility of home-based work may be the best option to earn a living. Setting statewide standards for local governments to follow would place all Floridians on equal Footing and prevent the heavy hand of government from closing the door on economic opportunity.

Home based businesses such as distributing small machine parts, selling creative artwork, and cottage industries such as bottling sauces and salsas and manufacturing soaps will benefit from this new legislation.

## Artwork in the Arts District

Another project that has made Delray Beach the ultimate destination is the Ray Hotel which is located at 233 NE 2nd Avenue in Delray Beach and is a part of the curio collection by Hilton. It has just opened and what a sight of artwork! The owner's personal collection is displayed throughout the hotel (see photo of "running rabbit" near the entrance).

"Downtown to the Beach" is the mantra for The Ray which is described as a tropical luxury boutique hotel in Pineapple Grove, the established Arts District for Delray Beach. And what a way to spotlight beautiful Delray Beach by partnering with Nomad Surf Shop, a Boynton Beach-based small business, to provide surfboard and paddleboard rentals to guests.

The 141-room tropical luxury boutique hotel is a LEED (Leadership in Energy and Environmental Design) Gold-certified design by Miami-based firm González Architects that features living walls and a lush tree canopy. The interior design is a collaborative effort by Studio Munge, Virserius Studio, and Celano Design. The focus for this destination is on elevated architectural design, green landscaping, immersive art, dining and Wellness.

The amenities which come with the room with rates





start at \$210 a night include Eucalyptus linens, Nespresso coffee maker, motorized shades, Bluetooth speaker, 65-inch 4K Smart TV, Frette bath towels and robes, and Byredo bath products. The “Ray Days” offer special amenities on weekdays such as breakfast for two and special welcome cocktails for two.

A 22,000 rooftop deck offers a pool and special dining experience at the Rosewater Rooftop restaurant.

The Cube is an inspired space, designed to evoke a feeling of floating through floor-to-ceiling glass walls and a private rooftop, The Cube is 2,230 sf and the Cube Rooftop is 1,360 sf and is equipped with State-of-the-Art Technologies.

Website for The Ray: <https://www.therayhotel.com/> Phone: 561-739-1700

## **Palm Beach County’s Workforce Housing Program (WHP)**

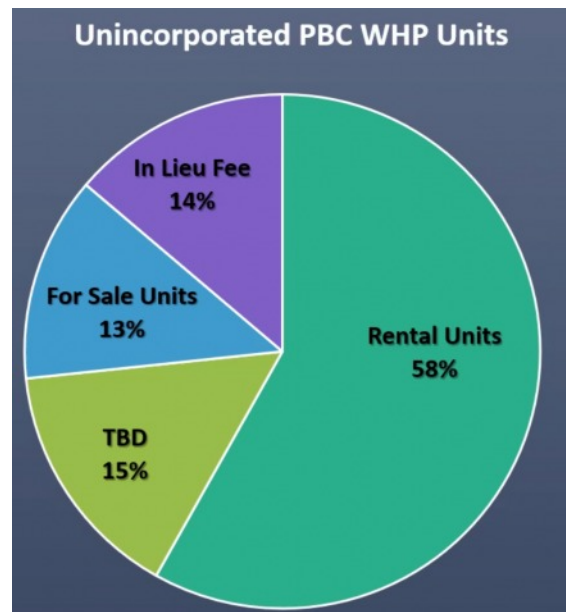
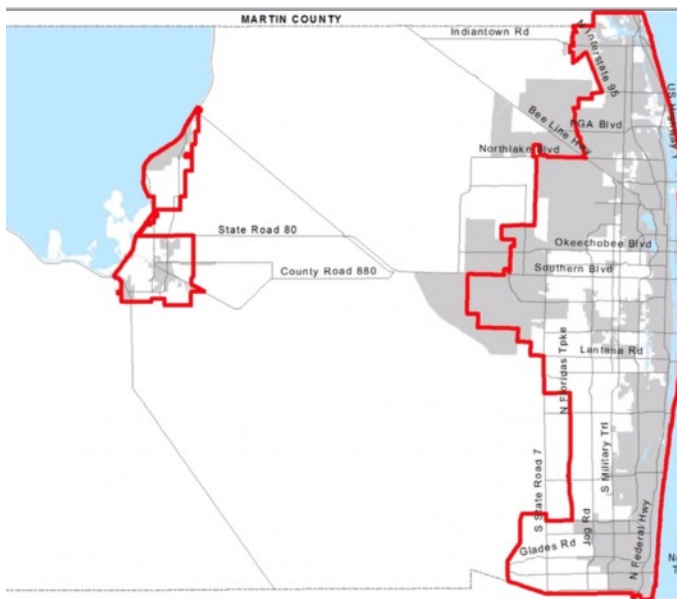
### **WHP Basics**

The 2019 WHP Ordinance required WHP units for projects with 10+ units in the unincorporated Urban/Suburban (U/S) tier. Developers could opt for a density bonus in exchange for additional WHP units. There is a limited incentive option available for projects seeking to minimize the WHP obligation and a full incentive option is available for projects seeking to maximize density. Unit percentage increases range from 2.5% to 22% and above. The WHP obligation can be met by providing the units on-site, off-site, or through an exchange builder, donating land, or paying an in lieu fee.

### **Who Qualifies for the WHP?**

99% are teachers, 80% County workers, and others (health care and community service providers.

The WHP Only Pertains to Unincorporated Palm Beach County (PBC)



### **WHP Units in PBC**

Currently, 58 % of the WHP Units in PBC are rentals, 13 % are built, 14 % have the in lieu fee option, and 15 % are still to be determined. See pie chart on page 7.

**CONTINUED ON PAGE 7**



**How can we help?**  
Let's build a plan that works for you.



**Increased Property Value**  
Your community's landscape drives the value of your homes and the reputation of your community. Partnering with the team that has the experience, expertise and resources to deliver to your expectations is key.

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**Jennifer Olson, LCAM**  
VP ASSOCIATION SERVICES RELATIONSHIP MANAGER  
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ATTORNEYS & COUNSELORS AT LAW

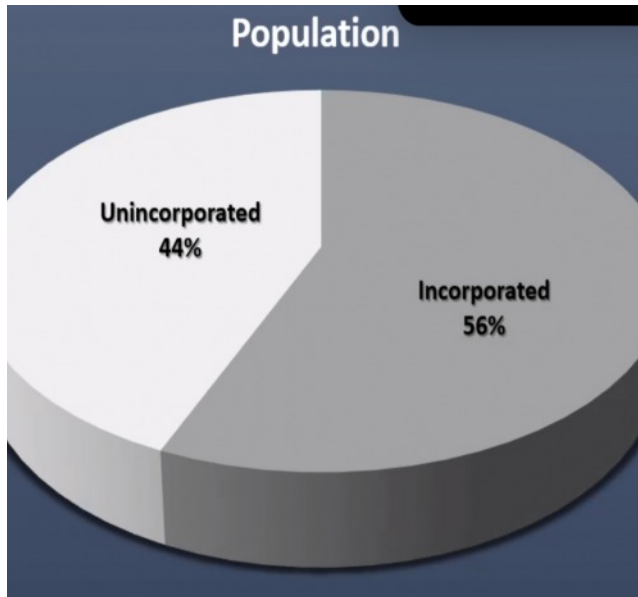
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**Mention this ad when calling.**

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**Gerstin & Associates**  
*Full Service Community Association Law Firm*



### **The Way the WHP Works**

1. Begin with a 10+Unit Project in the U/S Tier
2. Identify the WHP Obligation
3. Determine the Density Bonus
4. <50 % Bonus Units: No Special Analysis
5. 50-100% Density Bonus: Special Analysis
  - \*A point system is used
  - \*Compatibility with the area
  - \*Board of County Commissioners (BCC)
6. Applicant Selects Options & Disposition
  - \*Limited or Full
  - \*On-Site, Off-Site
8. Approval by BCC or Development Review Officer
9. A Restrictive Covenant is Recorded
10. Developer meets the WHP obligation

## **Understanding Transfer of Development (TDR's) & How TDR's are Used Together with Workforce Housing (WHP) Units**

In 1980, the Board of County Commissioners (BCC) adopted a Transfer of Development Rights (TDR) Program. The intent of this program was to redistribute population from low density rural areas into high density areas within the urban service area, to protect and preserve Environmentally Sensitive Lands and to encourage the protection of prime agricultural lands.

Palm Beach County's Transfer of Development Rights (TDR) Program is a voluntary program that allows a property owner to achieve a density bonus by purchasing the increase in density in new residential

developments within the Urban/Suburban Tier in unincorporated Palm Beach County. Density range is up

to 5 units per acre based on geographic location. Thirty five (35) percent of all TDR units must be provided as Workforce Housing Program (WHP) units. By developers using the TDR program and the WHP together even greater increases in density could result in developments.

There is a "Bank" of TDR's. Nearly 2800 TDR's have been used with 6500 remaining. TDR prices are set annually based on provisions in the County's Unified Land Development Code and on the median sale price set by the Realtors Association of the Palm Beaches. The 2021 price for a single family home (zero lot line and townhouse included) is \$440,000 and the median price for a multi-family unit is \$245,000. A full TDR price for a single family and a multifamily unit is 10% of the median sale price which is \$44,000 for single family and for a multi-family unit it is \$24,500. There are other TDR prices calculated as a percentage of the full TDR price. In all, there are eight other price levels. These price levels correspond with Single family and multifamily units, single family and multifamily WHP units, and single family and multifamily Affordable Housing Program (AHP) units, all of which would be built in the West Lake Worth Road Neighborhood Plan area and Revitalization, Redevelopment, and Infill Overlay (RRIO) areas of the County which include the Urban Redevelopment Area, Countywide Community Redevelopment Areas, and Lake Worth Park of Commerce Urban Redevelopment Area.

The TDR program has generated 17 million dollars for Environmentally Sensitive Lands maintenance.

# *Alliance of Delray Residential Associations, Inc*

*Preserving the Community Lifestyle*

10290 W Atlantic Ave. #480504

Delray Beach, Florida 33448



*Important Information Contained in this Newsletter*

***TO:***

## Alliance of Delray Residential Associations, Inc.

Meeting Reminder

### **ZOOM MEETING**

to Protect Our Membership

**Wednesday October 6, 2021 10 AM**

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**&**

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**Michael Burke, PBC Schools Superintendent**

**Leanne Evans, Treasurer School District of PBC**

**And, Updates from PBSO, PBCFR, and our Elected Officials**

*ALLIANCE OF DELRAY 8 OCTOBER 2021*