



May 31, 2024

Mr. James G. Murphy
Assistant Director of Planning, Zoning & Building
Town of Palm Beach
360 S County Road
Palm Beach, FL 33480

**RE: *COA-23-003 (ZON-23-020) 139 N County Road (Paramount Theatre)
Responses to Volkert, Inc. Comments
Palm Beach, Florida
KH #241020000***

Dear James:

We are in receipt of comments from Volkert, Inc. dated March 12, 2024, regarding the traffic analysis for the 139 N County Road (Paramount Theatre) site in the Town of Palm Beach. That traffic study has been updated to address these comments, where applicable, and to reflect further refinements made to the site plan. Below are our responses to each of the comments issued:

COMMENTS

Kimley-Horn [K-H] Traffic Impact Evaluation (Revised February 9, 2024)

The K-H "updated" changes represented in the revised traffic study constitute minimal changes to the original assessment, as follows:

1. The project trip generation is underestimated and does not represent the total impact on the roadway network.
 - a. Although shown as a 475-member Club, the applicant now only wants to account for maximum occupancy of 412 members. No justification is provided.
 - b. There is no mention of employee functions/employee count in the Club or the amount of parking that will be needed to operate any of the facilities (kitchens, restaurants, outdoor dining, bars/lounges, and other uses.)
 - c. The weekday hours of the Club have now increased and will be from "7 AM to Closing." The previous opening time was 9 AM. Closing time is not defined. Weekend hours are not defined at all.
 - d. It should be noted that as defined by ITE, a fine dining restaurant is a full-service eating establishment with a typical duration of stay of at least 1 hour. A fine dining restaurant generally does not serve breakfast; some do not serve lunch; all serve dinner. With the increase in hours, the "fine dining" land use is not valid and cannot be to be utilized to calculate trips for this proposed development. The AM analysis is invalid. As stated by ITE, no breakfast is accounted for in the trip generation calculation, only a minimal number of trips. The operational analysis used a trip generation of 8 trips in the AM (7AM

to 9AM), when later in the report for valet operations, they assumed 150 occupants during the AM (7AM to 11 AM), which conflicts with the operational analysis.

- e. The applicant is using 412 seats for the trip generation calculation. Site plans show 198 indoor seats and 128 outdoor seats (226 total) and it's a 475-member Club. This is inconsistent across the board. Focusing only on the usage with regard to dining seats, fails to factor in - or account for - occupants who are there to use the facility but not as diners. Furthermore, typically for a fine dining restaurant, either 50 sq. ft. per person is allocated or 50 seats per 1,000 sq. ft. of space. And there may be areas that are unaccounted for, as detailed below:
 - i. Based on available 8,195 sq. ft. of usable space, not including the 4,432 square foot kitchen, the Club can accommodate 409 seats on the first floor.
 - ii. With 8,361 sq. ft. of usable space, the Club can accommodate another 418 seats on the second floor.
 - iii. With 2,351 sq. ft. of usable space, the Club can accommodate another 117 seats on the proposed third floor. It should be noted that the applicant has recently been asked to apply for a variance for the proposed third floor.
 - iv. Based on this analysis, there are 18,907 sq. ft. of usable space and the club can accommodate 944 seats or guests (more than double what the applicant claims will be maximum occupancy). While we understand that this is not a restaurant and the site will operate as a private Club, there is a very significant amount of space that is not accounted for. There are spaces where no use is indicated. There are spaces where the use is defined but no occupancy is given for the space. There are spaces which provide a use and occupancy number, but it is likely that the use is not being correctly identified and, as a result, the occupancy is undercounted (e.g. the 5,000 sq. ft. lounge on the second floor only shows 40 seats).
 - v. The K-H analysis is seriously flawed with respect to space usage and occupancy based on the fact that it erroneously caps the occupants well below the number of Club members available to join the Club and available space the Club could accommodate. In addition, it assumes that the members will not bring or invite a guest.

RESPONSE: The land use used for the trip generation calculations (Fine Dining – ITE 931) has been determined to be the land use with the closest applicable trip generation rates available in the ITE Trip Generation Manual. Similar private club developments have been analyzed and approved while utilizing the Fine Dining trip generation rates. The ITE rates were developed by collecting data at a number of sites. These sites included many of the ancillary uses listed in this comment (i.e. the rates consider traffic generated by the overall site and not just traffic generated by visitors utilizing the seats available) and therefore would be considered an appropriate representation of the expected trip generation for the Paramount site. Additionally, driveway counts were conducted at a similar site in the Town during that facility's peak hours of operation, for reference, and that information has been provided under a separate cover. The calculated driveway volumes using the ITE Fine Dining category were found to be higher than actual field

observations during the PM peak hour, and therefore should be considered as a conservative estimate.

2. There are several issues with the project trip distribution and assignment, as noted:

- It does not match the site plan traffic patterns.
- It does not balance and misrepresents future traffic patterns.
- The 1% growth rate assumptions are invalid, and a growth rate analysis needs to be performed as part of this study, evaluating historical volumes, socio-economic patterns, and Southeast Regional Planning Model (SERPM) 2015 model to 2045 model comparisons.

The following items should be noted regarding trip distribution and assignment for the following comments:

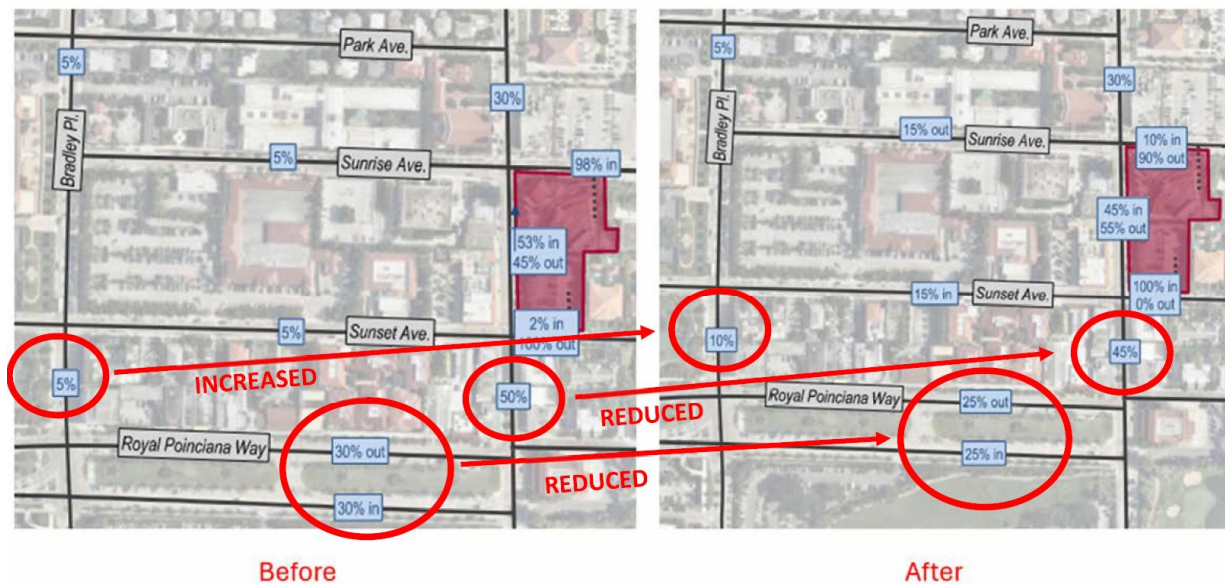
- The purpose of trip distribution is to determine the travel patterns (origins and destinations) of the trips generated by the Paramount project.
- Trip distribution should be performed for the 2027 analysis year, documented, and summarized in a figure that illustrates the percentage of total site trip generation.
 - The figure should clearly show that the distribution of external project trips to and from the Paramount site adds up to 100%.
- Trip assignment involves determining the amount of traffic that will use each route on the roadway network and should clearly show the amount of project trips movements turning and going through at each intersection.
 - Project trips are assigned to the roadway network based on the percent distribution shown on the distribution figure. The project trips to and from the project site should be easy to follow within the influence area, based on the designated ingress and egress at the site.

In summary, trip distribution and assignment are two related but distinct activities. Trip distribution determines where trips wish to go. Assignment is when the trips are placed on the network to reach their desired destination.

- a. The study and the site plan show the ingress on Sunset Avenue and egress on Sunrise Avenue, but Figure 1 shows 10% of the vehicles entering the property on Sunset Avenue and shows 100% on Sunrise Avenue. In addition, only 90% of the trips exit on Sunrise Avenue, not 100% as shown on the site plan and described in the report (see Figure 4 below).
 - i. Detailed distribution and assignment figures should be included that show inbound and outbound patterns clearly and accurately. Separate figures for distribution in and out, with directional arrows should be included for clarity.
- b. The project distribution percentages and assignment trips were changed from the previous submittal, with no explanation.

The change reduces the project trip impacts significantly at both the Royal Poinciana Way and Sunset Avenue intersections along North County Road and increases trips on roadways like Bradley Place, the site of a Publix Market, the only large supermarket serving the Town of Palm Beach. It should be noted there is severe congestion along both Bradley Place and North County Road, as seen in Photos 1 and 2, respectively.

- i. The volume of project traffic using Royal Poinciana Way was reduced to 25%, from 30%, which ultimately reduces the impact at the higher volume intersections and erroneously represents the project impacts.



- c. Growth rates need to be reevaluated. If anything, the number of vehicles coming to/from West Palm Beach should be increased, not reduced, based on development projections across the Intracoastal Waterway in West Palm Beach.
- d. The utilization of a 1% growth rate of Palm Beach 1% is underestimated. The growth rate of 1% is not a true representation of the population changes in the Town of Palm Beach.
 - i. It is based on the 2020 US Census number of 9,245.1 for the Town of Palm Beach.
 - ii. It does not take into account the population during the season (between 25,000 - 30,000)
 - iii. It does not include the growth rate of West Palm Beach, which is undergoing rapid population growth. The influx of residents and businesses has led to a surge in urban development for residential and commercial spaces. For example, West Palm Beach is now being promoted as "Wall Street South" as described by the Palm Beach Business Development Bureau advertisements in 2023 in New York City on three Times Square billboard displays and in print media.

- Within the last 5 years, there has been extensive commercial and residential development.
- Over two (2) million square feet of office space has been built or is being built.
- Approximately 20 new multi-family residential buildings (apartments, condominiums) have been or are being built, that will add more than 4,000 residential units to our community.

RESPONSE: The trip distribution figure has been updated for clarity. Ingress is only available at the southern driveway. The “10% in” on Sunrise Avenue is inbound traffic coming from the east to the west, south on County Road, and then east to Sunset Avenue to enter at the southern driveway. Project traffic distribution was revised from earlier submittals per the direction of the Town. Further growth rate calculations have been conducted using roadway data counts using data from 2018 to 2024 and the updated growth rate calculations are provided in detail in the updated traffic study. Additional committed development traffic, including traffic associated with West Palm Beach projects, has been included in the revised analysis.

3. Volume development does not represent the current conditions on the roadway network and new traffic data should be collected to represent current traffic patterns.
 - a. The Town modified Sunset Avenue from a two-way roadway to one-way eastbound only, between Bradley Place and North County Road in June 2023.
 - i. Tables 2 and 3, the AM and PM Significance Analysis still reflect a westbound movement, so it's invalid.
 1. Based on the trip reductions, a small area of influence was selected. The area of influence will be much greater than what is represented in the K-H study.
 - ii. The applicant has manipulated the existing traffic volumes to reflect the Town's travel pattern changes, without explanation or description of a diversion plan or diversion analysis. The new travel patterns can only be captured by retaking the counts and should not be assumed. New counts should be taken, and the operational analysis should be revised for the existing, background and future year.

RESPONSE: The traffic diversion has been removed and updated counts were collected that reflect the one-way eastbound configuration of Sunset Avenue and no longer require a diversion analysis.

4. The operational analysis is flawed and needs to be revised based on new traffic counts and existing signal timings.
 - a. Sunrise Avenue & North County Road: Signal timings were modified from the previous submittal from "Actuated-Uncoordinated" to "Actuated-Coordinated." The "recall mode" was also changed to falsely improve intersection signal performance from the impact of the rerouted northbound left-turn vehicles (NB LT) from the Sunset Avenue at North County Road intersection, due to the travel pattern changes along sunset Avenue.
 - i. The signal timings modification was only performed at this intersection and was changed on the February 21 traffic study submittal. If this is a coordinated system, it should have been performed at all study intersections, but it wasn't because it isn't part of a coordinated system.
 - ii. The change in the recall mode also falsely improves both the actuated and effective green times, allowing more vehicles to pass through the intersection and reduce delay.

RESPONSE: Updated counts were collected and used in the analysis. The signal timing along this corridor was originally analyzed without coordination. This was revised to properly reflect the real world operations of this corridor being actuated with video detection devices.

5. Existing operational failures are shown along North County Road at Sunrise Avenue but reported as acceptable.
 - a. Multiple movements report 95th percentile queue lengths that fail and the back of queue extends through the adjacent on the roadway network for existing and future year 2027 analysis. However, the intersection is reported to have an acceptable level of service (LOS). This is because Synchro cannot account for the potential impact of downstream congestion on intersection operations, nor does it detect and adjust for the impact queue length overflows, where the back of queue extends through an adjacent downstream intersection. Therefore, it can be assumed, where the 95th percentile queue length fails, the intersection will fail. This is a limitation of the software utilized for the analysis.
 - “95th percentile queue length” is the queue length that has a 5% probability of being exceeded during the analysis period. This is the queue length used to determine recommended storage lengths. This means that when the 95th percentile queue is longer than the available amount of roadway in feet, a failing condition exists.
 - “Back of Queue” refers to the last in a line of vehicles waiting to proceed through an intersection of the roadway with a crossing roadway.
 - b. To clarify queue lengths and the impact this has on the intersections, the northbound 95th percentile queue at North County Road and Sunrise Avenue during the AM peak is 588 feet. However, Sunset Avenue is only 335 feet south of Sunrise Avenue. This means that the back of the vehicle queue extends through the Sunset Avenue intersection. However, both intersections are documented in the K-H reports as having exceptional operation.

RESPONSE: It is acknowledged that Synchro software can have certain limitations but is the standard method for evaluating intersection LOS and operations. The report does demonstrate that certain vehicle queues exceed storage for certain movements during limited time windows. As has been repeatedly demonstrated in the study, the proposed private club use represents a decrease in trip generation potential in comparison to existing & vested site uses during the peak hours in which these conditions occur. Therefore, approval of this project will reduce impacts to these movements during those critical time periods.

6. Valet operations are not realistic and are misrepresented in the report.
 - a. The valet parking analysis was only done for the PM peak period (4PM - 6PM). No analysis was provided for the hours of operation starting at 7AM and closing time has not been provided.
 - b. There are only 46 spaces in the existing surface parking lot.
 - c. For the Club analysis, the report utilizes an assumed average vehicle dwell time or service rate for passenger loading/unloading of 60 seconds / vehicle, for both inbound and outbound vehicles. However, the analysis does not account for what happens when the parking lot is full and does not detail where valet attendants will park or retrieve the vehicles.
 - d. This portion of K-H's analysis is seriously flawed because it erroneously caps the occupants below the number of members available to join the Club and/or occupy the Club at a given time. In addition, it assumes that the members will not bring or invite a guest. Finally, it also does not account for employees/staff parking.

RESPONSE: Additional hours for valet operations have been analyzed for the club. Tables A-1 thru A-3 included in the Appendix summarize the results of these analyses. The report summarizes peak hour operations (when the club is at its highest number of visitors) to determine if the "worst case scenario" is expected to operate acceptably. Valet operations outside of peak times will experience less demand and therefore not generate maximum expected queues but have still been included in the Appendix, for reference. Figures detailing the offsite valet operational plan have been included in the updated report.

7. The circulation analysis and maneuverability analysis for the loading area has been omitted from this submittal.
 - a. A loading zone was added near the SE corner of the Paramount building. However, it is unclear as to where service vehicles (delivery trucks, garbage/recycling trucks, etc.) will ingress and egress.
 - b. Based on the proposed loading area location and the proposed site plan, it can be expected that service vehicles/trucks and passenger vehicles will likely be sharing the same routes on narrow roadways, navigating through the parking lot after entering on Sunset Avenue and exiting on Sunrise Avenue. Service vehicles (delivery trucks, garbage/recycling trucks, etc.) should have a separate ingress/egress because it reduces the likelihood of crashes and eliminates conflicts between trucks that often travel slowly and require more space to navigate and cars which can maneuver faster and have frequent travel in the area.

RESPONSE: Loading and delivery information is being addressed under separate cover from Keshevarz & Associates.

8. Alternate mode transportation analysis is incorrect and misrepresented.
 - a. North County Road is correctly identified as “the major centralized roadway within the Town providing connectivity north and south for the island, which is critical to the vehicular network.
 - b. The report states that “this roadway likely experiences high pedestrian volumes”. However, there is no competent substantial evidence to support the assertion, in comparison to other streets in Town. In fact, field observations show that there are higher volumes along South County Road and along Worth Avenue. The overwhelming majority of Club members and employees are going to arrive at the site by car, not by foot.
 - c. There are no bike lanes, so that is not a viable option.
 - d. The study STILL references portions of proposed covered arcades. The applicant's arcade proposal was withdrawn. This application does not include any buildings that arcades could even be attached to.
 - e. The study states that Palm Tran “may be a potential alternative mode of travel for some site employees”. There is extremely limited service from Monday to Saturday, with service approximately every 90 minutes from just after 7 AM to 5 PM. Service begins in West Palm Beach near the Tri- Rail Station, and heads east over the Royal Park Bridge before heading north on South County Road. Based on this, contrary to the assertion made by the K-H study, bus travel does not appear to be a potential alternative mode of travel for some site employees.

RESPONSE: The section of the report detailing alternate mode access has been revised in the updated analysis.

K-H Shared Parking Analysis (February 21, 2024)

1. A parking shortfall can STILL be expected. The shared parking analysis shows that there are 103 parking spaces needed, but states that “the parking demand will be equal or less than the parking supply needed for the maximum Club use,” with 46 existing spaces.
 - a. Town code requires 169 parking spaces.
 - b. The shared parking analysis erroneously uses a 412-person maximum capacity for the Club, when the total Club members are 475 people, excluding employees.
 - c. The shared parking analysis uses a 250-person maximum capacity for the church. This is new, as church occupancy was previously noted as 200 people. However, requested capacity for this space is the same as architectural drawings used for earlier application submissions which, showed a 250-person banquet hall that was going to be used as an event space. The event space usage was removed from the most recent Letter of Intent. However, the space still exists, and the applicant has not clarified how the space will be used, either now or in the future.
 - d. The K-H analysis does not take into account that churches have weddings, funerals and other community events outside of Sunday morning services. This was also not accounted for in their Shared Parking analysis.
 - e. The applicant does not detail where the “expected” overflow parking will be located.
 - f. The applicant does not take the St. Edwards Church excessive parking demand into consideration. There are almost no spaces available during church services. See Photos 3 and 4, which show the parking lot at capacity during services.
 - g. The applicant does not source or detail “percent use” assumptions. A shared parking analysis consistent with the Urban Land Institutes (ULI) Shared Parking Manual methodologies, which is commonly used for mixed-use developments should be provided. The Shared Parking model is an Excel-based tool that estimates parking demand based on the methods provided in the accompanying manual. Typically used by engineers and parking planners, the model projects conditions for mixed-use developments that share parking. The analysis parking demand should demonstrate spaces needed by land use utilization between 6AM and 12AM, resulting in the maximum parking needed during the highest 1-hour peak period.

RESPONSE: The project is in full legal compliance with the Town’s Code requirements based upon the code parking requirements and the principle of equivalency.

Nevertheless, the owner has arranged for off-site valet parking after 5 PM and on weekends, which are the time periods in which parking needs would potentially exceed the supply available on site.

Regarding the church, its use is non-concurrent with the club and therefore parking needs for that use are not cumulatively added to the private club use. Furthermore, it has been stated the church will only be in operations on Sundays. The church is not proposed to host funerals, community events, etc.

Paramount Theater Site Plan Submittal (Submitted February 12 and February 21, 2024)

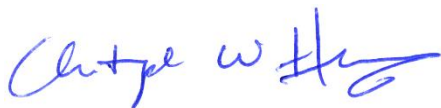
1. The applicant STILL proposes to reduce the northbound approach of North County Road between Sunset Avenue and Sunrise Avenue during construction will cause extensive delays for 2+ years (the construction plans entail 18-24 months of demolition and construction).
 - a. The northbound existing 95th percentile queue at Sunrise Avenue along N. County Road is already failing during the AM peak period. Removing a lane will only exacerbate this condition, likely creating gridlocked traffic past Royal Poinciana Way in the northbound direction, daily for more than two years.
 - b. North County Road, north of Royal Poinciana Way, is part of the identified truck route for Palm Beach. A merge will be needed, from two lanes to one lane, from Royal Poinciana Way to Sunset Avenue. There will also be a reduction from two lanes to one lane between Sunset Avenue to Sunrise Avenue. This reduction, combined with the addition of up to 1,074 trucks, during construction will likely result in multiple failing intersections and arterials within the ½ mile radius of influence for the project, not just North County Road.

RESPONSE: An updated initial construction management plan has been prepared that does not show the level of disruption identified in this comment. Furthermore, the Town has regulations restricting certain phases of construction and the implementation of lane closures during the Peak Season. Most construction activities that would have the potential to be disruptive to traffic flow would be restricted to the months outside the Peak Season, when traffic volumes are significantly lower than they are during the Peak Season.

We trust that these responses and the revisions to the analysis address the comments provided. If there are any additional comments or questions, please contact me via telephone at (561) 840-0248 or via e-mail at chris.heggen@kimley-horn.com.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Christopher W. Heggen, P.E.
Transportation Engineer