TENTATIVE:
SUBJECT TO
REVISION

TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

FEBRUARY 15, 2023

9:30 AM

Welcome

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Danielle H. Moore, Mayor
Margaret A. Zeidman, President
Bobbie Lindsay, President Pro Tem
Julie Araskog
Ted Cooney
Lew Crampton

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR DANIELLE H. MOORE

IV. COMMENTS OF TOWN COUNCIL MEMBERS

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. PRESENTATIONS

Pg. 13

A. Code Review Update

TIME CERTAIN - 10:00 A.M.

VIII. DISCUSSION ITEMS

A. Discussion Regarding Public Notices — Pg. 20

B. Review of Landmarks Program Objectives — Pg. 21

IX. RESOLUTIONS

A. **RESOLUTION NO. 007-2023:** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 296 S County Rd Meets the Criteria Set Forth In Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of The Town of Palm Beach. Pg. 30

B. **RESOLUTION NO. 008-2023:** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 304 S County Rd Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach. Pg. 53

C. **RESOLUTION NO. 015-2023:** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 4 Via Vizcaya Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town Of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town Of Palm Beach. Pg. 76

D. **RESOLUTION NO. 016-2023:** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 686 Island Drive Meets the Criteria Set Forth in Pg. 102

Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town Of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town Of Palm Beach.

X. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of ARCOM Decision RE: ARC-22-241, 624 Island Drive Pg. 129

B. Time Extensions and Waivers

1. Permit Extension Request - 200 Via Bellaria Pg. 132
2. Permit Extension Request - 272 Tradewind Dr Pg. 151
3. Permit Extension Request - 212 Australian Ave Pg. 158

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **ZON-23-006 139 N COUNTY RD - OUTDOOR PROMOTIONAL EVENTS - THE PARAMOUNT THEATRE** The applicant, WEG Paramount LLC (Lester Woerner), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for Outdoor Promotional Events in the open-air courtyard of the Paramount Theatre, an existing three-story commercial building. Pg. 167
The applicant has withdrawn this application.

b. **ZON-22-021 (ARC-22-022) 160 SEAVIEW AVE (COMBO) – VARIANCES** The applicant, Coral Beach Corporation (Angela Feldman, President) and Seaview Holdings, Inc. (David Feldman, Director), has filed an application requesting Town Council review for variances to exceed the point of measurement elevation higher than allowed to be measured from and to reduce the required street side yard setback for a new guest house on combined parcels at 160 and 170 Seaview Avenue. ARCOM will perform design review of the application. [*The Architectural Commission deferred the project to their December 16, 2022, Architectural Commission meeting.]* ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Architectural Review.]*** Pg. 168

c. **ZON-22-088 (ARC-22-126) 240 OLEANDER AVE (COMBO) – VARIANCES** The applicant, PTMJM Florida Investment Properties, LLC (Patricia Lambrecht), has filed an application requesting Town Council review and approval for variances (1) for development on a lot which is deficient in minimum lot area and (2) deficient in lot depth in the RC zoning district and (3) to exceed the maximum allowed lot coverage, in conjunction with the Pg. 169

construction of a new two-story single-family residence. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission deferred this project to the January 25, 2023 meeting.]* ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Architectural Review.]***

d. **ZON-22-122 (HSB-22-011) 141 AUSTRALIAN AVE (COMBO) —VARIANCES.** The applicant, Gregory James Pamel, has filed an application requesting Town Council review and approval for Variances to (1) reduce the required side (east) yard setback, (2) to reduce the required rear (north) yard setback, (3) to exceed the overall building height for an accessory structure, and (4) to exceed the maximum Cubic Content Ratio (CCR), and (5) to allow a two story accessory structure where only one story is permitted, for the demolition and reconstruction of a two-story accessory structure in the rear yard in conjunction with the proposed renovations to an existing Historically Significant two-story building. The Landmarks Preservation Commission will perform design review of the application. ***[This project shall be deferred to the April 4, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.]*** Pg. 170

e. **ZON-22-140 (ARC-22-216) 248 COLONIAL LN (COMBO) —SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE.** The applicant, 306 Livingston Street Holdings I, LLC (Matthew Mirones), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for development of a lot which is deficient in lot depth and lot area in the R-B zoning district and for variances (1) to eliminate the two-car garage enclosure requirement, (2) to locate a generator in a setback which is higher than allowed from neighboring grade and (3) to not completely screen a generator with a masonry wall, in conjunction with the construction of a new two-story residence. The Architectural Review Commission will perform design review of the application. *[The Architectural Review Commission deferred this project to the December 16, 2022 meeting. Carried 7-0.]* ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending review by the Architectural Review Commission.]*** Pg. 171

f. **ZON-22-147 (ARC-22-225) 201 EL VEDADO RD (COMBO) - VARIANCES.** The applicants, Perri and Robert Bishop, have filed an application requesting Town Council review and approval for a variance to provide vehicle queuing space deficient in depth between the driveway gate and edge of roadway. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission Recommended: Implementation of the proposed variances will* Pg. 172

not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission deferred the project to the December 16, 2022, meeting for a restudy of the gate. Carried 7-0.] ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Architectural Review.]***

g. **ZON-22-129 (ARC-22-187) 441 AUSTRALIAN AVE (COMBO) —VARIANCES** The applicant, John and Ginny Collett, has filed an application requesting town council review and approval for development of a new two-story single-family structure, requiring variances for (1) developing a lot deficient in area in the RC zoning district, (2) developing a lot deficient in width in the RC zoning district, and (3) to reduce the required front yard landscaped open space, in conjunction with the construction of a new two-story residence. The Architectural Commission will perform design review of the application. ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Architectural Review.]*** Pg. 173

h. **ZON-23-002 (ARC-22-241) 624 ISLAND DR (COMBO)— VARIANCES** The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Town Council review and approval Variances (1) to exceed the maximum amount of lot coverage and (2) to exceed the maximum amount of Cubic Content Ratio (CCR) in the R-B zoning district in conjunction with the enclosure of an existing open-air courtyard of a two-story residence with a new skylight. The Architectural Commission will perform design review of the application. ***[This project was denied at the December 16, 2022, Architectural Review Commission.]*** Pg. 174

i. **ZON-23-012 (ARC-22-212) 246 EVERGLADE AVE (COMBO) — VARIANCES** The applicant, 246 Everglade LLC, has filed an application requesting town council review and approval for site modifications including variances for (1) reduced landscape open space (2) for reduced air conditioning equipment setbacks and (3) for reduced pool equipment setbacks. The Architectural Commission will perform design review of the application. *[Architectural Review Commission Recommendations: Implementation of proposed variance will not cause a negative architectural impact to the subject property. Carried 5-2] [The Architectural Review Commission approved this project without the proposed gate at the January 25, 2023, meeting. Carried 5-2]* Pg. 183

j. **ZON-23-013 (ARC-22-231) 7 LA COSTA WAY (COMBO) — SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, La Costa Way Trust (Cooper Andrew TR), has filed an application requesting Town Council review and approval variances (1) for a reduced 2nd story street rear-yard setback for a new second story roof top terrace, (2) a Pg. 190

variance to provide deficient landscape open space, and (3) a variance to exceed 2-story lot coverage maximum, all as part of a renovation to an existing nonconforming one-story residence. The Architectural Commission will perform design review of the application. ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Architectural Review.]***

k. **ZON-23-025 (COA-22-055) 210 VIA DEL MAR (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, BEACHBOYZ DEVELOPMENT LLC., has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for reduced vehicular gate setbacks on a cul-de-sac street. The Landmarks Preservation Commission will perform the design review for modifications to the existing Landmarked residence and grounds. ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Landmarks Preservation review.]*** Pg. 191

2. New Business

a. **ZON-22-032 (HSB-23-003) 594 N COUNTY RD (COMBO)—VARIANCES** The applicant, George Marucci, has filed an application requesting Town Council review and approval for variances (1 and 2) to reduce both side yard setback requirements for two, one-story additions to a historically significant one-story building. The Landmarks Preservation Commission will perform the design review. ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Landmarks Preservation review.]*** Pg. 192

b. **ZON-23-017 (COA-23-001) 1100 S OCEAN BLVD—MAR A LAGO (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW.** The applicant, Mar A Lago Inc., has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for modifications to a private club Special Exception Use including the construction of a new one-story approximately 250 SF guardhouse guardhouse to an existing Landmarked structure. The Landmarks Preservation Commission will perform the design review. ***[This project shall be deferred to the March 8, 2023, Town Council Meeting pending Landmark Preservation review.]*** Pg. 193

c. **ZON-22-141 375 S COUNTY RD SUITE 220-200—SPECIAL EXCEPTION WITH SITE PLAN REVIEW.** The applicant, 375 South County Holdings LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for a permitted use for a change of ownership to a previously approved special exception use greater than 3,000 SF in the C-TS zoning district for an executive office suite with no Pg. 194

change to the approved floor plan (4,352 SF).

d. **ZON-22-153 (COA-22-054) 125 VIA DEL LAGO (COMBO)– VARIANCES**. The applicant, Todd Glaser, has filed an application requesting Town Council review and approval for a variance to (1) expand an existing nonconforming 3rd story of a single-family dwelling and (2) to exceed the maximum building height. The Landmarks Preservation Commission shall perform design review of the application. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause a negative architectural impact to the subject property. Carried 7-0] [The Landmarks Preservation Commission approved the project with conditions to the balcony handrail design to return to Landmarks for further review. Carried 7-0.]* Pg. 202

e. **ZON-23-001 (COA-22-008) 1 S COUNTY ROAD – THE BREAKERS HOTEL (COMBO) – SITE PLAN REVIEW.** The applicant, The Breakers Palm Beach, Inc., has filed an application requesting Town Council review and approval of a Site Plan Review modification for the installation of new fencing and gates. The Landmarks Preservation Commission will perform the design review component of the application. *[The Landmarks Preservation Commission approved this project as proposed. Carried 7-0.]* Pg. 211

f. **ZON-23-004 (ARC-22-244) 422 AUSTRALIAN AVE (COMBO) —VARIANCES.** The applicant, 422 Development Group LLC, has filed an application requesting Town Council review and approval for variances (1) for development on a lot which is deficient in minimum lot area and (2) deficient in lot depth in the RC zoning district and (3) for an equipment screening wall exceeding maximum allowed height, in conjunction with the construction of a new two-story residence. The Architectural Commission will perform design review of the application. ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Architectural Review.]*** Pg. 237

g. **ZON-23-008 (ARC-22-245) 2784 S OCEAN BLVD (COMBO) —SITE PLAN REVIEW**. The applicant, Cove Condominium Association Inc., has filed an application requesting Town Council review and approval for a Site Plan Review and approval for modifications to the existing surface parking area and landscape areas of three existing six-story multifamily buildings. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission approved the project design. Carried 7-0.]* Pg. 238

h. **ZON-23-015 (ARC-23-002) 160 ROYAL PALM WAY – THE PALM HOUSE HOTEL (COMBO)—SITE PLAN REVIEW AND VARIANCES.** The applicant, LR PALM HOUSE, LLC., Pg. 242

has filed an application requesting Town Council review and approval for a variance (1) for rooftop air conditioning height in conjunction with modifications to previously approved alterations to the hotel, including the relocation of mechanical equipment to the roof, requiring Site Plan Review. The Architectural Commission shall perform the design review component of the application. *[Architectural Review Commission Recommendations: Implementation of proposed variance will not cause a negative architectural impact to the subject property. Carried 7-0] [The Architectural Review Commission approved the project with the lighting bollard to return for additional review. Carried 7-0]*

i. **ZON-23-016 86 MIDDLE ROAD—SPECIAL EXCEPTION AND SITE PLAN REVIEW.** The applicant, Middle Road Holdings Trust (Guy Rabideau), has filed an application requesting Town Council review and approval for a Special Exception and Site Plan approval to permit a reduction in the required setback for the proposed gate and gatepost for a property located on a cul-de-sac. Pg. 250

j. **ZON-23-018 (ARC-23-009) 2860 S OCEAN BLVD (COMBO) —VARIANCES.** The applicant, La Palma Condominium Apartment Association Inc., has filed an application requesting Town Council review and approval for Site Plan Review and Variances for site modifications to the parking lot and other site features of an existing multifamily condominium site including a new enclosed mechanical room including a variance to reduce the required parking spaces. The Architectural Commission will perform design review of the application. *[Architectural Review Commission Recommendations: Implementation of proposed variance will not cause a negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project design. Carried 6-1.]* Pg. 254

k. **ZON-23-014 (ARC-22-243) 302 SEABREEZE AVE (COMBO) — SITE PLAN REVIEW AND VARIANCE** The applicant, Sean Rooney, has filed an application requesting town council review and approval for development of a new two-story single-family structure on a parcel, comprised of platted lots, which is deficient in lot width and lot area in the R-B zoning district requiring Site Plan Review, and a variance to provide one garage parking spot in lieu of the two required. The Architectural Commission will perform design review of the application. ***[This project shall be deferred to the March 8, Town Council meeting pending Architectural review.]*** Pg. 266

l. **ZON-23-019 (COA-23-002) 363 COCOANUT ROW—THE VINETA HOTEL (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, 363 Cocoanut Row Popco LLC, has filed an application requesting Pg. 267

Town Council review and approval for a Special Exception with Site Plan Review for the interior and exterior renovation to an existing Landmarked four-story hotel structure for (1) For modifying the existing four-story hotel use including a reduction of rooms from 57 keys to 41 in the R-C district and (2) For outdoor café seating use. Additionally, the applicant is seeking review and approval for Variances (1) to modify and increase a nonconforming hotel use and accessory restaurant uses in the R-C district under Sec. 134-201(a)(6) of the Town Zoning Code, (2) to exceed the maximum overall building height in order to construct rooftop projections (stair and elevator bulkheads), (3) to exceed the maximum overall building height in order to construct rooftop projections (third floor trellis), (4) to exceed the maximum height of rooftop mechanical equipment for air conditioners and (5) commercial kitchen exhaust scrubber on a rooftop, in conjunction with the renovation of an existing Landmarked four-story hotel and accessory restaurant uses. The Landmarks Preservation Commission will perform the design review. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the landmarked property. Carried 7-0.] [Landmarks Preservation Commission approved the project with the lighting package to return to the March 22, 2023, meeting. Carried 7-0.]*

TIME CERTAIN 2:00 PM

m. **ZON-23-027 (ARC-23-012) 206 CARIBBEAN RD (COMBO)—SITE PLAN REVIEW.** The applicant, 206 Caribbean LLC (Robert Frisbie, has filed an application requesting site plan review from the Town Council for construction of a new two-story single-family on an existing lot that is deficient in minimum required lot width and lot area in the R-B zoning district. The Architectural Commission shall perform design review of the application. ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Architectural Review.]*** Pg. 399

n. **ZON-23-028 (ARC-23-013) 177 CLARKE AVE. (COMBO)—VARIANCES.** The applicants, James Coleman Baker and Veronica Chen Baker, have filed an application requesting Town Council review and approval of variances including (1) Cubic Content Ratio, (2-4) to vest existing rear and side setback encroachments due to the demolition of more than 50% of the building, and (5) to allow a two-story accessory structure in support of the construction of a new two-story residence, alterations to an existing garage structure and landscape and hardscape improvements. The Architectural commission will review the design review component of the Pg. 400

application. ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Architectural Review.]***

o. **ZON-23-030 (COA-23-006) 130 BRAZILIAN AVE (COMBO)—VARIANCES.** The applicant, 145 Clarendon LLC, has filed an application requesting Town Council review and approval for a Variance (1) to reduce the required side setback for the installation of new ground floor awning on an existing Landmarked structure. The Landmarks Preservation Commission will perform the design review. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause a negative architectural impact to the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved this project as proposed. Carried 7-0.]* Pg. 401

p. **ZON-23-035 340 ROYAL POINCIANA WAY, STE M337 – STE M345—SPECIAL EXCEPTION WITH SITE PLAN REVIEW.** The applicant, Marissa Collections of Palm Beach, Inc. (Jay Hartington, CEO), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to increase the retail gross leasable square footage in excess of the 3,000 SF permitted by right in the C-PC Planned Center District and assignment by the Town Council of two vested parking spaces reserved pursuant to the Amended and Restated 1979 Agreement governing development at the property. Pg. 406

XI. ORDINANCES

A. First Reading

1. Native Landscaping Regulations

ORDINANCE NO. 003-2023: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances, Chapter 66, Natural Resource Protection, Article I, In General, By Amending Two Definitions; Amending Article IV, Vegetation, Division 1, Generally, At Sections 66-212, Purpose And Intent, Subsection (6), And 66-213; Applicability; Amending Article IV, Vegetation, Division 3, Plans, At Sections 66-261, Plans Required, And 66-285, General, Subsection (1); Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date. Pg. 435

XII. ANY OTHER MATTERS

XIII. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials

received after 3:30 p.m. on the Wednesday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Wednesday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

Note 2: The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Technology (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

Note 3: If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she 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.

Note 4: Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

Note 5: Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.

Note 6: All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to

	the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.
OTHER AGENDA ITEMS:	Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda
Presentations

Agenda Title
Code Review Update

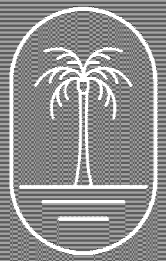
TIME CERTAIN - 10:00 A.M.

Presenter

ATTACHMENTS:

- **Presentation - Sean Suder, Zone Co**

TC Development Review Meeting Backup 2-15-2023



PALM BEACH
ZONING CODE REVIEW

February Update – 2/15/2023

ZONE CO

The Big Idea

PALM BEACH
ZONING CODE REVIEW

Crafting custom-tailored, clear, consistent, user-friendly, sustainable, defensible zoning regulations that advance the Town's vision balanced with property rights.

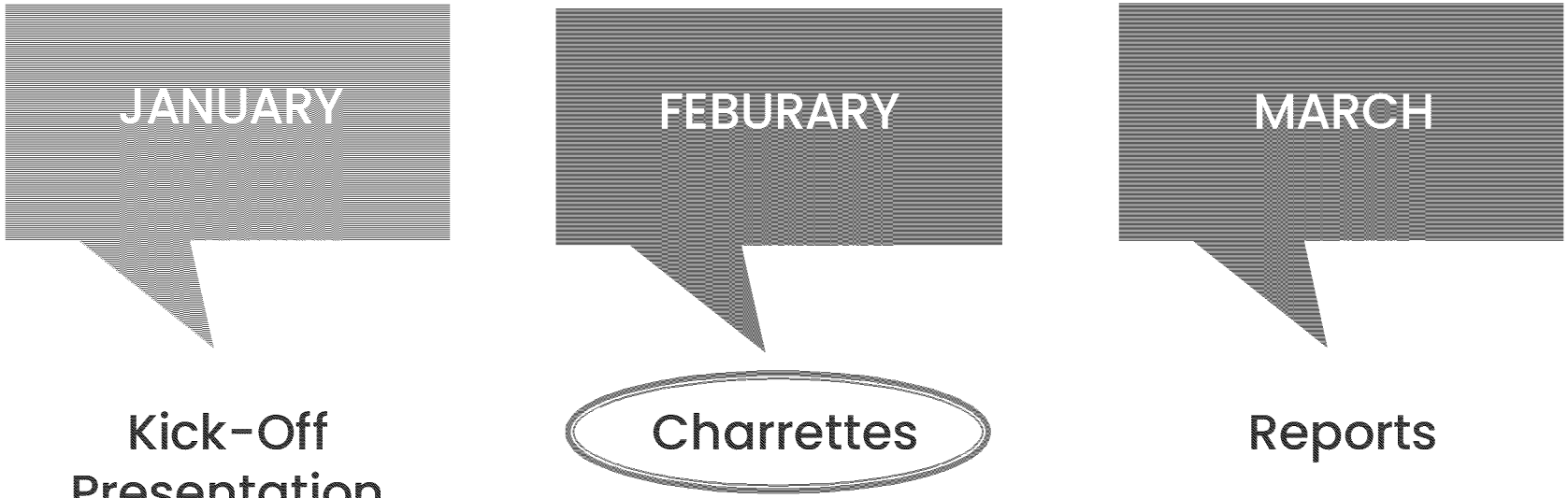








Town-Wide Engagement Timeline (In Season)



PALM BEACH
ZONING CODE REVIEW



https://youtu.be/z1IKwWkvaRE

PALM BEACH
ZONING CODE REVIEW

Design Our Palm Beach Week Schedule

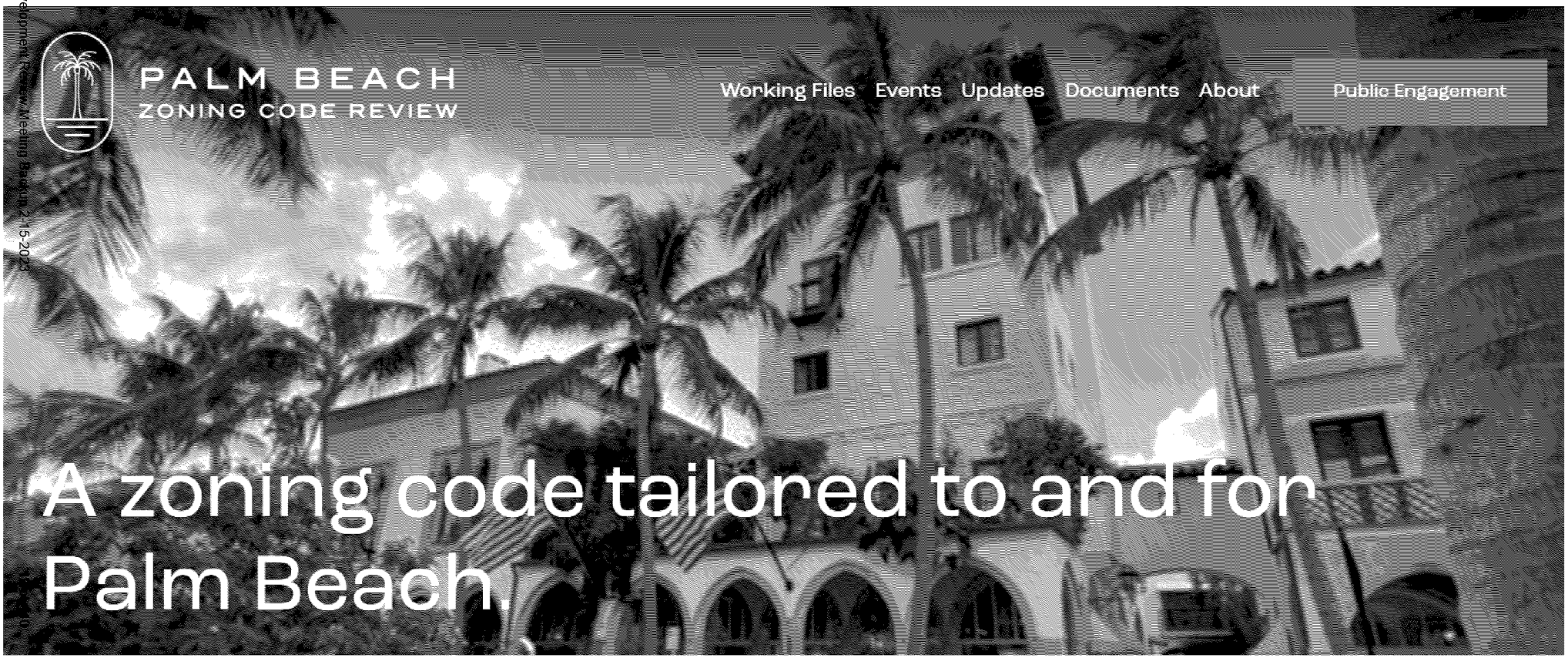
Monday, February 27, 2023
- Late Afternoon/Pre-Dinner Kickoff Event (4-6pm)
- Opening remarks
- Engagement opportunities

Tuesday, February 28, 2023
- Workshops, focus groups, break-out meetings (All day, 9am-6pm, *detailed schedule of events in planning and forthcoming*)
- Mobile engagement around the island – (Two sessions: 9-11am; 2-4pm)
- Open office hours (2-4pm)

Wednesday, March 1, 2023
- Open office hours (9-11am)
- Mobile engagement around the island (One session: 9-11am)
- Open house (4-6pm)
- Provide feedback on emerging options

Thursday, March 2, 2023
- Consultant Team work session (9am-4pm)
- Closing late afternoon/pre-dinner event (4-6pm)
- Closing presentation
- Engagement opportunities

www.pbzoning.org



TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda
DISCUSSION ITEMS

Agenda Title
Discussion Regarding Public Notices

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda
DISCUSSION ITEMS

Agenda Title
Review of Landmarks Program Objectives

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: **February 15, 2023**

To: Mayor & Town Council

From: Wayne Bergman, Director of PZB

Via: Kirk Blouin, Town Manager

Re: Landmark Program

Date: February 1, 2023

At the December 14, 2022 Town Council meeting, Mayor Moore requested a discussion item to be added to a future agenda regarding the new Landmark Preservation Program. In particular, the Mayor was referring to the change made by Town Council over a year ago to double the budget for the study of Town buildings for possible landmark designations. With this change, in theory, the Town would go from about 10 buildings per year to 20 buildings to be studied and presented to the Landmarks Preservation Commission, and later to the Town Council, for consideration as landmarked buildings.

To date, the Town currently has about 360 landmarked buildings or structures and 36 historically significant buildings (HSB's); within the past five years, 32 buildings out of 71 have received the landmark designation.

Year	Properties Presented for Consideration	Properties Designated a Landmark
2018	8	5
2019	10	5
2020	5	4
2021	28	8
2022	20	10

This designation season, the group of buildings being presented for landmark consideration include many commercial buildings. One reason for this selection is due to the concerns over the new HB 423, which places severe restrictions of the ability to preserve single-family homes in Palm Beach (when such homes are located in special flood hazard areas and when property owners oppose the landmark designation), so a shift was made by the consultants to pursue commercial and multi-family buildings. There are also several single-family homes left over from last year – placed under consideration by the Landmarks Preservation Commission but not yet heard by the Town Council. These homes were deferred to this current season for hearings – most at the request of the owners. These are coming before you now.

Comments have been made by some Landmark Preservation Commissioners and some of the Town Council members that the supply of historically appropriate buildings suitable for future

landmark designation is somehow coming to an end. Therefore, the perception may exist that the recent policy shift to double the number of buildings to be studied each year may no longer be a relevant exercise.

The counterpoint to this line of thinking comes from two primary sources. The first is from the data contained within the Town of Palm Beach Historic Site Survey, December 2020, conducted by Environmental Services, Inc. (ESI). The second source is the current list of properties that were considered, at one time in the past, for landmark designation, but for a variety of reasons were never designated. This is a newly generated list, but one that should be reviewed.

1. The ESI Historic Site Survey - Introduction provides a very compelling snapshot of the Town regarding historic buildings. ESI surveyed 2,240 historic resources and completed a Florida Master Site File (FMSF) form for 1,721 of the resources. Of these 1,721 resources, 936 have the potential for local landmark designation. Further, many buildings were not fully visible during the survey (obscured by hedges or walls) or have not reached fifty (50) years of age. 120 of the surveyed resources were found to [probably] meet the criteria for individual listing on the National Register of Historic Places (NRHP). Therefore, a large number of potential landmark-ready structures exist today.

2. Murphy Stillings and staff completed a list of 61 properties that were considered by the Town in the past but NOT landmarked. Staff then questioned the past and current policy of ignoring buildings forever once they have been presented for landmarking, but the designation was not made (for a variety of reasons). Historically, these properties were not re-visited for landmarking again at any time afterwards, out of fear of *Administrative Res Judicata.* The legal concept of *Administrative Res Judicata* was looked at, and staff questioned whether this was applicable to buildings studied in the past but never landmarked; and more specifically, could the Town re-visit possible landmark designation for properties on the list of buildings that were once studied, and possibly considered, but never designated – this includes a broad span of at least 61 properties dating back to the 1990's. We asked for an independent legal review of the matter.

See attached the legal opinion from Land Use Attorney Seth Behn with Lewis, Longman & Walker. His opinion is that these buildings can be reviewed again when conditions change (change of owner, as an example) or when additional information or facts are discovered, or new background details are found. His letter states "The very nature of historic review is one of evolving scholarship and appreciation. New facts, background information, and admiration for the importance of certain properties is certain to change over time."

The list of properties once studied and considered, but never landmarked, currently number 61 buildings, and will grow in size as more research is conducted. Staff has asked the Preservation Foundation of Palm Beach to help research this matter and to add properties that they find from their historical archives. Unfortunately, due to the policy of the past, 23% of the known buildings on this list have been demolished since being considered. However, many quality examples of historic architecture remain, and likely some preeminent standout architectural edifices exist.

As a reminder, the four criteria for the designation of a landmark building, structure, or site are found on Chapter 54, Section 54-161:

In the Town of Palm Beach, a landmark or landmark site shall meet at least one of the following four (4) criteria:

(1) Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, county or town.
(2) Is identified with historic personages or with important events in national, state, or local history.
(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
(4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influenced his age.

For comparison to another architecturally and historically rich south Florida community, these are the criteria used in Miami Beach for landmark designation of single-family homes (LDR Section 118-592):

(1) An association with events that have made significant contributions to the city, county, state, or nation.
(2) An association with the lives of significant individuals in the city's history.
(3) Embodying the distinctive characteristics of an historical period, an architectural of design style, or a particular method of construction.
(4) Possessing intrinsically high artistic merit.
(5) Representing the work of an acknowledged master, such as a master designer/ architect/ or builder who contributed to our common historic/ aesthetic/ or architectural heritage.
(6) Has yielded, or is likely to yield, important historic information.
(7) Having a listing in the National Register of Historic Places.
(8) Be part of a geographically defined and distinct area of similar structures united by similar elements, even if individual components might lack distinction.

Attached: List of Properties Not Designated by LPC
Seth Behn, Esq. Memo, dated January 24, 2023

PROPERTIES NOT DESIGNATED BY LPC

#	PROPERTY NUMBER	STREET	BUILT	STYLE	ARCHITECT	OUTCOME	YEAR HEARD	NOTES
1	318	Arabian Road	1940	no info	Harding	Removed from Consideration	1993	No report on file
2	162	Atlantic Avenue	1925	Mediterranean Revival	unknown	Removed without Predjudice	2001	**DEMO 2021**
3	240	Atlantic Avenue	1945	Art Deco	Simonson & Holley	No Action taken by LPC	1991	No action taken due to not yet being 50 years old. **DEMO 2015**
4	314	Australian Avenue	c. 1920	Bungalow	unknown/Maass	No Action taken by LPC	1990	
5	318	Australian Avenue	c. 1920	Bungalow	unknown	Not Ratified by Town Council	1990	
6	130	Banyan Road	1924	Tudor Revival	unknown	Removed from Consideration	2000	
7	240	Banyan Road	1929	Mediterranean Revival	William Gordon Beecher	Not Ratified by Town Council	1990	
8	218	Barton Avenue	1924	Mediterranean Revival	W.B. Eckler - builder	Not Recommended by LPC	2017	
9	131	Barton Avenue	1924/1932	Eclectic	unknown/Wyeth	Not Recommended by LPC	1990	**DEMO POOL GUEST HOUSE 2011**
10	337	Brazilian Avenue	1924	Mediterranean Revival	Theodore Eissfeldt - builder	Not Ratified by Town Council	2014	
11	141	Brazilian Avenue	c.1920/1937	Georgian Revival	unknown/Volk	Not Recommended by LPC	1999	
12	Pavilion	Casa Bendita	1921	Mediterranean Revival	attributed to Mizner	Not Recommended by LPC	2010	
13	120	Clarke Avenue	1924	Mediterranean Revival	unknown	Not Recommended by LPC	2016	
14	150	Clarke Avenue	1934	Monterey	Major	Not Ratified by Town Council	1997	
15	107	Dolphin Road	1958	Mid-Century Modern	Shoumate	Not Recommended by LPC	2022	Not recommended due to alterations
16	136	Dunbar Road	1923	Mediterranean Revival	Kitchell	Not Recommended by LPC	2018	
17	211	Dunbar Road	1929-1930	Mediterranean Revival	E.B. Walton	Not Recommended by LPC	2019	
18	320	El Vedado Way	1940	Neo-Classical Revival	Mack	Not Recommended by LPC	2013	
19	222	Everglade Ave	1927	Mediterranean Revival	R.C. Warner - builder	Not Recommended by LPC	2017	
20	115	Flagler Drive	1924	Mediterranean Revival	Cooper Lightbown - builder	Not Recommended by LPC	1992	
21	215	Garden Rd	1936	Monterey	Treanor & Fatio	Not Ratified by Town Council	2016	
22	8	Golf Road	1922	Mediterranean Revival	Wyeth	Not Recommended by LPC	1997	**DEMO 2013**
23	1	Golf Road	1951	Mediterranean Revival	Bennett	Removed from Consideration	1997	Removed from consideration due to "not yet of an age appropriate". No report written
24	3	Golf Road	1951	Georgian Revival	Stetson	Removed from Consideration	1997	Removed from consideration due to "not yet of an age appropriate". No report written
25	726	Hi-Mount Road	1938	Colonial Revival	Treanor & Fatio	Not Recommended by LPC	1998	**DEMO 2018**
26	350	Island Road	1940	Moderne	Treanor & Fatio	Not Recommended by LPC	2012	
27	205	Nightingale Trail	1940	Moderne Stylized Ranch	Seelmann	Not Recommended by LPC	2022	
28	475	North County Road	1936	Colonial Revival	Treanor & Fatio	Not Recommended by LPC	2019	
29	130-132	North County Road	1929/1935	Mediterranean Revival	Kitchell	Not Recommended by LPC	1992	
30	126	North County Road	c. 1932	Mediterranean Revival	Kitchell	Not Recommended by LPC	1992	
31	1197	North Lake Way	1937	Monterey	Treanor & Fatio	Removed from Consideration	1994	
32	1127	North Lake Way	1941	British Colonial	Maass/Volk	Removed from Consideration	1994	
33	444	North Lake Way	1969	Modern	Volk	Not Ratified by Town Council	2001	**DEMO 2003**
34	958	North Lake Way	1977-1979	Modern	Richard Meier	Not Ratified by Town Council	2009	
35	1510	North Ocean Blvd	1925	Mediterranean Revival	E. Bartholomew - builder	Not Ratified by Town Council	2022	
36	1438	North Ocean Blvd	1937	Tudor Revival	Maass	Removed from Consideration	2005	No report written
37	980	North Ocean Blvd	1948	British Colonial	Wyeth, King & Johnson	Not Recommended by LPC	2018	**DEMO 2019**
38	977	North Ocean Blvd	1963	Georgian Revival	Volk	Not Ratified by Town Council	2010	
39	1545	North Ocean Way	1937	French Eclectic	Treanor & Fatio	Not Ratified by Town Council	2014	

PROPERTIES NOT DESIGNATED

BY LPC

40	1565	North Ocean Way	1938	Mediterranean Revival	Wyeth & King	Removed from Consideration	1993	No report on file **DEMO 2017**
41	334	North Woods Road	1936	Georgian Revival	Major	Removed from Consideration	1993	
42	256	Orange Grove Rd	1949	Mid-Century Modern	Stetson	Not Ratified by Town Council	2022	
43	District	Parc Monceau HD	1959-1961	Regency	Mack	Not Ratified by Town Council	2016	
44	269	Park Avenue	c. 1923	Shingle	unknown	Not Recommended by LPC	1991	PART OF HISTORICALLY SIGNIFICANT BUILDING PROGRAM
45	341	Peruvian Avenue	1931	Mediterranean Revival	Wyeth	Removed from Consideration	1983	PART OF HISTORICALLY SIGNIFICANT BUILDING PROGRAM **DEMO TEA HOUSE 2003**
46	153-155	Root Trail	c. 1920s	Frame Vernacular	unknown	Not Ratified by Town Council	1999	
47	255	Royal Poinciana Way	c. 1915	Mission Revival	unknown	Not Recommended by LPC	2015	
48	335	Seabreeze Avenue	1925	Mediterranean Revival	Eckler	Not Recommended by LPC	2017	**DEMO 2021**
49	357	Seabreeze Avenue	c. 1900	Shingle	unknown	Not Ratified by Town Council	1990	
50	120	Seabreeze Avenue	c. 1910's	Bungalow	unknown	Removed from Consideration	1993	
51	165	Seaspray Avenue	1919	Colonial Revival	City Builders	Not Ratified by Town Council	2015	**DEMO 2018**
52	145	Seaspray Avenue	1919	Colonial Revival	City Builders	Not Ratified by Town Council	2019	
53	255	Seaspray Avenue	1933	Mediterranean Revival	Wyeth & King	Not Recommended by LPC	2020	
54	535	South County Road	1937	Monterey	unknown	Removed from Consideration	2000	**DEMO 2014**
55	755	South County Road	1941	Mediterranean Revival	Shoumate	Not Recommended by LPC	2022	
56	15	South Lake Trail	c. 1921	Colonial Revival/Eclectic	not listed	Not Recommended by LPC	1991	
57	1410	South Ocean Blvd	1926	Mediterranean Revival	Wyeth	Removed without Predjudice	1998	
58	224	South Ocean Blvd	c. 1922	Shingle	unknown	Not Recommended by LPC	1991	
59	241	Tangier Avenue	1936	Monterey	Major	Not Recommended by LPC	1999	**DEMO 2019**
60	10	Tarpon Island	1931	British Colonial	Major	Not Recommended by LPC	2011	PART OF HISTORICALLY SIGNIFICANT BUILDING PROGRAM
61	272	Wells Road	1928	Moorish Revival	Charles E. Snyder	Not Recommended by LPC	2012	
62								
63								
64								
65								
66								
67								

TC Development Review Meeting Backup 2-15-2023

Reply To: West Palm Beach

MEMORANDUM

TO: Wayne Bergman; James Murphy

CC: Jennifer Hofmeister-Drew

FROM: Seth Behn, Esq., AICP

DATE: January 24, 2023

SUBJECT: Landmark Designation Review and Administrative Res Judicata

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I. Question Presented

You asked: "Does the denial of a request to designate a landmark property preclude that request from coming again before the Town Commission?"

II. Brief Answer

The review of whether a single property should be designated for Landmark Status is *quasi-judicial* in nature. The inquiry is fact based, and a determination is made based upon the record information and status, as is available at that time. However, such a determination does not have the finality that a judicial ruling might carry. *Administrative Res Judicata,* while applicable in certain circumstances, does not preclude reconsideration when changed conditions or additional facts are brought to light. The discretion to determine when changed conditions are found is within the discretion of the Town Council. As a policy decision, however, the Town Council could provide limitations on how often it is willing to reconsider a property previously reviewed.

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TALLAHASSEE
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TAMPA
301 West Platt St.
Suite 364
Tampa, Florida 33606
T: 813.775.2331

WEST PALM BEACH
360 South Rosemary Ave.
Suite 1100
West Palm Beach, FL 33401
T: 561.640.0820
F: 561.640.8202

See Things Differently®

III. Discussion

The actions of the Town Council in carrying out its police powers in matters of land development broadly fall into two categories, legislative and quasi-judicial. The distinction is best understood as legislative actions are those rulings which will have a broad application, versus quasi-judicial are those that apply to only a limited number of sites.[1] Examples of legislative actions would include the adoption of a future land use map, the implementation of new zoning code regulations, or the approval of a historic district. Such actions constitute policy-setting activities and will be found lawful so long as the adoption was "fairly debatable", a highly deferential standard.

When a Town Council makes decisions that impact specific defined parties and their rights, the review is quasi-judicial and a higher standard must be met. Examples of this might include the rezoning of a single property, a request for a variance from the zoning code standards for one structure, or the designation of a single home as a landmarked property. Quasi-judicial rulings must be based upon the facts and evidence presented to the Town Council. The legal standard for quasi-judicial proceedings is "strict scrutiny", and the ruling must be supported by "substantial competent evidence."[2]

Quasi-judicial decisions in Florida are subject to the "doctrine of administrative res judicata."[3] This doctrine holds that, barring any changed circumstances or new facts, prior decisions of the ruling body should not be revisited. However, the courts have found that the application of administrative res judicata "should be applied in zoning cases with great caution."[4] In zoning matters, the ability to consider a project anew should be "liberally construed...to provide the necessary flexibility to the zoning ordinance."[5] Furthermore, the discretion to determine when such changed facts or circumstances exists lies with the Town Council itself. [6]

Turning to the specific application of administrative res judicata to the process of historic designation, it is clear this doctrine would not bar the Town from reconsidering a property previously rejected for landmark designation. The very nature of historic review is one of evolving scholarship and appreciation. New facts, background information, and admiration for the importance of certain properties is certain to change over time. Accordingly, a Town Council is vested with the power to reconsider a property previously reviewed for landmarking, upon a finding that changed circumstances and facts are present.

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[1] Board of County Com'rs of Brevard County v. Snyder, 627 So.2d 469, 474 (Fla. 1993).
[2] Id.
[3] Coral Reef Nurseries, Inc. v. Babcock Co., 410 So. 2d 648, 651 (Fla. 3d DCA 1982).
[4] Miller v. Booth, 702 So. 2d 290, 291 (Fla. 3d DCA 1997).
[5] Coral Reef Nurseries at 654.
[6] Miller at 291.

In reviewing the Town's code of ordinances, there does not appear to be any specific regulations addressing the question of timing for reconsideration of a historic designation. The code does provide for "undesignation procedures", which necessarily implies the right to bring a property back before the Town Council. With that said, there is nothing to prevent the Town Council, as a matter of policy, to provide for explicit guidelines on when it is willing to reconsider, if at all, a property previously reviewed for landmark designation.[7]

[7] While no examples were found in the Town of Palm Beach Code, the Palm Beach County Unified Land Development Code provides a typical policy stating, "An application for a [Development Order] for all or a part of the same land shall not be considered for a period of one year after the date of denial." (PBC ULDC Art. 2.A.10.D.1.)

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda
RESOLUTIONS

Agenda Title
RESOLUTION NO. 007-2023: A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 296 S County Rd Meets the Criteria Set Forth In Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of The Town of Palm Beach.

Presenter

ATTACHMENTS:

- **Resolution No. 007-2023**
- **Designation Report: 296 S County Rd (296-302 S County Rd)**
- **Excerpt from the January 18, 2023 Landmarks Preservation Commission Meeting Minutes**
- **Landmark Designation Procedure**

RESOLUTION NO. 007-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 296 S COUNTY RD MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance No. 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held a public hearing and recommended to the Town Council that certain landmarked property described herein be designated as a landmark as described in said Ordinance and Code; and

WHEREAS, after due notice to the property owner(s) affected, a public hearing was held at which all parties interested were given an opportunity to be heard and express their views and opinions with respect to the property and its designation as a landmark; and

WHEREAS, the Town Council does hereby find and determine that the property described herein meets the criteria required by the Ordinance to designate a landmark, and shall be designated as a landmark.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The recommendation and determination of the Landmarks Preservation Commission as to the property hereinafter described in Section 3 of this Resolution, being designated as a landmark is hereby ratified, approved, and confirmed.

Section 3. The landmark herein amended, pursuant to the provisions of Ordinance No. 2-84, and the provisions of the Town Code described herein, is known as 296 S County Rd and the property to be landmarked is legally described as follows:

ROYAL PARK ADD S 75 FT OF LT 35 / LESS E 5 FT & W 7 FT OF S 55.88 FT / & E 16.7 FT OF N 19.12 FT OF S 75 FT OF LT 36 IN DB747P387 BLK E

Section 4. The Town Clerk is hereby ordered to furnish the property owner of the landmarked property a copy of this Resolution.

Section 5. Within thirty (30) days from the date of adoption of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as described above and as defined in and subject to the provisions of Ordinance No. 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 15th day of February, 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

The Smith Shops

296 – 302 South County Road



DESIGNATION REPORT

January 18, 2023

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

The Smith Shops: 296 – 302 South County Road

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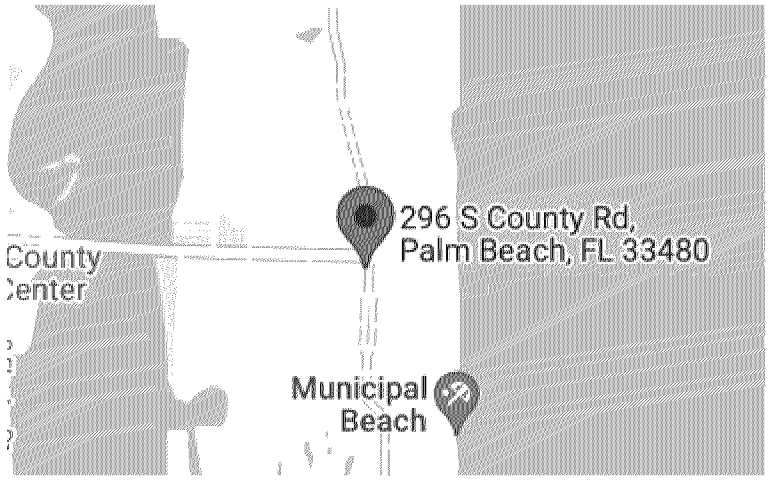
Report produced by Murphy Stillings, LLC

I. General Information

Location:	296 -302 South County Road Palm Beach, Florida
Date of Construction:	1931
Original Owner:	Stephen "S" Fahs Smith
Historic Name:	Smith Shops
Current Owner:	Milton Partnership, LTD
Architect:	Henry Stephen Harvey Office of Carlos Schoeppl
Builder/Contractor:	C.G. Warner
Present Use:	Commercial
Present Zoning:	C-TS Commercial Town Serving
Palm Beach County Tax Folio Number:	50-43-43-23-05-025-0352
Current Legal Description:	Royal Park Add 75' of Lot 35/Less E 5' & W 7'of South 55.88'/& E 16.7' of N 19.12' S 75 of Lot 36 In DB747P387 BlkE

II. Location Map

The Smith Shops: 296 -302 South County Road





III. Architectural Information

Designed by architect Henry Stephen Harvey in 1931 while working in the office of Carlos B. Schoeppl, the Smith Shops building at 296 - 302 South County Road is a one-story, four-storefront multi-retail commercial structure designed in the Mediterranean Revival style with Art Deco details along a main business thoroughfare in Palm Beach's early Royal Park subdivision. Harvey designed this building to establish the transition from his Mediterranean Revival style Palmway Building adjacent to the north with his 1929 Art Deco style building adjacent to the south.



Mediterranean Revival style architecture is an eclectic design style that was inspired by Spanish, Italian, North African and Moorish structures and became popular in Palm Beach during the 1920s and is still considered the signature style of the Island. In Palm Beach, the style was first popularized in 1919 by Addison Mizner's design for the Everglades Club and his later grand estates. The style remained a pervasive influence on building design until World War II. Art Deco is a modernistic style that became popular in mostly public buildings. *The Exposition Internationale des Arts Decoratifs et Industriels Modernes* held in Paris in 1925 had wide ranging influence. By the mid-1920s the new European Art Deco aesthetic was being adopted by American architects especially for commercial architecture and storefront designs where zigzags, chevrons and other stylized geometric motifs were often used. The Smith Shops building main Mediterranean Revival features include the shed roof covered with red clay barrel tiles with exposed rafter tails below, the rough stucco exterior, and the asymmetrical facade with varying roof lines. The Art Deco features of the building include the stylized geometric designed stucco panels and chevron surround that border all four of the building's storefronts creating a unique mixed-style design. It is likely that Carlos Schoeppl had

influence on this Henry Stephen Harvey design as he was an early proponent of the Art Deco style.





The largest feature of this commercial building are the four metal and glazed storefronts. Storefronts are the front porches of commercial buildings and are

designed to be attractive, inviting, and functional in order to play an important role in defining individual businesses and commercial districts. Fortunately, by the twentieth century, the structural system virtually disappeared as part of the storefront design with the beneficiary being the display window, which grew larger because of merchandising demands and technological advances in glassmaking.[1] In this building, the display windows allow the individual stores to showcase merchandise directly behind the windows or simply allow a clear view into the store. When constructed, the four storefronts had large transom windows, but as fluorescent lighting and general improvements in incandescent lighting made it possible to not be dependent on natural light the transom windows were enclosed. All four storefronts feature awnings which provide sun and rain protection as well as decoration and in some instances signature franchise distinction. Signage for these individual stores vary and is personalized, though most of the main signage is located on the fascia of the building above the decorative panels and below the red clay barrel tile shed roofs.



The Art Jury, precursor to today's Architectural Review Commission (ARCOM), was established in 1928 in order to protect the beauty of Palm Beach and property owners from "unartistic building erections." Any new project required approval, and the Jury had the right to modify plans as it saw fit. The jurors that reviewed the plans of this building included architects Addison Mizner serving as chairman, Marion Sims Wyeth, Maurice Fatio, Howard Major, and John Volk. The Art Jury requested revisions to Harvey's original plans, so the final approval by this group of distinguished local architects speaks to the quality of the completed design.

[1] Jackson, Mike. "Storefronts on Main Street: An Architectural History." Illinois Preservation Series, Number 19. Illinois Historic Preservation Agency

Storefronts are often altered to fit new business identities and changing architectural fashions. In 1944 and 1945 Belford Shoumate designed rear additions to the Palm Beach Bakery at 296 S. County Road and in 1953 builder E. T. Diaguardi took out a permit to modernize the storefronts. Later exterior alterations included mostly signage and awning changes as various tenants moved in and out.[2]

IV. Historical Information

In April of 1931, Contractor C. G. Warner applied for Palm Beach Building Permit #3431 to construct four commercial stores along Palm Beach Avenue in the Royal Park subdivision. Distinguished architect Henry Stephen Harvey, while working in the offices of architect Carlos B. Schoeppl, designed the building for owner Stephen "S." Fahs Smith. Harvey had designed the two storefront commercial building adjacent to the south in 1929 as well as the prominent Mediterranean Revival style Palmway Building adjacent to the north on the southwest corner of Royal Palm Way and Palm Beach Avenue. Harvey designed the Palmway Building in 1924 when he was partner in the esteemed architectural firm Harvey & Clarke, which had also designed the striking Mediterranean Revival style Palm Beach Town Hall and Fire Station in 1925 in the center of Palm Beach Avenue in the heart of the Royal Park subdivision.

Cap E. N. Dimick, the first mayor of Palm Beach, and Harvey Geer, an early Palm Beach pioneer, formed the Palm Beach Improvement Company in 1908 to develop the Royal Park subdivision. This subdivision, which was mostly jungle, sand, and muck, included 160 acres of land from present-day Royal Palm Way south to Worth Avenue, and from the Atlantic Ocean to Lake Worth. In 1912, it was decided that the area was to be developed in its entirety at one time. A sea wall was built, areas of the land were filled in and graded, and the streets constructed. Lighting, water mains, electricity and telephone lines were installed, and a bridge was constructed to connect Royal Park to West Palm Beach at Royal Palm Way. Like much of Palm Beach, Royal Park was booming in the 1920s with both residential and commercial construction. After completion of the new Palm Beach Town Hall and Fire Station at the end of 1925, the area became the town's new governmental center and surrounding businesses thrived.

[2] In December 2018, a car crashed into 296 South County Road and the storefront had to be replaced.

The Smith Shops building was developed as an investment property by businessman S. Fahs Smith who had been a winter resident of Palm Beach since 1911. S. Fahs Smith was a member of the prominent Smith family from York, Pennsylvania and was president of the turbine manufacturers S. Morgan Smith Company, based in York. In Palm Beach he resided at 147 Seabreeze Avenue and was a member of the Old Guard Society, the Bath and Tennis Club and the Everglades Club along with being involved with Bethesda-by-the-Sea. Mrs. S. Fahs Smith was very active in Palm Beach society and served as president of the Women's Guild of Bethesda-by-the-Sea, as well as the National Society of Americans of Royal Descent.[3]

By 1931, the Palm Beach Avenue commercial corridor between Royal Palm Way and Worth Avenue had numerous buildings with a large variety of enterprises including grocers, an automobile showroom, clothing shops, restaurants, antique stores, realtors, and other town-serving businesses. The Smith Shops building was constructed to meet the commercial needs of both residents and guests at the nearby hotels and some of the earlier businesses included the Palm Beach Pastry Shop, Berlin Griffin beverages, Andover Reed and Mitchell Bassett Real Estate.[4] Fortunately, Palm Beach was not affected by the Great Depression to the same extent that other parts of the country were, and although building large elaborate estates and luxury hotels like during the 1920s Boom Time era was not common, in 1930 the Palm Beach Chamber of Commerce reported that the town was enjoying one of its largest seasons with increased bookings reported by the FEC and Seaboard Air Line Railroads, over $3 million in building permits were issued in 1930 alone and just two years later in1933 Palm Beach hotels were eighty percent occupied and the town boasted over 230 businesses.[5]

In 1936, there was much debate about changing the main commercial north-south throughfare's name from Palm Beach Avenue back to the earlier name County Road. According to a March 1, 1936, Palm Beach Post article titled "Why Not County Road? It stated,

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[3] During World War II, Mrs. Fahs Smith was very philanthropic and provided much wartime relief to Great Britain for which she was awarded the King's Medal by King George V.

[4] Current businesses include Fashionista Palm Beach at 296 S. County Road, Peterbrooke Chocolate at 298 S. County Road, Blue Provence at 300 S. County Road and Soula's Tailoring and Alterations at 302 S. County Road.

[5]Subsequent early owners included Burrell Smith, son of S. Fahs Smith, and George Moenert originally from Alsace, France.

> "A movement in Palm Beach seeks to change the name of Palm Beach Avenue back to the old designation, County Road. Well, why not? Everyone calls it County Road still. You might change the name of Arkansas, but in the public mind it still would remain Arkansas. And so, in a smaller way, it still remains County Road to the people of the Palm Beaches. ...If the people of Palm Beach want the name of their main thoroughfare to be County Road, then County Road it should be. Palm Beach Avenue? It is a good enough name, as names go, but no more. It has no charm. It is no rugged individualist. It is only Palm Beach Avenue. But County Road? Homely, rustic, friendly County Road running through the middle of smart, modern Palm Beach, as if it had been there since the beginning of time and would remain to the end. County Road it is and County Road it will remain in the minds of the people."

With support from many of Palm Beach's prominent businessmen and politicians, the name was officially changed back to County Road by the Palm Beach Town Council in 1936.

From the 1920s to the present day, the South County Road business district has been a bustling commercial, professional and governmental center with one-, two- and three-story buildings of varied architectural styles that still recall the Town's early, pedestrian-oriented days.[6] Included in the quaint character of the area is the Smith Shops building that has good proportions, interesting architectural design, and a strong sense of scale to the pedestrian atmosphere.

V. Architects Biographies

Henry Stephen Harvey:

Henry Stephen Harvey was born in Mississippi in 1889, and grew up in Birmingham, Alabama. Showing a talent for design early in life, he went to the University of Pennsylvania for architectural training. He married his wife, Claire in 1914, when he was 24-years old. During World War I he served in the Air Service branch as a second lieutenant of civil life, a position in which he planned and constructed aviation buildings at various camps throughout the United States.

Sensing a future in the tourist development of Florida, on April 1, 1921, he applied for a Florida license as an architect, and was granted registration (licensure) with Certificate AR0000179 on June 1, 1921. In Palm Beach, he partnered with his friend from the University of Pennsylvania Louis Phillips

[6] Town Hall Square Historic District. March 16, 1990. Report prepared by Eric Egan, Preservation Consultant and James Edward Sved, AIA, Preservation Consultant. The proposed boundaries of the historic district were South County Road from Royal Palm Way to Worth Avenue, but the boundaries were reduced to the buildings along South County Road between Brazilian Avenue and Chilean Avenue.

Clarke (AR0000224) to form the architectural firm Harvey & Clarke. Clarke's family were one of the early Palm Beach pioneer families, and although Clarke did not receive his architectural license until almost two years later, on January 11, 1923, the partnership of their mutual talents was able to flourish. The firm was commissioned to design many of the Seaboard Coast Line Railway system's depot buildings, many which still exist and of those numerous are locally or nationally designated. Other prominent designated buildings designed by Harvey & Clarke in Palm Beach include the Palm Beach Town Hall, the Palm Beach Daily News Building, and the Palmway Building. In West Palm Beach, some of their locally or nationally designated designs include the Pine Ridge Hospital, the American National Bank Building, the Guaranty Building, Holy Trinity Church, and the Comeau Building.

Mr. Harvey was personable and popular, and served as Mayor of West Palm Beach from 1924 to 1927. His design talent was coupled with a keen interest in door and window hardware, and he patented the "HAR-VEY" top-hung sliding door roller device. The Harvey & Clarke partnership was dissolved in 1929, but he continued practicing architecture, and began an association with Miami-based architect Carlos B. Schoeppl. He also started a hardware business in Phipps Plaza, the epicenter of Palm Beach architectural firms, and later, on South County Road where he also had the town's first picture-framing shop. He co-authored a book, Taking the Mystery out of Builder's Hardware and he was a charter member of the Palm Beach Rotary Club. Harvey was a familiar sight in Palm Beach, wearing an ascot instead of a tie, leisurely strolling along County Road, going to and from his client's offices. He retired in 1983, and died in Phoenixville, Pennsylvania in 1987 at age 97.

Carlos B. Schoeppl:

Carlos B. Schoeppl, a highly respected architect, born in 1898, studied architecture at UCLA, and worked in San Antonio and Houston, Texas before moving to Jacksonville in 1926 at the height of the Florida land boom.[7] He established an architectural practice in both Jacksonville and St. Augustine from 1927-1929. While in Jacksonville, Schoeppl designed some of the earliest Art Deco buildings in the city.[8] Already a well-established architect, in 1929, Schoeppl left Jacksonville for Miami where "Shep" became well known for his luxurious mansions, many in the Mediterranean Revival style and built for

[7] One of his most prestigious early houses is the Johnelle Bryan house, a 1925 Italian Renaissance style house at 15 Courtland Place in the Houston Courtland Place National Register Historic District.

[8] Some of these buildings included the downtown Chevrolet Building at 1100 North Main Street (1928-1929), the Grace the Florist Building at 1612 Cherry Street in Riverside (1928) and the Thomas M. Palmer residence at 3790 Ortega Boulevard (1927).

wealthy clients along the "Gold Coast." The story goes that he had a grand outgoing personality, a great interest in aviation and was friends with Howard Hughes and Eddie Rickenbacker. In 1932, he partnered with Arnold Southwell and during their partnership, Schoeppl and Southwell produced "A Florida Brochure" highlighting their numerous commissions in the South Florida area.[9]

During World War II, Schoeppl did his part for the war effort by designing military hospitals for North Africa and the Pacific Theater. In the 1940s he also established the Craftsmen's Village, an artisans' commune located in the Brownsville community near Miami International Airport. There he engaged wood carvers and old-world craftsmen to produce beautiful custom-made furniture and ironwork.

After the war, Schoeppl created the "American Plan Service," to mass-market "modern" homes employing the latest technologies and design theories-- many of these were constructed in Miami and Fort Lauderdale. He did a booming business in South Florida constructing commercial buildings in the then popular Art Moderne style. By 1955, Schoeppl and Associates had offices in Miami, New York, Dallas, and Los Angeles. The firm became known for its hotel and "motor lodge" designs throughout the United States. Schoeppl also became associated with the style now termed "Post War Modern" or "Mid Century Modern." Carlos Schoeppl continued his career into the 1980s and passed away in April of 1990. He was a prolific architect whose work helped shape the "look" of South Florida in the twentieth century.

VI. Statement of Significance

The Smith Shops building at 296-302 South County Road was designed by Henry Stephens Harvey in the Mediterranean Revival style with Art Deco details to wed the Harvey designed buildings to the north and south. It was commissioned by Palm Beach and York, Pennsylvania businessman S. Fahs Smith as an investment property to meet both the needs of local residents, town and business staff as well as tourists at the nearby hotels.

[9] Many of Carlos Schoeppl designed homes were built along the ocean, though many have since been replaced by high-rise buildings. However, throughout Miami Beach and along the bay front many of his homes still exist.

VII. Criteria For Designation

Section 54-161 of the Town of Palm Beach Landmarks Preservation Ordinance outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are the criteria which relate to this property and justification for designation:

(1) "Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town."

The Smith Shops commercial building at 296-302 South County Road reflects the broad cultural, political, and economic history of the town of Palm Beach. Despite being built in 1931 during the country's Great Depression, the wealthy resort town of Palm Beach was a thriving community with the need for additional retail space. The South County Road business district had become a bustling and important commercial area to support the growing town and particularly the residents of the Royal Park neighborhood, Town Hall and Memorial Park staff and visitors and nearby hotel guests. The developer S. Fahs Smith was an early Palm Beach winter resident who had the means to invest in commercial real estate despite the country's severe economic downturn.

(3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship."

The Henry Stephen Harvey designed Smith Shops building at 296-302 South County Road is a good representation of the Mediterranean Revival style of architecture with Art Deco details. The main Mediterranean Revival features of this multiple retail structure include the red barrel tile shed roof, the rough stucco exterior and the asymmetrical facade and varying roof lines while the Art Deco features include the stylized geometric designed stucco panels with a chevron surround that border all four of the building's storefronts creating a unique mixed-style design. Henry Stephen Harvey was an accomplished architect who skillfully designed this building to form an architectural link to his Mediterranean Revival style Palmway Building adjacent to the north and his Art Deco building adjacent to the south. While designing this building, Harvey was working in the office of architect Carl Schoeppl and this likely influenced his addition of the Art Deco detailing.

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IX. DESIGNATION HEARINGS

1. **296 S County Rd (296-302 S County Rd)**
Owner: Milton Partnership LTD

Call for disclosure of ex parte communication: Disclosure by Ms. Metzger.

Emily Stillings, MurphyStillings, LLC, testified to the architecture and history for this Mediterranean Revival Style commercial structure. Ms. Stillings pointed out the design features of this building. Ms. Stillings testified that the building met the following criteria for designation as a landmark:
Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, county, or town; and,
Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction of use of indigenous materials or craftsmanship.

Ms. Patterson asked for confirmation on proof of publication. Ms. Churney provided confirmation.

Motion made by Ms. Moran and seconded by Ms. Albarran to make the designation report for 296 S County Rd (296-302 S County Rd) part of the record. Motion carried unanimously, 7-0

Ms. Patterson called for any public comment on the designation.

Aimee Sunny, Preservation Foundation of Palm Beach, stated that the buildings met both criteria as stated by Ms. Stillings. She indicated that the art jury reviewed the building and thought the buildings were a wonderful addition to the Town. She stated that the architect for the buildings was the same architect as Town Hall. She added that while the storefronts had been changed, she still thought they retained their historic value. She provided her support for the designation.

Ms. Moran questioned whether criteria number one was befitting for the buildings. She wondered if the buildings were there to fill an empty space on the street. She thought there were other buildings in the Town that better represented the architect's work. Ms. Moran also thought the characteristics of building did not speak to the style of architecture. She was not in support of the designation.

Ms. Fairfax agreed with Ms. Moran. She thought the buildings were nice but wondered if the buildings were the best the Town had to offer.

Ms. Patterson questioned what would replace the buildings if the existing were demolished.

Mses. Fairfax and Moran thought the buildings did not meet the criteria.

Ms. Stillings clarified that she did not recommend criteria 4, which related to the architect of the buildings. She added that she thought the buildings were iconic on a very traveled road.

Ms. Herzig-Desnick asked if the adjacent buildings were landmarked. Ms. Stillings responded. Ms. Herzig-Desnick asked about the zoning for the area and inquired about the restrictions that would be placed on new construction.

A short discussion ensued about the type of buildings that could be built in this location.

Ms. Coleman stressed that it was important to save the fabric and feeling of the Town. She thought it was important to preserve the existing nature and intimacy.

Ms. Fairfax thought some of the properties that were being recommended were marginal and the Commission should be careful. She did not believe the property met the criteria and should not be recommended.

Ms. Albarran thought the buildings were charming and had nice proportions. She added that she would support the designation.

Ms. Herzig-Desnick thought the roof lines were very nice. She also thought the proportions were nice and thought it would be a shame for the proportions to change. Ms. Herzig-Desnick asked about the timeline of when the buildings were placed under consideration. Ms. Stillings responded.

Ms. Pardue discussed that the properties were placed under consideration at the end of last designation season.

Motion made by Ms. Coleman and second by Ms. Albarran to recommend 296 S County Rd (296-302 S County Rd) to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1 and 3 in Section 54-161. Motion carried 5-2, with Mses. Fairfax and Moran dissenting.

Palm Beach, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 54 - HISTORICAL PRESERVATION >> ARTICLE IV. - DESIGNATION PROCEDURE >>

ARTICLE IV. - DESIGNATION PROCEDURE

Sec. 54-161. - Criteria for landmarks and landmark sites.
Sec. 54-162. - Creation of historic districts.
Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.
Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.
Sec. 54-165. - Voluntary restrictive covenants.
Secs. 54-166—54-195. - Reserved.

Sec. 54-161. - Criteria for landmarks and landmark sites.

A landmark or landmark site shall meet at least one of the following criteria:

(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(2) Is identified with historic personages or with important events in national, state or local history.

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

(4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. - Creation of historic districts.

(a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:

(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(2) Is identified with historic personages or with important events in national, state or local history.

(3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.

(4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.

(5) Constitutes a unique area of architecture, landscaping and planning.

(b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such

property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

(1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.

(2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.

(3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.

(4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.

(5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.

(6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.

(7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.

(8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.

(a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:

(1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.

(2)

Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.

(3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in a newspaper having general circulation in the town.

(4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.

(5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.

(6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

(7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.

(8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.

(9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

(10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.

(11) In accordance with section 54-163(1), the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.

(12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the office of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.

(b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.

(c)

Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. - Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the county property appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166—54-195. - Reserved.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda
RESOLUTIONS

Agenda Title
RESOLUTION NO. 008-2023: A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 304 S County Rd Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

Presenter

ATTACHMENTS:

- **Resolution No. 008-2023**
- **Designation Report: 304 S County Rd (304-306 S County Rd)**
- **Excerpt from the January 18, 2023 Landmarks Preservation Commission Meeting Minutes**
- **Landmark Designation Procedure**

RESOLUTION NO. 008-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 304 S COUNTY RD MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance No. 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held a public hearing and recommended to the Town Council that certain landmarked property described herein be designated as a landmark as described in said Ordinance and Code; and

WHEREAS, after due notice to the property owner(s) affected, a public hearing was held at which all parties interested were given an opportunity to be heard and express their views and opinions with respect to the property and its designation as a landmark; and

WHEREAS, the Town Council does hereby find and determine that the property described herein meets the criteria required by the Ordinance to designate a landmark, and shall be designated as a landmark.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The recommendation and determination of the Landmarks Preservation Commission as to the property hereinafter described in Section 3 of this Resolution, being designated as a landmark is hereby ratified, approved, and confirmed.

Section 3. The landmark herein amended, pursuant to the provisions of Ordinance No. 2-84, and the provisions of the Town Code described herein, is known as 304 S County Rd and the property to be landmarked is legally described as follows:

ROYAL PARK ADD W 7 FT OF S 112.5 FT OF LT 7, N 67.5 FT OF LT 7, W 7 FT OF S 55.88 FT OF LT 35 & S 75 FT OF LT 36 / LESS E 16.7 FT OF N 19.12 FT / IN DB747P564 BLK E

Section 4. The Town Clerk is hereby ordered to furnish the property owner of the landmarked property a copy of this Resolution.

Section 5. Within thirty (30) days from the date of adoption of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as described above and as defined in and subject to the provisions of Ordinance No. 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 15th day of February, 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

304-306 South County Road



DESIGNATION REPORT

January 18, 2023

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

304-306 South County Road

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Report produced by Murphy Stillings, LLC

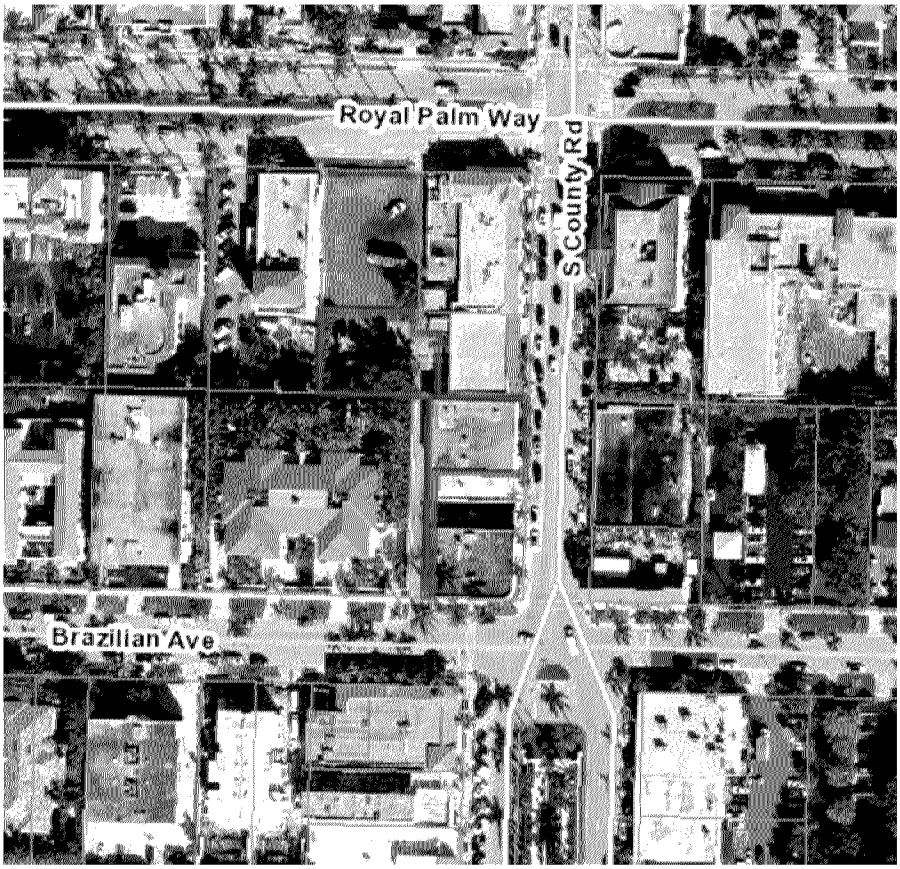
I. General Information

Location:	304-306 South County Road Palm Beach, Florida
Date of Construction:	1929
Original Owner:	Stephen "S" Fahs Smith
Original Tenants:	Piggly Wiggly and The Great Atlantic & Pacific Tea Company (A&P)
Current Owner:	Thomas Campaniello
Architect:	Henry Stephen Harvey Office of Carlos Schoeppl
Builder/Contractor:	T. T. Dempsey Company
Present Use:	Commercial
Present Zoning:	C-TS Commercial Town Serving
Palm Beach County Tax Folio Number:	50-43-43-23-05-025-0071
Current Legal Description:	Royal Park Add W 7 FT of S 112.5 FT of Lot 7, N 67.5 FT of LT 7, W 7 FT of S 55.88 FT of LT 35 & S 75 FT of LT 36/Less E16.7 FT of N 19.12 FT/ In DB747P564 BLK E

II. Location Map

304-306 South County Road





III. Architectural Information

Designed by architect Henry Stephen Harvey in 1929 while working in the office of Carlos B. Schoeppl, the building at 304-306 South County Road is a one-story commercial structure designed with Art Deco detailing along a business thoroughfare in Palm Beach's early Royal Park subdivision. Although this is one building, the front facades of 304 and 306 South County Road are dissimilar and were not designed to match.



The term 'Art Deco' refers to a design period that was popular from the 1920s to the early 1940s. The Art Deco style was seen throughout Paris in the early 1920s but made its first official appearance in 1925 at *the Exposition Internationale des Arts Decoratifs et Industriels Modernes*. The movement influenced fashion, art, homewares, and building styles throughout the Roaring Twenties and the Great Depression and thus there was a balance between opulence and practicality with buildings being streamlined but not minimal. The architects of the time were inventive in their approach to design and sought to create structures that were fresh, modern, and unlike previous revivalist styles, though some motifs take a creative license from Indigenous, Egyptian, and Classical art forms. Some common Art Deco motifs include chevrons, pyramids, sunbursts, florals, zigzags, and other stylized geometric shapes.

The main focal point of most retail commercial buildings are the storefronts. Storefronts are the front porches of retail commercial buildings and are designed to be attractive, inviting, and functional in order to play an important role in defining individual businesses and commercial districts. Fortunately, by the twentieth century, the structural system virtually disappeared as part of the storefront design with the beneficiary being the display window, which

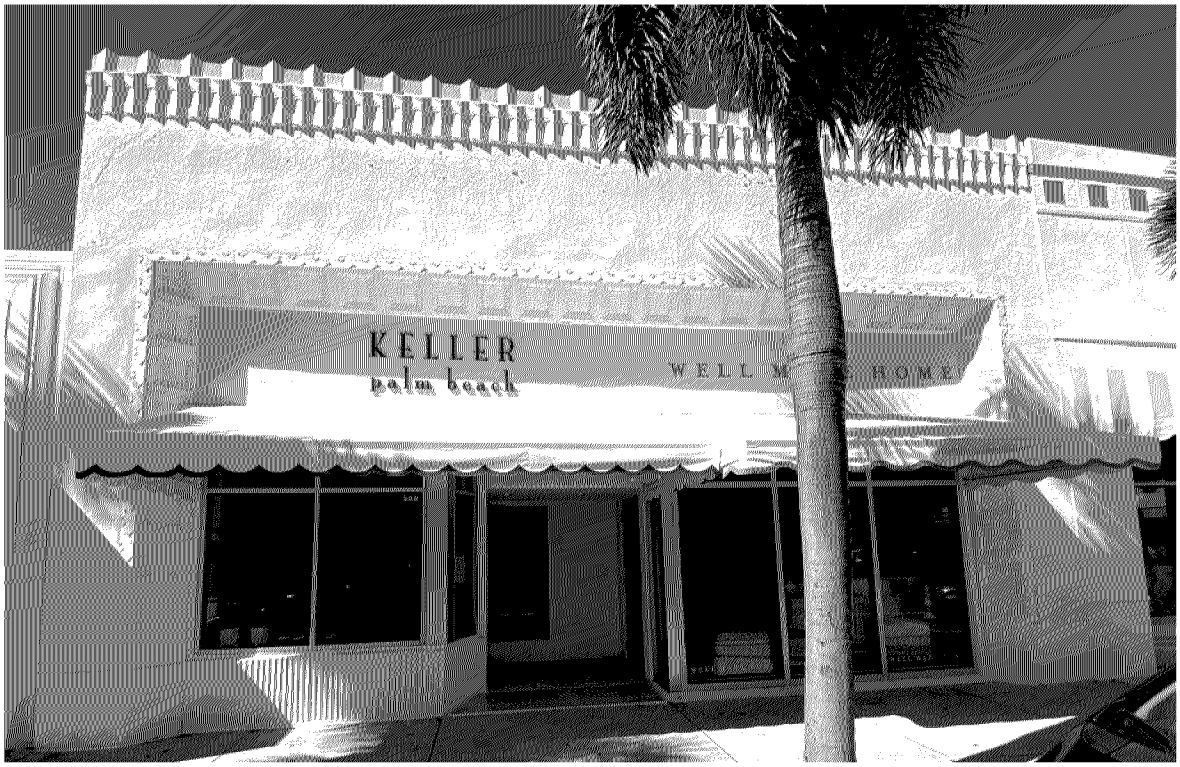
grew larger because of merchandising demands and technological advances in glassmaking. In this building, the display windows allow the individual stores to showcase merchandise directly behind the windows and allow a clear view into the store. The stucco front facade of 304 South County Road currently features a metal and glazed storefront with six tall, fixed-light display windows with double glazed doors in the center and transoms above. The fascia above is stucco scored to eight panels each with two sets of four square floral-designed tiles. Above the squares is a molded cornice that projects slightly from the front plane of the facade.



304 South County Road

306 South County Road has retained more of the Art Deco features than its neighbor at 304 South County Road. The facade of 306 South County Road features two separate storefronts housing separate businesses with a recessed covered entry between. The north metal and glazed storefront features three full-height fixed display windows with a metal and glazed entry door facing south. The south storefront features two fixed display windows with a reeded bulkhead below and an angled fixed window next to the adjacent glazed and metal entry door that faces north. Surrounding both of the storefronts is a character defining decorative frame of Art Deco repetitive stylized geometric border panels surrounded by a stucco chevron band. Set within this decorative surround is simple signage for each store and above is a plain rough stucco

fascia topped by a decorative geometric stylized cornice completing the Art Deco design.[1] Both storefronts of this multi-retail building feature awnings which provide sun and rain protection as well as decoration.



306 South County Road

The Art Jury, precursor to today's Architectural Review Commission (ARCOM) was established in 1928 in order to protect the beauty of Palm Beach and property owners from "unartistic building erections." Any new project required approval, and the Jury had the right to modify plans as it saw fit. According to an October 1929 Palm Beach Post article, this grocery store building was to cost about $9000 and "have a handsome front in keeping with the standard of beauty maintained in Palm Beach as the result of the efforts of the art jury and will not resemble the usual grocery store." [2] The jurors that reviewed the plans of this building included architects Addison Mizner serving as chairman, Marion Sims Wyeth, Maurice Fatio, and landscape architect Charles Perrochet, all highly distinguished local architects.

[1] It is likely that Carlos Schoeppl had influence on this Henry Stephen Harvey design as he was an early proponent of the Art Deco style.

[2] Palm Beach Post. Store to Occupy Building Next Month: Grocery Concerns to Open for Business in Handsome New Structure." 24 October 1929. An earlier Palm Beach Post article from October 1, 1929, stated, "The art jury is withholding a permit for the new Piggly-Wiggly-Atlantic & Pacific building on Palm Beach Avenue, pending architectural changes in the front.

Storefronts are frequently altered to fit new business identities and changing architectural trends. In 1953, large black tile squares were added as a veneer to the front facade of 304 South County Road covering the original design though the angled and recessed storefront remained. The tiles have since been removed however the storefront was altered to be flush with the front facade. The angled recessed entry at 306 South County Road also changed to accommodate two separate shops.

IV. Historical Information

In 1929, contractor T. T. Dempsey applied for a Palm Beach Building Permit # 18429 to build a one-story, masonry structure with two commercial stores along Palm Beach Avenue in the Royal Park subdivision. Distinguished architect Henry Stephen Harvey, while working in the offices of architect Carlos B. Schoeppl, designed the building for owner Stephen "S." Fahs Smith.[3] Harvey had designed the prominent Mediterranean Revival Palmway Building on the corner of Royal Palm Way and Palm Beach Avenue in 1924 when he was partner in the esteemed architectural office Harvey & Clarke, which had also designed the striking Mediterranean Revival Palm Beach Town Hall and Fire Station in the center of Palm Beach Avenue in the heart of the Royal Park subdivision.

Cap E. N. Dimick, the first mayor of Palm Beach, and Harvey Geer, an early Palm Beach pioneer, formed the Palm Beach Improvement Company in 1908 to develop the Royal Park subdivision. This subdivision which was mostly jungle, sand and muck included 160 acres of land from present-day Royal Palm Way south to Worth Avenue, and from the Atlantic Ocean to Lake Worth. In 1912, it was decided that the area was to be developed in its entirety at one time. A sea wall was built, areas of the land were filled in and graded, and the streets constructed. Lighting, water mains, electricity and telephone lines were installed, and a bridge was constructed to connect Royal Park to West Palm Beach at Royal Palm Way. Like much of Palm Beach, Royal Park was booming in the 1920s with both residential and commercial construction. After completion of the new Palm Beach Town Hall and Fire Station at the end of 1925, the area became the new governmental center which created the need for additional retail and office space.

[3] Town of Palm Beach Building Permit #18429, September 23, 1929. At the time, Carlos B. Schoeppl's main office was in Jacksonville, Florida but Henry Stephen Harvey was working for him in an office based in West Palm Beach.

304 - 306 South County Road was developed as an investment property by businessman Stephen "S." Fahs Smith who had been a winter resident of Palm Beach since 1911. S. Fahs Smith was a member of the prominent Smith family from York, Pennsylvania and was president of the turbine manufacturers S. Morgan Smith Company, based in York. In Palm Beach he resided at 147 Seabreeze Avenue and was a member of the Old Guard Society, the Bath and Tennis Club and the Everglades Club along with being involved with Bethesda-by-the-Sea. Mrs. S. Fahs Smith was very active in Palm Beach society and served as president of the Women's Guild of Bethesda-by-the-Sea, as well as the National Society of Americans of Royal Descent.[4]

Although the Florida land and building boom had ended by 1929, Palm Beach continued to experience substantial growth. A December 1929 Palm Beach Post article titled "Construction Work During Summer Runs to Enormous Figure" stated, "Returning winter residents to Palm Beach will find themselves faced by the remarkable growth that has transformed the resort city during the summer months." Several of the new commercial buildings were located in the Palm Beach Avenue commercial corridor between Royal Palm Way and Worth Avenue, which housed a large variety of enterprises including clothing shops, restaurants, realtors, antique shops, an automobile showroom, and other town-serving businesses. The Mizner designed Memorial Fountain on the plaza in the center of Palm Beach Avenue just north of Town Hall and the Fire Station was also completed in 1929 and drew residents and visitors to the area. 304-306 Palm Beach Avenue was constructed to further meet the retail needs of both Palm Beach residents and guests at the nearby hotels. The two original stores were interestingly both grocery stores, with the Piggly Wiggly on the south and the Great Atlantic & Pacific Tea Company (A & P) on the north.[5]

In 1936, there was much debate about changing the main commercial north-south throughfare's name from Palm Beach Avenue back to the earlier name County Road. According to a March 1, 1936, Palm Beach Post article titled "Why Not County Road? It stated,

> "A movement in Palm Beach seeks to change the name of Palm Beach Avenue back to the old designation, County Road. Well, why not? Everyone calls it County Road still. You might change the name of Arkansas, but in the public

[4] During World War II, Mrs. Fahs Smith was very philanthropic and provided much wartime relief to Great Britain for which she was awarded the King's Medal by King George V.
[5] The current shops are Shoes and More at 304 South County Road and Keller Palm Beach and Well Made Home at 306 South County Road.

> mind it still would remain Arkansas. And so, in a smaller way, it still remains County Road to the people of the Palm Beaches. …If the people of Palm Beach want the name of their main thoroughfare to be County Road, then County Road it should be. Palm Beach Avenue? It is a good enough name, as names go, but no more. It has no charm. It is no rugged individualist. It is only Palm Beach Avenue. But County Road? Homely, rustic, friendly County Road running through the middle of smart, modern Palm Beach, as if it had been there since the beginning of time and would remain to the end. County Road it is and County Road it will remain in the minds of the people."

With support from many of Palm Beach's prominent businessmen and politicians, the name was officially changed back to County Road by the Palm Beach Town Council in 1936.

From the 1920s to the present day, the South County Road business district has been a bustling commercial, professional and governmental center with one-, two- and three-story buildings of varied architectural styles that still recall the Town's early, pedestrian-oriented days.[6] Included in the quaint character of the area is the building at 304-306 South County Road as it has good proportions, some interesting architectural design, and a strong sense of scale to the pedestrian atmosphere.

V. Architects Biographies

Henry Stephen Harvey:

Henry Stephen Harvey was born in Mississippi in 1889, and grew up in Birmingham, Alabama. Showing a talent for design early in life, he went to the University of Pennsylvania for architectural training. He married his wife, Claire in 1914, when he was 24-years old. During World War I he served in the Air Service branch as a second lieutenant of civil life, a position in which he planned and constructed aviation buildings at various camps throughout the United States.

Sensing a future in the tourist development of Florida, on April 1, 1921, he applied for a Florida license as an architect, and was granted registration (licensure) with Certificate AR0000179 on June 1, 1921. In Palm Beach, he partnered with his friend from the University of Pennsylvania Louis Phillips

[6] Town Hall Square Historic District. March 16, 1990. Report prepared by Eric Egan, Preservation Consultant and James Edward Sved, AIA, Preservation Consultant. The proposed boundaries of the historic district were South County Road from Royal Palm Way to Worth Avenue, but the boundaries were reduced to the buildings along South County Road between Brazilian Avenue and Chilean Avenue.

Clarke (AR0000224) to form the architectural firm Harvey & Clarke. Clarke's family were one of the early Palm Beach pioneer families, and although Clarke did not receive his architectural license until almost two years later, on January 11, 1923, the partnership of their mutual talents was able to flourish. The firm was commissioned to design many of the Seaboard Coast Line Railway system's depot buildings, many which still exist and of those numerous are locally or nationally designated. Other prominent designated buildings designed by Harvey & Clarke in Palm Beach include the Palm Beach Town Hall, the Palm Beach Daily News Building, and the Palmway Building. In West Palm Beach, some of their locally or nationally designated designs include the Pine Ridge Hospital, the American National Bank Building, the Guaranty Building, Holy Trinity Church, and the Comeau Building.

Mr. Harvey was personable and popular, and served as Mayor of West Palm Beach from 1924 to 1927. His design talent was coupled with a keen interest in door and window hardware, and he patented the "HAR-VEY" top-hung sliding door roller device. The Harvey & Clarke partnership was dissolved in 1929, but he continued practicing architecture, and began an association with Miami-based architect Carlos B. Schoeppl. He also started a hardware business in Phipps Plaza, the epicenter of Palm Beach architectural firms, and later, on South County Road where he also had the town's first picture-framing shop. He co-authored a book, Taking the Mystery out of Builder's Hardware and he was a charter member of the Palm Beach Rotary Club. Harvey was a familiar sight in Palm Beach, wearing an ascot instead of a tie, leisurely strolling along County Road, going to and from his client's offices. He retired in 1983, and died in Phoenixville, Pennsylvania in 1987 at age 97.

Carlos B. Schoeppl:

Carlos B. Schoeppl, a highly respected architect, born in 1898, studied architecture at UCLA, and worked in San Antonio and Houston, Texas before moving to Jacksonville in 1926 at the height of the Florida land boom.[7] He established an architectural practice in both Jacksonville and St. Augustine from 1927-1929. While in Jacksonville, Schoeppl designed some of the earliest Art Deco buildings in the city.[8] Already a well-established architect, in 1929, Schoeppl left Jacksonville for Miami where "Shep" became well known for his

[7] One of his most prestigious early houses is the Johnelle Bryan house, a 1925 Italian Renaissance style house at 15 Courtland Place in the Houston Courtland Place National Register Historic District.
[8] Some of these buildings included the downtown Chevrolet Building at 1100 North Main Street (1928-1929), the Grace the Florist Building at 1612 Cherry Street in Riverside (1928) and the Thomas M. Palmer residence at 3790 Ortega Boulevard (1927).

luxurious mansions, many in the Mediterranean Revival style and built for wealthy clients along the "Gold Coast." The story goes that he had a grand outgoing personality, a great interest in aviation and was friends with Howard Hughes and Eddie Rickenbacker. In 1932, he partnered with Arnold Southwell and during their partnership, Schoeppl and Southwell produced "A Florida Brochure" highlighting their numerous commissions in the South Florida area.[9]

During World War II, Schoeppl did his part for the war effort by designing military hospitals for North Africa and the Pacific Theater. In the 1940s he also established the Craftsmen's Village, an artisans' commune located in the Brownsville community near Miami International Airport. There he engaged wood carvers and old-world craftsmen to produce beautiful custom-made furniture and ironwork.

After the war, Schoeppl created the "American Plan Service," to mass-market "modern" homes employing the latest technologies and design theories-- many of these were constructed in Miami and Fort Lauderdale. He did a booming business in South Florida constructing commercial buildings in the then popular Art Moderne style. By 1955, Schoeppl and Associates had offices in Miami, New York, Dallas, and Los Angeles. The firm became known for its hotel and "motor lodge" designs throughout the United States. Schoeppl also became associated with the style now termed "Post War Modern" or "Mid Century Modern." Carlos Schoeppl continued his career into the 1980s and passed away in April of 1990. He was a prolific architect whose work helped shape the "look" of South Florida in the twentieth century.

VI. Statement of Significance

The commercial building at 304-306 South County Road was designed in the Art Deco style which was an imaginative style that was popular from the 1920s to the early 1940s during a transitional period between traditional and modern approaches to building design. The building was originally constructed to house two popular grocery stores which served the growing Royal Park neighborhood, the South County Road commercial and governmental area and tourists at the nearby hotels.

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[9] Many of Carlos Schoeppl designed homes were built along the ocean, though many have since been replaced by high-rise buildings. However, throughout Miami Beach and along the bay front many of his homes still exist.

VII. Criteria For Designation

Section 54-161 of the Town of Palm Beach Landmarks Preservation Ordinance outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are the criteria which relate to this property and justification for designation:

(1) "Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town."

The multi-retail building at 304-306 South County Road reflects the broad cultural, economic, and social history of the Town of Palm Beach. After the construction of the Palm Beach Town Hall and Fire Station on South County Road in 1925 and Memorial Fountain in 1929 the businesses along South County Road increased to accommodate the growing pedestrian traffic from residents, staff, and visitors to the Town's new governmental center. And although the Florida land and housing boom was over by 1929 and the market had crashed in October of 1929, Palm Beach continued to develop substantially in the late 1920's so the addition of two grocery stores helped to supply provisions for the growing population and the multitude of tourists. Resident and investor S. Fahs Smith had confidence in this commercial area along South County Road as two years later he developed the building adjacent to the north to house four new shops.

(3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship."

The building at 304-306 South County Road is a one-story, multi-retail commercial structure designed in the Art Deco style. Art Deco features of 306 South County Road include the character defining decorative frame of angled repetitive geometric border panels surrounded by a stucco chevron band. The reeded bulkhead and the decorative stylized geometric cornice are also important Art Deco features that cap this building. The facade of 304 South County Road does not retain many Art Deco features but it does have tiles with floral designs and a streamlined facade. Henry Stephen Harvey was a talented architect who had designed the nearby Palmway Building and Palm Beach Town Hall during his partnership with Louis Phillips Clarke as the Harvey & Clarke architectural firm. While designing this building, Harvey was working in the office of architect Carlos B. Schoeppl and this likely influenced his use of the Art Deco design.

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IX. DESIGNATION HEARINGS

2. **304 S County Rd (304-306 S County Rd)**
Owner: Thomas Campaniello

Call for disclosure of ex parte communication: Disclosure by Ms. Metzger.

Emily Stillings, MurphyStillings, LLC, testified to the architecture and history for this Art Deco style commercial structure. Ms. Stillings pointed out the design features of this building. Ms. Stillings testified that the building met the following criteria for designation as a landmark:
Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, county, or town; and,
Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction of use of indigenous materials or craftsmanship.

Ms. Patterson asked for confirmation on proof of publication. Ms. Churney provided confirmation.

Motion made by Ms. Moran and seconded by Ms. Albarran to make the designation report for 304 S County Rd (304-306 S County Rd) part of the record. Motion carried unanimously, 7-0

Ms. Patterson called for any public comment on the designation.

David McPherson, representing the owner Thomas Campaniello, objected to the designation. He provided the reasons for the owner's objections.

Ms. Fairfax told the representative that the owner could join the façade easement program, which would provide a federal tax break to the owner. She briefly explained the program.

Aimee Sunny, Preservation Foundation of Palm Beach, stated that the buildings met both criteria as stated by Ms. Stillings. She thought the buildings had wonderful art deco features and indicated that the buildings met the walkable fabric of the downtown area, as well as the changing cultural trends. Ms. Sunny reminded the Commission that landmarked buildings would allow for additions and provided her support for the designation.

Ms. Moran did not believe the buildings were a good representation of the art deco style. She did not support the designation.

Ms. Albarran liked the buildings and liked how the design was split between

two buildings. She thought the buildings were elegant and supported the designation.

Motion made by Ms. Coleman and second by Ms. Albarran to recommend 304 S County Rd (304-306 S County Rd) to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1 and 3 in Section 54-161, and with the acknowledgement of owner opposition. Motion carried 6-1, with Ms. Moran dissenting.

ARTICLE IV. - DESIGNATION PROCEDURE

Sec. 54-161. - Criteria for landmarks and landmark sites.
Sec. 54-162. - Creation of historic districts.
Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.
Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.
Sec. 54-165. - Voluntary restrictive covenants.
Secs. 54-166—54-195. - Reserved.

Sec. 54-161. - Criteria for landmarks and landmark sites.

A landmark or landmark site shall meet at least one of the following criteria:

(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(2) Is identified with historic personages or with important events in national, state or local history.

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

(4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. - Creation of historic districts.

(a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:

(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(2) Is identified with historic personages or with important events in national, state or local history.

(3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.

(4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.

(5) Constitutes a unique area of architecture, landscaping and planning.

(b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such

property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

(1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.

(2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.

(3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.

(4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.

(5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.

(6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.

(7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.

(8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.

(a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:

(1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.

(2)

Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.

(3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in a newspaper having general circulation in the town.

(4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.

(5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.

(6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

(7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.

(8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.

(9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

(10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.

(11) In accordance with section 54-163(1), the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.

(12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the office of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.

(b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.

(c)

Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. - Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the county property appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166—54-195. - Reserved.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

RESOLUTIONS

Agenda Title

RESOLUTION NO. 015-2023: A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 4 Via Vizcaya Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town Of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town Of Palm Beach.

Presenter

ATTACHMENTS:

- **Resolution No. 015-2023**
- **Designation Report**
- **Excerpt from the November 16, 2022 Landmarks Preservation Commission Meeting Minutes**
- **Landmark Designation Procedure**

RESOLUTION NO. 015-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 4 VIA VIZCAYA MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance No. 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held a public hearing and recommended to the Town Council that certain landmarked property described herein be designated as a landmark as described in said Ordinance and Code; and

WHEREAS, after due notice to the property owner(s) affected, a public hearing was held at which all parties interested were given an opportunity to be heard and express their views and opinions with respect to the property and its designation as a landmark; and

WHEREAS, the Town Council does hereby find and determine that the property described herein meets the criteria required by the Ordinance to designate a landmark, and shall be designated as a landmark.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The recommendation and determination of the Landmarks Preservation Commission as to the property hereinafter described in Section 3 of this Resolution, being designated as a landmark is hereby ratified, approved, and confirmed.

Section 3. The landmark herein amended, pursuant to the provisions of Ordinance No. 2-84, and the provisions of the Town Code described herein, is known as 4 Via Vizcaya and the property to be landmarked is legally described as follows:

VIA VIZCAYA E 5.5 FT OF LT 3 & LTS 4 & 5

Section 4. The Town Clerk is hereby ordered to furnish the property owner of the landmarked property a copy of this Resolution.

Section 5. Within thirty (30) days from the date of adoption of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as described above and as defined in and subject to the provisions of Ordinance No. 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 15th day of February, 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

4 Via Vizcaya



DESIGNATION REPORT

January 19, 2022

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

4 Via Vizcaya

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Report produced by Murphy Stillings, LLC

I. General Information

Location:	4 Via Vizcaya Palm Beach, Florida
Date of Construction:	1934
First Owner:	C. (Christian) Bai and Olga Lihme
Current Owner:	Thorne B. and Monnie B. Donnelley
Architect:	Treanor & Fatio
Builder:	C. G. Warner
Present Use:	Residential
Present Zoning:	RA
Palm Beach County Tax Folio Number:	50-43-43-35-01-000-0031
Current Legal Description:	Via Vizcaya E. 5.5 Feet of Lot 3 and Lots 4 and 5

II. Location Map

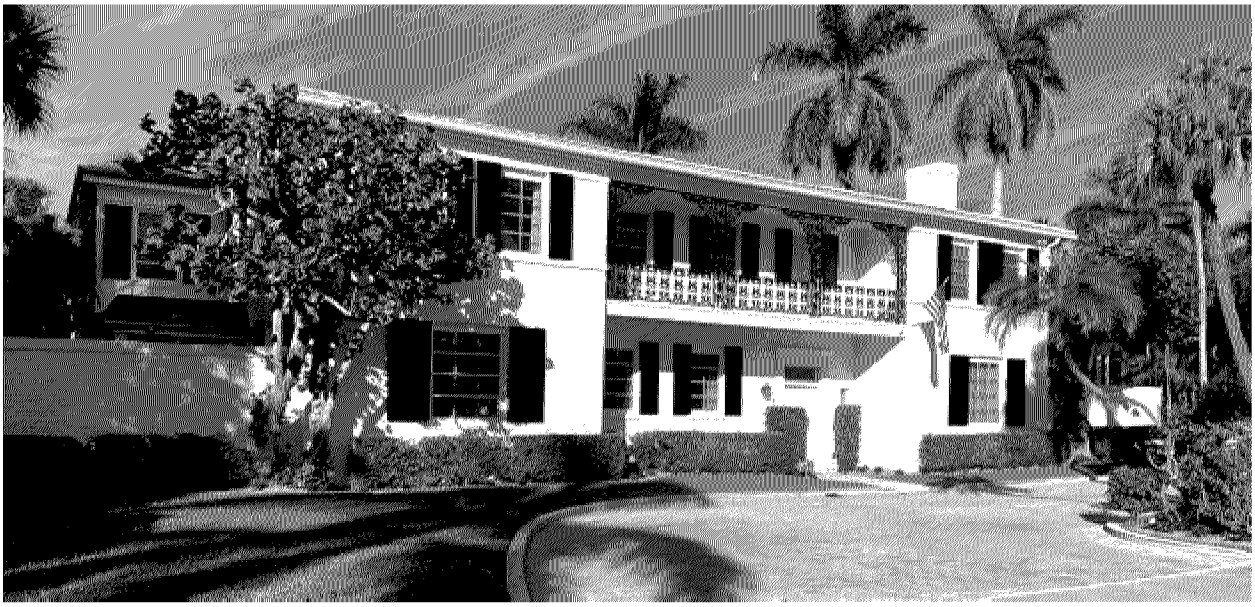
4 Via Vizcaya





III. Architectural Information

The two-story residence located at 4 Via Vizcaya in Palm Beach's estate section was designed in the Monterey style by one of Palm Beach's most prominent architects, Maurice Fatio of the architectural firm Treanor and Fatio. The home was commissioned in 1934 by C. (Christian) Bai Lihme and Olga Hegeler Lihme and was constructed by C.G. Warner for approximately $40,000.[1]



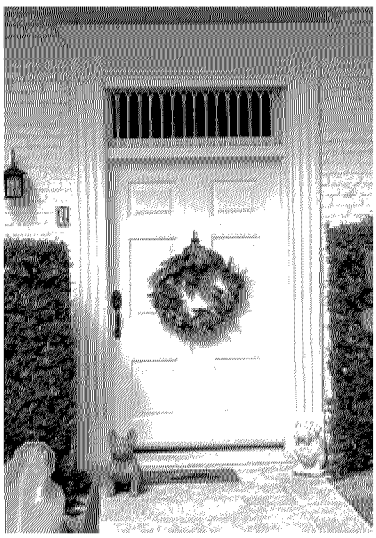
4 Via Vizcaya is a very good example of Maurice Fatio's interpretation of the Monterey style of architecture. The Monterey style originated in Monterey, California in the 1830s and was mostly a free interpretation of the Anglo-influenced Spanish Colonial houses of northern California. The style was revived in northern California in the 1920s and was mostly popular in the United States from 1925-1955. It was a fusion of revival styles including Spanish, British and French Colonial styles. The result was designs that were two-story residences with the main identifying feature being a second-floor open-air balcony covered by the principal roof which is characteristically low pitched and either gabled or hipped. The balconies were typically cantilevered with the decorative detailing of Monterey residences often confined to the balcony railing, which are typically styled in iron or wood. Exterior walls were constructed of brick, stucco or wood. Early examples of the Monterey style tend to feature more Spanish detailing, while later examples typically emphasized British and French details. In Palm Beach most of the early architects including Maurice Fatio, Howard Major, Marion Sims

[1] Town of Palm Beach Building Permit # 9334 dated July 2, 1934.

Wyeth, John Volk, Gustav Maass and Howard Chilton designed varying styles of Monterey houses.

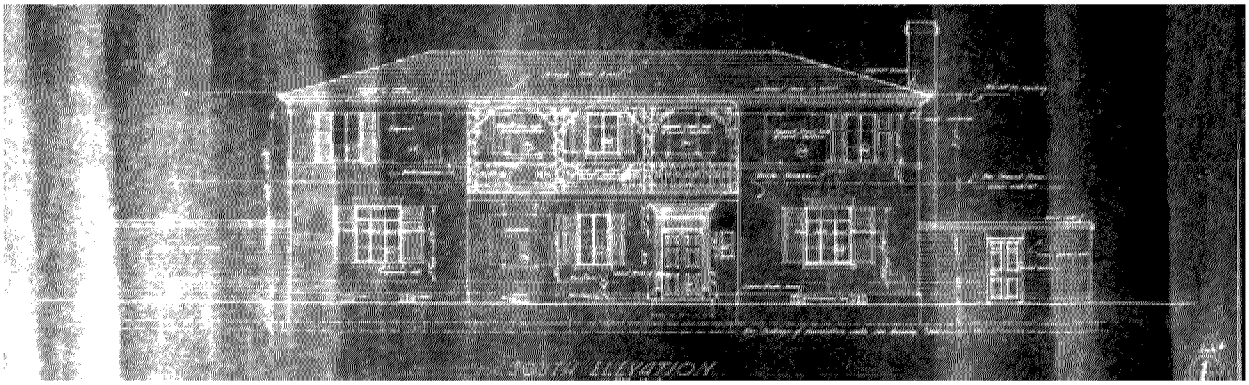
The residence at 4 Via Vizcaya is located on the northwest corner of South County Road and Via Vizcaya with its main façade facing south onto Via Vizcaya. The home was constructed of tile surfaced with brick and features low-pitched hipped roofs with flat cement tiles.[2] The central section of the main façade is recessed and features the focal point of the residence and the main character defining element of the Monterey style, a cantilevered second floor balcony. The balcony is highlighted by a decorative lacy wrought iron railing and posts and exposed wood beams support the balcony. The entrance to the home is also located in the recessed central section. The entrance features a classical wood door surround with a wood paneled door and a decorative rectangular transom window with pointed arch details above.





Additional architectural details of the residence include a wood cornice at the roofline and a brick chimney located on the east façade. The fenestration of the home is symmetrical and features single and paired windows with brick sills and louvered colonial shutters. The windows on the first floor feature shallow arched brick lintels above and a brick belt course highlights the base of the second-floor windows. A site wall, constructed of concrete block and surfaced with brick, extends to the east and west of the house along the main façade's front plane.

[2] Town of Palm Beach Building Permit # 9334 dated July 2, 1934.



Main Façade by Treanor & Fatio, 1934



East and West Facades by Treanor & Fatio, 1934

Fatio designed the rear of the residence with the center section projecting to the north and included a loggia on the first floor and another cantilevered balcony above. This balcony was designed with wood posts and a wrought iron railing.



Rear Façade from Google Earth

A two-story accessory structure, designed by Fatio and constructed at the same time as the residence, is located at the northwest corner of the property. It features a hip roof surfaced with flat tiles and includes a two-car garage with garage doors on the north façade. The garage is accessed from an alley on the north side of the property off South County Road.

In 1977, one-story additions were constructed on both the east and west façades behind the brick site wall. These additions feature glass doors and mansard style roofs surfaced with copper. In 1990, a two-story addition was constructed at the rear, northwest corner, of the residence. The designs of the 1977 and 1990 additions provided additional living space to meet the needs of the homeowners while retaining the historic architectural integrity of Maurice Fatio's 1934 design.



Main Façade Showing the Eastern One-Story Addition

Since the home's construction in 1934, in addition to the changes noted, there have been some alterations to the exterior of the residence. Alterations include the replacement of the roofing material, replacement of some of the windows and doors, replacement of the colonial shutters, and landscape and hardscape changes including the installation of a pool to the east of the residence. Despite these additions and alterations, the residence continues to retain its historic architectural integrity.

IV. Historical Information

The residence at 4 Via Vizcaya was designed by prominent Palm Beach architect Maurice Fatio for C. (Christian) Bai Lihme and his wife Olga Hegeler Lihme in

1934 during the late Depression/New Deal Era of the mid-1930s. The South Florida land and building boom of the 1920s had reached its height in late 1925, and by 1927, the "Boom Times" were ending for much of South Florida as speculation had pushed prices so high that speculators and developers could no longer find buyers and many banks in the state failed. Fortunately, for Palm Beach, the land bust did not drastically affect many of the seasonal residents and real estate development on the island slowed but did not halt.

The depression years were difficult for architects in Palm Beach. From 1931-1933, Fatio had so few commissions he considered closing the Palm Beach office of Treanor and Fatio. However, by the winter of 1934, business had picked up significantly and he remained very active and highly sought after until the start of the War. Building in Palm Beach was also on the rise and in a letter dated March 19, 1934, Fatio's wife, Eleanor Chase Fatio explains,

> "Looking back on this winter, it hardly seems possible that, in October (1933), Maurice was considering closing the Palm Beach office because there wasn't enough work down here to warrant keeping it going. He has gotten an incredible number of jobs in the last two months. They are none of them mansions, but they are all moderate sized houses and he has, altogether ten contracts signed, with several more good prospects."[3]

While a large amount of the new development in Palm Beach during the post-Depression/New Deal Era was occurring in the north end of the Island, there was also construction of new residences on both vacant lots in more established areas and within new subdivisions. Between the mid 1930s and the start of World War II, Fatio designed many houses throughout the Town of Palm Beach. Most of the houses were designed for specific clients, however, others were designed and built as spec homes for developers.

C. (Christian) Bai Lihme was a chemist, industrialist and an avid art collector. Originally from Denmark, he studied chemistry at the University of Copenhagen and came to the United States in 1888 and became the chief chemist at the Pennsylvania Lead Company until 1893. He then returned to Europe to study at the University of Heidelberg for two years before returning to the become superintendent of the Illinois Zinc Company. In 1901, he married Olga Hegeler, who was the daughter of a pioneer zinc smelter and the president of the Matthissen and Hegeler Zinc Company. In 1910, C. Bai Lihme succeeded his father-in-law as president of the Hegeler Zinc Company until he retired in 1921. Through the years he also served as director of several banks and mining companies. After retiring

[3] Alexandra Fatio. Maurice Fatio, Architect. Stuart, Florida: Southeastern Printing, 1992.

the Lihme's moved from Chicago to New York City. They lived in a large triplex apartment on 5th Avenue and had a summer residence, the grand estate "Norman Hall" in Watch Hill, Rhode Island. In 1925, the Lihme's commissioned Addison Mizner to construct a residence for them in Palm Beach, which was never constructed.[4]

Olga Lihme entered the Palm Beach development business with the creation of the Ohlea Corporation in 1925, where she served as president and their son, Harold Lihme, served as Secretary. The Ohlea Corporation developed the Via Vizcaya subdivision and the Lima Court Subdivision. In a letter dated October 11, 1934, Fatio references a home that he designed for Olga Lihme at 9 Via Vizcaya where he and his wife Eleanor would be staying while in Palm Beach, "We will stay in a villa there that I am building for Mrs. Lihme. She hopes to sell it, and if she succeeds, I will build her another one next year."[5] The home at 9 Via Vizcaya was constructed at the same time as 4 Via Vizcaya in the new Via Vizcaya subdivision.

The end of the Boom Time Era and ensuing Depression in Palm Beach had signaled a change in the construction of residences. By the mid 1930s, Palm Beach started to experience a post-Depression building boom. The desire for changes in architectural design reflected the shifting economic times. Many owners were seeking mid-size residences with cleaner lines and greater symmetry in classic designs rather that the ornate Mediterranean Revival style estates built during the 1920s Land Boom. Fatio's design for 4 Via Vizcaya is an example of this change in the architectural development of Palm Beach.

A September 1935 article titled "Revolt in Palm Beach" in *House Beautiful* by Louis Capron described the changing architectural styles on the Island from the Spanish influenced to what Capron called "Tropical Colonial". In addition to describing these homes as being designed with the climate in mind and featuring the use of balconies and verandas, he also noted that the homes were built "to live in rather than for their theatrical qualities". Included in the article was a picture of the Monterey style residence Fatio designed for the Lihme's.[6]

4 Via Vizcaya was the Lihme's winter residence for thirteen years. Olga Lihme sold the residence shortly after her husband's death to William Church Merrill in

[4] Donald W. Curl. Mizner's Florida: American Resort Architecture. American History Foundation and The MIT Press, 1996.
[5] Alexandra Fatio. Maurice Fatio, Architect. Stuart, Florida: Southeastern Printing, 1992.
[6] "'Revolt in Palm Beach' Seen in Architectural Evolution". *Palm Beach Post,* 3 September 1935.

1947.[7] In 1950, the home was purchased by Clarence A. Olsen and Natalie Hill Olsen of Cleveland, Ohio, who had been wintering in Palm Beach for several years before purchasing 4 Via Vizcaya. While Natalie Olsen passed away in 1969 and Clarence Olsen died in 1971, the home remained in the Olsen family until 1974 when it was sold to H.V. Williams who owned it for twelve years.

The current owners are Thorne Barnes Donnelley and Monnie B. Donnelley. Mr. Donnelley purchased the property at the end of 1986. Mrs. Donnelley is the daughter of prolific Palm Beach architect Ames Bennett, who designed the two-story addition to the residence in 1990. The Donnelley's have been wonderful stewards of the residence for the last 34 years.

V. Architects Biography

Maurice Fatio

Maurice Fatio was one of Palm Beach's leading architects from the 1920s to the early 1940s. His firm, Treanor & Fatio was one of the largest architectural firms in Palm Beach and Fatio's distinctive designs can be seen throughout the Island.

Fatio was born in 1897 in Geneva, Switzerland. He studied architecture under Karl Moser at the Zurich Polytechnical. After graduation in 1920, Fatio came to America and apprenticed with Harrie T. Lindeberg, a prominent New York architect of Norman and English style country houses.

In 1921, Fatio formed a partnership with William A. Treanor, another architect in Lindeberg's firm. They quickly achieved a great deal of success, constructing numerous houses, primarily Colonial, on Long Island as well as buildings in Manhattan, including Beekman Tower on the East River. Fatio's association with Florida can be traced to his employment with Lindeberg, when he received the commission for eight small houses in New Symrna, Florida. In October 1923, Treanor and Fatio were asked to be the architects for the Olympia Beach development, now Jupiter Island. The next year Fatio opened an office in Palm Beach.

Fatio's many commissions for houses and commercial buildings in Palm Beach were based on his reputation in New York as well as his charm, good looks, and European manner. During his career in Florida, Fatio designed in many diverse

[7] C. Bai Lihme passed away in October 1946 at their home in New York City.

styles. Mediterranean Revival, more specifically, Italianate houses incorporating tower blocks, were designed for William McAneeny (195 Via Del Mar), the Coopers (801 South County Road), Mortimer Schiff (920 South Ocean Boulevard), and Daniel McCarthy (550 South Ocean Boulevard). More horizontal, symmetrical, and formal Florentine houses were designed for Otto Kahn (690 North County Road) and Joseph Widner (1500 South Ocean Boulevard). In 1928, he designed a French Normandy style house for his future mother-in-law Mrs. Charles Curry Chase (Via Del Mar). In the mid-30s, Fatio began designing in the Georgian, British Colonial and Monterey styles. Large commissions for Albert Worswick (1860 South Ocean Boulevard), E. F. Hutton (1768 South Ocean Boulevard), and Wolcott Blair (1960 South Ocean Boulevard) with their simple materials and uncluttered lines reflected the sober, economic climate and set the pace for the smaller Colonial and Regency commissions that followed them.

During this time, Fatio also worked in the modern style, producing such modern masterpieces as "The Reef" built for Mr. and Mrs. Vadim Makaroff. The design of this house won Fatio the Gold Medal at the 1936 French Exposition Internationale des Arte et Techniques dans la vie Moderne as the "Best Modern House In America." Other modern houses were designed for Messmore Kendall, aviator pioneer Grover Loening, and Prince and Princess Zalstem-Zalessky (Evangeline Johnson Merrill).

World War II brought a halt to construction in Palm Beach. Fatio had many international connections and entered the Office of Strategic Services in Washington, D.C. in June of 1943. He sadly died of cancer later that same year, on December 2, 1943, at the young age of 46.

VI. Statement of Significance

The residence at 4 Via Vizcaya is significant as a very good example of the Monterey style of architecture as interpreted by prominent Palm Beach architect Maurice Fatio. It is also a very good example of the architectural, cultural and social changes occurring in Palm Beach during the post-Depression/New Deal Era of the mid 1930s.

VII. Criteria For Designation

Section 54-161 of the Town of Palm Beach Landmarks Preservation Ordinance outlines the criteria for designation of a landmark or landmark site and suggests

that at least one criterion must be met to justify the designation. Listed below are criteria that relate to this property and justification for designation:

(1) "Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town."

4 Via Vizcaya reflects the broad cultural, economic and social history of the Town of Palm Beach. Designed and built in 1934 during the late Depression/New Deal Era for Christian Bai and Olga Lihme, the residence is a very good example of the changing times in the Town. Olga Lihme was involved in development on the island including developing the Via Vizcaya subdivision. Following the ending of the 1920s building boom, the late Depression/ New Deal Era in Palm Beach signaled a change in development and construction of residences in Palm Beach with large estates being subdivided and owners seeking mid-size residences with restrained and livable designs.

(3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship."

The house at 4 Via Vizcaya is a very good example of Maurice Fatio's skillful interpretation of the Monterey style of architecture. The focal point of the residence, the second-floor cantilevered balcony with decorative iron posts and railing, is the main character defining feature of the style. Additional details, such as the brick façade, wood cornice, classical door surround with an interesting transom window above the wood door, colonial shutters, and brick belt course, sills and lintels all contribute to the architectural character of the residence.

(4) "Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."

4 Via Vizcaya is a very good representation of the design work of the architect Maurice Fatio of the architectural firm Treanor and Fatio. Maurice Fatio was one of Palm Beach's foremost and most sought-after architects from the 1920s to the early 1940s. He was an eclectic architect who took pride in his ability to work in different architectural styles. The Monterey style residence at 4 Via Vizcaya is a very good example of Fatio's ability to adapt to the changes in Palm Beach's economic climate and architectural styles during the mid-1930s.

VIII. Selected Bibliography

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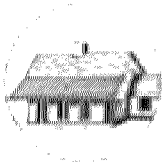
West Palm Beach City Directories. Asheville, NC: Florida-Piedmont Directory Company, 1934-1986. These city directories included Town of Palm Beach directories and information on Palm Beach residents.

X. Florida Master Site File Form

Clear Form Values

Page 1

☐ Original
☒ Update



HISTORICAL STRUCTURE FORM
FLORIDA MASTER SITE FILE
Version 5.0 3/19

Site# PB04424
Field Date: 11-20-2019
Form Date: 9-29-2020
Recorder #: MAS

Shaded Fields represent the minimum acceptable level of documentation.
Consult the *Guide to Historical Structure Forms* for detailed instructions.

Site Name(s) (address if none): 4 Via Vizcaya N — Multiple Listing (DHR only): _____
Survey Project Name: Palm Beach Historical Site Survey — Survey # (DHR only): _____
National Register Category (please check one): ☒building ☐structure ☐district ☐site ☐object
Ownership: ☐private-profit ☐private-nonprofit ☒private-individual ☐private-nonspecific ☐city ☐county ☐state ☐federal ☐Native American ☐foreign ☐unknown

LOCATION & MAPPING

Clear Location Values

Address: Street Number: 4 — Direction: — Street Name: Via Vizcaya — Street Type: — Suffix Direction:
Cross Streets (nearest / between): _____
USGS 7.5 Map Name: PALM BEACH — USGS Date: 2012 — Plat or Other Map: _____
City / Town (within 3 miles): Palm Beach — In City Limits? ☒yes ☐no ☐unknown — County: Palm Beach
Township: 43S — Range: 43E — Section: 35 — ¼ section: ☐NW ☐SW ☐SE ☐NE — Irregular-name: _____
Tax Parcel #: 50434335010000031 — Landgrant: _____
Subdivision Name: VIA VIZCAYA IN — Block: 000 — Lot: 0031
UTM Coordinates: Zone ☐16 ☐17 — Easting ☐☐☐☐☐☐ — Northing ☐☐☐☐☐☐☐
Other Coordinates: X: _____ Y: _____ — Coordinate System & Datum: _____
Name of Public Tract (e.g., park): _____

HISTORY

Clear History Values

Construction Year: 1934 ☐approximately ☐year listed or earlier ☐year listed or later
Original Use: Private Residence (House/Cottage/Ca — From (year): 1934 — To (year): 2020
Current Use: Private Residence (House/Cottage/Ca — From (year): 1934 — To (year): 2020
Other Use: _____ — From (year): _____ — To (year): _____
Moves: ☐yes ☒no ☐unknown — Date: _____ — Original address: _____
Alterations: ☒yes ☐no ☐unknown — Date: _____ — Nature: windows
Additions: ☒yes ☐no ☐unknown — Date: _____ — Nature: side addn
Architect (last name first): Treanor & Fatio — Builder (last name first): _____
Ownership History (especially original owner, dates, profession, etc.)

DONNELLEY THORNE H &

Is the Resource Affected by a Local Preservation Ordinance? ☐yes ☒no ☐unknown — Describe: _____

DESCRIPTION

Clear Description Values

Style: Monterey — Exterior Plan: Rectangular — Number of Stories: 2
Exterior Fabric(s): 1. Brick — 2. _____ — 3. _____
Roof Type(s): 1. Hip — 2. _____ — 3. _____
Roof Material(s): 1. Concrete tile — 2. _____ — 3. _____
Roof secondary struc. (dormers etc.): 1. _____ — 2. _____
Windows (types, materials, etc.)

single & paired 4 light replacement awning, fixed 12 light, shutters, brick tops & sills

Distinguishing Architectural Features (exterior or interior ornaments)

low pitch hip w minimal overhang, center recess, balcony w decorative metal railing, painted brick

Ancillary Features / Outbuildings (record outbuildings, major landscape features; use continuation sheet if needed.)

corner lot, masonry semicircular drive, vegetation

DHR USE ONLY	OFFICIAL EVALUATION	DHR USE ONLY
NR List Date: _____ ☐Owner Objection	SHPO – Appears to meet criteria for NR listing: ☐yes ☐no ☐insufficient info — Date: _____ — Init.: _____ KEEPER – Determined eligible: ☐yes ☐no Clear Check Boxes — Date: _____ NR Criteria for Evaluation: ☐a ☐b ☐c ☐d (see *National Register Bulletin 15*, p. 2)	

Florida Master Site File / Div. of Historical Resources / R. A. Gray Bldg / 500 S Bronough St., Tallahassee, FL 32399-0250
Phone 850.245.6440 / Fax: 850.245.6439 / E-mail: SiteFile@dos.myflorida.com

HISTORICAL STRUCTURE FORM

Site #8 PB04424

DESCRIPTION (continued)

Clear Description Values

Chimney: No. 1 Chimney Material(s): 1. Brick 2.

Structural System(s): 1. Masonry - General 2. 3.

Foundation Type(s): 1. Slab 2.

Foundation Material(s): 1. Poured Concrete Footing 2.

Note: you may use the last box in each field to type in an answer that does not appear in the list provided.

Main Entrance (stylistic details)

wide 6 panel, transom w pointed arch detail, neoclassical surround, off center

Porch Descriptions (types, locations, roof types, etc.)

in center recess

Condition (overall resource condition): ☐ excellent ☒ good ☐ fair ☐ deteriorated ☐ ruinous

Narrative Description of Resource

This c1934 Monterey style building is in good condition. Property appraiser notes a 1950 build data

Archaeological Remains ☐ Check if Archaeological Form Completed

RESEARCH METHODS (check all that apply)

☒ FMSF record search (sites/surveys)	☐ library research	☐ building permits	☒ Sanborn maps
☐ FL State Archives/photo collection	☐ city directory	☐ occupant/owner interview	☒ plat maps
☒ property appraiser / tax records	☐ newspaper files	☐ neighbor interview	☐ Public Lands Survey (DEP)
☒ cultural resource survey (CRAS)	☐ historic photos	☐ interior inspection	☐ HABS/HAER record search

☒ other methods (describe) Town Staff

Bibliographic References (give FMSF manuscript # if relevant, use continuation sheet if needed)

OPINION OF RESOURCE SIGNIFICANCE

Clear Significance Values

Appears to meet the criteria for National Register listing individually? ☒ yes ☐ no ☐ insufficient information

Appears to meet the criteria for National Register listing as part of a district? ☒ yes ☐ no ☐ insufficient information

Explanation of Evaluation (required, whether significant or not; use separate sheet if needed)

This building was determined NRHP eligible 2006, and appears to meet criteria for listing within a district.

Area(s) of Historical Significance (see *National Register Bulletin 15*, p. 8 for categories: e.g. "architecture", "ethnic heritage", "community planning & development", etc.)

1. Community planning & developm 3. 5.

2. Architecture 4. 6.

DOCUMENTATION

Clear Documentation Values

Accessible Documentation Not Filed with the Site File - including field notes, analysis notes, photos, plans and other important documents

1) Document type Maintaining organization

Document description File or accession #s

2) Document type Maintaining organization

Document description File or accession #s

RECORDER INFORMATION

Recorder Name Patricia Davenport-Jacobs Affiliation Environmental Services, Inc.

Recorder Contact Information 7220 Financial Way, Suite 100, Jacksonville, FL 32256/9044702200/pdavenport@

(address / phone / fax / e-mail)

Required Attachments

1. USGS 7.5' MAP WITH STRUCTURE LOCATION CLEARLY INDICATED
2. LARGE SCALE STREET, PLAT OR PARCEL MAP (available from most property appraiser web sites)
3. PHOTO OF MAIN FACADE, DIGITAL IMAGE FILE

When submitting an image, it must be included in digital AND hard copy format (plain paper grayscale acceptable). Digital image must be at least 1600 x 1200 pixels, 24-bit color, jpeg or tiff.

IX. DESIGNATION HEARINGS

8. 4 VIA VIZCAYA
Owner: Monnie B. Donnelly & Thorne B. Donnelly

Call for disclosure of ex parte communication: There were no disclosures at this time.

Emily Stillings, MurphyStillings, LLC, testified to the architecture and history for this Monterey Revival style home. Ms. Stillings pointed out the design features of this building. Ms. Stillings testified that the building met the following criteria for designation as a landmark:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction of use of indigenous materials or craftsmanship;

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influenced his age.

Ms. Patterson asked for confirmation on proof of publication. Ms. Churney provided confirmation.

Motion made by Ms. Damgard and seconded by Ms. Moran to make the designation report for 4 Via Vizcaya part of the record. Motion carried unanimously, 7-0

Ms. Patterson called for any public comment on the designation.

James Green, attorney for the Ms. Donnelly, cautioned the Commissioners to not landmark at home if it did not clearly meet the criteria in the Code. Mr. Green also suggested that the Commission should landmark a home against the homeowner's wishes unless the structure was clearly important. He did not believe the home met the criteria and provided arguments for the criteria. He advocated against landmarking the home.

Wes Blackman, Certified Urban Planner, discussed the flooding and air quality issues with the home during storms. He presented a video, which demonstrated the pump used in the home to mitigate water issues. He also presented photographs of the home, which showed a garage and other addition to the home.

Nancy Udell, attorney with James Green, interviewed their witness, Gary Cole, and asked him to present his credentials. Mr. Cole outlined his credentials. Ms. Udell asked Mr. Cole if he had reviewed the materials for 4 Via Vizcaya and if so, she asked if he believed the home met the criteria for landmark designation. He did not believe the home met the criteria. She asked Mr. Cole to describe a Certified Local Government (CLG). Mr. Cole responded and provided a description.

Ms. Udell asked Mr. Cole to address each criterion and why he believed it did not meet the criteria as stated by Ms. Stillings. Mr. Cole responded and outlined the reasons he did not believe criteria 1, 3 and 4 had been met.

Monnie B. Donnelly, homeowner, spoke against landmarking her home.

Aimee Sunny, Preservation Foundation of Palm Beach, noted that the home was being considered for local designation, not the national register. She argued that according to the National Park Service guidance, the home retained much of its original integrity and significance. She acknowledged the changes to the home and believed they did not detract from the integrity of the home. She thought it was an accurate representation of the Monterey style home, as shown in the Field Guide to American Architecture.

Ms. Patterson inquired if Ms. Sunny was concerned with the flooding issues that were presented by Mr. Blackman and the homeowner. Although she was sorry to hear about the flooding issues, Ms. Sunny discussed several different methods that could help to mitigate these issues.

Mr. Cole responded to Ms. Sunny's comments and argued that the local ordinance for landmark designation was based on the National Register's criterion.

Ms. Donnelly discussed the issues that she had taken to mitigate the flooding in her home.

Ms. Fairfax acknowledged the contentious hearing. She told the homeowner that the new legislation would allow the homeowner to demolish her home, even if landmarked. Ms. Fairfax thought the home was worth saving.

Mr. Segraves stated he was not in favor of landmarking the home. He thought the house was plain but acknowledged the additions were fine. He questioned if the home was in the Monterey style.

Ms. Moran thought the home was a nice and characteristic of a Monterey style home. She argued that Maurice Fatio would argue that this home was an important example in the Town.

Ms. Coleman thought the flooding had nothing to do with whether the home was worthy of landmark designation as she believed that was the topography of the land. She discussed the benefits of being a landmarked home and the benefits that would be afforded to the homeowner.

Ms. Damgard thought that the Landmark Commission aimed to assist homeowners' ability to renovate and modify their homes.

Ms. Albarran discussed how as a landmarked home, improvements over 50% of the value could be made to a home. Ms. Fairfax agreed and discussed the leeway that a landmarked home had when being modified.

Town Attorney Randolph stated that the Commission should deliberate on whether the home met the criteria outlined by the consultants.

Motion made by Ms. Fairfax and seconded by Ms. Moran to recommend 4 Via Vizcaya to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 3 and 4 in Section 54-161, and with the acknowledgement of the owners' objections. Motion carried 6-1, with Mr. Segraves dissenting.

ARTICLE IV. - DESIGNATION PROCEDURE

Sec. 54-161. - Criteria for landmarks and landmark sites.
Sec. 54-162. - Creation of historic districts.
Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.
Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.
Sec. 54-165. - Voluntary restrictive covenants.
Secs. 54-166—54-195. - Reserved.

Sec. 54-161. - Criteria for landmarks and landmark sites.

A landmark or landmark site shall meet at least one of the following criteria:

(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(2) Is identified with historic personages or with important events in national, state or local history.

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

(4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. - Creation of historic districts.

(a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:

(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(2) Is identified with historic personages or with important events in national, state or local history.

(3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.

(4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.

(5) Constitutes a unique area of architecture, landscaping and planning.

(b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such

property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

(1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.

(2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.

(3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.

(4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.

(5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.

(6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.

(7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.

(8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.

(a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:

(1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.

(2)

Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.

(3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in a newspaper having general circulation in the town.

(4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.

(5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.

(6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

(7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.

(8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.

(9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

(10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.

(11) In accordance with section 54-163(1), the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.

(12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the office of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.

(b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.

(c)

Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. - Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the county property appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166—54-195. - Reserved.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda
RESOLUTIONS

Agenda Title
RESOLUTION NO. 016-2023: A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 686 Island Drive Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town Of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town Of Palm Beach.

Presenter

ATTACHMENTS:

- **Resolution No. 016-2023**
- **Designation Report**
- **Excerpt from the November 16, 2022 Landmarks Preservation Commission Meeting Minutes**
- **Landmarks Designation Procedure**

RESOLUTION NO. 016-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 686 ISLAND DR MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance No. 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held a public hearing and recommended to the Town Council that certain landmarked property described herein be designated as a landmark as described in said Ordinance and Code; and

WHEREAS, after due notice to the property owner(s) affected, a public hearing was held at which all parties interested were given an opportunity to be heard and express their views and opinions with respect to the property and its designation as a landmark; and

WHEREAS, the Town Council does hereby find and determine that the property described herein meets the criteria required by the Ordinance to designate a landmark, and shall be designated as a landmark.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The recommendation and determination of the Landmarks Preservation Commission as to the property hereinafter described in Section 3 of this Resolution, being designated as a landmark is hereby ratified, approved, and confirmed.

Section 3. The landmark herein amended, pursuant to the provisions of Ordinance No. 2-84, and the provisions of the Town Code described herein, is known as 686 Island Dr and the property to be landmarked is legally described as follows:

PL NO 2 EVERGLADES ISLAND LT 74 & N 35 FT OF LT 76

Section 4. The Town Clerk is hereby ordered to furnish the property owner of the landmarked property a copy of this Resolution.

Section 5. Within thirty (30) days from the date of adoption of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as described above and as defined in and subject to the provisions of Ordinance No. 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 15th day of February 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

686 Island Drive



DESIGNATION REPORT

March 18, 2020
Landmark Preservation Commission
Palm Beach, Florida

DESIGNATION REPORT

686 Island Drive

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Report produced by Murphy Stillings, LLC

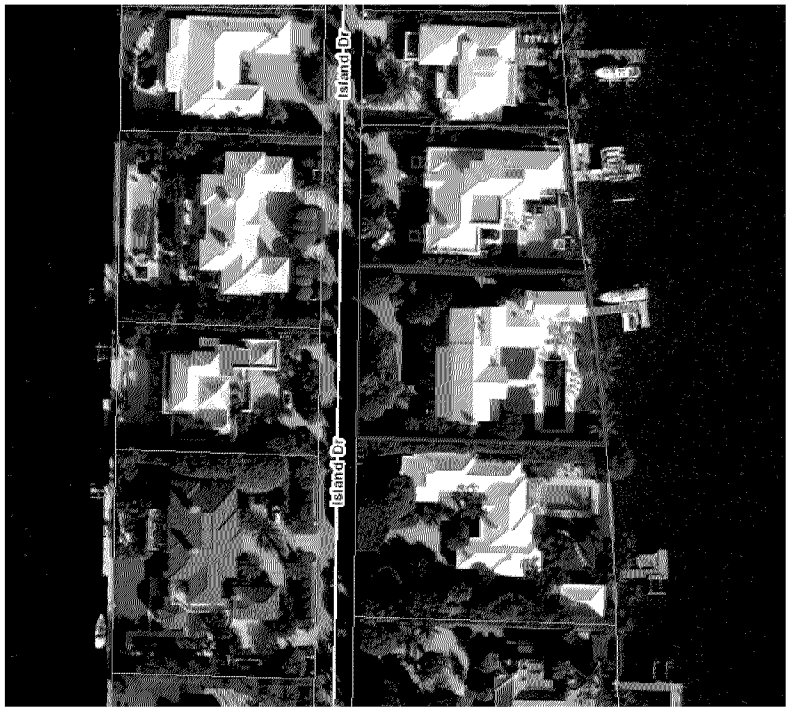
I. General Information

Location:	686 Island Drive Palm Beach, Florida
Date of Construction:	1955
First Owner:	Dr. & Mrs. Alfred F. Henderson
Architect:	Henry Knowles Harding
Builder/Contractor:	C.G. Warner Construction Company
Present Owner:	Robert F. Greenhill
Present Use:	Residential
Present Zoning:	RB
Palm Beach County Tax Folio Number:	50-43-43-27-02-000-0740
Current Legal Description:	Plat No. 2 Everglades Island Lot 74 & North 35 Feet of Lot 76

II. Location Map

686 Island Drive





III. Architectural Information

The design of 686 Island Drive is representative of the Neo-Classical Revival style in its classical details and symmetrically balanced form in the main block with a lower two-story wing set back on the north side. The main façade's full-height Corinthian columns are the most prominent feature of architect Henry Harding's 1955 design. Harding also brings in a French Colonial element with the ornate iron balcony rail on the second story.



The 1929 stock market crash and the Great Depression conclusively ended the great expectations of the Florida Land Boom. Palm Beach had established itself as a leading American resort and its development continued but without some of the magnificent excesses of the earlier era.[1] The desire for changes in architectural design reflected the shifting economic times, resulting in buildings with cleaner lines and greater symmetry. Neo-Classical Revival, British Colonial, Monterey, and Regency style houses were introduced and often used instead of the Mediterranean style designs so popular in the 1920s. By the 1950s, many new styles had become popular in Palm Beach and Harding's design for 686 Island Drive reflects this change in the architectural development of the Island.

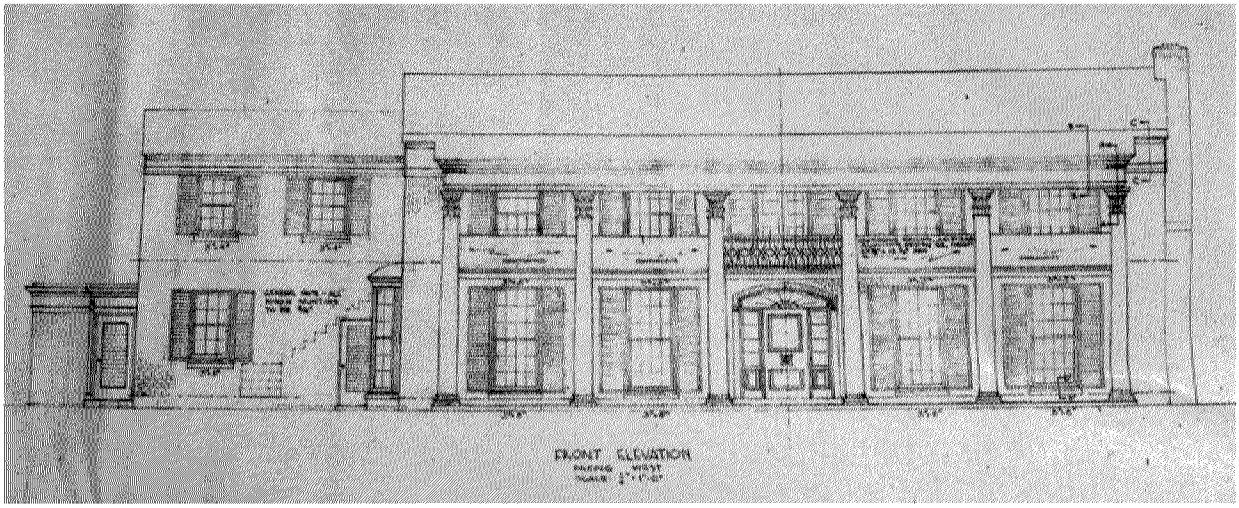
[1] Polly Anne Earl, Palm Beach Architecture: An Architectural Legacy, New York: Rizzoli International Publications, p. 18.

Neo-Classical was a dominant style for domestic architecture throughout the United States during the first half of the 20th century. Identifying features include facades dominated by full-height porches with roofs supported by classical columns, typically with Ionic or Corinthian capitals, and the façade having symmetrically balanced windows and a center door. Windows are rectangular with multi-light double-hung sashes and cornices often have a boxed eave with a moderate overhang frequently with dentils beneath. French Colonial houses are often characterized by tall verandas with full-length porches with ornate wrought iron balcony rails accessed through French doors.



This exceptional frame dwelling with a brick veneer at 686 Island Drive has side gable roofs covered with flat tiles. The full-height porch with five stately Corinthian columns supports a shed roof extending from the main roof. Above the columns is an entablature containing dentil molding. A second-story balcony embellished with an ornate wrought iron railing and carved brackets below is located within the porch. The main façade of the residence is divided into five bays with large 9-over-9 double hung sash windows on the first floor and 8-over-8 double-hung sash windows and multi-light French doors on the second floor. Full-height Colonial shutters frame the windows. A wood-paneled entry door is located in the center of the main dwelling's first story and has classic sidelights and an arched transom above. The south façade features a chimney flanked by 9-over-9 and 8-over-8 double-hung sash windows. A two-story wing, located on the north side of the house, is set back significantly from the front plane of the residence and

features 6-over-6 double hung sash windows flanked by shutters and covered with a side gable roof. A large circular driveway is located just west of the dwelling.



Since it's construction in 1955, there have been additions and alterations to 686 Island Drive. The main addition to the dwelling occurred in 1993-1994 when two, two-story additions were constructed on the rear of the house behind the north wing. These additions cannot be seen from the street view. Some of the alterations include the roof replacement in 2004, Colonial shutter replacement in 2008, and the replacement of most of the dwellings windows and doors with impact windows and doors to closely match the existing in 2017. All of the alterations were in keeping with the historic character of the dwelling and therefore 686 Island Drive retains its historic architectural significance.

IV. Historical Information

Everglades Island began as one of the tiny natural islands scattered throughout Lake Worth.[2] First known as Lone Cabbage Island, it was home to the boatyard of Captain Lincoln Holmes in the early 1900's.[3] In 1937, Bessemer Properties, Inc. a company owned by the Phipps family of Pittsburgh, formed a subsidiary to be known as the Island Road Development Company and obtained a right-of-way

[2] It also has been called a "spoil" island created when Lake Worth was dredged to be part of the Intracoastal Waterway extending from New Jersey to Florida.
[3] Richard A. Marconi and Debi Murray with the Historical Society of Palm Beach County. Images of America: Palm Beach. Charleston, SC: Arcadia Publishing, 2009.

through the south side of the Everglades Club golf course. The company then created a bulkhead around the island, filled it in to create house lots and built the little bridge. They changed the island's name to Everglades Island and designated the east -west road along the golf course Island Road and the north-south road over the bridge Island Drive.[4] There was also a road leading to privately-owned Tarpon Island originally named Clement Way that was renamed Tarpon Way. The lots along Island Road overlooked the golf course to the north and the bay to the south while the lots along Island Drive were platted as waterfront facing either west looking across Lake Worth to a residential area of West Palm Beach or east looking across a placid bay toward Palm Beach, all being attractive vistas.[5] As an enticement to come and look at the lots, Bessemer Properties, Inc. commissioned John L. Volk to design an impressive entrance gateway at the intersection of Island Road and South County Road. The classical Everglades Island Gates flank both the north and south sides of Island Road and feature L-shaped walls, columns topped with circular orbs and end columns with eagles mounted on top. The words "Everglades Islands" are carved into the taller columns, and the shorter columns adjacent to Island Road are carved with "Island Road."[6]

The work to create Everglades Island was completed in two stages, beginning with the development of Island Road, Tarpon Way and the south one thousand feet of the island over the little bridge.[7] Only a few houses were built at the onset of World War II before all of the area's construction halted.[8] At the time, lots were selling for $125 per foot. After the war, in 1946, the south end of the island was completed. Two years later the north end was cleared, filled, and secured with a seawall. Utilities were installed, Island Drive was paved with turnabouts at either end and landscaped with melalueca and coconut palm trees. By 1951, there were a total of 66 lots. At this time Bessemer Properties sold bay front lots for $165 per front foot while Intracoastal Waterway lots were $190 per front foot. All purchasers were subject to Bessemer Properties approval and property was not available for speculative building. Houses were to cost no less than $20,000, contain no less than thirty-thousand cubic feet and no garages were allowed that had an opening facing the street.[9]

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[4] The Garden Club of Palm Beach. Brochure for House and Garden Day, Sunday, March 4, 2007.
[5] The bay is part of Lake Worth; Everglades Island is surrounded on three sides by Lake Worth.
[6] Jane Day, Research Atlantica. "Everglades Island Gates Landmark Designation Report." December 15, 2004.
[7] Augustus Mayhew. Lost in Wonderland: Reflections on Palm Beach. Palm Beach Editorial Services, 2012.
[8] The first houses built were on Island Road in 1939, 330 Island Road, and in 1940 at 350 Island Road - check. The first development on Island Drive was to the south of the little bridge with the first house at 670 Island Drive completed in early 1940 for the John Cushman's of North Carolina
[9] Augustus Mayhew. Lost in Wonderland: Reflections on Palm Beach. Palm Beach Editorial Services, 2012.

The house at 686 Island Drive was designed by Henry Harding and built for Dr. and Mrs. Alfred F. Henderson in 1955 for $71,000. From the time it was built, the house has been recognized for its architectural charm and elegant presence. When Bessemer Properties platted and planned Everglades Island during the mid-1930s, its appeal and aesthetic were intended as an understated alternative to the "mansionization" of Palm Beach in a relaxed setting in tune with the surrounding elements and environment, yet only minutes from Worth Avenue.[10] The allure of waterfront properties was great and the Henderson's were one of the early residents to enjoy waterfront island living for nearly twenty years before selling the house to George W. Benisch in 1974. The Benisch family lived there for nearly fifteen years selling the house in 1988. After 1988 the house had several owners before being purchased in 1999 by author James Patterson and his wife Susan. The current owner, Robert F. Greenhill purchased the dwelling from the Pattersons in 2010 and has been a wonderful steward of 686 Island Drive.

V. Architect's Biography

Henry Knowles Harding

Harding came to Palm Beach County in 1935 and apprenticed briefly in the offices of Wyeth, King and Johnson and of Howard Major, both firms having excellent reputations and accomplishments in Palm Beach. After majoring in architecture at Princeton and obtaining a degree from the University of Pennsylvania School of Architecture, Harding went on to further advanced degrees at the Fountain Bleu in Paris (1930) and New York University (1935). Preparation for this thorough college training was done at two prestigious schools, St. Paul's School in Concord, New Hampshire (1917-1920) and St. Georges School in Newport, Rhode Island (1924). He was familiar with the Palm Beach area before as his parents had a winter house on South Ocean Boulevard that was designed by renowned Palm Beach architect Marion Sims Wyeth.

Harding opened his first office in South Florida in 1936 and continued to design houses in the area for over forty years while he gained a deserved reputation for updating the traditional to make refined homes. This attracted socially prominent clients who contributed to the ambience of Palm Beach. He was elected a member emeritus to the American Institute of Architects based in Washington, D.C. for supporting the goals, work, and projects of the AIA.

[10] Augustus Mayhew. Lost in Wonderland: Reflections on Palm Beach. Palm Beach Editorial Services, 2012.

While residing in Palm Beach, Harding worked with other well-known architects and developers. The mid-1930s through the 1950s was an exciting time for construction in Palm Beach as developers were chopping down jungle, filling in swamps and opening up streets. One of the most prominent developers was builder Robert Gottfried with whom Harding did several projects. One of Harding's classmates was Belford Shoumate and the two were said to have traded clients with each other. Shoumate called him, " an excellent designer and a really nice guy." Harding was a contemporary of other estate designers in Palm Beach such as John Volk and Maurice Fatio.

Harding's unsung works were for his villages of houses for people of more modest fortunes. These houses had a distinctive title called "Maisonettes." They were Bermuda style with white tile hipped roofs, colonial type six-over-six double-hung sash windows and coach lamps beside the doorways. There were at least six of these villages in Palm Beach County with such names as Maisonettes North and Maisonettes South, Las Casitas, Village of Golf, Vina del Mar, and Sun and Sea Village. The usual pattern was to design three or four different houses called A, B, C, etc. and offer a choice to the buyer before construction. They were mostly designed in the Bermuda style and dated from the mid 1960s to 1980 so were built toward the end of his career.

Harding was born in Dedham, Massachusetts in 1904, and passed away in 1984 at the age of 79. He was buried in The Mount Auburn Cemetery, Cambridge, Massachusetts. Henry was first married in 1931 to Louise Coburn and had four daughters. His second marriage in 1953 to Lynn Saul produced a son, Henry Harding, Jr. During his school days he became a member of the Ivy Club, and later a member of The Manalapan Yacht Club, The Ocean Club of Ocean Ridge, Lake Toxaway Country Club in North Carolina and The American Institutes of Architects. In World War II, he was a naval lieutenant commandeer (1941-1944). He loved the sea and became an avid yachtsman with power and sail.

Though Henry K. Harding may not have achieved the fame of some of his contemporaries, his effect on the Palm Beach community was not less than the others. There are still many expertly designed Classical Revival and Bermuda style houses attributable to Harding and there will be people who appreciate good design who will preserve and restore his structures.[11]

[11] This biography of Henry Knowles Harding was provided by The Preservation Foundation of Palm Beach.

VI. Statement of Significance

The residence at 686 Island Drive is a very good example of the Neo-Classical Revival style of architecture with French Colonial influence as interpreted by Henry Harding during the mid 1950s. This Neo-Classical residence was a departure from the estates of the Boom years of the 1920s and reflects the changing times and styles of the Post World War II era when architects were often producing unique but compatible designs in a combination of styles. The dwelling is also significant as representative of the post World War II development of Everglades Island as a unique waterfront community.

VII. Criteria For Designation

Section 54-161 of the Town of Palm Beach Landmarks Preservation Ordinance outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are criteria that relate to this property and justification for designation:

(1) "Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town."

> 686 Island Drive reflects the broad cultural, economic and social history of the Town of Palm Beach. Though first initiated in 1937, the creation of Everglades Island was mostly completed after World War II and into the 1950s when bulkheads, fill and utilities for the dwellings were completed for the mostly manmade island. The allure of waterfront lots on a tranquil island just minutes from mid-town Palm Beach made Everglades Island a desirable location to build a dwelling and enjoy island life. 686 Island Drive is an outstanding representative of this unique post war Palm Beach development.

(3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship."

> The design of 686 Island Drive by Henry K. Harding in 1955 is an excellent example of the Neo-Classical Revival style in its classical details and symmetrically balanced form. Though the Neo-Classical Revival style was popular throughout the country in the early to mid-20th Century, it was underrepresented in Palm Beach during this

period. With it's full-height Corinthian columns, large multi-light double hung windows, Colonial Shutters and dentil entablature, the house embodies important features of the Neo-Classical Revival style. The French Colonial style balcony rail also adds to the beauty of the house.

(4) "Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."

686 Island Drive is a very good representation of the design work of the architect Henry K. Harding. Harding's style was described as "restrained formality – simple, direct symmetrical facades with an emphasis on balance, proportion and ornamental detail," all things displayed in this house. Harding was an exceptional Palm Beach architect whose work has left an important legacy on the island.

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The Palm Beach Post. Archived articles online and articles from the files of the Historical Society of Palm Beach County and the Preservation Foundation of Palm Beach.

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IX. Florida Master Site File Form

Florida Master Site File

HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site # PB15079
Recorder # Jane S. Day
Field Date 7/15/2010
Form Date 1/17/2011
FormNo 201007
FormNo + Field Date (YYYYMM)

First Site Form Recorded for this Site? YES

GENERAL INFORMATION

Site Name (address if none) Robert Greenhill, House — Multiple Listing (DHR only)
Other Names — >>
Survey or Project Name Palm Beach Historic Sites Survey, Phase V — Survey#
National Register Category Building(s)

LOCATION & IDENTIFICATION

Address

Street No.	Direction	Street Name	Street Type	Direction Suffix
686		Island	Drive	

Cross Streets (nearest/ between) South County Road
City / Town (within 3 miles) Town Of Palm Beach — In Current City Limits? YES
County Palm Beach — Tax Parcel #(s) 50-43-43-27-03-000-0740
Subdivision Name Everglades Island — Block — Lot
Ownership Private Individual
Name of Public Tract (e.g., park)
Route to (especially if no street address) In the center portion of Everglades Island. Houses faces west, water to the east.

MAPPING

USGS 7.5' Map Name — Publication Date — >> PALM BEACH;1986
Township: — Range: — Section: — 1/4 section: — >> 43S ;43E ;27;UNSP
Irregular Section Name:
Landgrant
UTM: Zone — Easting — Northing
Plat or Other Map (map's name, location)

DESCRIPTION

Style Monterey — Other Style
Exterior Plan Irregular — Other Exterior Plan
Number of Stories 2
Structural System(s) — >> Concrete block
Other Structural System(s)
Foundation Type(s) — >> Slab
Other Foundation Types
Foundation Material(s) — >> Concrete Block
Other Foundation Material(s)
Exterior Fabric(s) — >> Stucco
Other Exterior Fabric(s)
Roof Type(s) — >> Cross-gabled
Other Roof Type(s)
Roof Material(s) — >> Concrete tile
Other Roof Material(s)
Roof Secondary Structure(s) (dormers etc) — >>
Other Roof Secondary Structure(s)
Number of Chimneys 1
Chimney Material Concrete
Other Chimney Material(s) stucco on exterior
Chimney Location(s) south facade

Page 1 of 3

HISTORICAL STRUCTURE FORM

8PB15079

DESCRIPTION (continued)

Window Descriptions: 2/2 DBS, casement

Main Entrance Description (stylistic details): on the western facade under flat roof with columns and transom

Porches: #open: 2 #closed: #incised: Location(s): entry - w, pool patio - e

Porch Roof Types(s): under flat roof

Exterior Ornament: shutters, columns

Interior Plan: Irregular Other Interior Plan:

Condition: Good

Structure Surroundings

Commercial: NONE of this category Residential: ALL this category

Institutional: NONE of this category Undeveloped: NONE of this category

Ancillary Features (Number / type of outbuildings, major landscape features):

Archaeological Remains (describe): none observed

If archaeological remains are present, was an Archaeological Site Form completed?

Narrative Description (optional):

HISTORY

Construction year: 1955

Architect (last name first): Harding, Henry K. Builder (last name first): C. G. Warner Const. Co.

Changes in Locations or Conditions

Type of Change	Year of Change	Date Change Noted	Description of Changes
>> Altered-not to standards;1988;;2nd story add			

Structure Use History

Use: Year Use Started: Year Use Ended: >> Private residence;1955;

Other Structure Uses:

Ownership History (especially original owner, dates, profession, etc.):

RESEARCH METHODS

Research Methods: >> Examine local tax records

Other research methods: tax records, windshield

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? INSUFF. INFO Name of Local Register if Eligible: Town of Palm Beach Landmark

Individually Eligible for National Register? NO

Potential Contributor to NR District? NO

Area(s) of historical significance: >> Community planning & development

Other Historical Associations:

Explanation of Evaluation (required): This house is in scale with the neighborhood.

HISTORICAL STRUCTURE FORM

8PB15079

DOCUMENTATION (Photos, Plans, etc.)

Photographic Negatives or Other Collections Not Filed with FMSF, Including Field Notes, Plans, other Important Documents.

Document type: _____ Maintaining Organization: _____

File or Accession #: _____ Descriptive Information: _____

>> _____

RECORDER INFORMATION

Recorder Name (Last, First) Day, Jane S.

Recorder Address / Phone 728 Granada Dr., Boca Raton, FL 33432 561-362-4473

Recorder Affiliation Research Atlantica Other Affiliation Town of Palm Beach

Is a Text-Only Supplement File Attached (Surveyor Only)? _____

****** MASTER SITE FILE USE ONLY ******

Cultural Resource Type:
Electronic Form Used:

SHPO's Evaluation of Resource

Date

Form Type Code:
Form Quality Ranking:
Form Status Code:

Supplement Information Status: FMSF Staffer:
Supplement File Status: Computer Entry Date:

Form Comments: _____

REQUIRED PAPER ATTACHMENTS	(1) USGS 7.5" MAP WITH STRUCTURE PINPOINTED IN RED (2) LARGE SCALE STREET OR PLAT MAP (3) PHOTO OF MAIN FACADE, B&W, AT LEAST 3"X5"

Page 3 of 3

IX. DESIGNATION HEARINGS

7. 686 ISLAND DRIVE
Owner: Robert Greenhill

James Green, Attorney for the owner, indicated that his client objected to the offer to only designate the front façade. After discussion, it was decided that the consultants would present the designation report a second time, since the last presentation was over one year ago.

Call for disclosure of ex parte communication: Disclosure by Mses. Metzger, Moran, and Coleman.

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history for this Neo-Classical Revival style home. Ms. Murphy pointed out the design features of this building. Ms. Murphy testified that the building met the following criteria for designation as a landmark:
Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,
Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction of use of indigenous materials or craftsmanship;
Sec. 54-161 (4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influenced his age.

Ms. Patterson asked for confirmation on proof of publication. Ms. Churney provided confirmation.

Motion made by Ms. Coleman and seconded by Ms. Fairfax to make the designation report for 686 Island Drive part of the record. Motion carried unanimously, 7-0

Ms. Patterson called for any public comment on the designation.

Mr. Green recounted some of the expert testimony that was offered at the last meeting when the property was presented. He indicated that his client was opposed to designation. He asked to have the expert testimony incorporated into the record from the November 17, 2021, meeting.

Aimee Sunny, Preservation Foundation of Palm Beach, thought the home was a spectacular example of the home. She also thought the home met criteria 1, 3, and 4.

Ms. Patterson discussed some of the elements that she believed to be original when she lived in the home.

Mr. Green objected to the statements made by Ms. Patterson; he objected to her offering evidence and thought her statements should be stricken from the record. Mr. Green thought Ms. Patterson should recuse herself. Town Attorney Randolph thought her statements were a part of her ex parte communication. Mr. Randolph cautioned the Commissioners to make their decisions based on the evidence presented at the hearing.

Mr. Green discussed some of the elements on the home that had be altered.

Ms. Albarran asked about which part of the front façade the consultants felt should be designated. Ms. Murphy responded.

Mr. Wong asked about the reasons the owner was objecting to the designation of the home. Mr. Green responded.

Motion made by Ms. Fairfax and seconded by Ms. Moran to recommend the front façade, including the colonnade, balconies, terraces, front wall, including the fenestration and the front wall of 686 Island Drive the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 3 and 4 in Section 54-161. Motion carried 6-1, with Mr. Segraves dissenting.

Mr. Segraves indicated that he voted no because he believed the entire home should be landmarked.

Many of the Commissioners indicated they would have supported a motion to landmark the entire home.

Town Attorney Randolph cautioned the Commission that they would need to open the motion, in order to hold any further discussions.

Motion made by Ms. Albarran and seconded by Ms. Coleman to open the motion for reconsideration of the previous motion. Motion carried unanimously, 7-0.

Ms. Coleman wondered how a front façade could be maintained while rebuilding the remainder of the home. Ms. Fairfax confirmed it is possible.

Mr. Segraves advocated to designate the entire home, not only the front façade. He stated that the Commission looked at the entire home when any changes were proposed and therefore, he thought the entire home should be landmarked.

Ms. Fairfax stated she would support Mr. Segraves' motion of landmarking the entire home if he were to make one.

Town Attorney Randolph asked Ms. Murphy if the presentation supported designating the entire home, or only the front façade. Ms. Murphy stated her recommendation was to landmark the front façade, as a compromise to the owner.

Ms. Murphy stated that the front façade designation was a compromise with the homeowner. She indicated that the first presentation's intent was to designate the entire home; however, a compromise was made to designate the front façade only in which she would support. Mr. Randolph asked if the original recommendation was to designate the entire home. Ms. Murphy responded yes, but the recommendation changed to the front façade only as a compromise with the owner.

Ms. Moran pointed out that the home had two public facing views, one from the street and the other from the water.

Ms. Murphy pointed out that even if the front façade was landmarked, the Commission would have the purview of the entire home.

Ms. Herzig-Desnick did not understand the purpose of only landmarking the front façade of the home. Ms. Herzig-Desnick thought the entire home should be landmarked if it was the Commission's purview.

Ms. Murphy thought some owners felt more comfortable if they know only a portion is landmarked.

A discussion ensued about the Commission's purview when only a portion of a piece of property was landmarked.

Motion made by Mr. Segraves and seconded by Ms. Coleman to recommend 686 Island Drive to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 3 and 4 in Section 54-161, and with the acknowledgement of the owners' objections. Motion carried unanimously, 7-0.

Palm Beach, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 54 - HISTORICAL PRESERVATION >> ARTICLE IV. - DESIGNATION PROCEDURE >>

ARTICLE IV. - DESIGNATION PROCEDURE

Sec. 54-161. - Criteria for landmarks and landmark sites.
Sec. 54-162. - Creation of historic districts.
Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.
Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.
Sec. 54-165. - Voluntary restrictive covenants.
Secs. 54-166—54-195. - Reserved.

Sec. 54-161. - Criteria for landmarks and landmark sites.

A landmark or landmark site shall meet at least one of the following criteria:

(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(2) Is identified with historic personages or with important events in national, state or local history.

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

(4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. - Creation of historic districts.

(a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:

(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(2) Is identified with historic personages or with important events in national, state or local history.

(3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.

(4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.

(5) Constitutes a unique area of architecture, landscaping and planning.

(b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such

property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

(1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.

(2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.

(3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.

(4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.

(5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.

(6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.

(7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.

(8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.

(a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:

(1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.

(2)

Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.

(3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in a newspaper having general circulation in the town.

(4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.

(5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.

(6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

(7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.

(8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.

(9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

(10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.

(11) In accordance with section 54-163(1), the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.

(12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the office of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.

(b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.

(c)

Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. - Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the county property appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166—54-195. - Reserved.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda
Appeals

Agenda Title
Appeal of ARCOM Decision RE: ARC-22-241, 624 Island Drive

Presenter

ATTACHMENTS:

- **Appeal Letter - Tim Hanlon 12.22.22**

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CHRISTINE BIALCZAK
WARREN D. HAYES, JR
NICOLE K. MAASS
LAURA B. KNOLL
GRIFFIN W. SHER
ROBBIE T. BOONE, JR.

RAYMOND C. ALLEY (1893-1975)
HAROLD G. MAASS (1923-2006)
DOYLE ROGERS (1928-2016)
KAREN S. MARX (1964-1994)

1331 SE OCEAN BOULEVARD
STUART, FLORIDA 34996
P (772) 287-4404
F (772) 287-4044

December 22, 2022

Pat Gayle-Gordon, Acting Town Clerk
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

RE: ARCOM Application ARC-22-241 (the "Application")
Property Address: 624 Island Drive, Palm Beach, FL 33480
Property Owner: Holly Ann Bartlett

Dear Madame Clerk:

Pursuant to Section 18-177 of the Town Code, this firm on behalf of Holly Ann Bartlett (the "Owner" and "Appellant") hereby appeals the denial of the above-referenced Application by the Town of Palm Beach Architectural Commission ("ARCOM") rendered on December 16, 2022. We hereby request that this Appeal be placed on the next available Town Council Agenda but within 45 days from the filling of this Appeal.

On December 16, 2022, architect Harold Smith presented the Application to ARCOM. As part of the Application, Mr. Smith incorporated the set of plans and the Application previously submitted to the Town (the "Submittal Package"), and we incorporate the Submittal Package and all evidence introduced by Owner's agents at the ARCOM hearing into this appeal. The Submittal Package shows the details of the Owner's request to place an opaque skylight on top of an existing open small 280 sq. feet courtyard (the "Requested Skylight").

During his presentation, Mr. Smith presented evidence and emphasized that the Requested Skylight would be a energy-efficient, noise reducing glass skylight that is completely invisible to all neighbors, all surrounding public rights-of-way and the Intracoastal Waterway.

The record shows that the only substantial competent evidence introduced at the meeting proves that the Requested Skylight is invisible from all elevations and as such has absolutely no

negative impact on neighbors. Arguably, ARCOM has no jurisdiction over the Requested Skylight because the evidence proved it is completely invisible to all surrounding owners and rights-of - way.

Mrs. Grace stated it well when she opined that the skylight opens up the downstairs and results in a better flow for the project. These statements are supported by the evidence presented at the meeting.

Mr. Martin objected to the Requested Skylight only because he has an "innate hatred" for skylights and objects because he is "anti-skylights" in general. He made no reference to the ARCOM criteria in Section 18-205 of the Code.

Mrs. Connaushton also noted that the Requested Skylight is invisible from the exterior of this home.

Ms. Shiverick also objected to skylights in general without citing to evidence related to the ARCOM criteria and made a motion to deny the Application because (1) the plan is not in conformity with good, taste and design, and (2) in general does not contribute to the Town in beauty, speciousness, balance, and high quality and (3) the Application is not in harmony with the development in the area or the comprehensive plan. Again, Mrs. Shiverick cited no evidence in support of her motion.

The record simply does not contain any evidence supporting the stated grounds for denial. In addition, ARCOM should not even have jurisdiction over this Application because the Requested Skylight is invisible from all rights-in-way and neighboring views. As such, the denial should be overturned and the Application approved.

We incorporate the record of the ARCOM meeting relative to the Application into the Appeal and reserve the right to supplement the Owner/Applicant's position prior to being heard at Town Council.

For the reasons stated above, we respectfully request that Town Council overturn and reverse the denial of the Application and instead approve the Application as permitted pursuant to Section 18-177 of the Town Code.

If you have any questions or need additional information from me, please let me know.

Sincerely,

M. Timothy Hanlon

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda
Time Extensions

Agenda Title
Permit Extension Request - 200 Via Bellaria

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 15, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 200 Via Bellaria

Date: February 2, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor Hedrick Brothers Construction (Gene Parker, COO & President / Michael Pearson, Project Manager) regarding a time extension in which to complete renovations of a Maurice Fatio landmarked home, and related site work, at 200 Via Bellaria and to extend the permit duration until July 4, 2024 – another year and a half from today.

GENERAL INFORMATION

The property is owned by Victor Spilotro. The property was purchased in January, 2015. Work began in 2016. Based upon the size of the home, the permits were originally valid for 30 months. There were changes in contractor twice. There was a permit extension approved by Town Council in December, 2019. Mr. Spilotro extended the permits under F.S. 252.363 relating to Covid, which added 655 days to each master permit. The master permits expired on December 2, 2022.

Hedrick Brothers Construction explain in their letter of February 2, 2023 that there have been an endless list of reasons for work being slowed, including labor and material shortages, but feel they have turned the corner. They expect all of the exterior work to be completed this summer. They are requesting approval until July 4, 2024 (eighteen months from now) to complete the work. A full 10-page Gantt chart maps out the timeline of the remaining construction tasks for the project.

In an effort to help complete the project, staff supports the request.

Attachments: Letter from Gene Parker & Michael Pearson, w/ Construction Schedule
Permit Summary for the Property
Property Appraiser Details for the Property

HEDRICK BROTHERS
CONSTRUCTION

BRINGING VISIONS TO REALITY

February 2, 2023

Mr. Wayne Bergman, MCP, LEED-AP
Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480

Re: Permit # B-19-78111
Permit # B-19-78112
200 Via Bellaria, Palm Beach
Permit Extension Request

Dear Wayne Bergman,

The residence in discussion today is a landmarked Maurice Fatio home, built in 1928 at 200 Via Bellaria. As most in Palm Beach know, there is a great deal of planning to execute a historical renovation project, updating the home with modern day amenities. Retaining the charm of the old home, whilst integrating highly resolved millwork, stone and other finish packages has required time to plan and execute properly. Incorporating HVAC, Electrical, Plumbing, and Low Voltage into the original framing in the attic has been challenging on the design and coordination side as well. There have been many instances where we have gotten to a point where we have had to reverse and demo existing conditions, prior renovations, and encumbrances, before moving forward again. There have been an endless list of items that have driven this schedule out, however, the team believes that we have all turned the corner.

We are at a place now, where every item that needs direction on the project has been identified and scheduled for decision-making, and while there are still delays on procurement of items and long lead times on specialized items, the labor shortage seems to been taking a slight turn in our favor. We have seen the momentum on the project shift in a positive direction and walls are being closed and areas scheduled for completion and punch out.

The Schedule attached details the planned progression of construction operations through the site in a well-thought-out and comprehensive manner. All executable items on the project schedule are tied directly to logic that has been derived from subcontractor buy-in on installation times and current procurement durations, and decision-making predecessors. This step-by-step schedule incorporates all aspects of the process and holds the contractor, subcontractors, owner, and design team fully and individually accountable for their parts in this process.

We have 5 distinct areas in this project that are all at different stages of construction, from MEP rough in some areas, to white walled and ready for cabinetry installation in others. We have begun the finishing stage of the houses on the interiors, and are all lined up to begin the sitework and hardscapes on the exterior. We are anticipating the exterior work to be completed this summer, with the interior renovations finishing area by area through the beginning to middle of next year. We are in the final stage of selections and shop drawing approvals that will propel us to attaining our completion goals.

2200 Centrepark West Drive, Suite 100 • West Palm Beach, FL 33409 • Phone: 561-689-8880 • Fax: 561-689-8860 • www.hedrickbrothers.com • CGC013137

HEDRICK BROTHERS
CONSTRUCTION

BRINGING VISIONS TO REALITY

Although there have been many factors that have come into play, resulting in this delay of overall completion, Hedrick Brothers, Smith Architectural Group, and the Owner have come together and are pushing for expediency in the completion of this beautiful landmark home. The team is requesting an extension through July 4th, 2024, to complete this Highly-Resolved Project.

In closing, Hedrick Brothers when given the extension, will complete the project at 200 Via Bellaria on or before July 4th, 2024

Gene Parker, COO and President Luxury Residential Division

2-2-2023
(Date)

Michael Pearson, Project Manager

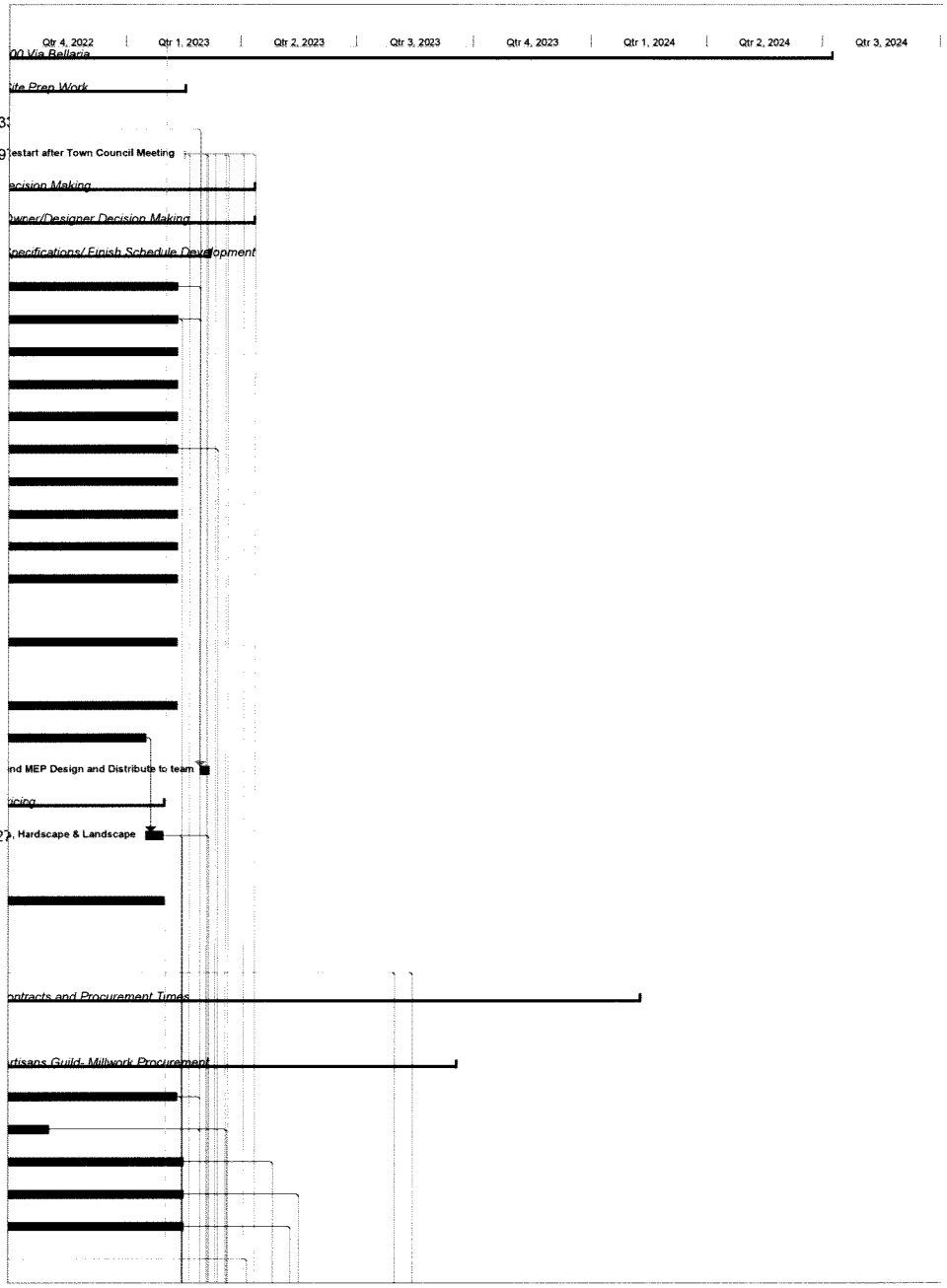
2/2/23
(Date)

HEDRICK BROTHERS CONSTRUCTION

200 Via Bellaria
Schedule 02.02.23

TC Development Review Meeting 2-15-2023

	Task Name	Duration	Start	Finish	Predecessors	Successors
	200 Via Bellaria	**1383 days**	**Mon 2/4/19**	**Mon 7/8/24**		
	Site Prep Work	**1009 days**	**Mon 3/11/19**	**Thu 2/16/23**		
	HB Mobilization	1 day	Mon 3/11/19	Mon 3/11/19		171,235,231,228,23
	Project Restart after Town Council Meeting	1 day	Thu 2/16/23	Thu 2/16/23		255,294,295,296,29
	Decision Making	**1071 days**	**Mon 2/4/19**	**Tue 4/11/23**		
	Owner/Designer Decision Making	**1064 days**	**Wed 2/13/19**	**Tue 4/11/23**		
	Specifications/ Finish Schedule Development	1046 days	Mon 2/4/19	Tue 3/7/23		
	Confirm/Finalize the Wall Finish Schedule	1030 days	Mon 2/4/19	Fri 2/10/23		215
	Confirm/Finalize the Floor Finish Schedule	1030 days	Mon 2/4/19	Fri 2/10/23		215,221
	Confirm/Finalize the Millwork Designs	1030 days	Mon 2/4/19	Fri 2/10/23		
	Confirm/Finalize the Millwork Finish Schedule	1030 days	Mon 2/4/19	Fri 2/10/23		
	Confirm/Finalize the Door Schedule	1030 days	Mon 2/4/19	Fri 2/10/23		
	Confirm/Finalize the Door Hardware Schedule	1030 days	Mon 2/4/19	Fri 2/10/23		224
	Confirm/Finalize the Cabinetry Hardware Schedule	1030 days	Mon 2/4/19	Fri 2/10/23		
	Confirm/Finalize the Decorative Lighting Schedule	1030 days	Mon 2/4/19	Fri 2/10/23		
	Confirm/Finalize the Plumbing Schedule	1030 days	Mon 2/4/19	Fri 2/10/23		
	Confirm/Finalize all Bath Accessories and Mirrors in the Form of a Schedule and accompany with typical details	1030 days	Mon 2/4/19	Fri 2/10/23		
	Confirm/Finalize all Appliances on a Schedule with Specifications	1030 days	Mon 2/4/19	Fri 2/10/23		
	Confirm/Finalize Hood Specs at Kitchen and Cabana Kitchen	1030 days	Mon 2/4/19	Fri 2/10/23		
	Develop Pools, Hardscape & Landscape Design	200 wks	Tue 2/19/19	Mon 1/16/23		173
	Complete Underground MEP Design and Distribute to team	1 wk	Wed 3/1/23	Tue 3/7/23	3,8,10,11,9,	
	Pricing	1022 days	Mon 2/4/19	Tue 1/31/23		
	Price Pools, Hardscape & Landscape	2 wks	Tue 1/17/23	Mon 1/30/23	170	251,271FS+5 wks,2
	Confirm the Design for the Parenti Cabinetry	1 day	Tue 2/2/21	Tue 2/2/21		175
	Confirm the Pricing for the Parenti Cabinetry	104 wks	Wed 2/3/21	Tue 1/31/23	174	
	Confirm the Pricing for the Hood At the Cabana Grill	1 day	Fri 8/21/20	Fri 8/21/20		
	ID Provided Powder Bath Vanity Procurement	16 wks	Mon 2/4/19	Fri 5/24/19		381,473
	Contracts and Procurement Times	1035 days	Mon 1/27/20	Fri 2/9/24		
	Artisans Guild- Millwork Contract	2 days	Mon 2/3/20	Tue 2/4/20		180
	Artisans Guild- Millwork Procurement	**931 days**	**Wed 2/5/20**	**Mon 9/18/23**	**179**	
	Cabinetry and Millwork Shop Drawing Approvals	781 days	Wed 2/5/20	Fri 2/10/23		195,196
	Master Bedroom TV Wall and Niche Cabinetry Procurement	170 days	Wed 3/9/22	Tue 11/1/22		303,304
	Master Bathroom Vanity Cabinetry Procurement	178 days	Mon 6/13/22	Wed 2/15/23		307
	Master Bathroom Linen Cabinetry Procurement	191 days	Wed 5/25/22	Wed 2/15/23		309
	Master Bathroom Medicine Cabinetry Procurement	157 days	Tue 7/12/22	Wed 2/15/23		308
	His Dressing Cabinetry Procurement	136 days	Mon 1/10/22	Mon 7/18/22		305

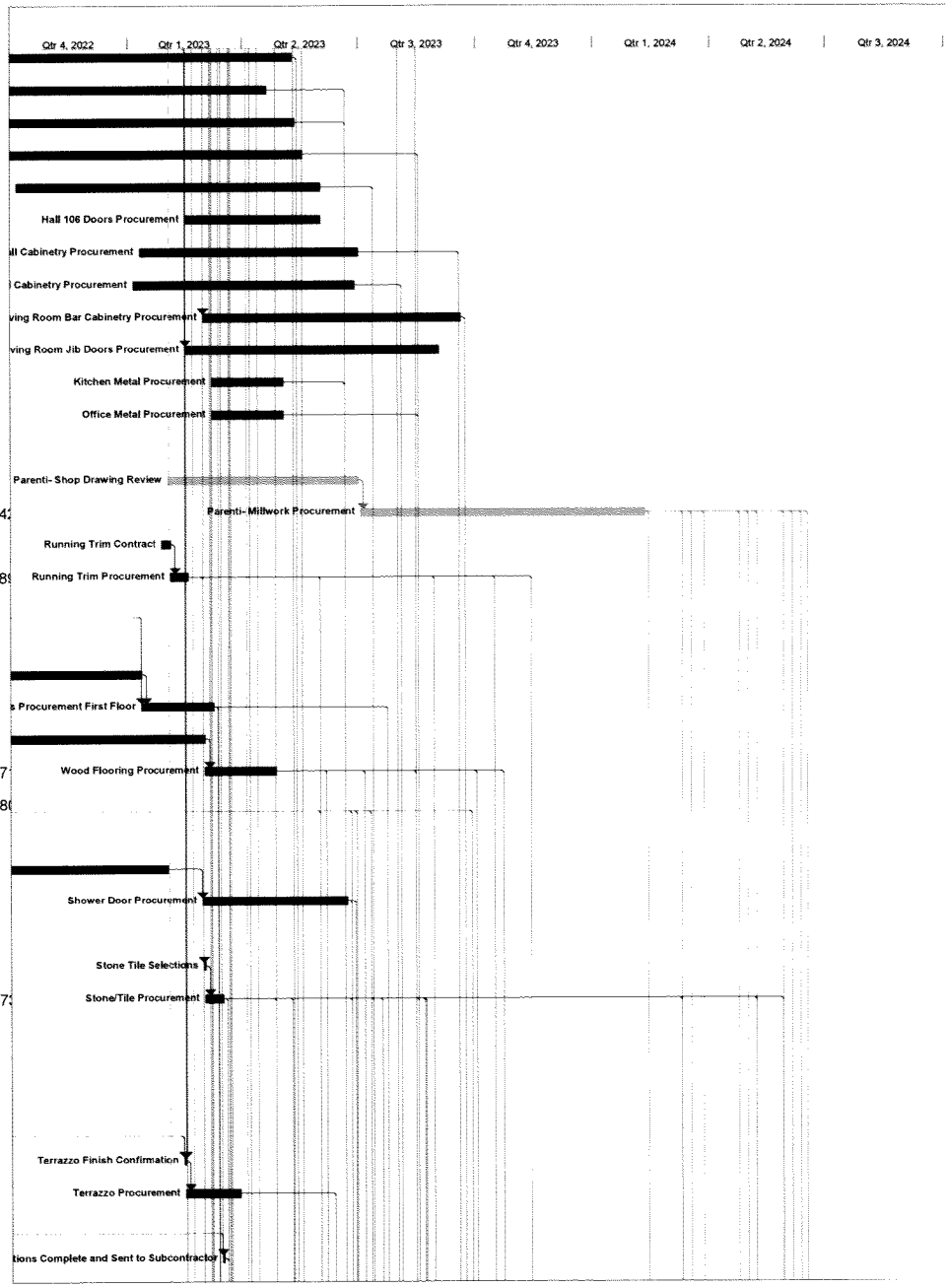


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ID	Task Name	Duration	Start	Finish	Predecessors	Successors
190	Her Dressing Cabinetry Procurement	313 days	Thu 2/24/22	Tue 5/9/23		310
191	Kitchen Cabinetry Procurement	218 days	Fri 6/17/22	Wed 4/19/23		376
192	Butler's Pantry Cabinetry Procurement	234 days	Fri 6/17/22	Thu 5/11/23		378
193	Office Millwork Procurement	354 days	Thu 1/6/22	Wed 5/17/23		380
194	Hall 106 Cabinetry Procurement	168 days	Thu 10/6/22	Wed 5/31/23		379
195	Hall 106 Doors Procurement	74 days	Wed 2/15/23	Wed 5/31/23		
196	Den TV Wall Cabinetry Procurement	121 days	Tue 1/10/23	Fri 6/30/23		383
197	Den Panel Wall Cabinetry Procurement	121 days	Thu 1/5/23	Tue 6/27/23		382
198	Living Room Bar Cabinetry Procurement	139 days	Wed 3/1/23	Mon 9/18/23	181,54	384
199	Living Room Jib Doors Procurement	139 days	Wed 2/15/23	Fri 9/1/23	181	
200	Kitchen Metal Procurement	8 wks	Wed 3/8/23	Tue 5/2/23	39	376
201	Office Metal Procurement	8 wks	Wed 3/8/23	Tue 5/2/23	38	380
202	Parenti- Millwork Contract	1 day	Tue 9/20/22	Tue 9/20/22		
203	Parenti- Shop Drawing Review	21 wks	Wed 2/1/23	Fri 6/30/23		201
204	Parenti- Millwork Procurement	30 wks	Mon 7/3/23	Fri 2/9/24	200	312,313,387,441,442
205	Running Trim Contract	1 wk	Fri 1/27/23	Thu 2/2/23		203
206	Running Trim Procurement	10 days	Fri 2/3/23	Thu 2/16/23	202	311,314,315,388,389
207	Doors and Jambs Contract	2 days	Wed 3/11/20	Thu 3/12/20		205,207
208	Doors and Jambs Procurement Second Floor	6 wks	Wed 11/25/20	Thu 1/14/21	204	287FS-5 wks
209	Doors and Jambs Shop Drawing Approval First Floor	105 wks	Wed 1/6/21	Tue 1/10/23		207
210	Doors and Jambs Procurement First Floor	8 wks	Wed 1/11/23	Wed 3/8/23	204,206	364,423,301
211	Wood Flooring Contract	28 mons	Wed 1/6/21	Wed 3/1/23		209
212	Wood Flooring Procurement	8 wks	Thu 3/2/23	Wed 4/26/23	208,81,82,8	369,368,436,435,47
213	Painting Contract	2 days	Mon 1/27/20	Tue 1/28/20		245,328,482,481,486
214	Peetz Maintenance Contract	2 days	Tue 3/3/20	Wed 3/4/20		
215	Shower Door Contract	27 mons	Wed 1/6/21	Tue 1/31/23		213
216	Shower Door Procurement	16 wks	Tue 2/28/23	Wed 6/21/23	212,32,33,3	323,324
217	Stone/Tile Install Contract	33 wks	Mon 5/11/20	Tue 1/5/21		
218	Stone Tile Selections	1 day	Wed 3/1/23	Wed 3/1/23	158,159,92,	216
219	Stone/Tile Procurement	2 wks	Thu 3/2/23	Wed 3/15/23	215	321,319,372,374,373
220	Metal Balcony/Roofing Contract	2 days	Mon 5/11/20	Tue 5/12/20		
221	Entry Glass Replacement Contract	15 wks	Mon 5/11/20	Fri 8/21/20		219
222	Entry Glass Replacement Material Procurement	20 wks	Mon 8/24/20	Tue 1/19/21	218	
223	Terrazzo Contract	1 day	Tue 3/3/20	Tue 3/3/20		221
224	Terrazzo Finish Confirmation	1 day	Mon 2/13/23	Mon 2/13/23	220,159	222
225	Terrazzo Procurement	6 wks	Tue 2/14/23	Tue 3/28/23	221	366
226	Contract Door Hardware	1 day	Tue 3/3/20	Tue 3/3/20		224
227	Door Hardware Selections Complete and Sent to Subcontractor	1 day	Wed 3/15/23	Wed 3/15/23	223,163,64,	225

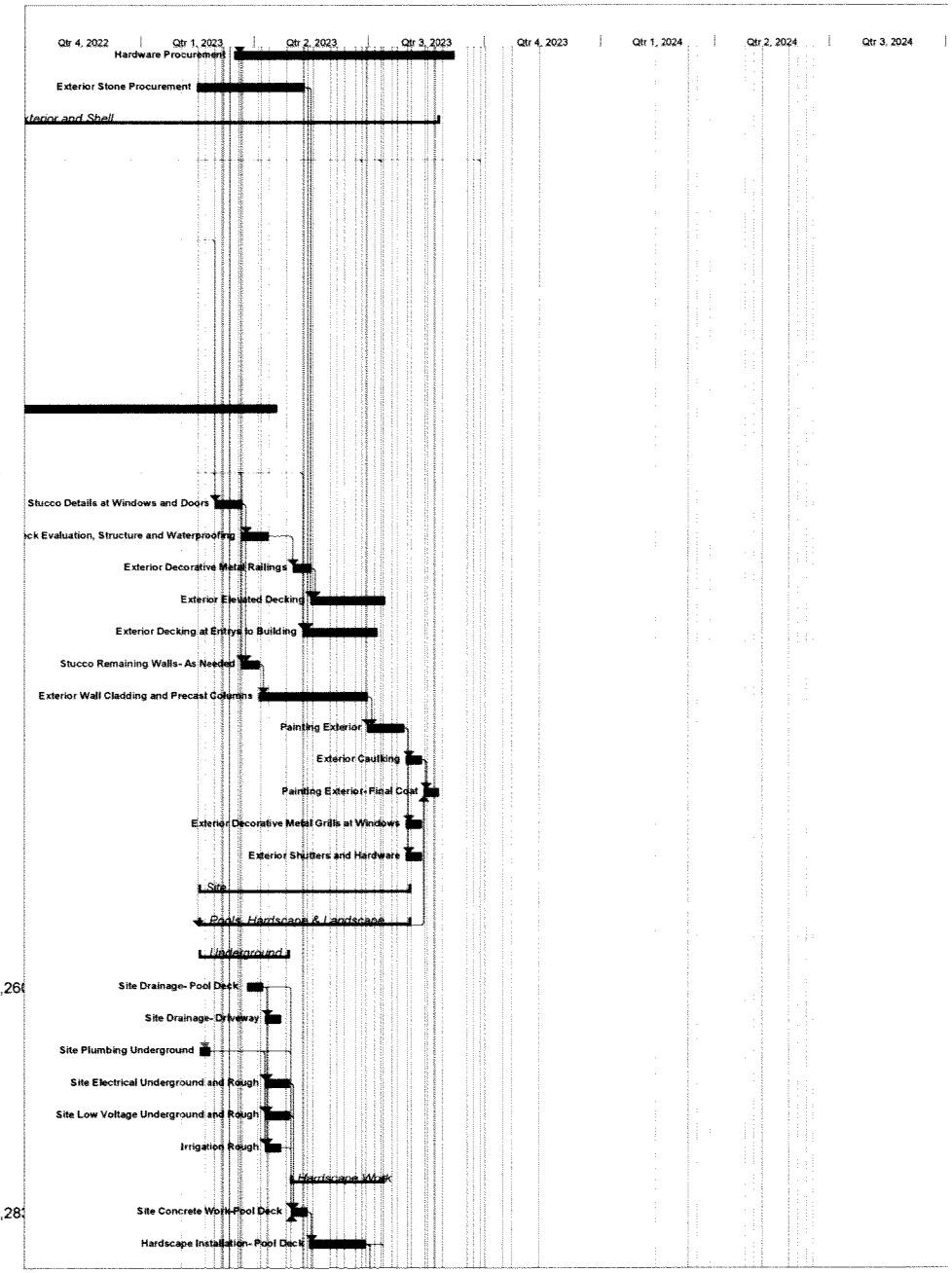


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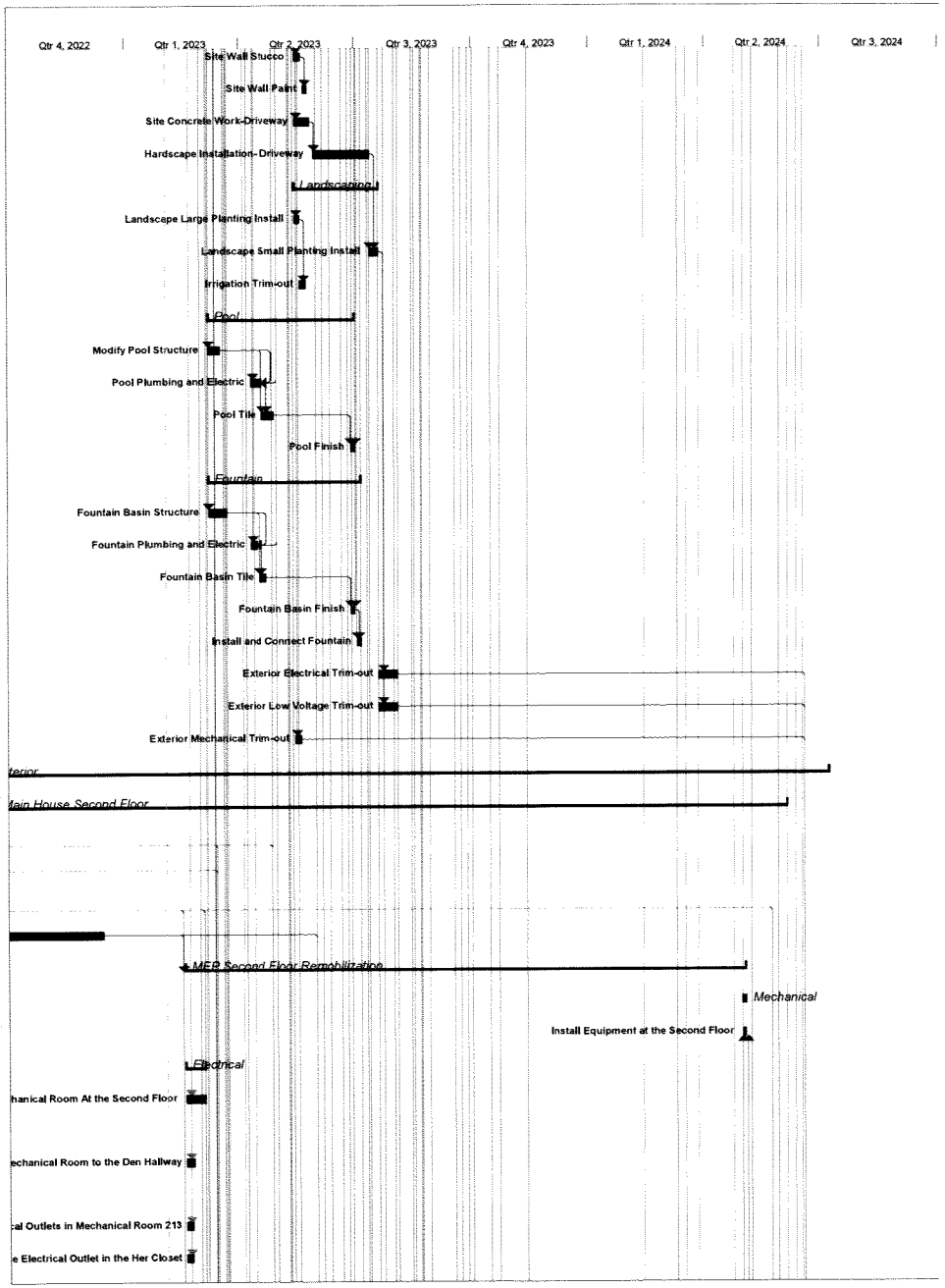
	Task Name	Duration	Start	Finish	Predecessors	Successors
224	Hardware Procurement	6 mons	Thu 3/16/23	Wed 9/6/23	224	
225	Exterior Stone Procurement	12 wks	Tue 2/14/23	Tue 5/9/23	20,22,23,24	241,242
227	**Exterior and Shell**	**1140 days**	**Tue 3/12/19**	**Fri 8/25/23**		
228	Trusses and Joist Corrections- As Needed	26 wks	Tue 3/12/19	Thu 9/12/19	3	482,481,480
229	Evaluate Bucks and Waterproofing	5 wks	Thu 3/28/19	Wed 5/1/19		230
230	Correct Bucks and Waterproofing, and Reinstall Windows and Doors- As Needed	25 wks	Tue 3/3/20	Mon 8/24/20	229	238,237
231	Evaluate Roof Conditions	3 wks	Mon 8/19/19	Mon 9/9/19	3	
232	Revise Flashing Details, Underlayment and Install Roof	25 wks	Mon 8/17/20	Tue 2/16/21		
234	Underground MEP Rough	80 wks	Mon 7/29/19	Wed 3/3/21	3	
235	Ground Floor Sheet Floors (Patchwork)	55 wks	Mon 2/3/20	Tue 3/2/21		
236	Scaffold	190 wks	Thu 8/1/19	Tue 4/18/23	3	
237	Hydroblast Stucco	2 days	Thu 8/22/19	Fri 8/23/19		
238	Waterproof Exterior Walls- As Needed	3 wks	Wed 11/25/20	Thu 12/17/20	230	243,238,242,289
239	Correct Exterior Stucco Details at Windows and Doors	3 wks	Wed 3/1/23	Tue 3/21/23	230,237	243,239
240	Exterior Elevated Deck Evaluation, Structure and Waterproofing	3 wks	Wed 3/22/23	Tue 4/11/23	238	240
241	Exterior Decorative Metal Railings	2 wks	Tue 5/2/23	Mon 5/15/23	28FS+6 wks	241
242	Exterior Elevated Decking	8 wks	Tue 5/16/23	Thu 7/13/23	240,226	
243	Exterior Decking at Entrys to Building	8 wks	Wed 5/10/23	Fri 7/7/23	237,8,20,24	
244	Stucco Remaining Walls- As Needed	2 wks	Wed 3/22/23	Tue 4/4/23	238,237	244
245	Exterior Wall Cladding and Precast Columns	12 wks	Wed 4/5/23	Thu 6/29/23	243,19,20,2	245
246	Painting Exterior	4 wks	Fri 6/30/23	Fri 7/28/23	244,210	246,248,249
247	Exterior Caulking	2 wks	Mon 7/31/23	Fri 8/11/23	245	247
248	Painting Exterior- Final Coat	2 wks	Mon 8/14/23	Fri 8/25/23	251,246	
249	Exterior Decorative Metal Grills at Windows	2 wks	Mon 7/31/23	Fri 8/11/23	245,29FS+1	
250	Exterior Shutters and Hardware	10 days	Mon 7/31/23	Fri 8/11/23	245,30FS+1	
251	**Site**	**115 days**	**Fri 2/17/23**	**Wed 8/2/23**		
252	**Pools, Hardscape & Landscape**	**115 days**	**Fri 2/17/23**	**Wed 8/2/23**	173	247
253	**Underground**	**50 days**	**Fri 2/17/23**	**Fri 4/28/23**		
254	Site Drainage- Pool Deck	10 days	Mon 3/27/23	Fri 4/7/23	8,9	254,256,257,258,26
255	Site Drainage- Driveway	10 days	Mon 4/10/23	Fri 4/21/23	253,8,9	
256	Site Plumbing Underground	5 days	Fri 2/17/23	Fri 2/24/23	4,8,9	256,257,258,260
257	Site Electrical Underground and Rough	15 days	Mon 4/10/23	Fri 4/28/23	253,255,8,9	260
258	Site Low Voltage Underground and Rough	15 days	Mon 4/10/23	Fri 4/28/23	253,255,8,1	260
259	Irrigation Rough	10 days	Mon 4/10/23	Fri 4/21/23	253,255,8,1	260
260	**Hardscape Work**	**50 days**	**Mon 5/1/23**	**Wed 7/12/23**		
261	Site Concrete Work-Pool Deck	10 days	Mon 5/1/23	Fri 5/12/23	253,255,25	261,262,264,267,28
262	Hardscape Installation- Pool Deck	6 wks	Mon 5/15/23	Tue 6/27/23	260,8,10,87	268,274,280,279



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ID	Task Name	Duration	Start	Finish	Predecessors	Successors
262	Site Wall Stucco	5 days	Mon 5/15/23	Fri 5/19/23	260	263
263	Site Wall Paint	3 days	Mon 5/22/23	Wed 5/24/23	262	
264	Site Concrete Work-Driveway	10 days	Mon 5/15/23	Fri 5/26/23	260,8,10,14	265
265	Hardscape Installation- Driveway	6 wks	Tue 5/30/23	Wed 7/12/23	264,8,10	268
266	**Landscaping**	**45 days**	**Mon 5/15/23**	**Wed 7/19/23**		
267	Landscape Large Planting Install	4 days	Mon 5/15/23	Thu 5/18/23	260,8,10,11	269
268	Landscape Small Planting Install	5 days	Thu 7/13/23	Wed 7/19/23	261,265,8,1	281,282
269	Irrigation Trim-out	3 days	Fri 5/19/23	Tue 5/23/23	267,8,10,11	
270	**Pool**	**81 days**	**Wed 3/8/23**	**Fri 6/30/23**		
271	Modify Pool Structure	7 days	Wed 3/8/23	Thu 3/16/23	122,123,17	272FF,273
272	Pool Plumbing and Electric	7 days	Mon 4/10/23	Tue 4/18/23	271FF,253	260,273
273	Pool Tile	7 days	Wed 4/19/23	Thu 4/27/23	271,272,12	274
274	Pool Finish	3 days	Wed 6/28/23	Fri 6/30/23	273,261,12	
275	**Fountain**	**83 days**	**Wed 3/8/23**	**Wed 7/5/23**		
276	Fountain Basin Structure	10 days	Wed 3/8/23	Tue 3/21/23	122,123,17	277FF,278
277	Fountain Plumbing and Electric	5 days	Mon 4/10/23	Fri 4/14/23	276FF,253	260,278
278	Fountain Basin Tile	5 days	Mon 4/17/23	Fri 4/21/23	276,277,12	279
279	Fountain Basin Finish	3 days	Wed 6/28/23	Fri 6/30/23	278,261,12	280
280	Install and Connect Fountain	2 days	Mon 7/3/23	Wed 7/5/23	279,261	
281	Exterior Electrical Trim-out	10 days	Thu 7/20/23	Wed 8/2/23	268,8,10	492
282	Exterior Low Voltage Trim-out	10 days	Thu 7/20/23	Wed 8/2/23	268,8,10	492
283	Exterior Mechanical Trim-out	5 days	Mon 5/15/23	Fri 5/19/23	260,8,10,11	492
284	**Interior**	**1383 days**	**Mon 2/4/19**	**Mon 7/8/24**		
285	**Main House Second Floor**	**1306 days**	**Fri 4/19/19**	**Wed 6/5/24**		
286	Framing and Grounds Second Floor	29 wks	Wed 6/26/19	Thu 1/30/20		321,319
287	Jamb Delivery and Install	2.5 wks	Mon 1/4/21	Wed 1/20/21	205FS-5 wk	289FS-5 days,319
288	MEP Rough	30 wks	Fri 4/19/19	Tue 11/19/19		337,348,408,289
289	Lath and Plaster Second Floor	100 wks	Wed 1/13/21	Wed 12/14/22	287FS-5 da	290,328
290	**MEP Second Floor Remobilization**	**303 days**	**Fri 2/17/23**	**Fri 5/3/24**	**289**	
291	**Mechanical**	**2 days**	**Thu 5/2/24**	**Fri 5/3/24**		
292	Install Equipment at the Second Floor	2 days	Thu 5/2/24	Fri 5/3/24	317,316	
293	**Electrical**	**10 days**	**Fri 2/17/23**	**Fri 3/3/23**		
294	Cleanup the Wiring in the Attic and in the Mechanical Room At the Second Floor	10 days	Fri 2/17/23	Fri 3/3/23	4	
295	Confirm the Routing for the Temperature Sensor that runs from 213 Mechanical Room to the Den Hallway	3 days	Fri 2/17/23	Wed 2/22/23	4	
296	Add the Electrical Outlets in Mechanical Room 213	2 days	Fri 2/17/23	Tue 2/21/23	4	
297	Add the Electrical Outlet in the Her Closet	2 days	Fri 2/17/23	Tue 2/21/23	4	



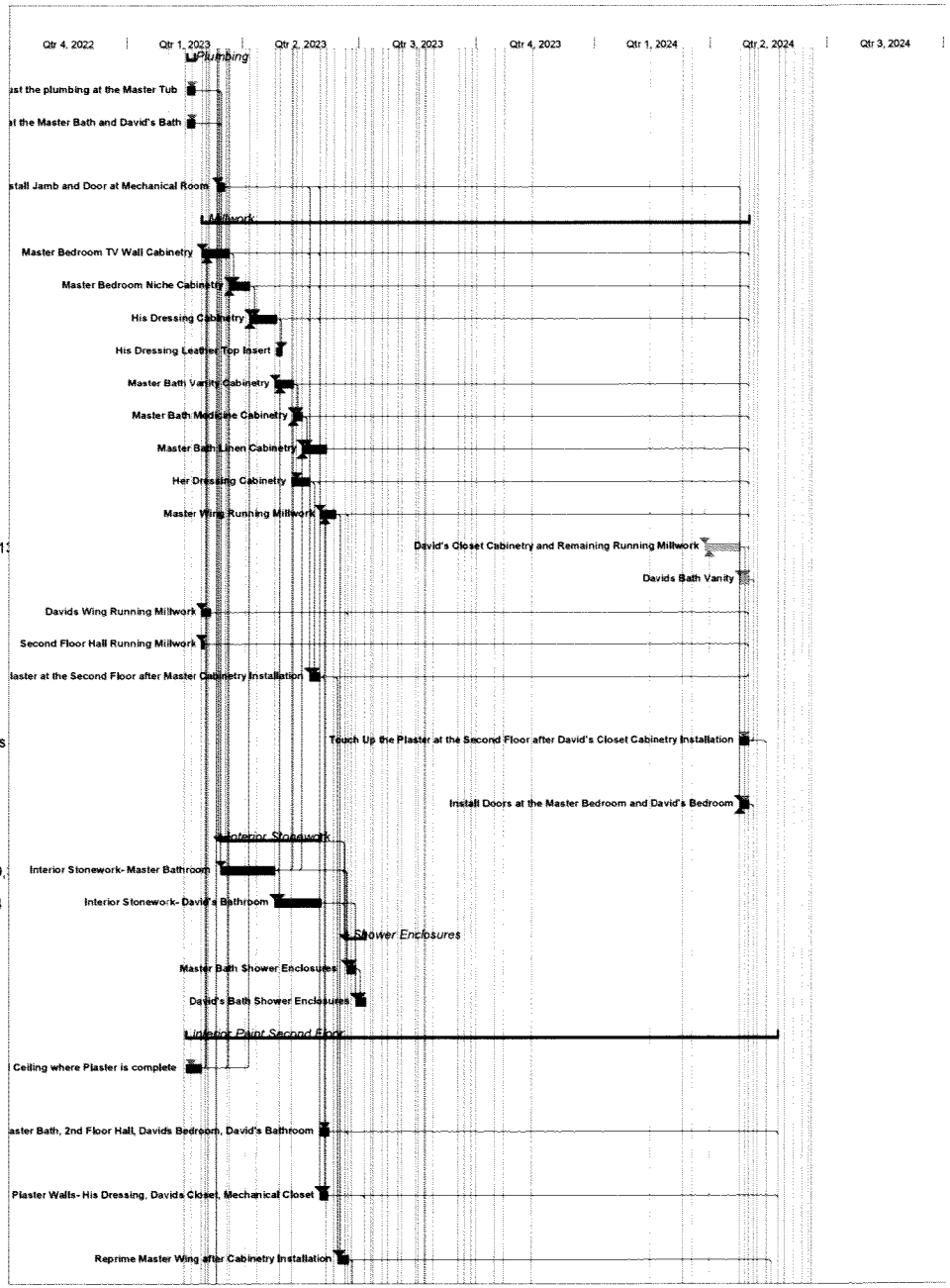
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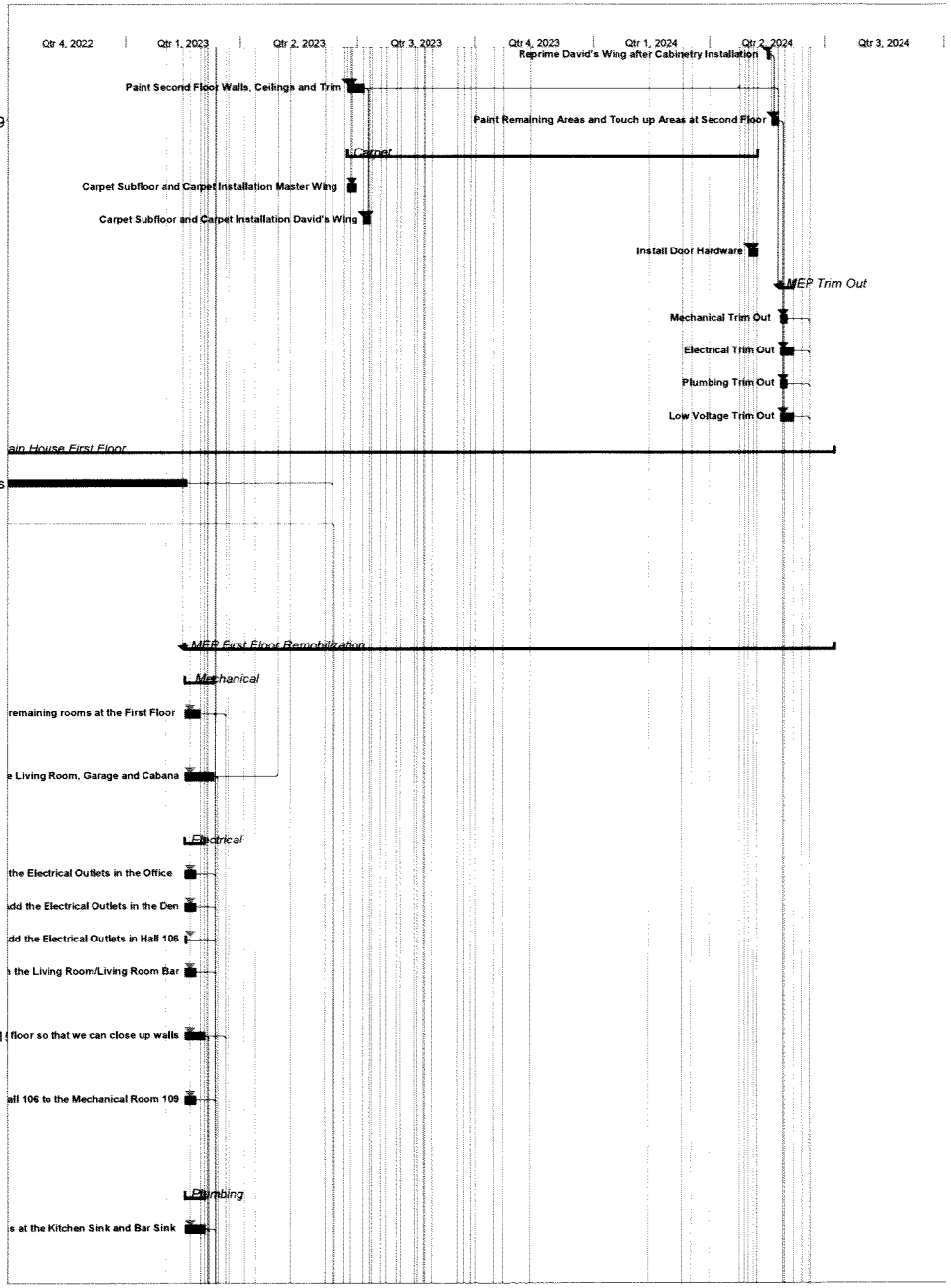
	Task Name	Duration	Start	Finish	Predecessors	Successors
299	**Plumbing**	**3 days**	**Fri 2/17/23**	**Wed 2/22/23**		
300	Adjust the plumbing at the Master Tub	3 days	Fri 2/17/23	Wed 2/22/23	4	319,320
301	Confirm the locations of the plumbing at the Master Bath and David's Bath	3 days	Fri 2/17/23	Wed 2/22/23	4	319,320
302	Install Jamb and Door at Mechanical Room	5 days	Mon 3/13/23	Fri 3/17/23	207	316,318,328
303	**Millwork**	**294 days**	**Wed 3/1/23**	**Wed 5/1/24**		
304	Master Bedroom TV Wall Cabinetry	15 days	Wed 3/1/23	Tue 3/21/23	182,326	336,311,316,304
305	Master Bedroom Niche Cabinetry	12 days	Wed 3/22/23	Thu 4/6/23	182,303,32	336,311,316,305
306	His Dressing Cabinetry	15 days	Fri 4/7/23	Thu 4/27/23	186,304,32	336,311,316,306
307	His Dressing Leather Top Insert	2 days	Fri 4/28/23	Mon 5/1/23	305,50FS+5	
308	Master Bath Vanity Cabinetry	10 days	Thu 4/27/23	Wed 5/10/23	183,320	336,308
309	Master Bath Medicine Cabinetry	5 days	Thu 5/11/23	Wed 5/17/23	185,320,30	336,309
310	Master Bath Linen Cabinetry	12 days	Thu 5/18/23	Mon 6/5/23	184,320,30	336
311	Her Dressing Cabinetry	10 days	Wed 5/10/23	Tue 5/23/23	187	336,311,316
312	Master Wing Running Millwork	8 days	Thu 6/1/23	Mon 6/12/23	203,303,30	336,329,331
313	David's Closet Cabinetry and Remaining Running Millwork	20 days	Thu 3/28/24	Wed 4/24/24	201,58FS+5	336,317,318,440,31
314	Davids Bath Vanity	5 days	Thu 4/25/24	Wed 5/1/24	201,312	336,445
315	Davids Wing Running Millwork	5 days	Wed 3/1/23	Tue 3/7/23	203	336,331
316	Second Floor Hall Running Millwork	2 days	Wed 3/1/23	Thu 3/2/23	203	336
317	Touch Up the Plaster at the Second Floor after Master Cabinetry Installation	5 days	Wed 5/24/23	Wed 5/31/23	301,303,30	292,329FS+10 days,328,311,327
318	Touch Up the Plaster at the Second Floor after David's Closet Cabinetry Installation	5 days	Thu 4/25/24	Wed 5/1/24	312	292,330FS+10 days
319	Install Doors at the Master Bedroom and David's Bedroom	5 days	Thu 4/25/24	Wed 5/1/24	301,312,33	336
320	**Interior Stonework**	**55 days**	**Thu 3/16/23**	**Thu 6/1/23**	**286,287,21**	**322FS-10 days**
321	Interior Stonework- Master Bathroom	6 wks	Thu 3/16/23	Wed 4/26/23	299,300	322FS-10 days,309,
322	Interior Stonework- David's Bathroom	5 wks	Thu 4/27/23	Thu 6/1/23	286,216,32	322FS-10 days,324
323	**Shower Enclosures**	**10 days**	**Thu 6/22/23**	**Thu 7/6/23**	**321FS-10 d**	
324	Master Bath Shower Enclosures	5 days	Thu 6/22/23	Wed 6/28/23	213,320	324
325	David's Bath Shower Enclosures	5 days	Thu 6/29/23	Thu 7/6/23	213,321,32	
326	**Interior Paint Second Floor**	**318 days**	**Fri 2/17/23**	**Fri 5/24/24**		
327	Prime Master Bedroom Suite Walls and Ceiling where Plaster is complete	7 days	Fri 2/17/23	Tue 2/28/23	4	303,304,305
328	Prime Plaster Walls- Master Bedroom, Her Dressing, Master Bath, 2nd Floor Hall, Davids Bedroom, David's Bathroom	5 days	Thu 6/1/23	Wed 6/7/23	74FS+8 wks,316	337,331
329	Prime Plaster Walls- His Dressing, Davids Closet, Mechanical Closet	4 days	Thu 6/1/23	Tue 6/6/23	210,316,28	337,335
330	Reprime Master Wing after Cabinetry Installation	5 days	Thu 6/15/23	Thu 6/22/23	311,316FS+	332,334,331



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	Task Name	Duration	Start	Finish	Predecessors	Successors
339	Reprime David's Wing after Cabinetry Installation	2 days	Thu 5/16/24	Fri 5/17/24	317FS+10 c	332
340	Paint Second Floor Walls, Ceilings and Trim	8 days	Fri 6/23/23	Wed 7/5/23	327,311,31	337,318,335
341	Paint Remaining Areas and Touch up Areas at Second Floor	5 days	Mon 5/20/24	Fri 5/24/24	329,330	338,339,340,341,49
342	**Carpet**	**219 days**	**Fri 6/23/23**	**Wed 5/8/24**		
343	Carpet Subfloor and Carpet Installation Master Wing	5 days	Fri 6/23/23	Thu 6/29/23	329,104FS+	
344	Carpet Subfloor and Carpet Installation David's Wing	3 days	Thu 7/6/23	Mon 7/10/23	328,331,10	
345	Install Door Hardware	5 days	Thu 5/2/24	Wed 5/8/24	314,303,30	
346	**MEP Trim Out**	**8 days**	**Mon 5/27/24**	**Wed 6/5/24**	**288,328,32**	
347	Mechanical Trim Out	5 days	Mon 5/27/24	Fri 5/31/24	332	492
348	Electrical Trim Out	8 days	Mon 5/27/24	Wed 6/5/24	332	492
349	Plumbing Trim Out	5 days	Mon 5/27/24	Fri 5/31/24	332	492
350	Low Voltage Trim Out	8 days	Mon 5/27/24	Wed 6/5/24	332	492
351	**Main House First Floor**	**1333 days**	**Mon 4/15/19**	**Mon 7/8/24**		
343	Framing and Grounds First Floor	197 wks	Mon 4/15/19	Fri 2/17/23		366,421FS+10 days
344	MEP Rough	50 days	Tue 1/7/20	Mon 3/16/20		365FF+10 days
345	Electrical Rough	10 wks	Tue 1/7/20	Mon 3/16/20		405FS-20 days
346	Plumbing Rough	10 wks	Tue 1/7/20	Mon 3/16/20		406FS-20 days
347	Mechanical Rough	10 wks	Tue 1/7/20	Mon 3/16/20		407FS-20 days
348	**MEP First Floor Remobilization**	**349 days**	**Fri 2/17/23**	**Mon 7/8/24**	**288**	
349	**Mechanical**	**15 days**	**Fri 2/17/23**	**Fri 3/10/23**		
350	Finish the HVAC Ductwork and install of grills at the remaining rooms at the First Floor	6 days	Fri 2/17/23	Mon 2/27/23	4	365,410
351	Confirm the Layout of the Mechanical Pads at the Living Room, Garage and Cabana	3 wks	Fri 2/17/23	Fri 3/10/23	4	260,365
352	**Electrical**	**10 days**	**Fri 2/17/23**	**Fri 3/3/23**		
353	Add the Electrical Outlets in the Office	5 days	Fri 2/17/23	Fri 2/24/23	4	365
354	Add the Electrical Outlets in the Den	5 days	Fri 2/17/23	Fri 2/24/23	4	365
355	Add the Electrical Outlets in Hall 106	1 day	Fri 2/17/23	Fri 2/17/23	4	365
356	Add the Electrical Outlets in the Living Room/Living Room Bar	5 days	Fri 2/17/23	Fri 2/24/23	4	365
357	Finish the Drops into the framed walls at the first floor so that we can close up walls	10 days	Fri 2/17/23	Fri 3/3/23	4	365,412,413,414,41
358	Add Conduit from the Kitchen Hood to the Blower and from the Blower to the Attic Access at Hall 106 and from Hall 106 to the Mechanical Room 109	5 days	Fri 2/17/23	Fri 2/24/23	4	365
359	**Plumbing**	**10 days**	**Fri 2/17/23**	**Fri 3/3/23**		
360	Confirm and Adjust (if necessary) the plumbing rough-ins at the Kitchen Sink and Bar Sink	10 days	Fri 2/17/23	Fri 3/3/23	4	365,417,418

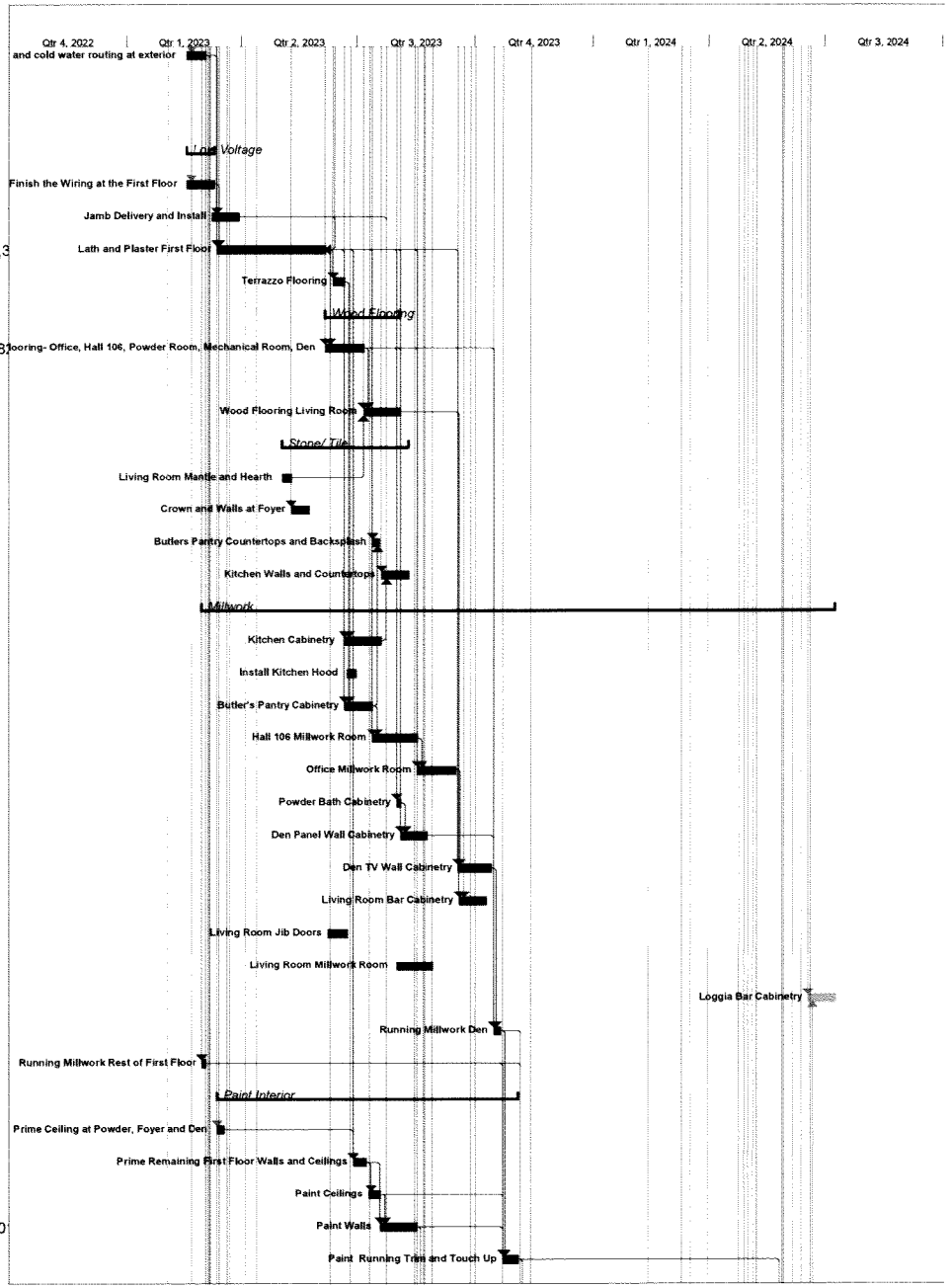


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	Task Name	Duration	Start	Finish	Predecessors	Successors
	Review Exterior Underground and provide schedule for finishing the sanitary, hot water and cold water routing at exterior	10 days	Fri 2/17/23	Fri 3/3/23	4	365,417,418
	Low Voltage	**15 days**	**Fri 2/17/23**	**Fri 3/10/23**		
	Finish the Wiring at the First Floor	15 days	Fri 2/17/23	Fri 3/10/23	4	365,420
	Jamb Delivery and Install	3 wks	Thu 3/9/23	Wed 3/29/23	207	423,365FF+2 days
	Lath and Plaster First Floor	12 wks	Mon 3/13/23	Mon 6/5/23	344FF+10 c	366FS+4 days,368,3
	Terrazzo Flooring	6 days	Mon 6/12/23	Tue 6/20/23	222,343,36	376,378
	Wood Flooring	**40 days**	**Tue 6/6/23**	**Wed 8/2/23**		
	Wood Flooring- Office, Hall 106, Powder Room, Mechanical Room, Den	20 days	Tue 6/6/23	Wed 7/5/23	209,365	380,379,381,383,38
	Wood Flooring Living Room	20 days	Thu 7/6/23	Wed 8/2/23	209,371,36	384
	Stone/ Tile	**68 days**	**Wed 5/3/23**	**Wed 8/9/23**		
	Living Room Mantle and Hearth	5 days	Wed 5/3/23	Tue 5/9/23	94FS+9 wks	369
	Crown and Walls at Foyer	10 days	Wed 5/10/23	Tue 5/23/23	216,95FS+2	
	Butlers Pantry Countertops and Backsplash	3 days	Thu 7/13/23	Mon 7/17/23	216,378	
	Kitchen Walls and Countertops	15 days	Thu 7/20/23	Wed 8/9/23	216,376,88	
	Millwork	**342 days**	**Wed 3/1/23**	**Mon 7/8/24**		
	Kitchen Cabinetry	20 days	Wed 6/21/23	Wed 7/19/23	188,365,36	374
	Install Kitchen Hood	5 days	Fri 6/23/23	Thu 6/29/23	111FS+16 v	
	Butler's Pantry Cabinetry	15 days	Wed 6/21/23	Wed 7/12/23	189,365,36	373,379
	Hall 106 Millwork Room	25 days	Thu 7/13/23	Wed 8/16/23	191,365,36	380
	Office Millwork Room	20 days	Thu 8/17/23	Fri 9/15/23	190,365,36	383
	Powder Bath Cabinetry	3 days	Tue 8/1/23	Thu 8/3/23	177,365,36	382
	Den Panel Wall Cabinetry	15 days	Fri 8/4/23	Thu 8/24/23	194,365,36	388
	Den TV Wall Cabinetry	20 days	Mon 9/18/23	Fri 10/13/23	193,365,36	388
	Living Room Bar Cabinetry	15 days	Tue 9/19/23	Mon 10/9/23	195,369,55	
	Living Room Jib Doors	10 days	Thu 6/8/23	Thu 6/22/23	61FS+12 w	
	Living Room Millwork Room	20 days	Tue 8/1/23	Mon 8/28/23	13,47FS+4	
	Loggia Bar Cabinetry	15 days	Tue 6/18/24	Mon 7/8/24	201,444	
	Running Millwork Den	5 days	Mon 10/16/23	Fri 10/20/23	203,383,38	396,395
	Running Millwork Rest of First Floor	3 days	Wed 3/1/23	Fri 3/3/23	203	396,395
	Paint Interior	**165 days**	**Mon 3/13/23**	**Fri 11/3/23**		
	Prime Ceiling at Powder, Foyer and Den	5 days	Mon 3/13/23	Fri 3/17/23	4FS+15 day	392
	Prime Remaining First Floor Walls and Ceilings	7 days	Wed 6/28/23	Fri 7/7/23	391,365FS+	394,393
	Paint Ceilings	7 days	Mon 7/10/23	Tue 7/18/23	392	395,394
	Paint Walls	20 days	Wed 7/19/23	Tue 8/15/23	392,393	395,398,399,400,40
	Paint Running Trim and Touch Up	10 days	Mon 10/23/23	Fri 11/3/23	393,394,38	396,491

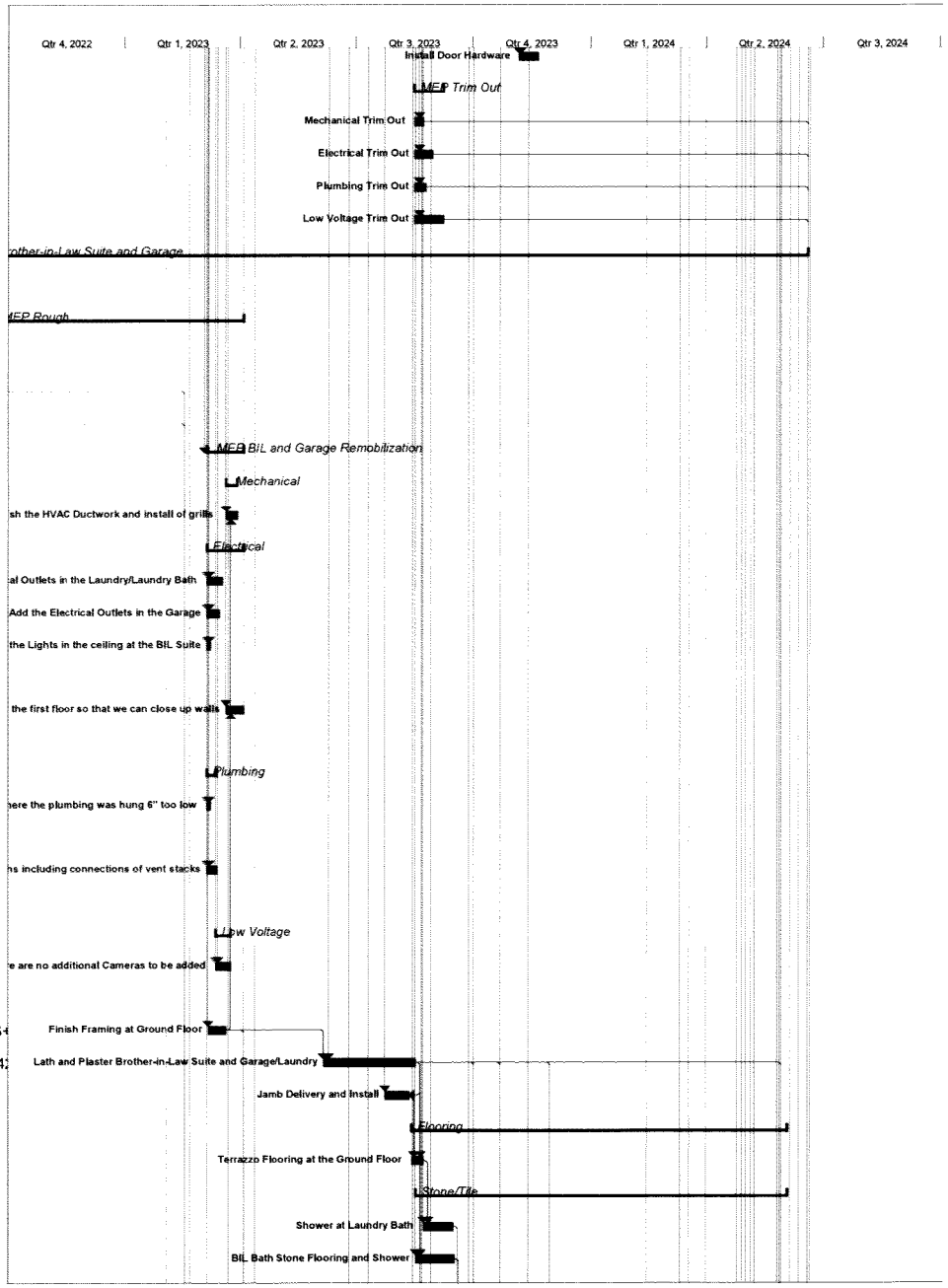


HEDRICK BROTHERS CONSTRUCTION

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	Task Name	Duration	Start	Finish	Predecessors	Successors
389	Install Door Hardware	10 days	Mon 11/6/23	Mon 11/20/23	388,389,39	
390	**MEP Trim Out**	**15 days**	**Wed 8/16/23**	**Thu 9/7/23**		
391	Mechanical Trim Out	5 days	Wed 8/16/23	Tue 8/22/23	394	492
392	Electrical Trim Out	10 days	Wed 8/16/23	Tue 8/29/23	394	492
393	Plumbing Trim Out	7 days	Wed 8/16/23	Thu 8/24/23	394	492
394	Low Voltage Trim Out	15 days	Wed 8/16/23	Thu 9/7/23	394	492
395	**Brother-in-Law Suite and Garage**	**1370 days**	**Mon 2/4/19**	**Wed 6/19/24**		
396	Framing and Grounds Brother-in-Law Suite	50 wks	Mon 2/4/19	Wed 2/5/20		
397	MEP Rough	807 days	Tue 2/18/20	Mon 4/3/23		
398	Electrical Rough	5 wks	Tue 2/18/20	Mon 3/23/20	345FS-20 d	
399	Plumbing Rough	5 wks	Tue 2/18/20	Mon 3/23/20	346FS-20 d	462
400	Mechanical Rough	13 wks	Tue 2/18/20	Mon 5/18/20	347FS-20 d	463
401	**MEP BIL and Garage Remobilization**	**21 days**	**Mon 3/6/23**	**Mon 4/3/23**	**288**	
402	**Mechanical**	**7 days**	**Tue 3/21/23**	**Wed 3/29/23**		
410	Finish the HVAC Ductwork and install of grills	7 days	Tue 3/21/23	Wed 3/29/23	4,350,421	
411	**Electrical**	**21 days**	**Mon 3/6/23**	**Mon 4/3/23**		
412	Add the Electrical Outlets in the Laundry/Laundry Bath	10 days	Mon 3/6/23	Fri 3/17/23	4,357	
413	Add the Electrical Outlets in the Garage	8 days	Mon 3/6/23	Wed 3/15/23	4,357	
414	Fix/Close Up and Test the Lights in the ceiling at the BIL Suite	3 days	Mon 3/6/23	Wed 3/8/23	4,357	
415	Finish the Drops into the framed walls at the first floor so that we can close up walls	10 days	Tue 3/21/23	Mon 4/3/23	4,421,357	
416	**Plumbing**	**6 days**	**Mon 3/6/23**	**Mon 3/13/23**		
417	Reroute the Plumbing into the ceiling where the plumbing was hung 6" too low	3 days	Mon 3/6/23	Wed 3/8/23	4,360,361	
418	Finish the Rough Plumbing at the Laundry and Laundry Baths including connections of vent stacks	6 days	Mon 3/6/23	Mon 3/13/23	4,360,361	
419	**Low Voltage**	**10 days**	**Mon 3/13/23**	**Fri 3/24/23**		
420	Finish the Low Voltage Wiring and confirm that there are no additional Cameras to be added	10 days	Mon 3/13/23	Fri 3/24/23	4,363	
421	Finish Framing at Ground Floor	2 wks	Tue 3/7/23	Mon 3/20/23	4,343FS+1(	422,410,415,459FS+
422	Lath and Plaster Brother-in-Law Suite and Garage/Laundry	10 wks	Tue 6/6/23	Wed 8/16/23	421,365,14!	423FF-3 days,430,4
423	Jamb Delivery and Install	3 wks	Mon 7/24/23	Fri 8/11/23	207,364,42	425
424	**Flooring**	**202 days**	**Mon 8/14/23**	**Mon 6/3/24**		
426	Terrazzo Flooring at the Ground Floor	7 days	Mon 8/14/23	Tue 8/22/23	422FS-15 d	427
425	**Stone/Tile**	**199 days**	**Thu 8/17/23**	**Mon 6/3/24**		
427	Shower at Laundry Bath	15 days	Wed 8/23/23	Thu 9/14/23	216,425	432,448
428	BIL Bath Stone Flooring and Shower	4 wks	Thu 8/17/23	Fri 9/15/23	216,422	433,448

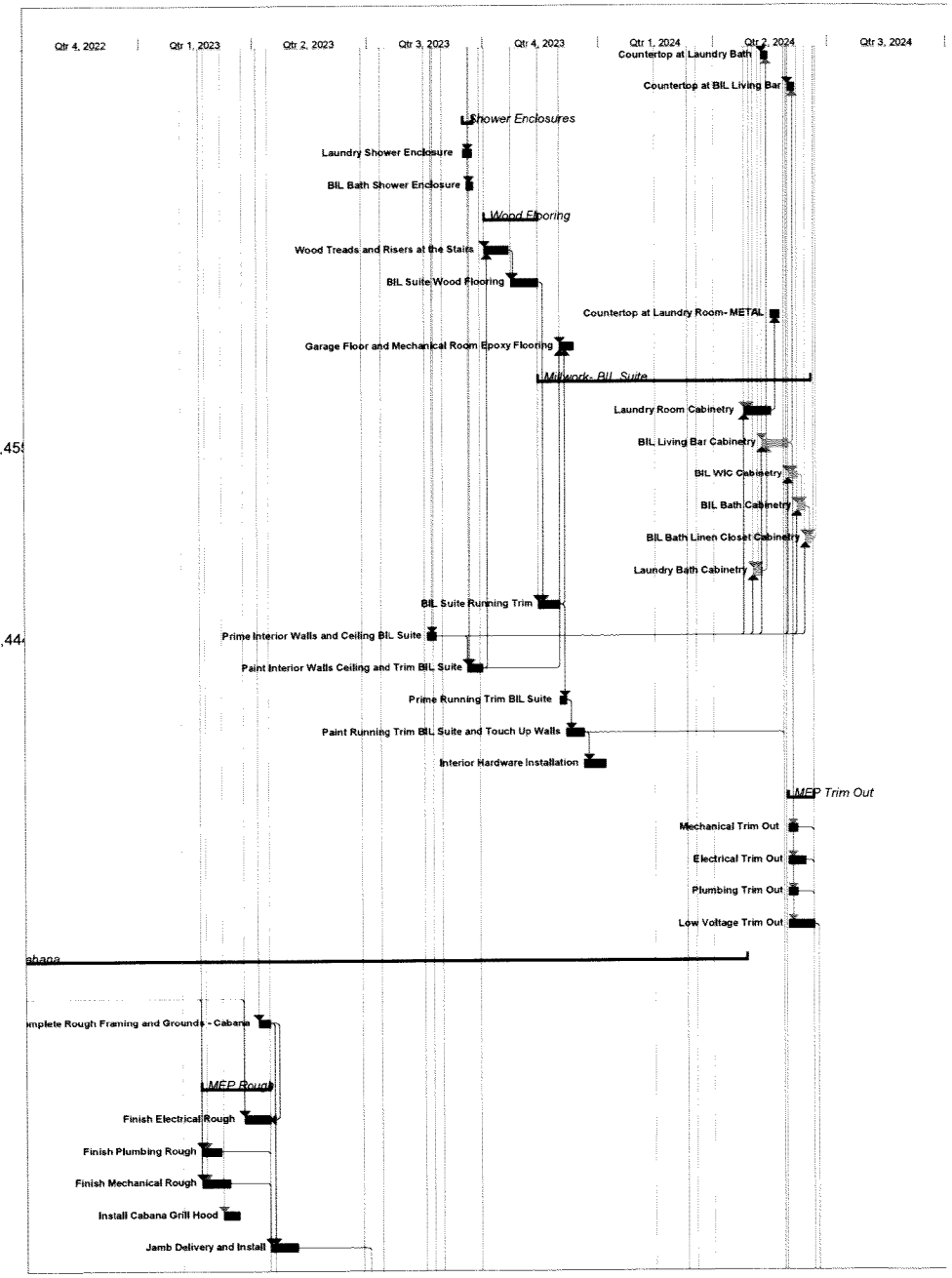


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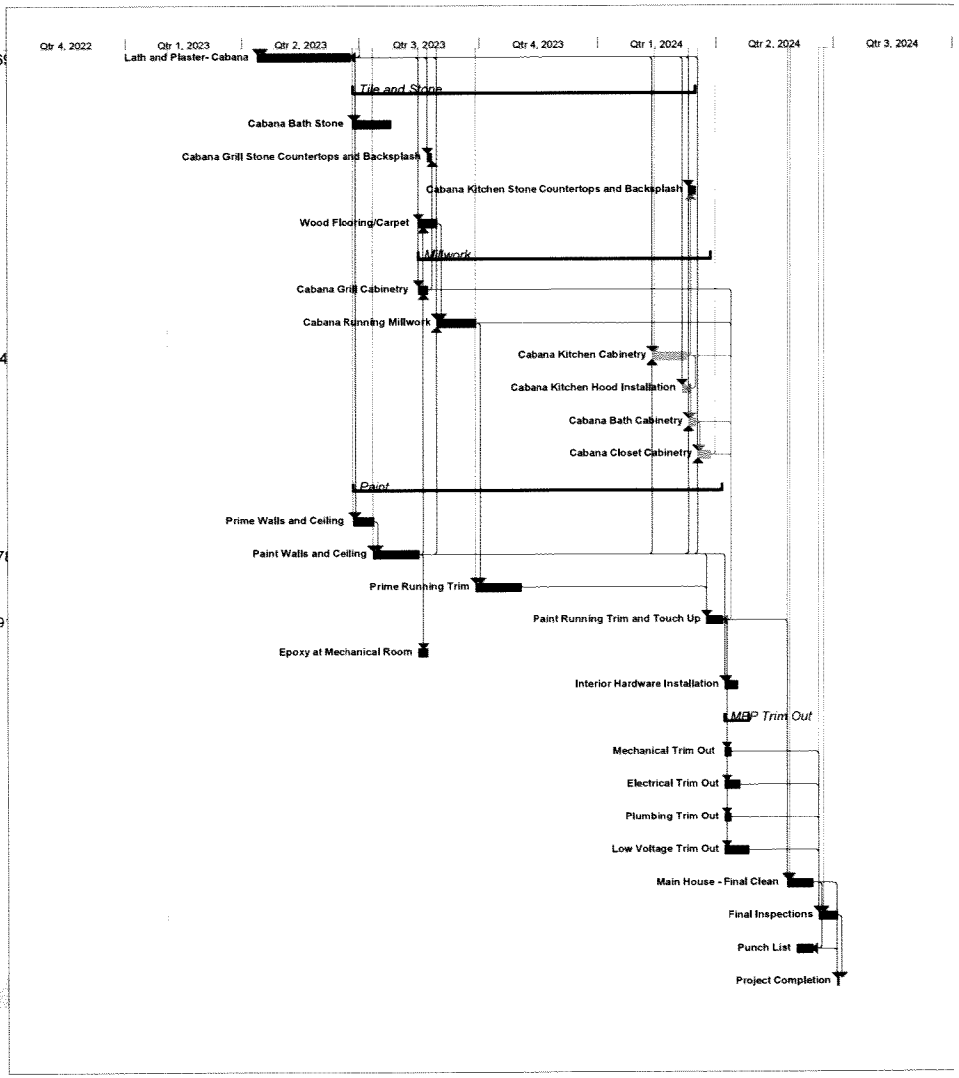
	Task Name	Duration	Start	Finish	Predecessors	Successors
441	Countertop at Laundry Bath	3 days	Thu 5/9/24	Mon 5/13/24	216,445	
442	Countertop at BIL Living Bar	3 days	Thu 5/30/24	Mon 6/3/24	216,422,44	
443	**Shower Enclosures**	**6 days**	**Fri 9/15/23**	**Fri 9/22/23**		
444	Laundry Shower Enclosure	5 days	Fri 9/15/23	Thu 9/21/23	427	
445	BIL Bath Shower Enclosure	5 days	Mon 9/18/23	Fri 9/22/23	428	
446	**Wood Flooring**	**30 days**	**Mon 10/2/23**	**Mon 11/13/23**		
447	Wood Treads and Risers at the Stairs	15 days	Mon 10/2/23	Fri 10/20/23	209,422,44	436
448	BIL Suite Wood Flooring	15 days	Mon 10/23/23	Mon 11/13/23	209,422,43	446
449	Countertop at Laundry Room- METAL	5 days	Thu 5/16/24	Wed 5/22/24	440	
450	Garage Floor and Mechanical Room Epoxy Flooring	7 days	Fri 12/1/23	Mon 12/11/23	422,446,44	
451	**Millwork- BIL Suite**	**149 days**	**Tue 11/14/23**	**Mon 6/17/24**		
452	Laundry Room Cabinetry	15 days	Thu 4/25/24	Wed 5/15/24	201,447,31	437
453	BIL Living Bar Cabinetry	15 days	Thu 5/9/24	Wed 5/29/24	201,447,59	430,442,453,454,45
454	BIL WIC Cabinetry	5 days	Thu 5/30/24	Wed 6/5/24	201,447,60	443
455	BIL Bath Cabinetry	5 days	Thu 6/6/24	Wed 6/12/24	201,447,44	444
456	BIL Bath Linen Closet Cabinetry	3 days	Thu 6/13/24	Mon 6/17/24	201,447,53	387
457	Laundry Bath Cabinetry	5 days	Thu 5/2/24	Wed 5/8/24	201,447,31	429,441
458	BIL Suite Running Trim	10 days	Tue 11/14/23	Thu 11/30/23	203,436	449,438
459	Prime Interior Walls and Ceiling BIL Suite	1 wk	Thu 8/17/23	Wed 8/23/23	422	448,441,442,443,44
460	Paint Interior Walls Ceiling and Trim BIL Suite	2 wks	Mon 9/18/23	Fri 9/29/23	447,427,42	438,435
461	Prime Running Trim BIL Suite	3 days	Fri 12/1/23	Tue 12/5/23	446	450
462	Paint Running Trim BIL Suite and Touch Up Walls	10 days	Wed 12/6/23	Tue 12/19/23	449	451,491
463	Interior Hardware Installation	10 days	Wed 12/20/23	Fri 1/5/24	450	
464	**MEP Trim Out**	**15 days**	**Thu 5/30/24**	**Wed 6/19/24**		
465	Mechanical Trim Out	5 days	Thu 5/30/24	Wed 6/5/24	441	492
466	Electrical Trim Out	10 days	Thu 5/30/24	Wed 6/12/24	441	492
467	Plumbing Trim Out	5 days	Thu 5/30/24	Wed 6/5/24	441	492
468	Low Voltage Trim Out	15 days	Thu 5/30/24	Wed 6/19/24	441	492
469	**Cabana**	**1306 days**	**Tue 3/12/19**	**Fri 4/26/24**		
470	Rough Framing and Grounds- Cabana	52 wks	Tue 3/12/19	Thu 3/26/20		461,462,463
471	Remobilize and Complete Rough Framing and Grounds - Cabana	7 days	Tue 4/4/23	Wed 4/12/23	4,421FS+1(days	461FF,465
472	MEP Rough	38 days	Fri 2/17/23	Wed 4/12/23		
473	Finish Electrical Rough	3 wks	Thu 3/23/23	Wed 4/12/23	458,459FF,	466
474	Finish Plumbing Rough	2 wks	Fri 2/17/23	Fri 3/3/23	406,458,4	466
475	Finish Mechanical Rough	3 wks	Fri 2/17/23	Fri 3/10/23	407,458,4	465,466
476	Install Cabana Grill Hood	10 days	Mon 3/6/23	Fri 3/17/23	4FS+10 day	
477	Jamb Delivery and Install	3 wks	Thu 4/13/23	Wed 5/3/23	463,4,459	466FF+3 days



HEDRICK BROTHERS CONSTRUCTION

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ID	Task Name	Duration	Start	Finish	Predecessors	Successors
467	Lath and Plaster- Cabana	10 wks	Thu 4/13/23	Fri 6/23/23	465FF+3 da	468,470,473,474,46
468	**Tile and Stone**	**180 days**	**Mon 6/26/23**	**Fri 3/15/24**		
469	Cabana Bath Stone	20 days	Mon 6/26/23	Mon 7/24/23	216,466	
470	Cabana Grill Stone Countertops and Backsplash	3 days	Tue 8/22/23	Thu 8/24/23	216,473,46	
471	Cabana Kitchen Stone Countertops and Backsplash	5 days	Mon 3/11/24	Fri 3/15/24	216,466,47	
472	Wood Flooring/Carpet	10 days	Tue 8/15/23	Mon 8/28/23	209,466,48	474
473	**Millwork**	**153 days**	**Tue 8/15/23**	**Wed 3/27/24**		
474	Cabana Grill Cabinetry	5 days	Tue 8/15/23	Mon 8/21/23	177,466,48	469,483FF+7 days
475	Cabana Running Millwork	20 days	Tue 8/29/23	Wed 9/27/23	203,466,48	482,483FF+7 days
476	Cabana Kitchen Cabinetry	20 days	Mon 2/12/24	Fri 3/8/24	201,466,48	470,483FF+7 days,4
477	Cabana Kitchen Hood Installation	3 days	Wed 3/6/24	Fri 3/8/24	466,475FF,	477
478	Cabana Bath Cabinetry	5 days	Mon 3/11/24	Fri 3/15/24	481,476,20	483FF+7 days,478
479	Cabana Closet Cabinetry	8 days	Mon 3/18/24	Wed 3/27/24	201,466,48	483FF+7 days,312
480	**Paint**	**195 days**	**Mon 6/26/23**	**Fri 4/5/24**		
481	Prime Walls and Ceiling	2 wks	Mon 6/26/23	Mon 7/10/23	228,210,46	481
482	Paint Walls and Ceiling	5 wks	Tue 7/11/23	Mon 8/14/23	228,210,48	485,483,471,475,47
483	Prime Running Trim	5 wks	Thu 9/28/23	Wed 11/1/23	228,210,47	483
484	Paint Running Trim and Touch Up	2 wks	Mon 3/25/24	Fri 4/5/24	481,482,47	485,488,489,490,49
485	Epoxy at Mechanical Room	5 days	Tue 8/15/23	Mon 8/21/23	99FS+4 wks	
486	Interior Hardware Installation	8 days	Mon 4/8/24	Wed 4/17/24	481,483	
487	**MEP Trim Out**	**15 days**	**Mon 4/8/24**	**Fri 4/26/24**		
488	Mechanical Trim Out	5 days	Mon 4/8/24	Fri 4/12/24	483	492
489	Electrical Trim Out	10 days	Mon 4/8/24	Fri 4/19/24	483	492
490	Plumbing Trim Out	5 days	Mon 4/8/24	Fri 4/12/24	483	492
491	Low Voltage Trim Out	15 days	Mon 4/8/24	Fri 4/26/24	483	492
492	Main House - Final Clean	3 wks	Mon 5/27/24	Fri 6/14/24	332,395,45	494,493FF
493	Final Inspections	2 wks	Thu 6/20/24	Wed 7/3/24	281,282,28	494
494	Punch List	2 wks	Mon 6/3/24	Fri 6/14/24	491FF	494
495	Project Completion	1 day	Thu 7/4/24	Thu 7/4/24	492,493,49	
496	Anticipated Permit Expiration- Per Town Council Meeting 12.12.18	1 day	Mon 2/3/20	Mon 2/3/20		
497	Confirmed Permit Expiration- Per Town Council Meeting 12.18.19	0 days	Mon 2/15/21	Mon 2/15/21		



TC Development Review Meeting Backup 2-15-2023

Master Permit	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application dat	Issue date	Expiration date	Approval
B-19-78111	B-22-95154	R-REVISION	*****PRIVATE PROVIDER***** BUILDING AS BUILTS, PLUMBING/GAS AS BUILTS, MECHANICAL AS BUILTS, ELECTRICAL AS BUILTS, STRUCTUAL AS BUILTS.	200 VIA BELLARIA		HEDRICK BROTHERS CONST CO INC	6/17/2022	9/14/2022	6/17/2022	final
B-19-78111	B-22-95155	S-SITE WORK/DRAINAGE	*****PRIVATE PROVIDER***** (SEE PERMIT CONDITIONS) CIVIL/DRAINAGE	200 VIA BELLARIA		HEDRICK BROTHERS CONST CO INC	6/17/2022	8/10/2022	2/6/2023	issued
B-19-78111	B-22-95267	R-REVISION	*****PRIVATE PROVIDER***** REVISION ELECTRICAL - RISER DIAGRAM / NOTE CHANGES	200 VIA BELLARIA		HEDRICK BROTHERS CONST CO INC	6/24/2022	7/1/2022	6/24/2022	final
B-19-78111	L-22-00557	L-LPC STAFF APPROVAL	*****PRIVATE PROVIDER***** LANDMARKS- ON THE DRIVES, REPLACE EXISTING PAVER-STYLE COBBLESTONES WITH ITALIAN PORPHY COBBLESTONS AND DOMINICAN COQUINA BORDER AND COBBLESTONE ACCENTS IN SIMILAR SIZE AS EXISTING. DRIVE LAYOUT TO REMAIN AS EXISTING. REPLACE EXISTING CAST STONE POOL D	200 VIA BELLARIA		SMITH ARCHITECTURAL GROUP INC	2/10/2022	2/16/2022	2/5/2023	final
B-19-78111	U-21-06713	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING (3) VEHICLES - (3) MONTH DURATION	200 VIA BELLARIA		HEDRICK BROTHERS CONST CO INC	1/7/2021	1/11/2021	1/11/2021	final
B-19-78111	U-21-06714	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING (3) VEHICLES - (3) MONTH DURATION	200 VIA BELLARIA		HEDRICK BROTHERS CONST CO INC	1/7/2021	1/11/2021	1/11/2021	final
B-19-78111	U-21-06715	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING (3) VEHICLES - (3) MONTH DURATION	200 VIA BELLARIA		HEDRICK BROTHERS CONST CO INC	1/7/2021	1/11/2021	1/11/2021	final
B-19-78111	U-20-05747	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	200 VIA BELLARIA		HEDRICK BROTHERS CONST CO INC	8/4/2020	8/6/2020	8/6/2020	final
B-19-78111	U-20-05748	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	200 VIA BELLARIA		HEDRICK BROTHERS CONST CO INC	8/4/2020	8/6/2020	8/6/2020	final
B-19-78111	U-20-05749	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	200 VIA BELLARIA		HEDRICK BROTHERS CONST CO INC	8/4/2020	8/6/2020	8/6/2020	final
B-19-78111	U-20-05254	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER*****CONSTRUCTION PARKING	200 VIA BELLARIA		HEDRICK BROTHERS CONST CO INC	4/29/2020	5/7/2020	5/7/2020	final
B-19-78111	U-20-05255	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER*****CONSTRUCTION PARKING	200 VIA BELLARIA		HEDRICK BROTHERS CONST CO INC	4/29/2020	5/7/2020	5/7/2020	final
B-19-78111	U-20-05256	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER*****CONSTRUCTION PARKING	200 VIA BELLARIA		HEDRICK BROTHERS CONST CO INC	4/29/2020	5/7/2020	5/7/2020	final
B-19-78111	B-20-82849	G-GAS	*****PRIVATE PROVIDER***** SUB GAS - RUN GAS LINE FOR RANGE, BBQ, WATER HEATER, POOL HEATER AND EXISTING GENERATOR	200 VIA BELLARIA		KCL HOLDINGS INC	1/13/2020	1/15/2020	7/14/2020	issued
B-19-78111	U-19-03338	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	200 VIA BELLARIA		HEDRICK BROTHERS CONST CO INC	6/6/2019	6/12/2019	6/12/2019	final
B-19-78111	U-19-03339	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	200 VIA BELLARIA		HEDRICK BROTHERS CONST CO INC	6/6/2019	6/12/2019	6/12/2019	final
B-19-78111	U-19-03340	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	200 VIA BELLARIA		HEDRICK BROTHERS CONST CO INC	6/6/2019	6/12/2019	6/12/2019	final
B-19-78112	B-19-78804	E-ELECTRICAL	*****PRIVATE PROVIDER***** SUB- LOW VOLTAGE AUDIO/VIDEO, PHONE AND DATA, LIGHTING CONTROL AND SECURITY	200 VIA BELLARIA	CABANA	ETC PALM BEACH LLC	4/18/2019	4/26/2019	10/23/2019	issued
	U-18-01303	U-USE OF/WORK IN ROW	USE OF- POLE REPLACEMENT- PARK TRUCKS AND EQUIPMENT, CRANE REQUIRED.	200 VIA BELLARIA		FLORIDA POWER & LIGHT	5/22/2018	3/14/2019	8/28/2018	final
	B-19-78111	B-RESIDENTIAL ALTERATION	*****PRIVATE PROVIDER*****CHANGE OF CONTRACTOR - TAKING OVER PROJECT B-19-77295 WHICH WAS ORIGINALLY B-16-58888 FOR PARTIAL RENOVATION TO EXISTING RESIDENCE INCLUDING PARTIAL WINDOW AN	200 VIA BELLARIA		HEDRICK BROTHERS CONST CO INC	3/7/2019	3/8/2019	12/2/2022	issued
B-19-78111	B-19-78112	B-RESIDENTIAL ALTERATION	*****PRIVATE PROVIDER*****TAKING OVER B-19-77296 PROJECT PER ATTACHED DISCHARGE LETTER. ORIGINAL PERMIT B-16-58889 FOR PARTIAL RENOVATION TO EXISTING RESIDENCE INCLUDING PARTIAL WINDOW	200 VIA BELLARIA	CABANA	HEDRICK BROTHERS CONST CO INC	3/7/2019	3/8/2019	12/2/2022	issued
	B-19-77295	B-RESIDENTIAL ALTERATION	TAKING OVER B-16-58888 FOR PARTIAL RENOVATION TO EXISTING RESIDENCE INCLUDING PARTIAL WINDOW AND DOOR REPLACEMENT AND ROOF REPLACEMENT	200 VIA BELLARIA		VICTOR SPILOTRO - OWNER/BUILDER	1/11/2019	1/15/2019	7/14/2019	canceled
B-19-77295	B-19-77296	B-RESIDENTIAL ALTERATION	TAKING OVER B-16-58888 FOR PARTIAL RENOVATION TO EXISTING RESIDENCE INCLUDING PARTIAL WINDOW AND DOOR REPLACEMENT AND ROOF REPLACEMENT	200 VIA BELLARIA	CABANA	VICTOR SPILOTRO - OWNER/BUILDER	1/11/2019	1/15/2019	7/14/2019	canceled
B-19-78111	B-18-71875	E-LOW VOLTAGE RES	*****PRIVATE PROVIDER***** SUB LOW VOLTAGE - AUDIO/VIDEO, PHONE & DATA, LIGHTING CONTROL AND SECURITY.	200 VIA BELLARIA		ENVIRONMENTAL TECHNOLOGY CONTROLS	5/15/2018	5/21/2018	11/21/2018	issued
B-19-78111	B-18-70508	M-MECHANICAL	*****PRIVATE PROVIDER***** SUB- MECHANICAL- HVAC AS PER PLANS	200 VIA BELLARIA		JOHN C CASSIDY AIR CONDITIONIN	3/15/2018	3/19/2018	9/15/2018	issued
B-19-78112	B-18-70509	M-MECHANICAL	*****PRIVATE PROVIDER***** SUB- MECHANICAL- HVAC AS PER PLAN	200 VIA BELLARIA	CABANA	JOHN C CASSIDY AIR CONDITIONIN	3/15/2018	3/19/2018	9/15/2018	issued
B-16-58889	B-17-68276	R-REVISION	REVISION BUILDING: STRUCTURAL SKETCHES, BEARING PARTITIONS. NO CHANGE IN VALUE	200 VIA BELLARIA	CABANA	SEABREEZE BUILDING LLC	10/30/2017	11/1/2017	10/30/2017	final
B-16-58888	B-17-68232	R-REVISION	REVISION PLUMBING/GAS - PLUMBING REVISION AS PER PLANS UPDATED GAS LINES, NEW RISER, WASH / DRYER LOCATION CHANGES.	200 VIA BELLARIA		SEABREEZE BUILDING LLC	10/26/2017	10/30/2017	10/26/2017	final
B-16-58888	B-17-68233	R-REVISION	REVISION PLUMBING / GAS - P102 REVISION AS PER PLANS. GAS RISER LINE KITCHEN ADD/MOVE	200 VIA BELLARIA		SEABREEZE BUILDING LLC	10/26/2017	10/30/2017	10/26/2017	final
B-16-58888	B-17-68249	R-REVISION	REVISION BUILDNG: STRUCTURAL CHANGES, LEDGER BOARD AND 3 MEMBER I BEAM DEATIL NO CHANGE IN VALUE.	200 VIA BELLARIA		SEABREEZE BUILDING LLC	10/27/2017	10/30/2017	10/27/2017	final
B-16-58888	B-17-68231	R-REVISION	REVISION - REVISIONS TO STRUCTURAL AS PER SKETCH ATTACHED.	200 VIA BELLARIA		SEABREEZE BUILDING LLC	10/26/2017	10/27/2017	10/26/2017	final

Count: 65

TC Development Review Meeting Backup 2-15-2023

Master Permit	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application date	Issue date	Expiration date	Approval
B-16-58888	B-17-65410	R-REVISION	REVISION BUILDING - TUBE STEEL BUCK DETAIL	200 VIA BELLARIA		SEABREEZE BUILDING LLC	7/5/2017	7/20/2017	7/5/2017	final
B-16-58888	B-17-64990	R-REVISION	REVISION BUILDING: S302 UPDATED DETAILS PAGE. MISC DETAILS UPDATED FOR STRUCTURAL FRAMING USE FRAMING. HEADER DETAIL CLARIFICATION TOP PLATE DETAIL CALARIFICATION & TOP PLATE REINFORCING CL	200 VIA BELLARIA		SEABREEZE BUILDING LLC	6/19/2017	6/29/2017	6/19/2017	final
B-16-58888	B-17-63468	R-REVISION	REVISION BUILDING - STRUCTURAL REVISIONS AS PER S-100, S-101, S-300	200 VIA BELLARIA		SEABREEZE BUILDING LLC	4/20/2017	4/28/2017	4/20/2017	final
B-16-58888	B-17-62764	R-REVISION	REVISION- OTHER- REVISED SK3 AS PER ATTACHED PLANS	200 VIA BELLARIA		SEABREEZE BUILDING LLC	3/10/2017	3/15/2017	3/10/2017	final
B-19-78111	B-17-62078	B-ROOF REPAIR/RE-ROOF	*****PRIVATE PROVIDER*****SUB ROOF - RE-ROOF SLOPED ROOFS W/CLAY BARREL TILE & FLAT ROOF WITH MODIFIED BUR	200 VIA BELLARIA		CARPENTERS ROOFING&SHEET META	1/26/2017	2/8/2017	12/26/2018	issued
B-19-78112	B-17-62080	B-ROOF REPAIR/RE-ROOF	*****PRIVATE PROVIDER*****SUB ROOF - RE-ROOF W/ CLAY BARREL TILE	200 VIA BELLARIA	CABANA	CARPENTERS ROOFING&SHEET META	1/26/2017	2/8/2017	8/7/2017	issued
B-16-58888	B-17-62116	R-REVISION	REVISION BUILDING- STRUCTURAL AS PER REVISED PLANS, S100,S101, S102, S200, S300. NO CHANGE IN VALUE.	200 VIA BELLARIA		SEABREEZE BUILDING LLC	1/27/2017	2/1/2017	1/27/2017	final
B-17-62078	F-17-01777	F-FIRE RESCUE STANDARD	HOT WORKS	200 VIA BELLARIA		CARPENTERS ROOFING&SHEET META	1/26/2017	1/27/2017	1/22/2018	final
B-17-62080	F-17-01778	F-FIRE RESCUE STANDARD	HOT WORKS	200 VIA BELLARIA	CABANA	CARPENTERS ROOFING&SHEET META	1/26/2017	1/27/2017	1/22/2018	final
B-16-58888	B-17-61957	R-REVISION	REVISION- BUILDING- STRUCTURAL-AS PER REVISED PLANS- S100, S101, S102, S200, S300	200 VIA BELLARIA		SEABREEZE BUILDING LLC	1/18/2017	1/23/2017	1/18/2017	final
B-16-58888	B-16-61411	R-REVISION	REVISION BUILDING: STRUCTURAL REVISION- SEE ATTACHED S100, S101, S102, S200, S300.	200 VIA BELLARIA		SEABREEZE BUILDING LLC	12/7/2016	12/13/2016	12/7/2016	final
B-19-78111	B-16-60226	E-TEMPORARY POLE	*****PRIVATE PROVIDER*****SUB ELECTRIC: PROVIDE TEMPORARY POWER AS PER DRAWING.	200 VIA BELLARIA		ELECTRICAL SPECIALTY SERVICES	9/29/2016	10/5/2016	4/3/2017	issued
B-19-78112	B-16-60227	E-ELECTRICAL	*****PRIVATE PROVIDER*****SUB ELECTRIC: AS PER APPROVED PLANS.	200 VIA BELLARIA	CABANA	ELECTRICAL SPECIALTY SERVICES	9/29/2016	10/5/2016	7/29/2023	issued
B-19-78111	B-16-59682	E-ELECTRICAL	*****PRIVATE PROVIDER*****SUB- ELECTRICAL- ELECTRIC AS PER PLANS INCLUDING LOW VOLTAGE	200 VIA BELLARIA		ELECTRICAL SPECIALTY SERVICES	9/6/2016	9/7/2016	11/21/2018	issued
B-19-78111	B-16-59578	P-PLUMBING	*****PRIVATE PROVIDER*****SUB PLUMBING - PLUMBING REMODEL PER PLANS.	200 VIA BELLARIA		KCL HOLDINGS INC	8/31/2016	9/2/2016	8/29/2018	issued
B-19-78112	B-16-59580	P-PLUMBING	*****PRIVATE PROVIDER*****SUB PLUMBING - PLUMBING REMODEL PER PLANS.	200 VIA BELLARIA	CABANA	KCL HOLDINGS INC	8/31/2016	9/2/2016	7/29/2023	issued
	B-16-58888	B-RESIDENTIAL ALTERATION	PARTIAL RENOVATION TO EXISTING RESIDENCE INCLUDING PARTIAL WINDOW AND DOOR REPLACEMENT AND ROOF REPLACEMENT	200 VIA BELLARIA		SEABREEZE BUILDING LLC	8/3/2016	8/16/2016	6/17/2019	canceled
B-19-77296	B-16-58889	B-RESIDENTIAL ALTERATION	PARTIAL RENOVATION TO EXISTING CABANA INCLUDING PARTIAL WINDOW AND DOOR REPLACEMENT AND ROOF REPLACEMENT	200 VIA BELLARIA	CABANA	SEABREEZE BUILDING LLC	8/3/2016	8/16/2016	1/27/2019	canceled
B-12-26863	B-16-58665	E-ELECTRICAL	SWAP OUT ATS - FINAL AND CLOSE OUT PREVIOUS PERMIT B12-26863.	200 VIA BELLARIA		CARPENTER ELECTRIC INC	7/26/2016	8/2/2016	1/30/2017	final
	B-12-26863	E-ELECTRICAL	REPLACE ATS WITH NEW (EXACT SIZE & MODEL AS EXISTING) PER PLAN	200 VIA BELLARIA		CARPENTER ELECTRIC INC	8/21/2012	8/23/2012	2/19/2013	canceled
	X-06-22672	X-LEGACY PERMIT	INSTALLATION OF GENERATOR	200 VIA BELLARIA		CARPENTER ELECTRIC INC	5/23/2006	5/23/2006	10/2/2008	final
	X-06-22673	X-LEGACY PERMIT	FORM AND POUR STRUCTURAL CONCRETE SLAB AS PER ATTACHED DRAWINGS FOR NEW GENERATOR	200 VIA BELLARIA		BRANCH CONSTRUCTION INC	5/23/2006	5/23/2006	10/2/2008	final
	X-06-22674	X-LEGACY PERMIT	FUEL LINE TO A GENERATOR	200 VIA BELLARIA		J A ADAMS INC	5/23/2006	5/23/2006	10/2/2008	final
	X-06-21507	X-LEGACY PERMIT	REPLACE EXISTING LANDSCAPE LIGHTS	200 VIA BELLARIA		CARPENTER ELECTRIC INC	3/14/2006	3/14/2006	10/2/2008	final
	X-04-09537	X-LEGACY PERMIT	REROOF 1 STORY TILE ROOF OVER BATHROOM & GYM REMOVE OLD ROOFING & APPLY 1/#30 TT,1/MOD. TILE***	200 VIA BELLARIA		RAY ROOFING COMPANY INC	6/18/2004	6/18/2004	10/2/2008	final
	X-04-07366	X-LEGACY PERMIT	REPLACE EXISTING EQUIPMENT;2-T A/C SYSTEM,5KW & 2-T AIR HANDLER,5 KW @ MAIN HOUSE	200 VIA BELLARIA		JOHN C CASSIDY AIR CONDITIONIN	2/5/2004	2/5/2004	10/2/2008	final
	X-03-03606	X-LEGACY PERMIT	REROOF 1 STORY 1/4/12 ROOF OVER KITCHEN;REMOVE OLD ROOFING & APPLY 1/#43 TT,1/SMOOTH MOD.PLY,2/FBRGLS	200 VIA BELLARIA		RAY ROOFING COMPANY INC	7/7/2003	7/7/2003	10/2/2008	final
	X-03-01351	X-LEGACY PERMIT	REPLACE EXISTING EQUIPMENT;CHANGE OUT 2-TON A/C CONDENSER	200 VIA BELLARIA		JOHN C CASSIDY AIR CONDITIONIN	3/5/2003	3/5/2003	10/2/2008	final
	B-19-80571	M-MECHANICAL	SUB- MECHANICAL- HVAC AS PER PLANS	200 VIA BELLARIA		JOHN C CASSIDY AIR CONDITIONIN	7/24/2019		1/20/2020	pending
B-19-78111	B-22-95152	S-SITE WORK/DRAINAGE	*****PRIVATE PROVIDER***** CIVIL/DRAINAGE	200 VIA BELLARIA		HEDRICK BROTHERS CONST CO INC	6/17/2022		12/14/2022	canceled
B-19-78111	B-22-96067	R-REVISION	*****PRIVATE PROVIDER***** REVISION BUILDING - A000,A001,A001.1 - LANDMARK APPROVAL L-22-00557; SATISFIES COMMENTS ON SUBMISSION B-22-95155	200 VIA BELLARIA		HEDRICK BROTHERS CONST CO INC	8/18/2022		8/18/2022	pending
B-19-78111	L-19-00110	L-LPC STAFF APPROVAL	LANDMARKS- LOCATION OF 9 CONDENSING UNITS ON SITE, 4 OF WHICH REQUIRED A VARIANCE. REFERENCE Z-19-00182. APPROVAL RECEIVED APRIL 10, 2019.	200 VIA BELLARIA		SMITH ARCHITECTURAL GROUP INC	4/15/2019		4/9/2020	final
	U-17-00603	U-USE OF/WORK IN ROW	***VIA BELLARIA*** PARK TRUCKS & EQUIPMENT, CRANE REQUIRED FOR POLE REPLACEMENT IN R/O HOMES	200 VIA BELLARIA		FLORIDA POWER & LIGHT	11/28/2017		2/26/2018	canceled

Count: 65

<Filter is Empty>

TC Development Review Meeting Backup 2-15-2023

Master Permit	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application date	Issue date	Expiration date	Approval
	Z-19-00182	Z-DEVELOPMENT REVIEW PERMIT	Request for a variance to allow the placement of a total of nine (9) new air conditioning condensing units with in the side yard and rear yard setbacks associated with the renovation of the residence. The proposed air cond itioning units would require the following variances: 1. An east side yard setback of 5 feet in lieu of the 15 foo t minimum required for the placement of five air conditioning units. 2. A west side yard setback of 7.2 feet in lieu of the 15 foot minimum required for the placement of three air conditioning units. 3. Use of the walls on the neighboring properties to the east, west and south in lieu of constructing new walls on the applicant's pro	200 VIA BELLARIA		KOCHMAN AND ZISKA	2/12/2019		2/7/2020	pending

Count: 65

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TC Development Review Meeting Backup 2-15-2023

Property Detail

Parcel Control Number:	50-43-43-35-00-001-0320	Location Address:	200 VIA BELLARIA		
Owners:	SPILOTRO VICTOR ,SPILOTRO VICTOR TR ,VICTOR SPILOTRO TR TITL HLDR				
Mailing Address:	200 VIA BELLARIA,PALM BEACH FL 33480 4901				
Last Sale:	JAN-2015	Book/Page#:	27262 / 1502	Price:	$5,750,000
Property Use Code:	0100 - SINGLE FAMILY	Zoning:	R-A - Estate Residential (50-PALM BEACH)		
Legal Description:	35-43-43, W 125 FT OF E 622 FTOF N 165 FT OF S 266 FT OF GOV LT 1 W OF OCEAN BLVD	Total SF:	7889	Acres	0.4298

2022 Values (Current)

Improvement Value	$2,135,799
Land Value	$10,050,000
Total Market Value	$12,185,799
Assessed Value	$6,689,266
Exemption Amount	$50,000
Taxable Value	$6,639,266

All values are as of January 1st each year.

2022 Taxes

Ad Valorem	$103,039
Non Ad Valorem	$1,048
Total Tax	$104,087

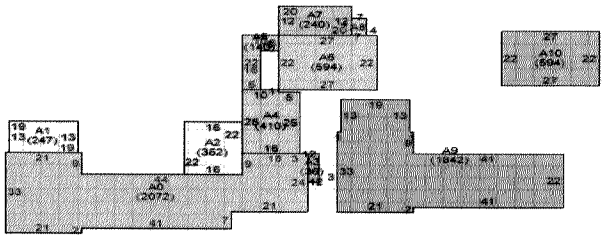
2023 Qualified Exemptions

Homestead
Additional Homestead

Applicants

SPILOTRO VICTOR

Building Footprint (Building 1)



Subarea and Square Footage (Building 1)

Description	Area Sq. Footage
SFB Semi Finished Base Area	28
SFB Semi Finished Base Area	240
SFB Semi Finished Base Area	410
SFB Semi Finished Base Area	594
FUS Finished Upper Story	1842
FOP Finished Open Porch	247
FOP Finished Open Porch	140
FOP Finished Open Porch	36
FGR Finished Garage	594
FEP Finished Enclosed Porch	352
BAS Base Area	2072
Total Square Footage :	6555
Total Area Under Air :	5186

Extra Features

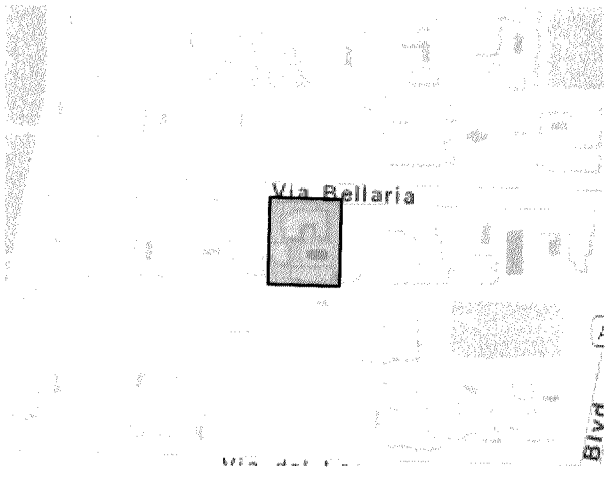
Description	Year Built	Unit
Pool - In-Ground	1930	1
Wall	1930	1010

Unit may represent the perimeter, square footage, linear footage, total number or other measurement.

Structural Details (Building 1)

Description	
1. Exterior Wall 1	WSF: BRICK
2. Year Built	1930
3. Air Condition Desc.	HTG & AC
4. Heat Type	FORCED AIR DUCT
5. Heat Fuel	ELECTRIC
6. Bed Rooms	4
7. Full Baths	5
8. Half Baths	0
9. Exterior Wall 2	NONE
10. Roof Structure	GABLE/HIP
11. Roof Cover	CLAY/BERMUDA TILE
12. Interior Wall 1	PLASTER
13. Interior Wall 2	PLYWOOD PNL.
14. Floor Type 1	HARDWOOD
15. Floor Type 2	N/A
16. Stories	2

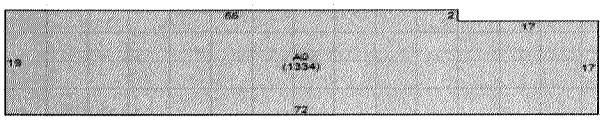
MAP



Owner: SPILOTRO VICTOR ,SPILOTRO VICTOR TR PCN: 50434335000010320 1 of 2

Building Footprint (Building 2)

Owner Name: SPILOTRO VICTOR ,SPILOTRO VICTOR TR ,VICTOR SPILOTRO TR TITL HLDR ,
PCN: 50-43-43-35-00-001-0320



Structural Details (Building 2)

No	Description	
1.	Exterior Wall 1	MSY: CB STUCCO
2.	Year Built	1930
3.	Air Condition Desc.	HTG & AC
4.	Heat Type	FORCED AIR DUCT
5.	Heat Fuel	NONE
6.	Bed Rooms	1
7.	Full Baths	1
8.	Half Baths	0
9.	Exterior Wall 2	NONE
10.	Roof Structure	GABLE/HIP
11.	Roof Cover	CLAY/BERMUDA TILE
12.	Interior Wall 1	PLASTER
13.	Interior Wall 2	N/A
14.	Floor Type 1	TERAZZO MONOLITHIC
15.	Floor Type 2	N/A
16.	Stories	1

Subarea and Square Footage (Building 2)

Description		Area	Sq. Footage
BAS BASE AREA		1	1334
	Total Square Footage:	1334	1334
	Total Area Under Air:	1334	1334

Dorothy Jacks, CFA, AAS PALM BEACH COUNTY PROPERTY APPRAISER www.pbcgov.org/PAPA 1/2/123

Owner: SPILOTRO VICTOR ,SPILOTRO VICTOR TR PCN: 50434335000 0320 2 of 2

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda
Time Extensions

Agenda Title
Permit Extension Request - 272 Tradewind Dr

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 15, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 272 Tradewind Drive

Date: January 26, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor Benitz Building LLC (Tim Benitz, Managing Director) regarding a time extension in which to complete the driveway, drainage, and related site work, at 272 Tradewind Drive and to extend the permit duration one year beyond the expiration date - until October 23, 2023.

GENERAL INFORMATION

The property is owned by Brian & Melissa Mahoney. It appears that they purchased the property in October, 2020. The original permit (It started with refinishing wood floors, then added generator and sitework, then added a full interior renovation) was issued on June 24, 2021. The permit was valid for 16 months and technically expired on October 24, 2022. Mr. Benitz provided a letter explaining the only remaining work involves drainage improvements and the installation of a new driveway.

Staff supports the request, based upon the details provided by the applicant.

Attachments: Letter from Tim Benitz
Permit Summary for the Property
Property Appraiser Details for the Property

BENITZ BUILDING LLC

January 26, 2023

Mr. Wayne Bergman
Town of Palm Beach
Building Department
P.O. Box 2029
Palm Beach, FL 33480

Re: 272 Tradewind Drive, Palm Beach, FL
Permit No.: B-21-89579 - request for extension
(Interior renovation – completed; Sitework - incomplete)

Via email to Building Department
cc: Greg Lamb, Benitz Building LLC

Dear Mr. Bergman,

Concerning the above referenced property, we are submitting a request for a twelve (12) month extension to our permit no.: B-21-89579

All work has been completed with the exception of the driveway and drainage which are outstanding.

We were unable to complete the work this past season as the homeowners were expecting a new baby and requested us to delay the exterior work.

Our request for a twelve (12) month extension considers the seasonal construction moratorium which ends on April 30, 2023. Our new expiration date would be October 24, 2023.

Thank you for your consideration of the above. Please contact us with any questions.

Sincerely,

BENITZ BUILDING LLC

Per:
Timothy R. Benitz

315 9th Street, West Palm Beach, FL 33401
P 561.659.4024 | F 561.654.4026
office@benitzbuilding.com
www.BenitzBuilding.com
CGC1505043

Master Permit	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application d	Issue date	Expiration date	Approval
B-21-89579	B-22-96770	R-REVISION	REVISION- OTHER- PRODUCT APPROVAL - GENERATOR AND ATS SPEC'S	272 TRADEWIND D R		BENITZ BUILDING LLC	10/6/2022	10/27/2022	10/6/2022	final
B-21-89579	U-22-11401	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING PARKING ATTENDANT: LENNY SCOFFIDI - (561) 724-8401	272 TRADEWIND D R		BENITZ BUILDING LLC	9/30/2022	10/10/2022	10/10/2022	final
B-21-89579	U-22-11403	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING PARKING ATTENDANT: LENNY SCOFFIDI - (561) 724-8401 DATES: 10/11 THRU 11/10	272 TRADEWIND D R		BENITZ BUILDING LLC	9/30/2022	10/10/2022	10/10/2022	final
B-21-89579	B-22-96520	R-REVISION	REVISION SITE PLAN - SP-1.01 SITE PLAN UPDATED WITH ELECTRICAL RISER, GAS RISER, AND RESIDENTIAL LOAD CALCULATIONS.	272 TRADEWIND D R		BENITZ BUILDING LLC	9/16/2022	9/22/2022	9/16/2022	final
B-21-89579	U-22-11238	U-USE OF/WORK IN ROW	USE OF ROW FOR 20 YARD DUMPSTER AND REPLACE WITH 10 YARD DUMPSTER SCHEDULED DATE 9/16	272 TRADEWIND D R		BENITZ BUILDING LLC	9/14/2022	9/18/2022	12/17/2022	final
B-21-89579	B-22-96173	R-REVISION	REVISION BUILDING - SK-1 STRUCTURAL PARTIAL PLAN / WALL SECTION, 1.1 FLOOR PLAN LOCATION MAP, 2.1 ROOF FRAMING PLAN, 2.2 TRUSS REPAIR DETAILS	272 TRADEWIND D R		BENITZ BUILDING LLC	8/24/2022	8/29/2022	8/24/2022	final
B-21-89579	U-22-10755	U-USE OF/WORK IN ROW	USE OF ROW FOR GENERATOR DELIVERY - CRANE TO SET IN PLACE ON SLAB	272 TRADEWIND D R		BENITZ BUILDING LLC	8/3/2022	8/11/2022	11/9/2022	issued
B-21-89579	U-22-10577	U-USE OF/WORK IN ROW	USE OF- CONCRETE POUR	272 TRADEWIND D R		BENITZ BUILDING LLC	7/19/2022	7/25/2022	10/23/2022	final
B-21-89579	U-22-10379	U-USE OF/WORK IN ROW	USE OF- CONCRETE POUR.	272 TRADEWIND D R		BENITZ BUILDING LLC	6/29/2022	7/6/2022	10/4/2022	issued
B-21-89579	U-22-10214	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING - 3 SPACES/2 MONTHS	272 TRADEWIND D R		BENITZ BUILDING LLC	6/10/2022	6/21/2022	6/21/2022	final
B-21-89579	U-22-10215	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING - 3 SPACES/2 MONTHS	272 TRADEWIND D R		BENITZ BUILDING LLC	6/10/2022	6/21/2022	6/21/2022	final
B-21-89579	U-22-10216	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING - 3 SPACES/2 MONTHS	272 TRADEWIND D R		BENITZ BUILDING LLC	6/10/2022	6/21/2022	6/21/2022	final
B-21-89579	U-22-10217	U-USE OF/WORK IN ROW	CONCRETE POUR	272 TRADEWIND D R		BENITZ BUILDING LLC	6/10/2022	6/21/2022	9/19/2022	issued
B-21-89579	B-22-93562	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	(SEE PERMIT CONDITIONS) PERMIT UPDATE- SITE WORK INCLUDING DRIVEWAY AND DRAINAGE, GENERATOR AND SITEWALLS.	272 TRADEWIND D R		BENITZ BUILDING LLC	3/8/2022	3/25/2022	9/21/2022	final
B-22-93562	A-22-02136	A-ARCOM STAFF APPROVAL	ARCOM STAFF APPROVAL THE SCOPE OF THE PROJECTS INCLUDES REPLACING EXISTING DRIVEWAY MATERIAL WITH TABBY CONCRETE AND STONE BORDERS AND ADDING A GENERATOR WITH SITE WALL ENCLOSURE AN	272 TRADEWIND D R		DAILEY JANSSEN ARCHITECTS PA	1/6/2022	3/16/2022	1/1/2023	final
B-21-89579	B-21-92001	R-CHANGE OF CONTRACTOR/QUALIFIER	REMODEL KITCHEN REFINISH WOOD FLOORS	272 TRADEWIND D R		BENITZ BUILDING LLC	11/10/2021	11/10/2021	11/10/2021	final
	B-21-89579	B-RESIDENTIAL ALTERATION	REMODEL KITCHEN REFINISH WOOD FLOORS	272 TRADEWIND D R		BALDWIN INNOVATIVE BUILDERS INC	6/10/2021	6/24/2021	6/19/2023	issued
B-20-82942	U-20-04812	U-DEWATERING	DEWATERING - EMPTY SWIMMING POOL IN ORDER TO RESURFACE THE POOL.	272 TRADEWIND D R		DJ SALES INC	1/29/2020	2/14/2020	4/14/2020	final
	B-20-82942	S-POOL/WATER FEATURE	EMPTY SWIMMING POOL AND RESURAFCE WITH FLORIDA STUCCO GEM FINISH	272 TRADEWIND D R		DJ SALES INC	1/21/2020	1/29/2020	7/27/2020	issued
	A-18-00065	A-ARCOM STAFF APPROVAL	APPROVAL OF REPLACEMENT OF EXISTING CONCRETE DRIVEWAY AND WALK WITH TRAVERTINE PAVERS IN EXACT SAME LOCATION. NO CHANGE TO DRIVEWAY / WALK AREA OR LOCATION.	272 TRADEWIND D R		**********DO NOT PAY HERE*******	8/15/2018		8/10/2019	pending
	B-11-19440	M-MECHANICAL	INSTALL MINI SPLIT A/C UNIT TO GARAGE FOR DEHUMIDIFICATION MITSUBISHI MSYGE24NA- MUYGE24NA	272 TRADEWIND D R		ROBERT R MCGILL AIR CONDITIONI	8/19/2011	8/22/2011	2/18/2012	final
B-11-19440	B-11-19442	E-ELECTRICAL	SUB-ELECTRICAL FOR AC UNIT	272 TRADEWIND D R		LOXAHATCHEE ELECTRICAL SERVICE	8/19/2011	8/22/2011	2/18/2012	final
	B-11-15510	B-AWNING NEW/ALTERATION/RECOVER	INSTALL RETRACTABLE AWNING	272 TRADEWIND D R		AMERICAN AWNING COMPANY INC	2/23/2011	3/9/2011	9/5/2011	final
	B-11-15321	E-SITE WORK	LANDSCAPE LIGHTING INSTALL	272 TRADEWIND D R		DIPAULA'S FIELD ENGINEERING TE	2/7/2011	2/8/2011	9/13/2011	final
B-09-07273	B-11-15118	R-REVISION	REVISION: PLMBG - AS BUILTS & LETTER	272 TRADEWIND D R		PALM BEACH CONSTRUCTION & MGT	1/18/2011	1/19/2011	1/18/2011	final
B-10-14026	B-10-14892	R-CHANGE OF CONTRACTOR/QUALIFIER	UPDATE PERMIT FOR CHANGE OF CONTRACTOR FROM CHITWOOD & COMPANY TO TRI-COUNTY PAVERS	272 TRADEWIND D R		TRI COUNTY PAVERS & DESIGN COR	12/27/2010	12/28/2010	12/28/2010	final
B-09-07273	B-10-14641	R-REVISION	REVISION: ELECTRICAL AS BUILTS	272 TRADEWIND D R		PALM BEACH CONSTRUCTION & MGT	12/7/2010	12/8/2010	12/7/2010	final
B-09-07273	B-10-14642	R-REVISION	REVISION: GARAGE DOOR NOA'S	272 TRADEWIND D R		PALM BEACH CONSTRUCTION & MGT	12/7/2010	12/8/2010	12/7/2010	final
B-09-07273	B-10-14524	R-PERMIT UPDATE-CORRECTION/CHANGE IN VALUE ONLY	REMODEL UPDATE FEE	272 TRADEWIND D R		PALM BEACH CONSTRUCTION & MGT	11/30/2010	12/1/2010	11/30/2010	final

Count: 70

TC Development Review Meeting Backup 2-15-2023

Master Permit	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application c	Issue date	Expiration date	Approval
B-10-12579	B-10-14198	S-POOL/WATER FEATURE	SUB POOL: REPLASTER EXISTING SWIMMING POOL	272 TRADEWIND D R		BARROW POOLS INC	11/8/2010	11/17/2010	5/16/2011	final
B-10-14198	B-10-14210	P-WATER FEATURE	SUB POOL PLMBG.: REPLAC EXISTING POOL HEATER	272 TRADEWIND D R		BARROW POOLS INC	11/8/2010	11/17/2010	5/16/2011	final
B-10-14198	B-10-14211	E-WATER FEATURE	SUB POOL ELECT.: REPLACE EXISTING WIRING FOR NEW HEATER	272 TRADEWIND D R		BARROW POOLS INC	11/8/2010	11/17/2010	7/10/2011	final
B-10-12579	B-10-14026	S-HARDSCAPE/DRIVEWAY/LANDSCAPE	SUB PAVERS: SAND SET PAVERS OVER EXISTING CONCRETE POOL DECK	272 TRADEWIND D R		CHITWOOD & COMPANY L LC	10/28/2010	11/15/2010	5/14/2011	final
B-10-12579	B-10-13239	S-FENCE/WALL/GATE	SUB SITE WALL: INSTALL INTERLOCKING BLOCK RETAINING WALL ALONG SOUTH AND EAST SIDES	272 TRADEWIND D R		ARMSTRONG LANDSCAPE DESIGN GROUP INC	9/24/2010	10/7/2010	5/30/2011	final
B-09-07273	B-10-12579	S-SITE WORK/DRAINAGE	EXTERIOR STAIRS, WALKWAY & EQUIPMENT PADS	272 TRADEWIND D R		PALM BEACH CONSTRUCTI ON & MGT	8/26/2010	9/22/2010	3/21/2011	final
B-09-07273	B-10-11898	R-REVISION	STOOP DETAIL REVISION	272 TRADEWIND D R		PALM BEACH CONSTRUCTI ON & MGT	7/29/2010	8/2/2010	7/29/2010	final
B-09-07273	B-10-11310	R-REVISION	REVISION: BLDG. - CHANGE OF FLOOR PLAN	272 TRADEWIND D R		PALM BEACH CONSTRUCTI ON & MGT	7/6/2010	7/7/2010	7/6/2010	final
B-10-10406	B-10-11172	R-REVISION	ADD GAS LINES TO BBQ AND POOL	272 TRADEWIND D R		UNIVERSAL GAS CONTRAC TORS INC	6/29/2010	6/30/2010	6/29/2010	final
B-09-07273	B-10-10713	R-REVISION	PLAN REVISION	272 TRADEWIND D R		PALM BEACH CONSTRUCTI ON & MGT	6/9/2010	6/10/2010	6/9/2010	final
B-10-08442	B-10-10714	R-REVISION	PLAN REVISION	272 TRADEWIND D R		PROFESSIONAL ENVIRON MENTAL SVC	6/9/2010	6/10/2010	6/9/2010	final
B-09-07273	B-10-10649	R-REVISION	REVISION: CHANGE UNDER ATTIC INSULATION - 'R' VALVE FROM R-30 TO R-20	272 TRADEWIND D R		PALM BEACH CONSTRUCTI ON & MGT	6/7/2010	6/8/2010	6/7/2010	final
B-09-07273	B-10-10525	R-REVISION	MECH: AS-BUILTS	272 TRADEWIND D R		PALM BEACH CONSTRUCTI ON & MGT	6/1/2010	6/2/2010	6/1/2010	final
B-09-07273	B-10-10421	R-REVISION	REVISION: ELECTRICAL AS-BUILTS	272 TRADEWIND D R		PALM BEACH CONSTRUCTI ON & MGT	5/26/2010	5/27/2010	5/26/2010	final
B-10-08442	B-10-10393	R-CHANGE OF CONTRACTOR/QUALIFIER	SUB MECH.: UPDATE PERMIT FOR CHANGE OF CONTRACTOR	272 TRADEWIND D R		PALM BEACH CONSTRUCTI ON & MGT	5/25/2010	6/4/2010	5/27/2010	final
B-09-07273	B-10-10406	G-GAS	SUB GAS: NATURAL GAS FUEL LINES FROM METER LOCATIONS TO RANGE WITH VALVE IN CABINET AND WATE R HEATER	272 TRADEWIND D R		UNIVERSAL GAS CONTRAC TORS INC	5/25/2010	6/7/2010	1/3/2011	final
B-09-07273	B-10-10361	E-LOW VOLTAGE RES	SUB LV ELECTRICAL: ELECTRICAL LOW VOLTAGE SECURITY SYSTEM AS PER PLAN	272 TRADEWIND D R		PURSUIT ELECTRICAL INC	5/24/2010	5/26/2010	12/8/2010	final
B-09-07273	B-10-10351	R-REVISION	PLUMB" ASBUILTS	272 TRADEWIND D R		PALM BEACH CONSTRUCTI ON & MGT	5/21/2010	5/25/2010	5/21/2010	final
B-09-07273	B-10-10317	E-LOW VOLTAGE RES	LOW VOLTAGE ELECTRIC AS PER PLANS AUDIO VIDEO PRE WIRE	272 TRADEWIND D R		SUPERIOR ELECTRIC OF SO UTH FL	5/20/2010	5/24/2010	12/4/2010	final
B-09-07273	B-10-09849	R-REVISION	MULLION N.O.A.'S	272 TRADEWIND D R		PALM BEACH CONSTRUCTI ON & MGT	4/30/2010	5/3/2010	5/3/2010	final
B-09-07273	B-10-09707	R-REVISION	REVISION: MULLION NOA	272 TRADEWIND D R		PALM BEACH CONSTRUCTI ON & MGT	4/23/2010	5/6/2010	5/6/2010	final
B-09-07273	B-10-09505	R-REVISION	WINDOW AND DOOR NOA'S	272 TRADEWIND D R		PALM BEACH CONSTRUCTI ON & MGT	4/13/2010	4/15/2010	4/15/2010	final
B-09-07273	B-10-09506	R-REVISION	ENERGY CALCUS AND AS-BUILTS	272 TRADEWIND D R		PALM BEACH CONSTRUCTI ON & MGT	4/13/2010	4/14/2010	4/14/2010	final
B-09-07273	B-10-09339	B-ROOF NEW/REROOF/REPAIR	SUB ROOF: INSTALL FLAT TILE ON ADDITION TO MATCH EXISTING ROOF	272 TRADEWIND D R		HADER CONSTRUCTION IN C	4/5/2010	4/16/2010	10/13/2010	final
B-10-08440	B-10-09218	R-PERMIT UPDATE-CHG OF PLANS & VA LUE/CORRECTION	UPDATE SUB PLMBG.: REPLACE EXISTING CAST IRON DRAIN IN SLAB WITH OVC . FOLLOW NEW FLOOR PLAN P LACEMENT & ISOMETRIC. RE-RUN COPPER	272 TRADEWIND D R		WILSON PLUMBING SERVI CES INC	3/25/2010	3/25/2010	9/21/2010	final
B-09-07273	B-10-09192	R-REVISION	REVISION: TRUSS DRAWINGS	272 TRADEWIND D R		PALM BEACH CONSTRUCTI ON & MGT	3/24/2010	3/25/2010	3/25/2010	final
B-09-07273	B-10-09193	R-REVISION	REVISION: PLMBG	272 TRADEWIND D R		PALM BEACH CONSTRUCTI ON & MGT	3/24/2010	3/25/2010	3/25/2010	final
B-09-07273	B-10-08771	R-REVISION	REVISION: BUILDING	272 TRADEWIND D R		PALM BEACH CONSTRUCTI ON & MGT	2/26/2010	3/1/2010	3/1/2010	final
B-09-07273	B-10-08440	P-PLUMBING	SUB PLMBG.: ADD (1) BATHROOM, REPLACE FIXTURES SUPPLIED BY OTHERS	272 TRADEWIND D R		WILSON PLUMBING SERVI CES INC	2/1/2010	2/3/2010	1/9/2011	final
B-09-07273	B-10-08442	M-MECHANICAL	SUB MECH: REPLACE STANDARD DEFUSERS WITH LINEAL RE-WORK DUCTS IN (3) LOCATIONS	272 TRADEWIND D R		PROFESSIONAL ENVIRON MENTAL SVC	2/1/2010	2/3/2010	8/2/2010	final
B-09-07273	B-10-08383	R-REVISION	REVISION: ELECTRICAL AS BUILTS	272 TRADEWIND D R		PALM BEACH CONSTRUCTI ON & MGT	1/27/2010	1/28/2010	1/28/2010	final

Count: 70

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TC Development Review Meeting Backup 2-15-2023

Master Permit	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application d	Issue date	Expiration date	Approval
B-09-07273	B-10-08385	R-REVISION	REVISION: BUILDING STRUCTURAL	272 TRADEWIND DR		PALM BEACH CONSTRUCTION & MGT	1/27/2010	1/28/2010	1/28/2010	final
B-09-07273	B-10-08394	R-REVISION	REVISION: BUILDING STRUCTURAL	272 TRADEWIND DR		PALM BEACH CONSTRUCTION & MGT	1/27/2010	1/28/2010	1/28/2010	final
B-09-07273	B-09-07968	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	UPDATE PERMIT FOR ADDITIONAL 100 SQFT TO FAMILY/FLORIDA ROOM. NEW TRUSSES & FOOTERS	272 TRADEWIND DR		PALM BEACH CONSTRUCTION & MGT	12/18/2009	1/4/2010	7/3/2010	final
	B-09-07273	B-RESIDENTIAL ALTERATION	RENOVATE KITCHEN, BATHROOMS, FLORIDA ROOM, NEW WINDOWS & DOORS HARDWOOD FLOORS, TILE, TRAY CEILINGS	272 TRADEWIND DR		PALM BEACH CONSTRUCTION & MGT	10/30/2009	11/17/2009	12/12/2010	final
B-09-07273	B-09-07274	E-ELECTRICAL	SUB ELECT.: ELECTRIC PER PLANS	272 TRADEWIND DR		PURSUIT ELECTRICAL INC	10/30/2009	11/17/2009	5/31/2011	final
	X-07-32187	X-LEGACY PERMIT	INSTALL (4) ACCORDION SHUTTERS	272 TRADEWIND DR		RICK BENNETT INC	10/9/2007	10/9/2007	10/2/2008	final
	X-07-31933	X-LEGACY PERMIT	ADD NATURAL GAS LINE TO RANGE	272 TRADEWIND DR		FLORIDA PUBLIC UTILITIES COMPA	9/26/2007	9/26/2007	10/2/2008	final
	X-05-19940	X-LEGACY PERMIT	REPLACE FPL JAW THAT HAS BURNED UP	272 TRADEWIND DR		IES COMMERCIAL INC	11/21/2005	11/21/2005	10/2/2008	final
	X-03-03110	X-LEGACY PERMIT	REPLACE EXISTING EQUIPMENT;REPLACE EXISTING EQUIPM WITH NEW TRANE #2TT29060, #TWE049E	272 TRADEWIND DR		STEPHEN K DENNY INC	6/11/2003	6/11/2003	10/2/2008	final
	X-03-00963	X-LEGACY PERMIT	BURGLAR ALARM;1-PANEL,18-DEVICES	272 TRADEWIND DR		INACTIVE	2/5/2003	2/5/2003	10/2/2008	final

Count: 70

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TC Development Review Meeting Backup 2-15-2023

Property Detail

Parcel Control Number:	50-43-43-10-24-000-0430	Location Address:	272 TRADEWIND DR		
Owners:	MAHONEY BRIAN D ,MAHONEY MELISSA K				
Mailing Address:	272 TRADEWIND DR,PALM BEACH FL 33480 3331				
Last Sale:	OCT-2020	Book/Page#:	31870 / 1366	Price:	$3,775,000
Property Use Code:	0100 - SINGLE FAMILY	Zoning:	R-B - Low Density Residential (50-PALM BEACH)		
Legal Description:	DODGE ESTATES LT 43	Total SF:	3479	Acres	0.2967

2022 Values (Current)

Improvement Value	$1,144,422
Land Value	$4,534,850
Total Market Value	$5,679,272
Assessed Value	$3,463,640
Exemption Amount	$50,000
Taxable Value	$3,413,640

All values are as of January 1st each year.

2022 Taxes

Ad Valorem	$53,058
Non Ad Valorem	$864
Total Tax	$53,922

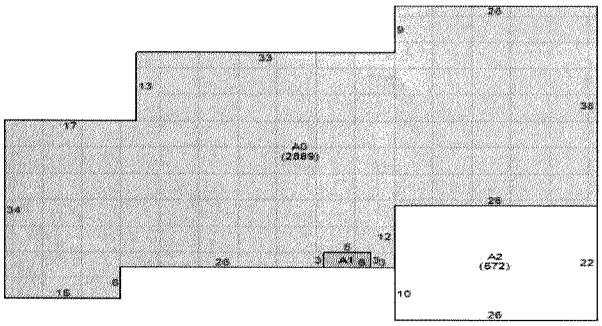
2023 Qualified Exemptions

Homestead
Additional Homestead

Applicants

MAHONEY BRIAN D &
MAHONEY MELISSA K

Building Footprint (Building 1)



Subarea and Square Footage (Building 1)

Description		Area Sq. Footage
FOP Finished Open Porch	18	
FGR Finished Garage	572	
BAS Base Area	2889	
Total Square Footage :	3479	
Total Area Under Air :	2889	

Extra Features

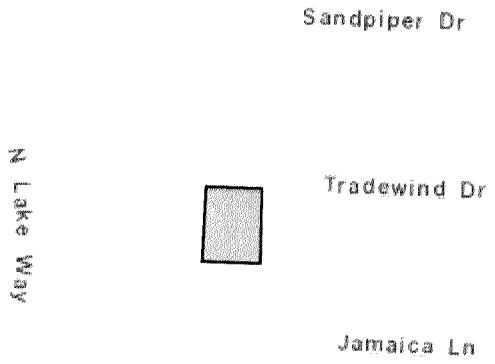
Description	Year Built	Unit
Wall	1968	102
Cabana	1968	192
Pool - In-Ground	1968	1

Unit may represent the perimeter, square footage, linear footage, total number or other measurement.

Structural Details (Building 1)

	Description
1. Exterior Wall 1	MSY: CB STUCCO
2. Year Built	1968
3. Air Condition Desc.	HTG & AC
4. Heat Type	FORCED AIR DUCT
5. Heat Fuel	ELECTRIC
6. Bed Rooms	4
7. Full Baths	3
8. Half Baths	0
9. Exterior Wall 2	NONE
10. Roof Structure	GABLE/HIP
11. Roof Cover	CONCRETE TILE
12. Interior Wall 1	DRYWALL
13. Interior Wall 2	N/A
14. Floor Type 1	CARPETING
15. Floor Type 2	N/A
16. Stories	1

MAP



Owner: MAHONEY BRIAN D ,MAHONEY MELISSA K PCN: 50434310240000430 1 of 1

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda
Time Extensions

Agenda Title
Permit Extension Request - 212 Australian Ave

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 15, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 212 Australian Avenue

Date: February 6, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from contractor BCC Residential LLC (Scott A. Butler, Vice President) regarding a time extension in which to complete renovations of a landmarked home at 212 Australian Avenue and to extend the permit duration until February, 2024 – one year from today.

GENERAL INFORMATION

The property is owned by Watel Sybille Trust. The property was purchased in March of 2021. Work began in September of 2021. Based upon the size of the home, the permits were originally valid for 16 months. The master permit expired on November 13, 2022.

BCC Residential LLC explains in their letter of February 3, 2023 that structural defects with the foundation and shell of the building were discovered. An engineer was hired and designed site-specific repairs, and the repairs commenced. The corrective work is now complete. They are requesting a one-year extension complete the work. A construction schedule maps out the timeline of the remaining construction tasks for the project.

Staff has no objection to the request.

Attachments: Letter from Scott A. Butler, Vice President of BCC Residential LLC, w/ Construction Schedule
Permit Summary for the Property
Property Appraiser Details for the Property

BCC
RESIDENTIAL

February 3, 2023

Town of Palm Beach
Planning, Zoning, Building Department
360 S. County Road
Palm Beach, FL 33480

RE: Permit Extension Request, B21-90764 – 212 Australian Ave, Palm Beach

To Whom it May Concern,

Please accept this letter as our formal request to extend the allotted construction time for the above referenced project. This is a historic home and during demolition, several walls were opened up and we discovered several structural deficiencies that required repairs. It took several months for the design team to hire a structural engineer and provide the structural design and materials required to implement the repairs. That work is now complete and we are moving forward with the interior renovations originally planned.

We anticipate that the balance of work will be completed this year and would request a 12 month extension onto the existing permit.

If this request requires Town Council approval, we hope you are able to add us to the February Agenda to avoid further delays.

Sincerely,
BCC Residential, LLC

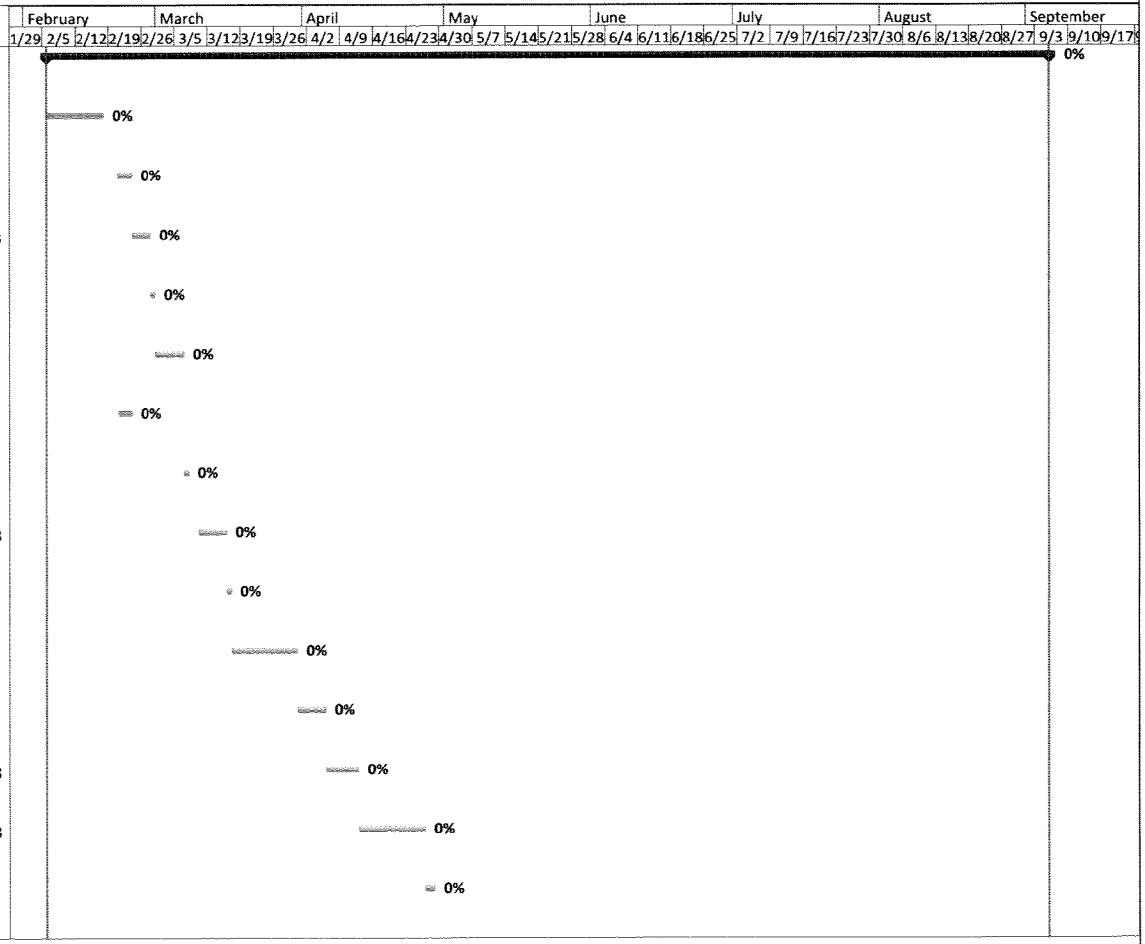
Scott A Butler

Scott A. Butler
Vice-President

BCC RESIDENTIAL

Interior Construction Schedule 2-6-2023 Update

ID	Task Mode	Task Name	Duration	Start	Finish
1		**INTERIOR RENOVATIONS**	**147 days**	**Mon 2/6/23**	**Tue 9/5/23**
2		Structural design drawings for stair	10 days	Mon 2/6/23	Fri 2/17/23
3		Framing for AC grilles	3 days	Tue 2/21/23	Thu 2/23/23
4		Installation of flex and plenum boxes	2 days	Fri 2/24/23	Mon 2/27/23
5		Partial second floor rough inspections	1 day	Tue 2/28/23	Tue 2/28/23
6		Insulation second floor walls and ceilings	4 days	Wed 3/1/23	Mon 3/6/23
8		Demo wood floors at landing	3 days	Tue 2/21/23	Thu 2/23/23
7		Inspection	1 day	Tue 3/7/23	Tue 3/7/23
9		Hang partial second floor	4 days	Fri 3/10/23	Wed 3/15/23
10		Screw inspections	1 day	Thu 3/16/23	Thu 3/16/23
11		Drywall Finishing second floor	10 days	Fri 3/17/23	Thu 3/30/23
12		Demo stairs	4 days	Fri 3/31/23	Wed 4/5/23
13		Remove sub floor for new stairs	5 days	Thu 4/6/23	Wed 4/12/23
14		Structural bracing and framing for new stairs	10 days	Thu 4/13/23	Wed 4/26/23
15		Frame new walls at stairs and reframe cabana bath	2 days	Thu 4/27/23	Fri 4/28/23

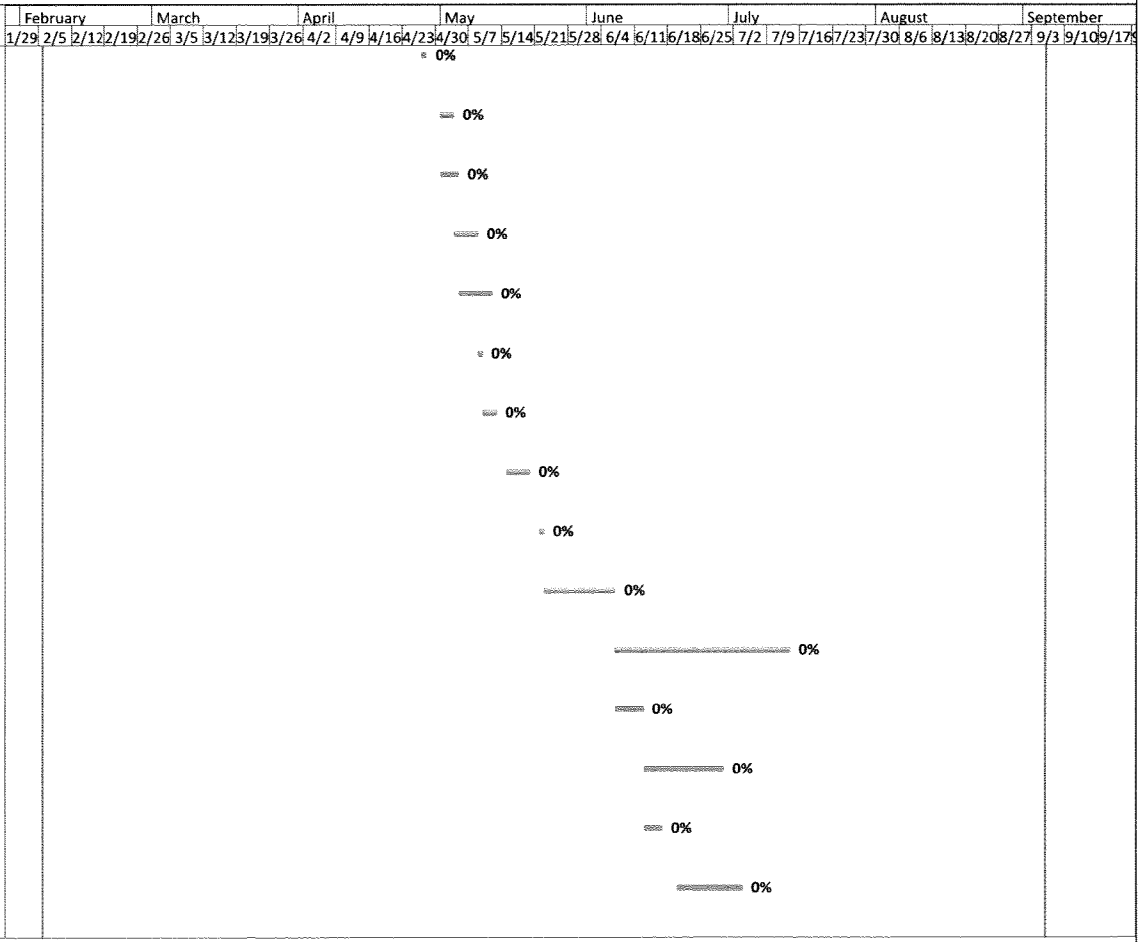


Critical	Split	Finish-only	Baseline Milestone	Manual Summary	Inactive Task
Critical Split	Task Progress	Duration-only	Milestone	Project Summary	Inactive Milestone
Critical Progress	Manual Task	Baseline	Summary Progress	External Tasks	Inactive Summary
Task	Start-only	Baseline Split	Summary	External Milestone	Deadline

BCC RESIDENTIAL

Interior Construction Schedule 2-6-2023 Update

ID	Task Mode	Task Name	Duration	Start	Finish
16		Inpections for structural work	1 day	Thu 4/27/23	Thu 4/27/23
17		Rework plumbing at cabana bath, master bath, and kitchen	3 days	Mon 5/1/23	Wed 5/3/23
24		Installation of new stairs	4 days	Mon 5/1/23	Thu 5/4/23
18		Rough electrical, mechanical,plumbing on first floor	3 days	Thu 5/4/23	Mon 5/8/23
25		Plywood Subfloor_ first floor to receive new floor finish	5 days	Fri 5/5/23	Thu 5/11/23
19		Inspections first floor mechanicals	1 day	Tue 5/9/23	Tue 5/9/23
20		Insulation first floor	3 days	Wed 5/10/23	Fri 5/12/23
21		Hang Drywall first floor	5 days	Mon 5/15/23	Fri 5/19/23
22		Screw inspections	1 day	Mon 5/22/23	Mon 5/22/23
23		Finishing first floor	10 days	Tue 5/23/23	Tue 6/6/23
26		Tile work first and second floor	25 days	Wed 6/7/23	Thu 7/13/23
35		Prime and first coat	4 days	Wed 6/7/23	Mon 6/12/23
34		Dining room ceiling features	12 days	Tue 6/13/23	Thu 6/29/23
37		Installation of shower enclosures	4 days	Tue 6/13/23	Fri 6/16/23
38		Final paint	10 days	Tue 6/20/23	Mon 7/3/23

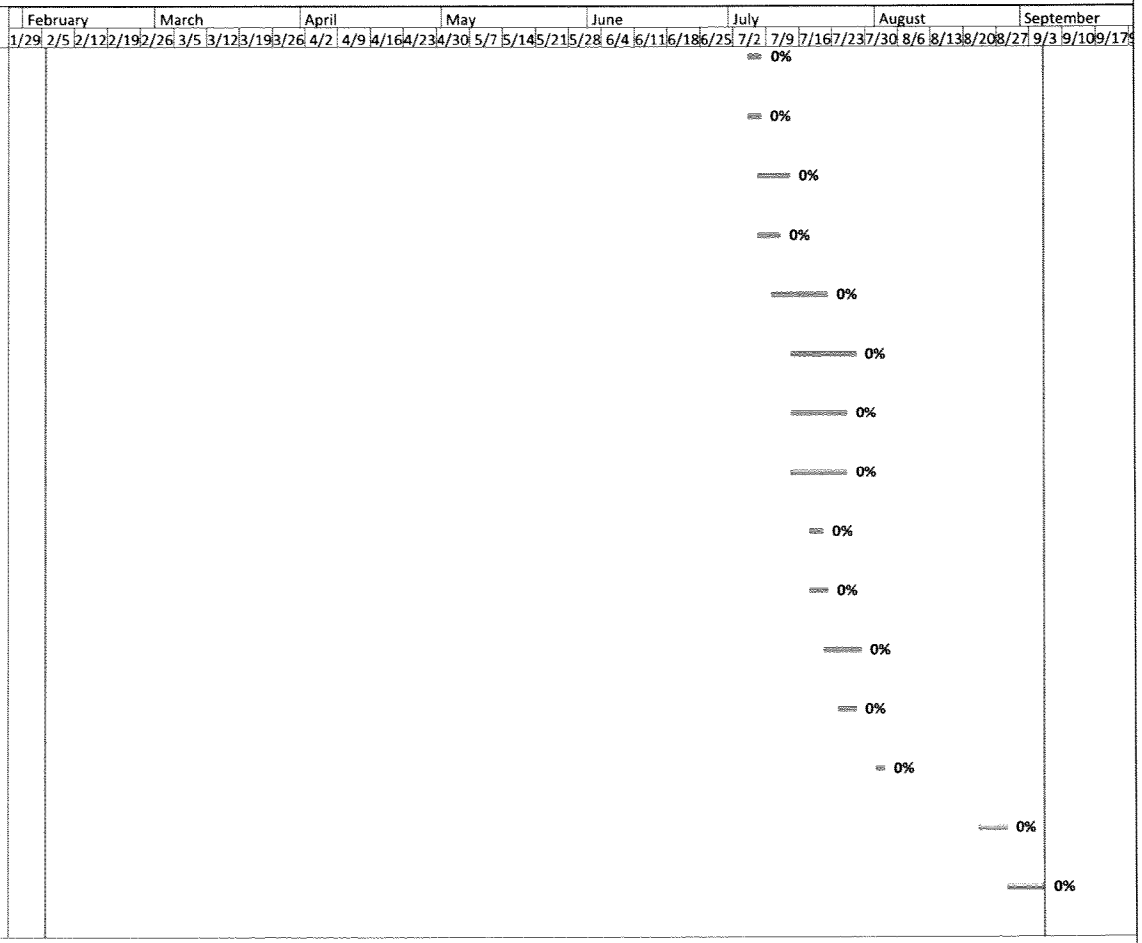


Critical	Split	Finish-only	Baseline Milestone	Manual Summary	Inactive Task
Critical Split	Task Progress	Duration-only	Milestone	Project Summary	Inactive Milestone
Critical Progress	Manual Task	Baseline	Summary Progress	External Tasks	Inactive Summary
Task	Start-only	Baseline Split	Summary	External Milestone	Deadline

BCC RESIDENTIAL

Interior Construction Schedule 2-6-2023 Update

ID	Task Mode	Task Name	Duration	Start	Finish
39		Trim for electric	3 days	Wed 7/5/23	Fri 7/7/23
41		Kitchen Counter tops	3 days	Wed 7/5/23	Fri 7/7/23
29		Installation bathroom slabs and tile	5 days	Fri 7/7/23	Thu 7/13/23
40		Trim for HVAC	3 days	Fri 7/7/23	Tue 7/11/23
42		Kitchen cabinets	10 days	Mon 7/10/23	Fri 7/21/23
27		Installation of kitchen cabinet substructure	10 days	Fri 7/14/23	Thu 7/27/23
30		Plumbing Fixtures & Trim	8 days	Fri 7/14/23	Tue 7/25/23
33		Second floor columns wraps	8 days	Fri 7/14/23	Tue 7/25/23
28		installation of doors	3 days	Tue 7/18/23	Thu 7/20/23
32		Slab material for stairs	4 days	Tue 7/18/23	Fri 7/21/23
31		Installation of wood trim and casing	6 days	Fri 7/21/23	Fri 7/28/23
43		Tile for kitchen walls	4 days	Mon 7/24/23	Thu 7/27/23
44		Appliances	2 days	Tue 8/1/23	Wed 8/2/23
36		Installation of wrought iron railings	4 days	Wed 8/23/23	Mon 8/28/23
45		Final Inspections	5 days	Tue 8/29/23	Tue 9/5/23



Critical	Split	Finish-only	Baseline Milestone	Manual Summary	Inactive Task
Critical Split	Task Progress	Duration-only	Milestone	Project Summary	Inactive Milestone
Critical Progress	Manual Task	Baseline	Summary Progress	External Tasks	Inactive Summary
Task	Start-only	Baseline Split	Summary	External Milestone	Deadline

TC Development Review Meeting Backup 2-15-2023

Master Permit	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application date	Issue date	Expiration date	Approval
B-21-90764	U-23-12204	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Chris Graves - (561) 679-4115	212 AUSTRALIAN AVE		BCC RESIDENTIAL LLC	1/6/2023	1/18/2023	1/18/2023	issued
U-22-10996	B-23-97750	FEE CHARGE	PW CANCEL REFUND PER PB	212 AUSTRALIAN AVE		BCC RESIDENTIAL LLC	1/12/2023	1/12/2023	1/12/2023	final
B-21-90764	L-22-00646	L-LPC STAFF APPROVAL	LANDMARKS- PROPOSED NEW POOL AND RELOCATION OF EXISTING GENERATOR AND POOL EQUIPMENT. PROPOSED GENERATOR AND POOL EQUIPMENT ENCLOSURE.	212 AUSTRALIAN AVE		MP DESIGN&ARCHITECTURE INC	8/31/2022	12/2/2022	8/26/2023	final
B-21-90764	U-22-11967	U-USE OF/WORK IN ROW	USE OF- MATERIAL HANDLING. DUMP TRUCK LOADING. ALL WILL BE DURING WORKING HOURS ONLY AND AREA WILL BE CLEANED UP AT THE END OF EACH DAY.	212 AUSTRALIAN AVE		BCC RESIDENTIAL LLC	11/28/2022	11/30/2022	2/28/2023	issued
B-21-90764	U-22-10007	U-USE OF/WORK IN ROW	USE OF- MATERIAL HANDLING. DUMP TRUCK LOADING/UNLOADING, PORTABLE BATCH PLANT, ALL WILL BE DURING WORKING HOURS ONLY, AND AREA WILL BE CLEANED UP AT THE END OF THE DAY.	212 AUSTRALIAN AVE		BCC RESIDENTIAL LLC	5/16/2022	6/1/2022	8/30/2022	issued
B-21-90764	B-22-94213	R-REVISION	REVISION BUILDING FOUNDATION UPGRADES - CONCRETE PILES.	212 AUSTRALIAN AVE		BCC RESIDENTIAL LLC	4/20/2022	4/27/2022	4/20/2022	final
B-21-90764	B-22-93127	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	PERMIT UPDATE CHANGE IN PLANS AND VALUE - INTERIOR WALL FOUNDATION - STRUCTURAL REINFORCEMENTS	212 AUSTRALIAN AVE		BCC RESIDENTIAL LLC	2/1/2022	2/7/2022	8/6/2022	final
B-21-90764	U-22-09236	U-DELIVERY PERMIT (2-HR LIMIT) LOAD /UNLOAD	DELIVERY -PICKING UP LUMBERING BY HAND	212 AUSTRALIAN AVE		BCC RESIDENTIAL LLC	1/19/2022	1/19/2022	1/26/2022	final
B-21-90764	U-22-09237	U-DELIVERY PERMIT (2-HR LIMIT) LOAD /UNLOAD	DELIVERY- DELIVERING LUMBER BY HAND	212 AUSTRALIAN AVE		BCC RESIDENTIAL LLC	1/19/2022	1/19/2022	1/26/2022	final
B-21-90764	U-22-09225	U-DELIVERY PERMIT (2-HR LIMIT) LOAD /UNLOAD	DELIVERY PERMIT- BOX TRUCK BY HAND DELIVERING LUMBER	212 AUSTRALIAN AVE		BCC RESIDENTIAL LLC	1/18/2022	1/18/2022	1/25/2022	final
U-21-08963	B-21-92224	FEE CHARGE	REFUND FROM PMC ACCOUNT DENIED CAN'T GIVE 3 MONTHS	212 AUSTRALIAN AVE		BCC RESIDENTIAL LLC	12/3/2021	12/3/2021	12/3/2021	final
	U-21-09013	U-USE OF/WORK IN ROW	USE OF- DUMP TRUCK LOADING, MATERIAL DELIVERY/HANDLING.	212 AUSTRALIAN AVE		BCC RESIDENTIAL LLC	12/2/2021	12/2/2021	3/2/2022	issued
	L-21-00498	L-LPC STAFF APPROVAL	STAFF APPROVAL FOR ADDITION OF TWO NEW IMPACT RESISTANT WINDOWS (PREVIOUSLY REMOVED ON LAST RENOVATION) AT WEST SIDE OF PROPERTY AND ADDITION OF ONE IMPACT RESISTANT DOOR AS WELL AS A 6SF WROUGHT IRON BALCONY AT SOUTH SIDE INMATER BATHROOM. ALL TO MATCH EXISTING COLOR VARI	212 AUSTRALIAN AVE		MP DESIGN&ARCHITECTURE INC	10/14/2021	11/4/2021	10/9/2022	final
B-21-90764	U-21-08574	U-USE OF/WORK IN ROW	USE OF- DUMP TRUCK LOADING, MATERIAL DELIVERY/HANDLING, ALL WILL BE DURING WORKING HOURS ONLY AND AREA CLEANED UP AT END OF THE DAY.	212 AUSTRALIAN AVE		BCC RESIDENTIAL LLC	10/14/2021	10/22/2021	1/20/2022	canceled
	B-21-90764	B-RESIDENTIAL ALTERATION	(SEE PERMIT CONDITIONS) INTERIOR RENOVATIONS OF SINGLE FAMILY RESIDENCE.	212 AUSTRALIAN AVE		BCC RESIDENTIAL LLC	8/18/2021	9/2/2021	11/13/2022	issued
B-20-84453	B-20-85225	R-REVISION	OWNER LISTED AS HALEY SITE PLAN: STRUCTURAL DETAIL FOR GENERATOR SLAB	212 AUSTRALIAN AVE		TIM GIVENS BLDG & REMODELING I	8/4/2020	8/6/2020	8/4/2020	final
B-20-84453	U-20-05750	U-USE OF/WORK IN ROW	OWNER LISTED AS HALEY CONCRETE TRUCK TO BE LOCATED IN FRONT OF HOUSE TO POUR CONCRETE AT GENERATOR PAD	212 AUSTRALIAN AVE		TIM GIVENS BLDG & REMODELING I	8/4/2020	8/5/2020	11/3/2020	final
	B-20-84453	S-GENERATOR	SUPERVISION OF GENERATOR INSTALL. SUPPLY AND INSTALL OF SCREENING AND STRUCTURAL SLAB. SLAB DETAIL AND SCREEN TO BE SUBMITTED AS A REVISION PRIOR TO WORK STARTING.	212 AUSTRALIAN AVE		TIM GIVENS BLDG & REMODELING I	6/12/2020	6/23/2020	7/6/2021	final
	B-19-80582	M-MECHANICAL	EXACT C/O OF 2 EXISTING 3.5 TON AC SYSTEM CARRIER (2) 24APB660 (2) FV4CNB006 10KW	212 AUSTRALIAN AVE		JOHN C CASSIDY AIR CONDITIONIN	7/25/2019	7/31/2019	2/2/2020	final
	X-07-15884	X-LEGACY PERMIT	UPDATE FOR REACTIVATION	212 AUSTRALIAN AVE		INACTIVE	3/6/2007	3/6/2007	10/2/2008	final
	X-06-23610	X-LEGACY PERMIT	POOL & SPA	212 AUSTRALIAN AVE		BARROW POOLS INC	6/29/2006	6/29/2006	10/2/2008	final
	X-06-23611	X-LEGACY PERMIT	POOL/SPA PIPING:2 MAIN DR,1SURF SKIM,1VAC LN,6 IN- LET LINES,POOL HEATER, FILL LINE	212 AUSTRALIAN AVE		BARROW POOLS INC	6/29/2006	6/29/2006	10/2/2008	final
	X-06-23613	X-LEGACY PERMIT	POOL HOOK-UP	212 AUSTRALIAN AVE		MONTEGO ELECTRIC	6/29/2006	6/29/2006	10/2/2008	final
	X-06-22860	X-LEGACY PERMIT	INSTALL INTERIOR/EXTERIOR GAS LINES FROM METER (FPU) TO POOL. HEATER, FIREPLACE, COOKTOPS, WATER*	212 AUSTRALIAN AVE		INACTIVE	5/30/2006	5/30/2006	10/2/2008	final
	X-06-22438	X-LEGACY PERMIT	RE-ROOF: ALTUSA CLAY BARREL TILE/MODIFIED (EXISTING ROOF: BARREL TILE/FLAT)	212 AUSTRALIAN AVE		RELIABLE ROOFING & GUTTERS INC	5/10/2006	5/10/2006	10/2/2008	final
	X-06-21776	X-LEGACY PERMIT	REWORK EXISTING 2 BATHROOMS, NEW M. BATH & POWDER RM, LAUNDRY ROOM INSTALL, 1 RELOCATED KITCHEN/ADDN	212 AUSTRALIAN AVE		RIM TUBBS INC	4/3/2006	4/3/2006	10/2/2008	final
	X-06-21777	X-LEGACY PERMIT	2 A/C SYSTEMS & ANY EXHAUST SYSTEMS	212 AUSTRALIAN AVE		DAVIS A/C SERVICE INC	4/3/2006	4/3/2006	10/2/2008	final
	X-06-21786	X-LEGACY PERMIT	REWIRE EXISTING RESIDENCE & ADDITION W/NEW U.G. SERVICE	212 AUSTRALIAN AVE		MONTEGO ELECTRIC	4/3/2006	4/3/2006	10/2/2008	final
	X-06-21641	X-LEGACY PERMIT	ADD/REMODEL/ALTER: 472SF 2STY/1186SF REMODEL W/ POOL	212 AUSTRALIAN AVE		INACTIVE	3/23/2006	3/23/2006	10/2/2008	final

Count: 42

Master Permit	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application dat	Issue date	Expiration date	Approval
	X-05-20370	X-LEGACY PERMIT	INSTALL NEW SERVICE	212 AUSTRALIAN AVE		MONTEGO ELECTRIC	12/20/2005	12/20/2005	10/2/2008	final
	X-05-20128	X-LEGACY PERMIT	NEW STRUCTURE SITE WALL	212 AUSTRALIAN AVE		INACTIVE	12/2/2005	12/2/2005	10/2/2008	final
	X-05-18813	X-LEGACY PERMIT	INSTALL UFER GROUND	212 AUSTRALIAN AVE		MONTEGO ELECTRIC	9/16/2005	9/16/2005	10/2/2008	final
	X-05-15883	X-LEGACY PERMIT	UPDATE FOR FOUNDATION EXISTING & NEW ADDITION	212 AUSTRALIAN AVE		INACTIVE	9/6/2005	9/6/2005	10/2/2008	final
	X-05-16082	X-LEGACY PERMIT	DISCONNECT WATER TO HOUSE, PROVIDE HOSE BIBB, DISCONNECT SANITARY & CAP OFF FOR FUTURE HOOK UP	212 AUSTRALIAN AVE		RIM TUBBS INC	5/12/2005	5/12/2005	10/2/2008	final
	X-05-16089	X-LEGACY PERMIT	DICONNECT EXISTING SERVICE & PROVIDE TEMPORARY SERVICE FOR CONSTRUCTION USE	212 AUSTRALIAN AVE		MONTEGO ELECTRIC	5/12/2005	5/12/2005	10/2/2008	final
	X-05-15882	X-LEGACY PERMIT	RAISE STRUCTURE	212 AUSTRALIAN AVE		INACTIVE	5/6/2005	5/6/2005	10/2/2008	final
B-21-90764	B-22-95960	R-REVISION	REVISION- BUILDING- NEW POOL, PLUMBING AND EQUIPMENT FOR NEW POOL	212 AUSTRALIAN AVE		ROYAL PALM POOLS LLC	8/12/2022		8/12/2022	pending
B-21-90764	L-22-00578	L-LPC STAFF APPROVAL	LANDMARKS- MODIFYING NORTH AND SOUTH PORTE COCHERE OPENING TO MATCH EXISTING PORTE COCHERE OPENING ON EAST SIDE OF PROPERTY.	212 AUSTRALIAN AVE		MP DESIGN&ARCHITECTURE INC	3/31/2022		3/26/2023	canceled
B-21-90764	U-21-08963	U-USE OF/WORK IN ROW	USE OF ROW FOR DUMP TRUCK MATERIAL DELIVERY / HANDLING - ALL WILL BE DURING WORKING HOURS ONLY AND AREA CLEANED UP AT END OF THE DAY	212 AUSTRALIAN AVE		BCC RESIDENTIAL LLC	11/24/2021		2/22/2022	canceled
B-21-90764	U-22-10996	U-USE OF/WORK IN ROW	USE OF- MATERIAL HANDLING. DUMP TRUCK LOADING. ALL WILL BE DURING WORKING HOURS ONLY AND AREA WILL BE CLEANED UP AT THE END OF EACH DAY.,	212 AUSTRALIAN AVE		BCC RESIDENTIAL LLC	8/22/2022		11/20/2022	canceled
B-21-90764	U-23-12205	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	212 AUSTRALIAN AVE		BCC RESIDENTIAL LLC	1/6/2023		1/6/2023	pending
B-21-90764	U-23-12206	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	212 AUSTRALIAN AVE		BCC RESIDENTIAL LLC	1/6/2023		1/6/2023	pending

Count: 42

<Filter is Empty>

Property Detail

Parcel Control Number:	50-43-43-23-05-007-0100	Location Address:	212 AUSTRALIAN AVE		
Owners:	WATEL SYBILLE TRUST ,WATEL SYBILLE TR				
Mailing Address:	729 ELIZABETH ST,SAN FRANCISCO CA 94114 3144				
Last Sale:	MAR-2021	Book/Page#:	32282 / 80	Price:	$3,800,000
Property Use Code:	0100 - SINGLE FAMILY	Zoning:	R-C - Medium Density Residential (50-PALM BEACH)		
Legal Description:	ROYAL PARK ADD LT 10 BLK 7	Total SF:	3314	Acres	0.1435

2022 Values (Current)

Improvement Value	$2,046,021
Land Value	$2,871,550
Total Market Value	$4,917,571
Assessed Value	$4,917,571
Exemption Amount	$0
Taxable Value	$4,917,571

All values are as of January 1st each year.

2022 Taxes

Ad Valorem	$76,198
Non Ad Valorem	$184
Total Tax	$76,382

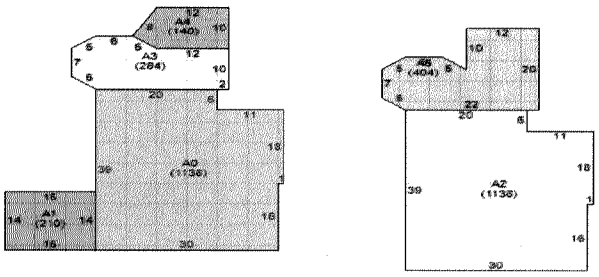
2023 Qualified Exemptions

No Details Found

Applicants

No Details Found

Building Footprint (Building 1)



Subarea and Square Footage (Building 1)

Description	Area Sq. Footage
FUS Finished Upper Story	1138
BAS Base Area	1138
FUS Finished Upper Story	404
FOP Finished Open Porch	140
FCP Finished Carport	210
BAS Base Area	284
Total Square Footage :	3314
Total Area Under Air :	2964

Extra Features

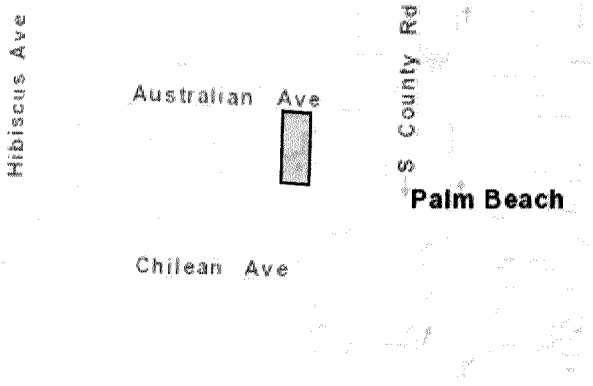
Description	Year Built	Unit
Roof Cover	1925	450
Wall	1925	1570
Pool - In-Ground	2007	1

Unit may represent the perimeter, square footage, linear footage, total number or other measurement.

Structural Details (Building 1)

Description	
1. Exterior Wall 1	WSF: STUCCO
2. Year Built	1925
3. Air Condition Desc.	HTG & AC
4. Heat Type	FORCED AIR DUCT
5. Heat Fuel	ELECTRIC
6. Bed Rooms	4
7. Full Baths	3
8. Half Baths	1
9. Exterior Wall 2	NONE
10. Roof Structure	GABLE/HIP
11. Roof Cover	CLAY/BERMUDA TILE
12. Interior Wall 1	PLASTER
13. Interior Wall 2	N/A
14. Floor Type 1	HARDWOOD
15. Floor Type 2	CUSTOM
16. Stories	2

MAP



TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-006 139 N COUNTY RD - OUTDOOR PROMOTIONAL EVENTS - THE PARAMOUNT THEATRE The applicant, WEG Paramount LLC (Lester Woerner), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for Outdoor Promotional Events in the open-air courtyard of the Paramount Theatre, an existing three-story commercial building.

The applicant has withdrawn this application.

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-22-021 (ARC-22-022) 160 SEAVIEW AVE (COMBO) – VARIANCES

The applicant, Coral Beach Corporation (Angela Feldman, President) and Seaview Holdings, Inc. (David Feldman, Director), has filed an application requesting Town Council review for variances to exceed the point of measurement elevation higher than allowed to be measured from and to reduce the required street side yard setback for a new guest house on combined parcels at 160 and 170 Seaview Avenue. ARCOM will perform design review of the application. [*The Architectural Commission deferred the project to their December 16, 2022, Architectural Commission meeting.]* ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Architectural Review.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-22-088 (ARC-22-126) 240 OLEANDER AVE (COMBO) – VARIANCES The applicant, PTMJM Florida Investment Properties, LLC (Patricia Lambrecht), has filed an application requesting Town Council review and approval for variances (1) for development on a lot which is deficient in minimum lot area and (2) deficient in lot depth in the RC zoning district and (3) to exceed the maximum allowed lot coverage, in conjunction with the construction of a new two-story single-family residence. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission deferred this project to the January 25, 2023 meeting.]* ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Architectural Review.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-22-122 (HSB-22-011) 141 AUSTRALIAN AVE (COMBO)—VARIANCES. The applicant, Gregory James Pamel, has filed an application requesting Town Council review and approval for Variances to (1) reduce the required side (east) yard setback, (2) to reduce the required rear (north) yard setback, (3) to exceed the overall building height for an accessory structure, and (4) to exceed the maximum Cubic Content Ratio (CCR), and (5) to allow a two story accessory structure where only one story is permitted, for the demolition and reconstruction of a two-story accessory structure in the rear yard in conjunction with the proposed renovations to an existing Historically Significant two-story building. The Landmarks Preservation Commission will perform design review of the application. ***[This project shall be deferred to the April 4, 2023, Town Council meeting pending review by the Landmarks Preservation Commission.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-22-140 (ARC-22-216) 248 COLONIAL LN (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE. The applicant, 306 Livingston Street Holdings I, LLC (Matthew Mirones), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for development of a lot which is deficient in lot depth and lot area in the R-B zoning district and for variances (1) to eliminate the two-car garage enclosure requirement, (2) to locate a generator in a setback which is higher than allowed from neighboring grade and (3) to not completely screen a generator with a masonry wall, in conjunction with the construction of a new two-story residence. The Architectural Review Commission will perform design review of the application. *[The Architectural Review Commission deferred this project to the December 16, 2022 meeting. Carried 7-0.]* ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending review by the Architectural Review Commission.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-22-147 (ARC-22-225) 201 EL VEDADO RD (COMBO) - VARIANCES. The applicants, Perri and Robert Bishop, have filed an application requesting Town Council review and approval for a variance to provide vehicle queuing space deficient in depth between the driveway gate and edge of roadway. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission Recommended: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission deferred the project to the December 16, 2022, meeting for a restudy of the gate. Carried 7-0.]* ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Architectural Review.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-22-129 (ARC-22-187) 441 AUSTRALIAN AVE (COMBO)—VARIANCES The applicant, John and Ginny Collett, has filed an application requesting town council review and approval for development of a new two-story single-family structure, requiring variances for (1) developing a lot deficient in area in the RC zoning district, (2) developing a lot deficient in width in the RC zoning district, and (3) to reduce the required front yard landscaped open space, in conjunction with the construction of a new two-story residence. The Architectural Commission will perform design review of the application. ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Architectural Review.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-002 (ARC-22-241) 624 ISLAND DR (COMBO)—VARIANCES The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Town Council review and approval Variances (1) to exceed the maximum amount of lot coverage and (2) to exceed the maximum amount of Cubic Content Ratio (CCR) in the R-B zoning district in conjunction with the enclosure of an existing open-air courtyard of a two-story residence with a new skylight. The Architectural Commission will perform design review of the application. ***[This project was denied at the December 16, 2022, Architectural Review Commission.]***

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Plans**

TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-23-002 (ARC-22-241) 624 ISLAND DR (COMBO)

MEETING: JANUARY 11, 2023

ZON-23-002 (ARC-22-241) 624 ISLAND DR (COMBO)—VARIANCES. The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Town Council review and approval Variances (1) to exceed the maximum amount of lot coverage and (2) to exceed the maximum amount of Cubic Content Ratio (CCR) in the R-B zoning district in conjunction with the enclosure of an existing open-air courtyard of a two-story residence with a new skylight. The Architectural Commission will perform design review of the application.

ARCOM NOTICE:
ARC-22-241 (ZON-23-002) 624 ISLAND DR (COMBO). The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Architectural Commission review and approval for the construction of a new skylight atrium enclosing an existing open-air interior courtyard to an existing two-story residence. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: Holly Ann Bartlett
Professional: Smith and Moore Architects Inc.

HISTORY:
A new two-story residence designed by Smith and Moore was reviewed and approved by ARCOM at the July 2018 meeting, pursuant to ARC File # B-071-2018.

THE PROJECT:
The applicant has submitted plans, entitled "624 Island Drive", as prepared by **Smith and Moore Architects Inc.**, dated October 24, 2022.

The following is the scope of work:

- Construction of a rooftop atrium skylight to an existing two-story residence with an existing open-air courtyard, including variances for lot coverage, and cubic content ratio (CCR).

Site Data

Zoning District	R-B	Lot Size (SF)	20,929 SF
Future Land Use	SINGLE FAMILY	Year Built	2021
Lot Coverage	Permitted: 25% (5,232 SF) Existing: 24.99% (5,228 SF) Proposed: 26.3% (5,508 SF) ***Variance Requested***	Cubic Content Ratio (CCR)	Permitted: 3.89 Existing: 3.85 CCR Proposed: 4.14 CCR ***Variance Requested***
Surrounding Properties / Zoning			
North	1954 One-story residence / R-B		
South	2016 Two-story residence / R-B		
East	Intracoastal Waterway		
West	1966 Two-story residence / R-B		

STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the Town zoning code:

- **Variance 1:** Section 134-893(a)(i)(e) and 134-843(a) (ii). Variance to exceed lot coverage for a two-story building of 26.3% in lieu of 24.99% existing and 25% maximum permitted.

- **Variance 2:** Section 134-893(13). Variance to exceed cubic content ratio (CCR) of 4.14 vs 3.85 existing and 3.89 maximum permitted.

The application is for the installation of a new construction of a new 280 SF glass skylight measuring 20' x 14' that will enclose an existing open-air courtyard. Due to the size of the lot, greater than 20,000SF in the R-B zoning district, the lot coverage is limited to 25%. The original design was proposed and built at 24.9%, or 5,228 SF of air-conditioned space. Reviewed in 2018, the two-story residence was designed at the maximum lot coverage and the existing open air courtyard was exempt from the lot coverage calculations. Approval of the double height skylight would also increase the CCR by a considerable amount as the "room" that would be added to the CCR would have a 21'-5" ceiling. There is no denying that the proposal is not visible from any right-of-way, and generally imperceivable except to those courtyard users, the variance request would grant this property other zoning permissions than other properties to exceed thresholds of both regulations. And while it certainly may be argued that the proposal has zero visual negative impact to neighboring properties, it may create a precedent for construction over the codified limitations in the immediate area. No demonstrated hardship has been provided by the applicant, as such, staff cannot support the variance request.

WRB/JGM

RECEIVED
By yfigueroa at 12:36 pm, Nov 04, 2022

SMITH AND MOORE ARCHITECTS, INC.
Harold Smith • Jonathan Moore • Peter Papadopoulos • Daniel Kahan
Florida AAC No. 001285

Re: 624 Island Drive
Palm Beach, FL 33480

October 3, 2022

LETTER OF INTENT
SKYLIGHT COURTYARD ENCLOSURE
AT 624 ISLAND DRIVE
ARC-22-241 ZON-23-002

Please find for review the attached drawings for our project at 624 Island Drive in the R-B Zoning District of Palm Beach. The site has an existing two-story main residence with an interior courtyard, a one-story detached cabana accessory structure in the rear yard, a rear yard pool, a driveway with parking court in the front yard, and a service drive in the north side yard. Our project proposal is to add a 280 sq. ft. skylight to enclose the existing courtyard. Please note the following:

A) LANDMARKS PRESERVATION COMMISSION 54-122 & 54-161

Not applicable – This property is not landmarked.

B) ARCOM 18-205

We are submitting a proposal that we consider tastefully designed, which will not interfere with the existing harmonious and balanced elevations, and will not be visible from any direction at eye level.

1. The addition of the vehicular gates is in conformity with good taste and design and in general contributes to the image of the Town and neighborhood as a place of beauty, spaciousness, balance, charm and high quality.
2. Not Applicable.
3. The proposed skylight enclosure design and appearance is not of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance value.
4. The proposed enclosure is in harmony with the proposed developments on land in the general area and with the comprehensive plan for the town.
5. The proposed enclosure is not excessively similar to any other structure existing or within 200 feet of the proposed site in respect to one or more of the following features of the exterior design and appearance:
    a. This proposal does not have apparently visible identical front or side elevations.
    b. We do not have other significant identical features of design such as, but not limited to, material roof line and height of other design elements.

1500 South Olive Avenue • West Palm Beach, Florida 33401
Telephone (561) 835-1888 • Fax (561) 832-7015
www.smithmoorearchitects.com
Florida AAC No. 001285

6. The proposed enclosure is not excessively dissimilar in relation to any other structures existing or within 200 feet of the proposed site in respect to one or more of the following features:
    a. Height of addition.
    b. Other significant design features including, but not limited to, materials or quality of architectural design.
    c. Architectural compatibility.
    d. Arrangements of components of the structure.
    e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
    f. Diversity of design that is complimentary with the size and massing of adjacent properties.
    g. Design features that will avoid the appearance of mass through improper proportions.
    h. Design elements that protect the privacy of a neighboring property.
7. The proposed addition or accessory structure is subservient in style and massing to the principal or main structure.
    a. The proposed massing and details will be congruent with but subservient to those of the principal existing structure.
    b. The details and proportions will also be in keeping with the main structure but scaled to the proportions of the accessory structure.
8. The proposed enclosure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).
    a. There is no change to the outward appearance of the existing residence.
9. The proposed enclosure is generally in conformity with the standards of this code and other applicable ordinances with the exception of the required cubic content and the lot coverage requirements of the code. The enclosure meets all other dimensional requirements of the code.
10. The project's location and design adequately protect unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways and similar features. The proposed enclosure does not negatively impact any existing natural features.

C) ARCOM 18-206

Not applicable.

D) SITE PLAN REVIEW 134-329

Not applicable.

E) SPECIAL EXCEPTION 134-229

Not applicable.

F) VARIANCES

ARC-22-241 and ZON-23-002 is a request for the enclosing of an open courtyard with a 280 sq. ft. skylight at 624 Island Drive. The required plans and zoning history are submitted with this Application.

Sections 134-201. Applicant is requesting two variances as follows:

1. Section 134-893(b)(1)(e) and 134-843(a)(11). Variance to permit lot coverage for a two-story building of 26.3% in lieu of 24.99% existing and 25% maximum permitted.

2. Section 134-893(13). Variance to permit cubic content ration of 4.14 vs 3.85 existing and 3.89 maximum permitted.

The hardship that runs with the property is that the applicant is a new owner of the property, and the house and courtyard were built recently by a prior owner. To be able to use the courtyard, the new owner needs protection from the heat and natural elements. No new floor space is proposed to be constructed.

Granting of the variances will not be contrary to the public's interest because no negative impact to the neighbors will result.

The courtyard is existing, and no changes are visible to, or impactful on, any neighbors. This is a technical variance, which will allow the new owner to enjoy the courtyard space without any visible changes or additions to the home or property.

See Site History attached hereto as Exhibit "A."

Criteria for Site Plan Review – N/A

Criteria for Special Exceptions – N/A

Criteria for Authorizing a Variance (Applicable to both variance requests # 1 and 2)
Both variance requests are addressed collectively because they both involve additional area of improvements to be counted against maximums due to the request to cover the existing courtyard with a 280 sq. ft. skylight. The rationale and justifications apply equally to both Section 134-893(b)(1)(e) and Section 134-893(a)(11), which apply to lot coverage, and Section 134-893(13), which applies to the cubic content ratio.

1. List the special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands, structures or buildings in the same zoning district. The hardship and special conditions applicable to this property are that the building was constructed by a different owner that wanted the additional uncovered space. This area is

not visible to neighbors in its existing conditions and won't be visible when covered as proposed.

2. Indicate how the special conditions and circumstances do not result from the actions of the Applicant.
   The special conditions existed upon construction of the home by the prior owner. The applicant simply wants to cover the courtyard with a skylight to protect the area from the natural elements.
3. Demonstrate that the granting of the variance will not confer on the Applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.
   No special privileges will be conferred on the Applicant if the variances are granted because the same amount of total space in the home will exist. The change will not be apparent from the street, and the covered space will still be open to natural light despite being converted to air conditioned space.
4. Demonstrate how literal interpretation of this ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the Applicant.
   The applicant is not asking to add square footage to the home but rather to cover it with a skylight to better enjoy the space.
5. Demonstrate that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
   The requested relief is the minimum necessary for the requested use because she is not adding any space to the home. She is just covering it with a skylight to allow her to enjoy and use the space in the summer and during inclement weather and protect it from the elements.
6. For granting of a variance to sections 134-387, or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings must be demonstrated pertaining to the nonconforming use for which the variance is requested:
   a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and
   b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:
      i. Be granted only for the continuation of the same hotel or residential use; and,
      ii. Require the Applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

N/A

7. Show how the granting of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
   The granting of these variances is in harmony with the intent and purpose of the Zoning Code because the requested renovation in no way impacts any neighbors and is simply intended to allow the new owner to use the space during the summer and in inclement weather and to protect it from the elements.

Sincerely,



Harold J. Smith
Principal Architect

1500 South Olive Avenue • West Palm Beach, Florida 33401
Telephone (561) 835-1888 • Fax (561) 832-7015
www.smithmoorearchitects.com

EXHIBIT "A"
Site History

None, except that the existing home and courtyard were approved by ARCOM per ARC B-071-2018.

1500 South Olive Avenue • West Palm Beach, Florida 33401
Telephone (561) 835-1888 • Fax (561) 832-7015
www.smithmoorearchitects.com

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-012 (ARC-22-212) 246 EVERGLADE AVE (COMBO) — VARIANCES The applicant, 246 Everglade LLC, has filed an application requesting town council review and approval for site modifications including variances for (1) reduced landscape open space (2) for reduced air conditioning equipment setbacks and (3) for reduced pool equipment setbacks. The Architectural Commission will perform design review of the application. *[Architectural Review Commission Recommendations: Implementation of proposed variance will not cause a negative architectural impact to the subject property. Carried 5-2] [The Architectural Review Commission approved this project without the proposed gate at the January 25, 2023, meeting. Carried 5-2]*

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Plans**
- **Public Comment**

TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-23-012 (ARC-22-212) 246 EVERGLADE AVE (COMBO)

MEETING: FEBRUARY 15, 2023

ZON-23-012 (ARC-22-212) 246 EVERGLADE AVE (COMBO) — VARIANCES. The applicant, 246 Everglade LLC, has filed an application requesting Town Council review and approval for site modifications including variances for (1) reduced landscape open space (2) for reduced air conditioning equipment setbacks and (3) for reduced pool equipment setbacks. The Architectural Commission will perform design review of the application.

ARCOM NOTICE:
ARC-22-212 (ZON-23-012) 246 EVERGLADE AVE (COMBO). The applicant, 246 Everglade LLC, has filed an application requesting Architectural Commission review and approval for the modification to an existing driveway, entry steps, pool and decking area, equipment area, entry path, site wall, and a new front entry vehicular gate, including variances for (1) reduced landscape open space (2) for reduced air conditioning equipment setbacks and (3) for reduced pool equipment setbacks. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: 246 Everglade LLC
Professional: Environment Design Group (Dustin Mizell)

HISTORY:
At the January 25, 2023 ARCOM meeting, an application was reviewed and approved with the exception of the gate, 5-2. Additionally, a motion to support the variances was approved 5-2.

THE PROJECT:
The applicant has submitted plans, entitled "Private Residence 246 Everglade Avenue Palm Beach", as prepared by **Environment Design Group**, dated January 04, 2023.

The following is the scope of work:

- Modification of entry path, entry steps, pool, and pool deck (retroactive)
- Modification of equipment area and entry path (retroactive)
- Increase heights of previously permitted site walls (retroactive)
- Installation of a front entry vehicular gate (retroactive)
- Relocation of existing AC condensing unit out of setback installed without approval

- Modification of existing driveway configuration installed without approval

Site Data			
Zoning District	R-C Medium Density Residential	**Lot Size (SF)**	5,963 SF
Landscape Open Space (LOS)	Required: 35% (2,078 SF) Existing: 24.65% (1,470 SF) Proposed: 28.8% (1,720 SF) ***Variance Requested***	**Front Yard Open Space**	Required: 35% (441.9 SF) Existing: 48.55% (613 SF) Proposed: 55.1% (696 SF)
Surrounding Properties			
North	255 Everglade Ave / Duplex		
South	249 Seminole Ave / Duplex		
East	242 Everglade Ave. / Adjoining Duplex		
West	250 Everglade Ave. / Duplex		

STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the Town zoning code:

- **Variance 1:** *Sec. 134-948(11):* Variance for landscape open space of 28.8% in lieu of the required 35%.
- ~~**Variance 2:** *Sec. 134-1728(a)(1):* Variance to install air conditioning equipment at 1' in lieu of the 5'-0" minimum setback required.~~
- **Variance 3:** *Sec. 134-1728(c):* Variance to install pool equipment at 1' in lieu of the 5'-0" minimum setback required.

The subject property at 246 Everglade Avenue is the western half of a duplex constructed in 1997. The original approved site plan for the property, the current plan, and the proposed modifications are provided on Sheet L3.1 of the submitted miniset. Recently, most site features, including the driveway, site walls, pathways, pool, mechanical equipment locations, and pool deck were modified without ARCOM review or building permits. Additionally, the applicant was requesting approval of new front vehicular gates which was not approved by AROCM

This application seeks to receive ARCOM and Town Council approval for the work completed without permits, as well as to modify some unpermitted site features to eliminate the need for variances. Below please find an analysis of the requested variances.

Code section	Required	Proposed	Variance
Sec. 134-948(11) Landscape Open Space	35% (2,078 SF)	28.8% (1,720 SF)	6.2% (358 SF)

Per the record plans, at the time of its construction, the property complied with the minimum Landscape Open Space requirements. Work completed without permits include the enlargement of

the pool deck (with artificial turf joints) and driveway, which decreases the Landscape Open Space calculations to 28.8% in lieu of the required 35%. The applicant is currently requesting to eliminate two portions of the driveway to arrive at the 28.8% calculation (See Sheet L2.4). Currently, the property has an unpermitted Landscape Open Space calculation of 24.65%.

Code section	Required	Proposed	Variance
~~*Sec. 134-1728(a)(1) Condensing Unit Setback*~~	~~5'-0"~~	~~1'-0"~~	~~4'-0"~~

As evident on Sheet L2.4, an air conditioning condensing unit was installed 1'-0" off the west property line without permits. The applicant is selecting to move the condensing unit outside of the 5'-0" required setback, which eliminates the need for a variance. An existing site wall provides adequate screening from the neighboring property.

Code section	Required	Proposed	Variance
Sec. 134-1728(c) Pool Equipment Setback	5'-0"	1'-0"	4'-0"

Lastly, new pool equipment has been installed 1'-0" off the west property line whereas 5'-0" is required. The pool equipment is housed in a previously unapproved site wall extension that creates an equipment enclose. A built-in planter atop the enclosure fully screens the mechanical equipment, as depicted in the photographs and drawings provided on Sheet L3.0.

Due to extensive work without ARCOM approval or building permits, the applicants are seeking to retroactively receive approval for all aspects of the modified site plan and exterior design, including the modifications to the entry steps, driveway, installation of the driveway vehicular gates, and alterations to the entry path, equipment yards, equipment locations, human gates, site walls, and the enlargement of the pool deck (with artificial turf joints) and installation of a new pool. The driveway vehicular gate was not approved by ARCOM.

WRB:JGM:JRH

RECEIVED
By yfigueroa at 3:02 pm, Jan 04, 2023

ENVIRONMENT
DESIGN
GROUP

Land Planning
Landscape Architecture
Landscape Management

Private Residence
246 Everglade Avenue
Palm Beach, Florida 33480

ARCOM # ARC-22-212

LETTER OF INTENT

The residence of 246 Everglade Avenue is existing

Current zoning for the project is R - C - Medium Density Residential.
Our current proposal, for improvements to the site, does not include any architectural changes.
Existing Landscaping has not been affected

The site is currently in violation of the Town of Palm Beach Open Space Requirements.

SCOPE OF WORK – completed without permits

- Modified pool and deck
- Modified equipment area and entry path
- Modified driveway and entry steps
- Increased height of previously permitted site wall (does not exceed 7' above neighboring property)
- Addition of front entry vehicular gate.

PROPOSED SCOPE OF WORK – to bring all non-conforming aspects into compliance.

- Reduction of driveway area to comply with Town of Palm Beach landscape open space requirements.

VARIANCE REQUESTS

- Landscape Open space 28.8% in lieu of the required 35%

Variance Justification

- Conditions of the site at the time of purchase were worse than proposed.

If there are any questions regarding this project, please feel free to reach out to our office.

Dustin Mizell, *President*

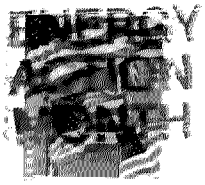
Environment Design Group
139 N. County Road
Suite 20 A
Palm Beach, Florida 33480
561.832.4600

Paramount Building
139 North County Road, Suite 20-B
Palm Beach, FL 33480
561.832.4600 phone
Dustin@environmentdesigngroup.com

222 Everglade Ave
PB FL 33480

WEST PALM BCH FL 334
24 OCT 2022 PM 3 L





Town of Palm Beach
ARCOM
360 So. County Rd.
Palm Beach, FL 33480

480-673560

Arc-22-212

Timothy O'Hara
222 Everglade Ave.
Palm Beach, Fl. 33480

RECEIVED
OCT 26 2022
Town of Palm Beach
PZB Dept

Town of Palm Beach
Attn: ARCOM
360 S. County Road
Palm Beach, Fl. 33480

Re: 246 Everglade Ave. Landscaping Improvements

October 24, 2022

Dear Members of ARCOM:

I am writing in support of the improvements that John Pisano has made on his property, which is located four doors west of our home. The wood gate provides privacy and security for the home, and the landscaping is a definite improvement. I believe that the changes made are a plus for our street, our neighborhood, and the Town.

Sincerely,

Timothy O'Hara

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-013 (ARC-22-231) 7 LA COSTA WAY (COMBO) —SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES The applicant, La Costa Way Trust (Cooper Andrew TR), has filed an application requesting Town Council review and approval variances (1) for a reduced 2nd story street rear-yard setback for a new second story roof top terrace, (2) a variance to provide deficient landscape open space, and (3) a variance to exceed 2-story lot coverage maximum, all as part of a renovation to an existing nonconforming one-story residence. The Architectural Commission will perform design review of the application. ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Architectural Review.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - Old Business

Agenda Title

ZON-23-025 (COA-22-055) 210 VIA DEL MAR (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW The applicant, BEACHBOYZ DEVELOPMENT LLC., has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for reduced vehicular gate setbacks on a cul-de-sac street. The Landmarks Preservation Commission will perform the design review for modifications to the existing Landmarked residence and grounds. ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Landmarks Preservation review.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-22-032 (HSB-23-003) 594 N COUNTY RD (COMBO)—VARIANCES The applicant, George Marucci, has filed an application requesting Town Council review and approval for variances (1 and 2) to reduce both side yard setback requirements for two, one-story additions to a historically significant one-story building. The Landmarks Preservation Commission will perform the design review. ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Landmarks Preservation review.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-017 (COA-23-001) 1100 S OCEAN BLVD—MAR A LAGO (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW. The applicant, Mar A Lago Inc., has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for modifications to a private club Special Exception Use including the construction of a new one-story approximately 250 SF guardhouse guardhouse to an existing Landmarked structure. The Landmarks Preservation Commission will perform the design review. ***[This project shall be deferred to the March 8, 2023, Town Council Meeting pending Landmark Preservation review.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-22-141 375 S COUNTY RD SUITE 220-200—SPECIAL EXCEPTION WITH SITE PLAN REVIEW. The applicant, 375 South County Holdings LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for a permitted use for a change of ownership to a previously approved special exception use greater than 3,000 SF in the C-TS zoning district for an executive office suite with no change to the approved floor plan (4,352 SF).

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Plans**

TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5430 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-22-141 375 S COUNTY RD SUITE 220-200

MEETING: FEBRUARY 15, 2023

ZON-22-141 375 S COUNTY RD SUITE 220-200—SPECIAL EXCEPTION WITH SITE PLAN REVIEW. The applicant, 375 South County Holdings LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for a permitted use for a change of ownership to a previously approved special exception use greater than 3,000 SF in the C-TS zoning district for an executive office suite with no change to the approved floor plan (4,352 SF).

Applicant: 375 South County Holdings LLC
Professional: ACI Architectural Consultants Inc

HISTORY:

The Town Council approved a special exception in 2018 for a 4,352 square foot Executive Office Suite (#220) on the second floor of the existing building within the northeast portion of the subject parcel.

THE PROJECT:

The applicant has submitted plans, entitled "Proposed Second Floor Office Space", as prepared by **ACI Architectural Consultants Inc** dated December 09, 2022.

The following is the scope of work for the application:

- Change of ownership in existing larger executive office suite area than permitted without a Special Exception.

Site Data			
Zoning District	C-TS	**Future Land Use**	COMMERCIAL
Existing Use	+/-4,352 SF retail	**Proposed Use**	no change

STAFF ANALYSIS

This application is presented to the Town Council for review and approval for Special Exception use for the purpose to obtain the business tax receipt for the new ownership of an existing larger executive office suite area that received a prior Special Exception. Avenue. This application was

filed due to a change in ownership. No other changes have occurred. PZB staff has been working towards a resolution to this code issue. PZB staff maintains that basic retail to retail, or bank to bank, or office to office improvements can be handled administratively. And licensed ownerships should not dictate zoning regulations. Having presented this to TC at the August 10, 2022 meeting, and given direction to 'fix' this aspect of the commercial zoning code, staff continues to diagnose and seek solutions to this while realizing that the patchwork code has created a complexity and contradictions even in the commercial zoning districts that challenge a simpler text amendment.

WRB:JGM

RECEIVED
By yfigueroa at 10:42 am, Dec 09, 2022

REVISED ATTACHMENT "A3"
LETTER OF INTENT

1. Project Narrative

This is a Special Exception application that staff determined was necessary due to a change in ownership. The Town Council approved a special exception in 2018 for a 4,352 square foot Executive Office Suite (#220) on the second floor of the existing building within the northeast portion of the subject parcel. This area is highlighted in gray on the previously approved site plan. This area was constructed in accordance with the approved site plan. The new owner, 375 South County Holdings, LLC, desires to continue the Executive Office Suites as constructed with no physical changes to the approved and constructed space until the remaining leases expire in 2024, at which time, they anticipate submitting a new site plan to convert the space into one or two conventional offices. Currently, approximately 1,255 square feet (highlighted in yellow) within ~~of~~ the shaded area on the site plan are leased, including suites 220-1, 220-9 through 220-12, 220-16 and 220-17. The 2018 Special Exception application indicated that 11 parking spaces were utilized by the lessees at that time. Currently, the remaining lessees utilize 6 parking spaces in the parking garage located below the second floor.

2. Justification/Site History

375 South County Holdings, LLC, proposes no physical change to the previously approved site plan and floor plan design. This application was filed due to a change in ownership. No other changes have occurred, and the findings/justifications set forth in the 2018 Special Exception application (**Attachment "A3.1"**) remain applicable.

3. Code Compliance

The following findings provide competent substantial evidence confirming that the requested Special Exception is consistent with the criteria set for in the Town of Palm Beach Land Development Code Section 134-229 as follows:

(1) The use is a permitted special exception use as set forth in article VI of this chapter.

Finding: LDC Section 134-1107(a)(2) allows executive office suites as a permitted use in the Town-Serving Commercial District (C-TS). LDC Section 134-1109(a)(11) requires a special exception for any permitted use exceeding 3,000 square feet.

(2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

Finding: Executive office suite #220 was approved in 2018, and conventional office use occupied the space prior to 2018. Executive office suite is a low intensity use that does not impact public health, safety, welfare and morals.

(3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

Finding: Executive office suite is a low intensity use that does not impact the value of other property in the neighborhood.

(4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.

Finding: Executive office suite is a low intensity use that is compatible with adjoining development and is consistent with the purpose of the Town Serving Commercial District, which is to provide permitted uses, including professional services, to serve the recurring needs of town persons.

(5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

Finding: The application renews the previous special exception approval granted in 2018 and does not propose any physical changes to the existing building or any other aspect governed by Article VI.

(6) The use will comply with all elements of the comprehensive plan.

Finding: Executive offices suites are utilized for professional services, which is a permitted use in the Commercial future land use category. The proposed use is consistent with all elements of the Comprehensive Plan.

(7) The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.

Finding: Executive offices suites is a low intensity use that will result in economic, noise, glare or odor impacts on adjoining properties and properties generally in the C-TS zoning district.

(8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Finding: The executive office suites utilize parking spaces located below the second floor with ingress/egress from Chilean Avenue as shown on Attachments C5 and C6. No changes are proposed to the existing building and parking.

(9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.

Finding: No changes are proposed to existing signage and lighting.

(10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.

Finding: Existing utility services will continue without change.

(11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

Finding: Existing refuse and service areas will continue without change and have not adversely affected automotive and pedestrian safety and convenience, traffic flow and control, or emergency access.

(12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.

Finding: As previously analyzed in 2018 (**Attachment "A3.1"**), executive office suites are inherently designed for occupancy by freelancer, entrepreneurs and other professionals catering to local demand from townpersons. Executive office suite #220 consists of individual offices, ranging in size from 94 square feet to 322 square feet. As such, these small offices are not sufficient in size to support larger companies that serve regional needs. As discussed in the Future Land Use Element of the Comprehensive Plan, the Town's primary objective has been to avoid larger-scale, regional commercial development, such as malls, lifestyle centers, power centers and the like. The Town has recognized professional offices are particularly appropriate as local, town-serving uses, which is particularly the case for small-scale, executive office suites. The renewal of the Special Exception is consistent with this requirement.

(13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.

Finding: N/A. The site is developed.

(14) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

Finding: Executive office suites is a low intensity use and will not place a greater burden on police and fire services compared to other permitted uses.

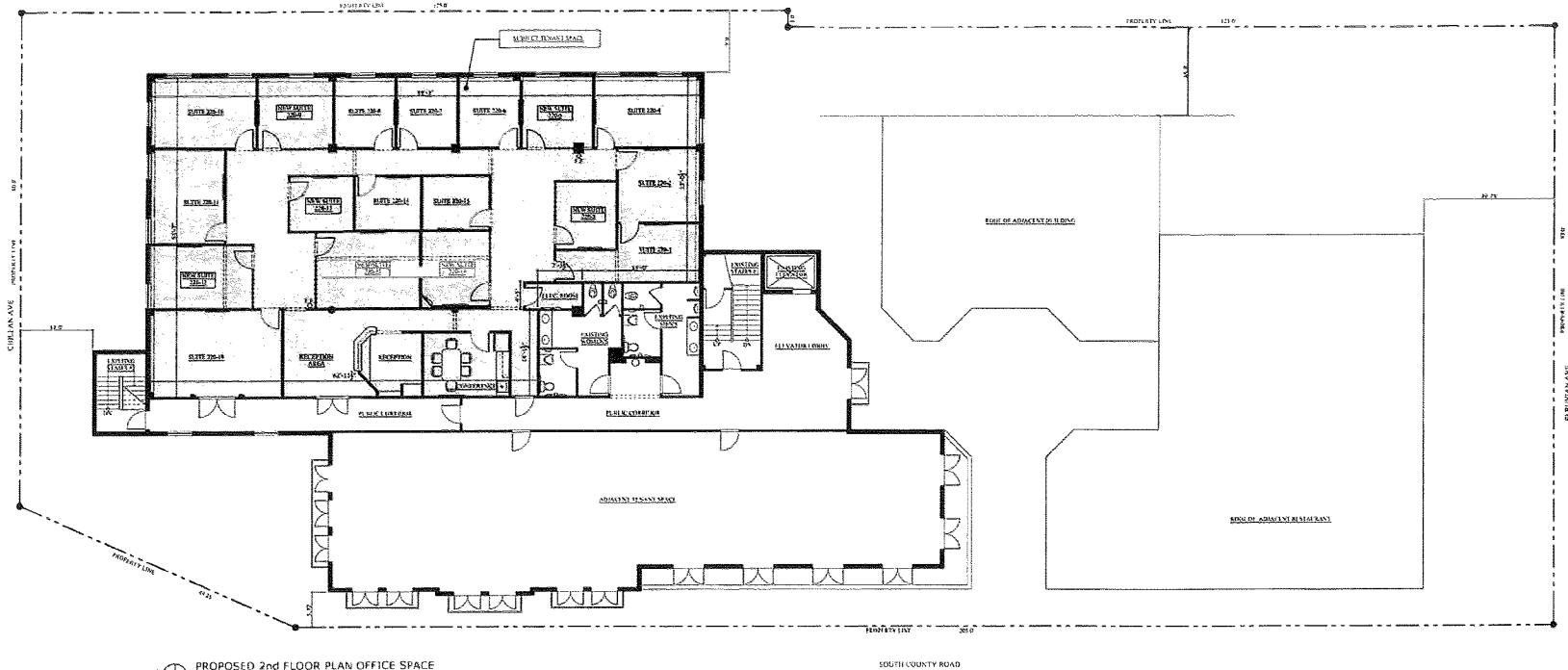
Attachment "C6" and "J8"

ZON-22-141

RECEIVED
By yfigueroa at 10:42 am, Dec 09, 2022

NOTES

1. Site Plan/Floor Plan Approved in 2018
   and Resubmitted for Special Exception Application (ZON-22-141) for 375 South County Holdings, LLC.
2. Shaded Areas Were Constructed and Granted Certificates of Occupancy.
3. No changes are proposed to the shaded area or any other areas on this graphic.
4. No changes have been made to this graphic by the Applicant, except for these notes and crossing out reference to the former Zoning Case No.



N PROPOSED 2nd FLOOR PLAN OFFICE SPACE
SCALE: 1/8" = 1'-0"



LOCATION Map

ZONING: C-TS
GLA - 4,352 S.F.
PARKING ORIGINAL BUILDING: 62 TOTAL SPACES ON SITE

LEGEND
AREA OF WORK

Z-18-00130

Architectural Consultants Inc.
ARCHITECTURE / DESIGN
LIC. No. 26000866
2425 MERCER AVE. SUITE 201
West Palm Beach, FL 33401
Phone 561-655-0674

PROPOSED
2nd FLOOR
OFFICE SPACE
375 S. COUNTY ROAD
PALM BEACH, FL.

CONTRACTOR AND ALL SUBCONTRACTORS PERFORMING ANY WORK ON THIS PROJECT ARE TO VISIT THE SITE AND VERIFY ALL MEASUREMENTS INCLUDING BUT NOT LIMITED TO BUILDING HEIGHTS, ROOF SLOPES, ROOF OVERHANGS ETC. TO CONFIRM ALL EXISTING CONDITIONS BEFORE ORDERING OR FABRICATING ANY MATERIALS. CONTRACTOR SHALL REPORT ANY DISCREPANCIES FROM THE CONSTRUCTION DOCUMENTS TO THE ARCHITECT BEFORE CONTINUING WORK.

PROPOSED
2ND FLOOR PLAN
OFFICE SPACE
AT
375 SOUTH COUNTY ROAD
ZONING CASE# Z-18-00130

REV # DATE DESCRIPTION

SEAL

STATE OF FLORIDA
WILLIAM ROGER HANSROTE
07-15-2018
REGISTERED ARCHITECT

ROGER HANSROTE, ARCHITECT
FLA # 14300

JOB NUMBER: 2018-14
DATE: 07-18-2018
DRAWN BY: RG
APPROVED BY: RH

SHEET TITLE

PROPOSED
2nd FLOOR PLAN
OFFICE SPACE

SHEET NUMBER

A-1

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-22-153 (COA-22-054) 125 VIA DEL LAGO (COMBO)–VARIANCES. The applicant, Todd Glaser, has filed an application requesting Town Council review and approval for a variance to (1) expand an existing nonconforming 3rd story of a single-family dwelling and (2) to exceed the maximum building height. The Landmarks Preservation Commission shall perform design review of the application. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause a negative architectural impact to the subject property. Carried 7-0] [The Landmarks Preservation Commission approved the project with conditions to the balcony handrail design to return to Landmarks for further review. Carried 7-0.]*

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Plans**

TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-22-153 (COA-22-054) 125 VIA DEL LAGO (COMBO)

MEETING: FEBRUARY 15, 2023

ZON-22-153 (COA-22-054) 125 VIA DEL LAGO (COMBO)–VARIANCES. The applicant, Todd Glaser, has filed an application requesting Town Council review and approval for a variance to (1) expand an existing nonconforming 3rd story of a single-family dwelling and (2) to exceed the maximum building height. The Landmarks Preservation Commission shall perform design review of the application.

LPC NOTICE:
COA-22-054 (ZON-22-153) 125 VIA DEL LAGO (COMBO). The applicant, Todd Glaser, has filed an application requesting Landmarks Preservation Commission review and approval for exterior modifications, including removal and relocation of a stair way, and a new addition over driveway, requiring variances. This is a combination project that shall be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: Todd Glaser
Professional: LaBerge & Menard, Inc. (Chris Kidle)

HISTORY:
The property at 125 Via Del Lago was constructed in 1928 and designed by Wyeth. The property was Landmarked by the Town of Palm Beach in 2011. Town records indicate a number of permits for numerous updates and renovations throughout the years.

THE PROJECT:
The applicant has submitted plans, entitled "Addition to 125 Via Del Lago", as prepared by **LaBerge & Menard, Inc**, dated December 09, 2022

The following is the scope of work for the Project:

- Remove existing garage entry stair.
- Add 890 sq. ft. of coverage for an addition to the existing home.
- New exterior garage entry stair.
- Removal of some existing windows and doors.
- Reroof.

The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

- **VARIANCE 1** - Sec. 134-843(a)(10)a.: A variance to expand an existing nonconforming 3rd story.
- **VARIANCE 2** - Sec. 134-843(a)(10)a.: A variance for a building height of 26.6 ft in lieu of the 25 ft maximum permitted, in conjunction with a three story addition.

Site Data			
Zoning District	R-A	**Lot Size**	35,510 SF
Future Land Use	SINGLE-FAMILY	**Total Building Size**	Existing: 12,035 SF Proposed: 13,013 SF
C-O-R	12.71' NAVD	**Flood Zone**	Zone X
Finished Floor Elevation	18.2' NAVD	**Max Fill**	N/A
Year of Construction:	1928	**Architect:**	Wyeth
Project			
	Required/Allowed	**Existing**	**Proposed**
Lot Coverage	25% (9,184 SF)	15.8% (6,149 SF)	19.8% (7,039 SF)
Building Height	25'	26.5'	26.5' ***Variance Requested for Addition***
Landscape Open Space	50% (19,470 SF)	54.8% (21,342 SF)	54.6% (21,190)
Number of Stories	2	3	3 ***Variance Requested for Addition***
Surrounding Properties / Zoning			
North	Two-story 1967 residence / R-A		
South	One-story 1995 residence & two-story 1958 residence / R-A		
East	One-story 1952 residence / R-A		
West	Two-story 1952 residence / R-A		

STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the Town zoning code:

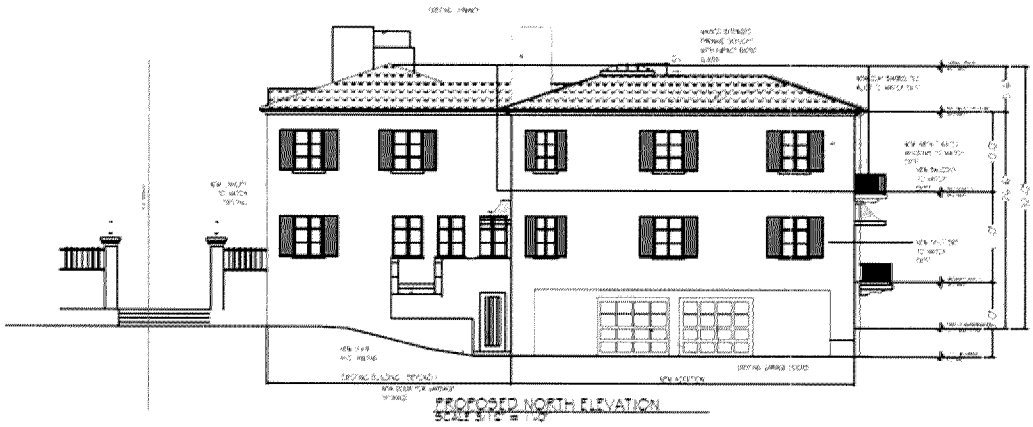
- Sec. 134-843(a)(10)a.: A variance to expand an existing nonconforming 3rd story.
- Sec. 134-843(a)(10)a.: A variance for a building height of 26.6 ft in lieu of the 25 ft

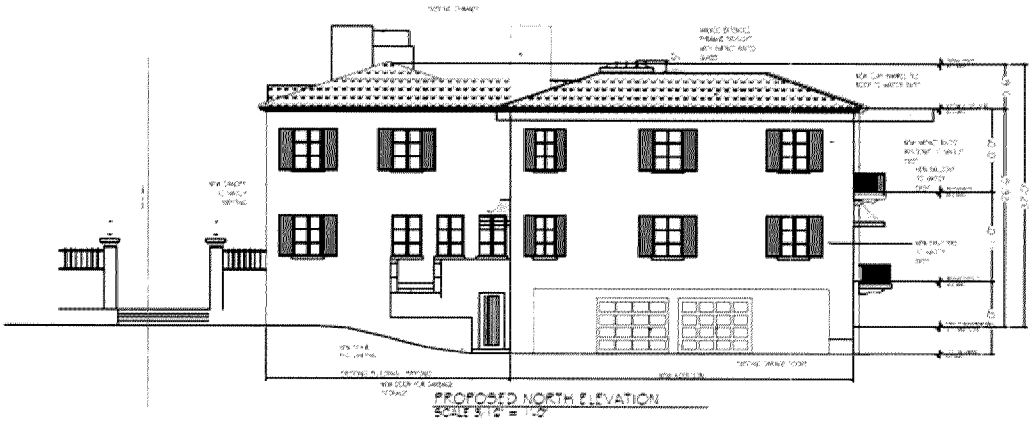
maximum permitted, in conjunction with a three story addition.

The construction of an approximately 1000 SF addition triggers the need for two variances. The first variance to expand an existing nonconforming third story. This portion of the building includes a garage on the first floor, with two floors of living space above. Even though the garage is nonhabitable area, it is considered the first floor, hence the need for a variance. The second variance is to exceed the maximum allowed building height. The historic structure was built with a finished floor area at 18.2' NAVD. The zoning code, however, prescribes that zero datum for the point of measure to being at the highest crown of road, which in this case is 12.71' NAVD. The addition is proposed to match the existing finished floor elevation, therefore, a variance is required for building height. The screenshot below highlights the areas requiring variance relief.

VARIANCE #1 - FOR 3RD FLOOR

VARIANCE #2 - BUILDING HEIGHT 26'-6" IN LIEU OF 25'-0"





WRB:JGM:BMF

RECEIVED
By yfigueroa at 10:42 am, Dec 09, 2022

REVISED ATTACHMENT "A3"
LETTER OF INTENT

1. Project Narrative

This is a Special Exception application that staff determined was necessary due to a change in ownership. The Town Council approved a special exception in 2018 for a 4,352 square foot Executive Office Suite (#220) on the second floor of the existing building within the northeast portion of the subject parcel. This area is highlighted in gray on the previously approved site plan. This area was constructed in accordance with the approved site plan. The new owner, 375 South County Holdings, LLC, desires to continue the Executive Office Suites as constructed with no physical changes to the approved and constructed space until the remaining leases expire in 2024, at which time, they anticipate submitting a new site plan to convert the space into one or two conventional offices. Currently, approximately 1,255 square feet (highlighted in yellow) within ~~of~~ the shaded area on the site plan are leased, including suites 220-1, 220-9 through 220-12, 220-16 and 220-17. The 2018 Special Exception application indicated that 11 parking spaces were utilized by the lessees at that time. Currently, the remaining lessees utilize 6 parking spaces in the parking garage located below the second floor.

2. Justification/Site History

375 South County Holdings, LLC, proposes no physical change to the previously approved site plan and floor plan design. This application was filed due to a change in ownership. No other changes have occurred, and the findings/justifications set forth in the 2018 Special Exception application (**Attachment "A3.1"**) remain applicable.

3. Code Compliance

The following findings provide competent substantial evidence confirming that the requested Special Exception is consistent with the criteria set for in the Town of Palm Beach Land Development Code Section 134-229 as follows:

(1) The use is a permitted special exception use as set forth in article VI of this chapter.

Finding: LDC Section 134-1107(a)(2) allows executive office suites as a permitted use in the Town-Serving Commercial District (C-TS). LDC Section 134-1109(a)(11) requires a special exception for any permitted use exceeding 3,000 square feet.

(2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

Finding: Executive office suite #220 was approved in 2018, and conventional office use occupied the space prior to 2018. Executive office suite is a low intensity use that does not impact public health, safety, welfare and morals.

(3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

Finding: Executive office suite is a low intensity use that does not impact the value of other property in the neighborhood.

(4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.

Finding: Executive office suite is a low intensity use that is compatible with adjoining development and is consistent with the purpose of the Town Serving Commercial District, which is to provide permitted uses, including professional services, to serve the recurring needs of town persons.

(5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

Finding: The application renews the previous special exception approval granted in 2018 and does not propose any physical changes to the existing building or any other aspect governed by Article VI.

(6) The use will comply with all elements of the comprehensive plan.

Finding: Executive offices suites are utilized for professional services, which is a permitted use in the Commercial future land use category. The proposed use is consistent with all elements of the Comprehensive Plan.

(7) The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.

Finding: Executive offices suites is a low intensity use that will result in economic, noise, glare or odor impacts on adjoining properties and properties generally in the C-TS zoning district.

(8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Finding: The executive office suites utilize parking spaces located below the second floor with ingress/egress from Chilean Avenue as shown on Attachments C5 and C6. No changes are proposed to the existing building and parking.

(9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.

Finding: No changes are proposed to existing signage and lighting.

(10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.

Finding: Existing utility services will continue without change.

(11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

Finding: Existing refuse and service areas will continue without change and have not adversely affected automotive and pedestrian safety and convenience, traffic flow and control, or emergency access.

(12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.

Finding: As previously analyzed in 2018 (**Attachment "A3.1"**), executive office suites are inherently designed for occupancy by freelancer, entrepreneurs and other professionals catering to local demand from townpersons. Executive office suite #220 consists of individual offices, ranging in size from 94 square feet to 322 square feet. As such, these small offices are not sufficient in size to support larger companies that serve regional needs. As discussed in the Future Land Use Element of the Comprehensive Plan, the Town's primary objective has been to avoid larger-scale, regional commercial development, such as malls, lifestyle centers, power centers and the like. The Town has recognized professional offices are particularly appropriate as local, town-serving uses, which is particularly the case for small-scale, executive office suites. The renewal of the Special Exception is consistent with this requirement.

(13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.

Finding: N/A. The site is developed.

(14) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

Finding: Executive office suites is a low intensity use and will not place a greater burden on police and fire services compared to other permitted uses.

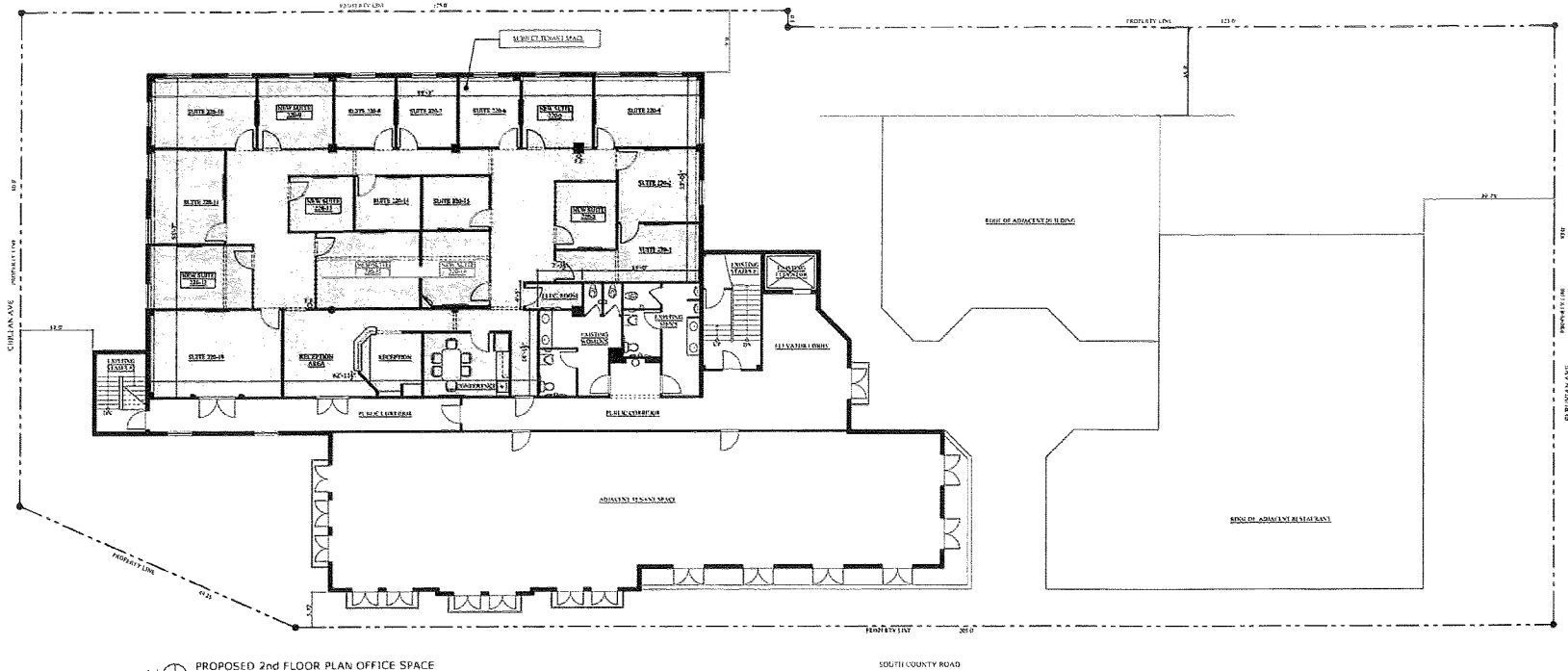
Attachment "C6" and "J8"

ZON-22-141

RECEIVED
By yfigueroa at 10:42 am, Dec 09, 2022

NOTES

1. Site Plan/Floor Plan Approved in 2018
   and Resubmitted for Special Exception Application (ZON-22-141) for 375 South County Holdings, LLC.
2. Shaded Areas Were Constructed and Granted Certificates of Occupancy.
3. No changes are proposed to the shaded area or any other areas on this graphic.
4. No changes have been made to this graphic by the Applicant, except for these notes and crossing out reference to the former Zoning Case No.



N PROPOSED 2nd FLOOR PLAN OFFICE SPACE
SCALE: 1/8" = 1'-0"



LOCATION Map

ZONING: C-TS
GLA - 4,352 S.F.
PARKING ORIGINAL BUILDING: 62 TOTAL SPACES ON SITE

LEGEND
AREA OF WORK

Z-18-00130

Architectural Consultants Inc.
ARCHITECTURE / DESIGN
LIC. No. 26000866
2425 MERCER AVE. SUITE 201
West Palm Beach, FL 33401
Phone 561-655-0674

PROPOSED
2nd FLOOR
OFFICE SPACE
375 S. COUNTY ROAD
PALM BEACH, FL.

CONTRACTOR AND ALL SUBCONTRACTORS PERFORMING ANY WORK ON THIS PROJECT ARE TO VISIT THE SITE AND VERIFY ALL MEASUREMENTS INCLUDING BUT NOT LIMITED TO BUILDING HEIGHTS, ROOF SLOPES, ROOF OVERHANGS ETC. TO CONFIRM ALL EXISTING CONDITIONS BEFORE PROCEEDING ON FABRICATING ANY MATERIALS. CONTRACTOR SHALL REPORT ANY DISCREPANCIES FROM THE CONSTRUCTION DOCUMENTS TO THE ARCHITECT BEFORE CONTINUING WORK.

PROPOSED
2ND FLOOR PLAN
OFFICE SPACE
AT
375 SOUTH COUNTY ROAD
ZONING CASE# Z-18-00130

REV #	DATE	DESCRIPTION

SEAL

STATE OF FLORIDA
WILLIAM R. POSEY
LICENSE NO. AR 0013202
REGISTERED ARCHITECT

ROGER HANSBROTE, ARCHITECT
FLA # 14300

JOB NUMBER: 2018-24
DATE: 07-18-2018
DRAWN BY: PG
APPROVED BY: RH

SHEET TITLE

PROPOSED
2nd FLOOR PLAN
OFFICE SPACE

SHEET NUMBER

A-1

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-001 (COA-22-008) 1 S COUNTY ROAD – THE BREAKERS HOTEL (COMBO) – SITE PLAN REVIEW. The applicant, The Breakers Palm Beach, Inc., has filed an application requesting Town Council review and approval of a Site Plan Review modification for the installation of new fencing and gates. The Landmarks Preservation Commission will perform the design review component of the application. *[The Landmarks Preservation Commission approved this project as proposed. Carried 7-0.]*

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Plans**

TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-23-001 (COA-22-008) 1 S COUNTY RD – THE BREAKERS HOTEL

MEETING: FEBRUARY 15, 2023

COA-22-008 (ZON-23-001) 1 S COUNTY RD. – THE BREAKERS HOTEL (COMBO). The applicant, The Breakers Palm Beach, Inc., has filed an application requesting a Certificate of Appropriateness for the review and approval of new fencing and gates for the Landmarked hotel, requiring Site Plan Review. This is a combination project that shall also be reviewed by Town Council as it pertains to the zoning relief/approval.

Applicant: The Breakers Hotel
Professional: Schmidt Nichols Landscape Architecture and Urban Planning
Representative: James M. Crowley | Gunster, Yoakley & Stewart, P.A.

THE PROJECT:
The applicant has submitted plans, entitled "The Breakers Gates and Fencing", as prepared by **Schmidt Nichols Landscape Architecture and Urban Planning** dated December 09, 2022.

The following is the scope of work for the Project:

- Installation of site-wide decorative metal fencing, gates (human and vehicular), and crash-rated guard house gate arms.

Site Data			
Zoning District	PUD-A	**Future Land Use:**	APPROVED PUD
Tax Abatements	2002-2011,2004-2013, 2004-2013, 2077-2016, 2007-2016, 2009-2018	**Designated:**	11/09/83
Year of Construction:	1926*	**Architect:**	Schultze and Weaver, et. al
Surrounding Properties			
North	Breakers Hotel Residences		
South	Breakers Hotel		
East	Atlantic Ocean		
West	Breakers Hotel Golf Course		

STAFF ANALYSIS

The current request includes the installation of seven (7) decorative metal vehicular gates, four (4) decorative metal pedestrian gates, the replacement of seven (7) existing guard house gate arms with new crash-rated arms, and five (5) sections of decorative metal fencing. The fencing is proposed at 6' in height and is 5,159 feet in length. The proposed overall site plan is located on Sheet SEP-1 and elevations of the proposed fencing and gates are located on Sheets SEP-4 through SEP-6, and SEP-13 though SEP-15 of the submitted plan set.

WRB:JGM:JRH

RECEIVED
By yfigueroa at 9:17 am, Dec 09, 2022

GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS

Our File Number: 01446-09000
Writer's Direct Dial: (561) 650-0633
Writer's E-Mail Address: jcrowley@gunster.com

November 28, 2022

Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Project: 1 S County Rd
Landmarks Case Number: COA-22-008
Zoning Case Number: ZON-23-001

On behalf of The Breakers Palm Beach, Inc. ("The Breakers"), we are pleased to submit this Letter of Intent ("LOI") and accompanying materials ("Project Submittal") in support of our application for Site Plan Approval for a new project at 1 South County Road, Palm Beach, FL (the "Property"). The proposed work includes the installation of seven (7) decorative metal vehicular gates (one of which is a double gate), four (4) decorative metal pedestrian gates, the replacement of seven (7) existing guard house gate arms with new crash-rated arms, and five (5) sections of decorative metal fencing, which will be six (6) feet in height (as measured from the crown of road), 5,159 linear feet in length, and screened with existing landscaping (the "Project").

Please note the following as it relates to this application:

A. Landmarks Preservation in accordance with Section 54-122 and/or Section 54-161.

(a) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related:
  (1) The height, the gross volume, and the proportion between width and height of the facade;
  (2) The proportions and relationships between doors and windows;
  (3) The rhythm of solids to voids created by openings in the facade;
  (4) The materials used in the facade;
  (5) The texture inherent in the facade;
  (6) The colors, pattern and trim used in the facade; and
  (7) The design of the roof.

(b) Existing rhythm created by existing building masses and space between them should be preserved.

(c) The landscape plan should be sensitive to the individual building and its occupants and needs and should be visually compatible with the buildings and environment with which it is visually related.

(d) A new street facade should blend directionally with other buildings with which it is visually related; which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.

(e) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

The Project will be visually compatible with existing buildings and the environment of The Breakers as set forth below. The proposed modifications include the installation of gates and fencing, which do not physically alter the existing hotel buildings, and are consistent with the gross volume, width & height of the façades of the adjacent hotel buildings. The proposed gates and fencing, most of which are located great distances from the hotel buildings and screened by existing landscaping (no new landscaping is proposed with this project), are appropriately scaled for the Property and the buildings and will not affect their architectural quality or historic character. The proposed gates and fencing will meet all code requirements, including the six (6)-foot maximum height for fencing, and the eight (8)-foot maximum height for gates (as measured from the crown of road when within a street setback). The proposed look, materials and color of the black metal gates and fencing replicate or are inspired by the existing look, materials and colors of other gates and fencing materials at the Property, and will preserve the inherent architectural characteristics of the property. The proposed replacement of the guard house gate arms is an exact replacement in terms of look, location and size, with the only difference being that the new gate arms will be crash rated to provide additional security to hotel guests and employees. The existing landscaping will screen the proposed gates and fencing from adjacent properties and rights-of-way to ensure that the rhythm of the street facades will remain virtually unaltered.

B. Site Plan Review Approval in accordance with Section 134-329.

(1) Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.

(2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter.

(3) Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.

(4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.

(5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.

(6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.

(7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

(8) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.

(9) Such other standards as may be imposed by this chapter for the particular use or activity involved.

(10) Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.

(11) Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

The Breakers has had permanent maintenance control over the entire property for a century, and will continue to maintain the Property to the standard that has made it a world class resort hotel and iconic landmark, and no portion of the Property will become a future liability for the Town of Palm Beach. The scope of the Project is limited to gates and fencing for both aesthetic and security reasons, and no changes to the existing hotel buildings are proposed. There is no change in the intensity of use at the Property. The proposed decorative metal gates and fencing will be screened by existing perimeter landscaping at the Property, and have been designed to complement existing design elements at the Property as described above. The Project will therefore be in harmony and compatible with the existing uses at the Property and with adjacent uses. Existing ingress and egress, parking, stormwater, and utilities will remain unchanged. The scale of the proposed decorative metal gates and fencing was carefully designed to provide security to the Property by controlling vehicular and pedestrian access points while also providing a beneficial aesthetic look. Given the vast size of the Property and the minimal scope of the Project, we have only included plans and sections of those portions of the Property that are impacted by this application. It would not be feasible to survey the entire property, for example, in order to provide perimeter fencing and security measures. We thank you for your consideration of our Submittal Package.

Attached is the site history for the Breakers Hotel property.

Sincerely,



James M. Crowley

JMC/tf

Enclosure

EXHIBIT E - SITE HISTORY

Please provide a detailed history of all zoning-related requests applicable to this property processed on or after January 1, 1970, in chronological order, including but not limited to variances, special exceptions, site plan reviews, and existing agreements.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
3/25/1970	Town of Palm Beach adopts new Zoning Code. First reference to "PUD". Adopted amended zoning map by reference; Breakers shown as PUD	Ordinance 3-70	Ordinance later declared unconstitutional by Florida Supreme Court.
9/10/1970	Detailed list of existing improvements on Breakers Hotel property submitted to Town of Palm Beach.		Information provided by Town to aid in conversion to dwelling units under new Zoning Ordinance.
9/17/1970	Town's consultant refines dwelling unit conversion for Breakers property proposed PUD.		Conversion totals 346 equivalent dwelling units.
10/30/1970	The Breakers "Proposed Plan Unit Development" submitted to Town of Palm Beach by Flagler System, Inc.		Initial PUD document totals 39 pages including several appendices and a number of drawings. Request is for PUD-A designation. Included phasing schedule with 10 proposed phases.
3/31/1971	Resolution passed by Town Council giving tentative approval for Planned Unit Development as submitted by Flagler System, Inc. on October 30, 1970 'in accordance with Ordinance 3-70'	**Resolution 6-71** **ORIGINAL PUD APPROVAL**	Approval contains a number of conditions of approval, including detailed phasing schedule. Approval also included density reduction, stipulated structural locations and open space protection, building height reduction and road improvements.
9/1971-3/1972	Time extensions approved for the finalization of Resolution 6-71		Additional time needed to finalize details
6/23/1971	Request for temporary supervised recreational program on Breakers Hotel complex property.		Refers to Tract 2. Temporary approval granted through June 1, 1972.
3/22/1972	Revised PUD master plan submitted to Town.	**Resolution 12-71**	Revision reflects reduced dwelling unit densities in various phases, relocation and revised "lateral spread" of structures in Phases 1, 2, and 10, reduced building heights in certain areas, and designation of various phases as circled numbers on

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
			Master Plan. Included revised Condition #3 re open space preservation. **NEVER ADOPTED**
4/25/1972	Resolution amending Resolution 6-71 for tentative approval for Planned Unit Development.	**Resolution 9-72** amends Res. 6-71	Revised density reductions but not schedule. Open space protection. Building heights Subterranean crossing
5/16/1972	Town notifies Flagler System that they have "identified the formerly zoned 'business district' and have transferred that information to a copy of the revised Master Plan for the Planned Unit Development".		None
10/9/1972	Approval of additional temporary tennis courts adjacent to those in existence.		None
3/5/1973	Town notifies Flagler System that they are exempt from building moratorium.		Applies to Tract 2 (=1970 Phase 1)
10/24/1973	Notification to Flagler System from Town that "revised 'Appendix C', dated April 11, 1972, is acceptable in lieu of the same Appendix previously submitted and approved with the proviso that the number of parking spaces indicated on the revised 'Appendix C' appears to be inadequate in light of the Ordinance parking requirements."		Applies to Tract 2. Reduces dwelling units from 128 to 100 and net density from 30 DU's per acre to 23 DU's per acre; decreases parking spaces from 273 to 211.
March 1974	Town adopts new Zoning Ordinance (Ordinance 2-74) in March. Florida Supreme Court voids previous Zoning Ordinance which was Ordinance 3-70.		Supplemental Agreement notes that Flagler System has submitted an application for final approval for the residential portion of Phase 1 of the PUD.
6/10/1974	Building permit issued to demolish four of the Breakers' cottages	Permit # 505-74	
6/28/1974	Application filed for final approval of Phase 1 (Residential) of PUD	Previously granted tentative approval under resolution #6-71, as amended by resolution # 9-72	No public hearing required for this approval
9/10/1974	Declaration of Restrictions addresses open space protection in PUD.	ORB 2380; Page 1986-1989	Restricts open space use (golf course) for 30 years from

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			9/10/74. Open space totals 91.3 acres exclusive of roadways.
9/10/1974	Supplemental Agreement		Ratifies and affirms agreements reached and embodied in Application for Tentative Approval of Planned Unit Development Zoning, as amended by revised Appendices "B" and "C" dated 4/11/72, and as further amended by Resolutions #6-71 and 9-72, and confirmed by Ordinance #2-74
9/10/1974	Resolution of Town Council amending Resolution 6-71 and Resolution 9-72 and authorizing the execution of an agreement between Flagler System and the Town.	**Resolution 13-74** Amends 6-71 and 9-72 Clarification as to governing resolutions; ratified resolutions 6-71 and 9-72	This Resolution specifically references the previously described "Supplemental Agreement" which essentially vested the project after the voiding of the previous Ordinance 3-70 and the adoption of the Town's new Zoning Ordinance 2-74. The concern had been that previous PUD approvals may be invalid since they were based upon a Zoning Ordinance which was later found to be unconstitutional.
9/10/1974	Ratification Agreement		Apparently approved by Town Council. Ratifies prior resolutions in light of the determination by the Florida Supreme Court that Zoning Ordinance #3-70 was unconstitutional
9/10/1974	Variance to construct additional tennis courts adjacent to and west of existing tennis courts.	Variance 27-74	Approved by Town Council.
10/2/1974	Variance of from the setback provisions of F.S. 161.052 for construction of a seawall, beach access stairs, and condominium building	File 74-75-V-26	Approved by State of Florida, DNR
10/8/1974	Petitioner appears before Town Council requesting approval of modification of Phase 1 Residential		Request approved by Town Council.

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	Plan. Request was to move residential building so that it has a 20 foot front yard setback from Breakers Row rather than a 25 foot setback.		
11/19/1974	Flagler System requests amendment for hotel parking for Phase 1.		Parking arrangements proposed would provide a total of 656 spaces for hotel support in conjunction with development of Phase 1 apartments.
12/19/1974	Building permit for the construction of 4-building 88-unit apartment complex	Permit # 1254-74	Included underground parking for 194 cars
1/6/1975	Declaration of Restrictions recorded	ORB 2380 Pg 1986	Land platted as "open space" must remain in that use for 30 years
1/9/1975	Proposal for commercial building in Phase 1 at southeast corner of intersection of Coconut Row and Royal Poinciana Way.		None
2/7/1975	Approval by Building Official of plan for 88 unit apartment building on Tract 2 of Plat 1 subject to 2 conditions.	Building Permit 1254-74	Refers to Tract 2.
4/25/1975	Application for final approval of PUD plan for Phase 1 commercial.	Resolution 6-71 as amended by Resolution 9-72 which granted tentative approval	Application contained the following: Schematic drawings for Phase 1 commercial. Boundary and open space plat for entire Breakers property delineating areas for Phase 1 through 10 and also indicating that open space has not been included with application since the plat was filed with the application for final approval of Phase 1 residential. Covenants guaranteeing retention of open space have not been included. This application is for final approval of Phase 1 residential. Plat of Parcel 4, Phase 1 (commercial).

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			Should also be noted that request for final PUD approval for Phase 1 commercial included variance requests to increase parking for 416 spaces to 466 spaces. Request also "modifies the configuration of the north/south roadway serving the new residences".
6/10/1975	Request for final approval of Planned Unit Development Phase 1 commercial which is a CA zoned tract located on Tract 11 of Plat 1.		This references Tract 2. Approval includes only 62,600 square feet of covered floor area plus at-grade automobile parking.
6/10/1975	Town Council considered variance application which approved planned revision for roadway and parking facility.	Variance 23-75	Approved by Town Council.
6/10/1975	Town Council considered request for final approval of Phase 1 Commercial		Approved by Town Council, for 62,200 SF plus an at-grade parking lot facility
7/15/1975	Request for coastal construction permit from State of Florida DNR for rock rubble "T" head on existing groin	File BBS-75-6	Approved by DNR
1/13/1976	Request for modification of PUD Agreement to locate a replacement toilet facility building between the existing 11th and 12th fairways.		Approved by Town Council.
6/11/1976	Application for a variance to install awnings inside existing concrete framework over 16 penthouse terraces for Breakers Row apartments, 1 North Breakers Row (Tract 2 of Breakers Row Plat 1).	Variance 32-76	Approved by Town Council.
12/14/1976	Request for extension of time to commence construction of Phase 1 commercial approval which was granted on 6/10/75 for an additional 18 months.		Tract 2. Approved by Town Council for 18-month extension.
9/20/1977	Plans and specifications filed for Phase 2 residential.		None.
11/8/1977	Final approval of request for Phase 2 residential.		Request approved by Town Council subject to a number of

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			conditions including: • Extension of Royal Poinciana way • Any future development of Tract 7 Plat 1 will show reduction of 10 or more dwelling units
12/13/1977	Variance request to increase site coverage of existing apartment buildings by installation of awnings.	Variance 57-77	Denied by Town Council.
6/13/1978	New request for time extension for commencement of construction of Phase 1 commercial.		Approved by Town Council; new deadline for commencement of construction December 10, 1979.
5/8/1979	Modification of PUD approval for the following items: Extend deadline for Phase 2, Tract 1 from May 8, 1979 to November 8, 1980. Extend deadline for filing for final approval of Phase 3 from October 25, 1979 to April 25, 1981. Extend deadline for implementing Town Council approval of Phase 1 "CA" from December 10, 1979 to December 10, 1981.		Item #1 applies to Phase 2, Tract 1. Item #2 applies to Phase 3, Tract 4. Item #3 applies to Phase 1 "CA" Tract 2.
5/8/1979	Request for special exception and zoning variance for property known as 45 Coconut Row to move Old Guard Society of Palm Beach Golfers, Private Club from main Breakers Hotel to building known as 45 Coconut Row; also request a variance to provide a portion of required parking across the street at Royal Poinciana Chapel.	Special Exception 11-79 with variance	Approved by Town Council subject to the provision of at least 20 parking spaces on site
7/10/1979	Permission to modify PUD to permit the construction of 2 additional		Approved by Town Council.

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	tennis courts immediately north of and adjacent to existing tennis courts in Tract 10, Plat 1.		
10/31/1980	Application filed with Town to revise the entire remaining phases of the PUD		As of October 1980, approval allowed 471 new dwelling units which, when added to the equivalent conversion of commercial space and hotel uses, to a total of 954 dwelling units as defined under ordinance #9-72. Only 89 units constructed to date. 6.3 acre commercial site approved on NW corner of property.
11/11/1980	Time extension to commence Phase 2, Tract 1		Extended by Town Council from November 8, 1980 to April 25, 1981
3/13/1981	Extension of License Agreement re trash transfer facility		Extended to April 14, 1983
3/18/1981	Preliminary conceptual approval by Town Council of application filed 10/31/80		Included abandonment of commercial approval at NW corner of property, to be replaced by no more than 150 density units
7/14/1981	Tentative approval for "comprehensive modification of the Planned Unit Development Agreement previously referenced"; including agreement for partial Landmarking of Breakers Hotel; carried forward Condition 3 of Resolution 9-72, 1980 modification approved statement of planning criteria and appendices and adopted open space Condition 3 of Resolution 9-72	**Resolution 10-81** amends 6-71, 9-72, and 13-74	Included conditions relating to: • Revised open space plat • Condition 3 of Res. 9-72 is specifically still in 'full force and effect…' • Provision of utility easements and facilities, including certain traffic improvements • Compliance with Town codes including fire codes • Prohibition against time sharing Attachments included **Appendix "H" which is a schedule of future development*.** Adopted **Red Book & Appendices**
1981	Agreement (unsigned) between		Agreement references an

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	Town of Palm Beach and Flagler System, Inc., relating to the resolution of Landmarking of Breakers Hotel.		Exhibit "A" which fully describes the portion of the hotel that is subject to Landmarking.
9/15/1981	Request for special exception for auto rental facility at hotel.	Special Exception 10-81	Approved by Town Council. Limited to 15 rental cars. Must be operated by hotel employees, and cars must be rented only to hotel guests
1/5/1982	Amended list of drawings and exhibits for the Breakers Planned Unit Development filed with Town.		The document contains extensive lists of drawings, including many revised in 1981. Also included are several other exhibits, including a 57-page bound booklet entitled, *Modification of Planned Unit Development Agreement, 1980 Modification.*
2/23/1982	Letter to Town from Flagler System indicating that Resolution 10-81 as passed by Town Council on July 14, 1981 "is satisfactory and the conditions set forth therein are acceptable".		Flagler System attorneys contend that modification to the Breakers PUD (Resolution 10-81) became effective on February 25, 1982 when Flagler notified the Town that the conditions of Resolution 10-81 were satisfactory and acceptable.
3/26/1982	Letter to Town Attorney from Landmark Preservation Commission.		References Landmark status of hotel as being tied to final adoption of Resolution 10-81.
8/9/1983	Amended Declaration of Restrictions supersedes Breakers Row Plat 1; required by Condition #1 of Resolution No. 10-81	Exhibit "C"	Supersedes Declaration Of Restrictions filed September 10, 1974; relates to use of open space
9/8/1983	Agreement ratifying Resolution No. 10-81		Also accepts conditions in Resolution No. 10-81 and accepts the landmark designation of a portion of the property
9/8/1983	Landmark Designation Agreement	Exhibit "B"	Included legal description of "sight easement" and façade of hotel. Legal description goes all the way to the Atlantic Ocean
9/9/1983	Flagler System requests final approval/site plan review for the portion of Breakers PUD known as		Proposed plans include reduction in number of condominium units from 78 to

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	"Priority 3" under provisions of Section 7.35 of Town Zoning Ordinance. Agreement with Town to be bound by Res. 10-81		48, reduction in number of PD equivalent dwelling units from 79.7 to 52.1, and decreases in other property development criteria. **Makes September 9, 1983 first day of timetables under Res. 10-81***
9/13/1983	Final approval including site plan for Priority #3, northeast corner, known as Two Breakers Row		Approved by Town Council
10/11/1983	Resolution of Town Council ratifying landmarking of hotel	Resolution 34-83	Resolution notes that a parking structure will be constructed within the sight easement
10/12/1983	Amended Declaration of Restrictions	ORB 4073 Pg 0814	Supersedes Declaration of Restrictions recorded January 6, 1975. The portion of the property designated as "open space" in the replat shall be used only as golf course, park or other open space use "as shall be determined in the sole discretion of Declarant" for a period of 30 years commencing 3/18/81 or as long as property is zoned PUD
10/17/1983	Certificate of Notification of Designation of Certain properties as Landmarks		Ratifies landmarking per Resolution 34-83
12/1/1983	Breakers Row Plat #1 – Replat	P.B. 46 Pg. 188	Describes entire PUD
1/10/1984	Special exception authorizing relocation of Sea Gull Cottage from Breakers Hotel property to Royal Poinciana Chapel property.	Special Exception 1-84	Approved by Town Council.
4/11/1984	Certificate of Appropriateness for receiving dock and receiving courtyard areas	C of A 4-84	Approved by Landmarks Preservation Commission
1/10/1985	Certificate of Appropriateness for rehabilitation and additions to Breakers Hotel	C of A 2-85	Approved by Landmarks Preservation Commission
6/18/1986	Agreement to extend Priority 2 (Lanai Suites) from September 9, 1989 to September 9, 1998.	PB 4949 Pg 1163	Amends 9/8/83 Agreement
3/30/1989	Extension of License Agreement for trash transfer facility		Extended to April 14, 1991

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Fall 1989	Breakers PUD Amendment Request filed		
1/22/1990	Request for adjustment to several aspects of PUD.	**Resolution 17-90** amends 6-71, 9-72, 13-74, and 10-81 ORB 6413 Pg 735	Approval included coffee shop, tennis court lighting, additional retail space, tennis shop, retention of golf course through 2019, lease of Pine Walk transfer station through December 31, 1997, renegotiable transfer of development units, road improvements, drainage improvements.
3/30/1990	Agreement implementing Resolution 17-90	ORB 6413 Pg 732	Accepts the conditions in Resolution No. 17-90
Fall 1991	Breakers PUD Amendment Request filed		Request to amend Resolution 17-90 to provide more time for its implementation, and to amend Resolution 10-81 to provide for rephasing the project
2/11/1992	Request for approval for changes to several developments within PUD.	**Resolution 6-92** Amends 6-71, 9-72, 13-74, 10-81 and 17-90	Extended Pine Walk transfer lease to December 31, 2012, renegotiate transfer and road drainage issues prior to 1996-1997 zoning season hearings; internal drainage; revised priority development schedule. As part of the approval, Breakers was required to address three issues: 1) storm drainage; 2) possible elimination of commercial at NWC; and 3) give Town perpetual rights to waste transfer facility. **Included PUD Schedule of Development, Appendix "H" to Exhibit 11 of Resolution # 10-81.**
2/19/1992	Agreement ratifying Resolution 6-92	ORB 7235 Pg 536	Accepts the conditions in Resolution No. 6-92
11/25/1995	Certificate of Occupancy for renovations to 63 rooms in south wing and elevators	COA # 65-95	
2/29/1996	Letter from Jim Brindell, signed by Bob Moore re coffee shop/retail		Clarifies Modifications 1 and 3; attached Exhibit "A" shows total of 10,307 SF existing and proposed ground level retail & food and beverage uses, main

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			hotel south wing as of 11/1/96
6/18/1996	?		Resolution No. 10-01 references a revision to the 'binding agreement' on this date but none was found in Gunster records
9/10/1996	Letter from Jim Brindell, signed by Bob Moore re Centennial Dining Room		Acknowledges that 48 dining room seats and 250 SF of kitchen space may be temporarily relocated from Florentine Dining Room to Centennial Dining Room in Old Guard Building
9/13/1996	Application filed for PUD Amendment		Extend certain time periods to re-negotiate several important matters with Town, and to establish timing for drainage improvements
3/2/1997	Request to modify PUD	**Resolution 1-97** amends Res. 17-90	Modifications to coffee shop, tennis court lighting, additional retail space, new tennis facility, maintenance of golf course as green space through 2019, lease of Pine Walk Transfer Station, requirements for renegotiation, and postponement of road and parking improvements. **Also amended Appendix "H" to Exhibit #11 of Resolution 10-81, re PUD schedule.**
? 1997	Agreement ratifying Resolution No. 1-97		Should be one but none found in Gunster records
8/25/1997	Letter from Jim Brindell, signed by Bob Moore, re addition of 22 seats to Centennial Dining Room		
9/5/1997	Application filed to amend Breakers PUD		Request to renovate the Beach Club facilities, enlarge the Starlight Ballroom, and modify certain PUD conditions
2/9/1998	Request to modify PUD	**Resolution 1-98** amends 1-97	Modification to lease of Pine Walk Transfer Station, requirements for renegotiation, postponement of certain road and parking improvements, demolition and reconstruction

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			of Starlight Ballroom Addition and Beach Club, requirement for additional off-street parking spaces, and on-site parking and traffic circulation management. Per Modification #9, 11,621 SF of accessory hotel space retained for possible later use.
2/9/1998	Site Plan Application to construct a new approximately 20,000 square foot Beach Club and approximate 15,000 square foot Starlight Ballroom and 8,000 square feet of pre-function area. Condition approval was also for approximately 13,500 square feet of storage in kitchen area and associated parking (including a 250 space temporary parking lot located on the northwest corner of the PUD).	Site Plan Review 1-98	4 conditions of approval were included, mostly related to traffic and circulation matters.
3/11/1998	Agreement between Town of Palm Beach and The Breakers Palm Beach, Inc.	ORB 10309; Page 740-744	The essence of the agreement is that "The Breakers hereby accepts the conditions set forth in the Town's Resolution 1-98".
7/19/1999	Certificate of Occupancy for Starlight Ballroom addition and new Beach Club	COA # 55-99	
2/7/2000	Amend PUD to redesign golf course and include a golf and tennis clubhouse west of South County Road	**Resolution 3-00** amends 1-98	Modification to conditions re maintenance of golf course as green space through 2025, lease of Pine Walk Transfer Station, requirements for renegotiation, and golf and tennis clubhouse with related facilities. Also amended commencement dates for remaining development to be consistent at December 31, 2025
1/11/2000	Site Plan Review with Special Exception request to redesign golf course and tennis court layout and construct a three-level 40,549 square foot golf and tennis clubhouse.	Site Plan Review 1-2000 w/Special Exception	Approval was granted for new golf and tennis complex and included several conditions of approval.
3/22/2000	ARCOM review of new golf & tennis clubhouse	B9-00	approved
4/12/2000	Agreement ratifying Resolution 3-00		Accepts the conditions in Resolution No. 3-00

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6/5/2000	Letter from Jim Brindell, signed by Bob Moore re adjustments to golf course layout		
9/27/2000	ARCOM review of golf course border landscaping west of South County Road	B52-00	Approved
2/5/2001	Amend PUD to allow opportunity to request redistribution of residential units from west side of County Road to other locations within the PUD	**Resolution 10-01** amends 3-00 ORB 12541 Pg 98	Modification to condition re requirement for renegotiation; applicant may relocate up to 149 dwelling units from Priority Areas 1, 7, 8, and 9 to areas west of County Road and/or within Priority Area 1 subject to PUD Master Plan amendment. May apply for same no later than the **2023-2024** zoning season.
4/19/2001	Agreement ratifying Resolution 10-01	ORB 12541 Pg 94	Accepts the conditions in Resolution No. 10-01
12/10/2001	Certificate of Occupancy for south ocean tower alteration for hotel	COA # 90-01	
1/8/2002	Authorizing ad valorem tax exemptions for work at the hotel (south tower)	Resolution 6-02	Contained faulty legal description
2/13/2002	Certificate of Occupancy for renovation of Dallas Rooms, 1st and 2nd floors	COA # 84-99	
6/11/2002	Site Plan Review with Special Exception to relocate 55 parking spaces from front driveway, reconfigure front driveway/parking landscape area, relocate balustrades at hotel entrance in order to add additional valet lanes, construct security gatehouse on main driveway, construct approximately 338 square foot service quarter adjacent to the Circle Dining Room; add porte cochere and covered walkways to the south entrance of the hotel and relocate 21 parking spaces from new porte cochere to existing parking area west of Beach Club. Also Special Exception to expand hotel with above improvements.	Site Plan Review 5-2002 w/Special Exception	Approved by Town Council.

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6/11/2002	Amends Resolution 6-02 so as to amend the legal description of the property referenced therein	Resolution 40-02	Amends legal description in the tax exemption covenant to include only the hotel building where the work was done
2/20/2003	Certificate of Completion for renovations to North Ocean Tower		
2/20/2003	Certificate of Completion for renovations to Ocean front meeting rooms, corridors, and mezzanine mechanical room		
2/20/2003	Certificate of Approval and Occupancy for two new 1-story accessory buildings (gatehouse and bathrooms)	COA # 10-03	
4/16/2003	Certificate of Appropriateness for renovation of Venetian Ballroom	C of A #10-2003	Approved with a number of conditions
9/9/2003	Special Exception to construct a 1-story 697 SF golf instruction and storage building on the driving range, as well as a paved employee walkway along the north side of the hotel	Special Exception #20-2003	Approved by Town Council.
2/15/2005	Modification to PUD Master Plan to redesign the Beach Club Cabanas and related facilities.	**Resolution No. 4-05** amends 3-00* *note- WHEREAS clause should have included Res. 10-01 but did not	Deletes previous Modification #4 re new tennis facility, to be replaced by Modification #10; **erroneously carries forward language from Modification #7 of Resolution 3-00 instead of revised #7 from Resolution 10-01**; minor modifications to Modification #10 re golf and tennis clubhouse and related facilities; adds Modification #12 re new cabanas and related facilities

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2/15/2005	Site Plan Review, Special Exception, and Variance request for approval of the new cabana project	Special Exception 6-2005 with Site Plan Review and Variance	Variance (for seawall height) withdrawn. Conditions of approval re required fire hydrant and construction traffic restrictions
5/10/2005	Modified lighting plan reviewed by Florida Fish and Wildlife Conservation Commission for cabana project	PB-804	Approved with several conditions
8/12/2005	Building permit for awning for valet parkers	P #8078272	
August 2006	Approval for golf clubhouse awnings		
11/14/2006	Special Exception with Site Plan Review to renovate the old golf clubhouse including a lounge for spa and beach club employees, create new offices on the second floor, and awnings on the new club house and for valet parkers	Special Exception 9-2006 with Site Plan Review	No conditions of approval
7/14/2010	Revised Modification #7.a. to restore the language from Resolution 10-01 re relocation of units to the portions of the PUD west of County Road	**Resolution #70-10** Amends Res. 4-05	Application to be filed no later than **2024**
10/27/2010	ARCOM review of request to demolish old golf clubhouse building and associated parking lot, AKA the Old Guard Building, 45 Cocoanut Row	B-051-2010	Approved by ARCOM; to be replaced by sod and landscaping; later ratified by Town Council
9/11/2012	Town Council review of request to demolish and rebuild two of the five existing maintenance buildings on the west Pine Walk	Site Plan Review #9-2012 with Special Exception	Approved by Town Council; ARCOM approved administratively
5/15/2013	Town Council review of requested improvements to pool areas on southeast portion of hotel property	Special Exception #8-2013 with Site Plan Review	Approved by Town Council. Included gazebo bar, kiddie pool, jacuzzis, and pavement
June 2013	State of Florida Department of Business and Professional Regulation extension of hotel's alcohol license to include gazebo bar		Approved
8/24/2013	ARCOM review of proposed new railings, awning	A-028-2013	Railing not approved; awning approved
9/25/2013	Administrative Site Plan Review of Flagler Steakhouse awning expansion		Approved by staff
12/11/2013	Modify hotel amenity by expanding the existing playground	Special Exception #20-2013 with Site	Approved by Town Council

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		Plan Review	
2/12/2014	Amend Resolution 70-10 by adding 4,559 square feet of accessory hotel space to the Beach Club for construction of a fitness center. PUD amendment.	**Resolution No. 11-2014**	Changes to Modification #9 re the Beach Club, adding 4,559 gross square feet/4,190 net (A/C) square feet to construct a new fitness center on the second level of the existing Beach Club building on the Ocean Terrace. The previous 11,621 square feet of accessory hotel space is reduced by 4,190 to leave approximately 7,341 square feet for future use by further amendment to the PUD.
2/12/2014	Special exception and site plan review to construct a new beach access ramp and to replace the 1,588 square foot pavilion on the second level of the Beach Club building with a 4,559 square foot (gross) 4,190 square foot (net, A/C) structure for a new fitness center, and associated elevator.	Special Exception #1-2014 with Site Plan Review	The beach ramp replaces a similar structure which was destroyed by a hurricane. The existing spa functions on the first floor of the Beach Club will be expanded into the previous fitness center space.
3/26/2014	Agreement finalized between Town of Palm Beach and The Breakers documenting acceptance of Resolution 11-2014.		Agreement required by Town's PUD ordinance
12/10/14	Special Exception with Site Plan Review to add awning to pergola east of spa; variance to demolish and reconstruct existing entry fountain	Special Exception #27-2014 with Variance	Approved by Town Council
12/17/14	LPC approval for awning and fountain	COA-053-2014 and 057-2014	
2/11/15	Request approval of: • Four awnings totaling 1,714 s.f. in golf maintenance area at west end of Pine Walk • Renovations to east side of spa building to enclose 614 s.f. of additional space, and redesign of courtyard • Vehicle gate just east of crosswalk near south porte-cochere	Special Exception #1-2015	Approved by Town Council, subject to the requirement that the vehicle gate be opened for overflow parking during large events.

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9/9/15	Request approval of: • Flagler Club Terrace awning structure • Demolish smoke-stack and expand engine room, including 600 KW generator • Add 720 s.f. cooling tower • Add three access control gates on Ponce Promenade	Special Exception #24-2015 with Site Plan Review	Combo project included Landmarks (LPC) review. Approved by Town Council.
9/16/15	LPC approval of aspects of S.E. #24-2015 under their jurisdiction	COA 2015-034	
11/12/15	Request approval of: • Ponce loading dock expansion, including new awning • Service elevator in southeast corner of Mediterranean Courtyard • 900 KW generator in place of 600 KW generator in engine room expansion • Two service pavilions on front croquet lawn west of hotel	Special Exception #31-2015 with Site Plan Review	Approved by Town Council except for service pavilions on west lawn, which were deferred. That part of request was later withdrawn due to LPC objections.
3/9/16	Request approval to demolish building #4 at the maintenance complex on Pine Walk (2,726 square feet) and replace it with or 3,581 square foot building.	Special Exception #5-2016	Approved by Town Council
4/27/16	Request ARCOM approval to repair the chimneys at Spray Cottage	A-016-2016	Approved by ARCOM
5/11/16	Request approval to amend Resolution No. 11-2014 (PUD-A) by extending the commencement of development date for 251 dwelling units, extending the date by which 149 dwelling units may be relocated, extending the date upon which the golf course must remain open space, and extending the date of the lease of the Pine Walk Transfer Station.	**Resolution No. 60-2016**	All dates extended to December 31, 2049 or December 31, 2050.

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3/15/17	Request Special Exception with Site Plan Review approval to add a 3,000 gallon emergency generator fuel tank just north of the service court, and two service pavilions on the 'croquet' lawn southwest of the main hotel entrance.	Special Exception No. 04-2017 with Site Plan Review, and COA No. 08-2017	Approved by Town Council, including official recognition by Council of ongoing use of the lawn area for outdoor functions
5/10/17	Request Special Exception with Site Plan Review approval to construct a new 404 s.f. retail shop (Mary Lily's) in the Palm Court, and to expand the existing seafood restaurants from 4,330 s.f. to 6,111 s.f. and from 140 seats to 177 seats.	Special Exception #12-2017 with Site Plan Review	Approved by Town Council
12/13/17	Request Special Exception with Site Plan Review to expand seating capacity at Seafood Bar restaurant by an additional 53 seats in 6,111 s.f. restaurant, for a total of 230 seats.	Z-17-00044	Approved by Town Council

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1/10/18	Request Special Exception with Site Plan Review to make changes and improvements to The Breakers golf course. Also enlarge golf training facility from 697 s.f. to 2,366 s.f., and replacement of existing free-standing bathroom building of 250 s.f. with a new bathroom building of 267 s.f.	Z-17-00055	Approved by Town Council
6/13/18	Request for extended work hours for golf course project		Approved by Town Council
9/12/18	Request Site Plan Review and Special Exception to add awnings in the renovated golf course	Z-18-00126	Approved by Town Council
9/21/18	Request Landmarks Presentation Commission approval for revised ramp on south side of south lawn pavilion building	COA-040-2018	Approved by Landmark Preservation Commission
10/18/18	Request Administrative Site Plan approval for changes to ramp of south lawn pavilion		Approved and stamped by Town of Palm Beach
05/15/19	Request for site plan review with special exception approval to construct a new security guardhouse and gates, to re-align Breakers Row, and to add a landscaped island on the south side of the proposed guardhouse at North Breakers Row.	Z-19-00187	Approved by Town Council
02/12/20	Request for zoning text amendment to add hotel and golf course as permitted uses in PUD-A zoning district and to allow for staff approval of site plans consisting of less than 2,500 square feet	Ordinance 1-2020	Approved by Town Council
08/11/21	Request for extension of existing golf course awning, which was denied by ARCOM on July 28, 2021, but approved on appeal by Town Council on August 11, 2021.	A-051-2021	Appeal granted by Town Council

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-004 (ARC-22-244) 422 AUSTRALIAN AVE (COMBO)—VARIANCES. The applicant, 422 Development Group LLC, has filed an application requesting Town Council review and approval for variances (1) for development on a lot which is deficient in minimum lot area and (2) deficient in lot depth in the RC zoning district and (3) for an equipment screening wall exceeding maximum allowed height, in conjunction with the construction of a new two-story residence. The Architectural Commission will perform design review of the application. ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Architectural Review.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-008 (ARC-22-245) 2784 S OCEAN BLVD (COMBO)—SITE PLAN REVIEW. The applicant, Cove Condominium Association Inc., has filed an application requesting Town Council review and approval for a Site Plan Review and approval for modifications to the existing surface parking area and landscape areas of three existing six-story multifamily buildings. The Architectural Commission will perform design review of the application. *[The Architectural Review Commission approved the project design. Carried 7-0.]*

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Plans**

TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-23-008 (ARC-22-245) 2784 S OCEAN BLVD (COMBO)

MEETING: FEBURAY 15, 2023

ZON-23-008 (ARC-22-245) 2784 S OCEAN BLVD (COMBO)—SITE PLAN REVIEW. The applicant, Cove Condominium Association Inc., has filed an application requesting Town Council review and approval for a Site Plan Review and approval for modifications to the existing surface parking area and landscape areas of three existing six-story multifamily buildings. The Architectural Commission will perform design review of the application.

ARCOM NOTICE:
ARC-22-245 (ZON-23-008) 2784 S OCEAN BLVD (COMBO). The applicant, Cove Condominium Association Inc., has filed an application requesting Architectural Commission review and approval for modifications to the existing surface parking area and landscape areas of three existing six-story multifamily buildings. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: Cove Condominium Association Inc.
Professional: Environment Design Group

HISTORY:
The existing 6-story multifamily buildings was constructed in 1975 with 83 units.

THE PROJECT:
The applicant has submitted plans, entitled "The Cove 2784 S Ocean Boulevard", as prepared by **Environment Design Group.**, dated December 08, 2022.

The following is the scope of work:

- Proposed modified parking lot layout.
- Proposed lighting plan.
- Proposed modified pool terrace and landscape changes.

The following Special Exception with Site Plan Review and Variances are required to complete the project:

- **SITE PLAN REVIEW**: Sec. 134-1052(4): Site plan review for modifications to parking, hardscape, and landscape at a multi-family condominium development t in the R-D(2) zoning district.
-

Site Data			
Zoning District	R-D(2)	**Lot Size (sq ft)**	181,602 SF
Future Land Use	MULTI-FAMILY HIGH DENSITY	**# Units**	83
Existing Parking Spaces	161	**Proposed Parking Spaces**	177
Existing Landscape Open Space (LOS)	32.6%	**Proposed Landscape Open Space (LOS)**	34.7%
Crown of Road (C-o-r)	4.43' NAVD	**Lot Coverage**	17.9%
Surrounding Properties / Zoning			
North	Six-story Condominium Building / R-D(2)		
South	Six-story Condominium Building / R-D(2)		
East	Five-story hotel Four Seasons / C-TS		
West	Lake Worth Lagoon		

STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the Town zoning code. The project consists of new sitework to the parking, landscaping and pool deck area. There are currently two curb cuts along the front of the property, and they are proposed to remain. The proposed modified parking lot layout will increase the amount of surface parking spaces for the residents from 161 to 177 for the 83 unit building.

WRB:JGM

RECEIVED
By yfigueroa at 2:13 pm, Dec 09, 2022

ENVIRONMENT
DESIGN
GROUP

Land Planning
Landscape Architecture
Landscape Management

The Cove Condominium Association, Inc.
2784 S Ocean Blvd
Palm Beach, Florida 33480

ARCOM # ARC-22-245
Zoning # ZON-23-008

LETTER OF INTENT

Current zoning for the project is R – D(2) - Heavy Density Residential.

Our current proposal, for improvements to the site, does not include any architectural changes.

The proposed work only pertains to the landscape and hardscape. There are currently two curb cuts along the front of the property.

The proposed changes include:

- Proposed modified parking lot layout
- Proposed lighting plan
- Proposed modified pool terrace
- Demolition of existing landscape
- New landscape material
- Revisions to site data calculations

If there are any questions regarding this project, please feel free to reach out to our office.

Dustin Mizell, *President*

Environment Design Group
139 N. County Road
Suite 20
Palm Beach, Florida 33480
561.832.4600

Paramount Building
139 North County Road, Suite 20-B
Palm Beach, FL 33480
561.832.4600 phone
Dustin@environmentdesigngroup.com

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-015 (ARC-23-002) 160 ROYAL PALM WAY – THE PALM HOUSE HOTEL (COMBO)—SITE PLAN REVIEW AND VARIANCES.

The applicant, LR PALM HOUSE, LLC., has filed an application requesting Town Council review and approval for a variance (1) for rooftop air conditioning height in conjunction with modifications to previously approved alterations to the hotel, including the relocation of mechanical equipment to the roof, requiring Site Plan Review. The Architectural Commission shall perform the design review component of the application. *[Architectural Review Commission Recommendations: Implementation of proposed variance will not cause a negative architectural impact to the subject property. Carried 7-0] [The Architectural Review Commission approved the project with the lighting bollard to return for additional review. Carried 7-0]*

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Plans**

TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-23-015 (ARC-23-002) 160 ROYAL PALM WAY THE PALM HOUSE HOTEL (COMBO)

MEETING: FEBRUARY 15, 2023

ZON-23-015 (ARC-23-002) 160 ROYAL PALM WAY – THE PALM HOUSE HOTEL (COMBO)—SITE PLAN REVIEW AND VARIANCES. The applicant, LR PALM HOUSE, LLC., has filed an application requesting Town Council review and approval for a variance (1) for rooftop air conditioning height in conjunction with modifications to previously approved alterations to the hotel, including the relocation of mechanical equipment to the roof, requiring Site Plan Review. The Architectural Commission shall perform the design review component of the application.

ARCOM NOTICE:
ARC-23-002 (ZON-23-015) 160 ROYAL PALM WAY – THE PALM HOUSE HOTEL (COMBO). The applicant, LR PALM HOUSE, LLC., has filed an application requesting Architectural Commission review and approval for modifications to previously approved improvements at the site, including the relocation of mechanical equipment to the roof, the construction of new site walls, parapet alterations, and pool deck lighting, requiring a variance for rooftop air conditioning equipment height and requiring Site Plan Review. This is a combination project that shall also be reviewed by Town Council as it relates to the zoning relief/approval.

Applicant: LR Palm House, LLC.
Professional: Cooper Carry, Inc. (Michael Sean McLendon)
Representative: Maura Ziska, Esq.

HISTORY:
Applications for ARCOM and Town Council were approved in 2020 for a renovation of the hotel.

THE PROJECT:
The applicant has submitted plans, entitled "The Palm House", as prepared by **COOPER CARRY, INC.**, dated November 28, 2022.

The following is the scope of work:

- Relocate replacement chiller equipment at roof.
- New site wall and planter at west property line along the garage entrance driveway.

- West elevation updated to reflect existing conditions.
- Updated pool deck lighting.

The following Special Exception with Site Plan Review and Variances are required to complete the project:

- **SITE PLAN REVIEW:** Sec. 134-1304(a): The special exception uses require a site plan review as provided in article III of chapter 134.
- **VARIANCE 1:** Sec. 134-1607. A variance to install rooftop air conditioning equipment 7.7' above the minimum required stand height in lieu of the 4' maximum height allowed.

Site Data			
Zoning District	C-B	**Lot Size (sq ft)**	144,100SF
Future Land Use	COMMERCIAL	**Number of Seats**	299 (No Change)
Parking Spaces	62 Space (No Change)	**Proposed Guest Rooms**	79 (No Change)
Existing Landscape Open Space (LOS)	10% (No Change)	**Lot Coverage**	63.8% (No Change)

Surrounding Properties / Zoning	
North	Wells Fargo Site and Parking Lot / C-B
South	First Horizon Bank Parking Lot (C-TS) / 1932 2-story residence (R-B) / Unimproved Parcel (R-B)
East	Two-story commercial/office building / C-B
West	Three-story First Horizon Bank Bldg / C-TS

STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the Town zoning code:

- A variance to install rooftop air conditioning equipment 7.7' above the minimum required stand height in lieu of the 4' maximum height allowed.

The project consists of placement of new mechanical (AC) equipment into a well on the top of the roof of the existing structure. The chiller equipment will not be visible from the ROW. The previous ARCOM application included a screenwall to shield the existing equipment. The applicant indicates that input from the equipment manufacturer and contractors has suggested that the equipment cannot be refurbished and warrantied in its current location. This application proposes to relocate the equipment into an existing well along the Royal Palm Way frontage. The proposed location does not require additional screening and will mitigate noise away from nearby residential properties. The previously approved screen wall is removed from the scope of work. The equipment is proposed to be installed at a height of 7.7' above the required equipment stand, where code allows only 4'.

A new site wall and planter is proposed along the west property line at the garage entrance driveway. The modified design includes new site wall and planter and the northwest corner of the

property. This new planter is designed to conceal storm water piping and supplement the hardscape with some additional landscaping.

The west elevation has been updated to reflect existing conditions. The existing parapet condition is now proposed to remain, where it was previously approved for removal at the West Guestroom wing.

The applicant has also proposed updated pool deck lighting. The recorded Declaration of Use Agreement allows for night swimming in the pool. The applicant has proposed low-level bollard lighting at the pool deck to meet building code requirements.

WRB:JGM:BMF

RECEIVED
By yfigueroa at 10:59 am, Dec 08, 2022

09 DECEMBER 2022

COOPER CARRY

Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Letter of Intent
Renovation & Completion of the Palm House Hotel
160 Royal Palm Way
ARC-23-002/ZON-23-015

We are pleased to submit the accompanying drawings for the Final Submittal for The Palm House located at 160 Royal Pam Way, Palm Beach, FL.

Project Overview:

The Palm House hotel is an existing structure which has been vacant with partially complete renovation under previous ownership. The structure is three stories with a partially enclosed basement containing parking and back-of-house functions. The hotel is 84,495 gross square feet in total. The building is comprised of two guestroom wings (East and West) connected by a central core containing the main entrance, lobby and other partially completed public function spaces. The east and west guestroom wings were originally constructed in circa 1980 and 1960 respectively; the central core began construction in the early 2000's. A separate conference and events structure and partial pool deck was also constructed at the south portion of the property. These components currently share the basement level as common structure. The property is approximately 800 feet from the Atlantic Ocean.

The proposed new work for the hotel includes completion and conversion of guest rooms for a total of 79 keys. Two new presidential suites will be constructed at the building core, each with private outdoor balconies. The new work also includes completion of the lower level for back-of-house, administrative, and housekeeping functions for the hotel. The lower level also includes 60 parking spaces, to be utilized for valet parking. A new pool deck will be constructed adjacent to the existing Function Room, with various amenities, water features, lush native plantings, and Event Lawn. The first level lobby and public spaces will be completed to include fine dining and lobby bar, with indoor seating as well as outdoor seating facing the new pool deck.

The Phase One enablement scope of work to address multiple non-compliant alterations is substantially complete.

ARCOM and Town Council have approved previously submitted architectural plans, finishes, renderings, special exceptions, and variances. Based on necessary design revisions to address several comments from the permitting process and further due diligence evaluation, this application ARC-23-002 is provided for Architectural Review in accordance with Section 18-205 and/or Section 18-206. The proposed modifications are provided in the list below:

1. Relocate replacement chillers at roof. The previous ARCOM submission retained the existing chiller at the SW corner of the West Guestroom Wing at grade. The previous submission included a new screen wall to shield the view of the chiller. Based on detailed input from the chiller MFR and contractors, the existing equipment, due to dormancy,

191 PEACHTREE STREET NE, SUITE 2400 TEL 404 237 2000
ATLANTA, GEORGIA 30303-1770 FAX 404 237 0276

cannot be refurbished and warrantied in its current location. This submission relocates the chiller plant to an existing recessed roof well along the Royal Pam Way frontage. This revised location will not require additional screening and will mitigate equipment noise away from nearby residential properties along the south property line. The previously approved screen wall at the SW corner will be removed from the Scope of Work.

2. New site wall and planter at west property line along the garage entrance driveway. The proposed design modification includes the installation of a new site wall and planter at the northwest corner of the property. During permitting review of the Civil Package, the engineer is modifying the storm drain system to collect stormwater from the west guestroom wing into an underground interceptor located in the driveway area of the project to mitigate stormwater volumes into the storm sewer along Royal Pam Way. Due to the Storm Water inverts along RPW, the storm water piping from the roof will be installed along an existing site retaining wall, above finish grade, to the underground system. The proposed site wall and planter is design to conceal the storm water piping and supplement landscape area for the Project. The proposed finish of the new site wall is designed to match the existing site wall in matching finishes.

3. West elevation updated to reflect existing conditions. The submission provides a change from the previous ARCOM approval to retain the existing parapet condition at the West Guestroom wing. The previous submission included a small mansard/clay tile roof at this condition. Based on existing roof drainage and emergency roof overflow requirements, the mansard roof as indicated interferes with the original roof slopes and drainage.

4. Updated pool deck lighting. The approved Declaration of Use for the Palm House project allows for night swimming. The design submission includes the addition of low-level bollard lighting at the pool deck to meet code required footcandle coverages at the pool deck (3 fc). We have provided layout plans, cut sheets, product images and photometric study to illustrate the design modification.

We consider the proposed modifications/improvements to be consistent with the existing architecture in the Town of Palm Beach as follows:

1. We consider the proposed modifications to the existing building to be in conformity with good taste and traditional design principles, and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.
2. The plan for the proposed building indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.
3. The exterior materials and detailing proposed is consistent with the quality and character of the surrounding structures.
4. The proposed composition and massing of the proposed work is consistent with other structures on Royal Palm Way;
5. The proposed improvements are not excessively dissimilar to the surrounding

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ATLANTA, GEORGIA 30303-1770 FAX 404 237 0276

structures in respect to one or more of the following features of exterior design and appearance:

a. The proposed height of the building matches existing context along Royal Palm Way. The application makes no changes to the proposed height/massing.
b. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.

6. The proposed improvements are not excessively dissimilar to the surrounding structures in respect to one or more of the following features of exterior design and appearance:
   a. Height of building or height of roof.
   b. Other significant design features including, but not limited to, materials or quality of architectural design.
   c. Architectural compatibility.
   d. Arrangement of the components of the structure.
   e. Diversity of design that is complimentary with size and massing of adjacent properties.
   f. Design features that will avoid the appearance of mass through improper proportions.
   g. Design elements that protect the privacy of neighboring property. The proposed work
7. The proposed modifications require Site Plan Review and one (1) variance that is described below.

8. The proposed modifications do not impact the surrounding unique site characteristics and is consistent with adjacent structures along Royal Palm Way. Proposed changes in this application will improve the project appearance with the removal of the existing chiller from the SW corner and improve ambient noise of equipment away from the adjacent properties.

The zoning requests and criteria are set forth below:

Section 134-1304(a)(5): Request for a modification to the previously approved Special Exception with Site Plan Review for the Palm House Hotel to allow the following modifications: Relocate new/replacement chiller at roof; New site wall at west property line; West elevation updated to reflect existing conditions; and Updated pool deck lighting.

1)The owner in control of the property is LR Palm House LLC, a Delaware limited liability company.

2)The proposed modifications to the previously approved hotel project does not intensify the use as the same number of "keys" are being proposed with the same number of parking spaces previously approved and an overall reduction in seating throughout the hotel.

3)Ingress, egress, utilities, and refuses collection will remain the same along Royal Palm Way.

4)The proposed reorganization of off-street parking and off-street loading facilities will improve internal traffic patterns within the property including: automotive/pedestrian

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safety, traffic flow and control (valet operations), access in case of fire or catastrophe, and screening and landscaping.

5)Landscaping will be tremendously enhanced as part of the overall renovation.

6)Drainage will be improved if required by the Town of Palm Beach.

7)The utility hook ups will remain the same.

8)The proposed chiller will not increase the overall height of the hotel.

9)The proposed modifications to the hotel will not create additional visible size and bulk as most of the changes are internal to the property.

Section 134-1607: a variance to install rooftop air conditioning equipment 7.7 feet above the minimum required stand height in lieu of the 4 foot maximum allowed. The variance criteria has been met as follows:

1.The property is located in the C-B Zoning District and is an existing special exception use (hotel) and is a grandfathered non-conforming building. This creates a hardship in designing any revisions to the property.

2.The applicant was not the cause of the special conditions of the property as the size and configuration of the Hotel existed prior to today' s zoning code.

3.The granting of the variance will not confer on the applicant a special privilege that is denied to the neighboring properties. The proposed chiller on the rooftop is screened by the parapet roof and will not be visible from any of the surrounding properties.

4.The hardship, which runs with the land, is that the property is non-conforming to today' code.

5.The variance requested is the minimum necessary to make reasonable use of the land considering the need for the air-conditioning equipment on the roof that will not be visible.

We hope the Town of Palm Beach will look favorably upon our application. In the meantime, please feel free to contact me with any questions.

Sincerely,

COOPER CARRY, INC.

M. Sean McLendon, AIA
Principal

CC: Maura A. Ziska, Esq

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ATLANTA, GEORGIA 30303-1770 FAX 404 237 0276

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-016 86 MIDDLE ROAD—SPECIAL EXCEPTION AND SITE PLAN REVIEW. The applicant, Middle Road Holdings Trust (Guy Rabideau), has filed an application requesting Town Council review and approval for a Special Exception and Site Plan approval to permit a reduction in the required setback for the proposed gate and gatepost for a property located on a cul-de-sac.

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Plans**

TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-23-016 86 MIDDLE ROAD

MEETING: FEBRUARY 15, 2023

ZON-23-016 86 MIDDLE ROAD—SPECIAL EXCEPTION AND SITE PLAN REVIEW.
The applicant, Middle Road Holdings Trust (Guy Rabideau), has filed an application requesting Town Council review and approval for a Special Exception and Site Plan approval to permit a reduction in the required setback for the proposed gate and gatepost for a property located on a cul-de-sac.

Applicant: Middle Road Holdings Trust (Guy Rabideau)
Professional: NIEVERA WILLIAMS DESIGN

THE PROJECT:
The applicant has submitted plans, entitled "MIDDLE ROAD HOLDINGS TRUST SPECIAL EXCEPTION WITH SITE PLAN REVIEW ZON-23-016", as prepared by **NIEVERA WILLIAMS DESIGN**, dated December 09, 2022.

The following is the scope of work for the existing two-story residence:

- The installation of swing gates.

The following Special Exceptions with Site Plan Review is required to complete the project:

- Sec. 134-1668. - For a property with a driveway located on a cul-de-sac or dead-end street, the required setback may be reduced provided it is approved as a Special Exception by the Town Council under the standards of sections 134-227 through 134-233.-

Site Data			
Zoning District	R-B Estate Density Res.	**Lot Size (SF)**	30,267 SF
Future Land Use	SINGLE-FAMILY		
Surrounding Properties / Zoning			
North	2021 Two-story residence / R-B		
South	1930 Two-story residence / R-A		

East	2021 Two-story residence / R-A
West	1938 Two-story / R-B

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

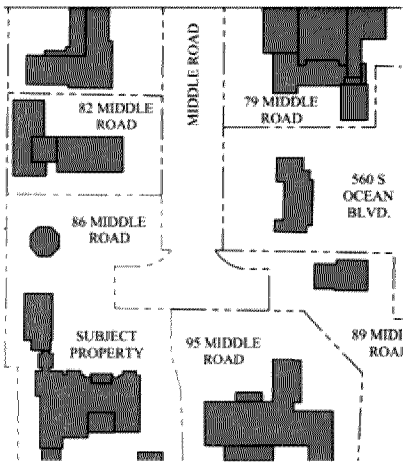
A preliminary review of the project indicates that the proposed **application** is **consistent** with the **single family** designation of the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the Town code: Sec. 134-1668.

STAFF ANALYSIS

The subject property is two-story residence, currently under construction. Approval for the house and landscape was granted at the April 2021 ARCOM meeting (B-0122021). The application is proposing to place the previously approved driveway gate 10 feet from the edge of curb, in lieu of the 18 feet required.



The applicant is proposing to install a pair of swing gates at the motor court entrance directly off the T-end of Middle Road for security which will have the following setback 10'-0" from the street pavement where 18'-0" is required. Since the site is located off of a cul-de-sac, the required setback may be reduced provided if approved as a Special Exception request to be reviewed by Town Council. The site is isolated from traffic and abuts the R-A zoning district, which typically are estate homes with gates. The gate has designed that is commensurate with the design of the approved residence and has been reviewed and approved by the Chairperson of ARCOM.

WRB:JGM

RECEIVED
By yfigueroa at 9:37 am, Dec 09, 2022

NIEVERA WILLIAMS
DESIGN

November 4, 2022

RE: ZON-23-016 (86 Middle Road)

LETTER OF INTENT:

The subject property is two-story residence, currently under construction. Approval for the house and landscape was granted at the April 2021 ARCOM meeting (B-012-2021). We are seeking approval to place the previously approved driveway gate 10 feet from the edge of curb, in lieu of the 18 feet required. We are seeking a special exception with site plan review for this, as allowed in Chapter 134, Sec 134-1668.

If you have any questions or need anything further, please feel free to contact me.

Best Regards,

Keith Williams
Nievera Williams Design

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STE 502
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33401
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15th Floor
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nieverawilliams.com

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-018 (ARC-23-009) 2860 S OCEAN BLVD (COMBO)—VARIANCES. The applicant, La Palma Condominium Apartment Association Inc., has filed an application requesting Town Council review and approval for Site Plan Review and Variances for site modifications to the parking lot and other site features of an existing multifamily condominium site including a new enclosed mechanical room including a variance to reduce the required parking spaces. The Architectural Commission will perform design review of the application. *[Architectural Review Commission Recommendations: Implementation of proposed variance will not cause a negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project design. Carried 6-1.]*

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Plans**

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Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-23-018 (ARC-23-009) 2860 S OCEAN BLVD (COMBO)

MEETING: FEBRUARY 15, 2023

ZON-23-018 (ARC-23-009) 2860 S OCEAN BLVD (COMBO)—VARIANCES. The applicant, La Palma Condominium Apartment Association Inc., has filed an application requesting Town Council review and approval for Site Plan Review and Variances for site modifications to the parking lot and other site features of an existing multifamily condominium site including a new enclosed mechanical room including a variance to reduce the required parking spaces. The Architectural Commission will perform design review of the application.

ARCOM NOTICE:
ARC-23-009 (ZON-23-018) 2860 S OCEAN BLVD (COMBO). The applicant, La Palma Condominium Apartment Association Inc., has filed an application requesting Architectural Commission review and approval for changes to the overall parking lot site plan of an existing six-story condominium building, including a new enclosed mechanical room including a variance to reduce the required parking spaces. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval

Applicant:	La Palma Condominium Apartment Association Inc
Professional:	Environment Design Group
Representative:	Jamie Crowley, Esq.

HISTORY:
The existing 6-story multifamily building was constructed in 1971 with 91 units and surface parking for 187 vehicles.

THE PROJECT:
The applicant has submitted plans, entitled "La Palma 2860 S Ocean Boulevard", as prepared by **Environment Design Group.**, dated December 08, 2022.

The following is the scope of work:

- Construction of a new mechanical enclosure to house air conditioning equipment located in the existing parking lot for the La Palma Condominium, requiring a variance for the elimination of parking spaces.

The following Special Exception with Site Plan Review and Variances are required to complete the project:

- **SITE PLAN REVIEW:** Sec. 134-1052: Site Plan Review for modifications to a multi-family condominium development in the R-D(2) zoning district.
- **VARIANCE 1:** Sec. 134-2176: A variance to provide 182 vehicular parking spaces in lieu of the 186 parking spaces existing and the 201 parking spaces required.

Site Data			
Zoning District	R-D(2)	**Lot Size (sq ft)**	144,100SF
Future Land Use	MULTI-FAMILY HIGH DENSITY	**# Units**	91
Existing Parking Spaces	187	**Proposed Parking Spaces**	183 *Variance requested*
Existing Landscape Open Space (LOS)	21.57%	**Proposed Landscape Open Space (LOS)**	21.76%
Crown of Road (C-o-r)	4.43' NAVD		

Surrounding Properties / Zoning	
North	Six-story Condominium Building / R-D(2)
South	Fairfield Inn and Suites Palm Beach / C-TS
East	Two-story commercial/office building / C-TS
West	Lake Worth Lagoon

STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the Town zoning code:

- A variance from the parking requirements to allow for 183 parking spaces in lieu of the 201 required by Code and 187 existing.

The project consists of placement of new mechanical (AC) equipment into the surface parking lot in a proposed mechanical room enclosure. The existing air conditioning equipment currently located on the roof of the condominium building has come to the end of its operational life and must be replaced, but the roof and existing structural skeleton of the building cannot support the new equipment on the roof.

The proposed includes the construction of a new approximately 400 SF mechanical room enclosure in the northeast portion of the existing surface lot that will occupy the footprint of six surface parking stalls. The existing 6-story building is nonconforming as it pertains to the current parking requirements, and the elimination of six of these will result in a furtherance of the nonconforming nature. The Code requires 2 spaces per unit + 1 per 5 for guests for a total of: 91 units x 2 = 182 + 19 guest spots = 201. Currently the site has 187 and to decrease the amount of the variance

requested, the parking spaces sizes have been reduced (but still meet Code) so that while six (6) current parking spaces are being lost for the air conditioning structure, the applicant has added two (2) parking spaces because of the reduction in the size of the spaces, which results in just a net loss of four (4) parking spaces.

The mechanical enclosure measures 22'-0" x 18'-0" and is proposed to be surrounded by some built in planters to provide aesthetic relief and buffering. The structure will measure approximately 16' high. As a point of comparison, the existing concrete covered parking canopies measure about 9'-6" in height. Intake louvers will occupy the north and south faces of the mechanical enclosure.

The Public Works Department has commented that the proposed building may create blind spots for existing parking and will need to be evaluated. The applicant is proposing some landscape improvements to the site but no vegetation is permitted to be greater than 30-inches within sight lines.

The request for this relief is necessary to provide adequate space for the installation of the 18' x 22' (396 square feet) equipment enclosure. In addition that applicant is proposing to restripe the parking area in order to provide 2 additional parking spaces, so the net loss will be four (4) parking spaces as opposed to six (6). The applicant maintains that the site is currently overparked and that the 182 spaces that will remain is more than adequate for the needs of the building.

WRB:JGM

RECEIVED
By yfigueroa at 12:54 pm, Dec 08, 2022

GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS

Our File Number: 55880-00001
Writer's Direct Dial: (561) 650-0633
Writer's E-Mail Address: jcrowley@gunster.com

November 28, 2022

Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: LOI for 2860 South Ocean Boulevard

Zoning Case Number: ZON-23-0018
ARCOM Case Number: ARC-23-009

We are pleased to submit the accompanying documents and drawings in connection with our application for Development Review and Site Plan Approval, which seeks authorization for a mechanical enclosure to house air conditioning equipment to be located in the existing parking lot for the La Palma Condominium (the "Project"). The proposed Project, which is necessary to replace the outdated and failing HVAC system, will require removal of six (6) existing parking spaces at the site located at 2860 South Ocean Boulevard, Palm Beach, FL (the "Property"). The existing six-story condominium building at the Property was constructed in the 1969-1970 time period. The existing air conditioning equipment currently located on the roof of the condominium building has come to the end of its operational life and must be replaced, but the roof and existing structural skeleton of the building cannot support the new equipment on the roof. As such, the Project proposes to relocate the new equipment to the grade level parking area located to the north of the building for two reasons:

1) Preliminary structural evaluations, which have taken into account the weight of the new equipment as well as new wind loading requirements, have found that the existing structural columns would require significant retrofitting from the roof to the foundation to be able to support new equipment on the roof.

2) The current equipment draws its cooling water supply from the intracoastal waterway and discharges warm water back into the intracoastal. While it is technically possible to re-permit this type of system, permitting agencies prefer upgrading to newer self-contained systems (more environmentally friendly), which is the type of system we are proposing.

The proposed location of the new equipment, at the east end of the existing north covered parking structure, is the best siting solution for the property and its neighbors.

The size of the new equipment enclosure provides the exact dimensional requirements necessary for the equipment and its minimum operating tolerances. The project will result in the removal of six (6) existing parking spaces, which is necessary to provide adequate space for the installation of the 18' x 22' (396 square feet) equipment enclosure. It is important to note that the proposed added perimeter landscaping will increase the total landscaping (which is currently legally non-conforming) on-site by approximately 273 square feet. In addition, the Project proposes to restripe the parking area in order to provide 2 additional parking spaces, so the net loss will be four (4) parking spaces as opposed to six (6).

Please note the following as it relates to this application:

A. Architectural Commission review in accordance with Section 18-205.

(a) The architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with:

(1) The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm, and high quality.

(2) The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.

(3) The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.

(4) The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.

(5) The proposed building or structure is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:

a. Apparently visibly identical front or side elevations;
b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or

c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.

(6) The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:

a. Height of building or height of roof.
b. Other significant design features including, but not limited to, materials or quality of architectural design.
c. Architectural compatibility.
d. Arrangement of the components of the structure.
e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
f. Diversity of design that is complimentary with size and massing of adjacent properties.
g. Design features that will avoid the appearance of mass through improper proportions.
h. Design elements that protect the privacy of neighboring property.

(7) The proposed addition or accessory structure is subservient in style and massing to the principal or main structure.

(8) The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).

(9) The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

(10) The project's location and design adequately protects unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.

(b) If the above criteria are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with the above criteria and shall be such as to bring such building or structure into conformity. If an application is disapproved, the architectural commission shall detail in its findings the criterion or criteria that are not met. The action taken by the architectural commission shall be reduced to writing, and a copy thereof shall be made available to the applicant upon request.

(c) A decision or order of the commission or the planning, zoning and building department director or his/her designee shall not become effective until the expiration of ten working days after the date upon which a ruling of the commission

or the planning, zoning and building department director or his/her designee has been made.

We are submitting plans for a small, 1-story, 396 square-foot structure with a simple but pleasing architectural design. The proposed Project will utilize quality materials to complement the existing condominium building and other buildings on nearby sites. The structure is not too similar, nor is it too dissimilar to the existing condominium buildings, or other nearby buildings. The structure also uses various landscape materials to soften its appearance, which allows for the structure to better blend into the Property and not draw attention to itself. The purpose of the structure is to house air conditioning equipment, and screen it from view for those at ground level, and those looking down from the condominium building and other nearby buildings; this type of approach to screening utilitarian mechanical equipment in the Town is quite common, and preferred to having equipment clearly visible, and has become the standard for screening mechanical equipment in the town on non-single-family properties.

B. Site Plan Review Approval in accordance with Section 134-329.

(1) Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.

(2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter.

(3) Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.

(4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.

(5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.

(6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.

(7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

(8) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.

(9) Such other standards as may be imposed by this chapter for the particular use or activity involved.

(10) Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.

(11) Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

Locations for the air conditioning mechanical equipment are limited because the existing condominium roof cannot support the weight of the new equipment and is therefore not an option. The air conditioning equipment must be located at the ground level, and this location was selected because it would be significantly setback from the property lines and will be the least impacting on the current design of the site. The height and mass of the structure is just large enough to accommodate the equipment and allow for proper ventilation. The structure also has the added benefit of reducing noise from the mechanical equipment. The structure has also been sited and designed to prevent interference with safe traffic circulation.

Variance in accordance with Section 134-201(a):

Variance Criteria:

(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

(2) The special conditions and circumstances do not result from the actions of the applicant.

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

(4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

(6) For granting of a variance to sections 134-387 or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings shall be made pertaining to the nonconforming use for which the variance is requested:

a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and

b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:

1. Be granted only for the continuation of the same hotel or residential use; and

2. Require the applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

(7) The grant of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In granting any variance, the town council may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a variance the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with the town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

Variance Requested:

A request for Variance from the Parking requirements in Section 134-2176, to allow for 183 parking spaces in lieu of the 201 required by code, and the 187 that currently exist.

Justification for Variances Requested:

Current Town Code requires that the condominium building have at least two (2) parking spaces per unit, and at least one (1) parking space for every five (5) units for guest parking; therefore, the total required parking for the 91-unit building is 201 spaces (182 parking spaces for residents, and 19 parking spaces for guests). The current site provides 187 parking spaces total, and is therefore nonconforming for parking, because it is 14 parking spaces below what is required by current code; however, the current situation is a legal nonconformity because the condominium was approved with the existing 187 parking spaces. With the reduction of the total parking provided by 4 parking spaces though, the nonconformity is being increased, and therefore requires a variance. The justification for this variance request is that as mentioned previously, the roof of the condominium building is no longer an option for the air conditioning equipment, and therefore the equipment must be located at the ground level. To decrease the amount of the variance requested, the parking spaces sizes have been reduced (but still meet Code) so that while six (6) current parking spaces are being lost for the air conditioning structure, we will be able to add two (2) parking spaces because of the reduction in the size of the spaces, which results in just a net loss of four (4) parking spaces. The request for this relief to allow for four (4) parking spaces to be removed is clearly the minimum variance needed to facilitate the relocation of the new air conditioning equipment.

Attached is the recent site history for the La Palma.

Sincerely,

James M. Crowley

The La Palma Condominium building was originally designed by Richard Levine, AIA. Construction of the building was done by Wiggs & Maale Construction Company. Construction work began in 1969 and was completed on April 23, 1971 when the certificate of occupancy was issued. The following is the recent history of the zoning and Architectural Commission approval requests for the property.

October 9, 1990	Variance for retractable storm shutters at the edge of balconies	Zoning Variance #54-90	Approved by Town Council

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-014 (ARC-22-243) 302 SEABREEZE AVE (COMBO) — SITE PLAN REVIEW AND VARIANCE The applicant, Sean Rooney, has filed an application requesting town council review and approval for development of a new two-story single-family structure on a parcel, comprised of platted lots, which is deficient in lot width and lot area in the R-B zoning district requiring Site Plan Review, and a variance to provide one garage parking spot in lieu of the two required. The Architectural Commission will perform design review of the application. ***[This project shall be deferred to the March 8, Town Council meeting pending Architectural review.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-019 (COA-23-002) 363 COCOANUT ROW—THE VINETA HOTEL (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES The applicant, 363 Cocoanut Row Popco LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the interior and exterior renovation to an existing Landmarked four-story hotel structure for (1) For modifying the existing four-story hotel use including a reduction of rooms from 57 keys to 41 in the R-C district and (2) For outdoor café seating use. Additionally, the applicant is seeking review and approval for Variances (1) to modify and increase a nonconforming hotel use and accessory restaurant uses in the R-C district under Sec. 134-201(a)(6) of the Town Zoning Code, (2) to exceed the maximum overall building height in order to construct rooftop projections (stair and elevator bulkheads), (3) to exceed the maximum overall building height in order to construct rooftop projections (third floor trellis), (4) to exceed the maximum height of rooftop mechanical equipment for air conditioners and (5) commercial kitchen exhaust scrubber on a rooftop, in conjunction with the renovation of an existing Landmarked four-story hotel and accessory restaurant uses. The Landmarks Preservation Commission will perform the design review. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the landmarked property. Carried 7-0.] [Landmarks Preservation Commission approved the project with the lighting package to return to the March 22, 2023, meeting. Carried 7-0.]*

TIME CERTAIN 2:00 PM

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Plans**
- **Plans 1**
- **Traffic Statement 1.27.23**
- **Vineta Hotel Traffic Analysis Review_v1_01.26.23**
- **Vineta Hotel Traffic Analysis Resubmittal Review_v1_01.30.23**
- **Public Comment**

TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-23-019 (COA-23-002) 363 COCOANUT ROW THE VINETA HOTEL (COMBO)

MEETING: FEBRUARY 15, 2023

ZON-23-019 (COA-23-002) 363 COCOANUT ROW—THE VINETA HOTEL (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES. The applicant, 363 Cocoanut Row Popco LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the interior and exterior renovation to an existing Landmarked four-story hotel structure for (1) For modifying the existing four-story hotel use including a reduction of rooms from 57 keys to 41 in the R-C district and (2) For outdoor café seating use. Additionally, the applicant is seeking review and approval for Variances (1) to modify and increase a nonconforming hotel use and accessory restaurant uses in the R-C district under Sec. 134- 201(a)(6) of the Town Zoning Code, (2) to exceed the maximum overall building height in order to construct rooftop projections (stair and elevator bulkheads), (3) to exceed the maximum overall building height in order to construct rooftop projections (third floor trellis), (4) to exceed the maximum height of rooftop mechanical equipment for air conditioners and (5) commercial kitchen exhaust scrubber on a rooftop, in conjunction with the renovation of an existing Landmarked four-story hotel and accessory restaurant uses. The Landmarks Preservation Commission will perform the design review.

LPC NOTICE:
COA-23-002 (ZON-23-019) 363 COCOANUT ROW—THE VINETA HOTEL (COMBO).
The applicant, 363 Cocoanut Row Popco LLC, has filed an application requesting a Certificate of Appropriateness for the review and approval of the interior and exterior renovation of an existing Landmarked four-story hotel structure including alterations to the façades, a reduction of rooms from 57 keys to 41, the reconstruction of historic door and window locations and associated hardscape/landscape and rooftop projections requiring height variances for rooftop allowances. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: 363 Cocoanut Row Popco LLC
Professional: Keith Spina / Spina Orourke + Partners
Representative: Timothy Hanlon

THE PROJECT:
The applicant has submitted plans, entitled "The Vineta Hotel 363 Cocoanut Row", as prepared by **Spina Orourke + Partners**, dated December 12, 2022.

The applicants are proposing the following scope of work at the property:

- Rehabilitation and renovation of the existing four-story 32,758 SF landmarked hotel and external sitework improvements.
- Façade renovations and alterations to the primary and secondary street facing façades and all of the other elevations.
- Substantial interior demolition and alterations including enlargement of the existing hotel room conditions on floors 2-4, and interior layout changes to the ground floor to accommodate the revised and expanded food and beverage program.

The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

- **SPECIAL EXCEPTION with SITE PLAN REVIEW:** Sections 134-201, 134-226, 134-227 Site Plan Review and Approval with Special Exception Request and Variances to allow continued use as a hotel, restaurant, nightclub, and swimming pool.

- **SPECIAL EXCEPTION:** Section 134-1109(22): For restaurant use (renovation).

- **SPECIAL EXCEPTION:** Sec. 134-2106: Special Exception for outdoor café seating.

- **VARIANCE 1**: Sec. 134-201(a)(6): A variance to continue a nonconforming hotel use. A variance to permit the expansion of the restaurant, nightclub and pool area uses with 197 combined seats. Originally, 113 seats were permitted for the dining room use. Additional seats do not require parking as a result of credit for the elimination of 16 hotel rooms.

- **VARIANCE 2**: Sec. 134-948(8)d: A variance to exceed the maximum allowable height for new rooftop construction specifically to replace an elevator and stair bulkhead on the rooftop of a nonconforming four-story building with a height of 47.6 ft in lieu of the 23.5 ft maximum building height allowed.

- **VARIANCE 3**: Sec. 134-948(8)d: A variance to exceed the maximum allowable height for new rooftop construction specifically a rooftop trellis on a nonconforming third floor of a nonconforming four-story building with a height of 33'0" in lieu of 23'6" maximum height and 26'6" maximum building height permitted.

- **VARIANCE 4**: Sec. 134-1607(1).: A variance to exceed the maximum allowable height for the installation of rooftop air conditioning units (five) at a height of 108" (9') above the maximum height permitted in lieu of the 48" (4') maximum height allowed.

- **VARIANCE 5**: Sec. 134-1607(1): A variance to exceed the maximum allowable height for a roof top commercial kitchen exhaust scrubber at a height of 84" (7') above the maximum height permitted in lieu of the 36" (3') maximum height allowed.

The applicants have included a detailed Letter of Intent providing a project narrative, comprehensive descriptions of all current requests including required Code relief, and have provided responses to pertinent variance, special exception, and site plan review criteria.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

A preliminary review of the proposed project indicates that the proposed **hotel use** is **not a permitted use** within the **MULTIFAMILY MODERATE USE** land designation of the Future Land Use Map of the Comprehensive Plan, but it is a **legally permitted nonconforming use**. Basically, any new or expanded commercial hotel use could be considered a conflict with the direction of the Comp Plan.

Nonconforming buildings or structures may be restored within the time frame outlined in the land development regulations. Additionally, the structure is a Landmarked structure which aligns with the Town's objective to protect its inheritance of structures and neighborhoods having historic or architectural merit.

Site Data			
Zoning District	R-C	**Lot Size**	18,750 SF
Future Land Use	MULTIFAMILY MODERATE	**Total Building Size**	32,758 SF
C-O-R	1.75 NAVD (Intersection)	**Flood Zone**	AE 6' NAVD
Finished Floor Elevation	3'-10" (3.76' NAVD) Must be flood-proofed	**Designated Landmark *Nat'l Register**	01/08/91
Year of Construction:	1925	**Architect:**	Unknown 1937 Renovations Volk
Project			
Lot Coverage	Existing: 66.4% Proposed: N/C Permitted: 30%	**Landscape Open Space (LOS)**	Existing: 5.96%% Proposed: 7.09% Required: 35%
Existing Parking Space	4	**Proposed Parking Space**	4
Existing Room Count	57	**Proposed Room Count**	41
Existing Dining Seats	113	**Proposed Dining Seats**	197
Surrounding Properties / Zoning			
North	Two-story condominium / R-C		
South	Two-story townhouse / R-C		
East	Two-story townhouse / R-C		
West	Three-story condominium / R-C		

STAFF ANALYSIS

The applicant is proposing substantial alterations and additions to the fabled and landmarked hotel building and to the site, including the rehabilitation and complete renovation and alteration of the historic hotel designed in the Mediterranean Revival style of architecture and is a pristine example of commercial architecture of Palm Beach. Located at the southeast corner of Cocoanut Row and Australian Avenue the three-story hotel is sited with a turreted tower feature in the northwest corner of the structure and two front projecting winds separated by a central open air courtyard fronting

Cocoanut Row. The hotel originally opened as the "Lido-Venice" in 1926; in 1928 the hotel changed its name to the "Vinita" where it operated for the next 51 years. As part of the application today, the Chesterfield Hotel is proposed to be renamed back to the "Vineta".

ARCHITECTURE AND HISTORIC PRESERVATION

The Vineta Hotel was designed by an unknown architect in 1925 and opened in 1926 as the Lido-Venice"; the structure underwent renovations in 1927 by notable Palm Beach architect John Volk. The Chesterfield Hotel was designated as a Landmark by the Town of Palm Beach in 1991 and is currently licensed as a 57-room hotel with a 113 dining seats and nightclub use. Much of the proposal aims to restore missing architectural details and elements to the structure, based on documentary and original Mediterranean Revival glory while undergoing much needed upgrades in an effort to modernize the hotel for today's discerning guests as it pertains to the room sizes, amenities, and infrastructure.

Primary (along Cocoanut) and secondary (along Australian) facades are proposed to be modified and in accordance with historical documentation, of notable significance is the expansion of the arched windows along the south portion of the east façade (former Leopard Lounge) occupying the ground level along Cocoanut Row. The applicant is proposing to open up the bottom of the infilled opening and recreate the triple arched fenestration of full-length French doors, allowing much more natural light into the dining room and improvement transparency at the ground level.

The proposal includes significant site alterations as well, including the addition of landscape open space from 5.96% to 7.09% although there is discrepancy in the plans that show no improvement. And in this regard, staff maintains that greater effort should be made to introduce landscape open space to a double-digit sum and should include substantial hedge material along the south and east sides of the property (and within the courtyard) to mitigate potential impacts of sound/noise upon neighbors while providing a visual buffer.

VARIANCE REQUESTS

The renovations include the number of rooms being decreased from 57 to 41. There are currently five (5) variances identified in the applicant's Letter of Intent. Of the variances requested, most are directly associated with the modernization efforts of updating a nearly 100-year-old hotel building; including variance(s) from height limitations of necessary mechanical improvements on the rooftop of a nonconforming four-story building such as elevator and stair replacements, AC and kitchen exhaust equipment's, and other modern commercial needs. Some of these improvements are for the benefit of the surrounding area including relocating loud outdated AC equipment from the exterior ground level to the roof, installing proper commercial kitchen scrubber cleaner used to mitigate smoke and grease from commercial kitchen exhaust air streams and an improved trash enclosure.

VARIANCE 1: Sec. 134-387 of the Code identifies that no nonconforming use shall be **enlarged, increased, intensified, substituted, or extended to occupy a greater area than it occupied,** without seeking relief under the variance criteria for granting of a variance pertaining to the regulation of nonconforming uses (hotel uses in the R-C district). The hardship that runs with the property is that the current hotel is a Town and federally landmarked building first constructed in 1925. The use is not permitted by right or by special exception in the R-C zoning district, so it is virtually impossible to renovate and perform necessary improvements to the hotel, which is in great need of update, renovation, restoration, and enhancement, without the need to obtain variances. The hotel has been in operation for nearly 100 years and quite simply the zoning code for the R-C zoning district was not drafted to apply to a hotel—nor for any structure greater than two-stories in

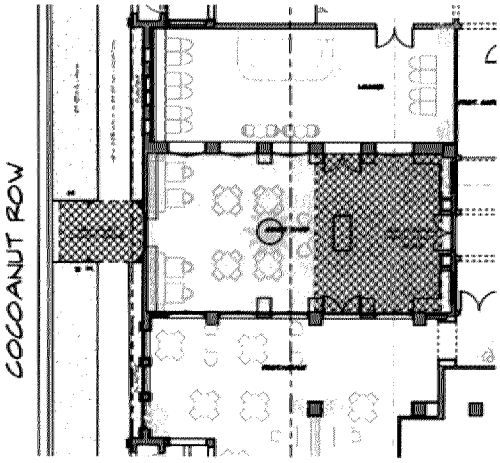
height.

As it pertains to Variance #1, the alteration of the nonconforming use outlines the need to be approved through the variance process, as opposed to a Special Exception use as is more typical for commercial endeavors when located within commercial districts. It is staff's opinion that the interior alterations and modifications to the hotel use, including the transference of the room keys to dining seats fall under variance #1. Review and analysis of variance #1 to alter the nonconforming use is fundamentally linked to the following three aspects: ROOM COUNT AND SEATING, LICENSING, and OPERATIONAL CONDITIONS.

ROOM COUNT AND SEATING

While the number of room keys is being decreased from 57 to 41, the number of approved restaurant and bar seats is being increased over the 113 currently licensed seats through the principle of equivalency outlined in the zoning code as it pertains to parking credits. The reduction of room keys of 16 yields 84 additional seats. This is calculated by taking the parking requirement of 1.75 spaces per room to obtain 28 for new parking requirements. Then apply a restaurant use parking requirement of parking spaces per 3 seats (28*3) to obtain 84 credit seats. So, 113 licensed seats +84 credit for reduced room count = 197 permitted seats. This translates to a 78% increase of dining capacity seats based on the prior license. Again, the transference of the room keys to dining seats fall under variance #1, but the above number represents the maximum allowable amount the applicant would be authorized for without the need for a parking requirement variance. There is historical documentation in the form of menus, reviews, websites, and archival photographs depicting and supporting Leopard Lounge seating in the front courtyard serving breakfast, lunch and dinner service; afternoon high tea service offered in the library, courtyard and Leopard Lounge for hotel guests and paid visitors; an outdoor pool bar lounge with afternoon lunch menus; and a banquet room hosting weekly meetings such as the Rotary Club, etc. Regardless of the historical anecdotal evidence to seating throughout the facility, PZB staff adhered to the documented license of 113 seats for the dining room.

As outlined above, the established 113 licensed seats +84 credit for reduced room count = 197 permitted seats. These 197 seats are dispersed in the following manner along the ground floor of the hotel: 35 within a lounge located north of the courtyard, 66 within the main dining room of the formerly Leopard Lounge space, 44 within the open-air courtyard and finally 52 in and around the pool bar towards the eastern portion of the site—16 of which are proposed outside. The use of 51 exterior seats for the pool bar and courtyard outdoor seating requires Town Council review and approval as a separate Special Exception (outdoor café seating) to weigh any potential negative impacts on the exterior seating as it the neighboring property owners.

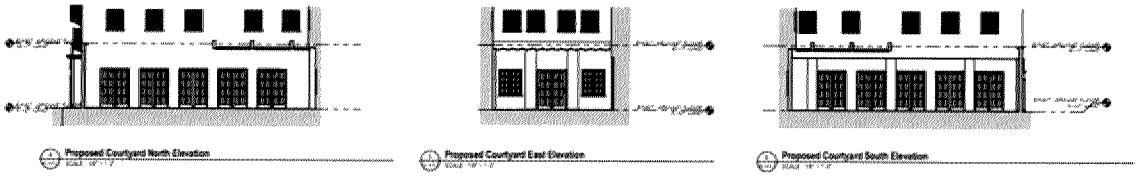


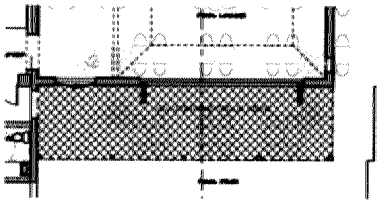
The Landmarks Preservation Commission has reviewed and approved the architectural changes as related to the proposed outdoor seating locations, vis a vis the front courtyard and the pool deck area. In both instances, additional openings are proposed. Within the front courtyard, the applicant is proposing new French door openings along the north and south interior elevations. This new fenestration alteration will unify the interior spaces of the main dining room and lounge both proposed to the north and south of the courtyard and likely allow both spaces to capitalize on the open-air nature of the courtyard for al fresco dining or cocktails. A total of 35 seats are proposed within a lounge located north of the courtyard, 66 within the main dining room of the formerly Leopard Lounge space, and 44 within the open-air courtyard.

EXISTING COURTYARD ELEVATION



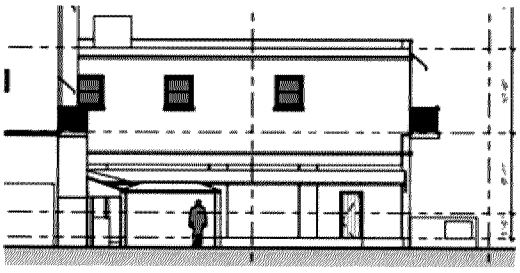
PROPOSED COURTYARD ELEVATION

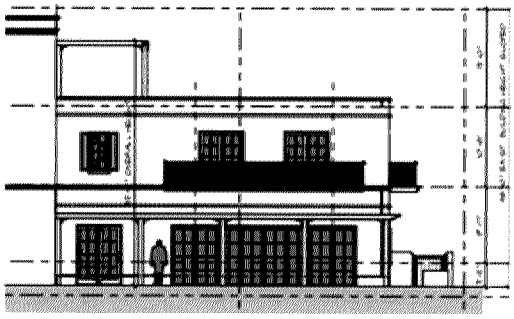




Within the rear pool deck area, the applicant is proposing a new operable NANA wall storefront system. This new fenestration alteration will allow the interior pool lounge to 'open up' onto the open-air pool deck area and provide for access to outdoor dining and drinking. A total of 52 seats are proposed in and around the pool bar towards the eastern portion of the site and 16 of which are proposed outside.

EXISTING POOL BANQUET ROOM ELEVATION **PROPOSED POOL LOUNGE ROOM ELEVATION**





For all of the outdoor café seating—a total of 60 outdoor seats—the Town Council will review and approved them in accordance with the Special Exception criteria. And as previously mentioned, there was historical evidence of outdoor dining service in both of these areas.

LICENSING

The approval of the application as proposed (and variance #1) would require the applicant to submit new applications for licenses. Currently the hotel has four licenses (business tax receipts, 'BTR's).

License #	Use	Permitted	Notes
00020370	*Hotel*	*57 rooms*	*none*
00001910	*Dining Room*	*113 seats*	*none*
00030606	*Nightlcub w/dancefloor*	*1,200 SF*	
00030607	*Pool*		

The following licenses would be required should the application be approved as proposed.

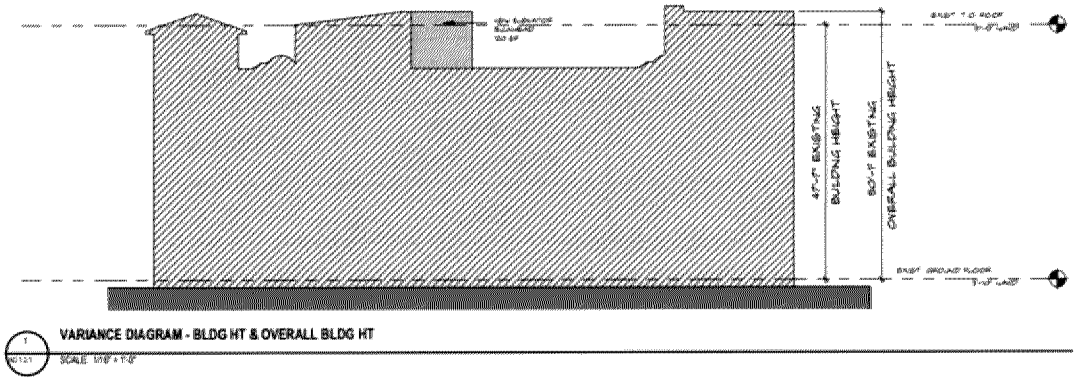
License #	Use	Permitted	Notes
NEW	*Hotel*	*41 rooms*	*Site plan identifying the 41 rooms*
NEW	*Dining Room*	*66 seats + 44 Total 110*	*+ outdoor seats*
NEW	*Lobby Lounge*	*35 seats*	*+ outdoor seats*
NEW	*Outdoor Café main dining*	*44 seats max*	*For main dining room and lounge*
NEW	*Nightlcub w/dancefloor*	*Main dining room only (interior)*	*Limit hours*
NEW	*Pool Lounge*	*36 seats + 16 Total 52*	*Limit hours*
NEW	*Outdoor Café pool lounge*	*16 seats max*	*Limit hours*
	Pool		

DECLARATION OF USE / OPERATIONAL CONDITIONS

Should the Town Council find merit in the application and that the proposal is consistent with the granting of a Special Exceptions and Variances, the applicant will need to submit a Declaration of Use with binding operational conditions to be listed in Development Order limiting the uses, to hours, days, events, music, number of seats, special events, etc., at a future meeting date. As the introduction of the 'Pool Bar' is formally a new food and beverage operation, staff would recommend at minimum the following operational conditions:

- First, the nightclub use should be expressly confined to the interior space of the main dining room only; and
- Second, the front courtyard outdoor café seating should be limited to service hours till 10pm; and
- Third, the Outdoor Café pool lounge seating should be limited to service hours till 9pm; and
- Fourth, no outdoor music.

VARIANCE 2: Sec. 134-948(8)d: A variance to exceed the maximum allowable height for new rooftop construction specifically to replace an elevator and stair bulkhead on the rooftop of a nonconforming four-story building with a height of 47.6 ft in lieu of the 23.5 ft maximum building height allowed.

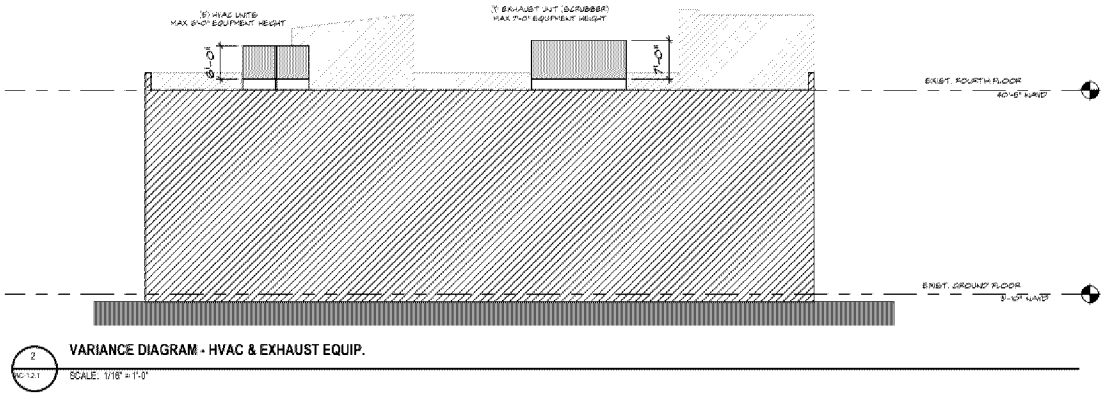


VARIANCE 3: Sec. 134-948(8)d: A variance to exceed the maximum allowable height for new rooftop construction specifically a rooftop trellis on a nonconforming third floor and of a nonconforming four-story building with a height of 33'0" in lieu of 23'6" maximum height and 26'6" maximum building height permitted.

As it pertains to Variance #2 and #3 to exceed maximum height of rooftop trellis on a nonconforming third floor and to replace an elevator and stair bulkhead on the nonconforming building, staff has no objections to the request as it technical in nature as the Code does not contemplate nonconforming buildings in zoning districts as it pertains to rooftop improvements when the zoning limits the number of stories below that existing edifice.

VARIANCE 4: Sec. 134-1607(1).: A variance to exceed the maximum allowable height for the installation of rooftop air conditioning units (five) at a height of 108" (9') above the maximum height permitted in lieu of the 48" (4') maximum height allowed.

VARIANCE 5: Sec. 134-1607(1): A variance to exceed the maximum allowable height for a roof top commercial kitchen exhaust scrubber at a height of 84" (7') above the maximum height permitted in lieu of the 36" (3') maximum height allowed.



As it pertains to Variance #4 and #5 to exceed maximum height of mechanical equipment (AC and Scrubber) on the existing roof. Staff has no objections to the request as it is the logical placement of such equipment, provided that the existing parapet wall or other screening methods adequately mitigate any negative visual impact when viewing the building from within the r-o-w or across the street. The placement of the equipment is setback from the immediate edges of the building and should be visually obscured. Staff would recommend that the applicant install sound attenuating material to ensure that the mechanical noise level does not become disruptive to the residential neighbors abutting the subject property to the south and to the east in the form of a noise barrier that offers soundproofing.

TRAFFIC STUDY

The applicant has submitted a traffic analysis by Simmons and White and is currently being peer reviewed by Corradino Group for traffic and valet parking review.

VALET OPERATIONS

The Chesterfield Hotel was sold and is now under 363 Cocoanut Row Opco LLC. They have kept the terms of the existing approved valet permit conditions regarding where vehicles will be parked, where the valet stand will be and hours of operation. A new permit for this fiscal year 2023 under the new company name and it has been issued. Any substantial alterations to the program will need an amended valet operations permit to be reviewed and approved by Town Council and administered and monitored by Code Enforcement Specialists in the PBPD.

WRB:JGM

RECEIVED
By yfigueroa at 10:10 am, Dec 12, 2022

LETTER OF INTENT

COA-23-002 and ZON-23-019: We are pleased to submit the accompanying drawings for our project at 363 Cocoanut Row, Palm Beach, FL. The proposed work includes the renovation of the existing 4-Story 32,758 square foot structure hotel. The scope of work includes the complete exterior and interior renovation including the reduction of rooms from 57 keys to 41, the reconstruction of historic door and window locations and associated hardscape/landscape. There are no proposed modifications to the number of existing parking spaces.

Please note the following as it relates to this application:

A. Landmarks Preservation in accordance with Section 54-122 and/or Section 54-161.
    a. We are submitting modifications to the existing building that are visually compatible with the buildings and environment.
        1) The proposed modifications to the subject property will be visually compatible with the height, gross volume, and the proportion between width and height of the façade of the existing building.
        2) The original proportions and relationships between doors and windows will be reconstructed from historic images.
        3) The original rhythm of solids to voids created by openings in the facade will be reconstructed from historic images.
        4) The proposed materials used in the façade will match the existing building.
        5) The proposed texture used in the façade will match the existing building.
        6) The colors, patterns and trim used in the façade will be reconstructed from historic images.
        7) The design of the roof will match the existing building.
    b. The existing rhythm created by the existing building masses and space between them will be preserved.
    c. The landscape plan is sensitive to the individual building and its occupants and needs and is visually compatible with the buildings and environment with which it is visually related and historic images.
    d. The proposed modifications to the existing street (west) façade blend directionally with the existing building and historic images.
    e. At existing elements, architectural details will be restored or replaced. Details and fenestration represented in historic images will be reintroduced, directly relating the new with the old and enhancing the inherent architectural characteristics of the area.

Sections 134-201, 134-226, 134-227 and 134-___. Applicant is requesting site plan approval with special exception and variances to allow continued use as a hotel, restaurant, nightclub and swimming pool as specifically permitted pursuant to Section 134-386. Said uses are grandfathered non-conforming uses in the R-C Zoning District per said Section 134-386. The following zoning relief is requested:

1. Section 134-226, 134-227 and 134-326. Special exception and site plan approval to permit the following non-conforming uses: hotel with reduction of rooms from 57 to 41; restaurant, nightclub and swimming pool with 197 combined seats.

2. Section 134-2106. Special exception to permit outdoor café seating.

3. Section 134-948(8)(d): A variance for new construction of an elevator bulkhead on an existing nonconforming fourth floor in lieu of the 2 stories maximum allowed. This variance request is referred to as Variance #1.

4. Section 134-948(8)(d) and (e): A variance to allow new construction of a covered trellis on an existing nonconforming third floor with a building height & overall building height of 33'0" in lieu of 23'6" maximum height and 26'6" maximum building height permitted. This variance request is referred to as Variance #2.

5. Section 134-1607(1). A variance to permit the installation five air conditioning units on the roof at a height of 9' above the maximum height permitted in lieu of 4' maximum height permitted for air conditioning units. This variance request is referred to as Variance #3.

6. Section 1607(1). A variance to permit two air conditioning scrubber exhaust mechanisms at a height of 7' in lieu of 3'maximum permitted. This variance request is referred to as Variance #4.

7. Section 134-201(a)(6) and 134-387. A variance to permit the expansion of the restaurant, nightclub and pool area uses with 197 combined seats. Originally, 113 seats were permitted for the dining room use. Additional seats do not require parking as a result of credit for the elimination of 16 hotel rooms. This variance request is referred to as Variance #5.

The special exception should be granted because all of the requested uses are grandfathered due to continuous use in the same manner for many, many years in this landmarked hotel. Section 134-386 of the Zoning Code specifically permits the continuation of such uses.

The site plan should be approved because the intensity of use is not being increased and the number of rooms is being decreased from 57 to 41. No negative impact will result.

The hardship that runs with the property is that the current hotel is a Town and federally landmarked building first constructed in 1918. The use is not permitted by right or by special exception in the R-C zoning district, so it is virtually impossible to renovate and enhance the hotel, which is in great need of renovation, restoration and enhancement, without the need to obtain variances. Quite simply, the zoning code for the R-C zoning district was not drafted to apply to a hotel. The Applicant proposes to actually reduce the number of hotel rooms, which will reduce the impact on the surrounding neighborhood and on required Town services.

Granting of the variances will not be contrary to the public's interest because no negative impact to the neighbors will result. In fact, the almost 30% reduction in the number of rooms will decrease impacts such as parking. The zoning code requirements related to the proposed location of air

conditioning equipment is a great example of the need for technical variances because the proposed location on the roof is superior for the neighbors because it will not be visible and sound will be decreased due to distance from neighbors, but the applicable code sections do not permit the proposed location, yet variances are required.

See Site History attached hereto as Exhibit "A."

Criteria for Site Plan Review

1. Hotel, restaurant, nightclub and swimming pool uses are permitted as longstanding grandfathered uses at this location under the Town of Palm Beach Zoning Code.
2. The proposed renovation enhances life/safety issues, so that the public's health, safety, welfare and morals will be protected and even enhanced. In addition, the number of rooms is being decreased to reduce density and impact and aesthetics enhanced.
3. The proposed renovation will not cause injury to the values of the other properties in the neighborhood as the building is being updated and greatly improved and density is being decreased by reducing the number of hotel rooms.
4. The proposed renovation will be compatible with the intended purpose of the district in which it is to be located as the office use is consistent with the very longstanding and historic current use.
5. The proposed uses comply with very longstanding and historic current uses.
6. The proposed renovation complies with all elements of the comprehensive plan. No change from the current uses are proposed, and the reduction of density is consistent with a significant element of the Comprehensive Plan.
7. The proposed renovation will not result in substantial economic, noise, glare or other impact or odor impacts on adjoining properties, and other properties in the district; inasmuch as, the same uses have existed for many, many years and the current uses are not changing but density is being reduced.
8. Adequate ingress and egress to the property and loading are provided and being enhanced.
9. The Applicant is the fee simple owner and person in control of the subject property. One of the world's most reputable hotel operators will be managing the hotel.
10. The Applicant intends to continue with the current intended uses of the property.
11. Ingress and Egress to the subject property will be via Cocoanut Row by vehicle and Australian Avenue and Chilean Avenue for pedestrians.
12. See attached elevation plan for proposed construction of the renovations.

Criteria for Special Exceptions

1. The proposed uses are all grandfathered, non-conforming uses in the R-C Zoning District.
2. The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected. The proposed renovation will not adversely impact the public or neighborhood but alternatively will enhance the building and operations.
3. The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located. The proposed renovation will have no negative impact on the value of other properties in the neighborhood and should increase the neighboring property values due to the high end details proposed for the renovation.
4. The use will be compatible with adjoining development and the intended purpose of the C-TS Zoning District in which it is to be located. The proposed renovation will be compatible with the neighborhood as the uses are a continuation of the uses from the past 100 years or so.
5. The uses will comply with yard, other open space, and any special requirements set out in Article VI for the particular use involved. The building will comply with all other yard, other open space and any special requirements set forth in Article VI of the Zoning Code.
6. The uses will comply with all elements of the comprehensive plan including a reduction in density due to the reduction in the number of hotel rooms.
7. The uses will not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district. The proposed renovation will not result in substantial economic, noise, glare, or odor impacts on the adjoining properties and properties in the district, as the renovation enhances the current building and makes it more compliant with life/safety codes. No variances for parking are required.
8. The proposed uses will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations. The proposed renovation will bring the building into compliance with the fire/safety code and will actually reduce the burden through a reduction of approximately 30% in the total number of hotel rooms.

Criteria for Authorizing a Variance (Applicable to variance requests # 1 and 2)

1. List the special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands, structures or buildings in the same zoning district.

   The hardship and special conditions applicable to this property are that the building was constructed pursuant to a different code and is non-compliant with current codes. The code requirements for the R-C zoning district are completely inconsistent with requirements for a landmarked hotel. No new increases on height and no new floors are proposed.

2. Indicate how the special conditions and circumstances do not result from the actions of the Applicant.

   The special conditions existed upon construction of the building and were not created by the Applicant. The Applicant is proposing to make the building, which was constructed in 1918, safer and to also greatly enhance the aesthetics of this historic building.

3. Demonstrate that the granting of the variance will not confer on the Applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.

   No special privileges will be conferred on the Applicant if the variances are granted because insignificant work on the existing 4th floor will not be visible from the ground and no increase in height is proposed.

4. Demonstrate how literal interpretation of this ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the Applicant.

   Literal interpretation of the ordinances would deprive Applicant of the right to bring the building into compliance with life/safety codes and to preserve and enhance this beautiful historic building.

5. Demonstrate that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

   The requested relief is the minimum necessary for the requested small improvements on the existing 4th floor do not increase the height at all. The variance is required only because the existing building does not comply with the existing code.

6. For granting of a variance to sections 134-387, or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings must be demonstrated pertaining to the nonconforming use for which the variance is requested:

   a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and

   b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:

      i. Be granted only for the continuation of the same hotel or residential use; and,

      ii. Require the Applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

All of the existing uses have been in place for well over 15 years, are to be continued and no new uses are proposed.

7. Show how the granting of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

   The granting of these variances are in harmony with the intent and purpose of the Zoning Code because the requested renovation is an improvement to this beautiful, historic building and the neighborhood to improve the aesthetics and update the life/safety features in the building. No new height and no new levels are proposed.

Criteria for Authorizing a Variance (Applicable to variance request # 3 and 4)

1. List the special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands, structures or buildings in the same zoning district.

   The hardship and special conditions applicable to this property are that the building was constructed pursuant to a different code and is non-compliant with current codes. The code requirements for the R-C zoning district are completely inconsistent with requirements for a landmarked hotel. The proposed location of the air conditioning equipment is better for the neighbors and will reduce impact. The variances are required only because the Zoning Code for the R-C zoning district was in no way drafted to apply to a hotel.

2. Indicate how the special conditions and circumstances do not result from the actions of the Applicant.

   The special conditions existed upon construction of the building and were not created by the Applicant. The Applicant is proposing to make the building, which was constructed in 1918, safer and to also greatly enhance the aesthetics of this historic building.

3. Demonstrate that the granting of the variance will not confer on the Applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.

   No special privileges will be conferred on the Applicant if the variances are granted because locating the air conditioning equipment on the roof will not be visible from the ground and no increase in height is proposed. Impact will actually be decreased.

4. Demonstrate how literal interpretation of this ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the Applicant.

   Literal interpretation of the ordinances would deprive Applicant of the right to bring the building into compliance with life/safety codes and to preserve and enhance this beautiful historic building.

5. Demonstrate that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The requested relief is the minimum necessary for the requested placement of air conditioning equipment on the roof is the best location for the neighbors and no other reasonable alternative exists. The variance is required only because the existing building does not comply with the existing code.

6. For granting of a variance to sections 134-387, or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings must be demonstrated pertaining to the nonconforming use for which the variance is requested:

    a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and

    b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:

        i. Be granted only for the continuation of the same hotel or residential use; and,

        ii. Require the Applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

    All of the existing uses have been in place for well over 15 years, are to be continued and no new uses are proposed.

7. Show how the granting of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

    The granting of these variances are in harmony with the intent and purpose of the Zoning Code because the requested renovation is an improvement to this beautiful, historic building and the neighborhood to improve the aesthetics and update the life/safety features in the building.

Criteria for Authorizing a Variance (Applicable to variance request # 5)

1. List the special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands, structures or buildings in the same zoning district.

    The hardship and special conditions applicable to this property are that the building was constructed pursuant to a different code and is non-compliant with current codes. The code requirements for the R-C zoning district are completely inconsistent with requirements for a landmarked hotel. No new increases on height and no new floors are proposed. Although some new seats are proposed for the dining, nightclub and pool areas, the overall hotel use is being reduced in intensity by a reduction of rooms from 57 to 41.

2. Indicate how the special conditions and circumstances do not result from the actions of the Applicant.

   The special conditions existed upon construction of the building and were not created by the Applicant. The Applicant is proposing to make the building, which was constructed in 1918, safer and to also greatly enhance the aesthetics of this historic building. In addition, there is a greater demand for dining out in today's world, so the request for additional seating to be spaced out throughout the hotel is reactive to today's world and not self-created. The reality is that the former operator had at least 197 seats for such uses.

3. Demonstrate that the granting of the variance will not confer on the Applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.

   No special privileges will be conferred on the Applicant if the variances are granted because this zoning district contains limited other hotel uses, and the request to spread out seats is reasonable.

4. Demonstrate how literal interpretation of this ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the Applicant.

   Literal interpretation of the ordinances would deprive Applicant of the right to bring the building into compliance with life/safety codes, to preserve and enhance this beautiful historic building and to meet the demands of today's demographic in Palm Beach.

5. Demonstrate that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

   The requested relief is the minimum necessary as it continues to be consistent with the parking requirements applicable to the hotel.

6. For granting of a variance to sections 134-387, or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings must be demonstrated pertaining to the nonconforming use for which the variance is requested:

   a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and

   b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:

      i. Be granted only for the continuation of the same hotel or residential use; and,

ii. Require the Applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

All of the existing uses have been in place for well over 15 years, are to be continued and no new uses are proposed.

7. Show how the granting of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The granting of these variances are in harmony with the intent and purpose of the Zoning Code because the requested renovation is an improvement to this beautiful, historic building and the neighborhood to improve the aesthetics and update the life/safety features in the building. By significantly reducing the number of hotel rooms (57 to 41) and spreading the seats for food and beverage use throughout the hotel, the overall impact is more likely to decrease as opposed to increase.

EXHIBIT "A"
Site History

1. The hotel was designated as a landmarked property on January 8, 1991.

The Vineta Hotel

363 Cocoanut Row, Palm Beach, FL 33480

SCOPE OF WORK

THE PROPOSED WORK INCLUDES THE RENOVATION OF THE EXISTING 4-STORY 32,758 SQUARE FOOT STRUCTURE HOTEL. THE SCOPE OF WORK INCLUDES THE COMPLETE EXTERIOR AND INTERIOR RENOVATION INCLUDING THE REDUCTION OF ROOMS FROM 57 KEYS TO 41, THE RECONSTRUCTION OF HISTORIC DOOR AND WINDOW LOCATIONS AND ASSOCIATED HARDSCAPE/LANDSCAPE. THERE ARE NO PROPOSED MODIFICATIONS TO THE NUMBER OF EXISTING PARKING SPACES.

RECEIVED
By yfigueroa at 10:11 am, Dec 12, 2022

SHEET	NAME
COVER	COVER

AG-0.0	VICINITY LOCATION MAP
AG-0.1.0	SUBJECT PROPERTY IMAGES
AG-0.1.1	SUBJECT PROPERTY IMAGES
AG-0.1.2	SUBJECT PROPERTY IMAGES
AG-0.1.3	SUBJECT PROPERTY IMAGES
AG-0.1.4	SUBJECT PROPERTY IMAGES
AG-0.1.5	SUBJECT PROPERTY IMAGES
AG-0.1.6	SUBJECT PROPERTY IMAGES
AG-0.1.7	ADJACENT PROPERTY IMAGES
AG-0.1.8	ADJACENT PROPERTY IMAGES
AG-0.1.9	ADJACENT PROPERTY IMAGES
AG-0.1.10	ADJACENT PROPERTY IMAGES
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AG-8.5.1	EXTERIOR DETAILS - AWNING CANOPY
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AG-8.7.0	EXTERIOR WALL AND GATE PLAN AND DETAILS
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0.1	EXISTING DEMOLITION PHOTOS
2.0	EXISTING VEGETATION INVENTORY & ACTION PLAN
L1.0	CONSTRUCTION SCREENING PLAN
L2.0	CONSTRUCTION STAGING PLAN
L3.0	TRUCK LOADING PLAN
L1.1	EXISTING VEGETATION DISPOSITION DATA
L2.0	LANDSCAPE PLAN
L2.1	PLANTING SCHEDULES
L2.3	PLANTING DETAILS & SPECIFICATIONS

CIVIL 1	CONCEPTUAL DRAINAGE PLAN

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FINAL SUBMITTAL 12-08-2022

LPC# COA-23-002 (JANUARY 2023) ZONING# ZON-23-019 (FEBRUARY 2023)

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ARCHITECTURE INTERIEURE ET DECORATION

RENOVATION OF
The Vineta Hotel
363 Cocoanut Row, Palm Beach, FL 33480

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Revisions:

Project no: 22028
Date: 10.24.2022
Drawn by: Author
Project Manager: Checker

COVER

COVER

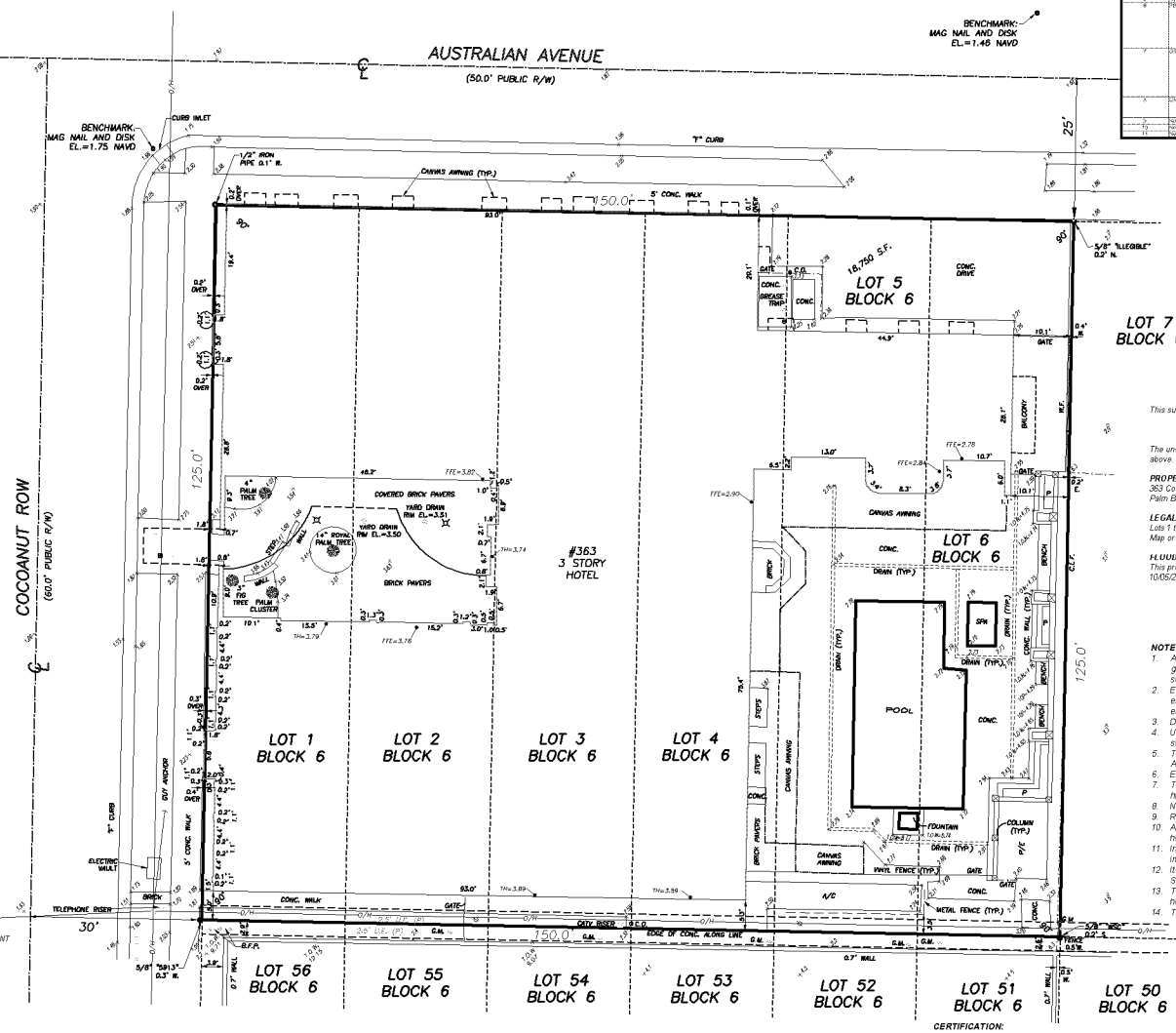
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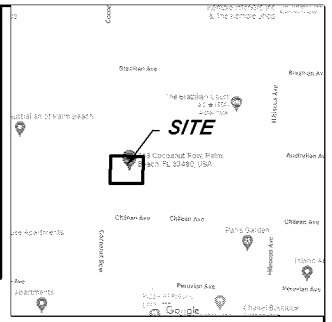
Boundary Survey For:

363 COCOANUT ROW PROPCO LLC, A DELAWARE LIMITED LIABILITY COMPANY

LEGEND

A	= ARC LENGTH
A/C	= AIR CONDITIONING
A.E.	= ACCESS EASEMENT
A.K.A.	= ALSO KNOWN AS
ASPH.	= ASPHALT
B.F.P.	= BACKFLOW PREVENTOR
BLDG.	= BUILDING
BM.	= BENCHMARK
B.O.C.	= BACK OF CURB
B.O.W.	= BACK OF WALK
(C)	= CALCULATED
CATV	= CABLE ANTENNA TELEVISION
C.B.	= CHORD BEARING
C.B.S.	= CONCRETE BLOCK STRUCTURE
C.C.C.L.	= COASTAL CONSTRUCTION CONTROL LINE
CH	= CHORD
C.L.F.	= CHAIN LINK FENCE
CLR.	= CLEAR
C.M.P.	= CORRUGATED METAL PIPE
CONC.	= CONCRETE
(D)	= DESCRIPTION DATUM
D.B.	= DEED BOOK
D.C.D.A.	= DOUBLE CHECK DETECTOR ASSEMBLY
D.E.	= DRAINAGE EASEMENT
D.H.	= DRILL HOLE
DW	= DRIVEWAY
EL.	= ELEVATION
ENC.	= ENCROACHMENT
E.O.P.	= EDGE OF PAVEMENT
E.O.W.	= EDGE OF WATER
ESM'T	= EASEMENT
F.D.C.	= FIRE DEPARTMENT CONNECTION
F.F.	= FINISHED FLOOR
FND.	= FOUND
F.O.C.	= FACE OF CURB
I.D.	= INSIDE DIAMETER
INV.	= INVERT
I.T.W.C.D.	= INDIAN TRAIL WATER CONTROL DISTRICT
L.A.E.	= LIMITED ACCESS EASEMENT
L.B.	= LICENSE BOARD
L.W.D.D.	= LAKE WORTH DRAINAGE DISTRICT
(M)	= FIELD MEASUREMENT
M.H.	= MANHOLE
M.H.W.L.	= MEAN HIGH WATER LINE
MIN.	= MINIMUM
M.L.W.L.	= MEAN LOW WATER LINE
N.A.V.D.	= NORTH AMERICAN VERTICAL DATUM
N.G.V.D.	= NATIONAL GEODETIC VERTICAL DATUM
N.P.B.C.I.D.	= NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT
N.T.S.	= NOT TO SCALE
O.A.	= OVERALL
O.D.	= OUTSIDE DIAMETER
O/H	= OVERHEAD UTILITY LINE
O.R.B.	= OFFICIAL RECORD BOOK
O/S	= OFFSET
P	= PLANTER
(P)	= PLAT DATUM
P.B.	= PLAT BOOK
P.B.C.	= PALM BEACH COUNTY
P.C.	= POINT OF CURVATURE
P.C.C.	= POINT OF COMPOUND CURVATURE
P.C.P.	= PERMANENT CONTROL POINT
PG.	= PAGE
P.I.	= POINT OF INTERSECTION
P/E	= POOL EQUIPMENT
P.O.B.	= POINT OF BEGINNING
P.O.C.	= POINT OF COMMENCEMENT
P.R.C.	= POINT OF REVERSE CURVATURE
P.R.M.	= PERMANENT REFERENCE MONUMENT
PROP.	= PROPOSED
P.T.	= POINT OF TANGENCY
PVMT	= PAVEMENT
(R)	= RADIAL
R	= RADIUS
RGE.	= RANGE
R.P.B.	= ROAD PLAT BOOK
R.P.Z.	= REDUCED PRESSURE ZONE
R/W	= RIGHT OF WAY
(S)	= SURVEY DATUM
S.B.	= SETBACK
SEC.	= SECTION
S/D	= SUBDIVISION
S.F.	= SQUARE FEET
S.F.W.M.D.	= SOUTH FLORIDA WATER MANAGEMENT DISTRICT
S.I.R.W.C.D.	= SOUTH INDIAN RIVER WATER CONTROL DISTRICT
S.R.	= STATE ROAD
STA.	= STATION
STY.	= STORY
SW	= SIDEWALK
T.O.B.	= TOP OF BANK
TH.	= THRESHOLD W.M.E.
T.O.W.	= TOP OF WALL
TWP.	= TOWNSHIP
TYP.	= TYPICAL
U/C	= UNDER CONSTRUCTION
U.E.	= UTILITY EASEMENT
U.R.	= UNRECORDED
W.C.	= WITNESS CORNER
W.M.M.E.	= WATER MANAGEMENT MAINTENANCE EASEMENT
W.M.E.	= WATER MANAGEMENT EASEMENT
W.F.	= WOOD FENCE
YD	= YARD DRAIN
℄	= BASELINE
℄	= CENTERLINE
Δ	= CENTRAL ANGLE/DELTA
■	= CONCRETE MONUMENT FOUND (AS NOTED)
□	= CONCRETE MONUMENT SET (LB #4569)
●	= ROD & CAP FOUND (AS NOTED)
○	= 5/8" IRON ROD & CAP SET (LB #4569)
⊙	= IRON PIPE FOUND (AS NOTED)
◕	= IRON ROD FOUND (AS NOTED)
▲	= NAIL FOUND (AS NOTED)
●	= NAIL & DISK FOUND (AS NOTED)
●	= MAG NAIL & DISK SET (LB #4569)
⊕	= PROPERTY LINE
⊘ ⊠	= UTILITY POLE
⊕	= FIRE HYDRANT
⊞	= WATER METER
⋈	= WATER VALVE
⋈	= LIGHT POLE





VICINITY SKETCH

(NOT TO SCALE)

TITLE COMMITMENT REVIEW

CLIENT: 363 Cocoanut Row Propco LLC, a Delaware limited liability company — COMMITMENT NO.: 10222819 — DATE: 04/15/22

PROPERTY ID#: — JOB NO.:

B2 ITEM NO.	DOCUMENT	DESCRIPTION	AFFECTS AND PLOTTED	AFFECTS AND NOT PLOTTABLE	DOES NOT AFFECT	NOT A SURVEY MATTER
1	N/A	INTENTIONALLY DELETED				
2	N/A	Standard exceptions				•
3	N/A	INTENTIONALLY DELETED				
4	N/A	Standard exceptions				•
5	N/A	INTENTIONALLY DELETED				
6	PR-1 sheet	Terms, rights, reservations, restrictions, easements, and encroachments as contained in the Plat of Revised Map of Royal Park Addition to Palm Beach, Florida	•			
7	Deed Bk. 810, Pg. 376	Deed of Easement, Open Space and Architectural Façade Easement, from PM Holdings Corp. on behalf of Palm Cen-Fl, Inc. to Preservation Foundation of Palm Beach County		•		
8	Deed Bk. 2787, Pg. 1321	Certificate of Notification of Designation of Certain Properties as Landmarks			•	
9	N/A	INTENTIONALLY DELETED				
10	N/A	INTENTIONALLY DELETED				
11	N/A	Standard exceptions				•

NOTES:

1. All information regarding record easements, adjoiners, and other documents that might affect the quality of title to tract shown hereon was gained from commitment number 10222819, issued by Chicago Title Insurance Company, dated April 21, 2022. This office has made no search of the Public Records.
2. Elevations shown hereon, if any, are in feet and decimal parts thereof and are based on NAVD-88. The expected accuracy of the elevations shown hereon is 0.03' for the hard surface elevations (shown thus x 0.00) and 0.1' (shown thus x 0.0) for the soft surface elevations. Elevations shown hereon are U.S. survey feet unless otherwise noted.
3. Description furnished by client or client's agent.
4. Unless presented in digital form with electronic seal and electronic signature this survey must bear the signature and the original raised seal of a Florida licensed surveyor or mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.
5. This survey cannot be transferred or assigned without the specific written permission of Wallace Surveying Corporation. Certificate of Authorization Number LB4569.
6. Except as shown, underground and overhead improvements are not located. Underground foundations not located.
7. The survey sketch shown hereon does not necessarily contain all of the information obtained or developed by the undersigned surveyor in his field work, office work or research.
8. No responsibility is assumed by this surveyor for the construction of improvements from building ties shown on this survey.
9. Revisions shown hereon do not represent a "survey update" unless otherwise noted.
10. All dates shown within the revisions block hereon are for interoffice filing use only and in no way affect the date of the field survey stated herein.
11. In some instances, graphic representations have been exaggerated to more clearly illustrate the relationships between physical improvements and/or lot lines. In all cases, dimensions shown shall control the location of the improvements over scaled positions.
12. It is a violation of Rule 5J-17 of the Florida Administrative Code to alter this survey without the express prior written consent of the Surveyor. Additions and/or deletions made to the face of this survey will make this survey invalid.
13. The ownership of fences, perimeter walls and/or hedges shown hereon are not known and thus are not listed as encroachments. Fences, hedges and/or perimeter walls are shown in their relative position to the boundary.
14. The expected horizontal accuracy of the information shown hereon is +/- 0.10'.

This survey is made specifically and only for the following parties for the purpose of a permit on the surveyed property.

363 COCOANUT ROW PROPCO LLC, A DELAWARE LIMITED LIABILITY COMPANY

The undersigned surveyor assumes no responsibility or liability for any other purpose or to any other party other than stated above.

PROPERTY ADDRESS:
363 Cocoanut Row
Palm Beach, FL 33480

LEGAL DESCRIPTION:
Lots 1 through 6, Block 6, ***REVISED MAP OF ROYAL PARK ADDITIONAL TO PALM BEACH FLORIDA****, according to the Map or Plat thereof, as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida.*

FLOOD ZONE:
This property is located in Flood Zone AE (EL 6) according to F.I.R.M. (Flood Insurance Rate Map) No. 12099C 0693F, dated 10/05/2017.

CERTIFICATION:

I HEREBY ATTEST *that the survey shown hereon meets the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers adopted in Rule 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes, effective September 1, 1981.*

DATE OF LAST FIELD SURVEY: 08/23/2022

Craig L. Wallace
Professional Surveyor and Mapper
Florida Certificate No. 3357

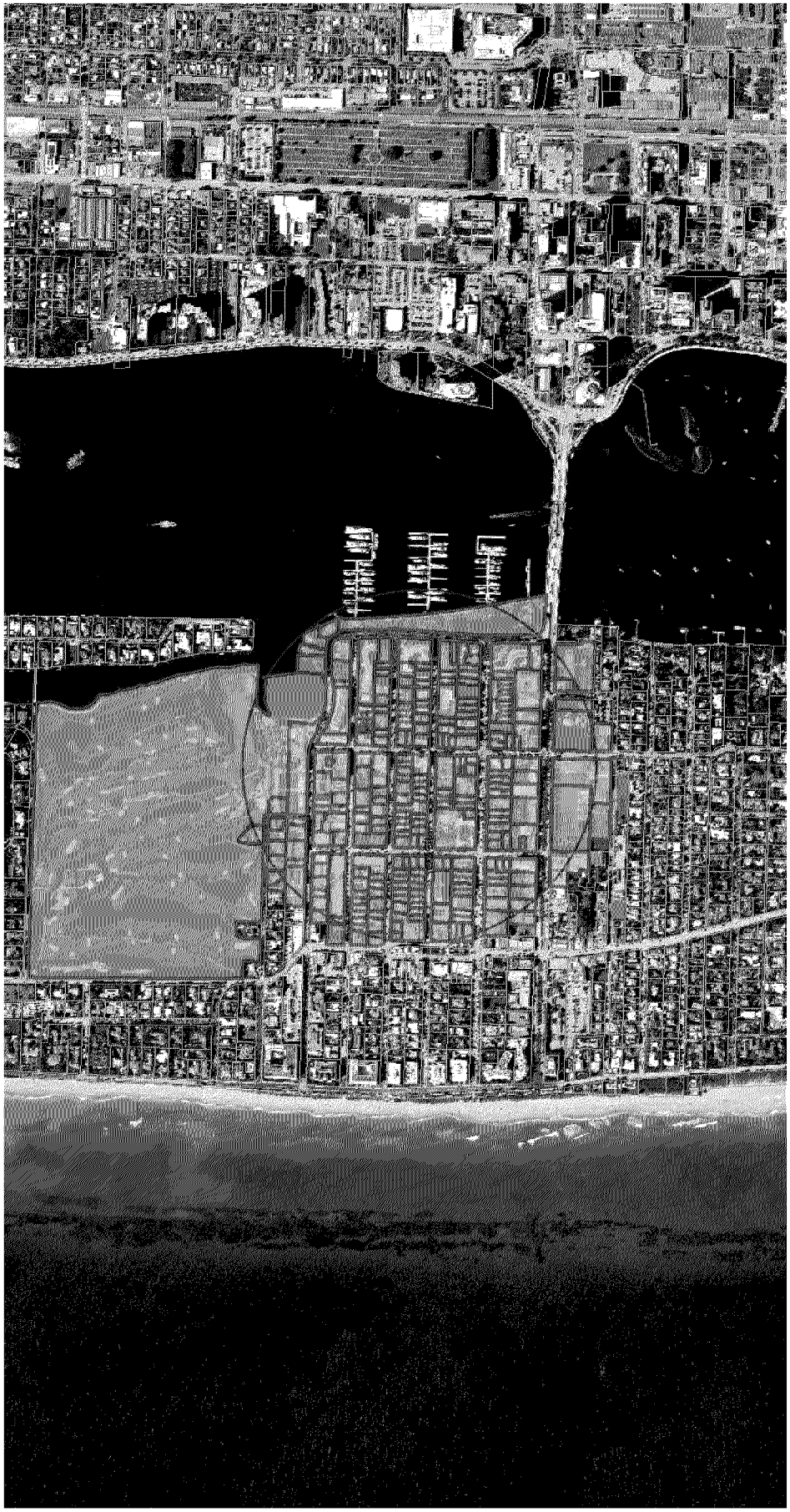
REVISIONS:

Boundary Survey For:

363 COCOANUT ROW PROPCO LLC, A DELAWARE LIMITED LIABILITY COMPANY

WALLACE SURVEYING CORP. LICENSED BUSINESS #4569
5553 VILLAGE BLVD.BLVD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

FIELD: J.D.	JOB No.: 15-1588	F.B. 336	P.G. 18-20
OFFICE: D.R.	DATE: 09/23/2022	DWG. No.: 15-1588-1	
C.K.D.: C.W.	REF.: 15-1588.dwg	SHEET: 1 OF 1	



VICINITY LOCATION MAP

VICINITY LOCATION MAP

AC-0.1.0

Revisions

Project No: 22002
Date: 10.24.2022
Drawn By: Author
Project Manager: Checker

RENOVATION OF
The Vineta Hotel

363 Cocoanut Row, Palm Beach, FL 33480

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PARTIAL WEST ELEVATION

PARTIAL WEST ELEVATION

PARTIAL NORTH ELEVATION

PARTIAL WEST ELEVATION

SUBJECT PROPERTY IMAGES

AC-0.2.0

Project No. 22008	
Date 10.24.2022	
Drawn By Author	
Project Manager Checker	

Revisions

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RENOVATION OF

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COURTYARD PARTIAL ELEVATION

COURTYARD PARTIAL ELEVATION

PARTIAL NORTH ELEVATION

COURTYARD PARTIAL ELEVATION

SUBJECT PROPERTY IMAGES

AC-0.2.1

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Date 10.24.2022	
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POOL DECK

PARTIAL SOUTH ELEVATION

PARTIAL EAST ELEVATION

PARTIAL EAST ELEVATION

SUBJECT PROPERTY IMAGES

AC-0.2.2

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Date 10.24.2022	
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EXISTING CIGAR LOUNGE

EXISTING LOBBY

EXISTING LOBBY

EXISTING TEA LOUNGE

SUBJECT PROPERTY IMAGES

AC-0.2.3

Project No. 22008	
Date 10.24.2022	
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Project Manager Checker	

Revisions

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RENOVATION OF

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EXISTING LEOPARD LOUNGE & RESTAURANT

EXISTING LEOPARD LOUNGE & RESTAURANT

EXISTING POOL LOUNGE

SUBJECT PROPERTY IMAGES

AC-0.2.4

Project No. 22005	
Date 10.24.2022	
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EXISTING FOURTH FLOOR HOTEL ROOM

EXISTING FOURTH FLOOR HOTEL ROOM

EXISTING CORRIDOR

EXISTING TYPICAL HOTEL ROOM

SUBJECT PROPERTY IMAGES

AC-0.2.5

Project No. 22026	
Date 10.24.2022	
Drawn By Author	
Project Manager Checker	

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RENOVATION OF

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ADJACENT PROPERTY IMAGES

300 AUSTRALIAN AVE

310 AUSTRALIAN AVE

322 AUSTRALIAN AVE

335 AUSTRALIAN AVE

336 AUSTRALIAN AVE

303 AUSTRALIAN AVE

415 AUSTRALIAN AVE

331 AUSTRALIAN AVE

303 AUSTRALIAN AVE

AC-0.3.0

Project No. 22026
Date 10.24.2022
Drawn By Author
Project Manager Checker

Revisions

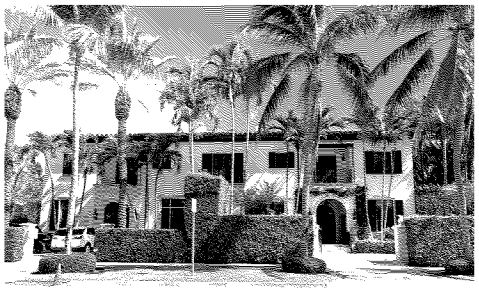
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RENOVATION OF

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403 BRAZILIAN AVE



319 BRAZILIAN AVE



345 BRAZILIAN AVE



315 BRAZILIAN AVE



416 BRAZILIAN AVE



412 BRAZILIAN AVE



401 BRAZILIAN AVE



331 BRAZILIAN AVE



346 BRAZILIAN AVE

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RENOVATION OF
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Revisions:

Project no: 22028
Date: 10.24.2022
Drawn by: Author
Project Manager: Checker

ADJACENT PROPERTY IMAGES

AC-0.3.1

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ADJACENT PROPERTY IMAGES

317 CHILEAN AVE

401 CHILEAN AVE

419 CHILEAN AVE

353 CHILEAN AVE

401 CHILEAN AVE

349 CHILEAN AVE

408 CHILEAN AVE

434 CHILEAN AVE

419 CHILEAN AVE

AC-0.3.2

Project No. 22026	
Date 10.24.2022	
Drawn By Author	
Project Manager Checker	

Revisions	

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RENOVATION OF

The Vineta Hotel

363 Cocoanut Row, Palm Beach, FL 33480

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ADJACENT PROPERTY IMAGES

331 COCOANUT ROW

370 COCOANUT ROW

350 COCOANUT ROW

351 COCOANUT ROW

335 COCOANUT ROW

340 COCOANUT ROW

339 COCOANUT ROW

401 COCOANUT ROW

330 COCOANUT ROW

AC-0.3.3	
Project No. 22026 Date 10.24.2022 Drawn By Author Project Manager Checker	

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rspina@orourke.com
FL Lic # AA26002989

ADJACENT PROPERTY IMAGES

401 PERUVIAN AVE

405 PERUVIAN AVE

357 PERUVIAN AVE

420 PERUVIAN AVE

417 PERUVIAN AVE

341 PERUVIAN AVE

350 PERUVIAN AVE

401 PERUVIAN AVE

Project No. 22026 Date 10.24.2022 Drawn By Author Project Manager Checker	AC-0.3.4
Revisions	

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Town of Palm Beach

Planning Zoning and Building
360 S County Rd
Palm Beach, FL 33480
www.townofpalmbeach.com

Zoning Legend

Line #				
1	**Property Address:**	363 COCOANUT ROW, PALM BEACH, FL 33480		
2	**Zoning District:**	R-C (MEDIUM DENISTY RESIDENTIAL)		
3	**Structure Type:**	HOTEL		
4		Required/Allowed	Existing	Proposed
5	Lot Size (sq ft)	20,000 SF	18,750 SF	N/C
6	Lot Depth	100'-0"	150'-0"	N/C
7	Lot Width	100'-0"	125'-0"	N/C
8	Lot Coverage (Sq Ft and %)	5,625 SF (30%)	12,460 SF (66.4%)	12,398 (66.12%)
9	Enclosed Square Footage (Basement, 1st Fl, 2nd Fl., Accesory Structues, etc)	TBD	TBD	N/C
10	Cubic Content Ratio (CCR) (R-B ONLY)	N/A	N/A	N/A
11	*Front Yard Setback (Ft.)	25'-0" (W)	0'-0" (W)	N/C
12	* Side Yard Setback (1st Story) (Ft.)	20'-0" (N) /20'-0" (S)	0'-0" (N) / 5'-3" (S)	N/C
13	* Side Yard Setback (2nd Story) (Ft.)	N/A	N/A	N/A
14	*Rear Yard Setback (Ft.)	30'-0" (E)	8'-4" (E)	N/C
15	Angle of Vision (Deg.)	N/A	N/A	N/A
16	Building Height (Ft.)	23'-6" FLAT	47'-7" FLAT	47'-7" FLAT
17	Overall Building Height (Ft.)	26'-6" FLAT	50'-1" FLAT	50'-1" FLAT
18	Crown of Road (COR) (NAVD)	TBD	TBD	N/C
19	Max. Amount of Fill Added to Site (Ft.)	N/A	N/A	N/A
20	Finished Floor Elev. (FFE)(NAVD)	TBD	TBD	N/C
21	Zero Datum for point of meas. (NAVD)	TBD	TBD	N/C
22	FEMA Flood Zone Designation	AE 6	N/C	N/C
23	Base Flood Elevation (BFE)(NAVD)	7.00 NAVD	N/C	N/C
24	Landscape Open Space (LOS) (Sq Ft and %)	6,562 SF (35%)	1,118 SF (5.96%)	1,330 SF (7.09%)
25	Perimeter LOS (Sq Ft and %)	N/A	N/A	N/A
26	Front Yard LOS (Sq Ft and %)	?? SF (40%)	N/A	N/A
27	**Native Plant Species %	*Please refer to separate landscape legend.*		

** Indicate each yard area with cardinal direction (N,S,E,W)*

*** Provide Native plant species calculation per category as requited by Ord. 24-2021 on separate table*

If value is not applicable, enter N/A

If value is not changing, enter N/C

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RENOVATION OF
The Vineta Hotel
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Revisions:

Project no: 22028
Date: 10.24.2022
Drawn by: Author
Project Manager: Checker

ZONING LEGEND

AC-1.0.0

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1 SITE PLAN - EXISTING
SCALE 1/8" = 1'-0"

EXISTING OVERALL SITE PLAN

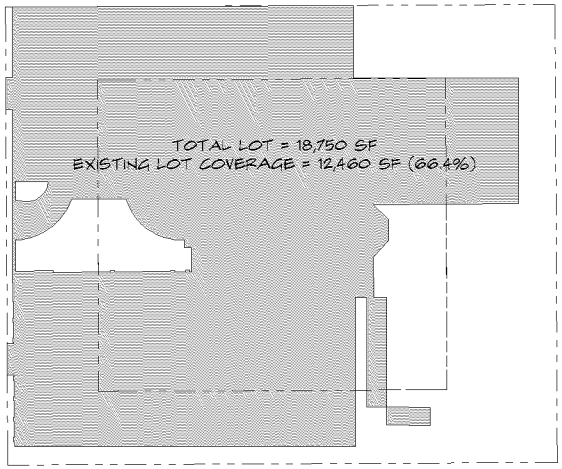
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Project No. 22008 Date 10.24.2022 Drawn By AMS Project Manager Checker	
Narrational	
Revisions	
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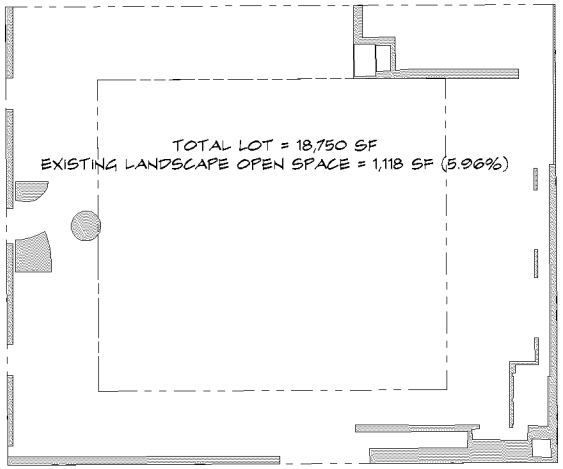
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363 Cocoanut Row, Palm Beach, FL 33480

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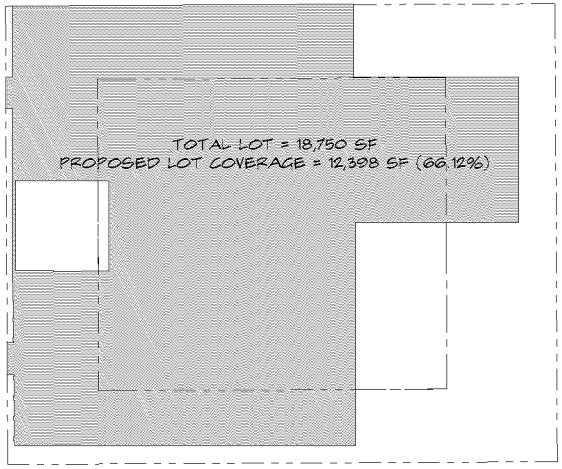
AUSTRALIAN AVENUE
COCOANUT ROW
SIDE PROPERTY LINE 150.0'
FRONT PROPERTY LINE 125.0'
REAR PROPERTY LINE 125.0'
SUBJECT PROPERTY
EXISTING 4-STORY HOTEL
EXISTING F.F.E. = 3'-10" NAVD
PROPOSED COURTYARD
PROPOSED POOL DECK
PROPOSED POOL
PROPOSED PARKING SPACE (4 SPACES)
EXIST. TRASH STORAGE
EXIST. VALET
EXISTING BUILDING 2'-1/2" OVER PROPERTY LINE
ADJ. PROPERTY LOT 7 BLOCK 6
ADJ. PROPERTY LOT 50 BLOCK 6
ADJ. PROPERTY LOT 51 BLOCK 6
ADJ. PROPERTY LOT 52 BLOCK 6
ADJ. PROPERTY LOT 53 BLOCK 6
ADJ. PROPERTY LOT 54 BLOCK 6
ADJ. PROPERTY LOT 55 BLOCK 6
ADJ. PROPERTY LOT 56 BLOCK 6
LOT 1 BLOCK 6
LOT 2 BLOCK 6
LOT 3 BLOCK 6
LOT 4 BLOCK 6
LOT 5 BLOCK 6
LOT 6 BLOCK 6
EXIST. CASE
EXIST. AWN
EXIST. CANOPY
EXIST. PLANTER
EXIST. GATE
EXIST. FIRE HYDRANT
EXIST. LIGHT POLE
EXIST. TRAFFIC SIGNAL
EXIST. SIGN
EXIST. CURB
EXIST. SIDEWALK
PROPOSED HARDSCAPE
PROPOSED GATE
PROPOSED PLANTER
PROPOSED STEPS
PROPOSED RAILING
PROPOSED TRASH ENCLOSURE
PROPOSED A/C UNITS
PROPOSED FIRE HYDRANT
PROPOSED LIGHT POLE
PROPOSED SIGN
PROPOSED CURB
PROPOSED SIDEWALK
PROPOSED ASPHALT
PROPOSED CONCRETE
PROPOSED PAVERS
PROPOSED LANDSCAPE
PROPOSED TREE
PROPOSED SHRUB
PROPOSED GRASS
PROPOSED WATER
PROPOSED SOIL
PROPOSED ROCK
PROPOSED GRAVEL
PROPOSED SAND
PROPOSED CONCRETE PAVERS
PROPOSED ASPHALT PAVERS
PROPOSED CONCRETE PAVERS
PROPOSED ASPHALT
PROPOSED CONCRETE
PROPOSED PAVERS
PROPOSED LANDSCAPE
PROPOSED TREE
PROPOSED SHRUB
PROPOSED GRASS
PROPOSED WATER
PROPOSED SOIL
PROPOSED ROCK
PROPOSED GRAVEL
PROPOSED SAND
PROPOSED CONCRETE PAVERS
PROPOSED ASPHALT PAVERS



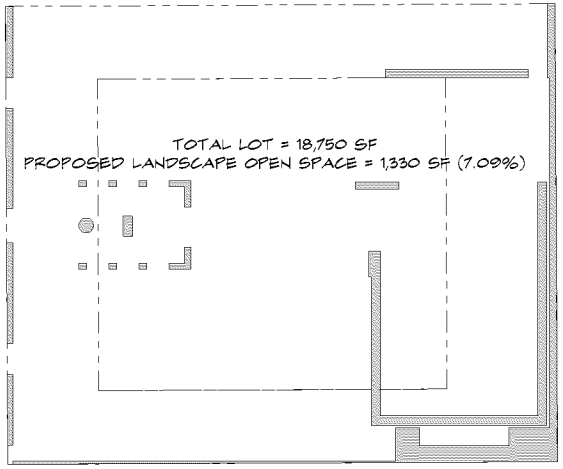
3 AC-1.2.0 **LOT COVERAGE - EXISTING**
SCALE: 1/16" = 1'-0"



1 AC-1.2.0 **LANDSCAPE OPEN SPACE - EXISTING**
SCALE: 1/16" = 1'-0"



4 AC-1.2.0 **LOT COVERAGE - PROPOSED**
SCALE: 1/16" = 1'-0"



2 AC-1.2.0 **LANSCAPE OPEN SPACE - PROPOSED**
SCALE: 1/16" = 1'-0"

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RENOVATION OF
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Revisions:

Project no: 22028
Date: 10.24.2022
Drawn by: Author
Project Manager: Checker

ZONING DIAGRAMS

AC-1.2.0

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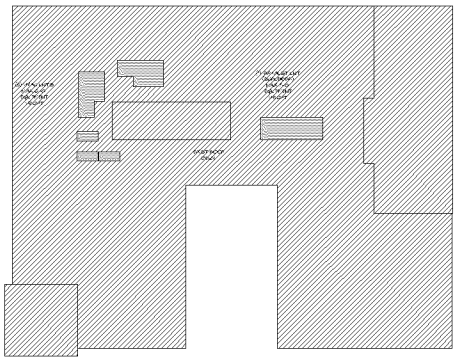
VARIANCE 1: SECTION 134-948(8)(D) AND (E): A VARIANCE TO ALLOW NEW CONSTRUCTION OFA COVERED TRELLIS ON AN EXISTING NONCONFORMING THIRD FLOOR WITH A BUILDING HEIGHT & OVERALL BUILDING HEIGHT OF 33'0" IN LIEU OF 23'6" MAXIMUM HEIGHT AND 23'6" MAXIMUM BUILDING HEIGHT PERMITTED.
REFER TO EXTERIOR ELEVATIONS

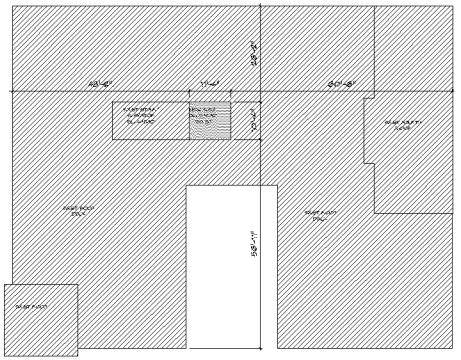
VARIANCE 2: SECTION 134-948(8)(D) AND (E): A VARIANCE TO ALLOW NEW CONSTRUCTION OF AN ELEVATOR BULKHEAD ON AN EXISTING NONCONFORMING FOURTH FLOOR WITH A HEIGHT OF 47'6" AND OVERALL BUILDING HEIGHT OF 50'1" TO MATCH THE EXISTING HEIGHT AND OVERALL HEIGHT IN LIEU OF 23'6" MAXIMUM HEIGHT AND 23'6" MAXIMUM BUILDING HEIGHT PERMITTED.
REFER TO DIAGRAM 1 BELOW

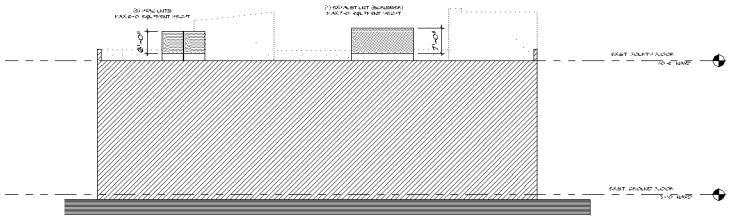
VARIANCE 3: SECTION 134-1607(1): A VARIANCE TO PERMIT THE INSTALLATION FIVE AIR CONDITIONING UNITS ON THE ROOF AT A HEIGHT OF 9' ABOVE THE MAXIMUM HEIGHT PERMITTED IN LIEU OF 4' MAXIMUM HEIGHT PERMITTED FOR AIR CONDITIONING UNITS.
REFER TO DIAGRAM 2 BELOW

VARIANCE 4: SECTION 1607(1): A VARIANCE TO PERMIT ONE KITCHEN EXHAUST AIR SCRUBBER AT A HEIGHT OF 7' IN LIEU OF 3' MAXIMUM PERMITTED.
REFER TO DIAGRAM 2 BELOW

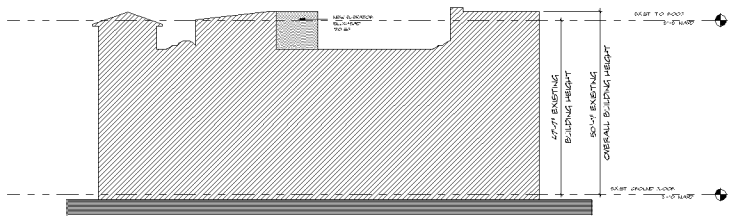
VARIANCE 5: SECTION 134-201(A)(6) AND 134-387: A VARIANCE TO PERMIT THE EXPANSION OF THE RESTAURANT, NIGHTCLUB AND POOL AREA USES WITH 197 COMBINED SEATS. ORIGINALLY, 113 SEATS WERE PERMITTED FOR THE DINING ROOM USE. ADDITIONAL SEATS DO NOT REQUIRE PARKING AS A RESULT OF CREDIT FOR THE ELIMINATION OF 16 HOTEL ROOMS.
NO DIAGRAM FEASIBLE. REFER TO SHEETS AC-7.1.0 & AC-7.1.1 FOR SEATING PLANS







C
AC-1.2
VARIANCE DIAGRAM - HVAC & EXHAUST EQUIP.
SCALE: 1/16" = 1'-0"



1
AC-1.1
VARIANCE DIAGRAM - BLDG HT & OVERALL BLDG HT
SCALE: 1/16" = 1'-0"

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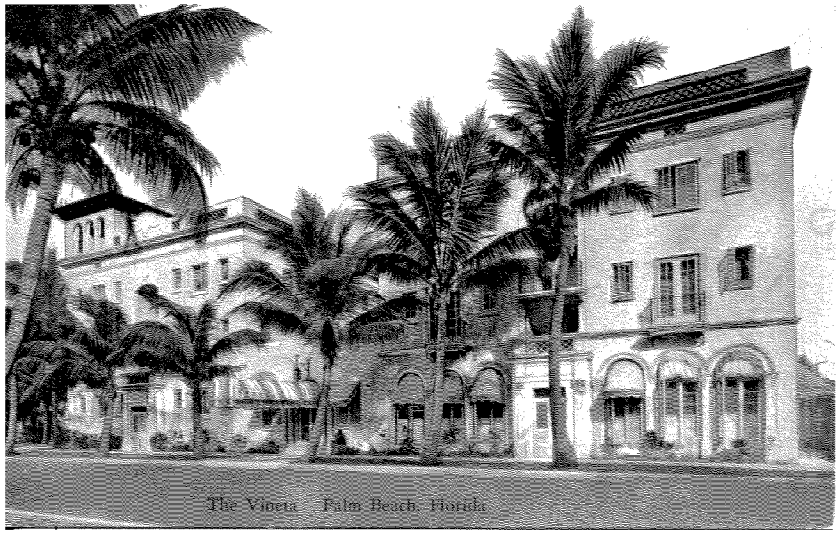
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Date: 10.24.2022
Drawn by: Author
Project Manager: Checker

VARIANCE DIAGRAMS

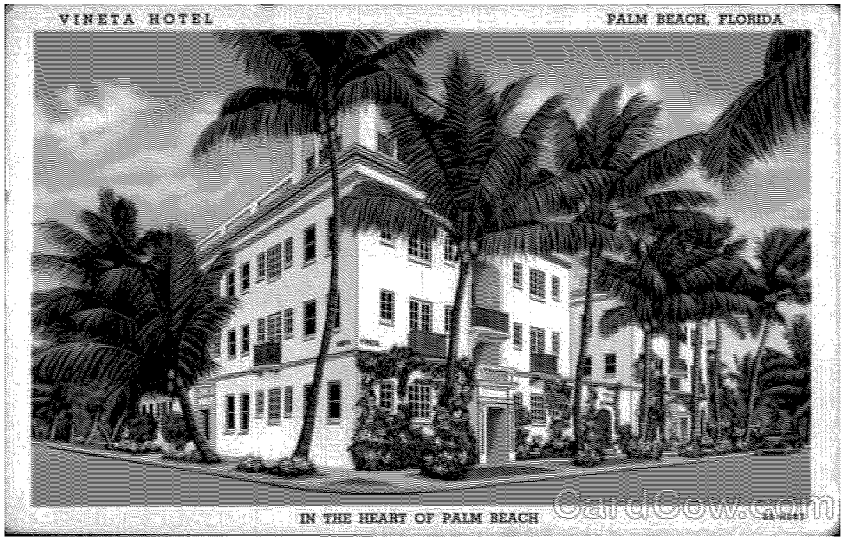
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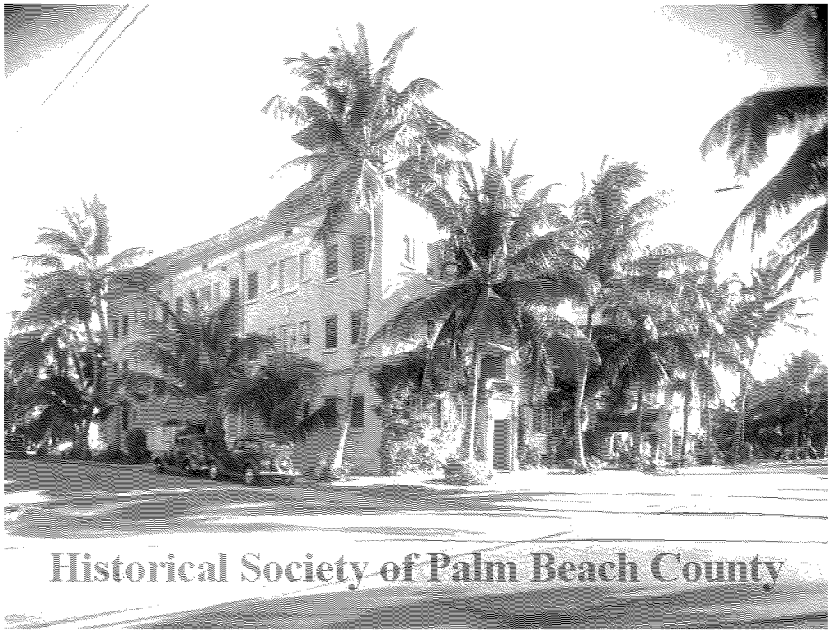
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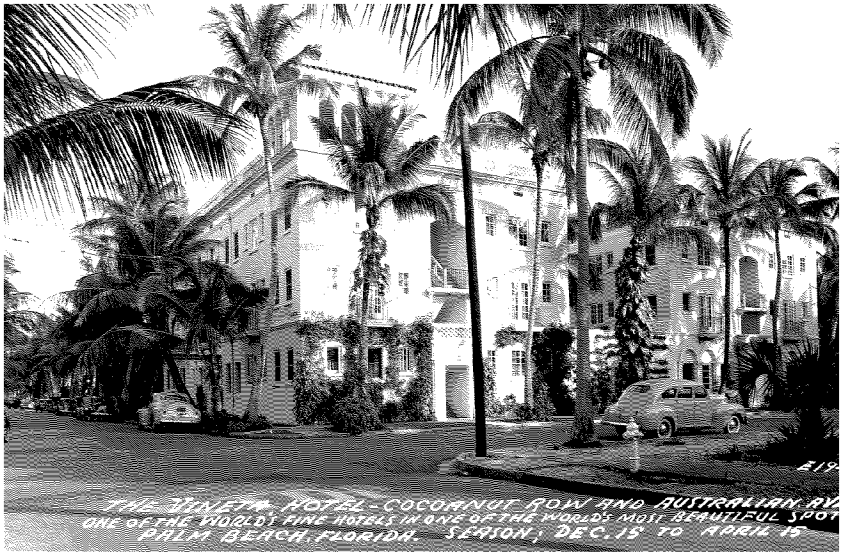
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Revisions:

Project no: 22028
Date: 10.24.2022
Drawn by: Author
Project Manager: Checker

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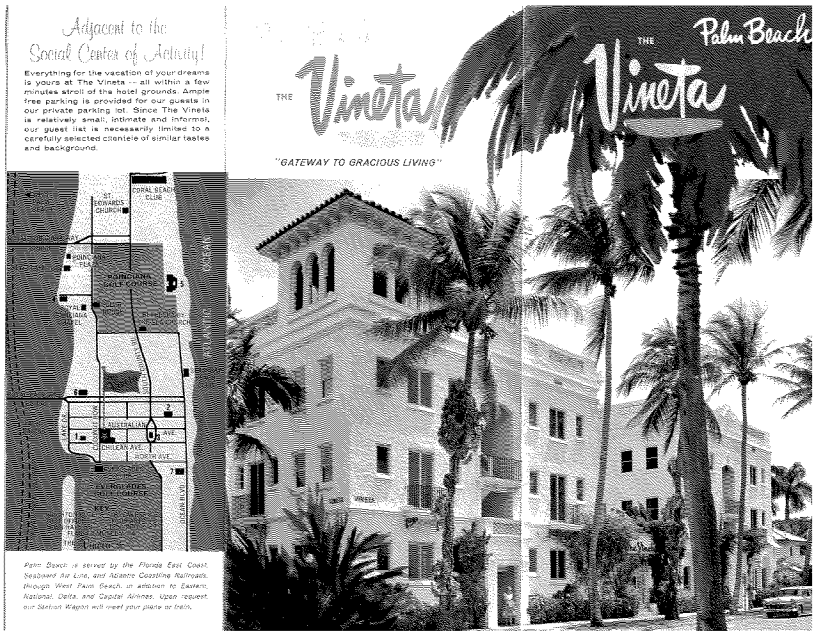
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Revisions:

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Project Manager: Checker

HISTORIC REFERENCE IMAGES

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Revisions

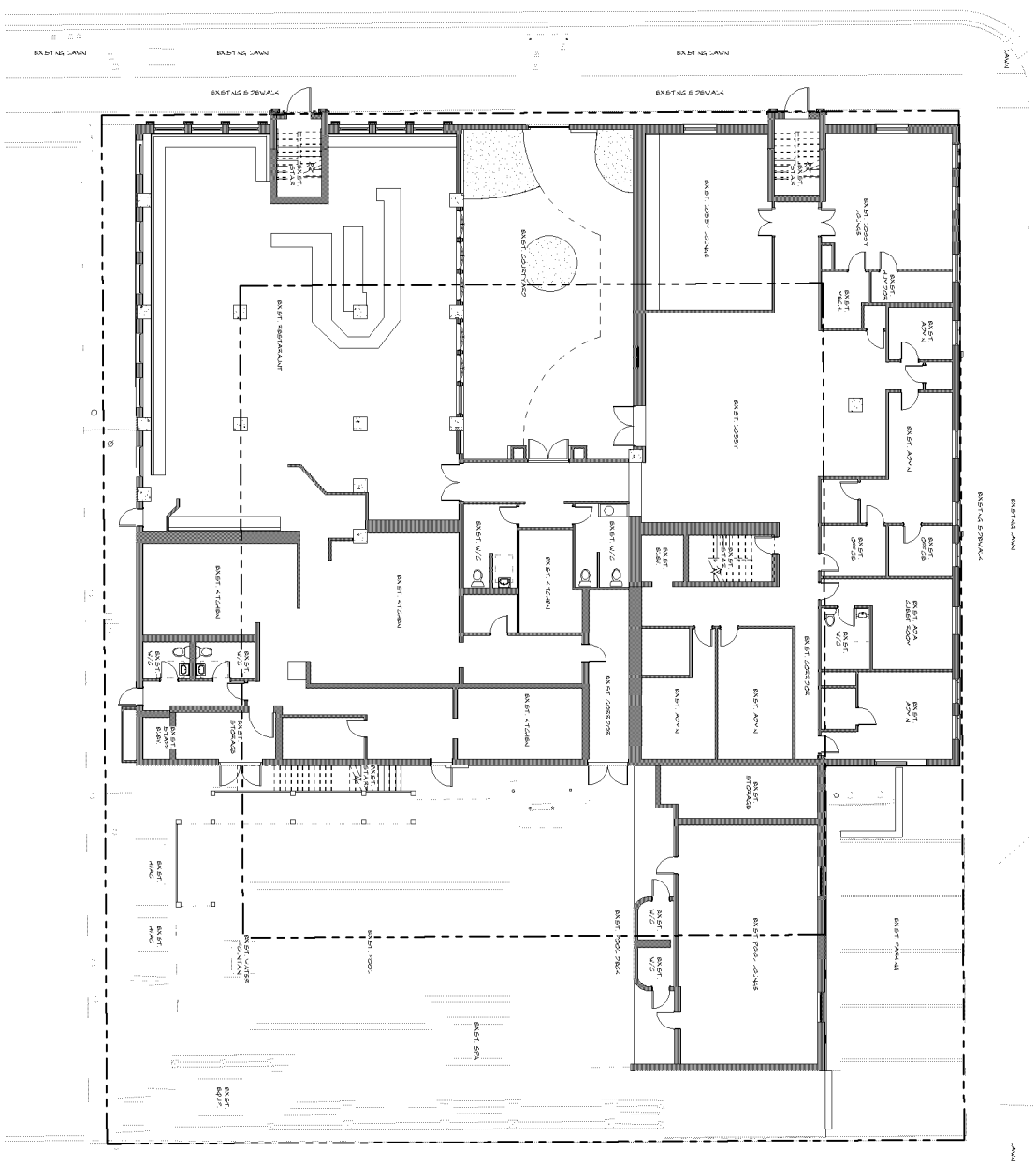
Project No. 22008
Date 10.24.2022
Drawn By Author
Project Manager Checker

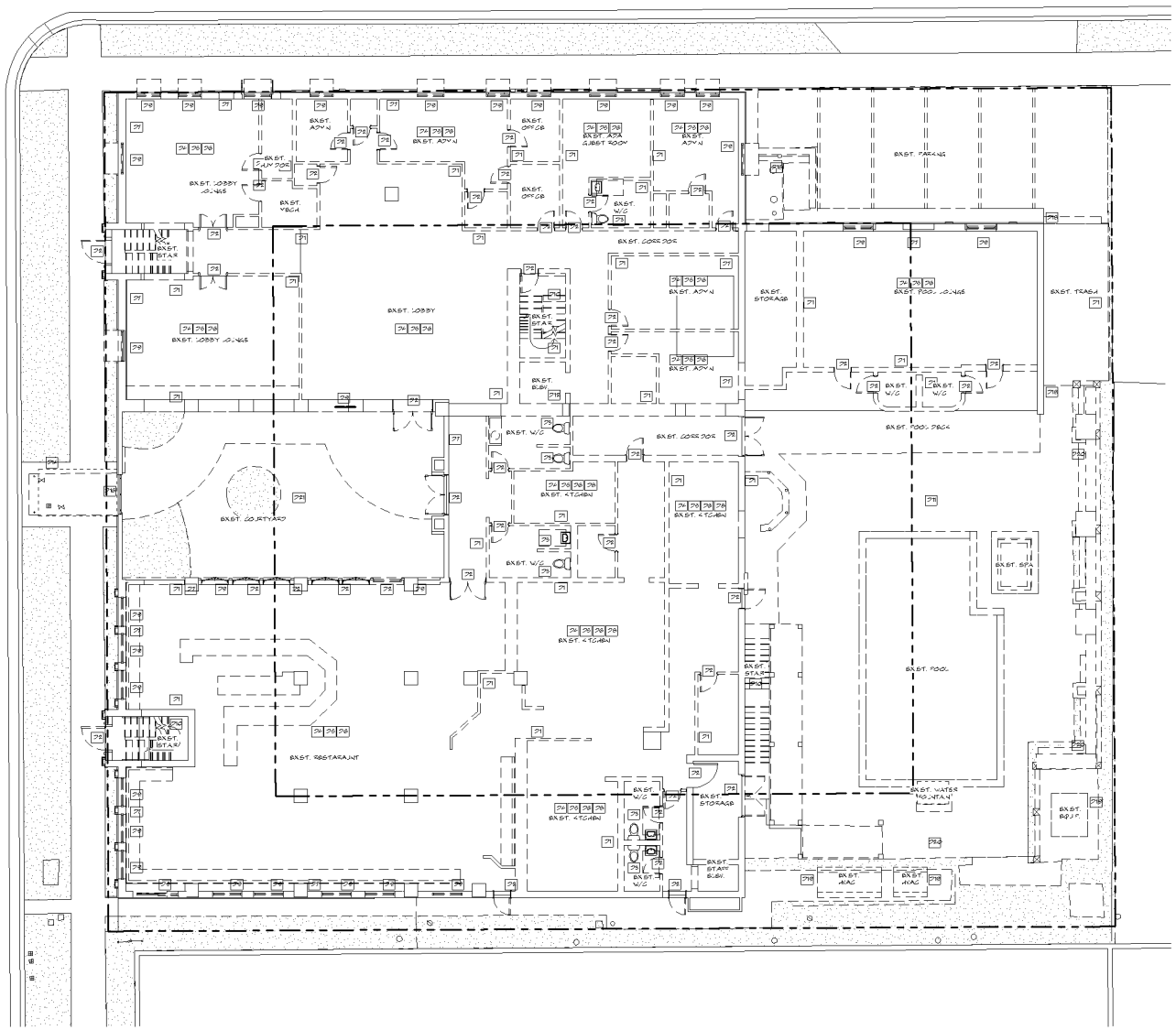
HISTORIC REFERENCE IMAGES

AC-1.3.2

1 EXIST
SCALE: 1/8" = 1'-0"

Overall Existing Ground Floor Plan


COCOANUT ROW
AUSTRALIAN AVENUE
EXIST'G LAWN
EXIST'G SIDEWALK
EXIST. RESTAURANT
EXIST. LOBBY
EXIST. OFFICE
EXIST. RETAIL
EXIST. RETAIL
EXIST. RETAIL



1 / A02.1 **Demolition Ground Floor Plan**
SCALE: 1/8" = 1'-0"

DEMOLITION LEGEND

EXISTING ELEMENT TO REMAIN

ELEMENT TO BE REMOVED

DRAWING IS INTENDED TO CONVEY CONCEPTUAL MATERIAL REMOVAL AND DOES NOT REFLECT A FINAL DEMOLITION PLAN FOR CONSTRUCTION. THIS DRAWING IS SUBJECT TO CHANGE DURING DEVELOPMENT OF CONSTRUCTION DOCUMENTS

DEMOLITION KEY NOTES

71 REMOVE EXISTING WALL OR PORTION OF AS SHOWN ON PLAN REMOVAL SHALL INCLUDE ANY AND ALL GYPSUM BOARD, BATT INSULATION, BASE AND TRIM STUDS, TOP AND BOTTOM RUNNERS AND ANY EXISTING BRACING AND BLOCKING THAT MAY BE PRESENT.

72 REMOVE EXISTING DOOR, FRAME, HARDWARE, AND ALL RELATED ACCESSORIES

73 REMOVE ALL EXISTING PLUMBING FIXTURES AND RELATED ACCESSORIES

74 REMOVE ALL INTERIOR FINISHES, ALL MILLWORK, ELECTRICAL FIXTURES AND ALL RELATED ACCESSORIES

75 REMOVE EXISTING AC EQUIPMENT, DUCTWORK AND ALL RELATED ACCESSORIES, SEE MECHANICAL DEMOLITION DRAWINGS.

76 REMOVE ALL EXISTING CEILING AND CEILING FIXTURES

77 REMOVE EXIST. WALL AS REQUIRED BY NEW OPENING

78 REMOVE ALL KITCHEN EQUIPMENT

79 REMOVE EXISTING WINDOW, FRAME, HARDWARE, ALL RELATED ACCESSORIES, AND SILLS

80 REMOVE EXISTING CONCRETE STAIR

81 REMOVE EXISTING POOL DECK, WOOD PERGOLA, WATER FAUNTAIN, POOL AND SPA

82 REMOVE EXISTING ELEVATOR

83 REMOVE EXISTING FLOOR SLAB / BALCONY

84 REMOVE EXISTING AWNING

85 REMOVE EXISTING RAILING, BALCONY OR LANDING TO REMAIN

86 REMOVE EXISTING GATE

87 REMOVE EXISTING WALL, RECESSED HVAC UNIT

88 REMOVE EXISTING WOOD TRASH ENCLOSURE/ WOOD WALL & GATE

89 REMOVE EXISTING POOL EQUIPMENT AND ALL RELATED ACCESSORIES

90 REMOVE EXISTING EXTERIOR CONCRETE WALL, PLANTERS AND BENCHES

91 REMOVE EXISTING DECK, ELECTRICAL FIXTURES AND ALL RELATED ACCESSORIES

92 REMOVE EXISTING GUTTER

93 REMOVE EXISTING ASPHALT OR PAVING

94 REMOVE EXISTING FOUNTAIN

95 REMOVE EXISTING SPA

96 REMOVE EXISTING DECK AS REQUIRED BY NEW POOL FOOTPRINT

97 REMOVE EXISTING GREASE TRAP

98 REMOVE EXISTING ELECTRICAL PANELS

99 REMOVE EXISTING EXHAUST DUCT AND CHASE

100 REMOVE EXISTING MECHANICAL EQUIPMENT

101 REMOVE EXISTING ROOFING, DECK AND ROOF DRAINS

102 REMOVE EXISTING BARREL TILE SCREEN AND PARAPET AS REQUIRED TO REPAIR

103 REMOVE EXISTING BARREL TILE AND SHEATHING

104 REMOVE EXISTING FLOOR OR ROOF FRAMING AS REQUIRED BY NEW ELEVATOR AND STAIRS. REFER TO STRUCTURAL DRAWINGS

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Keith M. Spina # AR13981

RENOVATION OF
The Vineta Hotel
363 Cocoanut Row, Palm Beach, FL 33480

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Revisions:

Project no: 22028
Date: 10.24.2022
Drawn by: Author
Project Manager: Checker

DEMOLITION FLOOR PLAN - GROUND FLOOR

AC-2.1.1

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1 Proposed Ground Floor Plan
SCALE: 1/8" = 1'-0"

PROPOSED FLOOR PLAN - GROUND FLOOR

AC-2.1.2

Project No. 20208
Date: 10.24.2022
Drawn By: Author
Project Manager: Checker

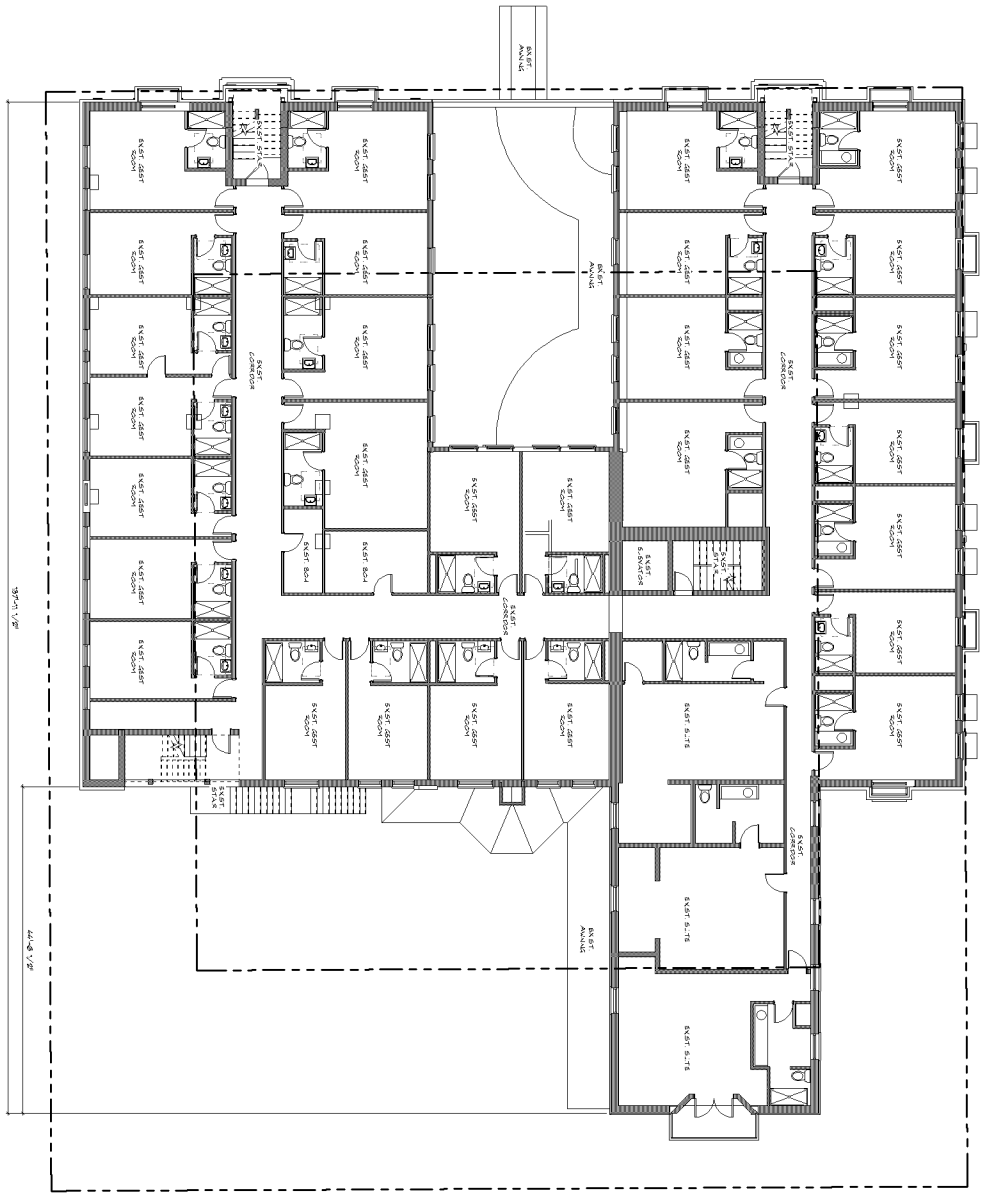
No.	Revisions

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2 Existing Second Floor Plan
SCALE: 1/8" = 1'-0"



EXISTING FLOOR PLAN - SECOND FLOOR

AC-2.2.0

Revisions

Project no. 220202
Date 10.24.2022
Drawn By Author
Project Manager Checker

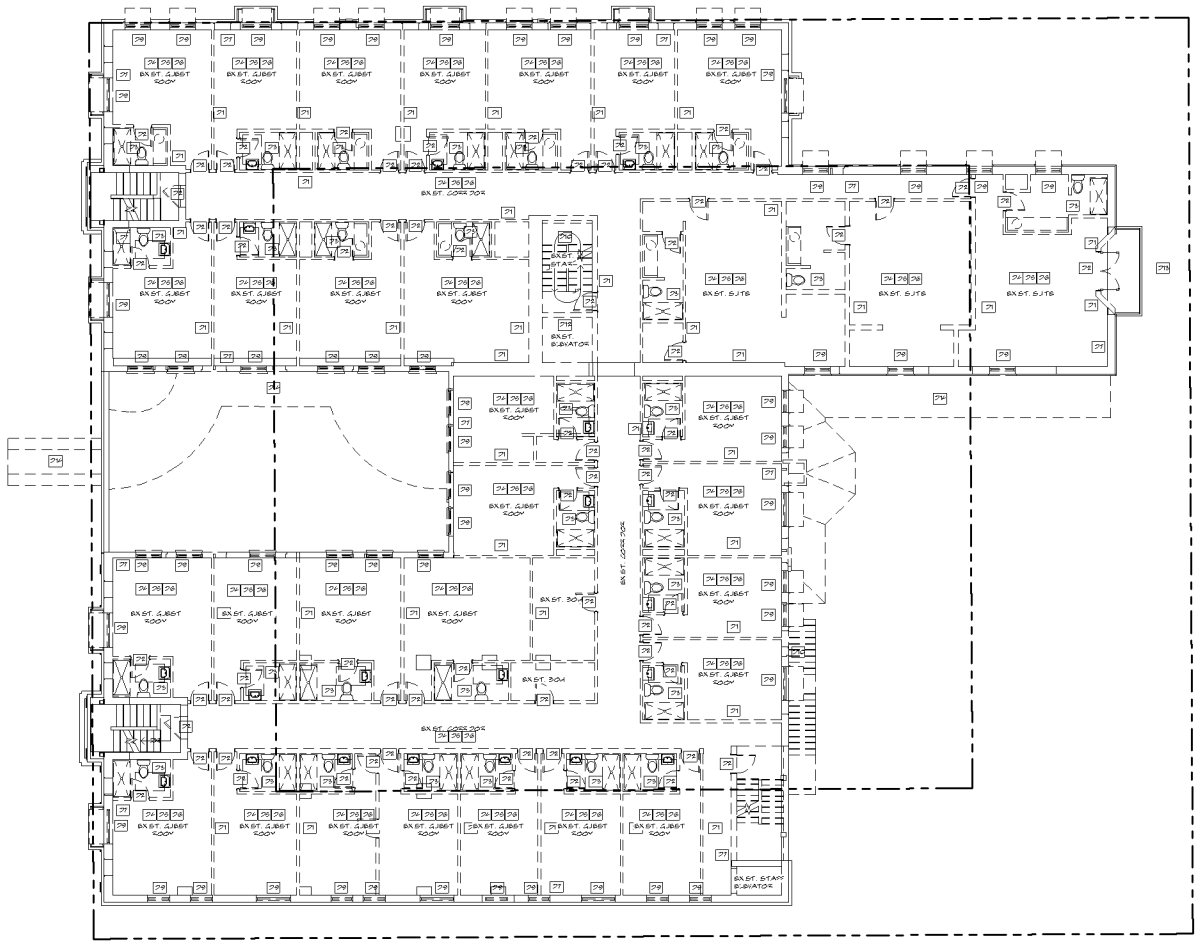
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1 Demolition Second Floor Plan
SCALE: 1/8" = 1'-0"

DEMOLITION LEGEND

EXISTING ELEMENT TO REMAIN

EXISTING TO BE REMOVED

DRAWING IS INTENDED TO CONVEY CONCEPTUAL MATERIAL REMOVAL AND DOES NOT REFLECT A FINAL DEMOLITION PLAN FOR CONSTRUCTION. THIS DRAWING IS SUBJECT TO CHANGE DURING DEVELOPMENT OF CONSTRUCTION DOCUMENTS

DEMOLITION KEY NOTES

1. REMOVE EXISTING WALL OR PORTION OF AS SHOWN ON PLAN. REMOVAL SHALL INCLUDE ANY AND ALL GYPSUM BOARD, BATT INSULATION, BASE AND TRIM STUDS, TOP AND BOTTOM RUNNERS AND ANY EXISTING BRACING AND BLOCKING THAT MAY BE PRESENT.
2. REMOVE EXISTING DOOR, FRAME, HARDWARE, AND ALL RELATED ACCESSORIES.
3. REMOVE ALL EXISTING FURNISHINGS FIXTURES AND RELATED ACCESSORIES.
4. REMOVE ALL INTERIOR FINISHES, ALL MILLWORK, ELECTRICAL FIXTURES AND ALL RELATED ACCESSORIES
5. REMOVE EXISTING AQUIPMENT, CUSTWORK AND ALL RELATED ACCESSORIES. SEE MECHANICAL DEMOLITION DRAWINGS
6. REMOVE ALL EXISTING CEILING AND CEILING FIXTURES
7. REMOVE EXIST. WALL AS REQUIRED BY NEW OPENING
8. REMOVE ALL KITCHEN EQUIPMENT
9. REMOVE EXISTING WINDOW, FRAME, HARDWARE, ALL RELATED ACCESSORIES, AND SILLS
10. REMOVE EXISTING CONCRETE STAIR
11. REMOVE EXISTING POOL DECK, WOOD PERGOLA, WATER FAANTAIN, POOL AND SPA
12. REMOVE EXISTING ELEVATOR
13. REMOVE EXISTING FLOOR SLAB / BALCONY
14. REMOVE EXISTING AWNING
15. REMOVE EXISTING RAILING, BALCONY OR LANDING TO REMAIN
16. REMOVE EXISTING DOOR
17. REMOVE EXISTING WALL, RECESSED HVAC UNIT
18. REMOVE EXISTING WOOD TRASH ENCLOSURE/ WOOD WALL & GATE
19. REMOVE EXISTING POOL EQUIPMENT AND ALL RELATED ACCESSORIES
20. REMOVE EXISTING EXTERIOR CONCRETE WALL, PLANTERS AND RAILINGS
21. REMOVE EXISTING DECK, ELECTRICAL FIXTURES AND ALL RELATED ACCESSORIES
22. REMOVE EXISTING GUTTER
23. REMOVE EXISTING ASPHALT OR PAVING
24. REMOVE EXISTING FOUNTAIN
25. REMOVE EXISTING SPA
26. REMOVE EXISTING DECK AS REQUIRED BY NEW POOL FOOTPRINT
27. REMOVE EXISTING GREASE TRAP
28. REMOVE EXISTING ELECTRICAL PANELS
29. REMOVE EXISTING EXHAUST DUCT AND CAGE
30. REMOVE EXISTING MECHANICAL EQUIPMENT
31. REMOVE EXISTING ROOFING, DECK AND ROOF DRAINS
32. REMOVE EXISTING BARREL TILE SCREEN AND PARAPET AS REQUIRED TO REPAIR
33. REMOVE EXISTING BARREL TILE AND SHEATHING
34. REMOVE EXISTING FLOOR OR ROOF FRAMING AS REQUIRED BY NEW ELEVATOR AND STAIRS. REFER TO STRUCTURAL DRAWINGS

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RENOVATION OF
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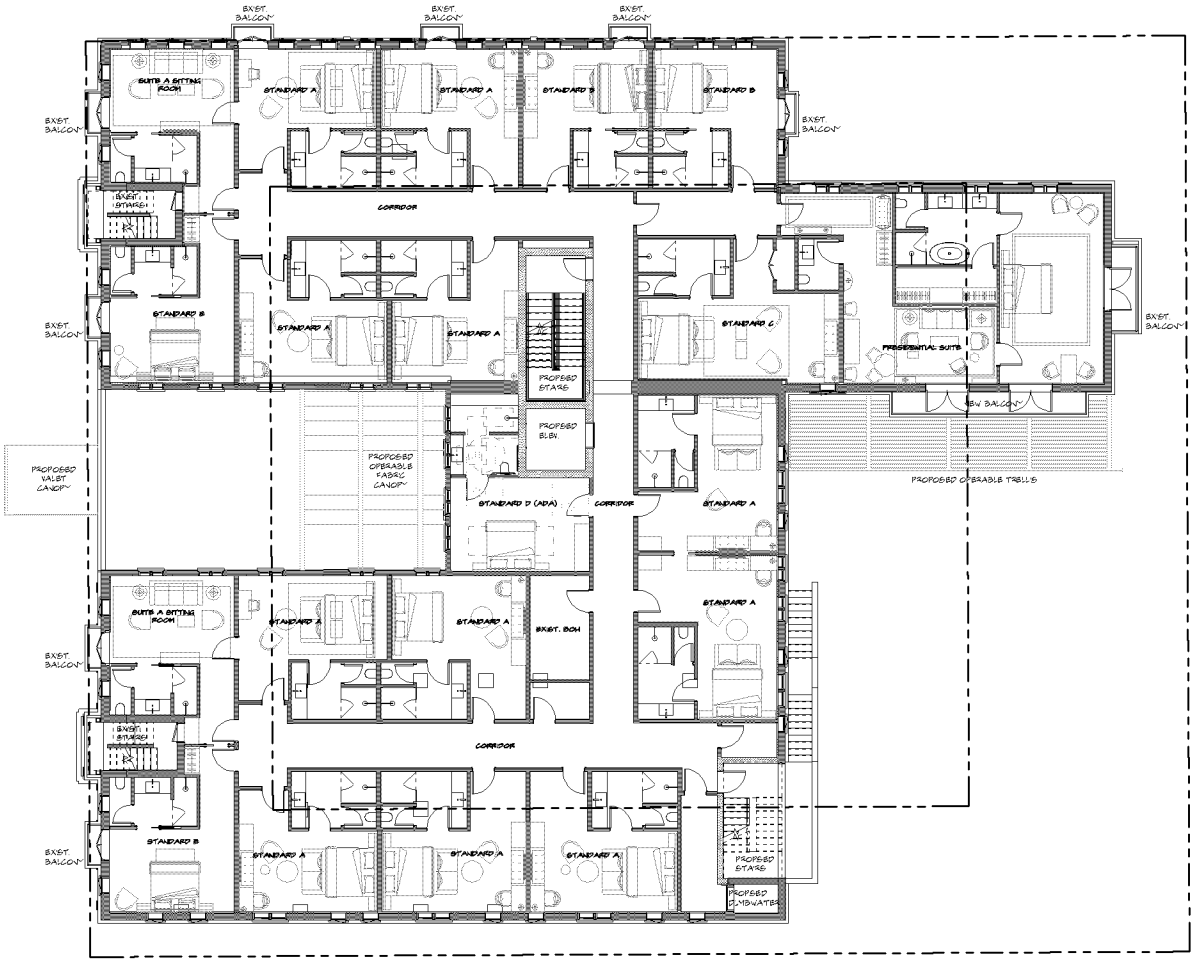
Project no: 22028
Date: 10.24.2022
Drawn by: Author
Project Manager: Checker

DEMOLITION FLOOR PLAN - SECOND FLOOR

AC-2.2.1

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ROOM KEY COUNT		
	EXIST NO.	PROPOSED
SECOND FLOOR	31	30
THIRD FLOOR	28	18
FOURTH FLOOR	2	2
TOTAL	61	71



1 A2.2.2 **Proposed Second Floor Plan**
SCALE: 1/8" = 1'-0"

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RENOVATION OF
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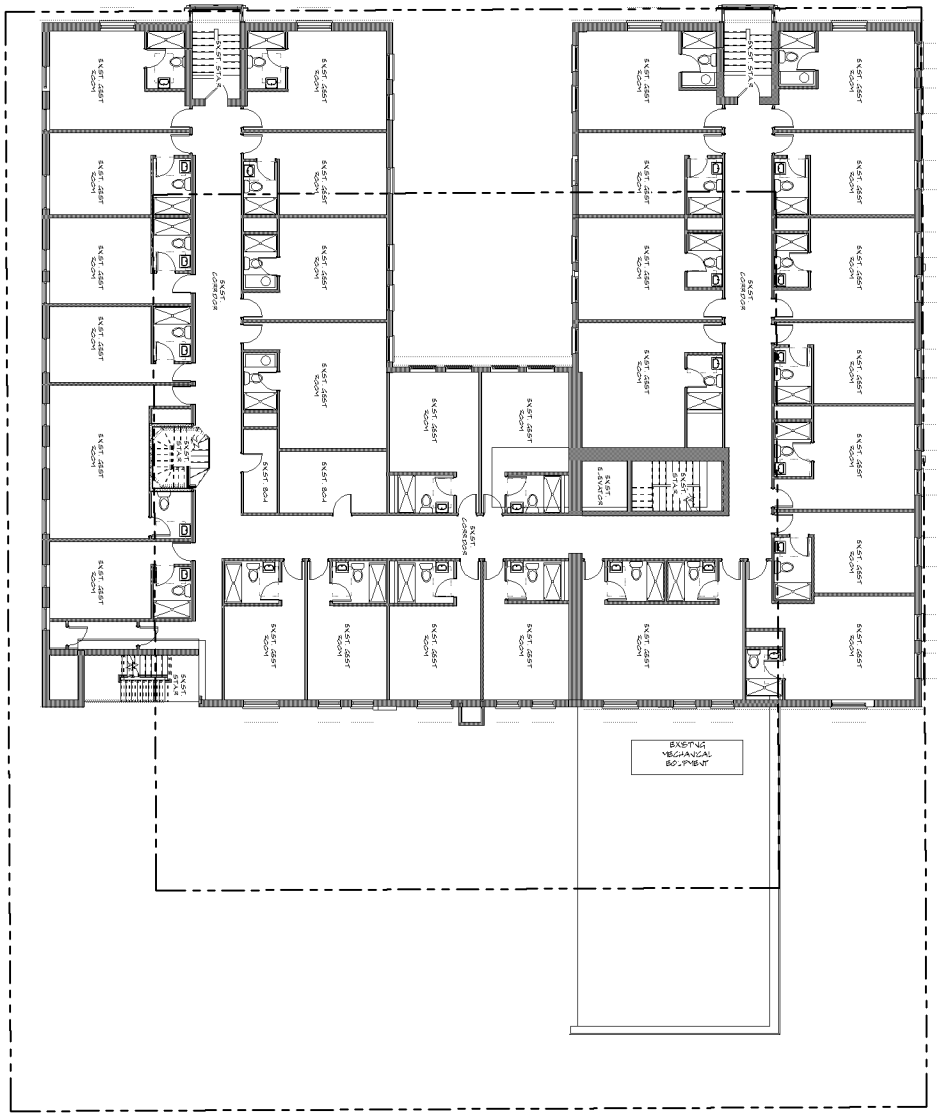
PROPOSED FLOOR PLAN - SECOND FLOOR

AC-2.2.2

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3/16" SCALE: 1/8" = 1'-0"

Existing Third Floor Plan



EXISTING FLOOR PLAN - THIRD FLOOR

AC-2.3.0

Revisions

Project no. 22002
Date 10.24.2022
Drawn By Author
Project Manager Checker

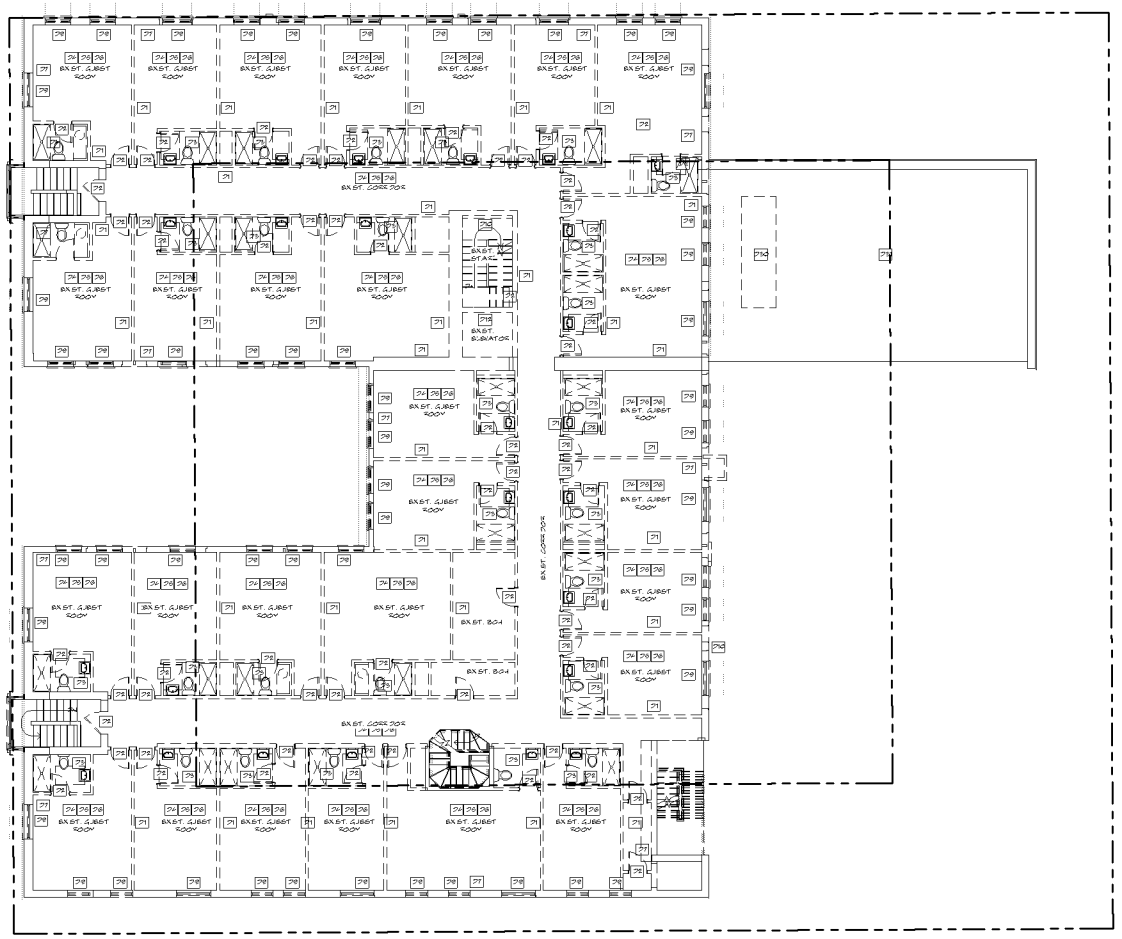
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RENOVATION OF
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1 Demolition Third Floor Plan
SCALE: 1/8" = 1'-0"

DEMOLITION LEGEND

EXISTING ELEMENT TO REMAIN

ELEMENT TO BE REMOVED

DRAWING IS INTENDED TO CONVEY CONCEPTUAL MATERIAL REMOVAL AND DOES NOT REFLECT A FINAL DEMOLITION PLAN FOR CONSTRUCTION. THIS DRAWING IS SUBJECT TO CHANGE DURING DEVELOPMENT OF CONSTRUCTION DOCUMENTS

DEMOLITION KEY NOTES

21 REMOVE EXISTING WALL OR PORTION OF AS SHOWN ON PLAN. REMOVAL SHALL INCLUDE ANY AND ALL STUDS, BOARD, BATT INSULATION, BASE AND TRIM, STUDS, TOP AND BOTTOM RUNNERS AND ANY EXISTING BRACING AND BLOCKING THAT MAY BE PRESENT.

22 REMOVE EXISTING DOOR, FRAME, HARDWARE, AND ALL RELATED ACCESSORIES.

23 REMOVE ALL EXISTING FINISHES AND RELATED ACCESSORIES.

24 REMOVE ALL INTERIOR FINISHES, ALL WOODWORK, ELECTRICAL FIXTURES AND ALL RELATED ACCESSORIES.

25 REMOVE EXISTING AC EQUIPMENT, DUCTWORK AND ALL RELATED ACCESSORIES. SEE MECHANICAL DEMOLITION DRAWINGS.

26 REMOVE ALL EXISTING CEILING AND CEILING FIXTURES

27 REMOVE EXIST. WALL AS REQUIRED BY NEW OPENING

28 REMOVE ALL KITCHEN EQUIPMENT

29 REMOVE EXISTING WINDOW, FRAME, HARDWARE, ALL RELATED ACCESSORIES, AND SILLS

30 REMOVE EXISTING CONCRETE STAIR

31 REMOVE EXISTING POOL DECK, WOOD PERGOLA, WATER FAUNTAIN, POOL AND SPA

32 REMOVE EXISTING ELEVATOR

33 REMOVE EXISTING FLOOR SLAB / BALCONY

34 REMOVE EXISTING AWNING

35 REMOVE EXISTING RAILING, BALCONY OR LANDING TO REMAIN

36 REMOVE EXISTING SAFE

37 REMOVE EXISTING WALL RECESSED HVAC UNIT

38 REMOVE EXISTING WOOD TRASH ENCLOSURE/ WOOD WALL & GATE

39 REMOVE EXISTING POOL EQUIPMENT AND ALL RELATED ACCESSORIES

40 REMOVE EXISTING EXTERIOR CONCRETE WALL, PLANTERS AND BASE

41 REMOVE EXISTING DECK ELECTRICAL FIXTURES AND ALL RELATED ACCESSORIES

42 REMOVE EXISTING GUTTER

43 REMOVE EXISTING ASPHALT OR PAVING

44 REMOVE EXISTING FOUNTAIN

45 REMOVE EXISTING SPA

46 REMOVE EXISTING DECK AS REQUIRED BY NEW POOL FOOTPRINT

47 REMOVE EXISTING GREASE TRAP

48 REMOVE EXISTING ELECTRICAL PANELS

49 REMOVE EXISTING SMOKE DUCT AND CASE

50 REMOVE EXISTING MECHANICAL EQUIPMENT

51 REMOVE EXISTING ROOFING, DECK AND ROOF DRAINS

52 REMOVE EXISTING BARREL TILE SCREEN AND PARAPET AS REQUIRED TO REPAIR

53 REMOVE EXISTING BARREL TILE AND SHEATHING

54 REMOVE EXISTING FLOOR OR ROOF FRAMING AS REQUIRED BY NEW ELEVATOR AND STAIRS. REFER TO STRUCTURAL DRAWINGS

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RENOVATION OF
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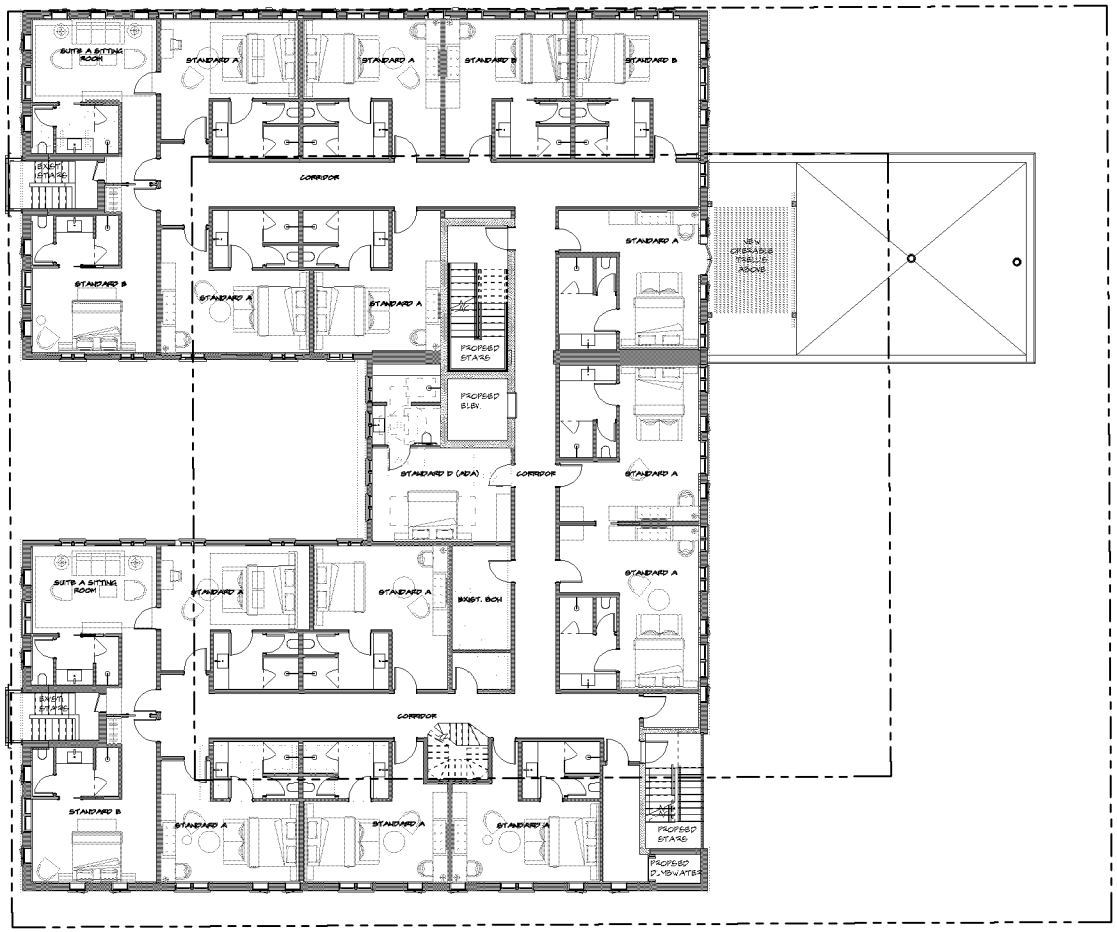
Project no: 22028
Date: 10.24.2022
Drawn by: Author
Project Manager: Checker

DEMOLITION FLOOR PLAN - THIRD FLOOR

AC-2.3.1

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ROOM KEY COUNT		
	EXIST'G	PROPOSED
SECOND FLOOR	51	50
THIRD FLOOR	28	18
FOURTH FLOOR	2	3
TOTAL	81	71



1 Proposed Third Floor Plan
A2.3.1 SCALE: 1/8" = 1'-0"

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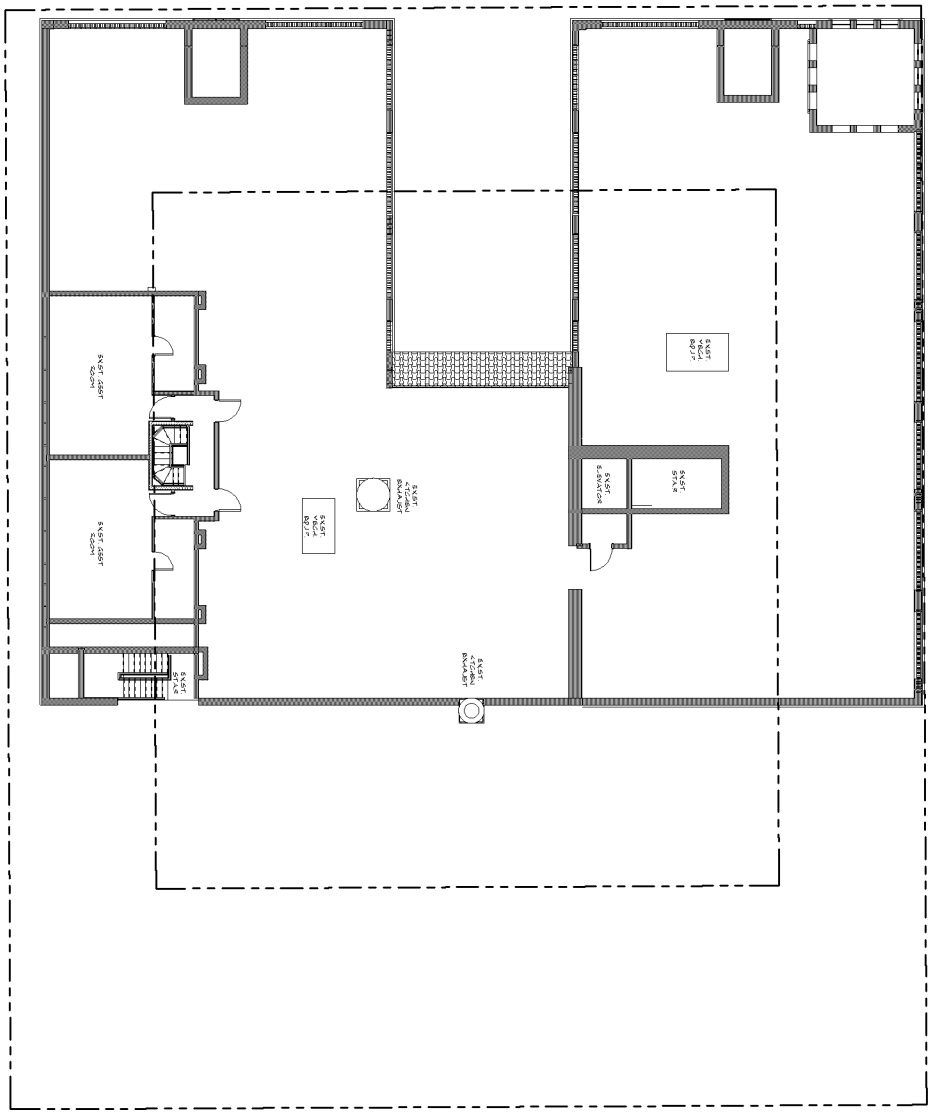
PROPOSED FLOOR PLAN - THIRD FLOOR

AC-2.3.2

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1 EXISTING
SCALE: 1/8" = 1'-0"

Existing Fourth Floor & Roof Plan



EXISTING FLOOR PLAN - FOURTH FLOOR & ROOF PLAN

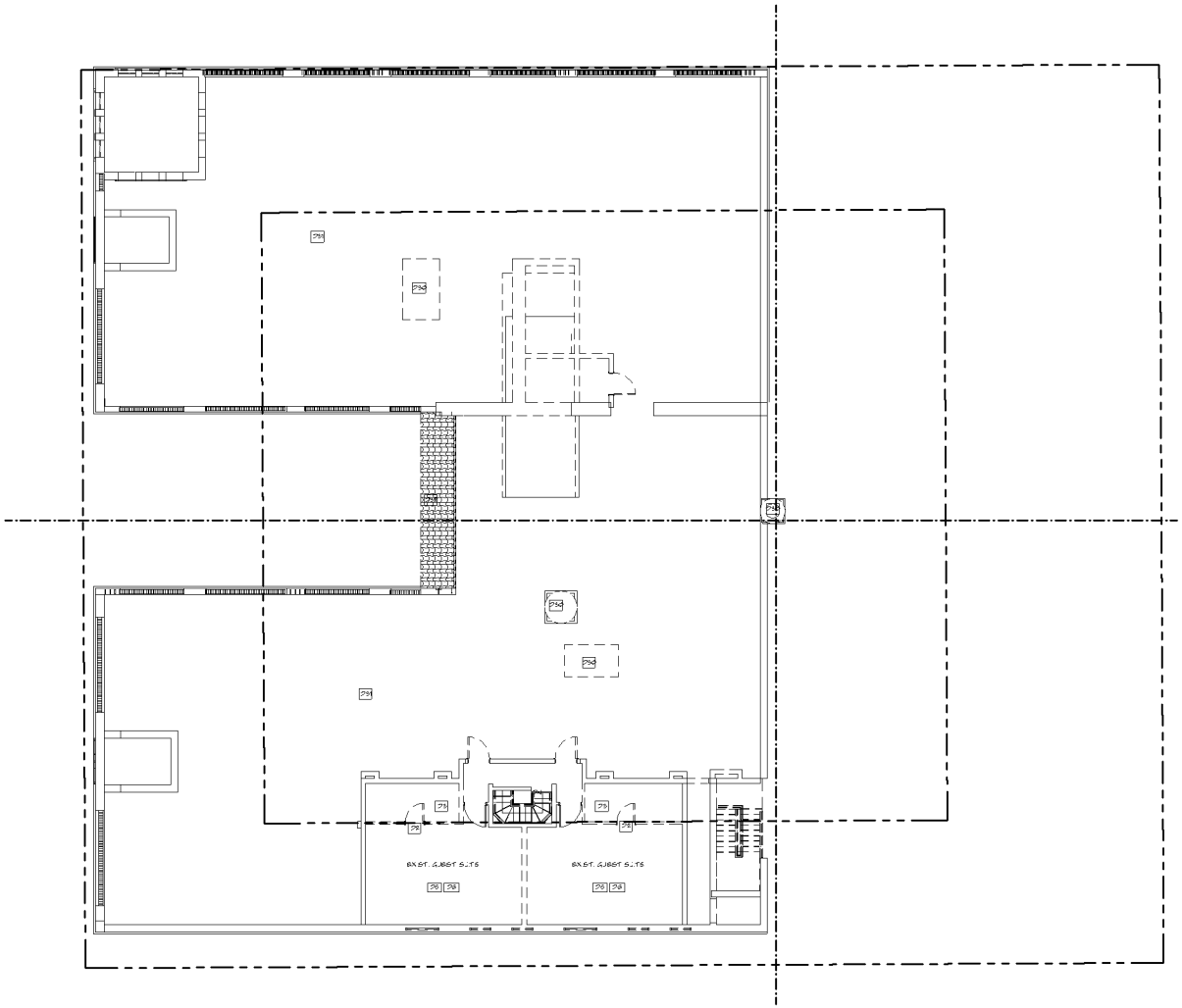
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Project no. 220202
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DEMOLITION LEGEND

EXISTING ELEMENT TO REMAIN

ELEMENT TO BE REMOVED

DRAWING IS INTENDED TO CONVEY CONCEPTUAL MATERIAL REMOVAL AND DOES NOT REFLECT A FINAL DEMOLITION PLAN FOR CONSTRUCTION. THIS DRAWING IS SUBJECT TO CHANGE DURING DEVELOPMENT OF CONSTRUCTION DOCUMENTS

DEMOLITION KEY NOTES

1. REMOVE EXISTING WALL OR PORTION OF AS SHOWN ON PLAN. REMOVAL SHALL INCLUDE ANY AND ALL GYPSUM BOARD, BATT INSULATION, BASE AND TRIM STRIPS, TOP AND BOTTOM RUNNERS AND ANY EXISTING BRACING AND BLOCKING THAT MAY BE PRESENT.
2. REMOVE EXISTING DOOR, FRAME, HARDWARE, AND ALL RELATED ACCESSORIES.
3. REMOVE ALL EXISTING PLUMBING FIXTURES AND RELATED ACCESSORIES.
4. REMOVE ALL INTERIOR FINISHES, ALL WOODWORK, ELECTRICAL FIXTURES AND ALL RELATED ACCESSORIES
5. REMOVE EXISTING AC EQUIPMENT, PIPEWORK AND ALL RELATED ACCESSORIES, SEE MECHANICAL DEMOLITION DRAWINGS.
6. REMOVE ALL EXISTING CEILING AND CEILING FIXTURES
7. REMOVE EXIST. WALL AS REQUIRED BY NEW OPENING
8. REMOVE ALL KITCHEN EQUIPMENT
9. REMOVE EXISTING WINDOW, FRAME, HARDWARE, ALL RELATED ACCESSORIES, AND SILLS
10. REMOVE EXISTING CONCRETE STAIR
11. REMOVE EXISTING POOL DECK, WOOD PERGOLA, WATER FAUNTAIN, POOL AND SPA
12. REMOVE EXISTING ELEVATOR
13. REMOVE EXISTING FLOOR SLAB / BALCONY
14. REMOVE EXISTING AWNING
15. REMOVE EXISTING RAILING, BALCONY OR LANDING TO REMAIN
16. REMOVE EXISTING GATE
17. REMOVE EXISTING WALL ACCESSED HVAC UNIT
18. REMOVE EXISTING WOOD TRASH ENCLOSURE/ WOOD WALL & GATE
19. REMOVE EXISTING POOL EQUIPMENT AND ALL RELATED ACCESSORIES
20. REMOVE EXISTING EXTERIOR CONCRETE WALL, PLANTERS AND BENCHES
21. REMOVE EXISTING DECK, ELECTRICAL FIXTURES AND ALL RELATED ACCESSORIES
22. REMOVE EXISTING GUTTER
23. REMOVE EXISTING ASPHALT OR PAVING
24. REMOVE EXISTING FOUNTAIN
25. REMOVE EXISTING SPA
26. REMOVE EXISTING DECK AS REQUIRED BY NEW POOL FOOTPRINT
27. REMOVE EXISTING GREASE TRAP
28. REMOVE EXISTING ELECTRICAL PANELS
29. REMOVE EXISTING EXHAUST DUCT AND GRASS
30. REMOVE EXISTING MECHANICAL EQUIPMENT
31. REMOVE EXISTING ROOFING, DECK AND ROOF DRAINS
32. REMOVE EXISTING BARREL TILES SCREEN AND PARAPET AS REQUIRED TO REPAIR
33. REMOVE EXISTING BARREL TILES AND SHEATHING
34. REMOVE EXISTING FLOOR OR ROOF FRAMING AS REQUIRED BY NEW ELEVATOR AND STAIRS. REFER TO STRUCTURAL DRAWINGS

1 A02.4.1 **Demolition Fourth Floor & Roof Plan**
SCALE: 1/8" = 1'-0"

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RENOVATION OF
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Revisions:

Project no: 22028
Date: 10.24.2022
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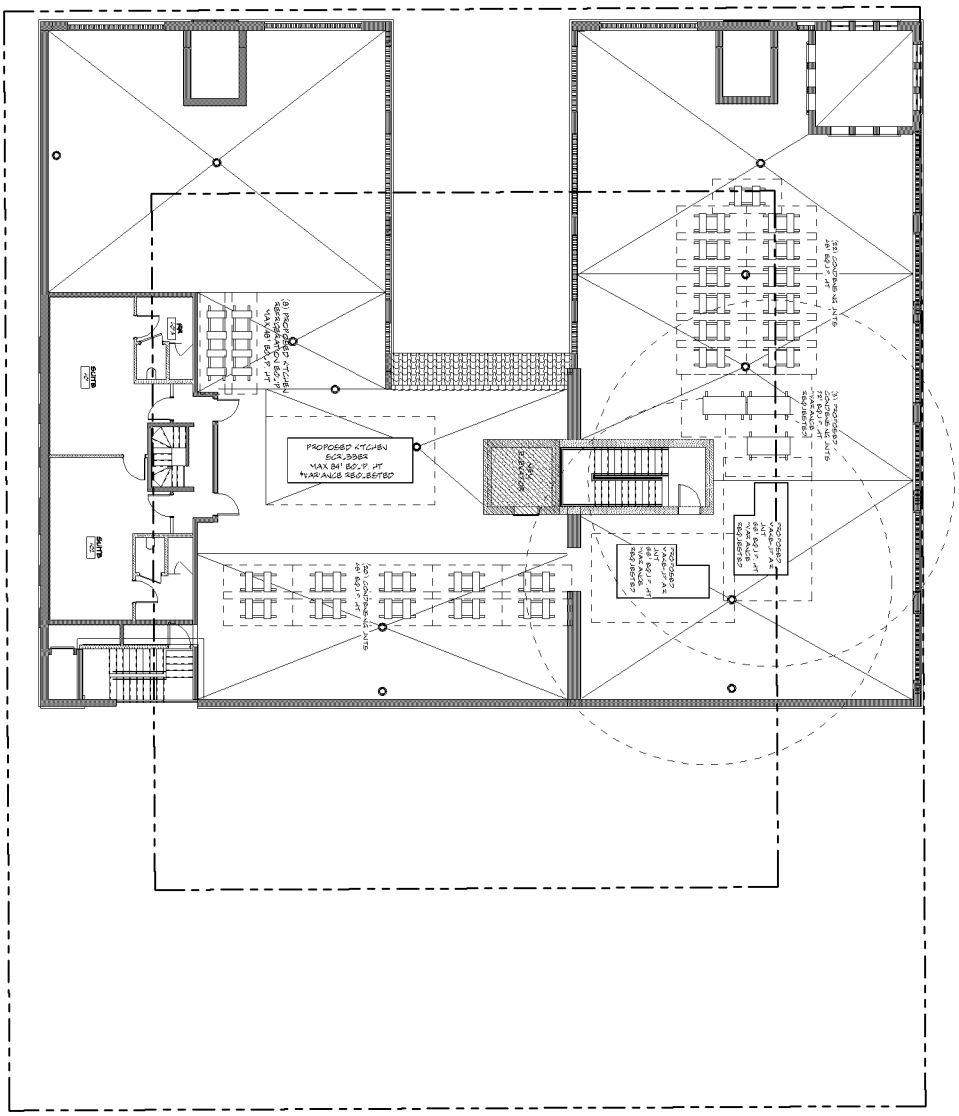
DEMOLITION FLOOR PLAN - FOURTH FLOOR & ROOF PLAN

AC-2.4.1

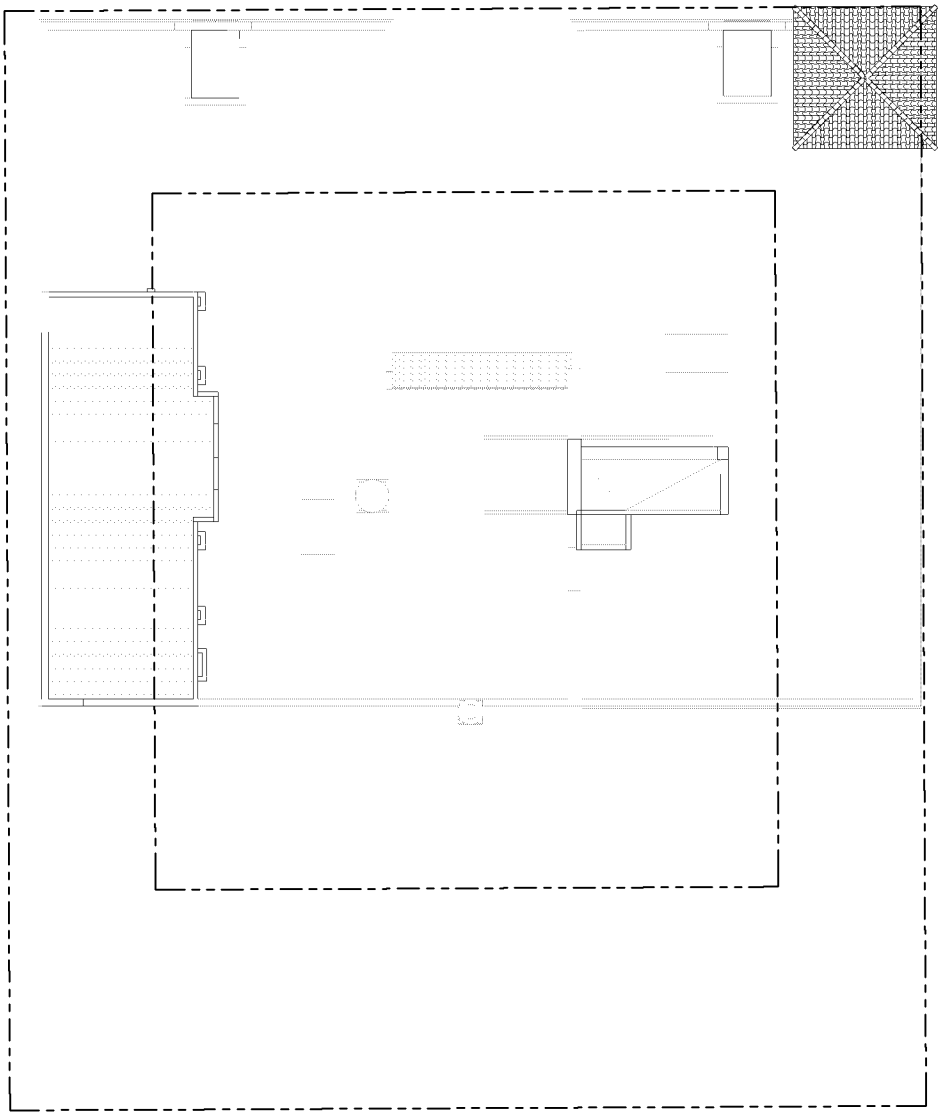
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1 / AC-2.4.2 SCALE: 1/8" = 1'-0"

Proposed Fourth Floor & Roof Plan


PROPOSED KITCHEN
SQFL3368
MAX 84' B.O.P. HT
VARIANCE REQUESTED
SEATING
SEATING
SEATING

1 EXISTING HIGH ROOF PLAN
SCALE: 1/8" = 1'-0"



EXISTING HIGH ROOF PLAN

AC-3.1.0

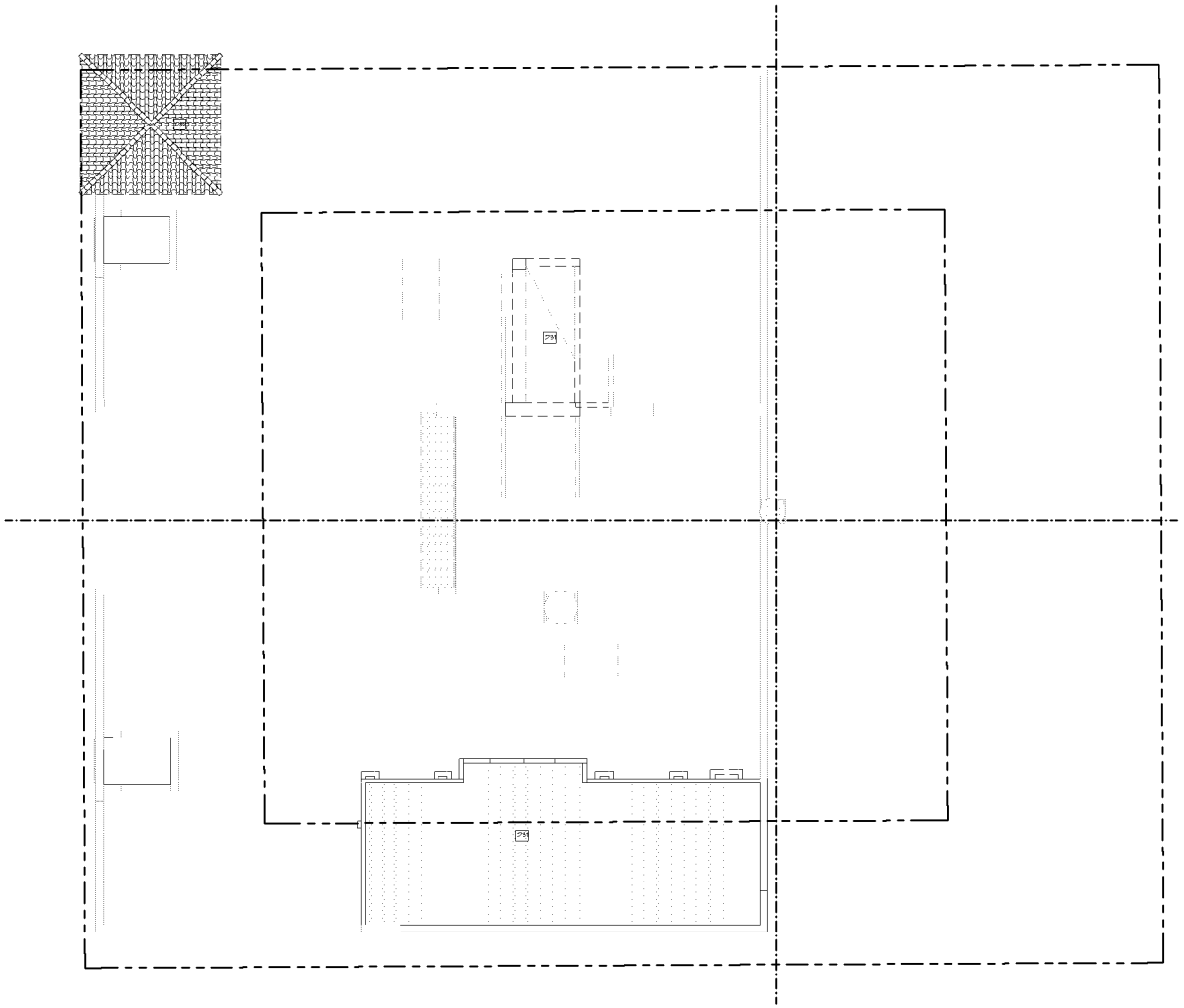
Revisions

RENOVATION OF
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363 Cocoanut Row, Palm Beach, FL 33480

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1 A043.1 **Demolition Roof Plan**
SCALE: 1/8" = 1'-0"

DEMOLITION LEGEND

EXISTING ELEMENT TO REMAIN

ELEMENT TO BE REMOVED

DRAWING IS INTENDED TO CONVEY CONCEPTUAL MATERIAL REMOVAL AND DOES NOT REFLECT A FINAL DEMOLITION PLAN FOR CONSTRUCTION. THIS DRAWING IS SUBJECT TO CHANGE DURING DEVELOPMENT OF CONSTRUCTION DOCUMENTS

DEMOLITION KEY NOTES

P1 REMOVE EXISTING WALL OR PORTION OF AS SHOWN ON PLAN. REMOVAL SHALL INCLUDE ANY AND ALL GYPSUM BOARD, BATT INSULATION, BASE AND TRIM STRIPS, TOP AND BOTTOM RUNNERS AND ANY EXISTING BRACING AND BLOCKING THAT MAY BE PRESENT.

P2 REMOVE EXISTING DOOR, FRAME, HARDWARE, AND ALL RELATED ACCESSORIES.

P3 REMOVE ALL EXISTING PLUMBING FIXTURES AND RELATED ACCESSORIES.

P4 REMOVE ALL INTERIOR FINISHES, ALL WOODWORK, ELECTRICAL FIXTURES AND ALL RELATED ACCESSORIES

P5 REMOVE EXISTING AC EQUIPMENT, DUCTWORK AND ALL RELATED ACCESSORIES. SEE MECHANICAL DEMOLITION DRAWINGS.

P6 REMOVE ALL EXISTING CEILING AND CEILING FIXTURES

P7 REMOVE EXIST. WALL AS REQUIRED BY NEW OPENING

P8 REMOVE ALL KITCHEN EQUIPMENT

P9 REMOVE EXISTING WINDOW, FRAME, HARDWARE, ALL RELATED ACCESSORIES, AND SILLS

P10 REMOVE EXISTING CONCRETE STAIR

P11 REMOVE EXISTING POOL DECK, WOOD PERGOLA, WATER FAUNTAIN, POOL AND SPA

P12 REMOVE EXISTING ELEVATOR

P13 REMOVE EXISTING FLOOR SLAB / BALCONY

P14 REMOVE EXISTING AWNING

P15 REMOVE EXISTING RAILING, BALCONY OR LANDING TO REMAIN

P16 REMOVE EXISTING GATE

P17 REMOVE EXISTING WALL ACCESSED HVAC UNIT

P18 REMOVE EXISTING WOOD TRASH ENCLOSURE/ WOOD WALL & GATE

P19 REMOVE EXISTING POOL EQUIPMENT AND ALL RELATED ACCESSORIES

P20 REMOVE EXISTING EXTERIOR CONCRETE WALL, PLANTERS AND BENCHES

P21 REMOVE EXISTING DECK, ELECTRICAL FIXTURES AND ALL RELATED ACCESSORIES

P22 REMOVE EXISTING GUTTER

P23 REMOVE EXISTING ASPHALT OR PAVING

P24 REMOVE EXISTING FOUNTAIN

P25 REMOVE EXISTING SPA

P26 REMOVE EXISTING DECK AS REQUIRED BY NEW POOL FOOTPRINT

P27 REMOVE EXISTING GREASE TRAP

P28 REMOVE EXISTING ELECTRICAL PANELS

P29 REMOVE EXISTING SKYLIGHT UNIT AND GLASS

P30 REMOVE EXISTING MECHANICAL EQUIPMENT

P31 REMOVE EXISTING ROOFING, DECK AND ROOF DRAINS

P32 REMOVE EXISTING BARREL TILES SCREEN AND PARAPET AS REQUIRED TO REPAIR

P33 REMOVE EXISTING BARREL TILES AND SHEATHING

P34 REMOVE EXISTING FLOOR OR ROOF FRAMING AS REQUIRED BY NEW ELEVATOR AND STAIRS. REFER TO STRUCTURAL DRAWINGS

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RENOVATION OF
The Vineta Hotel
363 Cocoanut Row, Palm Beach, FL 33480

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Revisions:

Project no: 22028
Date: 10.24.2022
Drawn by: Author
Project Manager: Checker

DEMOLITION HIGH ROOF PLAN

AC-3.1.1

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1 Proposed Roof Plan
SCALE: 1/8" = 1'-0"

PROPOSED HIGH ROOF PLAN

AC-3.1.2

Project No. 22008
Date: 10.24.2022
Drawn By: Author
Project Manager: Checker

No.	Revisions

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FL LIC # AA26002989



1 AC4.1.0 **DEMOLITION ELEVATION - EAST**
SCALE: 1/8" = 1'-0"



2 AC4.1.0 **DEMOLITION ELEVATION - WEST**
SCALE: 1/8" = 1'-0"

DEMOLITION LEGEND

EXISTING ELEMENT TO REMAIN

ELEMENT TO BE REMOVED

DRAWING IS INTENDED TO CONVEY CONCEPTUAL MATERIAL REMOVAL AND DOES NOT REFLECT A FINAL DEMOLITION PLAN FOR CONSTRUCTION. THIS DRAWING IS SUBJECT TO CHANGE DURING DEVELOPMENT OF CONSTRUCTION DOCUMENTS

DEMOLITION KEY NOTES

- 71 REMOVE EXISTING WALL OR PORTION OF AS SHOWN ON PLAN. REMOVAL SHALL INCLUDE ANY AND ALL GYPSUM BOARD, BATT INSULATION, BASE AND TRIM STRIPS, TOP AND BOTTOM RUNNERS AND ANY EXISTING BRACING AND BLOCKING THAT MAY BE PRESENT.
- 72 REMOVE EXISTING DOOR, FRAME, HARDWARE, AND ALL RELATED ACCESSORIES.
- 73 REMOVE ALL EXISTING PLUMBING FIXTURES AND RELATED ACCESSORIES.
- 74 REMOVE ALL INTERIOR FINISHES, ALL MILLWORK, ELECTRICAL FIXTURES AND ALL RELATED ACCESSORIES.
- 75 REMOVE EXISTING AC EQUIPMENT, DUCTWORK AND ALL RELATED ACCESSORIES. SEE MECHANICAL DEMOLITION DRAWINGS.
- 76 REMOVE ALL EXISTING CEILING AND CEILING FIXTURES
- 77 REMOVE EXIST. WALL AS REQUIRED BY NEW OPENING
- 78 REMOVE ALL KITCHEN EQUIPMENT
- 79 REMOVE EXISTING WINDOW, FRAME, HARDWARE, ALL RELATED ACCESSORIES, AND SILLS
- 710 REMOVE EXISTING CONCRETE STAIR
- 711 REMOVE EXISTING POOL DECK, WOOD PERGOLA, WATER FOUNTAIN, POOL AND SPA
- 712 REMOVE EXISTING ELEVATOR
- 713 REMOVE EXISTING FLOOR SLAB / BALCONY
- 714 REMOVE EXISTING AWNING
- 715 REMOVE EXISTING RAILING, BALCONY OR JAMB TO REMAIN
- 716 REMOVE EXISTING GATE
- 717 REMOVE EXISTING WALL, RECESSED NICHE
- 718 REMOVE EXISTING WOOD TRASH ENCLOSURE/ WOOD WALL & GATE
- 719 REMOVE EXISTING POOL EQUIPMENT AND ALL RELATED ACCESSORIES
- 720 REMOVE EXISTING EXTERIOR CONCRETE WALL, PLANTERS AND BENCHES
- 721 REMOVE EXISTING DECK, ELECTRICAL FIXTURES AND ALL RELATED ACCESSORIES
- 722 REMOVE EXISTING GUTTER
- 723 REMOVE EXISTING ASPHALT OR PAVING
- 724 REMOVE EXISTING FOUNTAIN
- 725 REMOVE EXISTING SPA
- 726 REMOVE EXISTING DECK AS REQUIRED BY NEW POOL FOOTPRINT
- 727 REMOVE EXISTING GREASE TRAP
- 728 REMOVE EXISTING ELECTRICAL PANELS
- 729 REMOVE EXISTING EXHAUST DUCT AND GUARD
- 730 REMOVE EXISTING MECHANICAL EQUIPMENT
- 731 REMOVE EXISTING ROOFING, DECK AND ROOF DRAINS
- 732 REMOVE EXISTING BARREL TILE SCREEN AND PARAPET AS REQUIRED TO REPAIR
- 733 REMOVE EXISTING BARREL TILE AND SHEATHING
- 734 REMOVE EXISTING FLOOR OR ROOF FRAMING AS REQUIRED BY NEW ELEVATOR AND STAIRS. REFER TO STRUCTURAL DRAWINGS

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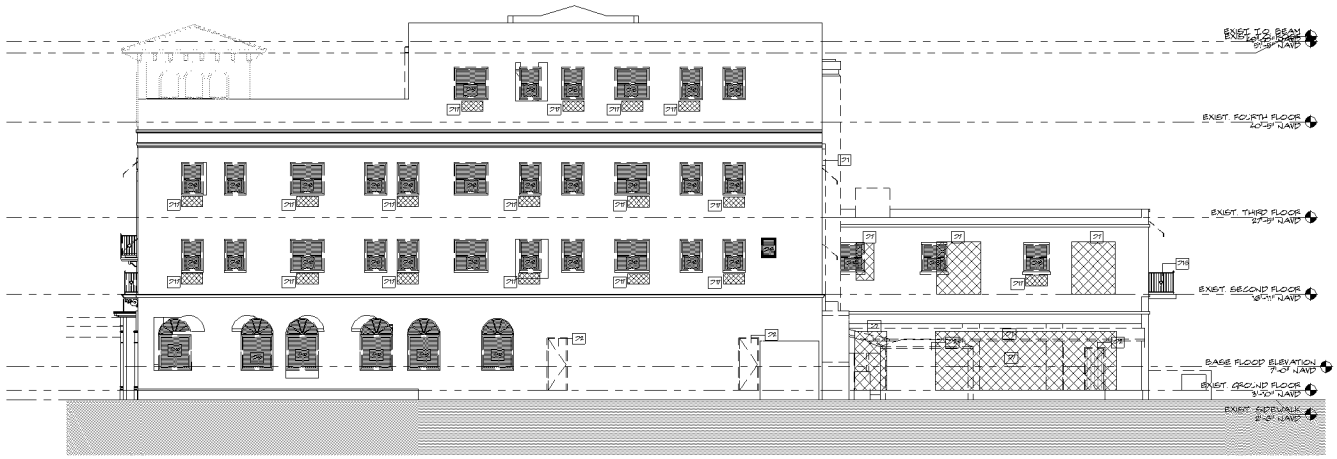
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Date: 10.24.2022
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Project Manager: Checker

OVERALL DEMOLITION ELEVATIONS

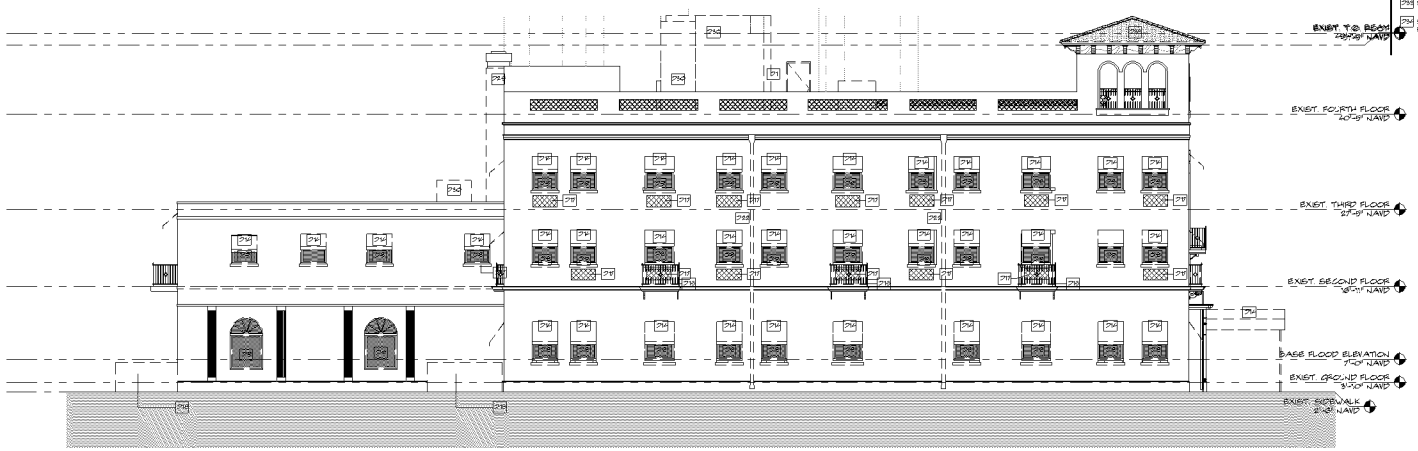
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2 AC4.1.1 **DEMOLITION ELEVATION - SOUTH**
SCALE: 1/8" = 1'-0"



1 AC4.1.1 **DEMOLITION ELEVATION - NORTH**
SCALE: 1/8" = 1'-0"

DEMOLITION LEGEND

EXISTING ELEMENT TO REMAIN

ELEMENT TO BE REMOVED

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10. REMOVE EXISTING CONCRETE STAIR
11. REMOVE EXISTING POOL DECK, WOOD PERGOLA, WATER FEATURE, POOL AND SPA
12. REMOVE EXISTING ELEVATOR
13. REMOVE EXISTING FLOOR SLAB / BALCONY
14. REMOVE EXISTING AWNING
15. REMOVE EXISTING RAILING, BALCONY OR LANDING TO REMAIN
16. REMOVE EXISTING GATE
17. REMOVE EXISTING WALL RECESSED HVAC UNIT
18. REMOVE EXISTING WOOD TRASH ENCLOSURE/ WOOD WALL & GATE
19. REMOVE EXISTING POOL EQUIPMENT AND ALL RELATED ACCESSORIES
20. REMOVE EXISTING EXTERIOR CONCRETE WALL, PLANTERS AND RAILINGS
21. REMOVE EXISTING DECK, ELECTRICAL FIXTURES AND ALL RELATED ACCESSORIES
22. REMOVE EXISTING GUTTER
23. REMOVE EXISTING ASPHALT OR PAVERS
24. REMOVE EXISTING ROOFING
25. REMOVE EXISTING SPA
26. REMOVE EXISTING DECK AS REQUIRED BY NEW POOL FOOTPRINT
27. REMOVE EXISTING GREASE TRAP
28. REMOVE EXISTING ELECTRICAL PANELS
29. REMOVE EXISTING EXHAUST DUCT AND CAGE
30. REMOVE EXISTING MECHANICAL EQUIPMENT
31. REMOVE EXISTING ROOFING, DECK AND ROOF DRAINS
32. REMOVE EXISTING BARREL TILE SCREEN AND PARAPET AS REQUIRED TO REPAIR
33. REMOVE EXISTING BARREL TILE AND SHEATHING
34. REMOVE EXISTING FLOOR OR ROOF FRAMING AS REQUIRED BY NEW ELEVATOR AND STAIRS. REFER TO STRUCTURAL DRAWINGS

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RENOVATION OF
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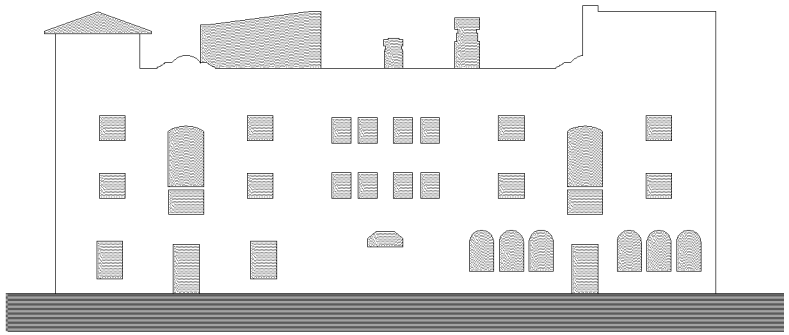
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OVERALL DEMOLITION ELEVATIONS

AC-4.1.1

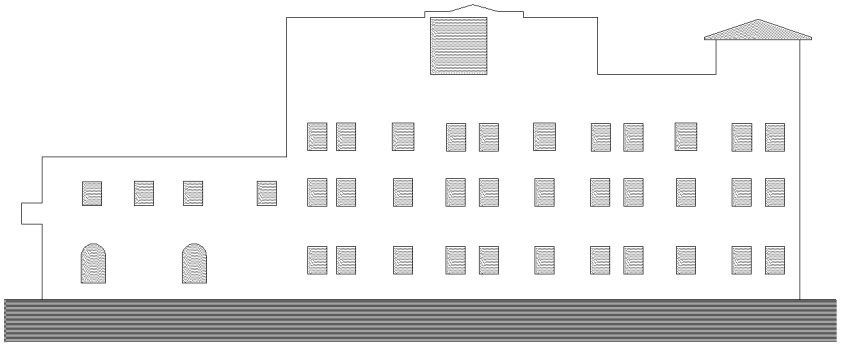
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20.5% DEMOLITION



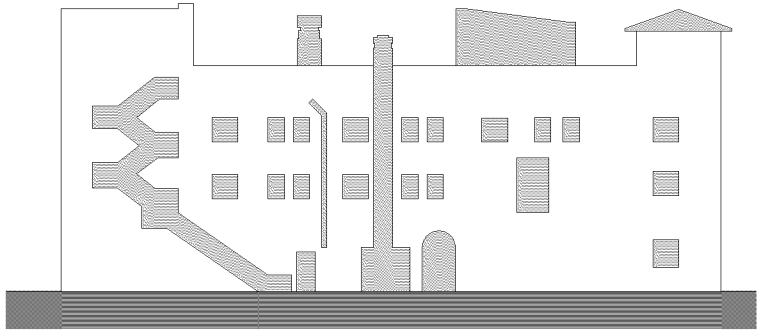
1 AC4.1.2 **DEMOLITION DIAGRAM - WEST**
SCALE: 3/32" = 1'-0"

14.8% DEMOLITION



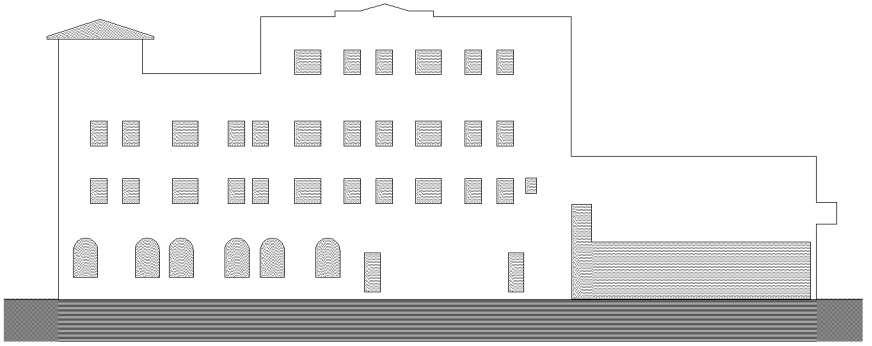
2 AC4.1.2 **DEMOLITION DIAGRAM - NORTH**
SCALE: 3/32" = 1'-0"

22.6% DEMOLITION



3 AC4.1.2 **DEMOLITION DIAGRAM - EAST**
SCALE: 3/32" = 1'-0"

20.4% DEMOLITION



4 AC4.1.2 **DEMOLITION DIAGRAM - SOUTH**
SCALE: 3/32" = 1'-0"

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DEMOLITION ELEVATION DIAGRAMS

AC-4.1.2

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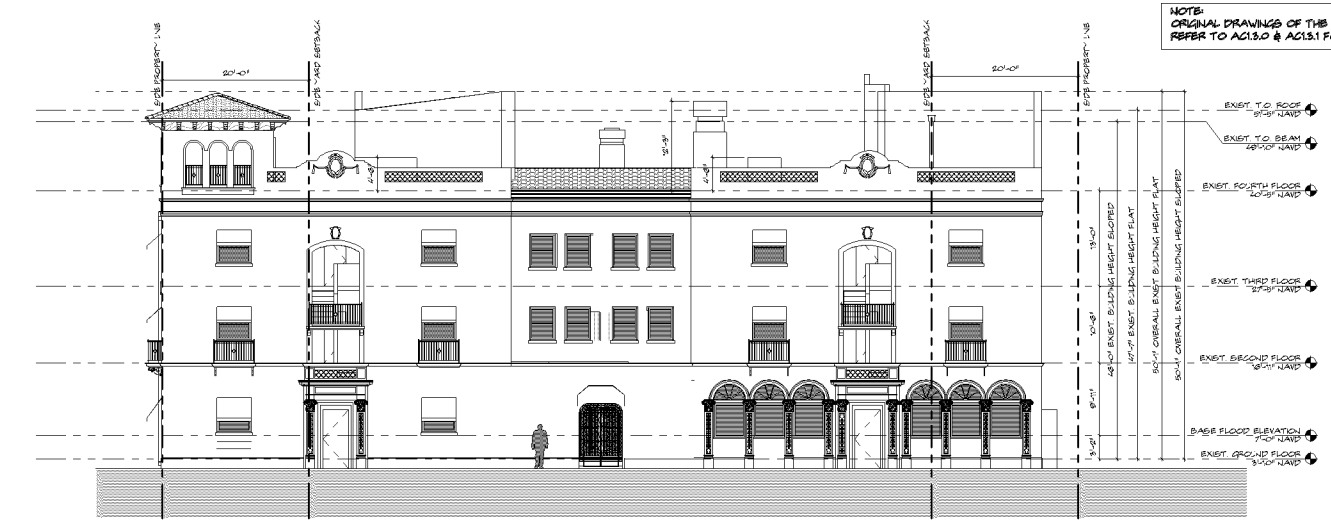
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EXTERIOR MATERIAL LEGEND

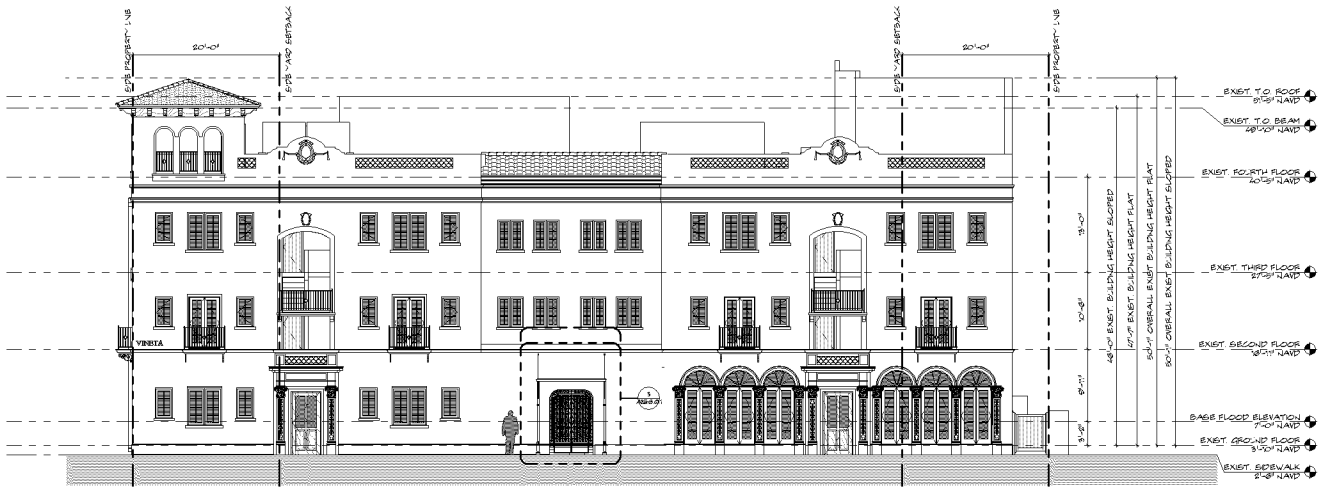
BUILDING BODY & TRIM: STUCCO, TYP. TYP. WHITE BY BENJAMIN MOORE	TYPICAL DOORS & WINDOWS: ALUMINUM ACAD A GREEN BY BENJAMIN MOORE
ROOF TILE: CLAY BARREL TERRA COTTA HAND FORMED	FRONT DOORS: MAHOGANY STAINED

OVERALL MATERIALS ONLY. REFER TO SHEET AC-6.10 FOR ALL EXTERIOR MATERIALS

NOTE:
ORIGINAL DRAWINGS OF THE HOTEL ARE UNAVAILABLE.
REFER TO AC1.3.0 & AC1.3.1 FOR HISTORIC REFERENCE IMAGES



2 AC-4.2.1 **Existing West Elevation**
SCALE: 1/8" = 1'-0"



1 AC-4.2.1 **Proposed West Elevation**
SCALE: 1/8" = 1'-0"

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EXISTING & PROPOSED WEST ELEVATION

AC-4.2.1

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EXTERIOR MATERIAL LEGEND	
BUILDING BODY & TRIM STUCCO, FTD TWP WHITE BY BENJAMIN MOORE	TYPICAL DOORS & WINDOWS ALUMINUM ACADIA GREEN BY BENJAMIN MOORE
ROOF TILE S-PROFILE TERRA COTTA HAND PRESSED	FRONT DOORS MAHOGANY STAINED

OVERALL MATERIALS ONLY. REFER TO SHEET AC-6.1.0 FOR ALL EXTERIOR MATERIALS

NOTE:
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REFER TO AC1.3.0 & AC1.3.1 FOR HISTORIC REFERENCE IMAGES



2 / AC-4.2.2 **PROPOSED WEST ELEVATION - COLORED**
SCALE: 1/8" = 1'-0"



1 / AC-4.2.2 **PROPOSED WEST ELEVATION - COLORED WITH LANDSCAPING**
SCALE: 1/8" = 1'-0"

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Keith M. Spina, P.A. KEITH M. SPINA

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COLORED WEST ELEVATIONS

AC-4.2.2

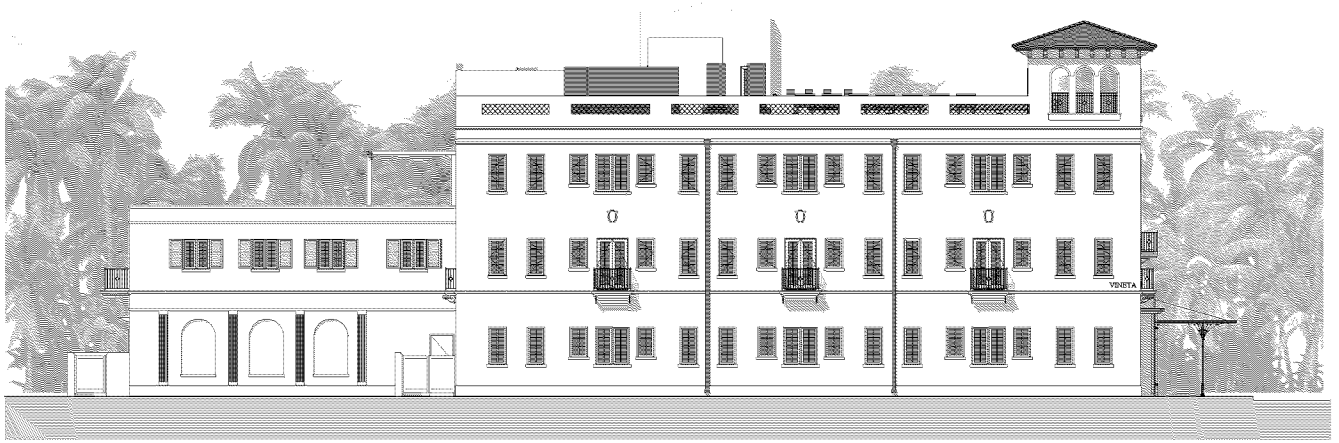
EXISTING & PROPOSED NORTH ELEVATION
AC-4.3.1
Project No. 2003
Date: 10.14.2022
Drawn By: Author
Project Manager: Checker
Revisions
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Existing North Elevation
SCALE: 1/8" = 1'-0"
Proposed North Elevation
SCALE: 1/8" = 1'-0"
EXTERIOR MATERIAL LEGEND
NOTE:
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EXTERIOR MATERIAL LEGEND	
BUILDING BODY & TRIM STUCCO, FTD TWP WHITE BY BENJAMIN MOORE	TYPICAL DOORS & WINDOWS ALUMINUM ACADIA GREEN BY BENJAMIN MOORE
ROOF TILE S-PROFILE TERRA COTTA HAND PRESSED	FRONT DOORS MAHOGANY STAINED

OVERALL MATERIALS ONLY. REFER TO SHEET AC-6.1.0 FOR ALL EXTERIOR MATERIALS

NOTE:
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REFER TO AC1.3.0 & AC1.3.1 FOR HISTORIC REFERENCE IMAGES



2 / AC-4.3.2 **PROPOSED NORTH ELEVATION - COLORED**
SCALE: 1/8" = 1'-0"



1 / AC-4.3.2 **PROPOSED NORTH ELEVATION - COLORED WITH LANDSCAPING**
SCALE: 1/8" = 1'-0"

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COLORED NORTH ELEVATIONS

AC-4.3.2

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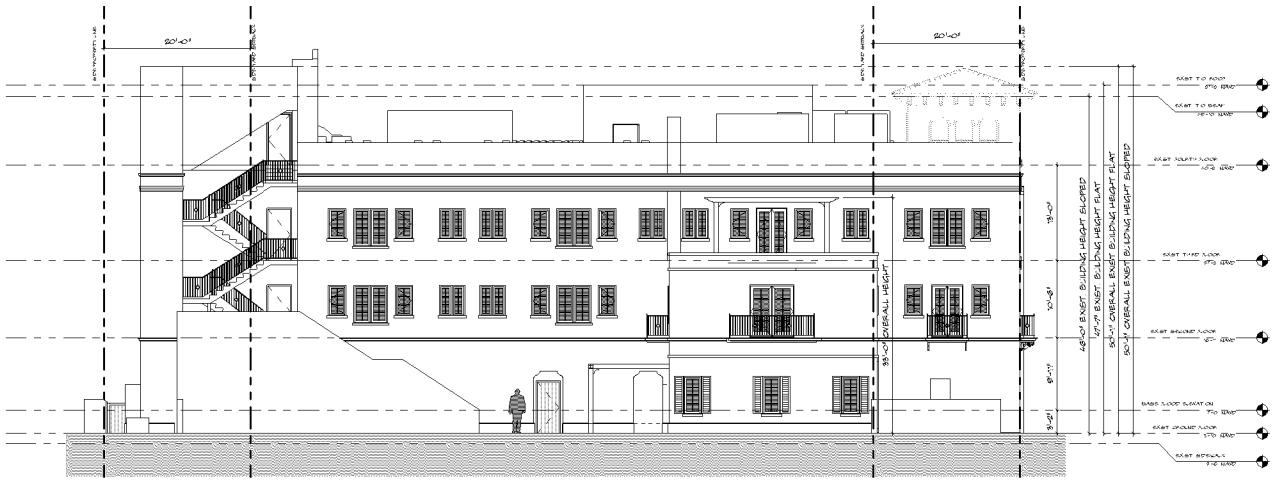
EXTERIOR MATERIAL LEGEND	
BUILDING BODY & TRIM STUCCO, TYP. TYP. WITH BELLAVIA DOORS	TYPICAL DOORS & WINDOWS ALUMINUM ACAD A (RIBBED BY BELLAVIA DOORS
ROOF TILE S-TILE TERRA COTTA HAND RIBBED	FRONT DOORS MAHOGANY STAINED

OVERALL MATERIALS ONLY. REFER TO SHEET AC-6.10 FOR ALL EXTERIOR MATERIALS

NOTE:
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1 / AC-4.4.1 — **Existing East Elevation**
SCALE: 1/8"=1'-0"



2 / AC-4.4.1 — **Proposed East Elevation**
SCALE: 1/8"=1'-0"

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The Vineta Hotel
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Revisions:

Project no. 2008
Date: 10.24.2022
Drawn by: Author
Project Manager: Checker

EXISTING & PROPOSED EAST ELEVATION

AC-4.4.1

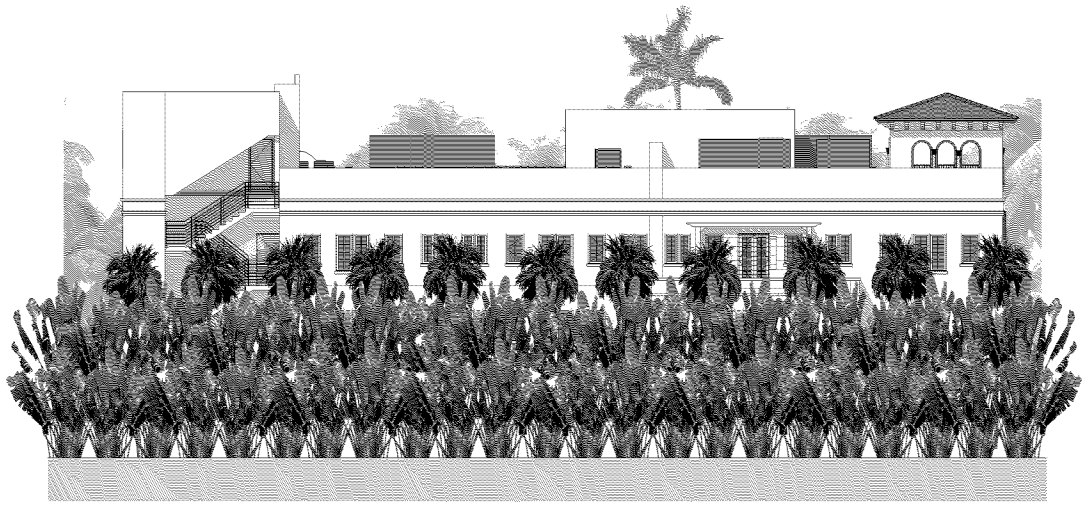
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EXTERIOR MATERIAL LEGEND	
BUILDING BODY & TRIM STUCCO P29 TIND WHITE BY BENJAMIN MOORE	TYPICAL DOORS & WINDOWS ALUMINUM ACADIA GREEN BY BENJAMIN MOORE
ROOF TILE S-PIECE TERRA COTTA HAND PRESSED	FRONT DOORS MAHOGANY STAINED



2 AC-4.4.2 PROPOSED EAST ELEVATION - COLORED
SCALE: 1/8" = 1'-0"



1 AC-4.4.2 PROPOSED EAST ELEVATION - COLORED WITH LANDSCAPING
SCALE: 1/8" = 1'-0"

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RENOVATION OF
The Vineta Hotel
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Revisions:

Project no: 22028
Date: 10.24.2022
Drawn by: Author
Project Manager: Checker

COLORED EAST ELEVATIONS

AC-4.4.2

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Autodesk Docs://The Vineta/The Vineta.rvt

EXTERIOR MATERIAL LEGEND	
BUILDING BODY & TRIM STUCCO, TYP. TYP. WHITE BY BENJAMIN MOORE	TYPICAL DOORS & WINDOWS ALUMINUM ACAD ARCHIVE BY BENJAMIN MOORE
ROOF TILE CLAY BARREL TERRA COTTA HAND FORMED	FRONT DOORS MAHOGANY STAINED

OVERALL MATERIALS ONLY. REFER TO SHEET AC-6.10 FOR ALL EXTERIOR MATERIALS

NOTE:
ORIGINAL DRAWINGS OF THE HOTEL ARE UNAVAILABLE. REFER TO AC1.3.0 & AC1.3.1 FOR HISTORIC REFERENCE IMAGES



2 / AC-4.5.1 — **Existing South Elevation**
SCALE: 1/8" = 1'-0"



1 / AC-4.5.1 — **Proposed South Elevation**
SCALE: 1/8" = 1'-0"

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RENOVATION OF
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EXISTING & PROPOSED SOUTH ELEVATION

AC-4.5.1

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12/2/2022 10:32:49 AM

EXTERIOR MATERIAL LEGEND

BUILDING BODY & TRIM STUCCO P/O TWO WHITE BY BENJAMIN MOORE	TYPICAL DOORS & WINDOWS ALUMINUM ACADIA GREEN BY BENJAMIN MOORE
ROOF TILE S-PIECE TERRA COTTA HAND PRESSED	FRONT DOORS MAHOGANY STAINED



2 AC-4.5.2 PROPOSED SOUTH ELEVATION - COLORED
SCALE: 1/8" = 1'-0"



1 AC-4.5.2 PROPOSED SOUTH ELEVATION - COLORED WITH LANDSCAPING
SCALE: 1/8" = 1'-0"

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RENOVATION OF
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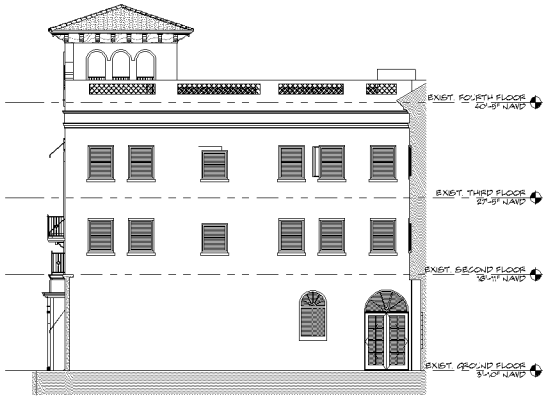
Revisions:

Project no: 22028
Date: 10.24.2022
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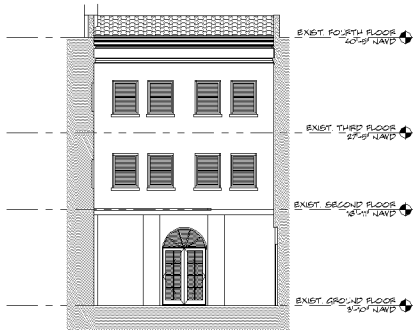
COLORED SOUTH ELEVATIONS

AC-4.5.2

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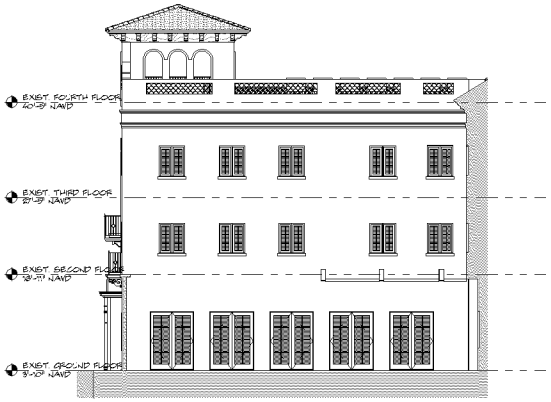
1 A04.6.1 **Existing Courtyard North Elevation**
SCALE: 1/8" = 1'-0"



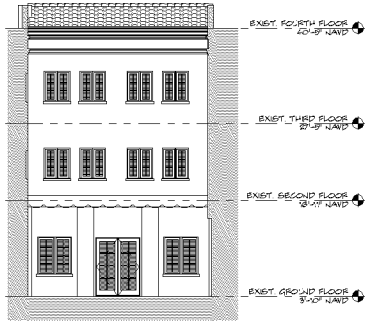
2 A04.6.1 **Existing Courtyard East Elevation**
SCALE: 1/8" = 1'-0"



3 A04.6.1 **Existing Courtyard South Elevation**
SCALE: 1/8" = 1'-0"



4 A04.6.1 **Proposed Courtyard North Elevation**
SCALE: 1/8" = 1'-0"



5 A04.6.1 **Proposed Courtyard East Elevation**
SCALE: 1/8" = 1'-0"



6 A04.6.1 **Proposed Courtyard South Elevation**
SCALE: 1/8" = 1'-0"

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RENOVATION OF
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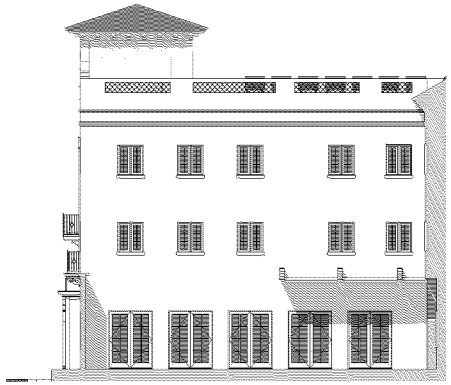
Project no: 22028
Date: 10.24.2022
Drawn by: Author
Project Manager: Checker

EXISTING & PROPOSED COURTYARD ELEVATIONS

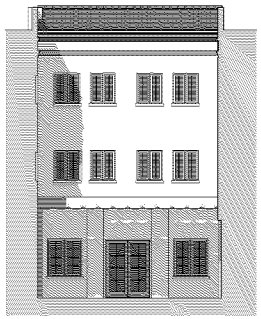
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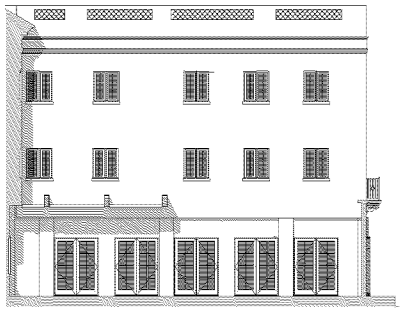
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Autodesk Docs://The Vineta/The Vineta.rvt



1 AC-4.6.2 COLORED ELEVATION - COURTYARD - NORTH
SCALE: 1/8" = 1'-0"



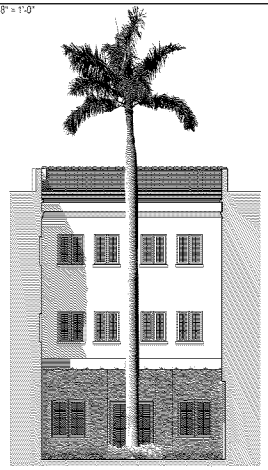
2 AC-4.6.2 COLORED ELEVATION - COURTYARD - EAST
SCALE: 1/8" = 1'-0"



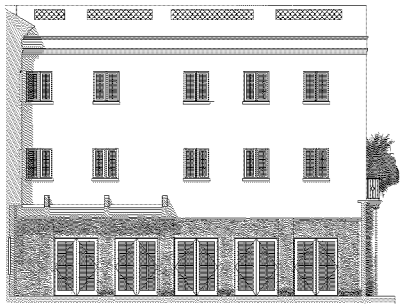
3 AC-4.6.2 COLORED ELEVATION - COURTYARD - SOUTH
SCALE: 1/8" = 1'-0"



4 AC-4.6.2 COLORED ELEVATION - COURTYARD - NORTH - LANDSCAPING
SCALE: 1/8" = 1'-0"



5 AC-4.6.2 COLORED ELEVATION - COURTYARD - EAST - LANDSCAPING
SCALE: 1/8" = 1'-0"



6 AC-4.6.2 COLORED ELEVATION - COURTYARD - SOUTH - LANDSCAPING
SCALE: 1/8" = 1'-0"

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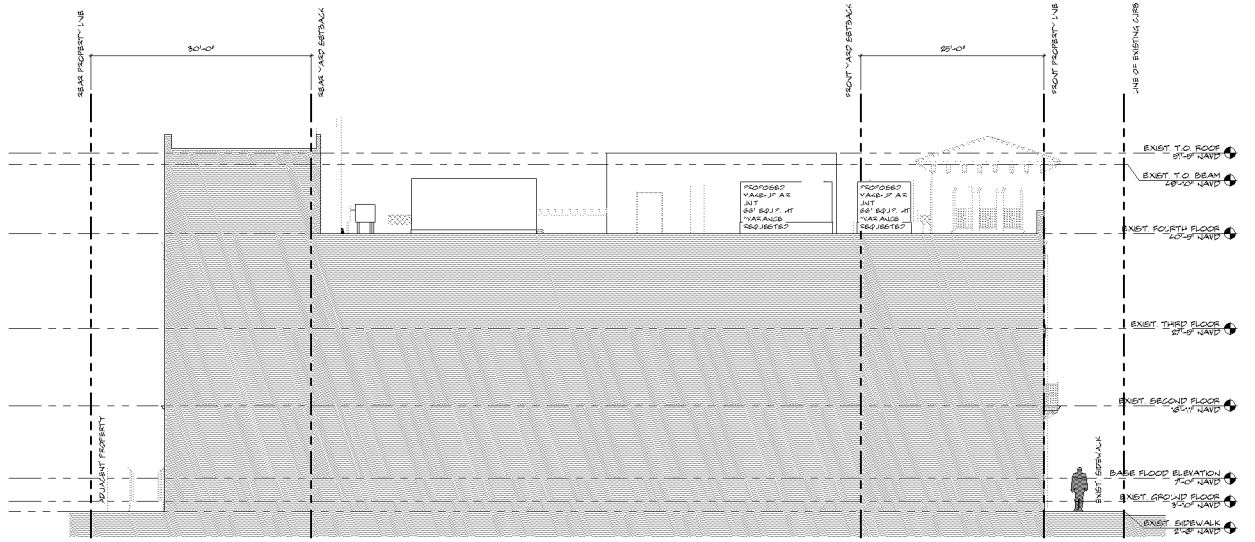
Revisions:

Project no: 22028
Date: 10.24.2022
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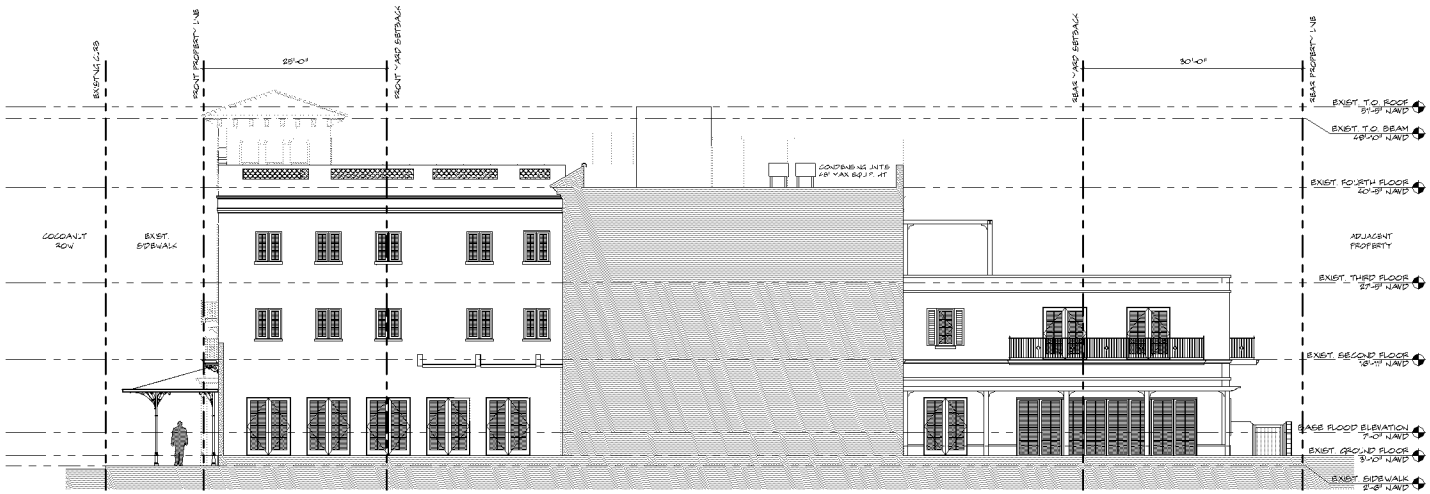
COLORED COURTYARD ELEVATIONS

AC-4.6.2

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2 A05.1.0 **CONCEPTUAL BUILDING & YARD SECTION 02**
SCALE: 1/8" = 1'-0"



1 A05.1.0 **CONCEPTUAL BUILDING & YARD SECTION 01**
SCALE: 1/8" = 1'-0"

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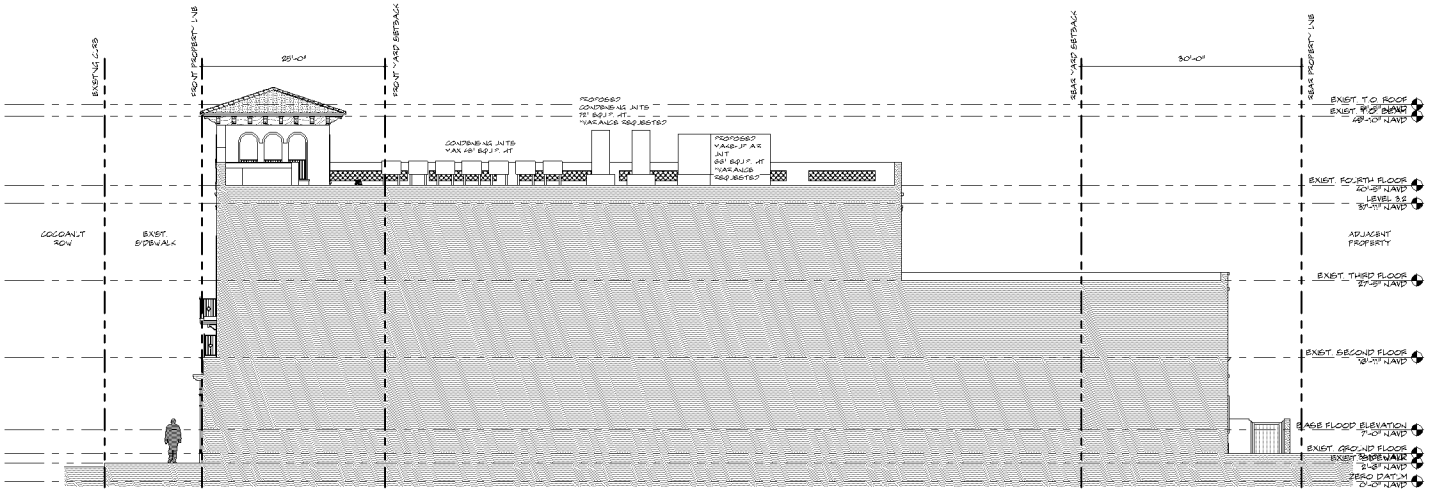
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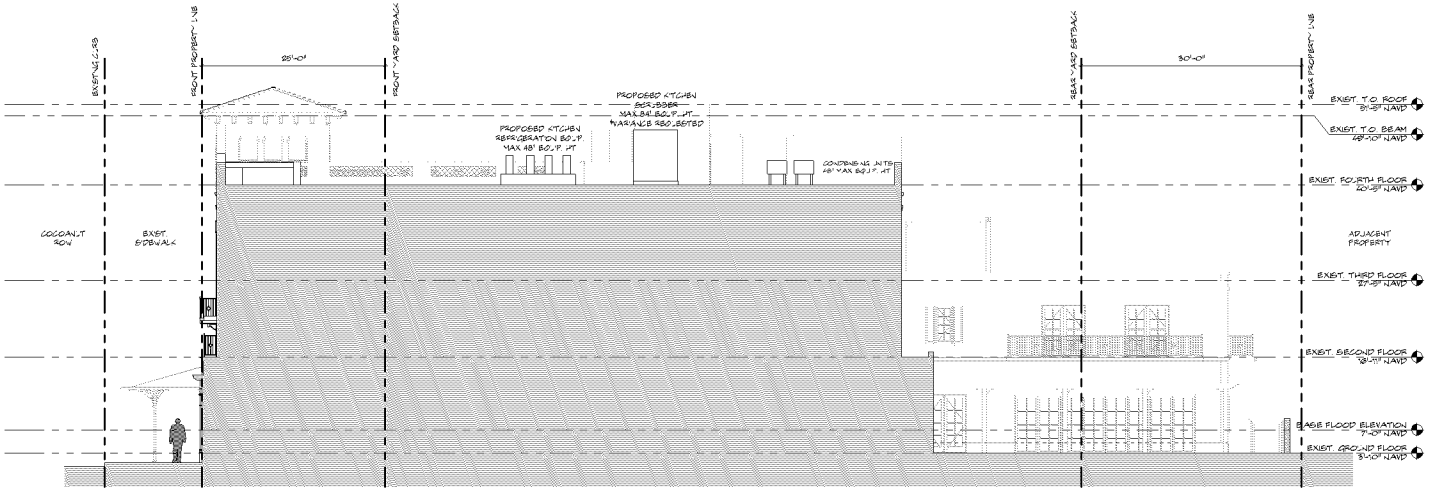
BUILDING & YARD SECTION DIAGRAM

AC-5.1.0

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1 A5.1.1 **CONCEPTUAL BUILDING & YARD SECTION 03**
SCALE: 1/8" = 1'-0"



2 A5.1.1 **CONCEPTUAL BUILDING & YARD SECTION 04**
SCALE: 1/8" = 1'-0"

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RENOVATION OF
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Date: 10.24.2022
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BUILDING & YARD SECTION DIAGRAM

AC-5.1.1

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EXTERIOR MATERIALS

BUILDING BODY & TRIM
STUCCO, PTD
TIMID WHITE BY BENJAMIN MOORE

ROOF TILE
2-PIECE TERRA COTTA
HAND PRESSED
VINTAGE FINISH

FRONT DOORS
MAHOGANY
STAINED

TYPICAL DOORS & WINDOWS
ALUMINUM
ACADIA GREEN BY BENJAMIN MOORE

EXTERIOR SHUTTERS
ALUMINUM
ACADIA GREEN BY BENJAMIN MOORE

EXTERIOR METALWORK
RAILINGS, BRACKETS, GATES,
AWNINGS & SIGNAGE
BRONZE, KYNAR FINISH

BARREL TILE SCREEN AT ROOF PARAPET
2-PIECE TERRA COTTA
HAND PRESSED
FINISH TO MATCH ROOF

BARREL TILE SCREEN AT ENTRY DOORS
2-PIECE TERRA COTTA
HAND PRESSED
PAINTED TO MATCH BUILDING

COURTYARD HARDSCAPE
TERRACOTTA
CUSTOM PATTERN & COLOR
TO BE SELECTED

POOL DECK HARDSCAPE
STONE MOSAIC
CUSTOM PATTERN & COLOR
TO BE SELECTED



1 AC-6.1.0 **PROPOSED MATERIALS**
SCALE: 3/8" = 1'-0"

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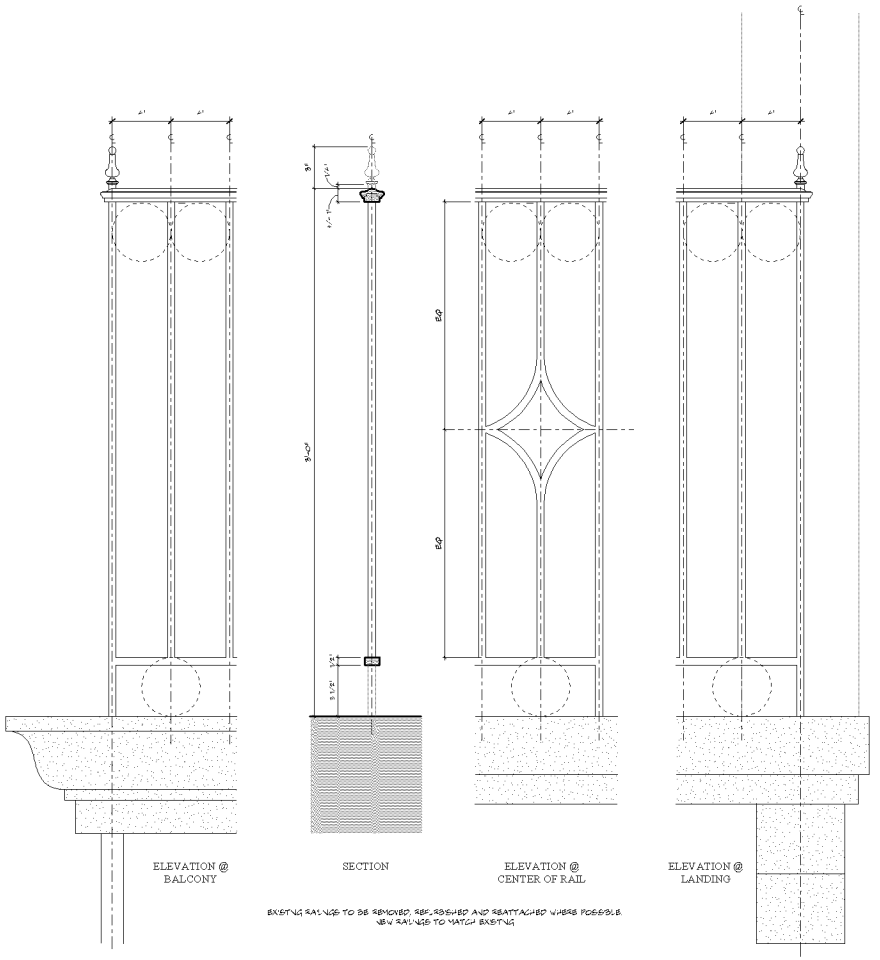
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Project no: 22028
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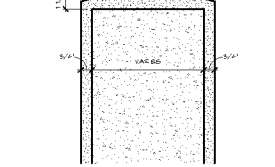
EXTERIOR MATERIAL & FINISH SHEET

AC-6.1.0

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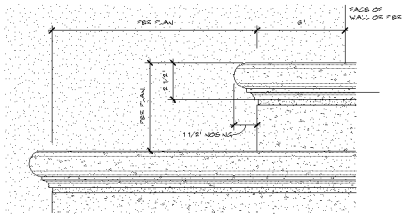
1 AC-6.2.0 **TYPICAL RAILING DETAIL**
SCALE: 3" = 1'-0"



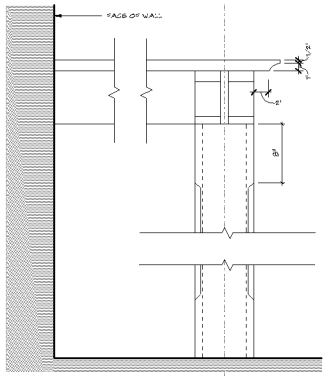
5 AC-6.2.0 **EXTERIOR SHUTTER DETAIL**
SCALE: 3" = 1'-0"

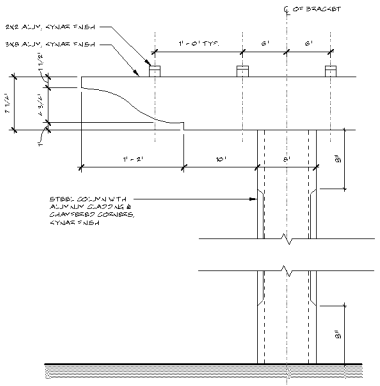
6 AC-6.2.0 **BALCONY BRACKET DETAIL**
SCALE: 3" = 1'-0"

3 AC-6.2.0 **SITE WALL CAP DETAIL**
SCALE: 3" = 1'-0"



4 AC-6.2.0 **TYPICAL STEP DETAIL**
SCALE: 3" = 1'-0"





2 AC-6.2.0 **TYPICAL TRELLIS DETAIL**
SCALE: 1 1/2" = 1'-0"

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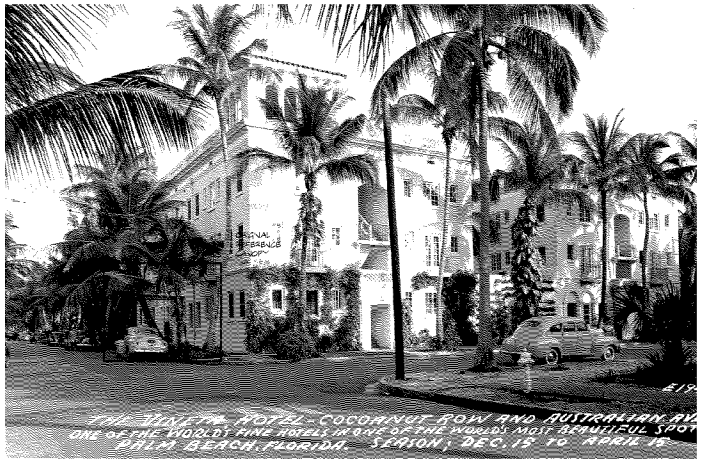
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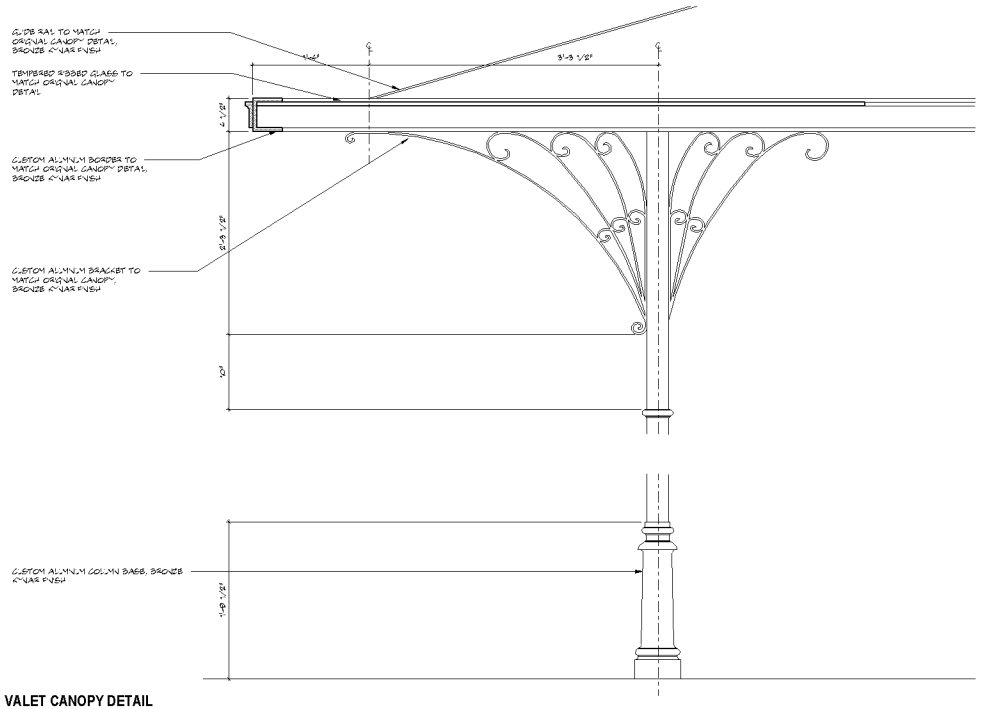
EXTERIOR DETAILS - TYPICAL

AC-6.2.0

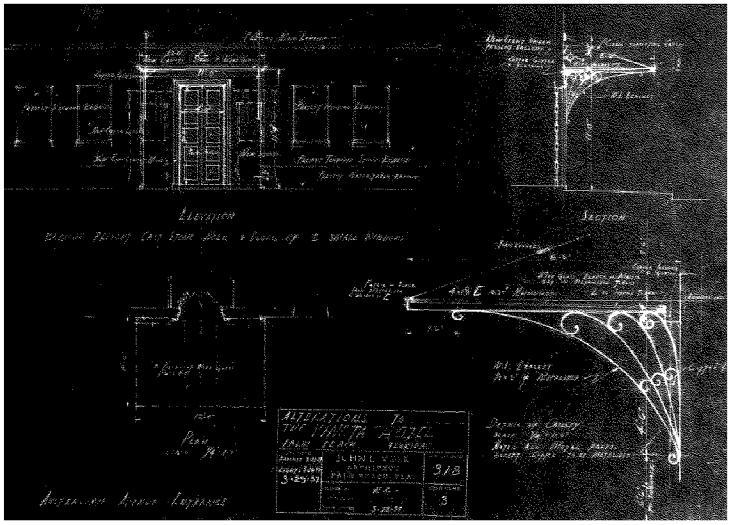
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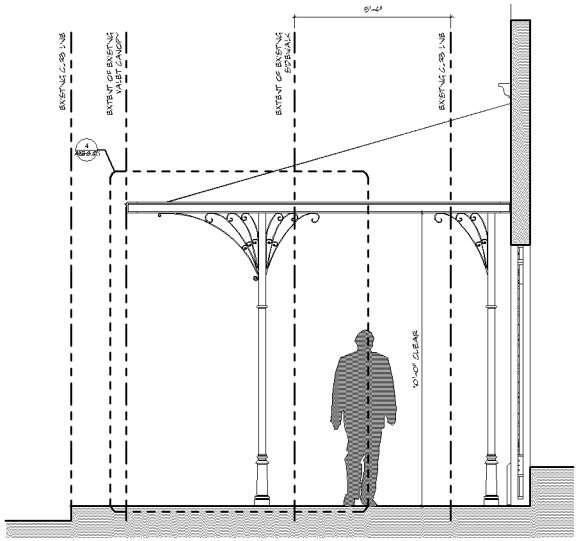
3 AC-6.2.1 **VALET CANOPY - HISTORIC REFERENCE IMAGES**
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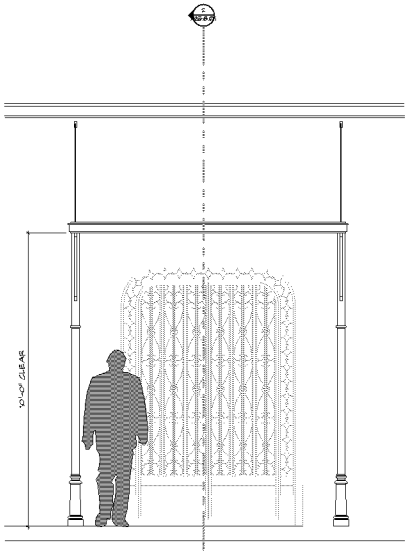
4 AC-6.2.1 **VALET CANOPY DETAIL**
SCALE: 1 1/2" = 1'-0"



5 AC-6.2.1 **VALET CANOPY - HISTORIC REFERENCE DETAILS**
SCALE: 12" = 1'-0"



2 AC-6.2.1 **VALET CANOPY SECTION**
SCALE: 1/2" = 1'-0"



1 AC-6.2.1 **VALET CANOPY - WEST ELEVATION**
SCALE: 1/2" = 1'-0"

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Keith M. Spina # AA13001

RENOVATION OF
The Vineta Hotel
363 Cocoanut Row, Palm Beach, FL 33480

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Revisions:

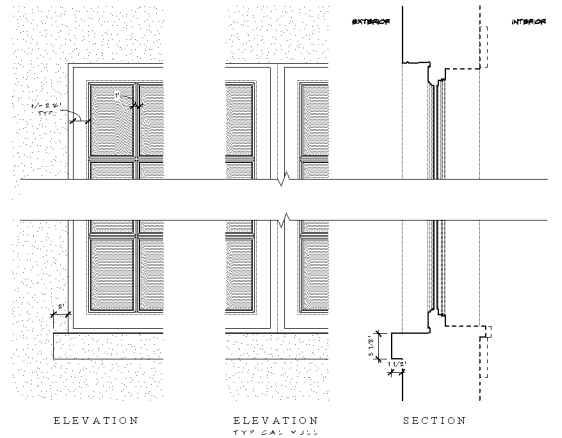
Project no: 22028
Date: 10.24.2022
Drawn by: Author
Project Manager: Checker

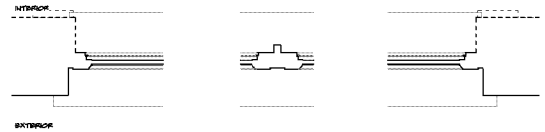
EXTERIOR DETAILS - VALET CANOPY

AC-6.2.1

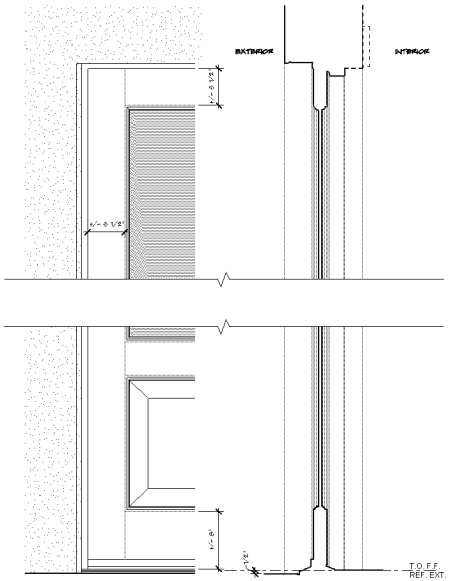
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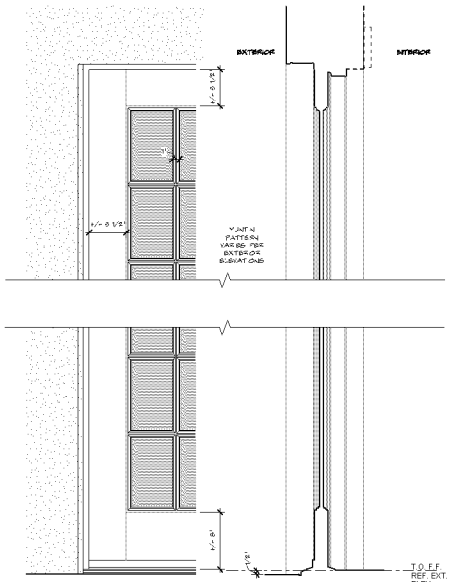


2 / AC6.3.0 **TYPICAL WINDOW DETAIL**
SCALE: 1 1/2" = 1'-0"





3 / AC6.3.0 **EXTERIOR FRONT DOOR DETAIL**
SCALE: 1 1/2" = 1'-0"





1 / AC6.3.0 **TYPICAL EXTERIOR DOOR DETAIL**
SCALE: 1 1/2" = 1'-0"

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RENOVATION OF
The Vineta Hotel
363 Cocoanut Row, Palm Beach, FL 33480

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Revisions:

Project no: 22028
Date: 10.24.2022
Drawn by: Author
Project Manager: Checker

EXTERIOR DOOR & WINDOW DETAILS

AC-6.3.0

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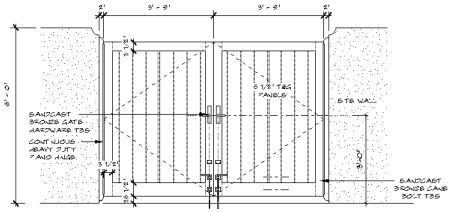
GATE KEY NOTES

- 01 NEW STONE WALL 8' AS A MAX ABOVE ADJACENT GRADE
- 02 EXISTING HISTORIC GATE TO BE REFURBISHED
- 03 NEW PEDESTRIAN GATE, REFER TO GATE LEGEND & ENLARGED DETAILS
- 04 NEW TRASH ENCLOSURE GATE, REFER TO GATE LEGEND & ENLARGED DETAILS

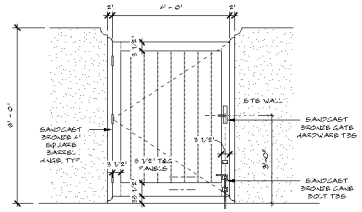
285 Banyan Blvd
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561.684.6684 • Fax 561.684.6904
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FL Lic # AA26002391

SPINA ROURKE + PARTNERS
Architecture • Interior Design
Keith M. Spina # AR13911

NOTE:
1. ALL CONNECTS TO BE WELDED AND/OR CONCEALED. NO EXPOSED ANCHORS WILL BE ACCEPTED.
2. ALL GATES & FRAMES TO RECEIVE KYNAR + USA CUSTOM COLOR TBD.

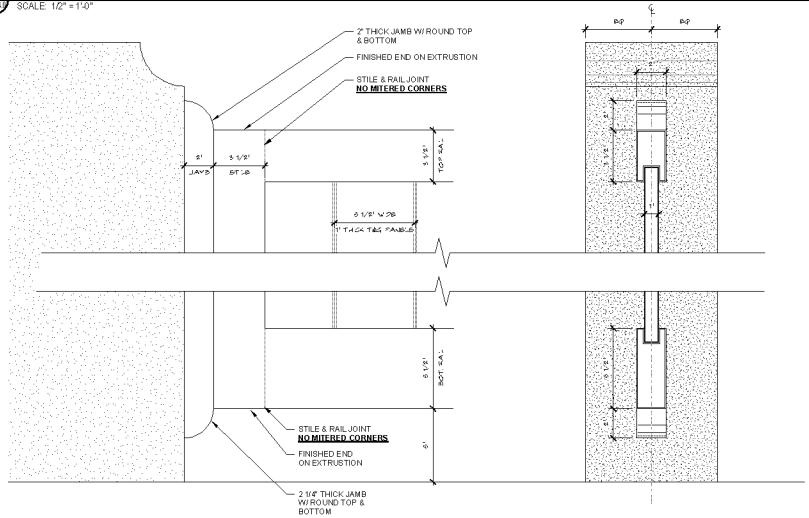


TRASH ENCLOSURE GATE

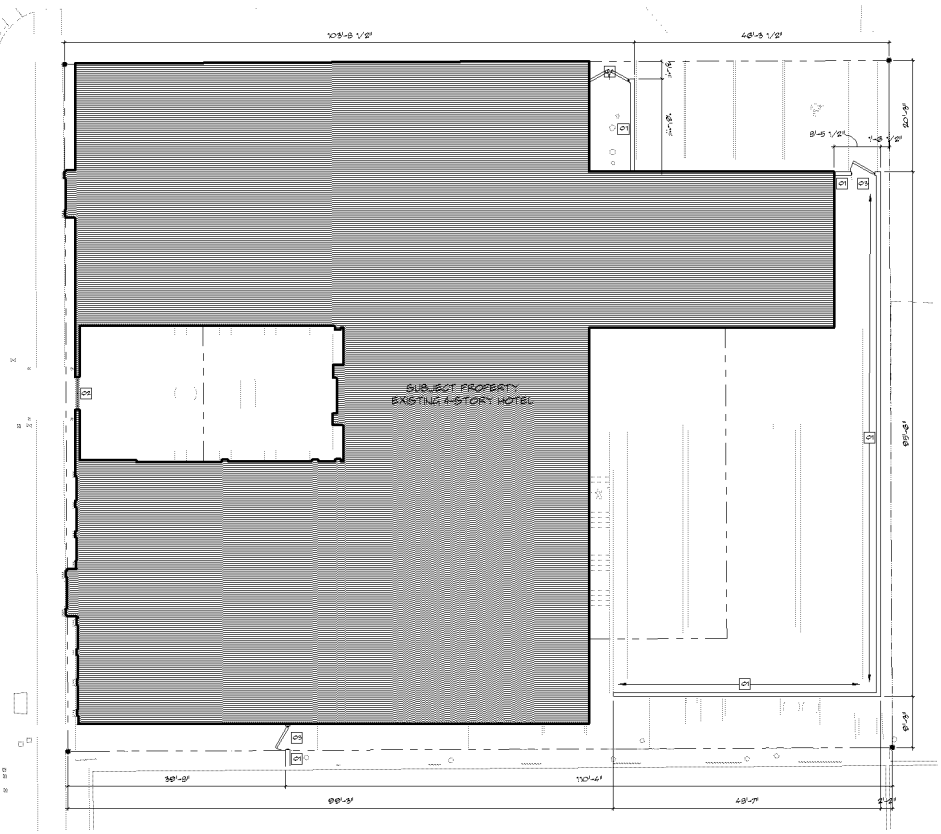


TYPICAL PEDESTRIAN GATE

A EXTERIOR GATE LEGEND
VCA 4.0 SCALE: 1/2" = 1'-0"



B EXTERIOR GATE DETAILS
VCA 4.0 SCALE: 3" = 1'-0"



1 FENCE, WALL AND GATE PLAN
VCA 4.0 SCALE: 3/32" = 1'-0"

RENOVATION OF
The Vineta Hotel
363 Cocoanut Row, Palm Beach, FL 33480

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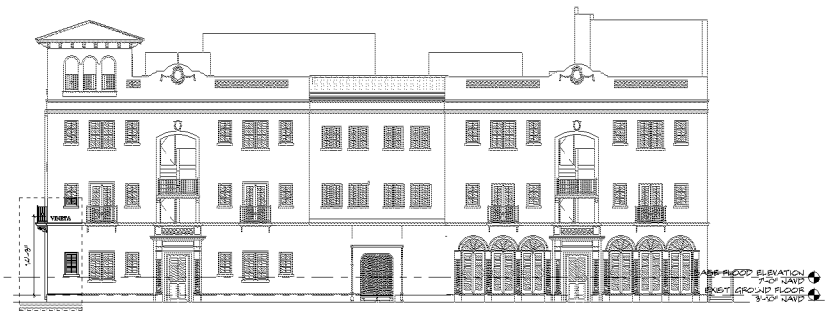
Revisions:

Project no: 22028
Date: 10.24.2022
Drawn by: Author
Project Manager: Checker

EXTERIOR WALL AND GATE PLAN AND DETAILS

AC-6.4.0

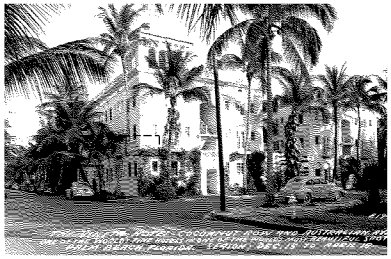
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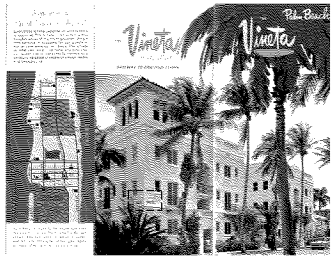


2 PC-6.5 **Proposed West Elevation**
SCALE: 3/32" = 1'-0"

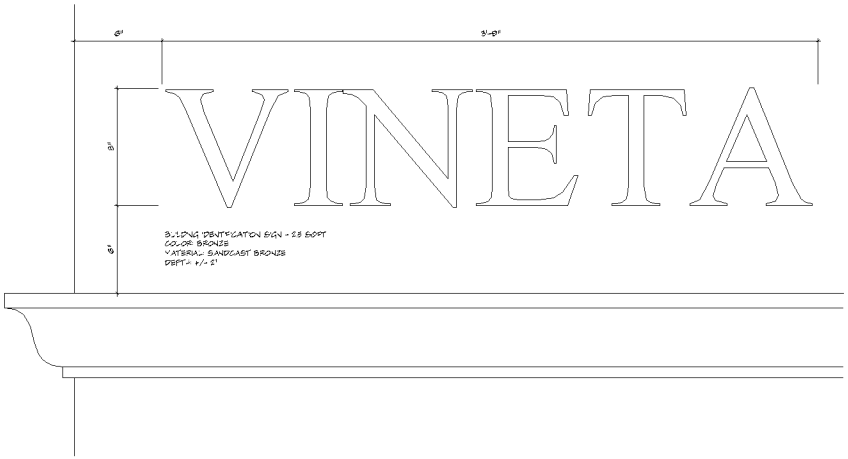


1 PC-6.5 **Proposed North Elevation**
SCALE: 3/32" = 1'-0"

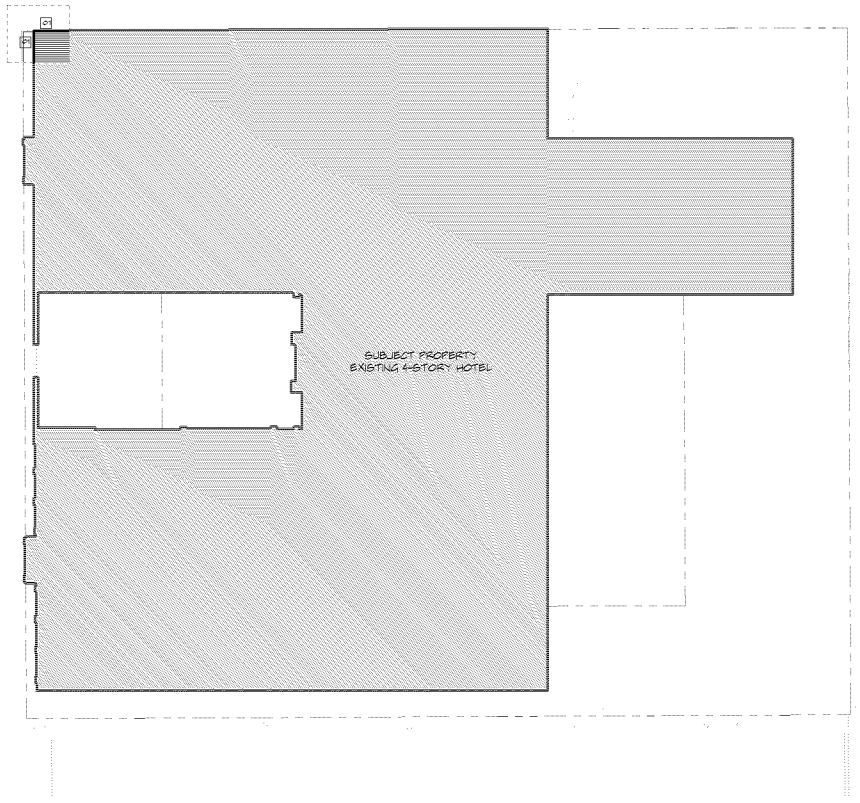




3 PC-6.5 **HISTORIC SIGN IMAGES**
SCALE: 12" = 1'-0"



4 PC-6.5 **BUILDING IDENTIFICATION SIGN DETAIL**
SCALE: 3" = 1'-0"



5 PC-6.5 **FENCE, WALL AND GATE PLAN**
SCALE: 3/32" = 1'-0"

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RENOVATION OF
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Revisions:

Project no: 22028
Date: 10.24.2022
Drawn by: Author
Project Manager: Checker

EXTERIOR SIGNAGE PLAN AND DETAILS

AC-6.5.0

C:\Users\Spina Rourke\Desktop\Spina Rourke Working Folder\Current Projects\Vineta\Vineta Renovation\Vineta Renovation_Central_22028.rvt
10/26/2022 3:33:44 PM

EXISTING SEATING PLAN

AC-7.1.0

Project No. 22008	
Date: 10.24.2022	
Drawn By: AM	
Project Manager: Checker	

Revisions:

RENOVATION OF
The Vinata Hotel
363 Cocoanut Row, Palm Beach, FL 33480

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FL LIC # AA26002989

SEATING COUNT	EXISTING	PROPOSED
LOBBY	-	56
LOBBY LOUNGE	115	88
RESTAURANT	-	34
POOL DECK (OUTDOOR)	115	197
EXISTING		
COURTYARD	-	44
POOL DECK (OUTDOOR)	-	16
EXISTING	-	187
TOTAL	115	187

PARKING CREDIT	EXISTING	PROPOSED
HOTEL ROOMS	40	40
16 ROOMS REQUIRED X 1.25 SPACES PER ROOM = 20 SPACES CREDIT		
88 SPACES X 3.5 SEATS PER SPACES = 84 SEAT CREDIT (566 ASSUMED)		

1 Existing Seating Plan
SCALE: 1/8" = 1'-0"

SEATING COUNT	EXISTING	PROPOSED
LOUNGE	-	56
LOBBY LOUNGE	-	56
RESTAURANT	115	88
POOL LOUNGE (OUTDOOR)	-	34
SUBTOTAL	115	167
OUTDOOR		
COURTYARD	-	44
POOL DECK (OUTDOOR)	-	18
SUBTOTAL	-	187
TOTAL	115	187

PARKING CREDIT	EXISTING	PROPOSED
HOTEL ROOMS	60 UNITS	
19 ROOMS REQUIRED X 1.75 SPACES PER ROOM = 33 SPACES CREDIT		
88 SEATS X 3 SEATS PER SPACES = 29 SEAT CREDIT (SEE ABOVE)		

NOTE:
ALL FURNITURE & PLANT LOCATIONS TO BE VERIFIED & MARKED IN FIELD BY ARCHITECT

1 Proposed Seating Plan
A2.1.1 SCALE: 1/8" = 1'-0"

PROPOSED SEATING PLAN

AC-7.1.1

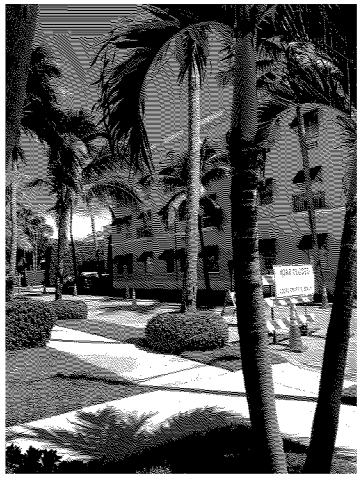
Project No. 22008	
Date: 10.24.2022	
Drawn By: Author	
Project Manager: Checker	

Revisions

RENOVATION OF
The Vinota Hotel
363 Cocoanut Row, Palm Beach, FL 33480

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View to North Exterior



View to West Exterior



View to Existing Pool Deck



View to Existing Pool Deck



View to Existing Front Entry



View to Existing Courtyard



View to Existing Courtyard

ENVIRONMENT DESIGN GROUP
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Landscape Management
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The Vineta
363 Cocoanut Row
Palm Beach
FLORIDA

JOB NUMBER: # 22190.00 LA
DRAWN BY: Lauren Freeman
DATE: 10.24.2022
11.07.2022
11.28.2022

SHEET L1.0

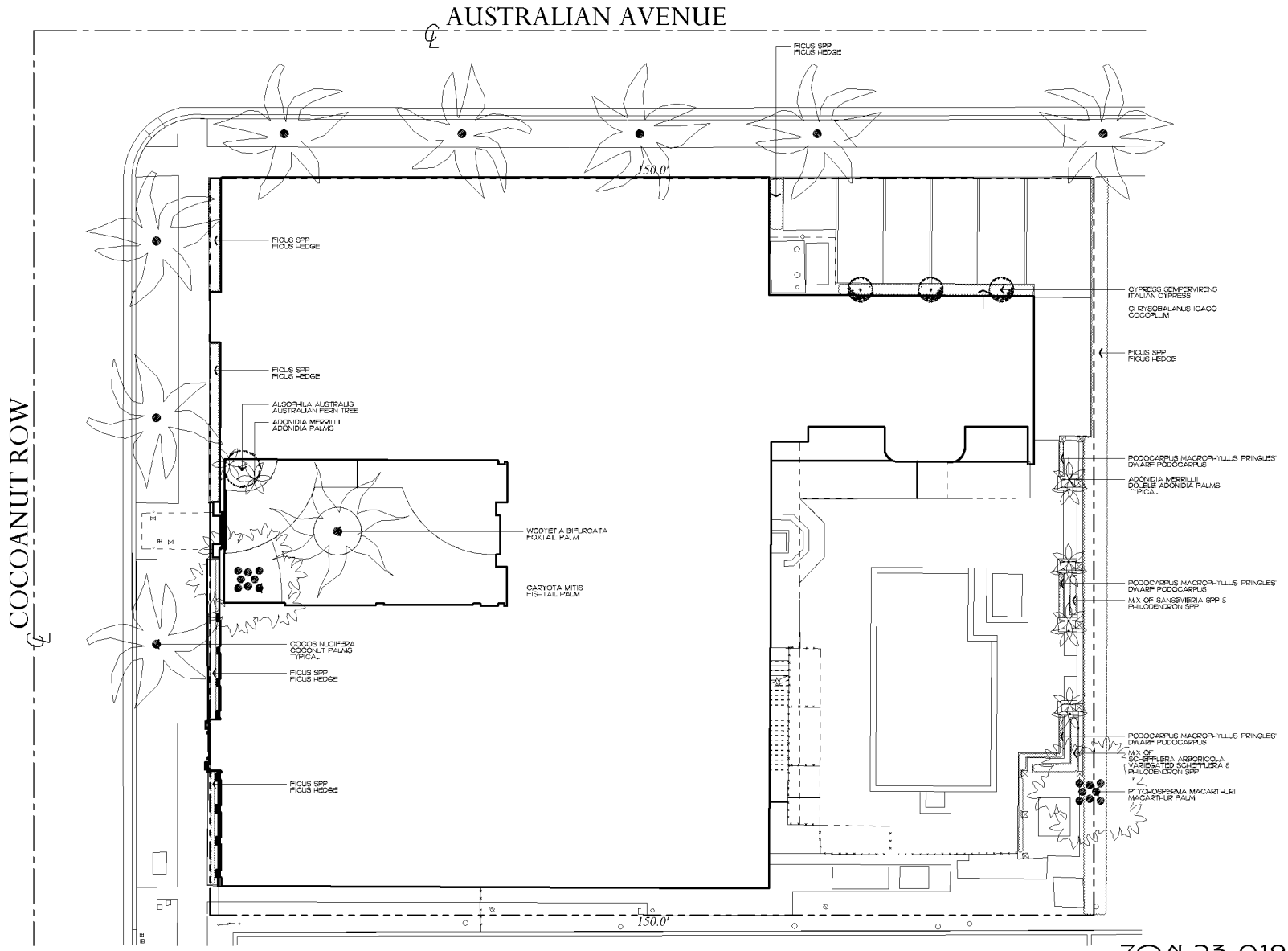
ZON-23-019
COA-23-002

Existing Site Photos

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The Vineta
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FLORIDA

JOB NUMBER: # 22190.00 LA
DRAWN BY: Lauren Freeman
DATE: 10.24.2022
11.07.2022
11.28.2022

SHEET L2.0

64 sf.
AREA IN SQFT.

ZON-23-019
COA-23-002

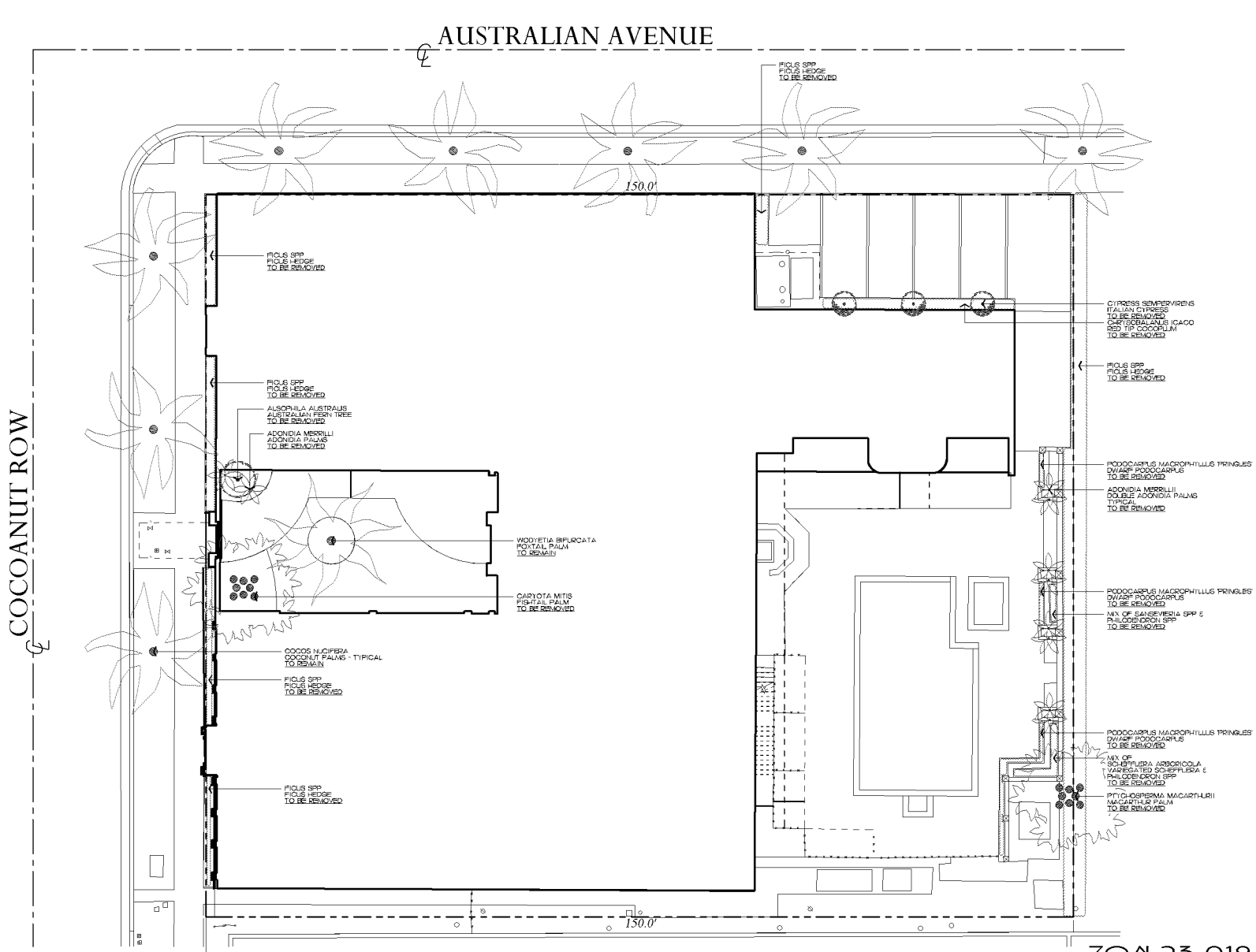
Existing Vegetation Inventory & Action Plan

SCALE IN FEET 0' 8' 16' 24'

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The Vineta
363 Cocoanut Row
Palm Beach
FLORIDA

JOB NUMBER: # 22190.00 LA
DRAWN BY: Lauren Freeman
DATE: 11.07.2022
11.28.2022

SHEET L3.0

64 sf.
AREA IN SQFT.

ZON-23-019
COA-23-002

Existing Vegetation Inventory & Action Plan

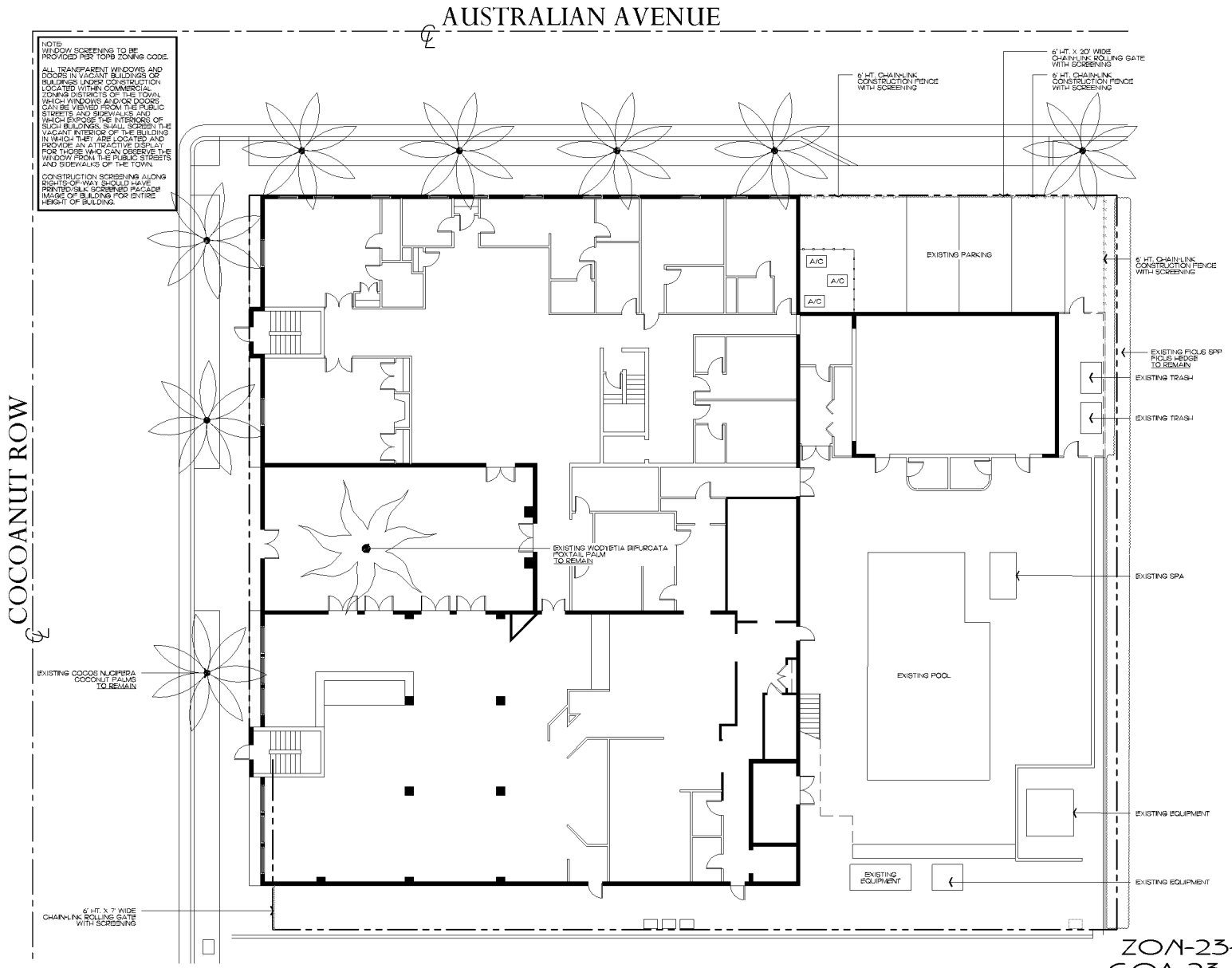
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TC Development Review Meeting Binder 5-15-2023



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Chesterfield Hotel
363 Cocoanut Row
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FLORIDA

JOB NUMBER: # 22190.00 LA
DRAWN BY: Lauren Freeman
DATE: 09.09.2022
10.24.2022
11.27.2022
11.28.2022

SHEET L4.0

64 sf.
AREA IN SQFT.

ZON-23-019
COA-23-002

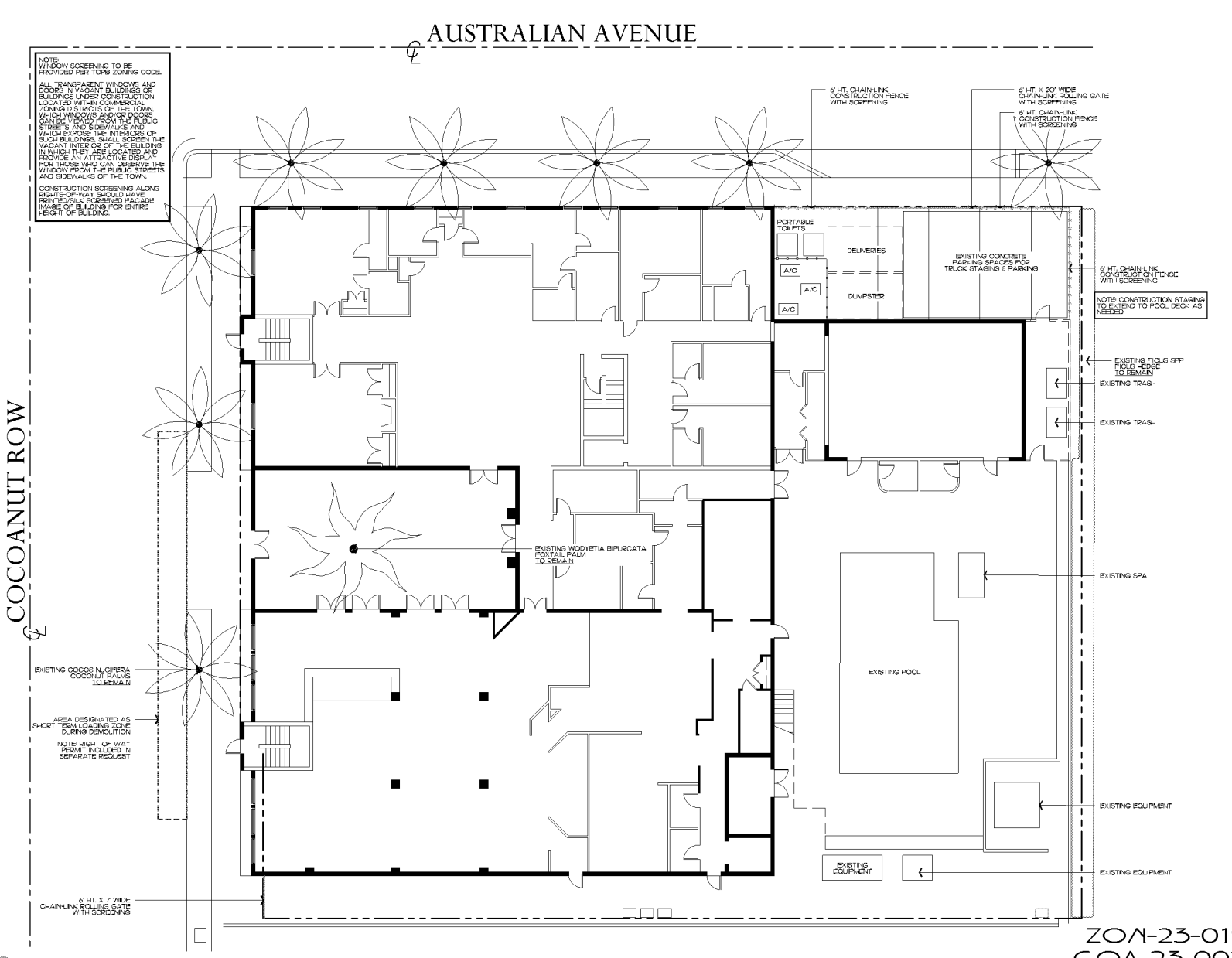
Construction Screening Plan
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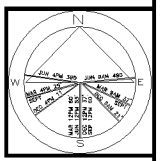
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TC Development Review Meeting Revised 5-15-2023



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Landscape Management
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Chesterfield Hotel
363 Cocoanut Row
Palm Beach
FLORIDA



JOB NUMBER: # 22190.00 LA
DRAWN BY: Lauren Freeman
DATE: 08.09.2022
10.24.2022
11.07.2022
11.28.2022

SHEET L5.0

64 sf.
AREA IN SQFT.

ZON-23-019
COA-23-002

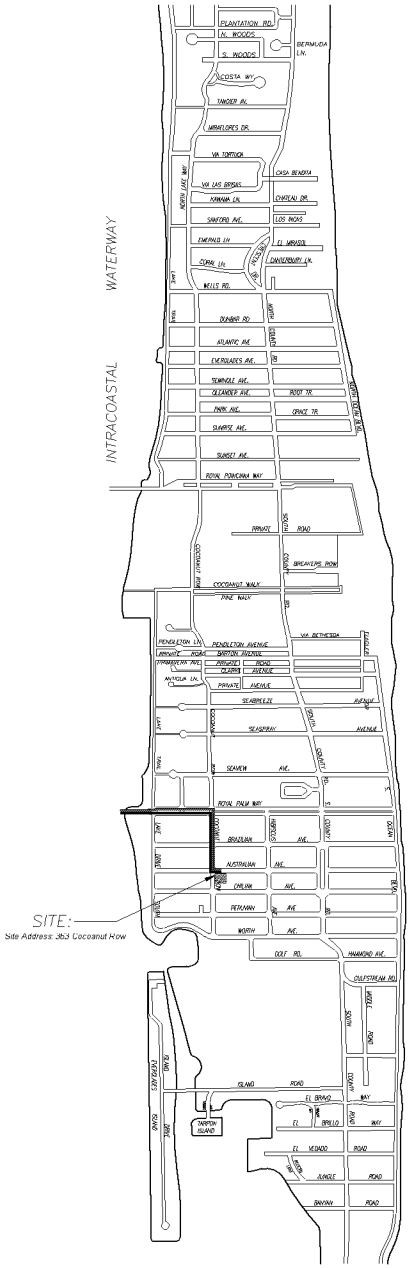
Construction Staging Plan

SCALE IN FEET 0' 8' 16' 24'

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SITE:
Site Address: 363 Cocoanut Row

1 *PROPOSED TRUCK INGRESS / EGRESS ROUTES MAP*

SCHEDULE: BY OTHERS

LARGEST TRUCK ->
10-15 DUMP TRUCKS FOR DEBRIS REMOVAL
TRAILER FOR EXCAVATOR / DEMOLITION
LANDSCAPE TRUCKS ->
SOD
IRRIGATION

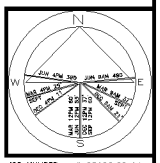
NOTE: SEE SEPARATE "CONSTRUCTION STAGING PLAN" SHEET FOR INFORMATION ON LOCATIONS FOR PARKING, MATERIAL STORAGE, DELIVERIES, DUMPSTER, PORTABLE TOILETS, TIRE CLEANING AREA, SILT FENCE, ETC.

PROPOSED INGRESS TRUCK ROUTE

PROPOSED EGRESS TRUCK ROUTE

ENVIRONMENT DESIGN GROUP
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Phone: 561.832.4600 Mobile: 561.317.4424
Landscape Architecture
Land Planning
Landscape Management
Dustin M. Mizell, MLA, RLA #6666784
Dustin@environmentdesigngroup.com

Chesterfield Hotel
363 Cocoanut Row
Palm Beach
FLORIDA



JOB NUMBER: # 22190.00 LA
DRAWN BY: Lauren Freeman
DATE: 09.09.2022
10.24.2022
11.07.2022
11.28.2022

SHEET L6.0

ZON-23-019
COA-23-002

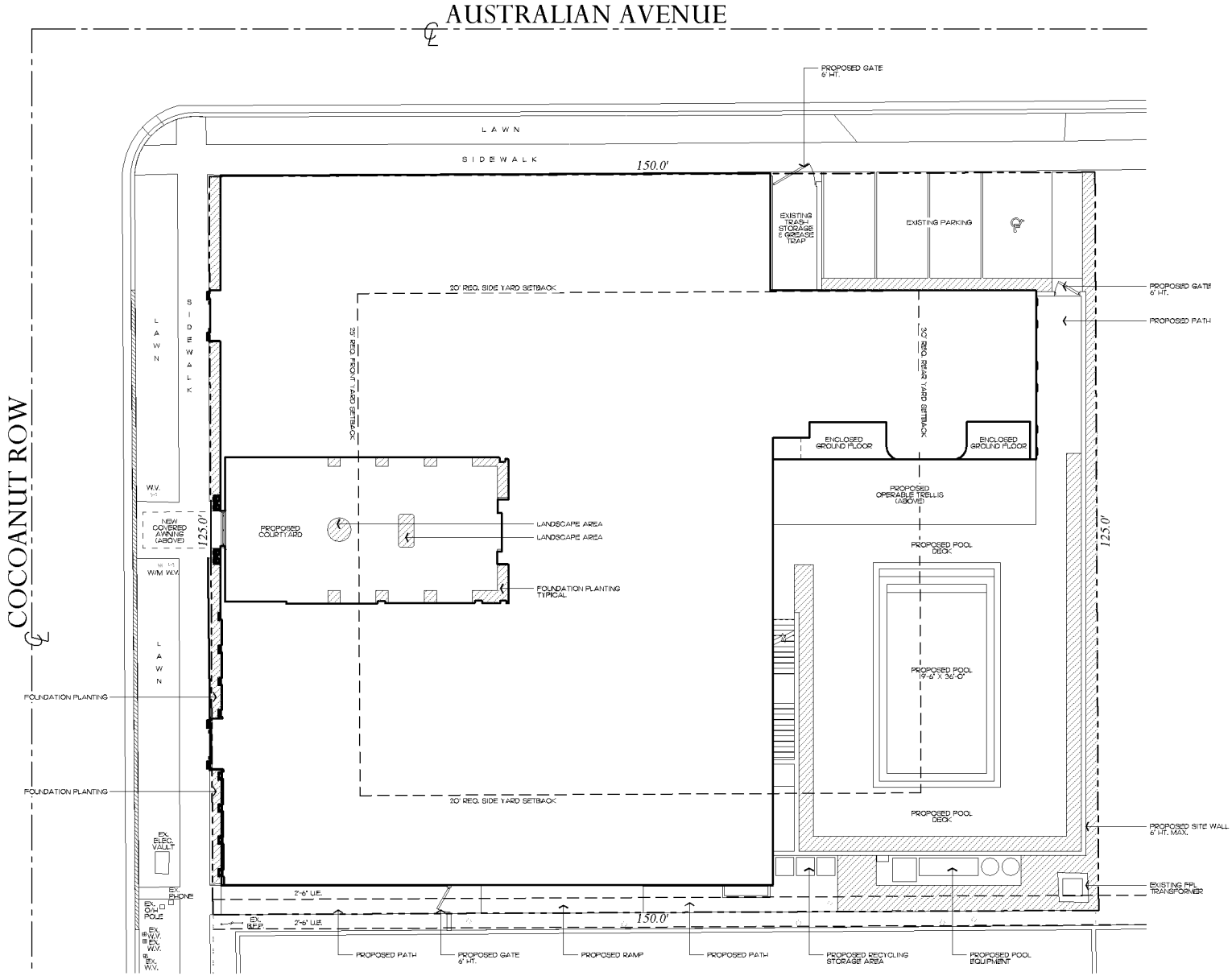
Truck Logistics Plan

SCALE: NOT TO SCALE

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The Vineta
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Palm Beach
FLORIDA

JOB NUMBER: # 22190.00 LA
DRAWN BY: Lauren Freeman
DATE: 11.07.2022
11.28.2022

SHEET L7.0

64 sf.
AREA IN SQFT.

ZON-23-019
COA-23-002

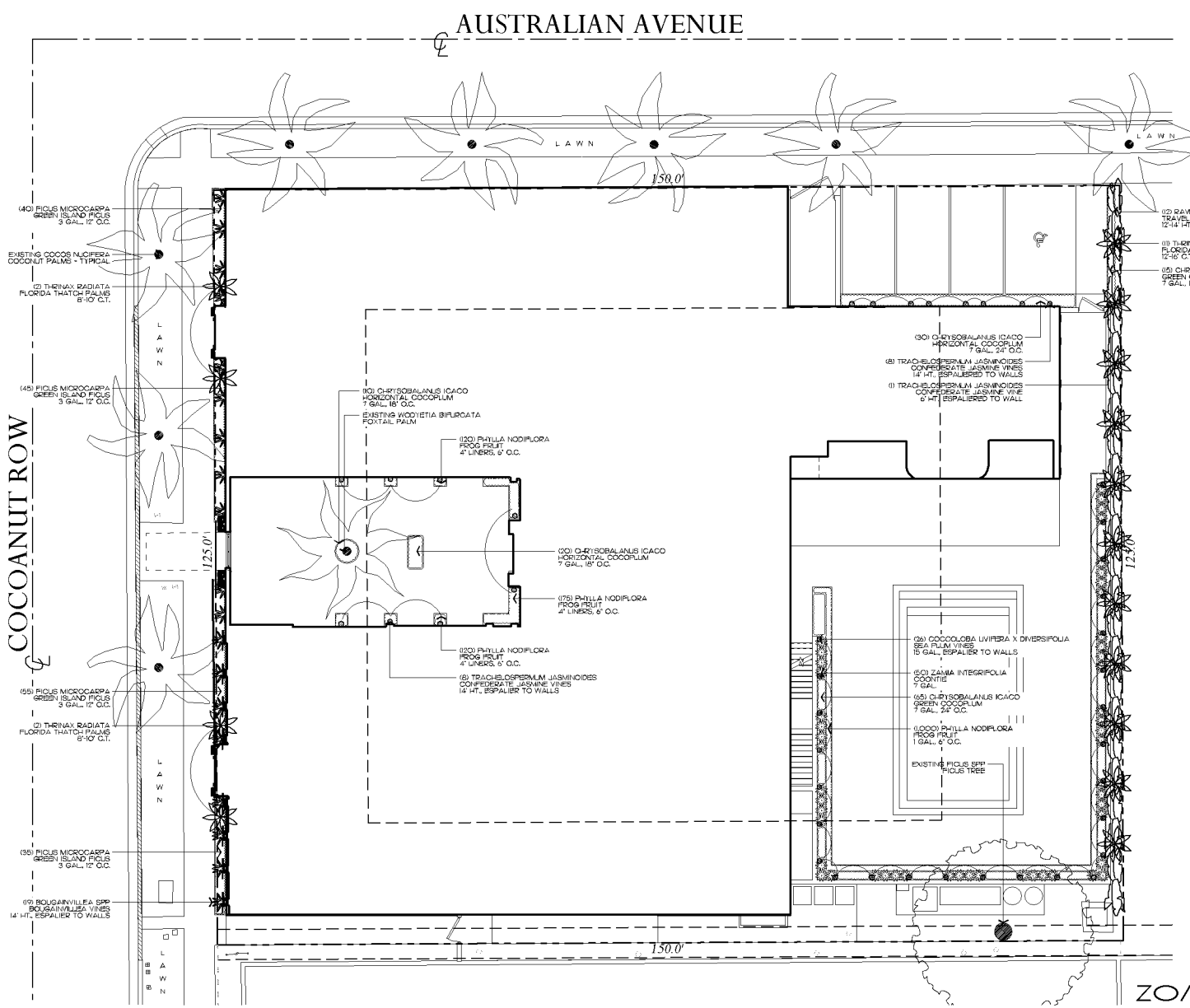
Site Plan
SCALE IN FEET 0' 8' 16' 24'

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TC Development Review Meeting Revised 2-15-2023



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11.07.2022
11.28.2022

SHEET L8.0

64 sf.
AREA IN SQFT.

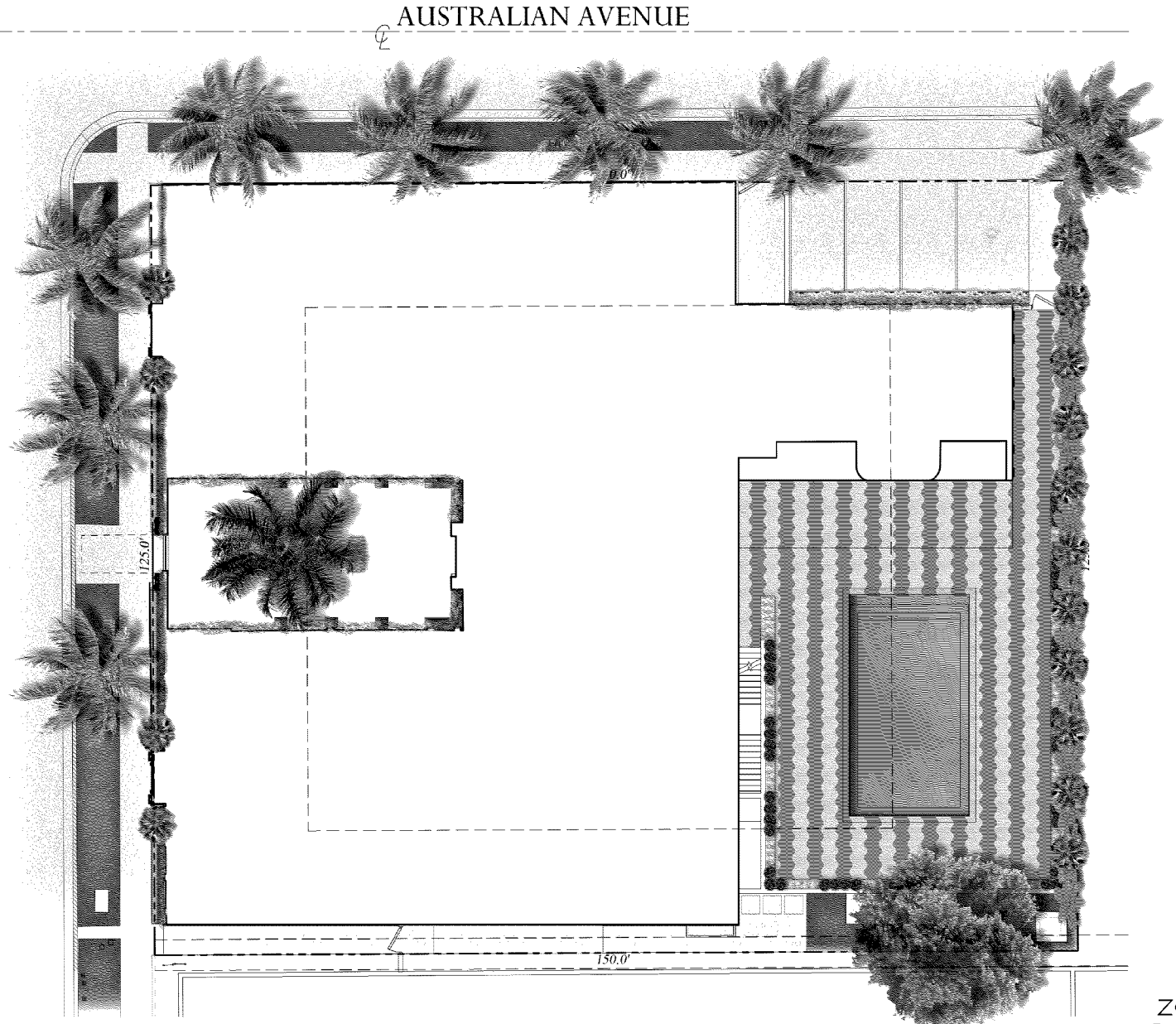
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COA-23-002

Landscape Plan
SCALE IN FEET 0' 8' 16' 24'

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FLORIDA

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DRAWN BY: Lauren Freeman
DATE: 10.24.2022
11.07.2022
11.28.2022

SHEET L8.1

64 sf.
AREA IN SQFT.

ZON-23-019
COA-23-002

Rendered Landscape Plan

SCALE IN FEET 0' 8' 16' 24'

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TC Development Review Meeting Revised 01.19.2023

TC Development Review Meeting Revised 2-15-2023

Palms

SYMBOL/KEY	PLANT NAME	QTY.	DESCRIPTION	NATIVE
	THRINAX RADIATA FLORIDA THATCH PALM	4 11	8'-10' C.T. 12'-16' C.T.	YES YES
	RAVENALA MADAGASCARIENSIS TRAVELERS PALMS	12	12'-14' HT.	NO
	TOTAL: NATIVE SPECIES:	27 15 (56%)		

Shrubs

SYMBOL/KEY	PLANT NAME	QTY.	DESCRIPTION	NATIVE
	CHRYSOBALANUS ICACO HORIZONTAL COCOPLUM	140	7 GAL., 24" O.C.	YES
	ZAMIA INTEGRIFOLIA COONTIE	50	7 GAL., 24" O.C.	YES
	TOTAL: NATIVE SPECIES:	190 190 (100%)		

Vines, & Groundcovers

SYMBOL/KEY	PLANT NAME	QTY.	DESCRIPTION	NATIVE
	BOUGAINVILLEA SPP BOUGAINVILLEA VINE	19	14' HT., ESPALIER TO WALLS	NO
	COCCOLOBA UVIFERA X DIVERSIFOLIA SEAPLUM VINE	26	15 GAL., ESPALIER TO WALLS	YES
	FICUS MICROCARPA GREEN ISLAND FICUS	200	3 GAL, 12" O.C.	NO
	PHYLLA NODIFLORA FROG FRUIT	1,415	4" LINERS, 6" O.C.	YES
	TRACHELOSPERMUM JASMINOIDES CONFEDERATE JASMINE VINE	1 16	6' HT., ESPALIER TO WALLS 14' HT., ESPALIER TO WALLS	NO
	TOTAL: NATIVE SPECIES:	1,677 1,441 (85.9%)		

Lawn & Mulch

SYMBOL/KEY	PLANT NAME	QTY.	DESCRIPTION
LAWN	DIAMOND ZOYSIA LAWN	AS NEEDED	SOD PALLETS
PLANTING BED	SHREDDED EUCALYPTUS MULCH	AS NEEDED	MULCH ALL BEDS 3" MIN. DEPTH

Native Landscape Legend

PROPERTY ADDRESS:	363 COCOANUT ROW	
	REQUIRED	PROPOSED
LOT SIZE (SQ FT)	20,000 S.F. MIN.	18,750 S.F.
LANDSCAPE OPEN SPACE (LOS) (SQ FT AND %)	6,563 S.F. (MIN 35%)	1,118 S.F. (5.96%)
NATIVE TREES %	N/A - NO TREES ADDED	N/A - NO TREES ADDED
NATIVE PALMS %	35%	56%
NATIVE SHRUBS %	35%	100%
NATIVE VINES / GROUND COVER %	35%	85.9%

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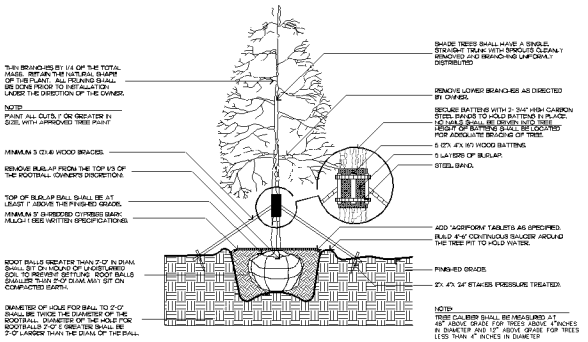
SHEET L8.2

ZON-23-019
COA-23-002
Plant Schedule

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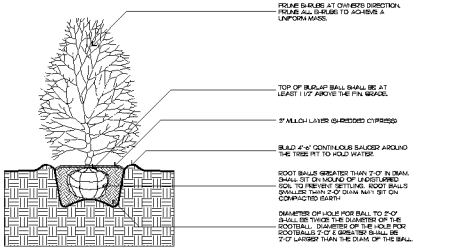
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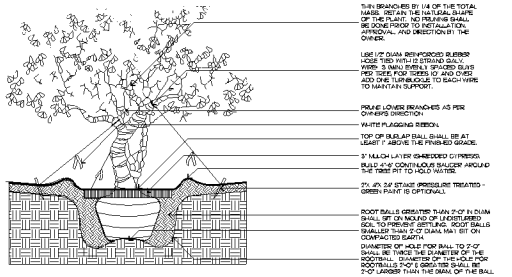
FILL MATERIAL SHALL CONSIST OF AT LEAST 1/3 NATIVE SOIL FROM THE HOLE DUG FOR THE PLANT. SEE SPECIFICATIONS FOR BACKFILL MIXTURE.

tree planting



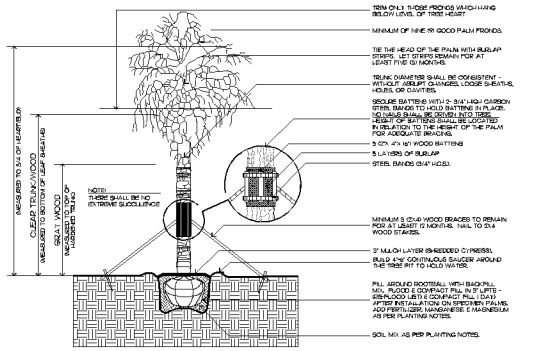
FILL MATERIAL SHALL CONSIST OF AT LEAST 1/3 NATIVE SOIL FROM THE HOLE DUG FOR THE PLANT. SEE SPECIFICATIONS FOR BACKFILL MIXTURE.

shrub planting



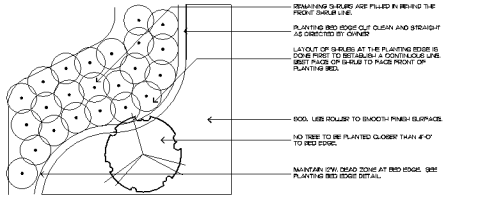
FILL MATERIAL SHALL CONSIST OF AT LEAST 1/3 NATIVE SOIL FROM THE HOLE DUG FOR THE PLANT. SEE SPECIFICATIONS FOR BACKFILL MIXTURE

irregular and multi-stem tree



FILL MATERIAL SHALL CONSIST OF AT LEAST 1/3 NATIVE SOIL FROM THE HOLE DUG FOR THE PLANT. SEE SPECIFICATIONS FOR BACKFILL MIXTURE.

palm tree planting



shrub & ground cover layout

Planting Notes

COMMERCIAL FERTILIZER:

FERTILIZER SHALL BE COMPLETELY ORGANIC, IT SHALL BE UNIFORM IN COMPOSITION, DRY, AND FREE FLOWING. THIS FERTILIZER SHALL BE DELIVERED TO THE SITE IN THE ORIGINAL UNOPENED BAGS, EACH BEARING THE MANUFACTURER'S STATEMENT OF ANALYSIS, AND SHALL MEET THE FOLLOWING REQUIREMENTS:

SIX PERCENT (6%) NITROGEN
SIX PERCENT (6%) PHOSPHOROUS
SIX PERCENT (6%) POTASSIUM

FERTILIZER SHALL BE APPLIED TO ALL SHRUBS (1/3 LB. PER 3 GAL. POT, 1/4 LB. PER 1 GAL. POT) AND GROUNDCOVER. THE SAME FERTILIZER MIXTURE SHALL BE USED ON SOD AT A RATE OF 15 LBS. PER 1000 SQUARE FEET. A FOURTEEN PERCENT (14%) NITROGEN, FOURTEEN PERCENT (14%) PHOSPHOROUS AND FOURTEEN PERCENT (14%) POTASSIUM IS SPECIFIED ON ALL TREES AND SHRUBS OVER 5'-0" IN HEIGHT (1/2 LB. PER 5'-0" OF SPREAD). AGRIFORM TABLETS WITH TWENTY PERCENT (20%) NITROGEN, TEN PERCENT (10%) PHOSPHOROUS, FIVE PERCENT (5%) POTASSIUM IN 21 GRAM SIZES SHALL BE APPLIED ALONG WITH THE FERTILIZER PROCESS (1 WITH 1 GAL. PLANTS, 2 WITH 3 GAL PLANTS AND 3 TABLETS PER 1" OF TREE TRUNK CALIPER). BACK FILL HALFWAY UP THE ROOT BALL. PLACE ABOUT ONE INCH (1") FROM ROOT TIPS. MAGNESIUM SULFATE SHALL BE APPLIED TO ALL PALMS AT INSTALLATION AT A RATE OF 1/2 LB. PER INCH OF TRUNK CALIPER. MANGANESE SHALL BE APPLIED AT THE SAME RATE.

MULCH:

MULCH MATERIAL SHALL BE SHREDDED CYPRESS MULCH OR APPROVED EQUAL, MOISTENED AT THE TIME OF APPLICATION TO PREVENT WIND DISPLACEMENT. MULCH SHALL BE APPLIED TO A MINIMUM 3" DEPTH IN PLANTING BEDS.

SOD:

THE SOD SHALL BE FREE FROM WEEDS, FUNGUS, INSECTS AND DISEASES OF ANY KIND, CLEAN, STRONGLY ROOTED, UNIFORMLY SIZED STRIPS, MACHINE STRIPPED NOT MORE THAN TWENTY-FOUR (24) HOURS PRIOR TO LAYING.

SUBSTITUTIONS:

NO SUBSTITUTION OF PLANT MATERIAL TYPES OR SIZES WILL BE ALLOWED WITHOUT WRITTEN AUTHORIZATION FROM THE OWNER. CONTAINER GROWN MATERIAL WILL NOT BE ACCEPTED AS SUBSTITUTE FOR B&B MATERIAL UNLESS PREVIOUSLY APPROVED. INTENDED SUBSTITUTIONS SHALL BE SPELLED OUT IN BID.

MEASUREMENTS:

SHADE TREES: HEIGHT SHALL BE MEASURED FROM GROUND TO THE AVERAGE BRANCH HEIGHT OF CANOPY. SPREAD SHALL BE MEASURED TO THE END OF THE BRANCHING EQUALLY AROUND THE CROWN FROM THE CENTER OF THE TRUNK. MEASUREMENTS ARE NOT TO INCLUDE ANY TERMINAL GROWTH. SINGLE TRUNK TREES SHALL BE FREE OF "V" CROTCHES THAT COULD BE POINTS OF WEAK LIMB STRUCTURE OR DISEASE INFESTATION.

SHRUBS: HEIGHT SHALL BE MEASURED FROM THE GROUND TO THE AVERAGE POINT WHERE MATURE PLANT GROWTH STOPS. SPREAD SHALL BE MEASURED TO THE END OF BRANCHING EQUALLY AROUND THE SHRUB MASS. MEASUREMENT AREA NOT TO INCLUDE ANY TERMINAL GROWTH.

PALMS: CLEAR TRUNK (CT.) - SHALL BE MEASURED FROM THE GROUND AT TIME OF INSTALLATION TO THE POINT WHERE THE MATURE AGED TRUNK JOINS THE IMMATURE OR GREEN PORTION OF THE TRUNK OR HEAD.

OVERALL HEIGHT (O.A.) - SHALL BE MEASURED FROM THE GROUND AT THE TIME OF INSTALLATION TO THE AVERAGE FROND HEIGHT.

PALMS WITH MARRED OR BURNED TRUNKS WILL NOT BE ACCEPTED.

PLANTING SOIL AND BACKFILL:

PLANTING SOIL FOR USE IN PREPARING BACKFILL FOR PLANT PITS SHALL BE A FERTILE, FRIABLE AND NATURAL TOPSOIL WITHOUT MIXTURE OF SUBSOIL MATERIALS, AND SHALL BE FREE FROM HEAVY CLAY, STONES, LIME, LUMPS, SHELLS, PLANTS, ROOTS OR OTHER FOREIGN MATERIALS, WEEDS, OR NOXIOUS GRASSES (SUCH AS BERMUDA OR NUT GRASS). IT SHALL NOT CONTAIN TOXIC SUBSTANCES WHICH MAY BE HARMFUL TO THE PLANT GROWTH.

BACKFILL FOR SOD AREAS SHALL BE SUBJECT TO LESSER STANDARDS AT THE DISCRETION AND DECISION OF THE OWNER.

EXISTING TOPSOIL SHALL BE USED IN ALL PLANT MATERIAL PITS EXCEPT SABAL PALMS WHERE THE SOIL SHALL CONSIST OF CLEAN SAND.

PLANTING SOIL FOR USE IN BEDS FOR ANNUALS AND/OR PERENNIALS SHALL CONTAIN ONE-THIRD (1/3) POTTING SOIL OR A BLENDED TOPSOIL, TILL INTO TOP 10" - 12" OF SOIL WITH A TIME-RELEASE FERTILIZER.

PLANT MATERIALS:

PALMS, TREES, SHRUBS, GROUNDCOVERS AND VINES

PLANT SPECIES AND SIZE SHALL CONFORM TO THOSE INDICATED ON THE DRAWINGS. NOMENCLATURE SHALL CONFORM TO "STANDARDIZED PLANT NAMES", 1942 EDITION. ALL NURSERY STOCK SHALL BE IN ACCORDANCE WITH "GRADES AND STANDARDS FOR NURSERY PLANTS PARTS I & II", LATEST EDITION PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES. UNLESS SPECIFIED OTHERWISE, ALL PLANTS SHALL BE FLORIDA GRADE NUMBER 1 OR BETTER AS DETERMINED BY THE FLORIDA DIVISION OF PLANT INDUSTRY. SPECIMEN MEANS AN EXCEPTIONALLY HEAVY, SYMMETRICAL TIGHTLY KNIT PLANT, SO TRAINED OR FAVORED IN ITS DEVELOPMENT THAT FIRST APPEARANCE IS UNQUESTIONABLE AND OUTSTANDINGLY SUPERIOR IN FORM, NUMBER OF BRANCHES, COMPACTNESS AND SYMMETRY. ALL PLANTS SHALL BE FRESHLY DUG, SOUND, HEALTHY, VIGOROUS, WELL BRANCHED AND FREE OF DISEASE AND INSECT EGGS AND LARVAE AND SHALL HAVE ADEQUATE ROOT SYSTEMS. TREES FOR PLANTING ROWS SHALL BE UNIFORM IN SIZE AND SHAPE. ALL MATERIALS SHALL BE SUBJECT TO APPROVAL BY THE OWNER. WHERE REQUIREMENTS ARE OMITTED FROM THE PLANT LIST, THE PLANTS FURNISHED SHALL BE NORMAL FOR THE VARIETY AND FLORIDA NUMBER 1. PLANTS SHALL BE PRUNED PRIOR TO DELIVERY ONLY UPON THE APPROVAL OF THE OWNER.

CONTAINER GROWN STOCK:

1. ALL CONTAINER GROWN MATERIAL SHALL BE HEALTHY, VIGOROUS, WELL-ROOTED PLANTS AND ESTABLISHED IN THE CONTAINER IN WHICH THEY ARE SOLD. THE PLANTS SHALL HAVE TOPS OF GOOD QUALITY AND BE IN A HEALTHY GROWING CONDITION.
2. AN ESTABLISHED CONTAINER GROWN PLANT SHALL BE TRANSPLANTED INTO A CONTAINER AND GROWN IN THAT CONTAINER SUFFICIENTLY LONG ENOUGH FOR THE NEW FIBROUS ROOTS TO HAVE DEVELOPED SO THAT THE ROOT MASS WILL RETAIN ITS SHAPE AND HOLD TOGETHER WHEN REMOVED FROM THE CONTAINER.

WARRANTY:

WARRANTY PLANTS, SHRUBS AND GROUNDCOVERS FOR A PERIOD OF NINETY (90) DAYS; TREES & PALMS FOR ONE YEAR (1) AGAINST UNHEALTHY CONDITION, EXCEPT AS MAY RESULT FROM NEGLECT BY OWNER, DAMAGE BY OTHERS, AND UNUSUAL PHENOMENA BEYOND INSTALLER'S CONTROL. REPLACE AT TIME REQUESTED BY THE OWNER OR LANDSCAPE ARCHITECT.

MAINTENANCE:

MAINTAIN LANDSCAPE WORK UNTIL THE LETTER OF SUBSTANTIAL COMPLETION BY THE GENERAL CONTRACTOR. INCLUDE WATERING, WEEDING, CULTIVATING, RESTORATION OF GRADE, MOWING AND TRIMMING GRASS, PRUNING TREES AND SHRUBS, PROTECTION FROM INSECTS AND DISEASES, REFILTILIZATION AND SIMILAR OPERATIONS AS NEEDED TO ENSURE NORMAL GOOD HEALTH FOR LIVE PLANT MATERIAL.

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363 Cocoanut Row
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FLORIDA

JOB NUMBER: # 22190.00 LA
DRAWN BY: Lauren Freeman
DATE: 10.24.2022
11.07.2022
11.28.2022

SHEET L8.3

ZON-23-019
COA-23-002

Planting Details & Specifications

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NOTES:

1.) THIS DESIGN IS CONCEPTUAL AND SUBJECT TO CHANGE BASED ON FINAL DESIGN.

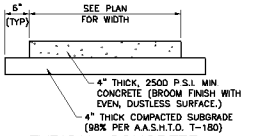
2.) ALL WATER AND WASTEWATER CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF WEST PALM BEACH, TOWN OF PALM BEACH, AND THE PALM BEACH COUNTY HEALTH DEPARTMENT.

3.) CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL OF ALL DEMOLITION MATERIAL IN ACCORDANCE WITH ALL APPLICABLE GOVERNING AGENCY STANDARDS.

4.) LOCATIONS OF WATER AND SANITARY SEWER SERVICES, DRAINAGE STRUCTURES AND PIPES AND OTHER STRUCTURES TO BE COORDINATED WITH LANDSCAPE DESIGN DURING PREPARATION OF FINAL CIVIL ENGINEERING PLANS.

5.) CONSTRUCTION AND DEMOLITION TO COMPLY WITH N.F.P.A. 241.

8.) POOL DECK AREA TO BE REVIEWED & APPROVED OR PREPARED BY A FLORIDA LICENSED POOL PROFESSIONAL.



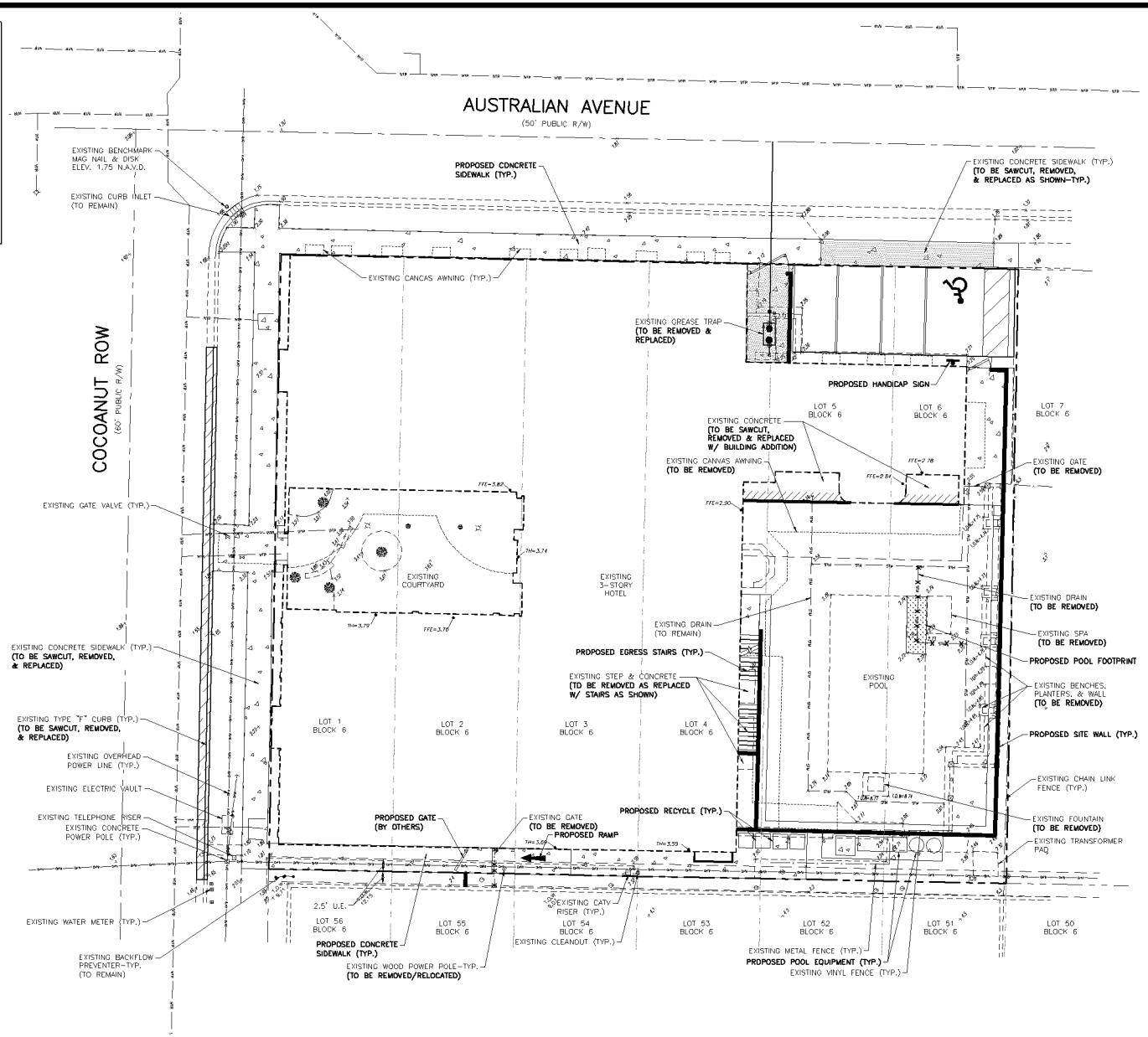
TYPICAL CONCRETE SIDEWALK DETAIL

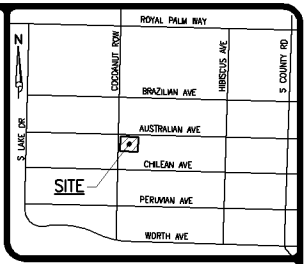
NOT TO SCALE

ALTERNATE CONCRETE PAVEMENT:
SURFACE – 5" THICK, 4,000 PSI MIN.

SUBGRADE – 12" STABILIZED SUBGRADE, COMPACT TO 98% PER A.A.S.H.T.O. T-180 (LBR 40)

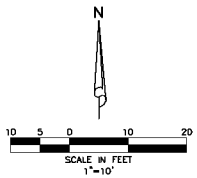
NOTE: CONTRACTOR SHALL NOTIFY ENGINEER IN WRITING AS TO WHICH PAVEMENT SECTION WILL BE USED. CONTRACTOR SHALL SUPPLY JOINTING PLAN FOR REVIEW AND APPROVAL IF CONCRETE SURFACE IS CHOSEN.





LOCATION MAP

NOT TO SCALE



LEGEND

- PROPOSED STORM SEWER AND CATCH BASIN
- DIRECTION OF FLOW
- DIRECTION OF SWALE
- H.P. PROPOSED HIGH POINT
- 13.05 EXISTING GRADE ELEVATION
- PROPOSED ASPHALT OR CONCRETE
- PROPOSED CONCRETE
- PROPOSED CONCRETE PAVEMENT
- PROPOSED DETECTABLE WARNING SURFACE
- SAWCUT, REMOVE, & REPLACE EXISTING PAVEMENT, CONCRETE, CURB, ETC.
- EXISTING OVERHEAD POWER LINE & POWER POLE
- STM EXISTING STORM DRAINAGE PIPE
- WTR EXISTING WATER MAIN
- SAN EXISTING SEWER MAIN
- FM EXISTING FORCE MAIN

10/20/2022

NOTE: ALL ELEVATIONS SHOWN HEREON ARE RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM (N.A.V.D.) OF 1988 BASED ON A SURVEY PREPARED BY WALLACE SURVEYING, CORP. (561)640-4551.

REVISIONS

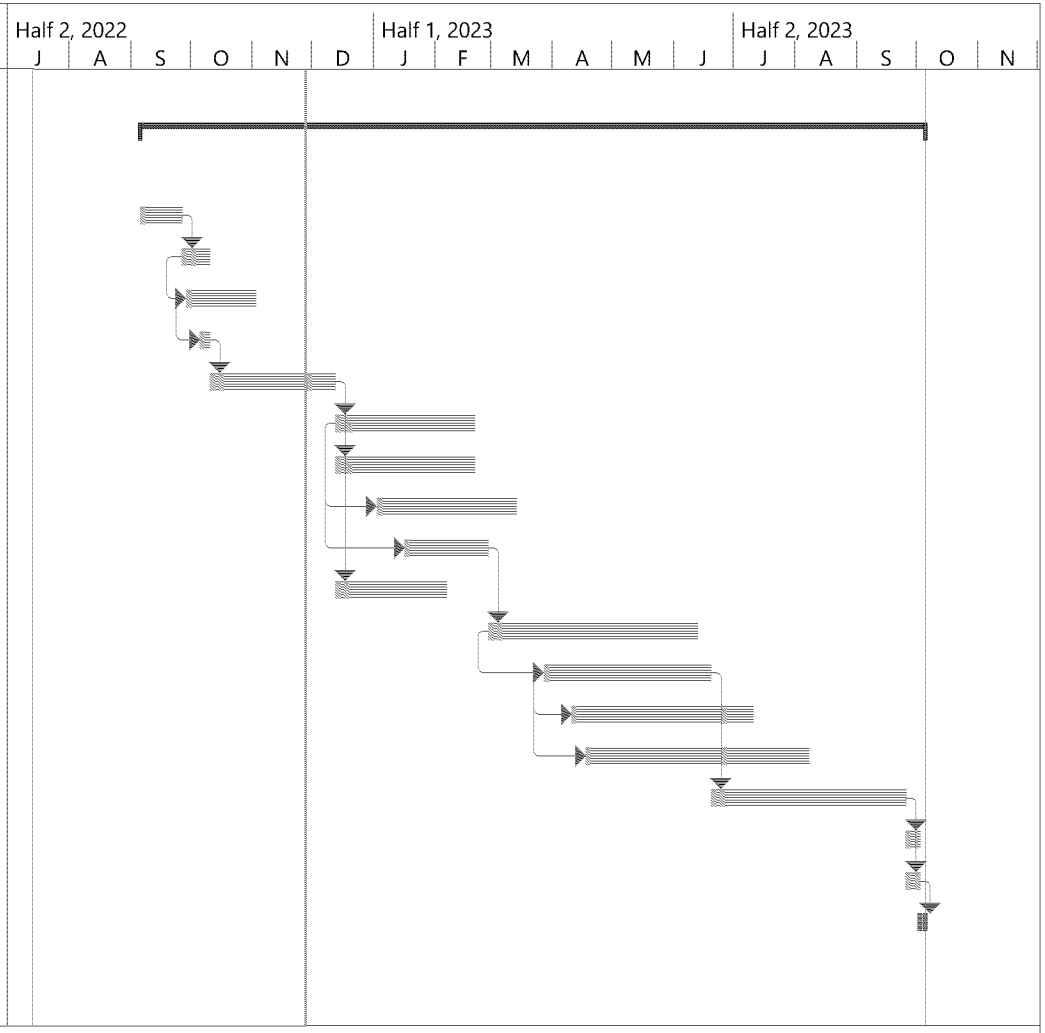
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DESIGN	DRAWN	CHECKED	APPROVED	DATE
D.C.	B.L.			

THE VINETA HOTEL
SECTION 27, TOWNSHIP 43S., RANGE 43E.
TOWN OF PALM BEACH, FLORIDA
CONCEPTUAL PAVING, DRAINAGE, WATER AND WASTEWATER PLAN

JOB NO.	DRAWING NO.	SHEET	OF
22-173	22173C01	1	1

ID	Task Mode	Task Name
1		
2		**The Chesterfield Palm Beach Hotel**
3		
4		Removal of Hotel Furniture
5		Removal of all Interior Doors
6		Removal of all Flooring Material*
7		MEP Safe Off
8		Wall & Ceiling Drywall Removal
9		New Elevator Shaft
10		New Stairwell Shaft
11		New Guest Room Configerations Framing
12		New Lobby Framing
13		New Windows
14		MEP Rough-In
15		Wall & Ceiling Drywall
16		Wall and Floor Finishes
17		MEP Trim-Out
18		Main Floor Finishes & Equipment
19		TCO
20		Final Clean / Punch
21		CO
22		
23		



Project: Project1
Date: Mon 11/28/22

Task		Inactive Summary		External Tasks	
Split		Manual Task		External Milestone	
Milestone		Duration-only		Deadline	
Summary		Manual Summary Rollup		Progress	
Project Summary		Manual Summary		Manual Progress	
Inactive Task		Start-only			
Inactive Milestone		Finish-only			

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TRAFFIC GENERATION STATEMENT

THE VINETA HOTEL
TOWN OF PALM BEACH, FLORIDA

Prepared for:

363 Cocoanut Propco LLC
c/o Zabik and Associates, Inc.
11398 Okeechobee Boulevard
Suite 2
Royal Palm Beach, Florida 33411

Job No. 22-173

Date: November 3, 2022
Revised: December 20, 2022
Revised: January 24, 2023
Revised: January 27, 2023

Digitally signed by Anna Lai
Date: 2023.01.27 14:47:47 -05'00'

Anna Lai, P.E., PTOE
FL Reg. No. 78138

Anna Lai, P.E., State of Florida, Professional Engineer, License No. 56934

This item has been electronically signed and sealed by Anna Lai, P.E., on 01/27/2023.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

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2.0 TRAFFIC GENERATION 2
3.0 RADIUS OF DEVELOPMENT INFLUENCE 3
4.0 PROJECT DISTRIBUTION 4
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1.0 SITE DATA

The subject parcel is located at 363 Cocoanut Row in the Town of Palm Beach, Florida and contains approximately 0.43 acres. The Parcel Control Number (PCN) for the subject parcel is 50-43-43-23-05-006-0010. The site is currently vested with a 57 room hotel and 113 seat fine dining restaurant. The site is proposed to be modified, including dining seat reallocation for hotel use, to a total 41 room hotel and 197 seat fine dining restaurant with a project build-out of 2024.

Site access will remain unchanged and is existing via a valet stand on Cocoanut Row on the west side of the site. On-site parking is proposed to continue as employee parking.

Historically, valet has utilized the on-street parking spaces on Chilean Avenue, Australian Avenue, and Cocoanut Row. The proposed site development will utilize a similar operation. Motorists will arrive via Cocoanut Row, drop off their vehicle and the valet attendants will park their vehicle at an available on-street parking space and then return to the site. The valet staff will track available parking spaces to increase efficiency and minimize travel time. For vehicle pick up, valet attendants will utilize Lake Avenue, Cocoanut Row, Hibiscus Avenue, or Chilean Avenue pending the parking spot location. The Valet Circulation Exhibit and the hotel-provided Valet Operation Plan are attached to this report.

For additional information concerning site location and layout, please refer to the Site Plan prepared by Spina O'Rourke + Partners, Inc.

2.0 TRAFFIC GENERATION

The Palm Beach County Unified Land Development Code Article 12 requires that for any application for a site specific development order on property on which there are vested uses shall be subject to the Palm Beach County Traffic Performance Standards to the extent the traffic generation projected for the site specific development order exceeds the traffic generation of the vested uses. The generation rates and capture rates of the vested uses shall be updated to current pro forma traffic generation and passer-by rates and shall be used to calculate vested uses/current approval traffic.

The traffic currently vested to the parcel has been calculated in accordance with the traffic generation rates listed in the *ITE Trip Generation Manual, 11th Edition* and provided by the Palm Beach County Engineering Traffic Division as shown in Tables 1, 2, and 3 attached with this report. Table 1 shows the daily traffic generation associated with the existing/vested development in trips per day (tpd). Tables 2 and 3 show the AM and PM peak hour traffic generation, respectively, in peak hour trips (pht). The traffic generated by the vested development may be summarized as follows:

2.0 TRAFFIC GENERATION (CONTINUED)

Existing/Vested Development

Daily Traffic Generation	=	532 tpd
AM Peak Hour Traffic Generation (In/Out)	=	24 pht (15 In/9 Out)
PM Peak Hour Traffic Generation (In/Out)	=	44 pht (24 In/20 Out)

The traffic to be generated by the proposed site modifications has also been calculated in accordance with the traffic generation rates listed in the *ITE Trip Generation Manual, 11th Edition* and rates published by the Palm Beach County Engineering Traffic Division as shown in Tables 4, 5, and 6. Table 4 shows the daily traffic generation associated with the proposed plan of development. Tables 5 and 6 show the AM and PM peak hour traffic generation, respectively. The traffic to be generated by the proposed plan of development may be summarized as follows:

Proposed Plan of Development

Daily Traffic Generation	=	510 tpd
AM Peak Hour Traffic Generation (In/Out)	=	19 pht (11 In/8 Out)
PM Peak Hour Traffic Generation (In/Out)	=	45 pht (27 In/18 Out)

The decrease in traffic generation as a result of the proposed site modifications is shown in Table 7 and may be summarized as follows:

Change to Vested Development

Daily Traffic Generation	=	22 tpd DECREASE
AM Peak Hour Traffic Generation	=	5 pht DECREASE
PM Peak Hour Traffic Generation	=	1 pht INCREASE

3.0 RADIUS OF DEVELOPMENT INFLUENCE

Based on Table 12.B.2.D-7 3A of the Palm Beach County Unified Land Development Code Article 12 – Traffic Performance Standards, for a net trip generation of 1 peak hour trips, the radius of development influence shall be the directly accessed link(s).

For Test 1, a project must address those links within the radius of development influence on which its net trips are greater than 1% of the LOS "D" of the link affected on a peak hour, peak direction basis AND those links outside of the radius of development influence on which its net trips are greater than five percent of the LOS "D" of the link affected on a peak hour, peak direction basis up to the limits set forth in Table 12.B.2.C-1 1A: LOS "D" Link Service Volumes.

For Test 2, a project must address those links within the radius of development influence on which its net trips are greater than 3% of the LOS "E" of the link

3.0 RADIUS OF DEVELOPMENT INFLUENCE (CONTINUED)

affected on a peak hour, peak direction basis AND those links outside of the radius of development influence on which its net trips are greater than five percent of the LOS "E" of the link affected on a peak hour, peak direction basis up to the limits set forth in Table 12.B.2.C-4 2A: LOS "E" Link Service Volumes.

4.0 PROJECT DISTRIBUTION

The project trips were distributed based on the existing and proposed geometry of the roadway network, and on existing and anticipated traffic patterns. Figure 1 presents the trip distribution percentages.

5.0 TEST 1 BUILD-OUT ANALYSIS

Test 1, or the Build-Out Analysis, relates to the build-out period of the project and requires that a project not add traffic within the radius of development influence which would have total traffic exceeding the adopted LOS at the end of the build-out period. Table 8 indicates the project's assignment is less than 1% of the applicable LOS "D" threshold and is insignificant for all links within the project's radius of development influence. This project therefore meets the requirements of Test 1.

6.0 TEST 2 BUILD-OUT ANALYSIS

Test 2, or the Five Year Analysis, relates to the evaluation of project traffic five years in the future and requires that a project not add traffic within the radius of development influence which would result in total traffic exceeding the adopted LOS at the end of the Five Year Analysis Period. Table 9 shows the project's net trip generation is less than 3% of the applicable LOS "E" threshold for all links within the project's radius of development influence. This project therefore meets the requirements of Test 2.

7.0 SITE RELATED IMPROVEMENTS

The AM and PM peak hour turning movement volumes and directional distributions at the project entrances for the overall development are shown in Tables 5 and 6 attached with this report and may be summarized as follows:

DIRECTIONAL DISTRIBUTION (TRIPS IN/OUT)

AM = 12 / 10
PM = 40 / 25

As previously mentioned, site access will remain unchanged and is existing via a valet stand on Cocoanut Row on the west side of the site. On-site parking is proposed to continue as employee parking. Valet will continue to utilize available

7.0 SITE RELATED IMPROVEMENTS (CONTINUED)

on-street parking spaces per the existing parking plan. Based on the reduction in trip generation as part of the proposed modifications, no site access modifications are recommended.

8.0 QUEUING

As previously mentioned, historically, valet has utilized the on-street parking spaces on Chilean Avenue, Australian Avenue, and Cocoanut Row. The proposed site development will utilize a similar operation. Motorists will arrive via Cocoanut Row, drop off their vehicle and the valet attendants will park their vehicle at an available on-street parking space and then return to the site. The valet staff will track available parking spaces to increase efficiency and minimize travel time. For vehicle pick up, valet attendants will utilize Lake Avenue, Cocoanut Row, Hibiscus Avenue, or Chilean Avenue pending the parking spot location.

The valet stand is able to process vehicles at approximately 1 vehicle every 2 minutes (30 vehicles/hour). The 2-minute processing rate is based on the following assumptions and calculations:

Drop-off

- 30 seconds for the guest to arrive, get a ticket from the valet attendant and the attendant to get into the vehicle.
- 1 minute average for the attendant to park their vehicle per the Valet Circulation Exhibit. Valet will utilize available on-street parking spaces.
- 30 seconds for the attendant to return to the valet stand.

Pick-up

- 30 seconds for the attendant to travel/run to the vehicle.
- 1 minute average for the attendant to return the vehicle to the valet stand.
- 30 seconds for the guest to get in the vehicle and depart.

Demand is approximately 65 vehicles/hour during the critical PM peak hour.

The queuing analysis was based on the following ratio:

Coefficient of utilization (ρ) = Average Demand Rate / Average Service Rate

The required queue storage (M) is determined based on the following equation:

$$M = \left[\frac{\ln P(x > M) - \ln Q_M}{\ln \rho}\right] - 1$$

A 95% confidence rate was used for this analysis. Therefore, the P(x > M) was set to 5%.

8.0 QUEUEING (CONTINUED)

Q = Processing rate = 30 processes per hour
q = Demand rate = 65 vehicles per hour
N = 4 valet attendants
ρ = Utilization factor = q/(NQ) = 65/(4*30) = 0.542
Q_m = Table value = 0.247
M = (ln(0.05) - ln(0.247))/ ln(0.542) - 1 = 1.61, or 2 vehicles.

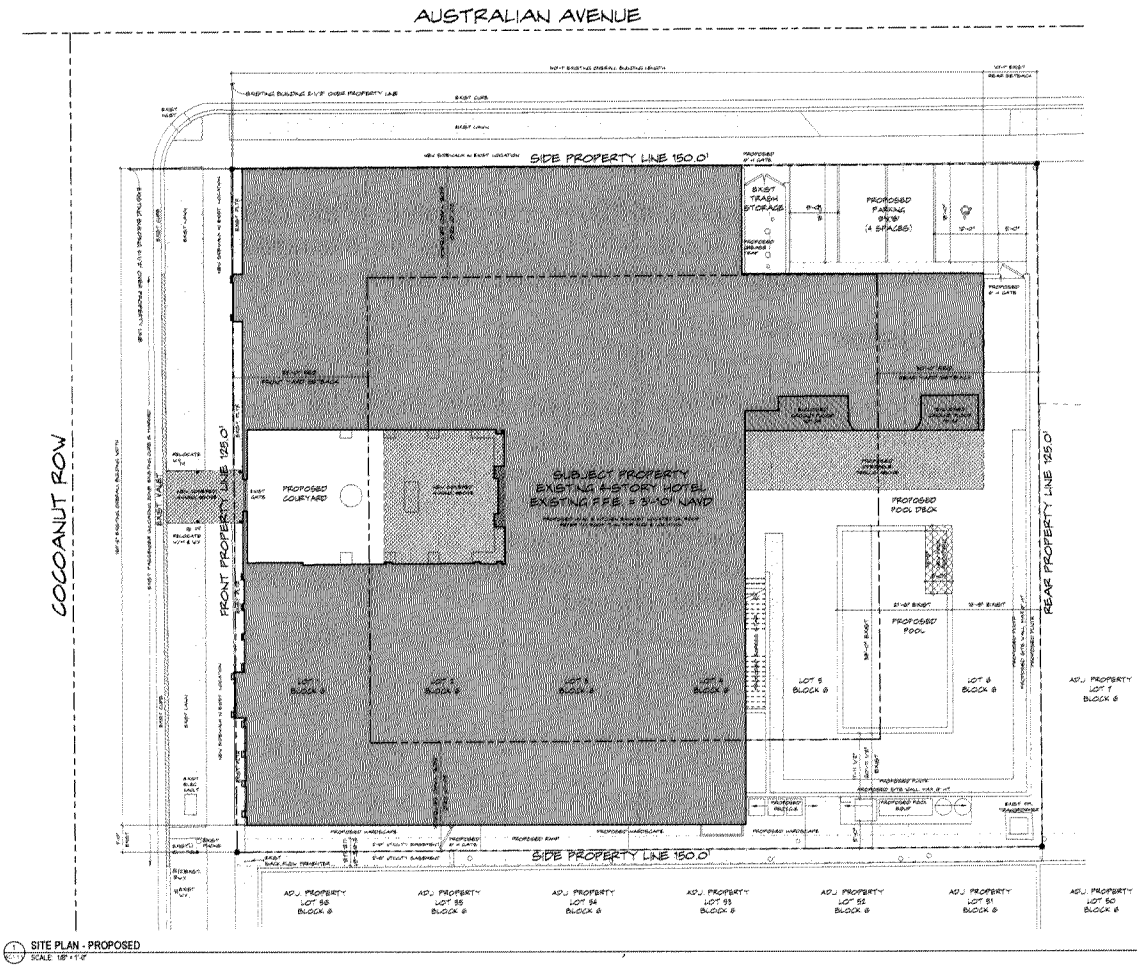
Therefore the queue for the valet stand is conservatively estimated at 4 vehicles. The calculations are included with more detail as an attachment.

At this site, 4 vehicles can be accommodated in the queuing area. Thus, the queueing capacity at this site is adequate. In the unlikely scenario of queue spillover, additional valet attendants can be used.

9.0 CONCLUSION

As shown in Table 7, the proposed modifications will result in a decrease of 22 daily trips, a decrease of 5 AM peak hour trips, and an increase of 1 PM peak hour trips from the existing development. The proposed peak hour trips are negligible and will have an insignificant impact on the surrounding roadways and is therefore approvable with regard to the Palm Beach County Traffic Performance Standards. As less than 20 peak hour trips are estimated, additional analysis is not required.

AL: x:\Documents\TrafficDrainage&Structural\tgs.22173.rev



1 SITE PLAN - PROPOSED
SCALE: 1/8" = 1'-0"

SPINA OROURKE

RENOVATION OF
The Vineta Hotel
363 Cocoanut Row, Palm Beach, FL 33480

PROPOSED OVERALL SITE PLAN

AC-1.1.1

THE VINETA HOTEL

11/03/22

EXISTING/VESTED DEVELOPMENT

TABLE 1 - Daily Traffic Generation

Landuse	ITE Code	Intensity		Rate/Equation	Dir Split In	Dir Split Out	Gross Trips	Internalization %	Internalization Total	External Trips	Pass-by %	Pass-by Trips	Net Trips
Hotel	310	57	Rooms	7.99			455		0	455	10%	46	409
Fine Dining Restaurant	931	113	Seats	2.6			294	25.0%	74	220	44%	97	123
			Grand Totals:				749	9.9%	74	675	21%	143	532

TABLE 2 - AM Peak Hour Traffic Generation

Landuse	ITE Code	Intensity		Rate/Equation	Dir Split In	Dir Split Out	Gross Trips In	Gross Trips Out	Gross Trips Total	Internalization %	Internalization In	Internalization Out	Internalization Total	External Trips In	External Trips Out	External Trips Total	Pass-by %	Pass-by Trips	Net Trips In	Net Trips Out	Net Trips Total
Hotel	310	57	Rooms	0.46	0.56	0.44	15	11	26	0.0%	0	0	0	15	11	26	10%	3	14	9	23
Fine Dining Restaurant	931	113	Seats	0.02	0.50	0.50	1	1	2	25.0%	0	1	1	1	0	1	44%	0	1	0	1
			Grand Totals:				16	12	28	3.6%	0	1	1	16	11	27	11%	3	15	9	24

TABLE 3 - PM Peak Hour Traffic Generation

Landuse	ITE Code	Intensity		Rate/Equation	Dir Split In	Dir Split Out	Gross Trips In	Gross Trips Out	Gross Trips Total	Internalization %	Internalization In	Internalization Out	Internalization Total	External Trips In	External Trips Out	External Trips Total	Pass-by %	Pass-by Trips	Net Trips In	Net Trips Out	Net Trips Total
Hotel	310	57	Rooms	0.59	0.51	0.49	17	17	34	0.0%	0	0	0	17	17	34	10%	3	15	16	31
Fine Dining Restaurant	931	113	Seats	0.28	0.67	0.33	21	11	32	25.0%	5	3	8	16	8	24	44%	11	9	4	13
			Grand Totals:				38	28	66	12.1%	5	3	8	33	25	58	24%	14	24	20	44

X:\Documents\PROJECTS\2022\22-173 Vineta Hotel (Chesterfield)\Traffic\Vineta_Traffic Calcs.rev2.xlsx
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THE VINETA HOTEL

11/03/22
Revised: 12/20/22

PROPOSED DEVELOPMENT

TABLE 4 - Daily Traffic Generation

Landuse	ITE Code	Intensity		Rate/Equation	Dir Split In	Dir Split Out	Gross Trips	Internalization %	Internalization Total	External Trips	Pass-by %	Pass-by Trips	Net Trips
Hotel	310	41	Rooms	7.99			328		0	328	10%	33	295
Fine Dining Restaurant	931	197	Seats	2.6			512	25.0%	128	384	44%	169	215
			Grand Totals:				**840**	**15.2%**	**128**	**712**	**28%**	**202**	**510**

TABLE 5 - AM Peak Hour Traffic Generation

Landuse	ITE Code	Intensity		Rate/Equation	Dir Split In	Dir Split Out	Gross Trips In	Gross Trips Out	Gross Trips Total	Internalization %	Internalization In	Internalization Out	Internalization Total	External Trips In	External Trips Out	External Trips Total	Pass-by %	Pass-by Trips	Net Trips In	Net Trips Out	Net Trips Total
Hotel	310	41	Rooms	0.46	0.56	0.44	11	8	19	0.0%	0	0	0	11	8	19	10%	2	10	7	17
Fine Dining Restaurant	931	197	Seats	0.02	0.50	0.50	2	2	4	25.0%	1	0	1	1	2	3	44%	1	1	1	2
			Grand Totals:				**13**	**10**	**23**	**4.3%**	**1**	**0**	**1**	**12**	**10**	**22**	**14%**	**3**	**11**	**8**	**19**

TABLE 6 - PM Peak Hour Traffic Generation

Landuse	ITE Code	Intensity		Rate/Equation	Dir Split In	Dir Split Out	Gross Trips In	Gross Trips Out	Gross Trips Total	Internalization %	Internalization In	Internalization Out	Internalization Total	External Trips In	External Trips Out	External Trips Total	Pass-by %	Pass-by Trips	Net Trips In	Net Trips Out	Net Trips Total
Hotel	310	41	Rooms	0.59	0.51	0.49	12	12	24	0.0%	0	0	0	12	12	24	10%	2	11	11	22
Fine Dining Restaurant	931	197	Seats	0.28	0.67	0.33	37	18	55	25.0%	9	5	14	28	13	41	44%	18	16	7	23
			Grand Totals:				**49**	**30**	**79**	**17.7%**	**9**	**5**	**14**	**40**	**25**	**65**	**31%**	**20**	**27**	**18**	**45**

THE VINETA HOTEL

11/03/22
Revised: 12/20/22

TABLE 7
TRAFFIC GENERATION DIFFERENCE

	DAILY	AM PEAK HOUR			PM PEAK HOUR		
		TOTAL	IN	OUT	TOTAL	IN	OUT
EXISTING DEVELOPMENT =	532	24	15	9	44	24	20
PROPOSED DEVELOPMENT =	510	19	11	8	45	27	18
DIFFERENCE =	**-22**	**-5**	**-4**	**-1**	**1**	**3**	**-2**

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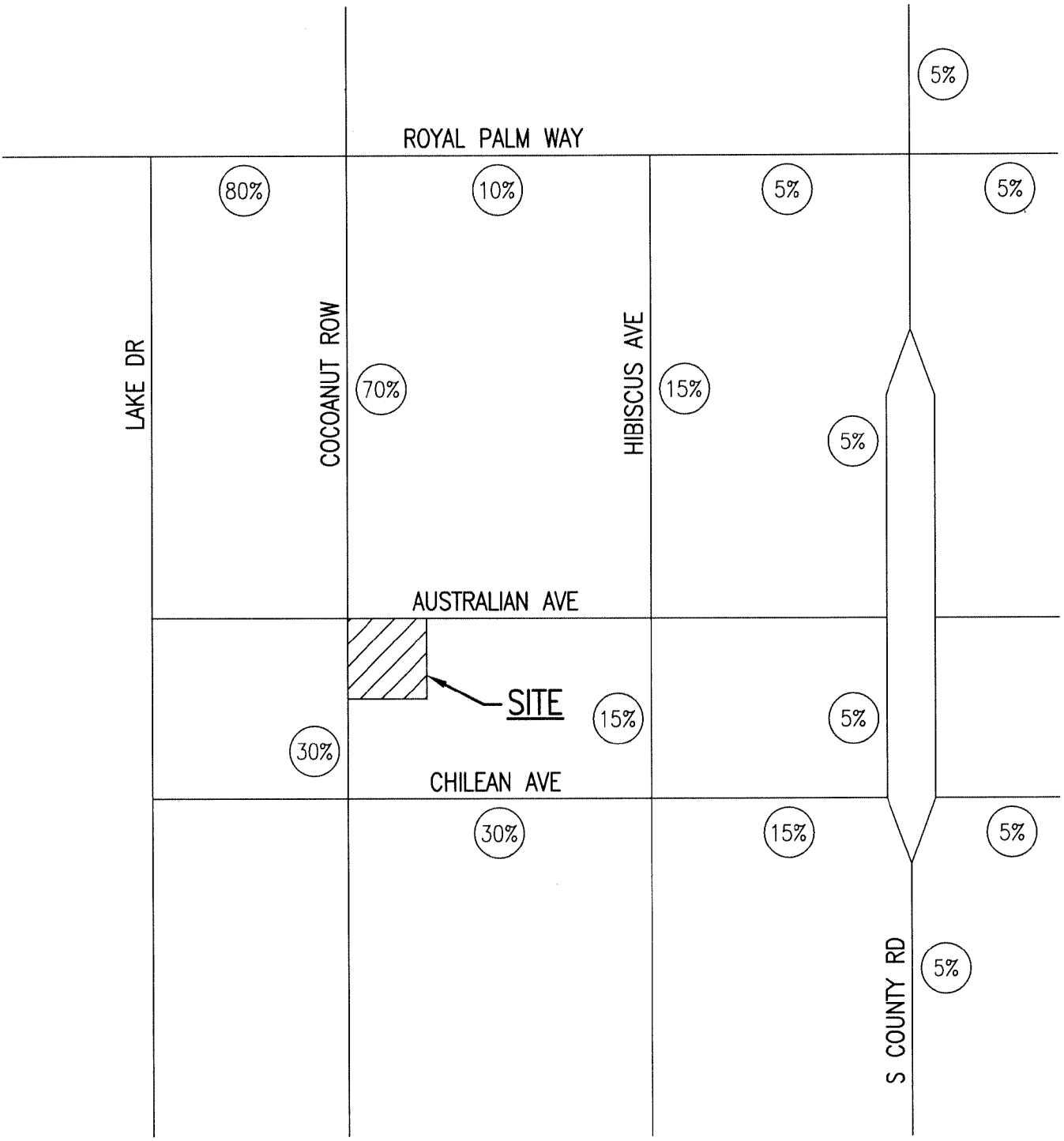


FIGURE 1
PROJECT DISTRIBUTION

LEGEND

(15%) PROJECT DISTRIBUTION

VINETA HOTEL
22-173 AL 12-20-22

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N
N.T.S.



FIGURE 2
PROJECT TURNING MOVEMENTS

LEGEND

14	A.M. PEAK HOUR TURNING MOVEMENT
(37)	P.M. PEAK HOUR TURNING MOVEMENT
712	A.A.D.T.

VINETA HOTEL
22-173 AL 12-20-22

TABLE 8
TEST 1 - PROJECT SIGNIFICANCE CALCULATION
PM PEAK HOUR

2024 BUILD OUT
DIRECTLY ACCESS LINK(S)
TOTAL PM PEAK HOUR PROJECT TRIPS (ENTERING) = 3
TOTAL PM PEAK HOUR PROJECT TRIPS (EXITING) = -2

ROADWAY	FROM	TO	PROJECT DISTRIBUTION	PM PEAK HOUR DIRECTIONAL PROJECT TRIPS	EXISTING LANES	CLASS	LOS D STANDARD*	TOTAL PROJECT IMPACT	PROJECT SIGNIFICANT
ROYAL PALM WAY	FLAGLER DRIVE	COCOANUT ROW	80%	2	4D	II	1770	0.11%	NO
ROYAL PALM WAY	COCOANUT ROW	HIBISCUS AVENUE	10%	0	4D	II	1770	0.00%	NO
ROYAL PALM WAY	HIBISCUS AVENUE	S COUNTY ROAD	5%	0	4D	II	1770	0.00%	NO
S COUNTY ROAD	ROYAL PALM WAY	AUSTRALIAN AVENUE	5%	0	4	II	1680	0.00%	NO
S COUNTY ROAD	AUSTRALIAN AVENUE	CHILEAN AVENUE	5%	0	4	II	1680	0.00%	NO
S COUNTY ROAD	CHILEAN AVENUE	WORTH AVENUE	5%	0	4	II	1680	0.00%	NO
COCOANUT ROW	ROYAL PALM WAY	AUSTRALIAN AVENUE	70%	2	2	II	810	0.25%	NO
COCOANUT ROW	AUSTRALIAN AVENUE	CHILEAN AVENUE	30%	1	2	II	810	0.12%	NO
HIBISCUS AVENUE	ROYAL PALM WAY	AUSTRALIAN AVENUE	15%	0	2	II	810	0.00%	NO
HIBISCUS AVENUE	AUSTRALIAN AVENUE	CHILEAN AVENUE	15%	0	2	II	810	0.00%	NO
CHILEAN AVENUE	S COUNTY ROAD	HIBISCUS AVENUE	15%	0	2	II	810	0.00%	NO
CHILEAN AVENUE	HIBISCUS AVENUE	COCOANUT ROW	30%	1	2	II	810	0.12%	NO

Notes:
* LOS D Standard based on the Palm Beach County Unified Land Development Code Table 12.B.2.C-1 1A: LOS "D" Link Service Volumes.

TABLE 9
TEST 2 - PROJECT SIGNIFICANCE CALCULATION
PM PEAK HOUR

2024 BUILD OUT
DIRECTLY ACCESS LINK(S)
TOTAL PM PEAK HOUR PROJECT TRIPS (ENTERING) = 3
TOTAL PM PEAK HOUR PROJECT TRIPS (EXITING) = -2

ROADWAY	FROM	TO	PM PEAK HOUR DIRECTIONAL PROJECT DISTRIBUTION	PM PEAK HOUR DIRECTIONAL PROJECT TRIPS	EXISTING LANES	CLASS	LOS E STANDARD*	TOTAL PROJECT IMPACT	PROJECT SIGNIFICANT
ROYAL PALM WAY	FLAGLER DRIVE	COCOANUT ROW	80%	2	4D	II	1870	0.11%	NO
ROYAL PALM WAY	COCOANUT ROW	HIBISCUS AVENUE	10%	0	4D	II	1870	0.00%	NO
ROYAL PALM WAY	HIBISCUS AVENUE	S COUNTY ROAD	5%	0	4D	II	1870	0.00%	NO
S COUNTY ROAD	ROYAL PALM WAY	AUSTRALIAN AVENUE	5%	0	4	II	1780	0.00%	NO
S COUNTY ROAD	AUSTRALIAN AVENUE	CHILEAN AVENUE	5%	0	4	II	1780	0.00%	NO
S COUNTY ROAD	CHILEAN AVENUE	WORTH AVENUE	5%	0	4	II	1780	0.00%	NO
COCOANUT ROW	ROYAL PALM WAY	AUSTRALIAN AVENUE	70%	2	2	II	860	0.23%	NO
COCOANUT ROW	AUSTRALIAN AVENUE	CHILEAN AVENUE	30%	1	2	II	860	0.12%	NO
HIBISCUS AVENUE	ROYAL PALM WAY	AUSTRALIAN AVENUE	15%	0	2	II	860	0.00%	NO
HIBISCUS AVENUE	AUSTRALIAN AVENUE	CHILEAN AVENUE	15%	0	2	II	860	0.00%	NO
CHILEAN AVENUE	S COUNTY ROAD	HIBISCUS AVENUE	15%	0	2	II	860	0.00%	NO
CHILEAN AVENUE	HIBISCUS AVENUE	COCOANUT ROW	30%	1	2	II	860	0.12%	NO

Notes:
* LOS E Standard based on the Palm Beach County Unified Land Development Code Table 12.B.2.C-4 2A: LOS "E" Link Service Volumes

Queuing Calculations

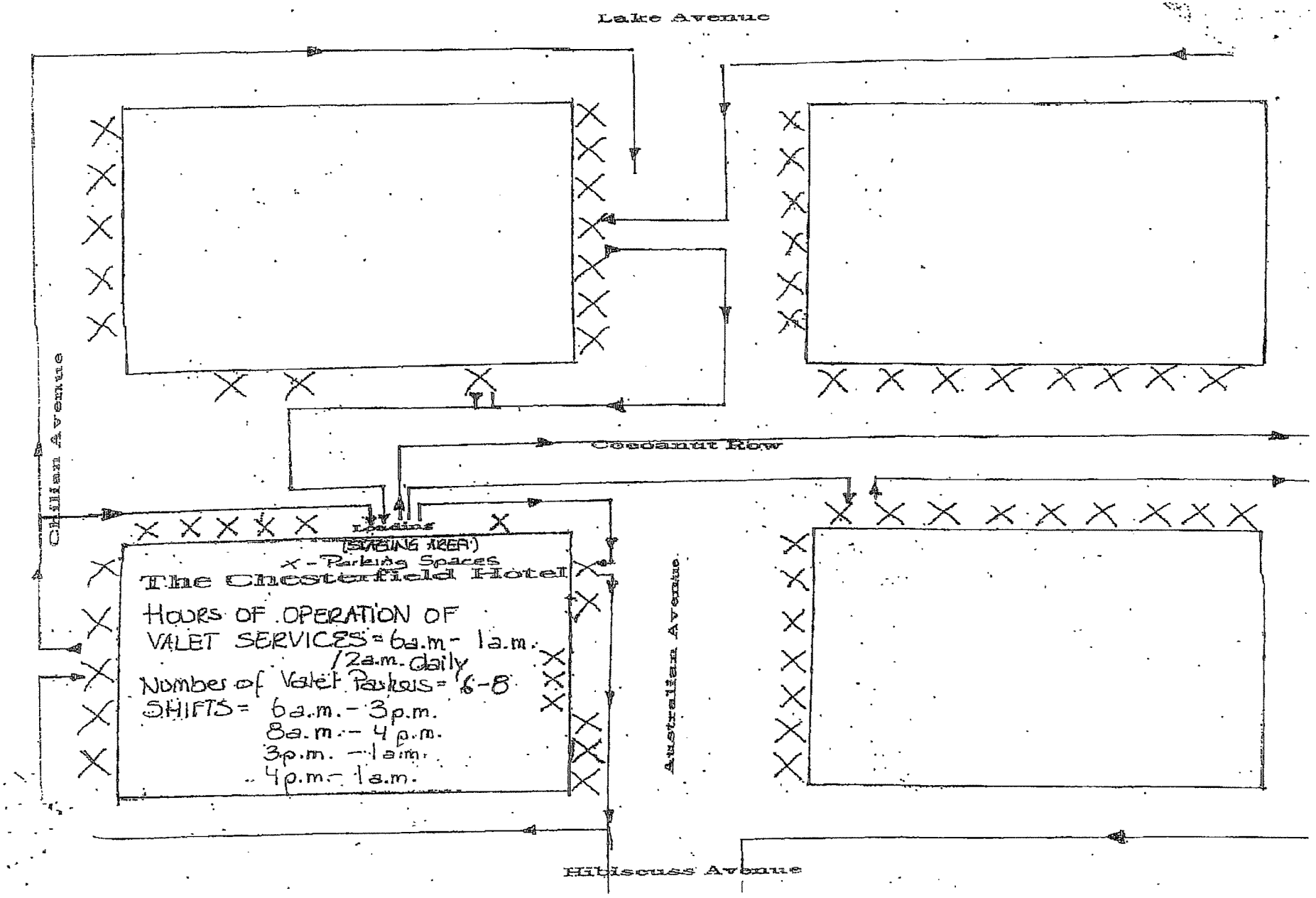
$$M = \left[\frac{\ln P(x > M) - \ln Q_M}{\ln \rho}\right] - 1$$

Q =	30	Processing rate (processes per hour)
q =	65	Demand rate (vehicles per hour)
N =	4	Service positions (attendants)
ρ =	0.542	Utilization factor (q/(NQ))
Q_m =	0.247	Table Value
M =	1.61	

	N = 1	2	3	4	6	8	10
0	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
0.1	0.1000	0.1820	0.0037	0.0080	0.0000	0.0000	0.0000
0.2	0.2000	0.0666	0.0247	0.0096	0.0015	0.0002	0.0000
0.3	0.3000	0.1385	0.0700	0.0370	0.0111	0.0036	0.0011
0.4	0.4000	0.2286	0.1411	0.0907	0.0400	0.0185	0.0088
0.5	0.5000	0.3333	0.2368	0.1739	0.0991	0.0591	0.0360
0.6	0.6000	0.4501	0.3548	0.2870	0.1965	0.1395	0.1013
0.7	0.7000	0.5766	0.4923	0.4286	0.3359	0.2706	0.2218
0.8	0.8000	0.7111	0.6472	0.5964	0.5178	0.4576	0.4093
0.9	0.9000	0.8526	0.8172	0.7878	0.7401	0.7014	0.6687
1	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000

Interpolate	X	Y
Low Number =	0.7000	0.4923
High Number =	0.8000	0.6472

THE VINETA HOTEL
SECTION 27, TOWNSHIP 43S., RANGE 43E.
TOWN OF PALM BEACH, FLORIDA
VALET CIRCULATION EXHIBIT
SIMMONS&WHITE
REVISIONS
DESIGN M.L.
DRAWN C.D.
CHECKED B.K.
APPROVED R.R.
DATE
JOB NO 22-173
DRAWING NO 2211201
SHEET 1 OF 1
CHILEAN AVE
HIBISCUS AVE
COCONUT ROW
LAKE DR
THE VINETA HOTEL
AUSTRALIAN AVE
BRAZILIAN AVE
NOTES:
VALET WILL UTILIZE AVAILABLE ON-STREET PARKING SPACES
LEGEND
VALET CIRCULATION PATH
SCALE IN FEET
1"=60'
N
LOCATION MAP
NOT TO SCALE
SITE
ROYAL PALM WAY
NORTH AVE
PERUVIAN AVE
CHILEAN AVE
AUSTRALIAN AVE
BRAZILIAN AVE
HIBISCUS AVE
COCONUT ROW
S OCEAN BLVD


Lake Avenue
Cedarnut Row
Chilian Avenue
Australian Avenue
Hibiscuss Avenue
Loading
(STAGING AREA)
x - Parking Spaces
The Chesterfield Hotel
HOURS OF OPERATION OF
VALET SERVICES = 6a.m - 1a.m.
/2a.m. daily
Number of Valet Parkers = 6-8
SHIFTS = 6a.m. - 3p.m.
8a.m. - 4p.m.
3p.m. - 1a.m.
4p.m. - 1a.m.

date:	January 26, 2023
to:	Jennifer Hofmeister-Drew, AICP, LCAM, Planner III, Town of Palm Beach
from:	Eric Czerniejewski, P.E., ENV SP
subject:	Vineta Hotel Traffic Review

MEMORANDUM

The Corradino Group, Inc (Corradino) has been requested to provide a traffic review of the Traffic Generation Statement for the Vineta Hotel development located at 363 Cocoanut Row in the Town of Palm Beach, Florida. The following are our traffic review comments based on the 01/24/23 submittal.

1. Please provide a copy of the Palm Beach County Traffic Division Traffic Performance Standard approval letter for this redevelopment. This should be added as an attachment to the updated Traffic Generation Statement.

2. Please include a copy of the Site Plan prepared by Spina Orourke and Partners, Inc. for this development as an attachment to the Traffic Generation Statement.

3. Please provide additional details in the narrative of the traffic impact statement on how the trip assignment percentages were calculated. For example, were the percentages derived using information from the current 2015/2045 Southeast Florida Regional Planning Model (SERPM) version 8.524 or other method.

4. Please include a Roadway Link Analysis Test 1 & 2 Analysis section of the Traffic Generation Statement. This narrative should reference the results as provided in Tables 8 and 9.

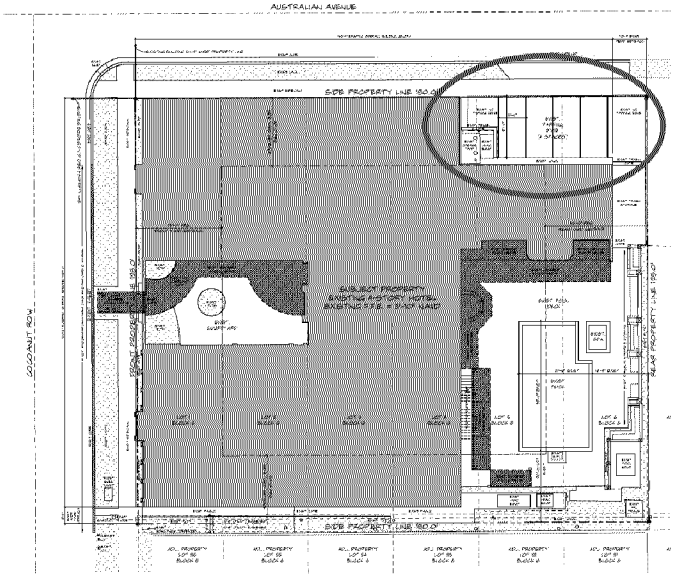
4055 NW 97TH AVENUE · SUITE 200 · MIAMI, FL 33178
TEL 800.887.5551 · 305.594.0735
FAX 305.594.0755
WWW.CORRADINO.COM

5. Please add the following road segments to Roadway Link Analysis Test 1 and 2 Tables 8 and 9:
    - Cocoanut Row- Royal Palm Way to Australian Avenue (70%)
    - Cocoanut Row- Australian Avenue to Chilean Avenue (30%)
    - Hibiscus Avenue- Royal Palm Way to Australian Avenue (15%)
    - Hibiscus Avenue- Australian Avenue to Chilean Avenue (15%)
    - Chilean Avenue- S County Road to Hibiscus Avenue (15%)
    - Chilean Avenue- Hibiscus Avenue to Cocoanut Row (30%)

6. Please update the valet circulation exhibit and include separate circulation paths for ingress and egress valet parking vehicles. I think separate colors for the valet circulation paths will provide clarity to the valet circulation exhibit.

7. Please provide additional back-up information related to the calculation of the processing rate of one vehicle per every two minutes. This should include defining all the elements and time taken for each of the drop-off operation and pick-up operation. This should include the following:
    - Exchange between valet attendant and driver/intersection delay
    - Valet attendant drives vehicle from valet drop-off/pick-up area to valet parking space
    - Valet attendant parks vehicle
    - Valet attendant retrieves vehicle
    - Valet attendant drives vehicle from parking space to valet drop-off/pick-up area
    - Exchange between valet attendant and driver/intersection delay

8. Please confirm where vehicles will be parked for the valet parking. The proposed site plan shows four surface parking spaces along Australian Avenue.



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WWW.CORRADINO.COM

9. Please add a footnote to Tables 8 and 9 that references the Table numbers from Article 12 for the LOS D and LOS E Link Service Volumes.

10. A condition of approval should be developed requiring the applicant to submit a supplemental traffic memorandum including an evaluation of the proposed valet operations by no later than six months from the date the Vineta Hotel redevelopment is fully operational. The field valet queuing study should include field data collection for two days including one weekend day during the identified peak periods. Field observations of the valet operations should be denoted and included within the supplemental traffic memorandum.

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FAX 305.594.0755
WWW.CORRADINO.COM

date:	January 30, 2023
to:	Jennifer Hofmeister-Drew, AICP, LCAM, Planner III, Town of Palm Beach
from:	Eric Czerniejewski, P.E., ENV SP
subject:	Vineta Hotel Traffic Review

MEMORANDUM

The Corradino Group, Inc (Corradino) has been requested to provide a traffic review of the Traffic Generation Statement for the Vineta Hotel development located at 363 Cocoanut Row in the Town of Palm Beach, Florida. The following are our traffic review comments based on the 01/27/23 resubmittal.

1. Please provide a copy of the Palm Beach County Traffic Division Traffic Performance Standard approval letter for this redevelopment. This should be added as an attachment to the updated Traffic Generation Statement.

   Simmons & White's 01/27/23 Response: The County TPS letter is forthcoming.

   Simmons & White's 01/30/23 Response: Attached is the TPS approval letter from PBC Traffic for the Vineta Hotel.

   TCG 01/30/23 Response: Addressed.

2. Please include a copy of the Site Plan prepared by Spina Orourke and Partners, Inc. for this development as an attachment to the Traffic Generation Statement.

   Simmons & White's 01/27/23 Response: Change made as noted.

   TCG 01/30/23 Response: Addressed.

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3. Please provide additional details in the narrative of the traffic impact statement on how the trip assignment percentages were calculated. For example, were the percentages derived using information from the current 2015/2045 Southeast Florida Regional Planning Model (SERPM) version 8.524 or other method.

   Simmons & White's 01/27/23 Response: Change made as noted.

   TCG 01/30/23 Response: Addressed.

4. Please include a Roadway Link Analysis Test 1 & 2 Analysis section of the Traffic Generation Statement. This narrative should reference the results as provided in Tables 8 and 9.

   Simmons & White's 01/27/23 Response: Change made as noted.

   TCG 01/30/23 Response: Addressed.

5. Please add the following road segments to Roadway Link Analysis Test 1 and 2 Tables 8 and 9:
   - Cocoanut Row- Royal Palm Way to Australian Avenue (70%)
   - Cocoanut Row- Australian Avenue to Chilean Avenue (30%)
   - Hibiscus Avenue- Royal Palm Way to Australian Avenue (15%)
   - Hibiscus Avenue- Australian Avenue to Chilean Avenue (15%)
   - Chilean Avenue- S County Road to Hibiscus Avenue (15%)
   - Chilean Avenue- Hibiscus Avenue to Cocoanut Row (30%)

   Simmons & White's 01/27/23 Response: Change made as noted.

   TCG 01/30/23 Response: Addressed.

6. Please update the valet circulation exhibit and include separate circulation paths for ingress and egress valet parking vehicles. I think separate colors for the valet circulation paths will provide clarity to the valet circulation exhibit.

   Simmons & White's 01/27/23 Response: Please see the revised exhibit.

   TCG 01/30/23 Response: Addressed.

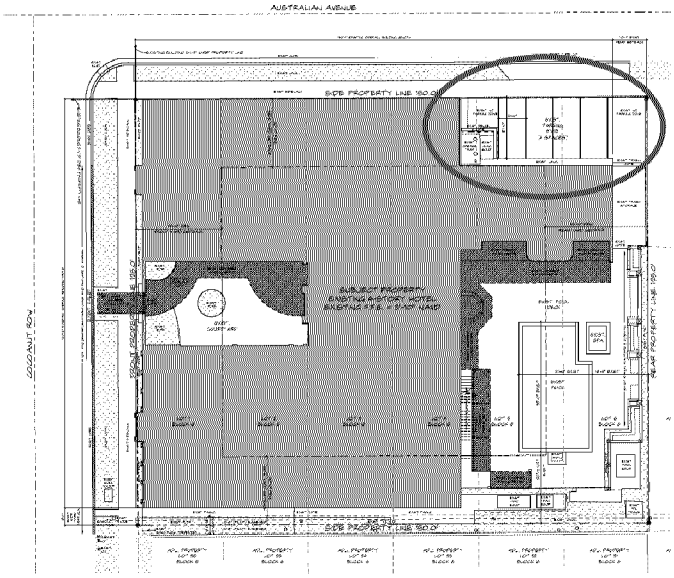
4055 NW 97TH AVENUE · SUITE 200 · MIAMI, FL 33178
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7. Please provide additional back-up information related to the calculation of the processing rate of one vehicle per every two minutes. This should include defining all the elements and time taken for each of the drop-off operation and pick-up operation. This should include the following:
    - Exchange between valet attendant and driver/intersection delay
    - Valet attendant drives vehicle from valet drop-off/pick-up area to valet parking space
    - Valet attendant parks vehicle
    - Valet attendant retrieves vehicle
    - Valet attendant drives vehicle from parking space to valet drop-off/pick-up area
    - Exchange between valet attendant and driver/intersection delay

    Simmons & White's 01/27/23 Response: Please see the revised 8.0 Queuing exhibit.

    TCG 01/30/23 Response: Addressed.

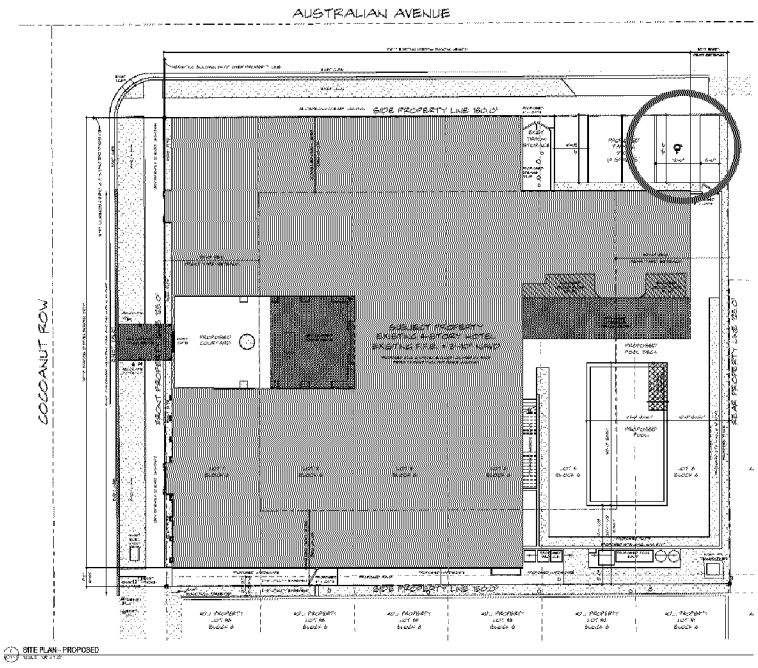
8. Please confirm where vehicles will be parked for the valet parking. The proposed site plan shows four surface parking spaces along Australian Avenue.



    Simmons & White's 01/27/23 Response: Change made as noted.

    TCG 01/30/23 Response: Addressed. Please update the architectural plans to make sure that the ADA spaces are oriented appropriately per the typical handicap space detail.

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FAX 305.594.0755
WWW.CORRADINO.COM



9. Please add a footnote to Tables 8 and 9 that references the Table numbers from Article 12 for the LOS D and LOS E Link Service Volumes.

   Simmons & White's 01/27/23 Response: Change made as noted.

   TCG 01/30/23 Response: Addressed.

10. A condition of approval should be developed requiring the applicant to submit a supplemental traffic memorandum including an evaluation of the proposed valet operations by no later than six months from the date the Vineta Hotel redevelopment is fully operational. The field valet queuing study should include field data collection for two days including one weekend day during the identified peak periods. Field observations of the valet operations should be denoted and included within the supplemental traffic memorandum.

    Simmons & White's 01/27/23 Response: Comment Noted.

    TCG 01/30/23 Response: Addressed.

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TEL 800.887.5551 · 305.594.0735
FAX 305.594.0755
WWW.CORRADINO.COM

January 10, 2023

Dear Mayor and Town Council:

A Certificate of Appropriateness and Zoning application for the former Chesterfield Hotel is scheduled to be heard next Wednesday, January 18th at the Landmarks Preservation Commission. I'm not against the rehabilitation of this iconic building but I'm concerned because the application was allowed to move forward in the face of several major zoning and code issues. As a property owner within the cone of notification, I'm requesting that the hearing be postponed until the following issues are addressed:

LPC NOTICE

1) The LPC Notice contains a summary highlighting the reconstruction of historic door and window locations, landscape changes, roof top mechanical and the reduction in hotel rooms, but fails to identify a massive 75% increase to the restaurant and the addition of 25' wide nano wall between the pool and a second bar area. The absence of these two important details may disenfranchise residents as both could have detrimental impacts to residents' quality of life. The extra 84 seats and open lounge area would be the main concerns and must be part of this top line summary.
2) The Notice also justifies the additional restaurant seats by weighing them against the reduction in rooms, but this analysis is flawed since the code only counts off-street parking spaces in these types of tradeoffs and not on-street parking. The application fails to provide concurrency. Any changes to the existing hotel/restaurant composition would force a Chapter 30 review and include parking and traffic studies to ensure no adverse effects prior to the application being accepted by the town. The LPC Notice actually states that the "Granting of variances will not be contrary to the public's interest because no impact to the neighbors will result. In fact, the almost 30% reduction in rooms will decrease impacts such as parking". How can this be stated without the Chapter 30 review?

VALET PARKING

3) The current Revocable Valet Parking Permit was renewed on October 10, 2022, but how can a valet permit be valid when the business is closed? This permit seems to be part and parcel to this application and no reference is made in any of the applications.
4) I maintain that the valet permit is obsolete as the parking spaces identified for use within the residential areas adjacent to the hotel, are not fully available since they are within the Residential Parking Program currently in place. Actually only 58 parking spaces are available with the current permit map. If you add the parking spaces required for the current 57 rooms and 113 seat restaurant, the code requires a total of 138 off-street spaces, so even if on-street is substituted for the required off-street spaces, we are already short 80 before making any changes. The parking spaces

allocated are shared spaces, so are not always available. This must be resolved before any changes to use can be contemplated and would be part of the Chapter 30 review.

ROOF TOP ROOMS

5) There are two guest rooms on the 4th floor. According to town staff, they do not meet egress and by definition would be illegal. These illegal units are part of the plans, but they will require a variance and should be incorporated into the notice so the public is aware.

Sincerely,



John David Corey
426 Australian Ave
Palm Beach

TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

NOTICE

LANDMARKS PRESERVATION COMMISSION

NOTICE IS HEREBY GIVEN to all property owners within 1000' of the subject property that the LANDMARKS PRESERVATION COMMISSION of the Town of Palm Beach will hold a public meeting on **Wednesday, January 18, 2023 at 9:30 a.m.** in the Town Council Chambers, Town Hall, 2nd Floor, 360 South County Road, Palm Beach, Florida 33480. At this meeting, the Commission will review the following project:

COA-23-002 (ZON-23-019) 363 COCOANUT ROW—THE VINETA HOTEL (COMBO).
The applicant, 363 Cocoanut Row Popco LLC, has filed an application requesting a Certificate of Appropriateness for the review and approval of the interior and exterior renovation of an existing Landmarked four-story hotel structure including alterations to the façades, a reduction of rooms from 57 keys to 41, the reconstruction of historic door and window locations and associated hardscape/landscape and rooftop projections requiring height variances for rooftop allowances. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

This application has been filed with the Planning, Zoning, and Building Department for review by the Landmarks Preservation Commission, and will be considered pursuant to the Commission's authority under Town of Palm Beach Code.

The time listed above indicates the start of the Landmarks Preservation Commission meeting only, it does not intend to reflect the actual time any item will be heard or the order in which the matter will be arranged with the other items on the agenda. Any of the above items may be deferred and, under such circumstances, additional legal notice would not be provided. Any person may contact the Department at (561)-838-5431 for information as to the status of this item as a result of any action at the meeting.

All interested persons may appear and be heard at said Public Hearing and may likewise submit written statements prior to and at said Public Hearing and such shall be made part of the record of such proceedings. These applications and plans are on file in the Planning, Zoning & Building Department, 360 South County Road, Palm Beach, and are available for view between 8:30 a.m. and 4:30 p.m. Monday through Friday, or may also be available for viewing digitally at: **https://www.townofpalmbeach.com/676/Development-Review-Applications**

Pursuant to Section 286.0105, Fla. Stat., the Town hereby advises the public that: If any person decides to appeal any decision made by the Landmarks Preservation Commission with respect to any matter considered at its meeting or hearing, such person will 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. This notice does not constitute consent by the Town for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In Accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the Town Manager's Office, at (561) 838-5410 for assistance, no later than five (5) days prior to the proceeding. If hearing impaired, telephone the Florida Relay Service Numbers, (800) 955-8771 (TDD) or (800) 955-8770 (Voice), for assistance.

NOTIFICATION TO SURROUNDING PROPERTIES OF PENDING APPLICATION

1. Section 134-226, 134-227 and 134-326. Special exception and site plan approval to permit the following non-conforming uses: hotel with reduction of rooms from 57 to 41; restaurant, nightclub and swimming pool with 197 combined seats.

2. Section 134-2106. Special exception to permit outdoor café seating.

3. Section 134-948(8)(d): A variance for new construction of an elevator bulkhead on an existing nonconforming fourth floor in lieu of the 2 stories maximum allowed. This variance request is referred to as Variance #1.

4. Section 134-948(8)(d) and (e): A variance to allow new construction of a covered trellis on an existing nonconforming third floor with a building height & overall building height of 33'0" in lieu of 23'6" maximum height and 26'6" maximum building height permitted. This variance request is referred to as Variance #2.

5. Section 134-1607(1). A variance to permit the installation five air conditioning units on the roof at a height of 9' above the maximum height permitted in lieu of 4' maximum height permitted for air conditioning units. This variance request is referred to as Variance #3.

6. Section 1607(1). A variance to permit two air conditioning scrubber exhaust mechanisms at a height of 7' in lieu of 3'maximum permitted. This variance request is referred to as Variance #4.

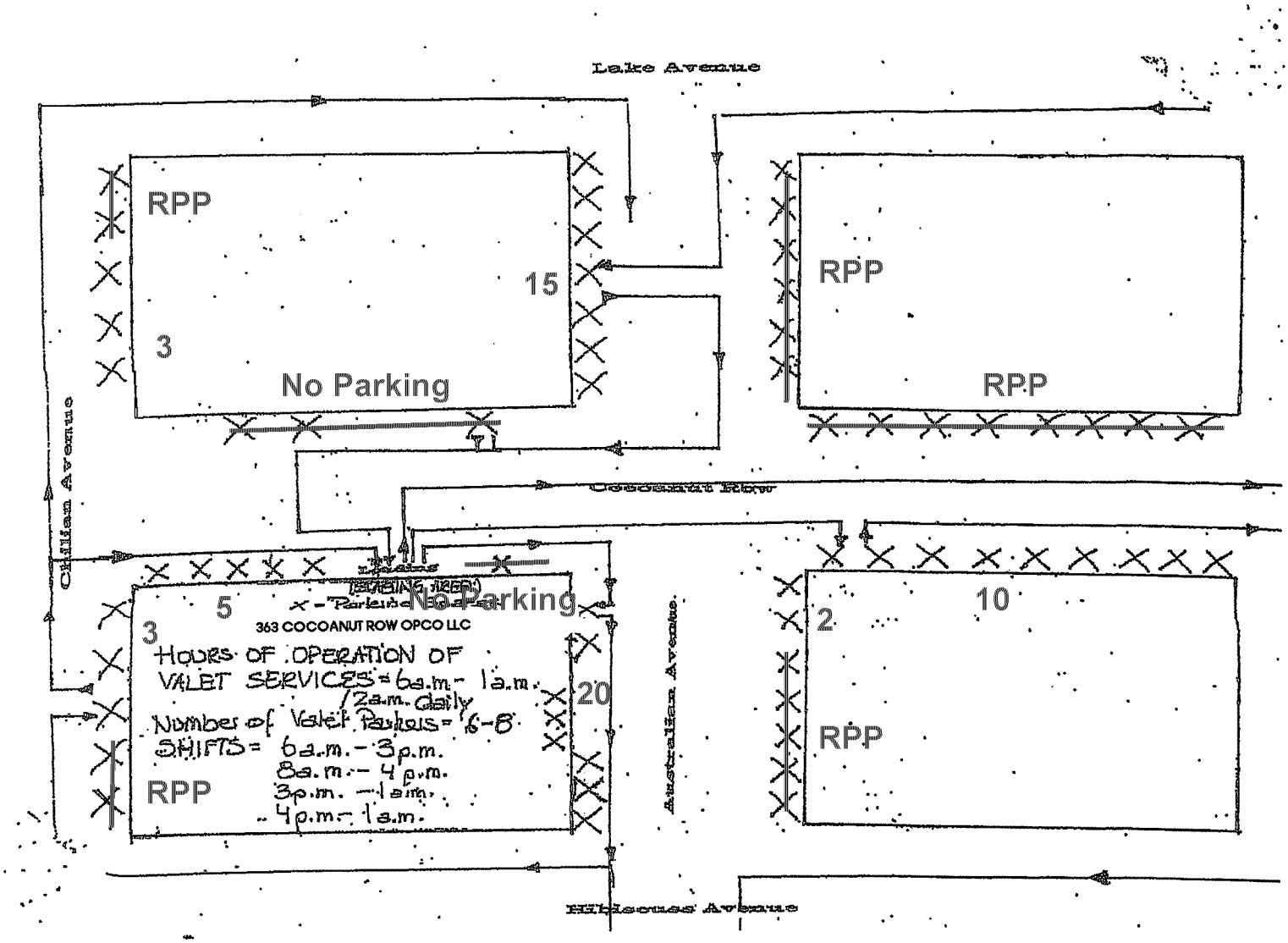
7. Section 134-201(a)(6) and 134-387. A variance to permit the expansion of the restaurant, nightclub and pool area uses with 197 combined seats. Originally, 113 seats were permitted for the dining room use. Additional seats do not require parking as a result of credit for the elimination of 16 hotel rooms. This variance request is referred to as Variance #5.

The special exception should be granted because all of the requested uses are grandfathered due to continuous use in the same manner for many, many years in this landmarked hotel. Section 134-386 of the Zoning Code specifically permits the continuation of such uses.

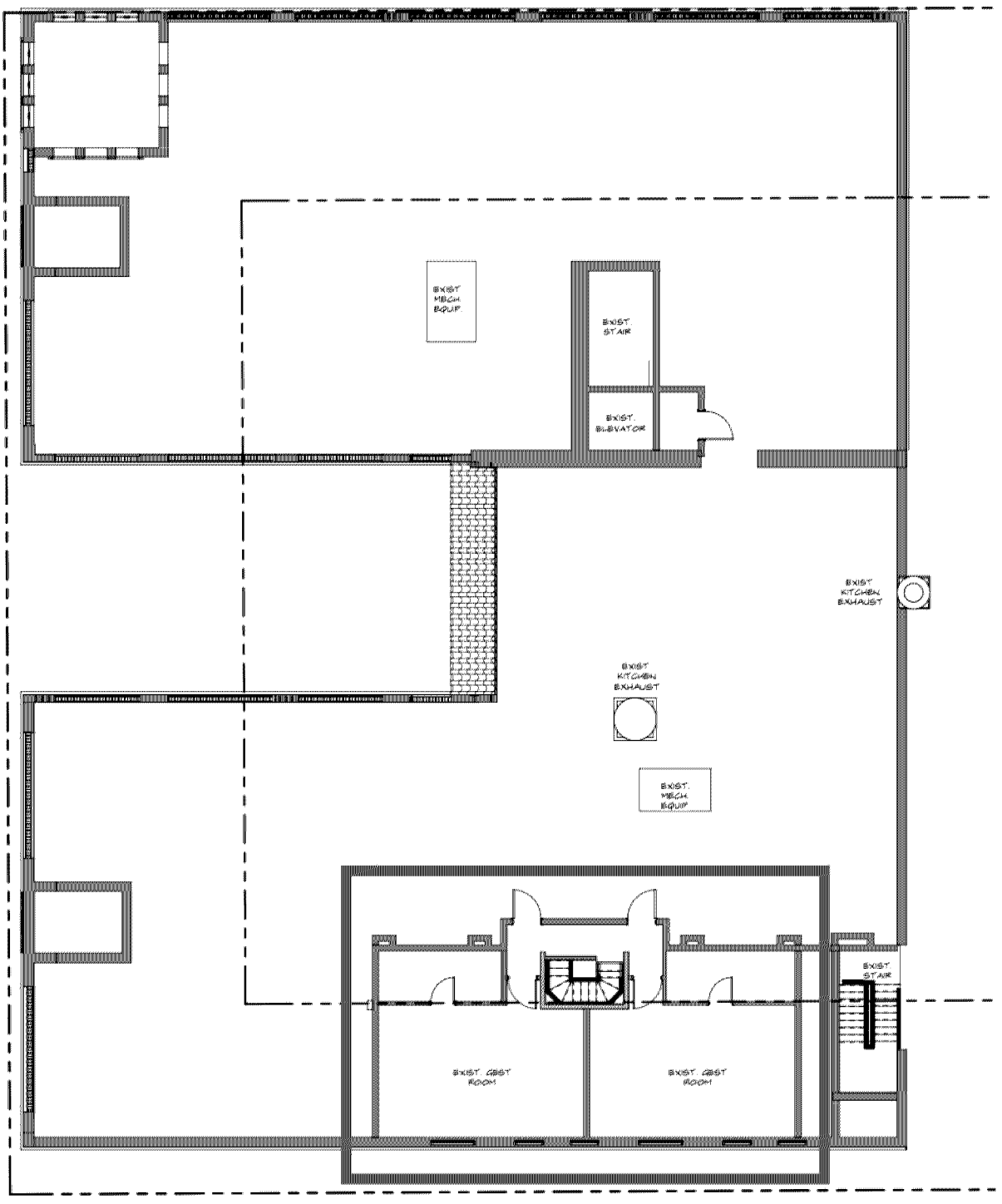
The site plan should be approved because the intensity of use is not being increased and the number of rooms is being decreased from 57 to 41. No negative impact will result.

The hardship that runs with the property is that the current hotel is a Town and federally landmarked building first constructed in 1918. The use is not permitted by right or by special exception in the R-C zoning district, so it is virtually impossible to renovate and enhance the hotel, which is in great need of renovation, restoration and enhancement, without the need to obtain variances. Quite simply, the zoning code for the R-C zoning district was not drafted to apply to a hotel. The Applicant proposes to actually reduce the number of hotel rooms, which will reduce the impact on the surrounding neighborhood and on required Town services.

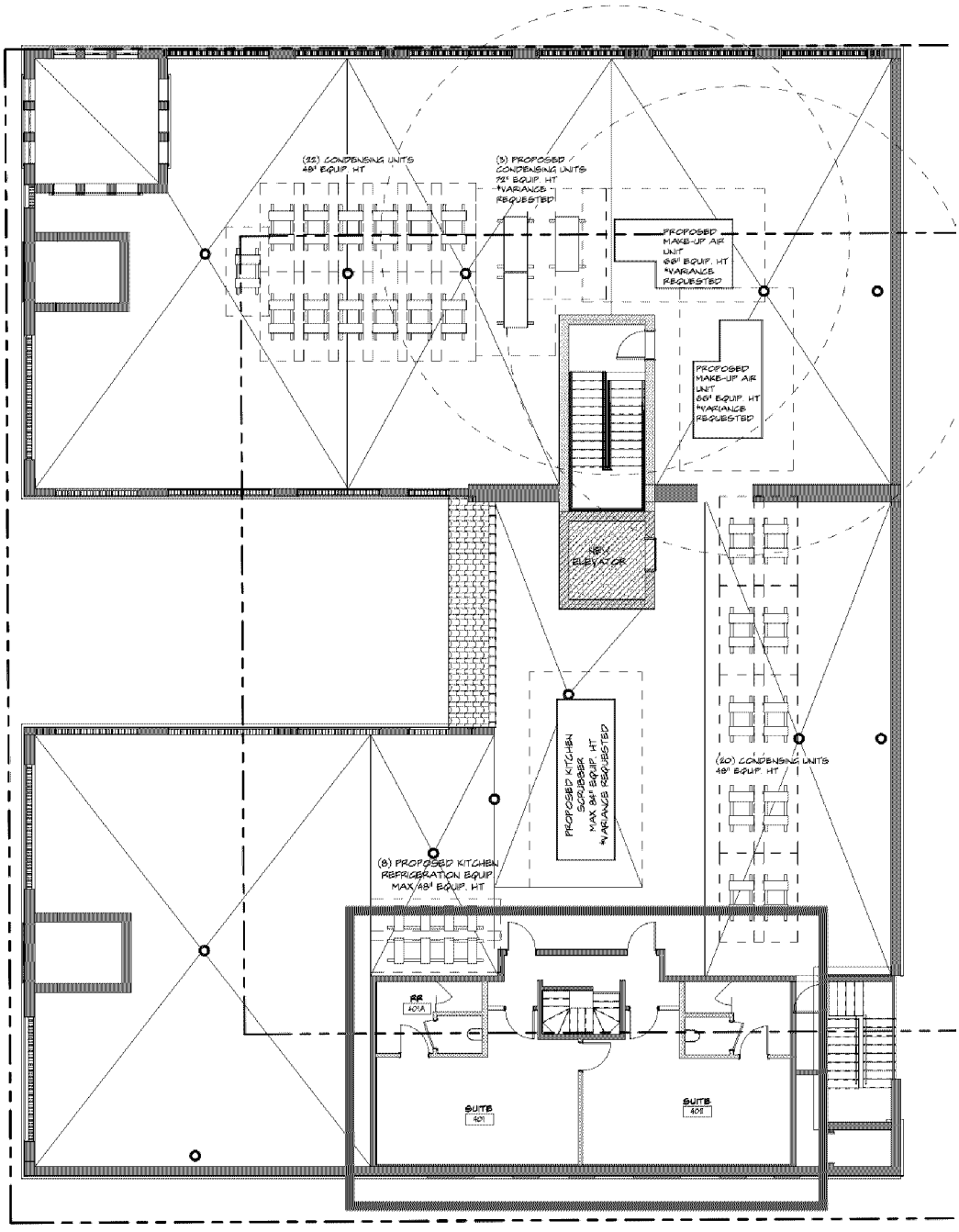
Granting of the variances will not be contrary to the public's interest because no negative impact to the neighbors will result. In fact, the almost 30% reduction in the number of rooms will decrease impacts such as parking. The zoning code requirements related to the proposed location of air



- 58 Total 2 Hour On Street Spaces in current valet area
- Hotel/Restaurant/Bar needs 138 Off Street Spaces
- 80 Spaces missing



1 AC-2.4 **Existing Fourth Floor & Roof Plan**
SCALE: 1/8" = 1'-0"



1 AC-2.4.3 **Proposed Fourth Floor & Roof Plan**
SCALE: 1/8" = 1'-0"

From:	Marsha Wilson
To:	Antonette Fabrizi; Sarah Pardue; Jordan Hodges
Cc:	Beverly wilbur; Patricia Bray; Forster Darling; Phoebe Patterson; Rick Hallett
Subject:	Renovation of the Vineta Hotel
Date:	Friday, January 06, 2023 1:21:20 PM

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

Good Afternoon Antonette, Sarah and Jordan,

Would you please circulate this email to members of the Town Council and Landmarks Commission?

Thank you very much,

Marsha Wilson

Dear Mayor and Town Council Members,

La Maisonette is a four-unit condominium directly across from the proposed Vineta Hotel at 350 Coconaut Row. While many specific issues have been voiced by other neighbors, we would like to register our concern and ask the Town to step back and take a more detailed review. On its face, this is not merely replacing one hotel with another, but rather an intensification leading to increased pressure on parking by valets due to additional restaurant seats, higher traffic volume within neighboring streets and greater noise from A/C equipment.

Thank you for this opportunity to express our views.

Respectfully yours,

Marsha Tanner Wilson
President, Board of Directors

From: Warren Kanders
To: Antonette Fabrizi
Subject: The Vineta-ZON-23-019
Date: Wednesday, February 01, 2023 12:11:01 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Members of the ARCOM Committee,

I am writing to support the application of The Vineta hotel. As a full-time resident of Palm Beach with residences at 309 Garden Road and 325 Via Linda, I am encouraged by the design and sensitivity of their approach to this welcome and important renovation. Additionally, I previously owned a hotel in ST Barths which was expertly managed by the Oetker Group. I could not recommend them more highly.

Respectfully,

Warren B. Kanders

Kanders & Company, Inc.
250 Royal Palm Way
Palm Beach, Florida 33480

Sent from my iPhone
Please excuse any typos or improper dictation

From: Kent, Jorie Butler <joriebkent@abercrombiekent.com>
Sent: Tuesday, January 17, 2023 5:59:15 PM
To: Antonette Fabrizi <afabrizi@TownOfPalmBeach.com>
Subject: Chesterfield Hotel/The Vineta

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

Dear Esteemed Landmarks Commission Members,

It is with much gratitude that I acknowledge all of your efforts for the residents of Palm Beach. I would like to express my concerns regarding the redevelopment of the Chesterfield Hotel into The Vineta. As an owner who shares a property line with the aforementioned business, I am extremely troubled concerning the potential noise, odors, and parking issues that would be created by the requested changes to the property. The intensification of use will not only affect my property but also those nearby and could potentially lower the value of our properties. Please do consider denying requested increases in seating capacity, additional pool bars and lounges, and any outdoor equipment which would affect my, and surrounding neighbors, rights to quiet enjoyment of our residences. The responsible redevelopment of the Chesterfield Hotel can, and should, occur without a negative impact on the surrounding homes and residential area.

Sincerely,

Jorie Butler Kent

From: lynn foster <lynnafoster@gmail.com>
Sent: Thursday, January 5, 2023 2:47:46 PM
To: Antonette Fabrizi <afabrizi@TownOfPalmBeach.com>; Sarah Pardue <spardue@TownOfPalmBeach.com>; Jordan Hodges <jhodges@TownOfPalmBeach.com>
Subject: Renovation of the Vineta Hotel

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*******

Good Afternoon Antonette, Sarah and Jordan

Would you please circulate this email to members of the Town Council and Landmarks Commission.

Thank you very much,

Lynn Foster

Dear Members of the Landmarks Commission and the Town Council,

The former Chesterfield Hotel was a wonderful neighborhood resource where many of us gathered, enjoyed a cocktail or dinner, and basked in its warm, tropical ambiance. Before moving to Palm Beach in 2011, it was my hotel of choice - friendly, warm, quiet and inviting, yet within walking distance of the more active parts of town. As a Palm Beach icon, the Town Council, Landmarks Commission and the neighborhood are all keenly interested in how the Vineta will be developed in hopes that it will retain the character which we all value so dearly.

The hotel's neighbors recently received a Letter of Intent from the owners to be reviewed by both the Town Council and the Landmarks Commission. Although surprised that the new owners did not reach out in advance to the neighborhood seeking input as to effective ways of working together to ensure success - input which might have clarified or put into context certain statements in the Letter of Intent - this email seeks to identify some of the issues below which should be addressed. It references both the Letter of Intent and pages 23 and 25 of the architectural plans for the proposed renovation found in the link below and dated October 24, 2022.

The Letter of Intent provided by the applicant unfairly asserts that *"Granting of the variances will not be contrary to the public's interest because no negative impact to the neighbors will result. In fact, the almost 30% reduction in the number of rooms will decrease impacts such as parking."* Decreasing the impact to the neighborhood is simply not demonstrable, nor can a relevant correlation be drawn between the reduction by 16 bedrooms to the increased intensification of pressure on neighborhood parking, noise and disruption by increasing the seat count of the

restaurants and nightclub by 84 seats - from 113 - 197.

The architectural plan represents the applicant's intent to reimagine the purpose of the hotel. The entrance has been shifted. Entrance to the Vineta "hotel" is to the side of the existing primary entrance and leads to a cramped lobby - only a nod to its function as a hotel. The original entrance through a charming landscaped corridor will now become the principal entrance, opening directly into the restaurant, nightclub and bar venues. The Vineta will be transformed from a unique boutique hotel in a residential neighborhood primary to restaurant, bar and nightclub with prominent direct access from the street.

To quantify the increased intensification of pressure on neighborhood parking and traffic by the increase of 84 seats, consider this example. Assume that the additional 84 seats are managed to full capacity. This would equate to two restaurant "turns" a night during season, yielding 168 additional turns. If one projects that turns from the lounges are more frequent, adding another 32 turns is not unrealistic. These 200 additional turns mean that a valet will be doing 200 additional round trips a night (one to park and one to retrieve a car). So there will be 400 comings and goings per night without adjusting for increased pressure on the weekend resulting from multiple turns on brunch services. This is hardly a "*decrease* (on) *impacts such as parking*."

I propose that the Town Council and Landmarks consider requiring the following:
1. That the existing ground floor plan (page 23) reflect the exact location of the existing 113 restaurant & lounge seats.
With that information, the impact of the proposed 197 seats - shown on page 25, can be better contrasted to the former allowances.
2. That a thorough study of the parking regulations of the streets adjacent to the Vineta be produced. This study should identify the parking available
for valet use within the 200-400 blocks of the adjacent streets during which times, and on which days.

3. That the applicant provide a parking plan within the neighborhood for the additional restaurant and lounge utilization.
Absorbing the additional parking requirements proposed by an increase of 84 seats of capacity has not been addressed in the Letter of Intent.
4. That an environmental impact study be prepared comparing the effects of increased hotel height to the neighboring buildings, and that a study
be done contrasting the existing (former) sound levels of the HVAC equipment to that proposed.
5. That the Town negotiate with the applicant rules governing noise and amplified music from the restaurant and lounge venues and confirm plans to strictly
enforce them once the hotel reopens.
6. That a projected P & L statement be provided comparing existing to proposed tax revenue to the Town. An economic justification should
be secondary to any adverse effects upon the neighborhood.

https://www.townofpalmbeach.com/DocumentCenter/View/20185/COA-23-002-ZON-23-019-363-COCOANUT-ROW_PLANS-_DROP-OFF_JAN23

I thank you very much for your consideration of all of these points of concern. Resolving these issues in advance will help the project to succeed.

Sincerely yours,

Lynn Foster
424 Brazilian Avenue

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-027 (ARC-23-012) 206 CARIBBEAN RD (COMBO)—SITE PLAN REVIEW. The applicant, 206 Caribbean LLC (Robert Frisbie, has filed an application requesting site plan review from the Town Council for construction of a new two-story single-family on an existing lot that is deficient in minimum required lot width and lot area in the R-B zoning district. The Architectural Commission shall perform design review of the application. ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Architectural Review.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-028 (ARC-23-013) 177 CLARKE AVE. (COMBO)—VARIANCES.

The applicants, James Coleman Baker and Veronica Chen Baker, have filed an application requesting Town Council review and approval of variances including (1) Cubic Content Ratio, (2-4) to vest existing rear and side setback encroachments due to the demolition of more than 50% of the building, and (5) to allow a two-story accessory structure in support of the construction of a new two-story residence, alterations to an existing garage structure and landscape and hardscape improvements. The Architectural commission will review the design review component of the application. ***[This project shall be deferred to the March 8, 2023, Town Council meeting pending Architectural Review.]***

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-030 (COA-23-006) 130 BRAZILIAN AVE (COMBO)—VARIANCES. The applicant, 145 Clarendon LLC, has filed an application requesting Town Council review and approval for a Variance (1) to reduce the required side setback for the installation of new ground floor awning on an existing Landmarked structure. The Landmarks Preservation Commission will perform the design review. *[The Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause a negative architectural impact to the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved this project as proposed. Carried 7-0.]*

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Plans**

TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-23-030 (COA-23-006) 130 BRAZILIAN AVE (COMBO)

MEETING: FEBRUARY 15, 2023

ZON-23-030 (COA-23-006) 130 BRAZILIAN AVE (COMBO)—VARIANCES. The applicant, 145 Clarendon LLC, has filed an application requesting Town Council review and approval for a Variance (1) to reduce the required side setback for the installation of new ground floor awning on an existing Landmarked structure. The Landmarks Preservation Commission will perform the design review.

LPC NOTICE
COA-23-006 (ZON-23-030) 130 BRAZILIAN AVE (COMBO). The applicant, 145 Clarendon LLC, has filed an application requesting a Certificate of Appropriateness for the installation of new awning in an interior courtyard of an existing Landmarked structure including a variance from the side setback requirements. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: 145 Clarendon LLC
Professional: SKA Architect + Planner (Jackie Albarron)
Representative: Maura Ziska, Esq.

THE PROJECT:
The applicant has submitted plans, entitled "Wheat Residence", as prepared by **SKA Architect + Planner**, dated December 08, 2022.

The following is the scope of work for the project:

- Installation of a new awning in the inner courtyard (rear of house) to match style, color, and material of awning at front of residence including a side setback variance.

The following Variances are being requested for the project:

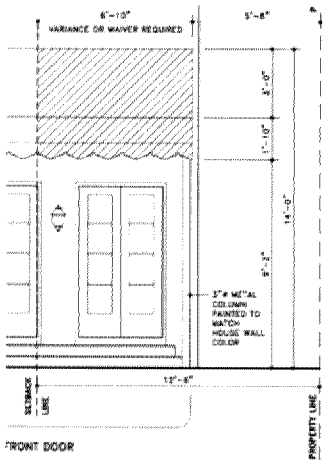
- **Variance 1:** Section 134-893 (7): Request for a Variance to add a 360 square foot fabric awning to the interior courtyard with a 5.66' east side yard setback in lieu of the 12.5 minimum required in the R-B Zoning District.

Site Data

Zoning District	R-B	**Lot Size (SF)**	12,840 SFSF
Future Land Use	SINGLE FAMILY	**Designated:**	01/09/96
Architect	Unknown	**Year Constructed**	1925
Lot Coverage	Existing: 23.43% Proposed: 26.24% Permitted: 30%	**Side Setback**	Existing: 5.4' Proposed: 5.4' | 5.66' awning Permitted: 12.5' ***Variance requested***
Surrounding Properties			
North	1986 Two-story residence / R-B		
South	2006 Two-story residence / R-B		
East	1926 Three-story residence / R-B		
West	2004 Two-story residence / R-B		

STAFF ANALYSIS

The project is the addition of a 360 SF awning at the ground floor to the rear of the existing two-story Landmarked residence. The residence built in 1925 has an existing nonconforming side setback of 5'-4".



The installation, as proposed, will require variance relief side yard setback of 6'-10" in lieu of the 12'-6" minimum required, for a structure. The awning proposed is a solid beige design with a scalloped edge to match the awning over the front entry. The proposed awning will not have a negative impact on the landmarked property and could be removed in the future. As it pertains to the variance request, the Code does not distinguish between the principal structure or the awning in determining setback requirements. The applicants have submitted a Letter of Intent outlining the justification for the variance requests. The proposed awning is in the rear pool courtyard and is necessary to provide shade on the pool deck and will be located over an existing door.

Variance Request

The following Variances required to complete the project, and shall be reviewed by Town Council:

Code section	Required	Proposed	Variance
Section 134-893 (7) Variance for a reduced side setback	*12'-6"*	*5-8"*	*6'-10"*

The new awning is being installed at the rear of the structure and will not be visible from the street or from neighbors.

WRB:JGM

RECEIVED
By elyn at 3:43 pm, Dec 08, 2022

SKA

SKA
Architect + Planner

RE: ARC-23-006 ZON-23-030
130 Brazilian Avenue
Palm Beach, FL 33480

December 9, 2022

We are pleased to present the first submittal of the accompanying drawings for our project at 130 Brazilian Ave in Palm Beach. We are requesting the following:

We are proposing to install a new awning in the inner courtyard (in the rear of the main house) to match the existing material, color and detailing of the front entry awning.

We believe the project complies with Sections 54-122 and 54-123 of the Landmark code, specifically:

1. The new awning will not cause any alterations to the architectural quality or historical character of the existing residence and will be visually compatible with it.
2. The new awning will give visual relief from the existing two-story high wall facing the pool.
3. The material, edge design and color of the new awning will match the existing awning on the entry of the north façade, the color of which is compatible with the wall color of the house.
4. The new awning is being installed at the rear of the structure and will not be visible from the street or from neighbors.

Section 134-893 (7): Request for a Variance to add a 360 square foot fabric awning to the interior courtyard with a 5.66 foot East side yard setback in lieu of the 12.5 minimum required in the R-B Zoning District.

Criteria for Section 134-201 Variances:

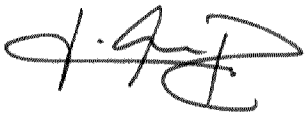
1. The property is located in the R-B Zoning District and is a Town of Palm Beach Historic Landmark that was built in 192 5. A delicate approach needs to be taken when renovating a Landmark to bring it up to today's living standards.
2. The applicant was not the cause of the special conditions of the property or residence, as the characteristics of the residence and land have been in existence since the house was designed and built in1925.
3. The granting of the variance will not confer on the applicant a special privilege. There are other properties in the neighborhood with non-conforming setbacks as many of the residences were constructed prior to today's zoning code requirements and are Town of Palm Beach Historic Landmarks.
4. The hardship for the side yard setback, which runs with the land, is that the residence was built in 1925 and is a Historic Landmark in the Town of Palm Beach, which cannot be demolished and needs a delicate approach when renovating. The proposed awning is in the rear pool courtyard and is necessary to provide shade on the pool deck.

SKA

SKA
Architect + Planner

5. The variance requested is the minimum necessary to make reasonable use of the land in order to construct an awning in the rear.
6. Granting the variance will not be injurious to the neighborhood as the proposed awning is in the rear of the property and will not be seen from the street.

Sincerely,



Jacqueline Albarran, Architect P.A.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda

Development Review - New Business

Agenda Title

ZON-23-035 340 ROYAL POINCIANA WAY, STE M337 – STE M345—SPECIAL EXCEPTION WITH SITE PLAN REVIEW. The applicant, Marissa Collections of Palm Beach, Inc. (Jay Hartington, CEO), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to increase the retail gross leasable square footage in excess of the 3,000 SF permitted by right in the C-PC Planned Center District and assignment by the Town Council of two vested parking spaces reserved pursuant to the Amended and Restated 1979 Agreement governing development at the property.

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**
- **Letter of Intent**
- **Plans**

TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-23-035 340 ROYAL POINCIANA WAY STE 337 345

MEETING: FEBRUARY 15, 2023

ZON-23-035 340 ROYAL POINCIANA WAY, STE M337 – STE M345—SPECIAL EXCEPTION WITH SITE PLAN REVIEW. The applicant, Marissa Collections of Palm Beach, Inc. (Jay Hartington, CEO), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to increase the retail gross leasable square footage in excess of the 3,000 SF permitted by right in the C-PC Planned Center District and assignment by the Town Council of two vested parking spaces reserved pursuant to the Amended and Restated 1979 Agreement governing development at the property.

Applicant:	Marissa Collections of Palm Beach
Professional:	Keith Spina / Spina Orourke + Partners
Representative:	James M. Crowley, Esq.

HISTORY:
The Royal Poinciana Playhouse was constructed in 1957. Building permits indicate that the Playhouse has had maintenance work, exterior alterations, and additions over the years, but has not been severely altered since construction in 1957. The building has been vacant since 2004 and is in need of full interior and exterior rehabilitation.

At the February 16, 2022 Landmarks Preservation Commission an application was approved for the construction of substantial site and architectural improvements including new one- and two-story additions to an existing two-story landmarked playhouse building including variances, pursuant to COA-22-003. The project continued on to Town Council at the March 09, 2022 meeting for review (and where it was approved) for Special Exceptions, Site Plan Review and 11 variances and was approved pursuant to ZON-22-018

THE PROJECT:
The applicant has submitted plans, entitled " MARISSA COLLECTIONS THE ROYAL POINCIANA PLAZA", as prepared by **Spina Orourke + Partners**, dated SECOND SUBMITTAL 12-27-2022.

The applicants are proposing the following scope of work at the property:

- To convert 4,015 SF of second floor office area into expanded second-floor retail space for the existing ground floor retail space Marissa Collections.
- Architectural changes to be reviewed at the LPC administrative review.

The following Special Exceptions with Site Plan Review is required for completion of the project as presented:

- **SPECIAL EXCEPTION: Sec. 134-1259(a)(11):** A special exception to increase the Gross Leasable Area (GLA) of Marissa Collections from previously approved 3,040 SF to 7,519 SF in excess of the 3,000 SF GLA allowed by right.

<table>
<tr><th colspan="4">Site Data</th></tr>
<tr><td>Zoning District</td><td>C-PC Planned Center</td><td>Lot Size (SF)</td><td>512,726 SF</td></tr>
<tr><td>Future Land Use</td><td>Commercial</td><td>Flood Zone</td><td>AE 6' NAVD</td></tr>
<tr><td>Finished Floor Elevation</td><td>5.5' NAVD</td><td>Designated Landmark</td><td>11/12/08</td></tr>
<tr><td>Year of Construction:</td><td>1957</td><td>Architect:</td><td>John Volk</td></tr>
<tr><th colspan="4">Project</th></tr>
<tr><td></td><td>Required/Allowed</td><td>Existing</td><td>Proposed</td></tr>
<tr><td rowspan="2">Retail Square Footage</td><td rowspan="2">Existing: 3,040 SF
Proposed: 7,519 SF
Special Exception Requested</td><td rowspan="2">Parking Spaces</td><td>540 (1957 Original)
679 (2022 Approved)</td></tr>
<tr><td>464 SF
one (1) parking space per 300 feet of leasable area. The conversion of 464 SF of common area into gross leasable area requires parking for 1.5 space, or 2 spaces.</td></tr>
<tr><th colspan="4">Surrounding Properties</th></tr>
<tr><td>North</td><td colspan="3">Flagler Memorial Bridge / Municipal park</td></tr>
<tr><td>South</td><td colspan="3">1956 Seven-story Condominium</td></tr>
<tr><td>East</td><td colspan="3">Breakers Golf Course</td></tr>
<tr><td>West</td><td colspan="3">Lake Worth Lagoon</td></tr>
</table>

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **application** is **consistent** with the **COMMERCIAL** designation of the Future Land Use Map of the Comprehensive Plan.

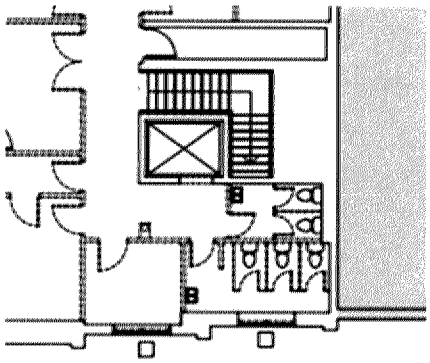
STAFF ANALYSIS

This application is presented to the Council to consider whether all of the criteria in 134-1259(a)(11) for the granting of a Special Exception for retail uses in excess of the 3,000 SF GLA allowed by right have been met.

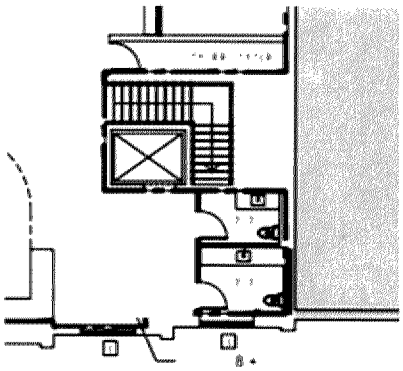
The applicant is proposing to expand the retail operations of the Marisa Collection to the second floor. Located at the western end of the Royal Poinciana Plaza, the Marisa Collection has been

successful since its opening at the Palm Beach location. As a result of the vertical expansion, an existing 464 square-foot common stair element connecting the first and second floors will be converted from "common area" into gross leasable area (GLA). This existing enclosed space yields a parking requirement.

Existing 2nd Floor



Proposed 2nd Floor



The 1979 Agreement decided that the parking requirement is one (1) parking space per 300 feet of leasable area; as such the conversion of 464 SF of common area into gross leasable area requires parking for 1.5 space, or 2 spaces. There are an existing 45 "vested and unused" parking spaces on the Property per Section 9 of the Amended and Restated 1979 Agreement; therefore, the required two (2) additional parking spaces will be taken from the 45 surplus spaces, which will leave the Property with 43 "vested and unused" parking spaces, and will eliminate the need for a parking variance. The assignment of these spaces from the "parking bank" shall be required by the Town Council of two vested parking spaces reserved pursuant to the Amended and Restated 1979 Agreement governing development at the property.

Staff is fully supportive of the application as presented, and notes that the proposed architectural changes are consistent with the prior approvals and shall be reviewed at the LPC administrative review.

WRB:JGM

GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS

Our File Number: 53165-00001
Writer's Direct Dial: (561) 650-0633
Writer's E-Mail Address: jcrowley@gunster.com

January 5, 2023

Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: LOI for 340 Royal Poinciana Way, Ste M337
Zoning Case Number: ZON-23-035

We are pleased to submit the accompanying documents and drawings in connection with our combination application for Special Exception / Site Plan Approval in order to expand the existing Marissa Collections store within The Royal Poinciana Plaza property at 340 Royal Poinciana Way, Suite M337, Palm Beach, FL (the "Property"). Marissa Collections ("Marissa") is a luxury fashion, jewelry and accessories boutique that originally received Special Exception and Site Plan Approval from the Town Council on June 9, 2021. The existing boutique opened in November of 2021.

The project proposes to convert 4,015 square feet of second floor office area into expanded second-floor retail space for Marissa. As a result, an existing 464 square-foot common stair element connecting the first and second floors will be converted from "common area" into gross leasable area (GLA) used by Marissa. However, this area will continue to be used solely for access and no merchandise will be sold or displayed therein.

In 2022, the Town Council revisited, restated and amended the 1979 Agreement that controls development at the Royal Poinciana Plaza (attached as Exhibit "A"). Pursuant to Section (9) of the Amended and Restated 1979 Agreement, parking calculations for both retail and office space continue to be calculated at one (1) parking space per 300 feet of leasable area. Due to the grandfathered status of the non-conforming shopping center, parking has historically been, and continues to be, calculated equally for retail and office uses. Therefore, under the Amended and Restated 1979 Agreement, the conversion of the existing second-story office to retail has no impact on required parking. The only parking impact is the "conversion" of the "common area" staircase to GLA, since that area will no longer be used by more than one tenant. Under the Amended and Restated 1979 Agreement, the number of additional parking spaces needed is 1.5 parking spaces, which by Town Code is rounded up to two (2) spaces. There are an existing 45 "vested and unused" parking spaces on the Property per Section 9 of the Amended and Restated 1979 Agreement; therefore, the required two (2) additional parking spaces will be taken

from the 45 surplus spaces, which will leave the Property with 43 "vested and unused" parking spaces, and will eliminate the need for a parking variance.

Criteria for Approval of Application

A. Special Exception Approval in accordance with Section 134-229.

(1) The use is a permitted special exception use as set forth in article VI of this chapter.

(2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

(3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

(4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.

(5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

(6) The use will comply with all elements of the comprehensive plan.

(7) The use will not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.

(8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

(9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.

(10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.

(11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

(12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence

submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.

(13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.

(14) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

Per Section 134-1259(a)(11), Code of Ordinances, Special Exception approval is required for a retail business that exceeds 3,000 square feet of gross leasable area. Marissa is a permitted special exception use that is currently operating on the Property, but now wishes to increase its retail space area from 3,040 square feet to 7,519 square feet of GLA within an area of the existing building that is currently used for office. No change is proposed to the building footprint. A luxury boutique catering to the needs of the Town's residents and visitors poses no threat to the public's health, safety, welfare, and morals, will not adversely affect property values in the area, and is consistent with the Town's Comprehensive Plan in that it is a "town serving" retail business.

Marissa previously presented town serving documentation to the Town Council during its review of the original special exception application that was approved on June 9, 2021. In addition, Marissa has compiled data since its opening demonstrating that approximately 61% of its customers are Town residents or out-of-town visitors. We will be happy to discuss this information with the Town Council during its review of our application at public hearing.

In conclusion, the existing Marissa luxury boutique has since its opening proven to be compatible with the other high-end retail uses at the Property. By its nature, a luxury boutique does not produce visual, noise or odor pollution. All other criteria for approving a special exception use are not affected by the proposed application, because no changes are proposed to the ingress and egress onto the Property, and sufficient utilities and services are available to support the use, which already exists on the Property. Finally, there is only a de minimus additional demand for parking because of the previously mentioned conversion of the existing 424 square-foot common stairwell into retail space, which will be met by using two (2) of the 45 "vested and unused" parking spaces that exist on the Property, eliminating the need for a parking variance.

Attached as Exhibit "B" is the site history for the Property.

Sincerely,



James M. Crowley

Exhibit "A"

CFN 20220253744
OR BK 33632 PG 0396
RECORDED 06/13/2022 12:46:16
Palm Beach County, Florida
Joseph Abruzzo,Clerk
Pgs 0396 - 404; (9pgs)

Prepared by and return to:
James M. Crowley, Esq.
Gunster
777 South Flagler Drive, Suite 500 East
West Palm Beach, FL 33401

Not Official Copy

AMENDED AND RESTATED 1979 AGREEMENT

THIS AMENDED AND RESTATED 1979 AGREEMENT ("Amended and Restated Agreement"), is made and entered into this 6th day of June, 2022, between TOWN OF PALM BEACH, a Florida municipal corporation, 360 S. County Road, Palm Beach, Florida 33480 ("Town") and RPP PALM BEACH PROPERTY LP, 33 Boylston Street, Suite 3000, Chestnut Hill, MA 02467 ("RPP").

WITNESSETH

WHEREAS, On March 6, 1979, Town and Poinciana Properties, Ltd., a Virginia Limited Partnership authorized to do business in Florida ("Partnership") entered into an agreement ("1979 Agreement") concerning Town Variance No. 39-78 affecting the real property more particularly described in Exhibit "A" attached hereto (the "Property"); and

WHEREAS, On May 12, 1980 the Property was purchased from Partnership by Sidney Spiegel, Trustee ("Trustee"); and

WHEREAS, On May 12, Town and Trustee entered into an Amendment to Agreement ("First Amendment"); and

WHEREAS, On January 27, 1984, the Town and Poinciana executed a Second Amendment to Agreement, extending the single matinee performance permission from July 1, 1983 through March 31, 1984; on August 2, 1984, the Town and Poinciana executed a Third Amendment to Agreement, extending the single matinee performance permission from July 1, 1984 through March 31,1985; on July 25, 1985, the Town and Poinciana executed Fourth Amendment to Agreement, extending the single matinee performance permission from December 1, 1985 through March 31, 1986; on July 21, 1986, the Town and Poinciana executed a Fifth Amendment to Agreement, extending the single matinee performance permission from December 1, 1986 through April 12, 1989; on July 10, 1989, the Town and Poinciana executed a Sixth Amendment to Agreement, extending the single matinee performance permission from December 1, 1989 through April 13, 1990; on November 5, 1990, the Town and Poinciana executed a Seventh Amendment to Agreement, extending the single matinee performance permission from December 1, 1990, through April 12, 1991; on June 12, 1991, the Town and Poinciana executed an Eighth Amendment to Agreement, extending the single matinee performance permission from beginning from December 3, 1991 through April 30, 1992; on October 15, 1992, the Town and Poinciana executed a Ninth Amendment to Agreement, extending the single matinee performance permission from December 3, 1992 through April 30, 1993; on June 25, 1993, the Town and Poinciana executed a Tenth Amendment to Agreement, extending the single matinee performance permission from December 3, 1993 through April 30, 1994; on August 9, 1994, the Town and Poinciana executed

an Eleventh Amendment to Agreement, extending the single matinee performance permission from November 15, 1994 through April 1, 1995; on November 14, 1995, the Town and Poinciana executed a Twelfth Amendment to Agreement, extending the single matinee performance permission from November 29, 1995 through April 1, 1996; on October 14, 1996, the Town and Poinciana executed Thirteenth Amendment to Agreement, extending the single matinee performance permission from December 1, 1996 through April 1, 1997; on October 3, 1997, the Town and Poinciana executed a Fourteenth Amendment to Agreement, extending the single matinee performance permission from December 23, 1997 through April 5, 1998; on September 9, 1998 the Town and Poinciana executed a Fifteenth Amendment to Agreement, extending the single matinee performance permission from November 11, 1998 through April 7, 1999; on September 8, 1999 the Town and Poinciana executed a Sixteenth Amendment to Agreement, extending the single matinee performance permission from December 1, 1999 through April 30, 2000; on January 19, 2001 the Town and Poinciana executed a Seventeenth Amendment to Agreement, extending the single matinee performance permission from December 6, 2000 through February 28, 2001; on August 22, 2001, the Town and Poinciana executed an Eighteenth Amendment to Agreement, extending the single matinee performance permission from December 12, 2001 through April 24, 2002; and on April 15, 2003, the Town and Poinciana executed a Nineteenth Amendment to Agreement, extending the single matinee performance permission from December 3, 2002 through April 14, 2003 (collectively, the "Subsequent Amendments"); and

WHEREAS, on August 26, 2014 RPP acquired the ground lease for the Property; and

WHEREAS, on March 9, 2022, the Town Council did, after public notice and public hearing, approve Zoning Application ZON-21-018 (the "Application"), which authorized, among other things, the redevelopment of portions of the Property (the "Project"); and

WHEREAS, RPP made application for and received from the Town Council, after public notice and public hearing on April 13, 2022, permission to amend the 1979 Agreement as set forth below.

IT IS THEREFORE AGREED:

(1) The above recitals are true and correct and are incorporated herein and made a part hereof.

(2) The 1979 Agreement, the First Amendment, and the Subsequent Amendments are hereby amended, superseded, and consolidated into this Amended and Restated Agreement, and in the event of any conflicts between this Amended and Restated Agreement and the 1979 Agreement, the First Amendment, and/or the Subsequent Agreements, this Amended and Restated Agreement shall control.

(3) Any terms, provisions, covenants, restrictions, or other requirements contained within the 1979 Agreement, the First Amendment, and/or the Subsequent Agreements which are not included in this Amended and Restated Agreement are hereby terminated.

(4) The granting of the Application is contingent upon and subject to compliance by RPP with the following conditions:

A. Upon completion of the modified construction approved by the Town Council pursuant to the Application, the buildings and the Property shall conform to the requirements of the zoning code except as authorized by the Application and the previous zoning approvals, including variances, which have been approved by the Town Council. No other non-conformity is permitted unless approved by the Town Council in accordance with the variance procedures set forth in Chapter 134-201 of the Town Code. The number of parking spaces provided for all existing development at the Property, including that development authorized pursuant to the Application, is 679; however, there continue to be 45 vested and unused parking spaces for future use assignment by the Town Council upon application by RPP or any tenant for permitted commercial uses that require additional parking.

B. Upon completion of the Project, there will be over 16% of landscaped open space, as defined by the Zoning Code of the Town and determined by the building official. After construction is completed and a certificate of occupancy is issued there shall be no conversion of any landscaped areas to paved areas without approval of the Town.

C. The unity of title prohibiting the separate conveyance of any portion of the Royal Poinciana Plaza shall not be terminated without the consent of the Town.

(5) Subsequent to the completion of construction and during its ownership of the Royal Poinciana Plaza RPP (and during the ownership of any purchaser) agrees to perform as follows:

A. In the event of the demise of the historic Mysore Fig Tree, that area within the curb around the base of the tree will be maintained in its entirety as landscaped open space.

B. There shall be no construction of any new buildings in the Royal Poinciana Plaza after completion of construction of the improvements authorized by the Town Council pursuant to the Application; however, this shall not prohibit construction of alterations or renovations of any buildings in the Plaza which does not increase number of square feet in said buildings.

C. RPP will not instigate or participate in legal action to repeal the current zoning ordinance.

D. RPP will continue to lease the theater space only for use as a theater of the performing and/or visual arts and for lectures and other special events.

E. RPP will include a restrictive clause in any contract of sale of the Property whereby the purchaser agrees to prohibit use of the theater space for any purpose other than as set forth in paragraph C above and that said restriction shall be contained in the deed of conveyance to purchaser.

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F. RPP will not allege economic hardship as a basis to abrogate any of the terms of this Amended and Restated Agreement.

(6) The above conditions shall be construed to be covenants and restrictions running with the land and shall be in full force and effect so long as the structure currently known as the Royal Poinciana Plaza continues to be in existence and is located upon the above-described premises. However, no one of the above shall bind RPP or any subsequent owners of the Royal Poinciana Plaza to this agreement or the current zoning ordinance if at some future date that ordinance is revised as it applies to the plaza and thereby provides for further development possibilities.

(7) Upon any breach of the above covenants and conditions by RPP or its successors and assigns, Town shall have all the rights and remedies allowed by law to require strict compliance with said covenants and conditions.

(8) This Amended and Restated Agreement shall inure to and be binding upon the successors and assigns of the parties hereto. This agreement may be changed only by written amendment executed by the Town and RPP or its successors and assigns.

(9) Parking shall remain as shown on the plans approved by the Town Council during its review of the Application and shall be calculated at one space per 300 square feet of leasable area. The total number of parking spaces provided for all existing development, including that development authorized by the Application, is 679. The assignment of the 45 vested and unused parking spaces shall require review and approval by the Town Council at a public meeting.

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals on the day and year first above written.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

NOT CERTIFIED COPY

IN WITNESS WHEREOF the Parties have hereunto set their hands and seals the day and year first above.

Signed, sealed and delivered
In the presence of:

Print Name: Antonette M. Fabrizi

Print Name: Deborah Jones

Print Name: Antonette M. Fabrizi

Print Name: Deborah Jones

Print Name: Antonette M. Fabrizi

Print Name: Deborah Jones

Print Name: Stephanie Cheng

Print Name: Maria Hambaker

TOWN OF PALM BEACH

By: _____
Danielle Moore, Mayor

By: _____
Margaret Zeidman, Town Council President

By: _____
Kirk Blouin, Town Manager

RPP PALM BEACH PROPERTY LP

By: _____
Its: Samantha Perry David, VP

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CFN#2022025374
Page 6 of 9

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 17th day of May 2022, by Danielle Moore, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

ANTONETTE M. FABRIZI
Notary Public - State of Florida
Commission # GG 274108
My Comm. Expires Nov 5, 2022
Bonded through National Notary Assn.

Signature of Notary Public

Antonette M. Fabrizi
Printed Name of Notary Public

Commission Expires: 11-5-22

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 17th day of May 2022, by Margaret Zeidman, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and he did not take an oath.

ANTONETTE M. FABRIZI
Notary Public - State of Florida
Commission # GG 274108
My Comm. Expires Nov 5, 2022
Bonded through National Notary Assn.

Signature of Notary Public

Antonette M. Fabrizi
Printed Name of Notary Public

Commission Expires: 11-5-22

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 16th day of May 2022, by Kirk Blouin, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

ANTONETTE M. FABRIZI
Notary Public - State of Florida
Commission # GG 274108
My Comm. Expires Nov 5, 2022
Bonded through National Notary Assn.

Signature of Notary Public

Antonette M. Fabrizi
Printed Name of Notary Public

Commission Expires: 11-5-22

NOT A CERTIFIED COPY

STATE OF Massachusetts

COUNTY OF Middlesex

The foregoing instrument was acknowledged before me this 6 day of June 2022, by Samantha Perry David, on behalf of RPP PALM BEACH PROPERTY LP. He/She is personally known to me and he did not take an oath.

Signature of Notary Public

Stephanie Cheng
Printed Name of Notary Public
Commission Expires: 6/2/2028

STEPHANIE CHENG
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
June 02, 2028

NOT A CERTIFIED COPY

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE TOWN OF PALM BEACH

By: _____
John C. Randolph, Esquire

EXHIBIT "A"

PARCEL A:

A parcel of land in Section 22, Township 43 South, Range 43 East, Palm Beach County, Florida, bounded as follows:

On the north by the southerly right-of-way line of Royal Poinciana Way; on the east by the westerly right-of-way line of Cocoanut Row; on the west by the Waters of Lake Worth; on the south by the following described line:

Commencing at the intersection of the northerly right-of-way line of White Hall Way with the westerly right-of-way line of Cocoanut Row, as said streets are described in deed recorded in Deed Book 814, Page 477, and subsequent pages, public records of Palm Beach County, Florida; thence northerly along the said westerly right-of-way line of Cocoanut Row, a distance of 444.76 feet to the beginning of a curve concave to the east having a radius of 329.60 feet and a central angle of 23°53'30"; hence northerly along the arc of said curve, a distance of 137.44 feet, to the tangent to said curve; thence northerly along said tangent, a distance of 59.62 feet to the point of beginning of the herein described south line; thence westerly making an angle from southwest to west of 66°14'30", a distance of 227.26 feet; thence northerly at right angles, a distance of 25 feet; thence westerly at right angles, a distance of 293.43 feet to the beginning of a curve to the northeast, having a radius of 65.03 feet and a central angle of 85°42'43", a distance of 97.28 feet; thence northwesterly a distance of 33.90 feet, more or less, to the southeast corner of a parcel of land described in Deed Book 1011, Page 226, public records of Palm Beach County, Florida , said southeast corner is located on the arc of a curve concentric with the last herein described curve, and having a radius of 90.03 feet and a central angle of 102.55'30" and is 4.19 feet southerly from a point of reverse curve; thence northerly along the arc of the just described curve, a distance of 4.19 feet to the point of reverse curvature of a curve concave to the west, having a radius of 513.29 feet and a central angle of 15°35'22"; thence northerly along the arc of said reverse curvature a distance of 97.62 feet to a point in a line parallel with and 461.20 feet southerly from (measured at right angles to) the southerly right-of-way line of Royal Poinciana Way, said line also being described in Deed Book 1011, Page 226, public records of Palm Beach County, Florida; thence westerly along said parallel line, a distance of 191.06 feet, more or less, to the Waters of Lake Worth and the end of herein described southerly line.

Excepting, however, so much of a nearly rectangular area of land, together with riparian or littoral rights appurtenant or incident thereto, as is included in the foregoing described parcel of land, and which nearly rectangular area of land has a southerly boundary of 208.44 feet, an easterly boundary of 71.20 feet, a northerly boundary of 190.74 feet plus 12.08 feat, on two different courses coinciding with the south line of the east approach of Flagler Memorial Bridge, and having a westerly boundary of 71.38 feet coinciding with the west face of an existing concrete bulkhead within the Waters of Lake Worth, and all as such nearly rectangular area of land m riparian and littoral rights appurtenant or incident thereto are more particularly described and were conveyed in deed of Florida East Coast Hotel Company to Town of Palm Beach, dated September 11, 1939, and recorded in Deed Book 592, Page 478, of the public records of Palm Beach County. Florida.

ALSO EXCEPTING, HOWEVER, ROYAL POINCIANA WAY ADDITIONAL RIGHT-OF-WAY DESCRIBED IN ORDER OF TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 23661, PAGE 787, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

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PARCEL B:

A parcel of land in Section 22, Township 43 South, Range 43 East, Palm Beach County, Florida, and more particularly described as follows:

Beginning at a point on the Westerly right of way line of Cocoanut Row as laid out and in use, at a distance of 173.9 feet South of the intersection of said West line of the right of way of Cocoanut Row and the Southerly right of way line of Royal Poinciana Way, thence Westerly parallel to the Southerly right of way line of said Royal Poinciana Way a distance of 868.33 feet; thence Southerly at right angles to the preceding course a distance of 245.3 feet to the beginning of a curve concave to the West having a radius of 513.29 feet and a central angle of 15°35'22"; thence Southerly along the arc of said curve a distance of 42.04 feet to the Point of Beginning and the Northeast corner of the parcel of land herein described; thence continue Southerly along the arc of said curve a distance of 97.62 feet to a point of reverse curvature; thence Southerly along the arc of a curve to the East and having a radius of 599.29 feet, a distance of4.06 feet to a point in the South line of the herein described parcel; thence Westerly, parallel to and 561.2 feet Southerly (measured at right angles) from the Southerly right of way line of said Royal Poinciana Way, a distance of 180 feet, more or less, to the waters of Lake Worth; thence Northerly along the waters of Lake Worth to a point in a line parallel to and 100 feet Northerly (measured at right angles) from the Southerly line of the herein described parcel; thence Easterly along said Parallel line a distance of 185 feet more or less to the Point of Beginning.

TOGETHER WITH the non-exclusive easement for ingress and egress as set forth in Deed dated March 31, 1955, recorded April 19, 1955, in Deed Book 1090, page 264, of the Public Records of Palm Beach County, Florida.

WORKING COPY

EXHIBIT "B" – ROYAL POINCIANA PLAZA SITE HISTORY

Please provide a detailed history of all zoning-related requests applicable to this property processed on or after January 1, 1970, in chronological order, including but not limited to variances, special exceptions, site plan reviews, and existing agreements.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
8/14/73	Variance request to construct a building 46' high instead of 40' high	Variance #30-73	Denied by Town Council
12/11/73	Special exception to establish a new club—The Poinciana Club	Special Exception #11-73	Approved by Town Council Club parking 1 space per 4 members; 213 members; 53 spaces A 'continuation of prior use'
6/8/76	Application for variance to erect 5 story buildings instead of 3 story buildings in southeast and northwest portions of property	Variance # 35-76	Denied by Town Council
1/24/78	Variance request to construct a new building in the northwest corner of the Plaza and a new building on the location of the "old playhouse" in the southeast quarter of the Plaza	Variance # 61-77	"Mr. Ehringer has confirmed the parking"…Total parking required is 644 and the present number is 548, so present nonconformity is 96 spaces. Variance approved subject to a number of conditions. Club membership: 339 regular, 43 non-resident, 45 seasonal, 0 corporate, 13 junior.
2/13/79	Permission to revise building plans submitted with Variance #61-77. South side proposed building eliminated. Building B on lake on northwest part of site; office and restaurant only. Remove most of Slat House, leaving only 2400 SF	Var. #39-78	Approved with conditions (1979 Agreement). After 1983: parking required 858; parking nonconformity 213. Zoning C-A
3/6/79	Agreement with conditions entered into	Var. #39-78	Agreement includes a provision recognizing "the number and size of non-conforming parking spaces then existing in the Royal Poinciana Plaza . . ."
3/6/79			Unity of Title executed for Plaza
10/4/79		B3150 Pg 0673	Sidney Spiegel accepts assignment of 1979 Agreement. Theater, Royal Poinciana Club,

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
			and Hibel Museum already existed.
2/12/80	Zoning Variance to exchange right to build lakefront Building B for right to reconstruct Slat House	Var. #4-80	Original Agreement amended to reflect provisions of Var. #4-80
3/31/80	Adoption of new Zoning Code	Ord. #4-80	Changed Poinciana Plaza from C-A to C-PC
5/14/80	First Amendment to 1979 Agreement		Buildings A and B eliminated; renovation of Slat House allowed
7/8/80	Special exception approved to increase floor area of Security Trust Company to 4,000 S.F.	S.E. #18-80	
11/11/80	Request for approval for a restaurant, Café Camille	Variance No. 4-80	During Town Council discussion, the Building Official indicated the following "allocations": 172 for the Playhouse, 75 to the Club, and 67 to the existing restaurant. Application continued.
11/11/80	Permit issued to demolish east and west wings of Slat House		
12/9/80	Request for approval for a restaurant, Café Camille	Variance #4-80	Withdrawn, and former understandings re restaurants (2) in Plaza reiterated
3/31/81	Amend C-PC	Ord. #6-81	From 3 stories to 2 stories
10/13/81	Variance requested to add 50 seats to theater without adding parking	Var. #48-81	Approval allowed 47 new seats in exchange for reduction of 24 seats and 360 s.f. in Slat House Restaurant. Building Official stated that "there are 172 spaces which are allocated to the theater…" Per Town approval letter, "It is acknowledged the Theater is grandfathered for 172 parking spaces . . ." Total seating capacity in theater is 899 per approval letter. Note in Building Department records says: "existing seating 852; requires 171 parking spaces. Proposed seating 901; requires 181 parking spaces"

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
9/14/82	Special Exception to add 1,936 S.F. of office space to Security Trust Company	S.E. #12-82	Approved by Town Council
2/8/83	Zoning Variance approved to add new entrance canopy to Royal Poinciana Playhouse	Var. #6-83	
6/12/84	Approval for expansion of Northern Trust Bank to 9,500 S.F. without providing additional parking	S.E. #13-84 with Variance	Shopping center owner agrees to reduce parking spaces allocated for Slat House Restaurant from 58 to 54
12/10/85	Approval to modify parking lot to add 35 spaces in tandem configuration on southwest side of Plaza; variance for tandem parking w/16' aisles	S.E. #22-85 with Variance	Parking attendant required by approval
1/3/86	Town administratively approved modification to latest parking plans – 26' aisles	S.E. #22-85 with Variance	
1/13/87	Request to expand office by 3,500 square feet on 1st floor of Slat House for Prudential-Bache	S.E. #1-87	Denied by Town Council
7/14/87	Request to add 2,500 square feet to Prudential-Bache; total 10,328 square feet	S.E. #13-87	Approved by Town Council
12/8/87	Approval to convert Nicholas restaurant to private dining club (164 seats)	S.E. #19-87	f/k/a Cappricio's, now Harold's Club, later Houston's Once approved, use cannot automatically revert to restaurant
3/14/89	Request to add 2,500 square feet on second floor for Prudential-Bache Securities; total 10,300 square feet	S.E. #1-89	Approved by Town Council
2/12/91	Approval to convert Palm Beach Club to public restaurant known as Au Bar	S.E. #1-91	Approved by Town Council. Formerly Cappricio's, Harold's Club
2/11/92	Approval for new owner to continue operations of public restaurant and lounge; still called Au Bar	S.E. #3-92	No outdoor service to patrons
9/8/92	Approval for 5,000 square foot use for Sun Bank	S.E. #24-92	

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
5/10/94	Approval for The Poinciana Club to relocate social and dining space to west side of building; variance to put awning in set-back	S.E. #13-94 with Variance	'no change in seating'; 330
4/11/95	Approval for restaurant and lounge which exceeds 2000 s.f.	S.E. #4-95	Continuation of Au Bar
8/8/95	Request to allow continuation of a special exception for The Poinciana Club as a Town-serving business	S.E. # 17-95	330 seats; application deferred by Town Council after debate
9/12/95	Approval to redesign the Poinciana Plaza parking lot (presently 685 spaces) to add 64 spaces, for a total of 749 spaces. The variances allowed attendant parking with 3 tandem rows	S.E. #21-95 with Site Plan and two Zoning Variances	Several conditions of approval
2/13/96	Approval for sculpture garden	Site Plan Review #1- 96	
7/9/96	Approval for 10,500 s.f. for office and personal service	S.E. #21-96	Headquarters for Babor Cosmetics
9/8/98	Approval sought to replace a 330-seat private club with a 330-seat public restaurant/night club (The Poinciana Club)	S.E. #9-98	2,622 members on record at that time Seating capacity 330, 'having been expanded in 1995' per DKS traffic memo Application withdrawn
1/12/99	Approval for an occupational license for a 164-seat restaurant – The Palm Beach Grille (Houston's)	S.E. #34-98	A number of conditions of approval. See also Site Plan Review #5-99 regarding parking. 745 spaces in Plaza
3/9/99	Approval for redesign of the parking on the northwest side of the Plaza; 745 total, including 116 valet in northwest portion of site	Site Plan Review #5-99, with Variances	Several conditions of approval. This approval was tied to the Palm Beach Grille approval.
7/31/01	Request for zoning ordinance modification to allow residential component in C-PC		Denied by Town Council
12/19/01	Landmark Preservation Commission (LPC) elected to place Theater on list of properties being considered for "landmark" designation		On 4/17/02 LPC decided to withdraw the Theater from consideration for designation

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
6/11/02	Application for a private social club in 4,875 s.f. in the northeast building; total membership 100	S.E. #7-2002	Withdrawn by applicant
6/13/04	Application to operate another 1,300 s.f. for a total of 3,000 s.f. for a health and fitness studio	S.E. # 21-2004	Approved by Town Council
10/12/04	Application to allow outdoor seating (40) at existing McCarty's Restaurant	S.E. # 28-2004 with Site Plan Review	Approved by Town Council Total seating remains at 151
2/28/05	Application for comprehensive plan amendments, rezoning, and zoning code amendments to create a mixed use PUD		Withdrawn by applicant
2/13/07	Request to replace 878 seat Royal Poinciana Theater, private supper club, and Hibel Building with 74 unit, two and three story hotel complex and 299 seat theater for Florida Stage	Site Plan review #5-2007 with Special Exceptions and Variances	Subject case in abeyance until the lawsuit concerning subject property is resolved.
4/10/07	Resolution ratifying the determination of LPC that the Poinciana Plaza should be landmarked	Resolution No. 15-07	Deferred to the November 13, 2007 Town Council agenda
7/10/07	Report on decision in Royal Poinciana Plaza court case to Town Council		
10/4/07	Resolution ratifying the determination of LPC that the Poinciana Plaza should be landmarked	Resolution No. 15-07	Deferred to the April 2008 Town Council agenda
11/13/07	Town Council discussion of landmarking options		
3/11/08	Town Council discussion of eminent domain acquisition of Royal Poinciana Plaza		Town Council consensus not to pursue eminent domain
4/8/08	Resolution ratifying the Landmarking of the Royal Poinciana Plaza	Res. #23-08	Public hearing continued until November 2008
5/12/08	Town Council discussion of Memorandum of Ground Lease at Royal Poinciana Plaza		

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
7/16/08	Adam Munder appearance at LPC to discuss status of redevelopment plans		
9/8/08	Request for variance from requirement to provide 1 additional parking space for Suite 332A, "House of Lavande"	Var. #12-2008	See below
9/8/08	Request for variance from requirement to provide 1 additional parking space for Suite 332A, "House of Lavande", and request for variance from requirement to provide 2 additional parking spaces for Suite 320, "Just For You"	MODIFIED Var. #12-2008	Variances granted subject to several conditions including parking conditions. The Town Council discussion indicated that "no additional variances would be considered". However the approval letter does not reflect that stipulation. The letter does indicate a requirement that the property owner was to re-stripe the parking lot to comply with the site plan approved with SPR #5-99 by October 10, 2008.
9/17/08	Adam Munder appearance at LPC to discuss status of redevelopment plans		LPC on record as wanting the entire 12 acre parcel to be landmarked
10/13/08	Request for variance from requirement to provide 1 additional parking space for Suite 332A, "House of Lavande", and request for variance from requirement to provide 2 additional parking spaces for Suite 320, "Just For You"	MODIFIED Var. #12-2008	Town Council clarified two of the conditions of approval, including eliminating the re-striping requirement
10/13/08	Request by "Designers to You", Suite 328 for Special Exception to change from office to retail without providing 2 additional parking spaces	Special Exception #13-2008 with Variance	Approved by Town Council, with the condition that this would be the final request for a parking variance. However this condition does not appear in Town's approval letter.
11/12 and 11/13/08	Presentation of conceptual plans for redevelopment of Royal Poinciana Plaza; request to Landmark Plaza	Resolution No. 23-08	Architect Ann Beha and Landscape Architect Morgan Wheelock; Town Council voted to Landmark entire site
11/13/08	Presentation of conceptual plans for redevelopment of Royal Poinciana Plaza; request to Landmark Plaza	Resolution No. 23-08	Town Council voted to Landmark entire site

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
2/11/09	Town Council discussion of Study Item relating to possible zoning amendment re off-street parking at Plaza	Study Item 15A	Withdrawn by Sterling Group
3/11/09	Review of 1979 Agreement by Town Council		Led by John Randolph; focus of discussion was playhouse
4/15/09	Discussion of the Future Use of the Royal Poinciana Plaza by Town Council		Focus was redevelopment of Plaza
5/11/09	Consideration of the future of the Royal Poinciana Plaza by Town Council		Continued from previous agenda; focus was redevelopment of Poinciana Plaza. Motion made that the LPC be the first body to consider the Sterling Group's redevelopment application, and that LPC consider that application without regard to potential future changes to the 1979 agreement, the comprehensive plan or the zoning code.
6/10/09	Town Council discussion of proposed charter amendment regarding Plaza and playhouse; consideration of special counsel to advise the LPC on the Royal Poinciana Plaza application		Council moved to "seek declaratory judgment expeditiously"; decided not to hire any additional legal representation for the LPC
2/9/10	Debate by Town Council re having LPC members attend the 2/10/10 meeting of the Town Council to discuss their objectivity and hear instructions re upcoming application by Sterling		Motion passed
2/10/10	Request by LPC to obtain additional legal advice debated by Town Council		Town Council moved to deny request, as well as request to use private money to hire such advice; moved to require all boards and commissions to take the same oath of office as the Town Council.
3/9/10	Extensive debate about various aspects of Poinciana Plaza matter by Town Council		

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
4/13/11	Modify a condition of approval of Var. #12-2008 which required the applicant to remove all reserved and assigned parking spaces throughout the Plaza and associated signage by 10/10/08.	Var. #7-2011	Approved; Dr. Conroy retains 4 designated parking spaces until 10/31/12
8/15/12	Request to allow medical office totaling 3,757 SF	S.E. #16-2012	Approved subject to condition re 1979 Agreement
8/15/12	Request for approval for Special Exception to allow 260-seat Del Frisco's Restaurant in the Plaza; variance request to eliminate the requirement for 72 parking spaces	Special Exception #20-2012 w/variance	Deferred by Town Council
10/10/12	Request for approval for Special Exception to allow 260-seat Del Frisco's Restaurant in the Plaza; variance request to eliminate the requirement for 72 parking spaces	Special Exception #20-2012 w/variance	Deferred to the November 16, 2012 meeting
11/15/12	Enforcement of 1979 Agreement debated by Town Council		Council consensus was that Sterling come back before Town Council on January 9, 2013 to report on status of potential Playhouse lease
11/16/12	Request for approval for Special Exception to allow 260-seat Del Frisco's Restaurant in the Plaza; variance request to eliminate the requirement for 72 parking spaces	Special Exception #20-2012 w/Variance	Modified plan reduced restaurant size to 7,732 SF and seating to 222. This reduces parking variance needed from 72 to 58. Special Exception approved by Town Council; variance denied
12/19/12	LPC review of proposed exterior changes to Plaza for Del Frisco's		Deferred by LPC
1/9/13	Parking lot "cure plan" reviewed by Town Council	Site Plan Review #1-2013	SPR deferred by Town Council
1/9/13	Update re status of lease of Playhouse provided by Sterling		
1/16/13	LPC review of proposed exterior changes to Plaza for Del Frisco's	C of A #023-2012	Approved by LPC
2/12/13	Procedural discussion re Poinciana Plaza-appeals of LPC decisions	C of A #004-2013 AND #023-2013	Town Council discussion

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
2/13/13	Appeal of LPC approval of renovation plan for Del Frisco's	C of A #023-2012	Appeal denied by Town Council
2/13/13	Appeal By Palm Beach Towers of LPC approval of renovation plan for Brown Harris Stevens	C of A #004-2013	Appeal withdrawn
2/13/13	Request for site plan review to restripe the northwest portion of the Plaza parking lot due to FDOT taking	Site Plan Review #1-2013	Five plan options presented to Council. After debate, Plan #3 was approved, but the number of approved parking spaces was reduced from 192 to 188. Modifications by Town Council: • Remove four triple-stacked spaces on north end • Remaining northern spaces to be moved 2' north • Applicant to execute hold harmless agreement
4/10/13	Appeal of Town Council of Administrative Decision by staff re weekend and evening parking and related parking concerns at Poinciana Plaza for Del Frisco's	Special Exception #20-2012 and appeal of administrative decision	The Town Council approved the portion of the appeal which allows Del Frisco's to open at 5:00 PM for dinner or brunch. The Council deferred appeal of staff determination that there was a deficiency of parking during morning and afternoon hours and that restaurant could not open for Sunday brunch, until Del frisco's applies for a zoning request to modify the previous approval to be open for Sunday brunch.
6/12/13	Request for modification of previous Special Exception approval (#20-2012) to allow for Sunday operating hours from 10:00am to 11:00p.m.	Special Exception #9-2013	Deferred by Town Council Denied by Town Council on 2/12/14
11/13/13	Request to open a car rental business called Sixt Car Rental	Special Exception #19-2013	Approved with conditions
12/11/13	Site Plan modification to change eight areas of the existing parking lot striping to comply with current ADA requirements.	Site Plan Review #13-2013	Approved by Town Council with number of parking spaces limited to 718.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
9/10/14	Special exception to allow office use greater than 2000 SF of GLA	Special Exception # 16-2014	Approved by Town Council
5/13/15	Modifications throughout Plaza increasing green space, improving aesthetics, and improving traffic flow	Site Plan Review #2-2015	Approved by Town Council
3/9/16	Modification to the gross leasable area of portions of the Plaza	Site Plan Review # 2-2016	Approved by Town Council
3/9/16	Special Exception to operate 5,973 SF, 120 seat restaurant called Sant Ambroseus	Special Exception # 6-2016	Approved with conditions; Declaration of use Agreement to be executed; elimination of 135 seats from the theater. Maximum theater seats 725.
8/16/16	Special Exception to operate a 8,108 SF two-level retail store in Suite 301 called Hermes	Special Exception #19-2016	Approved by Town Council
12/19/16	Special Exception to operate a 2,902 SF retail store called Kirna Zabete	Special Exception # 33-2016	Approved by Town Council
12/19/16	Special Exception to operate a 2,850 SF retail bike shop	Special Exception # 32-2016	Approved by Town Council
3/15/17	Special Exception request to operate a 3,260 SF, 80 seat restaurant (Coyo Taco), featuring Mexican cuisine (196 SF of open standing area, 2,103 SF of dining area and taqueria and 961 SF of support). The restaurant was approved in the southwest corner of the Royal Poinciana Plaza.	Special Exception #5-2017 with Site Plan Review	The subject tenant space can only support 21 seats based on the principle of equivalency, The approval allowed the transfer of 59 seats grandfathered from the former McCarty's Restaurant, leaving a maximum of 92 seats remaining with the former McCarty's space. Several conditions of approval were imposed, including a Declaration of Use Agreement and 'no DJ'.
6/30/17	Special Exception requested to allow 26 of the previously-approved 80 seats to be relocated from inside Coyo Taco to the newly created patio area around the west fountain.	Special Exception #5-2017 with Site Plan Review	Approved subject to 5 conditions

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
8/8/17	Declaration of Use Agreement between Town of Palm Beach and 305 Concepts Palm Beach LLC (Coyo Taco)	ORB 29276 Pg 1582	recorded
12/17	Zoning text amendment to allow outdoor promotional events in commercial areas and to allow commercial property identification signs in the C-PC district		Approved by Town Council
2/14/18	Special Exception request to allow outdoor promotional events in central courtyard	Z-17-00061	Approved by Town Council subject to conditions including affidavit that approval does not provide for further development opportunities as identified in the 1979 Agreement. Also amended Declaration of Use Agreement to add a number of conditions
6/9/21	Special Exception request to allow 3,040 SF of retail GLA for "Marissa Collections"	Z-21-00352	Approved by Town Council
9/13/21	Special Exception request to allow 3,529 SF of GLA and 90 total seats, 12 of which are located outdoors, for relocation of TooJay's to Suite M335	Z-21-00384	Approved by Town Council
3/9/22	Special Exception with Site Plan and Variance approval to allow for a cultural arts center use greater than 3,000 square feet of GLA, and site renovations, additions, modifications, and variances	ZON-22-018 (COA-22-003)	Approved by Town Council
4/13/22	Approval of the Declaration of Use Agreement, and the Amended and Restated 1979 Agreement that controls development at the Royal Poinciana Plaza	ZON-22-018	Approved by Town Council

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 15, 2023

Section of Agenda
Ordinances - First Reading

Agenda Title
Native Landscaping Regulations

ORDINANCE NO. 003-2023: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances, Chapter 66, Natural Resource Protection, Article I, In General, By Amending Two Definitions; Amending Article IV, Vegetation, Division 1, Generally, At Sections 66-212, Purpose And Intent, Subsection (6), And 66-213; Applicability; Amending Article IV, Vegetation, Division 3, Plans, At Sections 66-261, Plans Required, And 66-285, General, Subsection (1); Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Presenter

ATTACHMENTS:

- **PZB Staff Memorandum**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 15, 2023

To: Mayor & Town Council Members

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Native Landscaping Regulations Amendments – Ord. No. 003-2023

Date: February 2, 2023

GENERAL INFORMATION & BACKGROUND

At the January 11, 2023 Town Council Regular Meeting, the Mayor and Town Council heard from engaged landscape designers and officials of the Preservation Foundation of Palm Beach regarding the current native landscape regulations. The Town Council requested that the following be placed into the native landscape code:

- Change from 35% to 30% of required native shrubs, vines, trees, and groundcover; and
- The plant categories be contracted from four to three – shrubs / vines, trees, and groundcover; and
- Trees, shrubs, and vines shall be calculated based upon the number of plants; and
- Groundcover shall be calculated based upon area; and
- The Institute for Regional Conservation (IRC), "Natives for Your Neighborhood" shall be changed to the IRC listing of natives for the entire State of Florida (first list); and
- The Florida Native Plant Society website list shall be a second list of native plants acceptable to the Town; and
- Development or redevelopment shall be defined as whenever 50% or more of the existing landscape / greenspace is modified.

A draft ordinance was prepared and reviewed internally and then with officials at the Preservation Foundation of Palm Beach. A final version has been created with all feedback received and is ready for your consideration and First Reading of the Ordinance.

Attached: Draft Ord. No. 003-2023

ORDINANCE NO. 003-2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES, CHAPTER 66, NATURAL RESOURCE PROTECTION, ARTICLE I, IN GENERAL, BY AMENDING TWO DEFINITIONS; AMENDING ARTICLE IV, VEGETATION, DIVISION 1, GENERALLY, AT SECTIONS 66-212, PURPOSE AND INTENT, SUBSECTION (6), AND 66-213; APPLICABILITY; AMENDING ARTICLE IV, VEGETATION, DIVISION 3, PLANS, AT SECTIONS 66-261, PLANS REQUIRED, AND 66-285, GENERAL, SUBSECTION (1); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Be it **ORDAINED** by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. Chapter 66, Natural Resource Protection, Article I, In General, is hereby amended at Section 66-2, Definitions, by changing the following two definitions, to read as:

"ARTICLE I. – IN GENERAL, Sec. 66-2. – Definitions.
The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***Native plant species** shall be the plant species indigenous to the ~~Town of Palm Beach,~~ State of Florida, ~~region~~ and found through either the Institute for Regional Conservation's ("IRC") Natives for Your Neighborhood Florida Statewide Plant List or the Florida Native Plant Society's Native Plants for Your Area list, ~~Natives for Your Neighborhood.~~*

***Pestilent exotic/invasive species** means species as identified by the most recent invasive species plant list found on the Florida Invasive Species Council (FISC) website."*

Section 2. Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 1, Generally, is hereby amended at Section 66-212, Purpose and Intent, Subsection (6), by changing the following to read as:

"ARTICLE IV. – VEGETATION, DIVISION 1. – GENERALLY, Sec. 66-212. - Purpose and Intent.

(6) Eradicate Category I invasive exotic plant species and eradicate or control Category II invasive exotic plant species as ~~listed~~ identified ~~on~~ by the most ~~current~~ recent Florida Invasive Species Council (FISC) website."

Section 3. Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 1, Generally, is hereby amended at Section 66-213, Applicability, by changing the following to read as:

"ARTICLE IV. – VEGETATION, DIVISION 1. - GENERALLY, Sec. 66-213. - Applicability.

This article shall apply to any new development or redevelopment project when 50% or more of the existing landscape / greenspace is modified. Provisions relating to tree removal or wetland protection apply to existing development, as noted."

Section 4. Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 3, Plans, is hereby amended at Section 66-261, Plans Required, by changing the following to read as:

"ARTICLE IV. – VEGETATION, DIVISION 3. – PLANS, Sec. 66-261, Plans Required.

All site plans for new development and redevelopment which modify 50% or more of the existing landscape / greenspace shall be required to submit a landscape plan and irrigation plan to the architectural commission, or landmarks commission, as applicable. All plans shall be signed and sealed by a registered landscape architect, who shall guarantee that the plans meet all specifications of this chapter. The plans shall include a drainage statement by a professional engineer registered in the state that the landscape plan is not in conflict with the stormwater management plan."

Section 5. Chapter 66, Natural Resource Protection, Article IV, Vegetation, Division 3, Plans, is hereby amended at Section 66-285, General, Subsection (1), by changing the following to read as:

"ARTICLE IV. – VEGETATION, DIVISION 3. – PLANS, Sec. 66-285. - Purpose and Intent.

~~*(1) At least 35 percent of all new required landscaping, in the categories of trees, palms, shrubs, and a combined category of vines and ground cover plants, shall consist of native vegetation. To determine appropriate native vegetation the Institute for Regional Conservation ("IRC"), Natives for Your Neighborhood, shall be used.*~~

(1) For all new development and redevelopment projects which modify 50% or more of the existing landscape / greenspace, the following regulations are required:

(a) Tree category - at least 30% of all trees shall be native trees, as listed on either the Institute for Regional Conservation's (IRC) Natives for Your Neighborhood Florida Statewide Plant List or the Florida Native Plant Society's

Native Plants for Your Area list. The tree category percentage is calculated on the number of trees.

(b) Shrub and vine category - at least 30% of all shrubs and vines shall be native shrubs and vines, as listed on either the Institute for Regional Conservation's (IRC) Natives for Your Neighborhood Florida Statewide Plant List or the Florida Native Plant Society's Native Plants for Your Area list. The shrub and vine category percentage is calculated on the number of shrubs and vines.

(c) Groundcover category - at least 30% of the groundcover area shall be native groundcover, as listed on either the Institute for Regional Conservation's (IRC) Natives for Your Neighborhood Florida Statewide Plant List or the Florida Native Plant Society's Native Plants for Your Area list. The groundcover category percentage is calculated based on the area."

Section 6. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 7. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 8. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 9. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this ____ day of _____, 2023, and for second and final reading on this ____ day of _____, 2023.

_____
Danielle H. Moore, Mayor

_____
Julie Araskog, Town Council Member

_____
Edward A. Cooney, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Bobbie Lindsay, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Margaret A. Zeidman, Town Council Member

AGENDA MODIFICATION SHEET

Wednesday, February 15, 2023

Town Council Development Review Meeting

X. Development Reviews

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. ZON-23-006 139 N. County Road
Item has been withdrawn by the applicant.

b. ZON-22-021 (ARC-22-022) 160 Seaview Avenue (Combo)
Item deferred to the March 15, 2023 meeting.

c. ZON-22-088 (ARC-22-126) 240 Oleander Avenue (Combo)
Item deferred to the March 15, 2023 meeting.

d. ZON-22-122 (HSB-22-011) 141 Australian Avenue (Combo)
Item deferred to the April 4, 2023 meeting.

e. ZON-22-140 (ARC-22-216) 248 Colonial Lane (Combo)
Item deferred to the March 15, 2023 meeting.

f. ZON-22-147 (ARC-22-225) 201 El Vedado Road (Combo)
Item deferred to the March 15, 2023 meeting.

g. ZON-22-129 (ARC-22-187) 441 Australian Avenue (Combo)
Item deferred to the March 15, 2023 meeting.

i. ZON-23-012 (ARC-22-212) 246 Everglade Avenue (Combo)
Item deferred to the March 15, 2023 meeting.

j. ZON-23-013 (ARC-22-231) 7 La Costa Way (Combo)
Item deferred to the March 15, 2023 meeting.

k. ZON-23-025 (COA-22-055) 210 Via Del Mar (Combo)
Item deferred to the March 15, 2023 meeting.

2. New Business

a. ZON-22-032 (HSB-23-003) 594 N. County Road (Combo)
Item deferred to the March 15, 2023 meeting.

b. ZON-23-017 (COA-23-001) 1100 S. Ocean Blvd.
Item deferred to the March 15, 2023 meeting.

f. ZON-23-004 (ARC-22-244) 422 Australian Avenue (Combo)
Item deferred to the March 15, 2023 meeting.

k. ZON-23-014 (ARC-22-243) 302 Seabreeze Avenue (Combo)
Item deferred to the March 15, 2023 meeting.

m. ZON-23-027 (ARC-23-012) 206 Caribbean Road (Combo)
Item deferred to the March 15, 2023 meeting.

n. ZON-23-028 (ARC-23-013) 177 Clarke Avenue (Combo)
Item deferred to the March 15, 2023 meeting.

o. ZON-23-030 (LPC-23-006) 130 Brazilian Avenue (Combo)
Move to be heard first under Item 2. New Business

XI. Ordinances

A. First Reading

2. Ordinance No. 005-2023
Addition to the Agenda

Kelly Churney

From:	Deborah Jones on behalf of Town Council
Sent:	Thursday, February 9, 2023 11:02 AM
To:	Danielle Moore; Danielle Hickox Moore; Bobbie Lindsay; Bobbie Lindsay; Margaret Zeidman; heron1107@aol.com; Julie Araskog; Julie Araskog; Councilwoman Julie Araskog; Ted Cooney; Lew Crampton; Lew Crampton
Cc:	Wayne Bergman; Kirk Blouin; Carolyn Stone; Bob Miracle; Paul Castro
Subject:	FW: Chesterfield Hotel

Hello,

Please see the email below from Bruce Langmmaid

Sincerely,
Deb

-----Original Message-----
From: Bruce M Langmaid <bruceinpb@yahoo.com>
Sent: Thursday, February 09, 2023 10:40 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: Chesterfield Hotel

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

Dear Town Council Members,

I live next-door to the Chesterfield Hotel. I am against any ON street parking for hotel or restaurant patrons. I am also against at any expansion of restaurant seats!

Kindest regards

Bruce

Bruce Langmmaid
354 Chilean Ave
Palm Beach, Fl 33489

Kelly Churney

From: *Deborah Jones on behalf of Town Council*
Sent: Thursday, February 9, 2023 10:49 AM
To: Pat Gayle-Gordon; Kelly Churney
Subject: FW: Town Council Development Review Notice - The Chesterfield - ZON-23-019
Attachments: Varince TC Notice.pdf

Hello ladies,

FYI - This was sent to MTC, All Town Managers, Wayne and Paul Castro.

Sincerely,
Deb

From: John David Corey <johncorey84@gmail.com>
Sent: Thursday, February 09, 2023 9:29 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Cc: Kirk Blouin <KBlouin@TownofPalmBeach.com>
Subject: Town Council Development Review Notice - The Chesterfield - ZON-23-019

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Dear Mayor and Town Council Members:

I would also like to bring to your attention a concern with the Town Council Development Review Notice that was mailed to the 1000' radius surrounding The Chesterfield. I have attached the Notice below for your reference. Only the reduction in hotel rooms from 57 to 41 is clearly identified, but no corresponding mention of the applicant's request to **increase** the restaurant footprint into basically the entire first floor of the hotel including pool area or mention of the increase in number of seats from 113 to 197 (a 74% increase). I have spoken with many residents in the area and not a single one understood that this was part of the application. The lack of information in the notice may disenfranchise residents if any such increase is granted.

However, if Variance #1 (expansion of the restaurant) is withdrawn or denied, then the hotel could continue with a 113 seat restaurant (with tight protocols for off street parking, hours of operation and further protections for nearby residents) as part of a standard Special Exception request allowed in the the town code.

Thank you very much,
JDC

John David Corey
426 Australian Avenue
Palm Beach, FL 33480
H (561) 408-2880
C (617) 590-0886

Vera Alfieri Serrano

218 Miraflores Drive
Palm Beach, Florida 33480

561-346-5119
LukeL5@aol.com

February 7, 2023

To The Town of Palm Beach,

As a resident of our beautiful Island for 28 years I would like to express my strong support for the upcoming creation of The Vineta. Restoring the Chesterfield into a new, beautiful hotel should be received as gift to our Island.

I have no doubt that under the management of the Oetker Collection this new hotel will be jewel that all of us on this Island will be proud of!

Thank you,

Vera Alfieri

Kelly Churney

From: Deborah Jones on behalf of Town Council
Sent: Wednesday, February 8, 2023 5:00 PM
To: Danielle Moore; Danielle Hickox Moore; Margaret Zeidman; heron1107@aol.com; Bobbie Lindsay; Bobbie Lindsay; Ted Cooney; Lew Crampton; Lew Crampton; Lew Crampton; Julie Araskog; Julie Araskog; Councilwoman Julie Araskog
Cc: Wayne Bergman; Paul Castro
Subject: Re: Chesterfield Hotel

Good afternoon Mayor and Town Council,

Please see the email below regarding the Chesterfield Hotel.

Sincerely,
Deb

Deborah Campbell-Jones
Administrative Clerk (TMO)

Town of Palm Beach
360 South County Road
Palm Beach Fl. 33480
Direct: 561-227-6301
Main: 561-227-6310

From: Neal Gordon <gornea725@gmail.com>
Sent: Wednesday, February 08, 2023 2:01 PM
To: Town Council <TCouncil@TownofPalmBeach.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>
Subject:

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

I live at 330 Cocoanut in Palm Beach, a block away from the Chesterfield Hotel ("Hotel"). I have become aware of the plans for the renovation of the Hotel.
The style and beauty of this downtown residential area, where the Hotel is located, combined with its rich history, make our neighborhood unique. I listened to the Hotel's recent presentation to the Town Council of its renovation plans and its stated interest in keeping the Hotel's history in tact in accordance with its landmark status. It is hard to reconcile the Hotel's plans with these statements when the room capacity will be decreased in order to increase the dining/nightclub capacity. Increased dining/nightclub activity brings with it increased traffic, noise and need for parking

capacity which does not exist. In a sense our neighborhood is a landmark worthy of preservation. We should not be an extension of commercial Worth Avenue. The fact that the management of the new Hotel is world-famous for managing top luxury hotels around the world, one of which I know, does not allay my concerns for the impact of this expanded "entertainment" business on this neighborhood.

I hope that the Council will take these concerns into consideration in their deliberations.

Neal Gordon

Jay Jordan
273 Tangier Avenue
Palm Beach, Florida 33480
312.320.5368

February 6, 2023

Federal Express

Mayor and Town Council
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Dear Town Council Members,

We are writing to provide an enthusiastic endorsement for the efforts of Monsieur Philippe Perd and the Oetker group regarding the Chesterfield Hotel soon to be name The Vineta. We have enjoyed a relationship with the Oetker group for over 30 years and have visited many of their hotel and hospitality facilities. We can unequivocally say they are totally A+++ first class in every way. Their involvement in the Palm Beach community will be a great asset to the community and enhance the lives of all of us by their presence.

We cannot thank you enough for your serious consideration to their proposals and look forward to receiving the good news that they will be able to proceed accordingly. If you have any questions for us, you can contact us as follows:

273 Tangier Avenue
Palm Beach, FL 33480
312-320-5368

Jay Jordan

JWJ/pd

THE MARGOLIS FAMILY
528 N. LAKE WAY
PALM BEACH, FLORIDA 33480

VIA EMAIL

February 1, 2023

Town of Palm Beach
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480

Re: The Vineta Hotel

Dear Members of the Architectural Commission and Town Council:

I am writing to support the proposed renovation and restoration of The Vineta Hotel and management by Oetker Collection. While the rate of change of population and construction on the island merits caution, a rare project that aims to restore or preserve the island's charm and architecture merits support. The Vineta Hotel is an elegant example of Mediterranean Revival architecture characteristic of traditional Palm Beach. Further, I have known the Oetker team responsible for the management of the property for many years, know them to be reasonable and accommodating, and believe that they have a sincere interest in working with the Town of Palm Beach to design and operate The Vineta Hotel consistent with the values and culture of the Island.

Thank you for your consideration and please do not hesitate to reach out should I be able to provide any further insight into the matter.

Sincerely,

Michael Margolis

From:	Deborah Jones on behalf of Town Council
To:	Danielle Moore; Danielle Hickox Moore; Margaret Zeidman; heron1107@aol.com; Bobbie Lindsay; Bobbie Lindsay; Julie Araskog; Councilwoman Julie Araskog; Julie Araskog; Ted Cooney; Lew Crampton; Lew Crampton
Cc:	Kirk Blouin; Wayne Bergman; Antonette Fabrizi
Subject:	FW: Chesterfield/Veneta
Date:	Tuesday, February 14, 2023 11:29:09 AM

Hello,

Please see the email below.

Thank you,
Deb

-----Original Message-----
From: Sarah Cecil <sarahmcecil@gmail.com>
Sent: Monday, February 13, 2023 3:21 PM
To: Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Heron1107@aol.com; Juliearaskog@aol.com; lcrampton@sciencecenter.com; Bobbie.lindsay@icloud.com; Edward.cooney@gmail.com; Town Council <TCouncil@TownofPalmBeach.com>
Subject: Chesterfield/Veneta

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

>> Dear Mayor Moore and Members of the Palm Beach Town Council,
>>
>> My name Is Sarah Mettler. I am a Palm Beach native of 57 years. My father Tom Mettler was a Town Councilman for several years, two years of which he served as President.
>>
>> Our family loves this town and wants to help the town remain unique, quaint and resident serving.
>>
>> In regard to the proposal by the new owners of what is to become The Vineta, this increase and use, would sabotage our section of town.
>>
>> I reside at 330 Cocoanut Row on the NE corner of the building and was already concerned about the traffic, our intersection during" rush hour", is loud and congested.
>>
>> Brazilian Avenue has become a speedway for valets & food delivery . There is already limited parking for residents, it would be disastrous to add to this density.
>>
>> This is a slippery slope and we must not begin to allow the charm of our island to be ruined.
>>
>> Please protect our neighborhood, with no expansion of use or physical footprint.
>>
>> Respectfully,
>>
>> Sarah Mettler Cecil

From: Marsha Wilson
To: Antonette Fabrizi
Cc: John Corey
Subject: Chesterfield Hotel Renovation
Date: Tuesday, February 14, 2023 11:19:50 AM

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

Good morning!

I didn't see the second letter I wrote on February 9 in the letters you kindly forwarded to John Cory. Please see below and kindly add it to the public record.

Thank you!

Marsha

Dear Mayor and Town Council Members,

I wrote earlier as president of the Board of Directors of La Maisonette, a four unit condominium across the street from the Chesterfield Hotel, to express our concerns. Today I write on my behalf.

Having attended the Landmarks Preservation Commission meeting where the building design was presented, I am fully supportive of the beautiful, world class hotel that the developers propose. However, as you are hearing from many neighbors, I am not in favor of expanding the restaurant seating from 113 to 197, with all of the downstream problems created by such an expansion.

This is a quiet, residential part of town and I hope the Council will take the necessary actions to ensure it remains so. We do not need more traffic or parking challenges as I am sure you appreciate.

The proposed new pool is beautiful. I ask that its use be restricted to hotel guests only. At the Landmarks Preservation Commission meeting, the developers offered to build a wall to shield abutting neighbors from pool noise and I believe they were asked to present a lighting plan as well. This is one example of how the developers can work with neighbors to illustrate their commitment to being a welcomed part of our neighborhood. There are other issues such as the rooftop mechanical plans and the need to find interior storage for trash, grease traps, recycling, etc.that warrant further scrutiny.

I want to thank you and Town staff for being such good stewards of our way of life. Yesterday I attended a symposium sponsored by the Naval Academy Foundation and the Naval War College Foundation on sustaining U.S. maritime dominance in an era of strategic competition. One of the speakers, Admiral Harry Harris, USN (Ret.), stated that Palm Beach has one of the best municipal governments in the country and I agree!

Respectfully submitted,

Marsha Tanner Wilson
350 Cocoanut Row
Apartment 2A
Palm Beach, Fl 33480
561.838.9006

From:	Deborah Jones on behalf of Town Council
To:	Danielle Moore; Danielle Hickox Moore; Margaret Zeidman; heron1107@aol.com; Ted Cooney; Bobbie Lindsay; Bobbie Lindsay; Lew Crampton; Lew Crampton; Julie Araskog; Julie Araskog; Julie Araskog
Cc:	Kirk Blouin; Carolyn Stone; Bob Miracle; Wayne Bergman; Antonette Fabrizi; Kelly Churney
Subject:	FW: Chersterfield (Vineto) Variance
Date:	Tuesday, February 14, 2023 10:58:38 AM

Good morning Mayor & Town Council,

Please see the email below.

Sincerely,
Deb

From: Peter W. Harris <pwharris88@gmail.com>
Sent: Monday, February 13, 2023 8:44 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Cc: Heron1107@aol.com; juliearaskog@aol.com; lcrampton@sfscience-center.org; bobbie.lindsey@icloud.com; edward.cooney@gmail.com; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>
Subject: Chersterfield (Vineto) Variance

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

Dear Mayor Moore and Town Council:

My wife and I are residents on Peruvian Avenue. I am writing in opposition to the project proposed by the Vineto hotel.

Like many residents, we have become increasingly concerned about the exponential rise in traffic over the past few years. We have been coming to this beautiful town since 1984 and have owned other residences on South Lake Drive. Today, we believe that the quality of life in Palm Beach is being increasingly threatened by developers who just want to make money and expand hotels and parking with no concern whatsoever on the impact of such measures.

Specifically at the Chesterfield, please:

1. Maintain the current capacity to 113 seats
2. Eliminate proposed on street valet parking which will compete with residents' use.
3. Mandate that the hotel store their trash in appropriate interior spaces
4. Require landscaping and noise buffers along sides of residential properties

Thank you all for what you do for our Town. Not to be over-dramatic, but I fear we are being invaded by people who do not share the same values of those people who founded the town and who have lived here for decades.

The Chesterfield was an iconic destination for so many people and their families – yes, I can certainly agree to a renovation but only in keeping within the current footprint and one that does not negatively impact on the adjacent residents.

Peter Harris
173 Peruvian

From:	Deborah Jones on behalf of Town Council
To:	Danielle Moore; Danielle Hickox Moore; Margaret Zeidman; heron1107@aol.com; Bobbie Lindsay; Bobbie Lindsay; Julie Araskog; Councilwoman Julie Araskog; Julie Araskog; Ted Cooney; Lew Crampton; Lew Crampton
Cc:	Kirk Blouin; Wayne Bergman; Antonette Fabrizi; Kelly Churney
Subject:	FW: Chesterfield
Date:	Tuesday, February 14, 2023 2:05:21 PM

Hello,

Please see the letter below.

Sincerely,
Deb

-----Original Message-----
From: KT Catlin <ktcatlin@hotmail.com>
Sent: Tuesday, February 14, 2023 9:03 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: Chesterfield

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

Good morning Mayor and Town Council members,

I am writing to you, because I am concerned with regards to the renovation plans for the Chesterfield. While I do not live in the immediate neighborhood, I do know that happy neighbors, make happy towns, and, everyone in Palm Beach is in fact, my neighbor.

You have an existing use that has worked well in the neighborhood for years. Palm Beach is fast becoming over populated with restaurants, bars, and the noise, traffic and potential police activity that always comes along with the increase in drinking. This is especially true with nightclub atmospheres.

Long before Palm Beach was a haven for multiple restaurants and bars, it was a beautiful, sleepy hamlet. It was made up of wonderful homes, exclusive, and fun shops, and a few great restaurants. I urge you to remember that, as you review the request from the new owners of the Chesterfield.

An enlarged or additional bar area and a nightclub is definitely not needed in the town of Palm Beach. To reduce sorely needed hotel rooms in exchange for the not needed night club and bar is a poor choice.

I am sure you have heard from many fellow Palm Beach residents and I hope you will listen to the voice of the neighbors and their objection to the proposed additional and new uses.

KT Catlin
265 Fairview Rd.
Palm Beach

Sent from my iPhone

From: Sarah Cecil <SARAHNDACK@att.net>
Sent: Monday, February 13, 2023 10:39 PM
To: Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>
Subject: Chesterfield variance

*******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*******

Dear Mayor and Town Council:

I am signing this today regarding the upcoming project for the Chesterfield Hotel with its new name The Veneta.

I live in Midtown at xxxxxx and I'm very concerned about an increase in density and traffic. The Chesterfield proposal to increase its seats to 197 is too much. The restaurant and bar area should not exceed 113 seats.

In fact, the hotel should also find parking for its staff elsewhere because they are taking up residential spots every day.

We live in Palm Beach because we have liked the pleasant, charming atmosphere, that the town has always had. Today there is too much traffic and congestion. We do not need another restaurant with a big draw to block our streets and take our parking.

Please do everything in your power to maintain the town the beautiful way it has always been.

Thank you for your time and effort on behalf of the residents.

Sincerely,

David F. Obre

319 Cocoanut Row #102

PB FL, 33480

Kelly Churney

From: Deborah Jones on behalf of Town Council
Sent: Tuesday, February 14, 2023 1:47 PM
To: Kelly Churney
Subject: FW: Chesterfield (Vineta) - A Path Forward

From: John David Corey <johncorey84@gmail.com>
Sent: Monday, February 13, 2023 3:07 PM
To: Town Council & Mayor <Town_Council_Mayor@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>
Cc: Kirk Blouin <KBlouin@TownofPalmBeach.com>
Subject: Chesterfield (Vineta) - A Path Forward

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

Dear Mayor and Town Council Members:

Like my neighbors, I am looking forward to a refreshed Chesterfield (Vineta) Hotel that can serve as an elegant, sophisticated boutique hotel in Palm Beach, but only if critical variances are denied and special exceptions can be worked out. We must not increase non-conforming uses which will negatively impact the nearby residential quality of life and attempting to exchange hotel rooms for restaurant seats is not allowed especially with no acceptable on site parking (only 4 spaces).

I would like to present a path forward for the town, area residents and the applicant:

Variance #1: Increases the public restaurant from 113 to 197 seats – This must be **DENIED or withdrawn by the applicant**. By expanding the non-confirming use, this variance violates our Comprehensive Plan, would adversely affect the residential character of the area and would cause undue demand on town parking resources. There is no justification or hardship for this variance. No variance is needed for the larger hotel rooms and reducing the number of rooms does dovetail with the Comprehensive Plan. It was not long ago that the restaurant was truly an accessory use and was only for the private use of hotel guests.

Variance #2: Elevator override – **DENY or defer** - Elevator can be incorporated into existing rooftop enclosures (options should be presented in a subsequent meeting). Landmarks charged Town Staff with analyzing the visibility of ALL new rooftop penetrations. This process must be allowed to proceed with mockups (e.g.: simple 2 x 4 framing of the proposed volumes to help visualize impacts) that would allow resident input and a study of alternative locations.

Variance #3: Rooftop trellis - **DENY** - Ridiculous to ask in the first place and violates every guideline pertaining to the legality of variance approvals. No hardship or justification.

Variance #4: 9' high air conditioning units – **DENY or defer** – These must be scaled down and could be incorporated into the existing rooftop structures. For example, there are two large rooms on the roof that were used as rooms without proper egress. That area could hide a multitude of equipment. So many buildings in Palm

Beach have been allowed to add huge mechanical boxes on the roofs to the detriment of historical structures. We can work with the applicants on finding suitable locations. Landmarks Commission charged staff with this task and must be allowed to occur.

Variance #5: 7' high restaurant scrubber – **DENY or Defer** – Since the restaurant stays at 113 seats with the denial of Variance #1, standard sized machines should work and not resort-sized equipment. Again, the applicant needs to work with staff to do a series of mockups to confirm any equipment is not visible from the public way and properly screened from residential properties. This area is unique as there are 4-5 story condo properties and could be negatively impacted with improper and large roof equipment.

Special Exception and Site Plan Review: - Can be APPROVED at future hearing – While continued use as a hotel, restaurant, nightclub and swimming pool seems to be grandfathered in, a full review of the site plan and operations are needed. Site plan must show all trash and back of house storage inside building envelope and not outside. Current plan shows a prominent trash area along Australian Avenue which is not acceptable to the residents and the recycling area adjacent to the townhouses to the south. No effective landscaping screening is shown to the south.

Special Exception 1: Restaurant – **Can be APPROVED at future hearing** with same number of seats (113) with tight Operating Agreement negotiated with area residents. All pool and rear areas for hotel guests only as was previous and historical practice at this location and is consistent with the Brazilian Court operations. Hours of operation must be tightened. A night club with late hours must not be approved in a residential area.

Special Exception 2: Outdoor Cafe seating – **Can be APPROVED at future hearing** in front courtyard only as was existing condition and part of the 113 seat count. Outdoor pool dining area must be prohibited.

Parking: The elephant in the room is parking. With only 4 on-site parking spaces, the applicant must find a way to solve their parking demands. The current valet system does not work and is very disruptive to the residential neighborhood with frequent speeding cars. The applicant's own traffic study is flawed with unsafe u-turns, lack of valet parking locations and incorrect demand categories (all addressed in my emailer email to the Town Council). Even the parking space counts in the town's valet permit are incorrect. The current valet plan has valets able to use 2-hour spaces in the four blocks surrounding the hotel, but if you count those spaces, only 58 exist and over 145 spaces are code required which include restaurant, hotel rooms and any assembly/function spaces. We also must remember that these are shared parking spaces and will only be partially available. Off-street parking spaces must be found in order for the applicant to move forward (e.g. private parking lots or facilities in mid-town).

Thank you very much for protecting your fellow residents against undue quality of life impacts.

Sincerely,

JDC

John David Corey
426 Australian Avenue
Palm Beach, FL 33480
H (561) 408-2880
C (617) 590-0886

Kelly Churney

From: Deborah Jones on behalf of Town Council
Sent: Tuesday, February 14, 2023 2:07 PM
To: Danielle Moore; Danielle Hickox Moore; Margaret Zeidman; heron1107@aol.com; Bobbie Lindsay; Bobbie Lindsay; Julie Araskog; Councilwoman Julie Araskog; Julie Araskog; Ted Cooney; Lew Crampton; Lew Crampton
Cc: Kirk Blouin; Wayne Bergman; Antonette Fabrizi; Kelly Churney
Subject: FW: The Chesterfield remodeling, and hearing scheduled for 2/15 at 2Pm.

Hello,

Please see the letter below.

Sincerely,
Deb

-----Original Message-----
From: Tania Zouikin <tzouikin@mac.com>
Sent: Tuesday, February 14, 2023 11:27 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: The Chesterfield remodelling, and hearing scheduled for 2/15 at 2Pm.

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

Dear Town Council Members,

As a resident of Palm Beach and a close neighbor of the Chesterfield Hotel/The Vineta redevelopment, I hope you will consider the neighborhood interest in preserving quiet, peace, safety, flow of traffic, and parking availability.

While the new developers are proposing increased restaurant and bar area, without increasing the number of rooms, this will add immeasurably to the daily/nightly traffic and noise activity affecting the surrounding neighbors. Bars/ nightclubs are not exactly what this neighborhood is about, as it is a residential neighborhood. If these additions are approved, please ensure that there is serious state of the art soundproofing, there will be no loud noise from the pool, and the additional trash/bottles will be removed as quietly as possible.

Further, their proposal will increase the flow of traffic, and the additional spaces are meant for other than hotel patrons. This is already a congested area, drivers frequently ignore the 4-way stops, and there is little street parking available in the eventings. Please consider eliminating on-street valet parking for the additional traffic, which is in serious competition with resident use, the hotel should find private off street parking for these guests. The new marina, which is beautiful, already takes up so much parking on S Lake Drive, and residents are forced to find parking on the cross streets.

Very importantly, bikers use Coconut Row frequently and I am concerned for the increased congestion of cars in that area. I am a biker and do not relish the thought of adding more traffic on these streets.

Thank you for your consideration in preserving the peace, quiet, safety, and parking management of our beautiful neighborhood.

Thank you for your service,

Tania Zouikin
389 S Lake Dr
Beautiful Palm Beach, FL

From:	Deborah Jones on behalf of Town Council
To:	Danielle Moore; Danielle Hickox Moore; Margaret Zeidman; heron1107@aol.com; Bobbie Lindsay; Bobbie Lindsay; Julie Araskog; Councilwoman Julie Araskog; Julie Araskog; Ted Cooney; Lew Crampton; Lew Crampton
Cc:	Kirk Blouin; Wayne Bergman; Antonette Fabrizi; Kelly Churney
Subject:	FW: Chesterfield Plan
Date:	Tuesday, February 14, 2023 1:52:37 PM

-----Original Message-----
From: Mikell Howington <mahowington@gmail.com>
Sent: Tuesday, February 14, 2023 6:49 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: Chesterfield Plan

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

Dear members of the town council,
When considering the new plan for the Chesterfield, please hold the line on the following:
1. The restaurant and bar area cannot exceed the 113 seats that was pre-existing and the proposed increase to 197 seats cannot be exchanged for reduction in hotel rooms.
2. Maintain pre-existing condition that the rear pool, bar and function areas as exclusive use of the hotel patrons and not incorporate these spaces into the public realm 3. Solve the rooftop mechanical penetrations that will clearly be visible from surrounding condos and may require temporary mockups so residents can visualize what is proposed 4. Eliminate on-street valet parking which is in competition with resident use. Hotel must find private parking for staff, valet operations and guests.
5. Applicant must find interior storage for trash, grease traps, recycling, noisy glass wine bottles and soiled laundry.
6. Full landscaping and noise buffers required along residential sides of property Sincerely, Mikell Howington

From:	Deborah Jones on behalf of Town Council
To:	Danielle Moore; Danielle Hickox Moore; Margaret Zeidman; heron1107@aol.com; Bobbie Lindsay; Bobbie Lindsay; Julie Araskog; Councilwoman Julie Araskog; Julie Araskog; Ted Cooney; Lew Crampton; Lew Crampton
Cc:	Kirk Blouin; Wayne Bergman; Antonette Fabrizi; Kelly Churney
Subject:	FW: Vineta refurbishment
Date:	Tuesday, February 14, 2023 2:04:20 PM

Hello,

Please see the letter below.

Sincerely,
Deb

From: Patricia Bilden <pfbpalmbeach@gmail.com>
Sent: Tuesday, February 14, 2023 8:28 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: Vineta refurbishment

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

Dear Town Council,

As a resident of midtown Palm Beach, I would like to lodge my objections and comments on the proposed refurbishment of the Chesterfield Hotel, now Vineta.

I read in the Shiny Sheet that the hotel wishes to reduce the number of rooms, which is their decision, but to add *substantially* to the number of restaurant and bar seats. This will increase traffic, noise and disturbances to the local neighborhood far in excess of what was experienced when the Chesterfield was operating. I strongly oppose adding any additional restaurant or bar seating.

I also understand that the hotel wishes to make the pool, bar and function areas part of the public use of the hotel, again driving increased daily (but not over-night) use of the hotel's spaces, increasing demand for parking, valet services, etc. I oppose this change of use.

Due to the residential aspect of the surrounding neighborhood, I would also request that the hotel be required to develop off-street parking for its guests' and staff parking, so that the neighborhood can retain its residential feel and not become a commercialized zone. Having constant valet parking utilizing residential parking spaces detracts greatly from the enjoyment of the beautiful surrounding neighborhood and deprives neighbors of parking for themselves and their guests.

The hotel must, to be a good neighbor, and in conformance with neighborhood practices, commit to

store its commercial by-products of trash, grease debris, laundry facilities and recycling and disposal of non-recyclables in an interior fashion, lest the neighborhood become a noisy commercial zone, disrupting the enjoyment residents have of their own neighborhood.

The hotel must, to be a good neighbor, and in keeping with Palm Beach traditions, provide full landscaping and noise buffering, to protect the residential feel and conditions of this neighborhood.

Aesthetically, the hotel should ensure that the exterior of the building is in keeping with the lovely and serene esthetics of the surround Palm Beach community, and screen the rooftop mechanisms to ensure tranquil views for all.

Thank you for your service to this lovely town of Palm Beach we call home. Your mission is to ensure enjoyment of it by its residents, ensuring safety and maintaining our way of life, while acknowledging that others come to visit to enjoy it as well. It is a balancing act and the residents appreciate your commitment.

Kind regards,

Patricia Bilden

300 S Ocean Blvd
Palm Beach FL 33480

From:	Deborah Jones on behalf of Town Council
To:	Danielle Moore; Danielle Hickox Moore; Margaret Zeidman; heron1107@aol.com; Bobbie Lindsay; Bobbie Lindsay; Julie Araskog; Julie Araskog; Councilwoman Julie Araskog; Ted Cooney; Lew Crampton; Lew Crampton
Cc:	Wayne Bergman; Kirk Blouin; Carolyn Stone; Bob Miracle; Antonette Fabrizi; Kelly Churney
Subject:	FW: The Vineta Hotel (former Chesterfield) expansion plans
Date:	Monday, February 13, 2023 10:47:06 AM

Hello,

Please see the email below.

Sincerely,
Deb

From: jats2682@aol.com <jats2682@aol.com>
Sent: Saturday, February 11, 2023 5:19 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Cc: Kirk Blouin <KBlouin@TownofPalmBeach.com>
Subject: The Vineta Hotel (former Chesterfield) expansion plans

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

To Palm Beach Town Council

Dear Council Members:

As owner of a property on Cocoanut Row for over 20 years, I am deeply disturbed, and surprised, by the plans of the new owners of The Vineta Hotel, former Chesterfield. While the restoration of the landmark building is welcome, the potential expansion of the restaurant, bar, lounge, pool and nightclub use is extremely inappropriate for our neighborhood. While technically, the hotel has had a pre-existing "nightclub" allowable use, the hotel and Leopard Lounge operated as a fine dining establishment. Even with a subdued lounge/bar area, near constant noise and disturbances from patrons exiting late at night affected the quality of life of us nearby residents. The past valet operations of stashing cars in and around the residential neighborhood must come to an end and the owners/operators need to find off-street parking as there is not even enough parking for our residential needs including landscaping, repairmen, domestic help and medical assistance.

The new owners have to rethink their plans and take into consideration all of us who live in the vicinity of the hotel. I ask the Town Council to hold the line on these requested items:

1) The restaurant and bar area **cannot exceed the 113 seats** that was pre-existing
2) Maintain that the **rear pool, bar and function areas as exclusive use of the hotel patrons** and not incorporate these spaces into the public realm
3) Solve the **rooftop mechanical penetrations** that will be clearly visible from surrounding condos and may require mockups so we can see what is proposed

4) **Eliminate on-street valet parking**

5) Applicant **must find interior storage for trash, grease traps, recycling, noisy glass wine bottles and soiled laundry**

6) **Full landscaping and noise buffers** required especially along residential sides of property

As it is, the detrimental impact will reach the Town itself, not just the neighbors.

Please give us your support.

I thank you in advance for you attention to this matter.

Julia T. Stetson
330 Cocoanut Row
Palm Beach

From:	Deborah Jones on behalf of Town Council
To:	Danielle Moore; Danielle Hickox Moore; Margaret Zeidman; Bobbie Lindsay; Bobbie Lindsay; Ted Cooney; Julie Araskog; Julie Araskog; Councilwoman Julie Araskog; Lew Crampton; Lew Crampton
Cc:	Wayne Bergman; Kirk Blouin; Carolyn Stone; Bob Miracle; Antonette Fabrizi
Subject:	FW: The Chesterfield Hotel / renovation - meeting Wednesday Feb 15th
Date:	Monday, February 13, 2023 10:44:07 AM

Hello,

Please see the email below.

Thank you,
Deb

-----Original Message-----
From: Michele de Araujo <michele.dearaujo@gmail.com>
Sent: Sunday, February 12, 2023 4:01 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Cc: Sergio de Araujo <dearaujo.sergio@gmail.com>
Subject: The Chesterfield Hotel / renovation - meeting Wednesday Feb 15th

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

Dear Town Council Members and Landmarks Commission,

As my husband and I are unable to attend the Wednesday meeting concerning proposed variances requested by the owners of The Vineta Hotel, we wish to express our comments in writing.

I am aware that numerous residents in our neighborhood have already contacted the Town Council regarding The Vineta Hotel's requests. My husband and I strongly agree with our neighbors' comments, so I will not repeat the list.

As town residents since 1987, we have seen many changes in Palm Beach, but none so prominent as what we have witnessed in the last two years with the influx of new residents both on the island and in West Palm Beach. Let me just focus on one issue others have raised that will be impacted by The Vineta Hotel renovation.....and this is parking, and traffic. Cocoanut Row, a major north/south artery is narrow and heavily traveled as are East/West streets, Australian Ave., Chilean Ave and Peruvian. Let's not ignore the fact that the Brazilian Court, one block from The Vineta Hotel, has their own parking lot on Hibiscus, and for quick access, still utilizes street parking.

To compound the impact of growth and additional traffic is a safety concern that has not gone unnoticed, and warrants input from the Palm Beach Police Dept. Rarely does a car or truck, electric scooter/skateboard or bicyclist actually make a "full stop" at the 4-way corners at the cross streets along Cocoanut Row from Brazilian Ave. through to Peruvian Ave.,all with Stop signs. Providing daily 24-hour hotel Valet parking increases the need for speed so that hotel guests and dining customers receive top service. I believe it is imperative that the owners of The Vineta Hotel seek an alternative customer and employee parking solution that does not include neighboring streets.

Thank you for taking the time to read this letter.

Sincerely,
Michele de Araujo
330 Cocoanut Row, Apt 2C, Palm Beach

Sent from my iPad

From: Warren Kanders
To: Antonette Fabrizi
Subject: Re: The Vineta-ZON-23-019
Date: Friday, February 10, 2023 9:23:52 PM

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

Could you please confirm receipt

Warren B. Kanders

Sent from my iPhone
Please excuse any typos or improper dictation

> On Feb 1, 2023, at 12:10 PM, Warren Kanders <wbkanders@kanders.com> wrote:
>
> Members of the ARCOM Committee,
>
> I am writing to support the application of The Vineta hotel. As a full-time resident of Palm Beach with residences at 309 Garden Road and 325 Via Linda, I am encouraged by the design and sensitivity of their approach to this welcome and important renovation. Additionally, I previously owned a hotel in ST Barths which was expertly managed by the Oetker Group. I could not recommend them more highly.
>
> Respectfully,
>
> Warren B. Kanders
>
> Kanders & Company, Inc.
> 250 Royal Palm Way
> Palm Beach, Florida 33480
>
> Sent from my iPhone
> Please excuse any typos or improper dictation

From: Kelly Churney
To: Antonette Fabrizi
Subject: FW: The Chesterfield - Traffic Generation Statement - ZON-23-019
Date: Friday, February 10, 2023 12:13:36 PM
Attachments: Chesterfield Traffic Study (dragged) 2.pdf

Kelly Churney
Deputy Town Clerk

Town of Palm Beach
360 S. County Rd.
Palm Beach, FL 33480
561-838-5416
www.townofpalmbeach.com

From: Deborah Jones <djones@TownOfPalmBeach.com> **On Behalf Of** Town Council
Sent: Friday, February 10, 2023 11:18 AM
To: Danielle Moore <daniellemoorepb@gmail.com>; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; heron1107@aol.com; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Julie Araskog <juliearaskog@aol.com>; Councilwoman Julie Araskog <juliearaskogtowncouncil@gmail.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Bobbie Lindsay <bobbie.lindsay@icloud.com>; Ted Cooney <tcooney@TownOfPalmBeach.com>; Lew Crampton <lewcrampton@gmail.com>; Lew Crampton <lcrampton@TownOfPalmBeach.com>; Lew Crampton <lcrampton@coxsciencecenter.org>; Wayne Bergman <wbergman@TownOfPalmBeach.com>; Paul Castro <PCastro@TownofPalmBeach.com>
Subject: FW: The Chesterfield - Traffic Generation Statement - ZON-23-019

Hello Mayor & Town Council,

Please see the email and attachment from John David Corey.

Thank you,
Deb

From: John David Corey <johncorey84@gmail.com>
Sent: Thursday, February 09, 2023 3:25 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Cc: Kirk Blouin <KBlouin@TownofPalmBeach.com>
Subject: The Chesterfield - Traffic Generation Statement - ZON-23-019

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

Dear Mayor and Town Council:

I want to put into the record that the traffic study that was submitted with The Chesterfield application (ZON-23-019) is flawed since it calculates the demand based on 197 "Fine Dining" restaurant seats, but the breakdown of seats as requested in the Development Review Application is a mix of bar, lounge, nightclub and fine dining and each has their own unique demand load per the *ITE Trip Generation Manual* as referenced in the traffic study. The resulting demand calculation skews incorrectly low due to the lower demand for fine dining than for the other uses requested. The traffic study report needs to reflect the proper requested makeup of the establishment. See attachment below.

Please note that this issue goes away if Variance #1 (increase in seating from 113 to 197) is withdrawn or denied. The pre-existing restaurant size and capacity would theoretically be grandfathered in and then we would just need to work within the Special Exception process to solve parking, noise and operational issues in conjunction with nearby residents.

Thank you of your time.

Sincerely,
JDC

John David Corey
426 Australian Avenue
Palm Beach, FL 33480
H (561) 408-2880
C (617) 590-0886

1.0 SITE DATA

The subject parcel is located at 363 Cocoanut Row in the Town of Palm Beach, Florida and contains approximately 0.43 acres. The Parcel Control Number (PCN) for the subject parcel is 50-43-43-23-05-006-0010. The site is currently vested with a 57 room hotel and 113 seat fine dining restaurant. The site is proposed to be modified, including dining seat reallocation for hotel use, to a total 41 room hotel and 197 seat fine dining restaurant with a project build-out of 2024.

Site access will remain unchanged and is existing via a valet stand on Cocoanut Row on the west side of the site. Parking is proposed to continue as only valet parking. The Valet Circulation Exhibit and the hotel-provided Valet Operation Plan are attached to this report. For additional information concerning site location and layout, please refer to the Site Plan prepared by Spina O'Rourke + Partners, Inc.

2.0 TRAFFIC GENERATION

The Palm Beach County Unified Land Development Code Article 12 requires that for any application for a site specific development order on property on which there are vested uses shall be subject to the Palm Beach County Traffic Performance Standards to the extent the traffic generation projected for the site specific development order exceeds the traffic generation of the vested uses. The generation rates and capture rates of the vested uses shall be updated to current pro forma traffic generation and passer-by rates and shall be used to calculate vested uses/current approval traffic.

The traffic currently vested to the parcel has been calculated in accordance with the traffic generation rates listed in the *ITE Trip Generation Manual, 11th Edition* and provided by the Palm Beach County Engineering Traffic Division as shown in Tables 1, 2, and 3 attached with this report. Table 1 shows the daily traffic generation associated with the existing/vested development in trips per day (tpd). Tables 2 and 3 show the AM and PM peak hour traffic generation, respectively, in peak hour trips (pht). The traffic generated by the vested development may be summarized as follows:

Existing/Vested Development

Daily Traffic Generation	=	532 tpd
AM Peak Hour Traffic Generation (In/Out)	=	24 pht (15 In/9 Out)
PM Peak Hour Traffic Generation (In/Out)	=	44 pht (24 In/20 Out)

The traffic to be generated by the proposed site modifications has also been calculated in accordance with the traffic generation rates listed in the *ITE Trip Generation Manual, 11th Edition* and rates published by the Palm Beach County Engineering Traffic Division as shown in Tables 4, 5, and 6. Table 4 shows the daily traffic generation associated with the proposed plan of development. Tables 5 and 6 show the AM and PM peak hour traffic generation, respectively.

From: Kelly Churney
To: Antonette Fabrizi
Subject: FW: Vineta Hotel
Date: Monday, February 13, 2023 10:34:25 AM

Kelly Churney
Deputy Town Clerk

Town of Palm Beach
360 S. County Rd.
Palm Beach, FL 33480
561-838-5416
www.townofpalmbeach.com

-----Original Message-----
From: Deborah Jones <djones@TownOfPalmBeach.com> On Behalf Of Town Council
Sent: Monday, February 13, 2023 10:33 AM
To: Danielle Moore <daniellemoorepb@gmail.com>; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Bobbie Lindsay <bobbie.lindsay@icloud.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Julie Araskog <juliearaskog@aol.com>; Councilwoman Julie Araskog <juliearaskogtowncouncil@gmail.com>; Ted Cooney <tcooney@TownOfPalmBeach.com>; Lew Crampton <lewcrampton@gmail.com>; Lew Crampton <lcrampton@TownOfPalmBeach.com>
Cc: Wayne Bergman <wbergman@TownOfPalmBeach.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Carolyn Stone <cstone@TownOfPalmBeach.com>; Bob Miracle <rmiracle@TownOfPalmBeach.com>; Paul Castro <PCastro@TownofPalmBeach.com>
Subject: FW: Vineta Hotel

Hello,

Please see the email below regarding the Chesterfield Hotel.

Sincerely,
Deb

-----Original Message-----
From: dawncharlie@earthlink.net <dawncharlie@earthlink.net>
Sent: Monday, February 13, 2023 12:43 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: Vineta Hotel

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

I am writing as a multi-year, full time resident of 330 Cocoanut Row, roughly a block from the subject hotel.
It would appear that the proposal to make multiple changes to the previously named Chesterfield Hotel reflects a desire to attract a younger, larger crowd with louder music, and more undesirable noise in a predominantly residential neighborhood. Cocoanut Row is a very narrow street already drawing more automobile and truck traffic than is safe and desirable. We all know about the existing parking challenges the Town faces.
What I am particularly concerned about are the six variances being requested. I fail to see any hardships that would justify these, other than not allowing the new ownership to do what they wish, without objection.
Thank you.

Charles J. Frankel III
330 Cocoanut Row, 1B
Palm Beach, Florida 33480

Sent from my iPhone

From: Kelly Churney
To: Antonette Fabrizi
Subject: FW: Town Council Development Review Notice - The Chesterfield - ZON-23-019
Date: Thursday, February 09, 2023 10:56:09 AM
Attachments: Varince TC Notice.pdf

Hi Antonette,

For the Record. Can you print this one too for the folders?

Thank you,

Kelly Churney
Deputy Town Clerk

Town of Palm Beach
360 S. County Rd.
Palm Beach, FL 33480
561-838-5416
www.townofpalmbeach.com

From: John David Corey <johncorey84@gmail.com>
Sent: Thursday, February 09, 2023 9:29 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Cc: Kirk Blouin <KBlouin@TownofPalmBeach.com>
Subject: Town Council Development Review Notice - The Chesterfield - ZON-23-019

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

Dear Mayor and Town Council Members:

I would also like to bring to your attention a concern with the Town Council Development Review Notice that was mailed to the 1000' radius surrounding The Chesterfield. I have attached the Notice below for your reference. Only the reduction in hotel rooms from 57 to 41 is clearly identified, but no corresponding mention of the applicant's request to **increase** the restaurant footprint into basically the entire first floor of the hotel including pool area or mention of the increase in number of seats from 113 to 197 (a 74% increase). I have spoken with many residents in the area and not a single one understood that this was part of the application. The lack of information in the notice may disenfranchise residents if any such increase is granted.

However, if Variance #1 (expansion of the restaurant) is withdrawn or denied, then the hotel could continue with a 113 seat restaurant (with tight protocols for off street parking, hours of operation and further protections for nearby residents) as part of a standard Special Exception request allowed in the the town code.

Thank you very much,
JDC

John David Corey
426 Australian Avenue
Palm Beach, FL 33480
H (561) 408-2880
C (617) 590-0886

TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

NOTICE

TOWN COUNCIL DEVELOPMENT REVIEW

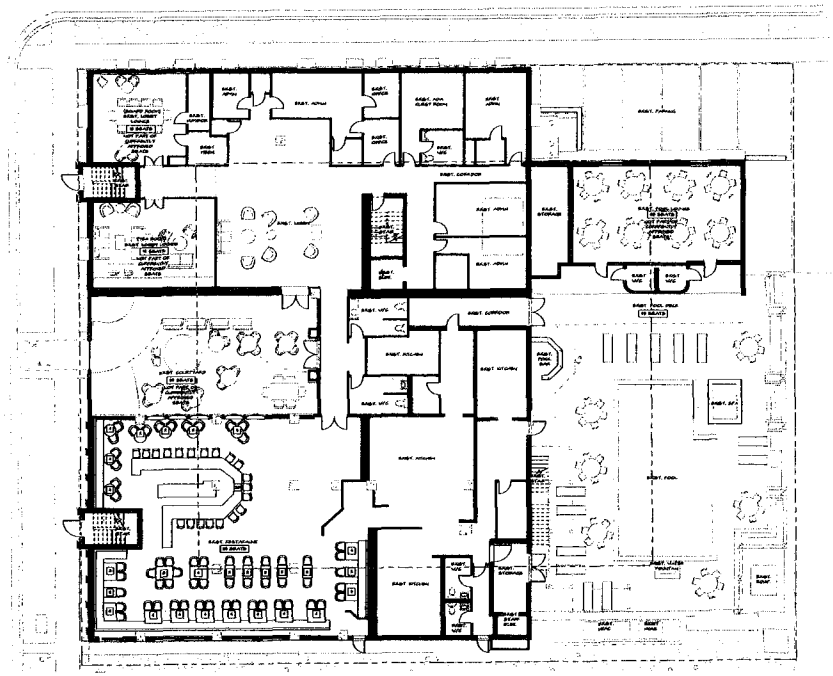
NOTICE IS HEREBY GIVEN to all property owners within **1000'** of the subject property that the TOWN COUNCIL DEVELOPMENT REVIEW of the Town of Palm Beach will hold a public meeting on **Wednesday, February 15, 2023 at 9:30 a.m.** in the Town Council Chambers, Town Hall, 360 South County Road, 2nd Floor, Palm Beach, Florida 33480. At this meeting, the Town Council will review the following project:

ZON-23-019 (COA-23-002) 363 COCOANUT ROW—THE VINETA HOTEL (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES.
The applicant, 363 Cocoanut Row Popco LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the interior and exterior renovation to an existing Landmarked four-story hotel structure for (1) For modifying the existing four-story hotel use including a reduction of rooms from 57 keys to 41 in the R-C district and (2) For outdoor café seating use. Additionally, the applicant is seeking review and approval for Variances (1) to modify and increase a nonconforming hotel use and accessory restaurant uses in the R-C district under Sec. 134-201(a)(6) of the Town Zoning Code, (2) to exceed the maximum overall building height in order to construct rooftop projections (stair and elevator bulkheads), (3) to exceed the maximum overall building height in order to construct rooftop projections (third floor trellis), (4) to exceed the maximum height of rooftop mechanical equipment for air conditioners and (5) commercial kitchen exhaust scrubber on a rooftop, in conjunction with the renovation of an existing Landmarked four-story hotel and accessory restaurant uses. The Landmarks Preservation Commission will perform the design review.

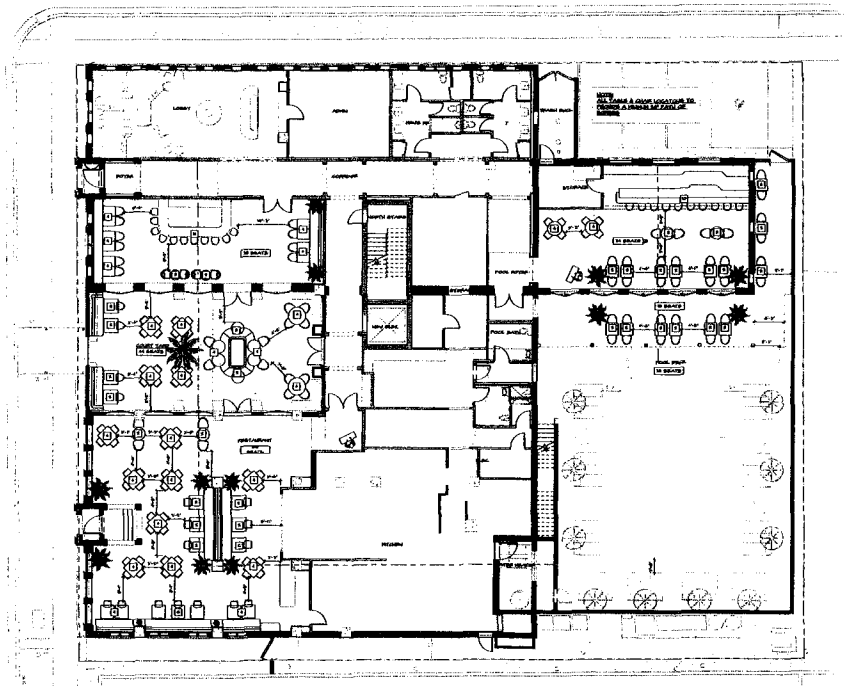
This application has been filed with the Planning, Zoning, and Building Department for review by the Town Council, and will be considered pursuant to the Town Council's authority under Town of Palm Beach Code.
The time listed above indicates the start of the Town Council meeting only, it does not intend to reflect the actual time any item will be heard or the order in which the matter will be arranged with the other items on the agenda. The above item may be deferred and, under such circumstances, additional legal notice would not be provided. Any person may contact the Department at (561)-838-5431 for information as to the status of this item as a result of any action at the meeting.
All interested persons may appear and be heard at said Public Hearing and may likewise submit written statements prior to and at said Public Hearing and such shall be made part of the record of such proceedings. These applications and plans are on file in the Planning, Zoning & Building Department, 360 South County Road, Palm Beach, and are available for view between 8:30 a.m. and 4:30 p.m. Monday through Friday, or may also be available for viewing digitally at https://www.townofpalmbeach.com/676/Development-Review-Applications
Pursuant to Section 286.0105, Fla. Stat., the Town hereby advises the public that: If any person decides to appeal any decision made by the Town Council with respect to any matter considered at its meeting or hearing, such person will 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. This notice does not constitute consent by the Town for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.
In Accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the Town Manager's Office, at (561) 838-5410 for assistance, no later than five (5) days prior to the proceeding. If hearing impaired, telephone the Florida Relay Service Numbers, (800) 955-8771 (TDD) or (800) 955-8770 (Voice), for assistance.

NOTIFICATION TO SURROUNDING PROPERTIES OF PENDING APPLICATION

FUNCTIONAL SEATING COUNT		
	EXISTING	PROPOSED
DINING SEATING		
RESTAURANT	113	66
COURTYARD	35	44
RESTARAUNT LOUNGE	-	35
SUBTOTAL (3 SEAT REDUCTION)	148	145
LOUNGE AREA		
LOBBY LOUNGE (TEA ROOM)	15	-
LOBBY LOUNGE (BOARD ROOM)	14	-
POOL LOUNGE (INDOOR)	48	34
POOL LOUNGE (OUTDOOR)	-	18
POOL DECK (OUTDOOR)	45	38
SUBTOTAL (32 SEAT REDUCTION)	122	90
TOTAL	270	235
OVERALL REDUCTION OF 35 SEATS		



Existing Seating Plan



Proposed Seating Plan

SPINAOROURKE + PARTNERS
Architecture/Interior Design
285 Banyan Blvd
West Palm Beach, Florida 33401
561.844.5844 • Fax 561.844.5994
FL Lic # AA0002209

RENOVATION OF
The Vineta Hotel
363 Cocoanut Row, Palm Beach, FL 33480

THESE DRAWINGS ARE FOR THE EXCLUSIVE USE OF SPINA OROURKE + PARTNERS, INC. AND MAY NOT BE DUPLICATED, REPRODUCED OR USED IN ANY MANNER WITHOUT THE EXPRESS WRITTEN CONSENT OF SPINA OROURKE + PARTNERS, INC. ALL RIGHTS RESERVED

Revisions:

Project no: 22028
Date: 12.23.2022
Drawn by: Author
Project Manager: Checker

FUNCTIONAL SEATING PLANS & CHARTS

AC-7.0.6

Mr. and Mrs. Neil Bluhm
215 Brazilian Avenue
Palm Beach, FL 33480
February 8, 2023
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: Vineta Hotel ZON-23-019
Dear Honorable Mayor Moore and Town Council:
We are writing to express our enthusiastic support for the approval of the Vineta Hotel Zoning Application ZON-23-019. We live at 215 Brazilian Avenue, 0.3 mile from the hotel property.
The restoration of the historic Vineta Hotel is an important opportunity for our community to preserve the character of our neighborhood in style and use. Through our travels, we have experienced the superb quality of service and attention to detail that is Oetker Collection.
We look forward to frequenting the refreshed dining venues and are confident that any traffic concerns will be successfully managed.
We respectfully urge your support of The Vineta Hotel project.

Sincerely,
Mr. and Mrs. Neil Bluhm

Neil M Bluhm
Kimberly Paige Bluhm
646-339-4401
Kpaige7@gmail.com

Edward S. Pantzer
460 South Ocean Blvd.
Palm Beach, Fl. 33480
(201) 232-8500
epantzer@pancomgt.com

February 7th, 2023

To the Mayor and Town Council of Palm Beach:

It is my great pleasure to write on behalf of and in support of the application and plans of The Oetker Collection for the Vineta Hotel, formally known as the Chesterfield. I am well aware of the fine operations of the Oetker Collection. I have stayed in four of their hotels, some for more than 50 years. Some of their hotels which I have stayed at are Hotel Du Cap-Eden-Roc in Antibes, France, Le Bristol in Paris, Brenner's Park-Hotel and Spa in Baden Baden, Germany and lastly, Eden Rock in St Barths. I am familiar with the type of operation they run and the first-class team they recruit. They employ the finest team and then train them to be the best of the best. Oetker group have a fine sense of exquisite cuisine and consistently run outstanding operations all over the world. Adding the Palm Beach location to the Oetker Collection would strengthen the first-class hospitality that Palm Beach currently offers.

It is my pleasure to endorse plans for The Vineta, and I strongly urge the Mayor and the Town Council of Palm Beach to approve their plans without delay so that they can deliver yet another fine hotel and dining experience to the Town of Palm Beach.

Very sincerely,

Edward S Pantzer

My husband and I live at 353 Cocoanut Roe in close proximity to the Chesterfield Hotel
We read with interest the submission by the new owners to renovate the property and their assertion that because they were reducing the number of rooms from 57 to 41 there was no need to alter the existing parking arrangement
THERE IS NO PARKING ARRANGEMENT
And when you add in the 198 seat restaurant where conceivably many diners will arrive at the same time, chaos will reign.

The three other hotels on Palm Beach Island including the Breakers, the Colony and the Brazilian Court all have parking lots.
You cannot approve this petition without a specific plan for OFF STREET PARKING

The operation of the Chesterfield took every non resident parking place every day and every night. These places are on Cocoanut Row and Australian Ave
The valets jockeyed the cars and double and triple parked until they could free up a space. The operation was disorganized, unsafe and a major blight on an otherwise lovely street.

As you know Cocoanut Row is a major two way North South road for both commercial and local traffic. Both the middle and northern bridges are accessed off Cocoanut Row
In the eight years we have lived here we witnessed the overflow of cars, frazzled valets and really annoyed residents.

Thank you

William and Anne Farrell
353 Cocoanut Row

From: Kelly Churney
To: Antonette Fabrizi
Subject: FW: Chesterfield Hotel rebuild
Date: Monday, February 13, 2023 10:34:18 AM

Kelly Churney
Deputy Town Clerk

Town of Palm Beach
360 S. County Rd.
Palm Beach, FL 33480
561-838-5416
www.townofpalmbeach.com

From: Deborah Jones <djones@TownOfPalmBeach.com> **On Behalf Of** Town Council
Sent: Monday, February 13, 2023 10:29 AM
To: Danielle Moore <daniellemoorepb@gmail.com>; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Bobbie Lindsay <bobbie.lindsay@icloud.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Julie Araskog <juliearaskog@aol.com>; Councilwoman Julie Araskog <juliearaskogtowncouncil@gmail.com>; Ted Cooney <tcooney@TownOfPalmBeach.com>; Lew Crampton <lewcrampton@gmail.com>; Lew Crampton <lcrampton@TownOfPalmBeach.com>
Cc: Wayne Bergman <wbergman@TownOfPalmBeach.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Carolyn Stone <cstone@TownOfPalmBeach.com>; Bob Miracle <rmiracle@TownOfPalmBeach.com>; Paul Castro <PCastro@TownofPalmBeach.com>
Subject: FW: Chesterfield Hotel rebuild

Good morning,

Please see the email below regarding the Chesterfield Hotel.

Sincerely,
Deb

From: abbf@aol.com <abbf@aol.com>
Sent: Monday, February 13, 2023 7:45 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: Chesterfield Hotel rebuild

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

PURPLE FOLDER: Chesterfield/Vineta Hotel Traffic Study - Peer Review

From: Eric Czerniejewski
To: Jennifer Hofmeister-Drew; James Murphy
Cc: Wayne Bergman; Joseph M Corradino
Subject: FW: Chesterfield Traffic Study - Peer Review
Date: Monday, February 13, 2023 7:55:04 AM
Attachments: image004.png
image005.png
image008.png
image001.png

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

James/Jennifer:

Good Morning.

Please see below response from Bryan Kelley at Simmons and White (Vineta Hotel application traffic consultant) regarding the valet parking.

Please let me know if you have any questions.

Thanks for your time and effort.

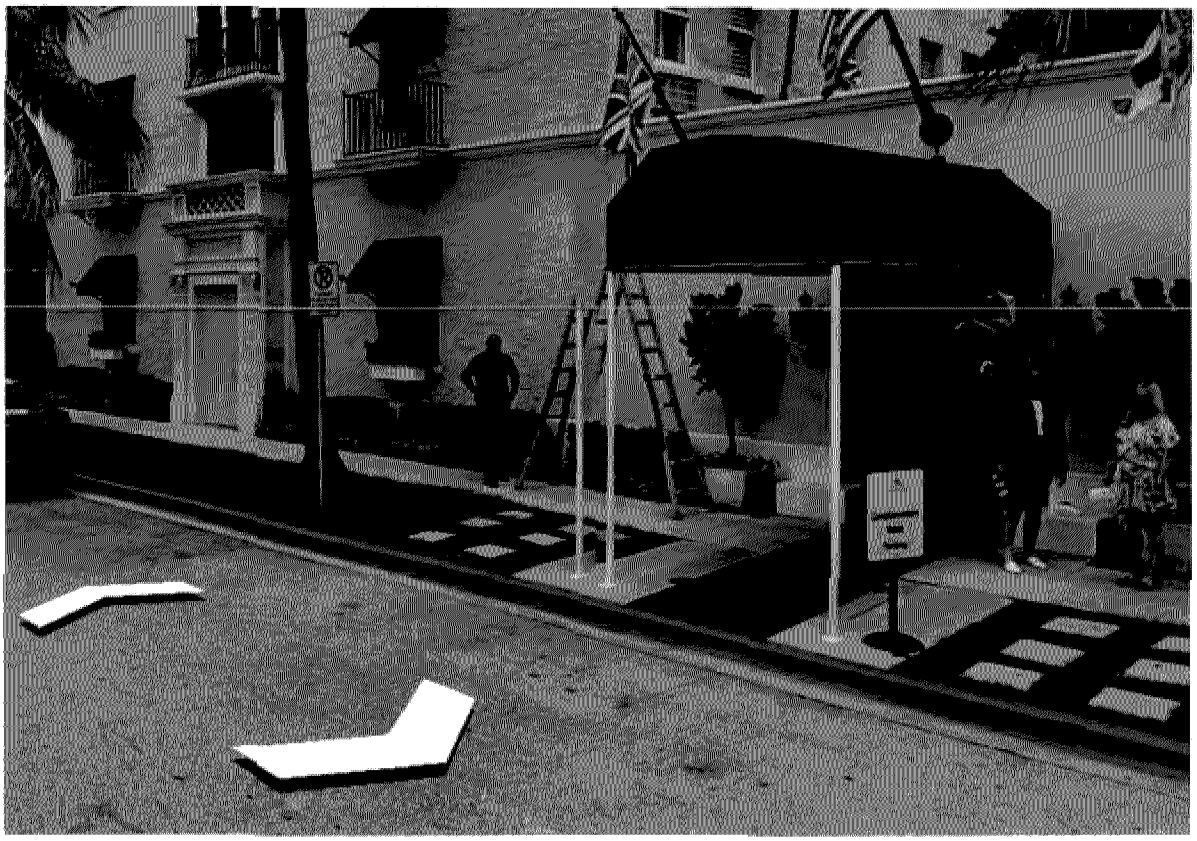
Eric Czerniejewski, P.E., ENV SP
Traffic Engineering Division Manager
The Corradino Group
5200 NW 33rd Ave, Suite 203
Ft. Lauderdale, FL 33309
P. 954-777-0044
C. 954-605-7373
F. 954-777-5157
eczerniejewski@corradino.com



From: Bryan Kelley <bryan@simmonsandwhite.com>
Sent: Monday, February 13, 2023 7:12 AM
To: Eric Czerniejewski <eczerniejewski@CORRADINO.com>
Cc: Keith Spina <Keith@spinaorourke.com>; Nelo Freijomel <Nelo@spinaorourke.com>; Tim Hanlon <tim.hanlon@amrl.com>
Subject: RE: Chesterfield Traffic Study - Peer Review

Hi Eric,
This is something we will be addressing at the Council meeting next week. I obviously don't know the specifics of the Paramount project but there may be a few things that differentiate the Chesterfield project. The valet drop off in front of the Chesterfield site is currently designated for valet and not on street parking. Therefore, the queuing should be contained within this area and not spillover to regular on street parking spaces or through traffic. As for the on street parking in the surrounding roadways, that has been grandfathered in and how the existing operations has worked. The parking demand based on the changes proposed (increased seating and reduced number of rooms) is still the same. Based on the above and that we are a slight reduction in traffic, we expect to improve the operations with the management team. Our team is also working on some other things that could improve operations that we

will discussed at the hearing.



Thanks,

Bryan Kelley, P.E.
Senior Traffic Engineer

SW | 40
SINCE 1982 | YEARS

Simmons & White, Inc.
2581 Metrocentre Blvd., Suite 3
West Palm Beach, FL 33407

Office: 561.478.7848 x 112
Cell: 561.371.2285
www.simmonsandwhite.com

From: James Murphy <jmurphy@TownOfPalmBeach.com>
Sent: Friday, February 10, 2023 10:01 AM
To: Bryan Kelley <bryan@simmonsandwhite.com>; Eric Czerniejewski <eczerniejewski@CORRADINO.com>; Nicholas Caristo <NCaristo@PalmBeachPolice.com>
Cc: Tim Hanlon <tim.hanlon@amrl.com>; Keith Spina <Keith@spinaorourke.com>; Benjamin Alma <BAlma@PalmBeachPolice.com>; Paul Alber <PAlber@PalmBeachPolice.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>; Jennifer Hofmeister-Drew <jhofmeister@TownOfPalmBeach.com>
Subject: FW: Chesterfield Traffic Study - Peer Review

FYI for likely discussion at Wednesday's TC meeting for the Vineta application.

Best
JGM

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

From: John David Corey <johncorey84@gmail.com>
Sent: Friday, February 10, 2023 8:26 AM
To: James Murphy <jmurphy@TownOfPalmBeach.com>
Cc: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Subject: Chesterfield Traffic Study - Peer Review

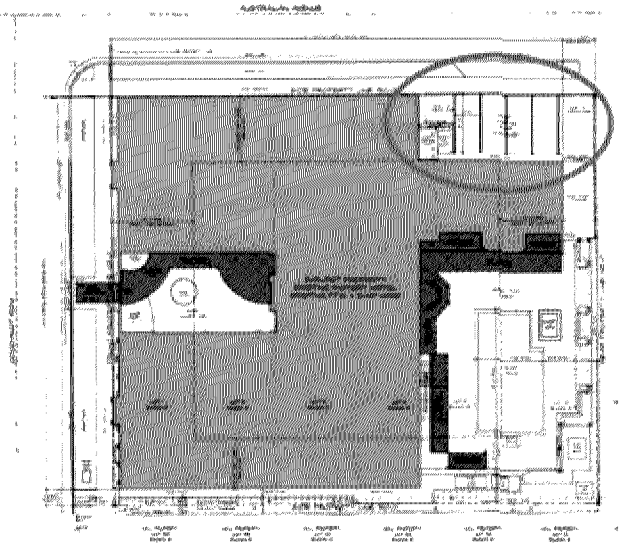
*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good Morning James:

The town's peer reviewer for The Chesterfield traffic study came back with question number 8 (see below) for the applicant to confirm where the vehicles will be parked for the valet parking. Simmons & White's response was that the four spaces on site will be used, but that will certainly will be not enough spaces. I think the town's peer reviewer is getting at my concern that the queuing equation uses an assumption on the time to "process a vehicle", but without knowing to where the cars will be serviced, the analysis flawed. Will this issue with the traffic study be an item that staff will present to the TC that must be resolved in order for the traffic study to be considered reliable?

Thank you very much,
JDC

8. Please confirm where vehicles will be parked for the valet parking. The proposed site plan shows four surface parking spaces along Australian Avenue.



Simmons & White's 01/27/23 Response: Change made as noted.

TCG 01/30/23 Response: Addressed. Please update the architectural plans to make sure that the ADA spaces are oriented appropriately per the typical handicap space detail.

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

From: Wayne Bergman
To: Antonette Fabrizi; James Murphy; Jennifer Hofmeister-Drew
Subject: Fwd: Chesterfield variance/
Date: Monday, February 13, 2023 6:58:00 PM

Wayne Bergman
Sent from my iPhone

Begin forwarded message:

From: Charles Smithgall <casmithgall3@gmail.com>
Date: February 13, 2023 at 6:44:52 PM EST
To: Town Council <TCouncil@townofpalmbeach.com>, heron1107@aol.com, juliearaskog@aol.com, lcrampton@sfsciencecenter.org, Bobbie.lindsay@icliud.com, Edward.cooney@gmaiil.com, Danielle Hickox Moore <DMoore@townofpalmbeach.com>, Wayne Bergman <wbergman@townofpalmbeach.com>
Subject: Chesterfield variance/

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

Dear Mayor and Town Council members,

I am writing you today, because I am very concerned about the upcoming projects under review for variances at the Chesterfield Hotel. I live at 421 Australian Avenue and the Chesterfield is just around the corner from me.
My understanding is that they are seeking to increase the number of seats to a much greater number than currently allowed under their grandfathered permission.
The Town of Palm Beach is a special place, and I have always enjoyed living here. However, in the last few years, there has been too much of an increase in traffic and density, and I think we need to put a stop to it.
Therefore, I am asking that you preserve our town, and its quality and character in the following ways:
1.Maintain the current capacity at 113 seats.
2.Maintain the rear pool, bar and function areas for the exclusive use of the hotel patrons and do not incorporate these spaces into the public realm
3. ensure that the rooftop mechanical penetrations will not be visible from surrounding condos .
4. please eliminate on-street valet parking which is in competition with resident use. We always have such a hard time finding parking. The hotel must find private parking for staff, valet operations and guests but please do not allow any parking garage is to be built in Palm Beach. They would be an extremely unattractive element to our town.

5. Please mandate that the hotel find interior storage for trash, grease traps, recycling, noisy glass wine bottles and soiled laundry.
6. Please require complete landscaping and noise buffers required along residential sides of property.

I am asking that you save the quality of our town. It is under such siege at this time. We cannot support anymore growth and traffic. We have too much density today.

I appreciate all the help and work that you do on behalf of the town.

Sincerely,

Charles Smithgall

Town of Palm Beach
Planning and Zoning
360 South County Road
Palm Beach, FL 33480

To whom it may concern: December 23, 2022

I am in receipt of your NOTICE from the Landmarks Preservation Commission regarding the proposed hearing for COA-23-002 requesting multiple variances at 363 Cocoanut Row. I am unable to attend the hearing, so I am submitting this short letter of concern. I hope it is appropriate to address an ancillary issue in this manner.

I have no opinion or objection to the various requests of the Vineta Hotel related to their "architectural plans". Indeed, reading and understanding eleven pages of fine print almost seems intended to make it impossible for an ordinary citizen to grasp what is at issue. I have to trust the town authorities to represent my interests and those of the town, broadly defined.

But there is rumor that part of the plan of the new owner is to **increase** the restaurant capacity of the hotel, while reducing the number of rooms. I live at the corner of Cocoanut Row and Brazilian. My home is within a short distance of both the current Chesterfield and Brazilian Court. Without any question, these two organizations are responsible, through their valet services, for some of the most egregious speeding we see at our intersection. While walking east on Brazilian toward Hibiscus recently at about 8:30PM, a car going west on Brazilian sped toward the Cocoanut Row intersection reaching speeds of close to 60 miles per hour. It was clearly driven by a young man serving as a valet who took a hard left turn on Cocoanut and then another hard left on Australian, headed to the front of the Brazilian Court. A child, a dog, an older, slower moving person stepping out unwittingly from between parked cars would have been killed instantly in any collision. **This kind of violation is common** for both hotel entities, even as I realize this particular infraction was not related to the Chesterfield.

Increasing the number of patrons for evening meal service will only increase the demands on valets, whose incentives are always speed related. This is a residential area. The hotels are the anomaly and they are "out of place". Consideration should be given to this reality. I worry that the multiple times the NOTICE mentions the reduction in room count from 57 to 41 is "covering" other intentions regarding transient food services, which might serve to INCREASE traffic in the dangerous evening hours while putting pressure on limited valet resources in concentrated periods of time after meal service. If increases in transient traffic is one result of this set of 'variances', then the town should know that danger lurks, borne in the hands of young men whose livelihood depends on SPEED!!

My two cents!!

Sincerely,

Ellen Kaufmann

Ellen F. Kaufmann
330 Cocoanut Row

Kelly Churney

From: Deborah Jones on behalf of Town Council
Sent: Tuesday, February 14, 2023 10:59 AM
To: Danielle Moore; Danielle Hickox Moore; Margaret Zeidman; heron1107@aol.com; Ted Cooney; Bobbie Lindsay; Bobbie Lindsay; Lew Crampton; Lew Crampton; Julie Araskog; Julie Araskog; Julie Araskog
Cc: Kirk Blouin; Carolyn Stone; Bob Miracle; Wayne Bergman; Antonette Fabrizi; Kelly Churney
Subject: FW: Chersterfield (Vineto) Variance

Good morning Mayor & Town Council,

Please see the email below.

Sincerely,
Deb

From: Peter W. Harris <pwharris88@gmail.com>
Sent: Monday, February 13, 2023 8:44 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Cc: Heron1107@aol.com; juliearaskog@aol.com; lcrampton@sfscience-center.org; bobbie.lindsey@icloud.com; edward.cooney@gmail.com; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>
Subject: Chersterfield (Vineto) Variance

******Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.******

Dear Mayor Moore and Town Council:

My wife and I are residents on Peruvian Avenue. I am writing in opposition to the project proposed by the Vineto hotel.

Like many residents, we have become increasingly concerned about the exponential rise in traffic over the past few years. We have been coming to this beautiful town since 1984 and have owned other residences on South Lake Drive. Today, we believe that the quality of life in Palm Beach is being increasingly threatened by developers who just want to make money and expand hotels and parking with no concern whatsoever on the impact of such measures.

Specifically at the Chesterfield, please:

1. Maintain the current capacity to 113 seats
2. Eliminate proposed on street valet parking which will compete with residents' use.
3. Mandate that the hotel store their trash in appropriate interior spaces
4. Require landscaping and noise buffers along sides of residential properties

Thank you all for what you do for our Town. Not to be over-dramatic, but I fear we are being invaded by people who do not share the same values of those people who founded the town and who have lived here for decades.

The Chesterfield was an iconic destination for so many people and their families – yes, I can certainly agree to a renovation but only in keeping within the current footprint and one that does not negatively impact on the adjacent residents.

Peter Harris
173 Peruvian

Antonette Fabrizi

From: Wayne Bergman
Sent: Tuesday, February 07, 2023 7:24 AM
To: Antonette Fabrizi
Cc: James Murphy; Margaret Zeidman; Kelly Churney; Kirk Blouin; Pat Gayle-Gordon
Subject: Landmarks Program Discussion Item - Budgets

Follow Up Flag: Follow up
Flag Status: Completed

Antonette – please place in the purple folders for next Wednesday's TC meeting. No need to put this in Novus. Thank you.

Wayne Bergman, MCP, LEED® AP
Director
Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426
www.townofpalmbeach.com

All – the total yearly budgets and actual expenses for the Landmarks Preservation Program (Fund 214) are below:

Year	Budget	Actual
2020		$126,961
2021	$123,292	$139,415
2022	$204,033	$186,455
2023	$217,387	

The line-item budget for Landmark designation studies (and related work) was $50,000 per year through 2021. At that time, the Town Council doubled the annual budget for the Landmark studies, increasing this line-item expense to $100,000. In concept, the Town went from studying 10 buildings per year to approx. 20 buildings per year.

Thank you.

Wayne Bergman, MCP, LEED® AP
Director
Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426

EXECUTIVE SUMMARY

Environmental Services Inc., A Terracon Company (ESI), of Jacksonville, Florida, conducted a comprehensive pedestrian survey of historic structures in the Town of Palm Beach, Florida from November 2019 – June 2020. Funding for this survey and subsequent reporting was provided by the Town. The purpose of this survey was to provide Palm Beach with a comprehensive recordation of all structures in the town constructed in or prior to 1979 and a survey report detailing the findings. Data gathered during the survey will support a better preservation plan and identify geographic areas of interest that have retained integrity and possess significance for potential National Register districts, along with eligible local Landmark designations and districts, and aid in planning for future development.

The objectives of the survey were to conduct a comprehensive pedestrian survey and record the architectural resources for the Florida Master Site File (FMSF) utilizing the Historic Structure Form and assess their eligibility for listing in the *National Register of Historic Places* (NRHP) or locally, either individually and/or as part of a district. The architectural survey consisted of pedestrian investigation to field verify all architectural resources within the project area constructed up to 1979. Data from the Palm Beach County Property Appraiser and the Florida Master Site File (FMSF) was collected and cross referenced to ensure the accuracy of information and the correlation with respective buildings and developments. Research conducted at local and state repositories focused on historical context and developmental progression of the Town.

Initially, ESI determined that an approximate 2,134 parcels had the potential to contain historic structures in the Town of Palm Beach. Of those parcels, 128 were constructed between 1971-1979, and were also observed as part of the initial research phase and windshield survey per the Town of Palm Beach's project scope. A total of 2,240 historic resources were surveyed and 1,721 recorded during the survey; of those resources, 902 had been previously recorded and 819 had never before been recorded. The architectural survey resulted in the identification and evaluation of three (3) National Register Districts and nine (9) individually listed resources in the NRHP. Additionally, ESI recommends further investigation into nine (9) other geographical areas of interest with potential for local or National Register historic district designations, and approximately 120 resources that may be eligible for individual listing in the NRHP. ESI has also identified additional structures that have the potential to be locally designated.

This survey did not include exhaustive research on every resource, and as such the Florida Master Site File (FMSF) form does not represent the totality of information about each recorded resource. Additionally, it should be noted that the recorded FMSF forms and associated data are the consultant's opinion based upon field inspection and use of the respective National Register and local-level criteria for determining a structure's integrity and significance. For each form recorded with this survey, further research could yield more information on its architectural style, historical significance, and eligibility.

All work was intended to comply with Section 106 of the *National Historic Preservation Act (NHPA)* of 1966 (as amended) as implemented by 36 CFR 800 (Protection of Historic Properties), Chapter 267 F.S. and the minimum field methods, data analysis, and reporting standards embodied in the Florida Division of Historic Resources' (FDHR) *Historic Compliance Review Program* (Chapter 1A-46 *Florida Administrative Code*). All work also conformed to the professional guidelines set forth in the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 4416).

An electronic copy of project GIS data layers showing all surveyed resources is included with the final deliverables to the Town of Palm Beach and the Florida Department of State, Division of Historical Resources. Final deliverables include both new and updated FMSF forms, maps, images, and all other associated data; a hardcopy and digital copy of this report, including a resource inventory and Survey Log Sheet.

An inventory of resources can be found in **Appendix A** of this report; and the Survey Log Sheet can be found in **Appendix B.** A list of demolished and overbuilt structures is included in **Appendix C.** A map of the survey area showing all associated data can be found in **Appendix D,** and a list of the Town of Palm Beach's locally designated Landmarks is in **Appendix E.** The recently Local Historic Conservation District Ordinance is included in **Appendix F.** Appendix F includes details related to historic conservation districts and *historically significant buildings.* Included in **Appendix G** are resources that have been identified as eligible for listing in the NRHP, as determined by State Historic Preservation Offices (SHPO).

ORDINANCE NO. 005-2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 70 OFFENSES, SECTION 70-9, TITLED SLEEPING, CAMPING IN PUBLIC PLACES; SLEEPING IN VEHICLE; SITTING OR LYING DOWN UPON PUBLICLY OWNED RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 70 of Town Code of Ordinances is hereby amended at Section 70-9 to read as follows:

Section 70-9. Sleeping, camping in public place; sleeping in vehicle; sitting or lying down upon publicly owned rights-of-way.

1) No person shall sleep or camp on any public beach, dune, beach access (dune crossover), sidewalk, parking lot or other public area of the town and no person shall sleep in any vehicle upon any town street, public right-of-way, town property, beach access parking area, parking lot or any other public property between the hours of 10:00 p.m. and 6:00 a.m. the following day.

2) No person shall sit or lie down upon the public right-of-way, including the sidewalk located between the curbline or the edge of the pavement of a roadway and the adjacent property line of privately or publicly owned properties, or upon a blanket, sleeping bag, chair, stool, or any other object not permanently affixed upon such areas within a public right-of-way.

3) No one shall stand, sit or lie down upon any publicly owned structure not intended for such use.

4) The prohibitions contained in this section shall not apply to any person:
   (a) Sitting or lying down lawfully in a park or public beach
   (b) Sitting or lying down due to a medical emergency;
   (c) Utilizing an object supplied by the Town, or other public agency in the manner it was intended, such as sitting on a chair or bench;
   (d) Sitting or lying down in or on a wheelchair, a baby carriage or any other object or vehicle in order to move about;
   (e) Participating in or viewing any activity, such as a parade, festival, performance rally, demonstration, meeting, or other event, pursuant to any permit or license issued by the Town;
   (f) Sitting down while patronizing any permitted sidewalk café or restaurant;
   (g) Sitting or lying down when it is an integral part of a protest accompanied by incidents of speech such as signs or literature explaining the protest.
5) Nothing in the exceptions enumerated in subsection (4) of this section shall be construed to authorize any conduct that is otherwise prohibited by statutes or local ordinances.

6) No person shall be charged under this section for the first violation unless the person continues to engage in conduct prohibited by this section after having been:
   (a) Notified by a law enforcement officer or code enforcement officer that the conduct violates this section; and
   (b) Provided an opportunity to relocate to an area where sitting or lying down would be lawful.

7) It shall be a violation of this section for any person who has previously violated this section and has received notification pursuant to subsection (6) of this section to commit a second or subsequent violation.

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 15th day of February, 2023, and for second and final reading on this _____ day of _____, 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Lewis S.W. Crampton, Town Council Member

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

ORDINANCE NO. 004-2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134-ZONING, ARTICLE X. ON-STREET PARKING PERMITS, DIVISION 2., RESIDENTIAL DISTRICTS AT SECTION 134-2291. FINDINGS; SECTION 134-2292. DEFINITIONS; SECTION 134-2296. ISSUANCE OF SPECIAL PARKING PERMITS UPON APPLICATION; SECTION 134-2298. UNLAWFUL ACTS AND SECTION 134-2302. REVOCATION OF DECAL/PERMIT. ALSO AMENDING DIVISION 3., RESIDENTIAL DISTRICTS ADJACENT TO COMMERCIAL DISTRICTS AT SECTION 134-2327. ISSUANCE; SECTION 134-2334. UNLAWFUL ACTS; AND SECTION 134-2336; ALL PROVIDING THAT VISITOR/SERVICE PERMITS MAY NOT BE ABUSED, PROVIDING A DEFINITION OF ABUSE; AND PROVIDING FOR REVOCATION OF DECAL/PERMIT BY CHIEF OF POLICE FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 134-Zoning, Article X. On-Street Parking Permits is hereby amended at Division 2., Residential Districts, Sections 134-2291, 134-2292, 134-2296, 134-2298 and 134-2302 and at Division 3., Residential Districts Adjacent to Commercial Districts at Section 134-2327, 134-2334 and 134-2336 in the manner and form attached.

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 15th day of February, 2023, and for second and final reading on this ____ day of _____, 2023

_____ _____

Danielle H. Moore, Mayor Margaret A. Zeidman, Town Council President

_____

Bobbie Lindsay, Council President Pro Tem

_____

Julie Araskog, Town Council Member

_____

Edward A. Cooney, Town Council Member

ATTEST:

_____ _____

Pat Gayle-Gordon, Acting Town Clerk Lewis S.W. Crampton, Town Council Member

Attachment A

ARTICLE X. ON-STREET PARKING PERMITS[1]

DIVISION 1. GENERALLY

Secs. 134-2266—134-2290. Reserved.

DIVISION 2. RESIDENTIAL DISTRICTS

Sec. 134-2291. Findings.

For the purpose of this division, the town council finds and declares as follows:

(1) It is in the best interests of the residents of the town to reduce vehicular congestion on residential streets and to facilitate the efficient movement of traffic by providing for residential parking preference during certain hours of the day within certain areas meeting the criteria set forth in this article;

(2) Residential permit parking regulation is necessary to promote the health, safety and welfare of the residents of the town by providing adequate parking spaces adjacent to or close by their places of residence for temporary use;

(3) It is in the public interest to:

a. Reduce hazardous traffic conditions resulting from the use of streets located within congested residential areas for the parking of vehicles by persons using such residential areas to gain access to other places;

b. Protect those areas from excessive noise;

c. Protect the residents of those areas from unreasonable burdens in gaining access to their residences;

d. Preserve the character of those areas as residential districts;

e. Promote efficiency in the maintenance of these streets in a clean and safe condition;

f. Preserve the value of the property in those areas;

g. Preserve the safety of children and other pedestrians; and

h. Promote traffic safety, clean air and the comfort, health, convenience and welfare of the inhabitants of the town;

i. Ensure that residential permit parking regulation provides temporary and infrequent use of on-street parking spaces so that adequate parking availability is maintained for all participating residents.

[1]Cross reference(s)—Parking, stopping and standing generally, § 118-86 et seq.

(Ord. No. 2-74, § 6.64(1), 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94)

Sec. 134-2292. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commuter vehicle means a motor vehicle parked in a residential area by a person who is not a resident of the designated residential area.

Controlled parking residential area means a contiguous or nearly contiguous area containing streets or parts thereof primarily abutted by property that has a specific residential zone designation on the official zoning map of the town and that is designated for restricted residential parking by the town manager or his designee, pursuant to criteria and procedures established in this division.

Calendar year means the period beginning January 1 and ending December 31 of the same year.

Resident means a person who owns or leases real property within a residential area and who maintains either a voting residence or bona fide occupancy or both at that address.

Residential parking permit means a special permit issued under this division for the privilege of parking on a street designated as a controlled parking residential area.

~~*Continual basis*~~*Abuse* means the usage of permits (both residential and visitor/service) in a manner inconsistent with the declarations of Sec. 134.2291 to include usage that avoids primary parking on private property, when available, on a regular basis and instead utilizes on-street permit parking. ~~.~~Abuse shall also include the excessive and continual usage of multiple permits.

(Ord. No. 2-74, § 6.64(2), 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94; Ord. No. 001-2022 , § 1, 3-8-22)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 134-2293. Reserved.

Editor's note(s)—Ord. No. 2-2014, § 1, adopted May 14, 2014, repealed § 134-2293, which pertained to designation of controlled parking residential areas, and derived from Ord. No. 2-74, § 6.64(3), 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94.

Sec. 134-2294. Eligibility and criteria for establishing controlled parking residential areas.

(a) A residentially zoned area shall be deemed eligible for designation as a controlled parking residential area for residential permit parking if parking therein is impacted by commuter vehicles between 8:00 a.m. and 5:30 p.m. of any day.

(b) The following objective criteria are established to be used in evaluating the need for restricted parking in a residentially zoned area in accordance with this division. For an area, however big or small, to be eligible for residential permit parking, that area must meet the following criteria:

(1) During any period between the hours of 8:00 a.m. and 5:30 p.m., the number of vehicles parked or standing, legally or illegally, on the streets in the area is equal to 50 percent or more of the legal on-street parking capacity of the area. For purposes of this criterion, a legal parking space shall be 20 linear feet measured parallel to the curb or pavement edge.

(2) During the same period as in subsection (b)(1) of this section, 25 percent or more of the vehicles parking or standing on the streets in the area are not registered in the name of a person residing in the area. For purposes of this criterion, the latest available information from the state department of motor vehicles regarding registration of motor vehicles shall be used.

(3) In determining whether an area identified as impacted and eligible for residential permit parking shall be designated as a controlled parking residential area, the following factors shall be considered:

a. The local needs with respect to clean air and environment in residential areas.

b. The possibility of a reduction in total vehicle miles driven in the town.

c. The likelihood of alleviating traffic congestion, illegal parking and related health and safety hazards.

d. The proximity of public transportation to the residential area.

e. The desire and need of the residents for residential permit parking.

f. The need for parking regulation to maintain the residential character of neighborhoods.

(Ord. No. 2-74, § 6.64(4), 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94)

Sec. 134-2295. Procedure for determining controlled parking residential areas.

(a) In order to determine whether a particular area should be designated as a controlled parking residential area, the town council can request or the town manager may conduct, upon his own initiative or upon a petition of a majority of the households on a proposed residential block addressed to the town manager, a study to determine if the proposed area meets the criteria set forth in section 134-2294. Following the study, the town manager shall determine whether to designate the proposed area under consideration as a controlled parking residential area or to remove the designation of a previously established controlled parking residential area. The town council may also request the town manager to designate an area as a controlled parking residential area based upon a study previously conducted, if the criteria set forth in section 134-2294 are met.

(b) When the town manager finds the criteria to designate have been met in a controlled parking residential area, he shall cause the regulation to be recorded upon an appropriate map of the town and retained permanently in the office of the town clerk. The town clerk shall also keep an updated residential area parking map, or reasonable facsimile thereof, in an appropriate location on the town's website. In addition, the town manager shall cause parking signs to be erected upon public streets in the area, indicating the times, locations and conditions upon which parking shall be by permit only. When an area has been approved, designated and posted as a controlled parking residential area, it shall be unlawful and a violation of this division to park a commuter vehicle in an area restricted to residential permit parking only without having a valid residential parking permit affixed on the left rear bumper of the vehicle, or in the case of a residential visitor parking permit, appropriately displayed within the vehicle.

(Ord. No. 2-74, § 6.64(5), 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94; Ord. No. 2-2014, § 2, 5-14-14)

Sec. 134-2296. Issuance of special parking permits upon application.

(a) Following the official designation of a controlled parking residential area, the finance department shall issue appropriate residential parking permits. Upon application a permit shall be issued only to the owner or operator of a motor vehicle who resides in the controlled parking residential area in which he resides.

(b) The application for a permit shall contain the name of such owner or operator of the motor vehicle; residential address; and the motor vehicle's make, model and registration number. The motor vehicle's registration may, at the discretion of the finance department, be required to be presented at the time of making the application in order to verify the contents thereof. If the vehicle is registered at an address other than the local residence, the applicant shall provide other sufficient proof, acceptable to the finance department, showing residency within the controlled residential parking area. The permit shall be valid for a calendar year, as defined in section 134-2292, and shall be renewed for each successive calendar year. A fee, as determined by resolution of the town council shall be charged for the annual permit and shall be payable at the finance department. After the initial permit has been issued, any renewal shall be affixed to the vehicle no later than January 15 of the applicable current year.

(c) *Visitor/service permits.* In addition to the decals issued pursuant to section 134-2295(b) above, upon application by owner, owner may be issued visitor/service permits, which permits may be used by such owner for the sole purpose of providing parking on a temporary basis to service vehicles which are conducting work at such owner's premises or for visitors of such owner's residence. The permits shall be used only for the period of time during which business is to be conducted by the service vehicles or for the duration of stay of a visitor to the residence for which the permit is issued. Visitor/service permits are intended for infrequent and temporary use and may not be utilized ~~on a continual basis~~in a manner that constitutes abuse. No more than a total of eight permits, including decals and visitor/service permits, shall be issued for each property.

The application for a visitor/service permit or permits shall be filed by such owner. The permit or permits shall be valid for a calendar year as defined in section 134-2292 and may be renewed each successive calendar year. A fee, as determined by resolution of the town council shall be charged for each visitor/service permit and shall be payable at the finance department. These permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's or service vehicle observable through the front windshield of the vehicle. The permits shall be valid only for the period of time during which the service vehicle is conducting work at the premises or for the period of time a visitor is at the premises.

(d) Temporary group permits. A temporary group permit may be issued on application of any resident of the district for only one day and for no more than four hours on that day upon a showing by the applicant that during the hours for which the permits are to be issued his or her residence will be used for an assemblage of persons in a way consistent with its residential character and other provisions of law and that such visitors would not be able to park their vehicles without violating the law. However such permits for such an assemblage of persons shall only be issued upon a finding of the facts stated in this section and a further finding that the issuance of such permits will not impair public safety during the time of their validity, and in this connection such permits may be limited as to the streets or portions of streets on which they shall be valid. Finally, the number of such permits issued shall not at any time exceed 50 percent of the number of spaces available in the area in which they are valid.

The application for a temporary group permit shall be filed by the resident seeking the permit. A fee as determined by resolution of the town council shall be charged for each temporary group permit. The permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's vehicle observable through the front windshield of the vehicle.

(Ord. No. 2-74, § 6.64(6), 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94; Ord. No. 9-08, § 1, 5-12-08; Ord. No. 26-10, § 29, 12-15-10; Ord. No. 1-2014, § 1, 5-14-14; Ord. No. 13-2019 , § 1, 4-9-19; Ord. No. 40-2019 , § 1, 1-14-20; Ord. No. 001-2022 , § 1, 3-8-22)

Sec. 134-2297. Privileges and restrictions.

(a) The holder of a residential parking permit shall be permitted to stand or park a motor vehicle displaying the permit and operated by him in any designated residential controlled parking area during such times and places as the parking of motor vehicles therein is permitted. While a vehicle for which a residential parking permit has been issued is so parked, such permit shall be permanently affixed on the left rear bumper of the vehicle. A residential parking permit shall not guarantee or reserve to the holder of the permit a parking space within a designated controlled parking residential area.

(b) A residential parking permit shall not authorize the holder thereof to stand or park a motor vehicle in such places or during such times as the stopping, standing or parking a motor vehicle is prohibited or set aside for specified types of vehicles, nor shall it exempt the holder from the observance of any traffic regulation within the controlled parking residential area.

(c) No person other than the permittee named thereon shall use the residential parking permit or display it on a vehicle operated or parked, and any such use or display by a person other than the permittee shall constitute a violation of this division by the permittee and by the person who so uses or displays such parking permit.

(d) Any permit issued hereunder is nontransferable to another person or another vehicle.

(Ord. No. 2-74, § 6.64(7), 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94)

Sec. 134-2298. Unlawful acts.

Under this division, it shall be unlawful for any person to:

(1) Represent that he is entitled to a permit under this division when he is not so entitled;

(2) To furnish any false information in an application to the finance department to obtain a residential parking permit;

(3) Fail to surrender a permit to which he is no longer entitled; or

(4) Park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it.

(5) Park a vehicle without a properly displayed and valid residential parking permit issued pursuant to this division.

(6) Park a vehicle displaying a counterfeit residential parking permit.

(7) Modify or alter in any way a current or previously issued residential parking permit.

(8) Give to another person or sale to another person a residential parking permit. Temporarily providing a visitor permit to a person legally entitled to use such under this division shall not be construed as being unlawful.

(9) Provide a residential parking permit to any person or vehicle not legally entitled to possess or display such permit.

(10) Utilize residential parking permits or visitor/service permits in a manner that constitutes abuse.

(Ord. No. 2-74, § 6.64(7)d, 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94; Ord. No. 9-08, § 2, 5-12-08; Ord. No. 3-2014, § 1, 5-14-14)

Editor's note(s)—Ord. No. 3-2014, § 1, adopted May 14, 2014, changed the title of § 134-2298 from "False representation" to "Unlawful acts."

Sec. 134-2299. Revocation.

The finance department is authorized to revoke the residential parking permit of any permittee found to be in violation of this division and, upon written notification thereof, the permittee shall surrender such permit to the finance department. Failure, when so requested, to surrender a residential parking permit so revoked shall constitute a violation of this division.

(Ord. No. 2-74, § 6.64(7)e, 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94; Ord. No. 9-08, § 3, 5-12-08)

Sec. 134-2300. Reserved.

Editor's note(s)—Ord. No. 9-08, § 4, adopted May 12, 2008, repealed § 134-2300 in its entirety, which pertained to temporary visitor permits, and derived from Ord. No. 2-74, § 6.64(7)g, adopted March 26, 1974; Ord. No. 1-88, § 3, adopted February 8, 1988, and Ord. No. 1-94, § 4(e), adopted February 7, 1994.

Sec. 134-2301. Penalties.

Any person illegally parked pursuant to this division shall be fined in the manner provided for illegal parking and his/her vehicle may be towed and stored at his/her expense.

(Ord. No. 2-74, § 6.64(8), 3-26-74; Ord. No. 1-88, § 3, 2-8-88; Ord. No. 1-94, § 4(e), 2-7-94; Ord. No. 3-2014, § 2, 5-14-14)

Sec. 134-2302. Revocation of decal/permit.

(a) The ~~public safety director~~Chief of Police or his/her designee is authorized to revoke the residential parking area decal/permits of any decal/permit holder based upon evidence that the decal/permit holder has violated the provisions of this article. The holder shall be served notice by certified mail or hand delivery of the proposed revocation and, upon request, shall have an opportunity to present to the town council evidence as to why the decal/permit should not be revoked. The decal/permit holder must request such a hearing in writing and pay an appeal fee set by resolution of the town council within ten days after the notice of proposed revocation is delivered or mailed. If the town council finds in favor of the decal/permit holder, the appeal fee shall be refunded. The holder of revoked decal/permits must return the decal/permits to the town manager or his/her designee and shall not be allowed to reapply for another decal/permit for one year from the date of revocation.

(b) Revocation under subsection (a) is in addition to any other available remedy provided by this Code for violations of this article.

(Ord. No. 3-2014, § 3, 5-14-14)

Secs. 134-2303—134-2325. Reserved.

DIVISION 3. RESIDENTIAL DISTRICTS ADJACENT TO COMMERCIAL DISTRICTS

Sec. 134-2326. Restrictions on parking.

Whenever the town manager or his designee, which may include the building official and the chief of police or their subordinates, shall determine that the streets of a particular district or discrete portion of the district in which residential uses are permitted and commercial uses are not permitted are being used for parking by the operators of vehicles while the operators of those vehicles are using districts in which commercial uses are permitted and the average number of vehicles parking in such a manner is in excess of 25 percent of the number of parking spaces on such streets and the total number of spaces actually occupied by any vehicles exceeds 75 percent of the number of spaces on such streets on the weekdays of any month, as disclosed by an engineering study, the town manager or his designee shall prohibit parking during the hours when such use has been found on these streets of those districts or portions of districts found by the study or survey to have been so affected. In such cases the town manager shall cause appropriate signs giving notice of the prohibition to be posted on those streets or portions of those streets restricting all parking, except parking by the holders of permits, to be granted only under the conditions in this division.

(Ord. No. 2-74, § 6.63(1), 3-26-74; Ord. No. 6-78, § 1, 3-31-78; Ord. No. 6-81, § 5(b), 3-31-81; Ord. No. 7-82, § 5(e), 3-31-82; Ord. No. 1-89, § 4(g), 2-6-89)

Sec. 134-2327. Issuance.

Under this division, parking permits may be granted to persons as follows:

(1) *Resident permits.* To persons who are residents of any particular area in which parking is so restricted, to be limited to that particular area in which parking is so restricted for every vehicle owned by those persons.

(2) *Visitor/service permits.* In addition to the Resident permits provided under (1) above, upon application by owner, owner may be issued visitor/service permits, which permits may be used by such owner for the sole purpose of providing parking on a temporary basis to service vehicles which are conducting work at such owner's premises or for visitors of such owner's residence. These permits shall be used only for the period of time during which business is to be conducted by the service vehicles or for the duration of stay of a visitor to the residence for which the permit is issued. Visitor/service permits are intended for infrequent and temporary use and may not be utilized in a manner that constitutes abuse. No more than a total of eight permits, including decals and visitor/service permits, shall be issued for each property.

The application for a visitor/service permit or permits shall be filed by such owner. A fee is hereby authorized for issuance of said permit payable to the finance department for each visitor/service permit. The amount of the fee shall be established by resolution of the town council and may be amended from time to time by resolution of the town council. These permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's or service vehicle observable through the front windshield of the vehicle. The permits shall be valid only for the period of time during which the service vehicle is conducting work at the premises or for the period of time a visitor is at the premises.

(3) *Temporary group permits.* To residents as provided in section 134-2328.

(4) *Adjacent resident permits.* To persons who are residential users in a commercially zoned area immediately adjacent and contiguous to the residential area in which parking is restricted, to be limited to that particular area in which parking is so restricted, for not more than two vehicles owned by that person and upon proof shown that on-site parking is not available to that person on the property in which he resides within the commercially zoned area.

(Ord. No. 2-74, § 6.63(1)a—c, f, 3-26-74; Ord. No. 6-78, § 1, 3-31-78; Ord. No. 6-81, § 5(b), 3-31-81; Ord. No. 7-82, § 5(e), 3-31-82; Ord. No. 1-89, § 4(g), 2-6-89; Ord. No. 16-09, § 12, 11-12-09; Ord. No. 16-2016 , § 9, 12-14-16; Ord. No. 13-2019 , § 1, 4-9-19; Ord. No. 40-2019 , § 1, 1-14-20)

Sec. 134-2328. Temporary group permits.

Under this division, on application of any resident of the district, permits, to be valid for only one day and for no more than four hours on that day, may be issued upon a showing by the applicant that during the hours for which the permits are to be issued his residence will be used for an assemblage of persons in a way consistent with its residential character and other provisions of law, and that such visitors would not be able to park their vehicles without violating the law. However, such permits for such an assemblage of persons shall only be issued upon a finding of the facts stated in this section and a further finding that the issuance of such permits will not impair public safety during the time of their validity, and in this connection such permits may be limited as to the streets or portions of streets on which they shall be valid. Finally, the number of such permits issued shall not at any time exceed 50 percent of the number of spaces available in the area in which they are valid.

The application for a temporary group permit shall be filed by the resident seeking the permit. A fee as determined by resolution of the town council shall be charged for each temporary group permit. The permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's vehicle observable through the front windshield of the vehicle.

(Ord. No. 2-74, § 6.63(1)e, 3-26-74; Ord. No. 6-78, § 1, 3-31-78; Ord. No. 6-81, § 5(b), 3-31-81; Ord. No. 7-82, § 5(e), 3-31-82; Ord. No. 1-89, § 4(g), 2-6-89; Ord. No. 1-2014, § 2, 5-14-14)

Sec. 134-2329. Fees.

(a) *Annual parking permit fees.* An annual fee is hereby authorized for issuance of said permit, payable at the town finance department, for each annual permit issued under this division. The amount of the annual fee shall be established by resolution of the town council and may be amended from time to time by resolution of the town council.

(b) *Visitor/service permits.* An annual fee is hereby authorized for issuance of said permit, payable to the finance department each visitor/service permit. The amount of the annual fee shall be established by resolution of the town council and may be amended from time to time by resolution of the town council.

(Ord. No. 2-74, § 6.63(1)g, h, 3-26-74; Ord. No. 6-78, § 1, 3-31-78; Ord. No. 6-81, § 5(b), 3-31-81; Ord. No. 7-82, § 5(e), 3-31-82; Ord. No. 1-89, § 4(g), 2-6-89; Ord. No. 16-09, § 13, 11-12-09; Ord. No. 26-10, § 30, 12-15-10)

Sec. 134-2330. Issuance criteria; surrender on termination of conditions.

All permits issued under this division shall be based on satisfactory evidence that the applicant fulfills all the required conditions for such permit. Whenever the required conditions no longer exist, a person holding a permit issued under subsection 134-2327(1) or (3) shall surrender it to the town manager or his authorized representative.

(Ord. No. 2-74, § 6.63(2), 3-26-74; Ord. No. 6-78, § 1, 3-31-78; Ord. No. 6-81, § 5(b), 3-31-81; Ord. No. 7-82, § 5(e), 3-31-82; Ord. No. 1-89, § 4(g), 2-6-89)

Sec. 134-2331. Term.

No parking permit issued under this division shall be valid for more than one year but may be renewed upon expiration, provided the condition for issuance exists. The special limited permits issued under such sections 134-2327(2) and 134-2328, being limited on their face to a short period of time, are not required to be surrendered upon expiration but may be turned in by the holder.

(Ord. No. 2-74, § 6.63(2), 3-26-74; Ord. No. 6-78, § 1, 3-31-78; Ord. No. 6-81, § 5(b), 3-31-81; Ord. No. 7-82, § 5(e), 3-31-82; Ord. No. 1-89, § 4(g), 2-6-89)

Sec. 134-2332. Exceptions.

(a) *Service vehicles.* The parking limitation or prohibition of this division shall not apply to service or delivery vehicles being used to provide services or to make deliveries to dwellings in the affected district or area.

(b) *Metered parking areas.* Wherever metered parking is in effect in any portion of a district that becomes subject to the restrictions of this division, the parking spaces controlled by meters may be excepted from this division so long as the control by meters continues.

(Ord. No. 2-74, § 6.63(1)d, (4), 3-26-74; Ord. No. 6-78, § 1, 3-31-78; Ord. No. 6-81, § 5(b), 3-31-81; Ord. No. 7-82, § 5(e), 3-31-82; Ord. No. 1-89, § 4(g), 2-6-89)

Sec. 134-2333. Signs.

The signs placed in parking areas subject to this division shall be of such character as to inform readily an ordinarily observant person of the existence of the rules and regulations imposing the restrictions of this division. It shall be unlawful for any person to violate such rules or regulations.

(Ord. No. 2-74, § 6.63(3), 3-26-74; Ord. No. 6-78, § 1, 3-31-78; Ord. No. 6-81, § 5(b), 3-31-81; Ord. No. 7-82, § 5(e), 3-31-82; Ord. No. 1-89, § 4(g), 2-6-89)

Sec. 134-2334. Unlawful acts.

Under this division, it shall be unlawful for any person to:

(1) Represent that he is entitled to a permit under this division when he is not so entitled;

(2) To furnish any false information in an application to the finance department to obtain a residential parking permit;

(3) Fail to surrender a permit to which he is no longer entitled; or

(4) Park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it.

(5) Park a vehicle without a properly displayed and valid residential parking permit issued pursuant to this division.

(6) Park a vehicle displaying a counterfeit residential parking permit.

(7) Modify or alter in any way a current or previously issued residential parking permit.

(8) Give to another person or sale to another person a residential parking permit. Temporarily providing a visitor permit to a person legally entitled to use such under this division shall not be construed as being unlawful.

(9) Provide a residential parking permit to any person or vehicle not legally entitled to possess or display such permit.

(10) Utilize residential parking permits or visitor/service permits in a manner that constitutes abuse.

(Ord. No. 2-74, § 6.63(2), 3-26-74; Ord. No. 6-78, § 1, 3-31-78; Ord. No. 6-81, § 5(b), 3-31-81; Ord. No. 7-82, § 5(e), 3-31-82; Ord. No. 1-89, § 4(g), 2-6-89; Ord. No. 3-2014, § 4, 5-14-14)

Sec. 134-2335. Penalties.

Any person illegally parked pursuant to this division shall be fined in the manner provided for illegal parking and his/her vehicle may be towed and stored at his/her expense.

(Ord. No. 3-2014, § 5, 5-14-14)

Sec. 134-2336. Revocation of decal/permit.

(a) The ~~public safety director~~Chief of Police or his/her designee is authorized to revoke the residential parking area decal/permits of any decal/permit holder based upon evidence that the decal/permit holder has violated the provisions of this article. The holder shall be served notice by certified mail or hand delivery of the proposed revocation and, upon request, shall have an opportunity to present to the town council evidence as to why the decal/permit should not be revoked. The decal/permit holder must request such a hearing in writing and pay an appeal fee set by resolution of the town council within ten days after the notice of proposed revocation is delivered or mailed. If the town council finds in favor of the decal/permit holder, the appeal fee shall be refunded. The holder of revoked decal/permits must return the decal/permits to the town manager or his/her designee and shall not be allowed to reapply for another decal/permit for one year from the date of revocation.

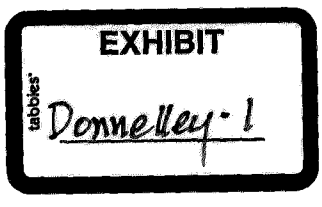
(b) Revocation under subsection (a) is in addition to any other available remedy provided by this Code for violations of this article.

(Ord. No. 3-2014, § 6, 5-14-14)

Secs. 134-2337—134-2370. Reserved.

4 VIA VIZCAYA

Home Lacks the Significance and Integrity Necessary for Designation



Why this home, why now?

- The Town has had nearly 40 years to landmark this home. Year after year, the house was ignored, as it should have been because it is unremarkable and heavily altered.
- Suddenly in 2021, the Town decided to landmark this run-of-the-mill, **heavily-flooded** home over the objection of its newly-widowed owner who is attempting to carry out her late husband's wishes.
- Where is the public benefit to outweigh the burden on Mrs. Monnie Donnelley?



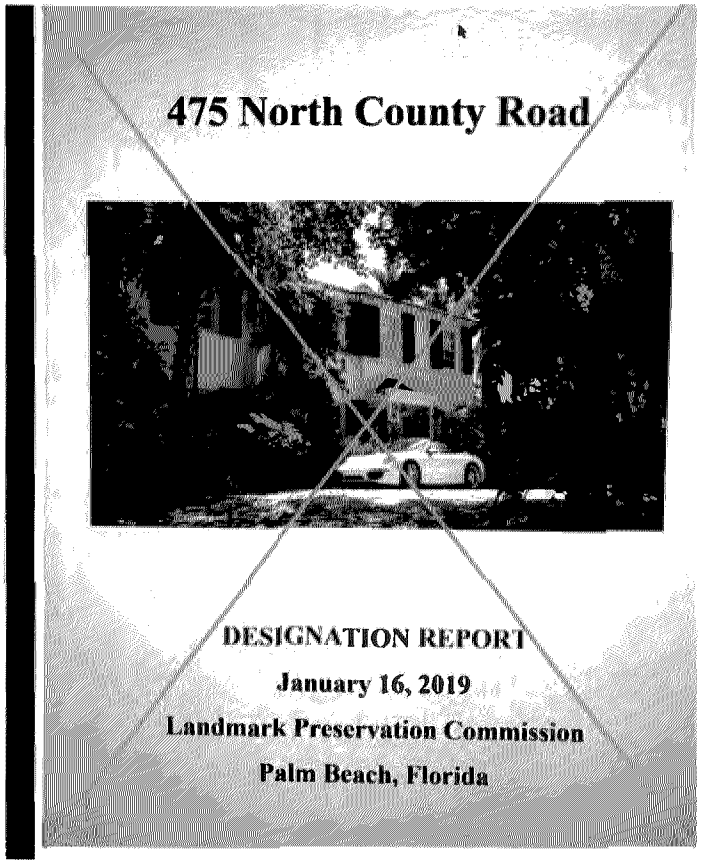
Monnie's home is sited at a very low elevation and has frequent, extreme and unrelenting flooding affecting integrity.



Monnie's sump pump runs constantly and cannot keep up with the water intrusion, again, affecting the home's Integrity.

At least four other Fatios have been rejected for landmarking by the Town in 2012, 2014, 2016 and 2019, one of those a Monterrey very similar to 4 Via Vizcaya.

- 350 Island Road (2012): 1940 Moderne /Criterion 3
- 1545 North Ocean Blvd. (2014): 1937 French Eclectic / Criteria 1, 3 & 4
- 215 Garden Road (2016): 1936 Monterey/ Criteria 1, 3 & 4
- 475 North County Road (2019): 1936 Colonial Revival/ Criteria 1, 3 & 4



FATIO:
NOT LANDMARKED

" I just wanted to make a comment. One, I do think sometimes we have almost a religious veneration for some of our local architects, and I suspect as was presented, **not everything Fatio did is fabulous**. Often, you know, they had many of our favorite architects would just put their name on projects. And again, I think as described by the owners and what I see, it doesn't seem to be all that extraordinary a house either." Ms. Drake, LPC member.

Mrs. Donnelley's expert, Gary Cole, testified at the LPC meeting on behalf of Mrs. Donnelley and has submitted his report for your consideration.

The following is a summary of that expert report, and Mr. Cole's conclusion that the Designation Report does not meet the burden of showing that 4 Via Vizcaya meets the Town's criteria for Landmarking.

The Town is a Certified Local Government (CLG)

- Under federal and state law the Town's "**criteria and process**" must be "***. . . the same as or substantially the same . . .***" as that set forth in the National Register of Historic Places.*

Town's criteria and process **must be** the same or substantially the same → as the criteria and process required by the National Register

* Florida CLG Guidelines, 36 CFR Part 61

The Town's own Landmark's Manual (pg. 6, 2009) provides guidance on criteria and process that was **not followed** in this case:

"[I]dentify **significant** structures, subject them to a set of **objective** criteria, and designate the **most worthy** as Historic Landmarks of the Town of Palm Beach."

"Not all old structures are worthy of landmark status."

"A building must have an **important** historical association; it must be an **outstanding** example of architectural design, or it must be a **significant work** of a notable architect or master craftsman."

Criterion 4

The Town has failed to show that 4 Via Vizcaya meets Criterion (4), that the home **"[i]s representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."**

There is no question that Maurice Fatio was an important architect, revered in Palm Beach.

BUT

4 Via Viscaya is not a **notable work** of Maurice Fatio and the Consultants cannot show that it is.

"Not all old buildings are worthy of landmark status." Town Landmark Manual, p. 6

LPC member Patrick Seagrave, licensed architect, agrees that the home is not a notable work.

MR. SEAGRAVES: You know, this house, and I didn't know if I was going to speak or not, I'm -- I know you guys are not going to believe this, but I don't find this house that worthy of landmarking as far as a style for Fatio. I think it's kind of a plain house. I looked at the -- not only -- I mean, and the additions don't bother me. I think significantly, because they are so different than the original house, I think it actually might even be a good preservation for the actual additions. It's just the house itself, I'm having a tough time with, and again, we're here to landmark houses, but also to give good value to landmarking. Thank you. LPC Hearing Transcript p. 103

Designation report says:

"Maurice Fatio was one of Palm Beach's foremost and most sought-after architects from the 1920s to the early 1940s." Designation Report, p. 10

But...

- Fatio's popularity as an architect **does not** make this home **Significant** or landmarkable.
- In fact the home is one of many unremarkable commissions completed by Fatio at a lean time.
- Other Fatio properties have failed landmarking attempts in Palm Beach.
- Not every Fatio is a **notable** work of Fatio.

350 ISLAND ROAD
"Out of Bounds"



DESIGNATION REPORT

Wednesday, February 14, 2012

Landmarks Preservation Commission
Palm Beach, Florida

This fact – that not all Fatios are notable works -- has been recognized multiple times before by the Town.

FATIO:
NOT LANDMARKED

"Listen, in 400 some-odd commissions this is I think 450 somewhere in that range of this firm in Palm Beach, not everyone's a winner. Not every one is exemplary, it isn't always the best and there is room for modest homes, but this simply wasn't one of his better works." Dr. Jon Garner

Designation Report says:

"Via Vizcaya is a *very good representation* of the design work of the architect Maurice Fatio of the architectural firm Treanor and Fatio." Designation Report p. 12

But...

- This conclusory statement claims 4 Via Vizcaya is a "very good representation" of Fatios's work– it does not **show** that to be true.
- Nonetheless, "very good representative" is non-landmarkable, non-Significant, low-bar threshold language.
- It does not denote a "notable" work or Significance

1545 North Ocean Way



DESIGNATION REPORT

November 19, 2014

Landmark Preservation Commission

Palm Beach, Florida

FATIO
NOT LANDMARKED

"I believe here that the burden of proof has to be carried by those who proposed landmarking. And look -- it seems to me after this very thorough discussion that this is not a notable representative of the work of the architect, nor does it have a coherence to it that would make it so. It certainly is not -- there's no historic personage involved here, and therefore, I don't think that it merits landmark standing or status or approval." Town Council member.

Designation Report says:

"[Fatio] was an eclectic architect who took pride in his ability to work in different architectural styles. The Monterey style residence at 4 Via Vizcaya is a very good example of Fatio's ability to adapt to the changes in Palm Beach's economic climate and architectural styles during the mid-1930s. " Designation Report p. 12

But...

- Maurice Fatio, like many architects of his era, was able to work in more than one style.
- **But** Maurice Fatio's flexible professional design vocabulary in no way demonstrates that this is a "notable work"of his or that the home is Significant in any way.
- Again, other Fatios have failed to meet the "notable work" bar necessary for Landmarking.

215 Garden Road



DESIGNATION REPORT

March 16, 2016

Landmark Preservation Commission

Palm Beach, Florida

FATIO MONTEREY: NOT LANDMARKED

And I have to say, even without owner consent, I think we should landmark a property if it really is a jewel that we need to keep. . . This is a nice house. There's a lot of Monterrey houses on the North End. Fatio did a lot during this period of time. I haven't heard anything today that tells me this is so unique and so special that we have to save it when the owner doesn't consent to it. The second factor is the alterations; they are significant. If this house were pristine, perhaps even without owner consent, but I still am bothered by the fact that I think there's a lot of Monterrey homes in the North End that have not been landmarked, and I haven't really gotten an answer that really satisfies me as to why this one; why it's so special and why it's a gem. And you know, no criticism, but I think if you're going to come with a house that there's maybe 40 or 50 styles like it in the town of a similar era, I kinda like to know why this one is so unique that it has to be landmarked over owner objections." Mr. Michael Pucillo – Town Council member

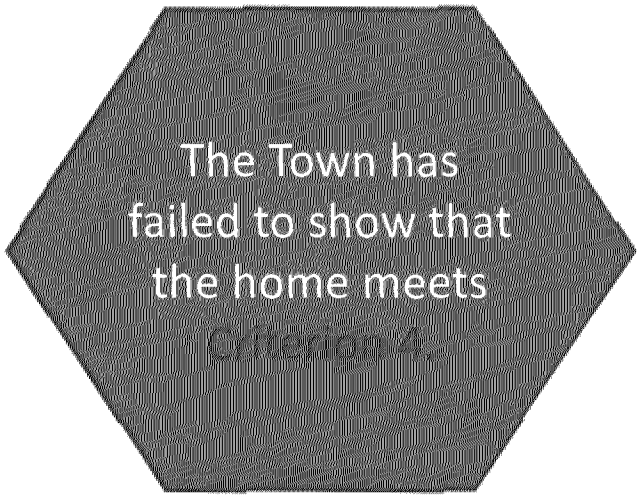
Fatio and his wife did not consider these modest homes to be "notable works"

"Letters between Fatio and his wife in 1934 characterize the work as small projects taken to keep his staff employed and the office lights on p. 7

March 19, 1934 from Eleanor Fatio: *". . . Incredible number of jobs . . . but they are all moderate sized houses."*
April 3, 1934 from Maurice Fatio: *"I have a lot of little orders, not very lucrative – but which, nevertheless pay for the office expenses."*
October 11, 1934 from Maurice Fatio: *"I have twelve houses under construction - all small."*

Criterion 4

4 Via Vizcaya is NOT a notable work of Maurice Fatio.

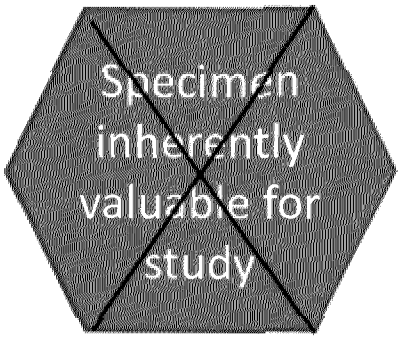


Criterion 3

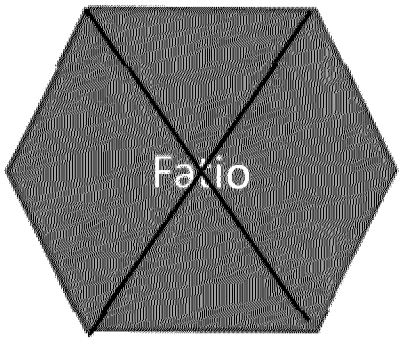
The Town has failed to show that 4 Via Vizcaya meets Criterion (3), that the home "embodies distinguishing characteristics of an architectural type ~~or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship~~."

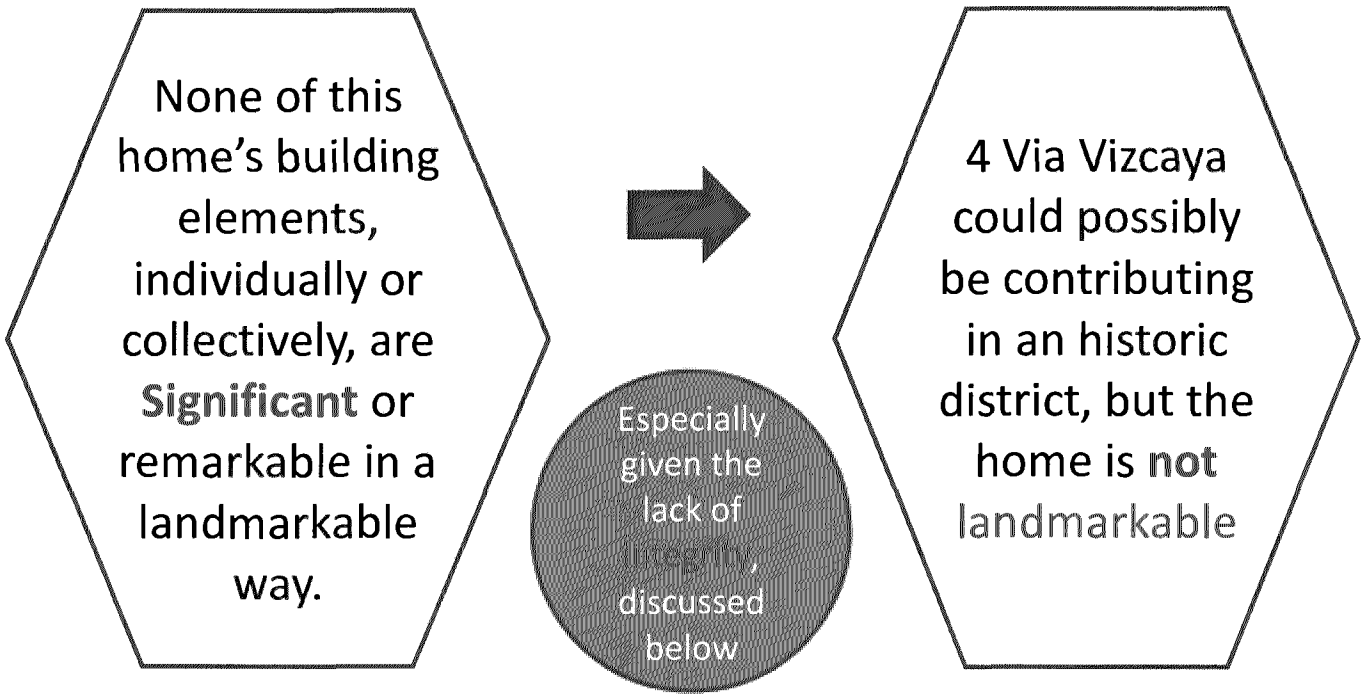
Town already has 11 total Montereys Landmarked.

Even the Town does not argue that 4 Via Vizcaya is a "specimen inherently valuable for study."



Discussion of Maurice Fatio is **not relevant** to **Criterion 3**, which is about the style, not the architect.




None of this home's building elements, individually or collectively, are Significant or remarkable in a landmarkable way.
Especially given the lack of integrity, discussed below
4 Via Vizcaya could possibly be contributing in an historic district, but the home is not landmarkable

Designation Report says:

"The focal point of the residence, the second-floor cantilevered balcony with decorative iron posts and railing, is the main character defining feature of the style. Additional details, such as the brick façade, wood cornice, classical door surround with an interesting transom window above the wood door, colonial shutters, and brick belt course, sills and lintels all contribute to the architectural character of the residence." Report p. 5

But...

- This is nothing more than a running inventory of the home's architectural details, with the exception of the third sentence, which claims that there is *". . . an interesting transom window above the wood front door."*
- The Town fails to explain how the transom is either *interesting* or that it somehow is a Significant detail within the meaning of **Criterion 3**.

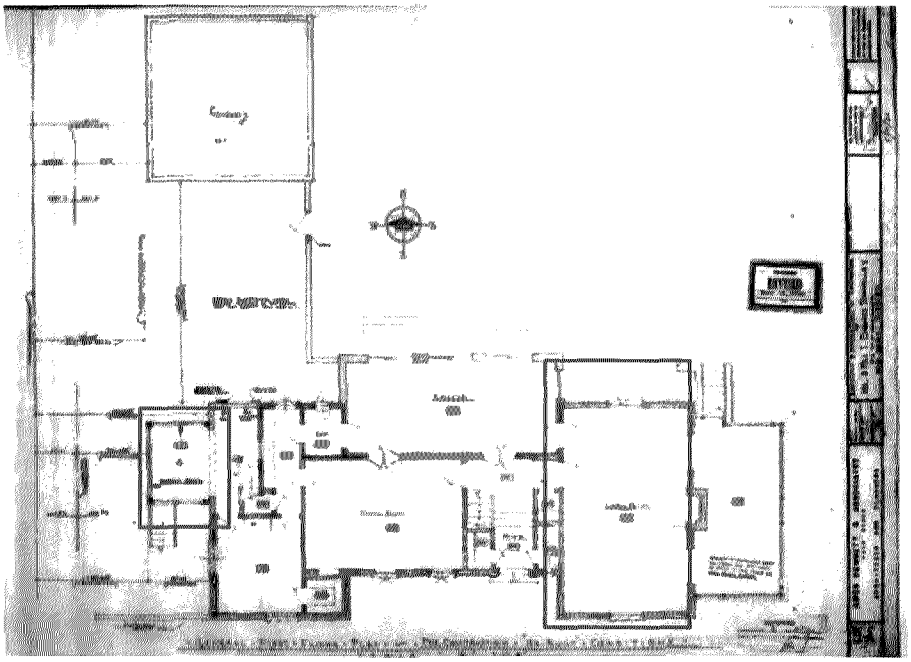
4 Via Vizcaya also lacks Integrity

Integrity is not a question simply of whether something looks old or original; it is a question of whether something has enough of its original parts – or replacement parts – to convey its original identity and therefore its Significance.

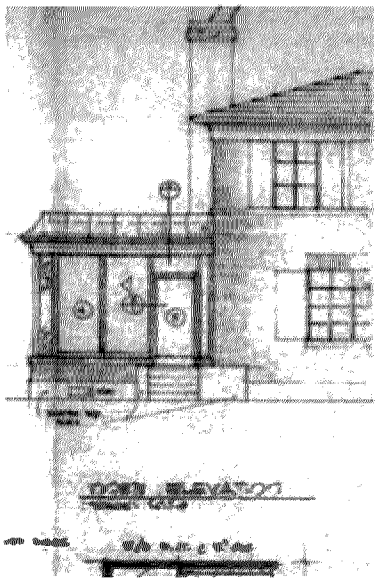
This home does NOT have sufficient Integrity to convey any significance it may once have had.

Anstis-Bass-Orstein (1977)

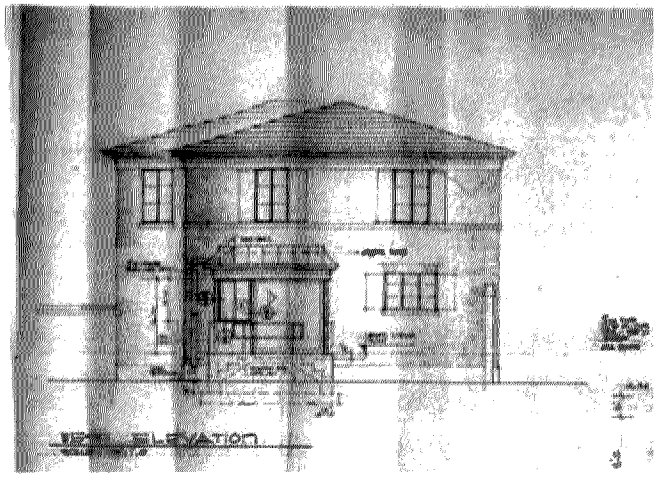
Two enclosed porch additions were built on the east and west sides of the structure. The one on the east is larger. The one on the west is smaller and stairs lead to an entry door to the kitchen area of the home.



Anstis-Bass-Orstein (1977)

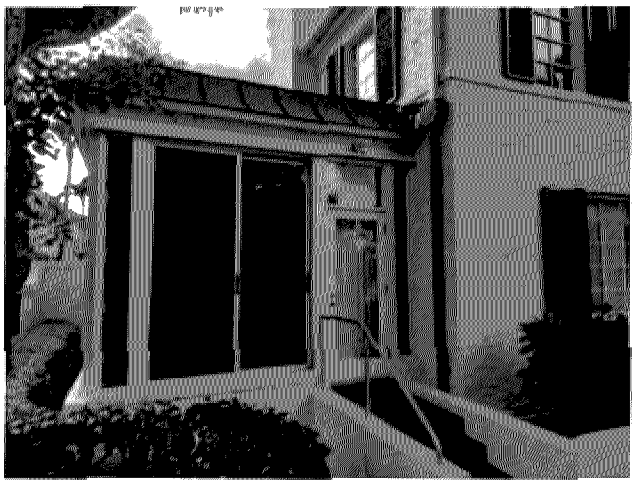


East Addition Detail, view from North

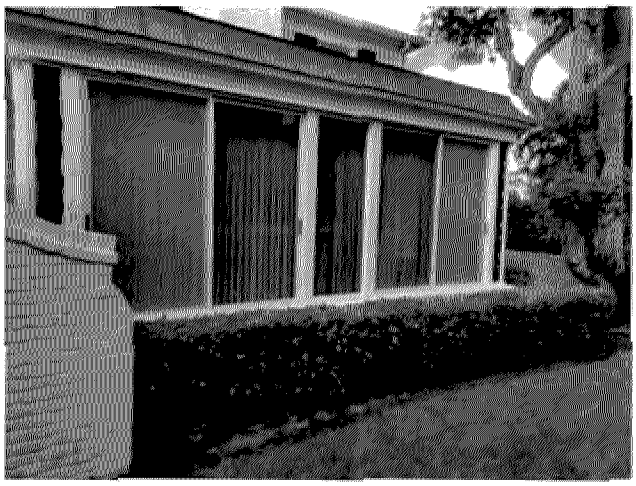


West Addition Detail, view from West

Anstis-Bass-Orstein (1977)



East Addition Detail, view from North

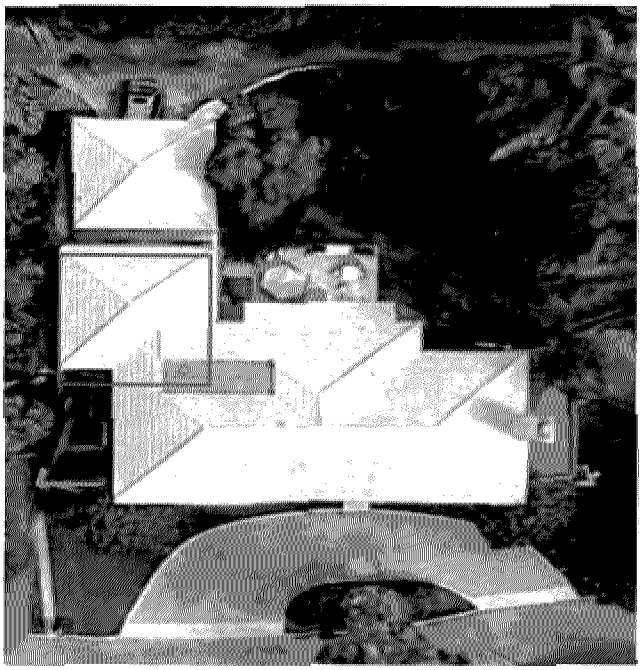


East Addition Detail, view from Southeast

Anstis-Bass-Orstein (1977)

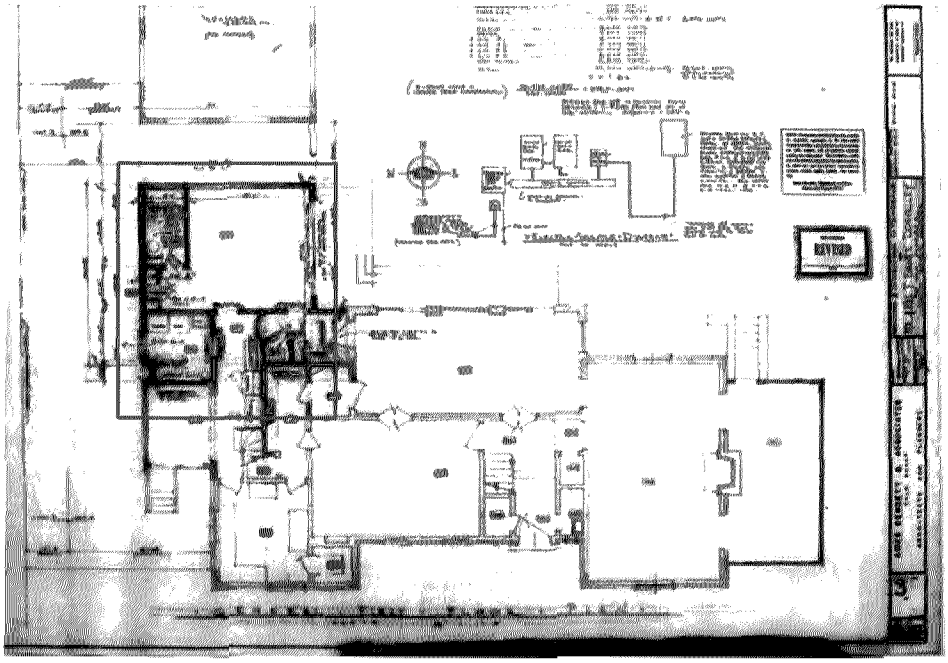
- The 1977 additions use a copper quasi-Mansard roof on one of the additions – a 1970s stylistic affectation that in no way is a part of the Monterey Style.





- At the same time, the home's entire original roof was replaced with what appear to be flat cement tiles.
- Both east and west 1977 additions are clearly visible as a part of the south primary elevation and detract from the Property's Monterey Style identity.

Ames Bennett (1990)

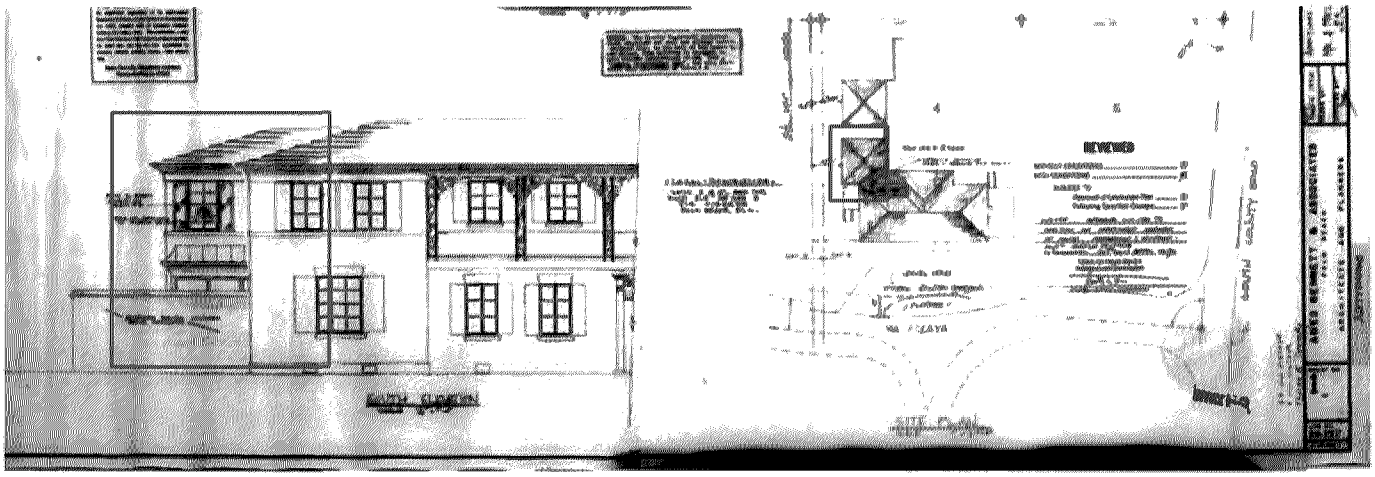


First Floor Plan - 1990 showing extent of two-story addition

In 1990, Ames Bennet added a massive two story addition that created a leap up in square footage and abolished the any remaining symmetry of the original home.



Ames Bennett (1990)



South Elevation and Site Plan - 1990 showing extent of two-story addition

Today

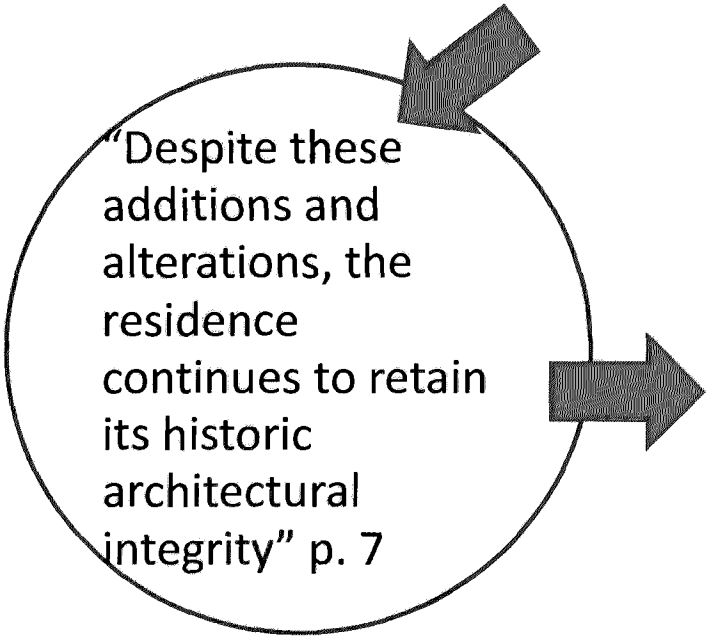
In addition,

- most if not all windows have been replaced with windows that are not sympathetic with the Monterey Style.
- All shutters on the south primary elevation have been replaced.
- A door on the second-floor balcony was closed off.



One of a Monterey Style building's most important character-defining features, its decorative railing at the second-floor balcony appears to have been replaced in whole or in part, upon recent information obtained.

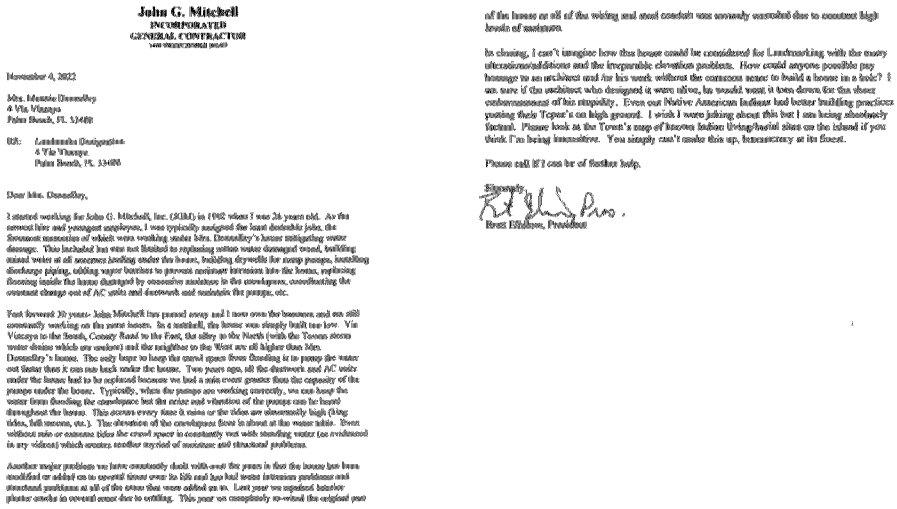
The Designation Report tries to gloss over the alterations and additions to the home.



How? Why? The Consultants fail to explain why or how the this home retains Integrity, or to address that most of the changes are on the south primary elevation – where such alterations take on more importance.

Flooding also affects the home's Integrity

The home's extreme problem with persistent flooding also affects its Integrity.



John G. Mitchell
INCORPORATED
GENERAL CONTRACTOR

November 4, 2022

Mrs. Monnie Donnelley
6 Via Vizcaya
Palm Beach, FL 33480

RE: Landmarks Designation
6 Via Vizcaya
Palm Beach, FL 33480

Dear Mrs. Donnelley,

I started working for John G. Mitchell, Inc. (JGMI) in 1962 when I was 24 years old. As the second hire and youngest employee, I was typically assigned the least desirable jobs, the foremost exception of which was working under Mrs. Donnelley's house mitigating water damage. This included but was not limited to replacing rotten water damaged wood, building animal water at all seasons leading under the house, building drywells for sump pumps, installing discharge piping, adding vapor barriers to prevent moisture intrusion into the house, replacing flooring inside the house damaged by excessive moisture in the crawlspace, coordinating the constant change out of AC units and ductwork and maintain the pumps, etc.

Fast forward 30 years- John Mitchell has passed away and I now own the business and am still constantly working on the same issues. In a nutshell, the house was simply built too low. Via Vizcaya to the South, County Road to the East, the alley to the North (with the Towns storm water drains which are useless) and the neighbor to the West are all higher than Mrs. Donnelley's house. The only hope to keep the crawl space from flooding is to pump the water out faster than it can run back under the house. Two years ago, all the ductwork and AC units under the house had to be replaced because we had a rain event greater than the capacity of the pumps under the house. Typically, when the pumps are working correctly, we can keep the water from flooding the crawlspace but the noise and vibration of the pumps can be heard throughout the house. This occurs every time it rains or the tides are abnormally high (king tides, full moons, etc.). The elevation of the crawlspace floor is about at the water table. Even without rain or extreme tides the crawl space is constantly wet with standing water (no evaluation in my videos) which creates another myriad of moisture and structural problems.

Another major problem we have constantly dealt with over the years is that the house has been modified or added on to several times over its life and has had water intrusion problems and structural problems at all of the areas that were added on to. Last year we repaired interior plaster cracks in several areas due to settling. This year we completely re-wired the original part of the house as all of the wiring and most conduit was severely corroded due to constant high levels of moisture.

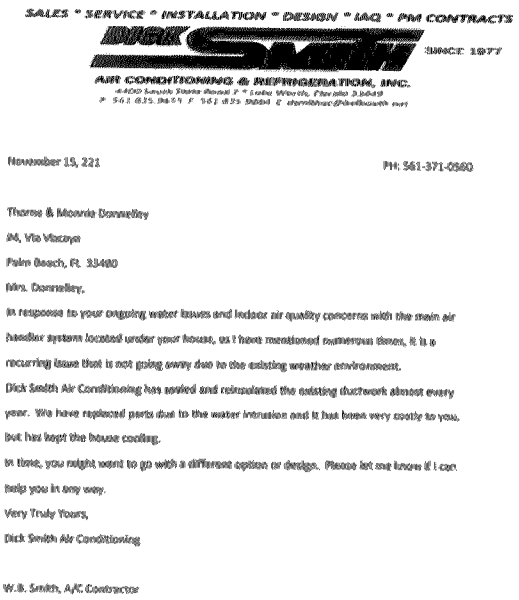
In closing, I can't imagine how this house could be considered for Landmarking with the many alterations/additions and the irreparable elevation problem. How could anyone possible pay homage to an architect and his work without the common sense to build a house in a hole? I am sure if the architect who designed it were alive, he would want it torn down for the sheer embarrassment of his stupidity. Even our Native American Indians had better building practices putting their Tepee's on high ground. I wish I were joking about this but I am being absolutely factual. Please look at the Town's map of known Indian Urine/Feces sites on the Island if you think I'm being insensitive. You simply can't make this up, hereditary at its finest.

Please call if I can be of further help.

Sincerely,

Brett Mitchell, President

The home's Location and Setting, two of the seven aspects of Historic Integrity, are degraded by constant flooding.



SALES * SERVICE * INSTALLATION * DESIGN * IAQ * PM CONTRACTS

DICK SMITH

SINCE 1977

AIR CONDITIONING & REFRIGERATION, INC.

4400 South State Road 7 * Lake Worth, Florida 33463

P 561.635.9454 F 561.635.9884 E dsmithac@bellsouth.net

November 15, 221

PH: 561-371-0560

Therse & Maurice Donnelley

M, Via Vizcaya

Palm Beach, FL 33480

Mrs. Donnelley,

In response to your ongoing water issues and indoor air quality concerns with the main air handler system located under your house, as I have mentioned numerous times, it is a recurring issue that is not going away due to the existing weather environment.

Dick Smith Air Conditioning has sealed and reinsulated the existing ductwork almost every year. We have replaced parts due to the water intrusion and it has been very costly to you, but has kept the house cooling.

In time, you might want to go with a different option or design. Please let me know if I can help you in any way.

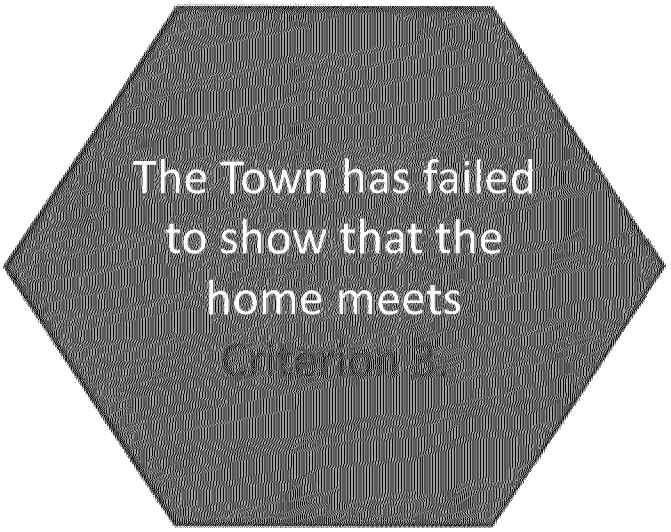
Very Truly Yours,

Dick Smith Air Conditioning

W.B. Smith, A/C Contractor

Criterion 3

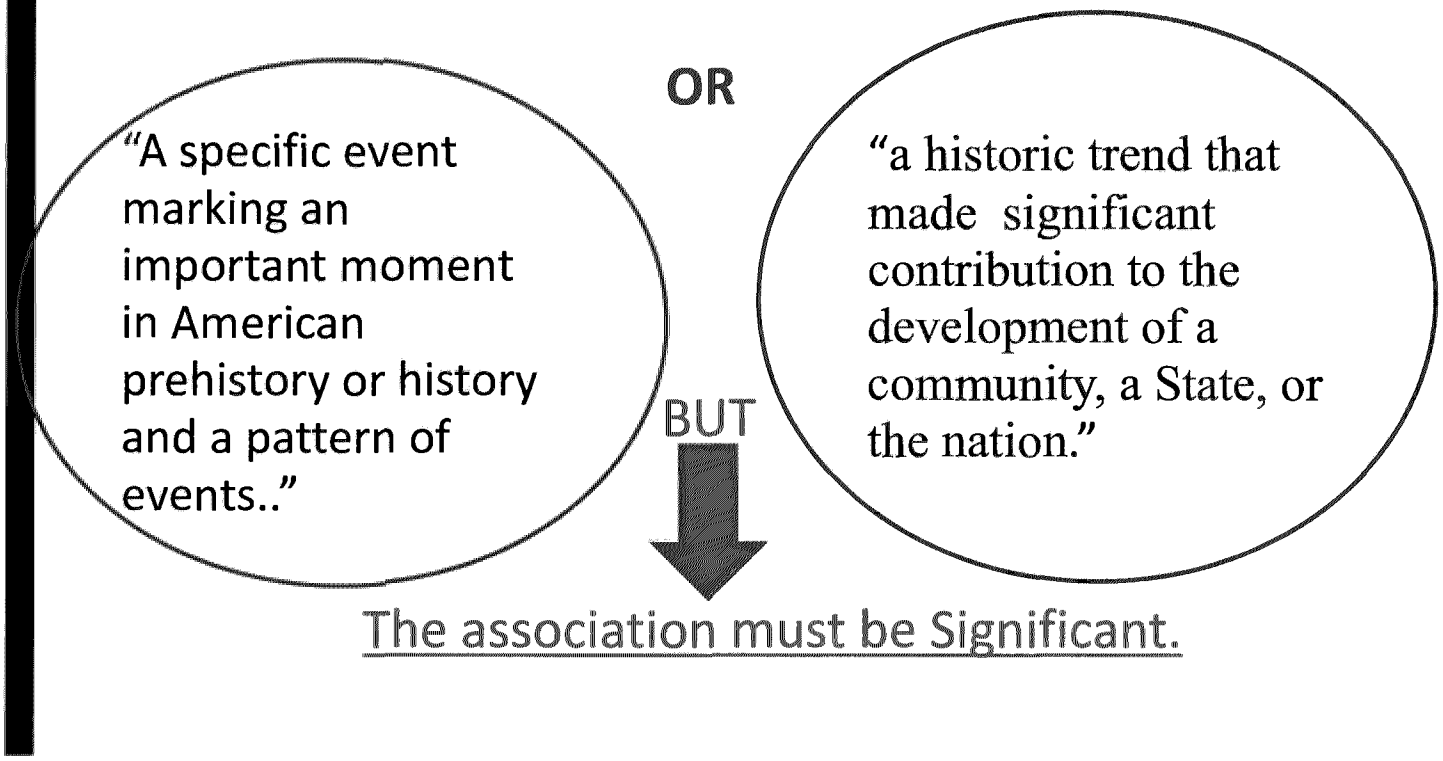
4 Via Vizcaya does NOT "embod[y] distinguishing characteristics of an architectural type" in a way that is worthy of landmarking, and lacks the Integrity to convey any Significance it may once have had.



Criterion 1

The Town has failed to show that 4 Via Vizcaya meets Criterion (1), that the home *"[e]xemplifies or reflects the broad cultural . . . economic or social history of the . . . town."*

Historic Context Requires one of two types of events:



The association must be Significant.

Designation Report says:

- the "Depression/New Deal-era" provides the required Historic Context necessary for landmark status.
- This home is an example of downsized construction during this time period

But...

- Town cites no "specific event"
- Town cites "no pattern of events"
- Town gives no data, or even anecdotal evidence to establish a Significant connection between this home and the "Depression/New Deal Era."

Designation Report says:

- Home was "designed and built in 1934 during the late Depression/New Deal Era for Christian Bai and Olga Lihme, the residence is a **very good example** of the changing times in the Town.

  Report p. 12

But...

- Town fails to show how this home is a Significant exemplar of that time period. Very good example" is not the language of landmarks.
- What significant association or event ties this home to this vast era? Mere association is NOT enough.

Town says :

- "Olga Lihme was involved in development on the island including developing the Via Vizcaya subdivision."
- "Following the ending of the 1920s building boom, the late Depression/New Deal Era in Palm Beach signaled a change in development and construction of residences in Palm Beach with large estates being subdivided and owners seeking mid-size residences with restrained and livable designs."

But...

- Ogla Lihme involvement has no relevance to the home's reflection of the "*. . . broad cultural, political, economic or social history . . .*"
- The fact that home is part of a subdivision, and does not have a large footprint or lavish details does not create a Significant Historic Context, and, in fact, militates against landmarking this run-of-the-mill Fatio.

The Town shows no **Significant association** between the home and the time period it claims as an Historic Context

Mere association is not enough.

"For example, a building historically in commercial use must be shown to have been Significant in commercial history." *

*National Register Bulletin. "How to Apply the National Register Criteria for Evaluation, Criterion A: Event. Applying Criteria A: Event. Significance of the Association," p. 12.

The Town has failed to show that the Property meets Criterion 1, and has failed to establish an Historic Context necessary all other Criteria, Significance & Integrity.

Conclusion

- The Consultants have failed to show how this home meets even one of its statutory criteria for landmarking.

- Instead of considering whether this home meets the critera with an open mind, LPC members actively advocated landmarking from the dais and engaged in other improper behavior.

PROPERTY OWNER'S EXPERT'S RESPONSE TO THE REPORT PROPOSING LANDMARKING FOR 4 VIA VIZCAYA, PALM BEACH, FLORIDA
(The Donnelley Home)

February 2023

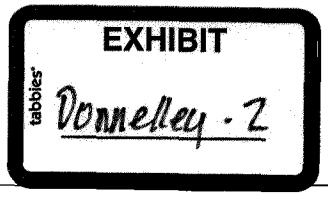
Prepared by:

Gary L. Cole AIA, Esq. / Independent Consulting Historic Preservation Expert

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PLEASE NOTE:

This Response can be read in its long form, and/or skimmed by reading the summary inserts boxes in blue text. (All emphasis herein is by Author.)



PROPERTY OWNER'S EXPERT'S RESPONSE TO THE REPORT PROPOSING LANDMARKING FOR 4 VIA VIZCAYA, PALM BEACH, FLORIDA
(The Donnelley Home)

From page 6 of the Town of Palm Beach's Landmarks Preservation Commission's "Landmark Manual," 2009:

- "**Not all old structures are worthy of landmark status.**"

- "A building *must have* an ***important*** *historical association*; it *must be* an **outstanding example** of architectural design, or it *must be* a ***significant*** *work of a notable architect* or master craftsman (the four criteria can be found in the Palm Beach Code, Chapter 54, Historic Preservation, Sec. 54-162)."

When everything is special, nothing is special.

When everything is a landmark, nothing is a landmark.

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2. Analysis of the Report's Claim of Applicability of its Landmark Ordinance's Criteria 1, 3, and 4 to the Property

(a) The Report's Purported *Significance* and *Integrity* of the Property

(b) Analysis of the Designation Report's use of Criterion 1

(c) Analysis of the Designation Report's use of Criterion 3

(d) Analysis of the Designation Report's use of Criterion 4

IV. Conclusion

PROPERTY OWNER'S EXPERT'S RESPONSE TO THE REPORT PROPOSING LANDMARKING FOR 4 VIA VIZCAYA, PALM BEACH, FLORIDA
(The Donnelley Home)

The Author examined the local, state and federal historic preservation laws that govern the Town's local landmarking activities to determine if and how the Town's Consultants applied those legal requirements in their proposal to landmark 4 Via Vizcaya (the "Property"), as set forth in the Town's "Designation Report," dated January 19, 2022.

Prior to the Town's Landmarks Commission hearing on November 16, 2022, the Author visited the Property to draw his own conclusions about whether the Property should be locally landmarked, applying local Historic Preservation criteria and utilizing a correct methodology for making such a determination, all as discussed further in this Report.

The Author has conducted hundreds of historic and potentially historic property site visits in his career for a wide range of Historic Preservation-related issues.

This response (the "Response") was prepared by Gary L. Cole (the "Author"), to render an expert opinion regarding the proposal by the Town's Consultants (the "Consultants") to designate the Property at 4 Via Vizcaya, Palm Beach, Florida as a local landmark. The term "Designation Report" or "Report" shall refer to the Designation Report dated January 19, 2022.

Understanding historic preservation generally and landmarking specifically requires an understanding of the

Historic Preservation in the United States has its roots in a romanticism of a lost past and a desire to conserve the remaining landmarks of our shared heritage that reflect that past. But it was not until the passage of the National Historic Preservation Act of 1966 (the "NHPA") that a federal, state and local regulatory scheme was created to give a legal structure for doing so.

Historic Preservation is both a deeply sentimental movement and a complex system of laws that attempts to balance its aims of conserving properties that meet the local or federal requirements for landmarking with the rights of individual property owners.

federal, state and local regulatory scheme that provides the scaffolding for historic preservation's diverse activities. As one of historic preservation's chief activities, landmarking also requires an understanding of a wide range of architectural building types, building history, the ability to identify architectural features and details, and a fluency with the terminology and historic preservation trade vocabulary that permits a clear communication of these factors to determine whether a property meets the legal requirements for landmarking at national, state or local levels.

Therefore, the Author employed an interwoven two-pronged approach in examining both the laws that govern the Town's landmarking activities and how the Consultants applied those legal requirements to the specific

building architecture and historical context of the Property in their Designation Report.

This Response discusses how the Consultants have failed to demonstrate that the Property is worthy of local

---

Under the federal National Register of Historic Places, individual properties cannot be designated historic against owners' wishes.

Historic Preservation's conservation goals are degraded at the local level when properties that have been previously disregarded for landmarking as unworthy are suddenly elevated to landmark status, especially against an owner's wishes.

This is especially true when such properties – as in the case of 4 Via Vizcaya – clearly fail to meet local landmarking laws and the required due process for their consideration is disregarded by the Town in whole or in part.

Local landmarking - unlike the federal National Register – imposes restrictions on an owner's property rights through the permitting process. Therefore, strict adherence to all applicable landmarking laws must be observed when seeking a local historic designation for a property.

---

landmark designation under the Town's landmarking laws and concludes that the attempt to do so should be rejected.

The Author has prepared this Response as an "Independent Consulting Expert" with extensive historic preservation academic, teaching and professional experience.

2. Summary of Opinions and Conclusion

As the proponent of the effort to locally landmark the Property over the express objections of the Property's owner, it is the Consultants' obligation to establish that the Property meets all the requirements for landmarking set forth in, among other places, the "Town of Palm Beach's Code of Ordinances, Chapter 54 – Historical Preservation," referred to in this Response as the Town's "Landmark Ordinance." It is not the Property owner's obligation to rebut the Town's efforts to force landmark status on the Property - nevertheless, that is the purpose of this Response.

PROPERTY OWNER'S EXPERT'S RESPONSE TO THE REPORT PROPOSING LANDMARKING FOR
4 VIA VIZCAYA, PALM BEACH, FLORIDA
(The Donnelley Home)

It is the Author's opinion and conclusion that the Consultants' efforts to landmark the Property have failed to

> The burden of proof is on the Town to show that the Property is worthy of historic designation under the requirements of the Town's Landmarks Ordinance.
>
> Doing so requires that the Town demonstrate that the Property unequivocally "meets" the Landmarks Ordinance's three nominating "Criteria" by showing that these Criteria have both "Significance" and, as applicable, "Integrity," all set against a significant "Historic Context" that actually applies to the Property.
>
> Landmarking Requires: "CSI" = [CRITERIA + SIGNIFICANCE + INTEGRITY] & HISTORIC CONTEXT.
>
> The Consultants have failed to demonstrate that the Property meets the landmarking requirements set forth in both the Town's Landmark Ordinance and the Town's status as a "Certified Local Government." The Consultants' attempt to show that the Property is worthy of designation fails.

meet the requirements of the Landmark Ordinance, including any of its nominating "Criteria," and any reasonable measurements of "Significance" and "Integrity," all against any significant "Historic Context." It is the Author's opinion and conclusion that any such historic designation imposed upon the Property against the owner's express objections would be arbitrary, unsupported and lacking any reasonable basis for the Property's historic designation and therefore should not be designated a local landmark.

END OF PART I

II. The Town's Landmarking Requirements as a Certified Local Government ("CLG")

This Response reflects the Author's examination of the Town's compliance with applicable sections of the Landmark Ordinance and various state and federal legal authorities that govern the Town's landmarking procedures as a "Certified Local Government," or "CLG" or participant in the "CLG Program." As a CLG since 1989,[1] the Town has been a local-state-federal partner in the CLG Program, a program created by the 1980 amendments to the National Historic Preservation Act of 1966 (the "NHPA").[2]

[1] State of Florida's CLG Data.
[2] National Historic Preservation Act of 1966, 16 U.S.C. § 470, *et seq.*

PROPERTY OWNER'S EXPERT'S RESPONSE TO THE REPORT PROPOSING LANDMARKING FOR 4 VIA VIZCAYA, PALM BEACH, FLORIDA
(The Donnelley Home)

This federal, state and local partnership trickles down federal laws, standards and requirements for, among

Since 1989, the Town has been a "Certified Local Government," or "CLG," and the local participant in a local-state-federal "CLG Program."

To become a CLG, the Town was required under both Federal law (the NHPA of 1966, as amended), and the "Florida Division of Historical Resources" (the Florida "State Historic Preservation Office," or "SHPO") guidance to have a local historic preservation ordinance approved by the SHPO and the Federal "National Park Service," or "NPS."

other things, landmarking at the local level. In exchange for the adoption of a state and federally approved landmark ordinance, the Town, as a CLG, became eligible for state grants to fund its historic preservation activities. The federal National Park Service (the "NPS") and the state of Florida's Division of Historical Resources (the "Florida "State Historic Preservation Office," or SHPO") monitor the Town's CLG related activities, including its local landmarking efforts. CLGs are required to file annual activity reports with the SHPO and the NPS indicating compliance with the CLG Program's requirements.

Therefore, the Town's Landmark Ordinance and the Town's status as a CLG are in many ways a local

The Town's status as a CLG and its Landmark Ordinance are in many ways a local extension of federal historic preservation laws and policies.

The Town was not required to become a CLG, but once it became one, it was required to understand and follow federal historic preservation laws and state guidance for operating as a CLG. This includes the Town's local landmarking activities.

extension of federal historic preservation laws and policies. As a CLG, the Town's Landmarks Ordinance is required to set forth criteria and procedures for the Town's local landmarking activities pursuant to the requirements of the NHPA's regulations, including the following:

"§61.6 Certified local government programs.

(e) The SHPO must ensure that each local government satisfies the following minimum requirements as conditions for certification. Each CLG must:

(1) Enforce appropriate State or local legislation for the designation and protection of historic properties. The State procedures must define what constitutes appropriate legislation, as long as:

(i) Designation provisions in such legislation include the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and

prehistoric resources within the jurisdiction of the local government;"[3]

As a CLG, the Town's Landmarks Ordinance sets forth criteria (the "Criteria") and a process for landmarking local properties that is required to be ***". . . the same as or substantially the same . . ."*** as that set forth in the National Register of Historic Places (the "National Register") and that have been vetted as such by both Florida SHPO and the NPS.

The Florida SHPO published its "Florida Certified Local Government Guidelines," which set forth in part the following:

"B. Requirements

The following requirements are contained in 36 CFR Part 61, the implementing regulations for the National Historic Preservation Act, as amended (16 U.S.C. 470). Local governments desiring to become and remain Certified Local Governments must meet all of the following requirements:

1. Enforce appropriate state or local legislation for designation and protection of historic properties. In the absence of state legislation, this requirement shall be met by the enactment of local legislation containing the following provisions:

.b) The legislation must clearly define criteria and a process ***the same as or substantially the same as that identified in the National Historic Preservation Act of 1966****, (U.S.C. 470 et. seq.) as amended for the designation of historic properties."*[4]

Here, the reference above to ". . . criteria and a process . . ." identified in the NHPA refers to the criteria and process required by the National Register for landmarking. Taken as a whole, this simply means that the landmarking requirements of any local ordinance – including their methodology and process for landmarking -- must generally be ". . . the same as or substantially the same . . ." as required by the National Register – which is consistent with the purpose of the CLG Program.

Therefore, the Town did not wholly invent its landmarking requirements; it derived them in part from the National Register's landmarking requirements in order to participate in the CLG Program.

[3] 36 CFR § 61.6 - Certified local government programs.
[4] Florida SHPO's Florida Certified Local Government Guidelines.

PROPERTY OWNER'S EXPERT'S RESPONSE TO THE REPORT PROPOSING LANDMARKING FOR 4 VIA VIZCAYA, PALM BEACH, FLORIDA
(The Donnelley Home)

As the local partner in the local-state-federal CLG program, both federal and state law mandates require that the Town's Landmarks Ordinance *". . . clearly define criteria and a process the same or as substantially the same as that identified in the National Historic Preservation Act of 1966 . . ."*

In other words, the Town is required to enact local nominating criteria – with approved local variance – based on the National Register's criteria for nominating local properties, for landmarking and a process – a methodology – for doing so, which involves evaluations of property Significance and Integrity, all set against a significant Historic Context.

The Town has a Landmark's Ordinance. However, it only sets forth the Criteria for nominating properties landmark status, and not the methodology required of the Town's Landmark's Commission under law for evaluating and determining whether such properties "meet" the required Criteria, thereby leaving such nominations subject to an unreasoned, non-transparent and arbitrary landmarking process.

The purpose of the National Register in serving as a federal landmarking model for the local landmarking activities in CLGs throughout the United States is to copy and implement a flexible template of the federal landmarking requirements at the local level. This ensures, in theory, the application of consistent landmarking requirements nationally, including a methodology for evaluating whether local properties are not only eligible for historic designation, but that they meet or exceed a local landmark ordinance's minimum requirements, while also allowing some flexibility to accommodate local architectural and historical categorization of potential landmarks.

In Section 51-161 of the Landmark Ordinance, the Town codified its four (4) Criteria, which are clearly based on the National Register's criteria, for the historic designation of individual local properties. But the local Criteria represent only a starting point for evaluating whether a property is worthy of local landmarking.

The Criteria must be evaluated against the other threshold requirements for landmarking, which include a determination for each of the local nominating Criteria that each clearly complies with historic preservation's industry-accepted National Register-based criteria evaluation methodology. In historic preservation parlance, this is referred to as a property "meeting" the Criteria and includes substantiating that a subject property possesses both "Significance" and "Integrity" within a property's purported "Historic Context."

None of this is expressly set forth in the Landmark Ordinance, very little is included in the Report, and even that is done in a manner that uses historic preservation trade jargon of "meeting" the Criteria without engaging in any rigorous analysis to demonstrate its conclusions, as will be discussed later in this Response.

END PART II

PROPERTY OWNER'S EXPERT'S RESPONSE TO THE REPORT PROPOSING LANDMARKING FOR 4 VIA VIZCAYA, PALM BEACH, FLORIDA
(The Donnelley Home)

III. The Consultants' Failure to Show that the Property Meets the Town's Designation Criteria for Local Landmarks.

1. Summary

It is not enough to simply and broadly claim that a Property "meets" one or more of the Landmark Ordinance's Criteria for local landmarking without performing a full analysis of a Property's "Significance" and associated "Integrity" conducted against the background of a defined "Historic Context," which is generally a function of a Significance geo-temporal event or series of events.

The National Register requires that National Register-nominated properties be categorized under at least one

> To "meet" the Criteria for landmarking, it is not enough to simply say that a property "meets the Criteria;" the process – the methodology – for doing so must show that for each nominating Criterion, the property passes tests of Significance and, as applicable, Integrity, all set against a significant Historic Context.
>
> The Town's four (4) nominating Criteria are roughly the same as the National Register's four (4) nominating Criteria. However, unlike the Town's Landmarks Ordinance, the National Register codified the tests of Significance and Integrity. Nonetheless, as discussed earlier, under the SHPO's clear CLG guidance, the Town is still required to incorporate these requirements in assessing whether they meet the local Criteria for landmarking.

of the following four Criteria:

"*§60.4 Criteria for evaluation.*

"National Register criteria for evaluation. The quality of ***significance*** *in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess* ***integrity*** *of location, design, setting, materials, workmanship, feeling, and association and*

(a) that are associated with events that have made a significant contribution to the broad patterns of our history; or

(b) that are associated with the lives of persons significant in our past; or

(c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) that have yielded, or may be likely to yield, information important in prehistory or history."[5]

[5] 36 CFR § 60.4 Criteria for Evaluation.

As a CLG, the Town's Landmarks Ordinance also sets forth four (4) possible Criteria for designating properties as local landmarks. Like the National Register, the Landmark Ordinance requires that a nominated property must "meet" only one (1) of these Criteria. Despite setting forth a definitions section in Section 54-2 of the Landmark Ordinance, no definition or guidance is provided as to exactly what it means for a nominated Property to "meet" any Criteria.

The Designation Report attempts some of the above required analysis methodology using the Property's Significance and associated Integrity measured against an undefined Historic Context, but does so incompletely, nonspecifically, and wholly insufficiently to elevate the Property to local historic status. In the Report, the Consultants assert that ". . . Listed below are criteria that relate to this property and justification for designation . . ."[6] In historic preservation parlance and the language of the Landmarks Ordinance, this means that the Consultants are claiming that the property "meets" the three (3) Criteria referenced and is therefore worthy of landmarking:[7]

"Sec. 54-161. Criteria for landmarks and landmark sites.

"(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

(4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."[8]

To demonstrate that the Landmark Ordinance's Criteria *are the same or substantially the same* as the National Register's criteria, it is apparent that:

The Town's four (4) nominating Criteria are roughly the same as the National Register's four (4) nominating Criteria. However, unlike the Town's Landmarks Ordinance, the National Register codified the tests of Significance and Integrity against a significant Historic Context. Nonetheless, as discussed earlier, under the SHPO's clear CLG guidance, the Town is still required to incorporate these requirements in assessing whether local properties meet the local Criteria for landmarking.

The Designation Report fails to do so.

[6] The Designation Report, p. 12.
[7] *Id.*
[8] Town of Palm Beach Landmarks Ordinance; Sec. 54-161. Criteria for landmarks and landmark sites; Article IV Designation Procedure.

the Town's Landmarking Criterion (1) is generally based on the National Register's criterion (a);

the Town's Landmarking Criterion (3) is generally based on the National Register's criterion (c); and

the Town's nominating Criterion (4) is generally based on the National Register's criterion (d).

The Designation Report does not set forth a concise statement or definition of its purported Historic Context. For this Response, it is presumed to be based on the Report's history narrative, including its designation of the Property under Criteria 1, 3 and 4.

The National Register Bulletin, How to Apply the National Register Criteria for Evaluation, provides a definition for "historic context" as follows:

> *"Historic Context – An organizing structure for interpreting history that groups information about historic properties that share a common theme, common geographical area, and a common period. The development of historic contexts is a foundation for decisions about the planning, identification, evaluation, registration, and treatment of historic properties, based on comparative historic significance."*[9]

The National Register's instructions on how to establish an historic context include the following:

> *"APPLYING CRITERION A: EVENT TYPES OF EVENTS. A property can be associated with either (or both) of two types of events:*
>
> - *A specific event marking an important moment in American prehistory or history and*
> - *A pattern of events or a historic trend that made a significant contribution to the development of a community, a State, or the nation.*[10]

> *SIGNIFICANCE OF THE ASSOCIATION. Mere association with historic events or trends is not enough, in and of itself, to qualify under Criterion A: the property's specific association must be considered important as well. For example, a building historically in commercial use must be shown to have been significant in commercial history."*[11]

As discussed further below, it is the Author's conclusion that in promoting the Property's historic designation eligibility in the Designation Report, the Consultants failed to establish a meaningful Historic Context by which to evaluate the Landmark Ordinance's requirements of Criteria, Significance and Integrity, and also misconstrued critical information and was inconsistent, selective, arbitrary and without any reasonable basis for designating the Property as a local landmark.

2. Analysis of the Report's Claim of Applicability of its Landmark Ordinance's Criteria 1, 3, and 4 to the Property

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[9] National Register Bulletin. "How to Apply the National Register Criteria for Evaluation, X. Glossary, Historic Context." p. 53.
[10] National Register Bulletin. "How to Apply the National Register Criteria for Evaluation, Applying Criteria A: Events: Types of Events," p. 12.
[11] National Register Bulletin. "How to Apply the National Register Criteria for Evaluation, Criterion A: Event. Applying Criteria A: Event. Significance of the Association," p. 12.

PROPERTY OWNER'S EXPERT'S RESPONSE TO THE REPORT PROPOSING LANDMARKING FOR 4 VIA VIZCAYA, PALM BEACH, FLORIDA
(The Donnelley Home)

(a) The Report's Purported Significance and Integrity of the Property

SIGNIFICANCE AND THE PROPERTY

The Monterey Style was a period residential revival style popular in the second quarter of the 20th Century, and which originated in California but found expression through other parts of the country, including Palm Beach. In the 19th and first half of the 20th century, residential styles that revived early original styles were the dominant residential design styles. The Monterey Style was one of several styles that revived "Spanish Period" houses.

In architecture, the term "Kit of Parts" is often used to describe the discrete architectural elements that collectively give a style its identifiable character and its Significance for landmarking.

At a minimum, the Property's Monterey Style Kit of Parts includes:

(i) Massing: the primary south elevation presents a simple two-story symmetrical massing (later east and west additions are 1977 additions; a rear second floor addition was also added later).

(ii) Decorative Metal: a large second floor decorative cast iron balcony.

(iii) Walls: white painted brick walls at both first and second floors.

(iv) Windows & Shutters: first and second floor true divided lite windows and surrounds, and all shutters.

(v) Roof: low pitched and gabled.

The Property has always presented just about enough of the Monterey Style's Kit of Parts to identify it as the Monterey Style. However, none of the Property's building elements, individually or collectively, is Significant or remarkable in a landmarking sense. All are quite typical for the style.

The Consultants seek to landmark the Property because they claim that within its purported Historic Context, the Property possesses such Significance that it meets the Town's own high bar for landmarking set out in its Landmark Manual, which requires that to be landmarked:

> *"A building must have an **important historical association**; it must be an **outstanding example of architectural design**, or it must be a **significant work** of a notable architect or master craftsman . . ."*[12]

The Designation Report states the following regarding the Property's Significance:

> *"VI. Statement of Significance. The residence at 4 Via Vizcaya is significant as a very good example of the Monterey style of architecture as interpreted by prominent Palm Beach architect Maurice Fatio. It is also a very good example of the architectural, cultural and social changes occurring in Palm Beach during*

[12] Town of Palm Beach Landmarks Preservation Commission, Landmark Manual, p. 6.

the post-Depression/New Deal Era of the mid-1930s."[13]

The Report's "Statement of Significance" simply says that the Property is a "very good example" of the Monterey Style by Maurice Fatio, and that it is a "very good example" of the "architectural, cultural and social changes occurring in Palm Beach during the post-Depression/New Deal era of the mid-1930s."

Saying something is a "very good example" of something is not a statement or explanation of its Significance in the context of local landmarking.

The Significance Statement's use of the "*very good example*" standard sets a low and inadequate bar for landmarking. By the Landmark Commission's own words, quoted earlier from the Landmark Manual:

"A building *must have* an *important historical association*; it *must be* an *outstanding example of architectural design*, or it *must be* a *significant work of a notable architect* or master craftsman."

A *very good example* standard - even if true, which it is not – is inadequate to landmark the property.

Saying the Property is Significant in a landmarking context because it's a *very good example* of the Monterey Style, especially without saying why, says nothing at all and certainly satisfies none of the requirements of landmarking to elevate the Property to landmark status.

Other than the Designation Report's assertion that the Property is a very good example of architect Maurice Fatio's purported use of the Monterey Style and the ". . . *architectural, cultural and social changes occurring in Palm Beach during the post-Depression/New Deal Era of the mid 1930s*,"[14] it never actually shows this in any significant manner or why it is a "very good example" of anything at all. Even if the claim is accepted on its face, the Designation Report sets forth no metrics for measuring how a Property is a "very good example," or a "good example" or even a "very poor example." It is an opinion without basis or measuring standards in the context of landmarking – defined or otherwise.

And though the Designation Report uses the term "Depression/New Deal Era" extensively, it never defines that phrase – which is a threshold requirement for using a defined term – which is even more important in this case, because the Consultants rely heavily on some undefined meaning to justify their attempted landmarking of the Property. Most readers today would know generally what the "Depression" and "New Deal" were. The Designation

[13] The Designation Report, p. 11.
[14] *Id.*

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Report discusses building construction in Palm Beach during the period of the economic depression of the 1920s and 1930s but in no way shows that this creates any kind of causal relationship between the two. Both are simply historical background.

Since nominating the Property under the Town's Landmark Ordinance's Criteria requires a showing of Significance and Integrity, this Response will apply the Consultants' own statements in the following discussions of the applicability of the Town's Criteria 1, 3, and 4.

INTEGRITY AND THE PROPERTY

The concept of Integrity refers to a property's ability to convey its Significance. Obviously, if a property lacks the requisite Significance to be landmarked, any Integrity it may possess will not be Significant. There are different facets to what constitutes Integrity, but the most used is a property's material Integrity – does a building possess enough of its "Kit of Parts" to convey its identity and significance? Material Integrity is what the Designation Report focused on.

The Property was constructed in 1934 and has had several owners and at least three architects in its history. The Designation Report concedes that changes to the character defining features – its Kit of Parts – have been made and that numerous additions have been constructed on the Property, increasing the Property's size:

> *"Since the home's construction in 1934, in addition to the changes noted, there have been some alterations to the exterior of the residence. Alterations include the replacement of the roofing material, replacement of some of the windows and doors, replacement of the colonial shutters, and landscape and hardscape changes including the installation of a pool to the east of the residence. Despite these additions and alterations, the residence continues to retain its historic architectural integrity."*[15]

The Designation Report's assessment of the Property's Integrity is an understatement to say the least and neglects the impact of additions and non-original features on the Property's Integrity. Additional changes to the rear of the Property have been made. Further, the Report fails to make clear that most of the changes it refers to are on the south primary elevation – where these alterations take on more importance -- and blithely concludes that "*Despite these additions and alterations, the residence continues to retain its historic architectural integrity.*"[16]

[15] The Designation Report, p. 7
[16] *Id.*

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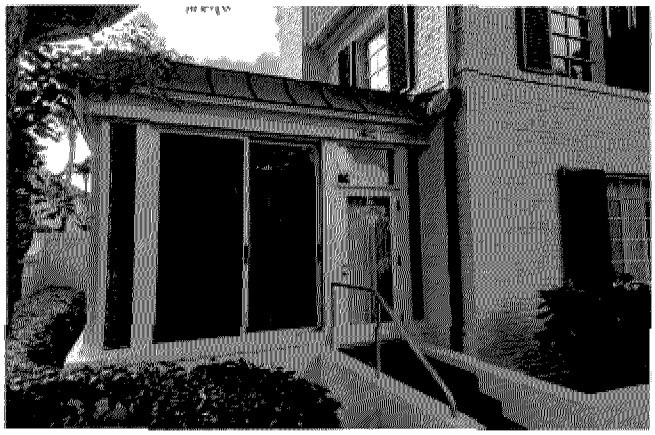
The concept of Integrity refers to a property's ability to convey its Significance. Obviously, if a property lacks the requisite Significance to be landmarked, any Integrity it may possess will not be Significant.

There are different facets to what constitutes Integrity, but the most used is a property's *material* Integrity – does a building possess enough of its "Kit of Parts" to convey its identity and significance? Material Integrity is what the Designation Report focused on.

The Property has compromised material Integrity that the Designation Report glosses over and does not give due consideration.

The Author has conducted his own site visit of the Property and has also been provided additional information about the Property's alterations:

- Three substantial additions have been made: one on the east side of the building, one on the west side, and one two-story addition at the rear. The east and west additions are from 1977, and both possess copper Mansard roof–like details that are clearly not of the Monterey Style. Both east and west 1977 additions are clearly visible as a part of the south primary elevation and detract from the Property's Monterey style identity.



(Above) East Addition, North Elevation.

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(Above) East Elevation of East Addition.



(Above) West Elevation of West Addition.



(Above) North Elevation Showing Two-Story Addition on West Side

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(Above) South Elevation.

- Most windows appear to have been replaced with windows that are not sympathetic with the Monterey Style windows. Windows are a primary, character-defining feature of any building.
- All shutters on the south primary elevation have been replaced.
- A door on the second-floor balcony was replaced and its opening blocked up.
- The original roofing was replaced in 1977 with what appear to be cement tiles.
- And, most importantly, one of a Monterey Style building's most important character-defining features -- its decorative railing at the second-floor balcony -- appears to have been replaced in whole or in part, based upon recent information obtained.

There is no one modification to the Property that was so egregious in diminishing the Property's character; rather, it is the cumulative accretions of additions and changes that diminish its Integrity. For local landmarking's loss of Integrity purposes, it is not the Property it was in 1934, and it can no longer communicate any measure of Significance that it may or may not possess as a "very good example . . ."[17] of the Monterey Style as the Consultants claim. Additions and changes have altered the Property's Kit of Parts - its visual vocabulary - so that if today's Property and the 1934 Property don't speak completely different languages, at the very least, the languages they speak convey very different meanings. The Designation Report itemizes some of the changes, including primary character-defining elements including roof, windows and doors, but goes on to claim that the Property retains its essential Integrity despite the loss of these elements and their replacement with new elements.

Landmarking seeks to designate buildings as historic in part for the way they look, but more importantly for their retention of original materials and whether those materials are sufficiently intact to convey that which makes a building historically Significant. And this is the misunderstanding of Integrity in landmarking. The concept of Integrity is not a question of just whether something looks old or original; it is a question of whether something has enough of its original parts – or historic replacement parts – to convey its original identity and therefore its Significance. Only if it passes this test does it possess sufficient Integrity to be landmarked.

[17] The Designation Report, p. 12.

In the case of the Property, the house has numerous additions to the original block, thereby changing the massing of the building from the symmetrical block it once presented to its primary south elevation. Its entire roof was replaced with flat concrete shingles, doors and windows were replaced, shutters were replaced, and it uses a copper quasi-Mansard roof on one of the additions – a 1970s stylistic affectation that in no way is a part of the Monterey Style. Taken individually, these changes may not be immediately fatal to a landmarking effort, but cumulatively, 4 Via Vizcaya is a very different house from Maurice Fatio's modest and balanced 1934 design.

Thus, it is not true, as the Designation Report claims, that: "*Despite these additions and alterations, the residence continues to retain its historic architectural integrity.*"[18] The Property has lost the Integrity needed to convey the small amount of Significance the property may once have had and has rendered the Property ineligible for local landmarking.

To conclude the discussion of Integrity, the words of the Landmark Commission's Landmark Manual are helpful: "*Not all old structures are worthy of landmark status*," and a building "*. . . must be an outstanding example of architectural design.*"[19]

The former is true of the Property; the latter is not.

(b) Analysis of the Consultants' use of Criterion 1: Criterion 1 is inapplicable to the Property and should

The Landmark Ordinance's Criterion 1 requires that a nominated Property show that it:

"(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or town."

Criterion 1 was used previously in the Designation Report in an attempt to establish an Historic Context for the Property's historic designation.

As this has already been discussed in the Response's "Statement of Significance" section and rebutted by the Author, no further discussion is necessary here.

For the reasons already presented and as further described in this Response, the Consultants' attempt to use Criterion 1 is inapplicable to the Property and should be disregarded as a nominating Criterion.

However, a detail rebuttal of Criterion 1 is also found in this Response in Section III.2.(b).

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[18] The Designation Report, p.7.
[19] Town of Palm Beach Landmarks Preservation Commission, Landmark Manual, p. 6.

be disregarded as a nominating Criteria.

The Landmark Ordinance's Criterion 1 requires that a nominated Property show that it:

"(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town."[20] For each element of the Landmark Ordinance's Criterion 1 that the Consultants rely on in their nomination, the Consultants must clearly show that these elements are Significant and have the requisite Integrity to convey that Significance:

Criterion 1: [the Property] *"Exemplifies or reflects the broad cultural . . . economic or social history of the . . . town."*[21]

To explain its use of Criterion 1 to assert the Property's historic designation eligibility, the Designation Report makes three statements.

1. DESIGNATION REPORT SUMMARY STATEMENT (1): *"4 Via Vizcaya reflects the broad cultural, economic and social history of the Town of Palm Beach. Designed and built in 1934 during the late Depression/New Deal Era for Christian Bai and Olga Lihme, the residence is a very good example of the changing times in the Town."*[22]

- Author's Response: DISREGARD AS IRRELEVANT.

As discussed earlier, the Consultants have not defined the "Depression/New Deal Era" term with some kind of significant Historic Context for the Property that justifies its landmarking. The Designation Report attempts to conflate the "Depression" plus the "New Deal" into one "Era." It could have simply referenced 1934, the year the Property was constructed, instead of trying to imbue these terms with special significance as relates to the Property. But it simply claims that building activity in Palm Beach slowed during the economic depression of the 1930s – a claim for which no data have been provided.

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2. DESIGNATION REPORT SUMMARY STATEMENT (2): *"Olga Lihme was involved in development on the island including developing the Via Vizcaya subdivision."*[23]

- Author's Response: DISREGARD AS IRRELEVANT.

Since the Town is not trying to landmark Olga Lihme, it is difficult to say what relevance this statement has to the attempted landmarking of the Property under Criterion 1, and it has no relevance to the Property's reflection of the ". . . broad cultural, political, economic or social history . . ."[24] of Palm Beach.

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[20] The Designation Report, p. 12.
[21] *Id.*
[22] The Designation Report, p. 12.
[23] *Id.*
[24] *Id.*

(3) DESIGNATION REPORT SUMMARY STATEMENT (3): "*Following the ending of the 1920s building boom, the late Depression/New Deal Era in Palm Beach signaled a change in development and construction of residences in Palm Beach with large estates being subdivided and owners seeking mid-size residences with restrained and livable designs.*"[25]

- Author's Response: DISREGARD AS IRRELEVANT.

The second sentence is simply a reiteration of the Designation Report's earlier history narrative and in no way even attempts to demonstrate how the Property in any way: "*(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.*"[26]

The Designation Report appears to be trying to establish an Historic Context by tying the Property to the "late Depression/New Deal Era," in which it was coincidentally constructed, but fails to show how the Property is any kind of Significant exemplar of that time period and Criterion 1's geography of Palm Beach. What are the features of the Property that reflect this time period? What is the demonstrable exemplification or reflection between the Property and ". . . broad cultural, political, economic or social history. . ."[27] of the Property's context? The best that can be derived from the Designation Report is that during this time period, property owners built smaller and less elaborate homes than prior to this period. The same can likely be said of anywhere in the nation. As related to the Property, this is at best an historic footnote, but not an Historic Context.

The Designation Report's application of the three statements above represents the argument that the Property should be locally landmarked because it is a ". . . very good example of the changing times . . ." in Palm Beach and reflects its ". . . broad cultural, political, economic or social history. . ."[28]

In applying Criterion 1's language to the Property, not only has the Designation Report failed to demonstrate that the Property "*exemplifies or reflects*" its nominating Criteria, but it has also failed to show that the Property is a very good example, or a Significant example, or any example at all of Criterion 1's designating requirements.

The use of Criterion 1 is an attempt to create an Historic Context by tying the Property to the Depression/New Deal Era, but other than to state this, the Report demonstrates no nexus between the Property and the general time period in which it was constructed.

For these reasons, the attempt to use Criterion 1 is inapplicable to the Property and should be disregarded as a nominating Criterion.

(c) Analysis of the use of Criterion 3:

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[25] *Id.*
[26] Town of Palm Beach Landmarks Ordinance; Sec. 54-161. Criteria for landmarks and landmark sites; Article IV Designation Procedure.
[27] *Id.*
[28] The Designation Report, p. 12.

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As discussed below, the Property fails the Consultants' efforts to demonstrate eligibility for landmarking under Criterion 3 of the Town's Ordinance and should be stricken as one of the Property's nominating Criteria. Criterion 3 requires that a nominated Property show clearly that it:

> *"(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.*[29]

Again, for each element of the Landmark Ordinance's Criterion 3 that the Consultants rely on in their nomination, the Consultants must clearly show that these elements are Significant and have the requisite Integrity to convey that Significance.

> Criterion 3: [the Property] "*Embodies distinguishing characteristics of an architectural type . . .[or] style . . .*" The remainder of Criterion 3's language was not relied upon and therefore is not addressed here except to state what is clearly obvious: the Property is not "*. . . a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.*"[30]

The Landmark Ordinance's Criterion 3 requires that a nominated Property show clearly that it:

> *"(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship."*

The Report relies only on the first part of Criterion 3: "*Embodies distinguishing characteristics of an architectural type . . .[or] style . . .*" in its attempt to landmark the Property.

In no way do any of the Report's statements demonstrate the applicability of Criterion 3, which requires that the Property possess Significant distinguishing characteristics of an architectural type or style. And other than simply stating that it is so, the Report in no way proves its own low bar that the Property is a very good example of anything. To explain its use of Criterion 3 to assert the Property's historic designation eligibility, the Designation Report makes the following two statements.

DESIGNATION REPORT SUMMARY STATEMENT (1):

> *(1) "The house at 4 Via Vizcaya is a very good example of Maurice Fatio's skillful interpretation of the Monterey style of architecture."*[31]

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[29] *Id.*
[30] *Id.*
[31] *Id.*

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- Author's Response: DISREGARD AS INAPPLICABLE.

The Consultants rely only on the first part of Criterion 3: "*Embodies distinguishing characteristics of an architectural type . . .[or] style . . .*" in its attempt to landmark the Property, and summarize their position in three (3) statements:

Statement No. 1: "*The House at 4 Via Vizcaya is a very good example of Maurice Fatio's skillful interpretation of the Monterey style of architecture.*"

This statement makes no attempt to identify the "*. . . distinguishing characteristics of an architectural type . . .[or] style . . .*" but instead addresses the *architect* and not the *architecture* in an attempt to exaggerate the significance of the Property.

This comment belongs in the Consultants' discussion of Criterion 4, which does address the architect.

The Designation Report's reference to the Property's architect, Maurice Fatio, in Criterion 3's first statement should be disregarded as an application of Criterion 3 not tethered to any objective metrics. The subject of Criterion 3 is the architecture of the Property, not its architect. If the Town wanted the Property's architect to be a factor in Criterion 3, it would have included it in Criterion 3. But it did not. Fatio's association with the Property is covered under Criterion 4, and any reference to him under Criterion 3 is misapplied and inappropriate.

DESIGNATION REPORT SUMMARY STATEMENT (2 & 3):

> *(2 & 3) "The focal point of the residence, the second-floor cantilevered balcony with decorative iron posts and railing, is the main character defining feature of the style. Additional details, such as the brick façade, wood cornice, classical door surround with an interesting transom window above the wood door, colonial shutters, and brick belt course, sills and lintels all contribute to the architectural character of the residence."*[32]

- Author's Response: DISREGARD AS INAPPLICABLE.

Sentences two and three are just a running inventory of the Property's architectural details, with the exception of the third sentence, which claims that there is *". . . an interesting transom window above the wood front door."*[33] The Designation Report fails to explain how the transom is either interesting or somehow is a Significant detail within the meaning of Criterion 3. In any case, even if it were true, being merely interesting is a subjective statement that lacks Significance and does not support a landmark designation.

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[32] The Designation Report, p. 12.
[33] *Id.*

For these reasons, the attempt to use Criterion 3 is inapplicable to the Property and should be disregarded as a nominating Criterion.

(d) Analysis of the use of Criterion 4: As discussed below, the Property fails efforts to landmark it under Criterion 4 of the Landmark Ordinance and should be stricken as one of the Property's nominating Criteria. Criterion 4 requires that a nominated Property show clearly that it:

> *"(4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."*[34]

For each element of the Landmark Ordinance's Criterion 4 that the Consultants rely on in their nomination, they must clearly show that these elements are Significant and have the requisite Integrity to convey that Significance.

> Criterion 4: [the Property] "*Is representative of the notable work of a[n] . . . architect whose individual ability has been recognized or who influenced his age.*"[35]

The Landmark Ordinance's Criterion 4 requires that a nominated Property show clearly that it:
"(4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."

The Designation Report contends that:
(1) "Via Vizcaya is a *very good representation* of the design work of the architect Maurice Fatio of the architectural firm Treanor and Fatio."

The first sentence employs the non-landmarkable and non-Significant low bar threshold language, as it has throughout the Report, of *very good representation* of Maurice Fatio's design work. But as with the other designating criteria, the Report only claims that to be true – it does not show it to be true.

To explain the use of Criterion 4 to assert the Property's historic designation eligibility, the Designation Report makes the following four summary statements:

DESIGNATION REPORT SUMMARY STATEMENT (1):

[34] Town of Palm Beach Landmarks Ordinance; Sec. 54-161. Criteria for landmarks and landmark sites; Article IV Designation Procedure.
[35] *Id.*

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(1) "Via Vizcaya is a very good representation of the design work of the architect Maurice Fatio of the architectural firm Treanor and Fatio."[36]

- Author's Response: DISREGARD AS IRRELEVANT.

The first sentence employs the non-landmarkable and non-Significant low bar threshold language, as it has throughout the Designation Report, of very good representation of Maurice Fatio's design work. But as with the other designating criteria, the Designation Report only claims that to be true – it does not show it to be true.

DESIGNATION REPORT SUMMARY STATEMENT (2):

(2) "Maurice Fatio was one of Palm Beach's foremost and most sought-after architects from the 1920s to the early 1940s."[37]

- Author's Response: DISREGARD AS IRRELEVANT.

Maurice Fatio's popularity as an architect does not make the Property Significant or landmarkable. It is possible that he could have produced a portfolio of unexceptional properties. And indeed, as other Fatio Monterey Style properties have failed landmarking attempts in Palm Beach, it is clear that he did so.[38] The present Property is one of those unexceptional properties.

The Designation Report contends that:

(2) "Maurice Fatio was one of Palm Beach's foremost and most sought-after architects from the 1920s to the early 1940s."

Fatio's popularity as an architect does not make the Property Significant or landmarkable. It is possible that he could have produced a portfolio of unexceptional properties. And indeed, as other Fatio Monterey Style properties have failed landmarking attempts in Palm Beach, it is clear that he did so. The present Property is one of those.

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[36] The Designation Report, p. 12.
[37] *Id.*
[38] At least four Fatios have been rejected for landmarking by the Town in 2012, 2014, 2016 and 2019, one of those a Monterrey very similar to 4 Via Vizcaya
- 350 Island Road (2012): 1940 Moderne /Criterion 3
- 1545 North Ocean Blvd. (2014): 1937 French Eclectic / Criteria 1, 3 & 4
- 215 Garden Road (2016): 1936 Monterey/ Criteria 1, 3 & 4
- 475 North County Road (2019): 1936 Colonial Revival/ Criteria 1, 3 & 4

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DESIGNATION REPORT SUMMARY STATEMENT (3 & 4):

> (3 & 4) "He was an eclectic architect who took pride in his ability to work in different architectural styles. The Monterey style residence at 4 Via Vizcaya is a very good example of Fatio's ability to adapt to the changes in Palm Beach's economic climate and architectural styles during the mid-1930s."[39]

- Author's Response: DISREGARD AS IRRELEVANT.

The last two sentences merely say that Maurice Fatio, like many architects of his era of practice in which revival style residential architecture was popular and therefore common, was able to work in more than one style. But there is nothing significant about this and is a fact that can be easily attributable to his wanting to remain professionally marketable – a threshold requirement for remaining in business. Fatio's flexible professional design vocabulary in no way demonstrates that this makes the Property Significant in any way. There is also nothing about the Property that reflects the Designation Report's purported Historic Context.

ARCHITECT MAURICE FATIO GENERALLY.

> Like many other architects practicing in the first half of the 20th century, he was *stylistically flexible*. He was capable of working in numerous revival styles to suit the tastes of his clients – the Monterey Style being one of them.
>
> But it's important to also understand that Fatio did not invent any of these revival styles any more than a painter invents his color palette. He adapted them to the wishes of his clients. And so it was with the Property. He was hired to design a house of a certain size in a certain style. It's no different today, except Fatio had the good fortune to practice when these revival styles and their Kits of Parts were the design vocabulary of the times and appreciated by clients of taste and wealth.

Like many other architects practicing in the first half of the 20th century, Fatio was stylistically flexible. He was capable of working in numerous revival styles to suit the tastes of his clients – the Monterey Style being one of them. As noted even in the Designation Report, he was fluent in a range of popular revival styles including Mediterranean, Italianate, French Normandy, Georgian, British Colonial and Regency.[40] Those styles are not unique to Palm Beach, and can be found all over the country with regional differences.

But it's important to also understand that Fatio did not invent any of these revival styles any more than a painter invents his color palette. He adapted popular styles to the wishes of his clients. And so it was with the Property. He was hired to design a house of a certain size in a certain style. It's no different today, except Fatio had the good fortune to practice when these revival styles and their Kits of Parts were the design vocabulary of the times and appreciated by clients of taste and wealth.

[39] The Designation Report, p. 12.
[40] The Designation Report, p. 11.

And it is no disparagement to say that he practiced in established architectural revival styles – likely as most other successful architects of his time and earlier either mastered the styles of their time or perished professionally.

But some of these other architects not only practiced in these styles but also either invented new vocabularies or new Kits of Parts, or employed them in fresh, innovative ways.

PROPERTY AS A FATIO WORK

- Failure for the Property's lack of Significance of the Architect's Work

The Property reflects Fatio's control over the Monterey Style, but only in a workmanlike manner. Judging by his other works, he was not tasked with designing the Property as a future landmark.

He applied the Monterey Style's Kit of Parts to a symmetrical massing that stepped inward in the center for a balcony framed in lacy cast iron decoration, white painted brick walls, true divided lite windows, shutters and a low-pitched roof, not a gabled one. Subsequent additions and alterations, discussed earlier, have degraded the Integrity of the Property.

The Property reflects Fatio's control over the Monterey Style, but only in a workmanlike manner. Judging by his other works, he was not tasked with designing the Property as a future landmark or a mandate that he met. In letters written mostly to or from his wife Eleanor Fatio in 1934, the same year the Property was built, Maurice Fatio himself characterized all his commissions – which presumedly included the Property -- as the following:

- March 19, 1934 from Eleanor Fatio: "*. . . Incredible number of jobs . . . but they are all moderate sized houses.*"
- August 3, 1934 from Maurice Fatio: "*I have a lot of little orders, not very lucrative – but which, nevertheless pay for the office expenses.*"
- October 11, 1934 from Maurice Fatio: "*I have twelve houses under construction - all small.*"

Maurice Fatio clearly characterized his work in 1934 – presumedly including the Property -- as small projects taken to keep his staff employed and the office lights on. Even Maurice Fatio did not consider the Property one of his notable works.

But that's it. The Consultants have not provided any information that elevates the Property to anything greater, anything landmarkable. They have repeatedly used the term very good representation, but as discussed, this low bar is not the language of landmarking. The Property is not Significant either as an example of the Monterey Style or of Maurice Fatio's catalogue of work. It is average in all respects. And average does not a landmark make.

In keeping with the Town's Landmark Manual, it is true that "Not all old structures are worthy of landmark status." The Author agrees with this as a foundational statement of local, state and federal landmarking.

In letters written mostly to or from his wife Eleanor Fatio in 1934, the year the Property was built, Maurice

Fatio himself characterized all his commissions – which presumedly included the Property - as the following:

- March 19, 1934 from Eleanor Fatio: *". . . Incredible number of jobs . . . but they are all moderate sized houses."*[41]
- August 3, 1934 from Maurice Fatio: *"I have a lot of little orders, not very lucrative – but which, nevertheless pay for the office expenses."*[42]
- October 11, 1934 from Maurice Fatio: *"I have twelve houses under construction - all small."*[43]

It is important to note that these are Maurice Fatio and his wife's own words that clearly characterized his work in 1934 – presumedly including the Property -- as small projects taken to keep his staff employed and the office lights on. Apparently, even Maurice Fatio did not consider the Property one of his notable works.

CONCLUSION OF CRITERION 4

IV. Conclusion

For the reasons set forth in this Response, it is the Author's opinion as an historic preservation expert that 4 Via Vizcaya in Palm Beach is not a local landmark, nor should it be so designated under the laws that govern the Town's local landmarking activities. The Consultants set forth their arguments in favor of landmarking the Property in their Designation Report but failed to meet their burden under any of the Landmark Ordinance's three nominating Criteria. In particular, they failed to establish a meaningful Historic Context, failed to show the Property's Significance under any of the three Criteria, and failed to demonstrate that the Property possessed the required Integrity to convey Significance.

Lastly, the Designation Report's own language doomed the Consultants' efforts to prove that the Property is worthy of landmarking by consistently and repeatedly setting the lukewarm low bar of the Property being a "very good example" of the Designation Report's various claims.

The Landmark Commission's Landmark Manual states the correct high bar for local landmarking:

> "A building must have an important historical association; it must be an outstanding example of architectural design, or it must be a significant work of a notable architect or master craftsman."[44]

"Outstanding" and "very good" are not synonymous. Very good is not landmarking's language of the Property's Significance - as in importance, consequence and substance worthy of historic designation – it is an admission of the opposite.

END OF RESPONSE

---

[41] Fatio, Alexandra. (1992) "Maurice Fatio, Architect," p. 85. Letter dated March 19, 1934.
[42] Fatio, Alexandra. (1992) "Maurice Fatio, Architect," p. 86. Letter dated August 3, 1934.
[43] Fatio, Alexandra. (1992) "Maurice Fatio, Architect," p. 87. Letter dated October 11, 1934.
[44] Town of Palm Beach Landmarks Preservation Commission, Landmark Manual, p. 6.

AFFIDAVIT

Before me, the undersigned notary public, personally appeared Gary L. Cole, who under oath swears the following:

1. My name is Gary L. Cole.

2. I am an Independent Consulting Historic Preservation Expert.

3. My resume is attached hereto as Exhibit A.

4. I authored the expert report Analysis of the Town of Palm Beach, Florida's Local Landmarking Nomination for 4 Via Vizcaya, Palm Beach, Florida.

5. The facts and opinions stated therein are true and correct.

Gary L. Cole

STATE OF ILLINOIS)
) ss:
COUNTY OF CHAMPAIGN)

Before me, the undersigned authority, appeared Gary L. Cole, who produced (X) IL DRIVER'S LICENSE as identification, ( ) known to me personally, who did (X) did not ( ) take an oath, this 1st day of ~~January,~~ FEBRUARY 2023.

Notary Public, State of Illinois

HEATHER N. TAYLOR
Notary's Printed Name
My commission expires: 5/9/2023

HEATHER N. TAYLOR
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires May 09, 2023

GARY L. COLE AIA, ESQ.

HISTORIC PRESERVATION CONSULTING AND EXPERT WITNESS SERVICES

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SUMMARY

Gary L. Cole AIA, Esq. is a 29-year Illinois licensed architect, and a 24-year and 21-year respectively Illinois and Florida licensed attorney. He is one of the few individuals in the United States possessing licenses in both architecture and law.

He is an *Historic Preservation Architect* and, by training and experience meets the "Professional Qualifications Standards" in "Historic Architecture" of the *National Park Service*. Mr. Cole holds both Bachelor's and Master's Degrees in Architecture from the *University of Illinois*, the latter in the *Historic Preservation Option*, where he was the class Teaching Assistant and lead his class's hand drawn *Historic American Building Survey (HABS)* submission efforts that won First Place in the national *Charles E. Peterson Prize* for historic building documentation. His and his classmates' drawings are permanently archived in the *U.S. Library of Congress*.

After graduation, Mr. Cole was invited to return to his *alma mater* to teach and from 1993 – 2001 was a Visiting Associate Professor of Architecture at the *University of Illinois' Graduate School of Architecture, Historic Preservation Option,* where he taught courses on historic building investigation and documentation, historic material pathology and forensics, and hands-on traditional construction methods.

He is a former Historic Preservation Architect at Illinois' state historic preservation office (SHPO): the *Illinois Historic Preservation Agency.* He is a long-time member of the *American Institute of Architects* and the *National Trust for Historic Preservation,* and has spoken at local, state, national and international historic preservation conferences.

Mr. Cole is also a *Historic Preservation Attorney* and the co-author of a legal treatise on historic preservation law published by the *Illinois Institute of Continuing Legal Education.*

HISTORIC PRESERVATION PHILOSOPHY & APPROACH

While a strong supporter of historic preservation efforts as vital in maintaining the historic fabric and built assets of our nation's history and communities, Mr. Cole understands the need to balance those priorities with the rights of individual property owners and the need for local, state and federal historic preservation laws and administrative procedures to be both transparently applied and clearly expressed in unambiguous language understandable to everyone, regardless of background or academic and professional credentials.

HISTORIC PRSERVATION CONSULTING AND EXPERT WITNESS SERVICES

Mr. Cole can provide historic preservation consulting and Expert Witness services to parties involved in local, state and national historic preservation disputes involving property landmarking, historic property rehabilitation, federal historic *Tax Credit* and other rehabilitation tax-benefit programs, *Section 106 of the National Historic Preservation Act* (NHPA) regulatory compliance, and other historic preservation related matters. He has served as an expert witness in local disputes involving historic preservation local landmarking, civil litigation contesting historic district landmarking, and, in federal litigation involving historic properties and the *Americans with Disabilities Act (ADA).*

SELECT HISTORIC PRESERVATION ARCHITECT AND ATTORNEY EXPERIENCE

HISTORIC PRESERVATION ARCHITECT. As a former Historical Architect with Illinois' *State Historic Preservation Office* (SHPO) – the *Illinois Historic Preservation Agency (IHPA)* – Mr. Cole has an insider's understanding of the laws and administrative procedures of local, state and federal historic preservation regulatory entities. While at the IHPA, he conducted site inspections and application review of historic properties seeking the federal *Historic Rehabilitation Tax Credits* and state *Historic Property Tax Assessment Freeze* rehabilitation tax benefits, for their compliance with *The Secretary of the Interior's Standards for Rehabilitation.* He reviewed historic properties for their regulatory compliance with *Section 106* of the *NHPA* and, their eligibility for the *National Register of Historic Places* landmarking. He was also a member of the *1993 National Trust's Mississippi River Flood Relief Program* working with the *FEMA* assisting in the recovery of flooded historic towns along the Mississippi River.

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HISTORIC PRESERVATION ATTORNEY. As a Historic Preservation Attorney he has assisted developers and property owners in obtaining and objecting to *National Register of Historic Places* and local landmark designation status; with obtaining federal *Historic Rehabilitation Tax Credits* and state *Historic Property Tax Assessment Freeze Program* property tax benefits; with appealing the denial of federal *Historic Rehabilitation Tax Credits* before the *National Park Service* in Washington, D.C.; and, with *Section 106* of the *National Historic Preservation Act* regulatory compliance. As an attorney he has assisted with historic preservation matters in Chicago, its suburbs, Miami Beach and Washington, D.C.

PROFESSIONAL LICENSURE

Architect: Illinois (1993)
Attorney: Illinois (1998) / Florida (2001)

EDUCATION & AWARDS

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- Recipient First Place *Charles E. Peterson Prize*
- Recipient First Place *Edward C. Earl Prize*
- Dean's List
- Graduate Teaching Assistant

UNIVERSITY OF ILLINOIS AT CHICAGO (*Bachelor of Architecture* 1988)

- Graduated with *Distinction in Design*
- Recipient *Talent Tuition Scholarship*
- Recipient *Pillsbury Traveling Scholarship*
- *Golden Key National Honor Soc*iety
- *Phi Eta Sigma Honor Society*
- Studied a year abroad at *L'Ecole D'Architecture Et D'Urbanisme De Versailles, France*

LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW (*Juris Doctor* 1998)

- Editor of the *Journal of the National Association of Administrative Law Judges*
- *American Jurisprudence Award* for highest grade in *Comparative International Law*
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PROFESSIONAL MEMBERSHIPS

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- Architect - *Illinois Historic Preservation Agency*
- Architect - *Gary L. Cole AIA, Architect*
- Architect - *The Riddle Group*
- Attorney - Owner, *Gary L. Cole AIA, Esq.* (Construction, Historic Preservation, Accessibility, ADR
- Attorney - *The Sembler Company* In-House Counsel (Corporate, Finance, Real Estate Development)
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- Visiting Associate Professor of Architecture at the *University of Illinois at Urbana-Champaign, Graduate School of Architecture, Historic Preservation Option* (1993 – 2001)
- Instructor at the *School of the Art Institute, Chicago, Graduate Historic Preservation Program* (1995)
- Board Member of *The Chicago-Midwest Chapter of the Institute of Classical Architecture & Classical America* (2009 – 2010)
- Board Member of *The Jefferson Society* for holders of both architecture and law licenses (2012 – 2014)

SELECT PUBLIC SPEAKING

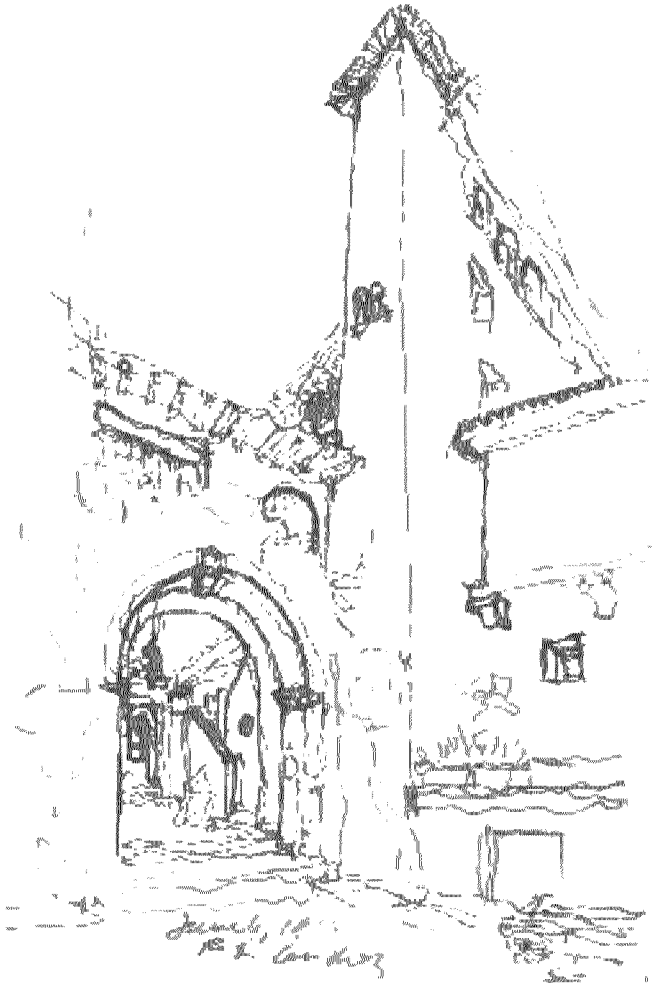
- *Half Moon Education, Inc., Chicago (2011)* – "Arbitration and Mediation for Architects"
- *NCSBN Keynote Speaker, Chicago (2011)* – "Case Construction: Parallels Between Law and Architecture"
- *Traditional Building Conference, Chicago (2010)* – "Beyond Tax Credits for Historic Rehabilitation"
- *Traditional Building Conference, Chicago (2010)* – "Avoiding Legal Liability When Preservation Goes Green"
- *American Institute of Architects, Chicago Chapter Historic Resources Committee (2010)* – "Expanding Your Services: Become an Historic Rehabilitation Economic Incentives Consultant"
- *American Institute of Architects – Renew Tampa" Conference (2008)* – "The Rise of the Green Building Ordinance"
- *American Institute of Architects, Chicago Chapter Historic Resources Committee (2003)* – "Legal Skills for Architects"
- *Miami Design and Preservation League, Art Deco Weekend (2003)* – "Rehabilitation Economic Incentives"
- *Restoration '97 National Preservation Conference (1997)* – "Legal Issues of Architectural Salvage"
- *VI Foro International Patrimonio Arquitectonico, Cartagena, Colombia (1996)* – "Chicago Historic Preservationz"
- *Restoration '96 National Preservation Conference (1996)* – "Careers in Preservation-The Architect's View"
- *Illinois Statewide Preservation Conference (1995)* – "Historic Building Assessment Fundamentals"
- *Restore – National Masonry Conference (1994)* – "Structural Assessment of Flood Damaged Historic Buildings"
- *Illinois Statewide Preservation Conference (1994)* – "Assessing Flood Damaged Historic Structures"

SELECT PRINT PUBLICATIONS

- *Traditional Building Magazine* (2013) – "A Call for Replacing the Secretary's Standards with a Model Historic Building Code"
- *Licensed Architect (2011)* – "Mediation and Arbitration 101 for Architects"
- *Licensed Architect (2010)* – "Professional Services for Architects: Finding Ways to Pay for Historic Rehabilitation"
- *Retail Law Strategist (2004)* – "Proposed Revisions to the ADA"
- *Illinois Institute for Continuing Legal Education (2006)* – "Land Use – Historic Preservation Law"
- *Heartland Real Estate Business (2004)* – "Minimizing the Risk of ADA Lawsuits"
- *Heartland Real Estate Business (2003)* – "A Lesson in Historic Properties"
- *Florida Journal of Real Estate (2002)* – "Financial Incentives for Historic Properties"
- *Midwest Real Estate Journal (2002)* – "Financial Incentives Help Preserve Historic Properties"
- *Journal of the National Association of Administrative Law Judges (1997)* – "State Court Invalidation of a Federal Regulation"
- *Urban Lawyer (1996)* – "Recent Developments in Historic Preservation and Architectural Control Law," co-author

END

Landmark Manual



Ray Gindroz, *Jungle Road*, 1993, Palm Beach, FL.

Jane S. Day

Town of Palm Beach, Florida
Landmarks Preservation Commission
And
The Preservation Foundation of Palm Beach
2009

EXHIBIT
tabbies
Donnelley-3

Effects of Landmarking

Landmarking Does:

- ☐ Preserve important buildings in the community
- ☐ Preserve property values by discouraging redevelopment and increases in density
- ☐ Stabilize and improve property values based on appraisal information
- ☐ Require Landmarks Commission review of exterior alterations and new construction
- ☐ Require **exterior only** review
- ☐ Substitute Landmarks Commission review for Architectural Commission review
- ☐ Offer restoration and rehabilitation information to property owners
- ☐ Allow normal maintenance without review by the Landmarks Commission
- ☐ Provide a mechanism for quick administrative approval, usually for minor changes ($2,000 or less) such as security lighting, driveways, etc.
- ☐ Encourage historic research and community pride
- ☐ Preserve the historic and cultural integrity of Palm Beach

Landmarking Does NOT:

- ☐ Change any existing zoning
- ☐ Prohibit redevelopment
- ☐ Lead to declines in property value
- ☐ Usurp individual rights because all construction goes to either the Landmarks or Architectural Commission
- ☐ Affect **interior** changes
- ☐ Create an extra municipal hurdle for the Landmark's owner
- ☐ Require restoration
- ☐ Restrict normal maintenance
- ☐ Prevent modernizing a building
- ☐ Require a building to be open to the public or to have a historic sign
- ☐ Lead to a listing on a tourism map

Acknowledgements

The Town of Palm Beach would like to thank the following for their gracious help in the publication and production of the Landmark Manual:

The Preservation Foundation of Palm Beach

The Preservation Foundation of Palm Beach is a private, non-profit membership organization dedicated to the preservation of the historic, architectural, and cultural heritage of Palm Beach, Florida. Through advocacy initiatives, educational programs, architectural resources, and cultural events, the Foundation's goal is to encourage the community to learn about and save the historic buildings that truly make Palm Beach special.

Anthony K. Baker Internship Program

The Preservation Foundation of Palm Beach is proud to offer a six week summer internship program for undergraduate and graduate students of architecture. The internship program is in honor of the late Anthony K. Baker, a dedicated advocate of historic preservation, history and architecture throughout the United States.

For the internship's inaugural summer, the interns Amie Edmiston and Peter Miller, working in association with Jane Day, successfully completed this updated version of the Landmark Manual for Palm Beach. Their efforts and research were instrumental in making this updated version possible. The Preservation Foundation is excited for the program to continue and develop in years to come and looks forward to the opportunities the future holds in which the program will strive to benefit both the Town and its residents.

University of Miami School of Architecture

Students from the University of Miami's School of Architecture Spring 2008 Historic Preservation studio were an essential element in many of the documentation drawings included in the updated manual and their diligence should be recognized and thanked. Their persistence and critical eyes have left Palm Beach with a compendium of computer drafted drawings of significant buildings of various styles as well as descriptive maps of the island.

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Introduction

Although the first families to move to today's Palm Beach arrived in 1876, real expansion and growth did not take place on the island until 1894 when Henry Morrison Flagler completed the Royal Poinciana Hotel (Figure 1). At that time the overwhelming popularity of this grand hotel, situated along the new "American Riviera," prompted aristocrats to travel south and construct palatial winter residences that were equal in grandeur to the summer residences they had created in Newport, Rhode Island.

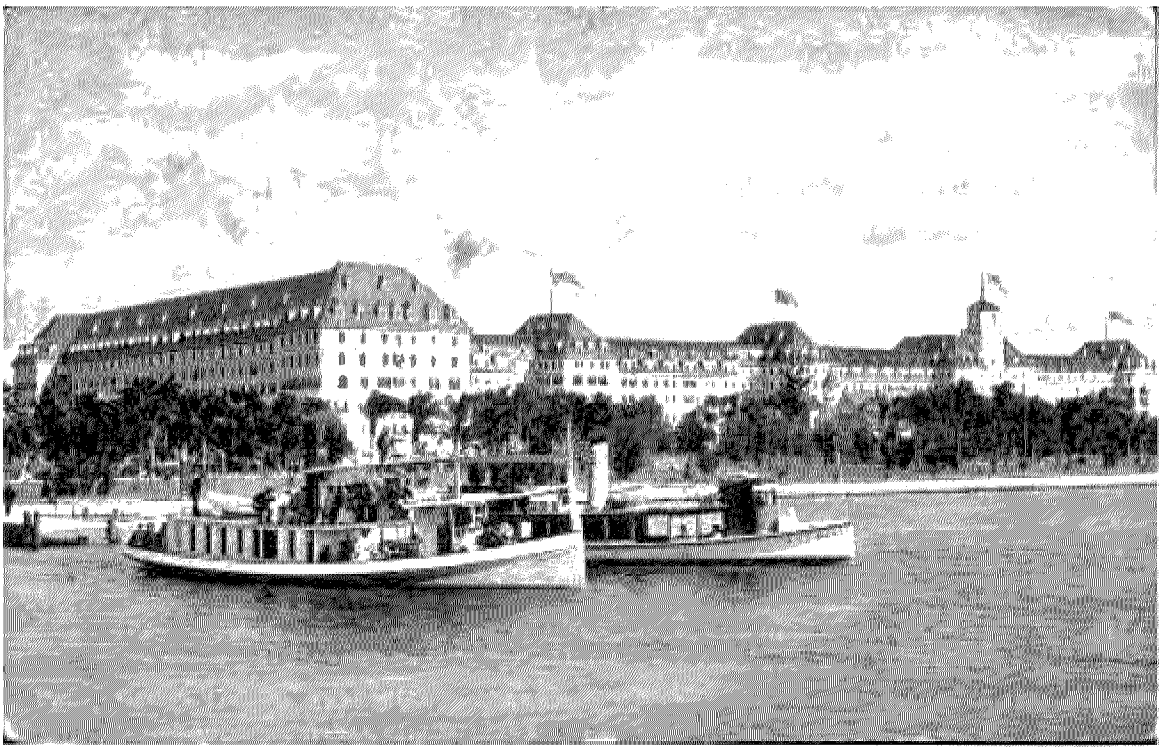


Figure 1. McDonald & McGuire, *The Royal Poinciana Hotel*, 1894. Palm Beach, Florida.

Palm Beach, like the rest of South Florida, reached the pinnacle of what has come to be called the "Boom Times" in the mid-1920s when opulent living and expansive, sprawling mansions became the norm. This booming economy, however, came to an abrupt halt in 1926 when the Florida banks failed. Two devastating hurricanes, the collapse of the Florida real estate market, and the stock market crash of 1929 all contributed to the down turn. This period of economic instability also had an impact on the built environment of the island. Architectural endeavors became smaller and took a more restrained approach in both style and scale. Howard Major's Major Alley (Figure 2) is a good example. This trend continued into the 1930s.

The building slowdown in Palm Beach lasted until after World War II when once again the island became the most desirable winter resort on the east coast. During the 1940s, Palm Beach hosted a myriad of millionaires and movie stars. The local population also increased when service men and women, who had trained in the area during the War, decided to call Florida home. The advent of the affordable air conditioner in the 1950s vastly escalated the growth of professional, residential, civic and commercial areas in Palm Beach. Coupled with the island's status as a seasonal resort, this new technology ushered in a diverse array of new building types and styles. Today, Palm Beach contains a rich heritage of extraordinary architectural resources that span over one hundred years of development (Figure 3).

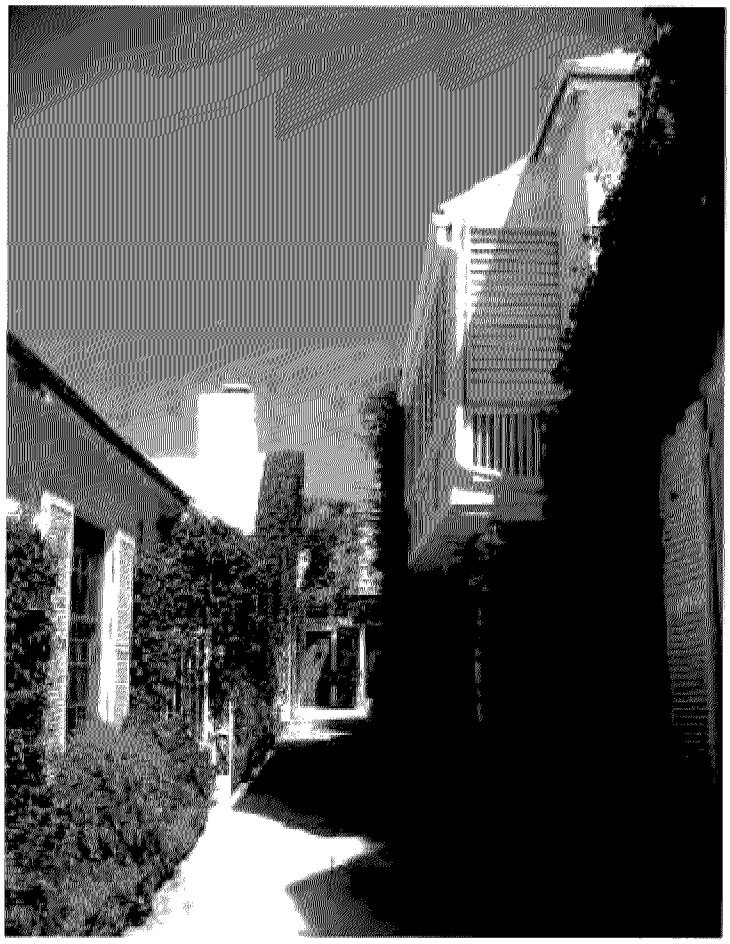


Figure 2. Howard Major, *Major Alley*, 1925. Palm Beach, Florida.



Figure 3. Addison Mizner, *The Everglades Club*, 1920s. Palm Beach, Florida.



Figure 4. Addison Mizner, *El Mirasol*, 1919. Palm Beach, FL.



Figure 5. Maurice Fatio, *El Mirasol* arch, 1930. Palm Beach, FL.

Since the 1970s the Town's zoning ordinances have controlled usage, density, height, setbacks, parking, landscaping and new construction. It did not, however, prevent the trend toward demolition and subsequent subdivision of the grand Palm Beach estates that began to occur in the late 1960s. The Stotesbury estate, El Mirasol, was Addison Mizner's first grand residential project on the ocean (Figure 4). Today the mansion is gone and the lot has been subdivided. All that remains of a once glorified past is an arch, now believed to be the design of Maurice Fatio (Figure 5).

To combat the loss of the Town's historic resources, the Town Council adopted a Landmarks Preservation Ordinance in 1979. The purpose of this ordinance was to study and protect Palm Beach's most significant architectural achievements, ensuring that the heritage of Palm Beach would not be lost. The Landmarks Preservation Ordinance directs the appointment by the Town Council of a Landmarks Preservation Commission (LPC) to identify significant structures, subject them to a set of

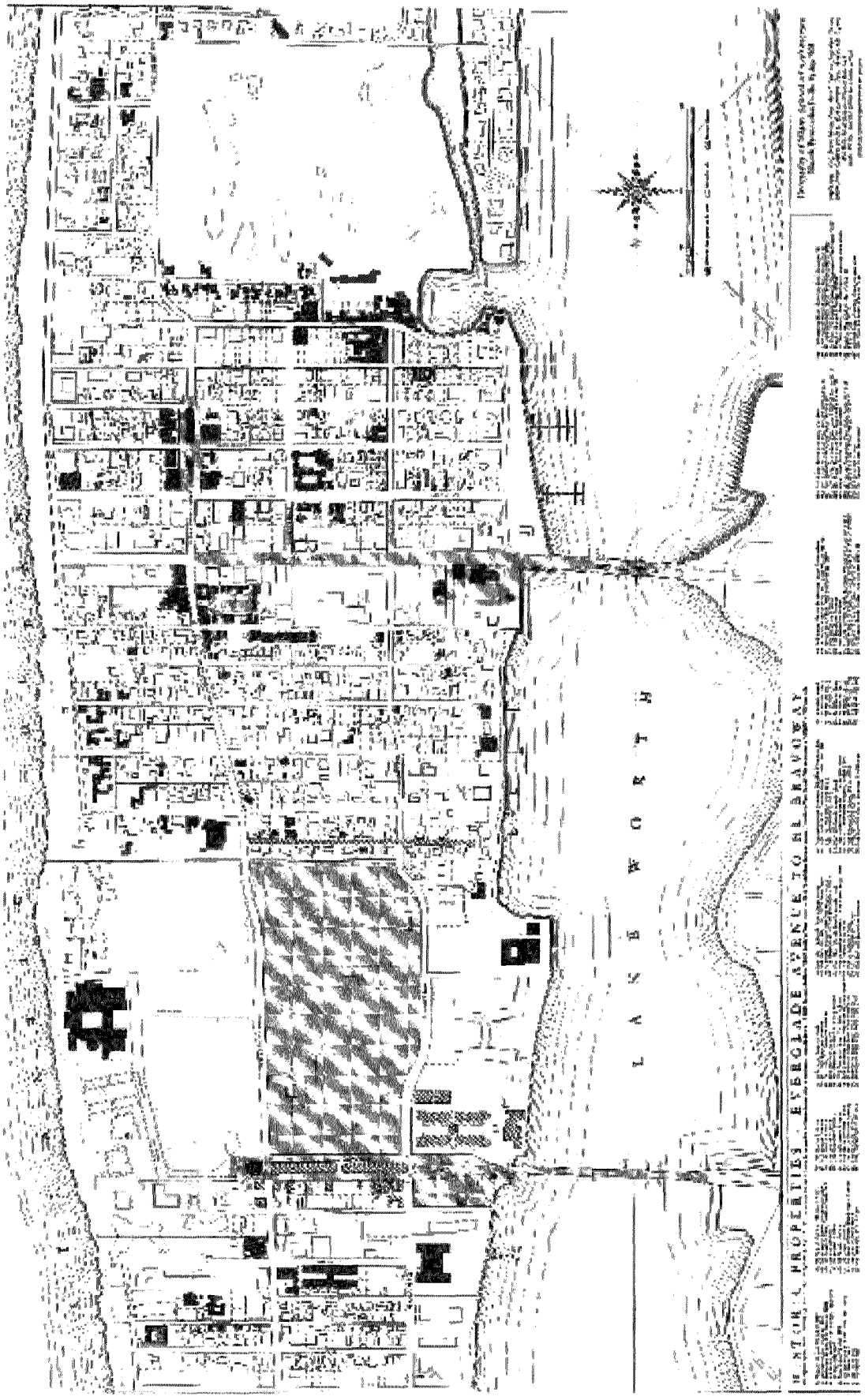


Figure 6. *4 El Bravo Way*, original date ca. 1930s with addition 1990s.

objective criteria, and designate the most worthy as Historic Landmarks of the Town of Palm Beach. Not all old structures are worthy of landmark status. A building must have an important historical association; it must be an outstanding example of architectural design, or it must be a significant work of a notable architect or master craftsman (the four criteria can be found in the Palm Beach Code, Chapter 54, Historic Preservation, Sec. 54-162).

The Landmark Preservation Commission is comprised of seven members, six of whom must be Town residents, who are appointed by the Town Council. If the Commissioners determine that a building is worthy of study, the property will be proposed for designation, it will be studied by staff, and later discussed at a subsequent public hearing. At this public hearing, the Commission will vote on whether or not to recommend to the Town Council that the building be designated a landmark of the Town of Palm Beach. The Landmarks Commission's recommendation must be ratified by the Town Council in order to be effectuated.

The Commission has a similar process for determining historic districts or historically scenic areas. A historic district is intended to protect an area highly concentrated with significant structures. However, not all buildings within the boundaries of the district need necessarily fulfill the criteria for individual designation.



University of Miami Architecture Studio, *Historic Properties: Everglades Avenue to El Bravo Way*. Spring 2008.

What does landmark designation really mean? First, landmark designation does not prohibit an owner from altering his or her structure. It simply provides a method by which proposals for change can be reviewed to determine their appropriateness as related to the architectural integrity of the structure. Second, landmark designation does not prevent additions or the removal of non-conforming previous alterations to the structure. In fact, most landmarks have been substantially altered over time, allowing for family growth and individual needs. Many of these alterations were sensitive to the historic fabric of the structure, and have become significant in their own right (Figure 6). Therefore, additions and alterations to a landmarked property are not forbidden. Third, landmark designation protects properties from deterioration caused by neglect. Section 54-3 of the Landmarks Preservation Ordinance of the Town of Palm Beach states that:

"If the Commission determines that a landmark is in the course of deterioration by neglect, it shall notify the owner of record of such preliminary finding stating the reason therefore and shall give the owner of record thirty (30) days from the date of notice in which to commence work rectifying the evidences of neglect cited by the Commission." (Palm Beach Code, Chapter 54, Historic Preservation, Sec. 54-3)

The property owner in question is given notice first by certified mail and second by posted notification upon the landmarked property in question. Failure of an owner to make repairs within thirty days provides the Commission with just cause to notify the owner to appear before the Commission at the next public hearing. At the hearing, both the Commission and the property owner have the opportunity to present their arguments.

Subsequently, if it is determined that the property owner is still in violation, the Town can bring charges against the property owner for violating the ordinance and order that repairs be made with the assistance of Town appropriated funds. The Town also reserves the right to place a lien on the property until the repair costs are recovered.

Finally, a landmarked property may not be demolished, except when approval has been granted by the Landmark Preservation Commission and ratified by the Town Council. Approved demolition of a landmarked building has occurred only on a limited basis since the Landmarks Preservation Ordinance was enacted. Many new residents of Palm Beach fail to realize that all buildings in the Town are under the jurisdiction of either the Architectural Commission (ARCOM) or the Landmarks Preservation Commission.

The Architectural Commission is composed of a panel of residents, some of whom are licensed architects. The Landmarks Preservation Commission is also composed of a panel of residents, however, the Town Council carefully selects those individuals who possess "a special knowledge of and a known interest in landmarks preservation." (Palm Beach Code, Chapter 54, Historic Preservation, Section 54-36). Several of its members are architects, historians, or individuals familiar with these disciplines. As a result, Landmarks Commission members are helpful in ensuring that work undertaken on a historic structure is visually and structurally compatible with the original fabric.

The process of working with the Landmarks Preservation Commission is not intended to be adversarial. The commission recognizes that old houses often need new air conditioners, windows, roofs, additional bathrooms and bedrooms, redesigned patios and courtyards, in order to function as contemporary residences. All of these types of changes, and many others, have been approved for landmarked buildings in Palm Beach. If the owner wishes to make exterior changes to a landmarked structure, a request for a Certificate of Appropriateness must be filed with the Town's Department of Planning, Zoning and Building. Owners may save significant time and money by asking their architects and builders to be sensitive to the original fabric of the structure, before appearing in front of the Landmarks Preservation Commission for a Certificate of Appropriateness.

This book is intended to provide a readable layman's guide to landmark property ownership in the Town of Palm Beach. The sections that follow on Palm Beach history, local architectural styles, and rehabilitation and maintenance, are offered to assist in the planning of the restoration and/or rehabilitation of landmarked structures.

The suggestions presented here are an attempt to acquaint owners with the general philosophy and principles of historic preservation and renovation. As these suggestions are not a part of the formal Landmarks Preservation Ordinance, they have no legal standing. The restoration and renovation of any landmarked structure is a unique event. Each application must be handled in context, and the Landmarks Commission evaluates each application on its own merit. These guidelines do, however, represent a broad range of suggestions from local preservation experts, architects, and builders, as well as other professionals and local citizens. Please find these guidelines to be a useful starting point for any future involvement with the historic architecture of Palm Beach.

Palm Beach Register of Historic Places

In 1979 the Town of Palm Beach enacted the Landmarks Preservation Ordinance in order to protect historic properties throughout the island. Although formatted after national standards using similar criteria for evaluation (see Palm Beach Code Sec. 54-162), the Town's ordinance differs mainly from the National Register of Historic Places in that the consent of the property owner is not needed to deem the site or building as a local landmark. However, as with national policy, local tax programs are available to aid in the restoration of a landmarked property (for more information see the Appendix section on the Tax Abatement program).



Addison Mizner, Via Mizner, ca. 1920s
Landmarked by the Town of Palm Beach

National Register of Historic Places

The National Register for Historic Places was created when the National Historic Preservation Act was signed into law on October 15, 1966. The act's intentions were clear; to provide and encourage protection of national archaeological and historical sites. It was through this act that state preservation offices were created as well as the National Historic Landmarks and National Register of Historic Places. Today Palm Beach has ten properties listed on the National Register for Historic Places.



The Breakers, 1926
Listed on National Register for Historic Places August 8, 1973
Architect: Schultze & Weaver

In order to submit a property for registration one must first understand the criteria for listing. The National Register explains the age, integrity and significance of a building or site should be significant enough to deem the nomination as worthy. If the National criteria are met, one then begins the application process at their State Historic Preservation Office (SHPO). The state as well as the National Register Review Board review nominations and if considered eligible properties are then recommended to the National Park Service in Washington, D.C. Once at this level, the Keeper of the National Register of Historic Places makes a final decision within 45 days of the submittal.

As a recognized national landmark property owners are entitled to both federal and state tax credits and federal grants. National Register does not restrict the owner on the use, treatment, transfer or disposition of private property nor does it imply public possession of land or public access. Similarly, the owner has the legal right to reject the registration.

Timeline

Pre-1500 Indian occupation of the area comprising present day Palm Beach County. The Native Americans are believed to be Jaega or Ais.

1513 Ponce de Leon reaches Florida and claims the land for Spain.

1696 Jonathan Dickinson's shipwreck and subsequent account of the Indians along the east coast of Florida.

1763 Great Britain takes control of Florida.

1784 The Second Spanish Era begins.

1814-1819 First Seminole War.

1821 President James Monroe signs the Adams-Otis Treaty ceding Florida to the United States.

1836-1842 Second Seminole War.

1842 Under the Armed Occupation Act, three settlers claim land within the present bounds of the Town of Palm Beach: James H. Russell, John S. Hutchinson, and William W. Loring.

1845 Florida becomes the 27th State in the Union.

1855-1858 Third Seminole War.

1860 The Jupiter Lighthouse, the oldest standing structure in Palm Beach County, is completed.

1861 Florida secedes from the Union during the Civil War.

1872 H.D. Pierce becomes assistant keeper at the Jupiter Lighthouse.

1876 The Dimick, Geer, and Brown families settle in what is today Palm Beach and buy land for $1.00 an acre.

1878 The brig *Providencia* wrecks off Palm Beach with twenty thousand coconuts.

The Lake Worth Post Office is established.

1880 Elisha N. "Cap" Dimick adds eight rooms to his private home and opens it to winter visitors as The Cocoanut Grove House.

1881 Edmund and John Brelsford arrive from Xenia, Ohio and buy land from Frank Dimick who moves to North Carolina.

1884 Brelsford brothers establish a general store.

1885 "Barefoot Mailman" begins to travel the beach.

1886 Denver businessman, Robert R. McCormick, buys land from Albert Geer for $10,000 and builds McCormick Cottage (now Seagull Cottage).

The first public school in Dade County is built. (Now located in Phipps Park)

1887 A post office is established at Brelsford's store. The original name, "Palm City" cannot be used, so the name "Palm Beach" is adopted.

1889 Bethesda-By-The-Sea, an Episcopal Church is founded by the Rev. Joseph N. Mulford.

1892 Charles J. Clarke arrives from Pittsburgh aboard his yacht and buys Dimick's hotel and twenty acres from Lake to Ocean for $49,000.

1893 The area's first newspaper, *The Tropical Sun*, moves from Titusville to Juno, to West Palm Beach.

Important dates in the history of the Town of Palm Beach, Florida

1894 The East Coast Canal is completed from Jacksonville to Miami.

Henry Flagler's Florida East Coast Railroad is extended to Palm Beach

The Royal Poinciana Hotel opens with 540 rooms.

The Palm Beach Inn is built, later to be called the Breakers.

1901 Henry Morrison Flagler builds "Whitehall" as a wedding gift to his wife, Mary Lily Kenan. The architects were Carrere & Hastings. It was listed in the National Register of Historic Places in 1972.

1903 The Breakers burns.

1906 *Palm Beach Life* magazine is published for the first time.

1907 *Palm Beach Daily News* begins publication. Federal Highway is opened.

1909 Palm Beach County is established.

1911 The Town of Palm Beach is incorporated with E.N. Dimick as the first Mayor.

The first vehicular bridge is built at the site of the Royal Park Bridge.

1916 The Ocean Road A-1-A is black topped and opened.

1919 First *Sanborn Fire Insurance Map* is published for the Town.

The Everglades Club, designed by Addison Mizner in the Mediterranean Revival style, opens.

1925 The Breakers Hotel burns.

Town Hall is designed by the architectural firm of Harvey & Clarke with later additions by John L. Volk.

1926 The Breakers Hotel complex is rebuilt.

The closing of Palm Beach Bank and Trust starts a run on area banks. Eleven Palm Beach County banks fail.

1928 A September hurricane brings storm tides of 11.2 feet and causes $11 million in damage.

J. Wadsworth Travers publishes *History of Beautiful Palm Beach.*

1929 Memorial Fountain is designed by Addison Mizner.

1930 The Garden Club of Palm Beach publishes *The Plan of Palm Beach.*

1938 The Flagler Memorial Bridge is built.

1941 Morrison Field officially becomes an Army post.

1942 The Breakers Hotel becomes Ream General Hospital.

1949 A hurricane hits the Town in August with winds of 130 miles per hours and damage of over $4 million.

1950 The Southern Boulevard Bridge is built.

1974 Barbara Hoffstot publishes *Landmark Architecture of Palm Beach.*

1977 The Florida East Coast Railroad is reduced to a single track.

1979 The Landmarks Preservation Commission is created by Town Ordinance.

1980 The Preservation Foundation of Palm Beach, Inc. is organized.

Palm Beach: Architectural History

Palm Beach was one of several small communities on the shores of Lake Worth when Henry Morrison Flagler first visited South Florida in the early 1890s. Flagler had just received permission to extend his Florida East Coast Railroad all the way to Miami and became so enamored with the tropical setting of Palm Beach that he purchased the oldest house in town, plus several surrounding acres. Built in 1886 by Robert McCormick, the house, which was later called Sea Gull Cottage (Figure 1), had only one rival on the eastern shores of Lake Worth, the "gingerbread" house known as Duck's Nest constructed in 1891 on Long Island, New York, and floated to Florida by barge.



Figure 1. *Seagull Cottage*, 1886. Palm Beach, FL.

Early in the summer of 1893, Flagler ordered McGuire and MacDonald, builders of his Ponce de Leon Hotel in St. Augustine, to construct a grand hotel along the banks of Lake Worth. Completed in 1894, the Royal Poinciana Hotel changed Palm Beach from a small, agrarian community to a tourist destination (Figure 2). The social life of the early community of Palm Beach centered around Sunday services at Old Bethesda-By-The-Sea Church, which was originally accessible only by water. Other gatherings were held at the larger homes such as Duck's Nest, McCormick (Sea Gull) Cottage, and at the Vicarage (1897).

As Palm Beach gradually became the center of more winter social activity, extravagant seasonal residences emerged throughout the area. Nevertheless, the hotels remained the center of society. To the east of the Royal Poinciana Hotel, next to the ocean, Flagler erected the Palm Beach Inn in 1895. Believed to be the first Florida resort directly on the beach, the popular Palm Beach Inn was quickly renamed The Breakers by one of Flagler's cousins.

Cultural life and entertainment revolved around the musicals, the tea dances and the balls held at the hotels during the brief "high season" from New Year's to just after Washington's birthday. For those with a penchant for gambling, Colonel E. R. Bradley opened his Beach Club in 1898 (Figure 3). Bradley's casino, the first to admit women, was the longest operating illegal gambling establishment in the country. Membership was limited to non-Florida residents. Remnants of Colonel Bradley and his legendary "club" can be found in the area now known as Bradley Park.



Figure 2. The Dining Room, *Royal Poinciana Hotel*, 1894. Palm Beach, FL

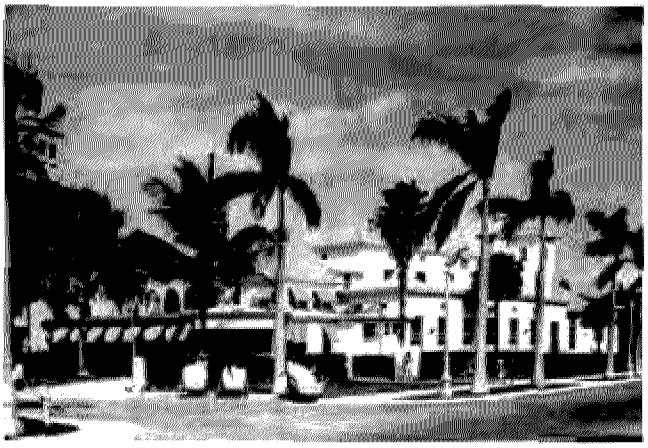


Figure 3. *Bradley Beach Club*, 1898. Palm Beach, FL.



Figure 4. Carrere & Hastings. *Whitehall*, 1902. Palm Beach, FL.



Figure 6. Addison Mizner, *The Everglades Club*, 1918. Palm Beach, FL.



Figure 5. Early Twentieth Century Bungalow. Palm Beach, FL.

Henry Flagler was never one to be outdone by the society around him. In 1902, as a wedding gift for his third wife, Mary Lily Keenan, Flagler commissioned Carrere & Hastings, architects of the Ponce de Leon Hotel in St. Augustine, to design the palatial estate, Whitehall (Figure 4). At a cost in excess of $3 million, Whitehall was one of the finest Beaux-Arts mansions south of Washington. Known in the best circles as, "the Taj Mahal of the United States," Whitehall was easily one of the largest residences in the area. Since 1963, Whitehall has served the island community as a museum, focusing on Henry Morrison Flagler and the Flagler family, complete with period furnishings and historical archives.

It was not until 1911 that Palm Beach formally incorporated as a town. In that year, on the porch of Louis Clarke's Lake Trail residence, "Cap" E. N. Dimick and others wrote, signed, and adopted the Town Charter. In 1912, by action of the Florida Legislature, Palm Beach was officially recognized as an independent town. In this period, and despite the opulence of Whitehall, wooden shingle and Bungalow style houses were the preferred architecture in Palm Beach until about 1918 (Figure 5).

This early period of wood frame architecture ended in Palm Beach with the arrival of Paris Singer, and his friend, Addison Mizner. Singer, the sewing machine heir, became acquainted with Mizner, an antiques dealer and architect, in the social circles of New York City. Close friends, Singer invited Mizner to spend the winter season with him in Palm Beach. Once Mizner arrived in Palm Beach he never left.

Trained in the office of Willis Polk in San Francisco, Mizner became a popular designer of residences for the affluent in Long Island before traveling south with his companion. Adored by the wives of the aristocracy for his good taste, Mizner forever changed the face of Palm Beach architecture with his Mediterranean Revival design for the Everglades Club (Figure 6) on the preexisting site of Joe's Alligator Farm.

Beginning with a palatial residence for the Stotesbury's in 1919, Mizner enjoyed a widely successful practice. His office turned out dozens of Mediterranean Revival designs before 1930. Equally as important as his Florida architectural practice was Mizner's manufacturing plant, Mizner Industries. There, Mizner created cast and carved stone details, "faux" antique furniture, roof tiles, and other ornaments for his buildings and for those of the other local architects.



Figure 7. Maurice Fatio, *The Reef*, 1937. Palm Beach, FL.

Other architects also mastered the Mediterranean Revival style. Clark Lawrence designed the North Fire Station in 1927, and Harvey and Clarke designed the Palm Beach Town Hall in 1925, adding fuel to Mizner's Spanish-Mediterranean movement. John L. Volk, Marion Sims Wyeth, and Maurice Fatio all started their early careers in Palm Beach working in the Mediterranean Revival style.

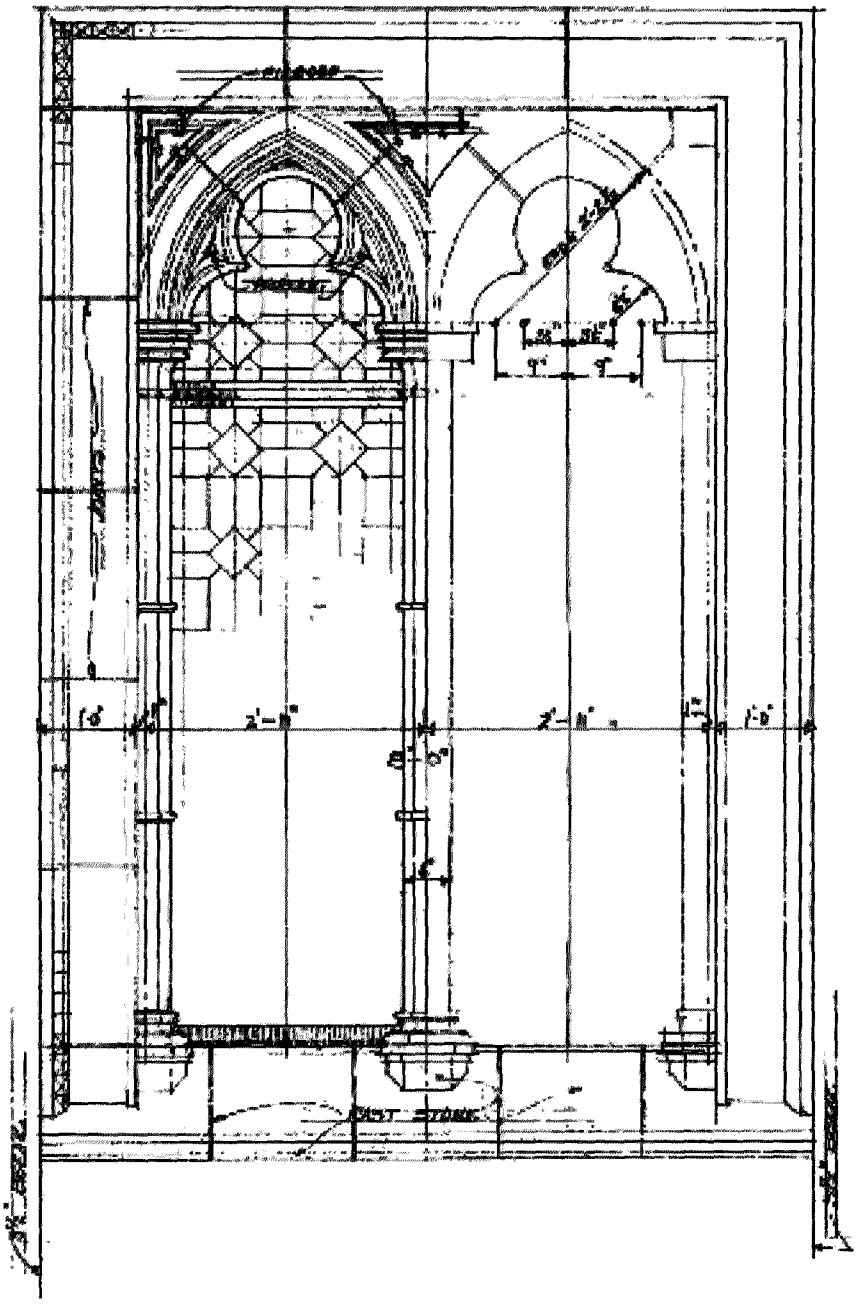
After the land bust and the Stock Market Crash of 1929, other, less elaborate types of architecture were explored by the local architects. John Volk designed many Palm Beach structures in the Bermuda, Colonial Revival, and Neo-Classical styles. Wyeth, with and without his partners, Frederick Rinelander King and William Johnson, created intimate, fanciful, Spanish courtyard structures, as well as several British Colonial designs, a style brought to this area by architect Howard Major.

One of the most diverse of these architects was Maurice Fatio, Florida partner in the New York firm of Treanor and Fatio. The European trained Fatio was accomplished in Italian Renaissance, Mediterranean Revival, and Streamline Moderne architecture. He designed memorable modern structures such as the Roddy Building and The Reef, which won a gold medal at the International Exposition in Paris in 1937 (Figure 7).

From 1927 on, these architects' designs were subject to review by a Town appointed commission known as the Arts Review Council. As ratified by the Town Council, the Arts Review Council, the precursor to the Architectural Commission and the Landmarks Preservation Commission, examined both new architecture and significant rehabilitation to existing buildings to ensure the beauty and the harmony of Palm Beach. Early members of the Art Jury included Addison Mizner, Maurice Fatio, Marion Sims Wyeth, Halpin Smith, and Charles Perrochet.

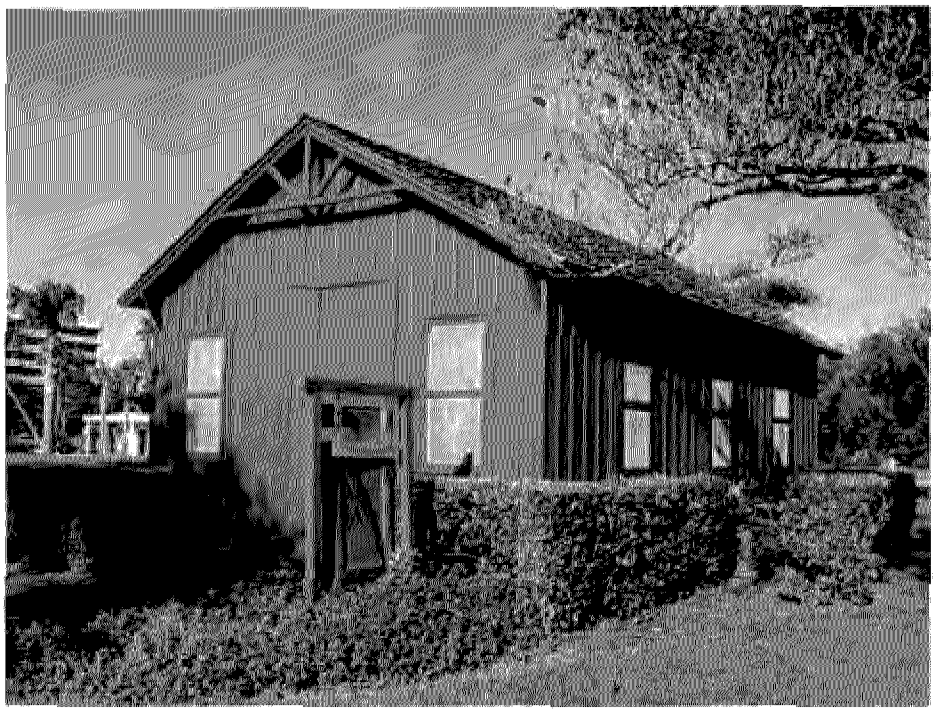
The legacy of Palm Beach's architectural history remains visible today thanks to the survival of many significant buildings. Unfortunately, Palm Beach, despite attempts of concerned individuals and town residents, has lost some treasured monuments of its past. To ensure the protection of historic and notable structures today and into the future, the Landmarks Preservation Commission and local organizations like the Preservation Foundation have rallied to promote and encourage preservation throughout the island. Furthermore, it has been through local legislation and the efforts of individuals and organizations that Palm Beach's famed past has been enabled to remain vibrant and accessible to the generation of today.

Architectural Styles



Marion Sims Wyeth, Window Design, ca. 1920s, Palm Beach, FL.

Frame Vernacular



Architectural Details

Eaves: Large overhanging eaves protect the Frame Vernacular building from the sun.

Local Materials: Frame Vernacular buildings tend to be rectangular balloon-frame construction made from locally sourced materials such as local woods and stone.

Ornamentation: Ornamentation is sparse, and can include shingles, cornerboards, porch columns, brackets, rafter tails, vents in gable ends and oolitic limestone.

Windows: Wood double-hung sash windows are commonly used in Frame Vernacular.

Description

Frame vernacular buildings represent the most typical method of construction used by South Florida's early pioneers. This form of architecture does not adhere to a particular school of design and utilizes locally available materials and traditions to create purely functional and utilitarian dwellings. Preexisting areas of Frame Vernacular houses in Palm Beach have, for the most part, been destroyed to make way for other more academic styles. One example of Frame Vernacular is the Little Red School House, the oldest one room schoolhouse in southeast Florida, owned and maintained by the Preservation Foundation of Palm Beach.

Shingle



Architectural Details

Dormer Window: A vertical window in a projection built out from a sloping roof.

Gabled Roof: A roof sloping downwards on the two sides of a central ridge to form a triangle at each end.

Gabled Window: Positioned below a gable, a gabled window generally consists of a semicircular or triangular form.

One Story Porch: Forming a covered approach or vestibule to a doorway, in the Shingle Style, porches are typically one story in height.

Shingle Siding: Thin pieces of wood laid in overlapping rows on the exterior of a building. Shingles can take on a variety of shapes and forms to create more complex decorative facades.

Description

Most Shingle style houses were built between 1880 and 1910. Characterized by inventive asymmetrical massing of forms, this style was the preferred type of architecture for the early seasonal residences of Palm Beach. Features of this style include Gambrel roofs, facades clad entirely of wood shingles, porches, varied roof lines and an overall sense of horizontality and mass. Excellent examples of this style are the Breakers' cottages, Sea Gull Cottage and the Old Bethesda-By-The-Sea.

Neo-Classical Revival



Architectural Details

Attic Story: The Attic Story sits above the main entablature of the building. Its front wall may be blank, as in the great panel above the cornice of a triumphal arch, or is the space behind is habitable, may be pierced by windows.

Colossal Portico: A grand entrance to a building, the "colossal" portico is of larger proportion than a single porch.

Parapet: A parapet is a low wall along the edge of a roof. Originally a protective device, it is often used to conceal roof slope and appurtenances.

Roman Doric Columns: The Greek Doric order is characterized by the absence of a base, whereas Roman Doric nearly always has a base. Both Greek and Roman Doric have a tapering shaft with shallow concave flutes (usually 20) and distinct forms of capital and entablature.

Unenriched Entablature: An unenriched entablature is expressed without a decorative or ornamental detail. The entablature the superstructure carried by columns and divided hierarchically, top to bottom, into cornice, frieze and architrave is an important ornamental device in a classical building.

Description

Neo-Classicism refers to the enthusiastic revival, in the late eighteenth and early nineteenth century, of the classical tradition in architecture, sculpture, painting and the decorative arts. A successor to the Rococo period of the second half of the eighteenth century, the movement was inspired by the nineteenth century revival of historic styles. Associated with the rise of the Enlightenment, Neo-Classicism also was fueled by the discoveries of ancient sites such as Pompeii and Herculaneum outside Naples, Italy during the second half of the eighteenth century.

Bungalow



Architectural Details

Dormers: A projecting structure built out from a sloping roof, usually housing a vertical window or ventilating louver.

Exterior Chimney: Chimney construction is visible on the exterior of the building.

Gabled Roof: A low pitched roof sloping downward in two parts from a central ridge to form a gable at each end.

Porches: A large open porch, either full or partial width, usually roofed and partly enclosed by a railing, often extending across the front or side of the house.

Porch Piers: A masonry foundation supports the porch roof.

Tapered Porch Posts: Vertical roof supports taper inwards.

Description

The term *Bungalow* originated in Bengal in eastern India, where thatched roofs and overhanging eaves were called "bangalas." This building typology provided shade and shelter from the tropical sun and monsoon wind and rains. In the eighteenth century, British colonial rulers adopted this type of architecture and anglicized the name. As adopted in the United States, the bungalow is typically one to one-and-a-half stories tall, with a low sloping roof line, a dominant front-gabled roof, a wide sheltering overhang and a wide porch anchored by broad tapering pillars with masonry bases. The Bungalow style was revived at the turn of the twentieth century through the Arts and Crafts Movement which promoted the pre-industrial ideas of craftsmanship, simplicity and honest expression of materials.

Mediterranean Revival



Architectural Details

Asymmetrical Façade: Mediterranean Revival buildings often achieve harmony through irregular massing of dissimilar parts into a balanced composition.

Balconet: The combination of railing and door or window openings, as in a balcony, but without the latter's floor space.

Balcony: A platform extending outward from a wall in Mediterranean Revival examples, edged by cast and ornamental stone, or occasionally, ironwork, onto which a door, or sometimes a window opens.

Clay Barrel Tile Roof: A roof system covered by tapered, semi-cylindrical clay tiles, laid convex side-up to overlap flanking similar tiles laid concave side-up.

Pointed Arches: Openings in which arches are elliptical or pointed, derived from the openings of Gothic buildings, especially Venetian examples.

Semicircular Arches: Masonry construction in which semicircular units span an opening

Description

The Mediterranean Revival style of architecture was inspired by European structures that were built around the basin of the Mediterranean Sea. Themes were borrowed from Spanish, Italian, North African and Moorish examples. Often highly ornate stone or stucco carvings surround windows, cornices and parapets. Windows and doors can be straight or arched and at times ironwork is used to further accentuate these elements. In addition, clay barrel tiles and arcaded porches are typical features. This style was popular in both Florida and California in the 1920s adapting well to the climate of both states. Addison Mizner first popularized this style in Palm Beach with his design for the Everglades Club on Worth Avenue.

Monterey



Architectural Details

Balcony: The main identifying feature of the Monterey Style is a second floor, cantilevered, open-air balcony covered by the principal roof.

Railings: Styled in either wood or iron, balcony railings give Monterey houses a sense of individuality and help differentiate between one variation of the style and another.

Description

The Monterey Style is an eclectic style of architecture that was popular throughout the United States from 1925 to 1955. Adapted from the Spanish Colonial architecture of Northern California, Monterey adds English, Colonial and Creole French design details to the prototype. The most distinguishing characteristic of this style is the second-story balcony which is usually cantilevered and covered by the principal roof. Balcony railings are typically styled in iron or wood; roofs are low pitched or gabled and covered with shingles—variants sometimes feature tiles—and exterior walls are constructed in stucco, brick, or wood. There are several examples of this style of architecture on Pendleton Lane.

British Colonial



Architectural Details

Arched Openings: Arches are found over entry doors and garden gateways. Window openings however are rectangular.

Chimneys: British Colonial buildings feature traditional open fireplaces, many with waist-high hearths. Thick chimneys give a sense of grace and strength to the house.

Flat Cement Tiles: Originally, roofs were covered with coral-limestone roof slates cut 1" by 10" by 14" and were laid horizontally in parallel rows along wooden laths, cemented down and white-washed upon completion.

Shuttered Openings: Wood shutters are utilized for storm protection.

Steeply Pitched Roof: A roof pitch of 6:12 or a 45 degree slope is typical.

Description

British Colonial architecture, also known as the Bermuda style, was inspired by the traditions of the English colonists' architectural heritage. It was adjusted to the character of the local building materials. Ornamental details were kept to a minimum in response to the softness of Bermuda's Aeolian limestone. West Indian influences include long cool verandas and small porches with upper balconies. In Palm Beach, the British Colonial house is a simplified version of the Colonial Revival style, characterized by steeply pitched roofs of flat cement tiles replacing the traditional limestone slates. Other features include pedimented, dormers, quoins and hip roofs. This style of architecture was popularized in Palm Beach by Howard Major and John L. Volk.

Mission Revival



Architectural Details

Bell Tower: The most indentifying feature of the Mission Revival style is the prominent bell tower.

Eaves: Wide projecting eaves are perfectly suited for tropical climates to protect Mission Style houses from the sun.

Roofs: Mission Revival buildings have low-pitched clay tiled roofs. Some sections have flat roofs with parapets.

Description

The Mission Revival style is a subtype of the Spanish Colonial Revival style, inspired by eighteenth century Spanish Mission churches. The style became popular in the United States when it was used as the California Building at the Columbian Exposition in Chicago in 1893, and its use was widespread by 1915. In Florida, the style reached its peak in popularity during the 1920s. The Mission style is noted for its simplicity. The roofs are traditionally flat, with interest given to an occasional secondary roof feature such as a dormer or sloping porch. Sometimes there is a bell tower. Exterior walls are generally block or wood frame which is covered with smooth or rough cast stucco. Arched openings are common. Windows are either double hung sash or casement. Porches are a prominent feature. Scuppers are also frequently found below the roof line.

Georgian Revival



Architectural Details

Copper Bay or Porch Roof: Copper roof above a bay or porch.

Cornice: The uppermost member of a classical entablature, consisting of a cymatium, corona and bed molding.

Fluted Column: A column consisting of a series of long, rounded parallel grooves, as on a shaft of a classical column.

Hipped Roof: A roof having sloping ends and sides meeting at an inclined projecting angle.

Pedimented Entry: A wide, low pitched gable surrounding a colonnade or a major division of a façade.

Quoins: An exterior angle of a masonry wall, or one of the stones or bricks framing such an angle, usually differentiated from adjoining surfaces by material, texture, color, size or a projection.

Transom Light: A window above the transom of a doorway.

Description:

The Georgian style refers to a style based on forms following the classical principles of design developed by Andrea Palladio during the Italian Renaissance. Popularized in England during the eighteenth century, Georgian architecture is characterized by a formal arrangement of parts employing a symmetrical composition enriched with classical detail. The façade is often emphasized by a pedimented projecting pavilion with colossal pilasters or columns and a Palladian or Venetian window. Variations of this style were popular throughout the Caribbean and were adapted in the revival form in Palm Beach.

Art Deco



Architectural Details

Decorative Band: A decorative molding used to hide joints at the point in which two surfaces meet. In Art Deco architecture, these often take the form of highly stylized flora and fauna.

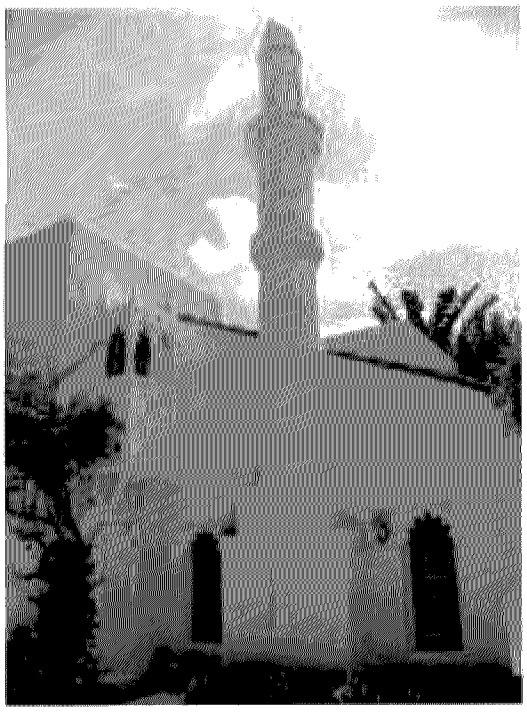
Metal Windows: Large-span windows typical of this era were made possible through metal framing.

Parapet Trim: In art Deco architecture, decorative trims are applied to the flat exterior surfaces of parapet walls.

Description

The twentieth century's first popular style to break from tradition, Art Deco architecture is characterized by linear, hard edges and angular composition, often with a vertical emphasis. The stuccoed facades of Art Deco buildings often are arranged in a series of set-backs emphasizing the geometric form. Strips of windows with decorated spandrels add to the vertical feeling of the composition. Hard-edged low relief ornamentation is found around door and window openings and applied decoration takes the form of geometric patterns and stylized motifs in bas-relief.

Moorish Revival



Architectural Details

Decoration: Moorish Revival buildings are generally highly decorated with intricate mosaics, tiles, stonework and screening. Often the ornamentation will take the form sinewy organic stonework or even Arabic writing, a characteristic common in the Muslim world where representation of the human body is immoral.

Horseshoe Arches: Horseshoe or Moorish arches are taller than Roman arches and widen slightly before rounding off.

Minarets: Minaret, literally lighthouse in Arabic, is a feature of Islamic architecture. Minarets are usually tall and slender tower-like forms, which can be attached to a mosque or are freestanding.

Description

Drawing inspiration from North Africa, Spain, Portugal, Turkey and the Middle East, Moorish Revival is one of the most exotic architectural styles adopted by Palm Beach architects during the 1920s. Beginning first in the mid-nineteenth century in the wake of the Romanticist fascination with all things oriental, this style was in essence revived in Palm Beach and throughout America during the first half of the twentieth century. Moorish Revival buildings sometimes have highly decorated symmetrical facades adorned with complex mosaic, tile and stonework designs. Minarets, domes and finials adorn rooflines. The most striking feature is often the Moorish arch, an adaptation of the Roman arch, but with a taller proportion widening slightly before rounding off at the top.

Tudor



Architectural Details

Chimneys: Elaborately detailed heavy chimneys are a common feature of Tudor Style houses.

Half-Timbering: The most identifying feature of the Tudor Style, expresses exposed timber framing, in-filled with stucco.

Roofs: Tudor roofs are generally high-pitched and gabled. Dormers are common.

Description

Also referred to as the Medieval style, the Tudor style is based on the houses of Elizabethan England. The style is typified by high pitched, gabled roof lines, elaborate chimneys, leaded glass windows and most importantly, half-timbering: a term describing the exposed timber framing of the structure which is in-filled with stucco. Examples are rare in Palm Beach.

Regency



Architectural Details

Arch Windows: An opening or frame, which may be either load-bearing or decorative, with a profile based on the segment based on a circle or a series of segments.

Classical Moldings: Abstract ornament of continuous section used both decoratively and monumentally to enrich a surface or disguise a joint. Moldings can be applied to a flat or curved surfaces, and they are integral to many architectural features including arches, piers and bases.

Keystone: Vital central, wedge-shaped stone *voussoir* in an arch.

Pediment: Triangular area over the portico of a building formed from a gable by the addition of the horizontal cornice at a level with the eaves. By extension, it also designates a triangular or rounded decorative area framed by cornices, which may crown facades without porticos or individual façade elements such as doors, windows or niches.

Symmetry: Term used since the 17th-century to describe the reflecting correspondence of points in a plane, or parts of a body with respect to a common axis. In this case, symmetry is expressed in the façade of the building, in which the elements are mirrored on the north and south ends.

Description

Regency decorative arts and architecture were produced in England during the rule of George IV, from his time as Prince of Wales, the Prince Regent in 1811 until his death as George IV in 1830. Although it was a style primarily utilized for interiors in the late eighteenth century, it was important in its architectural form. Regent Street in London, England, planned by John Nash, is a significant landmark showcasing Regency style at its height. In Palm Beach, the Royal Poinciana Plaza is an important landmark.

International



Architectural Details

Abstracted Ornamentation: While forerunners of the International Style had abstracted ornament derived from classical examples, emphasizing a base, middle and top, in mature International Style buildings many of those elements were eliminated, others were unified and abstracted, to present simple and flat scale-less wall planes.

Asymmetrical Plan: An asymmetric plan, uncommon in the history of architecture, is emphasized in the International Style through its decentralized axis and open floor plan. This represented a departure from the Beaux Arts bilateral symmetry and axially composed orientation of rooms.

Flat Roof: A horizontal roof either with no slope or a slope great enough, to allow for water drainage. Its pitch usually measuring less than 10 degrees.

Metal Casement Windows: Casement windows open along the vertical side and are operated with a crank to open out. The earliest casement windows in steel replaced wood and therefore permitted larger openings with thinner profile frames and mullions.

Smooth Stucco Surface: Stucco, "a mixture of Portland cement, lime and sand, which are combined with water to give it its crisp appearance," is used on the exterior to lend the structure a smooth finish.

Description

The International Style was first applied to architecture of the Modern movement in 1932, a result of the first architectural exhibition at New York's Museum of Modern Art curated by Henry Russell Hitchcock and Philip Johnson. The term was enshrined in the title of the accompanying book and catalogue, *The International Style: Architecture Since 1922*. Buildings selected for the exhibition, with some notable exceptions, had certain formal characteristics in common, including mostly rectilinear elements, with undecorated facades and asymmetrical compositions. Since the photographs of the exhibit were published in black and white, subsequent emulators of the style designed in this monotone palette.

Ranch



Architectural Details

Large Overhanging Eaves: Perfectly suited for tropical climates, large overhanging eaves shelter the house from the sun.

Large Windows: Ranch Style houses frequently have large "picture" windows, often decorated with shutters, to bring in natural light.

Profile: Rectangular, L-shaped, or U-shaped in design, this style is noted for its long, close-to-the-ground profile.

Roof: Ranch style homes have cross-gabled, side-gabled or hip roofs with long, low rooflines.

Single Story: Ranch Style houses are one story tall, generally with an attached garage.

Description

A uniquely American domestic architectural style, the Ranch home gained popularity in the 1940s to become the dominant style of architecture throughout the country during the 1950s and 1960s. Its popularity was undoubtedly related to a move away from the box-like houses of the Minimal Traditional style to a house with a more flexible plan. Ranch style houses are generally long, one-story houses with low gable roofs and deep eaves. A rectangular, L, U, or splayed plan is common in Ranch style houses. They often have shallow front porches, sometimes running the length of the house. A garage or carport at one end is a common feature and decoration is sparse, rarely consisting of more than shutters and open-work metal posts. Clapboard or stucco are common exterior treatments, although a brick exterior is occasionally used.

Late Twentieth Century



Architectural Details

Asymmetric Plan: Denying a central axis, late twentieth century architecture continues to follow in the footsteps of preceding modern movements. This attraction to asymmetry is also echoed in the façades, which also tend to be asymmetrical.

Expansive Window Planes: As a result of increased technology, architects are able to incorporate larger expanses of glass in their designs allowing for brightly lit interior spaces as well as impressive views onto the exterior landscape.

Flat Roof: A feature introduced during the modern movement of the early twentieth century especially by Le Corbusier who included flat roofs as one of his Five Points of Architecture, they continue to be a defining trait of late twentieth century architecture.

Description

Architecture of the late twentieth century has many different forms. It includes, but is not limited to Mid-Century Modernism, Postmodernism, Deconstructivism and other major movements of the latter half of the twentieth century. Although not a common Palm Beach style, fine examples of this period do exist on the island. Following in the tradition of renowned architects such as Le Corbusier and Mies van der Rohe, these houses are identified by their sleek profile, stark white facades and rectilinearity. In addition, advances in technology enabled architects working in these styles to create more complex forms and utilize an array of new materials.

Secretary of the Interior's Standards for Rehabilitation

ROOTED IN OVER 120 YEARS OF PRESERVATION ETHICS in both Europe and America, *The Secretary of the Interior's Standards for the Treatment of Historic Properties* are common sense principles in non-technical language. They were developed to help protect our nation's irreplaceable cultural resources by promoting consistent preservation practices. The Standards may be applied to all properties listed in the National Register of Historic Places: buildings, sites, structures, objects, and districts. It should be understood that the Standards are a series of concepts about maintaining, repairing and replacing historic materials, as well as designing new additions or making alterations; as such, they cannot, in and of themselves, be used to make essential decisions about which features of a historic property should be saved and which might be changed. But once an appropriate treatment is selected, the Standards provide philosophical consistency to the work.

The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995

Four Treatment Approaches. There are Standards for four distinct, but interrelated, approaches to the treatment of historic properties—preservation, rehabilitation, restoration, and reconstruction.

Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. (Protection and Stabilization have now been consolidated under this treatment.)

Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.

Restoration depicts a property at a particular period of time in its history, while removing evidence of other periods.

Reconstruction re-creates vanished or non-surviving portions of a property for interpretive purposes.

Choosing an Appropriate Treatment. Choosing an appropriate treatment for a historic building or landscape, whether preservation, rehabilitation, restoration, or reconstruction is critical. This choice always depends on a variety of factors, including its historical significance, physical condition, proposed use, and intended interpretation.

The questions that follow pertain specifically to **historic buildings**, but the process of decision-making would be similar for other property types:

Relative importance in history. Is the building a nationally significant resource—a rare survivor or the work of a master architect or craftsman? Did an important event take place in it? National Historic Landmarks, designated for their "exceptional significance in American history," or many buildings individually listed in the National Register often warrant *Preservation* or *Restoration*. Buildings that contribute to the significance of a historic district but are not individually listed in the National Register more frequently undergo *Rehabilitation* for a compatible new use.

Physical condition. What is the existing condition—or degree of material integrity—of the building prior to work? Has the original form survived largely intact or has it been altered over time? Are the alterations an important part of the building's history? *Preservation* may be appropriate if distinctive materials, features, and spaces are essentially intact and convey the building's historical significance. If the building requires more extensive repair and replacement, or if alterations or additions are necessary for a new use, then *Rehabilitation* is probably the most appropriate treatment. These key questions play major roles in determining what treatment is selected.

Proposed use. An essential, practical question to ask is: Will the building be used as it was historically or will it be given a new use? Many historic buildings can be adapted for new uses without seriously damaging their historic character; special-use properties such as grain silos, forts, ice houses, or windmills may be extremely difficult to adapt to new uses without major intervention and a resulting loss of historic character and even integrity.

Mandated code requirements. Regardless of the treatment, code requirements will need to be taken into consideration. But if hastily or poorly designed, code-required work may jeopardize a building's materials as well as its historic character. Thus, if a building needs to be seismically upgraded, modifications to the historic appearance should be minimal. Abatement of lead paint and asbestos within historic buildings requires particular care if important historic finishes are not to be adversely affected. Finally, alterations and new construction needed to meet accessibility requirements under the Americans with Disabilities Act of 1990 should be designed to minimize material loss and visual change to a historic building.

Standards for Preservation

PRESERVATION IS DEFINED *as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.*

- A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
- The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
- Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
- Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

PRESERVATION AS A TREATMENT. *When the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, Preservation may be considered as a treatment.*

Standards for Rehabilitation

REHABILITATION IS DEFINED AS the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

- A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

- Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
- Changes to a property that have acquired historic significance in their own right will be retained and preserved.

- Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

REHABILITATION AS A TREATMENT. *When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, Rehabilitation may be considered as a treatment.*

Standards for Restoration

RESTORATION IS DEFINED AS *the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.*

- A property will be used as it was historically or be given a new use which reflects the property's restoration period.
- Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.
- Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
- Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.
- Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
- Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.
- Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
- Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

- Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- Designs that were never executed historically will not be constructed.

RESTORATION AS A TREATMENT. *When the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; when there is substantial physical and documentary evidence for the work; and when contemporary alterations and additions are not planned, Restoration may be considered as a treatment. Prior to undertaking work, a particular period of time, i.e., the restoration period, should be selected and justified, and a documentation plan for Restoration developed.*

Standards for Reconstruction

RECONSTRUCTION IS DEFINED AS *the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.*

- Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
- Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
- Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
- Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.
- A reconstruction will be clearly identified as a contemporary re-creation.
- Designs that were never executed historically will not be constructed.

RECONSTRUCTION AS A TREATMENT. *When a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction, Reconstruction may be considered as a treatment.*

When the Standards are Regulatory

The Secretary of the Interior is responsible for establishing professional standards and providing advice on the preservation and protection of all cultural resources listed in or eligible for the National Register of Historic Places.

The Secretary of the Interior's Standards for the Treatment of Historic Properties, apply to all proposed development grant-in-aid projects assisted through the National Historic Preservation Fund, and are intended to be applied to a wide variety of resource types, including buildings, sites, structures, objects, and districts. These Standards, revised in 1992, were codified as 36 CFR Part 68 in the July 12, 1995 *Federal Register* (Vol. 60, No. 133). They replace the 1978 and 1983 versions of 36 CFR 68 entitled "The Secretary of the Interior's Standards for Historic Preservation Projects."

The Secretary of the Interior's Standards for the Treatment of Historic Properties may be used by anyone planning and undertaking work on historic properties, even if grant-in-aid funds are not being sought. *Please note that another regulation, 36 CFR 67, focuses on "certified historic structures" as defined by the IRS Code of 1986. The "Standards for Rehabilitation" cited in 36 CFR 67 should always be used when property owners are seeking certification for Federal tax benefits.*

Rehabilitation & Maintenance

General Considerations

What follows is a guideline to the most frequent rehabilitation and maintenance problems encountered in historic Palm Beach homes and commercial buildings. It is hoped that this will be helpful to current residents and prospective owners of Palm Beach's landmark architecture.

Due to the diversity of building types in Palm Beach, not all local structures fall under the loose guidelines set forth in this section. Sensitivity to the overall design of a structure, its proportions, its sense of scale, and its relationship to the neighborhood will enhance any renovation or addition. Mixing architectural styles and/or elements from different periods or architectural history is, in most cases, inappropriate. An updated variant of the structure's original architectural style, when designed properly, will add a contemporary feel without detracting from its traditional appearance.

When replacing historic elements, use products that match the original in size, shape, and material. When replacing materials not original to the historic fabric of the structure, try to find materials that would have been used during the time of initial construction. This will make for a more uniform and a more attractive building. Whenever possible, replace original building materials with elements similar in texture, size and color, to ensure the continuity or fluidity of the overall design. True historic replications of windows, roof tiles, stucco, doors, and other details are often comparable in price and installation to prefabricated materials. Remember, if a structure is a landmark, it is probably over 50 years old, so the durability of original materials is documented by the materials themselves. Keep in mind that all exterior renovations, restorations, adaptations and additions are subject to approval by the Town of Palm Beach Landmarks Preservation Commission.

Roofing

Provide proper site drainage to assure that water does not splash against the building, or create puddles that splash mud and soils against the structure. Annual inspections of roofing and roof drainage systems are recommended. If a structure has gutters, keep them clean and free of debris. A licensed local contractor can install gutter screens that will inhibit debris from accumulating, or birds from nesting. Gutter screens can also be purchased at local home supply shops, for owner installation. If a building has a flat, built up roof, run-off tracks must be kept free of debris. Never make temporary or makeshift repairs to built-up roofs. This will encourage water and debris to accumulate elsewhere, damaging the roof even more. Inexpensive patch kits are available from local hardware stores and home shops, or from your licensed roofing contractor.

If a structure has a barrel tile, a shingle, or a concrete roof but no gutter system, more frequent inspections of the roof are recommended to insure proper drainage. Barrel clay tiles tend to accumulate leaves and other debris in their grooves, the same grooves intended for water run-off.

If you must replace a historic roofing system, rebuild with a roof of the same shape, the same pitch, the same materials, and the same covering. If the historic roof was previously destroyed and replaced with a modern system, return to a roofing system that is sensitive to the overall design of the structure. Barrel clay tiles may look nice, but are usually considered to be inappropriate for a Bungalow, Colonial Revival, or an International style structure.

Chimneys

While the majority of Palm Beach structures do not have chimneys, those that do require special consideration. If an historic chimney is not lined, it is **imperative** that it be lined. A lined chimney will help protect the structure and its inhabitants from

unnecessary fire risk. A number of new processes now allow for this to be done without major demolition or reconstruction. If the chimney is brick or masonry, inspect it for water damage, mortar loss, or spalling. Any of these damages can be repaired by a competent mason without replacing the entire chimney. If a chimney has been destroyed or previously replaced, do not replace it with a simple, unlined, concrete block system. Replace it with quality materials sensitive to the overall design and texture of the structure.

Exterior Wall Materials

If the original exterior wall materials of the structure no longer exist, refer to the "Architectural Styles" section of this manual for examples of appropriate materials and methods of construction.

Never sandblast the exterior of your structure. Sandblasting accelerates deterioration and the erosion of all materials. Water pressure cleaning systems, and like processes, are safer and more efficient. When repointing the mortar on an historic masonry building, always use mortar of like color and texture. Never repoint with a mortar containing a high portland cement content, as this may result in irreparable damage to the surrounding masonry.

Exterior wall materials should effectively reproduce the texture and appearance of materials existing or documented. Original masonry exteriors should be retained and repaired, replaced only when irreparably damaged. New stucco can be difficult to match to the original in color and in texture, and filled-in windows and doors often show their outlines over time.

Acceptable materials for the exterior of local structures include quarried stone, cast, stone, stucco, brick and wood siding. Avoid imitation brick or stone veneer, bare cinder block, aluminum, and other synthetic sidings. Retain or replace glass curtain walls and storefronts only in Modern, International, Art Deco, Post Modern, and similarly styled buildings.

Since Palm Beach is a coastal town, the constant infusion of salt into the pores of concrete and stucco facades can cause deterioration of the wall material. The saltwater enters these pores and crystallizes, expanding the size of the microscopic pores of the building, causing it to spall, or "blow off" chunks of concrete and stucco. Unless the deterioration affects the iron reinforcement bars in the concrete wall, this spalling is easily patched and repaired. If the reinforcement bars are rusted, a structural engineer can determine if the structural framework of an historic building has been damaged.

Attempt to discover the historic paint colors and finish used on the structure's exterior and, when necessary, repaint with historically accurate colors. Excellent historic paint colors are available from your local paint suppliers. Classical architectural details such as columns, cornices, entablatures, arcades and pediments or other decorative entryways should be sensitive to the historic fabric and style of the structure. If replacing such historical details becomes necessary, or if renovation plans call for adding them to the structure, remember that a particular building should be of *only one* classical order: Tuscan, Doric, Ionic, Corinthian or Composite.

Windows & Doors

Windows and doors can make a major difference in the appearance of a building. Avoid replacing historic windows and doors for other than structural reasons. Many local craftsmen can repair, strip, or replace elements of historic windows and doors, making them not only beautiful, but functional and operable again as well. These craftsmen can also replace glass and weather-stripping in existing windows and doors, increasing their thermal performance, without replacement of the entire unit. Remember, a structure needs to breathe properly.

If it becomes necessary to replace historic windows and doors, try to do so with historically correct replicas. Most historic buildings in Palm Beach were constructed with wood frame

windows and wood doors. While large cypress and other historic timbers may no longer be available, replacement with other types of wood will match most historic houses better than aluminum, steel, plate glass, or synthetic materials.

When replacing windows and doors previously altered or changed on your building, employ materials sensitive to the overall design of the structure. Aluminum or steel canopy (crank-out) windows were added to many Mediterranean Revival structures in Palm Beach during the 1940s and the 1950s. These are good examples of windows no longer appropriate in the overall design of the structure.

When adding windows that previously did not exist in the structure, or were otherwise "bricked up." Replace them with windows of similar size, shape design. Always make sure that these new windows adhere to, and so not interfere with, the rhythm of the façade. The same holds true for doors and other openings.

Foundations

Because most of Palm Beach's land was reclaimed from swamps, foundation footing problems in historic buildings may not be directly related to the structural foundation. Historic buildings that lean or have unlevel floors may be the result of excessive settling. This can often be repaired with structural hydraulic jacks or other similar systems.

Problems specific to the structural foundation of a building can often be recognized by the visual effects of spalling, cracking, deflection, or failure. Repair and stabilize weakened structural members and systems. Supplement existing structural systems where damaged or inadequate.

Renovations & Additions

Renovations and additions are also subject to approval from the Town of Palm Beach Landmarks Preservation Commission. This applies only to exterior changes made to the landmarked property. Alterations made to the interior of a structure, such as the renovation or the addition to kitchens and bathrooms, do not require Landmarks Preservation Commission approval unless a byproduct of such alterations is an added or displaced window or door, or the addition or subtraction of square footage to the overall structure.

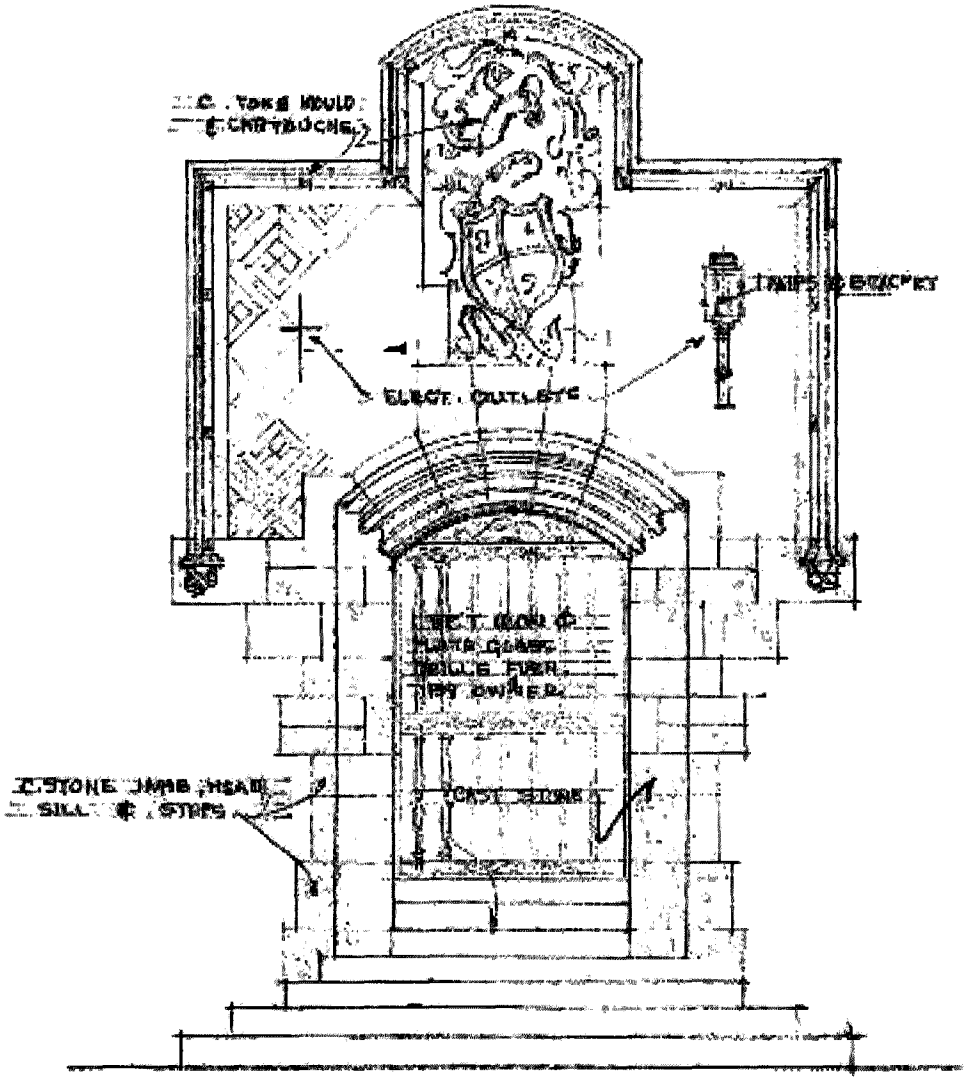
Under the guidelines of the Landmarks Preservation Commission, additions to a structure are permitted, subject to approval. The Town's zoning regulations govern the amount of lot coverage and setbacks permitted for both new and historic structures. Some additions may require a variance issued by the Town Council. If the intention is to add square footage to an historic building, overall conformity to the original design is necessary. This is not to say that an addition must look exactly like the existing structure, but rather that it should be compatible.

New Construction

All new construction and any exterior renovations in Palm Beach are subject to the regulations of the Town of Palm Beach Architectural Commission, except for designated historic landmarks which are governed by the Landmarks Preservation Commission. New construction, while not restricted to any particular architectural style, should conform to the prevailing architectural design of the neighborhood, the block, or the district.

Similarly, new structures should not exceed the average vertical or horizontal rhythm of the area. New additions to existing, especially historic, structures should conform to the architectural style, the massing and the rhythm of the existing structure.

Appendix



Marion Sims Wyeth, Door detail, ca. 1920s.

Landmarks Preservation Ordinance

Chapter 54 HISTORICAL PRESERVATION*

*Cross references: Buildings and building regulations, ch. 18; consistency and concurrency management system, ch. 30; environment, ch. 42; marine structures, ch. 62; natural resource protection, ch. 66; planning, ch. 86; public improvements, ch. 90; streets, sidewalks and other public places, ch. 106; subdivisions, ch. 110; utilities, ch. 122; vegetation, ch. 126; preservation of historic and specimen trees, § 126-56 et seq.; zoning, ch. 134.

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ARTICLE I. IN GENERAL

Sec. 54-1. Purpose and intent.

It is declared to be a matter of public policy that the protection, enhancement and perpetuation of properties of special, notable, aesthetic or architectural character or historic interest or value is a public purpose and necessity and is required in the interest of health, prosperity, safety and general welfare of the people residing within and without the town. The purpose of this chapter is to:

(1) Effect and accomplish the protection, enhancement and perpetuation of such properties and of districts that represent or reflect elements of the town's cultural, social, economic, political and architectural history.

(2) Safeguard the town's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts.

(3) Stabilize and improve property values.

(4) Foster civic pride in the beauty and notable accomplishments of the past.

(5 Protect and enhance the town's attractions to residents and visitors.

(6) Strengthen the economy of the town.

(7 Promote the use of historic districts and landmarks for the education, pleasure and welfare of the residents of and visitors to the town.

(Code 1982, § 16-33)

Sec. 54-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration means any change because of construction, repair, maintenance or otherwise to a building located within an historic district or designated as a landmark or landmark site.

Applicant means the record owner of the site and/or buildings located thereon, the owner's authorized agent, or a person holding a bona fide contract to purchase same who makes application for a certificate of appropriateness under this chapter joined by the owner of record.

Building means a building or other structure built for the shelter or enclosure of persons, animals or chattels, including fences, signs, paving and boundary walls, and any part of any such building or structure when subdivided by division walls or party walls extending to or above the roof and without openings in such separate walls. The term "building" shall be construed as if followed by the words "or any part thereof."

Certificate of appropriateness means a document evidencing approval of the commission for work proposed by an applicant.

Commission or *landmarks commission* means the landmarks preservation commission created under this chapter.

Construction means the erection of an on-site improvement to a landmark or to a building or any parcel of ground located within an historic district or on a landmark site, whether the site is presently improved or unimproved, or hereafter becomes unimproved by demolition, demolition by neglect or as a result of destruction of an improvement located thereon by fire, windstorm or other casualty, or otherwise (such a parcel of ground being herein referred to as a "site").

Demolition means the complete or constructive removal of a building or any portion thereof on any site.

Demolition by neglect means neglect in the maintenance of any building, resulting in any one or more of the following:

(1) The deterioration of a building to the extent that it creates or permits a hazardous or unsafe condition as determined by the building official.

(2) The deterioration, as determined by the building official, of a building characterized by one or more of the following:

a. Those buildings which have parts thereof that are so attached that they may fall and injure persons or property.

b. Deteriorated or inadequate foundation.

c. Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety.

d. Members of walls or other vertical supports that split, lean, list or buckle due to defective material or deterioration.

e. Members of walls or other vertical supports that are insufficient to carry imposed loads with safety.

f. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split or buckle due to defective material or deterioration.

g. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are insufficient to carry imposed loads with safety.

h. Fireplaces or chimneys that list, bulge or settle due to defective material or deterioration.

i. Any fault, defect or condition in the building that renders the same structurally unsafe or not properly watertight.

j. Unsafe electrical and/or mechanical conditions.

(3) Action by the town council, the fire-rescue chief or the building official based upon the safety or physical condition of any building.

Earthworks means any subsurface remains of historical, archaeological or architectural importance or any unusual ground formations of archaeological significance.

Exterior means all outside surfaces of a building.

Historic district means an area identified by the commission that contains one or more landmarks or landmark sites as well as those abutting sites the commission determines should fall under the provisions of this chapter to assure that their appearance and development is harmonious with such landmarks and landmark sites.

Landmark and *landmark site* means an unimproved parcel of ground, including, without limitation, earthworks (landmark site) or a parcel of ground with improvements (landmark), whereso-ever located in the town of particular historic, architectural or cultural significance, which landmark or landmark site meets the criteria set forth in section 54-161.

Minor exterior change means an exterior change the cost of which does not exceed $2,000.00 as determined by the building official and is determined by the landmarks project coordinator to not materially affect the exterior of the structure.

Ordinary repairs or maintenance means work done to prevent deterioration of a building or to correct any deterioration or decay of or damage to a building or any part thereof by restoring the building as nearly as practicable to its condition prior to such deterioration, decay or damage.

Owner of record means as reflected on the current county tax roll.

(Code 1982, § 16-34)

Cross references: Definitions generally, § 1-2.

Sec. 54-3. Deterioration by neglect.

(a) If the commission determines that a landmark is in the course of deteriorating by neglect, it shall notify the owner of record of such preliminary finding stating the reason therefore and shall give the owner of record 30 days from the date of notice in which to commence work rectifying the evidences of neglect cited by the commission. Such notice shall be accomplished in the following manner:

(1) By certified mailing to the last known address of the owner of record.

(2) If the procedure outlined in subsection (a)(1) of this section is not successful, then by attaching such notice to the landmark twice within a week.

(b) Upon the owner of record's failing to commence work within 30 days of such notice, the commission shall notify the owner of record in the manner provided in subsection (a) of this section to appear at the next public hearing of the commission. The commission shall cause to be presented at that public hearing the reasons for the notice, and the owner of record shall have the right to present any rebuttal thereto. If thereafter the commission shall determine that the landmark is deteriorating by neglect, the commission shall inform the town council of its determination, whereupon the town council may bring charges against the owner of record for violation of this chapter; and the town council may cause such landmark to be repaired at its expense at such time as funds are appropriated therefore, in which event the town may file an affidavit of the building official to such effect in the office of the county recorder of deeds, which shall operate to create, to the extent it may lawfully do so, a lien against the property for the funds so expended by the town.

(Code 1982, § 16-44)

Sec. 54-4. Enforcement.

The code enforcement board shall enforce the provisions of this article and, upon conviction, the violator shall pay as provided in chapter 2, article V for each day the violation continues.
(Code 1982, § 16-47)
Secs. 54-5—54-35. Reserved.

ARTICLE II. LANDMARKS PRESERVATION COMMISSION*

***Cross references:** Boards and commissions, § 2-306 et seq.

Sec. 54-36. Created; appointment; qualifications; terms; compensation; filling vacancies; reappointment.

(a) A landmarks preservation commission is created consisting of seven members. At least two members, but not more than three members, of such commission shall be registered architects in the state. A majority of the members shall have, to the highest extent practicable, a special knowledge of and a known interest in landmarks preservation. Each member shall be a registered voter in the town, however, one member may be a non-resident of the town in the event it is determined by the town council that said individual has a special expertise in historic landmarks preservation. Each member other than the individual, if any, appointed by the town council as an expert, shall be a registered voter in the town. The members shall serve staggered terms of three years, and each will serve without compensation, except in the event of the appointment of an outside expert who will serve a term of only one year, but who may be reappointed by the town council on an annual basis. Each member shall serve without compensation. The town council shall appoint the members. If a vacancy shall occur otherwise than by the expiration of a term, it shall be filled by the town council for the unexpired term.

(b) A member shall not be appointed for more than two consecutive three-year terms but shall be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term.

(Code 1982, § 16-35; Ord. No. 12-95, § 1(a), 9-12-95; Ord. No. 8-99, § 1, 11-9-99; Ord. No. 7-00, § 1, 6-13-00; Ord. No. 6-01, § 1, 4-10-01; Ord. No. 19-01, § 1, 10-9-01)

Sec. 54-37. Alternate members.

(a) *Appointment.* The town council may, in its discretion, appoint three alternate members with similar qualifications who shall serve when called upon the chair of the commission in the absence of any regular members.

(b) *Attendance requirements.* Alternate members are required to attend all meetings of the commission and are subject to the same attendance requirements, as regular members with the same provisions relating to excused absences being applicable.

(c) *Voting.* Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission in the event of absence or in the event of a conflict of interest; however, alternate members may participate in the discussion of matters coming before the commission whether they are sitting as a voting member or not.

(d) *Terms of office.* Although an alternate member may not serve more than two three-year terms as an alternate, an alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two full three-years terms thereafter.

(Code 1982, § 16-35; Ord. No. 12-95, § 1(b), 9-12-95; Ord. No. 8-99, § 2, 11-9-99; Ord. No. 6-01, § 2, 4-10-01)

Sec. 54-38. Removal provisions; absences; conflicts of interest.

(a) All members of the commission, including alternates, serve at the pleasure of the town council and may be removed from the commission with or without cause. Members of the commission shall be automatically removed for lack of attendance, which is defined as failure to attend more than two meetings in any one calendar year. Excused absences due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. In order for an absence to be excused, the member must notify the town manager's office by letter no later than noon on the Friday prior to a regularly scheduled meeting unless the absence is an emergency. Failure to notify the manager via letter will cause the absence to be unexcused. Excused absences shall be entered into the minutes at the next regularly scheduled meeting of the commission after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this article.

(b) In the event of excessive conflicts of interest during any one calendar year, the commission member shall be subject to removal from the commission by the town council or, in the event of excessive conflicts of interest during any one term, a commission member may not be reappointed to a successive term. Excessive conflicts of interest are defined as five or more conflicts of interest in any one calendar year.

(c) If a member of the commission has a conflict of interest resulting from that member or the member's firm representing an applicant before the commission, it shall be the duty and obligation of the member having the conflict to comply with the following requirements:

(1) Notification of the conflict of interest shall be noted on the application form at the time of the submission of the application. The conflict will be identified on the commission agenda.

(2) The member having the conflict of interest shall not participate in the discussion and shall leave the chamber or the dais until the item is concluded.

(3) The member having the conflict shall not present the project to the commission, except in a case where the commission member is a sole practitioner who is unable to represent a client through an associate.

(Code 1982, § 16-35; Ord. No. 12-95, § 1(c), 9-12-95; Ord. No. 8-99, § 3, 11-9-99; Ord. No. 18-04, § 4, 10-1-04)

Sec. 54-39. Officers, rules of procedure for commission.

The commission shall elect a chair, a vice-chair and a secretary and may adopt rules for the conduct of its meetings. Four voting members of the commission shall constitute a quorum; however, the affirmative or negative vote of a majority of the entire membership of the commission shall be necessary for it to take action. In cases of emergency, if a quorum cannot be obtained, the chair, or vice-chair in his absence, and one other member of the commission may act to prevent an imminent or irreparable violation of the provisions of this chapter.

(Code 1982, § 16-36)

Sec. 54-40. Commission enforcement powers.

(a) In the performance of their duties, members of the commission or their designees shall have the right to enter upon properties in the town at reasonable times and upon reasonable notice to the owners thereof.

(b) Upon request of the commission, the building official shall aid the commission in making necessary inspections in connection with the enforcement of this chapter, shall furnish the commission with copies of reports of his inspections, and shall send notices to all persons who may be in violation of the provisions of this chapter to inform them of such violations.

(c) Failure to comply with the provisions of this chapter shall constitute a violation hereof, and the violator shall be prosecuted under the provisions of chapter 2, article V of this Code.

(Code 1982, § 16-45)

Sec. 54-41. Appeals and review.

The applicant or any interested party may file an appeal to the town council on any ruling by the commission or the building official made pursuant to this chapter. An appeal shall be on forms provided by the town. The appeal shall be filed or made within ten days. Appeals shall set forth the alleged inconsistency or nonconformity with procedures or criteria set forth in this chapter. The town council shall decide an appeal within 45 days of the filing of such appeal unless an extension of time is consented to by the applicant, and such filing shall suspend any building permit issued pursuant to the ruling of the commission or building official until the town council has decided the appeal. The town council may review any decision of the commission or the building official, and their disposition of the matter shall be final. Appeals filed pursuant to this section shall be based on the record of the proceedings below and shall not be presented de novo. The time allotted for presentation of an appeal shall be determined by the town council president.

(Code 1982, § 16-46; Ord. No. 6-06, § 1, 7-11-06)

ARTICLE III. CERTIFICATE OF APPROPRIATENESS

DIVISION 1. GENERALLY

Sec. 54-71. Required.

(a) No landmark nor any building or site planning feature, including but not limited to landscaping, garden walls, pools, fountains, etc., on a landmark site or within an historic district shall be erected, altered, restored, moved or demolished until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by the commission. Similarly, if earthworks of historical or archaeological importance exist in an historic district, or on a landmark site, there shall be no excavating or moving of earth, rock or subsoil in or about such earthworks without a certificate of appropriateness. For the purpose of this article, "exterior architectural features" shall include but not be limited to the architectural style, scale, general design and general arrangement of the exterior of a building, including the kind and texture of the building material and type and style of roofs, windows, doors and signs. The style, scale, design, materials and location of advertising signs and bill posters on a landmark site or within an historic district, if located or plainly visible from out-of-doors, shall be under the control of the commission.

(b) The commission shall not consider interior arrangement or use, except as this may affect a request for exterior changes.

(c) Nothing in this article shall be construed to prevent ordinary maintenance or repairs that do not involve a change of design or material or that do not affect the outward appearance of a building.

(d) The commission shall exercise only those powers and duties granted by this article and those powers and duties that may be assigned to it at a later date by the town council.

(e) For an exterior change project consistent with division 3 of this article, a determination may be made that this is a minor exterior change and the requirement of a certificate of appropriateness may be waived. Such determination shall be made by the landmarks project coordinator, with the concurrence of the chair or such other member of the commission as may be designated by the commission, who will so advise the building official, who may then issue a building permit.

(f) An exterior change project determined by the landmarks project coordinator to be inappropriate, potentially controversial or precedent setting shall be submitted by the staff to the commission for review. No exterior change project with an estimated expenditure exceeding $2,000.00 as determined by the building official shall fall within the definition of this minor project category.

(g) Review of minor exterior change projects for which certificates of appropriateness have been waived will be reviewed quarterly by the commission.

(Code 1982, § 16-37)

Secs. 54-72—54-90. Reserved.

DIVISION 2. PROCEDURES AND EFFECT

Sec. 54-91. Design guidelines.

The commission shall prescribe the procedure for making application for a certificate of appropriateness and may develop design guidelines necessary to provide a framework for studying plans submitted.

(Code 1982, § 16-40(a))

Sec. 54-92. Preliminary conference.

The applicant for a certificate of appropriateness shall, upon request, have the right to a preliminary conference with a member of the commission or of the commission staff for the purpose of making any changes or adjustments to the application that might be more consistent with the commission's standards.

(Code 1982, § 16-40(b))

Sec. 54-93. Public hearing; notice.

The commission shall hold a public hearing upon each application for a certificate of appropriateness affecting property under its control. Notice of the time and place of the hearing shall be provided as follows:

(1) Publication in a newspaper having general circulation in the town at least 15 days before such hearing and by posting such notice on the bulletin board in the lobby of the town hall.

(2) Mailing at least 15 days prior to the date of such public hearing to the applicant and property owners within a 250-foot radius of the subject property. Such list of property owners, together with a notification map, shall be provided by the applicant along with addressed and properly stamped envelopes and shall be certified by the applicant as being true and accurate.

(Code 1982, § 16-40(c); Ord. No. 15-08, § 1, 5-12-08)

Sec. 54-94. Commission action.

Within not more than 30 days after a hearing on an application for a certificate of appropriateness, the commission shall act upon it, either approving, denying or deferring action until the next meeting of the commission, giving consideration to the factors set forth in division 3 of this article. Evidence of approval of the application shall be by certificate of appropriateness issued by the commission, valid for a period not to exceed one year from date of issuance, and whatever its decision, a notice in writing shall be given to the applicant and the building official. The commission shall keep a record of its actions under this division.

(Code 1982, § 16-40(d))

Sec. 54-95. Certificate required for exterior changes.

(a) No building permit for exterior changes shall be issued by the building official that affects a building or site in an historic district or a landmark or a landmark site or a property under consideration for landmark designation without a certificate of appropriateness, except for those changes specifically exempted under the provisions of section 54-71(e).

(b) The commission shall have the right to make such recommendations for changes and modifications as it may deem necessary in order to enable the applicant to meet the requirements.

(Code 1982, § 16-40(e), (f))

Sec. 54-96. Emergency demolition or repairs.

Nothing contained in this division shall prevent the demolition or making of any temporary construction, reconstruction, or other repairs on a landmark, landmark site or a building in an historic district pursuant to the order of any governmental agency or a court of competent jurisdiction for the purpose of remedying emergency conditions determined to be dangerous to life, health or property, as determined by the building official, provided that in case of demolition prior notice of such action shall be given to the commission.

(Code 1982, § 16-40(g))

Sec. 54-97. Variances authorized.

Where by reason of topographical conditions or irregularly shaped lots, or because of unusual circumstances applicable solely to the particular applicant strict enforcement of the provisions of this article would result in serious undue hardship particularly affecting an applicant for a certificate of appropriateness, the commission, in passing upon his application, shall have the power to vary or modify adherence to this chapter provided always that its requirements ensure harmony with the general purposes of this chapter and will not adversely affect an historic district, landmark or landmark site. Guidelines for the application of this section may be developed by the commission.

(Code 1982, § 16-40(h))

Sec. 54-98. Stop work order authorized.

If work is being performed not in accordance with a certificate of appropriateness, the building official or his designated representative shall issue a stop work order, and all work shall cease. No person shall undertake any work on such project as long as such stop work order shall continue in effect.

(Code 1982, § 16-40(i))

Secs. 54-99—54-120. Reserved.

DIVISION 3. CRITERIA FOR ISSUANCE

Sec. 54-121. Generally.

In passing upon an application for a certificate of appropriateness, the commission shall consider the criteria in this division.

(Code 1982, § 16-41)

Sec. 54-122. New construction.

(a) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related:

(1) The height, the gross volume, and the proportion between width and height of the facade;

(2) The proportions and relationships between doors and windows;

(3) The rhythm of solids to voids created by openings in the facade;

(4) The materials used in the facade;

(5) The texture inherent in the facade;

(6) The colors, pattern and trim used in the facade; and

(7) The design of the roof.

(b) Existing rhythm created by existing building masses and space between them should be preserved.

(c) The landscape plan should be sensitive to the individual building and its occupants and needs and should be visually compatible with the buildings and environment with which it is visually related.

(d) A new street facade should blend directionally with other buildings with which it is visually related; which

is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.

(e) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

(Code 1982, § 16-41(a))

Sec. 54-123. Exterior alterations.

(a) The criteria set forth in section 54-122, if applicable, shall be considered in passing upon an application for exterior alterations; provided that the commission may consider the original design of the building and the buildings visually related to it and disregard alterations subsequently made thereto.

(b) Exterior alterations shall not affect the architectural quality or historical character of the building.

(Code 1982, § 16-41(b))

Sec. 54-124. Signs.

For signs located or plainly visible from out-of-doors, the scale, design, materials, style and patterns should be compatible with the buildings and environment with which they are visually related.

(Code 1982, § 16-41(c))

Sec. 54-125. Demolition.

(a) *Generally.* For demolition of a landmark or a building in an historic district, the following should be considered:

(1) The historic or architectural significance of the building.

(2) The importance of the building to the overall ensemble of buildings within the district and the importance of the building to the integrity of the historic district.

(3) The special character and aesthetic interest the building adds to the district.

(4) Whether the building is one of the last remaining examples of its kind in the neighborhood, historic district or city.

(5) The difficulty or the impossibility of reproducing such a building because of its design, texture, material, detail, or uniqueness of location.

(6) The future utilization of the site and the effect those plans for the site will have on the architectural, historical, archaeological, social, aesthetic or environmental character of the surrounding area and district.

(7) Whether reasonable measures can be taken to save the building from further deterioration, collapse, arson, vandalism or neglect.

(b) *Partial demolition.*

(1) In the event of a request for a partial demolition, in addition to the above criteria, the commission shall consider the impact of the proposed demolition on the architectural and historical integrity of the remaining structure.

(2) If a determination is made by the commission that a demolition permit will not be granted on the basis of those items specified in subsection (a) of this section, the applicant may within 30 days of notice of the decision of the commission apply for an exception of extreme economic hardship on the basis that the denial of the permit will result in the loss of all reasonable and beneficial use of or return from the property.

(c) *Appeals on grounds of extreme economic hardship.* When a claim of extreme economic hardship is presented, the property owner/applicant must prove he cannot realize any reasonable and beneficial use of or return from the property. The finding of the commission shall be made by considering, and the property owner/applicant may submit to the commission, evidence establishing each of the following factors:

(1) The current levels of economic return on the property as considered in relation to the following:

a. For all property:

1. Real estate taxes for the previous four years and the assessed value of the land and improvements thereon according to the two most recent assessed valuations.
2. The amount paid for the property and the date of purchase of the property or other means of acquisition of title, such as by gift or inheritance, and the party from whom purchased or otherwise acquired.
3. The fair market value of the property immediately prior to its designation as a landmark and/or designation of the historic district and the fair market value of the property (in its protected status as a landmark or contributing structure within an historic district) at the time the application for certificate of appropriateness is filed.
4. Remaining balance of any mortgage or other financing secured by the property and the annual debt service, if any, for the previous two years.
5. All appraisals obtained within the previous two years by the property owner/applicant in connection with the purchase, financing or ownership of the property.
6. Any state or federal income tax returns on or relating to the property for the past two years.
7. Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture, or other.

b. For income producing property:

1. Annual gross income from the property for the previous two years.
2. Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed.

3. Depreciation deduction and annual cash flow, if any, for the previous two years before and after debt service, if any, during the same period.
4. Proof that efforts have been made by the owner to obtain a reasonable return on this investment based on previous service.
5. Any other information, including the income tax bracket of the owner, applicant or principal investors in the property, considered necessary by the commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

(2) The marketability of the property considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding:

a. Any real estate brokers or firms engaged to sell or lease the property.
b. Reasonableness of the price or rent sought by the applicant.
c. Any advertisements placed for the sale or rent of the property.
d. Any contracts for purchase submitted.

(3) The infeasibility of adaptive or alternative uses for the property that can earn a reasonable economic return for the property as considered in relation to the following:

a. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
b. Estimate from a registered architect or professional engineer of the cost of construction, alteration, demolition or removal, and estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of proposed alterations.
c. Estimate from a qualified appraiser, with competent credentials, of the market value of the property in the current condition, after completion of the demolition, after completion of the proposed construction, and after renovation of the existing property for continued use.
d. In the case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or use of existing structure on the property.
e. Financial proof of the ability to complete the replacement project, which may include but is not limited to a performance bond, a letter of credit, a trust for completion of improvements, or letter of commitment from a financial institution.
f. Any other information the applicant feels is relevant to show extreme economic hardship.

(4) The commission may require that an applicant furnish such additional information that is relevant to its determination of extreme economic hardship and may require that such additional information be furnished under oath. The commission may also furnish additional information as the commission or staff believes is relevant. In the event any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file an affidavit specifying the information that cannot be obtained and shall describe the reasons why such information cannot be obtained.

(5) The commission shall not consider a self-imposed hardship as an extreme economic hardship. Should the applicant for demolition satisfy the commission that he will suffer an extreme economic hardship if a demolition permit is not recommended, such recommendation shall be made.

(d) *Demolition and construction permits; plans.* Following recommendation of demolition, the applicant must seek approval of replacement plans based on the standards set forth in this section, prior to receiving a demolition permit. Replacement plans for this purpose shall include but not be limited to project concept, preliminary elevations and site plans, and adequate working drawings. Once the commission has approved the permit for replacement construction, the demolition permit may be issued without further action. Permits for demolition and construction shall be issued simultaneously if the requirements set forth in this section are met and the property owner/applicant provides financial proof of his ability to complete the project. When the commission recommends approval of demolition of buildings of historic or architectural significance, permits shall not be issued until all plans for the site have received approval from all appropriate town departments.

(e) *Time period for applications.* Applications for demolition, which demolition involves more than 50 percent of the cubic footage of a landmarked structure, shall be heard by the commission only during the months of November, December, January, February, March and April.

(Code 1982, § 16-41(d))

Sec. 54-126. Reconstruction of a nonconforming use building.

The reconstruction of a building legally nonconforming as to use and destroyed by fire, storm or other act of God shall be governed by the provisions of the zoning ordinance, chapter 134 of this Code, except that the commission shall regulate the exterior design of such buildings in accordance with the criteria set forth in section 54-122.

(Code 1982, § 16-41(e))

Secs. 54-127—54-160. Reserved.

ARTICLE IV. DESIGNATION PROCEDURE

Sec. 54-161. Criteria for landmarks and landmark sites.

A landmark or landmark site shall meet at least one of the following criteria:

(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(2) Is identified with historic personages or with important events in national, state or local history.

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

(4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. Creation of historic districts.

(a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:

(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(2) Is identified with historic personages or with important events in national, state or local history.

(3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.

(4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.

(5) Constitutes a unique area of architecture, landscaping and planning.

(b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

(1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.

(2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.

(3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.

(4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.

(5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.

(6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.

(7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.

(8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. Landmark, landmark site and historic district designation and undesignation procedures.

(a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:

(1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.

(2) Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.

(3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in a newspaper having general circulation in the town.

(4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.

(5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.

(6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

(7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.

(8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.

(9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

(10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.

(11) In accordance with section 54-163(1), the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.

(12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the office of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.

(b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.

(c) Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the county property appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166—54-195. Reserved.

ARTICLE V. TAX EXEMPTIONS*

***Cross references:** Taxation, ch. 114.

Sec. 54-196. Scope of tax exemptions.

A method is hereby created for the town council to allow tax exemptions for the restoration, renovation or rehabilitation of historic properties. The exemption shall apply to 100 percent of the assessed value of all improvements to historic properties that result from restoration, renovation or rehabilitation made on or after the effective date of this section. The exemption applies only to taxes levied by the town. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Fla. Const., art. VII, § 9(b) or § 12. The exemption does not apply to personal property.

(Code 1982, § 16-49(a))

Sec. 54-197. Duration of tax exemptions.

Any exemption granted under this article to a particular property shall remain in effect for ten years, as specified in the ordinance approving the exemption. The duration of ten years shall continue regardless of any change in the authority of the town to grant such exemptions or any changes in ownership of the property. In order to retain an exemption, however, the historic char-

acter of the property, and improvements which qualified the property for an exemption, must be maintained over the period for which the exemption was granted.

(Code 1982, § 16-49(b))

Sec. 54-198. Eligible properties and improvements.

(a) Property is qualified for an exemption under this section if:

(1) At the time the exemption is granted, the property is:

a. Individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended;

b. A contributing property within a National Register listed district; or

c. Designated as historic property, or as a contributing property to an historic district, under the terms of this chapter; and

(2) The commission has certified to the town council that the property for which an exemption is requested satisfies this subsection.

(b) In order for an improvement to historic property to qualify the property for an exemption, the improvement must be:

(1) Consistent with the secretary of the interior's standards for rehabilitation; and

(2) Determined by the commission to meet criteria established in rules adopted by the department of state.

(Code 1982, § 16-49(c))

Sec. 54-199. Applications.

Any person desiring ad valorem tax exemption for the improvement of historic property must, in the year the exemption is desired to take effect, file with the town council a written application on a form approved by the department of state. All applicable fees shall be paid at the time the application is submitted. The application must include the following information:

(1) The name of the property owner and the location of the historic property.

(2) A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvements.

(3) Proof, to the satisfaction of the commission, that the property that is to be rehabilitated or renovated is historic property under this article.

(4) Proof, to the satisfaction of the commission that the improvements to the property will be consistent with secretary of interior's standards for rehabilitation and will be made in accordance with the guidelines developed by the department of state.

(5) Other information identified in appropriate department of state regulations.

(Code 1982, § 16-49(d))

Sec. 54-200. Required covenant.

To qualify for an exemption, the property owner must enter into a covenant or agreement with the town for the term for which the exemption is granted. The form of the covenant or agreement must be established by the department of state and must require that the character of the property, and the qualifying improvements to the property, be maintained during the period the exemption is granted. The covenant or agreement shall be binding on the current property owner, transferees, and their heirs, successors, or assigns. Violation of the covenant or agreement results in the property owner's being subject to the payment of the differences between the total amount of taxes that would have been due in March in each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S. § 212.12(3).

(Code 1982, § 16-49(e))

Sec. 54-201. Review by commission.

The commission or its successor is designated to review applications for exemptions. The commission must recommend that the town council grant or deny the exemption. Such reviews must be conducted in accordance with the rules adopted by the department of state. The recommendation and the reasons therefore must be provided to the applicant and to the town council before consideration of the application at an official meeting.

(Code 1982, § 16-49(f))

Sec. 54-202. Approval by the town council.

A majority vote of the town council shall be required to approve a written application for exemption. Such exemption shall take effect on the January 1 following substantial completion of the improvement. The town council shall include the following in the resolution or ordinance approving the written application for exemption:

(1) The name of the owner and the address of the historic property for which the exemption is granted.

(2) The period of time for which the exemption will remain in effect and the expiration date of the exemption.

(3) A finding that the historic property meets the requirements of this article.

(Code 1982, § 16-49(g))

Tax Abatement Program

Town of Palm Beach: Planning, Zoning & Building Department

Tax Abatement Checklist

The Town of Palm Beach and Palm Beach County have passed a Property Tax Abatement program that is available to local property owners for the restoration, renovation, or rehabilitation of their Landmarked properties. This benefit will abate tax increases on the improvements to the property for a ten year time period. The Abatement is conveyed through a Covenant that accompanies the Deed to the property, and may be transferred to future owners during the Abatement time period. The restorations must comply with the Secretary of the Interior's Standards and be approved through the Certificate of Appropriateness process as established by the Town of Palm Beach Landmarks Commission. The following procedures should be followed by interested property owners.

Questions can be answered by Jane S. Day, Landmarks Consultant at (561) 362-4473.

1. The Tax Abatement project must be publicly announced at a regularly scheduled Landmarks Commission Meeting before restoration begins.

2. To qualify, the property must be an approved Landmark of the Town of Palm Beach. A **Certificate of Landmark Status** is necessary for filing with the County Property Appraiser at the completion of the project.

3. **Part 1- Pre-Construction Application for Tax Abatement** (available at the Planning, Zoning & Building Department) must be filed and presented to staff before work begins.

4. **Certificates of Appropriateness** must be obtained from the Landmarks Commission for all work. Please note that unlike the regular Landmarks procedure, this includes interior as well as exterior changes. No work approved at a staff level qualifies for the Tax Abatement.

5. Prior to the issuance of the **Certificate of Occupancy, Part 2 - Request for Review of Completed Work** must be completed and submitted.

6. The Town Council of the Town of Palm Beach must pass a **Resolution** approving the property and restorations for the Tax Abatement. This occurs at the conclusion of the project and before paperwork is forwarded to Palm Beach County.

7. A completed project file must be delivered to the Palm Beach County Property Appraiser's Office the year when the Abatement is to begin. That file should include:

   a. **Certificate of Landmarks Status**

   b. **Part 1- Preconstruction Application**

   c. Copies of all **Certificates of Appropriateness** for project

   d. List of all changes that meet the Secretary of Interior's Standards as approved by the Town of Palm Beach

   e. **Part 2- Request for Review of Completed Work**

   f. Town of Palm Beach Covenant

   g. Palm Beach County Covenant

   h. **Resolution** from the Town Council certifying the project for the Tax Abatement

   i. Photographs and maps of Subject Property

   j. A duplicate project file must also be delivered to the Palm Beach County Planning, Zoning & Building Department. This file is to include all of the items listed above.

Please note that the responsibility for all Tax Abatement paperwork belongs to the property owner. Staff will schedule the hearing of the **Resolution** with the Town of Palm Beach Town Council, coordinate filing of the documents with Palm Beach County, and answer any procedural questions.

TOWN OF PALM BEACH, FLORIDA

Historic Preservation Property Tax Exemption Application

For a printable form please call the Town of Palm Beach at 561.838.5430
or visit our website at http://palmbeach.govoffice.com

PART 1 – PRECONSTRUCTION APPLICATION

A. GENERAL INFORMATION

1. Property Identification and location:
Property Identification number:
Legal Description:
Address of Property:
Town of Palm Beach, Florida
( ) Individually National Register listed
( ) In a National Register district
( ) Locally designated historic property or landmark
( ) In a locally designated district
Name of historic district:

2. Type of request:
( ) Exemption under 196.1977, F.S. (Standard exemption)
( ) Exemption under 196. 1998, F.S. (Exemption for properties occupied by non-profit organizations or government agencies and regularly open to the public.)
3. Owner information:

Name of individual or organization owning the property:

Mailing Address_____

City_____State_____Zip Code_____

Daytime Telephone Number (_____)_____

4. Owner Attestation:

I hereby attest that the information I have provided is, to the best of my knowledge, correct, and that I own the property described above or that I am legally the authority in charge of the property. Further, by submission of this Application, I agree to allow access to the property by representative of the Historic Preservation Office, and appropriate representative of the Town of Palm Beach, for the purpose of verification of information provided in this Application. I also understand that, if the requested exemption is granted, I will be required to enter into a Covenant with the Town of Palm Beach granting the exemption in which I must agree to maintain the character of the property and the qualifying improvements for the term of the exemption.

Name _____

Signature_____

Date _____

Complete the following is signing for an organization or multiple owners:

_____ _____

Title Organization Name

B. EVALUATION OF PROPERTY

1. Description of physical appearance:

Date of Construction_____

Date(s) of Alteration(s)_____

Has building been moved ( ) Yes ( ) No.

If so, when? _____

2. Statement of significance:

3. Photographs and maps: (Attach photographs and maps to application. Label all clearly with site name, location, view)

C. DESCRIPTION OF IMPROVEMENTS (to be completed by **all applicants**):

Include site work, new construction, alterations, etc.

FEATURE 1
Feature
Approx. date of feature
Describe existing feature and its condition:
Photo no._____ Drawing no._____
Describe work and impact on existing feature:

FEATURE 2
Feature
Approx. date of feature
Describe existing feature and its condition:
Photo no._____ Drawing no._____
Describe work and impact on existing feature:

FEATURE 3
Feature
Approx. date of feature
Describe existing feature and its condition:
Photo no._____ Drawing no._____
Describe work and impact on existing feature:

FEATURE 4
Feature
Approx. date of feature
Describe existing feature and its condition:
Photo no._____ Drawing no._____
Describe work and impact on existing feature:

FEATURE 5
Feature
Approx. date of feature
Describe existing feature and its condition:
Photo no._____ Drawing no._____
Describe work and impact on existing feature:

FEATURE 6
Feature
Approx. date of feature
Describe existing feature and its condition:
Photo no._____ Drawing no._____
Describe work and impact on existing feature:

D. PROPERTY USE (To be completed by **all applicants**):

Use(s) before improvement:

Proposed use(s) after improvement

E. SPECIAL EXEMPTION (Complete only if applying for exemption under s.196.1998, F.S. - property occupied by non-profit organization or government agency and regulars open to the public.)

1. Identify the government agency or non-profit organization that occupies the building:
2. How often does this organization or agency use the building?
3. Indicate the total usable area of the building in square feet.
4. How much does the organization or agency?
5. What percentage of the useable area does the organization or agency use?
6. Is the property open to the public? ( ) Yes ( ) No. If so, when?
7. Are there regular hours? ( ) Yes ( ) NO. If so, what are they?
8. Is the property also open by appointment? ( ) Yes ( ) No.
9. Is the property open **only** by appointment? ( ) Yes ( ) No.

Landmarks Commission Property Application

TOWN OF PALM BEACH

LANDMARKS PRESERVATION COMMISSION
360 South County Road, Palm Beach, FL 33480
(561) 227-6414 for John Lindgren, Planning Administrator
(561) 227-6408 for Cindy Delp, Secretary for the Landmarks Preservation Commission

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

ADDRESS OF PROPERTY: _____

OWNER OF PROPERTY: ** _____

(Address) _____

(Address) _____

(Phone) _____

APPLICANT'S NAME: ** _____

(Address) _____

(Address) _____

(Phone) _____

ARCHITECT FOR PROJECT: ** _____

(Firm name) _____

(Architect's name) _____

(Architectural firm's address) _____

(Architectural firm's address) _____

(Phone Number) _____ (Fax Number) _____

☐ **Check this box if you are an LPC member, and this project will result in a Voting Conflict for you.**

TYPE OF PROJECT:

☐ Restoration ☐ Demolition (Interior)

☐ Rehabilitation ☐ Demolition (Exterior)

☐ Reconstruction ☐ Sign

☐ Addition to historic structure ☐ Awning

☐ New Accessory Structure ☐ Exterior Color Change

☐ Landscape/Hardscape

☐ Other _____

Is this a tax abatement project? (Must check one)

Yes _____ or No _____

****TAX EXEMPTION PROJECTS: PART 1- PRECONSTRUCTION APPLICATION MUST BE FILED AS PART OF THIS APPLICATION (SEE ATTACHED)****

Does this project require a Town Council approval?
(Must check one) Yes ___ or No____

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DESCRIPTION OF PROJECT:

(Please give a **comprehensive** description of the project which **fully describes** the changes to the landmarked building and/or landmarked property.

Attach additional sheet if necessary.)

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

SUBMISSION CHECKLIST:

(Submit all of the following, as required for your project)

☐ Site Calculations (to be printed on Site Plan)

☐ Site Plan (must show any and all adjacent right-of-way)

☐ Materials Removal Plan (must delineate any and all materials that are to be removed or relocated in the construction process). This drawing shall be titled

☐ "Materials Removal Plan." If no original materials are scheduled to be removed or relocated, it shall be so noted on the floor plans.

☐ Survey (for new construction)

☐ Existing Elevations

☐ Proposed Elevations

☐ Details such as columns, railings, awnings, signs, etc. drawn to scale

☐ Floor plans

☐ Photographs, Original and/or Existing

☐ Color Samples and/or Fabric Samples

☐ Other

☐ **NOTE:** 14 Sets of Reduced Plans are to be brought to the meeting by the applicant and are to be distributed to each LPC member, staff, and the clerk.

The undersigned hereby certifies that the project described in this application, and as detailed by plans and other materials submitted, will be constructed in exact accordance with the aforesaid plans and specifications.

Signed by: _____ OR
_____

(Property owner) (Owner's Legally Authorized Agent*)

Printed name: _____ Printed Name:
_____

***If signed by a Legally Authorized Agent, must be accompanied by a Power of Attorney or statement from property owner authorizing the signer to sign on owner's behalf.**

NOTIFICATION TO SURROUNDING PROPERTIES OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

LANDMARKS PRESERVATION PROGRAM

Notice is hereby provided to all property owners within 250' of the subject property listed below that a public hearing will be held by the Landmarks Preservation Commission on _____, 20_____, on or after **9:30 a.m.** to consider an application for a Certificate of Appropriateness for the following described real property. The meeting will be held **AT THE TOWN'S EMERGENCY OPERATIONS CENTER WHICH IS LOCATED ON THE 3RD FLOOR OF THE CENTRAL FIRE STATION AT 355 S. COUNTY ROAD, PALM BEACH.**

Subject property address: _____

Owner: _____

Applicant: _____

Request approval of: _____

All interested persons may appear and be heard at said public hearing and may likewise submit written statements prior to and at said public hearing. The application for Certificate of Appropriateness and exhibits, such as plans and other supporting documentation, are available for inspection at the Town's Planning, Zoning & Building Department, 360 S. County Road, south entrance, weekdays between the hours of 8:30 a.m. and 4:30 p.m.

If any person decides to appeal any decision made by the Landmarks Preservation Commission related to this matter, he/she will need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based.

If we can be of further assistance relative to this matter, please contact Timothy Frank, Planning Administrator at 227-6414 or Cindy Delp, Office Manager at 227-6408.

Sincerely,

John S. Page, Director of Planning, Zoning and Building

JSP/cmd

NOTICE AFFIDAVIT

STATE OF FLORIDA

COUNTY OF PALM BEACH, TOWN OF PALM BEACH

BEFORE ME THIS DAY PERSONALLY APPEARED _____ WHO BEING DULY SWORN, DEPOSES AND SAYS THAT:

1. He/she is the owner, or the owner's authorized agent, of the real property legally described in the Application for Certificate of Appropriateness; and

2. The accompanying Property Owners List is, to the best of his/her knowledge, a complete and accurate list of all property owners' mailing addresses and property control numbers dated no more than 90 days prior to the Landmarks Preservation Commission hearing at which the subject application will be heard, and as recorded in the latest official tax rolls for the subject property and all other property within two hundred fifty (250) feet of the real property described in the Application for Certificate of Appropriateness, or all property within two hundred fifty (250) feet of all contiguous property owned wholly or in part by the owner of the real property described in the Application for Certificate of Appropriateness, if applicable; and

3. A copy of each page of the application plus supporting documentation is included in each envelope submitted for mailing, using the label provided by the Property Appraiser.

FURTHER AFFIANT SAYETH NOT.

The foregoing instrument was acknowledged before me this _____ day of _____,

by _____ who is personally known to me or who

has produced _____ as identification and who did (did not) take an oath.

(type of identification) _____

(Signature of Person Taking Acknowledgment) Applicant's Signature _____

(Printed Name of Acknowledger) Applicant's Printed Name _____

(Title or Rank) Street Address _____

(Serial Number, if any) City, State, Zip Code _____

Telephone number _____

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CERTIFICATE OF APPROPRIATENESS

FILING GUIDELINES

FILING DEADLINE: 30 DAYS PRIOR TO THE MEETING DATE
(See exception below)

Please note** that if your project requires variance, special exception or site plan review approval by the Town Council, **and** the Zoning Administrator informs you that your project will be heard informally by the Landmarks Preservation Commission **prior** to receiving Town Council approval, the filing deadline listed above **DOES NOT APPLY.** IF SUCH IS THE CASE, THE FILING DEADLINE FOR THE LANDMARKS PRESERVATION COMMISSION IS THE SAME AS THE FILING DEADLINE FOR VARIANCE, SPECIAL EXCEPTION OR SITE PLAN REVIEW (ON THE FRIDAY FOLLOWING THE 3RD TUESDAY OF THE MONTH)***

Exception Example:
Date Town Council action to occur: Wednesday, August 12, 2009
Town Council/LPC filing deadline Friday, June 19, 2009
Informal LPC review date Thursday July 16, 2009
Town Council Meeting date Wednesday August 12, 2009
Formal LPC review date Tuesday August 18, 2009

****

LANDMARKS FILING FEE:
$ 500.00 FOR ALL PROJECTS
(EFFECTIVE 10/4/2007)

****

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A COMPLETE LANDMARKS APPLICATION IS COMPOSED OF THE FOLLOWING:

- ☐ The **Application for Certificate of Appropriateness**
- ☐ A **check in the amount of $500.00** payable to the Town of Palm Beach
- ☐ **One (1) set of complete plans and any other required submission materials**
- ☐ A signed and notarized **Notice Affidavit**
- ☐ A **Tax Map** identifying the subject property, a 250 ft. radius around the property
- ☐ A **List of all property owners** within that 250 ft. radius, including the subject property owner. This list, along with address labels, must be obtained from the Palm Beach Property Appraiser's Office, Mapping Department, 301 North Olive Avenue, Fifth Floor, West Palm Beach. You will need a property identification number (known as a property control number or folio number) of the subject property to obtain the list. You should allow at least 10 days to receive this list from the Property Appraiser. This list should be dated no earlier than ninety (90) days prior to the date of the meeting at which the application will be heard.
- ☐ **Stuffed and sealed envelopes with correct postage stamps applied** (not metered postage). Envelopes are to contain a copy of the Application for Certificate of Appropriateness and the Notification to Surrounding Properties of Application for Certificate of Appropriateness. Envelopes are to be prepared for all property owners whose names appear on the list of property owners within that 250 ft. radius. The return address on each envelope should read as follows: Town of Palm Beach, Planning Zoning & Building Department, 360 S. County Road, Palm Beach, Florida 33480. The subject address should appear on the face of the envelope (bottom left) as such: RE: (street address) - Landmarks Preservation Commission. Envelopes are to be submitted to the Town and the Town will actually mail them.
- ☐ **Sample envelope** (unsealed) containing a copy of the Application for Certificate of Appropriateness and the Notification to Surrounding Properties of Application for Certificate of Appropriateness.
- ☐ **14 Sets of Reduced Plans** are to be brought to the meeting by the applicant and are to be distributed to each LPC member, staff, and the clerk.

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PLAN PARTICULARS

- ☐ **PLANS ARE TO BE DRAWN IN BLACK LINE ONLY.**
- ☐ **1/4" SCALE IS PREFERRED. 1/8" SCALE MAY BE PERMITTED IF THE PRESENTATION IS ADEQUATE AND SUFFICIENTLY DETAILED. 1/8" SCALE PLANS MAY NOT NECESSARILY BE APPROVED IF THEY ARE LACKING IN DETAIL.**
- ☐ **PLANS PRESENTED AT BOARD AND COMMISSION MEETINGS MUST BE "PRESENTATION QUALITY" DRAWINGS.**
- ☐ **PLANS MUST CLEARLY INDICATE THE AREAS OF THE HOUSE AND/OR PROPERTY WHICH ARE BEING CHANGED.**
- ☐ **PLANS MUST BE FULLY NOTATED AND DIMENSIONED TO ENABLE STAFF AND COMMISSION REVIEW.**
- ☐ **SITE CALCULATIONS MUST APPEAR ON THE SITE PLAN, WHICH IS PART OF THE REQUIRED SET OF PLANS.**
- ☐ **ANY MATERIALS THAT ARE TO BE REMOVED OR RELOCATED SHALL BE DELINEATED AND NOTED ON THE MATERIALS REMOVAL PLAN PAGE WHICH MUST BE INCLUDED IN THE PLAN SET.**
- ☐ **MATERIALS SHOULD BE NOTED ON THE PLANS.**
- ☐ **PLANS MUST BE SIGNED AND SEALED BY THE ARCHITECT.**
- ☐ **ELEVATION DRAWINGS MUST REFLECT THE EXISTING ELEVATION AND THE PROPOSED ELEVATION ON THE SAME PAGE, SO THAT ELEVATION CHANGES ARE EASILY DISCERNIBLE.**
- ☐ **MODEL REQUIRED FOR PROJECT OVER 10,000 SQUARE FEET**
- ☐ **REVISED PLANS**: If an applicant revises the plans, after making application for a Certificate of Appropriateness and prior to the hearing date, the applicant must submit one set of revised plans to the Town. **The last date available to submit revised plans is one week prior to the meeting date.** Revised plans should be submitted to Cindy Delp, Secretary for the Landmarks Preservation Commission.

CAUTION: "APPLICATIONS AND PLANS PROVIDING INCOMPLETE OR INCORRECT INFORMATION WILL BE DEFERRED TO THE FOLLOWING MONTH."

DEFERRALS: "PLEASE NOTE THAT AS OF THE JULY 18, 2007 LPC MEETING, IT WAS DECIDED THAT APPLICANTS NEED TO BE PRESENT AT THE LPC MEETING TO REQUEST A DEFERRAL; THAT THE FIRST DEFERRAL WOULD MOST LIKELY BE GRANTED; THAT A REQUEST FOR A SECOND DEFERRAL REQUIRES JUSTIFICATION; AND, THAT A THIRD DEFERRAL WILL LIKELY NOT BE GRANTED.

WHO CAN PRESENT?

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THE LANDMARKS PRESERVATION COMMISSION REQUIRES THAT THE PERSON PRESENTING A PROJECT FOR REVIEW SHALL BE AN ARCHITECT LICENSED BY THE STATE OF FLORIDA, OR AN INDIVIDUAL WHO IS UNDER THE DIRECT SUPERVISION OF THE SIGNING/SEALING ARCHITECT, i.e., AN INDIVIDUAL WHO IS EMPLOYED OR COMPENSATED BY THAT ARCHITECT.

GUIDELINES FOR PRESENTING PROJECTS TO THE LANDMARKS PRESERVATION COMMISSION

1. All presentations must be completed in a formal and professional manner. Applicants must come prepared with **PRESENTATION QUALITY PLANS,** material samples, photographs, and any other presentation materials necessary for the Landmarks Preservation Commission to review the project. Insufficient presentations will result in a deferral of the project.

2. Presenters must use the hand held microphone and speak directly into it when addressing the Landmarks Preservation Commission.

3. Presenters must bring their plans mounted on display boards. These plans will be placed on camera and projected to the audience. Easels will be available to facilitate presentations. **Display boards should be prepared with heavy line drawings and colored to permit clear viewing by the public via the camera and screen.**

4. Necessary photographs may be mounted on boards, or distributed in booklet form, or distributed individually to the members of the Landmarks Preservation Commission.

5. The agenda for the Landmarks Preservation Commission is available at least one week in advance of the meeting date. Applicants may obtain a copy of the agenda from the Internet at www.townofpalmbeach.com, or at the Planning, Zoning & Building Department. Agendas are tentative and subject to change.

6. Following review, the Landmarks Preservation Commission may:

   (a) Issue a Certificate of Appropriateness, or

   (b) Defer the project to the next month for additional study or information, or

   (c) Deny the project for specified reasons

7. Ordinary maintenance or repairs,(*meaning "work done to prevent deterioration of a building or to correct any deterioration, or decay of, or damage to a building or any part thereof by restoring the building as nearly as practicable to its condition prior to such deterioration, decay or damage, Section 54-2, Town of Palm Beach Code of Ordinances*) which do not involve a change of design or material, or affect the outward appearance of a building, DO NOT require a Certificate of Appropriateness. The requirement for a Certificate of Appropriateness may also be waived for a "minor exterior change" (*meaning "an exterior change the cost of which does not exceed $2,000.00 as determined by the Building Official and is determined by the Landmarks Project Coordinator to not materially affect the exterior of the structure"*) in some cases, per Section 54-71 (e) of the Town of Palm Beach Code of Ordinances.

8. Applicants may refer to the Town of Palm Beach Code of Ordinances, Chapter 54 which speaks to the Landmarks Preservation Commission, Certificates of Appropriateness, Landmark Designations, and Tax Exemptions for landmarked properties.

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Landmarks Commission Commissioner Application

TOWN OF PALM BEACH

For a printable form please call the Town of Palm Beach at 561.838.5430
or visit our website at http://palmbeach.govoffice.com

APPLICATION FOR SERVICE ON: LANDMARKS PRESERVATION COMMISSION

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail clerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

(Please be advised that members of the Landmarks Preservation Commission must file an annual financial disclosure form per State law.)

Name: _____

Residence Address: _____

Mailing Address: _____

Home Telephone: _____

E-mail Address: _____

Work Telephone: _____

Length of Residency I am a registered voter of the Town of Palm Beach _____ (please initial)

Town of Palm Beach: _____ Year of registration _____

1. Why are you interested in serving on the Landmarks Preservation Commission? (Please explain and attach additional pages if necessary)
2. How many meetings of the Landmarks Preservation Commission have you attended in the last year?
3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.
4. Please indicate if there are any periods of time for which you will be unavailable for meetings.
5. Have you ever lived in or owned a landmarked home or property? Yes ____ No____ (If so, where?)
6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.

7. Are you a member of any of the following organizations? (Check all that apply)

☐ National Trust for Historic Preservation

☐ Preservation Foundation of Palm Beach

☐ Florida Trust for Historic Preservation

☐ North End Property Owner's Association

☐ Palm Beach County Historical Society

☐ Palm Beach Civic Association

☐ Citizens' Association of Palm Beach

☐ Other Preservation Organization: _____

8. Present occupation _____

   No. of years _____

   Employer _____

9. Past occupation(s) _____

   No. of years _____

   Employer(s) _____

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that apply)

☐ Architecture ☐ History ☐ Design ☐ Landscape Architecture/Design

☐ Architectural History ☐ Building Construction

11. Please provide details regarding your educational background:

12. Why do you feel that you are qualified to serve on the Town's Landmarks Preservation Commission (Attach additional page if necessary)

13. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Family Member Name _____

Relationship _____

Address _____

Occupation _____

Employer _____

14. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations?

15. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the _____if I am appointed to the position I am seeking in this application. board/commission/committee.

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE:_____

DATE:_____

**Please note that Board/Commission applications will expire on September 30 of each year. New applications must be completed for each vacancy advertisement in order to be considered for appointment.

LANDMARKS PRESERVATION COMMISSION

(LPC) - The LPC safeguards the Town's historic and cultural resources through its landmarked structures and historic districts. This State of Florida Certified Commission reviews and approves structural and landscape modifications to Designated structures and properties. This Commission is comprised of seven regular and three alternate members, who are registered voters of the Town of Palm Beach and appointed by the Town Council, and who have, to the highest extent practicable, a special knowledge of and a known interest in landmarks preservation. One commissioner may be a non-registered voter who possesses specific knowledge or skills directly related to the preservation of historic structures or property.

The following information is required by Florida Statute 760.80.
Please check one in each category.

RACE/GENDER

☐ African American ☐ Native American

☐ Asian American ☐ Caucasian

☐ Hispanic American ☐ Other

☐ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☐ No

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Books and Articles

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_____. *The Mansion Builders.* James R. Knott, 1990.

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Government Sources

State of Florida, Division of Historical Resources, Florida Master Site File Forms

Town of Palm Beach:
Planning, Zoning & Building Department

Private Collections

The Historical Society of Palm Beach County

The John L. Volk Foundation

Preservation Foundation of Palm Beach

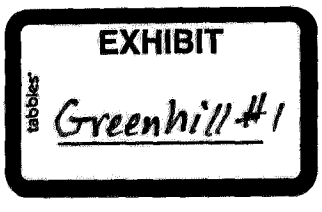
Maps

Sanborn Fire Insurance Maps. On file with the Historical Society of Palm Beach County.

Town of Palm Beach:
Planning, Zoning & Building - Plat Maps

686 ISLAND DRIVE

Property lacks the Significance and Integrity necessary for designation



The Consultants seek to show that 686 Island Drive meets the Town's criteria for landmarking.* However, they have failed to do so. The house lacks the necessary Significance and Integrity necessary to meet the criteria.

The property's owner, Robert F. Greenhill, a "wonderful steward" of the property (Designation Report, p. 8), opposes the Town's proposed designation of the property and has sent the following letter to the Commission:

*Sec. 54-161 (1), (3) & (4) Criteria for landmarks and landmark sites.

Dear Commission Members:

My name is Robert F. Greenhill and I have lived at 686 Island Drive since 2010. I know that some of your staff have recommended that my home be landmarked. I believe that that would be a mistake. While I love my home, the previous owners made a number of changes to the home as did I. While the changes have certainly made the home more comfortable, the home has changed. There is little, if any, resemblance to the home that was built in 1955. The architect was a journeyman architect of no special repute or talent.

I visited a number of other beautiful, historic homes designed by highly talented architects in the Town of Palm Beach and this is not one of them.

Because of COVID-19, I will be unable to attend the Landmarks Preservation Commission meeting on Wednesday, November 18th. However; my daughter, Sarah Wildasin, will be in attendance and has full authority to speak on my behalf.

In conclusion, I respectfully urge this Commission not to landmark this property. There are plenty of beautiful homes in the Town of Palm Beach designed or built by outstanding architects or builders and this is not one.

Sincerely,

Robert F. Greenhill

However, 686 Island Drive is sited substantially below the base flood elevation, affecting the home's Integrity.



686 Island Drive is subject to regular, heavy flooding in the front and back, again, affecting Integrity.



- The Consultants' Designation Report has not met the burden of showing that 686 Island Drive "meets" the Town's designation criteria. Simply stating that the home "meets the criteria" is not enough.
- To show that a property "meets the criteria", the town must, as a Certified Local Government, show that the property not only meets the criteria but possesses both "Significance" and "Integrity" within an "Historic Context."
- The Criteria must be evaluated using historic preservation's industry-accepted National Register based criteria evaluation methodology.

The Town is a Certified Local Government (CLG)

- Under federal and state law the Town's "**criteria and process**" must be "***. . . the same as or substantially the same . . .***" as that set forth in the National Register of Historic Places.*

Town's criteria and process **must be** the same or substantially the same as the criteria and process required by the National Register

* Florida CLG Guidelines, 36 CFR Part 61

The Town's own Landmark's Manual (pg. 6, 2009) provides guidance on criteria and process that was **not followed** in this case:

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"Not all old structures are worthy of landmark status."

"A building must have an **important** historical association; it must be an **outstanding** example of architectural design, or it must be a **significant work** of a notable architect or master craftsman."

Rick Gonzalez, AIA President

REG ARCHITECTS

Rick Gonzalez, AIA
President

Professional Experience
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- Juno Pointe, Juno Beach, FL
- Testa's, Palm Beach, FL.
- Blue Harbor, Ft. Pierce, FL
- Landmark Town Center @ Doral, FL
- Vista del Lago Town Center, Cutler Bay, FL
- Melody Place, Downtown Ft. Pierce, Ft. Pierce, FL
- Transit Village, West Palm Beach, FL
- Lake Okeechobee/Palm Beach County LORE Design Guidelines
- Delray Beach CRA, 9th Avenue Redevelopment, Delray Beach, FL
- Virginia Key Master Plan, Virginia Key, FL
- Northwood Facades Study, West Palm Beach, FL
- Historic Delray Design Guidelines, Delray Beach, FL
- DDA Downtown Facades, West Palm Beach, FL



Registrations
State of Florida- 1992
NCARB- 1992

Education:
The Catholic University of America, Washington, D.C.
Bachelor of Science in Architecture - 1984
Bachelor of Architecture - 1985
Miami-Dade College, Miami, FL
Associate of Arts Degree - 1982
Francisco Marroquin University, Guatemala City, Guatemala, Architectural Studies - 1980
Autonomous University of Central America, San Jose, Costa Rica, Architectural Studies - 1979

Awards:
2020
- AIA Palm Beach Historic Award for Boynton Beach Cultural Center
- AIA Palm Beach Anstis Lifetime Achievement Award

2019
- Halsey Building for Florida Trust of Historic Preservation
- Halsey Building AIA Palm Beach Excellence

2017
- Judge Knott Historical Contribution Award from the Historical Society of Palm Beach County
- City of West Palm Beach Excellence in Service in Historic Preservation Award

2016
- City of Lake Worth Rehabilitation/Restoration Award for "J" Street

2015
- AIA Palm Beach Chapter Excellence Award, Palm Beach Towers
- Florida Trust Award (FTHP) Goldstream Goodwill Preservation Award

2013
- Florida Trust for Historic Preservation Award for Cultural Council of Palm Beach County
- AIA Palm Beach Chapter Excellence Award for Historic Cultural Council of Palm Beach County
- AIA Palm Beach Chapter Merit Award for Private Equestrian Facility
- Florida Community Redevelopment Award for Outstanding Reuse for "Little House" Restaurant

2009
- AIA Palm Beach Firm of the Year Award
- AIA Palm Beach Chapter Recognition Award for Corporate Place at Tradition
- Silver National Excellence Award for the Palm Beach County SWA Transfer Station at I-95 and Lantana Rd.

2008
- Florida Trust Award (FTHP) & AIA Palm

Four different architects have worked on 686 Island Drive over time.

- 1955 Henry Harding
- 1988 Smith-Obst Associates
- 1994 Smith Architectural Group
- 2017 YRA Design Group, Window Replacement

Additions have more than doubled the size of the house over time and eliminated any Integrity of design the original house may have had.

The Consultants have failed to show that 686 Island Drive meets Criterion 3 for landmarking.

- 686 Island Drive does not "*embody distinguishing characteristics of an architectural type*" and is not "*a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.*"
- The façade is a hodgepodge of Monterey and Neoclassical styles, and many of the original features of the façade have been altered.
- Massive additions to the home over time have destroyed the home's Integrity and its ability to convey any Significance it may once have had.

The Designation Report tries to gloss over the façade alterations and massive additions to the home.

"All of the alterations were in keeping with the historic character of the dwelling" p. 6

In fact, any "historic character" of the original structure – questionable at best – has been overtaken by massive additions and alterations to the original structure.

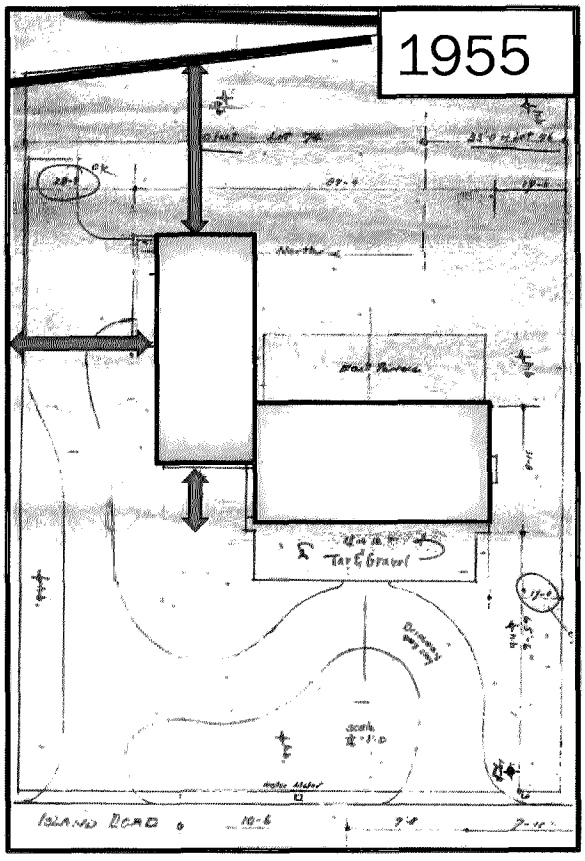
Designation report says:

- "Representative of Neo-Classical Revival"
- "frame dwelling with brick veneer"
- "gable roof with flat tiles"
- "Ornate wrought iron railing"

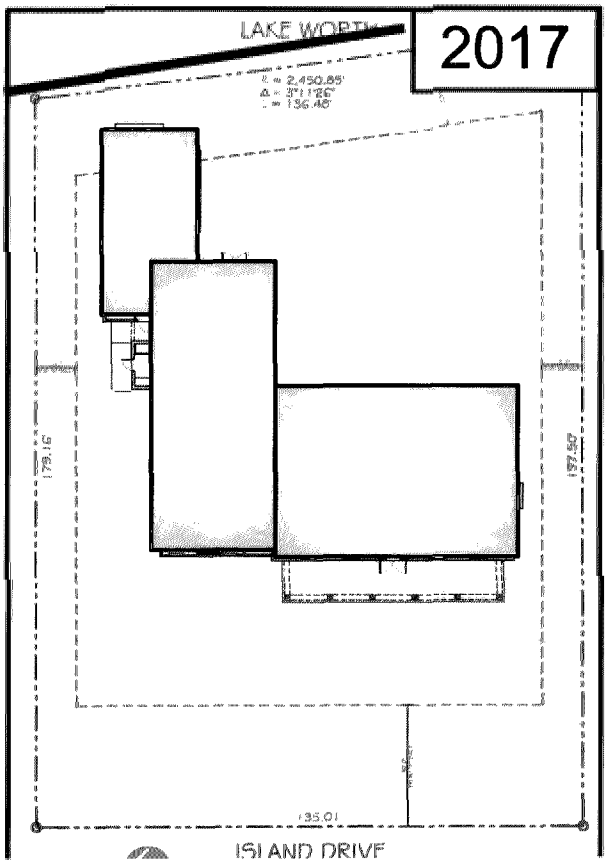
But in fact...

- House is a hybrid with hodgepodge of architectural design styles
- House is a block dwelling no brick veneer: brick was stuccoed over to the roofline in 1988 contrary to Secretary of Interior guidelines*
- Original roof was asbestos shingles
- Railing replaced when brick stuccoed over in 1988

**See, The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*, Kay D. Weeks and Anne E. Grimmer (1995), p. 168


1955
ISLAND ROAD

N

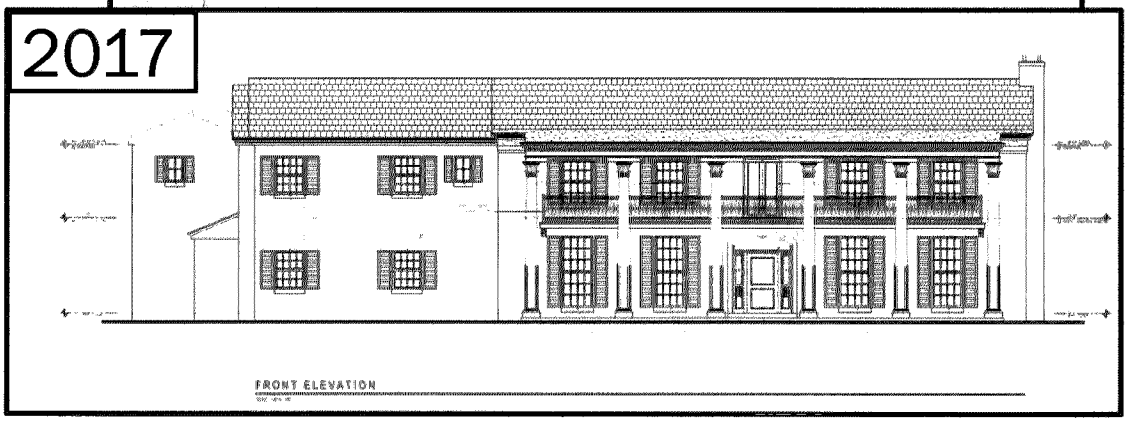

2017
LAKE WORTH
L = 2,450.85'
Δ = 3°11'26"
= 136.48'
135.01
ISLAND DRIVE

West Elevation

1955

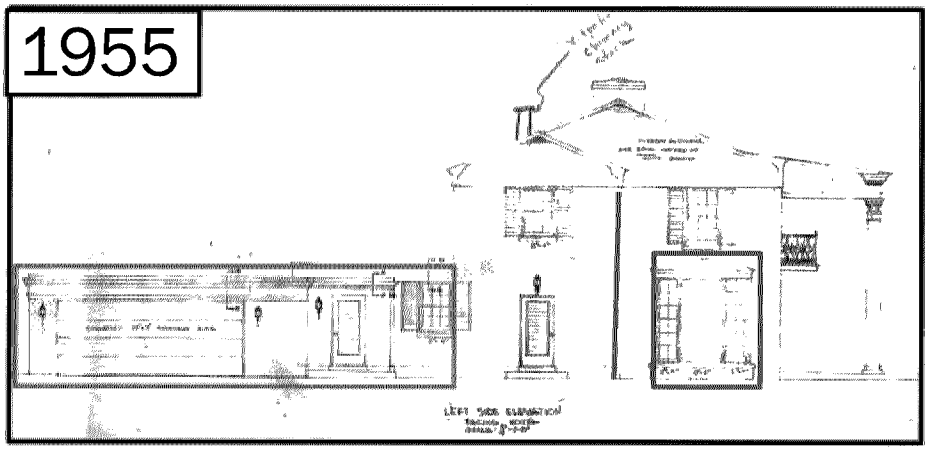


2017



North Elevation

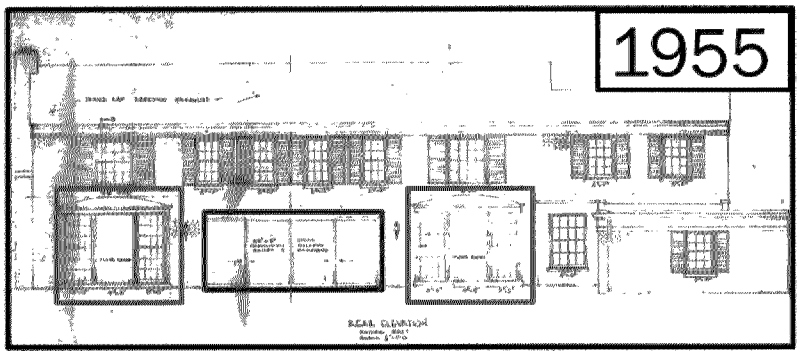
1955



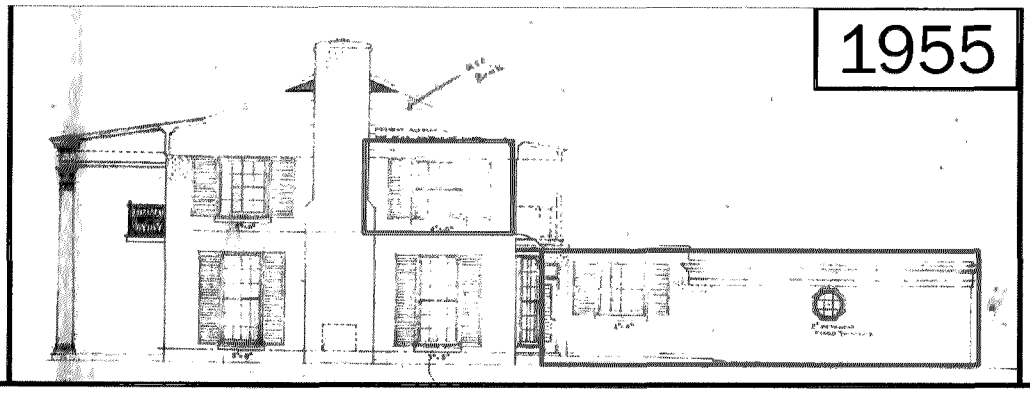
2017



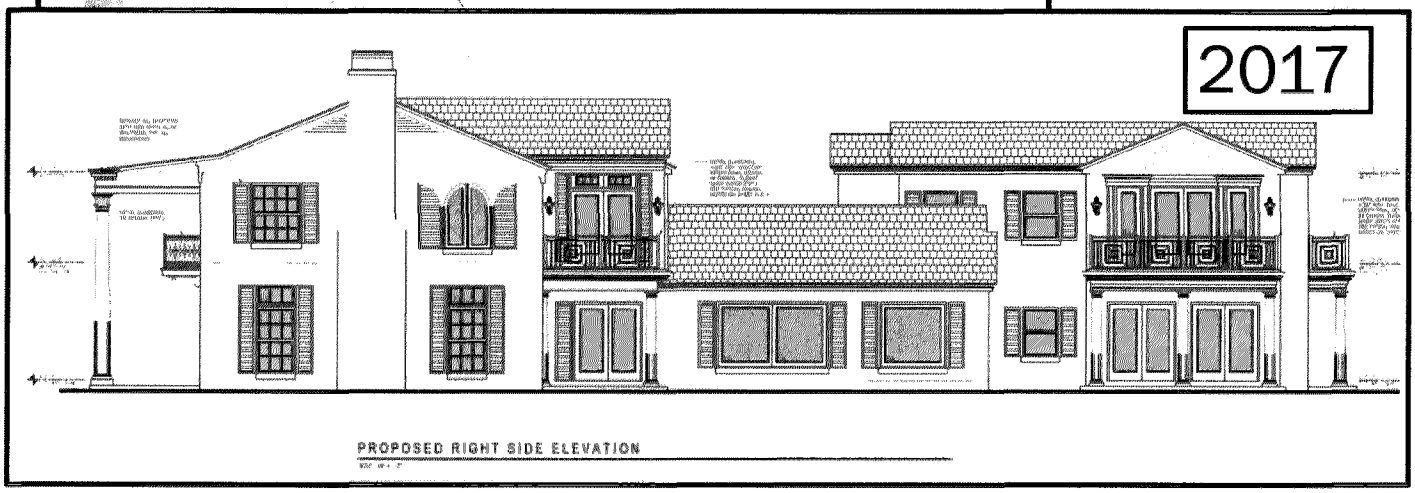
East Elevation

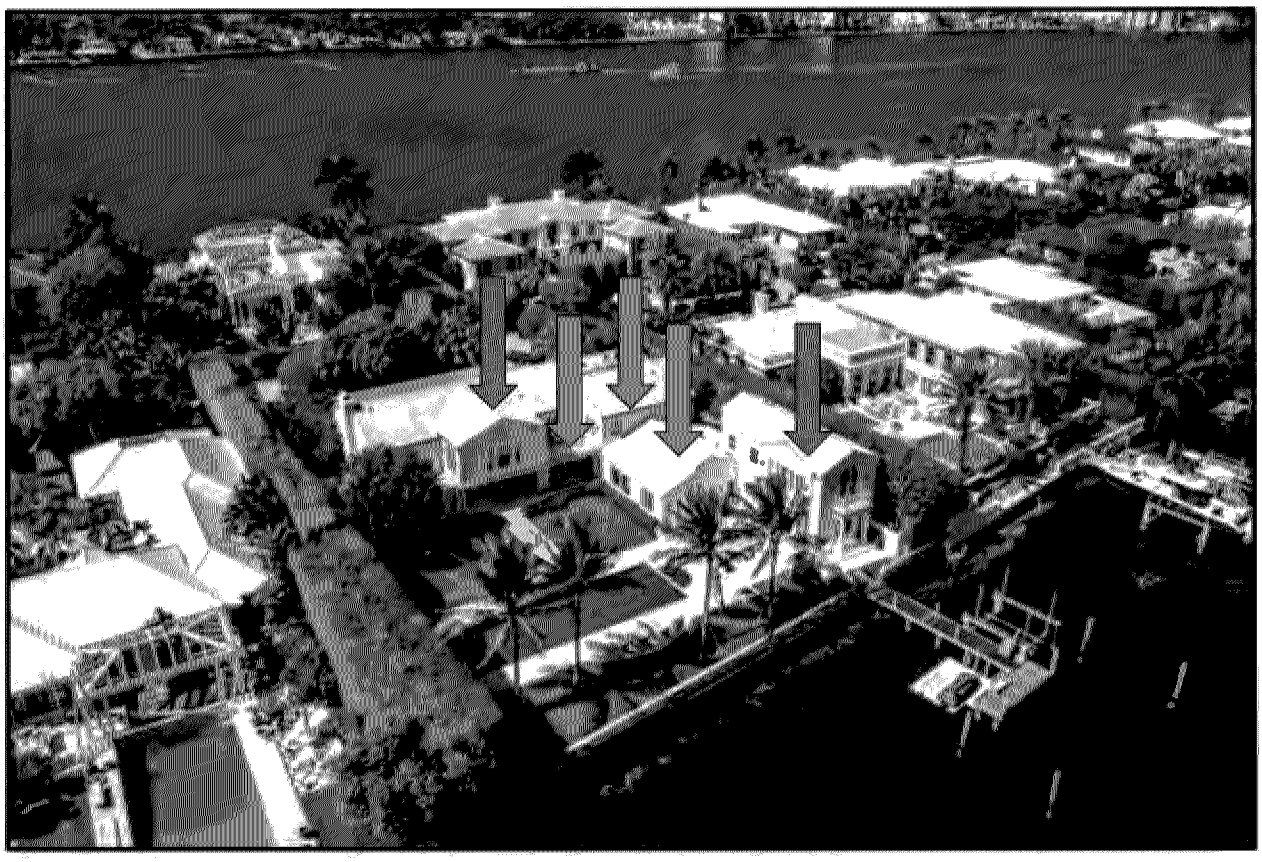






South Elevation

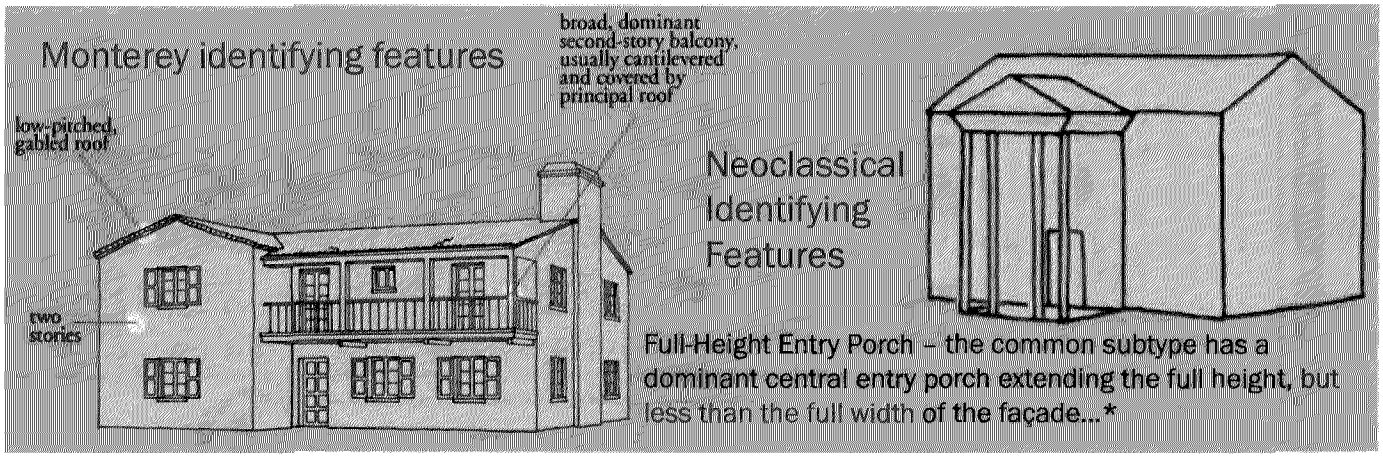




The Designation Report focuses on the building's façade, but that also lacks integrity.

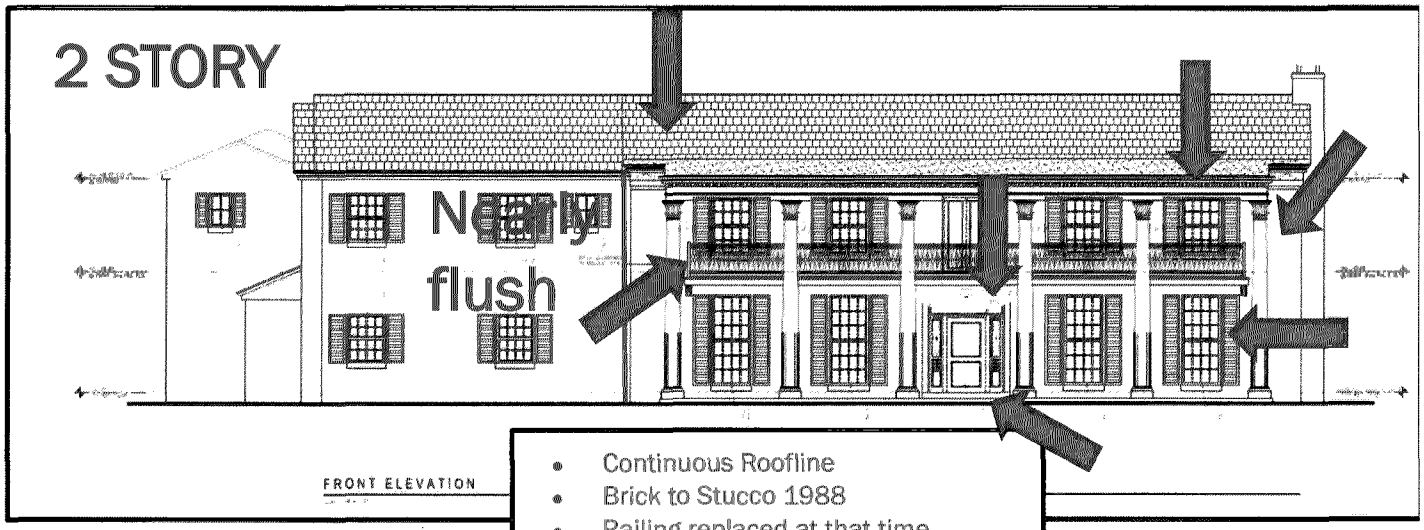


The 686 façade is a hodgepodge of Monterey and Neo Classical



*McAlister, V. (2015). *A Field Guide to American Houses: The Definitive Guide to Identifying and Understanding America's Domestic Architecture*. Alfred A. Knopft Inc. (Cited in Designation Report Bibliography)

And façade has been fundamentally altered.



TODAY

- Continuous Roofline
- Brick to Stucco 1988
- Railing replaced at that time
- Roof Shingles to Tile, Roofline
- Front Entrance Detail and Lanterns
- Windows and shutters
- Floor Deck Finish

The eclectic, altered façade and massive additions to the home over time render 686 inappropriate for designation.





The Town also fails to show that Criterion 4 is met:

- Henry Harding is not generally regarded as a master architect.
- It would be a stretch to say that his individual ability "influenced his age."
- There is no biography of Henry Harding in print. There is one oblique reference to him as a lesser architect in all of the books cited in the Designation Report's bibliography.

Criterion is 4 not met:

- Even if Harding were considered a "master builder" 686 Island Drive is not a "notable work," even in its original form.
- Even the Designation Report does not rely on builder C.G. Warner Construction Company as a master builder.
- The Consultants have not met their burden of showing how this home is Significant in any way, other than the mere fact that it exists in Palm Beach.

The Designation Report also fails to show that 686 Island Drive meets Criterion 1 for Designation Report.

Criterion 1 deals with Significance within an Historic Context.
Specifically, Criterion 1 requires that the property

> *"exemplify or reflect the broad cultural, political, economic or social history of the nation, state, county or town."*

The Designation Report's justification for designation under Criterion 1 completely fails to suggest any way
In which 686 Island Drive "exemplifies" or "reflects" historic events in Palm Beach.

Designation report says:

- "reflects the broad cultural, economic and social history of the Town..."
- "Though first initiated in 1937, the creation of Everglades Island was mostly completed after World War II and into the 1950s when bulkheads, fill and utilities for the dwellings were completed for the mostly manmade island."
- 686 Island Drive is an outstanding representative of this unique post war Palm Beach development.

*National Register Bulletin. "How to Apply the National Register Criteria for Evaluation, Criterion A: Event. Applying Criteria A: Event. Significance of the Association," p. 12. (historic association must be "important"; "property is not eligible if its associations are speculative").

Historical Context Requires

- Simply stating that the house meets the Criterion 1 is not enough.
- "Mere association with historic events or trends is not enough, in and of itself, to qualify under Criterion [1]: the property's specific association must be considered important as well."*
- House was built in 1955; it has no Significant connection with historical period except being built shortly afterward.
- No reason given why house is an "outstanding representative" of anything.

Conclusion: 686 Island Drive does not meet the Town's Criteria for designation

Criterion 1 **(History):** 686 does not exemplify or reflect the broad cultural, political, economic or social history of the nation, state, county or town.

Criterion 3 **(Architecture)**: 686 does not embody distinguishing characteristics of an architectural type and is not a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

Criterion 4 **(Architect):** 686 is not representative of the **notable** work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

686 ISLAND DRIVE

Property lacks the Significance and Integrity necessary for designation

The Consultants seek to show that 686 Island Drive meets the Town's criteria for landmarking.* However, they have failed to do so. The house lacks the necessary Significance and Integrity necessary to meet the criteria.

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- Teste's, Palm Beach, FL.
- Blue Harbor, Ft. Pierce, FL
- Landmark Town Center @ Doral, FL
- Vista del Lago Town Center, Cutler Bay, FL
- Melody Place, Downtown Ft. Pierce, Ft. Pierce, FL
- Transit Village, West Palm Beach, FL
- Lake Okeechobee/Palm Beach County LORE Design Guidelines
- Delray Beach CRA, 9th Avenue Redevelopment, Delray Beach, FL
- Virginia Key Master Plan, Virginia Key, FL
- Northwood Facades Study, West Palm Beach, FL
- Historic Delray Design Guidelines, Delray Beach, FL
- DDA Downtown Facades, West Palm Beach, FL



Registrations
State of Florida- 1992
NCARB- 1992

Education:
The Catholic University of America, Washington, D.C.
Bachelor of Science in Architecture - 1984
Bachelor of Architecture - 1985
Miami-Dade College, Miami, FL
Associate of Arts Degree - 1982
Francisco Marroquin University, Guatemala City, Guatemala, Architectural Studies - 1980
Autonomous University of Central America, San Jose, Costa Rica, Architectural Studies - 1979

Awards:
2020
- AIA Palm Beach Historic Award for Boynton Beach Cultural Center
- AIA Palm Beach Austin Lifetime Achievement Award

2019
- Halsey Building for Florida Trust of Historic Preservation
- Halsey Building AIA Palm Beach Excellence

2017
- Judge Knott Historical Contribution Award from the Historical Society of Palm Beach County
- City of West Palm Beach Excellence in Service in Historic Preservation Award

2016
- City of Lake Worth Rehabilitation/Restoration Award for "I" Street

2015
- AIA Palm Beach Chapter Excellence Award, Palm Beach Towers
- Florida Trust Award (FTHP) Gulfstream Goodwill Preservation Award

2013
- Florida Trust for Historic Preservation Award for Cultural Council of Palm Beach County
- AIA Palm Beach Chapter Excellence Award for Historic Cultural Council of Palm Beach County
- AIA Palm Beach Chapter Merit Award for Private Equestrian Facility
- Florida Community Redevelopment Award for Outstanding Reuse for "Little House" Restaurant

2009
- AIA Palm Beach Firm of the Year Award
- AIA Palm Beach Chapter Recognition Award for Corporate Plaza at Tradition
- Silver National Excellence Award for the Palm Beach County SWA Transfer Station at I-95 and Lantana Rd.

2008
- Florida Trust Award (FTHP) & AIA Palm

Four different architects have worked on 686 Island Drive over time.

- 1955 Henry Harding
- 1988 Smith-Obst Associates
- 1994 Smith Architectural Group
- 2017 YRA Design Group, Window Replacement

Additions have more than doubled the size of the house over time and eliminated any Integrity of design the original house may have had.

The Consultants have failed to show that 686 Island Drive meets Criterion 3 for landmarking.

- 686 Island Drive does not "*embody distinguishing characteristics of an architectural type*" and is not "*a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.*"
- The façade is a hodgepodge of Monterey and Neoclassical styles, and many of the original features of the façade have been altered.
- Massive additions to the home over time have destroyed the home's Integrity and its ability to convey any Significance it may once have had.

The Designation Report tries to gloss over the façade alterations and massive additions to the home.

"All of the alterations were in keeping with the historic character of the dwelling" p. 6

In fact, any "historic character" of the original structure – questionable at best – has been overtaken by massive additions and alterations to the original structure.

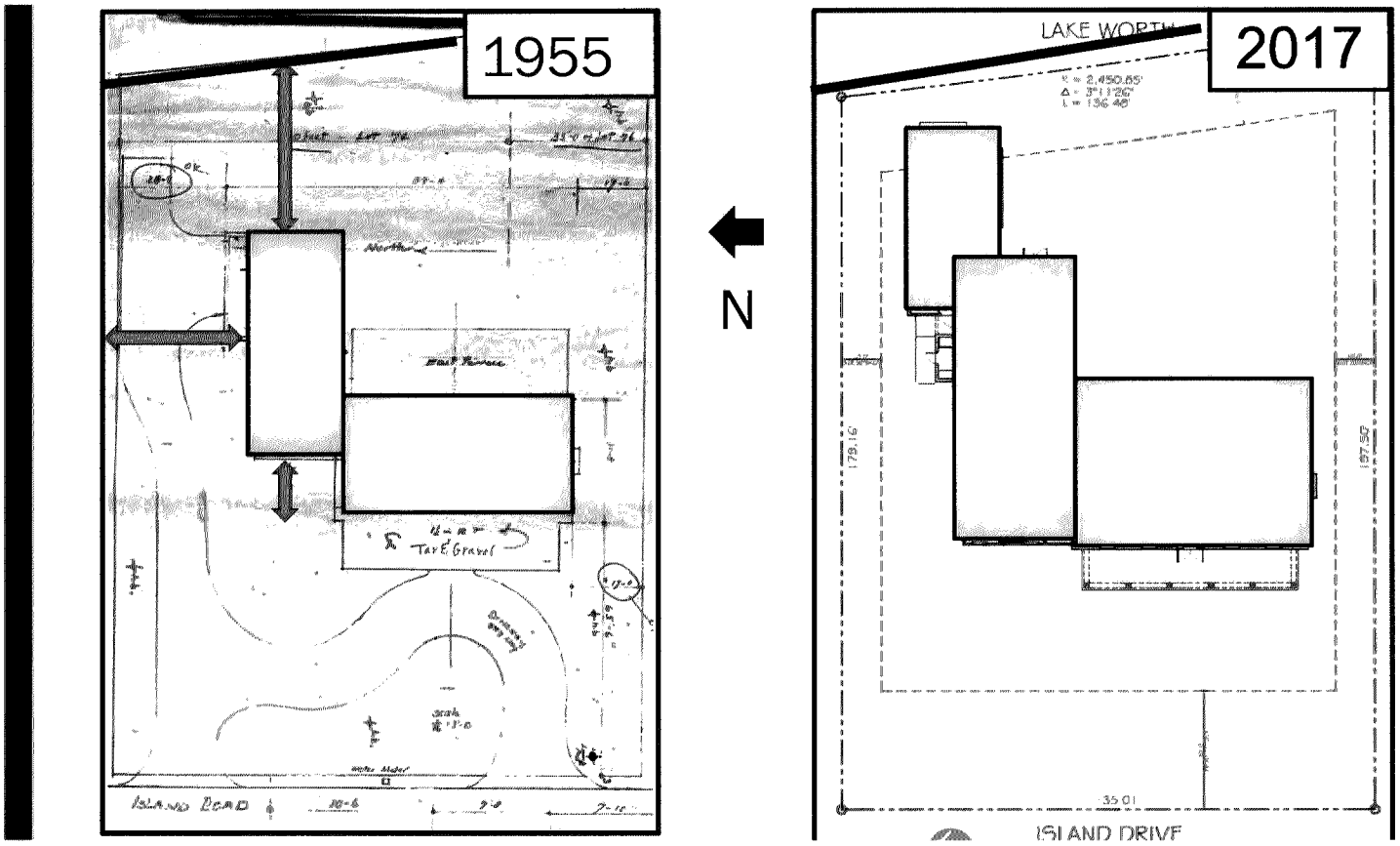
Designation report says:

- "Representative of Neo-Classical Revival"
- "frame dwelling with brick veneer"
- "gable roof with flat tiles"
- "Ornate wrought iron railing"

But in fact...

- House is a hybrid with hodgepodge of architectural design styles
- House is a block dwelling no brick veneer: brick was stuccoed over to the roofline in 1988 contrary to Secretary of Interior guidelines*
- Original roof was asbestos shingles
- Railing replaced when brick stuccoed over in 1988

*See, *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*, Kay D. Weeks and Anne E. Grimmer (1995), p. 168

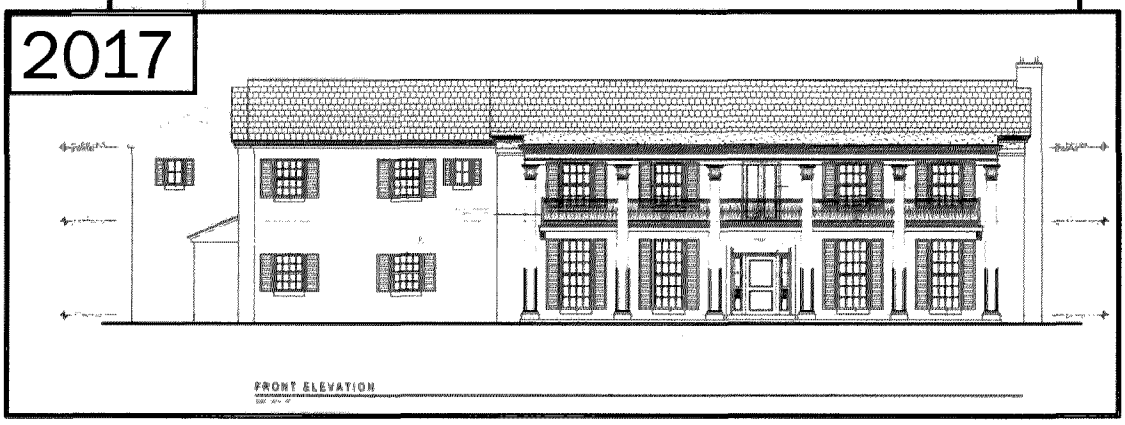

1955
N
2017
LAKE WORTH
ISLAND DRIVE
179.16
197.59
35.01

West Elevation

1955

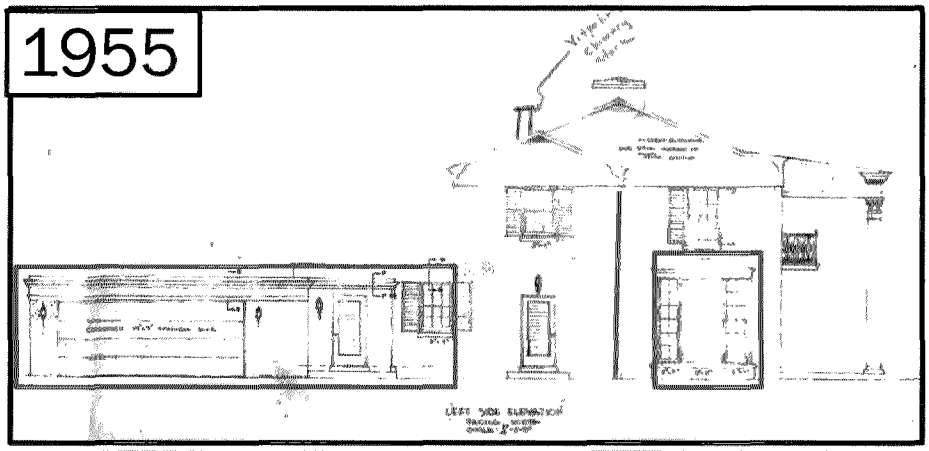


2017



North Elevation

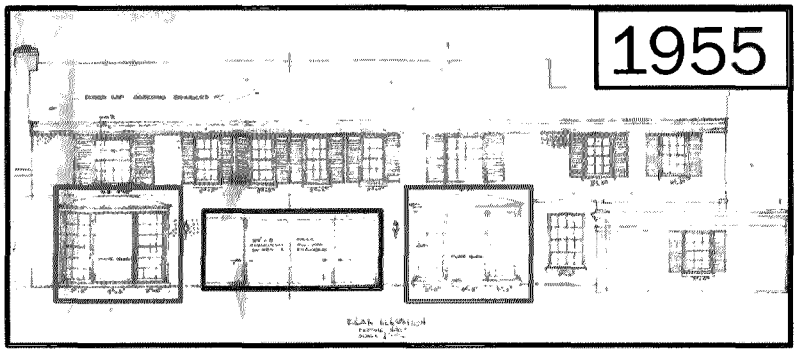
1955

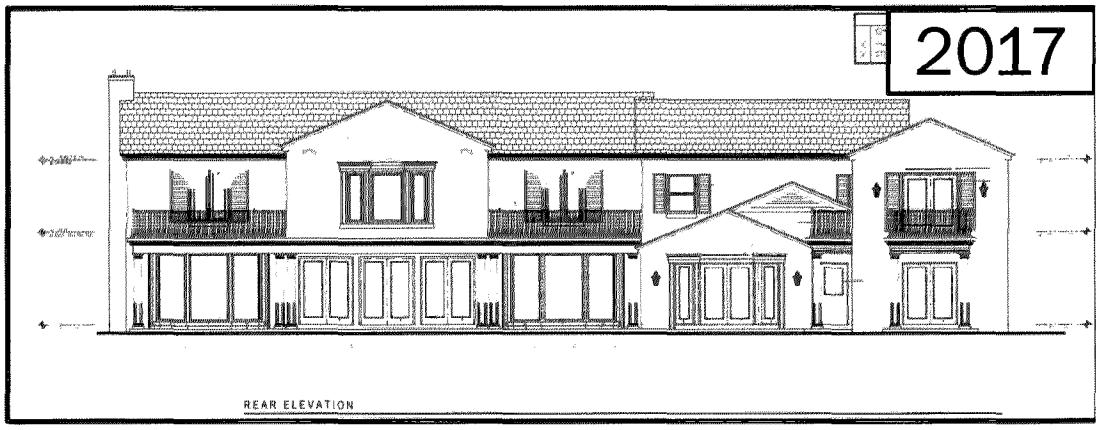


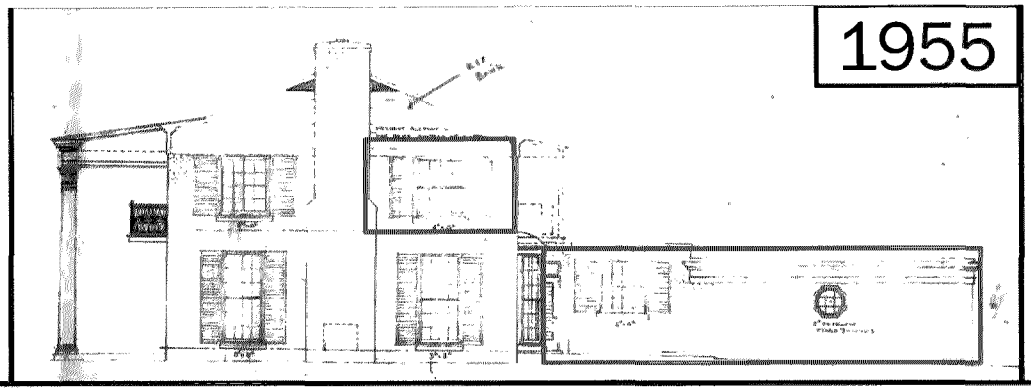
2017



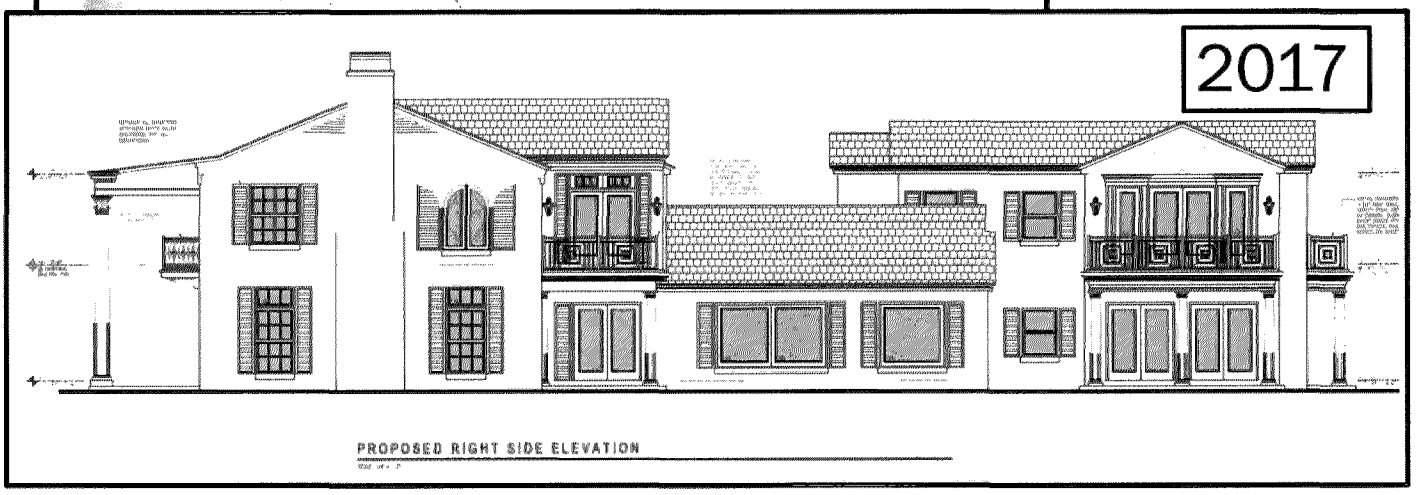
East Elevation

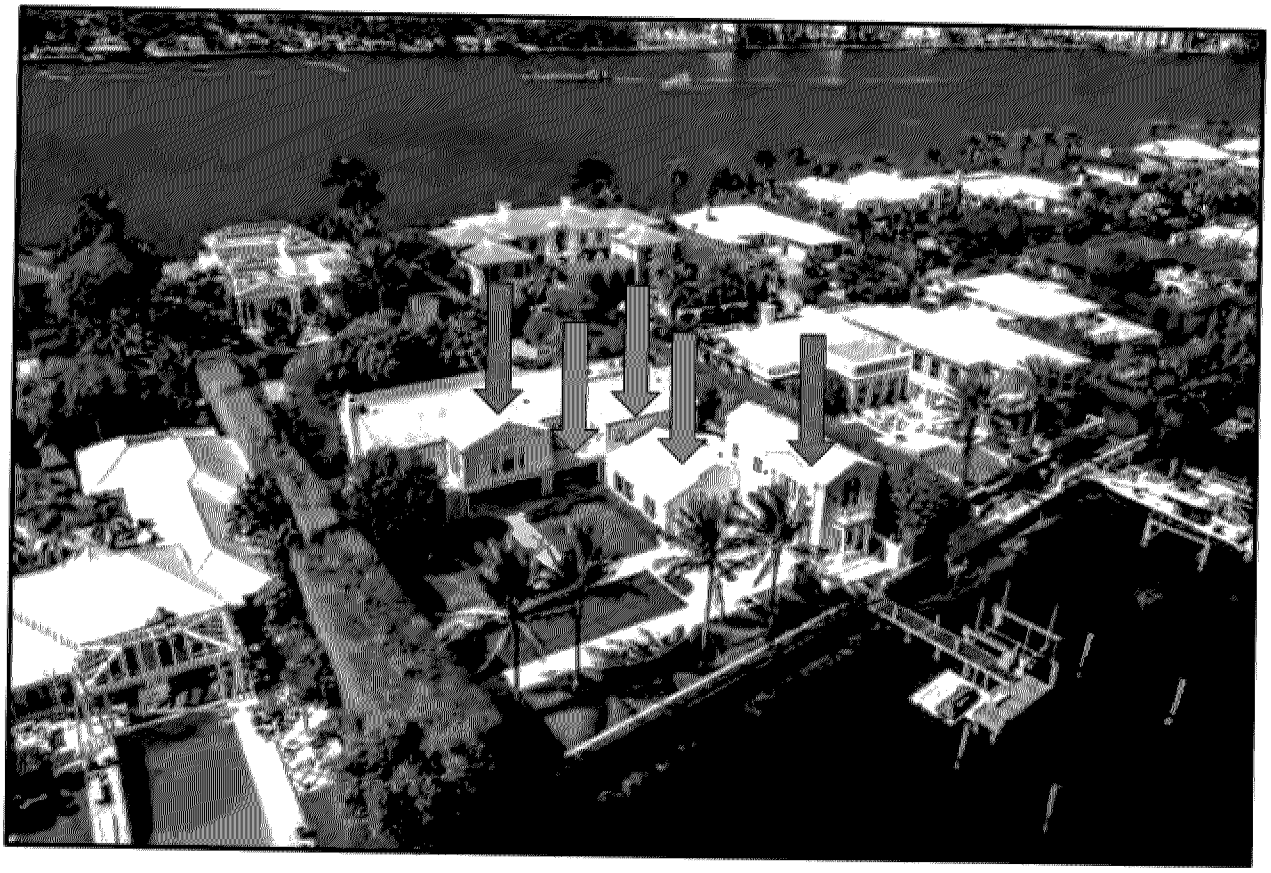






South Elevation

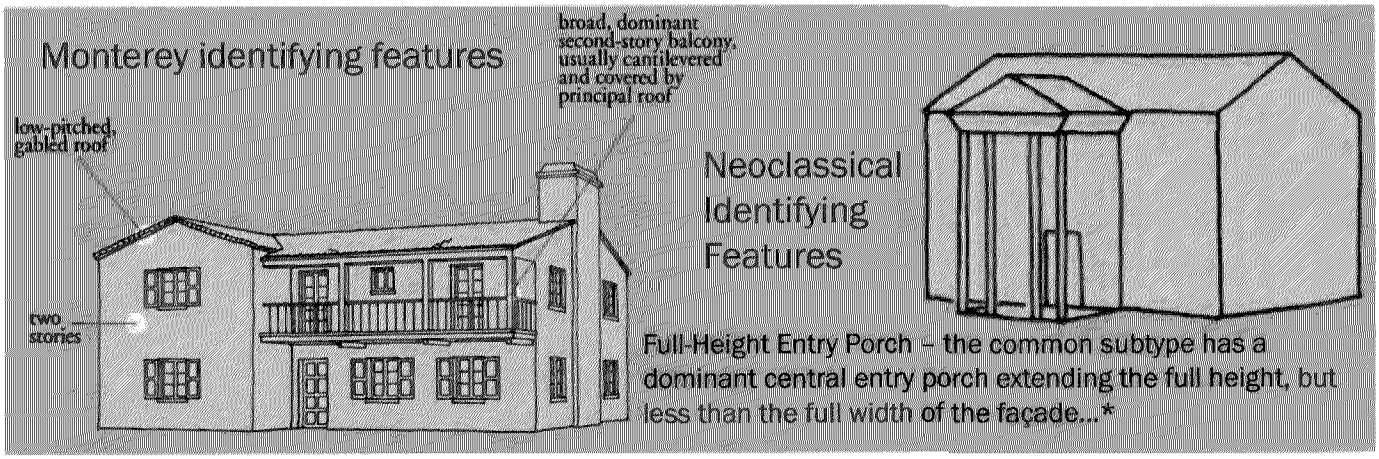




The Designation Report focuses on the building's façade, but that also lacks integrity.

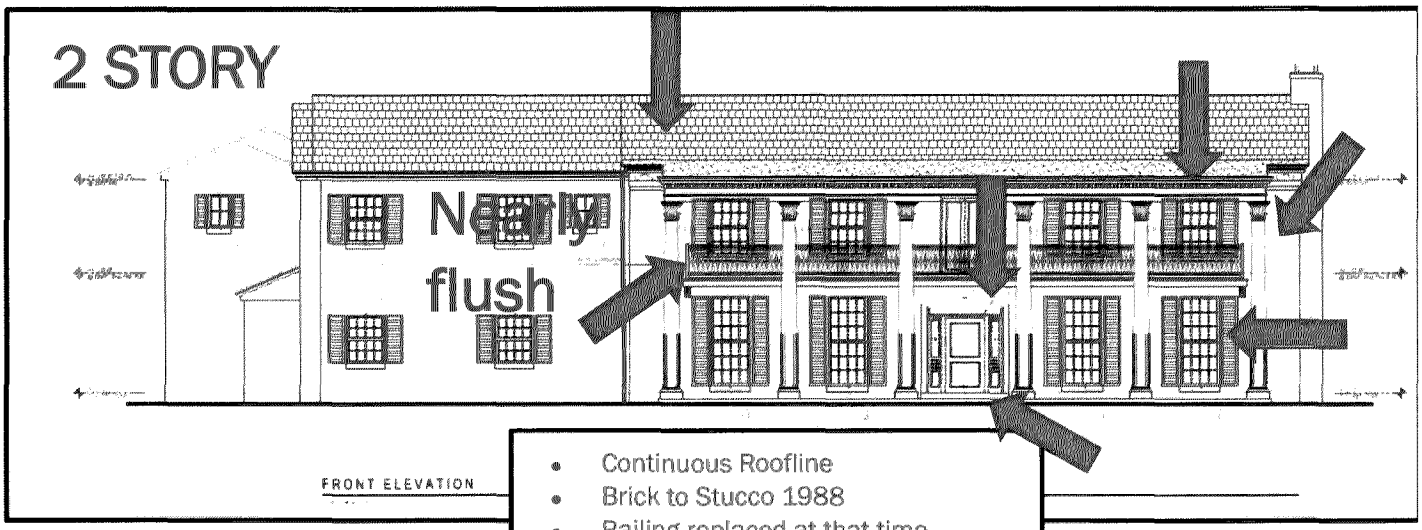


The 686 façade is a hodgepodge of Monterey and Neo Classical



*McAlister, V. (2015). *A Field Guide to American Houses: The Definitive Guide to Identifying and Understanding America's Domestic Architecture*. Alfred A. Knopft Inc. (Cited in Designation Report Bibliography)

And façade has been fundamentally altered.



TODAY

- Continuous Roofline
- Brick to Stucco 1988
- Railing replaced at that time
- Roof Shingles to Tile, Roofline
- Front Entrance Detail and Lanterns
- Windows and shutters
- Floor Deck Finish

The eclectic, altered façade and massive additions to the home over time render 686 inappropriate for designation.





The Town also fails to show that Criterion 4 is met:

- Henry Harding is not generally regarded as a master architect.
- It would be a stretch to say that his individual ability "influenced his age."
- There is no biography of Henry Harding in print. There is one oblique reference to him as a lesser architect in all of the books cited in the Designation Report's bibliography.

Criterion is 4 not met:

- Even if Harding were considered a "master builder" 686 Island Drive is not a "notable work," even in its original form.
- Even the Designation Report does not rely on builder C.G. Warner Construction Company as a master builder.
- The Consultants have not met their burden of showing how this home is Significant in any way, other than the mere fact that it exists in Palm Beach.

The Designation Report also fails to show that 686 Island Drive meets Criterion 1 for Designation Report.

Criterion 1 deals with Significance within an Historic Context. Specifically, Criterion 1 requires that the property

> *"exemplify or reflect the broad cultural, political, economic or social history of the nation, state, county or town."*

The Designation Report's justification for designation under Criterion 1 completely fails to suggest any way In which 686 Island Drive "exemplifies" or "reflects" historic events in Palm Beach.

Designation report says:

- "reflects the broad cultural, economic and social history of the Town..."
- "Though first initiated in 1937, the creation of Everglades Island was mostly completed after World War II and into the 1950s when bulkheads, fill and utilities for the dwellings were completed for the mostly manmade island."
- 686 Island Drive is an outstanding representative of this unique post war Palm Beach development.

*National Register Bulletin. "How to Apply the National Register Criteria for Evaluation, Criterion A: Event. Applying Criteria A: Event. Significance of the Association," p. 12. (historic association must be "important"; "property is not eligible if its associations are speculative").

Historical Context Requires

- Simply stating that the house meets the Criterion 1 is not enough.
- "Mere association with historic events or trends is not enough, in and of itself, to qualify under Criterion [1]: the property's specific association must be considered important as well."*
- House was built in 1955; it has no Significant connection with historical period except being built shortly afterward.
- No reason given why house is an "outstanding representative" of anything.

Conclusion: 686 Island Drive does not meet the Town's Criteria for designation

Criterion 1 **(History):** 686 does not exemplify or reflect the broad cultural, political, economic or social history of the nation, state, county or town.

Criterion 3 **(Architecture)**: 686 does not embody distinguishing characteristics of an architectural type and is not a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

Criterion 4 **(Architect):** 686 is not representative of the **notable** work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

ECONOMIC ANALYSIS OF LANDMARKING ON RESIDENTIAL PROPERTY VALUES IN PALM BEACH, FLORIDA

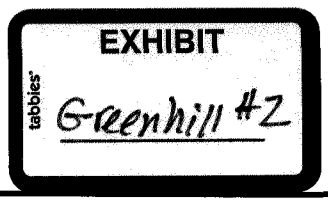
November 28, 2022

Prepared for

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Economic Analysis of Landmarking on Residential Property Values in Palm Beach, Florida

1.0 Introduction and Summary of Findings

1.1 Background

The Town of Palm Beach has an active program of designating properties as local landmarks. In 1979 the Town Council adopted its Historic Preservation Ordinance (Palm Beach Code, Chapter 54, Historic Preservation, Section 54-36, "Ordinance"). The Ordinance established a Landmarks Preservation Commission ("LPC") appointed by the Town Council. The LPC meets monthly to identify significant structures, subject them to its criteria, and designate those it considers worthy as landmarks of the Town. If the LPC determines that a building is worthy of study, the property will be: (a) proposed for designation; (b) studied by staff; and (c) evaluated at a public hearing. Ultimately, the LPC's recommendation must be ratified by the Town Council (this process will be called "Landmarking").[1]

Importantly, the designation of a private property is not pursuant to a request by the owner. Instead, the process is involuntary and controlled by the LPC and the Town. There are 328 landmark properties, sites, and vistas currently protected under the Historic Preservation Ordinance of the Town of Palm Beach.[2]

1.2 Assignment

James K. Green, P.A. commissioned this study by Fishkind Litigation Services, Inc. ("FLS") to: (a) review the report by PlaceEconomics (October 2021), "Property Values and Landmarking in Palm Beach" (hereinafter the "Report"); and (b) quantify the impact on residential property values from Landmarking.

1.3 Summary of Findings

The Report is fatally flawed and unreliable for the following reasons.

A. The Report concluded that Landmarking has no adverse impact on property values by applying a hedonic pricing analysis. However, the analysis is invalid, because it did not analyze actual home sales, relying instead on values for property taxation from the Palm Beach County Property Appraiser ("PA"). This mistake violates the fundamental premise of hedonic analysis, which is based exclusively on consummated sales transactions.

[1] https://townofpalmbeach.com/289/HistoricPreservation
[2] IBID.

B. The Report's "Willingness to Pay" survey is invalid and unreliable because: (i) the sampling procedure is unreliable; (ii) the sample size parameters are not discussed; (iii) the sample size is too small; and (iii) the structure of the questionnaire is biased and inconsistent with professional practice.

FLS conducted a properly specified hedonic pricing analysis of the impact of Landmarking on residential property values using verified data, on closed home sales, utilizing data from Multilist, for the Town. Our analysis demonstrates that Landmarking depresses residential home prices by more than 15% or about $266 per square foot for the average Landmarked home in the Town.

2.0 Review of the Report

2.1 Summary

The Preservation Foundation of Palm Beach commissioned the Report to answer the question: "In Palm Beach, does Landmark designation equate to a loss in property value?"[3] To address this question, the Report conducted five analyses:

1. Comparison of the values of landmarked properties with non-landmarked properties.
2. Comparison of the change in values over time for landmarked properties and non-landmarked properties.
3. Hedonic price analysis to quantify the impact of Landmarking.
4. Willingness to pay survey to estimate a value of Landmarking over its value from the marketplace.
5. Measure the value of landmarked properties at risk from sea-level rise.

The Report used data from the PA to conduct the first three analyses. Data from 2007-2020 were collected, and the data included information for 234 landmarked properties and 1976 non-landmarked properties. Only single-family residential properties were analyzed.[4]

The Report presents nine key findings as follows.[5]

1. Landmarked homes in Palm Beach have an economic value of more than $2.5 Billion.
2. Most citizens in Palm Beach don't live in landmarks, but nearly 95% of them say that the historic character of the town is important to them personally.
3. An equal number say that the loss of historic character would have a negative impact on the quality of Palm Beach.

[3] Report, page 2.
[4] Report, page 5.
[5] Report, page 1.

4. Not only does Landmarking not reduce property values, it creates an economic premium for those properties in the marketplace.
5. Landmarked properties are more valuable than non-landmarked properties in both total value and square foot value when compared by age, condition, water frontage, submarket within Palm Beach, and proximity.
6. There are non-economic values attributable to the historic character of Palm Beach that, when quantified, total nearly as much as the Town's entire general fund budget.
7. About half of Palm Beach's landmarked single-family properties lie within a 100-year flood zone, representing a value of nearly $850 million.
8. Landmarked properties increase in value both before and after their designation.
9. Landmarked properties experience greater rates of value increase than do non-landmarked properties.

2.2 Critique of the Report

The Report suffers from numerous errors and omissions, which render its findings unreliable and fatally flawed.

2.2.1 Failure to Identify the Metric of "Property Value"

The Report relies upon data on property values from the PA. However, the Report fails to identify which metric of "property value" was used. The PA is required under Florida law to determine each property's just value, assessed value, and taxable value for property taxation.[6] Each of these concepts of property value is different and used for very different purposes.

According to §193.011, Fla.Stat., just value is determined by the PA based on eight factors: (1) the present cash value of the property, (2) the highest and best use to which the property can be expected to be put in the immediate future and the present use of the property, (3) the location of said property, (4) the quantity or size of said property, (5) the cost of said property, (6) the condition of said property, (7) the income from said property, and (8) the net proceeds of the sale of the property, as received by the seller, after deduction of all of the usual and reasonable fees and costs of the sale.

[6] Florida Department of Revenue, "Property Tax Information for First-Time Florida Home Buyers"

The Florida Supreme Court has interpreted the meaning of "just valuation" and the application of the eight statutory factors that the Property Appraisers consider in arriving at just value. Case law provides that ". . . the just valuation at which property must be assessed under the constitution and section 193.011 is synonymous with fair market value, i.e., the amount a purchaser, willing but not obliged to buy, would pay a seller who is willing but not obliged to sell. In arriving at fair market value, the assessor must consider, but not necessarily use, each of the factors set out in section 193.011." Valencia Center, Inc. v. Bystrom, 543 So.2d 214,216 (Fla. 1989) (quoting Walter v. Schuler, 176 So.2d 81 (Fla.1965) and Oyster Pointe Resort Condominium Ass'n v. Nolte, 524 So.2d 415 (Fla.1988)).

Therefore, just value represents fair market value ("FMV") of the property. However, most properties do not sell each year. Therefore, the PA must estimate FMV each year based on: (a) the few properties that actually sell during the tax year and (b) mass appraisal procedures to adjust the values of the vast majority of properties that do not sell to the PA's estimate for their FMV.[7]

Assessed value is the value for a homesteaded property before any exemptions are deducted but after the property tax cap is factored. Assessment caps apply to all assessed values limiting their valuation compared with their just value. A 3% cap applies to the assessed value of residential properties with a qualified Homestead Exemption. A 10% cap on non-homesteaded properties applies to the assessed value of second homes or commercial properties. Taxable value is equal to assessed value less exemptions.[8]

While it is unclear precisely which metric of "value" was used in the Report, it is clear that the Report did not use actual sales prices. This is despite the fact that the PA's database does include information for the sales prices for each home. The Report analyzed some unspecified metric of value for 2,211 single-family homes.[9] Multilist sales records for the Town record only 860 single-family sales from 2000-2022. While some sales are not conducted through the realtors multiple listing service, most of them are. This disparity demonstrates that the Report failed to use data for actual single-family sales, relying instead on some other, unnamed metric, for property value.

[7] https://www.pbcgov.org/papa/pdf/misc/Property_Appraiser_What_We_Value_Report.pdf
[8] https://www.pbcgov.org/papa/glossary.htm#Assessed_Value
[9] Report, page 5.

2.2.2 Consultant used in the Hedonic Price Analysis not Qualified

The Report opines that Landmarking does not reduce property values. Furthermore, according to the Report, the marketplace "attaches a small but significant premium to properties that have landmark designation.[10] These opinions are mostly based on the Report's hedonic price analysis. The Report credits an outside consultant, Heather Rypkema, Ph.D., for the hedonic pricing analysis.[11]

Dr. Rypkema identifies herself as the Head of Learning Analytics, Center for Research on Learning and Teaching and Assistant Director, Foundational Course Initiative at the University of Michigan. Dr. Rypkema has a doctorate in chemistry. Her analytics work incorporates course-specific surveys and data about student engagement with instructional technology platforms. She took on her current position to lead the Center's work to provide analytics services to enhance teaching across the entire University.[12]

Dr. Rypkema's self-described qualifications and current work, while impressive, demonstrate no training, knowledge, or experience to conduct a hedonic price analysis for real estate research. She exhibits no experience with either real estate markets or the nuances of hedonic price analysis. These limitations are highlighted in the failure to identify the key metric for this study, property value and the failure to use sales prices. As noted above, the Report exhibits an exquisite failure to grasp the importance of utilizing the proper measure for property value or for use in hedonic price analysis.

2.2.3 Failure to Provide the Database used in the Hedonic Price Analysis

The ability to replicate research findings is at the heart of the scientific method and fundamental to testing the validity of research findings. FLS requested the data used in the Report's hedonic price analysis from both PlaceEconomics and Dr. Rypkema. They refused to provide their database. The report did publish the summary results of their hedonic price analysis conducted using regression, which was obviously executed in Excel. It would be easy for them to share the Excel workbook they used containing the data. Their refusal to share their database casts serious doubt about the reliability of their analysis.

[10] Report, page 5.
[11] Report, page 37.
[12] https://crlt.umich.edu/staff-directory

FLS has utilized data from the PA for many years and for many different purposes. We have found that the PA database is very complete and reliable for many purposes. However, it is not particularly useful for assembling the type of database needed for a hedonic pricing analysis. This is because the PA database utilizes a file structure that separates many of the characteristics of a property across multiple files with differing formats. FLS's attempts to assemble a complete and reliable database for hedonic analysis from the PA's database was unsuccessful.

2.2.4 Failure to use Sales Prices in the Hedonic Price Analysis

There is a vast, professional literature on hedonic price analysis. In nearly every single case, the analyses use recent home sales as their metric of value. Its name alone highlights the importance of price; the methodology is called hedonic price analysis for good reason. The purpose of hedonic price analysis is to understand how various characteristics impact buyers and sellers resulting in the prices for completed transactions.

Hedonic price analysis is widely used in housing market studies focused on measuring the contribution of various home features and characteristics to sales prices.[13] These types of studies typically involve housing features and characteristics that consumers can readily ascertain and express preference for, such as number of bedrooms, granite countertops, gated community, high-ranked public schools, access to shopping, square feet of the home, community facilities and amenities, location, and similar features.

Hedonic analysis is also the standard, academic approach used in economic studies to measure the impact of environmental contamination on aggregate property prices, primarily on residential property prices.[14] Furthermore, hedonic analysis is formally recognized in federal regulations for natural resource damage assessments. It is also included among other methodologies for economic analysis of environmental policies by the U.S. Environmental Protection Agency ("EPA").[15]

More broadly, hedonic analysis has been used in many other types of economic analyses over the last fifty years. It is particularly well suited for use in constructing home price indices. In this application, it is used to control for changes to the quality-mix of homes sold over time.[16]

[13] Sirmans (2003).
[14] Braden (2011), Kiel (2001), and Simons (2006).
[15] U.S. Department of Interior, 43 CFR Part 11.
[16] IMF (2016).

The Report's failure to use sales prices stands in sharp contrast to professional practices. Professional application of hedonic modeling uses price as its metric of value, because it is price that is directly determined in the marketplace. Value is what the buyer or seller may believe that they achieved in a transaction, but price is what they actually agreed to. The imprecise notion of value makes it inappropriate as the metric for hedonic analysis that attempts to explain the contributions of various characteristics to sales prices.

2.2.5 Structural Flaws in the "Willingness to Pay" Survey

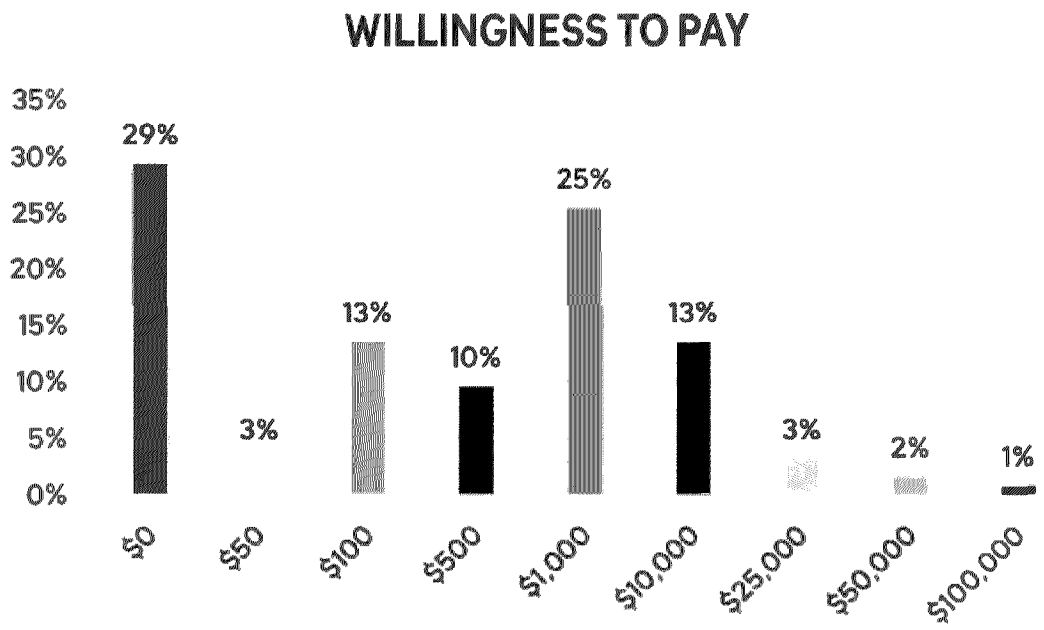
The Report's survey results are unreliable, and the conclusions that the Report draws from the survey are unsupported. The survey was administered via a link through the Town's email notification system and produced 153 valid responses.[17] There are multiple serious problems with this approach, making the survey results unreliable.

First, the survey failed to use random sampling. Random sampling is a fundamental foundation for a reliable survey. Instead, those who responded to the email solicitation selected themselves to respond. Therefore, the survey results are not representative of the citizens of the Town.

Second, the Report did not design the survey to achieve reasonable precision. Survey design begins with determining what level of accuracy is needed. Typically, surveys are designed to achieve 95% accuracy with a margin of error of +/- 5%. Next, analysis of the expected degree of variability is needed. With these metrics in place, the sample size for the survey necessary to achieve the desired level of accuracy is determined. The Report fails to discuss any of these critical design features.

To make matters worse, the Report draws conclusions from the survey that are contradicted by the survey results. For example, among its key findings, the Report claims that 95% of citizens say that "the historic character of the town is important to them personally."[18] However, as shown below, when asked how much they would be willing to pay to maintain the historic character of the Town, 29% were not willing to pay anything.

[17] Report, page 5.
[18] Report, page 1.



3.0 FLS's Hedonic Price Analysis

3.1 Overview

FLS conducted a hedonic price analysis to test the impact of Landmarking on single-family home prices following standard professional practices. FLS obtained data on sales prices along with characteristics of the sold homes from the Multilist service for the Town ("MLS") from 2000 through 4/28/2022. During this period, there were 859 closed sales of single-family homes of which 54 were landmarked. Although not all home sales are consummated through MLS, the vast majority of sales are sold through MLS.

Following professional practice, FLS hypothesized that the sale price per square foot of home was a function of: (a) whether the home was landmarked; (b) the closing date for the sale; (c) whether the home was water fronting; (d) year built; (e) number of full baths; (f) number of half baths; (g) square feet of climate controlled space; (h) number of garage spaces; (i) whether the home had a pool; and (j) size of lot.

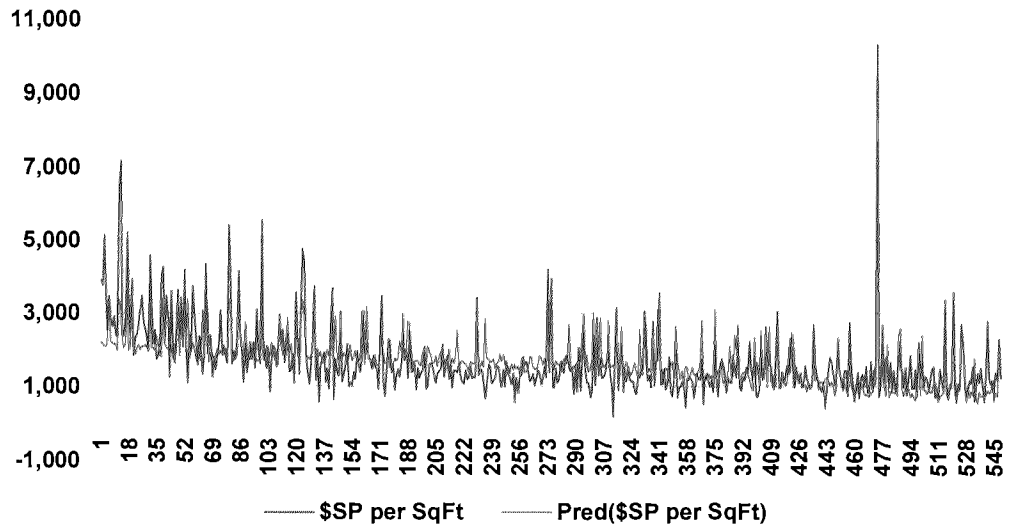
Our analysis focused on sales from 2018-2022 for two reasons. First, professional practice uses recent sales as the most representative of current market conditions. Second, 64% of all sales were from 2018-2022.

The null hypothesis is that Landmarking has no impact on sales prices. To test the hypothesis, FLS estimated the hedonic model using ordinary least squares ("OLS") methods. OLS is a regression technique that produces the most reliable estimates for the coefficients (i.e. the variables in the model) if its assumptions are met.[19] We estimated the model using both the traditional semi-log form and the linear form.

The first pass regression results indicated that (a) whether the home was landmarked; (b) the closing date for the sale; (c) whether the home was water fronting; (d) year built; (e) number of full baths; (f) number of half baths; and (g) square feet of climate-controlled space, were all statistically significant in contributing to the determination of sales prices. However, (h) number of garage spaces; (i) whether the home had a pool; and (j) size of lot, were not significant. Therefore, we re-estimated the model dropping these variables. The linear model provided the best fit to this dataset, and its results are reported in Table 1.

The model produced a good fit to this dataset as evidenced by its Adjusted R^2 of 0.54, meaning that the model explains 54% of the variation in sales prices per square foot. More importantly, the F-statistic of nearly 80 means that the model is statistically reliable at the 99.9% level of confidence. Figure 1 shows how well the model fits the data. Given the significant variance in the sales price per square foot, the model does a good job tracking the data.

Figure 1. Actual v Forecast Sale Value per Square Foot



[19] Wooldridge (2013), pages 101-102.

Turning to the coefficients, all are statistically significant at the 95% level of confidence with most being at 99%. Most importantly for this study, the coefficient for Landmarking is -265.9, meaning that Landmarking lowers the sales price per square foot of home by $266, all other things being equal. The mean sale price per square foot was $1,700. Thus, the negative impact of Landmarking reduces the price paid in the marketplace by 15.6%. Therefore, the null hypothesis of no impact from Landmarking is rejected.

Table 1. Regression Results

Regression of variable $SP per SqFt:

Goodness of fit statistics ($SP per SqFt):

Statistic	Training set	Validation set	
Observations	548.00		1
Sum of weights	548.00		1
DF	539.00		-8
R^2	0.54		
Adjusted R^2	**0.54**		
MSE	429,258.36		
RMSE	655.18		
MAPE	32.54		0.000
DW	1.38		
Cp	9.00		
AIC	7,116.38		
SBC	7,155.14		
PC	0.47		

Effect size measures:

R^2	0.543
f^2	1.187

Analysis of variance ($SP per SqFt):

Source	DF	Sum of squares	Mean squares	F	Pr > F	p-values significatio n codes
Model	**8.000**	**274582925**	**34322865**	**79.959**	**<0.0001**	***
Error	539.000	231370253	429258			
Corrected Total	547.000	505953179				

Computed against model Y=Mean(Y)

*Signification codes: 0 < *** < 0.001 < ** < 0.01 < * < 0.05 < . < 0.1 < ° < 1*

Model parameters ($SP per SqFt):

Source	Value	Standard error	t	Pr > |t|	Lower bound (95%)	Upper bound (95%)	p-values significat ion codes
Intercept	-31515.490	2841.471	-11.091	**<0.0001**	-37097.205	-25933.775	***
Closing Date	0.910	0.064	14.143	**<0.0001**	0.784	1.037	***
Landmark (Yes or No)	-265.935	117.521	-2.263	0.024	-496.791	-35.079	*
Waterfront Property (Y/N)	1241.108	89.162	13.920	**<0.0001**	1065.959	1416.256	***
Year Built	-3.599	0.320	-11.247	**<0.0001**	-4.227	-2.970	***
#Beds	-82.939	36.461	-2.275	**0.023**	-154.562	-11.317	*
#FBaths	126.366	32.200	3.924	**<0.0001**	63.113	189.619	***
#HBaths	158.889	41.141	3.862	**0.000**	78.073	239.706	***
Sq Ft Living	-0.059	0.022	-2.710	**0.007**	-0.102	-0.016	**

*Signification codes: 0 < *** < 0.001 < ** < 0.01 < * < 0.05 < . < 0.1 < ° < 1*

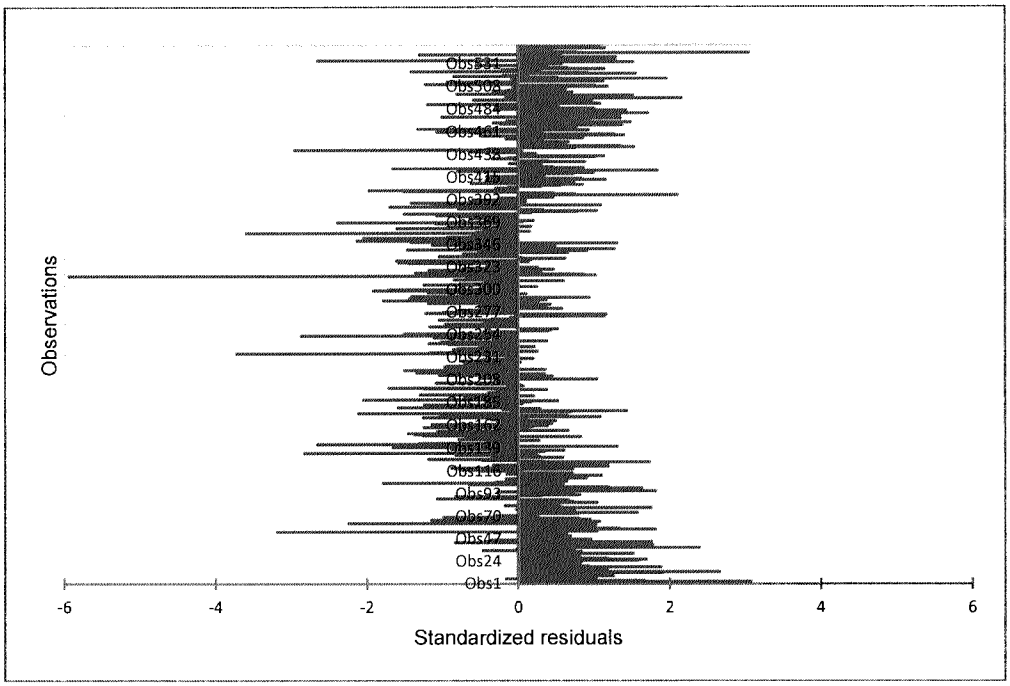
We conducted a number of statistical tests on the model to assess its reliability. There are seven classical assumptions underpinning a reliable application of OLS.[20] Each is discussed below.

(1) A correctly specified OLS is linear in the coefficients and the error term.

The error term refers to the difference between the actual observation on sale price/square foot and the value predicted by the model. Figure 2 shows that the error term is random and linear.

[20] Frost (2019), pages 195-203.

Figure 2. Residuals/Error Plot



The model is properly specified as demonstrated by both the statistical significance of its coefficients, and the correct signs. For example, closing date is the date the sale closed. FLS expected that newer sales, which would have a higher value for the closing date, would have a positive impact on sale price per square foot – which it does. Similarly, waterfront has a positive impact on sales price. The number of full and half baths also contributes to price per square foot.

In this dataset, older homes have higher sales prices per square foot than do newer ones, all other factors held constant. This is not surprising for homes in Palm Beach.

Number of bedrooms has a negative impact on sale price per square foot, which may seem incorrect. However, understanding that the square feet of living space is held constant in the regression model explains why adding more bedrooms is a negative, since each one would be smaller as more are added.

Finally, simply adding more square feet does not translate into a higher price per square foot of home sold. All other things held constant, smaller properties sell for higher prices per square foot.

(2) The error term has a mean of zero.

The mean value of the error term is equal to zero in this application.

(3) All independent variables are uncorrelated with the error term.

The independent variables are the explanatory variables whose contributions to the price per square foot are measured by the hedonic model estimated via OLS. Table 2 demonstrates that this condition is satisfied. A correlation of 1.0 or -1.0 would mean that there is a perfect correlation between the variables being measured. So, the residual has a score of 1.0 when compared to itself. The highest score is only -.59 between the closing date and the residual which is below significance. This demonstrates that the model satisfies this condition.

Table 2. Correlations Between the Independent Variables and the Error Term

	Residual
Residual	1.0
Closing Date	-0.59
Landmark (Yes or No)	0.05
Waterfront Property (Y/N)	-0.08
Year Built	0.01
#Beds	-0.01
#FBaths	0.00
#HBaths	-0.02
Sq Ft Living	-0.04

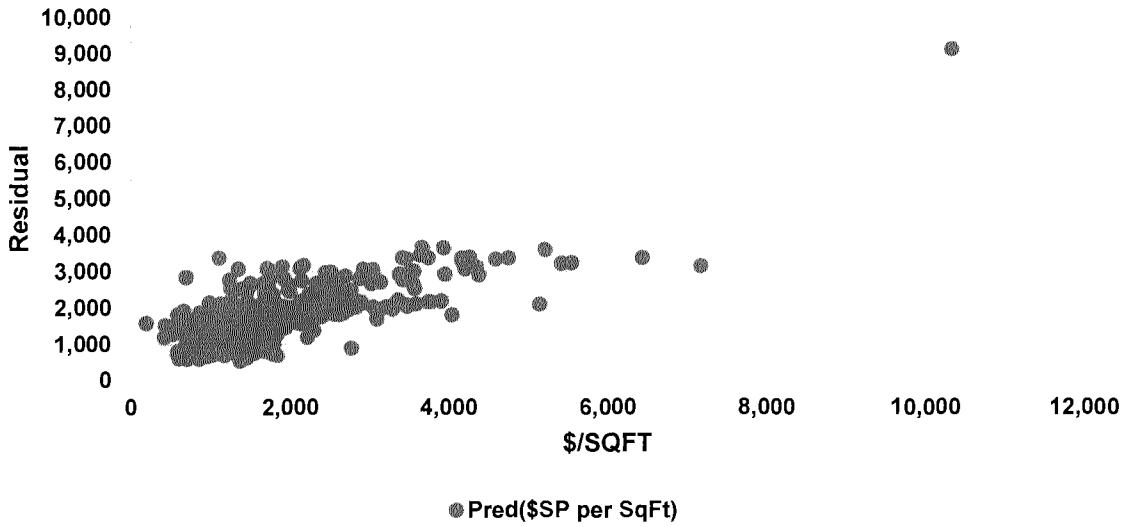
(4) Observations of the error term are not correlated with each other.

Figure 2 above shows that this is indeed the case in this application. The error terms are randomly distributed.

(5) The error term has constant variance.

To satisfy this condition, the error term should not increase (either positively or negatively) as the sale price per square foot increases (no heteroscedasticity). As Figure 3 shows, this is not the case here. As sales price increases, the variance in the error term also increases, as the upward trend in the plot in Figure 3 shows.

Figure 3. Plot of the Error Term v. Sale Price Per Square Foot



Heteroscedasticity is a common problem with cross-sectional data which are included in this dataset. Heteroscedasticity does not cause bias in estimating the coefficients, but it does reduce the precision of their estimation.[21] However, in this application, the relatively small degree of heteroscedasticity is not a problem, because the coefficient estimates are all highly significant. Therefore, some erosion in their actual levels of significance is unlikely to make the estimated values for the coefficients unreliable.

(6) The independent variables are not correlated with each other.

Table 3 presents the correlations between the independent variables. Except for the number of full baths and the number of bedrooms, the independent variables are not correlated with each other. The high correlation of 0.9 between the number of full baths and the number of bedrooms reduces the reliability of their independent contributions to sales prices from each of these variables independently. However, it does not reduce the reliability of their collective impact on prices, just their individual contributions. More importantly for this analysis, the correlations do not impact the key metric of interest, Landmarking. Landmarking exhibits very low correlations with the other independent variables.

[21] Frost (2019), page 202.

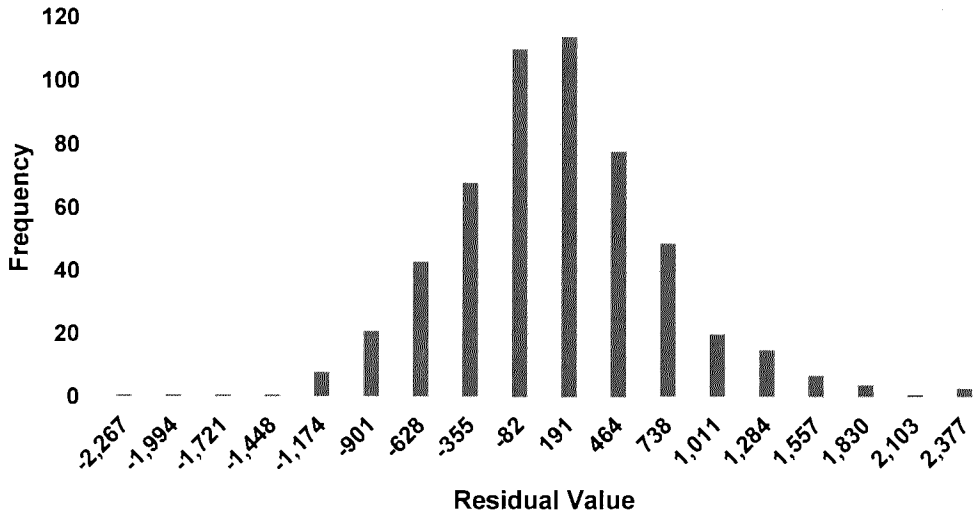
Table 3. Correlations of the Independent Variables

	Closing Date	*Landmark (Yes or No)*	*Waterfront Property (Y/N)*	*Year Built*	*#Beds*	*#FBaths*	*#HBaths*	*Sq Ft Living*
Closing Date	1.0							
Landmark (Yes or No)	0.0	1.0						
Waterfront Property (Y/N)	0.0	0.1	1.0					
Year Built	0.1	-0.1	0.0	1.0				
#Beds	0.0	0.2	0.3	0.1	1.0			
#FBaths	0.0	0.1	0.4	0.2	0.9	1.0		
#HBaths	0.0	0.1	0.3	0.1	0.5	0.5	1.0	
Sq Ft Living	0.0	0.1	0.5	0.1	0.7	0.8	0.8	1.0

(7) The error term is normally distributed.

The error term in this application is normally distributed as shown in Figure 4.

Figure 4. Error Term Histogram



FLS conducted one final test of the OLS model. We estimated the model using sales data from 2000-2022. The results were similar to those for the more recent sales analysis using the data from 2018-2022.

4.0 Conclusions

4.1 Landmarking has a negative impact on sales prices

Landmarking is not a voluntary process initiated by the property owner. Instead, the process is involuntary and controlled by the LPC and the Town. Microeconomic theory informs that imposing constraints on freely operating markets is detrimental.

FLS's hedonic price analysis demonstrates that Landmarking reduces the sales price per square foot of the landmarked, single-family home by $266 per square foot, amounting to an average reduction of 15.6%.

4.2 The PlaceEconomics Report "Property Values and Landmarking in Palm Beach" is Not Reliable

The Report is fatally flawed and unreliable for the following reasons:

a. The Report concluded that Landmarking has no adverse impact on property values by applying a hedonic pricing analysis. However, the analysis is invalid, because it did not analyze actual home sale prices, relying instead on values for property taxation from the Palm Beach County Property Appraiser ("PA"). This mistake violates the fundamental premise of Hedonic analysis, which is based exclusively on consummated sales transactions.

b. The Report fails to identify which concept of "value" it used. The PA reports three different concepts of value: just value, assessed value, and taxable value. Each is valid, but each is used for very different purposes. This fundamental failure exhibits a lack of understanding about property values. Ironically, the PA does report on sales prices which the Report could have utilized.

c. The Report's "Willingness to Pay" survey is invalid and unreliable because: (i) the sampling procedure is unreliable; (ii) the sample size parameters are not discussed; (iii) the sample size is too small; and (iii) the structure of the questionnaire is biased and inconsistent with professional practice.

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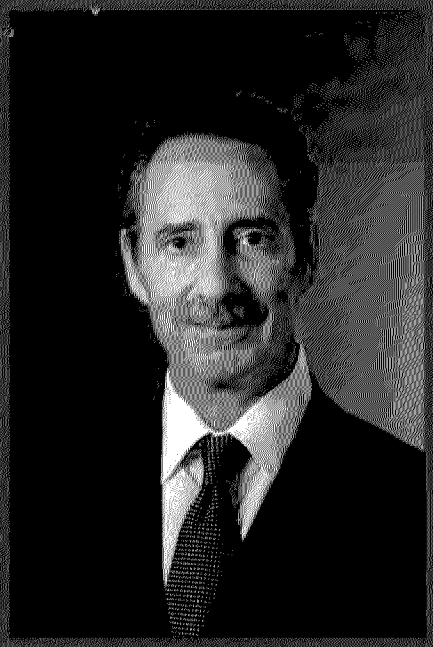
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SELECT CLIENT LIST

Akerman
Bell Roper
Boatman Ricci
Burr Forman
Coleman Yovanovich
Conrad Scherer
de la Parte & Gilbert
Fulmer Leroy Albee
Fisher Rushmer
Foley Lardner
Gunster
Hill Ward Henderson
Holland & Knight
Morgan & Morgan
Nabors Giblin
Pendas Law
Smolker Bartlett
Tobin Reyes
Weiss Handler Cornwell
AEGON
Baron Collier
BP
Cemex/CSR/Rinker
City of Miami
Colonial Properties Trust
Collier Enterprises
Falcone Group
Fannie Mae
Florida Power Corporation
Forrest City Enterprises
FPL
King Ranch
Kitson & Partners
Lennar
Major Central FL Attraction Co.
Mosaic
Newland Communities
Perry Capital
Rayonier
Starwood Land Ventures
State of Florida
State of Pennsylvania
St. Joe
U.S. Department of Justice
The Villages
Waste Management, Inc.

Henry H. Fishkind, Ph.D.

President

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PROFESSIONAL SYNOPSIS

With over 30 years of experience in economic analysis and forecasting, Dr. Henry Fishkind is widely regarded as one of Florida's premier economists and financial advisors. Dr. Fishkind's career began in the public sector where he worked as an economist and associate professor at the University of Florida. In 1980, Dr. Fishkind became the associate director for programs at the University of Florida's Bureau of Economic and Business Research. During his tenure at the university, Dr. Fishkind served from 1979-1981 on the governor's economic advisory board. He began his career as a private sector consultant when he became president of M.G. Lewis Econometrics in Winter Park, Florida. In 1988, Dr. Fishkind formed Fishkind & Associates, Inc. as a full service economic and financial consulting firm. In 2019, Dr. Fishkind sold the financial advisory, consulting, and real estate advisory portions of his business while keeping the expert witness portion, Fishkind Litigation Services, Inc.

From 2001-2003 Dr. Fishkind was a member of Governor Bush's Council of Economic Advisors, and also served on the board of directors of Engle Homes, Summit Properties, and ABT Funds until the companies were sold.

AREAS OF EXPERTISE

Expert Witness
Economic Analysis
Econometric Modeling
Project Finance & Feasibility
Privacy & Intellectual Property
Fiscal Impact Analysis
Real Estate Economics

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Managing Partner, Woodbridge Vintage Chips	1994 - 2007
President, Fishkind & Associates, Inc./Fishkind Litigation Services, Inc.	1988 - Present
President, M.G. Lewis Econometrics, Inc.	1984 - 1987
Associate Director for Programs, Bureau of Economics & Business Research, University of Florida	1980 - 1983
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FISHKIND LITIGATION SERVICES™

Landmarked homes rise in value faster than non-landmarked homes, study finds



Carol Rose
Palm Beach Daily News

Over the past 14 years, landmarked properties in Palm Beach have increased in value at a faster rate than non-landmarked properties, according to a Preservation Foundation of Palm Beach-sponsored study presented to the Town Council last week.

Historic preservation consultant Donovan Rypkema analyzed assessment records from the Palm Beach County Property Appraiser's office from 2007 to 2020 for 2,210 single-family properties, which included 234 landmarks and 1,976 non-landmarks. Landmark designation protects a structure from significant exterior alterations unless the changes are approved by the Landmarks Preservation Commission.

From 2007 to 2008, the Landmarks Property Values study showed, landmarked properties increased in value at a faster rate than their non-landmarked counterparts— and then the Great Recession hit Palm Beach, he said.

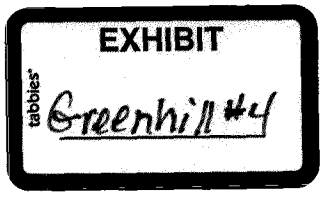
A private island on Palm Beach: Landmarks board approves renovation plans for historically significant home on Tarpon Island

'Landmarks Discovered': Tour historic Palm Beach homes, destinations through award-winning video series

Palm Beach society architect: Preservation Foundation offering free copies of book about architect John Volk

Everything dropped in value, but the landmark properties had a shallower fall and "they began recovering two years sooner than the other properties, and that spread just continued," he said.

The study focused on properties that had earned landmark protection between 2010 and 2017 because "we wanted to have a picture that was three years before designation and three years after," Rypkema said.



The finding: The upward movement of property values continued apace after the Town Council granted the designation.

In sum, the study found "that landmarking had no negative impact on property values, either in current values, value change over time, value change following designation, or when accounting for differences in age, condition, size, water access, or location."

Other details of the study presented to Town Council on Wednesday:

> Not only does historic designation not reduce property values, but also landmarked properties command a premium in the marketplace;
> Designation did not negatively impact the total value or change in value for landmarked properties between 2010 and 2017;
> By age, condition, location, and other comparisons, landmarked properties are more valuable than non-landmarked properties.

Aimee Sunny, the foundation's director of education, told the Daily News last week the Landmarks Property Values study was a gift from the foundation to the town.

"We recognize that this has long been a topic of intense debate, and so the study seeks to present updated factual data to expand on studies completed by the foundation in 1997 and 2005," Sunny said.

The previous studies also found that generally, granting landmark protection status to historic buildings did not have a negative impact on property values in Palm Beach, she said.

In introducing Rypkema to the council on Wednesday, Sunny said: "We hope that this study will assist everyone in gaining a deeper understanding of the town's landmarks program and its positive effects."

Rypkema told the council that the study analyzed four components: comparative value between landmarked and non-landmarked properties; comparative change over time; the value of landmarked properties in the 100-year flood zone; and so-called "hedonic" pricing — where the components of the value are broken down statistically to help determine premium.

In addition to the study, Rypkema's team surveyed residents to assess the link between the town's historic character and people's willingness to pay to preserve it. Of the 153 responses, 90% said the historic character of Palm Beach was important, while the same

percentage thought losing that character would have a negative impact on the town, the survey found.

Rypkema founded PlaceEconomics, which has more than 35 years' experience analyzing the economic impacts of historic preservation.

Council members generally welcomed the study's findings.

"The fact that actually values don't go down but go up is good news, and I'm looking forward to supporting this process as it goes forward," Councilman Lew Crampton said.

Councilwoman Julie Araskog said the study will be an important tool for the town and will help to educate residents, thereby countering some of the misinformation about landmarking.

Council President Margaret Zeidman voiced concerns about the need to preserve the town's historic character. She noted that the town had increased by 100% the financial resources for the preservation on landmarks.

Landmarked buildings: Palm Beach family pays $14M for landmarked Paramount Building, as church there closes

Landmarked fire station: Water damage, mold accelerates timeline for renovation of landmarked Palm Beach fire station

Citing the island's vulnerability, Zeidman said: "My concern is this that people will not want to landmark their homes, because you need to elevate your home to protect it. My second concern is our landmark homes are not well protected. ... I don't know where we're going to be going and I'm very, very worried. I feel like we're on the precipice of losing."

Michael Small, chairman of the Architectural Commission, and Rene Silvin, chairman of the Landmarks Commission, also lauded the study.

There was a consensus that the study needed to be widely disseminated to broaden its reach among residents. Rypkema offered a four-page summary with ideas for distribution and shared plans to speak with real estate professionals during a webinar on Thursday.

Speaking Monday to the Daily News, Rypkema said the town has done a great job over the years in choosing properties for landmarking.

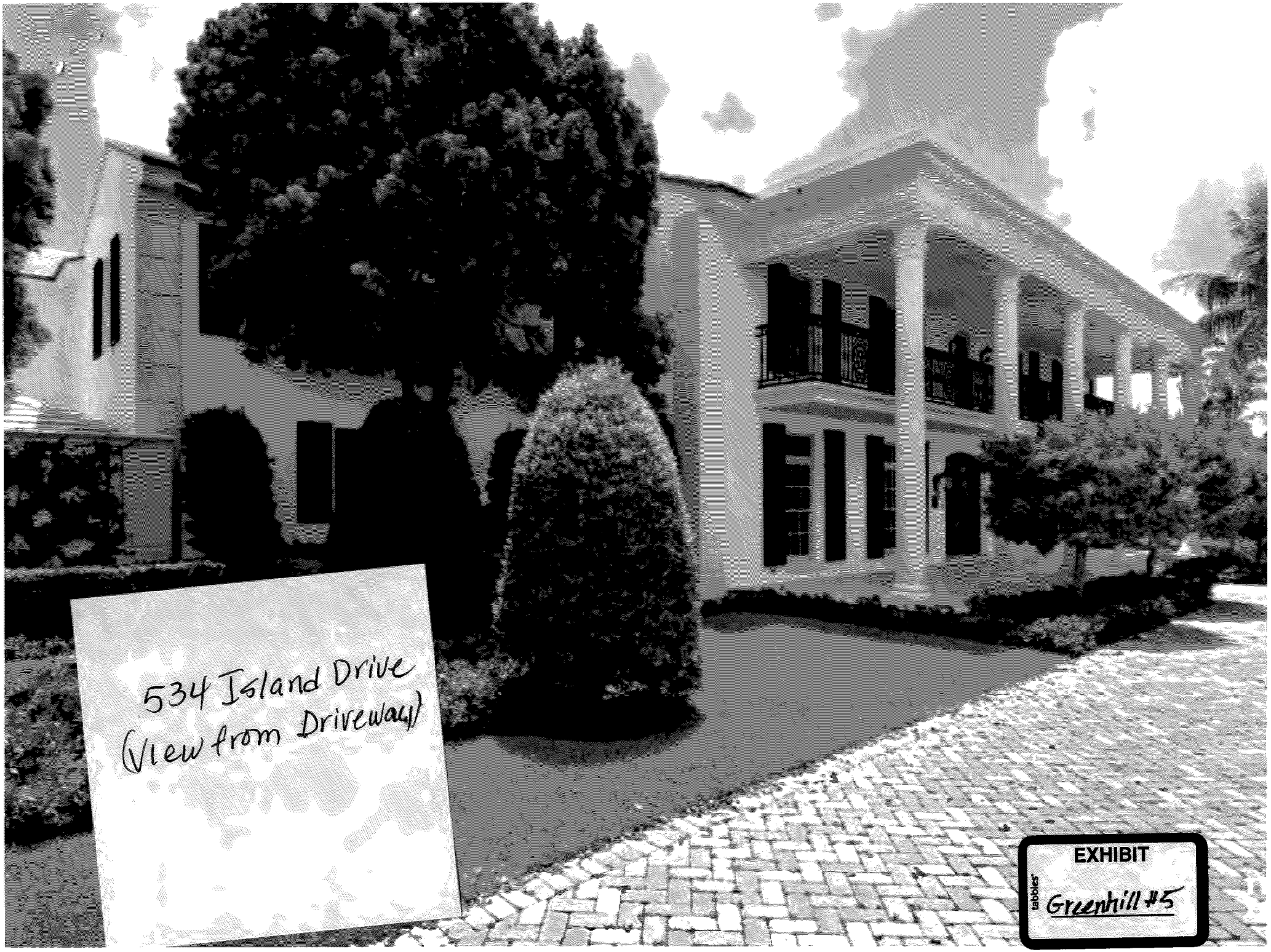
He noted that the town's approach to landmarking is somewhat unusual. Typically, he said, about 90% of landmarking takes within historic districts but in Palm Beach that percentage

is flipped, with about 90% of landmark designations protecting individual properties.

Stressing the island's premium value, Rypkema said he was struck by its "very sophisticated and knowledgeable submarket (of homebuyers), who realize the integrity and authenticity (of landmarked properties) and are willing to pay for it."

Carol Rose is a journalist with the USA TODAY Florida Network. You can reach her at crose@pbdailynews.com. Help support our journalism. Subscribe today.

crose@pbdailynews.com


534 Island Drive
(View from Driveway)
EXHIBIT
tabbies
Greenhill #5


534 Island Drive
(view from waterway)

Landmark Manual



Ray Gindroz, *Jungle Road*, 1993, Palm Beach, FL.

Jane S. Day

Town of Palm Beach, Florida
Landmarks Preservation Commission
And
The Preservation Foundation of Palm Beach
2009

EXHIBIT
tabbies
Greenhill #3

Effects of Landmarking

Landmarking Does:

- ☐ Preserve important buildings in the community
- ☐ Preserve property values by discouraging redevelopment and increases in density
- ☐ Stabilize and improve property values based on appraisal information
- ☐ Require Landmarks Commission review of exterior alterations and new construction
- ☐ Require **exterior only** review
- ☐ Substitute Landmarks Commission review for Architectural Commission review
- ☐ Offer restoration and rehabilitation information to property owners
- ☐ Allow normal maintenance without review by the Landmarks Commission
- ☐ Provide a mechanism for quick administrative approval, usually for minor changes ($2,000 or less) such as security lighting, driveways, etc.
- ☐ Encourage historic research and community pride
- ☐ Preserve the historic and cultural integrity of Palm Beach

Landmarking Does NOT:

- ☐ Change any existing zoning
- ☐ Prohibit redevelopment
- ☐ Lead to declines in property value
- ☐ Usurp individual rights because all construction goes to either the Landmarks or Architectural Commission
- ☐ Affect **interior** changes
- ☐ Create an extra municipal hurdle for the Landmark's owner
- ☐ Require restoration
- ☐ Restrict normal maintenance
- ☐ Prevent modernizing a building
- ☐ Require a building to be open to the public or to have a historic sign
- ☐ Lead to a listing on a tourism map

Acknowledgements

The Town of Palm Beach would like to thank the following for their gracious help in the publication and production of the Landmark Manual:

The Preservation Foundation of Palm Beach

The Preservation Foundation of Palm Beach is a private, non-profit membership organization dedicated to the preservation of the historic, architectural, and cultural heritage of Palm Beach, Florida. Through advocacy initiatives, educational programs, architectural resources, and cultural events, the Foundation's goal is to encourage the community to learn about and save the historic buildings that truly make Palm Beach special.

Anthony K. Baker Internship Program

The Preservation Foundation of Palm Beach is proud to offer a six week summer internship program for undergraduate and graduate students of architecture. The internship program is in honor of the late Anthony K. Baker, a dedicated advocate of historic preservation, history and architecture throughout the United States.

For the internship's inaugural summer, the interns Amie Edmiston and Peter Miller, working in association with Jane Day, successfully completed this updated version of the Landmark Manual for Palm Beach. Their efforts and research were instrumental in making this updated version possible. The Preservation Foundation is excited for the program to continue and develop in years to come and looks forward to the opportunities the future holds in which the program will strive to benefit both the Town and its residents.

University of Miami School of Architecture

Students from the University of Miami's School of Architecture Spring 2008 Historic Preservation studio were an essential element in many of the documentation drawings included in the updated manual and their diligence should be recognized and thanked. Their persistence and critical eyes have left Palm Beach with a compendium of computer drafted drawings of significant buildings of various styles as well as descriptive maps of the island.

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Introduction

Although the first families to move to today's Palm Beach arrived in 1876, real expansion and growth did not take place on the island until 1894 when Henry Morrison Flagler completed the Royal Poinciana Hotel (Figure 1). At that time the overwhelming popularity of this grand hotel, situated along the new "American Riviera," prompted aristocrats to travel south and construct palatial winter residences that were equal in grandeur to the summer residences they had created in Newport, Rhode Island.

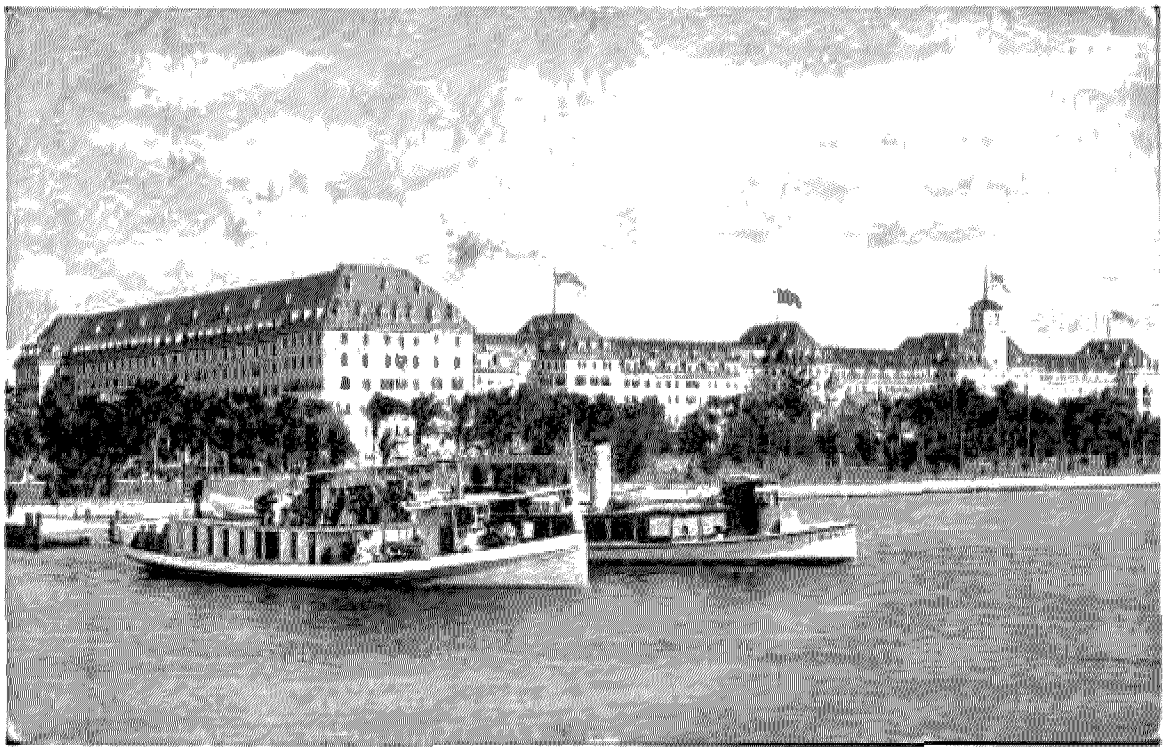


Figure 1. McDonald & McGuire, *The Royal Poinciana Hotel*, 1894. Palm Beach, Florida.

Palm Beach, like the rest of South Florida, reached the pinnacle of what has come to be called the "Boom Times" in the mid-1920s when opulent living and expansive, sprawling mansions became the norm. This booming economy, however, came to an abrupt halt in 1926 when the Florida banks failed. Two devastating hurricanes, the collapse of the Florida real estate market, and the stock market crash of 1929 all contributed to the down turn. This period of economic instability also had an impact on the built environment of the island. Architectural endeavors became smaller and took a more restrained approach in both style and scale. Howard Major's Major Alley (Figure 2) is a good example. This trend continued into the 1930s.

The building slowdown in Palm Beach lasted until after World War II when once again the island became the most desirable winter resort on the east coast. During the 1940s, Palm Beach hosted a myriad of millionaires and movie stars. The local population also increased when service men and women, who had trained in the area during the War, decided to call Florida home. The advent of the affordable air conditioner in the 1950s vastly escalated the growth of professional, residential, civic and commercial areas in Palm Beach. Coupled with the island's status as a seasonal resort, this new technology ushered in a diverse array of new building types and styles. Today, Palm Beach contains a rich heritage of extraordinary architectural resources that span over one hundred years of development (Figure 3).

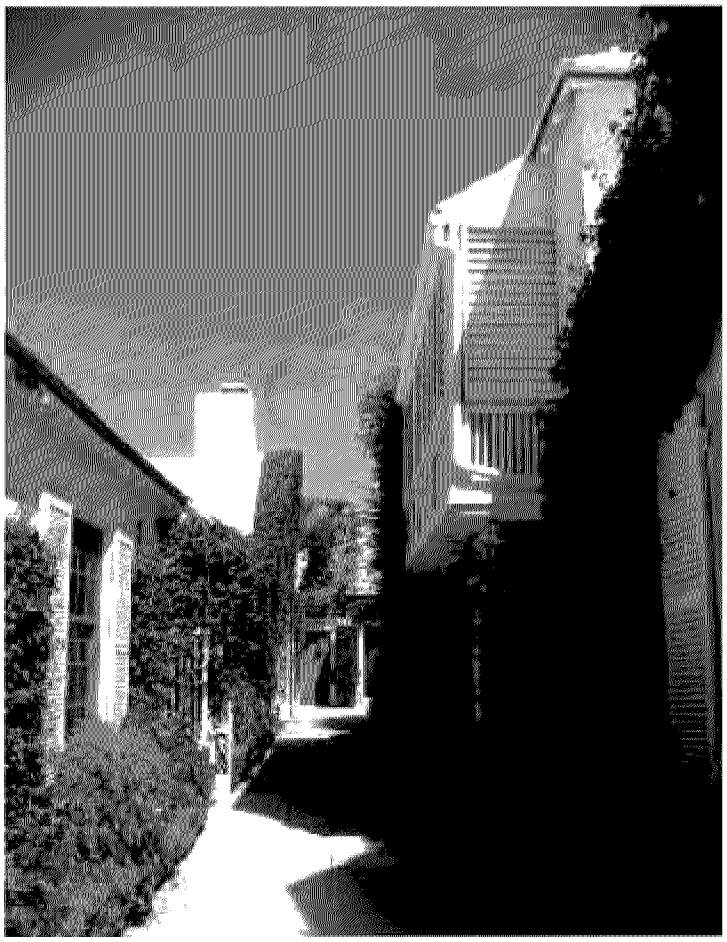


Figure 2. Howard Major, *Major Alley*, 1925. Palm Beach, Florida.



Figure 3. Addison Mizner, *The Everglades Club*, 1920s. Palm Beach, Florida.



Figure 4. Addison Mizner, *El Mirasol*, 1919. Palm Beach, FL.



Figure 5. Maurice Fatio, *El Mirasol* arch, 1930. Palm Beach, FL.

Since the 1970s the Town's zoning ordinances have controlled usage, density, height, setbacks, parking, landscaping and new construction. It did not, however, prevent the trend toward demolition and subsequent subdivision of the grand Palm Beach estates that began to occur in the late 1960s. The Stotesbury estate, El Mirasol, was Addison Mizner's first grand residential project on the ocean (Figure 4). Today the mansion is gone and the lot has been subdivided. All that remains of a once glorified past is an arch, now believed to be the design of Maurice Fatio (Figure 5).

To combat the loss of the Town's historic resources, the Town Council adopted a Landmarks Preservation Ordinance in 1979. The purpose of this ordinance was to study and protect Palm Beach's most significant architectural achievements, ensuring that the heritage of Palm Beach would not be lost. The Landmarks Preservation Ordinance directs the appointment by the Town Council of a Landmarks Preservation Commission (LPC) to identify significant structures, subject them to a set of

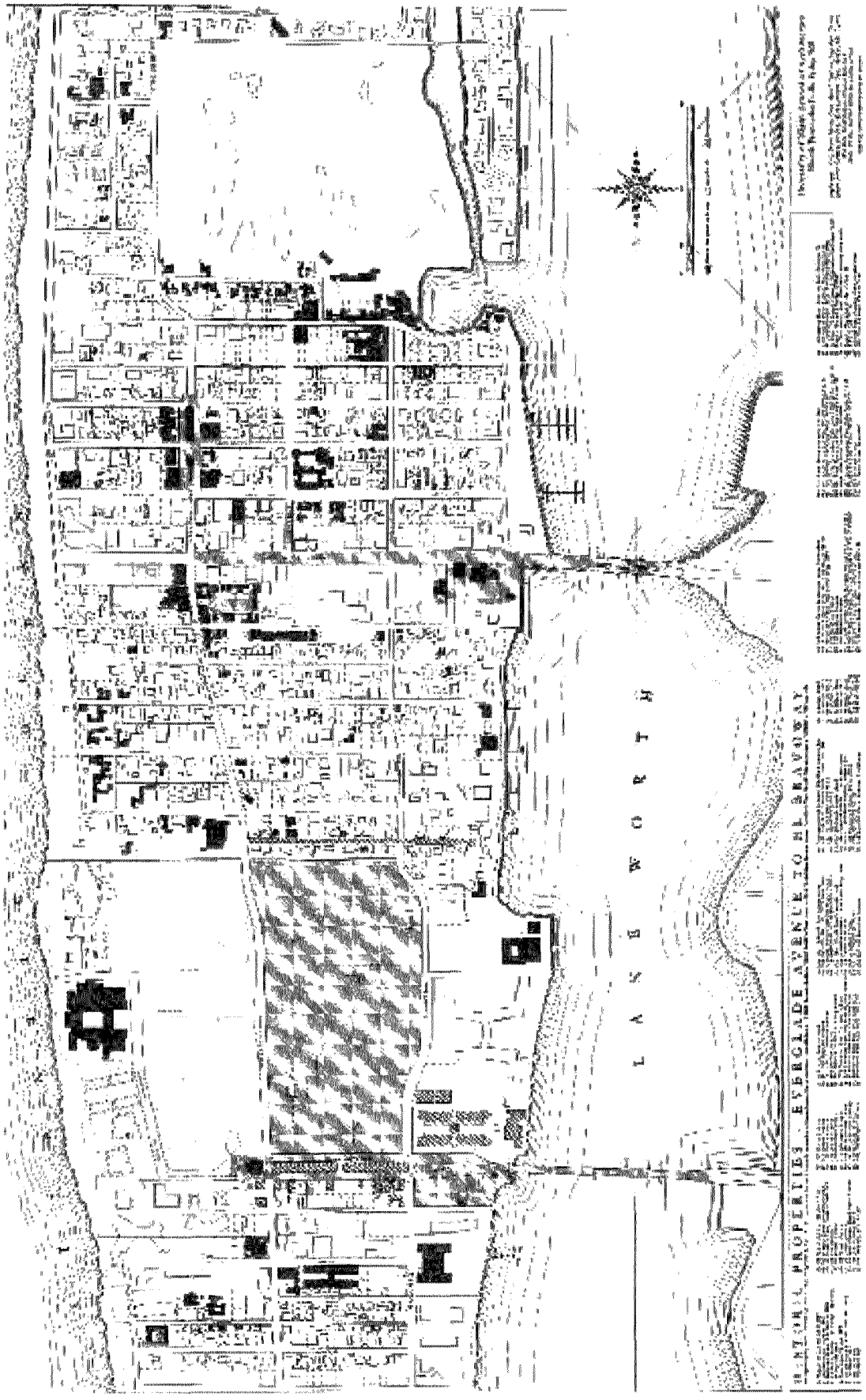


Figure 6. *4 El Bravo Way*, original date ca. 1930s with addition 1990s.

objective criteria, and designate the most worthy as Historic Landmarks of the Town of Palm Beach. Not all old structures are worthy of landmark status. A building must have an important historical association; it must be an outstanding example of architectural design, or it must be a significant work of a notable architect or master craftsman (the four criteria can be found in the Palm Beach Code, Chapter 54, Historic Preservation, Sec. 54-162).

The Landmark Preservation Commission is comprised of seven members, six of whom must be Town residents, who are appointed by the Town Council. If the Commissioners determine that a building is worthy of study, the property will be proposed for designation, it will be studied by staff, and later discussed at a subsequent public hearing. At this public hearing, the Commission will vote on whether or not to recommend to the Town Council that the building be designated a landmark of the Town of Palm Beach. The Landmarks Commission's recommendation must be ratified by the Town Council in order to be effectuated.

The Commission has a similar process for determining historic districts or historically scenic areas. A historic district is intended to protect an area highly concentrated with significant structures. However, not all buildings within the boundaries of the district need necessarily fulfill the criteria for individual designation.



University of Miami Architecture Studio, *Historic Properties: Everglades Avenue to El Bravo Way.* Spring 2008.

What does landmark designation really mean? First, landmark designation does not prohibit an owner from altering his or her structure. It simply provides a method by which proposals for change can be reviewed to determine their appropriateness as related to the architectural integrity of the structure. Second, landmark designation does not prevent additions or the removal of non-conforming previous alterations to the structure. In fact, most landmarks have been substantially altered over time, allowing for family growth and individual needs. Many of these alterations were sensitive to the historic fabric of the structure, and have become significant in their own right (Figure 6). Therefore, additions and alterations to a landmarked property are not forbidden. Third, landmark designation protects properties from deterioration caused by neglect. Section 54-3 of the Landmarks Preservation Ordinance of the Town of Palm Beach states that:

"If the Commission determines that a landmark is in the course of deterioration by neglect, it shall notify the owner of record of such preliminary finding stating the reason therefore and shall give the owner of record thirty (30) days from the date of notice in which to commence work rectifying the evidences of neglect cited by the Commission." (Palm Beach Code, Chapter 54, Historic Preservation, Sec. 54-3)

The property owner in question is given notice first by certified mail and second by posted notification upon the landmarked property in question. Failure of an owner to make repairs within thirty days provides the Commission with just cause to notify the owner to appear before the Commission at the next public hearing. At the hearing, both the Commission and the property owner have the opportunity to present their arguments.

Subsequently, if it is determined that the property owner is still in violation, the Town can bring charges against the property owner for violating the ordinance and order that repairs be made with the assistance of Town appropriated funds. The Town also reserves the right to place a lien on the property until the repair costs are recovered.

Finally, a landmarked property may not be demolished, except when approval has been granted by the Landmark Preservation Commission and ratified by the Town Council. Approved demolition of a landmarked building has occurred only on a limited basis since the Landmarks Preservation Ordinance was enacted. Many new residents of Palm Beach fail to realize that all buildings in the Town are under the jurisdiction of either the Architectural Commission (ARCOM) or the Landmarks Preservation Commission.

The Architectural Commission is composed of a panel of residents, some of whom are licensed architects. The Landmarks Preservation Commission is also composed of a panel of residents, however, the Town Council carefully selects those individuals who possess "a special knowledge of and a known interest in landmarks preservation." (Palm Beach Code, Chapter 54, Historic Preservation, Section 54-36). Several of its members are architects, historians, or individuals familiar with these disciplines. As a result, Landmarks Commission members are helpful in ensuring that work undertaken on a historic structure is visually and structurally compatible with the original fabric.

The process of working with the Landmarks Preservation Commission is not intended to be adversarial. The commission recognizes that old houses often need new air conditioners, windows, roofs, additional bathrooms and bedrooms, redesigned patios and courtyards, in order to function as contemporary residences. All of these types of changes, and many others, have been approved for landmarked buildings in Palm Beach. If the owner wishes to make exterior changes to a landmarked structure, a request for a Certificate of Appropriateness must be filed with the Town's Department of Planning, Zoning and Building. Owners may save significant time and money by asking their architects and builders to be sensitive to the original fabric of the structure, before appearing in front of the Landmarks Preservation Commission for a Certificate of Appropriateness.

This book is intended to provide a readable layman's guide to landmark property ownership in the Town of Palm Beach. The sections that follow on Palm Beach history, local architectural styles, and rehabilitation and maintenance, are offered to assist in the planning of the restoration and/or rehabilitation of landmarked structures.

The suggestions presented here are an attempt to acquaint owners with the general philosophy and principles of historic preservation and renovation. As these suggestions are not a part of the formal Landmarks Preservation Ordinance, they have no legal standing. The restoration and renovation of any landmarked structure is a unique event. Each application must be handled in context, and the Landmarks Commission evaluates each application on its own merit. These guidelines do, however, represent a broad range of suggestions from local preservation experts, architects, and builders, as well as other professionals and local citizens. Please find these guidelines to be a useful starting point for any future involvement with the historic architecture of Palm Beach.

Palm Beach Register of Historic Places

In 1979 the Town of Palm Beach enacted the Landmarks Preservation Ordinance in order to protect historic properties throughout the island. Although formatted after national standards using similar criteria for evaluation (see Palm Beach Code Sec. 54-162), the Town's ordinance differs mainly from the National Register of Historic Places in that the consent of the property owner is not needed to deem the site or building as a local landmark. However, as with national policy, local tax programs are available to aid in the restoration of a landmarked property (for more information see the Appendix section on the Tax Abatement program).



Addison Mizner, Via Mizner, ca. 1920s
Landmarked by the Town of Palm Beach

National Register of Historic Places

The National Register for Historic Places was created when the National Historic Preservation Act was signed into law on October 15, 1966. The act's intentions were clear; to provide and encourage protection of national archaeological and historical sites. It was through this act that state preservation offices were created as well as the National Historic Landmarks and National Register of Historic Places. Today Palm Beach has ten properties listed on the National Register for Historic Places.



The Breakers, 1926
Listed on National Register for Historic Places August 8, 1973
Architect: Schultze & Weaver

In order to submit a property for registration one must first understand the criteria for listing. The National Register explains the age, integrity and significance of a building or site should be significant enough to deem the nomination as worthy. If the National criteria are met, one then begins the application process at their State Historic Preservation Office (SHPO). The state as well as the National Register Review Board review nominations and if considered eligible properties are then recommended to the National Park Service in Washington, D.C. Once at this level, the Keeper of the National Register of Historic Places makes a final decision within 45 days of the submittal.

As a recognized national landmark property owners are entitled to both federal and state tax credits and federal grants. National Register does not restrict the owner on the use, treatment, transfer or disposition of private property nor does it imply public possession of land or public access. Similarly, the owner has the legal right to reject the registration.

Timeline

Pre-1500 Indian occupation of the area comprising present day Palm Beach County. The Native Americans are believed to be Jaega or Ais.

1513 Ponce de Leon reaches Florida and claims the land for Spain.

1696 Jonathan Dickinson's shipwreck and subsequent account of the Indians along the east coast of Florida.

1763 Great Britain takes control of Florida.

1784 The Second Spanish Era begins.

1814-1819 First Seminole War.

1821 President James Monroe signs the Adams-Otis Treaty ceding Florida to the United States.

1836-1842 Second Seminole War.

1842 Under the Armed Occupation Act, three settlers claim land within the present bounds of the Town of Palm Beach: James H. Russell, John S. Hutchinson, and William W. Loring.

1845 Florida becomes the 27th State in the Union.

1855-1858 Third Seminole War.

1860 The Jupiter Lighthouse, the oldest standing structure in Palm Beach County, is completed.

1861 Florida secedes from the Union during the Civil War.

1872 H.D. Pierce becomes assistant keeper at the Jupiter Lighthouse.

1876 The Dimick, Geer, and Brown families settle in what is today Palm Beach and buy land for $1.00 an acre.

1878 The brig *Providencia* wrecks off Palm Beach with twenty thousand coconuts.

The Lake Worth Post Office is established.

1880 Elisha N. "Cap" Dimick adds eight rooms to his private home and opens it to winter visitors as The Cocoanut Grove House.

1881 Edmund and John Brelsford arrive from Xenia, Ohio and buy land from Frank Dimick who moves to North Carolina.

1884 Brelsford brothers establish a general store.

1885 "Barefoot Mailman" begins to travel the beach.

1886 Denver businessman, Robert R. McCormick, buys land from Albert Geer for $10,000 and builds McCormick Cottage (now Seagull Cottage).

The first public school in Dade County is built. (Now located in Phipps Park)

1887 A post office is established at Brelsford's store. The original name, "Palm City" cannot be used, so the name "Palm Beach" is adopted.

1889 Bethesda-By-The-Sea, an Episcopal Church is founded by the Rev. Joseph N. Mulford.

1892 Charles J. Clarke arrives from Pittsburgh aboard his yacht and buys Dimick's hotel and twenty acres from Lake to Ocean for $49,000.

1893 The area's first newspaper, *The Tropical Sun,* moves from Titusville to Juno, to West Palm Beach.

Important dates in the history of the Town of Palm Beach, Florida

1894 The East Coast Canal is completed from Jacksonville to Miami.

Henry Flagler's Florida East Coast Railroad is extended to Palm Beach

The Royal Poinciana Hotel opens with 540 rooms.

The Palm Beach Inn is built, later to be called the Breakers.

1901 Henry Morrison Flagler builds "Whitehall" as a wedding gift to his wife, Mary Lily Kenan. The architects were Carrere & Hastings. It was listed in the National Register of Historic Places in 1972.

1903 The Breakers burns.

1906 *Palm Beach Life* magazine is published for the first time.

1907 *Palm Beach Daily News* begins publication. Federal Highway is opened.

1909 Palm Beach County is established.

1911 The Town of Palm Beach is incorporated with E.N. Dimick as the first Mayor.

The first vehicular bridge is built at the site of the Royal Park Bridge.

1916 The Ocean Road A-1-A is black topped and opened.

1919 First *Sanborn Fire Insurance Map* is published for the Town.

The Everglades Club, designed by Addison Mizner in the Mediterranean Revival style, opens.

1925 The Breakers Hotel burns.

Town Hall is designed by the architectural firm of Harvey & Clarke with later additions by John L. Volk.

1926 The Breakers Hotel complex is rebuilt.

The closing of Palm Beach Bank and Trust starts a run on area banks. Eleven Palm Beach County banks fail.

1928 A September hurricane brings storm tides of 11.2 feet and causes $11 million in damage.

J. Wadsworth Travers publishes *History of Beautiful Palm Beach.*

1929 Memorial Fountain is designed by Addison Mizner.

1930 The Garden Club of Palm Beach publishes *The Plan of Palm Beach.*

1938 The Flagler Memorial Bridge is built.

1941 Morrison Field officially becomes an Army post.

1942 The Breakers Hotel becomes Ream General Hospital.

1949 A hurricane hits the Town in August with winds of 130 miles per hours and damage of over $4 million.

1950 The Southern Boulevard Bridge is built.

1974 Barbara Hoffstot publishes *Landmark Architecture of Palm Beach.*

1977 The Florida East Coast Railroad is reduced to a single track.

1979 The Landmarks Preservation Commission is created by Town Ordinance.

1980 The Preservation Foundation of Palm Beach, Inc. is organized.

Palm Beach: Architectural History

Palm Beach was one of several small communities on the shores of Lake Worth when Henry Morrison Flagler first visited South Florida in the early 1890s. Flagler had just received permission to extend his Florida East Coast Railroad all the way to Miami and became so enamored with the tropical setting of Palm Beach that he purchased the oldest house in town, plus several surrounding acres. Built in 1886 by Robert McCormick, the house, which was later called Sea Gull Cottage (Figure 1), had only one rival on the eastern shores of Lake Worth, the "gingerbread" house known as Duck's Nest constructed in 1891 on Long Island, New York, and floated to Florida by barge.



Figure 1. *Seagull Cottage*, 1886. Palm Beach, FL.

Early in the summer of 1893, Flagler ordered McGuire and MacDonald, builders of his Ponce de Leon Hotel in St. Augustine, to construct a grand hotel along the banks of Lake Worth. Completed in 1894, the Royal Poinciana Hotel changed Palm Beach from a small, agrarian community to a tourist destination (Figure 2). The social life of the early community of Palm Beach centered around Sunday services at Old Bethesda-By-The-Sea Church, which was originally accessible only by water. Other gatherings were held at the larger homes such as Duck's Nest, McCormick (Sea Gull) Cottage, and at the Vicarage (1897).

As Palm Beach gradually became the center of more winter social activity, extravagant seasonal residences emerged throughout the area. Nevertheless, the hotels remained the center of society. To the east of the Royal Poinciana Hotel, next to the ocean, Flagler erected the Palm Beach Inn in 1895. Believed to be the first Florida resort directly on the beach, the popular Palm Beach Inn was quickly renamed The Breakers by one of Flagler's cousins.

Cultural life and entertainment revolved around the musicals, the tea dances and the balls held at the hotels during the brief "high season" from New Year's to just after Washington's birthday. For those with a penchant for gambling, Colonel E. R. Bradley opened his Beach Club in 1898 (Figure 3). Bradley's casino, the first to admit women, was the longest operating illegal gambling establishment in the country. Membership was limited to non-Florida residents. Remnants of Colonel Bradley and his legendary "club" can be found in the area now known as Bradley Park.



Figure 2. The Dining Room, *Royal Poinciana Hotel*, 1894. Palm Beach, FL



Figure 3. *Bradley Beach Club*, 1898. Palm Beach, FL.



Figure 4. Carrere & Hastings. *Whitehall*, 1902. Palm Beach, FL.



Figure 5. Early Twentieth Century Bungalow. Palm Beach, FL.

Henry Flagler was never one to be outdone by the society around him. In 1902, as a wedding gift for his third wife, Mary Lily Keenan, Flagler commissioned Carrere & Hastings, architects of the Ponce de Leon Hotel in St. Augustine, to design the palatial estate, Whitehall (Figure 4). At a cost in excess of $3 million, Whitehall was one of the finest Beaux-Arts mansions south of Washington. Known in the best circles as, "the Taj Mahal of the United States," Whitehall was easily one of the largest residences in the area. Since 1963, Whitehall has served the island community as a museum, focusing on Henry Morrison Flagler and the Flagler family, complete with period furnishings and historical archives.

It was not until 1911 that Palm Beach formally incorporated as a town. In that year, on the porch of Louis Clarke's Lake Trail residence, "Cap" E. N. Dimick and others wrote, signed, and adopted the Town Charter. In 1912, by action of the Florida Legislature, Palm Beach was officially recognized as an independent town. In this period, and despite the opulence of Whitehall, wooden shingle and Bungalow style houses were the preferred architecture in Palm Beach until about 1918 (Figure 5).



Figure 6. Addison Mizner, *The Everglades Club*, 1918. Palm Beach, FL.

This early period of wood frame architecture ended in Palm Beach with the arrival of Paris Singer, and his friend, Addison Mizner. Singer, the sewing machine heir, became acquainted with Mizner, an antiques dealer and architect, in the social circles of New York City. Close friends, Singer invited Mizner to spend the winter season with him in Palm Beach. Once Mizner arrived in Palm Beach he never left.

Trained in the office of Willis Polk in San Francisco, Mizner became a popular designer of residences for the affluent in Long Island before traveling south with his companion. Adored by the wives of the aristocracy for his good taste, Mizner forever changed the face of Palm Beach architecture with his Mediterranean Revival design for the Everglades Club (Figure 6) on the preexisting site of Joe's Alligator Farm.

Beginning with a palatial residence for the Stotesbury's in 1919, Mizner enjoyed a widely successful practice. His office turned out dozens of Mediterranean Revival designs before 1930. Equally as important as his Florida architectural practice was Mizner's manufacturing plant, Mizner Industries. There, Mizner created cast and carved stone details, "faux" antique furniture, roof tiles, and other ornaments for his buildings and for those of the other local architects.



Figure 7. Maurice Fatio, *The Reef*, 1937. Palm Beach, FL.

Other architects also mastered the Mediterranean Revival style. Clark Lawrence designed the North Fire Station in 1927, and Harvey and Clarke designed the Palm Beach Town Hall in 1925, adding fuel to Mizner's Spanish-Mediterranean movement. John L. Volk, Marion Sims Wyeth, and Maurice Fatio all started their early careers in Palm Beach working in the Mediterranean Revival style.

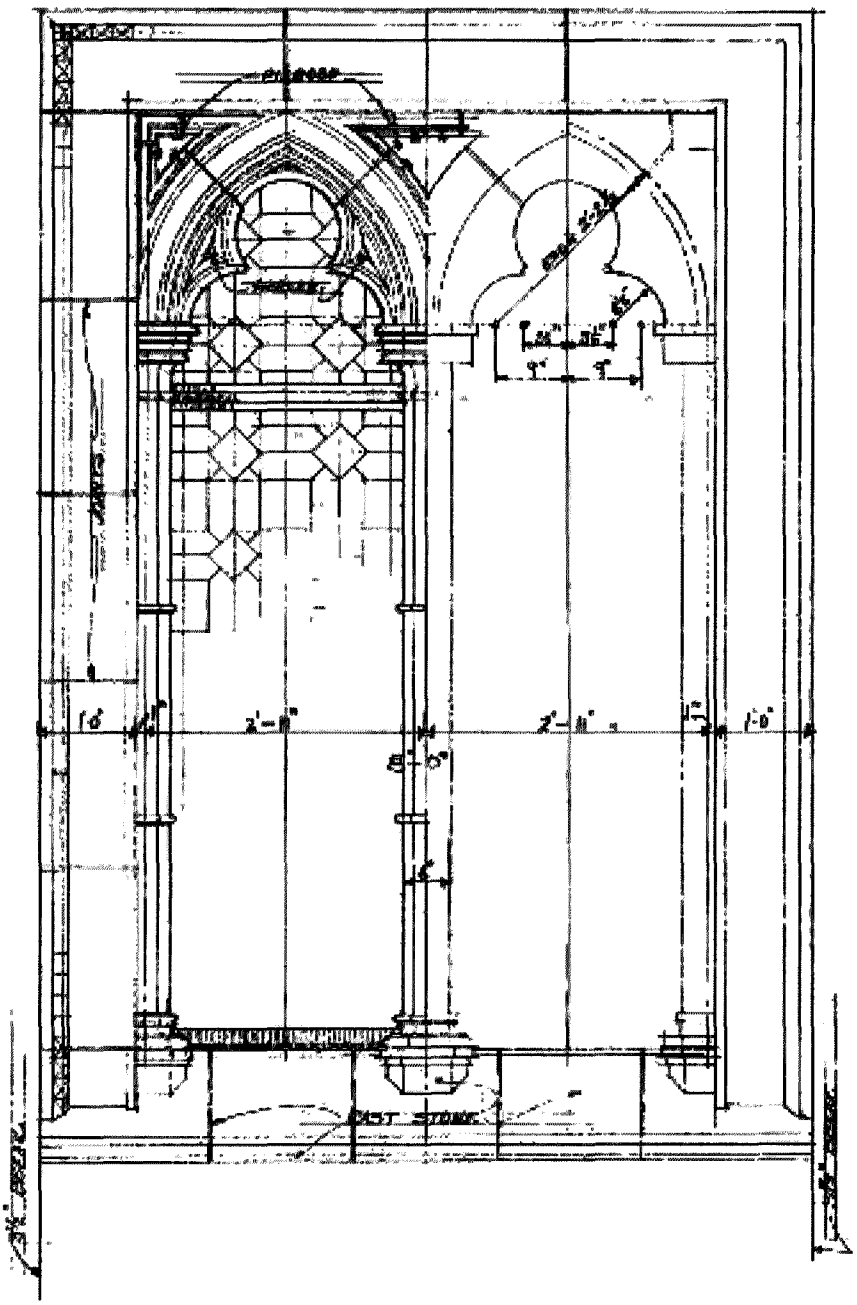
After the land bust and the Stock Market Crash of 1929, other, less elaborate types of architecture were explored by the local architects. John Volk designed many Palm Beach structures in the Bermuda, Colonial Revival, and Neo-Classical styles. Wyeth, with and without his partners, Frederick Rinelander King and William Johnson, created intimate, fanciful, Spanish courtyard structures, as well as several British Colonial designs, a style brought to this area by architect Howard Major.

One of the most diverse of these architects was Maurice Fatio, Florida partner in the New York firm of Treanor and Fatio. The European trained Fatio was accomplished in Italian Renaissance, Mediterranean Revival, and Streamline Moderne architecture. He designed memorable modern structures such as the Roddy Building and The Reef, which won a gold medal at the International Exposition in Paris in 1937 (Figure 7).

From 1927 on, these architects' designs were subject to review by a Town appointed commission known as the Arts Review Council. As ratified by the Town Council, the Arts Review Council, the precursor to the Architectural Commission and the Landmarks Preservation Commission, examined both new architecture and significant rehabilitation to existing buildings to ensure the beauty and the harmony of Palm Beach. Early members of the Art Jury included Addison Mizner, Maurice Fatio, Marion Sims Wyeth, Halpin Smith, and Charles Perrochet.

The legacy of Palm Beach's architectural history remains visible today thanks to the survival of many significant buildings. Unfortunately, Palm Beach, despite attempts of concerned individuals and town residents, has lost some treasured monuments of its past. To ensure the protection of historic and notable structures today and into the future, the Landmarks Preservation Commission and local organizations like the Preservation Foundation have rallied to promote and encourage preservation throughout the island. Furthermore, it has been through local legislation and the efforts of individuals and organizations that Palm Beach's famed past has been enabled to remain vibrant and accessible to the generation of today.

Architectural Styles



Marion Sims Wyeth, Window Design, ca. 1920s, Palm Beach, FL.

Frame Vernacular



Architectural Details

Eaves: Large overhanging eaves protect the Frame Vernacular building from the sun.

Local Materials: Frame Vernacular buildings tend to be rectangular balloon-frame construction made from locally sourced materials such as local woods and stone.

Ornamentation: Ornamentation is sparse, and can include shingles, cornerboards, porch columns, brackets, rafter tails, vents in gable ends and oolitic limestone.

Windows: Wood double-hung sash windows are commonly used in Frame Vernacular.

Description

Frame vernacular buildings represent the most typical method of construction used by South Florida's early pioneers. This form of architecture does not adhere to a particular school of design and utilizes locally available materials and traditions to create purely functional and utilitarian dwellings. Preexisting areas of Frame Vernacular houses in Palm Beach have, for the most part, been destroyed to make way for other more academic styles. One example of Frame Vernacular is the Little Red School House, the oldest one room schoolhouse in southeast Florida, owned and maintained by the Preservation Foundation of Palm Beach.

Shingle



Architectural Details

Dormer Window: A vertical window in a projection built out from a sloping roof.

Gabled Roof: A roof sloping downwards on the two sides of a central ridge to form a triangle at each end.

Gabled Window: Positioned below a gable, a gabled window generally consists of a semicircular or triangular form.

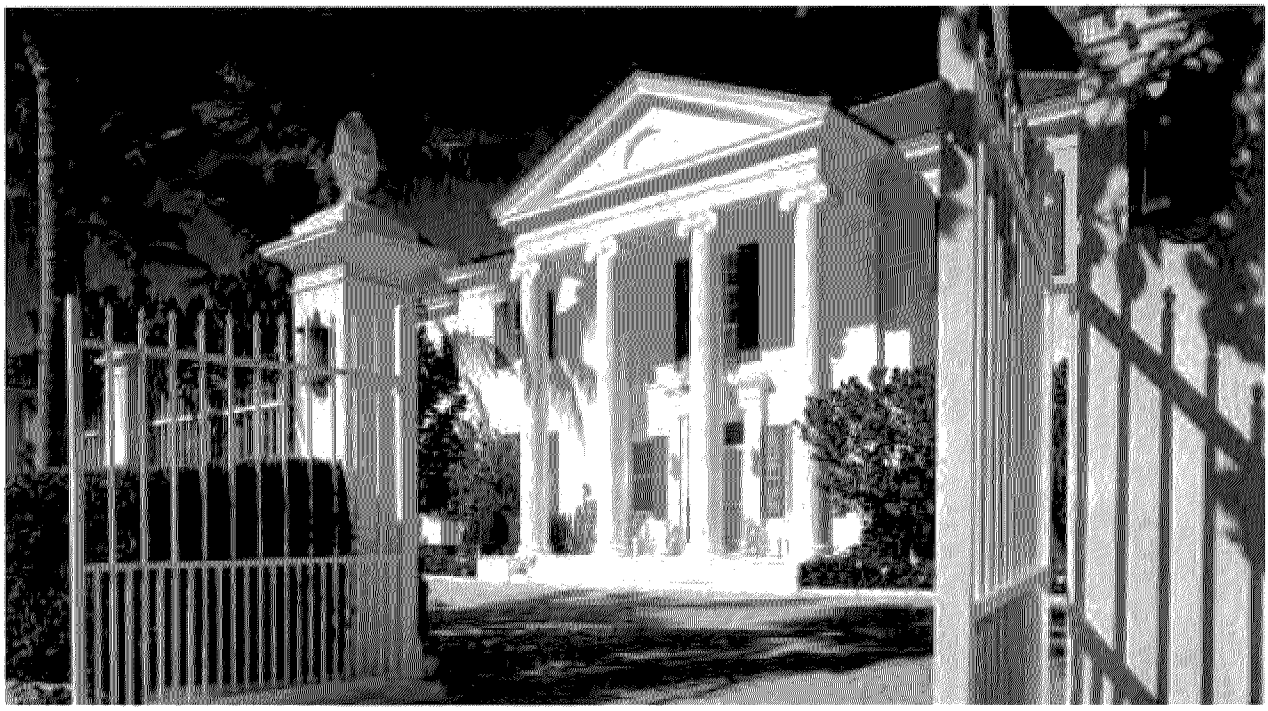
One Story Porch: Forming a covered approach or vestibule to a doorway, in the Shingle Style, porches are typically one story in height.

Shingle Siding: Thin pieces of wood laid in overlapping rows on the exterior of a building. Shingles can take on a variety of shapes and forms to create more complex decorative facades.

Description

Most Shingle style houses were built between 1880 and 1910. Characterized by inventive asymmetrical massing of forms, this style was the preferred type of architecture for the early seasonal residences of Palm Beach. Features of this style include Gambrel roofs, facades clad entirely of wood shingles, porches, varied roof lines and an overall sense of horizontality and mass. Excellent examples of this style are the Breakers' cottages, Sea Gull Cottage and the Old Bethesda-By-The-Sea.

Neo-Classical Revival



Architectural Details

Attic Story: The Attic Story sits above the main entablature of the building. Its front wall may be blank, as in the great panel above the cornice of a triumphal arch, or is the space behind is habitable, may be pierced by windows.

Colossal Portico: A grand entrance to a building, the "colossal" portico is of larger proportion than a single porch.

Parapet: A parapet is a low wall along the edge of a roof. Originally a protective device, it is often used to conceal roof slope and appurtenances.

Roman Doric Columns: The Greek Doric order is characterized by the absence of a base, whereas Roman Doric nearly always has a base. Both Greek and Roman Doric have a tapering shaft with shallow concave flutes (usually 20) and distinct forms of capital and entablature.

Unenriched Entablature: An unenriched entablature is expressed without a decorative or ornamental detail. The entablature the superstructure carried by columns and divided hierarchically, top to bottom, into cornice, frieze and architrave is an important ornamental device in a classical building.

Description

Neo-Classicism refers to the enthusiastic revival, in the late eighteenth and early nineteenth century, of the classical tradition in architecture, sculpture, painting and the decorative arts. A successor to the Rococo period of the second half of the eighteenth century, the movement was inspired by the nineteenth century revival of historic styles. Associated with the rise of the Enlightenment, Neo-Classicism also was fueled by the discoveries of ancient sites such as Pompeii and Herculaneum outside Naples, Italy during the second half of the eighteenth century.

Bungalow



Architectural Details

Dormers: A projecting structure built out from a sloping roof, usually housing a vertical window or ventilating louver.

Exterior Chimney: Chimney construction is visible on the exterior of the building.

Gabled Roof: A low pitched roof sloping downward in two parts from a central ridge to form a gable at each end.

Porches: A large open porch, either full or partial width, usually roofed and partly enclosed by a railing, often extending across the front or side of the house.

Porch Piers: A masonry foundation supports the porch roof.

Tapered Porch Posts: Vertical roof supports taper inwards.

Description

The term *Bungalow* originated in Bengal in eastern India, where thatched roofs and overhanging eaves were called "bangalas." This building typology provided shade and shelter from the tropical sun and monsoon wind and rains. In the eighteenth century, British colonial rulers adopted this type of architecture and anglicized the name. As adopted in the United States, the bungalow is typically one to one-and-a-half stories tall, with a low sloping roof line, a dominant front-gabled roof, a wide sheltering overhang and a wide porch anchored by broad tapering pillars with masonry bases. The Bungalow style was revived at the turn of the twentieth century through the Arts and Crafts Movement which promoted the pre-industrial ideas of craftsmanship, simplicity and honest expression of materials.

Mediterranean Revival



Architectural Details

Asymmetrical Façade: Mediterranean Revival buildings often achieve harmony through irregular massing of dissimilar parts into a balanced composition.

Balconet: The combination of railing and door or window openings, as in a balcony, but without the latter's floor space.

Balcony: A platform extending outward from a wall in Mediterranean Revival examples, edged by cast and ornamental stone, or occasionally, ironwork, onto which a door, or sometimes a window opens.

Clay Barrel Tile Roof: A roof system covered by tapered, semi-cylindrical clay tiles, laid convex side-up to overlap flanking similar tiles laid concave side-up.

Pointed Arches: Openings in which arches are elliptical or pointed, derived from the openings of Gothic buildings, especially Venetian examples.

Semicircular Arches: Masonry construction in which semicircular units span an opening

Description

The Mediterranean Revival style of architecture was inspired by European structures that were built around the basin of the Mediterranean Sea. Themes were borrowed from Spanish, Italian, North African and Moorish examples. Often highly ornate stone or stucco carvings surround windows, cornices and parapets. Windows and doors can be straight or arched and at times ironwork is used to further accentuate these elements. In addition, clay barrel tiles and arcaded porches are typical features. This style was popular in both Florida and California in the 1920s adapting well to the climate of both states. Addison Mizner first popularized this style in Palm Beach with his design for the Everglades Club on Worth Avenue.

Monterey



Architectural Details

Balcony: The main identifying feature of the Monterey Style is a second floor, cantilevered, open-air balcony covered by the principal roof.

Railings: Styled in either wood or iron, balcony railings give Monterey houses a sense of individuality and help differentiate between one variation of the style and another.

Description

The Monterey Style is an eclectic style of architecture that was popular throughout the United States from 1925 to 1955. Adapted from the Spanish Colonial architecture of Northern California, Monterey adds English, Colonial and Creole French design details to the prototype. The most distinguishing characteristic of this style is the second-story balcony which is usually cantilevered and covered by the principal roof. Balcony railings are typically styled in iron or wood; roofs are low pitched or gabled and covered with shingles—variants sometimes feature tiles—and exterior walls are constructed in stucco, brick, or wood. There are several examples of this style of architecture on Pendleton Lane.

British Colonial



Architectural Details

Arched Openings: Arches are found over entry doors and garden gateways. Window openings however are rectangular.

Chimneys: British Colonial buildings feature traditional open fireplaces, many with waist-high hearths. Thick chimneys give a sense of grace and strength to the house.

Flat Cement Tiles: Originally, roofs were covered with coral-limestone roof slates cut 1" by 10" by 14" and were laid horizontally in parallel rows along wooden laths, cemented down and white-washed upon completion.

Shuttered Openings: Wood shutters are utilized for storm protection.

Steeply Pitched Roof: A roof pitch of 6:12 or a 45 degree slope is typical.

Description

British Colonial architecture, also known as the Bermuda style, was inspired by the traditions of the English colonists' architectural heritage. It was adjusted to the character of the local building materials. Ornamental details were kept to a minimum in response to the softness of Bermuda's Aeolian limestone. West Indian influences include long cool verandas and small porches with upper balconies. In Palm Beach, the British Colonial house is a simplified version of the Colonial Revival style, characterized by steeply pitched roofs of flat cement tiles replacing the traditional limestone slates. Other features include pedimented, dormers, quoins and hip roofs. This style of architecture was popularized in Palm Beach by Howard Major and John L. Volk.

Mission Revival



Architectural Details

Bell Tower: The most indentifying feature of the Mission Revival style is the prominent bell tower.

Eaves: Wide projecting eaves are perfectly suited for tropical climates to protect Mission Style houses from the sun.

Roofs: Mission Revival buildings have low-pitched clay tiled roofs. Some sections have flat roofs with parapets.

Description

The Mission Revival style is a subtype of the Spanish Colonial Revival style, inspired by eighteenth century Spanish Mission churches. The style became popular in the United States when it was used as the California Building at the Columbian Exposition in Chicago in 1893, and its use was widespread by 1915. In Florida, the style reached its peak in popularity during the 1920s. The Mission style is noted for its simplicity. The roofs are traditionally flat, with interest given to an occasional secondary roof feature such as a dormer or sloping porch. Sometimes there is a bell tower. Exterior walls are generally block or wood frame which is covered with smooth or rough cast stucco. Arched openings are common. Windows are either double hung sash or casement. Porches are a prominent feature. Scuppers are also frequently found below the roof line.

Georgian Revival



Architectural Details

Copper Bay or Porch Roof: Copper roof above a bay or porch.

Cornice: The uppermost member of a classical entablature, consisting of a cymatium, corona and bed molding.

Fluted Column: A column consisting of a series of long, rounded parallel grooves, as on a shaft of a classical column.

Hipped Roof: A roof having sloping ends and sides meeting at an inclined projecting angle.

Pedimented Entry: A wide, low pitched gable surrounding a colonnade or a major division of a façade.

Quoins: An exterior angle of a masonry wall, or one of the stones or bricks framing such an angle, usually differentiated from adjoining surfaces by material, texture, color, size or a projection.

Transom Light: A window above the transom of a doorway.

Description:

The Georgian style refers to a style based on forms following the classical principles of design developed by Andrea Palladio during the Italian Renaissance. Popularized in England during the eighteenth century, Georgian architecture is characterized by a formal arrangement of parts employing a symmetrical composition enriched with classical detail. The façade is often emphasized by a pedimented projecting pavilion with colossal pilasters or columns and a Palladian or Venetian window. Variations of this style were popular throughout the Caribbean and were adapted in the revival form in Palm Beach.

Art Deco



Architectural Details

Decorative Band: A decorative molding used to hide joints at the point in which two surfaces meet. In Art Deco architecture, these often take the form of highly stylized flora and fauna.

Metal Windows: Large-span windows typical of this era were made possible through metal framing.

Parapet Trim: In art Deco architecture, decorative trims are applied to the flat exterior surfaces of parapet walls.

Description

The twentieth century's first popular style to break from tradition, Art Deco architecture is characterized by linear, hard edges and angular composition, often with a vertical emphasis. The stuccoed facades of Art Deco buildings often are arranged in a series of set-backs emphasizing the geometric form. Strips of windows with decorated spandrels add to the vertical feeling of the composition. Hard-edged low relief ornamentation is found around door and window openings and applied decoration takes the form of geometric patterns and stylized motifs in bas-relief.

Moorish Revival



Architectural Details

Decoration: Moorish Revival buildings are generally highly decorated with intricate mosaics, tiles, stonework and screening. Often the ornamentation will take the form sinewy organic stonework or even Arabic writing, a characteristic common in the Muslim world where representation of the human body is immoral.

Horseshoe Arches: Horseshoe or Moorish arches are taller than Roman arches and widen slightly before rounding off.

Minarets: Minaret, literally lighthouse in Arabic, is a feature of Islamic architecture. Minarets are usually tall and slender tower-like forms, which can be attached to a mosque or are freestanding.

Description

Drawing inspiration from North Africa, Spain, Portugal, Turkey and the Middle East, Moorish Revival is one of the most exotic architectural styles adopted by Palm Beach architects during the 1920s. Beginning first in the mid-nineteenth century in the wake of the Romanticist fascination with all things oriental, this style was in essence revived in Palm Beach and throughout America during the first half of the twentieth century. Moorish Revival buildings sometimes have highly decorated symmetrical facades adorned with complex mosaic, tile and stonework designs. Minarets, domes and finials adorn rooflines. The most striking feature is often the Moorish arch, an adaptation of the Roman arch, but with a taller proportion widening slightly before rounding off at the top.

Tudor



Architectural Details

Chimneys: Elaborately detailed heavy chimneys are a common feature of Tudor Style houses.

Half-Timbering: The most identifying feature of the Tudor Style, expresses exposed timber framing, in-filled with stucco.

Roofs: Tudor roofs are generally high-pitched and gabled. Dormers are common.

Description

Also referred to as the Medieval style, the Tudor style is based on the houses of Elizabethan England. The style is typified by high pitched, gabled roof lines, elaborate chimneys, leaded glass windows and most importantly, half-timbering: a term describing the exposed timber framing of the structure which is in-filled with stucco. Examples are rare in Palm Beach.

Regency



Architectural Details

Arch Windows: An opening or frame, which may be either load-bearing or decorative, with a profile based on the segment based on a circle or a series of segments.

Classical Moldings: Abstract ornament of continuous section used both decoratively and monumentally to enrich a surface or disguise a joint. Moldings can be applied to a flat or curved surfaces, and they are integral to many architectural features including arches, piers and bases.

Keystone: Vital central, wedge-shaped stone *voussoir* in an arch.

Pediment: Triangular area over the portico of a building formed from a gable by the addition of the horizontal cornice at a level with the eaves. By extension, it also designates a triangular or rounded decorative area framed by cornices, which may crown facades without porticos or individual façade elements such as doors, windows or niches.

Symmetry: Term used since the 17th-century to describe the reflecting correspondence of points in a plane, or parts of a body with respect to a common axis. In this case, symmetry is expressed in the façade of the building, in which the elements are mirrored on the north and south ends.

Description

Regency decorative arts and architecture were produced in England during the rule of George IV, from his time as Prince of Wales, the Prince Regent in 1811 until his death as George IV in 1830. Although it was a style primarily utilized for interiors in the late eighteenth century, it was important in its architectural form. Regent Street in London, England, planned by John Nash, is a significant landmark showcasing Regency style at its height. In Palm Beach, the Royal Poinciana Plaza is an important landmark.

International



Architectural Details

Abstracted Ornamentation: While forerunners of the International Style had abstracted ornament derived from classical examples, emphasizing a base, middle and top, in mature International Style buildings many of those elements were eliminated, others were unified and abstracted, to present simple and flat scale-less wall planes.

Asymmetrical Plan: An asymmetric plan, uncommon in the history of architecture, is emphasized in the International Style through its decentralized axis and open floor plan. This represented a departure from the Beaux Arts bilateral symmetry and axially composed orientation of rooms.

Flat Roof: A horizontal roof either with no slope or a slope great enough, to allow for water drainage. Its pitch usually measuring less than 10 degrees.

Metal Casement Windows: Casement windows open along the vertical side and are operated with a crank to open out. The earliest casement windows in steel replaced wood and therefore permitted larger openings with thinner profile frames and mullions.

Smooth Stucco Surface: Stucco, "a mixture of Portland cement, lime and sand, which are combined with water to give it its crisp appearance," is used on the exterior to lend the structure a smooth finish.

Description

The International Style was first applied to architecture of the Modern movement in 1932, a result of the first architectural exhibition at New York's Museum of Modern Art curated by Henry Russell Hitchcock and Philip Johnson. The term was enshrined in the title of the accompanying book and catalogue, *The International Style: Architecture Since 1922.* Buildings selected for the exhibition, with some notable exceptions, had certain formal characteristics in common, including mostly rectilinear elements, with undecorated facades and asymmetrical compositions. Since the photographs of the exhibit were published in black and white, subsequent emulators of the style designed in this monotone palette.

Ranch



Architectural Details

Large Overhanging Eaves: Perfectly suited for tropical climates, large overhanging eaves shelter the house from the sun.

Large Windows: Ranch Style houses frequently have large "picture" windows, often decorated with shutters, to bring in natural light.

Profile: Rectangular, L-shaped, or U-shaped in design, this style is noted for its long, close-to-the-ground profile.

Roof: Ranch style homes have cross-gabled, side-gabled or hip roofs with long, low rooflines.

Single Story: Ranch Style houses are one story tall, generally with an attached garage.

Description

A uniquely American domestic architectural style, the Ranch home gained popularity in the 1940s to become the dominant style of architecture throughout the country during the 1950s and 1960s. Its popularity was undoubtedly related to a move away from the box-like houses of the Minimal Traditional style to a house with a more flexible plan. Ranch style houses are generally long, one-story houses with low gable roofs and deep eaves. A rectangular, L, U, or splayed plan is common in Ranch style houses. They often have shallow front porches, sometimes running the length of the house. A garage or carport at one end is a common feature and decoration is sparse, rarely consisting of more than shutters and open-work metal posts. Clapboard or stucco are common exterior treatments, although a brick exterior is occasionally used.

Late Twentieth Century



Architectural Details

Asymmetric Plan: Denying a central axis, late twentieth century architecture continues to follow in the footsteps of preceding modern movements. This attraction to asymmetry is also echoed in the façades, which also tend to be asymmetrical.

Expansive Window Planes: As a result of increased technology, architects are able to incorporate larger expanses of glass in their designs allowing for brightly lit interior spaces as well as impressive views onto the exterior landscape.

Flat Roof: A feature introduced during the modern movement of the early twentieth century especially by Le Corbusier who included flat roofs as one of his Five Points of Architecture, they continue to be a defining trait of late twentieth century architecture.

Description

Architecture of the late twentieth century has many different forms. It includes, but is not limited to Mid-Century Modernism, Postmodernism, Deconstructivism and other major movements of the latter half of the twentieth century. Although not a common Palm Beach style, fine examples of this period do exist on the island. Following in the tradition of renowned architects such as Le Corbusier and Mies van der Rohe, these houses are identified by their sleek profile, stark white facades and rectilinearity. In addition, advances in technology enabled architects working in these styles to create more complex forms and utilize an array of new materials.

Secretary of the Interior's Standards for Rehabilitation

ROOTED IN OVER 120 YEARS OF PRESERVATION ETHICS in both Europe and America, *The Secretary of the Interior's Standards for the Treatment of Historic Properties* are common sense principles in non-technical language. They were developed to help protect our nation's irreplaceable cultural resources by promoting consistent preservation practices. The Standards may be applied to all properties listed in the National Register of Historic Places: buildings, sites, structures, objects, and districts. It should be understood that the Standards are a series of concepts about maintaining, repairing and replacing historic materials, as well as designing new additions or making alterations; as such, they cannot, in and of themselves, be used to make essential decisions about which features of a historic property should be saved and which might be changed. But once an appropriate treatment is selected, the Standards provide philosophical consistency to the work.

The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995

Four Treatment Approaches. There are Standards for four distinct, but interrelated, approaches to the treatment of historic properties—preservation, rehabilitation, restoration, and reconstruction.

Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. (Protection and Stabilization have now been consolidated under this treatment.)

Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.

Restoration depicts a property at a particular period of time in its history, while removing evidence of other periods.

Reconstruction re-creates vanished or non-surviving portions of a property for interpretive purposes.

Choosing an Appropriate Treatment. Choosing an appropriate treatment for a historic building or landscape, whether preservation, rehabilitation, restoration, or reconstruction is critical. This choice always depends on a variety of factors, including its historical significance, physical condition, proposed use, and intended interpretation.

The questions that follow pertain specifically to **historic buildings**, but the process of decision-making would be similar for other property types:

Relative importance in history. Is the building a nationally significant resource—a rare survivor or the work of a master architect or craftsman? Did an important event take place in it? National Historic Landmarks, designated for their "exceptional significance in American history," or many buildings individually listed in the National Register often warrant *Preservation* or *Restoration*. Buildings that contribute to the significance of a historic district but are not individually listed in the National Register more frequently undergo *Rehabilitation* for a compatible new use.

Physical condition. What is the existing condition—or degree of material integrity—of the building prior to work? Has the original form survived largely intact or has it been altered over time? Are the alterations an important part of the building's history? *Preservation* may be appropriate if distinctive materials, features, and spaces are essentially intact and convey the building's historical significance. If the building requires more extensive repair and replacement, or if alterations or additions are necessary for a new use, then *Rehabilitation* is probably the most appropriate treatment. These key questions play major roles in determining what treatment is selected.

Proposed use. An essential, practical question to ask is: Will the building be used as it was historically or will it be given a new use? Many historic buildings can be adapted for new uses without seriously damaging their historic character; special-use properties such as grain silos, forts, ice houses, or windmills may be extremely difficult to adapt to new uses without major intervention and a resulting loss of historic character and even integrity.

Mandated code requirements. Regardless of the treatment, code requirements will need to be taken into consideration. But if hastily or poorly designed, code-required work may jeopardize a building's materials as well as its historic character. Thus, if a building needs to be seismically upgraded, modifications to the historic appearance should be minimal. Abatement of lead paint and asbestos within historic buildings requires particular care if important historic finishes are not to be adversely affected. Finally, alterations and new construction needed to meet accessibility requirements under the Americans with Disabilities Act of 1990 should be designed to minimize material loss and visual change to a historic building.

Standards for Preservation

PRESERVATION IS DEFINED *as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.*

- A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
- The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
- Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
- Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

PRESERVATION AS A TREATMENT. *When the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, Preservation may be considered as a treatment.*

Standards for Rehabilitation

REHABILITATION IS DEFINED AS the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

- A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

- Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
- Changes to a property that have acquired historic significance in their own right will be retained and preserved.

- Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

REHABILITATION AS A TREATMENT. *When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, Rehabilitation may be considered as a treatment.*

Standards for Restoration

RESTORATION IS DEFINED AS *the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.*

- A property will be used as it was historically or be given a new use which reflects the property's restoration period.
- Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.
- Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
- Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.
- Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
- Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.
- Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
- Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

- Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- Designs that were never executed historically will not be constructed.

RESTORATION AS A TREATMENT. *When the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; when there is substantial physical and documentary evidence for the work; and when contemporary alterations and additions are not planned, Restoration may be considered as a treatment. Prior to undertaking work, a particular period of time, i.e., the restoration period, should be selected and justified, and a documentation plan for Restoration developed.*

Standards for Reconstruction

RECONSTRUCTION IS DEFINED AS *the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.*

- Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
- Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
- Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
- Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.
- A reconstruction will be clearly identified as a contemporary re-creation.
- Designs that were never executed historically will not be constructed.

RECONSTRUCTION AS A TREATMENT. *When a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction, Reconstruction may be considered as a treatment.*

When the Standards are Regulatory

The Secretary of the Interior is responsible for establishing professional standards and providing advice on the preservation and protection of all cultural resources listed in or eligible for the National Register of Historic Places.

The Secretary of the Interior's Standards for the Treatment of Historic Properties, apply to all proposed development grant-in-aid projects assisted through the National Historic Preservation Fund, and are intended to be applied to a wide variety of resource types, including buildings, sites, structures, objects, and districts. These Standards, revised in 1992, were codified as 36 CFR Part 68 in the July 12, 1995 *Federal Register* (Vol. 60, No. 133). They replace the 1978 and 1983 versions of 36 CFR 68 entitled "The Secretary of the Interior's Standards for Historic Preservation Projects."

The Secretary of the Interior's Standards for the Treatment of Historic Properties may be used by anyone planning and undertaking work on historic properties, even if grant-in-aid funds are not being sought. *Please note that another regulation, 36 CFR 67, focuses on "certified historic structures" as defined by the IRS Code of 1986. The "Standards for Rehabilitation" cited in 36 CFR 67 should always be used when property owners are seeking certification for Federal tax benefits.*

Rehabilitation & Maintenance

General Considerations

What follows is a guideline to the most frequent rehabilitation and maintenance problems encountered in historic Palm Beach homes and commercial buildings. It is hoped that this will be helpful to current residents and prospective owners of Palm Beach's landmark architecture.

Due to the diversity of building types in Palm Beach, not all local structures fall under the loose guidelines set forth in this section. Sensitivity to the overall design of a structure, its proportions, its sense of scale, and its relationship to the neighborhood will enhance any renovation or addition. Mixing architectural styles and/or elements from different periods or architectural history is, in most cases, inappropriate. An updated variant of the structure's original architectural style, when designed properly, will add a contemporary feel without detracting from its traditional appearance.

When replacing historic elements, use products that match the original in size, shape, and material. When replacing materials not original to the historic fabric of the structure, try to find materials that would have been used during the time of initial construction. This will make for a more uniform and a more attractive building. Whenever possible, replace original building materials with elements similar in texture, size and color, to ensure the continuity or fluidity of the overall design. True historic replications of windows, roof tiles, stucco, doors, and other details are often comparable in price and installation to prefabricated materials. Remember, if a structure is a landmark, it is probably over 50 years old, so the durability of original materials is documented by the materials themselves. Keep in mind that all exterior renovations, restorations, adaptations and additions are subject to approval by the Town of Palm Beach Landmarks Preservation Commission.

Roofing

Provide proper site drainage to assure that water does not splash against the building, or create puddles that splash mud and soils against the structure. Annual inspections of roofing and roof drainage systems are recommended. If a structure has gutters, keep them clean and free of debris. A licensed local contractor can install gutter screens that will inhibit debris from accumulating, or birds from nesting. Gutter screens can also be purchased at local home supply shops, for owner installation. If a building has a flat, built up roof, run-off tracks must be kept free of debris. Never make temporary or makeshift repairs to built-up roofs. This will encourage water and debris to accumulate elsewhere, damaging the roof even more. Inexpensive patch kits are available from local hardware stores and home shops, or from your licensed roofing contractor.

If a structure has a barrel tile, a shingle, or a concrete roof but no gutter system, more frequent inspections of the roof are recommended to insure proper drainage. Barrel clay tiles tend to accumulate leaves and other debris in their grooves, the same grooves intended for water run-off.

If you must replace a historic roofing system, rebuild with a roof of the same shape, the same pitch, the same materials, and the same covering. If the historic roof was previously destroyed and replaced with a modern system, return to a roofing system that is sensitive to the overall design of the structure. Barrel clay tiles may look nice, but are usually considered to be inappropriate for a Bungalow, Colonial Revival, or an International style structure.

Chimneys

While the majority of Palm Beach structures do not have chimneys, those that do require special consideration. If an historic chimney is not lined, it is **imperative** that it be lined. A lined chimney will help protect the structure and its inhabitants from

unnecessary fire risk. A number of new processes now allow for this to be done without major demolition or reconstruction. If the chimney is brick or masonry, inspect it for water damage, mortar loss, or spalling. Any of these damages can be repaired by a competent mason without replacing the entire chimney. If a chimney has been destroyed or previously replaced, do not replace it with a simple, unlined, concrete block system. Replace it with quality materials sensitive to the overall design and texture of the structure.

Exterior Wall Materials

If the original exterior wall materials of the structure no longer exist, refer to the "Architectural Styles" section of this manual for examples of appropriate materials and methods of construction.

Never sandblast the exterior of your structure. Sandblasting accelerates deterioration and the erosion of all materials. Water pressure cleaning systems, and like processes, are safer and more efficient. When repointing the mortar on an historic masonry building, always use mortar of like color and texture. Never repoint with a mortar containing a high portland cement content, as this may result in irreparable damage to the surrounding masonry.

Exterior wall materials should effectively reproduce the texture and appearance of materials existing or documented. Original masonry exteriors should be retained and repaired, replaced only when irreparably damaged. New stucco can be difficult to match to the original in color and in texture, and filled-in windows and doors often show their outlines over time.

Acceptable materials for the exterior of local structures include quarried stone, cast, stone, stucco, brick and wood siding. Avoid imitation brick or stone veneer, bare cinder block, aluminum, and other synthetic sidings. Retain or replace glass curtain walls and storefronts only in Modern, International, Art Deco, Post Modern, and similarly styled buildings.

Since Palm Beach is a coastal town, the constant infusion of salt into the pores of concrete and stucco facades can cause deterioration of the wall material. The saltwater enters these pores and crystallizes, expanding the size of the microscopic pores of the building, causing it to spall, or "blow off" chunks of concrete and stucco. Unless the deterioration affects the iron reinforcement bars in the concrete wall, this spalling is easily patched and repaired. If the reinforcement bars are rusted, a structural engineer can determine if the structural framework of an historic building has been damaged.

Attempt to discover the historic paint colors and finish used on the structure's exterior and, when necessary, repaint with historically accurate colors. Excellent historic paint colors are available from your local paint suppliers. Classical architectural details such as columns, cornices, entablatures, arcades and pediments or other decorative entryways should be sensitive to the historic fabric and style of the structure. If replacing such historical details becomes necessary, or if renovation plans call for adding them to the structure, remember that a particular building should be of *only one* classical order: Tuscan, Doric, Ionic, Corinthian or Composite.

Windows & Doors

Windows and doors can make a major difference in the appearance of a building. Avoid replacing historic windows and doors for other than structural reasons. Many local craftsmen can repair, strip, or replace elements of historic windows and doors, making them not only beautiful, but functional and operable again as well. These craftsmen can also replace glass and weather-stripping in existing windows and doors, increasing their thermal performance, without replacement of the entire unit. Remember, a structure needs to breathe properly.

If it becomes necessary to replace historic windows and doors, try to do so with historically correct replicas. Most historic buildings in Palm Beach were constructed with wood frame

windows and wood doors. While large cypress and other historic timbers may no longer be available, replacement with other types of wood will match most historic houses better than aluminum, steel, plate glass, or synthetic materials.

When replacing windows and doors previously altered or changed on your building, employ materials sensitive to the overall design of the structure. Aluminum or steel canopy (crank-out) windows were added to many Mediterranean Revival structures in Palm Beach during the 1940s and the 1950s. These are good examples of windows no longer appropriate in the overall design of the structure.

When adding windows that previously did not exist in the structure, or were otherwise "bricked up." Replace them with windows of similar size, shape design. Always make sure that these new windows adhere to, and so not interfere with, the rhythm of the façade. The same holds true for doors and other openings.

Foundations

Because most of Palm Beach's land was reclaimed from swamps, foundation footing problems in historic buildings may not be directly related to the structural foundation. Historic buildings that lean or have unlevel floors may be the result of excessive settling. This can often be repaired with structural hydraulic jacks or other similar systems.

Problems specific to the structural foundation of a building can often be recognized by the visual effects of spalling, cracking, deflection, or failure. Repair and stabilize weakened structural members and systems. Supplement existing structural systems where damaged or inadequate.

Renovations & Additions

Renovations and additions are also subject to approval from the Town of Palm Beach Landmarks Preservation Commission. This applies only to exterior changes made to the landmarked property. Alterations made to the interior of a structure, such as the renovation or the addition to kitchens and bathrooms, do not require Landmarks Preservation Commission approval unless a byproduct of such alterations is an added or displaced window or door, or the addition or subtraction of square footage to the overall structure.

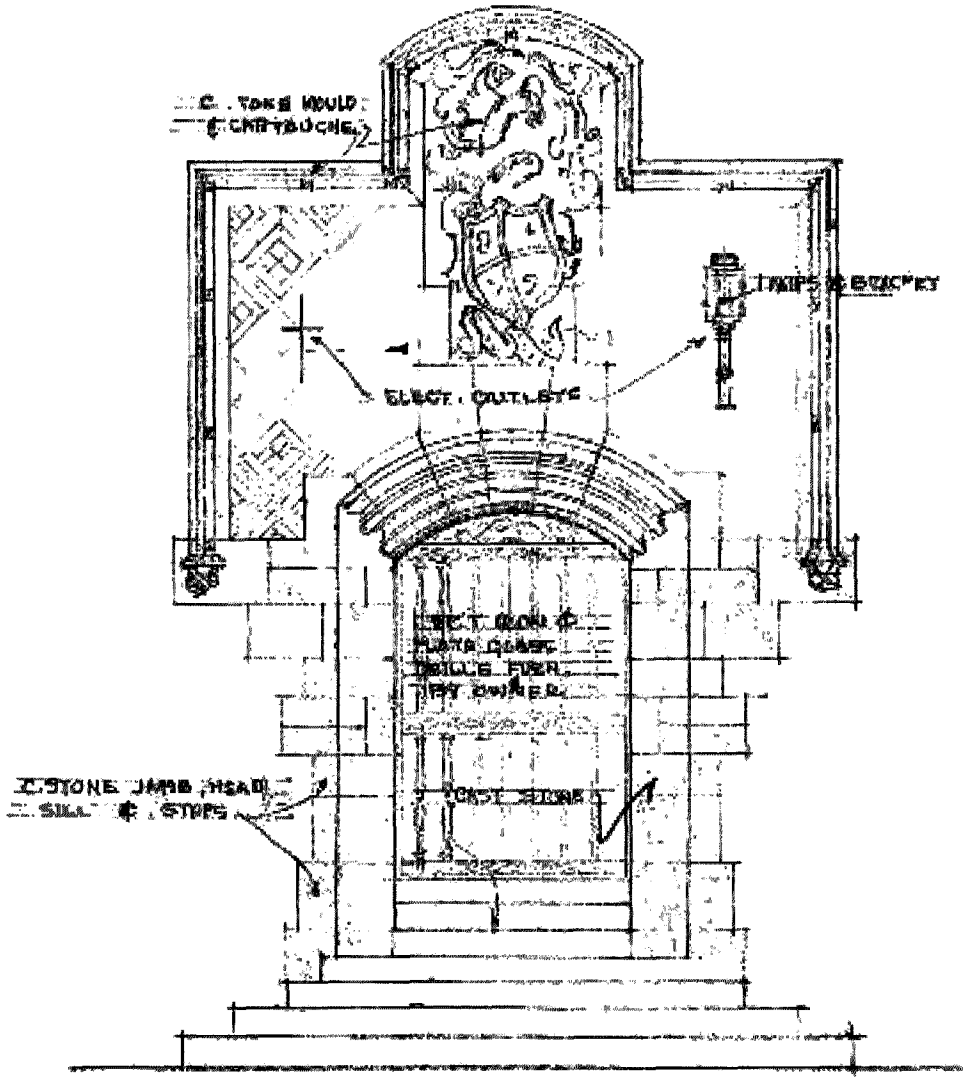
Under the guidelines of the Landmarks Preservation Commission, additions to a structure are permitted, subject to approval. The Town's zoning regulations govern the amount of lot coverage and setbacks permitted for both new and historic structures. Some additions may require a variance issued by the Town Council. If the intention is to add square footage to an historic building, overall conformity to the original design is necessary. This is not to say that an addition must look exactly like the existing structure, but rather that it should be compatible.

New Construction

All new construction and any exterior renovations in Palm Beach are subject to the regulations of the Town of Palm Beach Architectural Commission, except for designated historic landmarks which are governed by the Landmarks Preservation Commission. New construction, while not restricted to any particular architectural style, should conform to the prevailing architectural design of the neighborhood, the block, or the district.

Similarly, new structures should not exceed the average vertical or horizontal rhythm of the area. New additions to existing, especially historic, structures should conform to the architectural style, the massing and the rhythm of the existing structure.

Appendix



Marion Sims Wyeth, Door detail, ca. 1920s.

Landmarks Preservation Ordinance

Chapter 54 HISTORICAL PRESERVATION*

***Cross references:** Buildings and building regulations, ch. 18; consistency and concurrency management system, ch. 30; environment, ch. 42; marine structures, ch. 62; natural resource protection, ch. 66; planning, ch. 86; public improvements, ch. 90; streets, sidewalks and other public places, ch. 106; subdivisions, ch. 110; utilities, ch. 122; vegetation, ch. 126; preservation of historic and specimen trees, § 126-56 et seq.; zoning, ch. 134.

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ARTICLE I. IN GENERAL

Sec. 54-1. Purpose and intent.

It is declared to be a matter of public policy that the protection, enhancement and perpetuation of properties of special, notable, aesthetic or architectural character or historic interest or value is a public purpose and necessity and is required in the interest of health, prosperity, safety and general welfare of the people residing within and without the town. The purpose of this chapter is to:

(1) Effect and accomplish the protection, enhancement and perpetuation of such properties and of districts that represent or reflect elements of the town's cultural, social, economic, political and architectural history.

(2) Safeguard the town's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts.

(3) Stabilize and improve property values.

(4) Foster civic pride in the beauty and notable accomplishments of the past.

(5 Protect and enhance the town's attractions to residents and visitors.

(6) Strengthen the economy of the town.

(7 Promote the use of historic districts and landmarks for the education, pleasure and welfare of the residents of and visitors to the town.

(Code 1982, § 16-33)

Sec. 54-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration means any change because of construction, repair, maintenance or otherwise to a building located within an historic district or designated as a landmark or landmark site.

Applicant means the record owner of the site and/or buildings located thereon, the owner's authorized agent, or a person holding a bona fide contract to purchase same who makes application for a certificate of appropriateness under this chapter joined by the owner of record.

Building means a building or other structure built for the shelter or enclosure of persons, animals or chattels, including fences, signs, paving and boundary walls, and any part of any such building or structure when subdivided by division walls or party walls extending to or above the roof and without openings in such separate walls. The term "building" shall be construed as if followed by the words "or any part thereof."

Certificate of appropriateness means a document evidencing approval of the commission for work proposed by an applicant.

Commission or *landmarks commission* means the landmarks preservation commission created under this chapter.

Construction means the erection of an on-site improvement to a landmark or to a building or any parcel of ground located within an historic district or on a landmark site, whether the site is presently improved or unimproved, or hereafter becomes unimproved by demolition, demolition by neglect or as a result of destruction of an improvement located thereon by fire, windstorm or other casualty, or otherwise (such a parcel of ground being herein referred to as a "site").

Demolition means the complete or constructive removal of a building or any portion thereof on any site.

Demolition by neglect means neglect in the maintenance of any building, resulting in any one or more of the following:

(1) The deterioration of a building to the extent that it creates or permits a hazardous or unsafe condition as determined by the building official.

(2) The deterioration, as determined by the building official, of a building characterized by one or more of the following:

a. Those buildings which have parts thereof that are so attached that they may fall and injure persons or property.

b. Deteriorated or inadequate foundation.

c. Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety.

d. Members of walls or other vertical supports that split, lean, list or buckle due to defective material or deterioration.

e. Members of walls or other vertical supports that are insufficient to carry imposed loads with safety.

f. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split or buckle due to defective material or deterioration.

g. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are insufficient to carry imposed loads with safety.

h. Fireplaces or chimneys that list, bulge or settle due to defective material or deterioration.

i. Any fault, defect or condition in the building that renders the same structurally unsafe or not properly watertight.

j. Unsafe electrical and/or mechanical conditions.

(3) Action by the town council, the fire-rescue chief or the building official based upon the safety or physical condition of any building.

Earthworks means any subsurface remains of historical, archaeological or architectural importance or any unusual ground formations of archaeological significance.

Exterior means all outside surfaces of a building.

Historic district means an area identified by the commission that contains one or more landmarks or landmark sites as well as those abutting sites the commission determines should fall under the provisions of this chapter to assure that their appearance and development is harmonious with such landmarks and landmark sites.

Landmark and *landmark site* means an unimproved parcel of ground, including, without limitation, earthworks (landmark site) or a parcel of ground with improvements (landmark), whereso-ever located in the town of particular historic, architectural or cultural significance, which landmark or landmark site meets the criteria set forth in section 54-161.

Minor exterior change means an exterior change the cost of which does not exceed $2,000.00 as determined by the building official and is determined by the landmarks project coordinator to not materially affect the exterior of the structure.

Ordinary repairs or maintenance means work done to prevent deterioration of a building or to correct any deterioration or decay of or damage to a building or any part thereof by restoring the building as nearly as practicable to its condition prior to such deterioration, decay or damage.

Owner of record means as reflected on the current county tax roll.

(Code 1982, § 16-34)

Cross references: Definitions generally, § 1-2.

Sec. 54-3. Deterioration by neglect.

(a) If the commission determines that a landmark is in the course of deteriorating by neglect, it shall notify the owner of record of such preliminary finding stating the reason therefore and shall give the owner of record 30 days from the date of notice in which to commence work rectifying the evidences of neglect cited by the commission. Such notice shall be accomplished in the following manner:

(1) By certified mailing to the last known address of the owner of record.

(2) If the procedure outlined in subsection (a)(1) of this section is not successful, then by attaching such notice to the landmark twice within a week.

(b) Upon the owner of record's failing to commence work within 30 days of such notice, the commission shall notify the owner of record in the manner provided in subsection (a) of this section to appear at the next public hearing of the commission. The commission shall cause to be presented at that public hearing the reasons for the notice, and the owner of record shall have the right to present any rebuttal thereto. If thereafter the commission shall determine that the landmark is deteriorating by neglect, the commission shall inform the town council of its determination, whereupon the town council may bring charges against the owner of record for violation of this chapter; and the town council may cause such landmark to be repaired at its expense at such time as funds are appropriated therefore, in which event the town may file an affidavit of the building official to such effect in the office of the county recorder of deeds, which shall operate to create, to the extent it may lawfully do so, a lien against the property for the funds so expended by the town.

(Code 1982, § 16-44)

Sec. 54-4. Enforcement.

The code enforcement board shall enforce the provisions of this article and, upon conviction, the violator shall pay as provided in chapter 2, article V for each day the violation continues.
(Code 1982, § 16-47)
Secs. 54-5—54-35. Reserved.

ARTICLE II. LANDMARKS PRESERVATION COMMISSION*

***Cross references:** Boards and commissions, § 2-306 et seq.

Sec. 54-36. Created; appointment; qualifications; terms; compensation; filling vacancies; reappointment.

(a) A landmarks preservation commission is created consisting of seven members. At least two members, but not more than three members, of such commission shall be registered architects in the state. A majority of the members shall have, to the highest extent practicable, a special knowledge of and a known interest in landmarks preservation. Each member shall be a registered voter in the town, however, one member may be a non-resident of the town in the event it is determined by the town council that said individual has a special expertise in historic landmarks preservation. Each member other than the individual, if any, appointed by the town council as an expert, shall be a registered voter in the town. The members shall serve staggered terms of three years, and each will serve without compensation, except in the event of the appointment of an outside expert who will serve a term of only one year, but who may be reappointed by the town council on an annual basis. Each member shall serve without compensation. The town council shall appoint the members. If a vacancy shall occur otherwise than by the expiration of a term, it shall be filled by the town council for the unexpired term.

(b) A member shall not be appointed for more than two consecutive three-year terms but shall be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term.

(Code 1982, § 16-35; Ord. No. 12-95, § 1(a), 9-12-95; Ord. No. 8-99, § 1, 11-9-99; Ord. No. 7-00, § 1, 6-13-00; Ord. No. 6-01, § 1, 4-10-01; Ord. No. 19-01, § 1, 10-9-01)

Sec. 54-37. Alternate members.

(a) *Appointment.* The town council may, in its discretion, appoint three alternate members with similar qualifications who shall serve when called upon the chair of the commission in the absence of any regular members.

(b) *Attendance requirements.* Alternate members are required to attend all meetings of the commission and are subject to the same attendance requirements, as regular members with the same provisions relating to excused absences being applicable.

(c) *Voting.* Alternate members shall not vote on any matter unless they are sitting to fill the position of a regular member of the commission in the event of absence or in the event of a conflict of interest; however, alternate members may participate in the discussion of matters coming before the commission whether they are sitting as a voting member or not.

(d) *Terms of office.* Although an alternate member may not serve more than two three-year terms as an alternate, an alternate member may be appointed to serve as a regular member of the commission and, in the event of such appointment, shall be entitled to serve two full three-years terms thereafter.

(Code 1982, § 16-35; Ord. No. 12-95, § 1(b), 9-12-95; Ord. No. 8-99, § 2, 11-9-99; Ord. No. 6-01, § 2, 4-10-01)

Sec. 54-38. Removal provisions; absences; conflicts of interest.

(a) All members of the commission, including alternates, serve at the pleasure of the town council and may be removed from the commission with or without cause. Members of the commission shall be automatically removed for lack of attendance, which is defined as failure to attend more than two meetings in any one calendar year. Excused absences due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. In order for an absence to be excused, the member must notify the town manager's office by letter no later than noon on the Friday prior to a regularly scheduled meeting unless the absence is an emergency. Failure to notify the manager via letter will cause the absence to be unexcused. Excused absences shall be entered into the minutes at the next regularly scheduled meeting of the commission after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this article.

(b) In the event of excessive conflicts of interest during any one calendar year, the commission member shall be subject to removal from the commission by the town council or, in the event of excessive conflicts of interest during any one term, a commission member may not be reappointed to a successive term. Excessive conflicts of interest are defined as five or more conflicts of interest in any one calendar year.

(c) If a member of the commission has a conflict of interest resulting from that member or the member's firm representing an applicant before the commission, it shall be the duty and obligation of the member having the conflict to comply with the following requirements:

(1) Notification of the conflict of interest shall be noted on the application form at the time of the submission of the application. The conflict will be identified on the commission agenda.

(2) The member having the conflict of interest shall not participate in the discussion and shall leave the chamber or the dais until the item is concluded.

(3) The member having the conflict shall not present the project to the commission, except in a case where the commission member is a sole practitioner who is unable to represent a client through an associate.

(Code 1982, § 16-35; Ord. No. 12-95, § 1(c), 9-12-95; Ord. No. 8-99, § 3, 11-9-99; Ord. No. 18-04, § 4, 10-1-04)

Sec. 54-39. Officers, rules of procedure for commission.

The commission shall elect a chair, a vice-chair and a secretary and may adopt rules for the conduct of its meetings. Four voting members of the commission shall constitute a quorum; however, the affirmative or negative vote of a majority of the entire membership of the commission shall be necessary for it to take action. In cases of emergency, if a quorum cannot be obtained, the chair, or vice-chair in his absence, and one other member of the commission may act to prevent an imminent or irreparable violation of the provisions of this chapter.

(Code 1982, § 16-36)

Sec. 54-40. Commission enforcement powers.

(a) In the performance of their duties, members of the commission or their designees shall have the right to enter upon properties in the town at reasonable times and upon reasonable notice to the owners thereof.

(b) Upon request of the commission, the building official shall aid the commission in making necessary inspections in connection with the enforcement of this chapter, shall furnish the commission with copies of reports of his inspections, and shall send notices to all persons who may be in violation of the provisions of this chapter to inform them of such violations.

(c) Failure to comply with the provisions of this chapter shall constitute a violation hereof, and the violator shall be prosecuted under the provisions of chapter 2, article V of this Code.

(Code 1982, § 16-45)

Sec. 54-41. Appeals and review.

The applicant or any interested party may file an appeal to the town council on any ruling by the commission or the building official made pursuant to this chapter. An appeal shall be on forms provided by the town. The appeal shall be filed or made within ten days. Appeals shall set forth the alleged inconsistency or nonconformity with procedures or criteria set forth in this chapter. The town council shall decide an appeal within 45 days of the filing of such appeal unless an extension of time is consented to by the applicant, and such filing shall suspend any building permit issued pursuant to the ruling of the commission or building official until the town council has decided the appeal. The town council may review any decision of the commission or the building official, and their disposition of the matter shall be final. Appeals filed pursuant to this section shall be based on the record of the proceedings below and shall not be presented de novo. The time allotted for presentation of an appeal shall be determined by the town council president.

(Code 1982, § 16-46; Ord. No. 6-06, § 1, 7-11-06)

ARTICLE III. CERTIFICATE OF APPROPRIATENESS

DIVISION 1. GENERALLY

Sec. 54-71. Required.

(a) No landmark nor any building or site planning feature, including but not limited to landscaping, garden walls, pools, fountains, etc., on a landmark site or within an historic district shall be erected, altered, restored, moved or demolished until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by the commission. Similarly, if earthworks of historical or archaeological importance exist in an historic district, or on a landmark site, there shall be no excavating or moving of earth, rock or subsoil in or about such earthworks without a certificate of appropriateness. For the purpose of this article, "exterior architectural features" shall include but not be limited to the architectural style, scale, general design and general arrangement of the exterior of a building, including the kind and texture of the building material and type and style of roofs, windows, doors and signs. The style, scale, design, materials and location of advertising signs and bill posters on a landmark site or within an historic district, if located or plainly visible from out-of-doors, shall be under the control of the commission.

(b) The commission shall not consider interior arrangement or use, except as this may affect a request for exterior changes.

(c) Nothing in this article shall be construed to prevent ordinary maintenance or repairs that do not involve a change of design or material or that do not affect the outward appearance of a building.

(d) The commission shall exercise only those powers and duties granted by this article and those powers and duties that may be assigned to it at a later date by the town council.

(e) For an exterior change project consistent with division 3 of this article, a determination may be made that this is a minor exterior change and the requirement of a certificate of appropriateness may be waived. Such determination shall be made by the landmarks project coordinator, with the concurrence of the chair or such other member of the commission as may be designated by the commission, who will so advise the building official, who may then issue a building permit.

(f) An exterior change project determined by the landmarks project coordinator to be inappropriate, potentially controversial or precedent setting shall be submitted by the staff to the commission for review. No exterior change project with an estimated expenditure exceeding $2,000.00 as determined by the building official shall fall within the definition of this minor project category.

(g) Review of minor exterior change projects for which certificates of appropriateness have been waived will be reviewed quarterly by the commission.

(Code 1982, § 16-37)

Secs. 54-72—54-90. Reserved.

DIVISION 2. PROCEDURES AND EFFECT

Sec. 54-91. Design guidelines.

The commission shall prescribe the procedure for making application for a certificate of appropriateness and may develop design guidelines necessary to provide a framework for studying plans submitted.

(Code 1982, § 16-40(a))

Sec. 54-92. Preliminary conference.

The applicant for a certificate of appropriateness shall, upon request, have the right to a preliminary conference with a member of the commission or of the commission staff for the purpose of making any changes or adjustments to the application that might be more consistent with the commission's standards.

(Code 1982, § 16-40(b))

Sec. 54-93. Public hearing; notice.

The commission shall hold a public hearing upon each application for a certificate of appropriateness affecting property under its control. Notice of the time and place of the hearing shall be provided as follows:

(1) Publication in a newspaper having general circulation in the town at least 15 days before such hearing and by posting such notice on the bulletin board in the lobby of the town hall.

(2) Mailing at least 15 days prior to the date of such public hearing to the applicant and property owners within a 250-foot radius of the subject property. Such list of property owners, together with a notification map, shall be provided by the applicant along with addressed and properly stamped envelopes and shall be certified by the applicant as being true and accurate.

(Code 1982, § 16-40(c); Ord. No. 15-08, § 1, 5-12-08)

Sec. 54-94. Commission action.

Within not more than 30 days after a hearing on an application for a certificate of appropriateness, the commission shall act upon it, either approving, denying or deferring action until the next meeting of the commission, giving consideration to the factors set forth in division 3 of this article. Evidence of approval of the application shall be by certificate of appropriateness issued by the commission, valid for a period not to exceed one year from date of issuance, and whatever its decision, a notice in writing shall be given to the applicant and the building official. The commission shall keep a record of its actions under this division.

(Code 1982, § 16-40(d))

Sec. 54-95. Certificate required for exterior changes.

(a) No building permit for exterior changes shall be issued by the building official that affects a building or site in an historic district or a landmark or a landmark site or a property under consideration for landmark designation without a certificate of appropriateness, except for those changes specifically exempted under the provisions of section 54-71(e).

(b) The commission shall have the right to make such recommendations for changes and modifications as it may deem necessary in order to enable the applicant to meet the requirements.

(Code 1982, § 16-40(e), (f))

Sec. 54-96. Emergency demolition or repairs.

Nothing contained in this division shall prevent the demolition or making of any temporary construction, reconstruction, or other repairs on a landmark, landmark site or a building in an historic district pursuant to the order of any governmental agency or a court of competent jurisdiction for the purpose of remedying emergency conditions determined to be dangerous to life, health or property, as determined by the building official, provided that in case of demolition prior notice of such action shall be given to the commission.

(Code 1982, § 16-40(g))

Sec. 54-97. Variances authorized.

Where by reason of topographical conditions or irregularly shaped lots, or because of unusual circumstances applicable solely to the particular applicant strict enforcement of the provisions of this article would result in serious undue hardship particularly affecting an applicant for a certificate of appropriateness, the commission, in passing upon his application, shall have the power to vary or modify adherence to this chapter provided always that its requirements ensure harmony with the general purposes of this chapter and will not adversely affect an historic district, landmark or landmark site. Guidelines for the application of this section may be developed by the commission.

(Code 1982, § 16-40(h))

Sec. 54-98. Stop work order authorized.

If work is being performed not in accordance with a certificate of appropriateness, the building official or his designated representative shall issue a stop work order, and all work shall cease. No person shall undertake any work on such project as long as such stop work order shall continue in effect.

(Code 1982, § 16-40(i))

Secs. 54-99—54-120. Reserved.

DIVISION 3. CRITERIA FOR ISSUANCE

Sec. 54-121. Generally.

In passing upon an application for a certificate of appropriateness, the commission shall consider the criteria in this division.

(Code 1982, § 16-41)

Sec. 54-122. New construction.

(a) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related:

(1) The height, the gross volume, and the proportion between width and height of the facade;

(2) The proportions and relationships between doors and windows;

(3) The rhythm of solids to voids created by openings in the facade;

(4) The materials used in the facade;

(5) The texture inherent in the facade;

(6) The colors, pattern and trim used in the facade; and

(7) The design of the roof.

(b) Existing rhythm created by existing building masses and space between them should be preserved.

(c) The landscape plan should be sensitive to the individual building and its occupants and needs and should be visually compatible with the buildings and environment with which it is visually related.

(d) A new street facade should blend directionally with other buildings with which it is visually related; which

is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.

(e) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

(Code 1982, § 16-41(a))

Sec. 54-123. Exterior alterations.

(a) The criteria set forth in section 54-122, if applicable, shall be considered in passing upon an application for exterior alterations; provided that the commission may consider the original design of the building and the buildings visually related to it and disregard alterations subsequently made thereto.

(b) Exterior alterations shall not affect the architectural quality or historical character of the building.

(Code 1982, § 16-41(b))

Sec. 54-124. Signs.

For signs located or plainly visible from out-of-doors, the scale, design, materials, style and patterns should be compatible with the buildings and environment with which they are visually related.

(Code 1982, § 16-41(c))

Sec. 54-125. Demolition.

(a) *Generally.* For demolition of a landmark or a building in an historic district, the following should be considered:

(1) The historic or architectural significance of the building.

(2) The importance of the building to the overall ensemble of buildings within the district and the importance of the building to the integrity of the historic district.

(3) The special character and aesthetic interest the building adds to the district.

(4) Whether the building is one of the last remaining examples of its kind in the neighborhood, historic district or city.

(5) The difficulty or the impossibility of reproducing such a building because of its design, texture, material, detail, or uniqueness of location.

(6) The future utilization of the site and the effect those plans for the site will have on the architectural, historical, archaeological, social, aesthetic or environmental character of the surrounding area and district.

(7) Whether reasonable measures can be taken to save the building from further deterioration, collapse, arson, vandalism or neglect.

(b) *Partial demolition.*

(1) In the event of a request for a partial demolition, in addition to the above criteria, the commission shall consider the impact of the proposed demolition on the architectural and historical integrity of the remaining structure.

(2) If a determination is made by the commission that a demolition permit will not be granted on the basis of those items specified in subsection (a) of this section, the applicant may within 30 days of notice of the decision of the commission apply for an exception of extreme economic hardship on the basis that the denial of the permit will result in the loss of all reasonable and beneficial use of or return from the property.

(c) *Appeals on grounds of extreme economic hardship.* When a claim of extreme economic hardship is presented, the property owner/applicant must prove he cannot realize any reasonable and beneficial use of or return from the property. The finding of the commission shall be made by considering, and the property owner/applicant may submit to the commission, evidence establishing each of the following factors:

(1) The current levels of economic return on the property as considered in relation to the following:

a. For all property:

1. Real estate taxes for the previous four years and the assessed value of the land and improvements thereon according to the two most recent assessed valuations.
2. The amount paid for the property and the date of purchase of the property or other means of acquisition of title, such as by gift or inheritance, and the party from whom purchased or otherwise acquired.
3. The fair market value of the property immediately prior to its designation as a landmark and/or designation of the historic district and the fair market value of the property (in its protected status as a landmark or contributing structure within an historic district) at the time the application for certificate of appropriateness is filed.
4. Remaining balance of any mortgage or other financing secured by the property and the annual debt service, if any, for the previous two years.
5. All appraisals obtained within the previous two years by the property owner/applicant in connection with the purchase, financing or ownership of the property.
6. Any state or federal income tax returns on or relating to the property for the past two years.
7. Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture, or other.

b. For income producing property:

1. Annual gross income from the property for the previous two years.
2. Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed.

3. Depreciation deduction and annual cash flow, if any, for the previous two years before and after debt service, if any, during the same period.
4. Proof that efforts have been made by the owner to obtain a reasonable return on this investment based on previous service.
5. Any other information, including the income tax bracket of the owner, applicant or principal investors in the property, considered necessary by the commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

(2) The marketability of the property considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding:

a. Any real estate brokers or firms engaged to sell or lease the property.
b. Reasonableness of the price or rent sought by the applicant.
c. Any advertisements placed for the sale or rent of the property.
d. Any contracts for purchase submitted.

(3) The infeasibility of adaptive or alternative uses for the property that can earn a reasonable economic return for the property as considered in relation to the following:

a. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
b. Estimate from a registered architect or professional engineer of the cost of construction, alteration, demolition or removal, and estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of proposed alterations.
c. Estimate from a qualified appraiser, with competent credentials, of the market value of the property in the current condition, after completion of the demolition, after completion of the proposed construction, and after renovation of the existing property for continued use.
d. In the case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or use of existing structure on the property.
e. Financial proof of the ability to complete the replacement project, which may include but is not limited to a performance bond, a letter of credit, a trust for completion of improvements, or letter of commitment from a financial institution.
f. Any other information the applicant feels is relevant to show extreme economic hardship.

(4) The commission may require that an applicant furnish such additional information that is relevant to its determination of extreme economic hardship and may require that such additional information be furnished under oath. The commission may also furnish additional information as the commission or staff believes is relevant. In the event any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file an affidavit specifying the information that cannot be obtained and shall describe the reasons why such information cannot be obtained.

(5) The commission shall not consider a self-imposed hardship as an extreme economic hardship. Should the applicant for demolition satisfy the commission that he will suffer an extreme economic hardship if a demolition permit is not recommended, such recommendation shall be made.

(d) *Demolition and construction permits; plans.* Following recommendation of demolition, the applicant must seek approval of replacement plans based on the standards set forth in this section, prior to receiving a demolition permit. Replacement plans for this purpose shall include but not be limited to project concept, preliminary elevations and site plans, and adequate working drawings. Once the commission has approved the permit for replacement construction, the demolition permit may be issued without further action. Permits for demolition and construction shall be issued simultaneously if the requirements set forth in this section are met and the property owner/applicant provides financial proof of his ability to complete the project. When the commission recommends approval of demolition of buildings of historic or architectural significance, permits shall not be issued until all plans for the site have received approval from all appropriate town departments.

(e) *Time period for applications.* Applications for demolition, which demolition involves more than 50 percent of the cubic footage of a landmarked structure, shall be heard by the commission only during the months of November, December, January, February, March and April.

(Code 1982, § 16-41(d))

Sec. 54-126. Reconstruction of a nonconforming use building.

The reconstruction of a building legally nonconforming as to use and destroyed by fire, storm or other act of God shall be governed by the provisions of the zoning ordinance, chapter 134 of this Code, except that the commission shall regulate the exterior design of such buildings in accordance with the criteria set forth in section 54-122.

(Code 1982, § 16-41(e))

Secs. 54-127—54-160. Reserved.

ARTICLE IV. DESIGNATION PROCEDURE

Sec. 54-161. Criteria for landmarks and landmark sites.

A landmark or landmark site shall meet at least one of the following criteria:

(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(2) Is identified with historic personages or with important events in national, state or local history.

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

(4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. Creation of historic districts.

(a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:

(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(2) Is identified with historic personages or with important events in national, state or local history.

(3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.

(4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.

(5) Constitutes a unique area of architecture, landscaping and planning.

(b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

(1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.

(2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.

(3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.

(4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.

(5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.

(6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.

(7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.

(8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. Landmark, landmark site and historic district designation and undesignation procedures.

(a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:

(1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.

(2) Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.

(3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in a newspaper having general circulation in the town.

(4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.

(5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.

(6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

(7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.

(8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.

(9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

(10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.

(11) In accordance with section 54-163(1), the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.

(12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the office of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.

(b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.

(c) Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the county property appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166—54-195. Reserved.

ARTICLE V. TAX EXEMPTIONS*

***Cross references:** Taxation, ch. 114.

Sec. 54-196. Scope of tax exemptions.

A method is hereby created for the town council to allow tax exemptions for the restoration, renovation or rehabilitation of historic properties. The exemption shall apply to 100 percent of the assessed value of all improvements to historic properties that result from restoration, renovation or rehabilitation made on or after the effective date of this section. The exemption applies only to taxes levied by the town. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Fla. Const., art. VII, § 9(b) or § 12. The exemption does not apply to personal property.

(Code 1982, § 16-49(a))

Sec. 54-197. Duration of tax exemptions.

Any exemption granted under this article to a particular property shall remain in effect for ten years, as specified in the ordinance approving the exemption. The duration of ten years shall continue regardless of any change in the authority of the town to grant such exemptions or any changes in ownership of the property. In order to retain an exemption, however, the historic char-

acter of the property, and improvements which qualified the property for an exemption, must be maintained over the period for which the exemption was granted.

(Code 1982, § 16-49(b))

Sec. 54-198. Eligible properties and improvements.

(a) Property is qualified for an exemption under this section if:

(1) At the time the exemption is granted, the property is:

a. Individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended;

b. A contributing property within a National Register listed district; or

c. Designated as historic property, or as a contributing property to an historic district, under the terms of this chapter; and

(2) The commission has certified to the town council that the property for which an exemption is requested satisfies this subsection.

(b) In order for an improvement to historic property to qualify the property for an exemption, the improvement must be:

(1) Consistent with the secretary of the interior's standards for rehabilitation; and

(2) Determined by the commission to meet criteria established in rules adopted by the department of state.

(Code 1982, § 16-49(c))

Sec. 54-199. Applications.

Any person desiring ad valorem tax exemption for the improvement of historic property must, in the year the exemption is desired to take effect, file with the town council a written application on a form approved by the department of state. All applicable fees shall be paid at the time the application is submitted. The application must include the following information:

(1) The name of the property owner and the location of the historic property.

(2) A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvements.

(3) Proof, to the satisfaction of the commission, that the property that is to be rehabilitated or renovated is historic property under this article.

(4) Proof, to the satisfaction of the commission that the improvements to the property will be consistent with secretary of interior's standards for rehabilitation and will be made in accordance with the guidelines developed by the department of state.

(5) Other information identified in appropriate department of state regulations.

(Code 1982, § 16-49(d))

Sec. 54-200. Required covenant.

To qualify for an exemption, the property owner must enter into a covenant or agreement with the town for the term for which the exemption is granted. The form of the covenant or agreement must be established by the department of state and must require that the character of the property, and the qualifying improvements to the property, be maintained during the period the exemption is granted. The covenant or agreement shall be binding on the current property owner, transferees, and their heirs, successors, or assigns. Violation of the covenant or agreement results in the property owner's being subject to the payment of the differences between the total amount of taxes that would have been due in March in each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S. § 212.12(3).

(Code 1982, § 16-49(e))

Sec. 54-201. Review by commission.

The commission or its successor is designated to review applications for exemptions. The commission must recommend that the town council grant or deny the exemption. Such reviews must be conducted in accordance with the rules adopted by the department of state. The recommendation and the reasons therefore must be provided to the applicant and to the town council before consideration of the application at an official meeting.

(Code 1982, § 16-49(f))

Sec. 54-202. Approval by the town council.

A majority vote of the town council shall be required to approve a written application for exemption. Such exemption shall take effect on the January 1 following substantial completion of the improvement. The town council shall include the following in the resolution or ordinance approving the written application for exemption:

(1) The name of the owner and the address of the historic property for which the exemption is granted.

(2) The period of time for which the exemption will remain in effect and the expiration date of the exemption.

(3) A finding that the historic property meets the requirements of this article.

(Code 1982, § 16-49(g))

Tax Abatement Program

Town of Palm Beach: Planning, Zoning & Building Department

Tax Abatement Checklist

The Town of Palm Beach and Palm Beach County have passed a Property Tax Abatement program that is available to local property owners for the restoration, renovation, or rehabilitation of their Landmarked properties. This benefit will abate tax increases on the improvements to the property for a ten year time period. The Abatement is conveyed through a Covenant that accompanies the Deed to the property, and may be transferred to future owners during the Abatement time period. The restorations must comply with the Secretary of the Interior's Standards and be approved through the Certificate of Appropriateness process as established by the Town of Palm Beach Landmarks Commission. The following procedures should be followed by interested property owners.

Questions can be answered by Jane S. Day, Landmarks Consultant at (561) 362-4473.

1. The Tax Abatement project must be publicly announced at a regularly scheduled Landmarks Commission Meeting before restoration begins.

2. To qualify, the property must be an approved Landmark of the Town of Palm Beach. A **Certificate of Landmark Status** is necessary for filing with the County Property Appraiser at the completion of the project.

3. **Part 1- Pre-Construction Application for Tax Abatement** (available at the Planning, Zoning & Building Department) must be filed and presented to staff before work begins.

4. **Certificates of Appropriateness** must be obtained from the Landmarks Commission for all work. Please note that unlike the regular Landmarks procedure, this includes interior as well as exterior changes. No work approved at a staff level qualifies for the Tax Abatement.

5. Prior to the issuance of the **Certificate of Occupancy, Part 2 - Request for Review of Completed Work** must be completed and submitted.

6. The Town Council of the Town of Palm Beach must pass a **Resolution** approving the property and restorations for the Tax Abatement. This occurs at the conclusion of the project and before paperwork is forwarded to Palm Beach County.

7. A completed project file must be delivered to the Palm Beach County Property Appraiser's Office the year when the Abatement is to begin. That file should include:

   a. **Certificate of Landmarks Status**

   b. **Part 1- Preconstruction Application**

   c. Copies of all **Certificates of Appropriateness** for project

   d. List of all changes that meet the Secretary of Interior's Standards as approved by the Town of Palm Beach

   e. **Part 2- Request for Review of Completed Work**

   f. Town of Palm Beach Covenant

   g. Palm Beach County Covenant

   h. **Resolution** from the Town Council certifying the project for the Tax Abatement

   i. Photographs and maps of Subject Property

   j. A duplicate project file must also be delivered to the Palm Beach County Planning, Zoning & Building Department. This file is to include all of the items listed above.

Please note that the responsibility for all Tax Abatement paperwork belongs to the property owner. Staff will schedule the hearing of the **Resolution** with the Town of Palm Beach Town Council, coordinate filing of the documents with Palm Beach County, and answer any procedural questions.

TOWN OF PALM BEACH, FLORIDA

Historic Preservation Property Tax Exemption Application

For a printable form please call the Town of Palm Beach at 561.838.5430
or visit our website at http://palmbeach.govoffice.com

PART 1 – PRECONSTRUCTION APPLICATION

A. GENERAL INFORMATION

1. Property Identification and location:

Property Identification number:

Legal Description:

Address of Property:

Town of Palm Beach, Florida

( ) Individually National Register listed

( ) In a National Register district

( ) Locally designated historic property or landmark

( ) In a locally designated district

Name of historic district:

2. Type of request:

( ) Exemption under 196.1977, F.S. (Standard exemption)

( ) Exemption under 196. 1998, F.S. (Exemption for properties occupied by non-profit organizations or government agencies and regularly open to the public.)

3. Owner information:

Name of individual or organization owning the property:

Mailing Address_____

City_____State_____Zip Code_____

Daytime Telephone Number (_____)_____

4. Owner Attestation:

I hereby attest that the information I have provided is, to the best of my knowledge, correct, and that I own the property described above or that I am legally the authority in charge of the property. Further, by submission of this Application, I agree to allow access to the property by representative of the Historic Preservation Office, and appropriate representative of the Town of Palm Beach, for the purpose of verification of information provided in this Application. I also understand that, if the requested exemption is granted, I will be required to enter into a Covenant with the Town of Palm Beach granting the exemption in which I must agree to maintain the character of the property and the qualifying improvements for the term of the exemption.

Name _____

Signature_____

Date _____

Complete the following is signing for an organization or multiple owners:

Title _____ Organization Name _____

B. EVALUATION OF PROPERTY

1. Description of physical appearance:

Date of Construction_____

Date(s) of Alteration(s)_____

Has building been moved ( ) Yes ( ) No.

If so, when? _____

2. Statement of significance:

3. Photographs and maps: (Attach photographs and maps to application. Label all clearly with site name, location, view)

C. DESCRIPTION OF IMPROVEMENTS (to be completed by **all applicants**):

Include site work, new construction, alterations, etc.

FEATURE 1
Feature
Approx. date of feature
Describe existing feature and its condition:
Photo no._____ Drawing no._____
Describe work and impact on existing feature:

FEATURE 2
Feature
Approx. date of feature
Describe existing feature and its condition:
Photo no._____ Drawing no._____
Describe work and impact on existing feature:

FEATURE 3
Feature
Approx. date of feature
Describe existing feature and its condition:
Photo no._____ Drawing no._____
Describe work and impact on existing feature:

FEATURE 4
Feature
Approx. date of feature
Describe existing feature and its condition:
Photo no._____ Drawing no._____
Describe work and impact on existing feature:

FEATURE 5
Feature
Approx. date of feature
Describe existing feature and its condition:
Photo no._____ Drawing no._____
Describe work and impact on existing feature:

FEATURE 6
Feature
Approx. date of feature
Describe existing feature and its condition:
Photo no._____ Drawing no._____
Describe work and impact on existing feature:

D. PROPERTY USE (To be completed by **all applicants**):

Use(s) before improvement:

Proposed use(s) after improvement

E. SPECIAL EXEMPTION (Complete only if applying for exemption under s.196.1998, F.S. - property occupied by non-profit organization or government agency and regulars open to the public.)

1. Identify the government agency or non-profit organization that occupies the building:
2. How often does this organization or agency use the building?
3. Indicate the total usable area of the building in square feet.
4. How much does the organization or agency?
5. What percentage of the useable area does the organization or agency use?
6. Is the property open to the public? ( ) Yes ( ) No. If so, when?
7. Are there regular hours? ( ) Yes ( ) NO. If so, what are they?
8. Is the property also open by appointment? ( ) Yes ( ) No.
9. Is the property open **only** by appointment? ( ) Yes ( ) No.

Landmarks Commission Property Application

TOWN OF PALM BEACH

LANDMARKS PRESERVATION COMMISSION
360 South County Road, Palm Beach, FL 33480
(561) 227-6414 for John Lindgren, Planning Administrator
(561) 227-6408 for Cindy Delp, Secretary for the Landmarks Preservation Commission

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

ADDRESS OF PROPERTY: _____

OWNER OF PROPERTY: ** _____

(Address) _____

(Address) _____

(Phone) _____

APPLICANT'S NAME: ** _____

(Address) _____

(Address) _____

(Phone) _____

ARCHITECT FOR PROJECT: ** _____

(Firm name) _____

(Architect's name) _____

(Architectural firm's address) _____

(Architectural firm's address) _____

(Phone Number) _____ (Fax Number) _____

☐ **Check this box if you are an LPC member, and this project will result in a Voting Conflict for you.**

TYPE OF PROJECT:

☐ Restoration ☐ Demolition (Interior)

☐ Rehabilitation ☐ Demolition (Exterior)

☐ Reconstruction ☐ Sign

☐ Addition to historic structure ☐ Awning

☐ New Accessory Structure ☐ Exterior Color Change

☐ Landscape/Hardscape

☐ Other _____

Is this a tax abatement project? (Must check one)

Yes _____ or No _____

"TAX EXEMPTION PROJECTS: PART 1- PRECONSTRUCTION APPLICATION MUST BE FILED AS PART OF THIS APPLICATION (SEE ATTACHED)"

Does this project require a Town Council approval?
(Must check one) Yes ___ or No____

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DESCRIPTION OF PROJECT:
(Please give a **comprehensive** description of the project which **fully describes** the changes to the landmarked building and/or landmarked property.

Attach additional sheet if necessary.)

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

SUBMISSION CHECKLIST:

(Submit all of the following, as required for your project)

☐ Site Calculations (to be printed on Site Plan)

☐ Site Plan (must show any and all adjacent right-of-way)

☐ Materials Removal Plan (must delineate any and all materials that are to be removed or relocated in the construction process). This drawing shall be titled

☐ "Materials Removal Plan." If no original materials are scheduled to be removed or relocated, it shall be so noted on the floor plans.

☐ Survey (for new construction)

☐ Existing Elevations

☐ Proposed Elevations

☐ Details such as columns, railings, awnings, signs, etc. drawn to scale

☐ Floor plans

☐ Photographs, Original and/or Existing

☐ Color Samples and/or Fabric Samples

☐ Other

☐ **NOTE:** 14 Sets of Reduced Plans are to be brought to the meeting by the applicant and are to be distributed to each LPC member, staff, and the clerk.

The undersigned hereby certifies that the project described in this application, and as detailed by plans and other materials submitted, will be constructed in exact accordance with the aforesaid plans and specifications.

Signed by: _____ OR
_____

(Property owner) (Owner's Legally Authorized Agent*)

Printed name: _____ Printed Name:
_____

***If signed by a Legally Authorized Agent, must be accompanied by a Power of Attorney or statement from property owner authorizing the signer to sign on owner's behalf.**

NOTIFICATION TO SURROUNDING PROPERTIES OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

LANDMARKS PRESERVATION PROGRAM

Notice is hereby provided to all property owners within 250' of the subject property listed below that a public hearing will be held by the Landmarks Preservation Commission on _____, 20_____, on or after **9:30 a.m.** to consider an application for a Certificate of Appropriateness for the following described real property. The meeting will be held **AT THE TOWN'S EMERGENCY OPERATIONS CENTER WHICH IS LOCATED ON THE 3RD FLOOR OF THE CENTRAL FIRE STATION AT 355 S. COUNTY ROAD, PALM BEACH.**

Subject property address: _____

Owner: _____

Applicant: _____

Request approval of: _____

All interested persons may appear and be heard at said public hearing and may likewise submit written statements prior to and at said public hearing. The application for Certificate of Appropriateness and exhibits, such as plans and other supporting documentation, are available for inspection at the Town's Planning, Zoning & Building Department, 360 S. County Road, south entrance, weekdays between the hours of 8:30 a.m. and 4:30 p.m.

If any person decides to appeal any decision made by the Landmarks Preservation Commission related to this matter, he/she will need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based.

If we can be of further assistance relative to this matter, please contact Timothy Frank, Planning Administrator at 227-6414 or Cindy Delp, Office Manager at 227-6408.

Sincerely,

John S. Page, Director of Planning, Zoning and Building

JSP/cmd

NOTICE AFFIDAVIT

STATE OF FLORIDA

COUNTY OF PALM BEACH, TOWN OF PALM BEACH

BEFORE ME THIS DAY PERSONALLY APPEARED _____ WHO BEING DULY SWORN, DEPOSES AND SAYS THAT:

1. He/she is the owner, or the owner's authorized agent, of the real property legally described in the Application for Certificate of Appropriateness; and

2. The accompanying Property Owners List is, to the best of his/her knowledge, a complete and accurate list of all property owners' mailing addresses and property control numbers dated no more than 90 days prior to the Landmarks Preservation Commission hearing at which the subject application will be heard, and as recorded in the latest official tax rolls for the subject property and all other property within two hundred fifty (250) feet of the real property described in the Application for Certificate of Appropriateness, or all property within two hundred fifty (250) feet of all contiguous property owned wholly or in part by the owner of the real property described in the Application for Certificate of Appropriateness, if applicable; and

3. A copy of each page of the application plus supporting documentation is included in each envelope submitted for mailing, using the label provided by the Property Appraiser.

FURTHER AFFIANT SAYETH NOT.

The foregoing instrument was acknowledged before me this _____ day of _____,

by _____ who is personally known to me or who

has produced _____ as identification and who did (did not) take an oath.

(type of identification) _____

(Signature of Person Taking Acknowledgment) Applicant's Signature _____

(Printed Name of Acknowledger) Applicant's Printed Name _____

(Title or Rank) Street Address _____

(Serial Number, if any) City, State, Zip Code _____

Telephone number _____

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CERTIFICATE OF APPROPRIATENESS

FILING GUIDELINES

FILING DEADLINE: 30 DAYS PRIOR TO THE MEETING DATE
(See exception below)

Please note** that if your project requires variance, special exception or site plan review approval by the Town Council, **and** the Zoning Administrator informs you that your project will be heard informally by the Landmarks Preservation Commission **prio**r to receiving Town Council approval, the filing deadline listed above **DOES NOT APPLY.** IF SUCH IS THE CASE, THE FILING DEADLINE FOR THE LANDMARKS PRESERVATION COMMISSION IS THE SAME AS THE FILING DEADLINE FOR VARIANCE, SPECIAL EXCEPTION OR SITE PLAN REVIEW (ON THE FRIDAY FOLLOWING THE 3RD TUESDAY OF THE MONTH)***

Exception Example:
Date Town Council action to occur: Wednesday, August 12, 2009
Town Council/LPC filing deadline Friday, June 19, 2009
Informal LPC review date Thursday July 16, 2009
Town Council Meeting date Wednesday August 12, 2009
Formal LPC review date Tuesday August 18, 2009

****

LANDMARKS FILING FEE:
$ 500.00 FOR ALL PROJECTS
(EFFECTIVE 10/4/2007)

****

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A COMPLETE LANDMARKS APPLICATION IS COMPOSED OF THE FOLLOWING:

- ☐ The **Application for Certificate of Appropriateness**
- ☐ A **check in the amount of $500.00** payable to the Town of Palm Beach
- ☐ **One (1) set of complete plans and any other required submission materials**
- ☐ A signed and notarized **Notice Affidavit**
- ☐ A **Tax Map** identifying the subject property, a 250 ft. radius around the property
- ☐ A **List of all property owners** within that 250 ft. radius, including the subject property owner. This list, along with address labels, must be obtained from the Palm Beach Property Appraiser's Office, Mapping Department, 301 North Olive Avenue, Fifth Floor, West Palm Beach. You will need a property identification number (known as a property control number or folio number) of the subject property to obtain the list. You should allow at least 10 days to receive this list from the Property Appraiser. This list should be dated no earlier than ninety (90) days prior to the date of the meeting at which the application will be heard.
- ☐ **Stuffed and sealed envelopes with correct postage stamps applied** (not metered postage). Envelopes are to contain a copy of the Application for Certificate of Appropriateness and the Notification to Surrounding Properties of Application for Certificate of Appropriateness. Envelopes are to be prepared for all property owners whose names appear on the list of property owners within that 250 ft. radius. The return address on each envelope should read as follows: Town of Palm Beach, Planning Zoning & Building Department, 360 S. County Road, Palm Beach, Florida 33480. The subject address should appear on the face of the envelope (bottom left) as such: RE: (street address) - Landmarks Preservation Commission. Envelopes are to be submitted to the Town and the Town will actually mail them.
- ☐ **Sample envelope** (unsealed) containing a copy of the Application for Certificate of Appropriateness and the Notification to Surrounding Properties of Application for Certificate of Appropriateness.
- ☐ **14 Sets of Reduced Plans** are to be brought to the meeting by the applicant and are to be distributed to each LPC member, staff, and the clerk.

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PLAN PARTICULARS

- ☐ **PLANS ARE TO BE DRAWN IN BLACK LINE ONLY.**
- ☐ **1/4" SCALE IS PREFERRED. 1/8" SCALE MAY BE PERMITTED IF THE PRESENTATION IS ADEQUATE AND SUFFICIENTLY DETAILED. 1/8" SCALE PLANS MAY NOT NECESSARILY BE APPROVED IF THEY ARE LACKING IN DETAIL.**
- ☐ **PLANS PRESENTED AT BOARD AND COMMISSION MEETINGS MUST BE "PRESENTATION QUALITY" DRAWINGS.**
- ☐ **PLANS MUST CLEARLY INDICATE THE AREAS OF THE HOUSE AND/OR PROPERTY WHICH ARE BEING CHANGED.**
- ☐ **PLANS MUST BE FULLY NOTATED AND DIMENSIONED TO ENABLE STAFF AND COMMISSION REVIEW.**
- ☐ **SITE CALCULATIONS MUST APPEAR ON THE SITE PLAN, WHICH IS PART OF THE REQUIRED SET OF PLANS.**
- ☐ **ANY MATERIALS THAT ARE TO BE REMOVED OR RELOCATED SHALL BE DELINEATED AND NOTED ON THE MATERIALS REMOVAL PLAN PAGE WHICH MUST BE INCLUDED IN THE PLAN SET.**
- ☐ **MATERIALS SHOULD BE NOTED ON THE PLANS.**
- ☐ **PLANS MUST BE SIGNED AND SEALED BY THE ARCHITECT.**
- ☐ **ELEVATION DRAWINGS MUST REFLECT THE EXISTING ELEVATION AND THE PROPOSED ELEVATION ON THE SAME PAGE, SO THAT ELEVATION CHANGES ARE EASILY DISCERNIBLE.**
- ☐ **MODEL REQUIRED FOR PROJECT OVER 10,000 SQUARE FEET**
- ☐ **REVISED PLANS**: If an applicant revises the plans, after making application for a Certificate of Appropriateness and prior to the hearing date, the applicant must submit one set of revised plans to the Town. **The last date available to submit revised plans is one week prior to the meeting date.** Revised plans should be submitted to Cindy Delp, Secretary for the Landmarks Preservation Commission.

CAUTION: "APPLICATIONS AND PLANS PROVIDING INCOMPLETE OR INCORRECT INFORMATION WILL BE DEFERRED TO THE FOLLOWING MONTH."

DEFERRALS: "PLEASE NOTE THAT AS OF THE JULY 18, 2007 LPC MEETING, IT WAS DECIDED THAT APPLICANTS NEED TO BE PRESENT AT THE LPC MEETING TO REQUEST A DEFERRAL; THAT THE FIRST DEFERRAL WOULD MOST LIKELY BE GRANTED; THAT A REQUEST FOR A SECOND DEFERRAL REQUIRES JUSTIFICATION; AND, THAT A THIRD DEFERRAL WILL LIKELY NOT BE GRANTED.

WHO CAN PRESENT?

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THE LANDMARKS PRESERVATION COMMISSION REQUIRES THAT THE PERSON PRESENTING A PROJECT FOR REVIEW SHALL BE AN ARCHITECT LICENSED BY THE STATE OF FLORIDA, OR AN INDIVIDUAL WHO IS UNDER THE DIRECT SUPERVISION OF THE SIGNING/SEALING ARCHITECT, i.e., AN INDIVIDUAL WHO IS EMPLOYED OR COMPENSATED BY THAT ARCHITECT.

GUIDELINES FOR PRESENTING PROJECTS TO THE LANDMARKS PRESERVATION COMMISSION

1. All presentations must be completed in a formal and professional manner. Applicants must come prepared with **PRESENTATION QUALITY PLANS,** material samples, photographs, and any other presentation materials necessary for the Landmarks Preservation Commission to review the project. Insufficient presentations will result in a deferral of the project.

2. Presenters must use the hand held microphone and speak directly into it when addressing the Landmarks Preservation Commission.

3. Presenters must bring their plans mounted on display boards. These plans will be placed on camera and projected to the audience. Easels will be available to facilitate presentations. **Display boards should be prepared with heavy line drawings and colored to permit clear viewing by the public via the camera and screen.**

4. Necessary photographs may be mounted on boards, or distributed in booklet form, or distributed individually to the members of the Landmarks Preservation Commission.

5. The agenda for the Landmarks Preservation Commission is available at least one week in advance of the meeting date. Applicants may obtain a copy of the agenda from the Internet at www.townofpalmbeach.com, or at the Planning, Zoning & Building Department. Agendas are tentative and subject to change.

6. Following review, the Landmarks Preservation Commission may:

   (a) Issue a Certificate of Appropriateness, or

   (b) Defer the project to the next month for additional study or information, or

   (c) Deny the project for specified reasons

7. Ordinary maintenance or repairs,(*meaning "work done to prevent deterioration of a building or to correct any deterioration, or decay of, or damage to a building or any part thereof by restoring the building as nearly as practicable to its condition prior to such deterioration, decay or damage, Section 54-2, Town of Palm Beach Code of Ordinances*) which do not involve a change of design or material, or affect the outward appearance of a building, DO NOT require a Certificate of Appropriateness. The requirement for a Certificate of Appropriateness may also be waived for a "minor exterior change" (*meaning "an exterior change the cost of which does not exceed $2,000.00 as determined by the Building Official and is determined by the Landmarks Project Coordinator to not materially affect the exterior of the structure"*) in some cases, per Section 54-71 (e) of the Town of Palm Beach Code of Ordinances.

8. Applicants may refer to the Town of Palm Beach Code of Ordinances, Chapter 54 which speaks to the Landmarks Preservation Commission, Certificates of Appropriateness, Landmark Designations, and Tax Exemptions for landmarked properties.

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Landmarks Commission Commissioner Application

TOWN OF PALM BEACH

For a printable form please call the Town of Palm Beach at 561.838.5430
or visit our website at http://palmbeach.govoffice.com

APPLICATION FOR SERVICE ON: LANDMARKS PRESERVATION COMMISSION

Please complete the application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail clerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires that applicant has reviewed certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form.

(Please be advised that members of the Landmarks Preservation Commission must file an annual financial disclosure form per State law.)

Name:_____

Residence Address: _____

Mailing Address: _____

Home Telephone:_____

E-mail Address: _____

Work Telephone: _____

Length of Residency I am a registered voter of the Town of Palm Beach _____ (please initial)

Town of Palm Beach: _____ Year of registration _____

1. Why are you interested in serving on the Landmarks Preservation Commission?
   (Please explain and attach additional pages if necessary)
2. How many meetings of the Landmarks Preservation Commission have you attended in the last year?
3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.
4. Please indicate if there are any periods of time for which you will be unavailable for meetings.
5. Have you ever lived in or owned a landmarked home or property? Yes ____ No_____ (If so, where?)
6. If you have not lived in or owned a landmarked property, do you have any experience in dealing with landmarked properties? Please explain.

7. Are you a member of any of the following organizations? (Check all that apply)

☐ National Trust for Historic Preservation

☐ Preservation Foundation of Palm Beach

☐ Florida Trust for Historic Preservation

☐ North End Property Owner's Association

☐ Palm Beach County Historical Society

☐ Palm Beach Civic Association

☐ Citizens' Association of Palm Beach

☐ Other Preservation Organization: _____

8. Present occupation _____

   No. of years _____

   Employer _____

9. Past occupation(s) _____

   No. of years _____

   Employer(s) _____

10. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check all that apply)

☐ Architecture ☐ History ☐ Design ☐ Landscape Architecture/Design

☐ Architectural History ☐ Building Construction

11. Please provide details regarding your educational background:

12. Why do you feel that you are qualified to serve on the Town's Landmarks Preservation Commission (Attach additional page if necessary)

13. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Family Member Name _____

Relationship _____

Address _____

Occupation _____

Employer _____

14. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations?

15. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.

☐ I will resign from the _____ if I am appointed to the position I am seeking in this application. board/commission/committee.

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE:_____

DATE:_____

**Please note that Board/Commission applications will expire on September 30 of each year. New applications must be completed for each vacancy advertisement in order to be considered for appointment.

LANDMARKS PRESERVATION COMMISSION

(LPC) - The LPC safeguards the Town's historic and cultural resources through its landmarked structures and historic districts. This State of Florida Certified Commission reviews and approves structural and landscape modifications to Designated structures and properties. This Commission is comprised of seven regular and three alternate members, who are registered voters of the Town of Palm Beach and appointed by the Town Council, and who have, to the highest extent practicable, a special knowledge of and a known interest in landmarks preservation. One commissioner may be a non-registered voter who possesses specific knowledge or skills directly related to the preservation of historic structures or property.

The following information is required by Florida Statute 760.80.
Please check one in each category.

RACE/GENDER

☐ African American ☐ Native American

☐ Asian American ☐ Caucasian

☐ Hispanic American ☐ Other

☐ Male ☐ Female

PHYSICALLY DISABLED

☐ Yes ☐ No

Bibliography

Books and Articles

Ash, Jennifer and Alex McLean. *Tropical Style, Private Palm Beach.* New York: Abbeville Press, 1992.

Bennett, Parson & Frost. *The Plan of Palm Beach.* Palm Beach, Florida: The Garden Club of Palm Beach, 1930.

Chandler, David Leon. *Henry Flagler The Astonishing Life and Times of the Visionary Robber Baron Who Founded Florida.* New York: Macmillan Publishing Company, 1986.

Curl, Donald W. *Mizner's Florida: American Resort Architecture.* Cambridge, Massachusetts: The MIT Press, 1987.

_____. *Palm Beach County: An Illustrated History.* Northridge, California: Windsor Publications, Inc., 1986.

_____. "Preservation in Palm Beach" manuscript given to Jane Day by author.

Fatio, Alexandra, Editor. *Maurice Fatio, Architect.* Stuart, Florida: Southeastern Printing, 1992.

From Wilderness to Metropolis: The History and Architecture of Dade County (1825-1940). Second Edition. Metropolitan Dade County, Historic Preservation, Division, 1992.

A Guide to Florida's Historic Architecture. Gainesville, Florida: University of Florida Press, 1989.

Harris, Cyril M. *Dictionary of Architecture and Construction.* New York: McGraw-Hill, Inc., 1975.

Henshall, James A., M.D., *Camping and Cruising in Florida.* Cincinnati: Robert Clarke & Co., 1884.

The Historic Highway Bridges of Florida. Tallahassee, Florida: Florida Department of Transportation, Environmental Management Office, no date

Hoffmeister, John Edward. *Land from the Sea: The Geologic Story of South Florida.* Coral Gables, Florida: University of Miami Press, 1974.

Hoffstot, Barbara D. *Landmark Architecture of Palm Beach,* Revised Edition. Pittsburgh, Pennsylvania: Ober Park Associates, Inc., 1980.

Knott, James R. *Palm Beach Revisited.* James R. Knott, 1987.

_____. *The Mansion Builders.* James R. Knott, 1990.

McAlester, Virginia and Lee. *A Guide to American Houses,* New York: Alfred A. Knopf, Inc., 1984.

McIver, Stuart B. *Dreamers, Schemers, and Scalawags: The Florida Chronicles, Volume One.* Sarasota: Pineapple Press, Inc., 1994.

Oldfather, Susan. *Elisha Newton Dimick and His Influence on the Development of Palm Beach.* Boca Raton, Florida: Florida Atlantic University, 1989. Master's Thesis.

Tebeau, Charlton W. *A History of Florida.* Coral Gables: University of Miami Press, 1971.

Travers, J. Wadsworth. *History of Beautiful Palm Beach.* Palm Beach, Florida, 1929.

Tuckwood, Jan, and Eliot Kleinberg. *Pioneers in Paradise.* Marietta, Georgia: The Palm Beach Post, 1994.

Vickers, Raymond B. *Panic in Paradise.* Tuscaloosa, Alabama: The University of Alabama Press, 1994.

Government Sources

State of Florida, Division of Historical Resources, Florida Master Site File Forms

Town of Palm Beach: Planning, Zoning & Building Department

Private Collections

The Historical Society of Palm Beach County

The John L. Volk Foundation

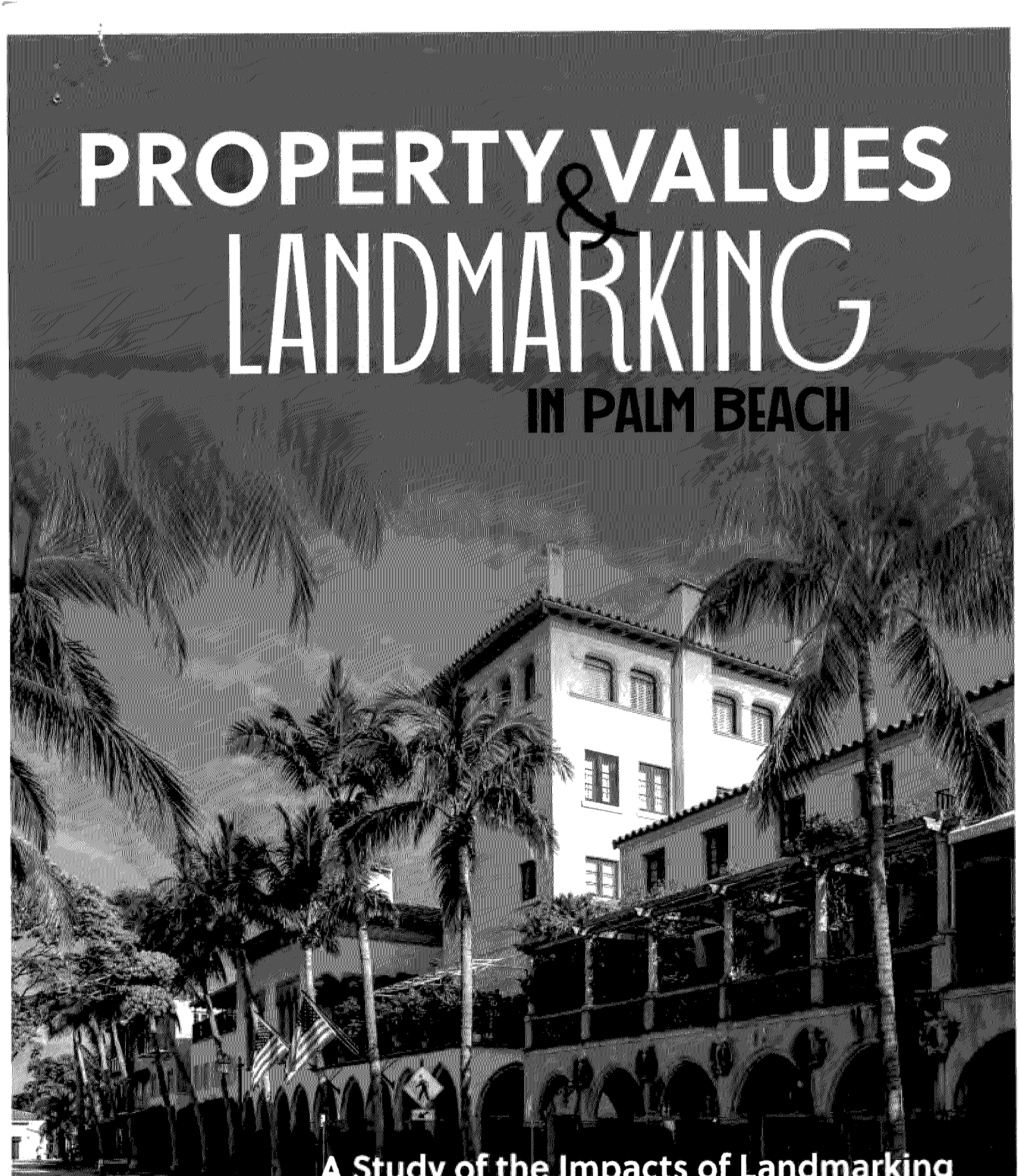
Preservation Foundation of Palm Beach

Maps

Sanborn Fire Insurance Maps. On file with the Historical Society of Palm Beach County.

Town of Palm Beach: Planning, Zoning & Building - Plat Maps

PROPERTY & VALUES LANDMARKING IN PALM BEACH



A Study of the Impacts of Landmarking on Property Values in Palm Beach

October 2021

Completed by PlaceEconomics

PRESERVATION FOUNDATION OF PALM BEACH
Knowledge. Stewardship. Culture.

EXHIBIT
tabbies
Greenhill 6

THE BIG NEWS...

This analysis found that landmarking had no negative impact on property values, either in current values, value change over time, value change following designation, or when accounting for differences in age, condition, size, water access, or location. Not only does landmarking not reduce property values, landmarked properties experience greater rates of value increase than do non-landmarked properties.



KEY FINDINGS

The historic landmarked properties of Palm Beach set a high standard for beauty, quality, character, design, and stewardship. This study was commissioned by the Preservation Foundation of Palm Beach primarily to determine if landmarking has an adverse impact on property values. Not only was that question answered (a resounding "no") but there were other important lessons as well. Here are 10 of the key findings:

- Landmarked homes in Palm Beach have an economic value of more than $2.5 Billion.
- Most citizens in Palm Beach don't live in landmarks, but nearly 95% of them say that the historic character of the town is important to them personally.
- An equal number say that the loss of historic character would have a negative impact on the quality of Palm Beach.
- Not only does landmarking not reduce property values, it creates an economic premium for those properties in the marketplace.
- Landmarked properties are more valuable than non-landmarked properties in both total value and square foot value when compared by age, by condition, by water frontage, by submarket within Palm Beach, and by proximity.
- There are non-economic values attributable to the historic character of Palm Beach that, when quantified, total nearly as much as the Town's entire general fund budget.
- About half of Palm Beach's landmarked single-family properties lie within a 100-year flood zone, representing a value of nearly $850 million.
- Landmarked properties increase in value both before and after their designation.
- Landmarked properties experience greater rates of value increase than do non-landmarked properties.

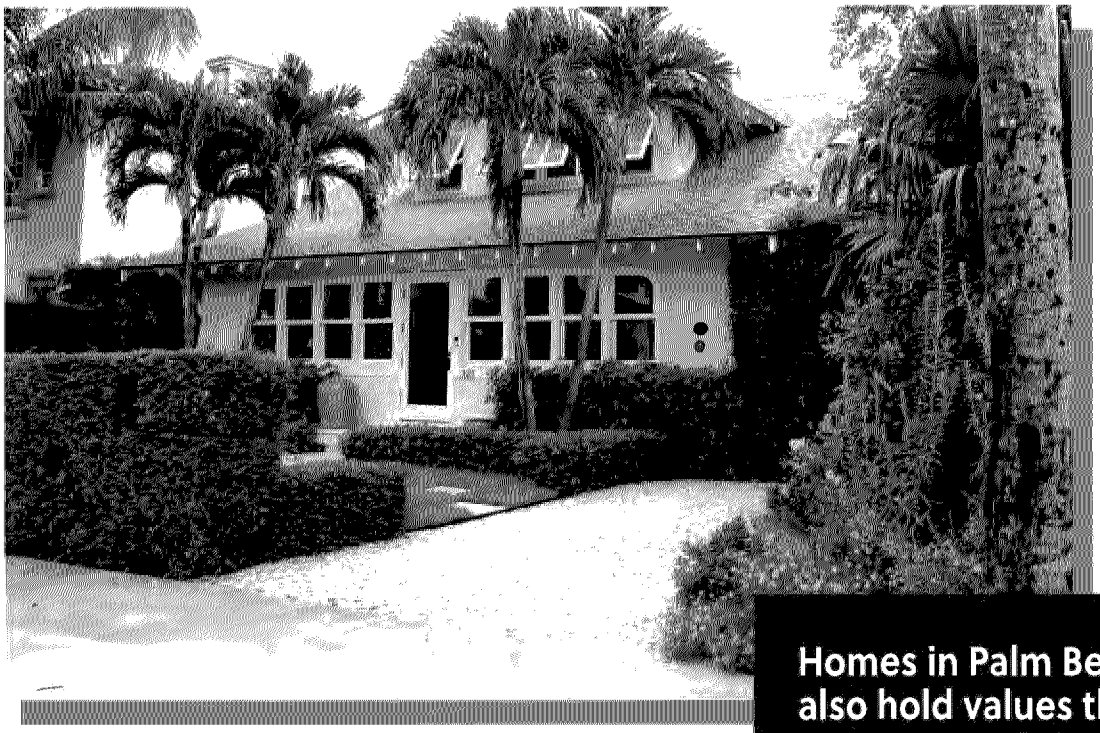
These and other findings can be found on the following pages. But the most direct finding is this: Landmarked properties in Palm Beach are a valuable economic asset for their owners, and a valuable aesthetic, cultural, historical, and symbolic asset for the larger community.

INTRODUCTION

The Preservation Foundation of Palm Beach commissioned PlaceEconomics to conduct quantitative analysis to answer the question: *"In Palm Beach, does landmark designation equate to a loss in property value?"* The pages that follow represent the findings of that analysis.

There are few cities in America where home values are as high as they are in Palm Beach, where median values exceed $4,000,000. But homes in Palm Beach also hold values that are non-economic– values that accrue to more than just the homeowner – including aesthetic, historical, cultural, and associative values from which the entire population benefits. Those additional values are recognized in Palm Beach through architectural review and historic designation, both tools which aim to maintain them for future generations. This wide-ranging commitment to stewardship, like the architecture of Palm Beach itself, is matched by few cities anywhere. The internationally renowned beauty and character of Palm Beach has been maintained for decades because of this public commitment to quality.

But what if the standards set to maintain these non-economic values have an adverse impact on the economic value of one's home? What if a property suffers an economic handicap by being designated a local landmark? Those questions have been a source of concern for some Palm Beach property owners who wonder if having their home designated as a landmark might inadvertently diminish its economic value. The Preservation Foundation of Palm Beach commissioned PlaceEconomics to answer this question: In Palm Beach, does landmark designation equate to a loss in property value? The pages that follow represent the findings of that analysis.



Homes in Palm Beach also hold values that are non-economic including aesthetic, historical, cultural, and associative – values from which the entire population benefits.

THE PALM BEACH APPROACH TO HISTORIC DESIGNATION

There are two ways in which Palm Beach approaches protecting its historic assets that differ from the vast majority of other American cities: first, in that buildings are overwhelmingly listed to the local historic register as individual landmarks, rather than included in larger historic districts; and second, in that the Town requires an architectural review process for all properties, historic or not.

While most cities are authorized to designate individual landmarks via their historic preservation ordinances, the process is usually used sparingly and is typically reserved for iconic public and institutional buildings—or buildings seen indisputably as landmarks. For residential areas, it is much more common to create a historic district that includes multiple properties, each subject to the same overarching design guidelines. In most cities 90% or more of designated historic properties are contributing buildings within historic districts rather than individually designated as landmarks. In Palm Beach, where there are very few historic districts, that percentage is reversed, meaning more than 90% of designated properties in Palm Beach are individually listed as landmarks.

Palm Beach also, somewhat uncommonly, requires a universal architectural review. This review either happens through the Landmarks Preservation Commission, which has jurisdiction over properties designated as "historic," or the Architectural Commission, which reviews everything else. The processes of these two citizen-composed panels set the standards to maintain the architectural quality of Palm Beach.

THE CONSEQUENCES OF THE PALM BEACH APPROACH

Over the last thirty years there have been numerous studies conducted throughout the country on the impact of historic designation on property values. In almost every instance, the research has indicated that properties within local historic districts see a value enhancement – both in current value and in the pattern of value increase over time – often referred to as the "preservation premium." However nearly all of the studies have considered properties within historic districts rather than individually landmarked structures.

This is important because when other characteristics that contribute to this preservation premium have been accounted for, there remains a value enhancement that comes from the protection that the historic district provides. While going through the local historical commission when one wishes to make changes to one's property can be a time-consuming process, historic districts boost home value because they ensure that an entire group of homeowners must go through this process. This means the owner across the street won't be allowed to make inappropriate changes to his house that could have an adverse impact on the value of his neighbor's and vice-versa. The old real estate cliché that the three most important things in real estate are location, location, location, is demonstrated here. It is not the four walls and the roof that give the house its economic value, but rather the context within which the property exists. The local historic district is protecting that context by ensuring that everyone is subject to the same design guidelines, thereby protecting the values of all the properties within the district. While it may be counterintuitive that an additional layer of regulation enhances rather than diminishes property values, that is, in fact, what the preponderance of evidence shows.

But these findings raise a legitimate question about individual landmarking and its impact on value. In the case of landmarking, the designated property is subject to design review, but its neighbor isn't. If there's no surrounding district that enforces the same regulations and protects a shared context, will a preservation premium still exist?

Landmarked properties in Palm Beach have three other characteristics that seem to mitigate that concern. First, many of the landmarked properties have relatively large sites – median lot size is nearly half an acre – so the immediate impacts of neighboring properties are somewhat mitigated. Second, many of the landmarked houses have privacy safeguarding elements, including large hedges, fences, and walls, which also reduce the visual impacts of what is happening next door. Finally, nearly every property, whether or not it is designated "historic" must undergo a degree of design review. This helps preclude at least the worst-case scenario of a totally inappropriate structure being erected across the street.

As a result, both the value protection created by a historic district as well as the burden of "I have to follow rules my neighbor doesn't" are decidedly different than in most American cities.



HOW THIS STUDY WAS CONDUCTED

This analysis has five components. The first is a comparison of the values of landmarked properties in Palm Beach with non-landmarked properties. The second component looks at how values of both landmarked and non-landmarked properties have changed over time. Third is a Hedonic Pricing analysis. Hedonic pricing uses a mathematical model to estimate the relative contribution of various attributes of a property (lot size, water frontage, building size, etc.) to the entire value of the property. These first three were based on a complete set of property tax records from the Palm Beach County Property Appraiser Office for years 2007 through 2020. That data included 234 landmarked single-family properties in Palm Beach and 1976 single-family properties that are not landmarked.

Fourth is a "Willingness to Pay" survey, that estimates the value of a resource (in this case, the historic character of Palm Beach) that is above the economic value which is established in the marketplace. A link to the survey was distributed through the town's email notification system and received 153 valid replies.

Finally, the study considered the value of landmarked properties that are at risk of sea level rise and other water-related weather events based on FEMA (Federal Emergency Management Agency) flood maps.

Studies have shown that properties within local historic districts see a value enhancement – both in current value and in the pattern of value increase over time – often referred to as the "preservation premium." Though there are few historic districts in Palm Beach, factors like its universal design review process and large lot sizes ensure that the "preservation premium" still applies.

CORRELATION, NOT CAUSATION

There is a monetary premium attached to properties that have been designated as landmarks in Palm Beach. As discussed above, when evaluating impacts of historic designation on value when properties are in historic districts, at least part of the preservation premium is a result of being included in the district which protects the context within which a given property exists.

In Palm Beach, however, the slight economic premium received by landmarked properties is unlikely to stem from the protection that status provides. Rather, it seems to be a result of discernment on the part of both the Landmarks Preservation Commission in choosing which properties to designate as landmarks, and buyers of those properties. It is not the designation itself that is increasing the value. It appears to be that the marketplace recognizes (and rewards) the attributes of the property that motivated the Landmarks Preservation Commission to designate it. While not every buyer appreciates and values the quality, integrity, and authenticity of Palm Beach landmarks, a subset of sophisticated buyers does. It is this nuanced market that creates a premium for landmarked historic properties.

The pages that follow present the findings of this research. But the most important conclusions are these:

1. There is no evidence that landmark designation has an adverse impact on value.

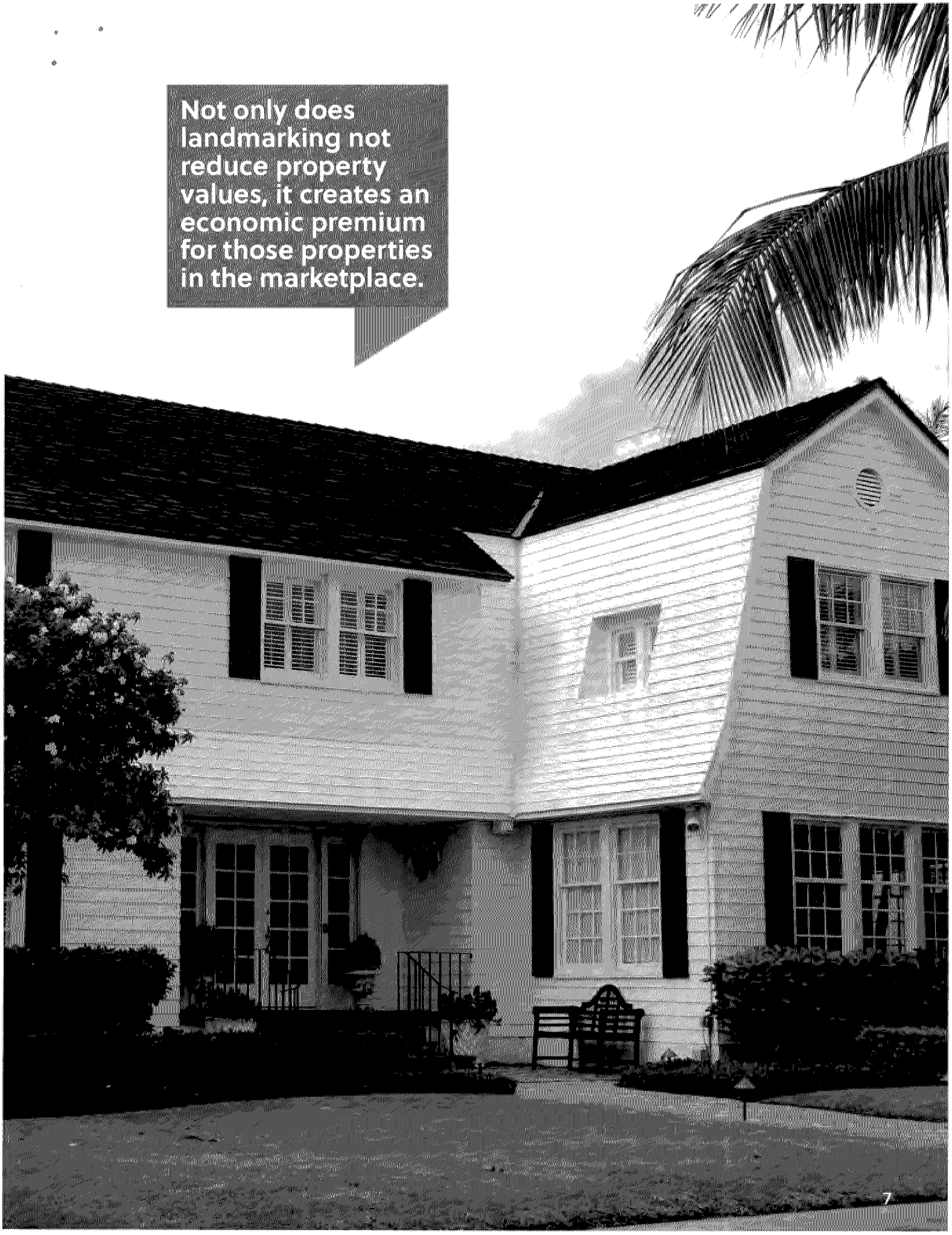
2. The marketplace attaches a small but statistically significant premium to properties that have landmark designation.

3. The historic quality and character of Palm Beach is highly valued by far more than just those who own historic properties.

4. More than $860 Million in value of landmarked properties are in areas with a 1% or greater annual chance of flooding.

It is legitimate to ask the question "Will landmarking lower my property value?" The answer is an unequivocal "no."

Not only does landmarking not reduce property values, it creates an economic premium for those properties in the marketplace.



CURRENT VALUES OF LANDMARKED PROPERTIES

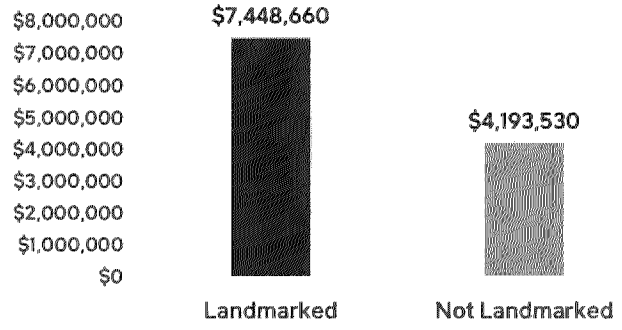
This analysis found that landmarking had no negative impact on property values, either in current values or when accounting for differences in age, condition, size, water access, or location.

The initial approach in this analysis was to simply compare the value of landmarked homes to the rest of the single-family houses in Palm Beach. This was done in both absolute dollars and in dollars per square foot. In all instances median values were used. The median represents the midpoint; half of the property values fall above and half fall below the median. The median value of a landmarked property in Palm Beach is just over $7.5 million while the median value for non-landmarked properties is $4.1 million.

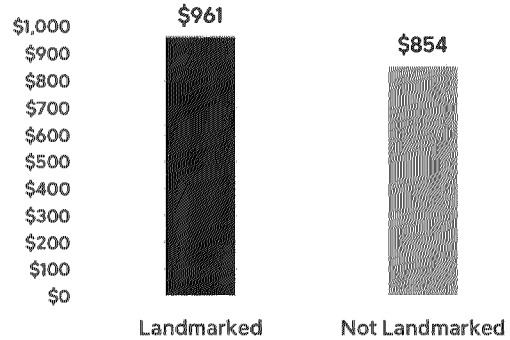
This comparison can be deceptive, however, because landmarked properties are likely to be larger, located on bigger lots, and are more likely to have frontage on either the ocean or the intracoastal waterway, all of which increase their value.

A more meaningful comparison at this level is the dollar per square foot value of the properties. The calculations were made using the "Total Building Area" as found in the Palm Beach County Property Appraiser's Office data. This is the number that is most reflective of and comparable between different properties. Based on Total Area, landmarked properties had a median value of $961 per square foot, as compared to $854 per square foot for non-landmarked properties.

MEDIAN VALUES OF LANDMARKED AND NON-LANDMARKED PROPERTIES



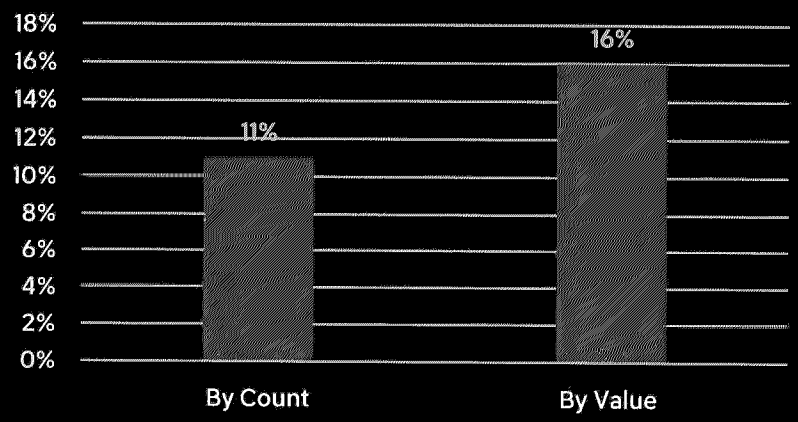
MEDIAN VALUE PER SQUARE FOOT





The difference in both value and value per square foot provide the basis for the results in the chart on the right. While landmarked properties make up just over 11% of all single-family houses in Palm Beach, they represent more than 16% of the total property value.

LANDMARKED PROPERTIES SHARE OF ALL SINGLE FAMILY HOUSES

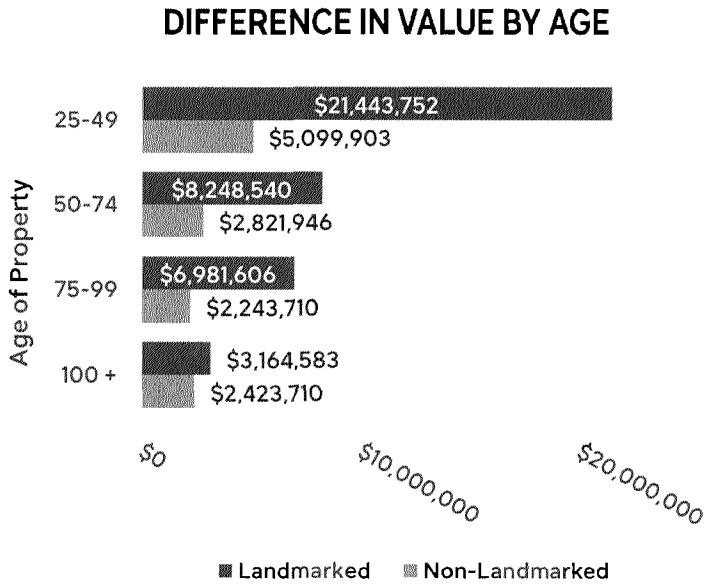


VALUE BY PROPERTY CHARACTERISTICS

After these base calculations were made, a series of comparisons were made between the categories of property against other variables, including property age, proximity to the ocean or the Intracoastal Waterway, submarket within Palm beach, and condition or construction grade.[1]

Property Age

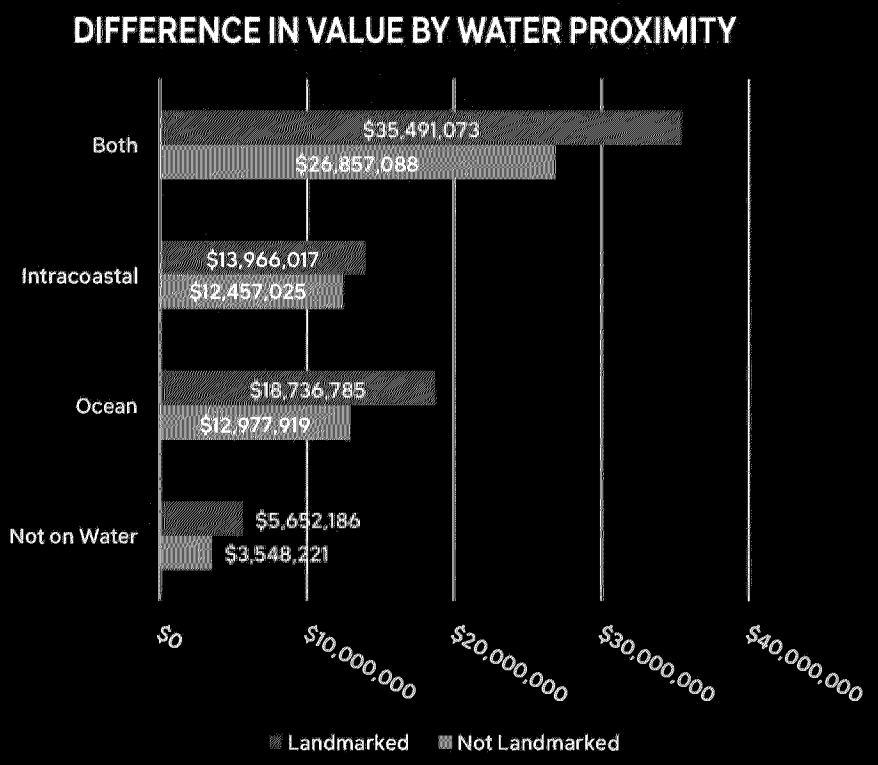
Comparing landmarked properties to un-designated properties of similar vintage (more than 100 years old, or built in the early 20th century, for example), the analysis showed that the median value of landmarked properties was significantly greater than older non-landmarked properties. In the chart below the median value of landmarked properties built between 25 and 49 years ago is four times the value of non-landmarked properties built in the same period. That disproportionate difference is likely due to the fact that there are only a handful of landmarked properties built in that time range. It is important to note that any time a series of data points is subdivided into smaller categories, there is a risk of the "small sample error." That is a sample of 100 values is simply more reliable than a sample of 10 values.[2]



1 These comparisons were made on value rather than value per square foot. The reason is this: when the data sets are subdivided into categories, the median value comparisons make a clearer distinction than a $/s.f. measurement.
2 Using the median rather than the mean (average) helps reduce the likelihood of a skew based on a small sample but cannot eliminate it entirely.

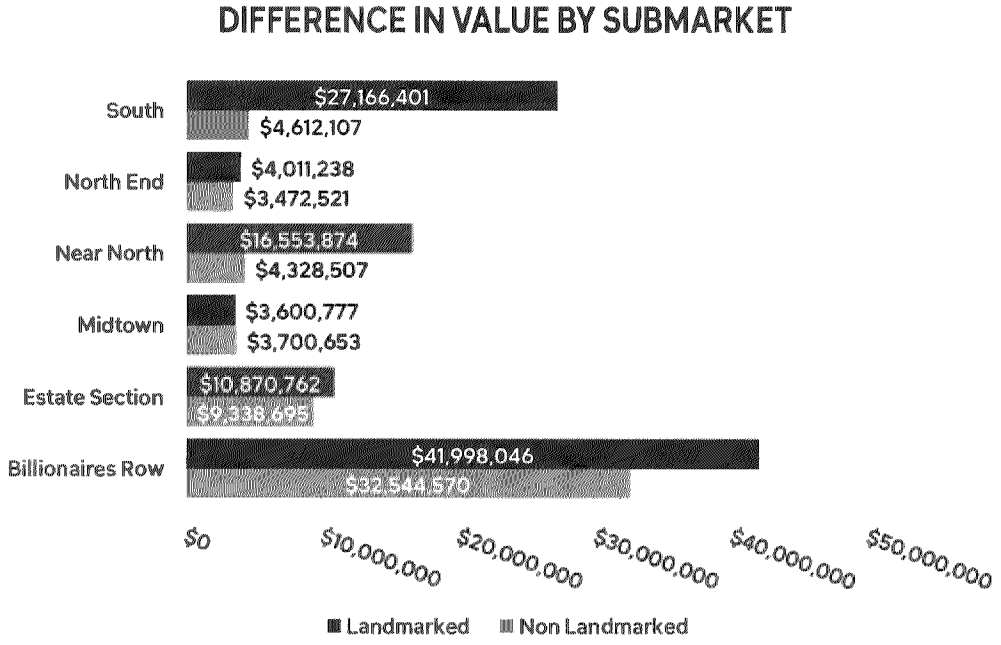
Water Proximity

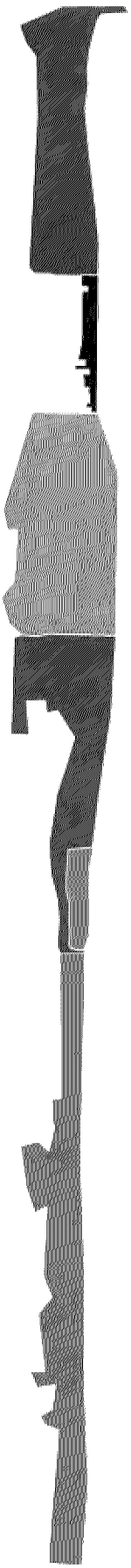
Frontage on the water is clearly an added value for all types of properties in Palm Beach. There are properties with frontage on the Atlantic Ocean, others that are on the Intracoastal Waterway, and a few that have frontage on both. Whether landmarked or not, properties with water frontage are considerably more valuable than those that are not. But again, landmarked properties have higher values regardless of their water proximity.



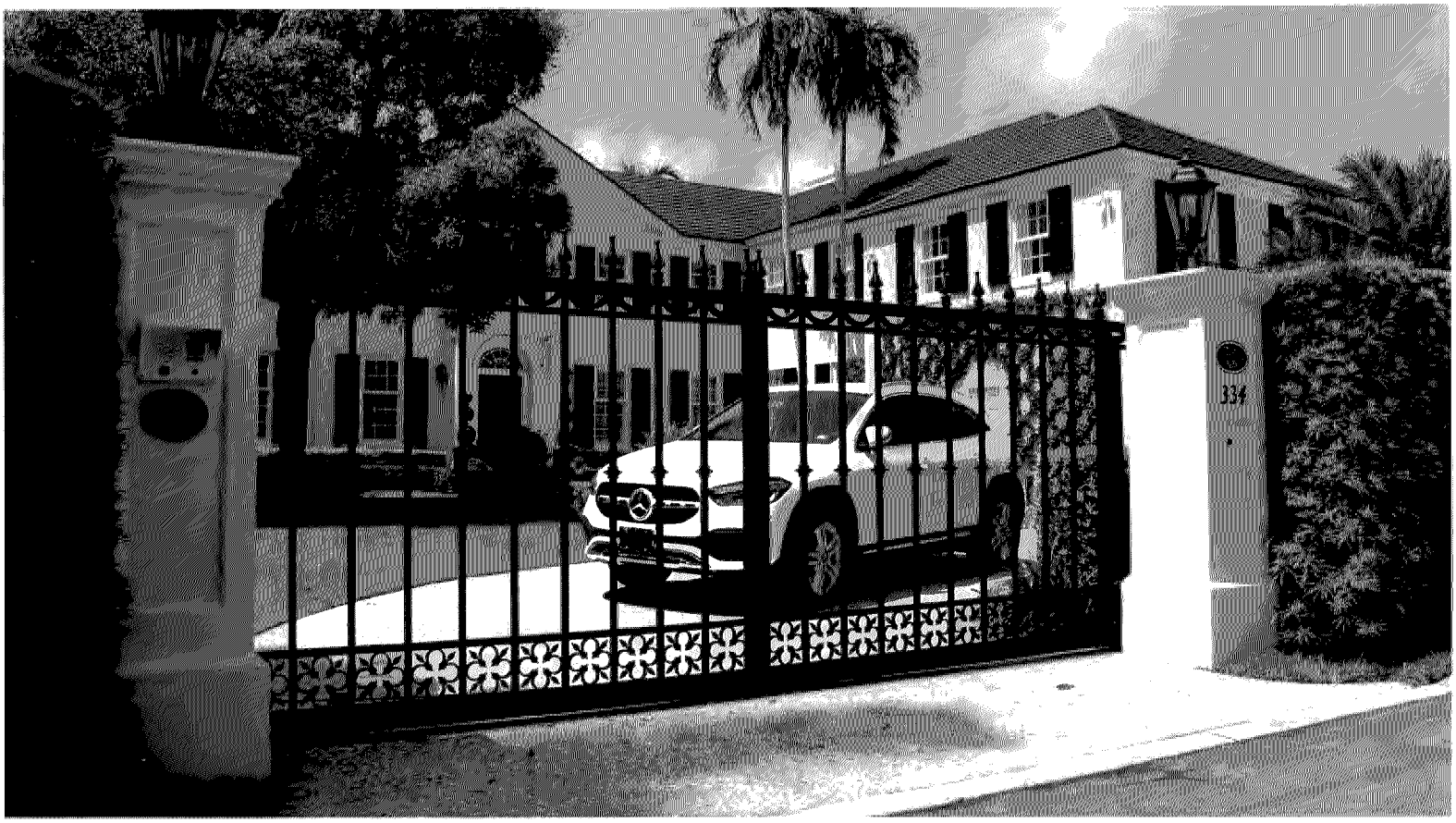
Submarket

Although Palm Beach is a small town, with a population fewer than 9,000 and an area just under 8 square miles, real estate experts have identified distinct submarkets in the town. The median value for landmarked and non-landmarked properties was calculated for each of those submarkets, which include Billionaires Row, Estate Section, Midtown, Near North, North Side, and South. In five of the six, landmarked properties were measurably more valuable. In Midtown there was a statistically marginal advantage for non-landmarked properties. Again, when there is a very large difference in median values, as in the South submarket, that is usually attributable to a very small number of properties in the category.[3]



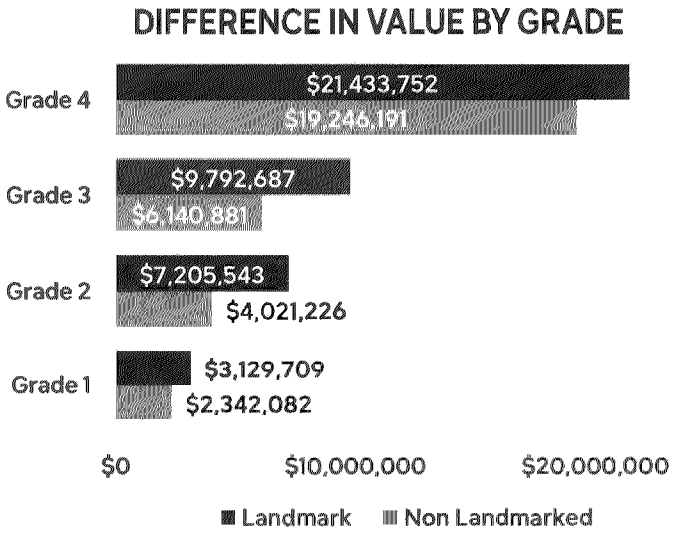


3 Billionaire's Row North and South have been combined for this analysis.



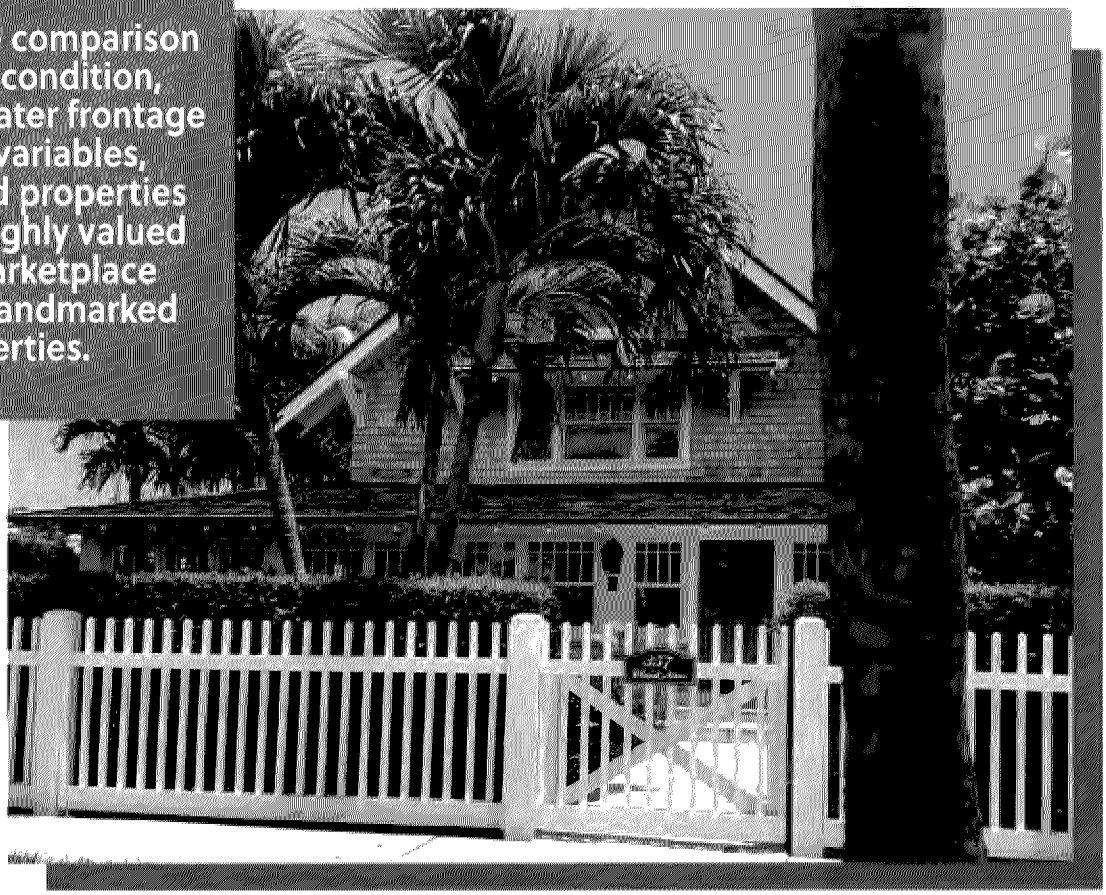
Condition or Grade

The Palm Beach Property Appraiser's Office assigns a grade to every building in the county. Properties in Palm Beach are assigned a grade ranging from Class 3 to Class 7; Custom Class 1 to Custom Class 7; and Luxury Class 1 to Luxury Class 7. For simplicity purposes (and so that the small sample error didn't invalidate the findings of the analysis) properties were consolidated into Grades 1 through 4. Comparisons were then made between landmarked and non-landmarked properties within each of those grades. The median values are found in the chart below.[4]



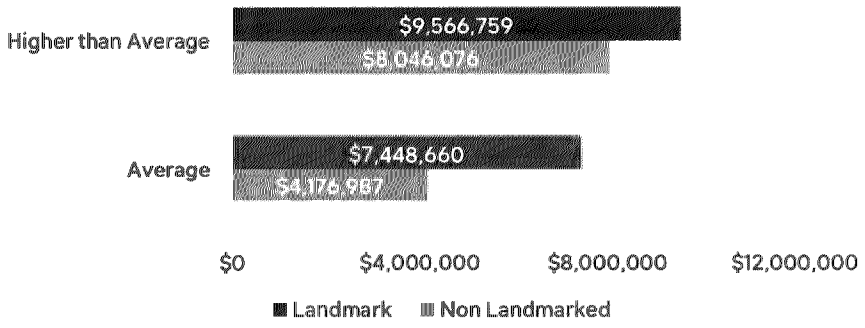
4 Grade refers to Construction Grade as defined by the Palm Beach County Property Appraiser's Office. This grading system is not based on the historic significance of the building, nor is it the same as the grades used in previous historic property surveys.

Whether the comparison is by age, condition, proximity, water frontage or other variables, landmarked properties are more highly valued by the marketplace than non-landmarked properties.



Finally, the Property Appraiser's Office also rates the condition of every property. The vast majority were rated "Average." (Although "average" must be a relative term, in that overall the condition of Palm Beach properties, whether landmarked or not, far exceeds what would be called "average" in most of the country.) Whether property condition was deemed average or above average, landmarked properties held higher values.

DIFFERENCE IN VALUE BY CONDITION



It is evident that the location of a property – whether by submarket, water proximity, or other factor – certainly affects the value of any given parcel. But while location may be the primary variable, it certainly is not the only one. To test whether the immediate location was the primary factor that was affecting the value difference between landmarked and non-landmarked properties, comparisons were made among landmarked properties, properties that were either adjacent to or across the street from landmarked properties, and the properties in the rest of Palm Beach. In the town overall, the median value of landmarked properties was just short of $7.5 million and the median value of properties immediately proximate to landmarked buildings was just under $5 million—or $1 million more than properties not adjacent to a landmarked property.

VALUES BASED ON PROXIMITY



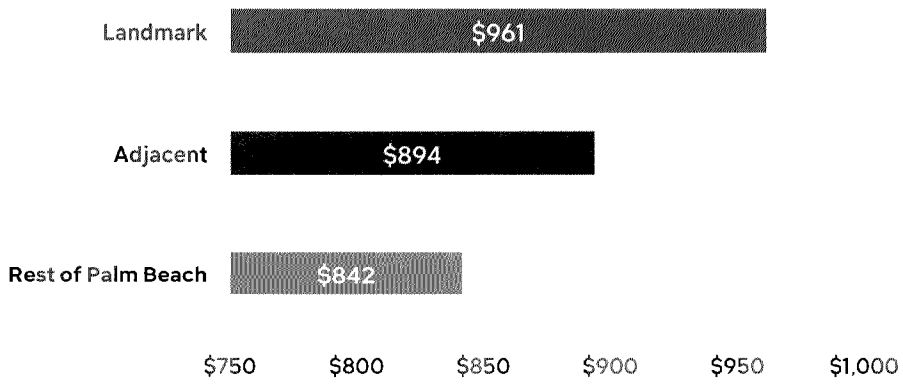
$7.4 MILLION
Median Value of Landmarked Properties

$4.9 MILLION
Median Value of Adjacent Properties

$3.9 MILLION
Median Value of Rest of Palm Beach

This pattern was the same when measured by median dollars per square foot rather than total property value. The median square foot value of landmarked properties was $961 while the proximate properties had a value of $894 per square foot—an added value of over $50 per square foot compared to Palm Beach houses that were not located next to a landmark.

VALUE PER SQUARE FOOT BASED ON PROXIMITY



So whether the comparison is by age, condition, proximity, water frontage or other variables, landmarked properties are more highly valued by the marketplace than non-landmarked properties.

CHANGES IN VALUE OVER TIME

Landmarked properties experience greater rates of value increase than do non-landmarked properties.

While the differences in values may be interesting, probably of more significance is how the values of landmarked vs. non-landmarked properties change over time. Comparisons were made between landmarked and non-landmarked properties from the years 2007 through 2020. Those were years that the Palm Beach Property Appraiser's Office had complete data that could be accessed digitally. That particular time range was useful for another reason, however. That fourteen-year stretch began with rapidly escalating property values, followed by a dramatic reduction in property values during the Great Recession, and a subsequent recovery and return to a pattern of increasing real estate values. This allows comparisons that reflect both up and down real estate cycles.

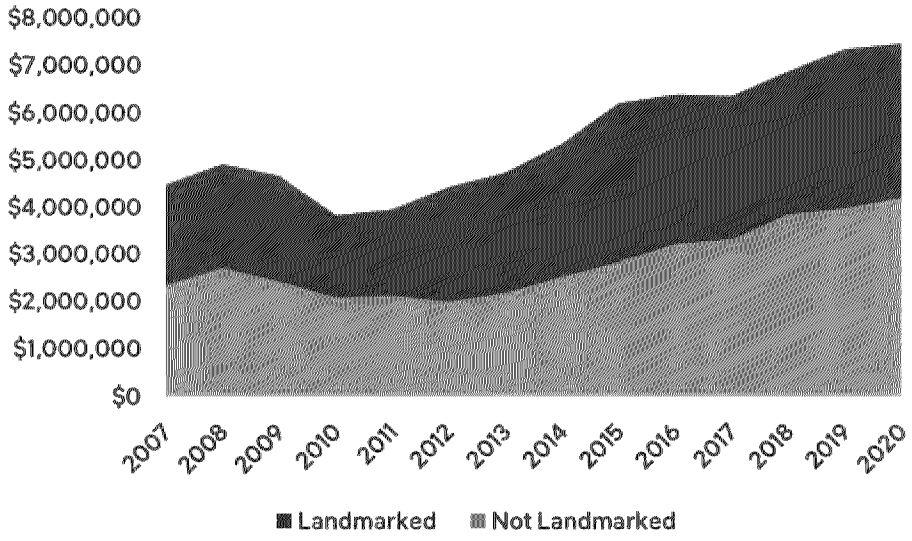
It is important to understand, however, that the increase in median value is not just a function of appreciating real estate. When a remodeling takes place, a new garage or swimming pool is added, or an outbuilding is constructed, a property's value also increases. Conversely, if an obsolete structure is removed, the property's overall value might decrease. It would be misleading to interpret these annual value changes as solely a function of appreciation, as they are also influenced by property improvements among both landmarked and non-landmarked properties.



While both designated and non-designated properties lost value during the Great Recession, landmarked properties began their price recovery sooner than did other properties. Landmarked properties did better in both the declining and the recovery markets.

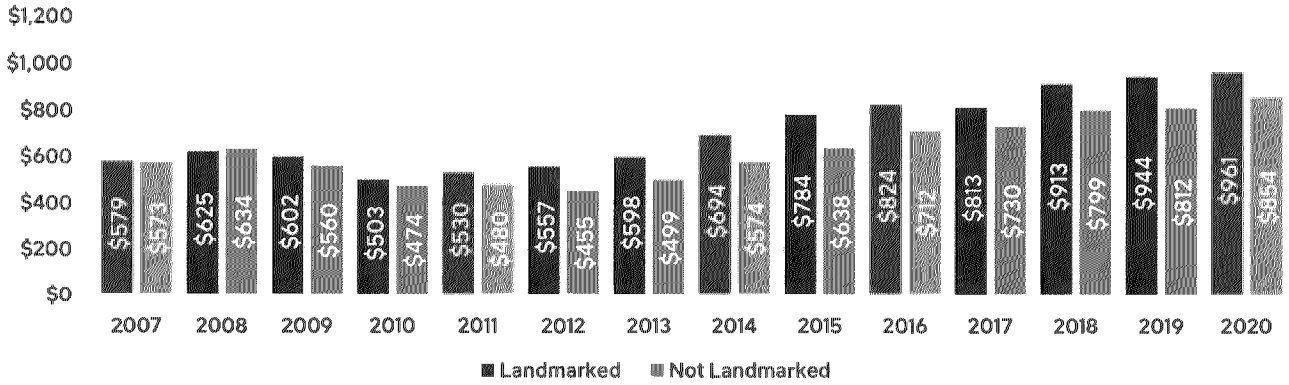
Median values of landmarked properties began the period with a higher value than non-landmarked properties and that difference widened over the fourteen years.

MEDIAN VALUE OF PROPERTIES



That pattern was true not just for value overall, but also on a value-per-square-foot basis. In the base year of 2007, the median per-square-foot value of a landmarked property had a very small edge over non-landmarked properties. By the final year of the analysis, that spread had widened to nearly $100 per square foot.

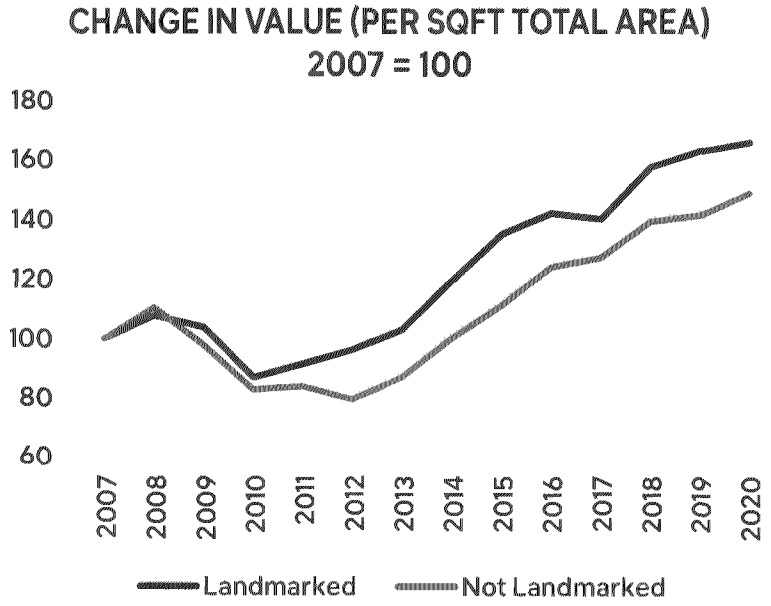
MEDIAN VALUE/ SQFT (TOTAL AREA)



Most significant for those concerned about the potential adverse impact of landmarking on property value is the difference in the rate of annual value change between landmarked and non-landmarked properties. The clearest way to make these comparisons is by "indexing." An index is a statistical tool useful for tracking relative changes between two or more variables over time. Most often those variables have different initial values at the starting point. Indexing allows for a more understandable direct comparison by setting the starting value at an equal "index" number. Then, change is shown as a directly comparable index number, rather than a dollar amount. Because 2007 was the first year of data used in this analysis, both landmarked and non-landmarked properties, represented by their respective value per square foot, were assigned an index value of 100, even though in that year the median per square foot value of the two categories was slightly different ($579/s.f. for landmarked properties; $573/s.f. for non-landmarked properties). Thus if in the following year all properties increased by 10%, each would have a new index number of 110, even though the landmarked properties went up by $57.90 while the non-landmarked properties went up by $57.30.

Landmarked properties began their price recovery sooner after the Great Recession and did better in the declining and recovery markets.

There are three important findings seen in the graph below: 1) over the 14-year period both categories of properties increased significantly in value; 2) the increase for landmarked properties was measurably greater than for non-landmarked properties; and 3) while both designated and non-designated properties lost value during the Great Recession, landmarked properties began their price recovery sooner than did other properties. Landmarked properties did better in both the declining and the recovery markets.



VALUE CHANGE AFTER LANDMARKING

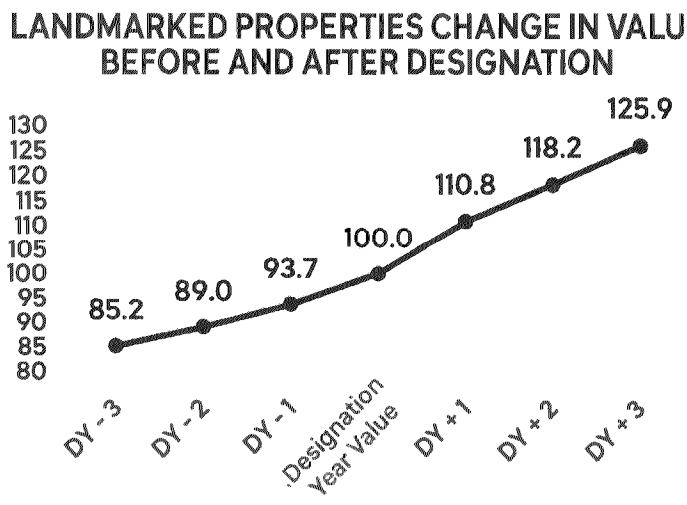
To most directly measure the impact of designation on value, all of the properties designated as landmarks between 2010 and 2017 were subjected to a separate analysis. The goal of this particular analysis was to look at the pattern of value change in the three years before designation and the value change in the three years after designation. Because the available data was from 2007 to 2020, properties designated between 2010 and 2017 were included.

Again, indexing was used to measure the change, but rather than the "base year" being fixed, each landmarked property was assigned an index of 100 representing its value in the year of its designation. Then, based on that indexed value, the property's index number for each of the three preceding years, and each of the three following years was indexed based on its difference from the value in the year of designation.

To understand how this works, imagine a property that was designated in 2010 had a per square foot value of $1,000. That dollar amount was converted to an index of 100. But in 2009, the property was worth $900 per square foot, or an index equivalent of 90. If the 2008 value was $800, then that year's index number would have been 80. Now imagine that the year after designation the property was worth $1,100 per square foot. That would translate into a 2011 index of 110.

This allows a view on a composite and comparable basis of how landmarking affected value. The values of all properties landmarked over this period averaged around 15% less three years prior to designation (100 – 85) and about 25% more three years after designation (125-100). This does not demonstrate that landmarking is responsible for the increase in value. As was noted earlier, in most years all properties increased in value, and that change is attributable not only to appreciation but also includes improvements to the property. What this analysis does demonstrate, however, is that landmarking did not reduce the property value, and the pattern of value enhancement continued in the years following designation.

The earlier section presented findings about the greater value that landmarked properties have over non-landmarked properties from a variety of perspectives. The findings reported in this section reveal how, aside from the increased value alone, landmarked properties also benefit from a rate of change in value.







HEDONIC PRICING ANALYSIS

Hedonic Pricing is a process of mathematically sorting out the relative contributions of various variables to a property's value. The purpose of this hedonic pricing analysis is to determine whether landmarking had a positive or negative impact on value.

When a buyer purchases a property for, say $1,000,000, that price includes the value of the land, the house, the swimming pool, the additional bathroom, the proximity to the ocean, and many other variables. Some of these variables are internal to the property (the size of the house, for example) and others external (proximity to the ocean). But of that $1 million, how much was attributable to the size of the lot, how much for the ocean view, etc? Given sufficient data, the relative contributions of different variables can be estimated. These variables are likely to be mostly positive (e.g. a larger house contributing to a higher selling price) but may also be negative. For example, a location next to a noisy freeway may have a negative impact on the overall price.

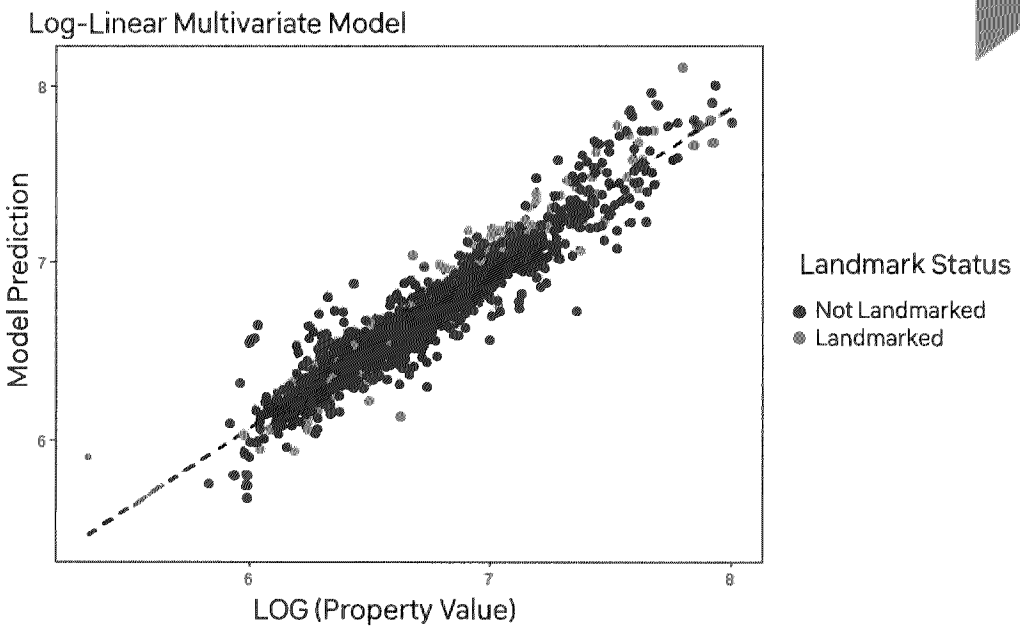
The process of sorting out the relative contributions of a property's variables can be done mathematically through a process called Hedonic Pricing.[5] To undertake a hedonic pricing analysis it is necessary to: 1) identify the variables likely to influence the overall price of a property; and 2) conduct a multi-variable regression analysis to determine the positive (or negative) impacts of a single variable to a property's selling price.

5 "Hedonic pricing – or the hedonic pricing method – is used in the determination of the economic value for an ecosystem service or services that may influence the market price of a good or asset. The method is commonly applied in the valuation of properties, such as houses, and accounts for economic costs or benefits, which may influence the overall value of the asset or, as commonly presumed, a house. The hedonic pricing model is common in the housing sector because of its flexibility and ability to accommodate various factors and parameters in the determination of a fair property price." Definition from the Corporate Finance Institute. https://corporatefinanceinstitute.com/resources/knowledge/valuation/hedonic-pricing/

For this analysis six variables were included as potentially impacting value. They were: 1) size of the lot; 2) total building area; 3) water frontage; 4) property condition; 5) property grade; and 6) whether or not the property was landmarked. Ultimately the purpose of including a hedonic pricing analysis was to determine whether landmarking had a positive or negative impact on value.

The first finding was that the relative contribution of those six variables strongly correlated with the value of the property. Second, every one of those variables individually had a significant statistical correlation, and therefore provided highly reliable estimates of impact on value.

This Hedonic Pricing Analysis showed landmarking to have a positive impact on property values.



Third, the largest impacts on value were: total area, land area, and proximity to water. The remaining three: landmark status, building grade, and building condition, each had a minor but still positive impact.

This is a critical finding in that if landmarking had a negative impact on value, it would have been revealed in the analysis. But landmarking was shown to have a positive impact on value. Based on this analysis it is estimated that landmark status has an impact of increasing property value by 6.2%-13.7%. This is not a huge share of the overall value, but more critically, it clarifies that landmarking does not reduce property value.

SURVEY RESULTS AND WILLINGNESS TO PAY

A Willingness to Pay Survey was conducted as part of a contingent valuation to assess the non-economic values of Palm Beach's historic resources.

There is wide agreement in Palm Beach that the historic assets of the town have a value, and that value certainly includes but is not limited to economic value. In the preceding sections the value, relative value, and change in value of landmarked properties in Palm Beach were examined, followed by an analysis of the contributory value of landmark status to the overall value of the property. But all of these represent economic values. How are non-economic values measured?

An approach that has been developed and is widely used is called "contingent valuation," which is defined as "The method of valuation used in cost–benefit analysis and environmental accounting. It is conditional (contingent) on the construction of hypothetical markets, reflected in expressions of the willingness to pay for potential environmental benefits or for the avoidance of their loss."[6] A "Willingness to Pay" survey was conducted in Palm Beach as part of this analysis. Through the Town of Palm Beach email listserv, a link to the survey was distributed. The survey was open from September 13th through September 20th and received 153 valid responses.

A cross section of Palm Beachers responded, including full time and seasonal residents; single-family, condominium, and multifamily households; and people of a wide range of ages. The complete survey responses are found in Appendix 2.[7]

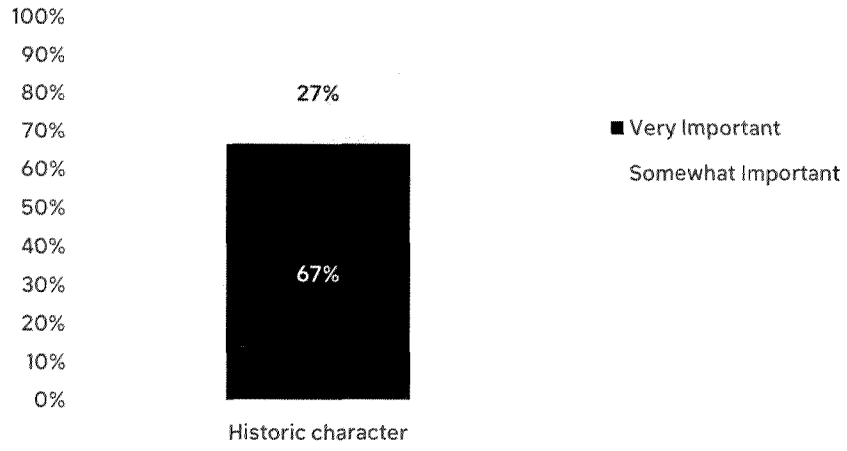
One question asked, "When thinking about Palm Beach, how important are the following to you personally?" Eleven characteristics of Palm Beach were presented and the respondents were asked to say whether each was "Very important," "Somewhat important," "Not so important," or "Not at all important." Not surprisingly the choice that ranked highest as "Very important" was "Public Safety," followed by "Architectural Quality," "Weather," and "Historic Character." Following in order of their "Very Important" ratings were: Parks and other public spaces, Personal and business relationships, Beaches, Social Life, Exclusivity, High quality shopping, and International reputation. All responses were ranked "Very important" by at least half of respondents, except for High Quality Shopping and International reputation, although both received greater than 50% when "Very important" and "Somewhat important" were combined.

6 From OECD (Organization for Economic Co-operation and Development) glossary of statistical terms, https://stats.oecd.org/glossary/detail.asp?ID=438

7 Consistent with good practices in surveying, when one group was over or under represented among survey respondents as compared with the overall population, responses were weighted to more accurately reflect the overall profile of the population.

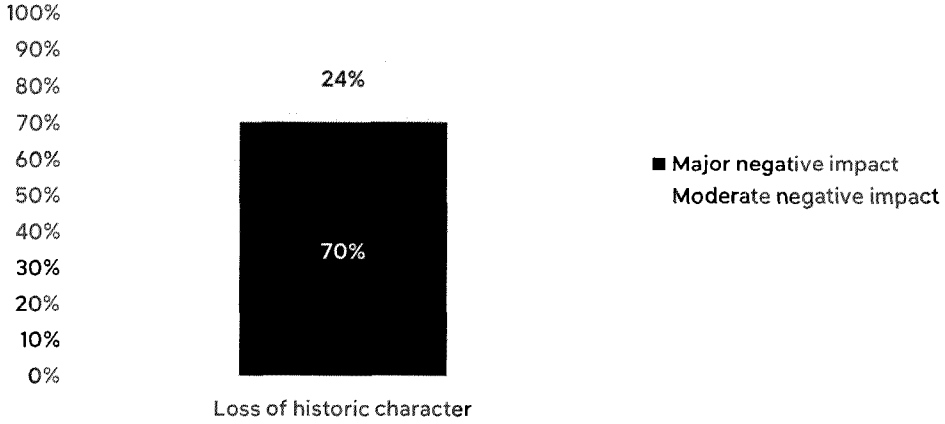
Most germane to this study, however, was the "Historic character" response. Two-thirds of respondents ranked historic character as "Very important" and another 27% ranked it as "Somewhat important," meaning more than 9 in 10 Palm Beach residents attach importance to the town's historic character.

HOW IMPORTANT IS THE HISTORIC CHARACTER OF PALM BEACH TO YOU, PERSONALLY?



Another question asked, "In your opinion, which of the following would significantly reduce the quality of Palm Beach?" For this question eight potentially negative outcomes were listed. Again topping the list when "Major negative effect" and "Moderate negative effect" were combined were "Diminished public safety," "Increased traffic," and "Loss of historic character," followed, in order, by "Sea level rise and other climate change factors," "Diminution of overall architectural character," "Significant population growth," "Suburban-type commercial development," and "Increased tourism." All but "Increased tourism" were ranked by more than half of respondents as having a "Major negative effect".In the finding most relevant to this study, more than 70% responded that "Loss of historic character" would be a major negative impact and another quarter said that loss would be a moderate negative impact.

WOULD LOSS OF HISTORIC CHARACTER WOULD HAVE A NEGATIVE IMPACT ON PALM BEACH?

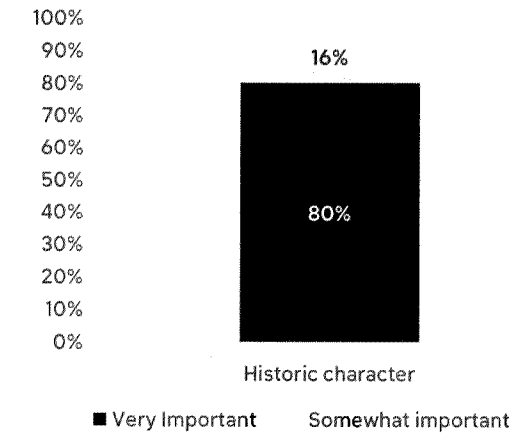


Both of those two questions asked about "historic character," but the interpretation of what that phrase means was left up to the respondent. It was deemed important that a question be asked that provided a more concrete example of what "historic character" means in this context. Therefore, this question was included: "Worth Avenue and the Vias have an international reputation as one of the world's great shopping areas. How important do you think the following are as Worth Avenue assets?" Though the focus of this study is residential areas, Worth Avenue, a commercial area, was chosen for two reasons: 1) Worth Avenue and the Vias would be well known by nearly every respondent, and 2) many of the buildings on Worth Avenue and the Vias are landmarked. As a result, this question moved the respondent from thinking about the abstract concept of "historic character" to a specific part of the town that represents a more tangible example for Palm Beach residents.

Eleven characteristics of Worth Avenue and the Vias were presented and respondents were asked to identify each as "Very important," "Somewhat important," "Not so important," or "Not at all important." "Walkability" was seen as the strongest asset of the area, followed by "Quality of merchandise," "Historic Character," "Overall reputation," "Restaurants," "Independent retailers," "Customer service," "Variety of shopping opportunities," "Quality of merchandise," "Uniqueness of shops," "Variety of shopping opportunities," "Exclusivity," and "Galleries and art dealers."

When "historic character" was envisioned by a specific example, its importance grew even stronger with more than 80% saying it was "Very important" as a Worth Avenue asset, and more than 95% seeing historic character as either "Very important" or "Somewhat important".

HOW IMPORTANT IS HISTORIC CHARACTER AS A WORTH AVENUE ASSET?





9 IN 10

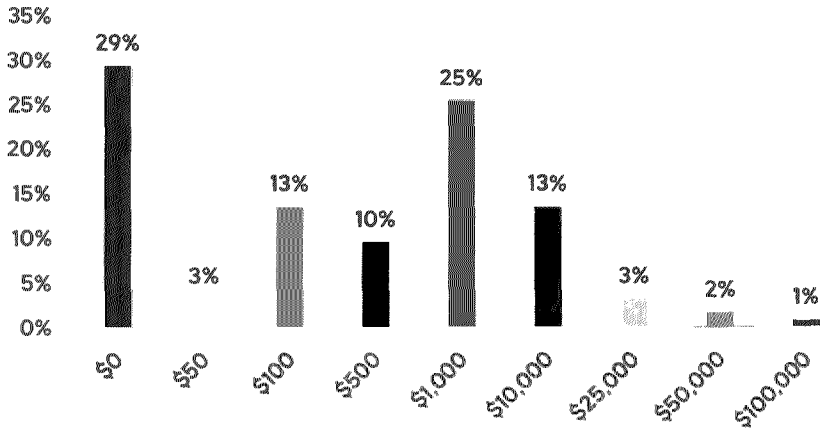
residents attach importance to Palm Beach's historic character

Having established the strength of attachment to historic character in Palm Beach, it was then necessary to quantify that attachment in monetary terms. This was done through the "Willingness to Pay" question. It is worth noting that more than 90% of the population of Palm Beach does not live in landmarked buildings. Therefore, the responses to the Willingness to Pay survey offer a method to assign a dollar amount to non-economic values.

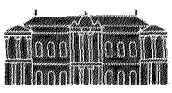
Respondents were asked, "How much, if anything, would you be willing to contribute as a voluntary, one-time donation to maintain the historic character and quality of Palm Beach?" Choices ranged from $0 to $100,000 with an "Other amount" option given. This question had the highest rate of "No response" (6.0%) of any of the survey questions, and an additional 11.3% who responded "Other." A few of the "Other" responses name a specific amount other than those listed, but most of the responses were not numeric answers and were on the order of, "It would depend specifically what the money was going for." Given the wealth and pattern of philanthropy among Palm Beach residents, this type of response is not surprising. Among those who did specify a particular amount, just short of 30% said "$0," but that means than more than 70% were willing to give something. The range of responses is seen in the chart below:

There are non-economic values attributable to the historic character of Palm Beach that, when quantified, total more than the Town's entire annual property tax revenue.

WILLINGNESS TO PAY



When this pattern of giving is applied to the entire Palm Beach population – both seasonal and year-round – the non-economic value of the historic character is between $59,000,000 and $63,000,000. In a market where some individual properties have a value that high, $60 million may not seem a large amount. There are non-economic values attributable to the historic character of Palm Beach that, when quantified, total more than the Town's entire annual property tax revenue. Looked at another way, the willingness to pay represents:



$170,000
for every landmarked building in Palm Beach



$6,900
for every resident in Palm Beach



$12,000
for every household in Palm Beach

Again, this "Willingness to Pay" amount is value assigned to Palm Beach's historic resources, over and above their considerable economic value.

LANDMARKED PROPERTIES AND FLOOD RISK

This flood risk analysis is meant to give an overall understanding of the dollar amount of historic properties potentially at risk from seasonal and future forecast storm and sea level rise patterns.

Coastal Florida is well acquainted with risk of flooding and other water damage as a result of annual hurricanes and other weather events. Climate change and rise in sea level will exacerbate those risks. Flood insurance premiums are rising dramatically and both property owners and local and state governments are looking for mitigation and adaptation tools to respond to future risks. Many property owners in Palm Beach have already taken action to respond to sea level change by elevating their property, building flood walls, incorporating water retention sites as part of landscaping plans, and other measures.

The purpose of this final report section is not intended to raise anxiety levels over forecasted changes and is certainly not meant to offer mitigation and/or adaptation strategies. Rather it is meant to give an overall understanding of the dollar amount of historic properties potentially at risk from seasonal and future forecast storm and sea level rise patterns.

The approach for this analysis was to look at the value of properties in areas identified on FEMA (Federal Emergency Management Administration) maps as being in the "100 year" (or 1% annual risk) flood areas. Even this approach is at best tentative, in that: 1) the process of flood risk identification is currently being revised by FEMA; 2) many Palm Beach properties may be in a flood zone area, but have already taken adaptation or mitigation actions; and 3) many Florida communities have experienced the "100 year flood" two or three times within a decade.

With those caveats acknowledged, the table below offers a recap of the values of Palm Beach single family properties and their flood zone designation.

$7 billion in Palm Beach real estate is located within a flood zone.

Palm Beach Single Family Properties Included in this Analysis			
	Landmarked	Not Landmarked	Total
Total	234	1976	2210
In 100 Year Flood Zone	116 (49.6%)	1131 (57.2%)	1247 (56.4%)
Not in Flood Zone	118 (50.4%)	845 (42.8%)	963 (43.6%)
Value - Buildings			
In 100 Year Flood Zone	$194,652,257 (37.7%)	$1,738,763,244 (54.0%)	$1,933,415,501 (51.8%)
Not in Flood Zone	$321,948,725 (62.3%)	$1,480,277,755 (46.0%)	$1,802,226,480 (48.2%)
Value - Land			
In 100 Year Flood Zone	$653,221,937 (31.7%)	$4,777,707,437 (48.2%)	$5,430,929,374 (45.4%)
Not in Flood Zone	$1,410,105,301 (68.3%)	$5,126,725,333 (51.8%)	$6,536,830,634 (54.6%)
Value - Total			
In 100 Year Flood Zone	$847,874,194 (32.9%)	$6,516,470,681 (49.7%)	$7,364,344,875(47.0%)
Not in Flood Zone	$1,732,054,026 (67.1%)	$6,607,003,088 (50.3%)	$8,339,087,114 (53.0%)

In most of this report, no distinctions were made between the value of the land and the value of the building. Instead, property value was considered, which includes both. However, when it comes to flood risk, while both land and buildings can suffer damage, the asset most at risk is the building. Therefore, the land and building values were separated in the chart above. While both landmarked and non-landmarked properties are located in flood zones, non-landmarked properties are at greater risk both in share of properties and the value of properties potentially impacted. But in any event, having more than $7 billion in real estate located in identified flood zones illustrates the magnitude of climate change risks in Palm Beach.

CONCLUSIONS

The findings are clear: landmarked properties in Palm Beach are a valuable economic asset for their owners, and a valuable aesthetic, cultural, historical, and symbolic asset for the public.

Palm Beach is known internationally for the beauty, quality, and character of its built environment. Structures built nearly a century ago are prized as places to live, work, and visit today. That is not an accident. For decades the citizens of Palm Beach have stewarded these resources, preserving their value through two tools – designation and design review through the Landmarks Preservation Commission and design review for non-designated buildings (and proposed buildings) by the Architectural Review Commission. As a result, Palm Beach has maintained its charm and historic character and its reputation since the first grand mansions were built in the 1920s.

The marketplace also recognizes the authenticity, quality, and integrity of historic properties in Palm Beach, paying a premium for those properties which have achieved landmark status.

Historic designation in Palm Beach has enhanced the economic value for landmark property owners. But perhaps even more important, owners, preservation advocates, and the Landmarks Preservation Commission have worked together to be good stewards of the architectural wealth of the town for generations to come.



APPENDIX 1: METHODOLOGIES

The tables below represent the findings of the multivariable regression that was the basis of the Hedonic Pricing Analysis. Most significant among these numbers are the R Square which, at .9075 shows an extremely high degree of correlation between the value of a given property and its projected value based on the six variables considered. The other most important numbers are the Coefficients for each of the variables. If any of the variables had a negative impact on value the Coefficient would appear as a negative number. All are positive. The higher the Coefficient the greater the impact on value. Based on this analysis, Land Area, Total Area, and Water Proximity contributed the most to each property's value with each of the other variables contributing a lesser but positive amount.

SUMMARY OUTPUT

Regression Statistics	
Multiple R	0.952668286
R Square	0.907576863
Adjusted R Sq	0.907326958
Standard Error	0.10733166
Observations	2226

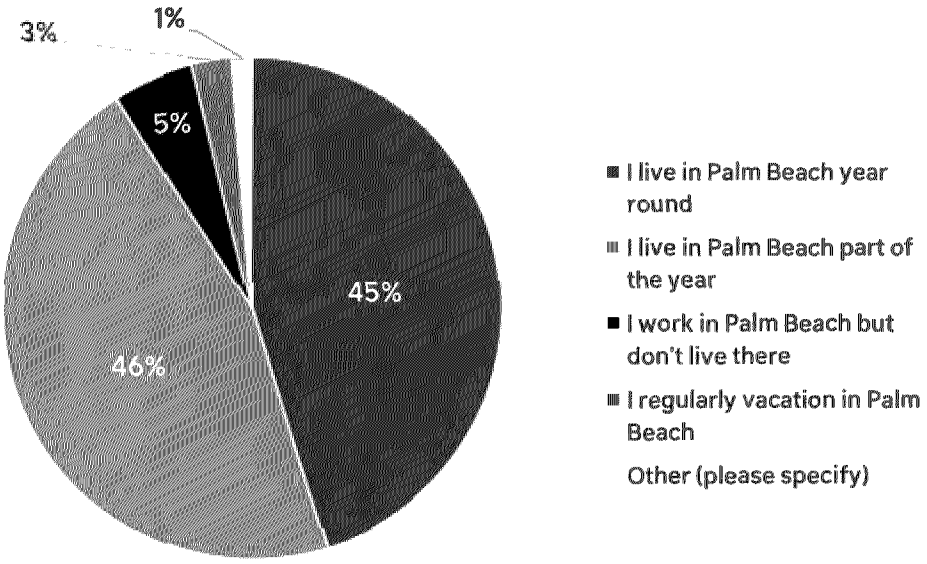
ANOVA

	df	*SS*	*MS*	*F*	*Significance F*
Regression	6	251.0242675	41.83737791	3631.689928	0
Residual	2219	25.56306938	0.011520085		
Total	2225	276.5873368			

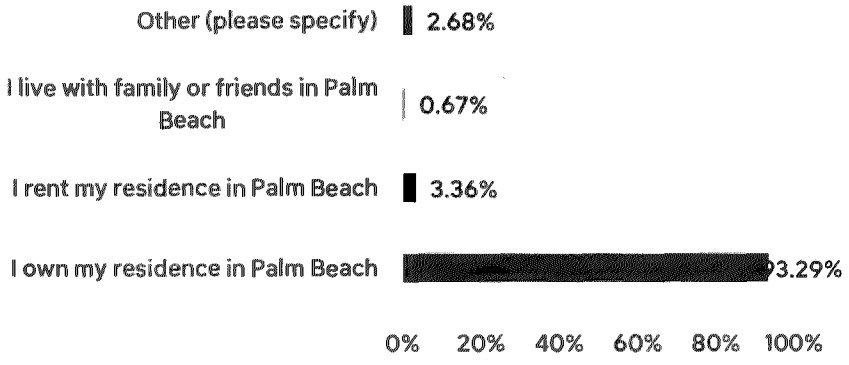
	Coefficients	*Standard Error*	*t Stat*	*P-value*	*Lower 95%*	*Upper 95%*	*Lower 95.0%*	*Upper 95.0%*
Intercept	2.52627284	0.047628804	53.04086216	0	2.432871153	2.619674527	2.432871153	2.619674527
Total Area	0.433933129	0.019847878	21.86294779	4.02545E-96	0.395010772	0.472855486	0.395010772	0.472855486
Land Size	0.527628677	0.014834531	35.56760044	1.1662E-219	0.498537662	0.556719691	0.498537662	0.556719691
Water	0.065202414	0.003637761	17.92377655	3.35231E-67	0.058068643	0.072336186	0.058068643	0.072336186
Landmark	0.040905231	0.007605835	5.378138142	8.31613E-08	0.025989933	0.055820529	0.025989933	0.055820529
Grade	0.034476094	0.001285446	26.82034219	1.7283E-137	0.031955291	0.036996896	0.031955291	0.036996896
Condition	0.016908098	0.00807 1708	2.09473609	0.036307592	0.001079207	0.03273699	0.001079207	0.03273699

APPENDIX 2: COMPLETE SURVEY RESULTS

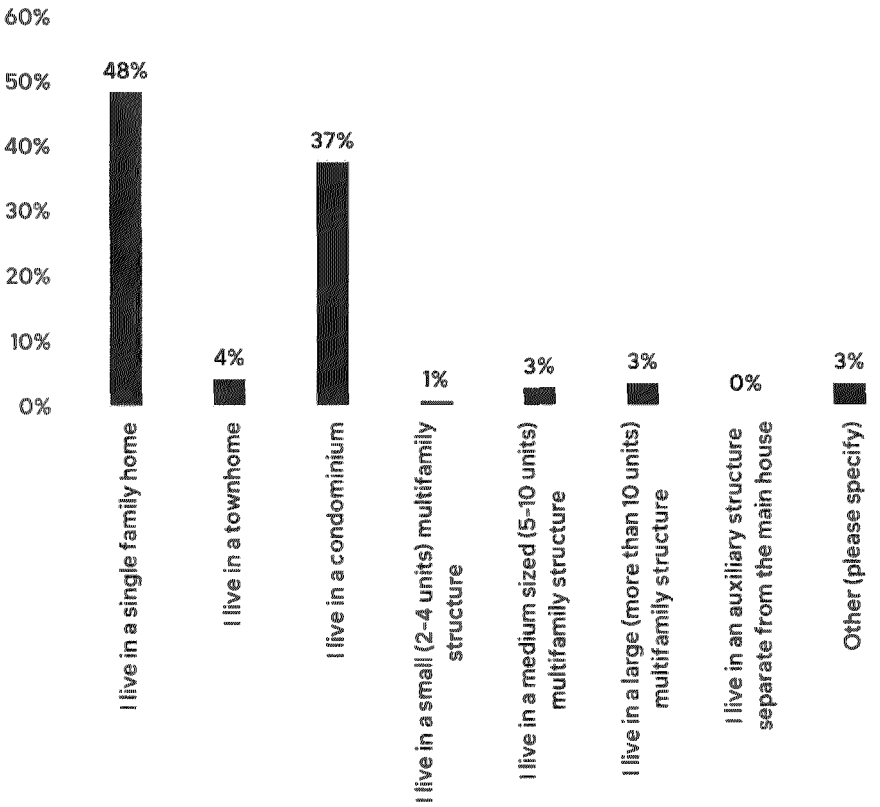
QUESTION 1: WHICH OF THE BELOW BEST DESCRIBES YOUR CONNECTION TO PALM BEACH?



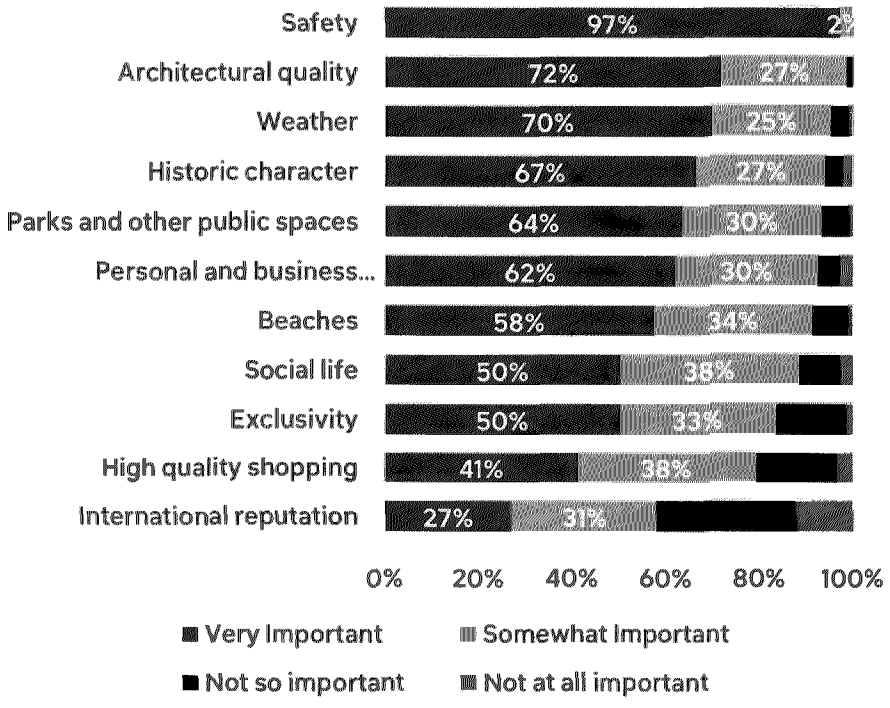
QUESTION 2: IF YOU LIVE IN PALM BEACH DO YOU OWN OR RENT?



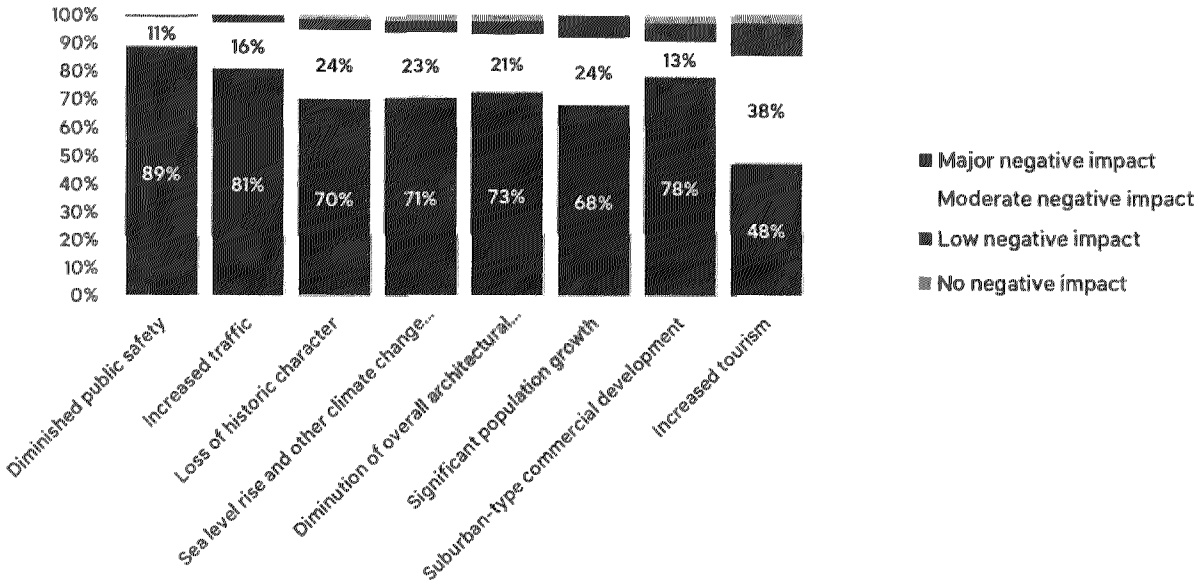
QUESTION 3: WHICH BEST DESCRIBES YOUR RESIDENCE IN PALM BEACH?



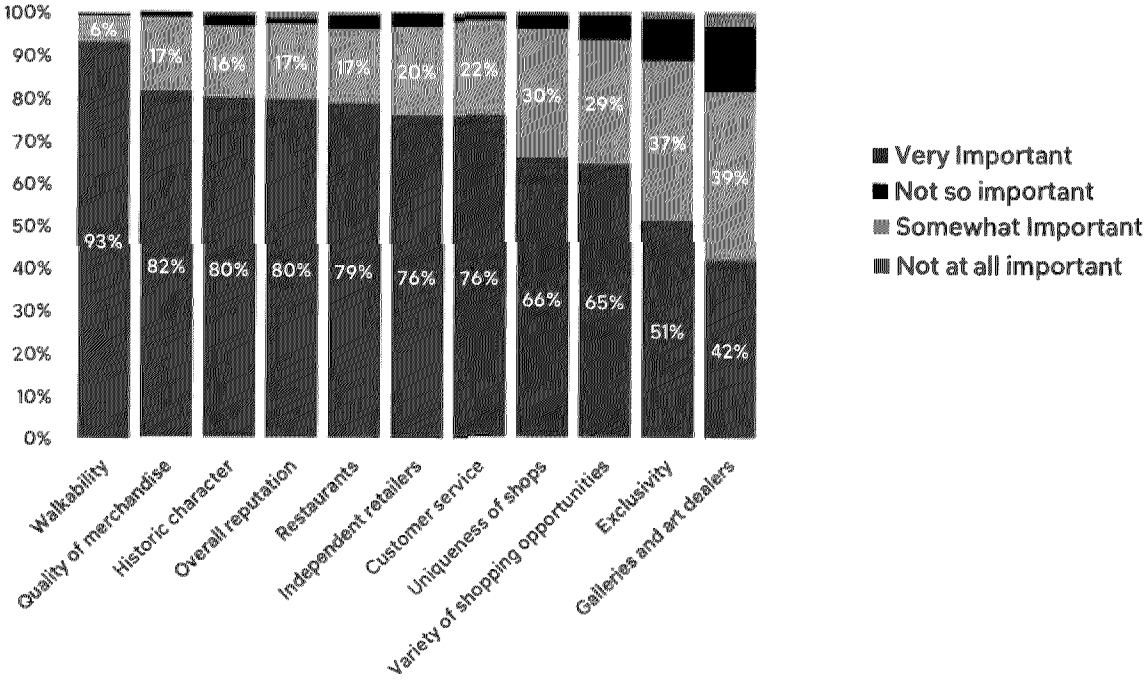
QUESTION 4: WHEN THINKING ABOUT PALM BEACH, HOW IMPORTANT ARE THE FOLLOWING TO YOU PERSONALLY?



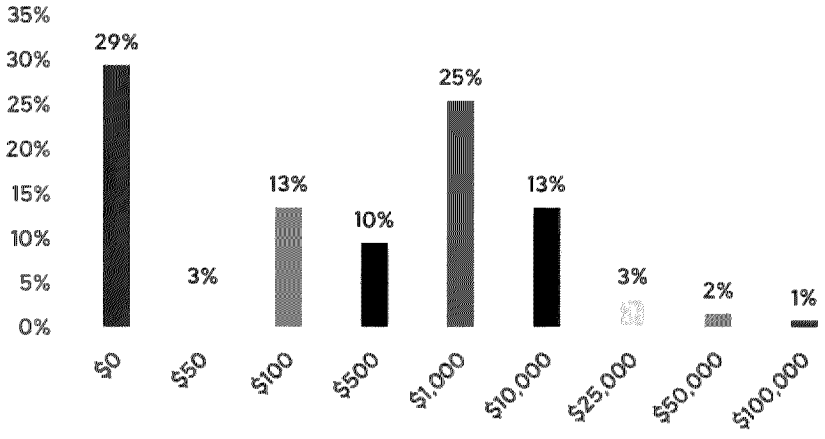
QUESTION 5: IN YOUR OPINION, WHICH OF THE FOLLOWING WOULD SIGNIFICANTLY REDUCE THE QUALITY OF PALM BEACH?



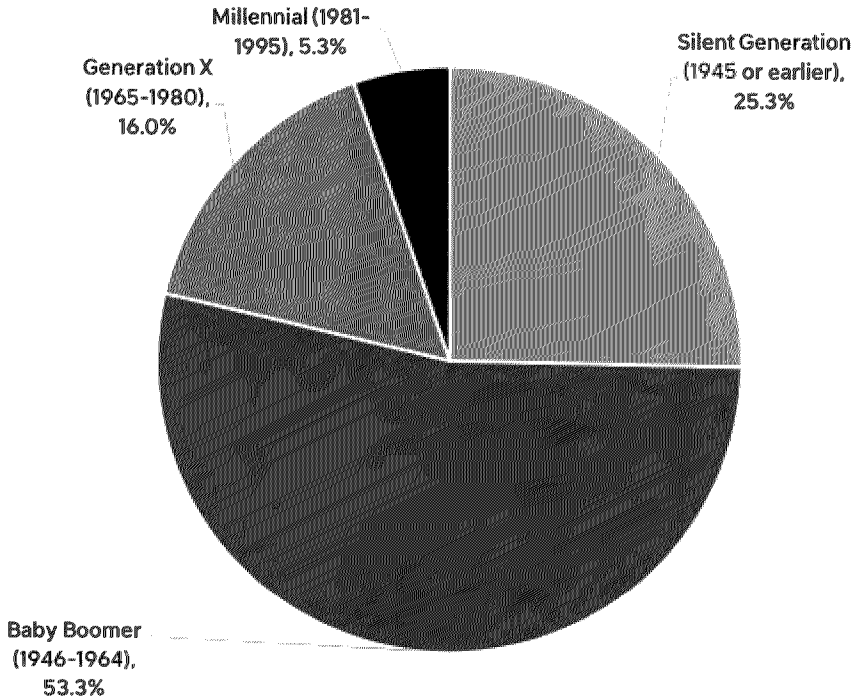
QUESTION 6: WORTH AVENUE AND THE VIAS HAVE AN INTERNATIONAL REPUTATION AS ONE OF THE WORLD'S GREAT SHOPPING AREAS. HOW IMPORTANT DO YOU THINK THE FOLLOWING ARE AS WORTH AVENUE ASSETS?

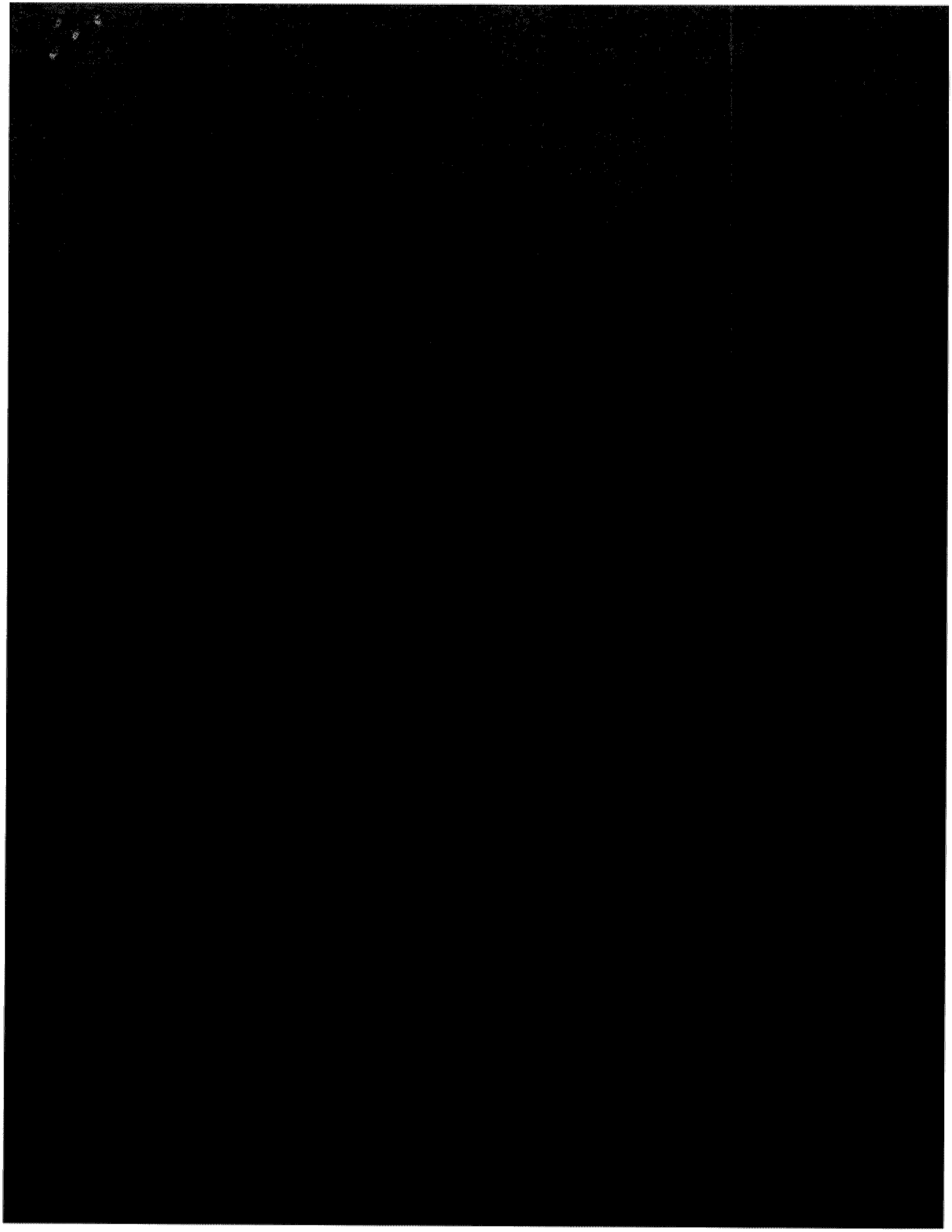


QUESTION 7: HOW MUCH, IF ANYTHING, WOULD YOU BE WILLING TO CONTRIBUTE AS A VOLUNTARY, ONE-TIME DONATION TO MAINTAIN THE HISTORIC CHARACTER AND QUALITY OF PALM BEACH?



QUESTION 8: IN WHICH GENERATION WERE YOU BORN?





ACKNOWEDGEMENTS

We would like to thank everyone who contributed their time and expertise for this report. This study was commissioned and generously underwritten by the Preservation Foundation of Palm Beach. We would especially like to thank Aimee Sunny, Director of Education at the Preservation Foundation of Palm Beach, for her coordination of this project, and the staff at the Preservation Foundation of Palm Beach for their assistance.

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Danielle H. Moore, Mayor
Margaret Zeidman, Council President
Bobbie Lindsey, President Pro-Tem
Julie Araskog
Lew Crampton
Ted Cooney

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Richard Rene Silvin, Chairman
Sue Patterson, Vice Chairman
Jacqueline Albarran
Kim Coleman
Brittain Damgard
Anne Fairfax
Anne G. Metzger
Bridget Moran
Patrick W. Segraves
Fernando Wong

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Jay Boodheshwar, Deputy Town Manager
Wayne Bergman, Director of Planning, Zoning & Building
James Murphy, Assistant Director of Planning, Zoning & Building
Laura Groves van Onna, Former Preservation Planner
Paul Castro, Zoning Manager
Sarah Pardue, Historic Preservation Planner
Jordan Hodges, Planner II
Janet Murphy, Murphy Stillings LLC
Emily Stillings, Murphy Stillings LLC

We are very grateful for the excellent data and insight provided by the Palm Beach County Property Appraiser's Office :

Dorothy Jacks, Property Appraiser
Tom Albanese, Residential Property Appraiser
Dino Maniotis, Tax Roll Coordinator
Richard Hernandez, Director of Information Technology

Finally, thank you to the following individuals for taking the time to speak with us to aid our understanding of Palm Beach's real estate market and historic resources:

Gene Pandula, AIA
Suzanne Frisbie, Frisbie Palm Beach
Jennifer Day, Callaway and Price
James Meany, First Republic Bank

PRESERVATION FOUNDATION OF PALM BEACH

The Preservation Foundation of Palm Beach is dedicated to preserving the architectural and cultural heritage and the unique scenic quality of the Town of Palm Beach.

Through advocacy initiatives, educational programs, architectural resources, and cultural events, the Foundation's goal is to encourage the community to learn about and save the historic sites that truly make Palm Beach special.

Over the past 40 years, the Preservation Foundation has undertaken numerous projects throughout the island that protect the heritage and enhance the beauty of Palm Beach. Millions of dollars have been raised to restore historic resources like Sea Gull Cottage, Town Hall, and Bradley Park.

Projects such as Pan's Garden have fostered a deeper appreciation for the island's botanical heritage. Along with special exhibitions and publications that advance scholarship on the history of Palm Beach, the Preservation Foundation offers educational programs that serve over 5,000 students annually.

ABOUT PLACEECONOMICS

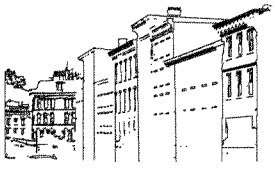
PlaceEconomics is a private sector firm with over thirty years experience in the thorough and robust analysis of the economic impacts of historic preservation. We conduct studies, surveys, and workshops in cities and states across the country addressing issues of downtown, neighborhood, and commercial district revitalization and the reuse of historic buildings.

This report was prepared by Donovan Rypkema, Rodney Swink, Katlyn Cotton, Alyssa Frystak, and Starr Herr-Cardillo. Rypkema is principal and founder of PlaceEconomics and was primarily responsible for the property value analysis, hedonic pricing analysis, and willingness to pay survey. Frystak is the Director of Research and Data Analytics at PlaceEconomics and handled data preparation and analysis. This report was co-designed by Katlyn Cotton and Starr Herr-Cardillo. Cotton is the Director of Marketing and Design at PlaceEconomics, and assisted with data preparation and analysis. Herr-Cardillo is a Content Writer and lead report editing. Site visits were conducted by Rypkema and Cotton. Editing was done by Starr Herr-Cardillo, Alyssa Frystak, and Rodney Swink, Senior Associate for Planning and Development. Assistance was provided by Heather Rypkema, PhD, in the creation of the Hedonic Pricing model and the interpretation of those results.

PROPERTY & VALUES
LANDMARKING
IN PALM BEACH

PRESERVATION FOUNDATION OF PALM BEACH

Knowledge. Stewardship. Culture.



PlaceEconomics

TOWN OF PALM BEACH

LANDMARKS PRESERVATION COMMISSION

APPLICANT:

686 Island Drive.

_____/

- - -

Wednesday, November 17, 2021
2:59 p.m. - 4:09 p.m.

360 South County Road
Palm Beach, Florida

Stenographically Reported By:
JULIE BRUENS, FPR
Florida Professional Reporter



APPEARANCES:

Commission Members
RICHARD SILVIN, CHAIR

SUE PATTERSON, VICE CHAIR

JACQUELINE ALBARRAN, MEMBER

PATRICK SEAGRAVES, MEMBER

KIM COLEMAN, MEMBER

BRITTAIN DAMGARD, MEMBER

ANNE METZGER, MEMBER

BRIDGET MORAN, MEMBER

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BY: JAMES GREEN, ESQUIRE
NANCY UDELL, ESQUIRE

ALSO PRESENT:

RICK GONZALEZ, ARCHITECT

- - -

PROCEEDINGS

*****

MR. SILVIN: So now we have 686 Island Drive. Was there something mentioned about this about any kind of withdrawal or you're ready to go on this? You're all ready. Terrific.

THE TOWN CLERK: Can we start ex parte on this one, Mr. Silvin?

MR. SILVIN: I beg your pardon, Dear? Yes. Ex parte please.

MR. SEAGRAVES: None.

MS. DAMGARD: None.

MS. PATTERSON: I had a conversation with Aimee Sunny and it's also my previous home.

MR. SILVIN: So you know it quite well. None.

MS. ALBARRAN: And I had a conversation with the architect, who I believe is representing the clients.

MR. SILVIN: Mr. Gonzalez?

MS. ALBARRAN: Mr. Gonzalez.

MS. METZGER: And I tried to get in touch with Mr. Greenhill through his good friends, the Macatties (phonetic). I wasn't successful. They were away. I tried to contact Mr. Greenhill, but was not successful.

THE TOWN CLERK: I think we got a letter from Jane Day about this one.

MR. SILVIN: Yes, we did. I was going to bring that up, but thank you for bringing that up.

MS. PATTERSON: So that would be ex parte --

MR. SILVIN: Yes. We all got a rather emotional letter from Dr. Day, who if I could paraphrase it, the letter was sent and she had been misrepresented and she was quite upset.

So we've all seen the letter, and we would like to have it entered as part of the record, please.

MR. GREEN: Excuse me --

MR. SILVIN: Yes. Did you want to speak first, Mr. Randolph?

MR. RANDOLPH: I didn't want to preempt you. Can you hear me?

MR. SILVIN: No.

THE TOWN CLERK: I don't think that microphone is on. You need to sit at the second desk.

MR. RANDOLPH: I didn't want to preempt you, Mr. Chairman, it just reminded me --

THE TOWN CLERK: We can't hear you.

MR. RANDOLPH: I didn't want to preempt you as the chair, but you have reminded folks when they've

indicated that they've had conversations with someone, to tell us what that conversation was. If those people haven't announced that, relate their conversation, please.

MR. SILVIN: Okay. So going down the ex parte, relative to this project, Mr. Randolph?

MR. RANDOLPH: Yes. There were two people that indicated they had --

MS. ALBARRAN: Yes. I think I said Mr. Gonzalez advocated for his client.

MR. RANDOLPH: Ms. Coleman?

MS. COLEMAN: I just said I tried to get in touch. I did not have a conversation.

MS. PATTERSON: It was me.

MR. SILVIN: Ms. Patterson?

MS. PATTERSON: I said I spoke with Aimee Sunny, and it was just about, you know, my time living in this house, and I shared with her some pictures.

MS. METZGER: I tried to reach Mr. Greenhill, but was unsuccessful. I could not reach him.

MR. SILVIN: Okay. At this point --

MR. GREEN: May I speak very briefly? I'm James K. Green. Along with Nancy Udell, we represent the owner, Robert Greenhill.

MR. SILVIN: Sir, two things. Forgive me for interrupting you. You're going to need to be sworn in.

MR. GREEN: I'm not testifying.

MR. SILVIN: You're not testifying, but you are speaking. I do believe it's a very simple process.

THE TOWN CLERK: Have you been sworn in earlier today, Mr. Green?

MR. GREEN: No.

THE TOWN CLERK: If there's other people that need to be sworn in and you plan on speaking today, please raise your right hand.

(Thereupon, the speakers were duly sworn in accordance with the law.)

MR. SILVIN: Thank you, sir. If you're going to be commenting on the project, we first have to have it accepted. Not designated, but accepted as part of our record.

So please let me do that first. That's no impact on the outcome, it's just putting this on the record. May I please have a motion to that effect?

MS. COLEMAN: I'll move --

THE TOWN CLERK: We haven't heard any

presentation from staff yet.

MR. SILVIN: We have not. Okay. Sir, can I ask you what you intended to --

MR. GREEN: We just learned for the first time that a letter had been sent apparently by Jane Day.

We were not provided a copy of it in advance of today's hearing, and I need to confer with my client about whether to request a deferral or ask that the Court issue a subpoena to Ms. Day.

MS. COLEMAN: I have a hard copy of the letter. Give me a second to find it.

MS. PATTERSON: I have it right here.

MR. GREEN: I was just given a copy when I went over and asked for it. We were not provided advanced notice of it.

MR. SILVIN: May I suggest that you confer with your client while our consultants present the discovery?

MS. MURPHY: I would think if they want to defer, we can't present it.

THE TOWN CLERK: Everyone speak into the microphone.

MR. SILVIN: Yes. Ms. Murphy brought up a good point. If they are going to defer, perhaps it's best they not go through with the designation

study.

MS. MURPHY: Mr. Sylvan, I would like to state for the record the letter in question which was sent was written yesterday. It's dated November 16th.

Staff did not receive that letter and submitted it to the record until today, November 17th. So I just want everyone clear on the timeline when the letter was received.

MR. SILVIN: I understand. And now you have the letter, sir.

MR. GREEN: Yes. And I've conferred with our expert, Mr. Gonzalez, and we will proceed with today's hearing. We will object to the untimely production of this letter.

MR. SILVIN: I understand. Mr. Randolph wants to speak.

MR. RANDOLPH: Let me understand, if you're going to argue that the letter was received untimely and perhaps prejudicial to you, I would rather see you defer this.

I mean, it's your choice, but I don't think we need -- we will accept an argument that this was prejudicial to you if you're going to go forward today.

MR. SILVIN: Thank you, Mr. Randolph.

MR. GREEN: We will go forward today.

MR. SILVIN: Very good. Thank you very much. So Emily, Janet, we're ready to hear your study.

MS. MURPHY: 686 Island Drive. The design of 686 Island Drive is representative of the neoclassical revival style in its classical details and symmetrically balanced form in the main block.

The main facade's full height Corinthian columns are the most prominent feature of the dwelling, while the iron balcony rail on the second story brings in a southern colonial or French colonial element.

Neoclassical was a dominant style for domestic architecture throughout the United States during the first half of the 20th century.

Identifying features include facades dominated by porches with roots supported by classical columns, typically with ionic or Corinthian capitals. And the facade having symmetrically balanced windows and a center entry.

Tile verandas with full-length porches and balcony rails assessed with French doors often characterize southern and French colonial houses. This dwelling has a full height porch with five

stately Corinthian columns supporting a shed roof extending from the main roof.

Above the columns is an entablature containing molding. A second story balcony embellished with an ornate metal railing and carved racquets below is located within the porch.

The main facade of the residence is divided into five bays with large 12 over 12 double hung sash windows on the first floor, and eight over eight double hung sash windows and multilevel French doors on the second floor.

Full length shutters frame the windows. A wood paneled entry door is located in the center of the main dwelling's first story and has classic side lights and an arch transom above.

Everglades Island began as one of the small natural islands scattered throughout Lake Worth. In 1937, Bessemer Properties, the company owned by the Phipps family, formed the Island Road Development Company and created a bulkhead around the island, built it in to create houses and designated the east/west road along the golf course Island Road and the north/south road over the bridge Island Drive.

Only a few houses were built at the onset of

World War II before the area's construction halted. After the war in 1946, the south end of the island was completed, and two years later, the north end was cleared, built, and secured with a seawall.

Property was not available for speculative building, and houses were to cost no less than $20,000, contain no less than 30,000 cubic feet, and no garages were allowed that had an opening facing the street.

686 Island Drive was built for Dr. And Mrs. Alfred Henderson in 1955, and from the time of its construction, the house has been recognized for its architectural charm. The allure of waterfront properties was great, and the Hendersons were one of the early residents who enjoyed waterfront island living on their oversized lot for nearly 20 years.

The house and several owners before being purchased in 1999 by renounced author James Patterson and his wife, Sue. The current owner, Robert Greenhill, purchased the dwelling from the Pattersons in 2010.

Since its construction in 1955, there have been additions and alterations to the residence. In 1988, the north wing was enlarged and brought

forward. The brick was covered with stucco, and the second story rail was replaced with what appears to closely match the original rail. The north wing is difficult to see from the street view as it has landscaping screening its view.

Another addition to the dwelling occurred in 1993 to '94 when two large two story additions were constructed on the rear of the house. These additions cannot be seen from the street view.

Some additional alterations to the exterior of the house including the roof replacement, shutter replacement, the replacement of most of the dwellings, windows, and doors with impact windows and doors. As we do not review interiors, these changes have not been included or studied.

686 Island Drive meets 13 -- meets criteria in 134 of the landmarks preservation ordinance. For criteria one, 686 Island Drive reflects a broad cultural, economic, and social history of the Town of Palm Beach.

The first initiated in 1987, the creation of island -- of Everglades Island was mostly completed after World War II and into the 1950s with bulkheads, utilities for the dwellings were completed for the mostly manmade island.

This neoclassical residence was a departure from the estates of the boom years of the 1920s and reflects the changing times and styles of the post-World War II era when architects were often producing designs and a combination of styles.

The allure of waterfront plots on a tranquil island just minutes from midtown Palm Beach made Everglades Island a desirable location to build a dwelling and enjoy island life.

For criteria three, design of this dwelling in 1955 is a good example of neoclassical revival style in its classical details and symmetrically balanced form in the main block.

Though the neoclassical revival style was popular throughout the country in early to mid 1920s, it was unrepresented in Palm Beach during this period. With its full height Corinthian columns, large smelter-like double hung windows, full height shutters, and entablature.

The front facade of the house embodies notable features of the neoclassical revival style. The southern and French colonial style balcony rail also adds to the beauty of the house.

For criteria four, this is another -- well, I'll go back. This is another example of a house

that we landmarked in 2014 on Tangier Avenue that is somewhat similar to this with the full height columns and the balcony and the ornate rail. 686 Island Drive is a very good representation of the design work of the architecture, Henry Harding.

Harding's style has been described as restrained formality. Simple direct symmetrical facades with an emphasis on balance, portion, and ornamental detail, all things displayed in this house.

Henry Harding was a formally trained architect after majoring in architecture at Princeton, obtaining a degree from the University of Pennsylvania School of Architecture, and further degrees at the Fontainebleau in Paris and NYU.

After being an apprentice in the office of Wyeth, King, and Johnson and Howard Major, Harding practiced for over 40 years in Palm Beach.

These are reasons we believe that 686 Island Drive to become a Town of Palm Beach landmark. We do know that there is opposition to this designation, and their consultants and attorneys and architects will be making a presentation, and I would just ask that we can speak afterwards to clarify some of this report.

MR. SILVIN: You will be given that opportunity. Yes. Thank you very much. Before you gentlemen begin your presentation, I do need a motion to enter this as part of our record.

MS. COLEMAN: I move that the designation report for 686 Island Drive is made part of the record.

MS. PATTERSON: Second.

MR. SILVIN: Thank you, Ms. Coleman. And Ms. Patterson seconded it. All in favor, please say aye.

THE TOWN COUNCIL: Aye.

MR. SILVIN: Are there any opposed? Motion to enter as part of the record has passed unanimously.

THE TOWN CLERK: I want to confirm we provide proof of public. We have proof of public.

MR. SILVIN: Thank you. I call Kelly my control tower. If I was flying a plane and getting off course, she will always bring me back. So thank you. Yes, there is proof; is that correct?

THE TOWN CLERK: Yes, sir. I couldn't remember if we asked before they started talking, but I just want to confirm we do.

MR. SILVIN: It's just proof you're human, because I can't remember either.

Okay. Now we're ready to hear any of the expert witnesses that would like to talk. Please, sir.

MS. UDELL: Good afternoon. Just to add a lady into the mix with the gentlemen, Nancy Udell, James K. Green, PA, and Jim and I represent Mr. Greenhill.

MR. SILVIN: I didn't get your name, ma'am.

MS. UDELL: Nancy Udell. Okay. We respectfully disagree with the Town's consultants with respect to the landmarkability of this property, and we don't believe it meets the criteria, and it's not appropriate for landmarking. It's not worthy of landmarking.

The first person who wants to speak to you is Mr. Greenhill, the current owner of the property. So I'm going to ask him to come up and speak to you without further ado.

MR. SILVIN: Thank you. Mr. Greenhill, welcome. We appreciate you being in front of us.

MR. GREENHILL: Thank you. My name is Robert F. Greenhill, and I've lived at 686 Island Drive since 2010.

I know that some of your staff have recommended that my home be landmarked. I believe

that would be a mistake. I love my home. The previous owners make a number of changes to the home, as did I. While the changes have certainly made the home more comfortable, the home has changed.

There's very little if any resemblance to the home that was built in 1955. The architect was a journeyman architect and of no special repute or talent. Visited a number of other -- I have visited a number of other beautiful historic homes that were designated by highly talented architects in the Town of Palm Beach, and this is not one of them.

MR. SILVIN: Sir, forgive me for interrupting, but I do see people in the back of the room going like this. May I beg you to please speak a little louder?

MR. GREENHILL: I'm pretty good at that. How is that?

MR. SILVIN: That's perfect. Thank you, sir.

MR. GREENHILL: I have visited a number of other beautiful historic homes designated by highly talented architects in the Town of Palm Beach. This is not one of them.

I respectfully urge this commission not to

landmark this property. There are plenty of beautiful homes in the Town of Palm Beach designed or built by outstanding architects or builders, and this is not one of them. Thank you to the commission.

MR. SILVIN: Thank you for coming in front of us and giving us your opinion. Are there other members of your team that wish to comment?

MS. UDELL: Yes. Our expert, Rick Gonzalez, is going to take you through our PowerPoint presentation.

MR. SILVIN: Thank you, Ms. Udell. Welcome back. Go ahead.

MR. GONZALEZ: Good afternoon. Again, Rick Gonzalez for Mr. Greenhill here as his expert witness.

It has been a great day. We've seen a lot of progress in the town, and I want to commend your staff, your historic preservation consultants who I work with a lot here on the island and in West Palm Beach, and the preservation foundation, the two ladies in the back.

They really -- all of them -- all of us really are striving to protect what is valuable in the Town of Palm Beach, and today has been an excellent

example. And so I commend you for that work that you've done today.

This building, on the other hand -- and we'll show you in a couple seconds here a PowerPoint, we believe it has been so significantly changed over time, not only with the additions, but with not following the Secretary of Interior standards on the little bit of history that's left, which is the front elevation of that building, that we're going to hope that once we show you these things, you'll agree with us that everything else today was a home run, but this one maybe should be put on the side.

When there's only 20 percent of the historic building left in that property, there's 80 percent of new pieces, and when the 20 percent has been substantially changed, as my architect friends know, it's very difficult, you know, to come and say let's just go ahead and get it landmarked.

I take this work very seriously. I got phone calls about why am I doing this. I'm the past president of the Florida Trust. I don't think that's fair. Like everyone else, I have to earn a living.

But I never -- and Mr. Green will tell you he's called me on many of these types of projects,

and I'll tell him right away, give me the address, because I want to look at it first. Because if it has any value of historic preservation, I decline the work from him. And I think he'll agree with that.

So in this case, because the more we discover, the more we found out we really don't think it's appropriate at this time. In fact, the photo of the cover of the report is taken from the south side -- southwest side instead of the northwest side, where all the large additions have been done, just nine inches from the front facade.

So I'm going to show you the PowerPoint, and then any questions afterwards, Mr. Chairman and board.

So I'll start with this slide. There has been four architects on the project. You heard from the owner Mr. Harding. I honestly don't know much about him. I tried looking information on him. I found nothing, very little on him.

On the other hand, the two firms with whom he worked, Wyeth and Major, are major architects in the Town of Palm Beach. I think there's a clear clarification there who is a major historic architect versus someone that is not. Smith Obs

was the firm that, remember when Jeff Smith started in the 80s there and it eventually became his group, he did several additions to the house. They were secondary in nature. They weren't overwhelming.

And then a very large addition was done in 2017, and I'll show you how all that impacts the house. In fact, you could say it's now more than double the size of the original house.

Jane Day has submitted a letter. This is work that was done by Nancy and Wes -- Wes, a historic researcher -- in terms of the house. We were just looking at and reviewing what was available on the state files and in the Town of Palm Beach files.

And they looked at the design, and you heard words from your staff in terms of it being a neoclassical. And she presented it as a southern colonial. We can say it's a neoclassical with Monterey. I don't think she would disagree with that.

I think in terms of item number three, the problem here is that it was built in 1955. That was the midcentury modern time in our lives. That's when John Boge (phonetic) was doing that beautiful shopping center, the first modern

shopping center. And this architect decided to use neoclassical design, which is more appropriate for 1880s, 1910s, 1920s, not 1950s.

In terms of argument number one, the island is not a natural island. It was manmade right when they wrapped it in the 1930s. Originally, it was cottages. Really small cottages. I think I heard you can buy one for $30,000; right? You can't buy a nail for $30,000 now.

So a lot has changed. And in terms of driving -- if you drive the island back up and down, there's very little left of that period. You know, small one story houses. And some of them or most of them have had additions.

What you've seen is a lot of demolition and replacement with very, very large houses, one next to each other on the island. So the sense of history on the island, it's really not there. It has been gone for many decades now. I say since we started practices in the 80s when houses were starting to be replaced.

And more particular, in this specific island, because this was a small cottage island. And this just does not have that essence anymore. That essence is gone, you know? And so on item number

one, I think Everglades Island has changed significantly, and we need to think about that too.

And again, looking at the report, you know, some of the things at the time when she did the report, it didn't merit contributing. One of the things, we look on the finishes of the report, and I have a slide coming up on that, but for example, the house was stuccoed. It was a brick house. It was a colonial brick house.

And when you change the stucco, the National Parks Service, Secretary of the Interiors, tells you not to change the character of the house, the look of the house. And that has been changed in the little tiny piece of history that was on the house. So that's something that would impact the contributing nature of the property by having those kinds of things done to it.

And tearing down very small one story wings on the north side and on the northeast side and replacing it with -- and I'm going to show you pictures, very massive, large two story wings, obviously, that has a huge impact on the visibility of the house.

In fact, Tangier is a great example, buts Tangier is completely different. Tangier, the

colonnade and the house is recognizable and readable. It does not have an addition that's two stories that's flush nine inches away on the side of the house and overwhelms the house. It's beautiful, because it has been preserved. The architects that worked on that did a great job in keeping the nature of the house.

If our client would have bought the house before any of the work was done, it would have been a different story. In fact, there's another one almost identical to this one on the north side of the island that hasn't been changed, and I would tell you that maybe that's the one that should be designated, because that one has its bones in good shape, and it's worthwhile preserving that.

Again, a couple of little things in terms of is it classical, is it Monterey. You know, it is irregular, just some of the features on that report just to share with you, you know, that you can interpret it in different ways before the massive additions were done.

And then the alterations not keep ing with the character of the original structure. I would say too it's an island. So -- and in many other projects as an expert witness and in preservation,

you don't -- you have the public, the public right-of-way, which is the street when you come up and down.

You also have the waterway. The waterway is a public right-of-way. You can get on your boat. You can see this house from the east side, from the public side, and you can see that even staff could have borrowed a boat or something and taken pictures, and you would have seen how much different it is on the east side, which is another public right-of-way.

Again, the report talks about neoclassical revival. We believe that it's more of a hybrid with the Monterey and the neoclassical, even though it was built in the 1950s. The report mentioned it was framed with brick. It's actually brick and they restuccoed.

The report talks about flat tiles, gable roof. The original roof had asphalt shingles, and the railing -- not the report, but the presentation today, she did correct and mention that the railing is new, and it keeps elements of the original. So we'll agree on that. The railing was replaced when they took the stucco and added that to the brick in 1988.

All of these are things that are not appropriate when you following the Secretary of the Interior standard for a historic house. For any house, you can do whatever you want, but not for a historic house.

That's my resume. I don't know why it's there.

All right. So this is a graphic that Wes prepared to try to show in brownish color on the left the original house with a small one story gray portion, which is to the northeast with significant setbacks.

On the right, after the four architects have worked on the house, the house itself now has a much larger footprint. It's all two stories, and it's a mishmash of architectural styles on the back of the house.

In 1955, the two story piece that you see was actually set back over 30 feet to the rear. There's a bow window there in the front which is circled. 2017, the new addition -- I'm not kidding. I actually grabbed my -- I have my booklet, and I put my booklet, and that was the distance between the historic of the house and the new addition, which was in your face.

You can see it's got a straight roof line. It's lost all of that importance of that five bay neoclassical structure. It has disappeared in 2017. And that shows you, look how small that one story piece was.

It was actually secondary, kind of like an afterthought. Again, it's 1955, so they are not doing a neoclassical house. I don't think a real neoclassical architect would have done a one story piece like that. So there's already issues with the original design.

And then look at 2017. The double gables, the mismatch of the windows, the rhythms. There's nothing there other than you can see the columns and the balcony, and that's about it. So that's really very, very little piece of the significant portions that are visible today.

On the rear of the house looking to the water, two bow windows, no porches, just very simple. Again, a little hint that it's 1955. It's got four large sliding glass doors. 1955. Look at it again in 2017. Unrecognizable. Other than the chimney on the left side, there's nothing historic left on that side of the house.

And on the south elevation, the same thing.

Small window that was converted for god knows what reason into an arch window, a balcony is added, and the one story is gone, and all the pieces of the 2017 addition.

And this is readily available material, by the way, Mr. Chairman. The house has been listed in the past, so with a little research, you can have found the realtor's -- this is from the realtor's marketing of the property way back then.

So you can see all the large additions on the house on the north side and on the east side of the property. There's nothing there anymore. These are all the pieces.

And then again, to conclude with the lack of integrity on the building facade, and looking at it in terms of Monterey and neoclassical, some of those features that you would identify.

And here, just to summarize, again, one last time, the damage by the 2017 addition where you now have a continuous roof line, there's no definition between historic and new, the application of stucco to the brick facade, the changing of the roof shingles to tile, the front entrance completely different. That wood door is not there. It's all brand new. It's all hurricane impact windows,

shutters. Even the flooring has been changed on the front of the building.

And again, this is -- whether it's Jane or myself or anybody that looks at this that does historic preservation work, you can see that the significant observations to the house are such that it does not have that historic value at this time.

I've already spoke about this. All of those features are already discussed in terms of the development of the island. Here's some of the research on Harding from Wes and Nancy about his influence in our age compared to the people he used to work with.

And here are some issues in terms of the reports and information. The builder also, CJ Warner Construction, is not known as a master builder in the Town of Palm Beach.

And in conclusion, again, we don't -- we believe that 686 does not exemplify the broad cultural history of the town as mentioned because of what's happened to the island of Everglades.

On category number three, we also believe it does not embody distinguishing characteristics of an architectural type, not only because of the mix and the mesh, but also it was done in 1955, not

when this type of architecture was appropriate. And then also on number four, there's not a significant architect or contractor that was involved in the construction of this property. And that concludes my presentation. Thank you.

MR. SILVIN: Thank you. Would you take your shower cap -- take it off so somebody else -- the shower cap. And mask back on.

MR. GONZALEZ: I've never seen this before. They are very interesting.

MR. SILVIN: Put your mask back on please. Thank you. Now, I had given the consultants the opportunity to rebut. The floor is yours, Janet.

And just so that the team knows, this is the last opportunity to discuss to rebut. We will not go rebuttal of a rebuttal.

MS. MURPHY: That's fine. So you all understand that we do look at these houses from the street, from the public right-of-way, and this is what you see from the public right-of-way.

I'm not denying that there are not big additions on the rear, and the front hasn't been pulled forward, and there's a big addition on the west. That's not what we're considering. I know landmarks does allow additions on the rear.

But this is what -- when somebody drives by this house, this is what you see. And when someone does a Florida master site file or historic survey, this is what you see from the street.

So this is where we're coming from. I'm not denying what Rick said about all the big additions and alterations. As I said, we don't do interiors, so we're not talking about any of the interiors either.

So the report says that there's little if any resemblance to the house that was built in 1955. I can say that's true on, you know, the north -- on the back side for sure and probably the north side. That's -- it has been changed.

But from the public right-of-way, I think you can see here it's very similar. The -- you know, we believe it was the neoclassical revival style with some southern influence, maybe Monterey influence, but we do believe it's neoclassical style, and you know, they showed you the picture with the Monterey picture, and the neoclassical they said didn't fit that.

Well, this is a different picture from that book showing that there is a full Greek revival style, full front porch. I mean, Greek revival was

what it was taken from. But it's the early classical revival. So I think picture they used was inappropriate for this discussion.

We do agree that stuccoing over the brick is not an appropriate -- is not appropriate in accordance with the Secretary of Interior standards, however, Palm Beach does not go strictly by the Secretary of Interior standards, and this was -- you know, even if it's not the best practice, this was 30 years ago, and the house has taken on that look.

Rick did mention another house down the street that looks similar to this, and it was also brick, and it's also been stuccoed over. It was a Harding house that was colonial style, and the reports were the actual -- they said -- a consultant said this is a brick building -- the actual building permit states it's framed with a brick veneer, which I didn't go climbing through the walls, but that's what the initial building permit stated.

The original roof was asbestos shingles, but the LPC approved roof material changes, and I'm sure they would not have made them go back to asbestos shingles. Replace ment of door shutters, railings that closely matched the exterior are

regularly approved today.

The consultant claims that it does not meet criteria one, and the recording from Augustus Mayhew's chapter on Everglades Island in his book Lost in Wonderland. Report takes various sentences and shortens them to piecemeal paragraphs that do not accurately relay Mayhew's information. I actually called him and had a little discussion, and he did state he was talking about recent redevelopment.

He was not talking about redevelopment in the 1950s. He was talking about redevelopment that's current, and that he believes that this property was fitting for that era of time, that this house was appropriate for that time frame.

MR. GREEN: May I object? This is not proper rebuttal, beyond the scope that we discussed.

MR. SILVIN: Please wrap it up.

MS. MURPHY: Okay. I guess I'll wrap it up, but the owner did state that he felt that Henry Harding was a journeyman architect with no special repute.

But a journeyman is defined as a worker who has learned a trade and has served as an apprentice and is cert ified to work assisting under another

person.

Henry Harding was far from a journeyman, and we explained he has significant background and worked for other people and was also on his own for many, many years. He designed over 400 houses.

He is now -- now he has his collision at the Preservation Foundation, and his archives are housed there, and they are considered by the foundation to an important asset and a resource to their institution.

So to conclude, in Palm Beach, regular -- Palm Beach houses regularly have additions and alterations, including landmarked properties. With each new season, the early architects were hired often to do additions and alterations to their original designs, and every month, LPC reviews and approvals additions and alterations.

Please take this into consideration when reviewing this in future designations. Thank you very much.

MR. SILVIN: Thank you. So we're not going to rebut the rebuttal. I need to get our commissioners comments.

MR. GREEN: With all due respect, I think we're entitled to do a brief surrebuttal where the

other side has gone beyond what's permissible rebuttal. It's going to take two sentences.

MR. SILVIN: Very, very briefly, Rick.

MR. GONZALEZ: Yes, Mr. Chairman. Just two points. The wonderful work that's been done here today will be diluted if you approve this house, because this house is a mess. The photo from the southeast, if you look at it from the northeast, you'll see what I'm talking about.

The second thing, when the island was developed, as part of its historical development, the island -- each lot on that island was on the water. Each and every one of those lots has a road elevation right-of-way, and a water right-of-way open to the public.

So it's 20 percent on the front that you can see still with the massive addition. On the other right-of-way from the water side, there's nothing left on this property. Please don't approve this.

MR. SILVIN: Thank you. We need to hear from the public.

ZOOM COORDINATOR: There is no public comment on Zoom.

MR. SILVIN: Thank you, Brad, but I see Ms. Sunny is coming to the podium. Are you ready to

proceed?

MS. SUNNY: I'm ready. My slides are coming up just right now. I only have a few to share with you, but Aimee Sunny with the Preservation Foundation of Palm Beach.

I wanted to provide a little bit of additional information and to clarify some additional information that I've seen in the PowerPoint and also seen in the designation report.

Specifically with regard to the architectural style, I do agree this is a neoclassical style structure. There may be some Monterey influences, but if you look here at the McAllister book, A Field Guide to American Houses, this is widely recognized in the preservation field as the expert document on architectural styles.

And if you look at the pages that I have displayed here, you can see that one of the subtypes of neoclassical is the full facade porch, which is right here, and you can see it's very reflective of what this structure looks like.

Additionally, when it comes to neoclassical, there are several pages within this book that further define the style and describe its features. One of those at the very top says it did go until

1955. That admittedly is the year this house was built, so it's late within this style, but certainly, styles do expand beyond the range even sometimes seen in this book.

Additionally, features that they discussed as being important to the style will be the full facade porch. You can see that right here.

On the next page, they talk about the porch supporting columns, they talk about the doorways, windows, and other details. And so just to mention, it does say that it's very common for the portion to not be covered by a traditional pedimented gable, but rather to have a shed roof or an extension of the main roof supporting it, which is what you see on the structure up for designation today.

It also talks about that it was very common in the later years of this style to have more simple porch columns, more slender porch columns, that that was very typical. It describes the windows as generally being multi-paned, double hung, divided light windows, often a symmetrical arrangement, and it generally had a door on center.

And then I'll just show you here are some examples that it directs you to with regards to

this style. There are several on this page, all of which you can see are defined as neoclassical styles, all of which have that very prominent main front porch, the two story height, double hung windows, the main door on the center, again, indicative of the neoclassical style.

I'll show you just one more book as well by Mr. Harris, and he describes the neoclassical style. You'll see many similar features, such as a symmetrical facade, roof treatments where there's often a side gabled roof, windows that were typically double hung, symmetrically arranged, and a doorway at the center. So again, just further showing that neoclassical is an appropriate style terminology for this property.

I want to mention just briefly that Henry Harding, as was described by the consultants with the report, was not a journeyman architect, he was a very well-respected architect, a very well-educated architect. He worked on over 400 houses in his career that span over 40 years, and one of his most notable works was St. Mary's Hospital in West Palm Beach. But he also felt that many of his Bermuda and neoclassical structures were some of his most wonderful.

And there's many, many quotes about him, but I like this one that said he showcased a refined sense of tradition with quietly imposing facades, and that he had created an aura of restrained formality. And so last --

MR. SILVIN: Thank you, Aimee.

MS. SUNNY: So last I'll just say about the significance and the integrity of the property, there are many changes that have been described to you.

And so when it comes to looking at some of those changes and whether or not they are compatible, the roof being changed to asbestos shingle to a flat tile, asbestos is no longer manufactured, no longer allowed, so cement shingle is an appropriate replacement for that.

Window replacement with the same type and pattern of divided light and type of double hung window is compatible, and changing over the door to have a similar character is compatible to changing the railing to have a similar design to what was shown on the original drawings as compatible.

And I would just leave you with it's important to think about whether or not this structure can still convey its significance and integrity, and

when I look at the pictures here, I would say it can certainly do so from the street. Thank you.

MR. SILVIN: Thank you, Aimee. Okay. Now, most importantly, as importantly, we need to get to our commissioners' comments please. Ms. Patterson?

MS. PATTERSON: I think something that struck me in Rick's presentation is that he said there's little left of that period in a sense of Everglades Island. And that's true, and that says to me all the more reason that this home is valuable.

There is not another facade -- well, as he said, there is one at the other end of the street, but there are very few like this around, and I agree that, you know, the rest of the house that you can't see from the road -- yes, you can see it from a boat, but it's -- not too many boats go back there, because it can be very shallow, and there's not really a passageway there.

But I feel that the front facade is very special. And now that we know how valuable landmark properties are, it seems to me like there's little downside to the next owner, because they wouldn't be able to make some changes as designed since the back has been altered. I feel it's very special.

MR. SILVIN: Thank you, Ms. Patterson. Mr. Seagraves?

MR. SEAGRAVES: I remember when this house was brick, and I also am very much of a fan of Henry Harding, especially his Bermuda houses. I think he's very --

MR. SILVIN: Louder please.

MR. SEAGRAVES: If you study some of his Bermuda houses, you would really be amazed how nicely they were done.

I said I was a big fan of Henry Harding, and he had some nice houses, especially -- I don't know how many in the north end of Palm Beach, but a lot.

I do think after looking at this and listening to this, we probably -- ARCOM has probably not done a good job on regulating the additions to this house, because the additions basically is the tail wagging the dog on this house as far as that goes.

I do see the value of the front facade. I'm torn between the two things as far as has it been altered too much. I think that's the big thing.

I think we had a good architect on the house, and I think it was -- with the original house, I think it was certainly worthy. What has been done to it has, you know, challenged on that. Thank

you.

MR. SILVIN: Thank you. Ms. Damgard?

MS. DAMGARD: I'm just going to make a comment from a historical point of view, because I lived on Everglades Island from 1954 until 2019, and this house, I went to visit when the Hendersons lived there, and to me, it looks like the same house.

It may have a big addition in the back and the side, but it's still very distinctive to me and unusual for Palm Beach other than the house at the north end. So it has merit in my opinion for that reason.

MR. SILVIN: Thank you. Are there other commissioner comments? Yes, Ms. Metzger.

MS. METZGER: So what if we just landmark the front facade?

MS. SILVIN: Very good suggestion.

MS. METZGER: How does the owner feel about that?

MR. SILVIN: Wait. You made the suggestion. Let's get the rest of the comments. Thank you very much. Ms. Coleman?

MS. COLEMAN: Honestly, I think it does have merit for landmarking because it's distinctive, it's beautiful. I understand the changes from the

back, but really in fact, you're talking about, you know, what you see from the street.

And I guess my question would be since we have, you know, recently determined that it increases the value of a home, I would be interested to know why you are so vehemently opposed to landmarking the house.

MR. SILVIN: I'm going to group up the questions. Thank you very much. You have two questions. And Ms. Albarran?

MS. ALBARRAN: Like Pat was saying, Henry Harding for us architects that work here in Palm Beach is a name that comes up all the time. He one of the most famous architects in this area.

And I also worked with the second story additions and all that to the house, to the south of -- on the same side, and I remember every single day I come to the house just absolutely loving this house and couldn't believe it wasn't historic. So I'm just very glad it's coming to it. That's it.

MR. SILVIN: Thank you. There have been three questions. Two specific questions. If you -- what Ms. Metzger said is exactly what I was going to say. So can you answer those questions?

MR. GONZALEZ: Could you repeat the questions

please? I want to make sure I get them right.

MS. METZGER: I understand that the current owner is not interested in landmarking the whole house.

MR. GONZALEZ: That's correct.

MS. METZGER: Would your client be interested in landmarking only the front facade.

MR. SILVIN: Like a number of projects have been, including the Breakers Hotel and others.

MS. METZGER: Yeah. That's not uncommon.

MR. GONZALEZ: I would argue that the front facade, which is not there anymore because it has that big addition -- not that big addition that's nine inches back. You mean the original porch facade section, the five bays; right? That's what you would mean? That's something that I would have to discuss with him, you know, about that idea. That's an idea.

MR. SILVIN: Because I think -- and Ms. Greenhill, from what I understand about your intent with this house, your love for this house, and for Mr. Gonzalez's very cleverly put together points about how it has been altered, I think that would be an incredibly good compromise.

I think you will find that this is not detract

from the value of the house. From what I'm beginning to understand about you, this has been very painful for you, which is not our intent. That's not what our town counsel works very hard to do. They work very hard to create goodwill amongst people.

It would be heartwarming to reach a compromise such as the one that Ms. Metzger and I are proposing.

Could you discuss this with your client perhaps? I don't know how much time you would need. We could move onto another project and come back to you.

MR. GONZALEZ: Can we answer the other two questions in case there's any other questions?

MR. SILVIN: Yes. Go ahead, Kim.

MS. COLEMAN: Yes. So I just said I really think this house is significant. I live on Everglades Island now, and I love this house, and I too see it has more merit from the street than from, you know, the water. I understand that.

But my question is, why since we have recently determined with, you know, a whole panel, that landmarking increases the value of a house, why is Mr. Greenhill so, you know, adverse to landmarking

the house.

MR. GONZALEZ: Well, I think Pat hit the nail on the head when he mentioned ARCOM. The tail, you know, dealing with it. When you have what was once a very nice historic -- we'll call it historic, even though it was designed in 1955 in the midcentury, neoclassical Monterey, that front elevation with the column, that's really all it has. Even the inside is gone.

The problem is that every -- and by the way, look at the original one story pieces. They were very poorly designed by Mr. Harding, and the four glass doors on the back. There's some issues going on here with the design.

MS. COLEMAN: I don't think we're talking about construction.

MR. GONZALEZ: But because they added how they added, it's incredibly difficult to try to reuse that house the way it is, unlike many beautiful houses.

MS. COLEMAN: So that's what you're saying. So it's resale value? Is that what you're saying?

MR. GONZALEZ: No. I'm just saying architecturally speaking, everything else we've seen has been done very well. This has been messed

up by three different architects over the last 30 years, 40 years, and because of that, because of so many different architects doing so many different things to 80 percent of the building, it's lost its historic value.

It does not have that value of wow, like the house on Tangier. Beautiful restoration, beautiful addition, home run, because this is well put together. This house currently is not well put together.

MS. COLEMAN: Number one, it doesn't look messed up to me. It looks pretty great.

Second of all, maybe you should consider the facade, because I do think, you know, for the street, for Everglades Island and for posterity and all kinds of value, you know, value -- resale value or homeowner value and what you can do to the house, you know, if you sell it or somebody else --

MR. SILVIN: Thank you, Kim. So I think we're very --

MR. GONZALEZ: Did you say there was a third question?

MR. SILVIN: No, that's it. I think we're very close to reaching a satisfactory conclusion and compromise. I do hope so.

We would not be -- the compromise that's being suggested I think could and should satisfy all parties concerned. I'm going to ask you if you would like to confer.

MR. GONZALEZ: Please. Five minutes. Two minutes.

MR. SILVIN: We'll move on to some other project. Take your time. We'll allow you to even break if necessary. But Mr. Greenhill has been here for a long time, and you have been here all day. We do not want to further inconvenience you.

Please present this compromise. It's a win, win solution for everybody. It's something that the town counsel I think will be relieved that we will be able to reach this kind of solution. And I urge you, please, to give your client all of the benefits of the suggested compromise.

MR. GONZALEZ: Thank you.

MR. SILVIN: Did you want to say something, Emily?

MS. MURPHY: If I could.

MR. SILVIN: Very, very briefly.

MS. MURPHY: The next one may also take some time, so it might be confusing. I would rather give them a few minutes. Maybe we can take a five

minute break?

MR. SILVIN: He's saying five minutes.

(Thereupon, a recess was held.)

MR. GREEN: This is James K. Green on behalf of Mr. Greenhill. We would like to take two months to discuss this with the Greenhill family, and so we'll request a deferral for two months.

MR. SILVIN: I think that's a -- any progress on this is welcomed to our commission, so that's a baby step forward.

I want to repeat, Mr. Greenhill, we're a commission that does not like to see inflicting any pain on our people. Our town counsel works very hard to create goodwill.

I think you're presented with a solution that is a win, win for everybody. I would urge you to speak to your family and your consultants who are obviously also very knowledgeable. So yes, I'm going to ask if there's a commissioner who would make a motion for a deferring for two months.

THE TOWN CLERK: Yes. That would be January 19th, 2022.

MS. METZGER: Looking for a motion? I move that we defer this project for two months, so that would be a time certain in January. January 19th.

THE TOWN CLERK: Yes, January 19th, 2022.

MR. SILVIN: Do I have a second?

MS. COLEMAN: Second.

MR. SILVIN: All those in favor please say aye?

THE TOWN COUNCIL: Aye.

MR. SILVIN: Any opposed? Thank you. Motion carries unanimously.

Thank you for considering your time. Thank you for the time you put in, the money you spent, and we hope we'll be reaching a very happy, mutual agreement.

MR. GREEN: And we make one further request we be provided with copies of all supplemental materials --

MR. SILVIN: Of course.

MR. GREEN: -- received by staff and this commission.

MR. SILVIN: Of course. Kelly, are you able to do that?

THE TOWN CLERK: Absolutely. What items -- items that have been already received?

MR. GREEN: Well, I don't know, because we were not told about the letter from Ms. Day.

THE TOWN CLERK: You have a copy of that

today. That's the only thing.

MS. UDELL: There were several supplemental presentations that were prepared in advance of today with slides having to do with --

THE TOWN CLERK: That's by staff.

MS. UDELL: We were not provided with copies of those in advance. Those were supplemental to the designation requirement.

MR. SILVIN: I understand what you're saying. Can we provide that? We will provide that to you, Ms. Udell. Thank you for the time. You have been very patient.

(Thereupon, the meeting was adjourned.)

CERTIFICATE OF REPORTER

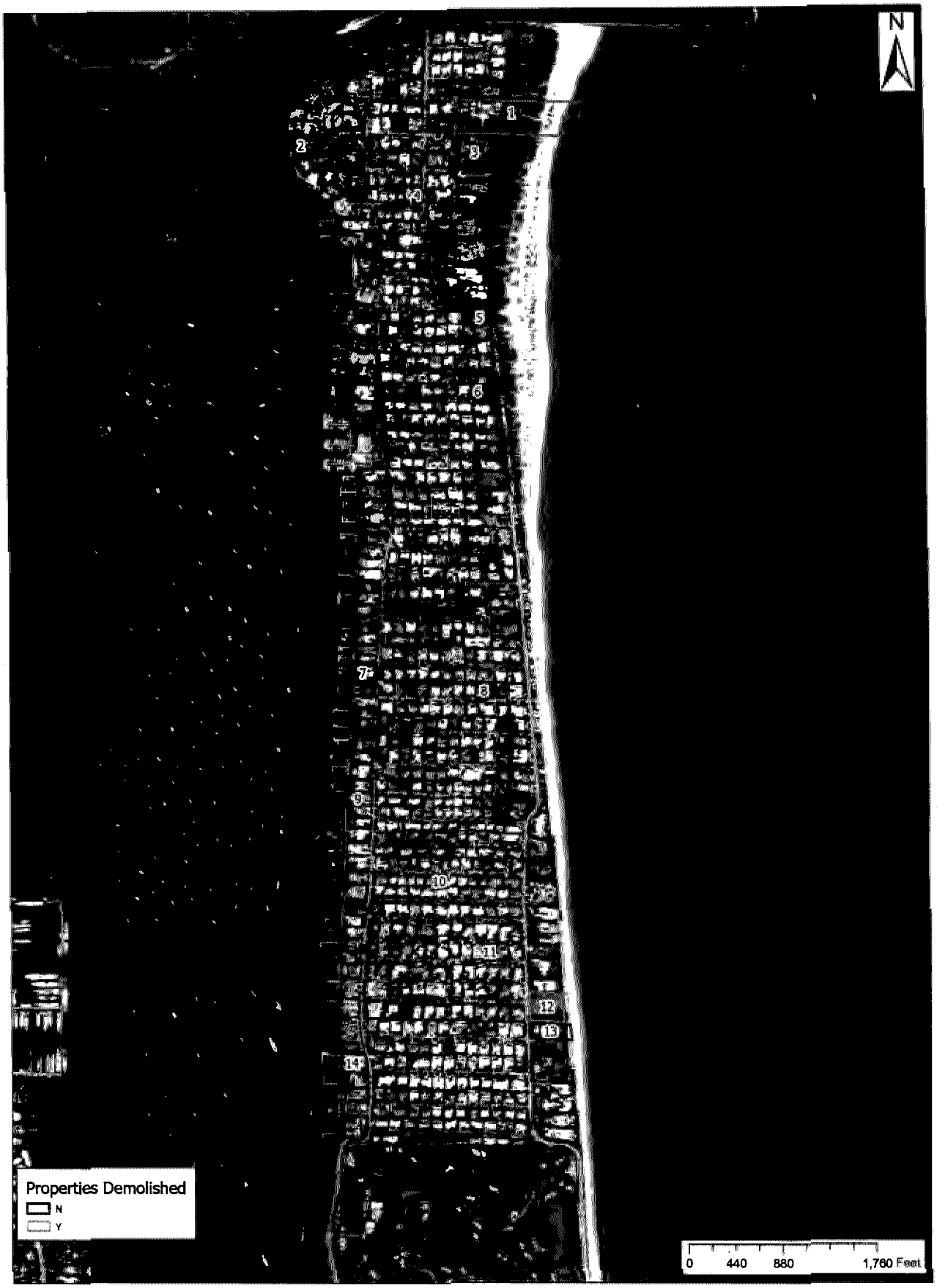
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I, Julie Bruens, Florida Professional Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript, pages 1 through 51, is a true and complete record of my stenographic notes.

Dated this 28th day of December, 2021.



Julie Bruens
Florida Professional Reporter

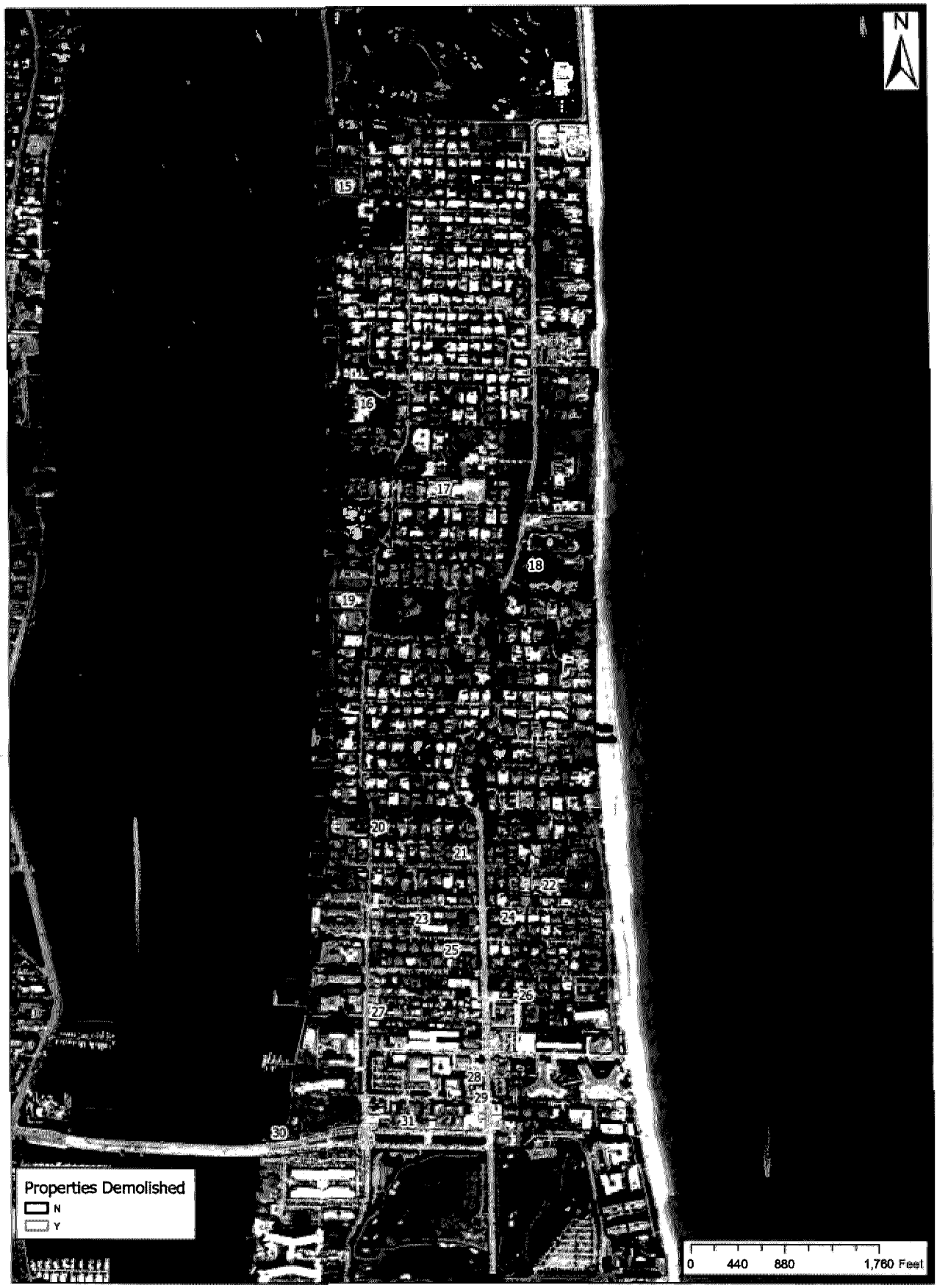


Map Location:
E INLET DR. to BAHAMA LN

Properties Considered And Not Landmarked

Planning, Zoning, Building Dept.

Sheet No.	Date
1 of 6	2/8/2023



Map Location:
COUNTRY CLUB RD to PINE WALK

Properties Considered And Not Landmarked

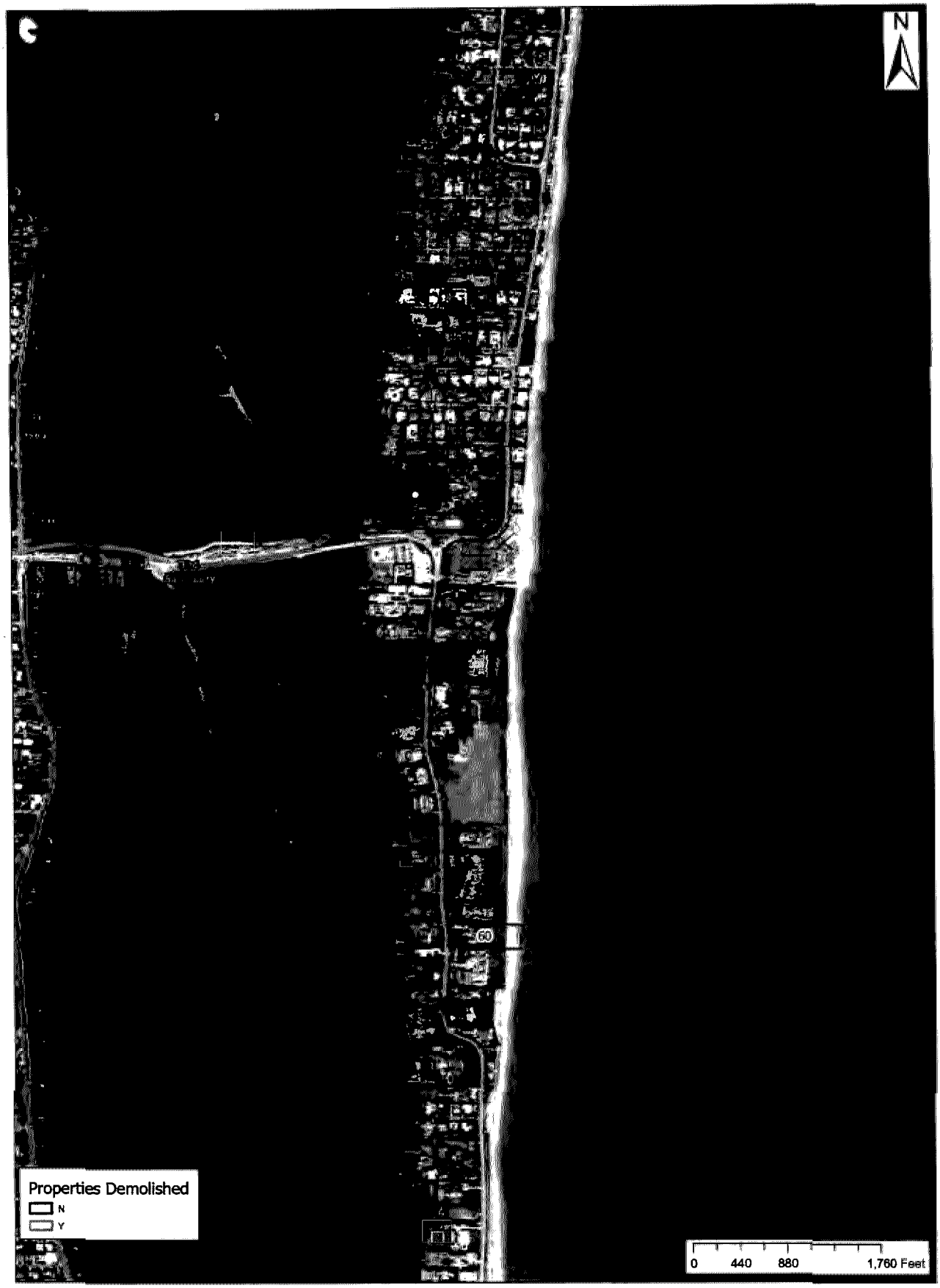


Map Location:
PINE WALK to VIA DEL MAR

Properties Considered And Not Landmarked

Planning, Zoning, Building Dept.

Sheet No.	Date
3 of 6	2/8/2023

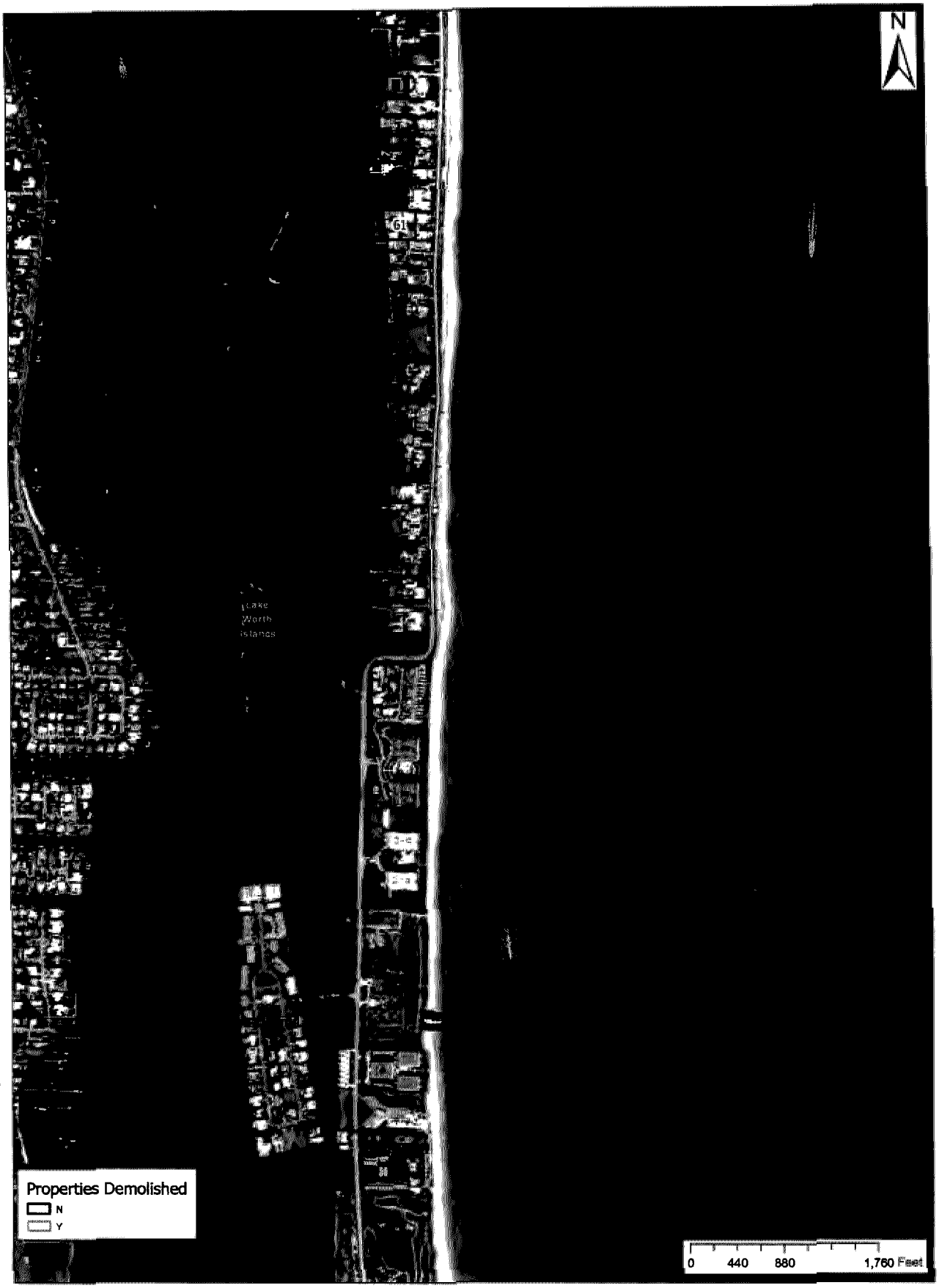


Map Location:
VIA DEL MAR to LAGOMAR RD

Properties Considered And Not Landmarked

Planning, Zoning, Building Dept.

Sheet No.	Date
4 of 6	2/8/2023

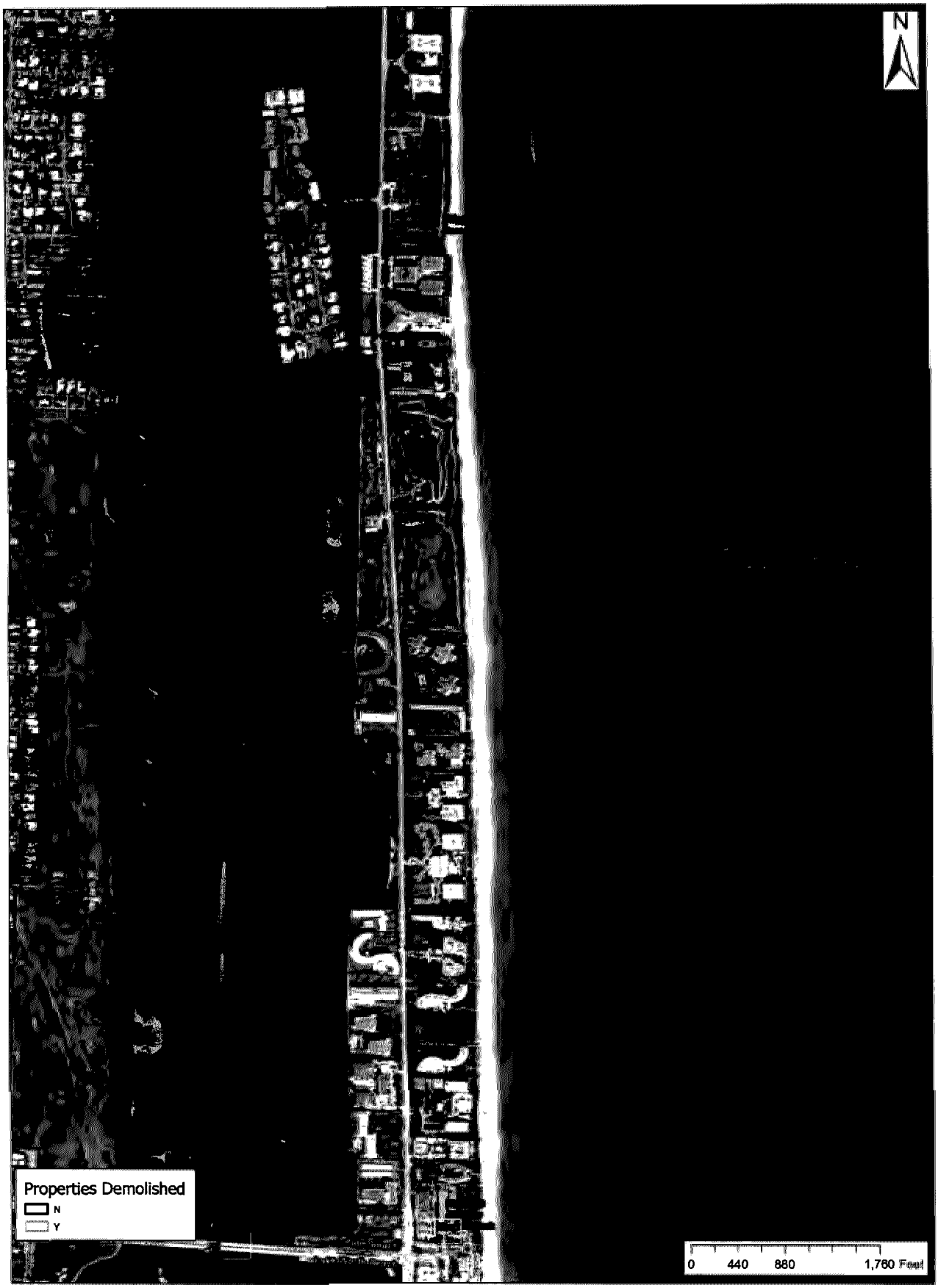


Map Location:
LAGOMAR RD to OLD S OCEAN BLVD

Properties Considered And Not Landmarked

Planning, Zoning, Building Dept.

Sheet No.	Date
5 of 6	2/8/2023



Map Location:
SLOANS CURVE to LAKE AVE

Properties Considered And Not Landmarked

Planning, Zoning, Building Dept.

Sheet No.	Date
6 of 6	2/8/2023

PROPERTIES NOT DESIGNATED
BY LPC

IMPORTANT: The "#" colum is the number refrenced on the "Properties Considered And Not Landmarked" maps (1-6).

#	PROPERTY NUMBER	STREET	BUILT	STYLE	ARCHITECT	OUTCOME	YEAR HEARD	NOTES	FULL ADDRESS
1	1565	North Ocean Way	1938	Mediterranean Revival	Wyeth & King	Removed from Consideration	1993	No report on file **DEMO 2017** UNITY OF TITLE WITH 1695 N OCEAN WAY (2018)	1695 N OCEAN WAY
2	318	Arabian Road	1940	no info	Harding	Removed from Consideration	1993	No report on file	318 ARABIAN RD
3	1545	North Ocean Way	1937	French Eclectic	Treanor & Fatio	Not Ratified by Town Council	2014		1545 N OCEAN WAY
4	1510	North Ocean Blvd	1925	Mediterranean Revival	E. Bartholomew - builder	Not Ratified by Town Council	2022		1510 N OCEAN BLVD
5	1438	North Ocean Blvd	1937	Tudor Revival	Maass	Removed from Consideration	2005	No report written	1438 N OCEAN BLVD
6	107	Dolphin Road	1958	Mid-Century Modern	Shoumate	Not Recommended by LPC	2022	Not recommended due to alterations	107 DOLPHIN RD
7	1197	North Lake Way	1937	Monterey	Treanor & Fatio	Removed from Consideration	1994		1197 N LAKE WAY
8	205	Nightingale Trail	1940	Moderne Stylized Ranch	Seelmann	Not Recommended by LPC	2022		205 NIGHTINGALE TRL
9	1127	North Lake Way	1941	British Colonial	Maass/Volk	Removed from Consideration	1994		1127 N LAKE WAY
10	256	Orange Grove Rd	1949	Mid-Century Modern	Stetson	Not Ratified by Town Council	2022		256 ORANGE GROVE RD
11	215	Garden Rd	1936	Monterey	Treanor & Fatio	Not Ratified by Town Council	2016		215 GARDEN RD
12	980	North Ocean Blvd	1948	British Colonial	Wyeth, King & Johnson	Not Recommended by LPC	2018	**DEMO 2019**	980 N OCEAN BLVD
13	977	North Ocean Blvd	1963	Georgian Revival	Volk	Not Ratified by Town Council	2010		977 N OCEAN BLVD
14	958	North Lake Way	1977-1979	Modern	Richard Meier	Not Ratified by Town Council	2009		958 N LAKE WAY
15	726	Hi-Mount Road	1938	Colonial Revival	Treanor & Fatio	Not Recommended by LPC	1998	**DEMO 2018**	726 HI MOUNT RD
16	334	North Woods Road	1936	Georgian Revival	Major	Removed from Consideration	1993		334 N WOODS RD
17	241	Tangier Avenue	1936	Monterey	Major	Not Recommended by LPC	1999	**DEMO 2019**	241 TANGIER AVE
18	475	North County Road	1936	Colonial Revival	Treanor & Fatio	Not Recommended by LPC	2019		475 N COUNTY RD
19	444	North Lake Way	1969	Modern	Volk	Not Ratified by Town Council	2001	**DEMO 2003**	444 N LAKE WAY
20	272	Wells Road	1928	Moorish Revival	Charles E. Snyder	Not Recommended by LPC	2012		272 WELLS RD
21	211	Dunbar Road	1929-1930	Mediterranean Revival	E.B. Walton	Not Recommended by LPC	2019		211 DUNBAR RD
22	136	Dunbar Road	1923	Mediterranean Revival	Kitchell	Not Recommended by LPC	2018		136 DUNBAR RD
23	240	Atlantic Avenue	1945	Art Deco	Simonson & Holley	No Action taken by LPC	1991	No action taken due to not yet being 50 years old. **DEMO 2015**	240 ATLANTIC AVE
24	162	Atlantic Avenue	1925	Mediterranean Revival	unknown	Removed without Predjudice	2001	**DEMO 2021**	162 ATLANTIC AVE
25	222	Everglade Ave	1927	Mediterranean Revival	R.C. Warner - builder	Not Recommended by LPC	2017		222 EVERGLADE AVE
26	153-155	Root Trail	c. 1920s	Frame Vernacular	unknown	Not Ratified by Town Council	1999	UNITY OF TITLE WITH 153-155 ROOT TRL (2015)	155 ROOT TRL
27	269	Park Avenue	c. 1923	Shingle	unknown	Not Recommended by LPC	1991	PART OF HISTORICALLY SIGNIFICANT BUILDING PROGRAM	269 PARK AVE
28	130-132	North County Road	1929/1935	Mediterranean Revival	Kitchell	Not Recommended by LPC	1992	130-132 N COUNTY RD	132 N COUNTY RD
29	126	North County Road	c. 1932	Mediterranean Revival	Kitchell	Not Recommended by LPC	1992	UNITY OF TITLE WITH 120, 122, and 126 N COUNTY RD (2008)	120 N COUNTY RD
30	Pavilion	Casa Bendita	1921	Mediterranean Revival	attributed to Mizner	Not Recommended by LPC	2010		PAVILLION
31	255	Royal Poinciana Way	c. 1915	Mission Revival	unknown	Not Recommended by LPC	2015		255 ROYAL POINCIANA WAY
32	115	Flagler Drive	1924	Mediterranean Revival	Cooper Lightbown - builder	Not Recommended by LPC	1992		115 FLAGLER DR
33	131	Barton Avenue	1924/1932	Eclectic	unknown/Wyeth	Not Recommended by LPC	1990	**DEMO POOL GUEST HOUSE 2011**	131 BARTON AVE
34	218	Barton Avenue	1924	Mediterranean Revival	W.B. Eckler - builder	Not Recommended by LPC	2017		218 BARTON AVE
35	150	Clarke Avenue	1934	Monterey	Major	Not Ratified by Town Council	1997		150 CLARKE AVE
36	120	Clarke Avenue	1924	Mediterranean Revival	unknown	Not Recommended by LPC	2016		120 CLARKE AVE
37	357	Seabreeze Avenue	c. 1900	Shingle	unknown	Not Ratified by Town Council	1990		357 SEABREEZE AVE

PROPERTIES NOT DESIGNATED
BY LPC

38	335	Seabreeze Avenue	1925	Mediterranean Revival	Eckler	Not Recommended by LPC	2017	**DEMO 2021**	335 SEABREEZE AVE
39	120	Seabreeze Avenue	c. 1910's	Bungalow	unknown	Removed from Consideration	1993		120 SEABREEZE AVE
40	255	Seaspray Avenue	1933	Mediterranean Revival	Wyeth & King	Not Recommended by LPC	2020		255 SEASPRAY AVE
41	165	Seaspray Avenue	1919	Colonial Revival	City Builders	Not Ratified by Town Council	2015	**DEMO 2018**	165 SEASPRAY AVE
42	145	Seaspray Avenue	1919	Colonial Revival	City Builders	Not Ratified by Town Council	2019		145 SEASPRAY AVE
43	224	South Ocean Blvd	c. 1922	Shingle	unknown	Not Recommended by LPC	1991	UNITY OF TITLE WITH 110 SEASPRAY AND 224 S OCEAN BLVD	224 S OCEAN BLVD
44	15	South Lake Trail	c. 1921	Colonial Revival/Eclectic	not listed	Not Recommended by LPC	1991		15 S LAKE TRL
45	337	Brazilian Avenue	1924	Mediterranean Revival	Theodore Eissfeldt - builder	Not Ratified by Town Council	2014		337 BRAZILIAN AVE
46	141	Brazilian Avenue	c.1920/1937	Georgian Revival	unknown/Volk	Not Recommended by LPC	1999		141 BRAZILIAN AVE
47	318	Australian Avenue	c. 1920	Bungalow	unknown	Not Ratified by Town Council	1990		318 AUSTRALIAN AVE
48	314	Australian Avenue	c. 1920	Bungalow	unknown/Maass	No Action taken by LPC	1990		314 AUSTRALIAN AVE
49	341	Peruvian Avenue	1931	Mediterranean Revival	Wyeth	Removed from Consideration	1983	PART OF HISTORICALLY SIGNIFICANT BUILDING PROGRAM **DEMO TEA HOUSE 2003**	341 PERUVIAN AVE
50	8	Golfview Road	1922	Mediterranean Revival	Wyeth	Not Recommended by LPC	1997	**DEMO 2013**	8 GOLFVIEW RD
51	3	Golfview Road	1951	Georgian Revival	Stetson	Removed from Consideration	1997	Removed from consideration due to "not yet of an age appropriate". No report written	3 GOLFVIEW RD
52	1	Golfview Road	1951	Mediterranean Revival	Bennett	Removed from Consideration	1997	Removed from consideration due to "not yet of an age appropriate". No report written	1 GOLFVIEW RD
53	535	South County Road	1937	Monterey	unknown	Removed from Consideration	2000	**DEMO 2014** ADDRESS CHANGE TO 195 VIA MARINA (2015)	195 VIA MARINA
54	10	Tarpon Way	1931	British Colonial	Major	Not Recommended by LPC	2011	PART OF HISTORICALLY SIGNIFICANT BUILDING PROGRAM	10 TARPON WAY
55	350	Island Road	1940	Moderne	Treanor & Fatio	Not Recommended by LPC	2012		350 ISLAND RD
56	320	El Vedado Rd	1940	Neo-Classical Revival	Mack	Not Recommended by LPC	2013		320 EL VEDADO RD
57	240	Banyan Road	1929	Mediterranean Revival	William Gordon Beecher	Not Ratified by Town Council	1990		240 BANYAN RD
58	130	Banyan Road	1924	Tudor Revival	unknown	Removed from Consideration	2000		130 BANYAN RD
59	755	South County Road	1941	Mediterranean Revival	Shoumate	Not Recommended by LPC	2022		755 S COUNTY RD
60	1410	South Ocean Blvd	1926	Mediterranean Revival	Wyeth	Removed without Predjudice	1998		1410 S OCEAN BLVD
61	District	Parc Monceau HD	1959-1961	Regency	Mack	Not Ratified by Town Council	2016		PARC MONCEAU HD

Note: The FULL ADDRESS column is the current address for the property. The PROPERTY NUMBER column and STREET coluomn might not match the FULL ADDRESS column due to address changes, lot splits, or unity of title changes.