

TENTATIVE:
SUBJECT TO
REVISION



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

Held Virtually via Zoom Webinar

Click to Participate: <https://zoom.us/j/94579946383>

AGENDA

JULY 15, 2020

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

Gail L. Coniglio, Mayor
Margaret A. Zeidman, President
Bobbie Lindsay, President Pro Tem
Julie Araskog
Lew Crampton
Danielle H. Moore

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-19-00232 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-WA Worth Avenue The application of 125 Worth Partners, LLC, Applicant, relative to property located at **125 WORTH AVE**, legal description on file, is described below. The applicant requests Site Plan Review modification approval for revitalization, renovation and expansion of the 45 year-old nonconforming commercial building located at 125 Worth Avenue in the C-WA zoning district. The building will be completely renovated architecturally using design themes found in the Worth Avenue Design Guidelines. In addition, a two story addition is being proposed on the east end of the property. To make this project financially feasible, the owners are requesting to demolish and rebuild the existing fourth story and expand its footprint to add four residential units. In addition to the Site Plan Review proposed modifications, the applicant is requesting the following Special Exceptions and Variances required to complete the project: 1. Per Section 134-1163(8)b., a special exception for a two-story and fourth story addition. The existing building is four stories but it is being expanded. 2. Per Section 134-2182(b), a special exception for on-site shared parking, subject to a professional shared parking analysis. 3. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the height from 53' in lieu of the 49'2" existing and the 25' maximum allowed by code. 4. Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the overall building height to 63'4" in lieu of the 53'8" existing and the 35' maximum allowed by current code. 5. Per Section 134-419, variance to allow an expansion of an existing nonconforming building by increasing the existing air conditioned floor area of the fourth story to 13,212.9 square feet from 3,448.75 square feet existing. An open fourth story trellis of 5,433 square feet is also proposed in this application and included in the calculation of lot coverage, below. There is an existing exterior fourth floor covered area of approximately 3,290 Square feet in addition to the existing air conditioned floor area on the fourth story of the building. 6. Per Section 134-1163(5), variance to allow a minimum front yard setback of 1'1" for portions of the building in lieu of the 5' existing and the 5' minimum required on the private property. The sidewalk is required to be a minimum of 10' wide and this proposal is a

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minimum of 8'2" in the area where the sidewalk is only 1'1" wide on private property. 7. Per Section 134-1163(9)b., variance for lot coverage of 71% on the first floor in lieu of the 57% existing and the 35% maximum allowable. 8. Per Section 134-1163(9)b., variance for lot coverage of 71% on the second floor in lieu of the 57% existing and the 35% maximum allowed for second story. 9. Per Section 134-1163(9)b., variance for lot coverage of 54% on the fourth floor in lieu of the 20% existing and the 35% maximum allowable by code. 10. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the existing building length at the east end of the building from 201'8" to 246' in lieu of the 150' permitted as of right in the C-WA zoning district. [Applicant's Representative: James M. Crowley Esq] **Request for Deferral to August 12, 2020 Meeting per Email Dated July 1, 2020 from James M. Crowley.**

- b. **Z-19-00236 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Jennifer J. Naegele, Applicant, relative to property located at **70 MIDDLE RD**, legal description on file, is described below. The applicant is undertaking a renovation of a 3 story landmarked residence located in the R-B Zoning District. The renovation includes a 91 square foot laundry room addition to the northwest corner of the house; a 191 square foot covered terrace addition on the north side of the house; and a 60 KW generator proposed in the street side yard along Via Marina. The following variances are being requested: 1) Sec. 134-1729: a variance to allow a 60 KW generator to be placed in the street side yard along Via Marina with a setback of 8.5 feet in lieu of the 25 foot minimum required. 2) Sec. 134-893(11): a variance for lot coverage for the laundry room addition of 34.47% in lieu of the 33.07% existing and the 30% maximum allowed. 3) Sec. 134-893(13): a variance for a cubic content ratio ("CCR") for the laundry room and covered terrace of 8.85 in lieu of the 8.32 existing and the 3.95 maximum allowed. 4) Sec. 134-893(7): a variance for a north side yard setback of 7.6 feet in lieu of the 12.5 feet minimum required for the laundry room addition. 5) Sec. 134-893(7): a variance to convert the existing flat roof to a covered balcony with railing that will have a north side yard setback of 7.6 feet in lieu of the 15 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Foundation Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0. The Landmarks Preservation Commission approved the project as presented with the condition that the homeowner voluntarily grants the utility easement. Carried 7-0]

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- c. **Z-20-00247 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-WA Worth Avenue The application of Le Bilboquet (Philippe Delgrange, Principal), Applicant, relative to property located at **247 WORTH**

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AVE SUITE: A, legal description on file, is described below. 1) Sec. 134-1159 (a) (6), Sec. 134-329 and Sec. 134-229: A request to modify the previously approved Special Exception with Site Plan Review to add 51 additional seats to the previously approved 109 seat, 3,590 square foot restaurant ("Le Bilboquet") on both the 1st and 2nd floor in the rear of the via located at 247 Worth Avenue (160 total proposed seats). In addition, to add 594.5 square feet on the back of the building to house a cooler/storage area and elevator and two retractable awnings totaling 512 square feet over the via. There are also two existing permanent awnings that will be replaced with three awnings of the same approximate size. There is also an existing awning on Worth Avenue that will be replaced with an awning of the same approximate size. There will be new mechanical equipment located on the roof that will be screened. Additionally, the restaurant plans to have background music in the via. 2) Sec. 134-1159 (a) (6), Sec. 134-2176 and Sec. 134-2001: A request for Special Exception with Site Plan Review modification to allow 58 seats to be outside in the via in lieu of the 48 seats previously approved. 3) Sec. 134-1161 (a): A variance to have 58 outdoor seats over the inside capacity. The Code does not allow outdoor seating above the indoor capacity of the tenant space. 4) Sec. 134-1163 (7): A variance request to have a rear yard setback of 5.5 feet for the elevator and 2.5 feet for the cooler/storage building in lieu of the 10 foot minimum required in the CWA Zoning District. 5) Sec. 134-1163(9): A variance request to allow a lot coverage for the elevator, cooler/storage building and retractable awnings of 84.6% in lieu of the 72.4% existing and the 35 % maximum allowed in the C-WA Zoning District for a two story building. 6) Sec. 134-1163(11): A request for a landscaped open space to be 3.5 % in lieu of the 4% existing and the 25 % minimum required in the C-WA Zoning District for a two story building. 7) Sec. 134-2175, Sec. 134-329 and Sec. 134-229: A request for a variance to provide zero (0) on-site parking spaces in lieu of the required 24 parking spaces that would be required under the principle of equivalency for the additional 51 seats being requested and the new elevator and 494 square foot cooler/storage building that is being added. A variance was previously approved to eliminate the requirement of 29 parking spaces. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the June 24, 2020 meeting. Carried 7-0.]

2. New Business

- a. **Z-20-00257 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of ILLKM PB LLC (Jeffrey Weiner, Member), Applicant, relative to property located at **655 ISLAND DR**, legal description on file, is described below. A request to allow the demolition of the existing wooden marginal dock and

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replacement with a new marginal dock and construct a new boat lift and Jet ski lift which will require the following variances: 1) The new boat which will be 21.83 feet west of the U.S. Pierhead line in lieu of the 6 foot maximum allowed. 2) The new Jet Ski lift which will be 17.83 feet west of the U.S. Pierhead line in lieu of the 6 foot maximum allowed. [Applicant's Representative: Maura Ziska Esq]

- b. **Z-20-00258 VARIANCE(S)** Zoning District: R-A Estate Residential The application of Maura Ziska, Trustee of the 1047 South Ocean Boulevard Trust, Applicant, relative to property located at **1047 S OCEAN BLVD**, legal description on file, is described below. Section 134-843(11): Applicant Is proposing to remove two (2) existing cantilevered balconies on the back of the residence totaling 102 square feet and replacing them with one (1) larger cantilevered 404 square foot balcony that connects to an existing second story roof deck which will require a variance for lot coverage of 43.92% in lieu of the 41.69% existing and the 25% maximum allowed In the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] Pg. 70
- c. **Z-20-00259 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Julia Koch, Applicant, relative to property located at **150 S OCEAN BLVD**, legal description on file, is described below. Section 134-993(13): The owner is proposing a renovation that will increase the ceiling height in a 2nd story bedroom comprising of 1,010 square feet by approximately 1.3 feet. This will require a variance to be requested to increase the cubic content ratio to 4.70 in lieu of the 4.68 existing CCR and the 3.68 maximum allowed. [Applicant's Representative: Maura Ziska Esq] Pg. 73
- d. **Z-20-00260 SPECIAL EXCEPTION WITH SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Matthew and Anne Iorio, Applicant, relative to property located at **131 SEAVIEW AVE**, legal description on file, is described below. Section 134-8939(c): Special Exception with Site Plan Review to allow the renovation of an existing two story residence and swimming pool by demolishing more than 50% cubic footage on portions of platted lots with a depth of 97.12 feet in lieu of the 100 foot minimum required in the R-B Zoning District and an area of 9,712 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The request is to demolish a 1 story/237 square foot exercise room in the rear of the house; a 1 story/720 square foot Florida room in the rear of the house; and add a 386 square foot two story family room (first floor) and bedroom (second floor); and a 292 square foot loggia. The following variances are being Pg. 76

requested: 1) Section 134-893(b)(5): a front yard setback of 24.9 feet in lieu of the 30 foot minimum setback required; 2) Section 134-893(b)(7): a west side yard setback of 4.9 feet in lieu of the 4.9 feet existing and the 15 foot minimum setback required; 3) Section 134-893(b)(11): a lot coverage of 31.3% in lieu of the 30% maximum allowed; 4) Section 134-893(b)(13): a cubic content ratio of 6.90 in lieu of the 6.99 existing and the 4.03 maximum allowed; 5) Section 134-893(b)(12): a landscape open space of 33% in lieu of the 45% minimum required; 6) Section 134-1757: an east side yard setback for the swimming pool of 6 feet in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq]

- e. **Z-20-00261 VARIANCE(S)** Zoning District: R-A Estate Residential The application of Ann DesRuisseaux, Applicant, relative to property located at **800 S COUNTY RD**, legal description on file, is described below. The applicant is undertaking a renovation of a 2 story landmarked residence with accessory buildings and a boat house all located in the R-A Zoning District. The renovation includes raising the finished floor elevations of all of the structures to 9.0 feet NAVD. The renovation also includes a 10,590 square foot 2-story addition to the main residence; a 796 square foot addition to the boat house located at the NW corner of the property; demolition of the tennis pavilion by more than 50% of the cubic footage on the east side of the property and 200 square foot addition to the tennis pavilion; relocation of an existing 225 square foot cabana to be attached to the main residence; relocation of the 145 square foot 2-story generator building. The following variances are being requested: 1) 134-843(8): a north side yard setback of 5 feet for the boat house addition in lieu of the 30 foot minimum required; 2) 134-843(8): a north side yard setback ranging from 1.1 feet to 5.5 feet in lieu of the 30 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; 3) 134-843(8): a rear yard setback of 0 feet in lieu of the 15 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; 4) 134-843(8): a rear yard setback ranging from 0 feet to 13.4 feet in lieu of the 15 foot minimum required for the existing main house when raising the finished floor thus increasing the height in the setback; 5) 134-843(9): a rear yard setback of 12.58 feet in lieu of the 15 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; 6) 134-843(8): a north side yard setback of 14.5 feet for the 2-story generator building in lieu of the 30 foot minimum required; 7) 134-843(8): a south side yard setback ranging from 9 feet to 15.5 feet in lieu of the 30 foot minimum required for the new cabana and main house addition; 8) 134-843(10): a height in the main residence and addition to main house of 26.5 in lieu of the 25 foot maximum allowed; 9) 134-843(5): a front yard setback

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ranging from 6.3 feet to 22.83 in lieu of the 35 foot minimum required for the tennis pavilion: 10) 134-843(5): a front yard setback of 6.3 feet in lieu of the 35 foot minimum required for the existing tennis pavilion when raising the finished floor thus increasing the height in the setback; 11) 134-843(12): a landscaped open space of 43.24% in lieu of the 71.56% existing and the 50% minimum required; 12) 134-843(6): an angle of vision and building height plane for tennis pavilion to be 144 degrees in lieu of the 120 degrees maximum allowed; and 13) 134-843(7): a building height plane setback of 6.3 feet in lieu of the 20.2 foot minimum required; and 14) 134-1759(c): a variance to not have a 10 foot high fence around the perimeter of the tennis court. [Applicant's Representative: Maura Ziska Esq]

- f. **Z-20-000262 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-D(2) High Density Residential The application of The Ambassador Hotel Cooperative Apartments Corp., A Florida Corporation (Richard Schlesinger, President), Applicant, relative to property located at **2730 S OCEAN BLVD**, legal description on file, is described below. The following zoning relief is being requested: 1. Section 134-1055 (16.): Special Exception approval to modify the existing condo-hotel use in the R-D(2) Zoning District. 2. Section 134-327: Site plan approval for the modifications to the existing condo-hotel site as identified above. 3. Section 134-1064: Special exception approval for the new balconies on the third, fourth and fifth floors. 4. Section 134-1060 (6)(f): Variance request for the proposed redevelopment to include the addition of balconies on the south side of the building that will encroach into the south side yard setback by a 30 inches thus a variance request for a setback of 27.5 feet in lieu of the 30 foot minimum required. 5. Section 134-2172: Variance to allow the proposed off-street, valet-operated parking, to be tandem and stacked in lieu of the code required off-street parking standards related to size of spaces and access. The code requires parking spaces to be designed so that a vehicle can be removed without the necessity to move another vehicle. The proposed parking is modifying and adding parking areas designed with stacked (tandem) and lift parking. 6. Section 134-1064: Variance to allow the lot coverage to be 44.9% in lieu of the 23.7% existing and the 22% maximum allowed in the R-D(2) Zoning District for 5 story buildings (the building is 7 stories with a lower level floor area). 7. Section 134-1060(6): Variance to allow a north side yard setback of 15 feet in lieu of the 30 foot minimum required for the under dune garage. 8. Section 134-1064(b)(3): Variance to allow a height of 68.96 feet in lieu of the 62.5 maximum allowed for the Penthouse additions (7th floor). [Applicant's Representative: Maura Ziska Esq] **Request for Deferral to August 12, 2020 Meeting per Email Dated June 19, 2020 from Maura Ziska.**

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- g. **Z-20-00263 SPECIAL EXCEPTION** Zoning District: C-TS

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Town-Serving Commercial The application of The Breakers Palm Beach, Inc., Applicant, relative to property located at **229 ROYAL POINCIANA WAY**, legal description on file, is described below. Pursuant to Section 134-2373(13) of the Town Code, the applicant is requesting special exception approval to allow an internally illuminated, backlit business identification sign for Henry's Palm Beach, which is located at Via Flagler (221 Royal Poinciana Way is the overall project address) on the front of the restaurant facing Royal Poinciana Way (229 Royal Poinciana Way) in the C-TS zoning district. The illuminated sign was approved by ARCOM on January 29, 2020 in connection with ARCOM's review of application number A-31-2019, which is the master signage program for Via Flagler. Other than the special exception for an illuminated sign, no other special exceptions or variances are requested or required.
[Applicant's Representative: James M. Crowley Esq]

VIII. ORDINANCES

A. First Reading

1. ORDINANCE 02-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings And Building Regulations, Town Code Of Ordinances, By Adding Article VI, Historic Conservation Districts; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date. Pg. 137
2. ORDINANCE 03-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 50, Floods, Town Code Of Ordinances, By Amending Article III, Definitions, Division 2, Definitions, Section 50-137.5, Definitions; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date. Pg. 168

IX. ANY OTHER MATTERS

- A. Discussion on Prohibited Vegetation Pg. 196

X. ADJOURNMENT

- Note 1:** 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 2:** 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 3: 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 4: 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: July 15, 2020

Section of Agenda

Development Review - Old Business

Agenda Title

Z-19-00232 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

Zoning District: C-WA Worth Avenue The application of 125 Worth Partners, LLC, Applicant, relative to property located at **125 WORTH AVE**, legal description on file, is described below. The applicant requests Site Plan Review modification approval for revitalization, renovation and expansion of the 45 year-old nonconforming commercial building located at 125 Worth Avenue in the C-WA zoning district. The building will be completely renovated architecturally using design themes found in the Worth Avenue Design Guidelines. In addition, a two story addition is being proposed on the east end of the property. To make this project financially feasible, the owners are requesting to demolish and rebuild the existing fourth story and expand its footprint to add four residential units. In addition to the Site Plan Review proposed modifications, the applicant is requesting the following Special Exceptions and Variances required to complete the project: 1. Per Section 134-1163(8)b., a special exception for a two-story and fourth story addition. The existing building is four stories but it is being expanded. 2. Per Section 134-2182(b), a special exception for on-site shared parking, subject to a professional shared parking analysis. 3. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the height from 53' in lieu of the 49'2" existing and the 25' maximum allowed by code. 4. Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the overall building height to 63'4" in lieu of the 53'8" existing and the 35' maximum allowed by current code. 5. Per Section 134-419, variance to allow an expansion of an existing nonconforming building by increasing the existing air conditioned floor area of the fourth story to 13,212.9 square feet from 3,448.75 square feet existing. An open fourth story trellis of 5,433 square feet is also proposed in this application and included in the calculation of lot coverage, below. There is an existing exterior fourth floor covered area of approximately 3,290 Square feet in addition to the existing air conditioned floor area on the fourth story of the building. 6. Per Section 134-1163(5), variance to allow a minimum front yard setback of 1'1" for portions of the building in lieu of the 5' existing and the 5' minimum required on the private property. The sidewalk is required to be a

minimum of 10' wide and this proposal is a minimum of 8'2' in the area where the sidewalk is only 1'1" wide on private property. 7. Per Section 134-1163(9)b., variance for lot coverage of 71% on the first floor in lieu of the 57% existing and the 35% maximum allowable. 8. Per Section 134-1163(9)b., variance for lot coverage of 71% on the second floor in lieu of the 57% existing and the 35% maximum allowed for second story. 9. Per Section 134-1163(9)b., variance for lot coverage of 54% on the fourth floor in lieu of the 20% existing and the 35% maximum allowable by code. 10. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the existing building length at the east end of the building from 201'8" to 246' in lieu of the 150' permitted as of right in the C-WA zoning district. [Applicant's Representative: James M. Crowley Esq] **Request for Deferral to August 12, 2020 Meeting per Email Dated July 1, 2020 from James M. Crowley.**

Presenter

ATTACHMENTS:

- ▣ **Email Dated July 1, 2020 from James Crowley**
- ▣ **Kimley Horn Shared Parking Study**

From: [Crowley, James](#)
To: [Paul Castro](#); [Wayne Bergman](#); [Kelly Churney](#)
Subject: Z-19-00232 125 Worth Avenue
Date: Wednesday, July 01, 2020 3:15:14 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.*****

Kelly, Paul, and Wayne,

As you know, on June 24, 2020, ARCOM deferred this project at the neighbors' request and with my client's acquiescence. For that reason, please defer this item to the August 12 Town Council meeting.

Thank you,

Jamie

James M. Crowley, Esq. | Shareholder
Environmental & Land Use
777 S. Flagler Drive, Suite 500 East
West Palm Beach, FL 33401
P 561-650-0633 F 561-655-5677

[gunster.com](#) | [View my bio](#)
Email me: jcrowley@gunster.com



November 8, 2019

Mr. Robert Frisbie, Jr.
125 Worth Partners LLC
125 Worth Avenue, Suite 112
Palm Beach, FL 33480

RE: 125 Worth Avenue - Parking Supply Evaluation
Palm Beach, Florida
Kimley-Horn # 140616000

Dear Rob:

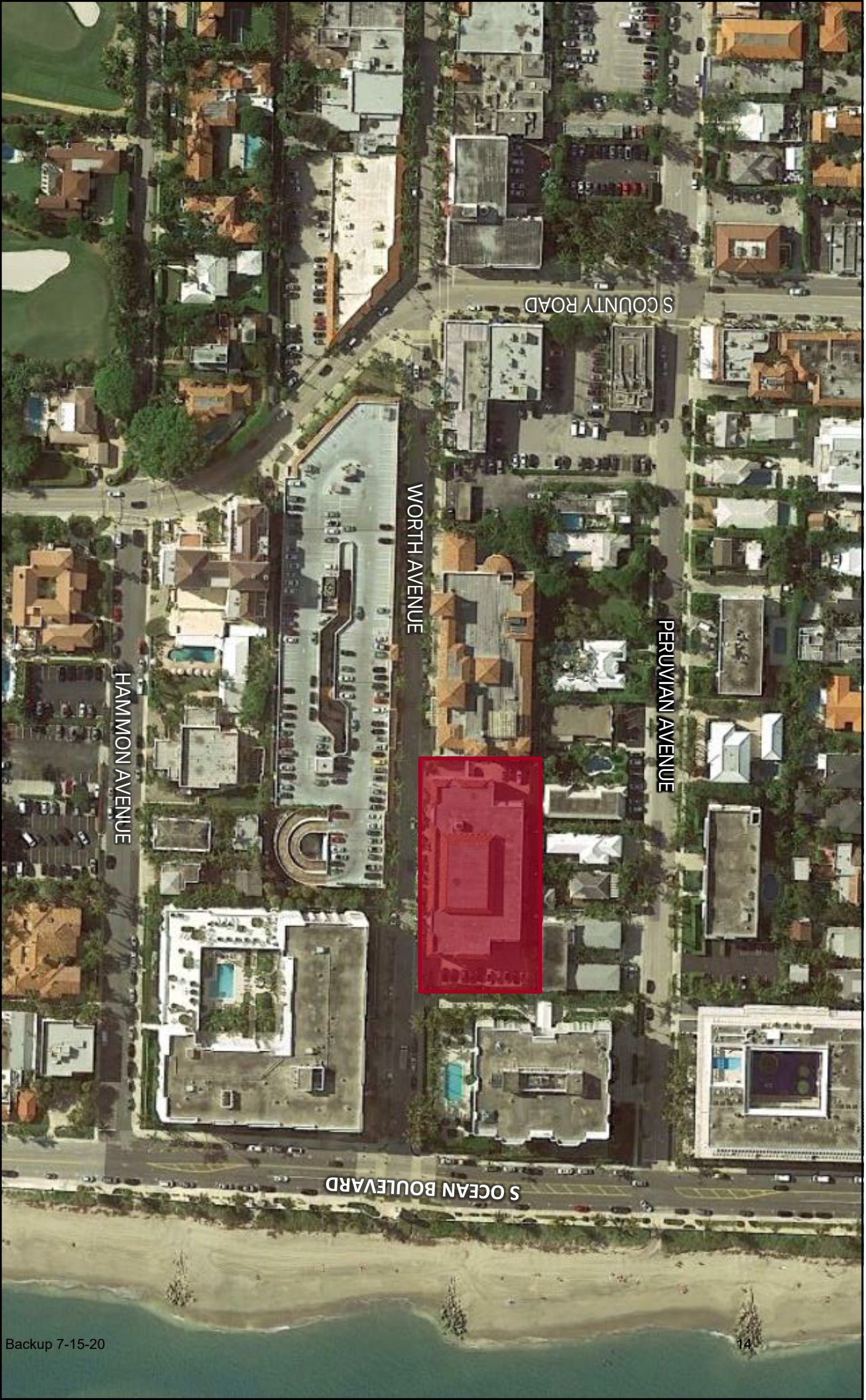
Kimley-Horn and Associates, Inc. has undertaken the following review and analysis to evaluate the overall parking supply requirements for the proposed modification of the development program at the 125 Worth Ave site, which is located on the north side of Worth Avenue between South Ocean Boulevard and South County Road in the Town of Palm Beach, Florida. **Figure 1** illustrates the site location, and a site plan is attached for reference. The site currently includes 39,206 square feet of general office use and 19,738 square feet of commercial retail use. The proposed modifications to the site will enclose current open-air parking areas at grade level, eliminate remaining at-grade parking and add four residential units on the fourth floor of the building. **Table 1** summarizes the uses that are proposed on site following the site modifications.

Table 1 – Summary of Proposed Uses

Use	Intensity
Commercial / Retail	24,556 square feet
Residential (Condominium)	4 dwelling units
Office	39,608 square feet

Determination of Parking Supply Need

To evaluate the supply requirements for off-street parking for the overall site following redevelopment, a shared parking analysis was undertaken using the methodology and data published by the Urban Land Institute (ULI) in *Shared Parking, Second Edition*. The principle of shared parking can be applied to sites with multiple uses to reflect that the peak parking demand for each individual use may not coincide and therefore some efficiency can be achieved in the supply of parking provided to account for the variation on parking demand over different times of day as well as different times of the year. Following is a summary of the evaluation that was undertaken.



LEGEND



PROJECT SITE

FIGURE 1

SITE LOCATION

125 WORTH AVENUE

Baseline Parking Ratios

For the initial portion of the analysis, the baseline (unadjusted) parking supply was determined for each use on site using ratios published by ULI in *Shared Parking, Second Edition*. ULI does not publish a parking ratio for a coffee shop; therefore, the analysis uses the average parking demand data published by the Institute of Transportation Engineers (ITE) in *Parking Generation, Fourth Edition* for a “Coffee/Donut Shop without Drive-Through Window”. Different ratios are provided for weekday and weekend conditions as well as for employee/resident parking and customer/visitor parking. **Table 2** provides a summary of the baseline parking ratios for each use for weekday and weekend uses along with the number of parking spaces assigned to each component of the various land uses.

Table 2 - Baseline Parking Ratio Determination

Land Use	Quantity	Unit	User	Weekday	Weekend	Unit	Weekday	Weekend
				Base (# of spaces)	Base (# of spaces)		Parking Spaces	Parking Spaces
Community Shopping Center (<400,000 sq. ft.)	24.556	ksf	Visitors	2.90	3.20	/ksf GLA	71	79
			Employees	0.70	0.80		17	20
Residential, Owned	4	units	Guest	0.15	0.15	/unit	1	1
			Resident	1.70	1.70		7	7
Office (25,000 to 100,000 sq. ft.)	39.608	ksf	Visitors	0.29	0.03	/ksf GLA	11	1
			Employees	3.43	0.34		136	14

Parking Adjustment – Time of Day Variation and Monthly Variation

After the initial determination of the baseline (unadjusted) parking supply, time of day factors were applied to the employee and visitor/customer components of the parking demand for each use using hourly adjustment factors published by ULI in *Shared Parking, Second Edition*. Separate calculations have been undertaken for both weekday and weekend conditions. The weekend conditions also account for significantly reduced parking demand for the office use on those days.

Similarly, demand fluctuates for different uses on a month-to-month basis. Monthly adjustment factors published by ULI in *Shared Parking, Second Edition* have also been applied to account for the differences in parking demand on a monthly basis. Tables that show the hourly variation in parking needs for both weekdays and weekends have been prepared for each month, using the monthly adjustment factors, and are attached to this letter.

Average Demand Determination

To further evaluate the parking requirements for the site, the hour-by-hour total parking requirement was averaged over the course of the day on a weekday and weekend basis. This average calculation was conducted on a month-by-month basis to determine the average anticipated parking requirement for the site during each month of the year. **Table 3** provides a summary of these calculations

Table 3 – Month-By-Month Average Daily Parking Occupancy

	Month												
	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Late Dec.
Weekday Peak	204	204	209	208	210	211	202	205	209	210	216	237	87
Weekend Peak	73	74	79	79	81	82	79	83	79	81	88	112	86

The average of all of the values listed above is 142 parking spaces.

Public Parking Availability

The Town of Palm Beach allows for a reduced number of parking spaces required if public parking is accessible to the site patrons. 125 Worth Ave is directly situated on a roadway (Worth Avenue) with available public parallel parking on the north and south side of the street. Therefore, an additional calculation was conducted that applied an 85% adjustment to the calculation above. **Table 4** provides a summary of the reduced average peak parking demand by month.

Table 4 – Month-By-Month Average Daily Parking Occupancy with 15% Reduction

	Month												
	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Late Dec.
Weekday Peak	173	174	178	177	179	179	171	174	178	179	184	201	74
Weekend Peak	62	63	68	67	69	70	67	71	68	69	75	95	73

The average of all of the values listed above is 121 spaces. The parking supply available in the underground parking facility on site is 134 spaces. Because the parking supply provided on site exceeds the calculation of the overall average annual parking demand, it is not required to request a variance from the Town for the parking supply.

Conclusion

As documented in this evaluation, the average overall parking demand for the site with a 15% reduction is 121 parking spaces. A supply of 134 spaces will be provided; therefore, it is not required to seek a variance from the Town of Palm Beach. Should you have any questions, please contact me via e-mail at chris.heggen@kimley-horn.com or via telephone at (561) 840-0248.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Christopher W. Heggen, P.E.
Transportation Engineer

Florida Registration
Number 58636
Certificate of Authorization
Number 696

Attachments

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January

Use	Ratio	Unit	Monthly Factor	Hour	Weekday											Midnight						
					AM					PM												
Shopping Center - Typical					6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11
Customer	2.90	25	56% /KGSF	0	2	6	14	26	34	38	40	38	36	36	38	38	38	32	20	12	4	
Time of Day Factor				1%	5%	15%	35%	65%	85%	95%	100%	95%	90%	90%	95%	95%	80%	50%	30%	10%	0%	
Employee	0.70		80% /KGSF	1	2	6	10	12	13	14	14	14	14	14	13	13	13	12	10	6	2	
Time of Day Factor				10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	95%	95%	95%	90%	75%	40%	15%	
Residential																						
Customer	0.15	4	100% /units	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	
Time of Day Factor				0%	10%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	80%	
Employee	1.60		100% /units	6	6	5	5	5	4	4	4	4	4	4	5	5	6	6	6	6	6	
Time of Day Factor				100%	90%	85%	80%	75%	70%	65%	70%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%	
Office																						
Visitor	0.29	40	100% /KGSF	0	0	2	7	11	5	2	5	11	5	2	1	1	0	0	0	0	0	
Time of Day Factor				0%	1%	20%	60%	100%	45%	15%	45%	100%	45%	15%	10%	5%	2%	1%	0%	0%	0%	
Employee	3.43		100% /KGSF	4	41	102	129	136	136	122	122	136	136	122	68	34	14	10	4	1	0	
Time of Day Factor				3%	30%	75%	95%	100%	100%	90%	90%	100%	100%	90%	50%	25%	10%	7%	3%	1%	0%	
Total Needed					12	51	121	186	190	193	180	186	204	195	179	126	92	72	61	41	26	13
Excess					122	83	13	-32	-56	-59	-46	-52	-70	-61	-45	8	42	62	73	93	108	121
Weekday Peak					204																	
Average Weekday Excess					73																	
Average Weekend Excess					23																	
					89																	

Note:

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Use	Hour	AM					PM					11	Midnight							
		6	7	8	9	10	11	Noon	1	2	3			4	5	6	7	8	9	10
Shopping Center - Typical																				
Customer	3.20	0	2	4	13	22	29	35	40	44	44	42	40	35	33	29	22	15	7	0
Time of Day Factor		1%	5%	10%	30%	50%	65%	80%	90%	100%	100%	95%	90%	80%	75%	65%	50%	35%	15%	0%
Employee	0.80	2	2	6	12	13	15	16	16	16	16	16	15	13	13	12	10	7	2	0
Time of Day Factor		10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	95%	85%	80%	75%	65%	45%	15%	0%
Residential																				
Customer	0.15	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0
Time of Day Factor		0%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	100%	80%	50%
Employee	1.60	6	6	5	5	5	4	4	4	4	4	5	5	6	6	6	6	6	6	6
Time of Day Factor		100%	90%	85%	85%	80%	75%	70%	65%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%	100%
Office																				
Visitor	0.03	0	0	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0
Time of Day Factor		0%	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	0%	0%	0%	0%	0%	0%
Employee	0.34	0	3	8	11	12	14	12	11	8	5	3	1	1	0	0	0	0	0	0
Time of Day Factor		0%	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	0%	0%	0%	0%	0%	0%
Total Needed																				
		8	13	25	42	54	63	69	72	73	70	65	62	55	52	47	39	29	16	7
Weekend Peak		126	121	109	92	80	71	65	62	61	64	69	72	79	82	87	95	105	118	127
Weekend Peak																				
Average Weekday Excess																				
Average Weekend Excess																				
Note:																				

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February

Use	Ratio	Unit	Monthly Factor	Hour	Weekday																		
					AM						PM												
					6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight
Shopping Center - Typical	Customer	2.90	25	57% /KGSF	0	2	6	14	26	35	39	41	39	37	37	39	39	39	32	20	12	4	0
	Time of Day Factor				1%	5%	15%	35%	65%	85%	95%	100%	95%	90%	90%	95%	95%	80%	50%	30%	10%	0%	
	Employee	0.70		80% /KGSF	1	2	6	10	12	13	14	14	14	14	14	13	13	12	10	6	2	0	
	Time of Day Factor				10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	95%	95%	90%	75%	40%	15%	0%	
	Residential																						
Residential	Customer	0.15	4	100% /units	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	
	Time of Day Factor				0%	10%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	100%	80%	50%
	Employee	1.60		100% /units	6	6	5	5	5	4	4	4	4	4	4	5	5	6	6	6	6	6	
	Time of Day Factor				100%	90%	85%	80%	75%	70%	65%	70%	70%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%
	Office																						
Office	Visitor	0.29	40	100% /KGSF	0	0	2	7	11	5	2	5	11	5	2	1	1	0	0	0	0	0	
	Time of Day Factor				0%	1%	20%	60%	100%	45%	15%	45%	100%	45%	15%	10%	5%	2%	1%	0%	0%	0%	
	Employee	3.43		100% /KGSF	4	41	102	129	136	136	122	122	136	136	122	68	34	14	10	4	1	0	
	Time of Day Factor				3%	30%	75%	95%	100%	100%	90%	90%	100%	100%	90%	50%	25%	10%	7%	3%	1%	0%	
	Total Needed				12	51	121	166	190	193	181	186	204	196	179	126	92	72	61	42	26	13	7
Weekday Peak	204		Excess	122	83	13	-32	-56	-59	-47	-52	-70	-62	-45	8	42	62	73	92	108	121	127	
Weekend Peak	74																						
Average Weekday Excess	22																						
Average Weekend Excess	88																						
Note:																							

Note:

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February

Use	Hour Ratio	Weekend											PM											11 Midnight																																			
		AM					Noon					1					2					3					4					5					6					7					8					9					10		
<u>Shopping Center - Typical</u>	Customer	3.20	0	2	4	13	22	29	36	40	45	45	43	40	36	34	29	22	16	7	0																																						
	Time of Day Factor	1%	5%	10%	30%	50%	65%	80%	90%	100%	100%	95%	90%	80%	75%	65%	50%	35%	15%	0%																																							
	Employee	0.80	2	2	6	12	13	15	16	16	16	16	16	15	13	13	12	10	7	2	0																																						
	Time of Day Factor	10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	95%	85%	80%	75%	65%	45%	15%	0%																																							
	<u>Residential</u>	Customer	0.15	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0																																						
<u>Office</u>	Time of Day Factor	0%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	100%	80%	50%																																							
	Employee	1.60	6	6	5	5	5	4	4	4	4	4	5	5	6	6	6	6	6	6																																							
	Time of Day Factor	100%	90%	85%	80%	75%	70%	65%	70%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%	100%																																							
	Visitor	0.03	0	0	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0																																							
	Time of Day Factor	0%	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	0%	0%	0%	0%	0%	0%																																							
<u>Employee</u>	Time of Day Factor	0.34	0	3	8	11	12	14	12	11	8	5	3	1	1	0	0	0	0	0																																							
	Time of Day Factor	0%	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	0%	0%	0%	0%	0%	0%																																							
	Time of Day Factor	0%	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	0%	0%	0%	0%	0%	0%																																							
	Time of Day Factor	0%	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	0%	0%	0%	0%	0%	0%																																							
	Time of Day Factor	0%	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	0%	0%	0%	0%	0%	0%																																							
<u>Total Needed</u>		8	13	25	42	54	63	69	72	74	71	66	62	56	53	48	40	30	16	7																																							
<u>Weekday Peak</u>		126	121	109	92	80	71	65	62	60	63	68	72	78	81	86	94	104	118	127																																							
<u>Weekend Peak</u>																																																											
<u>Average Weekday Excess</u>																																																											
<u>Average Weekend Excess</u>																																																											
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March

Use	Ratio	Unit	Monthly Factor	Hour	Weekday																		
					AM					PM													
					6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight
Shopping Center - Typical																							
Customer	2.90	25	64% /KGSF		0	2	7	16	30	39	43	46	43	41	41	43	43	43	36	23	14	5	0
Time of Day Factor					1%	5%	15%	35%	65%	85%	95%	100%	95%	90%	90%	95%	95%	95%	80%	50%	30%	10%	0%
Employee	0.70		80% /KGSF		1	2	6	10	12	13	14	14	14	14	14	13	13	13	12	10	6	2	0
Time of Day Factor					10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	95%	95%	95%	90%	75%	40%	15%	0%
Residential																							
Customer	0.15	4	100% /units		0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0
Time of Day Factor					0%	10%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	100%	80%	50%
Employee	1.60		100% /units		6	6	5	5	5	4	4	4	4	4	5	5	5	6	6	6	6	6	6
Time of Day Factor					100%	90%	85%	80%	75%	70%	65%	70%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%	100%
Office																							
Visitor	0.29	40	100% /KGSF		0	0	2	7	11	5	2	5	11	5	2	1	1	0	0	0	0	0	0
Time of Day Factor					0%	1%	20%	60%	100%	45%	15%	45%	100%	45%	15%	10%	5%	2%	1%	0%	0%	0%	0%
Employee	3.43		100% /KGSF		4	41	102	129	136	136	122	122	136	136	122	68	34	14	10	4	1	0	0
Time of Day Factor					3%	30%	75%	95%	100%	100%	90%	90%	100%	100%	90%	50%	25%	10%	7%	3%	1%	0%	0%
Total Needed																							
			Excess		12	51	122	168	194	198	185	191	209	200	184	131	97	77	65	44	28	14	7
Weekday Peak	209				122	83	12	-34	-60	-64	-51	-57	-75	-66	-50	3	37	57	69	90	106	120	127
Weekend Peak	79																						
Average Weekday Excess	19																						
Average Weekend Excess	85																						
Note:																							

Note:

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March

Use	Hour Ratio	Weekend											PM										
		6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight			
Shopping Center - Typical																							
Customer	3.20	1	3	5	15	25	33	40	45	50	50	48	45	40	38	33	25	18	8	0			
Time of Day Factor		1%	5%	10%	30%	50%	65%	80%	90%	100%	100%	95%	90%	80%	75%	65%	50%	35%	15%	0%			
Employee	0.80	2	2	6	12	13	15	16	16	16	16	16	15	13	13	12	10	7	2	0			
Time of Day Factor		10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	95%	85%	80%	75%	65%	45%	15%	0%			
Residential																							
Customer	0.15	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0			
Time of Day Factor		0%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	100%	80%	50%	0			
Employee	1.60	6	6	5	5	5	4	4	4	4	4	5	5	6	6	6	6	6	6	6			
Time of Day Factor		100%	90%	85%	80%	75%	70%	65%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%	100%	100%			
Office																							
Visitor	0.03	0	0	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0			
Time of Day Factor		0%	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	0%	0%	0%	0%	0%	0%			
Employee	0.34	0	3	8	11	12	14	12	11	8	5	3	1	1	0	0	0	0	0	0			
Time of Day Factor		0%	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	0%	0%	0%	0%	0%	0%			
Total Needed																							
		8	14	26	44	57	67	74	77	79	77	71	67	60	57	51	42	32	17	7			
Weekday Peak																							
		126	120	108	90	77	67	60	57	55	57	63	67	74	77	83	92	102	117	127			
Weekend Peak																							
Average Weekday Excess																							
Average Weekend Excess																							
Note:																							

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April

Use	Ratio	Unit	Monthly Factor	Hour	Weekday																		
					AM					PM													
					6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight
Shopping Center - Typical	Customer	25	63% /KGSF		0	2	7	16	29	38	43	45	43	40	40	43	43	43	36	22	13	4	0
	Time of Day Factor				1%	5%	15%	35%	65%	85%	95%	100%	95%	90%	90%	95%	95%	95%	80%	50%	30%	10%	0%
	Employee	0.70	80% /KGSF		1	2	6	10	12	13	14	14	14	14	14	13	13	13	12	10	6	2	0
	Time of Day Factor				10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	100%	95%	95%	95%	90%	75%	40%	15%
Residential	Customer	4	100% /units		0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0
	Time of Day Factor				0%	10%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	100%	80%	50%
	Employee	1.60	100% /units		6	6	5	5	5	4	4	4	4	4	5	5	6	6	6	6	6	6	6
	Time of Day Factor				100%	90%	85%	80%	75%	70%	65%	70%	70%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%
Office	Visitor	40	100% /KGSF		0	0	2	7	11	5	2	5	11	5	2	1	1	0	0	0	0	0	0
	Time of Day Factor				0%	1%	20%	60%	100%	45%	15%	45%	100%	45%	15%	10%	5%	2%	1%	0%	0%	0%	0%
	Employee	3.43	100% /KGSF		4	41	102	129	136	136	122	136	136	136	122	68	34	14	10	4	1	0	0
	Time of Day Factor				3%	30%	75%	95%	100%	100%	90%	100%	100%	100%	100%	90%	50%	25%	10%	7%	3%	1%	0%
Total Needed				Excess	12	51	122	167	193	197	185	191	208	200	183	130	96	76	65	44	27	13	7
Weekday Peak																							
Weekend Peak																							
Average Weekday Excess																							
Average Weekend Excess																							
Note:																							

Note:

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April

Use	Hour Ratio	Weekend											11 Midnight	
		AM						PM						
Shopping Center - Typical														
Customer	3.20	0	2	5	15	25	32	40	45	50	50	47	45	0
Time of Day Factor		1%	5%	10%	30%	50%	65%	80%	90%	100%	100%	95%	80%	0%
Employee	0.80	2	2	6	12	13	15	16	16	16	16	16	15	0
Time of Day Factor		10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	95%	85%	0%
Residential														
Customer	0.15	0	0	0	0	0	0	0	0	0	0	0	0	0
Time of Day Factor		0%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	0%
Employee	1.60	6	6	5	5	5	4	4	4	4	5	5	6	6
Time of Day Factor		100%	90%	85%	80%	75%	70%	65%	70%	70%	75%	85%	90%	100%
Office														
Visitor	0.03	0	0	1	1	1	1	1	1	1	0	0	0	0
Time of Day Factor		0%	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	0%
Employee	0.34	0	3	8	11	12	14	12	11	8	5	3	1	0
Time of Day Factor		0%	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	0%
Total Needed		8	14	26	44	56	67	73	77	79	76	71	67	7
Weekday Peak		126	120	108	90	78	67	61	57	55	58	63	67	127
Weekend Peak														
Average Weekday Excess														
Average Weekend Excess														

Note:

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May

Use	Ratio	Unit	Monthly Factor	Hour	Weekday																		
					AM					PM													
					6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight
Shopping Center - Typical	Customer	2.90	25	66% /KGSF	0	2	7	16	31	40	45	47	45	42	42	45	45	45	38	24	14	5	0
	Time of Day Factor				1%	5%	15%	35%	65%	85%	95%	100%	95%	90%	90%	95%	95%	95%	80%	50%	30%	10%	0%
	Employee	0.70		80% /KGSF	1	2	6	10	12	13	14	14	14	14	14	13	13	13	12	10	6	2	0
	Time of Day Factor				10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	95%	95%	95%	90%	75%	40%	15%	0%
	Residential																						
Residential	Customer	0.15	4	100% /units	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0
	Time of Day Factor				0%	10%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	100%	80%	50%
	Employee	1.60		100% /units	6	6	5	5	5	4	4	4	4	4	5	5	5	6	6	6	6	6	6
	Time of Day Factor				100%	90%	85%	80%	75%	70%	65%	70%	70%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%
	Office																						
Office	Visitor	0.29	40	100% /KGSF	0	0	2	7	11	5	2	5	11	5	2	1	1	0	0	0	0	0	0
	Time of Day Factor				0%	1%	20%	60%	100%	45%	15%	45%	100%	45%	15%	10%	5%	2%	1%	0%	0%	0%	0%
	Employee	3.43		100% /KGSF	4	41	102	129	136	136	122	122	136	136	122	68	34	14	10	4	1	0	0
	Time of Day Factor				3%	30%	75%	95%	100%	100%	90%	90%	100%	100%	90%	50%	25%	10%	7%	3%	1%	0%	0%
	Total Needed				12	51	122	168	195	199	187	193	210	202	185	133	98	78	66	45	28	14	7
Weekday Peak	210		Excess	122	83	12	-34	-61	-65	-53	-59	-76	-68	-51	1	36	56	68	89	106	120	127	
Weekend Peak	81																						
Average Weekday Excess	19																						
Average Weekend Excess	84																						
Note:																							

Note:

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May

K:\WPB_TPT01\14061140616000 - 125

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June

Use	Ratio	Unit	Monthly Factor	Hour	Weekday											Midnight							
					AM					PM													
					6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	
Shopping Center - Typical																							
Customer	2.90	25	67% /KGSF		0	2	7	17	31	41	45	48	45	43	43	45	45	45	38	24	14	5	0
Time of Day Factor					1%	5%	15%	35%	65%	85%	95%	100%	95%	90%	90%	95%	95%	95%	80%	50%	30%	10%	0%
Employee	0.70		80% /KGSF		1	2	6	10	12	13	14	14	14	14	14	13	13	13	12	10	6	2	0
Time of Day Factor					10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	95%	95%	95%	90%	75%	40%	15%	0%
Residential																							
Customer	0.15	4	100% /units		0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0
Time of Day Factor					0%	10%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	100%	80%	50%
Employee	1.60		100% /units		6	6	5	5	5	4	4	4	4	4	4	5	5	6	6	6	6	6	6
Time of Day Factor					100%	90%	85%	80%	75%	70%	65%	70%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%	100%
Office																							
Visitor	0.29	40	100% /KGSF		0	0	2	7	11	5	2	5	11	5	2	1	1	0	0	0	0	0	0
Time of Day Factor					0%	1%	20%	60%	100%	45%	15%	45%	100%	45%	15%	10%	5%	2%	1%	0%	0%	0%	0%
Employee	3.43		100% /KGSF		4	41	102	129	136	136	122	122	136	136	122	68	34	14	10	4	1	0	0
Time of Day Factor					3%	30%	75%	95%	100%	100%	90%	90%	100%	100%	90%	50%	25%	10%	7%	3%	1%	0%	0%
Total Needed																							
			Excess		12	51	122	168	195	199	187	194	211	202	186	133	99	79	67	45	28	14	7
Weekday Peak					211																		
Weekend Peak					82																		
Average Weekday Excess					18																		
Average Weekend Excess					84																		

Note:

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June

Use	Hour Ratio	Weekend											PM																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
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Customer	3.20	1	3	5	16	26	34	42	47	53	53	50	47	42	39	34	26	18	8	0																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		</

July

Use	Ratio	Unit	Monthly Factor	Hour	Weekday																		
					AM								PM										
					6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight
Shopping Center - Typical	Customer	2.90	25	64% /KGSF	0	2	7	16	30	39	43	46	43	41	41	43	43	43	36	23	14	5	0
	Time of Day Factor				1%	5%	15%	35%	65%	85%	95%	100%	95%	90%	90%	95%	95%	80%	50%	30%	10%	0%	0%
	Employee	0.70		80% /KGSF	1	2	6	10	12	13	14	14	14	14	14	13	13	13	12	10	6	2	0
	Time of Day Factor				10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	95%	95%	95%	90%	75%	40%	15%	0%
	Residential																						
Customer	0.15	4	100% /units	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0
Time of Day Factor				0%	10%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	80%	50%	0%
Employee	1.60		100% /units	6	6	5	5	5	4	4	4	4	4	4	5	5	6	6	6	6	6	6	6
Time of Day Factor				100%	90%	85%	80%	75%	70%	65%	70%	70%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%	100%
Office																							
Visitor	0.29	40	95% /KGSF	0	0	2	7	11	5	2	5	11	5	2	2	1	1	0	0	0	0	0	0
Time of Day Factor				0%	1%	20%	60%	100%	45%	15%	45%	100%	45%	15%	10%	5%	2%	1%	0%	0%	0%	0%	0%
Employee	3.43		95% /KGSF	4	39	97	123	129	129	116	116	129	129	116	90%	65	32	13	9	4	1	0	0
Time of Day Factor				3%	30%	75%	95%	100%	100%	90%	90%	100%	100%	90%	50%	25%	10%	7%	3%	1%	0%	0%	0%
Total Needed				12	49	117	161	186	190	179	185	202	193	178	128	95	76	65	44	27	14	7	7
Excess				122	85	17	-27	-52	-56	-45	-51	-68	-59	-44	6	39	58	69	90	107	120	127	127
Weekday Peak	202																						
Weekend Peak	79																						
Average Weekday Excess	23																						
Average Weekend Excess	85																						

Note:

Note:

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July

[illegible]

August

Use	Ratio	Unit	Monthly Factor	Hour	AM												PM												Midnight																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
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September

Use	Ratio	Unit	Monthly Factor	Hour	Weekday																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																
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Note:

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September

[illegible]

October

Use	Ratio	Unit	Monthly Factor	Hour	AM											PM						Midnight	
					6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10		
Shopping Center - Typical																							
Customer	2.90	25	66% /KGSF	0	2	7	16	31	40	45	47	45	42	42	45	45	45	38	24	14	5	0	
Time of Day Factor				1%	5%	15%	35%	65%	85%	95%	100%	95%	90%	90%	95%	95%	95%	80%	50%	30%	10%	0%	
Employee	0.70		80% /KGSF	1	2	6	10	12	13	14	14	14	14	14	13	13	13	12	10	6	2	0	
Time of Day Factor				10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	95%	95%	95%	90%	75%	40%	15%	0%	
Residential																							
Customer	0.15	4	100% /units	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0	
Time of Day Factor				0%	10%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	100%	80%	50%	
Employee	1.60		100% /units	6	6	5	5	5	4	4	4	4	4	5	5	6	6	6	6	6	6	6	
Time of Day Factor				100%	90%	85%	80%	75%	70%	65%	70%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%	100%	
Office																							
Visitor	0.29	40	100% /KGSF	0	0	2	7	11	5	2	5	11	5	2	1	1	0	0	0	0	0	0	
Time of Day Factor				0%	1%	20%	60%	100%	45%	15%	45%	100%	45%	15%	10%	5%	2%	1%	0%	0%	0%	0%	
Employee	3.43		100% /KGSF	4	41	102	129	136	136	122	122	136	136	122	68	34	14	10	4	1	0	0	
Time of Day Factor				3%	30%	75%	95%	100%	100%	90%	90%	100%	100%	90%	50%	25%	10%	7%	3%	1%	0%	0%	
Total Needed					12	51	122	168	195	199	187	193	210	202	185	133	98	78	66	45	28	14	7
Excess					122	83	12	-34	-61	-65	-53	-59	-76	-68	-51	1	36	56	68	89	106	120	127
Weekday Peak					210																		
Weekend Peak					81																		
Average Weekday Excess					19																		
Average Weekend Excess					84																		
Note:																							

Note:

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November

Use	Ratio	Unit	Monthly Factor	Hour	AM											PM										
					6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight			
Shopping Center - Typical																										
Customer	2.90	25	72% /KGSF		1	3	8	18	33	44	49	51	49	46	46	49	49	49	41	26	15	5	0			
Time of Day Factor					1%	5%	15%	35%	65%	85%	95%	100%	95%	90%	90%	95%	95%	95%	80%	50%	30%	10%	0%	0		
Employee	0.70		90% /KGSF		2	2	6	12	13	15	15	15	15	15	15	15	15	15	14	12	6	2	0			
Time of Day Factor					10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	95%	95%	95%	90%	75%	40%	15%	0%	0		
Residential																										
Customer	0.15	4	100% /units		0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0			
Time of Day Factor					0%	10%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	100%	80%	50%	0		
Employee	1.60		100% /units		6	6	5	5	5	4	4	4	4	4	5	5	6	6	6	6	6	6	6	6		
Time of Day Factor					100%	90%	85%	80%	75%	70%	65%	70%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%	100%	100%		
Office																										
Visitor	0.29	40	100% /KGSF		0	0	2	7	11	5	2	5	11	5	2	1	1	0	0	0	0	0	0	0		
Time of Day Factor					0%	1%	20%	60%	100%	45%	15%	45%	100%	45%	15%	10%	5%	2%	1%	0%	0%	0%	0%	0		
Employee	3.43		100% /KGSF		4	41	102	129	136	136	122	122	136	136	122	68	34	14	10	4	1	0	0	0		
Time of Day Factor					3%	30%	75%	95%	100%	100%	90%	90%	100%	100%	90%	50%	25%	10%	7%	3%	1%	0%	0%	0		
Total Needed					13	52	124	171	199	204	193	199	216	207	191	138	104	84	71	48	30	14	7	7		
Weekday Peak					Excess																					
Weekend Peak																								216		
Average Weekday Excess																								88		
Average Weekend Excess																								15		
Average Weekday Excess																								80		
Note:																										

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November

Use	Hour Ratio	AM											PM											
		6	7	8	9	10	11	Noon					1	2	3	4	5	6	7	8	9	10	11	Midnight
Shopping Center - Typical																								
Customer	3.20	1	3	6	17	28	37	45	51	57	57	54	51	45	42	37	28	20	8	0				
Time of Day Factor		1%	5%	10%	30%	50%	65%	80%	90%	100%	100%	95%	90%	80%	75%	65%	50%	35%	15%	0%				
Employee	0.80	2	3	7	13	15	17	18	18	18	18	18	17	15	14	13	11	8	3	0				
Time of Day Factor		10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	95%	85%	80%	75%	65%	45%	15%	0%				
Residential																								
Customer	0.15	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	1	0				
Time of Day Factor		0%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	100%	80%	50%				
Employee	1.60	6	6	5	5	5	4	4	4	4	4	5	5	6	6	6	6	6	6	6				
Time of Day Factor		100%	90%	85%	80%	75%	70%	65%	70%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%	100%				
Office																								
Visitor	0.03	0	0	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0				
Time of Day Factor		0%	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	0%	0%	0%	0%	0%	0%				
Employee	0.34	0	3	8	11	12	14	12	11	8	5	3	1	1	0	0	0	0	0	0				
Time of Day Factor		0%	20%	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	0%	0%	0%	0%	0%	0%				
Total Needed		9	14	27	47	62	73	81	85	88	85	79	75	67	63	57	47	35	18	7				
Weekday Peak		125	120	107	87	72	61	53	49	46	49	55	59	67	71	77	87	99	116	127				
Weekend Peak																								
Average Weekday Excess																								
Average Weekend Excess																								
Note:																								

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Note:

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Peak December

Use	Ratio	Unit	Monthly Factor	Hour	Weekday																			
					AM						PM													
					6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	Midnight	
Shopping Center - Typical	Customer	2.90	25	100% /KGSF	1	4	11	25	46	61	68	71	68	64	64	68	68	68	57	36	21	7	0	
	Time of Day Factor				1%	5%	15%	35%	65%	85%	95%	100%	95%	90%	90%	95%	95%	95%	80%	50%	30%	10%	0%	
	Employee	0.70		100% /KGSF	2	3	7	13	15	16	17	17	17	17	17	16	16	16	15	13	7	3	0	
	Time of Day Factor				10%	15%	40%	75%	85%	95%	100%	100%	100%	100%	100%	95%	95%	95%	90%	75%	40%	15%	0%	
Residential	Customer	0.15	4	100% /units	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0	
	Time of Day Factor				0%	10%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	60%	100%	100%	100%	100%	80%	50%	
	Employee	1.60		100% /units	6	6	5	5	5	4	4	4	4	4	4	5	5	6	6	6	6	6	6	
	Time of Day Factor				100%	90%	85%	80%	75%	70%	65%	70%	70%	70%	70%	75%	85%	90%	97%	98%	99%	100%	100%	
Office	Visitor	0.29	40	100% /KGSF	0	0	2	7	11	5	2	5	5	11	5	2	1	1	0	0	0	0	0	
	Time of Day Factor				0%	1%	20%	60%	100%	45%	15%	45%	100%	45%	15%	10%	5%	2%	1%	0%	0%	0%	0%	
	Employee	3.43		100% /KGSF	4	41	102	129	136	136	122	122	136	136	122	68	34	14	10	4	1	0	0	
	Time of Day Factor				3%	30%	75%	95%	100%	100%	90%	90%	100%	100%	100%	90%	50%	25%	10%	7%	3%	1%	0%	
Total Needed					13	53	127	179	213	223	213	221	237	227	210	159	125	105	89	60	37	17	7	
Excess					121	81	7	-45	-79	-89	-79	-87	-103	-93	-76	-25	9	29	45	74	97	117	127	
Weekday Peak					237																			
Weekend Peak					112																			
Average Weekday Excess					2																			
Average Weekend Excess					67																			
Note:																								

Note:

K:\WPB_TPTON\406140616000 - 125 Worth Avenue\Parking\2019-11-4 Shared Parking 125 Worth Ave.xlsx\December

Kimley»Horn

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TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2020

Section of Agenda

Development Review - Old Business

Agenda Title

Z-19-00236 VARIANCE(S) Zoning District: R-B Low Density Residential
The application of Jennifer J. Naegele, Applicant, relative to property located at **70 MIDDLE RD**, legal description on file, is described below. The applicant is undertaking a renovation of a 3 story landmarked residence located in the R-B Zoning District. The renovation includes a 91 square foot laundry room addition to the northwest corner of the house; a 191 square foot covered terrace addition on the north side of the house; and a 60 KW generator proposed in the street side yard along Via Marina. The following variances are being requested: 1) Sec. 134-1729: a variance to allow a 60 KW generator to be placed in the street side yard along Via Marina with a setback of 8.5 feet in lieu of the 25 foot minimum required. 2) Sec. 134-893(11): a variance for lot coverage for the laundry room addition of 34.47% in lieu of the 33.07% existing and the 30% maximum allowed. 3) Sec. 134-893(13): a variance for a cubic content ratio ("CCR") for the laundry room and covered terrace of 8.85 in lieu of the 8.32 existing and the 3.95 maximum allowed. 4) Sec. 134-893(7): a variance for a north side yard setback of 7.6 feet in lieu of the 12.5 feet minimum required for the laundry room addition. 5) Sec. 134-893(7): a variance to convert the existing flat roof to a covered balcony with railing that will have a north side yard setback of 7.6 feet in lieu of the 15 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Foundation Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0. The Landmarks Preservation Commission approved the project as presented with the condition that the homeowner voluntarily grants the utility easement. Carried 7-0]

Presenter

ATTACHMENTS:

- ▢ **Memorandum Dated June 26, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▢ **Comments from the Development Review Committee**
- ▢ **Letter Received March 10, 2020 from Monika Preston**
- ▢ **Email Received March 11, 2020 from Myrna Partrich**
- ▢ **Letter Received May 13, 2020 from Jill Glazer**
- ▢ **Letter Received January 8, 2020 from Ellen Cunningham**
- ▢ **Letter Received March 18, 2020 from Sally Ross Soter**
- ▢ **Letter Received February 4, 2020 from Martha Schar**
- ▢ **Email Received July 7, 2020 from Craig Omtvedt**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2020

To: Mayor and Town Council

From: Wayne Bergman, Acting Director, Planning, Zoning & Building Department

Subject: **Z-19-00236 VARIANCE(S)**
70 MIDDLE RD

Date: June 26, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

The applicant Is undertaking a renovation of a 3 story landmarked residence located In the R-B Zoning District. The renovation Includes a 91 square foot laundry room addition to the northwest corner of the house; a 191 square foot covered terrace addition on the north side of the house; and a 60 KW generator proposed In .the street side yard along Via Marina. The following variances are being requested:

- 1) Sec. 134-1729: a variance to allow a 60 KW generator to be placed In the street side yard along Via Marina with a setback of 8.5 feet In lieu of the 25 foot minimum required.
- 2) Sec. 134-893(11 l: a variance for lot coverage for the laundry room addition of 34.47% In lieu of the 33.07% existing and the 30% maximum allowed.
- 3) Sec. 134-893(13): a variance for a cubic content ratio ("CCR") for the laundry room and covered terrace of 8.85 In lieu of the 8.32 existing and the 3. 95 maximum allowed.
- 4) Sec. 134-893(7): a variance for a north side yard setback of 7.6 feet In lieu of the 12.5 feet minimum required for the laundry room addition.
- 5) Sec. 134-893(7): a variance to convert the existing flat roof to a covered balcony with railing that will have a north side yard setback of 7.6 feet In lieu of the 15 foot minimum required.

ADDRESS: 70 MIDDLE RD

OWNER: NAEGELE JENNIFER J

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-26-03-000-0621

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: SINGER ADD S 3 FT OF W 81 FT OF LT
62, LTS 63, 64 & E 10 FT OF LT 79

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 12/9/19

APPLICATION NO.: Z-19-00236 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 70 MIDDLE RD

DESCRIPTION:

The applicant is undertaking a renovation of a 3 story landmarked residence located in the R-B Zoning District. The renovation includes a 91 square foot laundry room addition to the northwest corner of the house; a 191 square foot covered terrace addition on the north side of the house; and a 60 KW generator proposed in the street side yard along Via Marina. The following variances are being requested:

- 1) Sec. 134-1729: a variance to allow a 60 KW generator to be placed in the street side yard along Via Marina with a setback of 8.5 feet in lieu of the 25 foot minimum required.
- 2) Sec. 134-893(11): a variance for lot coverage for the laundry room addition of 34.47% in lieu of the 33.07% existing and the 30% maximum allowed.
- 3) Sec. 134-893(13): a variance for a cubic content ratio ("CCR") for the laundry room and covered terrace of 8.85 in lieu of the 8.32 existing and the 3.95 maximum allowed.
- 4) Sec. 134-893(7): a variance for a north side yard setback of 7.6 feet in lieu of the 12.5 foot minimum required for the laundry room addition.
- 5) Sec. 134-893(7): a variance to convert the existing flat roof to a covered balcony with railing that will have a north side yard setback of 7.6 feet in lieu of the 15 foot minimum required.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Acting Director, Planning, Zoning & Building	12/16/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	2/4/2020	Contact Steven Stern (561) 227-6307 regarding an acceptable easement for undergrounding for the property. Applicant shall be responsible for the cost of relocating the existing trees within the rights-of-way should the proposed work impact them. Trees need to be shown on plans. The curb for the limits of Middle Road, due to the driveway relocations, will need to be replaced. Coordinate work with Public Works.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	12/16/2019	Stormwater Management System proposed for the site meets the Town's level of service.
PZB DIRECTOR	Wayne Bergman, Acting Director, Planning, Zoning & Building	12/16/2019	No comments



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 12/9/19

PZB - ZONING

Paul Castro, Zoning
Administrator

2/3/2020

There are several small additions proposed to this
landmark home. I have no comments on the proposed
variances.

Monika and John Preston
25 Middle Road
Palm Beach, FL 33480

Re: Presentation for 70 Middle Road
March 10, 2020

Members of the Town Council and Landmark Preservation
Commission,

We have met with the architect for 70 Middle Road and have
reviewed the plans. We are in total support of the project as
presented.

Sincerely,
Monika and John Preston

A handwritten signature in dark ink, consisting of a long horizontal line with a small loop at the end, and a vertical line extending upwards from the middle of the horizontal line.

From: [Myrna Partrich](#)
To: [Kelly Churney](#)
Subject: 70 Middle Rd. Construction
Date: Wednesday, March 11, 2020 12:31:02 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.*****

Re: Landmark and Variance approvals for 70 Middle Rd.

Landmark Commission
Town Council Members

We are writing in reference to the presentation plans for 70 Middle Rd. We have reviewed the plans with the architect. The restoration is magnificent, and we are very excited about this project coming to fruition. We would like to support this restoration and variances as presented.

We appreciate the amount of work that the architect has invested her time into making this house so beautiful.

We love our street!

Sincerely yours,
Myrna and Spencer Partrich
22 Middle Rd.

Town of Palm Beach
Town Council and Landmarks Preservation Commission
360 S. County Road
Palm Beach, FL 33480

May 13, 2020

RE: 70 Middle Road Variance request

Dear Commissioners,

I am contacting you in support of the variance request for the location of the generator at 70 Middle Road.

We own the property at 195 Via Marina, immediately to the west of 70 Middle Road and are probably the neighbor most affected by the generator variance request.

We have had several meetings on site, have walked the property with the architect and landscape architect.

We are in support of the proposed generator variance, provided the following are met:

1. The application, as presently before you, represents the full scope of the project that will be undertaken. The applicant will not be coming back to you seeking additional approvals.

2. There is a defined timeline for completion that is reasonable, that the applicant is held to and is enforced. This house has been under construction for the last four years and we would like to see it completed as soon as possible.

3. The generator meets all soundproofing and decibel readings as required by town code.

4. All dumpsters, portable toilets, and other construction equipment are completely screened behind fencing and/or landscaping.

5. The new landscape buffer will completely screen the house, equipment and generator upon completion.

Thank you for your consideration of this matter.

Sincerely,

40 Middle Road

Palm Beach, Florida 33480

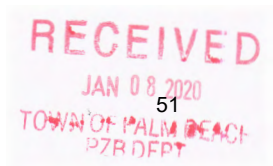
Landmarks and Preservation Commission

Town of Palm Beach

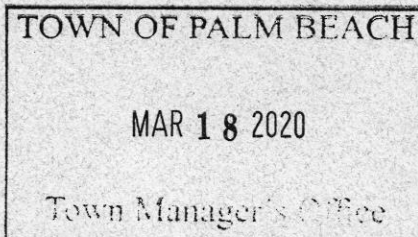
I am writing to object to application COA 002 2020. The owner of 70 Middle Rd requests approval to work on her house and yard. I know she has 3 open permits now and has current code violations. Hurricane shutters are still on rear windows and pool water is dark green and filthy. She has had a dumpster in front for years, many trucks in front and a Worth Ave. Builder sign by road. These were removed this summer but if she obtains a new permit I am afraid we will be looking at an unsightly yard for years.

Sincerely

Ellen Cunningham



*Sally Ross Soter
198 via Marina
Palm Beach,
Florida 33480*



March 16, 2020

*The Honorable Gail L. Coniglio
The Mayor of Palm Beach
360 South County Road
Palm Beach, Florida 33480*

Dear Mayor Coniglio,

My husband, William Soter, and I have had great concerns about Jennifer J. Naegele's plans for the restoration of 70 Middle Road, Palm Beach, Florida. For years, we and others have endured people coming and going, messy dumpsters, garage doors open, shutters up at windows all year long, and unkempt grounds. It has been a mess.

When the notice came regarding the Landmarks Preservation Commission application and the Zoning Application to be heard by the Town Council on April 15, 2020, we became worried about the placement of the generator facing via Marina. Jacqueline Albarran, an architect with SKA Architect + Planner met with me. She shared the plans and we walked the area. We do not believe that we have any concerns regarding the placement of the generator according to the plans that I saw the beginning of March.

However, we have concerns about the shrubbery facing via Marina. It is all old and too many different kinds mixed in together. There is no ground cover, but dirty sand and poor sidewalks.

We are pleased that we were able to see the plans for the generator, for there were so many stories. We hope that Ms. Naegele will follow the rules set by the Town Council of Palm Beach and will maintain a neat and clean construction site, for this has not been the case for the last four or more years.

Sincerely,

Sally
Sally Ross Soter

550 S. Ocean Blvd.
Palm Beach, Florida

February 4, 2020

Re: Application for Variances at 70 Middle Road

Mayor Coniglio and Members of the Town Council
Town of Palm Beach

We are writing to request the discussion of the zoning variances requested by the owner of 70 Middle Road, application COA #002-2020, be deferred to a later Town Council meeting. The application is scheduled to be brought before the Town Council next week on February 12, but it seems something went awry with the notifications to neighbors living within 300 feet.

We certainly don't know all of our neighbors, but we did not receive the certified letter of notification and neither did any of other five neighbors we have asked. We think it is reasonable to send out notifications again and allow the neighbors time to review the owner's plans.

We look forward to the owner improving her home at 70 Middle Road, but we are also concerned we may be looking at a dumpster in front of the house for multiple years again. Should the Town Council approve remodeling work at 70 Middle Road and given the history of long delays in making improvements to the property, we request the Town Council require a detailed time schedule with appropriate deadlines for EACH item of work and add an incentive for getting the work done by the scheduled due dates.

Thank you for your consideration.

Martha and Dwight Schar

From: [Craig Omtvedt](#)
To: [Margaret Zeidman](#); [Lew Crampton](#); [Gail Coniglio](#); [Bobbie Lindsay](#); [Julie Araskog](#); [Kelly Churney](#); [Richard Rene Silvin](#); [Wayne Bergman](#); [Steven Stern](#)
Cc: [Martha Schar](#); [Charlotte Lowe](#); [Charlotte Beers](#); [Greg Dryer](#); [Sarah Soter \(srsoter@gmail.com\)](#); [Jill Glazer](#); [ellencunningham@mac.com](#); [susanisbishop@gmail.com](#); [Peter wood](#); [Adam Bulmer](#); [John Preston](#); [cochran63@mac.com](#)
Subject: Fwd: Transformer Easement
Date: Tuesday, July 07, 2020 5:03:52 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.*****

Dear Mayor, Town Council Members, and ARCOM members,

I am writing today regarding the various current town matters related to 70 Middle Rd. Specifically, three items:

1. Request for 5 variance approvals
2. What will be the allowed timeframe for completion of the planned remodeling work
3. Sorting out the required transformer service and transformer placement

Having spoken with or seen correspondence from more than 10 of our neighbors bordering Jennifer's property or in the vicinity on Middle Rd, this is a matter of grave concern and interest to all of us. Additionally, despite our repeated attempts to engage in constructive conversation with Jennifer, all attempts have been met with ranting emails that have taken us nowhere. We need your help!

All of this said, I am aware that many, if not all of you, have received similar correspondence from her. Sad.

I offer the following:

1. Variance Approval

As I and others assume you will, please ensure the requested variances are truly necessary and will add to the beauty and architectural aesthetic of the neighborhood.

2. Construction Timeline

The neighborhood has endured years of worker vehicles and dumpsters at 70 Middle Rd. While I am aware that Jennifer has had health issues to deal with both personally and among family members, it only partially excuses the lack of responsible management and consideration of the neighborhood.

3. Transformer requirement and Placement

First, let me say how gracious and helpful Steve Stern has been in helping me understand the issues and possible options.

That said, having had numerous conversations with Steve to understand the issues and possible options, it is clear that Jennifer

has not taken the time or put forth the effort to properly consider what best serves both her and the neighborhood

Please note the attached email and attachments sent to Jennifer, her lawyer and architect on June 30th. A few points of emphasis:

1. Jennifer's electric meter calls for a three phase open delta transformer. As such, she can't be serviced by other transformers in the area. Regardless, as you will note, there is at least one reasonable option for a transformer on her property, maybe more. Also, the transformer will serve only her property. She would not be doing this for the greater good.
2. Jennifer refers to a Via Marina Chicane as life saving. Ridiculous. As you all know, Via Marina is a short street with minimal traffic and stop signs east and west at its intersection with Middle Rd.

In closing, let me highlight that our neighborhood is the result of the town's foresight to landmark properties and its investment to maintain the beauty and aesthetic of the area. We as owners have done the same. Our collective effort is not just for us, but for generations to come.

As such, it is requested that you deal with variance approval, construction timeline and undergrounding transformer need/placement in totality rather than as individual matters. It is also requested that any decisions be tabled and put on hold until an informed reasonable discussion can take place regarding the totality of the matters.

Thank you and regards, Craig Omtvedt

----- Forwarded message -----

From: **Craig Omtvedt** <cpomtvedt@gmail.com>

Date: Tue, Jun 30, 2020 at 10:28 AM

Subject: Transformer Easement

To: <2ordernow@gmail.com>

Cc: Maura Ziska <mziska@floridawills.com>, <jackie@jackiealbarran.com>

Hi Jennifer,

Thanks for your recent text. Always good to have the facts. Let me return the favor.

1. Your drawings are a gross exaggeration of what is needed. The 12'x13' you continue to reference is both the transformers and work space requirement.

The worst case space requirement for the actual transformers is 80"L x 36"W x 34"H. If you would take the time to get an electrician out to check your electrical panel and needs, it could be that you could have your meter replaced

with a more current meter and only need a single phase transformer 40"L x 36"W x 34"H. Note attachment showing proposed placement of transformers in a partially enclosed area with your air conditioning units. Also note elimination of easement space as shown.

2. Yes, you will have four south side windows, but none on the ground level. The two windows on the first floor will basically be light only windows with likely minimal. if any, exterior viewing down onto the air conditioning units and a placed transformer. The second story windows will either overlook your air conditioning units and a placed transformer or your air conditioning units and a Chicane. As such, and given it can be done right with placement and landscaping, you are giving up very little having the transformer on your property.

Lastly, a few other things for you to ponder:

1. When all is said and done, there will be nine transformers in the area. Five already exist on neighbor's property, two neighbors have graciously accepted transformers, and placement discussion is starting regarding a third. Only you, who ironically will be the only one served by your transformer, is not taking the actions necessary to get all the facts and support the best outcome for the neighborhood.

2. Again, it's a straightforward process:

- A. Confirm your current electrical needs
- B. Constructively participate in a full, qualitative discussion of options
- C. Go with the best option for both you and the neighborhood

3. You are correct that FPL doesn't know what you currently have for electrical infrastructure. Like other utilities, they only go to the meter, The house side of the meter is your responsibility. If the meter you have is in excess of what you currently need and the meter just didn't get changed out along the way, there may be a simpler transformer option than currently on the table

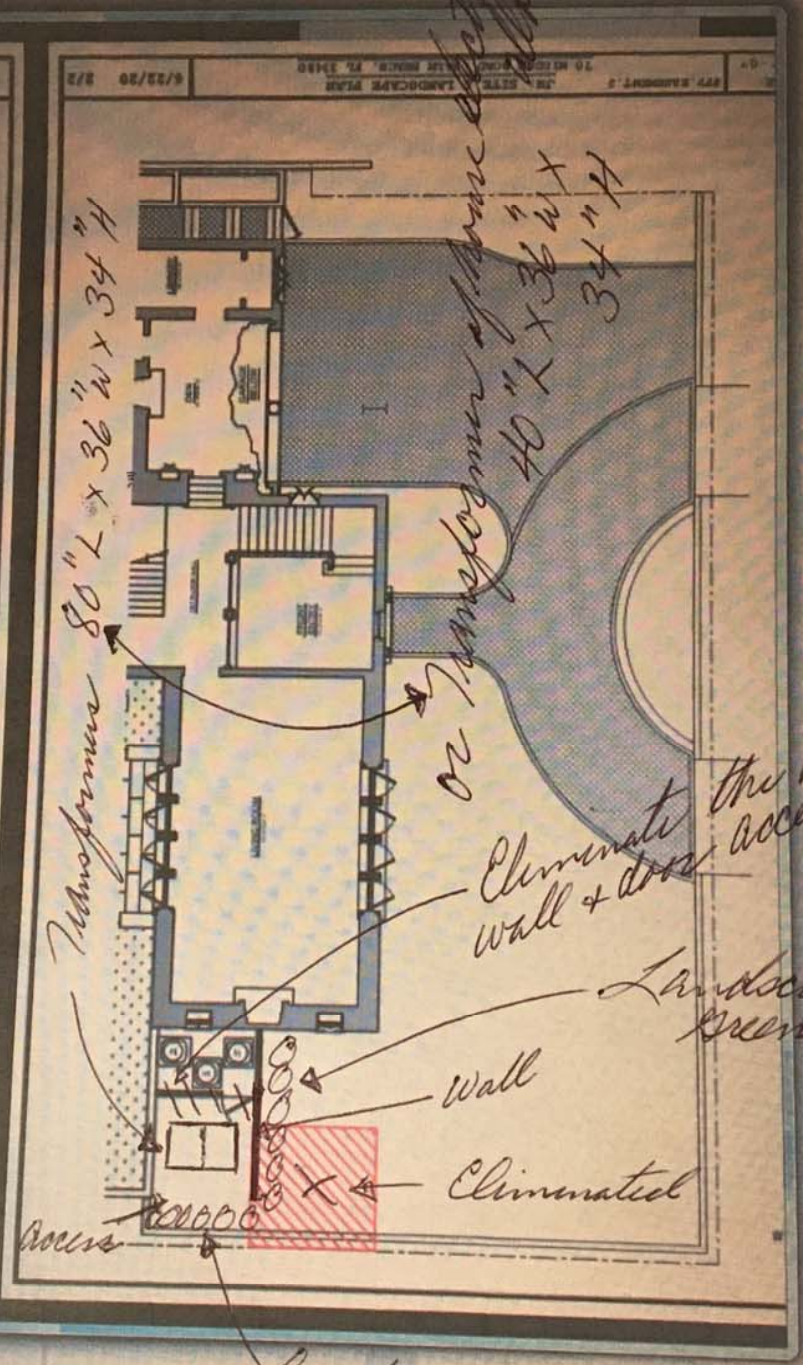
In summary, Jennifer, please discontinue your extreme emails, get the facts regarding your home's electrical infrastructure, and let's work together to get to an answer we can all understand and accept.

Best, Craig

ps. It is truly disappointing that you won't take a call. We could move this ahead so much more productively and efficiently with a call.

Sent from my iPhone

mail.google.com/mail/u/0/?ui=2&view=bt&ver=1nj101dboqm98&msg=%23msg-#%3A16703276214314329798&att...
PROPOSED BY TPB(FPL AND KIMLEY-HORN)



Eliminate the proposed south access

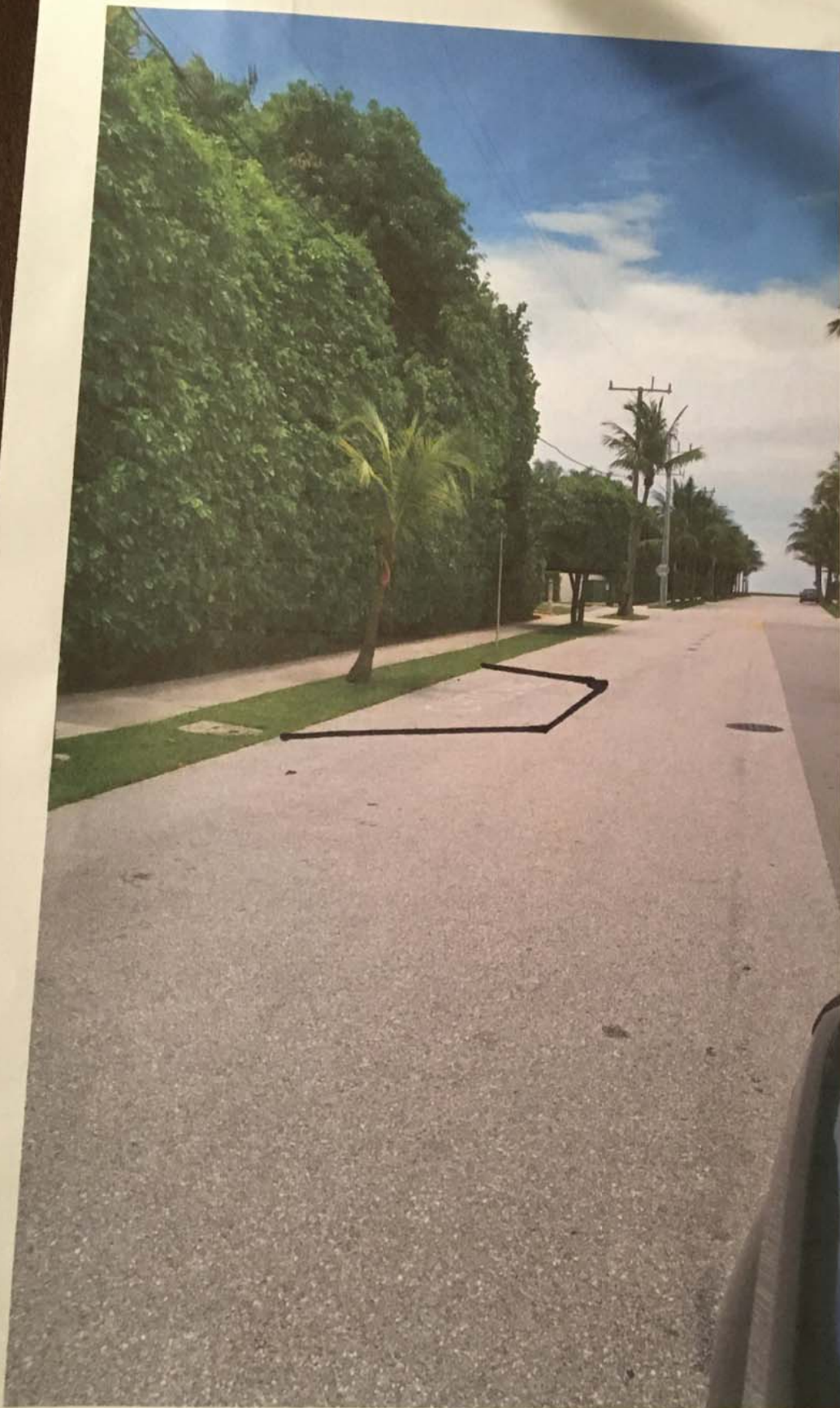
Landscaping Greenery

wall

Eliminated

Access

Landscaping Greenery



* Last
resort
Chucane
for
70
Middle
Rd.
Transformers
or
Transformer

TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2020

Section of Agenda

Development Review - Old Business

Agenda Title

Z-20-00247 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

Zoning District: C-WA Worth Avenue The application of Le Bilboquet (Philippe Delgrange, Principal), Applicant, relative to property located at **247 WORTH AVE SUITE: A**, legal description on file, is described below. 1) Sec. 134-1159 (a) (6), Sec. 134-329 and Sec. 134-229: A request to modify the previously approved Special Exception with Site Plan Review to add 51 additional seats to the previously approved 109 seat, 3,590 square foot restaurant ("Le Bilboquet") on both the 1st and 2nd floor in the rear of the via located at 247 Worth Avenue (160 total proposed seats). In addition, to add 594.5 square feet on the back of the building to house a cooler/storage area and elevator and two retractable awnings totaling 512 square feet over the via. There are also two existing permanent awnings that will be replaced with three awnings of the same approximate size. There is also an existing awning on Worth Avenue that will be replaced with an awning of the same approximate size. There will be new mechanical equipment located on the roof that will be screened. Additionally, the restaurant plans to have background music in the via. 2) Sec. 134-1159 (a) (6), Sec. 134-2176 and Sec. 134-2001: A request for Special Exception with Site Plan Review modification to allow 58 seats to be outside in the via in lieu of the 48 seats previously approved. 3) Sec. 134-1161 (a): A variance to have 58 outdoor seats over the inside capacity. The Code does not allow outdoor seating above the indoor capacity of the tenant space. 4) Sec. 134-1163 (7): A variance request to have a rear yard setback of 5.5 feet for the elevator and 2.5 feet for the cooler/storage building in lieu of the 10 foot minimum required in the CWA Zoning District. 5) Sec. 134-1163(9): A variance request to allow a lot coverage for the elevator, cooler/storage building and retractable awnings of 84.6% in lieu of the 72.4% existing and the 35 % maximum allowed in the C-WA Zoning District for a two story building. 6) Sec. 134-1163(11): A request for a landscaped open space to be 3.5 % in lieu of the 4% existing and the 25 % minimum required in the C-WA Zoning District for a two story building. 7) Sec. 134-2175, Sec. 134-329 and Sec. 134-229: A request for a variance to provide zero (0) on-site parking spaces in lieu of the required 24 parking spaces that would be required under the principle of

equivalency for the additional 51 seats being requested and the new elevator and 494 square foot cooler/storage building that is being added. A variance was previously approved to eliminate the requirement of 29 parking spaces. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the June 24, 2020 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated June 26, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2020

To: Mayor and Town Council

From: Wayne Bergman, Acting Director, Planning, Zoning & Building Department

Subject: **Z-20-00247 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE
247 WORTH AVE SUITE: A**

Date: June 26, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

1) Sec. 134-1159 (a) (6), Sec. 134-329 and Sec. 134-229: A request to modify the previously approved Special Exception with Site Plan Review to add 51 additional seats to the previously approved 109 seat, 3,590 square foot restaurant ("Le Bilboquet") on both the 1st and 2nd floor in the rear of the via located at 247 Worth Avenue (160 total proposed seats). In addition, to add 594.5 square feet on the back of the building to house a cooler/storage area and elevator and two retractable awnings totaling 512 square feet over the via. There are also two existing permanent awnings that will be replaced with three awnings of the same approximate size. There is also an existing awning on Worth Avenue that will be replaced with an awning of the same approximate size. There will be new mechanical equipment located on the roof that will be screened. Additionally, the restaurant plans to have background music in the via. 2) Sec. 134-1159 (a) (6), Sec. 134-2176 and Sec. 134-2001: A request for Special Exception with Site Plan Review modification to allow 58 seats to be outside in the via in lieu of the 48 seats previously approved. 3) Sec. 134-1161 (a): A variance to have 58 outdoor seats over the inside capacity. The Code does not allow outdoor seating above the indoor capacity of the tenant space. 4) Sec. 134-1163 (7): A variance request to have a rear yard setback of 5.5 feet for the elevator and 2.5 feet for the cooler/storage building in lieu of the 10 foot minimum required in the C-WA Zoning District. 5) Sec. 134-1163(9): A variance request to allow a lot coverage for the elevator, cooler/storage building and retractable awnings of 84.6% in lieu of the 72.4% existing and the 35 % maximum allowed in the C-WA Zoning District for a two story building. 6) Sec. 134-1163(11): A request for a landscaped open space to be 3.5 % in lieu of the 4 % existing and the 25 % minimum required in the C-WA Zoning District for a two story building. 7) Sec. 134-2175, Sec. 134-329 and Sec. 134-229: A request for a variance to provide zero (0) on-site parking spaces in lieu of the required 24 parking spaces that would be required under the principle of equivalency for the additional 51 seats being requested and the new elevator and 494 square foot cooler/storage building that is being added. A variance was previously approved to eliminate the requirement of 29 parking spaces.

Page Two

ADDRESS: 247 WORTH AVE SUITE: A
OWNER: HOLZER JANE B &
OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA
PROPERTY CONTROL NO.: 50-43-43-23-05-015-0480
ZONING DISTRICT: C-WA Worth Avenue
LEGAL DESCRIPTION: ROYAL PARK ADD LTS 48 TO 51 INC
BLK 15

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/18/20

APPLICATION NO.: Z-20-00247 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 247 WORTH AVE SUITE: A **TENANT:** LE BILBOQUET

DESCRIPTION:

1) Sec. 134-1159 (a) (6), Sec. 134-329 and Sec. 134-229: A request to modify the previously approved Special Exception with Site Plan Review to add 51 additional seats to the previously approved 109 seat, 3,590 square foot restaurant ("Le Bilboquet") on both the 1st and 2nd floor in the rear of the via located at 247 Worth Avenue (160 total proposed seats). In addition, to add 594.5 square feet on the back of the building to house a cooler/storage area and elevator and two retractable awnings totaling 512 square feet over the via. There are also two existing permanent awnings that will be replaced with three awnings of the same approximate size. There is also an existing awning on Worth Avenue that will be replaced with an awning of the same approximate size. There will be new mechanical equipment located on the roof that will be screened. Additionally, the restaurant plans to have background music in the via. 2) Sec. 134-1159 (a) (6), Sec. 134-2176 and Sec. 134-2001: A request for Special Exception with Site Plan Review modification to allow 58 seats to be outside in the via in lieu of the 48 seats previously approved. 3) Sec. 134-1161 (a): A variance to have 58 outdoor seats over the inside capacity. The Code does not allow outdoor seating above the indoor capacity of the tenant space. 4) Sec. 134-1163 (7): A variance request to have a rear yard setback of 5.5 feet for the elevator and 2.5 feet for the cooler/storage building in lieu of the 10 foot minimum required in the C-WA Zoning District. 5) Sec. 134-1163(9): A variance request to allow a lot coverage for the elevator, cooler/storage building and retractable awnings of 84.6% in lieu of the 72.4% existing and the 35 % maximum allowed in the C-WA Zoning District for a two story building. 6) Sec. 134-1163(11): A request for a landscaped open space to be 3.5 % in lieu of the 4 % existing and the 25 % minimum required in the C-WA Zoning District for a two story building. 7) Sec. 134-2175, Sec. 134-329 and Sec. 134-229: A request for a variance to provide zero (0) on-site parking spaces in lieu of the required 24 parking spaces that would be required under the principle of equivalency for the additional 51 seats being requested and the new elevator and 494 square foot cooler/storage building that is being added. A variance was previously approved to eliminate the requirement of 29 parking spaces.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Acting Director, Planning, Zoning & Building	2/27/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	3/1/2020	Plans and calculations to quantify the new and redeveloped impervious area as a percentage of the existing total area of the common grounds along with confirmation that the drainage system onsite is functioning as designed will be required. Supplementary Stormwater Improvements may be needed to treat the redeveloped areas. Direct discharges into the Town system are no longer permitted.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	2/27/2020	The exiting and egress concerns to comply with the adopted fire code for the number of people in the space will need to be reviewed. I have shared some of the code requirements for spacing and egress pathways with the designer.



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/18/20

PZB - ZONING

Paul Castro, Zoning
Administrator

3/2/2020

The proposed modificaitons include two additions onto the back of the building and awning that almost completely close of the via/courtyard area. The applicant should lower the proposed parapet that screens the equipment as it is at least two feet above the top of the equipment. In addition, the applicant has a proposed fence and gates on the neighbors property to the north that have to be removed or place on the landlords property. Lastly, the project requires traffic concurrency approval prior to consideration by the Town Council .

TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00257 VARIANCE(S) Zoning District: R-B Low Density Residential The application of ILLKM PB LLC (Jeffrey Weiner, Member), Applicant, relative to property located at **655 ISLAND DR**, legal description on file, is described below. A request to allow the demolition of the existing wooden marginal dock and replacement with a new marginal dock and construct a new boat lift and Jet ski lift which will require the following variances: 1) The new boat which will be 21.83 feet west of the U.S. Pierhead line in lieu of the 6 foot maximum allowed. 2) The new Jet Ski lift which will be 17.83 feet west of the U.S. Pierhead line in lieu of the 6 foot maximum allowed. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▢ **Memorandum Dated June 26, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▢ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2020

To: Mayor and Town Council

From: Wayne Bergman, Acting Director, Planning, Zoning & Building Department

Subject: **Z-20-00257 VARIANCE(S)**
655 ISLAND DR

Date: June 26, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

A request to allow the demolition of the existing wooden marginal dock and replacement with a new marginal dock and construct a new boat lift and Jet ski lift which will require the following variances: 1) The new boat which will be 21.83 feet west of the U.S. Pierhead line in lieu of the 6 foot maximum allowed. 2) The new Jet Ski lift which will be 17.83 feet west of the U.S. Pierhead line in lieu of the 6 foot maximum allowed.

ADDRESS: 655 ISLAND DR

OWNER: ILLKM PB LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-27-01-000-0591

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: PLAT OF EVERGLADES ISLAND S 70 FT OF LT
59 & N 40 FT OF LOT 61

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 5/15/20

APPLICATION NO.: Z-20-00257 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 655 ISLAND DR

DESCRIPTION:

A request to allow the demolition of the existing wooden marginal dock and replacement with a new marginal dock and construct a new boat lift and Jet ski lift which will require the following variances: 1) The new boat which will be 21.83 feet west of the U.S. Pierhead line in lieu of the 6 foot maximum allowed. 2) The new Jet Ski lift which will be 17.83 feet west of the U.S. Pierhead line in lieu of the 6 foot maximum allowed.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Acting Director, Planning, Zoning & Building	5/22/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/1/2020	No comments at this time - Bulkhead design shall be reviewed at permit submittal.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	5/22/2020	There are no fire code concerns with this project.
PZB DIRECTOR	Wayne Bergman, Acting Director, Planning, Zoning & Building	5/22/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/2/2020	The applicant need to demonstrate what the hardship is for the proposed dock. Other nonconforming aspects of the existing dock can remain.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00258 VARIANCE(S) Zoning District: R-A Estate Residential The application of Maura Ziska, Trustee of the 1047 South Ocean Boulevard Trust, Applicant, relative to property located at **1047 S OCEAN BLVD**, legal description on file, is described below. Section 134-843(11): Applicant Is proposing to remove two (2) existing cantilevered balconies on the back of the residence totaling 102 square feet and replacing them with one (1) larger cantilevered 404 square foot balcony that connects to an existing second story roof deck which will require a variance for lot coverage of 43.92% in lieu of the 41.69% existing and the 25% maximum allowed In the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated June 26, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2020

To: Mayor and Town Council

From: Wayne Bergman, Acting Director, Planning, Zoning & Building Department

Subject: **Z-20-00258 VARIANCE(S)**
1047 S OCEAN BLVD

Date: June 26, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

Section 134-843(11): Applicant Is proposing to remove two (2) existing cantilevered balconies on the back of the residence totaling 102 square feet and replacing them with one (1) larger cantilevered 404 square foot balcony that connects to an existing second story roof deck which will require a variance for lot coverage of 43.92% in lieu of the 41.69% existing and the 25% maximum allowed In the R-A Zoning District.

ADDRESS: 1047 S OCEAN BLVD

OWNER: 1047 S OCEAN BLVD LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-35-00-002-0150

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: 35-43-43, N 100 FT OF S 1865.25 FT OF GOV LT
2 E OF OCEAN BLVD

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 5/15/20

APPLICATION NO.: Z-20-00258 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 1047 S OCEAN BLVD

DESCRIPTION:

Section 134-843(11): Applicant is proposing to remove two (2) existing cantilevered balconies on the back of the residence totaling 102 square feet and replacing them with one (1) larger cantilevered 404 square foot balcony that connects to an existing second story roof deck which will require a variance for lot coverage of 43.92% in lieu of the 41.69% existing and the 25% maximum allowed in the R-A Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/1/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/1/2020	No comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/2/2020	There are no fire code concerns with the proposed project
PZB DIRECTOR	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/1/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	6/29/2020	The proposed variance appears to be de minimis.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00259 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Julia Koch, Applicant, relative to property located at **150 S OCEAN BLVD**, legal description on file, is described below. Section 134-993(13): The owner is proposing a renovation that will increase the ceiling height in a 2nd story bedroom comprising of 1,010 square feet by approximately 1.3 feet. This will require a variance to be requested to increase the cubic content ratio to 4.70 in lieu of the 4.68 existing CCR and the 3.68 maximum allowed. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated June 26, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2020

To: Mayor and Town Council

From: Wayne Bergman, Acting Director, Planning, Zoning & Building Department

Subject: **Z-20-00259 VARIANCE(S)**
150 S OCEAN BLVD

Date: June 26, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

Section 134-993(13): The owner is proposing a renovation that will increase the ceiling height in a 2nd story bedroom comprising of 1,010 square feet by approximately 1.3 feet. This will require a variance to be requested to increase the cubic content ratio to 4.70 in lieu of the 4.68 existing CCR and the 3.68 maximum allowed.

ADDRESS: 150 S OCEAN BLVD

OWNER: KOCH DAVID H TR

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-22-05-000-0010

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: PRIMAVERA ESTS (OCEAN SEC) LTS 1 THRU 4

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 5/15/20

APPLICATION NO.: Z-20-00259 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 150 S OCEAN BLVD

DESCRIPTION:

Section 134-993(13): The owner is proposing a renovation that will increase the ceiling height in a 2nd story bedroom comprising of 1,010 square feet by approximately 1.3 feet. This will require a variance to be requested to increase the cubic content ratio to 4.70 in lieu of the 4.68 existing CCR and the 3.68 maximum allowed.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/1/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/1/2020	No comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/2/2020	There are no fire code concerns with the proposed project
PZB DIRECTOR	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/1/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	6/4/2020	The applicant needs to demonstrate to the satisfaction of the Town Council that a hardship exists to allow the variance.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00260 SPECIAL EXCEPTION WITH SITE PLAN REVIEW WITH

VARIANCE(S) Zoning District: R-B Low Density Residential The application of Matthew and Anne Iorio, Applicant, relative to property located at **131 SEAVIEW AVE**, legal description on file, is described below. Section 134-8939(c): Special Exception with Site Plan Review to allow the renovation of an existing two story residence and swimming pool by demolishing more than 50% cubic footage on portions of platted lots with a depth of 97.12 feet in lieu of the 100 foot minimum required in the R-B Zoning District and an area of 9,712 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The request is to demolish a 1 story/237 square foot exercise room in the rear of the house; a 1 story/720 square foot Florida room in the rear of the house; and add a 386 square foot two story family room (first floor) and bedroom (second floor); and a 292 square foot loggia. The following variances are being requested: 1) Section 134-893(b)(5): a front yard setback of 24.9 feet in lieu of the 30 foot minimum setback required; 2) Section 134-893(b)(7): a west side yard setback of 4.9 feet in lieu of the 4.9 feet existing and the 15 foot minimum setback required; 3) Section 134-893(b)(11): a lot coverage of 31.3% in lieu of the 30% maximum allowed; 4) Section 134-893(b)(13): a cubic content ratio of 6.90 in lieu of the 6.99 existing and the 4.03 maximum allowed; 5) Section 134-893(b)(12): a landscape open space of 33% in lieu of the 45% minimum required; 6) Section 134-1757: an east side yard setback for the swimming pool of 6 feet in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated June 26, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

▢ **Letter Received June 30, 2020 from Steven Jeffrey Greenwald**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2020

To: Mayor and Town Council

From: Wayne Bergman, Acting Director, Planning, Zoning & Building Department

Subject: **Z-20-00260 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIATION**
131 SEAVIEW AVE

Date: June 26, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

Section 134-8939(c): Special Exception with Site Plan Review to allow the renovation of an existing two story residence and swimming pool by demolishing more than 50% cubic footage on portions of platted lots with a depth of 97.12 feet in lieu of the 100 foot minimum required in the R-B Zoning District and an area of 9,712 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The request is to demolish a 1 story/237 square foot exercise room in the rear of the house; a 1 story/720 square foot Florida room in the rear of the house; and add a 386 square foot two story family room (first floor) and bedroom (second floor); and a 292 square foot loggia. The following variances are being requested: 1) Section 134-893 (b)(5): a front yard setback of 24.9 feet in lieu of the 30 foot minimum setback required; 2) Section 134-893(b)(7): a west side yard setback of 4.9 feet in lieu of the 4.9 feet existing and the 15 foot minimum setback required; 3) Section 134-893 (b)(11): a lot coverage of 31.3% in lieu of the 30% maximum allowed; 4) Section 134-893 (b)(13): a cubic content ratio of 6.90 in lieu of the 6.99 existing and the 4.03 maximum allowed;

5) Section 134-893(b)(12): a landscape open space of 33% in lieu of the 45% minimum required; 6) Section 134-1757: an east side yard setback for the swimming pool of 6 feet in lieu of the 10 foot minimum required.

ADDRESS: 131 SEAVIEW AVE

OWNER: IORIO ANNE & MATTHEW

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-23-00-004-0020

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: 23-43-43, PT OF N 1/2 OF SUB NOF GOV LT 4 IN
OR850P317

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 5/15/20

APPLICATION NO.: Z-20-00260 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 131 SEAVIEW AVE

DESCRIPTION:

Section 134-8939(c): Special Exception with Site Plan Review to allow the renovation of an existing two story residence and swimming pool by demolishing more than 50% cubic footage on portions of platted lots with a depth of 97.12 feet in lieu of the 100 foot minimum required in the R-B Zoning District and an area of 9,712 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The request is to demolish a 1 story/237 square foot exercise room in the rear of the house; a 1 story/720 square foot Florida room in the rear of the house; and add a 386 square foot two story family room (first floor) and bedroom (second floor); and a 292 square foot loggia. The following variances are being requested: 1) Section 134-893 (b)(5): a front yard setback of 24.9 feet in lieu of the 30 foot minimum setback required; 2) Section 134-893(b)(7): a west side yard setback of 4.9 feet in lieu of the 4.9 feet existing and the 15 foot minimum setback required; 3) Section 134-893 (b)(11): a lot coverage of 31.3% in lieu of the 30% maximum allowed; 4) Section 134-893 (b)(13): a cubic content ratio of 6.90 in lieu of the 6.99 existing and the 4.03 maximum allowed; 5) Section 134-893(b)(12): a landscape open space of 33% in lieu of the 45% minimum required; 6) Section 134-1757: an east side yard setback for the swimming pool of 6 feet in lieu of the 10 foot minimum required.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/1/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/1/2020	No comments at this time - Stormwater Management System Plans shall be reviewed at permit submittal.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/2/2020	There are no fire code concerns with the proposed project. If the building is over 10,000 square feet town ordinance will require sprinkling the house.
PZB - PLANNING AND ARCHITECTURAL REVIEW			No Comment
PZB DIRECTOR	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/1/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	6/8/2020	The applicant should demonstrate to the Town Council that there is a hardship related to the variance portion of the application.

Re: 131 Seaview Ave Severe Iguana Feces Problem
Strong partial Objection to Application: #Z-20-00260, ARCOM B-0033-2020
Town Council hearing July 15, 2020, 9:30 A.M.

Dear Council, Mayor and Staff:

Thank you very much for taking the time to read this letter, which contains a strong objection in part to the above plan. Per Town Sec 134-328 we notify Council of great hazards in part of the applicants' plan. **This letter is 23 pages in total including photos below.**

FACTS:

For over three years iguanas would climb up a tree hedge located on the lot behind us, **131 Seaview**. Iguanas climbed it to go on our roof **daily**, leaving large amounts of feces on all sides of the roof of our apartment/garage building (at **128 Seaspray Ave**).

Iguana feces would come down with rain water on our heads when walking to our garage, when dressed to go out for dinner. Even after I had sprayed water for an hour to remove the feces, iguanas often would leave more feces again later in the day, or at different spots I could not reach.

Two summers ago, after being away for 2 months, we returned to find at least **40 square feet of dried iguana feces** all over our roof. It took our worker a dangerous full day to clean the dried hard iguana feces, risking harm to himself. Detergents on a roof are slippery, iguana feces are dangerous.

We had to immediately clean feces off our roof countless times the past 3 or more years, carefully, and *cleaning our driveway*, from roof feces that fall (see photos of feces on plastic). Cleaning properly to remove all residue and bacteria is difficult, time consuming and expensive. You can't just leave feces sitting on a roof, it will come down later when it is raining, on our heads. We would hose *what could reach* immediately, no matter how busy we were.

Iguana feces were never by our pool or anywhere on our property. **We were otherwise not bothered by iguanas. Only on our roof were feces left by iguanas, always climbing the 131 Seaview tree hedge.** Often more than one iguana at a time, sometimes daily.

Iguanas would climb up the 131 Seaview tree hedge, traveling toward and onto our roof. **We actually witnessed exactly how iguanas did this many times.** We saw many iguanas on the back and front of our garage roof many times. **The 131 Seaview tree hedge was an "iguana ladder."**

There was no other way iguanas were getting on the roof, as any other possible avenues were completely eliminated.

We have never seen iguanas on our property, except when the iguana is *climbing their hedge to (or from) our roof*. Currently there are no iguana nests on our lot, and we look repeatedly. But that is not a concern. *It is when iguanas have a way to the roof, that there is a real danger* (see links below to videos and articles).

FECES WOULD ALSO SPLASH INTO THE PATIO AREA OF 131 SEAVIEW: Iguana feces from our *rear* garage roof area would fall with rain water down onto our mutual wall, and then splash onto 131 Seaview's rear patio floor. I saw feces on our mutual wall every time I looked, and also on the edge of our rear roof. I told the prior owner. When removing feces from the wall in the past using a ladder, I looked over the wall and saw feces on their patio floor.

For over 3 years it often **smelled like an open toilet sewer** from iguana feces bacteria and residue at their northwest corner, and our Southwest corner. *Their outdoor grill is just under the common wall that would have lots of feces on it (see photo attached). The feces were from iguanas on our roof that climbed their tree hedge*. Feces would fall onto the wall below. *Rain would splash feces from our roof onto the wide common wall, then splash feces down to their patio*. My wife and I tried everything to stop this, but nothing worked.

Cutting the 131 Seaview hedge by some 6 feet away from my soffits was the only remedy for all of this (more on this below below). **This was 100% effective.** I can also detail about the many other unsuccessful remedies we attempted if you wish (see *notes* below).

IGUANAS HAD BEEN CLAWING OUR ROOF VENT to enter our ATTIC: Iguanas had been clawing our long roof vent system, bending it, almost entering our attic. The vent system is at the very top of our roof, extends about 15 feet, and is about 1.5 ft wide. We had to seal that entire vent system with roof asphalt, to stop iguanas from entering our attic. *Anyone can come by our house and see how we did this*. Iguanas still pick at the area, and we had to repair that (Links below, iguanas with sharp powerful claws must be kept off of roofs).

See the link below of a family that had many iguanas living in their attic. The best plan for avoiding all of this is **simply to not plant trees anywhere near a neighbor's house or soffits**. Experts tell us this, it is common sense.

AN ONGOING PROBLEM: We've had a remarkably trouble free home for 23 years. The only ongoing issue has actually been the 131 Seaview tree hedge. Years ago the problem was the same tree hedge causing insects to swarm into our soffits and attic. Years later that same tree hedge caused the problem of iguanas climbing our roof. The prior owner would never cut it enough, and the limited hedge cutting I was thereafter "allowed" by the owner was not adequate to keep iguanas away. In a week the hedge would provide the same bridge for determined iguanas. And often we were out of town (we can explain more on this if anyone wants).

Now several months ago, that prior owner died. While the property was in his name, **our landscapers cut a proper 6 feet of hedge away. Finally after years, the iguana problem that threatened to make our home uninhabitable ended completely** (it also seems to have solved the original bug swarm problem completely).

We placed devices to stop the iguanas from walking on the Comcast/ATT cable, but this 131 Seaview tree hedge was the real problem, as it could *provide a detour for iguanas around such devices*. The tree hedge provided a ladder directly to our roof (even if there was no cable). Their tree hedge provided ways for many iguanas to evade, and make their way to our roof.

CURRENTLY THE PROBLEM WAS SOLVED: *Now the problem is **solved 100 percent**.* Our landscapers in December properly cut away 6 feet of tree hedges properly, just as counties and municipalities recommend on their websites. *It is recommended by experts (some we spoke with): (1) never let iguanas have access to roofs. And (2) avoid planting any vegetation that iguanas can use to access roofs.* Pretty simple. And that is how this problem of iguanas was completely solved.

Since we cut away 6 feet of the tree hedge in late December 2019, there is *no iguana feces odor whatsoever at our common wall, no feces on the 131 Seaview side (using a ladder I had a look), nor any feces on our common wall. No iguana feces on our garage roof, nor iguanas clawing at our roof.* This can remain a success, unless tall trees are once again planted anywhere near our soffits. This Council has full authority to require a landscape plan that avoids known potential harm. In this case *it would be an easy plan of avoidance that would cost the applicants nothing and would benefit them.*

APPLICANTS' PLAN to plant TALL TREES and huge HEDGES AT OUR SOFFITS AGAIN, AMAZING BUT TRUE: Their complete plan includes variances, reduction and utilization of green space, etc. Towns see this as a key point when applicants must also **reveal to the town** any known problems affecting neighbors, including how their plantings could affect neighbors in the **future**. *Have these applicants done that?*

I did write their planners 2 letters (and had 2 phone calls) in a friendly way, carefully describing the known hazard of iguana feces all over our roof, falling on both our properties, caused by iguanas climbing their tree hedges near our building. *Have they **revealed this to the town?***

Applicants' plan is to install **tall trees** with **large branches**, and **tall hedges**, to be **at our roof soffits**, amazingly described exactly so in their plan! That plan is detailed in the notes below (photos too). Their project person admitted to me: *"these already grown trees will continue to grow tall and wide easily, along with large hedges"* and *"will be planted at the north border edges of their clients' lot on the west side"* to be right at our roof soffits! Unbelievable but true, **their plan is to provide the same tree ladder as before for iguanas, to our roof.**

This landscape project person admitted clearly to me: *“yes, these trees and hedges can be expected to continue to grow tall and wide.”*

We otherwise have no problem with applicants planting trees or hedges anywhere. We don't care if their trees or hedges grow 200 feet tall. But where their trees or hedges would be directly at or near our roof soffits, we will soon have many iguanas once again leaving hazardous feces all over our roof.

OUR HOME UNINHABITABLE VS “THE LOOK THEY PREFER” Iguanas in no time at all will climb up their planned trees to our roof. The iguana feces will once again be on our garage roof, front and back, making our home (and their patio area) to a great extent uninhabitable.

This in exchange for a small area of 131 Seaview to *“look the way the owner wants it, what they prefer.”* This was actually *stated* to me by their landscape project manager. We are talking about a very small area of the 131 Seaview lot, where *many other creative things can be done*.

Council has full authority under Florida Law to make sure this small area of 131 Seaview does not make our home uninhabitable. For over 3 years **we could not use our garage or driveway reliably, for fear of hazardous iguana feces falling on our heads when going out to dinner.**

It would take me hours to clean feces *behind* our garage, cleaning feces from the top of our mutual wall (just above the prior owner's grill) using many bottles of clorox. I had to immediately **spray away feces I could barely reach on the roof with a power hose, often 3 times per week, often using ladders.** Iguana feces and ladders are dangerous.

MY WIFE AND I ARE REASONABLE, WE ARE GOOD NEIGHBORS: Even today on sending this letter, I have written applicants (via their lawyer) and separately the landscape architects, that **we are still always available to discuss this.**

We are reasonable. There is another big construction next door (east of us). Applicants' will now be a *second side by side large project* at our house, while we are mostly home during Covid-19. But we are not complaining.

As to applicants' variance requests, there would be no complaint about that. Our concern is how the variances shape their landscape plans they propose to the town. *We would have absolutely no problem with whatever they want to build or plant, unless it is hazardous to our home, health and safety.* We have a “good neighbor” threshold.

We are also OK if applicants plant trees right next to their own house, with iguanas all over their own roof. Perfectly fine with us. No problem with that.

My wife and I are busy people. We would not write this kind of letter, spending time unless there **really** was the critical problem described.

We wanted to be good neighbors, to inform applicants of the severe iguana problem *they also have*, and we can solve together.

This was explained to them in **2 friendly letters** (with iguanas photos, and of feces, to the landscape group also) and **2 friendly phone calls**. I was told all of this was forwarded to the applicants, including our *friendly invite* for applicants to phone us, to *work on this together as good neighbors* (we are happy to provide copies of these letters).

The applicants have not phoned us, ever. Their landscape architects have never phoned us ever, nor responded to our letters. Their project manager took my call, and basically said his clients will do as they please. There needs to be a *real* method of trust and assurance from these applicants at this Town planning stage.

THE SIMPLE REMEDY: I am sure you by now have thought of the *simple remedy, that will cost these applicants nothing*, will benefit them, and give their planners a chance to show some *nice creativity: simply plant types of vegetation that look great, but won't grow tall if near our building*. This will stop iguanas from getting on our roof (and also stop feces splashing from our roof to their patio).

This remedy would benefit applicants, and involve a tiny percent **2.96% of 131 Seaview's total lot**. About **288** square feet [48 ft L x 6 ft W] of their total **9,712** sq foot lot. Applicants can plant other wonderful things in this small area. Our home will remain liveable, and their patio area will not have feces all over it. This would only involve the area near our garage building. Simple.

Our request is so small it is amazing applicants would not respond, and I had to send this letter and have this matter heard at Council. Again, this small area would *only* be our small common wall area near our garage building, beginning at the iguana device nearby (device that stops iguanas from walking on the cable). Anyone is welcome to come here and measure this. It is about **2.96% of their total 9,712 sq foot lot**. (The simple math: about 48 ft Length x 6 ft Wide = **288** sq ft. The percentage: $288 / 9,712 \times 100 = 2.96\%$ of their 9,712 Sq foot lot).

HARDSHIP? This tiny measure (**2.96%**) really should be as to their total **lot size**, rather than their green space. *It is applicants who are claiming a "hardship" if their greenspace is not allowed to be reduced (by variance)*. Their greenspace "hardship" reduction plan includes squeezing as many trees and hedges as possible to grow tall and wide right at our *roof soffits*, providing iguanas a fine ladder to our roof (their plan details & photos are below).

Where is the Hardship? We all know the applicants' repeated use of the word "hardship" in their application for variances is just a term, and does not refer to its true meaning. (See at: 20

Connecticut Law. Review, at page 669 (1987-1988). *Replacing the Hardship Doctrine: A Workable Test for Zoning Variances*). Link:
<https://heinonline.org/HOL/LandingPage?handle=hein.journals/conlr20&div=32&id=&page=>

A true hardship is my wife and I parking our car in the garage in the rain at night, and having iguana feces fall on our heads because a neighbor desires trees that iguanas can use to climb our roof.

Uniform zoning laws in the US and Florida require applicants show by the variance requests as a whole: *“that substantial justice is achieved.”* The applicant also must show that the variance requests *“do not harm public safety.”* And *“applicants must present competent, material, and substantial evidence that they meet all of the standards.”* **UNC Law Review: Variance Standards: What is hardship? And when it is unnecessary?** Link:
<https://canons.sog.unc.edu/variance-standards-what-is-hardship-and-when-is-it-unnecessary/>

APPLICANTS HAVE THE HEAVY BURDEN OF PROOF AT THIS HEARING: The burden of proof for all issues related at variance hearings is squarely on the applicants, **not their neighbors or the town.** Council may look critically at the entire related plan. *Gomez v. City of St. Petersburg*, 550 So.2d 7 (Fla. 2d DCA 1989). *If the owner presents no evidence that the property cannot be used without a part of their plans in question, there must be a denial.* *Herrera v. Miami*, 600 So.2d 561 (Fla. 3rd DCA 1992). And per the court: *“the burden is more extensive than for a party seeking a permissible use by special exception.”* Cf. *Gomez with Pollard v. Palm Beach City*, 560 So.2d 1358 (Fla. 4th DCA 1990).

MY WIFE AND I HAVE NO BURDEN OF PROOF AT ALL IN THIS HEARING. Applicants have the burden to prove many things. Florida also provided the requirement at F.S. 163.170(8) sub (c) *“that anything related to “the grant of the variance will be harmonious and non-injurious to the surrounding land.”* The Florida statute uses the words clearly **“harmonious, non-injurious to the surrounding land.”**

It is well known Florida law that variances and their related effects *“should not be granted where the use ... will interfere with other property.”* *Elwyn v. City Of Miami*, 113 So.2d 849 (Fla. 3rd DCA 1959).

Nor can applicants complain about the large soffits at our home built in 1925, nor our house situation: Applicants bought their property months ago, with advice likely from architects, designers, builders, landscape planners, lawyer, broker, etc. If the applicants' large trees are denied, it is not a “taking” in any way. *Namon v. State Dep't of Env'tl. Reg.*, 558 So.2d 504 (Fla 3rd DCA 1990) the Court said **no taking where the new owner should have been aware** *“even if no construction or economic use can be made of the property.”* The Court's words: **“if you bought a swamp you must have wanted a swamp”.**

A mere disadvantage due to the **owner's preference as to what "he would like to do" with the property is not sufficient** to constitute a hardship. Burger King v. Metropolitan Dade County, 349 So.2d 210 (Fla 3rd DCA 1977); Metropolitan Dade County v. Reineng, 399 So.2d 379 (Fla. 3rd DCA 1981); Nance, supra; Crossroads Lounge v. City of Miami, 195 So.2d 232 (Fla. 3rd DCA 1967).

*"A subjective expectation that the land **could be developed in a certain way**, is no more than **an expectancy**, and does **not translate into a vested right**" to develop the property the way they want. Graham v. Estuary Properties, Inc., 399 So.2d 1374, 1382, 1383 (Fla.), cert. denied sub nom. Taylor v. Graham, 454 U.S. 1083, 102 S. Ct. 640, 70 L. Ed. 2d 618 (1981)*

*"If the owner participated in an affirmative act which created the hardship [buying an imperfect small lot] then the **hardship** should be ruled **self-created**." Coral Gables v. Geary, 383 So.2d 1127 (Fla. 3rd DCA 1980). Are these applicants' creating their own "hardship", **stuffing too much buildings and large wide trees** (and hedges) **on a very small lot**?*

*'...[a]n owner of land has no absolute and unlimited right to change the essential natural character of his land so as to use it for a purpose for which it was unsuited ... and which **[injures] the rights of others**." Namon at 505, (original citation omitted) see also Ruckelshaus v. Monsanto Co., 467 U.S. 986, 1005, 104 S. Ct. 2862, 2874, 81 L.E.2d 815, 834 (1984).*

*"A person who purchases land with notice of ... impediments ... to develop that land **can justify few, if any, legitimate expectations** of development rights **which rise to the level of constitutionally protected property rights**"; cf. Elwyn v. City of Miami, 113 So.2d 849, 852 (Fla. 3d DCA 1959).*

*"A 'reasonable expectation' must be more than a '**unilateral expectation or an abstract need**'"; Namon citing Claridge v. New Hampshire Wetlands Board, 125 N.H. 745, 485 A.2d 287, 291 (1984)*

IGUANA FECES ARE A SERIOUS HEALTH HAZARD: The iguanas on our roof (see our pics) carry **diarrheogenic escherichia coli** (DEC) pathotypes. A known environmental health hazard as *"... a high proportion of DEC strains are **resistant**, or non-susceptible, to [even] carbenicillin, amikacin, and ampicillin."* Diseases from iguana feces are **resistant to very strong antibiotics. That is serious.**

Iguana feces mixed with rainwater is a hazard, falling from a roof, falling on driveway, onto walking areas, onto applicants' own patio! This is a hazard to our dog as well as my wife and I, to applicants themselves, and guests. See the link to the science. There are many such articles: [Captive Green Iguana Carries Diarrheogenic Escherichia coli Pathotypes](#) See also: [Captive green iguana is a reservoir of diarrheogenic Escherichia coli pathotypes](#)

The TOWN OF PALM BEACH also warns of this known serious health hazard: *“Green iguanas can transmit the infectious bacterium Salmonella to humans through contact with water or surfaces contaminated by their feces”*. Town link:

<https://www.townofpalmbeach.com/909/What-is-a-Green-Iguana>

PREVENTING THE FECES ON OUR ROOF WILL BENEFIT APPLICANTS: Feces are a dangerous hazard left by iguanas climbing above by using their tree hedge. Feces residue also would fall on their rear outdoor living area.

We were concerned for our little dog, but the applicants have a young child. Strange for them to not be concerned. Diseases iguanas carry are **resistant to most antibiotics** (see article link above). *An easy solution: to not plant tall growing trees that cause iguanas to climb a roof and leave feces that will stream with rainfall onto their own patio living area.*

Applicants may surprise with a “CHANGE of PLANS” at the last minute; all should still be placed on the record: Applicants may at this hearing “update” Council that they have “changed their minds,” and are not planning tall trees there after all. Either way, such tall trees are in fact their plan *filed with the town as of this writing*. And they could easily plant at a later date, or plant close enough to still be a problem. An understanding from applicants fully on the record is necessary and warranted that no tall growing plants be anywhere near our building. This is not asking much of these applicants, if they are truly changing plans.

Applicants’ expected proposal of a height limit solves nothing: Trees grow fast (and both parties may be out of town). Applicants’ expected “proposal” of a 14 foot tree limit by our 15 foot high soffits would obviously not solve this severe problem at all. Especially given the climbing ability of iguanas (see links, articles: *Iguanas are amazing climbers; “if they can get near a roof they can get on it”*).

Height limits alone are not practical, no matter what the “limit.” The “limits” are useless to enforce, as *people have a tendency to just let trees and hedges grow tall*.

And keeping huge trees like those proposed by applicants cut “low” is impossible, *given their species* (below are detail, photos, info on the species). Applicants have shown no sign they will take on the impossible, *their tree hedges even now are out of control*, and they have owned the house for months (see attached photos).

PERHAPS A SIMPLE TOWN CODE WOULD BE HELPFUL: We all know of the iguana explosion in Florida. Most critical is to not aid iguanas in climbing **neighbors’** roofs. With sensible landscape planning that’s easy to prevent (see links to articles, experts below).

A simple Town Code may be enacted that **tall growing vegetation not be planted near or under a neighbor’s roofs, soffits, buildings, etc.** And explaining in the code *purpose: “to prevent iguanas from climbing neighbors’ roofs.”*

Currently the Town has no code that addresses this novel yet critical problem at the planning/planting stage. Town codes are a way municipal officials avoid making the same ruling individually over and over again, and avoid wasted staff and police time on these issues.

Landscape planners and owners will know this simple rule in advance as to **neighbors' roofs**, a rule that will cost them nothing to follow. No problem if an owner wants trees near, and iguanas on **their own roof**. But **not** a neighbor's roof.

This would codify what is really common sense. Council has full authority under Section **163.315, Florida Statutes**: *"this act ... shall be interpreted as a recognition of [officials'] broad statutory and constitutional powers to plan for and regulate the use of land."*

Thank you for your time and service.

*Respectfully submitted, **Martha and Steven Jeffrey Greenwald, Esq.**
128 Seaspray Ave., Palm Beach*

The next pages ahead are LINKS, articles, videos and actual PHOTOS

(Click blue links twice if a problem with video to view)

Iguanas must be kept off roofs. Recent news of iguanas **living in a FAMILY'S ATTIC**. It happens all over Florida. Iguanas are a problem Palm Beach never had in the past, now here to stay. **Planting trees or hedges away from a neighbors' roof is an easy solution.** News link: <https://www.youtube.com/watch?v=SNZaJedOLqQ>

CBS News report. It explains that most "methods" of stopping iguanas are not practical against the current Florida iguana explosion. The methods do not work, are dangerous or could be illegal. See this **CBS** report link: <https://www.youtube.com/watch?v=wwk05LAXMFg>
And See the **NBC report**: <https://www.youtube.com/watch?v=ufqHYyA0Vdc>

See also **BLOOMBERG TV** report:
https://www.youtube.com/watch?v=mPwZ_zIFuY

January 2020 article, ***South Florida Overrun with Iguanas:***
<https://animals.howstuffworks.com/animal-facts/iguana.htm>

Iguana experts say never plant trees anywhere near homes in Florida. Iguanas are a bit of a nuisance, but on **roofs** they are a danger. Iguanas damage roofing, underlayment, and may get into the attic and house. See this link, experienced iguana handlers' warning of **hazards of iguana feces on a roof dripping down with rain water**. Iguanas can also climb down roof

exhaust pipes and appear in your toilet. See the link:

<https://www.iguana-solutions.com/roof-iguanas>

Experts we consulted said: *“If near a roof, then iguanas can find a way on it.”* Experts were puzzled about how tree hedges were allowed anywhere near our soffits: *“why did the neighbor even plant a hedge there.”* We were told: *“they need to cut that hedge far from your roof.”* They had no other remedies, and if hired all said they would do that first. So that is what **we** did, and it was **100% successful**.

Some unsuccessful iguana remedies we tried during the past 3 years: more than 40 tubes (caulk size) of BIRD-X clear sticky goop repellant placed all over the south side of my roof: useless, ineffective. Gallons of *Iguana Rid* sprayed everywhere around our roof and on the 131 Seaview hedge: useless, ineffective. Hanging many compact disks and other reflective things: totally useless. Other things were attempted. All attempted remedies cost quite a bit in total, for hired manpower and products, all were useless. I can elaborate more if you wish, I have receipts.

APPLICANTS’ TREE PLAN is actually far more hazardous than the prior owner. Applicants now plan to have huge trees all the way **across most of our 35 feet of roof soffits!** The prior owner’s tree hedge only extended 4 feet across, and yet that 4 feet caused severe iguana feces problems for years. **A simple viewing at our home will show the seriousness of this.** I will be happy to meet anyone at our home.

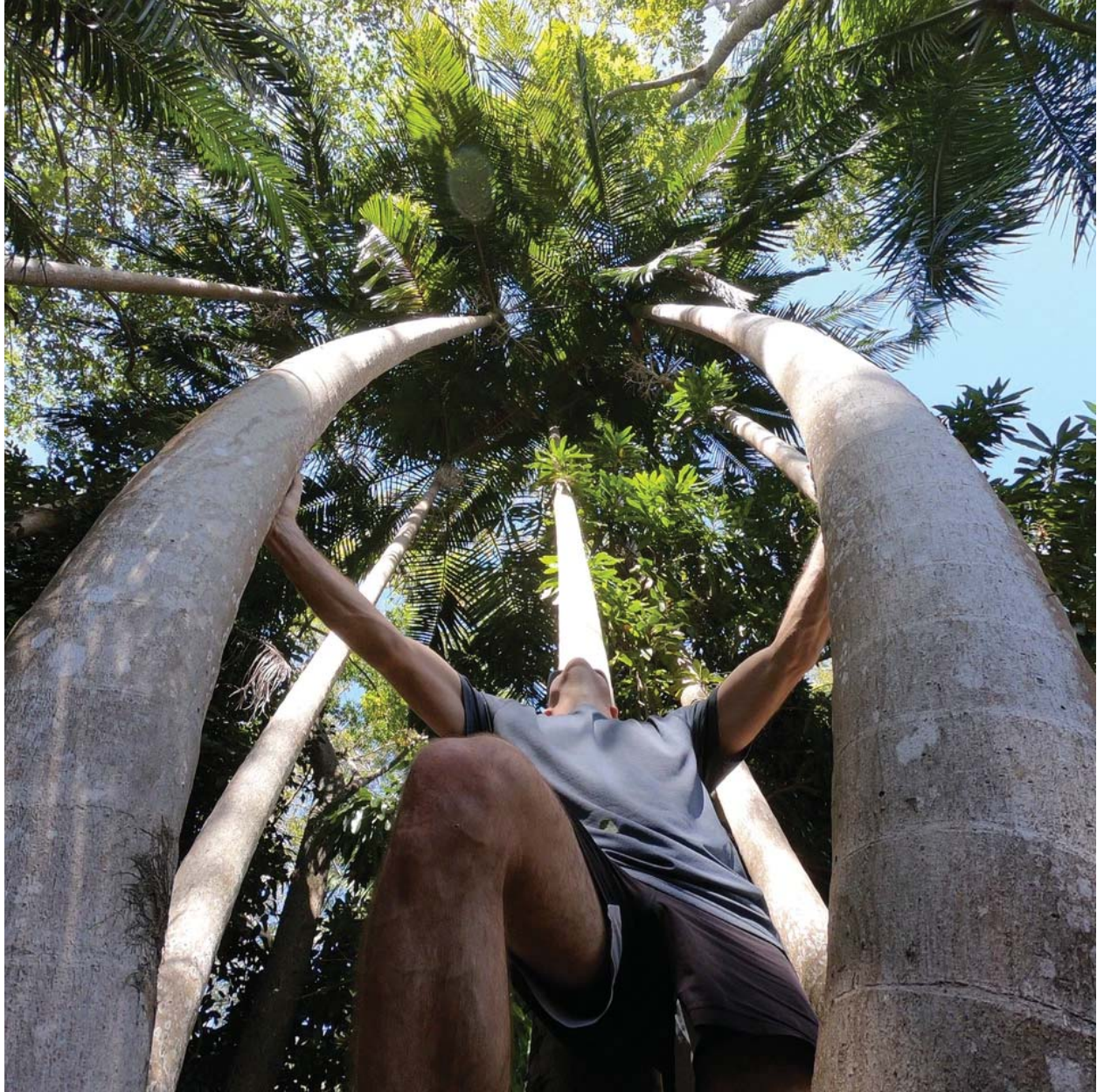
ALEXANDER PALMS: Applicants’ drawing, top of their page **45/63** states: **“(3) ALEXANDER PALM 14’ [14 feet height] CT., MATCHING TRUNKS”** to be planted just at their north/west at our mutual boundary wall. Oddly, their page **52/63** drawing shows there will be **4 of these trees**, and not 3. Their drawing shows planned **14 foot tall** grown/still growing tall trees (at their page **52/63**) **all across our roof soffits!** Our **roof soffits** are only **15 feet high**, and are located a **couple inches from the property line** where these will be planted, at our wall.

Their drawing actually shows these 4 palm trees’ big branches will be right at our roof soffits! (see their plan at page **52/63**). Behind what is drawn as palms on page **52/63**, **are our roof soffits 2 inches from the property line**. There is really no distance at all. And their page **45/63** shows the planting of these large palms to be **just at the wall**, our mutual property line.

Alexander palms are just large growing palms, nothing magic about them. They are a large wide branch tree that iguanas would easily climb to get to our roof. Applicants’ drawing shows large palms and hedges to be at our common wall, with branches just at our soffits and roof.

Palm trees obviously cannot be “trimmed lower” or you’d be left with a tall stump.

Their computer renderings, drawings all show **huge hedges and trees** all to be planted exactly where **their branches would be at our roof soffits** (at their pages **52/63** and **45/63**).



Here is what **Alexander Palms** *really* look like. They do grow! Photos at: <https://themoderngardeneronline.com/products/copy-of-alexander-palm-archontophoenix-alexandra-100lt-bag>

See more pics of **alexander palms** at <https://www.pinterest.com/pin/358176976584377694/>

PITCH APPLE TREES: Applicants' drawing also states "(2) PITCH APPLE 18' OA HT [18 feet overall average height] 8' SPR., FORM ARCH" at the top of their page **45/63**. These will be directly at our roof soffits. Most ominous, the **two huge 18 foot pitch apple trees** are also positioned in their drawings, **between our critical iguana cable guards** (at the ATT/COMCAST CABLE) that are currently preventing iguanas from travelling on the cable.



Pitch Apple trees, more huge trees planned. They *really look like* this photo. *Link to pics at:* <https://www.plantsmap.com/organizations/25206/plants/67499>

Our iguana cable guards are now protecting both our properties from iguana feces falling from our roof. Their trees and hedges planned, will render the cable guards useless, iguanas will climb to the cables and onto our roof and leave feces. Roof feces will once again fall on our heads, and feces will become many square feet on our roof, when we are out of town. **Those feces will once again fall in rainstorms onto applicants' own patio.**

Applicants' drawing (page 52/63) actually **shows pitch apple and other large hedges** planned for their north border, which would be **exactly at our roof soffits**. Same problem as the alexander palms. These and **other huge hedges** are shown to be planted **just at and under our soffits in their renderings**. (see their pages 52/63, and 45/63).

Applicants have on their drawings a symbol signifying a *hedge* (page 45/63). They also use the word "**arch**" for the two pitch apple trees. Call it hedge or not, **they are planning 14 and 18 foot tall trees and tall large hedges**, just at our roof soffits (their drawing page 52/63). All of this is over **a far greater area near our roof soffits than the prior owner!**

If applicants claim their tree branches will grow above our roof, that is also no answer. We have seen iguanas purposely drop down from hedges, and they are fine. Iguanas are sturdy and will find a way to our roof using these planned trees and hedges.



Photo shows **iguana stopping on approach at our bird spikes**. We also have a similar video of another iguana. Our devices will work fine unless trees or hedges are planted that provide a way iguanas can go around them. Applicants' trees and hedges planned will do just that.



ABOUT OUR PHOTOS OF THE IGUANA FECES ON PLASTIC: My wife and I ourselves would place plastic in front of our garage door to catch the iguana feces. The feces were so routine (often daily) **we would place the plastic, so the feces would fall on it**, so we could carry it away. We had to spray the roof (and driveway with clorox cleanup). Difficult to do daily. Roof and driveway cleanup of feces could be 2 hours a day. At times iguanas would leave feces a second time *after* we cleaned up. **Feces would then fall on our heads as we were walking to our cars.** My wife says we will never allow this to happen again.



Photo of another iguana heading away after confronting our bird spikes.



More feces on plastic in the front of our garage where we walk to our cars. This was a daily horror for months. Awful when **it fell on our heads in the rain**. Feces got everywhere. In this photo the feces you can see are elsewhere on the driveway also. And feces are on the very edge of the roof.



Photo: Iguana stopped by our spikes. These cable stopping devices are a safe humane way to deter. Iguanas simply head in the other direction. An **ATT tech** in the area told us our light plastic bird spikes and wheel are perfectly OK, not a problem for them. He said *"it will all be undergrounded soon anyways"* (**which will be great!**) He warned: *"get these tree hedges cut more, or **iguanas will be on your roof even with no cables.**"* So we did.



This Photo easily shows it all. Why **APPLICANTS' PLAN IS OUTRAGEOUS**. It shows the **mutual wall (property line) is exactly at our ROOF EDGE**. Applicants' property is on the left of the wall shown. Our newly painted yellow building and white soffits on the right of this wall. You see there is only an inch or two between our soffits and the property line (the wall). There is no real distance. **Applicants want their tall wide growing trees and hedges to be planted just at the left side of this wall, with branches at our roof soffits!** (pages 45/63 & 52/63 of their plan drawings). Given that, iguanas will be climbing back on our roof in no time at all, causing feces to land on both our properties once again.

It can also be seen in this photo that **feces** on our rear roof have nowhere to go in a rainstorm, except straight down onto our mutual wall and **splash onto applicants' patio area!** *Applicants should want no way for iguanas to climb near our rear garage roof.* Yet their new plan is to provide easy ways for iguanas to climb there. Strange but true.



PHOTO OF THE MUTUAL WALL OVER THEIR GRILL: At times feces were all over the mutual wall above their grill, and along the entire wall shown in the photo. Often it smelled like open toilets with feces. This photo was taken 7 months after **we cut away the tree hedge by 6 feet, which instantly stopped all iguana feces.** The wall is totally clean now, as seen in the photo. I spent hours spraying loads of clorox and power hosing the top of the wall, some 7 months ago. No *new* feces for 7 months. **Now applicants' want a plan that would return feces to that wall, and onto both of our properties.** Unknown why.



RECENT PICS OF HEDGES. Awful: Recent pics show applicants' current tree hedges are now out of control, though applicants have owned 131 Seaview for months. Their trees are a mangled mess, white fly everywhere (not sure they even spray). Their tree hedge is now laying on cable wires for 80 feet. Should we trust them to make an impossible **effort** to keep larger, **more difficult tree species** constantly cut away? (how does one "cut" large palm trees "lower"?) And see their planned *huge hedges* at our soffits in their drawings? (page **52/63**).



The RECENT PHOTO OF OUR IGNANA CABLE DEVICES PROTECTING US FROM

APPLICANTS' OUT OF CONTROL HEDGES: Our devices have proven **100%** successful stopping iguanas from traveling on the cable, unless a tree grows a "path" for iguanas to climb around it. You can see in our photo we have cut deep across the hedge tops with great effort to prevent that detour ability. **Applicants have done nothing to help, same as the prior owner.** These applicants have owned 131 Seaview for months.



Another **pic** shows how my landscapers had to cut their very thick tree hedge not only down, but **6 feet away** from our soffits. **Our large cutting stopped all iguana problems instantly.** That tree hedge area you can see in the pic was only *4 feet across our soffits*, and was very difficult to cut. Imagine applicants' new plan of trees across our entire *35 feet of roof soffits*. That will be an onerous effort to continuously cut the huge trees and hedges they are planning. For their planned alexander palms, it will obviously be impossible to "cut them lower."



Smaller iguana heading away from our device on the cable that deters them.

Our cable bird spikes and devices are currently protecting applicants' back patio also from iguana feces. Since placing the devices, and cutting their hedge 6 feet, no iguanas have been on our roof, and no feces falling from our roof onto either property. 100% success for seven months. *Instead of being grateful* for our time, hard work and expense, these *applicants' propose to make the situation far worse.*

TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00261 VARIANCE(S) Zoning District: R-A Estate Residential The application of Ann DesRuisseaux, Applicant, relative to property located at **800 S COUNTY RD**, legal description on file, is described below. The applicant is undertaking a renovation of a 2 story landmarked residence with accessory buildings and a boat house all located in the R-A Zoning District. The renovation includes raising the finished floor elevations of all of the structures to 9.0 feet NAVD. The renovation also includes a 10,590 square foot 2-story addition to the main residence; a 796 square foot addition to the boat house located at the NW corner of the property; demolition of the tennis pavilion by more than 50% of the cubic footage on the east side of the property and 200 square foot addition to the tennis pavilion; relocation of an existing 225 square foot cabana to be attached to the main residence; relocation of the 145 square foot 2-story generator building. The following variances are being requested: 1) 134-843(8): a north side yard setback of 5 feet for the boat house addition in lieu of the 30 foot minimum required; 2) 134-843(8): a north side yard setback ranging from 1.1 feet to 5.5 feet in lieu of the 30 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; 3) 134-843(8): a rear yard setback of 0 feet in lieu of the 15 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; 4) 134-843(8): a rear yard setback ranging from 0 feet to 13.4 feet in lieu of the 15 foot minimum required for the existing main house when raising the finished floor thus increasing the height in the setback; 5) 134-843(9): a rear yard setback of 12.58 feet in lieu of the 15 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; 6) 134-843(8): a north side yard setback of 14.5 feet for the 2-story generator building in lieu of the 30 foot minimum required; 7) 134-843(8): a south side yard setback ranging from 9 feet to 15.5 feet in lieu of the 30 foot minimum required for the new cabana and main house addition; 8) 134-843(10): a height in the main residence and addition to main house of 26.5 in lieu of the 25 foot maximum allowed; 9) 134-843(5): a front yard setback ranging from 6.3 feet to 22.83 in lieu of the 35 foot minimum required for the tennis pavilion; 10) 134-843(5): a front yard setback of 6.3 feet in

lieu of the 35 foot minimum required for the existing tennis pavilion when raising the finished floor thus increasing the height in the setback; 11) 134-843(12): a landscaped open space of 43.24% in lieu of the 71.56% existing and the 50% minimum required; 12) 134-843(6): an angle of vision and building height plane for tennis pavilion to be 144 degrees in lieu of the 120 degrees maximum allowed; and 13) 134-843(7): a building height plane setback of 6.3 feet in lieu of the 20.2 foot minimum required; and 14) 134-1759(c): a variance to not have a 10 foot high fence around the perimeter of the tennis court. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated June 30, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2020

To: Mayor and Town Council

From: Wayne Bergman, Acting Director, Planning, Zoning & Building Department

Subject: **Z-20-00261 VARIANCE(S)**
800 S COUNTY RD

Date: June 30, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

The applicant is undertaking a renovation of a 2 story landmarked residence with accessory buildings and a boat house. The renovation includes raising the finished floor elevations of all of the structures to 9.0 feet NAVD. The renovation also includes a 10,590 square foot 2-story addition to the main residence; a 796 square foot addition to the boat house located at the NW corner of the property; demolition of the tennis pavilion by more than 50% of the cubic footage on the east side of the property and 200 square foot addition to the tennis pavilion; relocation of an existing 225 square foot cabana to be attached to the main residence; relocation of the 145 square foot 2-story generator building. The following variances are being requested: 1) 134-843(8): a north side yard setback of 5 feet for the boat house addition in lieu of the 30 foot minimum required; 2) 134-843(8): a north side yard setback ranging from 1.1 feet to 5.5 feet in lieu of the 30 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; 3) 134-843(8): a rear yard setback of 0 feet in lieu of the 15 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; 4) 134-843(8): a rear yard setback ranging from 0 feet to 13.4 feet in lieu of the 15 foot minimum required for the existing main house when raising the finished floor thus increasing the height in the setback; 5) 134-843(9): a rear yard setback of 12.58 feet in lieu of the 15 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; 6) 134-843(8): a north side yard setback of 14.5 feet for the 2-story generator building in lieu of the 30 foot minimum required; 7) 134-843(8): a south side yard setback ranging from 9 feet to 15.5 feet in lieu of the 30 foot minimum required for the new cabana and main house addition; 8) 134-843(10): a height in the main residence and addition to main house of 26.5 in lieu of the 25 foot maximum allowed; 9) 134-843(5): a front yard setback ranging from 6.3 feet to 22.83 in lieu of the 35 foot minimum required for the tennis pavilion; 10) 134-843(5): a front yard setback of 6.3 feet in lieu of the 35 foot minimum required for the existing tennis pavilion when raising the finished floor thus increasing the height in the setback; 11) 134-843(12): a landscaped open space of 43.24% in lieu of the 71.56% existing and the 50% minimum required; 12) 134-843(6): an angle of vision and building height plane for tennis pavilion to be 144 degrees in lieu of the 120 degrees maximum allowed; and 13) 134-843(7): a building height plane setback of 6.3 feet in lieu of the 20.2 foot minimum required; and 14) 134-1759(c): a variance to not have a 10 foot high fence around the perimeter of the tennis court.

Page Two

ADDRESS: 800 S COUNTY RD
OWNER: DESRUISSEAU LAND TRUST
OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA
PROPERTY CONTROL NO.: 50-43-43-35-00-001-0020
ZONING DISTRICT: R-A Estate Residential
LEGAL DESCRIPTION: 35-43-43, S 200 FT OF N 691.52FT OF GOV LT 1 W
OF COUNTY RD

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 5/15/20

APPLICATION NO.: Z-20-00261 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 800 S COUNTY RD

DESCRIPTION:

The applicant is undertaking a renovation of a 2 story landmarked residence with accessory buildings and a boat house all located in the R-A Zoning District. The renovation includes raising the finished floor elevations of all of the structures to 9.0 feet NAVD. The renovation also includes a 10,590 square foot 2-story addition to the main residence; a 796 square foot addition to the boat house located at the NW corner of the property; demolition of the tennis pavilion by more than 50% of the cubic footage on the east side of the property and 200 square foot addition to the tennis pavilion; relocation of an existing 225 square foot cabana to be attached to the main residence; relocation of the 145 square foot 2-story generator building. The following variances are being requested: 1) 134-843(8): a north side yard setback of 5 feet for the boat house addition in lieu of the 30 foot minimum required; 2) 134-843(8): a north side yard setback ranging from 1.1 feet to 5.5 feet in lieu of the 30 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; 3) 134-843(8): a rear yard setback of 0 feet in lieu of the 15 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; 4) 134-843(8): a rear yard setback ranging from 0 feet to 13.4 feet in lieu of the 15 foot minimum required for the existing main house when raising the finished floor thus increasing the height in the setback; 5) 134-843(9): a rear yard setback of 12.58 feet in lieu of the 15 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback; 6) 134-843(8): a north side yard setback of 14.5 feet for the 2-story generator building in lieu of the 30 foot minimum required; 7) 134-843(8): a south side yard setback ranging from 9 feet to 15.5 feet in lieu of the 30 foot minimum required for the new cabana and main house addition; 8) 134-843(10): a height in the main residence and addition to main house of 26.5 in lieu of the 25 foot maximum allowed; 9) 134-843(5): a front yard setback ranging from 6.3 feet to 22.83 in lieu of the 35 foot minimum required for the tennis pavilion; 10) 134-843(5): a front yard setback of 6.3 feet in lieu of the 35 foot minimum required for the existing tennis pavilion when raising the finished floor thus increasing the height in the setback; 11) 134-843(12): a landscaped open space of 43.24% in lieu of the 71.56% existing and the 50% minimum required; 12) 134-843(6): an angle of vision and building height plane for tennis pavilion to be 144 degrees in lieu of the 120 degrees maximum allowed; and 13) 134-843(7): a building height plane setback of 6.3 feet in lieu of the 20.2 foot minimum required; and 14) 134-1759(c): a variance to not have a 10 foot high fence around the perimeter of the tennis court.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/1/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/1/2020	No comments at this time - Stormwater Management System Plans shall be reviewed at permit submittal. A new direct discharge into the Lake Worth Lagoon may not be permissible.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/2/2020	There are no fire code concerns with the proposed project
PZB DIRECTOR	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/1/2020	No Comment



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 5/15/20

PZB - ZONING

Paul Castro, Zoning
Administrator

6/29/2020

Most of the variances being requested in this application are to raise the house higher than the existing minimum flood elevation in anticipation of a change in the minimum flood elevation in the future. The Landmark Commission made a recommendation that the proposed variances would not negatively impact the landmark status of the property. The applicant is required to enter into a unity of title agreement to combine the properties.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-000262 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

Zoning District: R-D(2) High Density Residential The application of The Ambassador Hotel Cooperative Apartments Corp., A Florida Corporation (Richard Schlesinger, President), Applicant, relative to property located at **2730 S OCEAN BLVD**, legal description on file, is described below. The following zoning relief is being requested: 1. Section 134-1055 (16.): Special Exception approval to modify the existing condo-hotel use in the R-D(2) Zoning District. 2. Section 134-327: Site plan approval for the modifications to the existing condo-hotel site as identified above. 3. Section 134-1064: Special exception approval for the new balconies on the third, fourth and fifth floors. 4. Section 134-1060 (6)(f): Variance request for the proposed redevelopment to include the addition of balconies on the south side of the building that will encroach into the south side yard setback by a 30 inches thus a variance request for a setback of 27.5 feet in lieu of the 30 foot minimum required. 5. Section 134-2172: Variance to allow the proposed off-street, valet-operated parking, to be tandem and stacked in lieu of the code required off-street parking standards related to size of spaces and access. The code requires parking spaces to be designed so that a vehicle can be removed without the necessity to move another vehicle. The proposed parking is modifying and adding parking areas designed with stacked (tandem) and lift parking. 6. Section 134-1064: Variance to allow the lot coverage to be 44.9% in lieu of the 23.7% existing and the 22% maximum allowed in the R-D(2) Zoning District for 5 story buildings (the building is 7 stories with a lower level floor area). 7. Section 134-1060(6): Variance to allow a north side yard setback of 15 feet in lieu of the 30 foot minimum required for the under dune garage. 8. Section 134-1064(b)(3): Variance to allow a height of 68.96 feet in lieu of the 62.5 maximum allowed for the Penthouse additions (7th floor). [Applicant's Representative: Maura Ziska Esq] **Request for Deferral to August 12, 2020 Meeting per Email Dated June 19, 2020 from Maura Ziska.**

Presenter

ATTACHMENTS:

- ▢ **Memorandum Dated June 29, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▢ **Comments from the Development Review Committee**
- ▢ **Letter Received June 24, 2020 from Edgewater House Owners**
- ▢ **Email Received June 21, 2020 from Monique Ogilvie**
- ▢ **Email Dated June 15, 2020 from Helen Chambers**
- ▢ **Email Dated June 16, 2020 from The Edgewater House Corp.**
- ▢ **Email Received June 16, 2020 from Kimberly Johnston**
- ▢ **Email Received June 15, 2020 from Barbara Perlman**
- ▢ **Email Received June 15, 2020 from Dawn L. Quinn**
- ▢ **Email Received June 23, 2020 from Heather Ross**
- ▢ **Letter Dated June 13, 2020 from Gary B. Vonk**
- ▢ **Email Received June 24, 2020 from Kathleen Will**
- ▢ **Email Received July 1, 2020 from Phil Harber**
- ▢ **Letter Received July 1, 2020 from Edgewater House Shareholders**
- ▢ **Email Dated July 2, 2020 from Judith Katten**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2020

To: Mayor and Town Council

From: Wayne Bergman, Acting Director, Planning, Zoning & Building Department

Subject: **Z-20-00262 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE
2730 S OCEAN BLVD**

Date: June 29, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

The following zoning relief is being requested: 1. Section 134-1055 (16.): Special Exception approval to modify the existing condo-hotel use in the R-D(2) Zoning District.

2. Section 134-327: Site plan approval for the modifications to the existing condo-hotel site as identified above. 3. Section 134-1064: Special exception approval for the new balconies on the third, fourth and fifth floors. 4. Section 134-1060 (6)(f): Variance request for the proposed redevelopment to include the addition of balconies on the south side of the building that will encroach into the south side yard setback by a 30 inches thus a variance request for a setback of 27.5 feet in lieu of the 30 foot minimum required. 5. Section 134-2172: Variance to allow the proposed off-street, valet-operated parking, to be tandem and stacked in lieu of the code required off-street parking standards related to size of spaces and access. The code requires parking spaces to be designed so that a vehicle can be removed without the necessity to move another vehicle. The proposed parking is modifying and adding parking areas designed with stacked (tandem) and lift parking. 6. Section 134-1064: Variance to allow the lot coverage to be 44.9% in lieu of the 23.7% existing and the 22% maximum allowed in the R-D(2) Zoning District for 5 story buildings (the building is 7 stories with a lower level floor area). 7. Section 134-1060(6): Variance to allow a north side yard setback of 15 feet in lieu of the 30 foot minimum required for the under dune garage. 8. Section 134-1064(b)(3): Variance to allow a height of 68.96 feet in lieu of the 62.5 maximum allowed for the Penthouse additions (7th floor).

ADDRESS: 2730 S OCEAN BLVD

OWNER: AMBASSADOR HOTEL CO OP

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-44-23-13-000-0000

ZONING DISTRICT: R-D(2) High Density Residential

LEGAL DESCRIPTION: AMBASSADOR HOTEL CO-OP APTS INC
COMMON AREA A/K/A 23-44-43, N 216 FT OF S
385 FT OF N 3000 FT OF FRAC SEC LYG BET ELY
R/WLI OF SR A-1-A & ATLANTIC OCEAN

Page Two

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 5/15/20

APPLICATION NO.: Z-20-00262 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 2730 S OCEAN BLVD

DESCRIPTION:

The following zoning relief is being requested: 1. Section 134-1055 (16.): Special Exception approval to modify the existing condo-hotel use in the R-D(2) Zoning District.
2. Section 134-327: Site plan approval for the modifications to the existing condo-hotel site as identified above. 3. Section 134-1064: Special exception approval for the new balconies on the third, fourth and fifth floors. 4. Section 134-1060 (6)(f): Variance request for the proposed redevelopment to include the addition of balconies on the south side of the building that will encroach into the south side yard setback by a 30 inches thus a variance request for a setback of 27.5 feet in lieu of the 30 foot minimum required. 5. Section 134-2172: Variance to allow the proposed off-street, valet-operated parking, to be tandem and stacked in lieu of the code required off-street parking standards related to size of spaces and access. The code requires parking spaces to be designed so that a vehicle can be removed without the necessity to move another vehicle. The proposed parking is modifying and adding parking areas designed with stacked (tandem) and lift parking. 6. Section 134-1064: Variance to allow the lot coverage to be 44.9% in lieu of the 23.7% existing and the 22% maximum allowed in the R-D(2) Zoning District for 5 story buildings (the building is 7 stories with a lower level floor area). 7. Section 134-1060(6): Variance to allow a north side yard setback of 15 feet in lieu of the 30 foot minimum required for the under dune garage. 8. Section 134-1064(b)(3): Variance to allow a height of 68.96 feet in lieu of the 62.5 maximum allowed for the Penthouse additions (7th floor).

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/1/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/1/2020	No comments at this time - Stormwater Management System Plans shall be reviewed at permit submittal. Design Water Table shall be 1.5 NGVD. Concurrency Letter for Sewer, Solid Waste, Water, and Drainage acknowledged.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/2/2020	Fire department access to the building cannot be diminished by the project. Absent that all provisions of NFPA 241 must be followed for the project.
PZB DIRECTOR	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/1/2020	No Comment



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 5/15/20

PZB - ZONING

Paul Castro, Zoning
Administrator

6/29/2020

The applicant is required to modify the application to include a variance for parking stall width and to have the stand-alone dining room with access from outside of the hotel building. To date, that has not occurred. The proposed redevelopment is a substantial intensification of the use of the subject property. I do not believe that with the new ballroom, dining room, larger spa and lounge areas, that the stacked and tandem parking will work at peak time, peak hour. The Town's consultant is in the process of reviewing the proposed off-street parking design and valet operation to determine if it will adequately serve the property. In addition, it is unclear what the hardship is to allow the variance relief related to the parking stall width and parking stall stacking. The Code requires the parking to be designed so that vehicles do not need to be moved in order to remove a vehicle for a parking space. This design does not allow that to happen.

If approved, there should be conditions related to the operation of the parking lot, hours of operation of the dining room and ballroom. These conditions should be outlined in a Declaration of Use Agreement.

15 EDGEWATER HOUSE OWNERS

2720 South Ocean Boulevard
Palm Beach, FL 33480

June 24, 2020

Palm Beach Architectural Commission/Zoning Commission/ Town Council
360 South County Road
Palm Beach, FL 33480

Subject: Edgewater Owners Against Ambassador Renovation

Dear Palm Beach Architectural Commission/Zoning Commission/ Town Council:

This letter is being written on behalf of many Cooperative Unit Owners at The Edgewater House in Palm Beach, 2720 South Ocean Boulevard. As you may be aware, The Schlesinger Group/Copperline Partners, recent acquirers of The Ambassador, are attempting a hostile takeover of our building. Our building is located directly across the street from the Ambassador Hotel and we have been told that Copperline wants the property as an extension to their Ambassador renovation project.

Of the (36) Units in the building, approximately 55-60% of the owners wish to sell their units to Copperline while the remaining owners wish to remain and are pushing back as best we can on this unsolicited buyout attempt. Our letter represents those who wish to remain.

We are firmly against the proposed Ambassador Hotel project presented by Copperline, either with our building or without. We believe the quiet, peaceful environment of South Ocean Boulevard will be threatened by the proposed Ambassador Project. The wonderful light and openness we enjoy on our stretch of South Ocean will disappear with the construction of a structure the size proposed; a

full service hotel with a 100 seat restaurant and 200 person ballroom will completely change the ambience of the area. The traffic will make it unsafe to cross the street to use our deeded beach area, and back up vehicles on both lanes of A1A.

We are forced to write this letter anonymously as The Schlesinger group has threatened they will only purchase the number of units necessary to take over our Board, leaving the remaining owners with nothing and subject to any assessments associated with renovations. This is a pattern of behavior that they have followed at many of their development properties, especially the Brazilian Court, many of which end up in foreclosure.

Sincerely,

15 Edgewater House Owners

From: [monique ogilvie](#)
To: [Kelly Churney](#)
Subject: Fwd: Letter to ARCOM
Date: Sunday, June 21, 2020 8:18:44 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.*****

Mrs. Kelly Churney, kindly forward this email

OPPOSITION TO THE AMBASSADOR'S RENOVATION PROJECT

Dear Commissioners,

It is the first time I write to the town and I take today the liberty to express why I do not see this project as contributing to the calmness, enjoyment, and quality of life of my neighborhood or harmonious to it's surrounding. The Ambassador has not been a vital "piece of the fabric on South Ocean Blvd. The vital fabric of the Blvd. is the condominiums surrounded by green open spaces and reasonable height with the open sky which has made this boulevard a most attractive and inviting venue for residential living.

The proposal has 3 major issues at hand:

- lot coverage
- increase in height
- increase in parking spaces

1) The current lot coverage is 23.7%-the proposal is almost double -44.9%

2) The maximum existing height permitted by the zoning is 62.5ft- the proposal is to increase this to 75.46%

3) If the site can't be redeveloped profitably for a condo-hotel with the .same coverage and height as the existing, why not redesignate to allow a conventional condo project that fits within the parameters.

4) The redevelopment is in no way a "tremendous asset" to neighboring properties- problematic impacts on traffic, both pedestrians and drivers, views, and property values. The added noise, traffic from cars, truck deliveries, and garbage

trucks have never added value to the pursuit of happiness.

5) Under V (hardship) says it would be "challenging" but apparently not impossible to redevelop the condo-hotel within the existing coverage ratio and height-send proponent back to the drawing board.

6) Wants to increase parking for 124 existing spaces to a total of 232- with stacked (tandem(and lift parking with 24hr valet servicing-no guarantee there will always be 24hr valet service - should limit parking to what is there now.

7) Not compatible with the multi-family nature of the neighborhood-lot coverage would be considerably higher and height would be higher

8) I don't understand a 3,100 sq. ft ballroom with 83 parking spots- is this a typo?

9) Exhibit 3 - the new building created will not be "beautiful" to neighbours because of its coverage and extra height"

Finally, if this project is approved a legal precedent will be set that will allow any other applicant to reach for such excesses beyond the existing regulations, which protect our neighborhood."

Respectfully,

Monique Ogilvie



MONIQUE OGILVIE INC.
Licensed Interior Designer
Tel: 561-307-0055
Email: moniqueogilvie@gmail.com

From: [Helen Chambers](#)
To: [Kelly Churney](#); [Paul Castro](#); [Wayne Bergman](#)
Subject: Ambassador Renovation
Date: Monday, June 15, 2020 7:35:13 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.*****

June 15, 2020

I recently was involved in a video conference organized by Copperline Corp. that dealt with the future renovation of the Ambassador hotel. The presentation was very thorough and informative. I felt that the hotel will bring economic value and certainly enhance the architectural style of this part of Palm Beach.

The parking system that is being suggested is used all over NY city. I often have had my car in garages where they were stored in racks, and never experienced any difficulties with the system.

Copperline has my full support in this renovation.

Helen Chambers

2720 S. Ocean Blvd. apt 221

Palm Beach, FL 33480

914 393 4430

From: [Phil Harber](#)
To: [Kelly Churney](#)
Subject: July 15, 2020 Zoning Hearing Case Number Z-20-00262
Date: Tuesday, June 16, 2020 12:19:15 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.*****

Dear Ms. Churney,

We, the listed individuals below, are shareholders in the Edgewater House cooperative, which is located directly across South Ocean Blvd from the Ambassador Hotel. We are writing in support of the Ambassador Hotel's proposed enhancement of their facility as outlined in the zoning application sent to the Palm Beach Town Council on May 15, 2020.

The Ambassador Hotel's proposal will create a deluxe facility, which will significantly enhance the aesthetics of the area and will have a beneficial effect upon the value of the neighboring buildings. In addition, we feel that the "New Ambassador" will offer many amenities to the residents of this area of South Ocean Blvd.

We, therefore, request the Town Council of Palm Beach approve the application.

Respectfully,

The Edgewater House Corp.

Past and Present Presidents

Philip Harber- Barry Ross
Kim Johnston-Helen Chambers
Marvin Weisenfeld-Kathy Will
Ronda Harber-Nancy Stone

Past and Present Board Members & Members

Garry Vonk- Barbara Perlman
Scott Gerhartz-Thomas Galvin
Phyllis Weisenfeld - Jim Quinn
Joan Mc Manus-Ronda Gerhartz
Patricia Flynn -Judith Jannuzzelli
Heather Jaboor- John Hull
Joseph Giordano-Doris Conti
Sharon Hull- Brian Kane
Grace Lee- Dawn Quin

From: [Kimberly Johnston](#)
To: [Kelly Churney](#); [Paul Castro](#); [Wayne Bergman](#)
Subject: 2730 S Ocean Blvd, Palm Beach
Date: Tuesday, June 16, 2020 6:11:51 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.*****

Dear Palm Beach Town Council:

I had the opportunity to view a recent Zoom presentation regarding the planned renovations to the Ambassador Hotel hosted by Richard Schlesinger and his representatives. During the presentation, the proposed elevations and building elements were reviewed as well as all the improvements that require variances. The presentation was comprehensive. The requested variances are not onerous and appear reasonable. Frankly, the planned renovation is quite impressive.

Having been a long time resident of Palm Beach who views the Ambassador Hotel several times a day, the planned improvements are long overdue. The elevation drawings depict a beautiful luxury resort and the description of the planned guest services including those open to the public will be a welcome addition to the community. It is my hope that the Town Council and zoning committees will view the proposed Ambassador project favorably and approve the necessary variances.

Kind regards,

Kimberly Johnston
Property Owner
2720 S. Ocean Blvd. 325
Palm Beach, FL 33480

From: [Barbara Perlman](#)
To: [Kelly Churney](#)
Cc: [Paul Castro](#); [Wayne Bergman](#)
Subject: Fwd: Letter of support for the Ambassador Hotel Project
Date: Monday, June 15, 2020 8:25:36 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.*****

From: Barbara Perlman <bptaurus@aol.com>

Subject: Letter of support for the Ambassador Hotel Project

I was excited about a new hotel coming to the neighborhood just steps away...and then after I saw the presentation of how sleek and beautiful plus all the amenities I can hardly wait to have a brand new 5 star hotel I will use everything and bring my family and friends. They will love it! Also, this will increase the value of our neighborhood and bring in a lot of money to the town of Palm Beach. I do hope they will have a jazz bar I'm from Chicago and we would walk to the Ritz, Four Seasons Intercontinental and have a wonderful meal listening to jazz Gibson's has a jazz piano bar Have a great steak, Cabernet and jazz. We NEED a new hotel which will be vivacious with excitement. I'm all for it

Respectfully,

Barbara Perlman
2720 S Ocean Blvd

Palm Beach, FL 33480

Sent from my iPhone

From: [Dawn L Quinn](#)
To: [Kelly Churney](#); [Paul Castro](#); [Wayne Bergman](#)
Cc: [Jim Quinn \(kwinz@comcast.net\)](#)
Subject: Support for Ambassador Hotel Re-development Plans (South Ocean Boulevard)
Date: Monday, June 15, 2020 10:58:23 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.*****

Town of Palm Beach:

As a property owner in Palm Beach I wanted to voice my support for the proposed redevelopment project for The Ambassador Hotel. The plans are outstanding and upon completion the property will clearly be an asset to the community- creating jobs while offering world class facilities and services. My family, friends, and colleagues look forward to seeing the vision for the Ambassador come to fruition and enjoying the world-class facilities.

Kind regards,

Dawn Quinn

Property Owner- 2720 South Ocean Boulevard, #317, Palm Beach, FL 33480



Dawn L. Quinn | Director | Strategic Operations | East Region

Ernst & Young LLP

5 Times Square, New York, NY 10036 United States of America | Mobile: +1 203 376 6812 |

dawn.quinn@ey.com

Website: <http://www.ey.com>

Assistant: Sylvia Bracamonte | Phone: +1 602 322 3524 | sylvia.bracamonte@ey.com

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(except for EY Client Portal and the ey.com website, which track e-mail preferences through a separate process) at this e-mail address by forwarding this message to no-more-mail@ey.com. If you do so, the sender of this message will be notified promptly. Our principal postal address is 5 Times Square, New York, NY 10036. Thank you. Ernst & Young LLP

From: [Heather Jaboor](#)
To: [Kelly Churney](#); [Paul Castro](#); [Wayne Bergman](#)
Subject: Ambassador Hotel Project
Date: Tuesday, June 23, 2020 3:39:38 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.*****

Letter of Support concerning Ambassador Project

Dear All,

My husband and I live year round at Edgewater House, 2720 S Ocean Blvd., directly opposite the Ambassador.

I remember hearing about the possibility of a business consortium buying the Ambassador with plans to refurbish and refresh the outdated buildings.

I was delighted with this news as it could only be viewed in a positive light, upgrading the building, bringing it in line with the other luxury hotels we have within walking distance of our building.

We recently listened to a virtual presentation explaining the process and approximate timeline to complete this marvelous new boutique hotel.

One aspect that is particularly good news is that every car entering the grounds will be Valet parked, consequently there will be no overflow onto the land closest to the property boundary, which is very good news for us just to the West.

We are in favour of this project wholeheartedly.

Sincerely yours,
Heather and Barry Ross
Apt 314

Sent from my iPhone

Dr. Gary B. Vonk



2720 South Ocean Boulevard #122
Palm Beach Florida
33480
561-670-1183
garyvonk@aol.com

June 13, 2020

Dear Town of Palm Beach:

I am writing today to offer my support for the Ambassador transformation, and I am also encouraging a positive review from the Town regarding the former Ambassador Hotel & Apartments. I am asking that your consideration take into account that we neighbors have observed the continuously deteriorating conditions of the property, for quite some time.

The neighborhood is now faced with the opportunity to provide support for a remarkable transformation of the property that will yield special benefits to those who use the services of the former Ambassador, as well as those new users who will benefit greatly from the remodeled property.

Please consider the owners' proposals and vote favorably for the project to proceed.

Best Regards,

Gary B. Vonk



From: [Kathleen Will](#)
To: [Kelly Churney](#); [Wayne Bergman](#); [Paul Castro](#)
Subject: Case #Z-20-00262 July 15, 2020 Zoning Hearing
Date: Wednesday, June 24, 2020 3:19:00 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.*****

I am a shareholder in the Edgewater House cooperative, which is located directly across South Ocean Blvd. from the Ambassador Hotel at 2720 SO. Ocean Blvd.

I am writing in support of the Ambassador Hotel's proposed enhancement of their facility as outlined in the zoning application sent to the Palm Beach Town Council on May 15, 2020.

The Ambassador Hotel's proposal to create a deluxe facility, which will significantly enhance the aesthetics of the area and will have a beneficial effect upon the value of its neighboring buildings.
In addition, we feel that the "New Ambassador" will offer many amenities to the residents of this area of South Ocean Blvd.

I, therefore, request the Town Council of Palm Beach approve the application.

Respectfully,

Kathleen G. Will

Kelly Churney

From: Phil Harber <phil@cslgroup.us>
Sent: Wednesday, July 01, 2020 10:53 AM
To: Kelly Churney
Subject: July 15,2020 Zoning Hearing Case Number Z-20-00262
Attachments: Letter to Palm Beach Town Council.pdf

*******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 Ms.Churney,

On June I sent you an E Mail (copy below) that was a draft and was sent to you inadvertently. . We specifically stated that we were individuals and shareholders of The Edgewater House cooperative, however there was an error in the signature which it could be taken as an endorsement by the Edgewater House Corporation which was not the case. Attached is a copy of the letter that was intended to be sent where you will see that the content of the letter is identical except for the signature.

I apologize for any confusion that this error may have caused.

**Sincerely,
Philip Harber
2720 S Ocean Blvd. Unit 119
Palm beach Fl. 33480**

From: Phil Harber
Sent: Tuesday, June 16, 2020 12:05 PM
To: 'kchurney@townofpalmbeach.com' <kchurney@townofpalmbeach.com>
Subject: July 15,2020 Zoning Hearing Case Number Z-20-00262

Dear Ms. Churney,

We, the listed individuals below, are shareholders in the Edgewater House cooperative, which is located directly across South Ocean Blvd from the Ambassador Hotel. We are writing in support of the Ambassador Hotel's proposed enhancement of their facility as outlined in the zoning application sent to the Palm Beach Town Council on May 15, 2020.

The Ambassador Hotel's proposal will create a deluxe facility, which will significantly enhance the aesthetic s of the area and will have a beneficial effect upon the value of the neighboring buildings.

In addition, we feel that the "New Ambassador" will offer many amenities to the residents of this area of South Ocean Blvd.

We, therefore, request the Town Council of Palm Beach approve the application.

Respectfully,

The Edgewater House Corp.

Past and Present Presidents

Philip Harber- Barry Ross
Kim Johnston-Helen Chambers
Marvin Weisenfeld-Kathy Will
Ronda Harber-Nancy Stone

Past and Present Board Members & Members

Garry Vonk- Barbara Perlman
Scott Gerhartz-Thomas Galvin
Phyllis Weisenfeld - Jim Quinn

Joan Mc Manus-Ronda
Gerhartz

Patricia Flynn -Judith
Jannuzzelli
Heather Jaboor-
John Hull
Joseph Giordano-Doris
Conti
Sharon Hull- Brian
Kane

Grace Lee- Dawn Quin

Town Council
Town of Palm Beach
360 S. County Rd. Palm
Beach FL 33480

June16,2020

Subject: July 15,2020 Zoning Hearing Case Number Z-20-00262

We, the listed individuals below, are shareholders in the Edgewater House cooperative, which is located directly across South Ocean Blvd from the Ambassador Hotel. We are writing in support of the Ambassador Hotel's proposed enhancement of their facility as outlined in the zoning application sent to the Palm Beach Town Council on May 15, 2020.

The Ambassador Hotel's proposal will create a deluxe facility, which will significantly enhance the aesthetics of the area and will have a beneficial effect upon the value of the neighboring buildings. In addition, we feel that the "New Ambassador" will offer many amenities to the residents of this area of South Ocean Blvd.

We, therefore, request the Town Council support the application.

Respectfull,

Past and Present Presidents

Philip Harber- Barry Ross
Kim Johnston-Helen Chambers
Kathy Will-Ronda Harber-Nancy Stone

Past and Present Board Members & Members

Garry Vonk- Barbara Perlman Scott
Gerhartz-Thomas Galvin
Phyllis Weisenfeld - Jim Quinn
Joan Mc Manus-Ronda Gerhartz
Patricia Flynn -Judith Jannuzzelli
Heather Jaboor-John Hull
Joseph Giordano-Doris Conti
Sharon Hull-Brian Kane
Grace Lee- Dawn Quinn

From: [Judith Katten](#)
To: [Kelly Churney](#)
Subject: The Ambassador project
Date: Thursday, July 02, 2020 2:54:04 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.*****

Kelly Churney
Administrative Assistant
Town of Palm Beach

Dear Ms. Churney --

I am an owner at The Regency of Palm Beach, 2760 South Ocean Boulevard, situated directly across the street from the Ambassador Hotel.

I write to express my strong opposition to the submission seeking waivers for the renovation and reconfiguration of the Ambassador as submitted on behalf of Copperline, the LLC wholly owned by the Schlesinger family.

In reading the application, I understand that what is being sought is permission to construct a luxury resort that is entirely out of keeping with the existing South Ocean community.

The plans submitted evidence that they are seeking permission to raise the height of a building already in excess of current restrictions (owing to it having been grandfathered in) and to expand upon the coverage of the land area by some 40%. The parking facility that they contend will be "below ground" will in fact be only partially so given the water tables of this ocean front property, but regardless, the parking capacity is well below what would be required to adequately service hotel guests, especially when combined with the demands of the restaurant and the ballroom that is also envisioned.

Stated otherwise, if approved, this application will give rise to a humongous structure that is entirely incompatible with present usage. It will have a devastating affect on the lives of all of us who have opted to reside here and on our right to quiet enjoyment. Traffic will increase exponentially, and, given the reliance upon valet parking as described, will likely back-up onto the street, especially when that ballroom is in use. Our once-peaceful neighborhood will be awash in unabating congestion and crowds. The low density, airy open space that is South Ocean's present character will be permanently sacrificed, not for any "hardship" nor necessity but merely for the profit of the developers -- developers, it should be noted, who have a rather unsettling history regarding prior real estate ventures in Florida and elsewhere, replete with bankruptcy filings and litigation.

Perhaps worse, approval of this project will establish a frightening precedent that will

open the door to other commercial development, signalling the death knell for the residential community we all hold so dear.

As will be evidenced in weeks to come as the Board receives communication from other neighbors, there is near universal opposition to the Ambassador application up and down the Boulevard. Not surprisingly, the only support for this undertaking is coming from a group of owners at the Edgewater, which building, across the street from the Ambassador, has also been targeted for take-over by the Schlesingers. It is not without a degree of irony that the Edgewater residents who have written to the Board in enthusiastic support are themselves contracting with the Schesingers for the sale of their own apartments -- and hope to be long gone from the Edgewater by the time this project that they are extolling is anywhere near completion.

I greatly appreciate this opportunity to express my views to you and to the Palm Beach board, and have every confidence that upon proper review, this misplaced and misguided proposal will be rejected by our representatives on behalf of their constituents.

All best regards,

Judith Katten

TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00263 SPECIAL EXCEPTION Zoning District: C-TS Town-Serving Commercial The application of The Breakers Palm Beach, Inc., Applicant, relative to property located at **229 ROYAL POINCIANA WAY**, legal description on file, is described below. Pursuant to Section 134-2373(13) of the Town Code, the applicant is requesting special exception approval to allow an internally illuminated, backlit business identification sign for Henry's Palm Beach, which is located at Via Flagler (221 Royal Poinciana Way is the overall project address) on the front of the restaurant facing Royal Poinciana Way (229 Royal Poinciana Way) in the C-TS zoning district. The illuminated sign was approved by ARCOM on January 29, 2020 in connection with ARCOM's review of application number A-31-2019, which is the master signage program for Via Flagler. Other than the special exception for an illuminated sign, no other special exceptions or variances are requested or required.

[Applicant's Representative: James M. Crowley Esq]

Presenter

ATTACHMENTS:

- **Memorandum Dated June 29, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2020

To: Mayor and Town Council

From: Wayne Bergman, Acting Director, Planning, Zoning & Building Department

Subject: **Z-20-00263 SPECIAL EXCEPTION**
229 ROYAL POINCIANA WAY

Date: June 29, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

Pursuant to Section 134-2373(13) of the Town Code, the applicant is requesting special exception approval to allow an internally illuminated, backlit business identification sign for Henry's Palm Beach, which is located at Via Flagler (221 Royal Poinciana Way is the overall project address) on the front of the restaurant facing Royal Poinciana Way (229 Royal Poinciana Way) in the C-TS zoning district. The illuminated sign was approved by ARCOM on January 29, 2020 in connection with ARCOM's review of application number A-31-2019, which is the master signage program for Via Flagler. Other than the special exception for an illuminated sign, no other special exceptions or variances are requested or required.

ADDRESS: 229 ROYAL POINCIANA WAY

OWNER: FLAGLER HOLDINGS NORTH CAROLINA INC

OWNER'S REPRESENTATIVE: GUNSTER YOAKLEY & STEWART PA

PROPERTY CONTROL NO.: 50-43-43-22-31-000-0520

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: FLORAL PARK ADD NO 1 LTS 28 THRU 31 & W
7.25 FT OF LT 32

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/1/20

APPLICATION NO.: Z-20-00263 **APPLICATION TYPE:** SPECIAL EXCEPTION

ADDRESS: 229 ROYAL POINCIANA WAY **TENANT:**HENRY'S

DESCRIPTION:

Pursuant to Section 134-2373(13) of the Town Code, the applicant is requesting special exception approval to allow an internally illuminated, backlit business identification sign for Henry's Palm Beach, which is located at Via Flagler (221 Royal Poinciana Way is the overall project address) on the front of the restaurant facing Royal Poinciana Way (229 Royal Poinciana Way) in the C-TS zoning district. The illuminated sign was approved by ARCOM on January 29, 2020 in connection with ARCOM's review of application number A-31-2019, which is the master signage program for Via Flagler. Other than the special exception for an illuminated sign, no other special exceptions or variances are requested or required.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/29/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/1/2020	No comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal		No Comment
PZB DIRECTOR	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/29/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	6/23/2020	Internally illuminated or backlit signs require Town Council approval of a special exception application. This is an aesthetic issue for the Town Council to decide on. I know of no other location in the Town where there has been approval of an internally back lit sign.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2020

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE 02-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings And Building Regulations, Town Code Of Ordinances, By Adding Article VI, Historic Conservation Districts; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated June 29, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Ordinance 02-2020**
- ▣ **Backup Relating to Historic Building Ordinances**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Code Changes to Create “Historic Conservation Districts” That Contain
“Historically Significant Buildings” – Ordinances 02-2020 and 03-2020

Date: June 29, 2020

STAFF RECOMMENDATION

Staff requests that the Town Council review Ordinance No. 02-2020 (amendments to Chapter 18, Building & Building Regulations) and Ordinance 03-2020 (amendment to Chapter 50, Floods). Staff further recommends that the Town Council approve the two ordinances on First Readings.

GENERAL INFORMATION

As you know, in Palm Beach there are two categories of buildings – those that are Landmarked and those that are not. Our Historical Preservation Code, Chapter 54, identifies and details regulations for Landmarked buildings only. Older homes (not Landmarked) do not qualify for the same FEMA and building code protections of a Landmarked building – because they are not identified or recognized in this Town. In November of 2019, PZB staff proposed the creation of a new category of building, called “Historic Buildings”; these buildings would not rise to the status and tax-abatement level of a Landmarked building, but could be provided the code exemptions found in the FEMA and Florida Building Codes to preserve them. Imagine a “Landmark Junior” or “Landmark Lite” type of building.

One of the reasons for many of the older homes being demolished in Palm Beach comes from the fact that once the proposed cost of a renovation exceeds 50% of the value of the building, that building must be elevated to meet the base flood elevation for that location. This is called “substantial improvement” and is a very big deal with older homes. This issue alone causes many owners to decide to demolish the old home and build new. Why? – because raising / elevating these old buildings (many built with concrete and masonry block or tile) can be very difficult and expensive. Many of these buildings structurally cannot be raised to a higher elevation. It is simply easier and less expensive to demolish the building and build a new building that complies with FEMA.

The goal was to create this new category of Historic Building, basically a Landmark Lite or Contributing-type building, and assign the FEMA and building code protections to these buildings. The direct result is that we may see more older homes preserved – and an indirect result could be that building lots are not automatically raised several feet to accommodate the new construction (another serious problem that affects stormwater runoff with neighbors and which is adversely changing the look and character of Palm Beach). When a building addition to these historic homes is proposed, a flood variance may be requested if the addition is in keeping with the historic character / architecture of the older building.

Staff does not intend for this possible program to directly compete with the existing Landmarks program, but we understand and acknowledge that many owners will never ask to have their home Landmarked and do not want to be Landmarked, or included within a Historic District, against their will. This new category of building may provide the mechanism to encourage property owners to keep their older buildings, and add complimentary building additions at elevations lower than FEMA normally requires (achieved with a flood variance).

BACKGROUND

This matter was discussed at the December 11, 2019 Town Council meeting. The Mayor and Town Council members requested that the new Historic Building program be separate from the current Landmark program. Staff followed this direction, and two draft ordinances were prepared in an effort to provide another means of preserving buildings in Palm Beach while not affecting the Town's Historical Preservation Code, Chapter 54. First Readings of these ordinances occurred on January 15, 2020. Around that same time, someone contacted the State Historic Preservation Officer regarding the new program, who contacted the State Floodplain Manager, who then contacted me for details of the proposed program. Following a few days of discussions with State staff, Town staff transmitted the ordinances and details to the two State agencies for their review.

After an initial review by the State agencies, changes in the program and enabling ordinances were requested by the State agencies. We ended up with a slightly different program than what was originally proposed back in December and January. The requested changes were all intended to align the new program with similar programs in other Florida communities (North Beach, Tampa, Sarasota and Fendandina Beach).

The State's reluctance to initially authorize this program was due to the fact that it was set up outside of the existing Landmarks ordinance and program, and that it may compete with the Landmarks program. As you know, staff was directed by Town Council and by Skip Randolph to set this up outside of the Landmarks ordinance, which we did.

The new program will begin with the establishment of a number of Town "historic conservation districts", which are areas that encompass a number of homes that are significant in some way and at least 50 years old. If these older homes and commercial buildings meet one of the four established criteria in the new code, they are designated "historically significant buildings" under the new definition, and thereby qualify for the substantial improvement exemption found in the FEMA and Florida Building Codes. This means that if designated a historically significant

building, the building does not need to be elevated to meet the minimum FEMA floor elevation once a renovation project of any value takes place. In addition, owners of these historically significant buildings are entitled to request floodplain variances from the Town Council for additions and limited reconstruction of the original building.

I would like to thank many residents and staff for their help in preparing this program. Of special note are Carol LeCates, Steven Greenwald and Jay Serzan, who reviewed this concept from the start and have helped provide suggestions to address some unintended consequences and potential issues. They were willing to discuss the matter and assisted in the drafting of the initial and subsequent ordinances. Thanks also goes to Mayor Gail Coniglio, who was superb in staying engaged with the State agencies as they completed their reviews. She routinely spoke with staff at the SHPO offices to keep the process moving forward. And to Amanda Skier and her team at the Preservation Foundation of Palm Beach, who were very helpful in preparing the final draft of the program and Ordinance 02-2020.

CURRENT REQUEST

Ordinance 02-2020 creates within Chapter 18, Buildings and Building Regulations, the historic conservation district program and defines historically significant buildings and the benefits of the program. This is the ordinance that enables the new program. Ordinance 03-2020 recognizes this new program under the Chapter 50, Floods [Flood Prevention]. Both ordinances are ready for approval on First Readings.

Two concurrent projects are taking place relating to this new program. The actual physical delineations of the new historic conservation districts are being prepared, along with a Resolution (attached) to adopt the conservation districts. This will be presented at the next meeting, which will hopefully coincide with the Second Readings of the two Ordinances. Also, ESI, the Town's historic site survey vendor, is finalizing their report and creating the 2,000 plus historic structure forms for the buildings that they surveyed. The data contained on these forms will be used to define historically significant buildings going forward.

Attachments: Draft Ordinance 02-2020 – Amending Chapter 18, Buildings & Building Regulations
Draft Ordinance 03-2020 – Amending Chapter 50, Floods
Draft Resolution __-2020 – Approving the Historic Conservation Districts
Copies of the 2017 FBC, Existing Building Code, Chapter 12, Historic Buildings, pages 55 & 56
FEMA – 42 U.S.C., Subchapter B, Part 60, Section 60.6 – Variances and Exceptions
Email string between Jason Aldridge, SHPO; Steve Martin, State Floodplain Manager; and Town staff

WRB

ORDINANCE NO. 02-2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, TOWN CODE OF ORDINANCES, BY ADDING ARTICLE VI, HISTORIC CONSERVATION DISTRICTS; 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 18, Buildings and Building Regulations, of the Town Code of Ordinances, is hereby amended by adding Article VI, Historic Conservation Districts, as follows:

“Article VI, - HISTORIC CONSERVATION DISTRICTS.

Sec. 18-301. – Purpose and intent.

It is declared to be a matter of public policy that the protection, enhancement and perpetuation of properties of historic interest is a public purpose, a 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 article is to:

- (A) Effect and accomplish the protection, enhancement and perpetuation of properties through the creation of historic conservation districts that represent or reflect elements of the Town's cultural, social, economic, political and architectural history; and*
- (B) Safeguard the Town's historic heritage by providing the means to further preserve the aging housing and building stock in the Town; and*
- (C) Provide residents with more certainty about the future character of the neighborhood.*

Sec. 18-302. - Definitions.

Alteration to a historically significant building - means any change because of construction, addition, repair, maintenance, or renovation to a building or structure that is defined as a historically significant building; in which the construction, addition, repair, maintenance or renovation will not preclude the building's or structure's continued designation as a historically significant building, as reviewed and verified by a Town expert in historic

preservation and confirmed to meet the criteria requirements of Section 18-305. An alteration to a historically significant building shall meet the Secretary of the Interior's Standards for the Treatment of Historic Properties. An alteration to a historically significant building does not include complete demolition, which shall not be affected.

Historic conservation district – an area of the Town adopted by the Town Council at a public hearing; which has clearly defined boundaries; that meets all of the criteria found in Section 18-304; and contains a number of historically significant buildings.

Historically significant buildings - means any building which, in whole or in any structural part, which is at least 50 years old; which meets at least one of the four criteria for designation listed below in Section 18-305(C); which is located within a historic conservation district approved by the Town Council at a public hearing; which is worthy of preservation, but may not rise to the level of a landmark building; and as such is eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12, Historic Buildings.

Sec. 18-303. - District designation process.

- (A) The Town Council shall consider and shall by resolution approve all proposed historic conservation districts, said districts to be prepared and presented by Town Staff and Town experts qualified in historic preservation. Any subsequent amendments to the historic conservation districts shall be reviewed and acted upon by the Town Council.*
- (B) New applications for designation as a historic conservation district. When a property owner or other entity requests to designate a new historic conservation district or to expand an existing historic conservation district, that person or entity shall file an application for designation with the Town on forms provided by the Town. The administrative review fee for such applications shall be as prescribed by the Town Master Fee Schedule. The Town Council by resolution shall review all proposed historic conservation districts and take action on those applications. Any subsequent amendments to the historic conservation districts shall be reviewed and acted upon by the Town Council.*
- (C) Public hearings and public notice. Public hearings and public notice for the creation of a historic conservation district designation shall be in accordance with Chapter 2, Administration, Division 3, Town Council Rules of Procedure.*
- (D) Standard of review. The Town Council shall consider a proposed historic conservation district designation at a public hearing in which the Town Council may take testimony and consider all evidence in rendering a decision on each proposed district. The Town Council shall apply the criteria established in section 18-304 herein when making a decision regarding a designation.*
- (E) Designation. The designation of a historic conservation district may only be considered by Town Council during a public hearing on the district designation. A recommendation*

on each district shall be prepared by Town staff and shall include a report and recommendation from a Town expert in the field of historic preservation. Upon receipt of the aforementioned report and recommendation, either in support of or in opposition to the designation, and a copy of the full report and analysis of the proposed historic conservation district that was reviewed under the criteria established below in section 18-304 herein, the Town Council shall hold the public hearing regarding the proposed district designation and take action on the application.

Sec. 18-304. - Criteria to qualify as a historic conservation district.

When designating a historic conservation district, the Town Council shall apply the following criteria:

That the district:

- (A) Is shown on a map with clearly delineated boundaries; and*
- (B) Constitutes an area of the Town that has a distinct history, historic character, or unique quality, but may not qualify as a historic district under Chapter 54; and*
- (C) Constitutes an area where the impacts of development and redevelopment are replacing existing buildings with buildings and site development that erodes the traditional neighborhood character; and*
- (D) Contains a number of historically significant buildings.*

Sec. 18-305. – Criteria to qualify as a historically significant building.

To qualify as a historically significant building, a building:

- (A) Shall be located within a designated historic conservation district, approved by resolution by the Town Council; and*
- (B) Shall be at least 50 years old; and*
- (C) Shall meet one or more of the following four criteria, as determined by a Town expert in historic preservation:*
 - (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; or*
 - (2) Is identified with historic personages or with important events in national, state or local history; or*

(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; or*

(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.*

Sec. 18-306. – Alterations to historically significant buildings.

Any historically significant building, excepting those that are landmarked or located within a historic district in accordance with Chapter 54, Historical Preservation, that undergoes an alteration, as defined above in Section 18-302, shall be reviewed by a Town expert in historic preservation, to be qualified as a historically significant building, based upon the criteria contained in this section. If qualified as such, the application will be processed and permitted in accordance with Chapter 54, Article III, Certificate of Appropriateness.

Alterations to historically significant buildings are subject to the regulations found in Chapter 50, Floods, and specifically, Section 50-114. If a historically significant building is completely demolished, the regulations in Chapter 50, Section 50-114, will no longer be applicable.

Sec. 18-307. – Annual review.

The Town will annually review the approved historic conservation districts, their boundaries, and the standards contained within this section. Any proposed changes shall be presented to the Town Council for their review and action.

Sec. 18-308. – Appeals.

An applicant or any interested party may file an appeal to the Town Council on any ruling by Town staff or Town consultant made pursuant to this article. The appeal shall take the form of a letter addressed to the town clerk. In all cases, the appeals shall be filed or made within ten calendar days of the date of the decision or meeting at which the decision was rendered. Appeals shall set forth the alleged inconsistency or nonconformity with procedures or criteria set forth in this article or standards set forth in or pursuant to this Code. 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 until the Town Council has decided the appeal. The Town Council may review any decision and its 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.

Secs. 18-301 309 --- 18-350 – Reserved.”

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, Florida.

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, Florida, on the First Reading this ____ day of _____, 2020; and for the Second and Final Reading on this ____ day of _____, 2020.

Gail L. Coniglio, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Patricia Gayle-Gordon, Acting Town Clerk

Danielle H. Moore, Town Council Member

RESOLUTION NO. 51- 2020

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING A SET OF HISTORIC CONSERVATION DISTRICTS THAT ARE LOCATED THROUGHOUT THE TOWN OF PALM BEACH, AND AS DESCRIBED IN ORDINANCE 02-2020

WHEREAS, the Town Council has adopted Ordinance 02-2020, which created an additional program by which to preserve historically significant buildings that are located in specific areas of the Town called historic conservation districts, and

WHEREAS, Ordinance 02-2020 requires that to establish the new preservation program that the Town Council must first approve and designate areas of the Town as historic conservation districts, and

WHEREAS, the Town staff and Town experts in the field of historic preservation have prepared a set of historic conservation districts in accordance with Ordinance 02-2020, and

WHEREAS, the Town Council has adopted Ordinance 02-2020, which created an additional program in which to preserve historically significant buildings, and

WHEREAS, the Town Council meeting wherein this Resolution is adopted is held in accordance with Chapter 2, Administration, Division 3, Town Council Rules of Procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. The Historic Conservation Districts, detailed on Exhibit "A" (attached), are found in compliance with Ordinance 02-2020.

Section 2. The Historic Conservation Districts, found on Exhibit "A", are adopted by this Resolution and designated as the official Historic Conservation Districts of the Town of Palm Beach.

Section 3. This Resolution shall become effective immediately.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this ____ day of _____, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Conservation Districts

Inlet

The Inlet Conservation District extends from the inlet to the northern side of Onondaga Avenue. The development of this northern-most portion of the Town increased after the Palm Beach Company built or extended a number of roads in this area during the late 1930s. Prior to this, much of the area was considered wilderness. The area developed with larger lots along the ocean and lake and smaller lots inland.

North Beach

The North Beach Conservation District extends from the southern side of Onondaga Avenue south to Colonial Lane. The streets in this area run from the lake to the beach and feature numerous cabanas on the ocean. This area, like much of the Town's north end, was developed during the post-World War II building boom.

Garden

The Garden Conservation District runs from Monterey Road to the Palm Beach Country Club. Much of this area was originally part of the famed early Palm Beach scenic attraction the Garden of Eden, which was the estate of early Palm Beach pioneers, Charles and Frances Cragin. The Cragin's transformed their 250 acres into a botanical garden and favorite tourist attraction in Town. By 1925, all of the property had been sold, subdivisions were created, and residential construction followed. Playa Riente, known as Addison Mizner's greatest Palm Beach residential design, was constructed in 1923-1924 on 25 acres from the Cragin estate. It was demolished in 1957 and the land was developed into the Dodge Estates subdivision.

Canopy

The Canopy Conservation District runs from the southern border of the Palm Beach Country Club and the Coral Cut south to Dunbar Road. Home to Duck's Nest and The Vicarage, two of the oldest residences in Palm Beach, the area was developed in the 1920s as large estates by members of some of Palm Beach's wealthiest families. Later many of these estates, such as El Mirasol and the Phipps' family estates, were subdivided and redeveloped. The Coral Cut and Palm Beach Country Club create a physical boundary at the north end.

Flagler

The Flagler Conservation District runs from Atlantic Avenue on the north to the south side of the Breakers Golf Course. Henry Flagler was instrumental in developing this area including the first bridge to the mainland. It is home to Sea Gull Cottage which was Flagler's first winter home in Palm Beach, Whitehall and

the Breakers Hotel. This district also includes the Town's original main street and commercial district along with the Royal Poinciana Plaza and nearby residential.

Mid-Town

The Mid Town Conservation District runs from south of the Breakers property to north of Royal Palm Way. Bethesda-by-the-Sea Episcopal Church is located at the northern end of the district and commercial properties run south along North County Road. While there was some residential development in the 1910s, it was primarily developed during the 1920s and 1930s. During the 1920s City Builders Realty Company was largely responsible for the development of the Sea Streets and Louis Clarke, the son of Charles J. Clarke an early Palm Beach Pioneer, developed the Primavera Estates subdivision. Pendleton Avenue and Pendleton Lane were developed during the Depression Era by some of the Town's most prominent architects and builders as speculative ventures during the lean years.

Royal Park

The Royal Park Conservation District includes Royal Palm Way south to Worth Avenue. Originally developed in the 1910s by E.N. "Cap" Dimick, the first mayor of Palm Beach, and Harvey Geer who formed the Palm Beach Improvement Company. Their Royal Park subdivision included 160 acres of land that contained jungle, sand and muck. They decided that the entire area was to be developed in its entirety at one time and a sea wall was built, areas of the land were filled in, and a bridge was constructed to connect Royal Park to West Palm Beach at Royal Palm Way. The area consists of Town Hall and Mizner's Memorial Fountain, commercial and residential uses. Originally the residential consisted of primarily single family cottages, however a zoning change in 1947 created a building boom that endured for decades, as many houses were replaced by apartments, co-ops, condominiums, and townhouses.

Estate

The Estate Conservation District runs from Golfview Road and Hammon Avenue south to Southern Boulevard and includes Everglades Island. The area is home to many of the grand estates that were designed by the Town's most prominent architects for some of the wealthiest residents during the 1920s. The estates often ran from the ocean to the lake. While some of the grand estates remain intact most were subdivided over the years into smaller, yet still large, parcels. Construction of new residences continued in the area during the depression era and included the development of Everglades Island, which began in the 1930s, its development was halted due to WWII and began again following the end of the war. Many of the grand estates are located along the much traveled South Ocean Boulevard.

Providencia

The Providencia Conservation District includes the area between Southern Boulevard and Widener's Curve with the Bath and Tennis Club at the northeast corner of the district. This is where the Providencia, a Spanish ship carrying nearly 20,000 coconuts, crashed in 1878 on what was to be the Bingham and Bolton estates. The coconuts were sold to local people who planted them and soon coconut palms peppered the island, thus initiating the Town's name Palm Beach. The district consists of primarily large lots that front either the lake or the ocean with South Ocean Boulevard running between. Large estates in the area were designed by prominent architects during the 1920s, many of which have been subdivided and redeveloped. Development increased following the completion of the Southern Boulevard Bridge in 1950 due to significantly faster access to the Island's south end.

Beach South

The Beach South Conservation District runs from Widener's Curve south to Sloan's Curve. The properties are accessed from South Ocean Boulevard which runs along the ocean. This section of South Ocean Boulevard has several large ocean to lake 1920s Mediterranean Revival style estates, designed by Addison Mizner, as well as late 1920s and 1930s estates, designed in classical revival styles by Treanor & Fatio and Volk & Maass. The area is also home to later residences, some of which were built on land subdivided from larger estates. Beach cabanas dot the beach along this stretch of scenic drive on the island.

South End

The South End Conservation District begins at Sloan's Curve and extends to the southern town limits. This area consists of primarily condominiums with some single family and townhomes scattered throughout, including Ibis Isles. Development of the area primarily began following a zoning code change in 1947 that allowed for raising the housing density in this stretch of land. While there was a little development of the area through the 1950s, from the 1960s to the 1980s over 50 condominium buildings were constructed along this narrow three-and-one-half mile ocean to lake piece of land, ever changing the South End of Palm Beach. Phipps Ocean Park, the Palm Beach Par Three Golf Course and a fire station provided additional amenities to the area's residents.



Legend

- Historic conservation District
- Parcel

Kimley-Horn

© 2020 KIMLEY-HORN AND ASSOCIATES, INC.
1820 WEDGEMAN WAY SUITE 200
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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

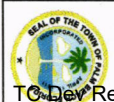
SHEET 1 OF 5





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 1920 WENIVA WAY SUITE 200
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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT
Historic Conservation District Map
 TOWN OF PALM BEACH, FLORIDA
 JUNE 2020





Kimley **Horn**

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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

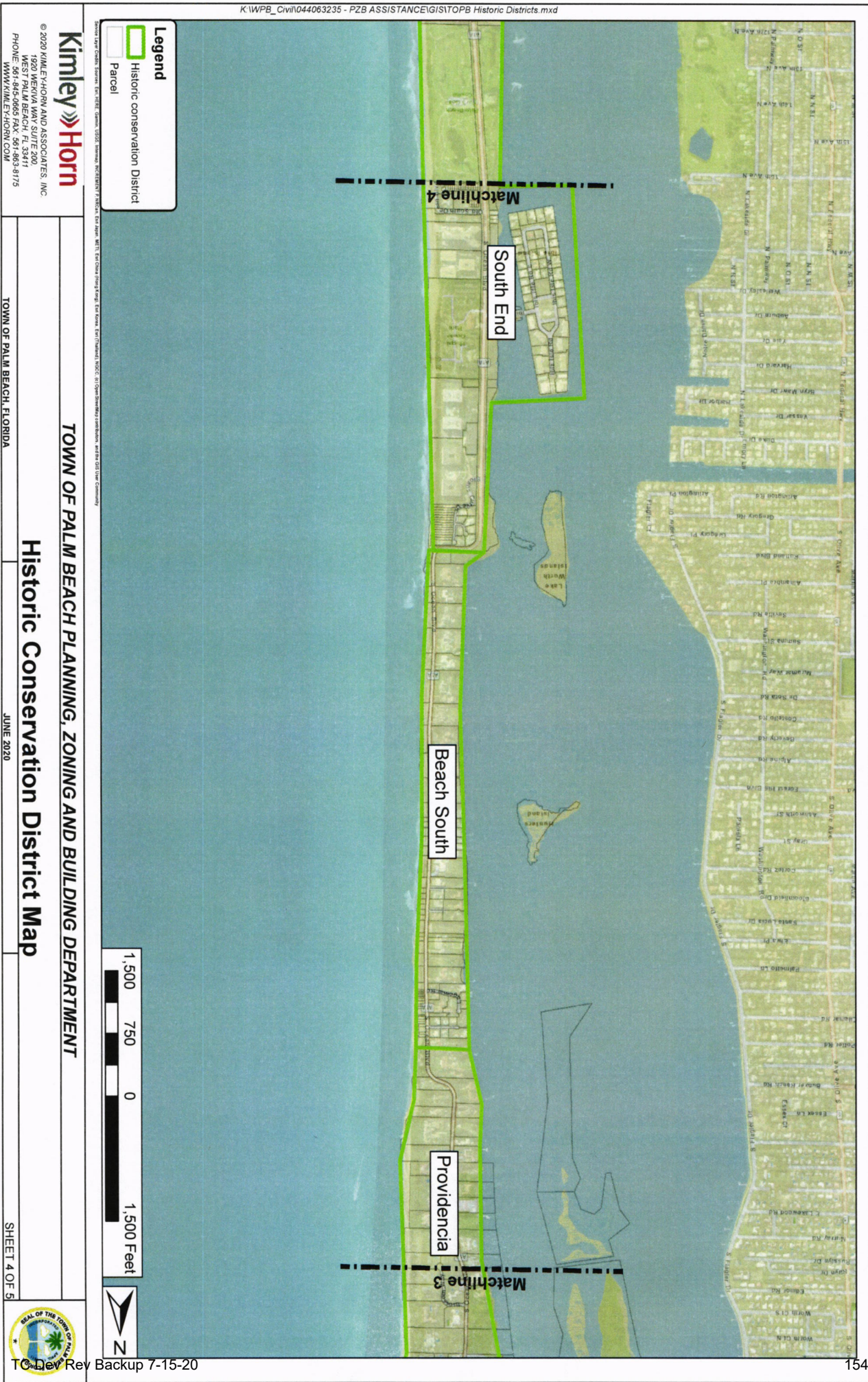
Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

SHEET 3 OF 5

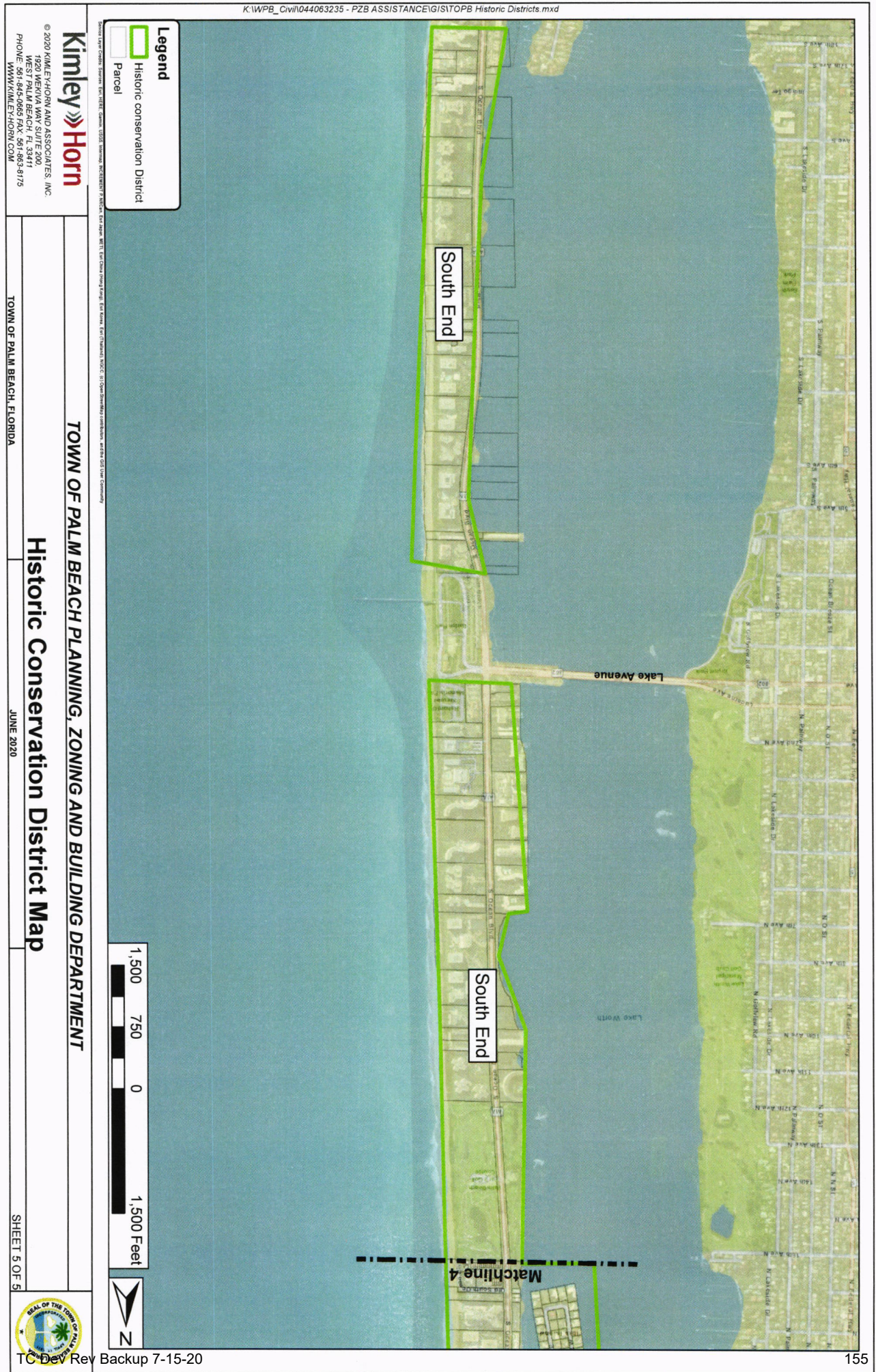




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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT
Historic Conservation District Map
 TOWN OF PALM BEACH, FLORIDA
 JUNE 2020
 SHEET 4 OF 5





CHAPTER 12

HISTORIC BUILDINGS

SECTION 1201 GENERAL

1201.1 Intent and purpose. It is the intent of this chapter to provide means for occupant safety, property conservation and use of designated historic buildings while protecting those elements, spaces and features that make these buildings historically or architecturally significant.

1201.2 Scope. The provisions of this code acknowledge the need to preserve the character of historic buildings and shall apply to the repair, alteration, restoration, change of occupancy, addition and relocation of historic buildings.

1201.3 Flood hazard areas. In flood hazard areas, if all proposed work, including repairs, work required because of a change of occupancy, and alterations, constitutes substantial improvement, then the building shall comply with Section 1612 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable.

Exception: If the program that designated the building as historic determines that it will continue to be an historic building after the proposed work is completed, then the proposed work is not considered to be substantial improvement. For the purposes of this exception, an historic building is:

1. Individually listed in the National Register of Historic Places; or
2. A contributing resource within a National Register of Historic Places listed district; or
3. Designated as historic property under an official municipal, county, special district or state designation, law, ordinance or resolution either individually or as a contributing property in a district, provided the local program making the designation is approved by the Department of the Interior (the Florida state historic preservation officer maintains a list of approved local programs); or
4. Determined eligible by the Florida State Historic Preservation Officer for listing in the National Register of Historic Places, either individually or as a contributing property in a district.

1201.4 Accessibility requirements. For accessibility requirements, see the *Florida Building Code, Accessibility*.

SECTION 1202 DEFINITIONS

ADAPTIVE REUSE. The conversion of functional change of a building from the purpose or use for which it was originally constructed or designed.

ADAPTIVE USE. A use for a building other than that for which it was originally designed or intended.

HISTORIC BUILDING. For the purposes of this code and the referenced documents, an historic building is defined as a building or structure that is:

1. Individually listed in the National Register of Historic Places; or
2. A contributing property in a National Register of Historic Places listed district; or
3. Designated as historic property under an official municipal, county, special district or state designation, law, ordinance or resolution either individually or as a contributing property in a district; or
4. Determined eligible by the Florida State Historic Preservation Officer for listing in the National Register of Historic Places, either individually or as a contributing property in a district.

HISTORIC CHARACTER. The essential quality of an historic building or space that provides its significance. The character might be determined by the historic background, including association with a significant event or person, the architecture of design, or the contents or elements and finishes of the building or space.

HISTORIC FABRIC. Original or added building or construction materials, features and finishes that existed during the period that is deemed to be most architecturally or historically significant or both.

HISTORIC PRESERVATION. A generic term that encompasses all aspects of the professional and public concern related to the maintenance of an historic structure, site or element in its current condition, as originally constructed, or with the additions and alterations determined to have acquired significance over time.

HISTORIC SITE. A place, often with associated structures, having historic significance.

HISTORIC STRUCTURE. A building, bridge, lighthouse, monument, pier, vessel or other construction that is designated or that is deemed eligible for such designation by a local, regional or national jurisdiction as having historical, architectural or cultural significance.

PRESERVATION. The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic building or structure.

REHABILITATION, HISTORIC BUILDING. The act or process of making possible a compatible use of a property through repair, alterations and additions while preserving those portions or features which convey its historical, cultural or architectural values.

RESTORATION. 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, and repair or replacement of damaged or altered features from the restoration period.

SECTION 1203 STANDARDS AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS

1203.1 Historic preservation goal. The historic preservation goal of this code shall be to minimize damage to and loss of historic structures, their unique characteristics and their contents as follows:

1. Maintain and preserve original space configurations of historic buildings.
2. Minimize alteration, destruction or loss of historic fabric or design.

1203.2 Historic preservation objectives.

1. Preservation of the original qualities or character of a building, structure, site or environment shall be encouraged.
2. Removal or alteration of any historic material or distinctive architectural features shall be minimized.
3. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.
4. A compatible use for a property that requires minimal alteration of the building, structure or site and its environment shall be encouraged.
5. New additions or alterations shall be designed and constructed in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired to the greatest degree possible.
6. Repairs, alterations, restorations, changes of occupancy, additions and relocations shall be guided by the recommended approaches in rehabilitation set forth in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Appendix B).

SECTION 1204 EQUIVALENCY

1204.1 Equivalency. Nothing in this code shall be intended to prevent the use of systems, methods or devices of equivalent or superior quality, strength, fire resistance or effectiveness, provided that the following conditions are met:

1. Technical documentation is submitted to the building official to document equivalency.
2. The system, method or device is acceptable to the building official.

SECTION 1205 COMPLIANCE

1205.1 Strict compliance. Historic structures or portions of such structures that do not strictly comply with this code shall be considered to be in compliance if it can be shown to the satisfaction of the building code official that equivalent protection

has been provided or that no hazard will be created or continued through noncompliance.

1205.2 Compliance option. Life safety and property conservation shall be provided in accordance with one of the following options:

1. Prescriptive-based provisions of this code.
2. Compliance alternative-based provisions of this code.
3. Performance-based provisions of NFPA 914, Code for Fire Protection of Historic Structures, Chapter 6, along with a structural evaluation as specified in Section 1401.4.1 of this code.

1205.3 Conditions specific to Compliance Options 2 and 3.

1. Architect or engineer required. The evaluation of historic structures utilizing Compliance Options 2 or 3 shall be completed by a Florida-registered architect or engineer and submitted to the building code official for review.
2. Documentation. Historic buildings that are determined to be code compliant through the use of Compliance Option 2 or 3 shall have copies of the architect or engineer's report kept on site and available for review by the building official.
3. Change of report assumptions. Any remodeling, modification, renovation, change of use or change in the established assumptions of the report shall require a reevaluation and reapproval by the building code official.
4. Construction safeguards. Construction safeguards consistent with Chapter 15 and NFPA 914, Code for Fire Protection of Historic Structures, shall be maintained during periods of repair, alteration, change of occupancy, addition and relocation of historic buildings.
5. Maintenance. In addition to the requirements of Section 1204, historic buildings shall be maintained in accordance with Chapters 1, 2, 8, 9, 10 and 11 of NFPA 914, Code for Fire Protection of Historic Structures.

SECTION 1206 INVESTIGATION AND EVALUATION

1206.1 Investigation and evaluation report. An historic building undergoing alteration or change of occupancy shall be investigated and evaluated. If it is intended that the building meet the requirements of this chapter, a written report shall be prepared and filed with the building official by a Florida-registered architect or engineer. Such report shall be in accordance with the provisions of Sections 4.3.1.2 through 4.3.2 of NFPA 914, Code for Fire Protection of Historic Structures and shall identify each required safety feature that is in compliance with this chapter and where compliance with this or other chapters would be damaging to the contributing historic features. In addition, the report shall describe each feature that is not in compliance and demonstrate how the intent of the provisions of this or other chapters are complied with in providing an equivalent level of safety.

special flood-related erosion hazards, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall

(1) Require the issuance of a permit for all proposed construction, or other development in the area of flood-related erosion hazard, as it is known to the community;

(2) Require review of each permit application to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing flood-related erosion hazard; and

(3) If a proposed improvement is found to be in the path of flood-related erosion or to increase the erosion hazard, require the improvement to be relocated or adequate protective measures to be taken which will not aggravate the existing erosion hazard.

(b) When the Federal Insurance Administrator has delineated Zone E on the community's FIRM, the community shall

(1) Meet the requirements of paragraph (a) of this section; and

(2) Require a setback for all new development from the ocean, lake, bay, riverfront or other body of water, to create a safety buffer consisting of a natural vegetative or contour strip. This buffer will be designated by the Federal Insurance Administrator according to the flood-related erosion hazard and erosion rate, in conjunction with the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic and climatic characteristics of the community's land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

[41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984]

§ 60.6 Variances and exceptions.

(a) The Federal Insurance Administrator does not set forth absolute criteria for granting variances from the criteria set forth in §§60.3, 60.4, and

60.5. The issuance of a variance is for flood plain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance. The community, after examining the applicant's hardships, shall approve or disapprove a request. While the granting of variances generally is limited to a lot size less than one-half acre (as set forth in paragraph (a)(2) of this section), deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. The Federal Insurance Administrator may review a community's findings justifying the granting of variances, and if that review indicates a pattern inconsistent with the objectives of sound flood plain management, the Federal Insurance Administrator may take appropriate action under §59.24(b) of this subchapter. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. Procedures for the granting of variances by a community are as follows:

(1) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;

(2) Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (a) (3), (4), (5) and (6) of this section;

(3) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public

Wayne Bergman

From: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>
Sent: Wednesday, June 10, 2020 11:50 AM
To: Wayne Bergman; Martin, Steve
Cc: Gail Coniglio
Subject: Re: [EXTERNAL] FW: [EXTERNAL] Town of Palm Beach Historic Preservation 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.*****

Good Morning Gail, Wayne, and Steve,

I completed our review of the revised ordinance. The revised ordinance addresses our previous recommendations and creates a clearer process for the identification, designation, and treatment of historically significant buildings. No further changes from me at this time. I'm interested to hear the town council's reaction and can weigh in if they recommend any additional changes or have any questions.

Best,
Jason

Jason Aldridge

Compliance Review Supervisor | Deputy State Historic Preservation Officer | Bureau of Historic Preservation | Division of Historical Resources | Florida Department of State | 500 South Bronough Street | Tallahassee, Florida 32399 | 850.245.6344 | 1.800.847.7278 | Fax: 850.245.6439 | Jason.Aldridge@DOS.MyFlorida.Com | dos.myflorida.com/historical

From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Friday, May 22, 2020 3:56 PM
To: Martin, Steve <Steve.Martin@em.myflorida.com>; Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>
Cc: Gail Coniglio <GConiglio@TownofPalmBeach.com>
Subject: RE: [EXTERNAL] FW: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

EMAIL RECEIVED FROM EXTERNAL SOURCE

Thank you Steve.

Wayne Bergman
Acting Director of Planning, Zoning & Building

From: Martin, Steve <Steve.Martin@em.myflorida.com>
Sent: Friday, May 22, 2020 3:39 PM
To: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>
Cc: Wayne Bergman <wbergman@TownOfPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>
Subject: FW: [EXTERNAL] FW: [EXTERNAL] Town of Palm Beach Historic Preservation 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.*****

Hi Jason,

I had the opportunity to speak with Mr. Bergman, Town of Palm Beach, about another matter, and we started talking about historic structures that the Town would like to designate outside of the Town's Landmarks program. I admitted that while I reviewed the revised language, I had not formally responded concerning the perceived compliance with the National Flood Insurance Program (NFIP). The State Floodplain Management Office opines that if any structure is on a local, state or federal listing of properties approved by the federal or State government (SHPO) as meeting NRHP criterion, the NFIP "exception" or "variance" provisions for substantial improvement will apply. I just wanted to make sure that we provided the Town and your office with our position and to defer the historic qualifications to the SHPO staff.

Thanks, Steve

Steve Martin, CFM, CPM
State NFIP Coordinator/State Floodplain Manager
Bureau of Mitigation
Desk 850.815.4505, Cell 850.590.9466
steve.martin@em.myflorida.com

From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Thursday, April 30, 2020 12:18 PM
To: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>; Martin, Steve <Steve.Martin@em.myflorida.com>
Cc: gconiglio@townofpalmbeach.com; Gail Coniglio <gailconig1@aol.com>
Subject: [EXTERNAL] FW: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

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Jason & Steve – We hope that you are safe and transitioning back to a more normal work environment.

Please recall our earlier discussions and messages regarding a new method to preserve more historically significant buildings in the Town of Palm Beach. I drafted and sent the attached revised amendment to you back in March. I hope that you have had an opportunity to review and consider this new approach. I believe that these changes meet with the process Jason described below. I believe the new draft program addresses all of the comments and concerns raised during an earlier review. It uses the concept of historic conservation districts as the basis for the new preservation effort.

Please review and provide us with your comments. The goal is to preserve more of the historically significant buildings in the Town. Thanks you.

Wayne Bergman, MCP, LEED-AP
Acting Director
Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426
Mobile: 561-232-7406
www.townofpalmbeach.com

From: Wayne Bergman
Sent: Thursday, March 12, 2020 10:50 AM
To: 'Aldridge, Jason H.' <Jason.Aldridge@dos.myflorida.com>; Martin, Steve <Steve.Martin@em.myflorida.com>
Cc: McDonald, Megan W. <Megan.McDonald@dos.myflorida.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Gail

Coniglio <GConiglio@TownofPalmBeach.com>; Amanda Skier <askier@palmbeachpreservation.org>; Kelly Churney <KChurney@TownofPalmBeach.com>

Subject: RE: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

Jason and Steve – thank you for your comments and suggestions. I took your direction and drafted a new ordinance to follow the path of historic conservation districts, attached. Jason, thank you for the North Beach example. I also reviewed the conservation districts in Tampa, Sarasota, and Fernandina Beach. As proposed, inside of these new conservation districts would be the homes and buildings we are attempting to preserve. I called these homes and buildings “historically significant buildings” in this draft.

Please review the draft and let us know if we are heading down the right path. From a macro view, and as I have indicated in the past, we are trying to create a new level of historic building that can be protected. In a perfect world we would propose a second-tier landmark building under our Chapter 54 ordinance, like a contributing building, but we have been advised not to amend that landmark ordinance, adopted in 1982.

We have added clear criteria for the creation and approval of the historic conservation districts and for the qualification of historically significant buildings located in the conservation districts. We have added more details to the approval process for alterations to the historically significant buildings in the districts. We have included a requirement for annual reviews of the districts and added an appeal process. Throughout the entire new process, Town P&Z staff and Town experts in historic preservation, would be involved to completely oversee the process and to qualify districts and buildings that would benefit under this program.

To ease in your review, I added responses to your comments and suggestions below in red.

Please review and let me know if this path forward will work for you. Our goal is to place this matter before the Town Council for approval on first reading April 15. Thanks.

Wayne Bergman, MCP, LEED-AP
Acting Director

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
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Mobile: 561-232-7406
www.townofpalmbeach.com

From: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>

Sent: Monday, March 09, 2020 12:30 PM

To: Wayne Bergman <wbergman@TownOfPalmBeach.com>; Martin, Steve <Steve.Martin@em.myflorida.com>

Cc: McDonald, Megan W. <Megan.McDonald@dos.myflorida.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>; Amanda Skier <askier@palmbeachpreservation.org>

Subject: RE: [EXTERNAL] Town of Palm Beach Historic Preservation 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.*****

Good Morning Gail,

It was nice to talk earlier today. As I mentioned we do have some concerns and questions, but ultimately a revised version of the ordinance should be acceptable to our office. We're happy to set up a teleconference in the near future if you'd like to discuss the ordinance language in more detail. Comments and questions are below.

Our office reviewed the proposed ordinance language to assess its potential impact on the Town of Palm Beach's CLG status and to provide recommendations regarding the proposed ordinance's applicability to the NFIP and FL Building Code exceptions for historic properties. Regarding the first issue, provided the Town's existing historic preservation ordinance and landmark program are not altered or repealed the Town will still meet CLG requirements. The proposed ordinance is not consistent with CLG requirements, so the inventory and process it establishes will act as a parallel program that cannot substitute for the existing program. Our office is concerned that in establishing a secondary historic registry, the Town may inadvertently undermine the existing landmark program by creating a parallel program offering some of the benefits of the current program with fewer protections for historic structures. **While we agree that is a concern, doing anything to diminish the existing landmark program is not the goal. The goal is to preserve additional buildings. And the "carrot on the stick" incentive is using the FEMA exemption for substantial improvements of historic buildings, found in the Florida Building Code. The buildings we are looking to preserve will not receive the tax abatement-status of landmarked buildings.**

The underlying premise of the proposed ordinance is similar to some architectural conservation districts in the state. In these cases local governments have established certain districts that have historic and architectural significance, but which the local government chooses to manage in ways that differ from the CLG program. These ordinances typically provide clarity regarding the designation and design review process and may serve as an example for how the Town can elaborate on the current ordinance language. The current ordinance provides a vague process for designating "historic contributing buildings." Providing a clearer process in the ordinance is critical to ensure that the exceptions available for historic properties under the NFIP and FL Building Code are applied accurately and consistently by the Town. **Done.** We also encourage you to use an alternative name for this designation, as the "historic contributing buildings" label could be confusing since a new historic district is not being created. We suggest the alternate name "conservation area" or similar. **Done.**

We have several comments and questions that we recommend the Town address to improve the ordinance so that it can effectively apply the options available for historic properties under the NFIP and FL Building Code:

- The designation process needs to be clear and provide adequate documentation of a property's historic significance. In particular the following questions should be addressed: How will properties be identified? **First, they will be located within the new historic conservation districts, second they will be qualified by an expert in historic preservation hired by the Town.** Will property owners or others submit properties for review? **Initially the districts (with clear boundaries) will be prepared and submitted by Town staff, in consultation with our contract historic experts. After approval by the Town council, any subsequent applications for new districts would be made by property owners or other entity.** Will the "Town Staff" responsible for reviewing properties be qualified historic preservation professionals? **Yes, and they are today. The Town currently uses Murphy Stillings LLC and ESI as historic consultants. We also lean heavily on the Preservation Foundation of Palm Beach. The Town is also doing a broad search for a historic preservation planner to assist with this matter and with other endeavors.** Will the landmarks commission have a role in reviewing and approving properties? **No, as this will be a new preservation process outside the scope of the Landmarks Preservation Commission. All applications will be reviewed and approved by the Town historic experts, who will verify that the project meets the Secretary of the Interior's Standards for the Treatment of Historic Properties, then subject the application to the Architectural Review Commission standards.** How will the historic significance of the properties be documented and tracked? **The Town historic experts will qualify any building undergoing renovations or alterations by applying the criteria in the ordinance. If determined to be a historically significant building, the building will be identified and tracked in the Town PZB software, similar to a landmark building. Once included on the list, will properties be reviewed to confirm they retain their historic integrity prior to receiving a historical variance? The list idea has been replaced with the historic conservation district . The attached ordinance documents the steps and reviews required to qualify the buildings as historically significant. Changes allowed may be adverse to remove them from the list. What will the process be for removing properties from the list, if**

they have incompatible alterations made after inclusion? ? The list idea has been replaced with the historic conservation district . The attached ordinance documents the steps and reviews required to qualify the buildings as historically significant.

- The review process for proposed work seeking a historical exemption also needs to be clear. In particular the following questions should be addressed: Who will be responsible for conducting project reviews? **Town staff and Town experts in historic preservation.** Will reviews be conducted by a qualified historic preservation professional? **Yes.** What design standards will be applied to ensure proposed work will not jeopardize a property's "continued designation as a historically contributing building or structure?" **The Secretary of the Interior's Standards for the Treatment of Historic Properties.** Will the design standards be based on or include the *Secretary of the Interior's Standards for the Treatment of Historic Properties*? **Yes.**

Sincerely,

Jason Aldridge

Compliance Review Supervisor | Deputy State Historic Preservation Officer | Bureau of Historic Preservation | Division of Historical Resources | Florida Department of State | 500 South Bronough Street | Tallahassee, Florida 32399 | 850.245.6344 | 1.800.847.7278 | Fax: 850.245.6439 | Jason.Aldridge@DOS.MyFlorida.Com | dos.myflorida.com/historical



From: Wayne Bergman <wbergman@TownOfPalmBeach.com>

Sent: Monday, February 24, 2020 8:14 AM

To: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>; Martin, Steve <Steve.Martin@em.myflorida.com>

Cc: McDonald, Megan W. <Megan.McDonald@dos.myflorida.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>; Amanda Skier <askier@palmbeachpreservation.org>

Subject: RE: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

EMAIL RECEIVED FROM EXTERNAL SOURCE

Good Morning Jason and Steve – it has been about a month since we first communicated about a proposed program for additional historic preservation of contributing buildings in the Town of Palm Beach. I sent you both copies of a draft ordinance to create a list of "historically contributing buildings". Mayor Gail Coniglio and I spoke with Jason about three weeks ago, hoping to understand if there may be any concerns on the part of the State agencies. To date we have heard nothing back from SHPO or if this proposed change would be consistent with the Town's CLG designation.

We are hoping that you could complete your review of this proposed program and provide the Town with any feedback you have at this time. It is our goal to adopt this ordinance and expand our historic preservation program to protect the many historically contributing buildings that currently are outside of the Town's landmark program.

Thank you.

Wayne Bergman, MCP, LEED-AP
Asst. Director

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426

From: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>
Sent: Friday, January 24, 2020 1:55 PM
To: Wayne Bergman <wbergman@TownOfPalmBeach.com>; Martin, Steve <Steve.Martin@em.myflorida.com>
Cc: Joshua Martin <jmartin@TownOfPalmBeach.com>; McDonald, Megan W. <Megan.McDonald@dos.myflorida.com>
Subject: RE: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

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Hello Wayne,

Thank you for sending the draft ordinance. I'll need a little time on our end to review the Town's approach and discuss with a few colleagues. In particular, I need to talk with our Certified Local Government Coordinator, Megan McDonald, who works with local governments regarding historic preservation ordinances. I will make an effort to send at least preliminary feedback next week and include any additional questions we have.

Sincerely,
Jason

Jason Aldridge

Compliance Review Supervisor | Deputy State Historic Preservation Officer | Bureau of Historic Preservation | Division of Historical Resources | Florida Department of State | 500 South Bronough Street | Tallahassee, Florida 32399 | 850.245.6344 | 1.800.847.7278 | Fax: 850.245.6439 | Jason.Aldridge@DOS.MyFlorida.Com | dos.myflorida.com/historical



From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Friday, January 24, 2020 12:55 PM
To: Martin, Steve <Steve.Martin@em.myflorida.com>
Cc: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>; Joshua Martin <jmartin@TownOfPalmBeach.com>
Subject: RE: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Steve and Jason – As I mentioned earlier this week, the Town is looking to expand its set of tools available for the preservation of historic buildings. We have a strong, although somewhat old, landmark ordinance - which the Town Attorney has directed not be amended – ever, for any reason! Therefore, any new historic preservation program, or even a simple preservation incentive, has to be created outside of the Town's exiting historic preservation ordinance, Chapter 54. Staff has approached this expansion by creating a new level of historically significant building, maybe called "Historically Contributing Building", which could possibly be preserved by the owners by claiming the exception to the substantial improvement found in the Florida Building Code (FBC). This is by no means an "end run" around the NFIP, but the carrot here would be the FBC

exception. To qualify, a building would need to meet at least one of the four criteria for landmark designation found in Town Code 54-161; be at least 50 years old; be placed on a list adopted by the Town elected officials; and therefore be eligible to meet the FBC exception. Sort of a "landmark light" building category, but nevertheless a historically significant building category, worthy of preservation.

I have included our most recent draft for your review. This matter has been discussed with our Town Council, and also reviewed by the Town's historic preservation consultants, Murphy Stillings LLC, and by Will Cook, Special Counsel at the Cultural Heritage Partners in Washington, DC. Since we are handcuffed and told by the Town Attorney NOT to amend the existing historic preservation / landmark code, we chose to make the amendments to create the new program in Chapter 18, Buildings & Building Regulations.

We would prefer not to use the FEMA defined variance process to preserve these buildings, instead to have the this new class of historic buildings be eligible to use the substantial improvement exception by right under the FBC, exception #3. As I stated below in my earlier email, owners of these buildings could still decide to raise the homes, or demolish and rebuild the home, at a higher elevation.

Please let me know if you have any suggestions to our approach. Our elected officials would like to move quickly with this matter. I would appreciate a conversation with you both about this program and its details. Thank you.

Wayne Bergman, MCP, LEED-AP
Asst. Director

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From: Martin, Steve <Steve.Martin@em.myflorida.com>
Sent: Wednesday, January 22, 2020 9:22 AM
To: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Cc: Jason.Aldridge@dos.myflorida.com; Joshua Martin <jmartin@TownOfPalmBeach.com>; Moore, Kristabel <Kristabel.Moore@em.myflorida.com>; Riess, Shannon <Shannon.Riess@em.myflorida.com>
Subject: RE: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

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Wayne,

Thanks for following up on our discussion. I certainly favor an approach like what the Town is considering (but the devil is in the details, so I have reserve judgment), as long as it is based on sound historic preservation objectives, and is not an end run around the NFIP. So, while such otherwise listed properties should be subject to preservation review for construction work to ensure properties remain eligible for historic listing, they should also be subject to NFIP variance review for the minimum necessary to provide relief, but also incorporate treatments that work to make historic structures more resilient to flooding.

We commend your efforts to coordinate and develop workable solutions.

Steve

Steve Martin, CFM, CPM
State NFIP Coordinator/State Floodplain Manager
Bureau of Mitigation
Desk 850.815.4505, Cell 850.590.9466
steve.martin@em.myflorida.com

From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Wednesday, January 22, 2020 8:31 AM
To: Jason.Aldridge@dos.myflorida.com
Cc: Martin, Steve <Steve.Martin@em.myflorida.com>; Joshua Martin <jmartin@TownOfPalmBeach.com>
Subject: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jason – I spoke with Steve Martin with DEM yesterday and he suggested that I contact you to discuss a new developing historic preservation method we are reviewing. The Town of Palm Beach is a CLG and we have an existing landmark program that was put in place in the early 1980's. Our goal is to have a second, lower tier of historic buildings that do not meet the landmark thresholds but are at least 50 years old and to contain at least one of the four historic designation criteria. We are currently having our historic site survey performed, and our consultants, ESI, have identified a large number of buildings meeting the age requirement and also meeting one of the four criteria.

The plan, to date, is to have the historic consultants at ESI prepare a list of the buildings that may qualify for this second tier of historically significant buildings and have the Town elected officials approve the list as a resolution. This list could be amended periodically as some buildings are destroyed and other buildings meet the criteria. We could call this second tier of buildings "historic", or maybe "historically contributing".

This second tier is important to the Town as many owners do not want to have their buildings landmarked. The Town has no other classification of historic building or other mean & methods to preserve historic buildings. This proposed second tier of building would be exempt from the FBC substantial improvement requirement, although since the buildings would not be landmarked, they could be demolished and rebuilt to meet FEMA elevations. We are seeing numerous older homes demolished because of the substantial improvement requirement, as most homes built in Palm Beach are masonry, many with brittle terra cotta tile exterior walls and concrete slabs, which can be difficult and expensive to simply raise to a new elevation. Any renovations to this second tier of historic buildings would be reviewed by the Town historic consultants for verification that the renovation would not remove the qualifying criteria on which the building was originally designated.

Our Town Attorney has been very forceful in demanding that no changes be made to the Town's landmark ordinance, as he is worried about Bert J. Harris lawsuits coming forward. Therefore he has coached the elected officials and staff in proposing code changes outside of the landmark ordinance to create this second tier of historic buildings. That is where we are today.

The issue is that the current landmark ordinance is not working. The Town needs another level of historic building protection.

Our stated goal above (more historic preservation tools) is to be fully compliant with State requirements. So we are looking for your insights and suggestions on how to finalize this new program to be in compliance. The elected officials want to move quickly on this issue. Please review this and call me at your earliest convenience. Thank you.

Wayne Bergman, MCP, LEED-AP
Asst. Director

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Under Florida law, correspondence with the Florida Division of Emergency Management, which is neither confidential nor exempt pursuant to Florida Statutes Chapter 119, is a public record made available upon request.

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TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2020

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE 03-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 50, Floods, Town Code Of Ordinances, By Amending Article III, Definitions, Division 2, Definitions, Section 50-137.5, Definitions; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated June 29, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Ordinance 03-2020**
- ▣ **Backup Relating to Historic Building Ordinances**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Code Changes to Create “Historic Conservation Districts” That Contain
“Historically Significant Buildings” – Ordinances 02-2020 and 03-2020

Date: June 29, 2020

STAFF RECOMMENDATION

Staff requests that the Town Council review Ordinance No. 02-2020 (amendments to Chapter 18, Building & Building Regulations) and Ordinance 03-2020 (amendment to Chapter 50, Floods). Staff further recommends that the Town Council approve the two ordinances on First Readings.

GENERAL INFORMATION

As you know, in Palm Beach there are two categories of buildings – those that are Landmarked and those that are not. Our Historical Preservation Code, Chapter 54, identifies and details regulations for Landmarked buildings only. Older homes (not Landmarked) do not qualify for the same FEMA and building code protections of a Landmarked building – because they are not identified or recognized in this Town. In November of 2019, PZB staff proposed the creation of a new category of building, called “Historic Buildings”; these buildings would not rise to the status and tax-abatement level of a Landmarked building, but could be provided the code exemptions found in the FEMA and Florida Building Codes to preserve them. Imagine a “Landmark Junior” or “Landmark Lite” type of building.

One of the reasons for many of the older homes being demolished in Palm Beach comes from the fact that once the proposed cost of a renovation exceeds 50% of the value of the building, that building must be elevated to meet the base flood elevation for that location. This is called “substantial improvement” and is a very big deal with older homes. This issue alone causes many owners to decide to demolish the old home and build new. Why? – because raising / elevating these old buildings (many built with concrete and masonry block or tile) can be very difficult and expensive. Many of these buildings structurally cannot be raised to a higher elevation. It is simply easier and less expensive to demolish the building and build a new building that complies with FEMA.

The goal was to create this new category of Historic Building, basically a Landmark Lite or Contributing-type building, and assign the FEMA and building code protections to these buildings. The direct result is that we may see more older homes preserved – and an indirect result could be that building lots are not automatically raised several feet to accommodate the new construction (another serious problem that affects stormwater runoff with neighbors and which is adversely changing the look and character of Palm Beach). When a building addition to these historic homes is proposed, a flood variance may be requested if the addition is in keeping with the historic character / architecture of the older building.

Staff does not intend for this possible program to directly compete with the existing Landmarks program, but we understand and acknowledge that many owners will never ask to have their home Landmarked and do not want to be Landmarked, or included within a Historic District, against their will. This new category of building may provide the mechanism to encourage property owners to keep their older buildings, and add complimentary building additions at elevations lower than FEMA normally requires (achieved with a flood variance).

BACKGROUND

This matter was discussed at the December 11, 2019 Town Council meeting. The Mayor and Town Council members requested that the new Historic Building program be separate from the current Landmark program. Staff followed this direction, and two draft ordinances were prepared in an effort to provide another means of preserving buildings in Palm Beach while not affecting the Town's Historical Preservation Code, Chapter 54. First Readings of these ordinances occurred on January 15, 2020. Around that same time, someone contacted the State Historic Preservation Officer regarding the new program, who contacted the State Floodplain Manager, who then contacted me for details of the proposed program. Following a few days of discussions with State staff, Town staff transmitted the ordinances and details to the two State agencies for their review.

After an initial review by the State agencies, changes in the program and enabling ordinances were requested by the State agencies. We ended up with a slightly different program than what was originally proposed back in December and January. The requested changes were all intended to align the new program with similar programs in other Florida communities (North Beach, Tampa, Sarasota and Fendandina Beach).

The State's reluctance to initially authorize this program was due to the fact that it was set up outside of the existing Landmarks ordinance and program, and that it may compete with the Landmarks program. As you know, staff was directed by Town Council and by Skip Randolph to set this up outside of the Landmarks ordinance, which we did.

The new program will begin with the establishment of a number of Town "historic conservation districts", which are areas that encompass a number of homes that are significant in some way and at least 50 years old. If these older homes and commercial buildings meet one of the four established criteria in the new code, they are designated "historically significant buildings" under the new definition, and thereby qualify for the substantial improvement exemption found in the FEMA and Florida Building Codes. This means that if designated a historically significant

building, the building does not need to be elevated to meet the minimum FEMA floor elevation once a renovation project of any value takes place. In addition, owners of these historically significant buildings are entitled to request floodplain variances from the Town Council for additions and limited reconstruction of the original building.

I would like to thank many residents and staff for their help in preparing this program. Of special note are Carol LeCates, Steven Greenwald and Jay Serzan, who reviewed this concept from the start and have helped provide suggestions to address some unintended consequences and potential issues. They were willing to discuss the matter and assisted in the drafting of the initial and subsequent ordinances. Thanks also goes to Mayor Gail Coniglio, who was superb in staying engaged with the State agencies as they completed their reviews. She routinely spoke with staff at the SHPO offices to keep the process moving forward. And to Amanda Skier and her team at the Preservation Foundation of Palm Beach, who were very helpful in preparing the final draft of the program and Ordinance 02-2020.

CURRENT REQUEST

Ordinance 02-2020 creates within Chapter 18, Buildings and Building Regulations, the historic conservation district program and defines historically significant buildings and the benefits of the program. This is the ordinance that enables the new program. Ordinance 03-2020 recognizes this new program under the Chapter 50, Floods [Flood Prevention]. Both ordinances are ready for approval on First Readings.

Two concurrent projects are taking place relating to this new program. The actual physical delineations of the new historic conservation districts are being prepared, along with a Resolution (attached) to adopt the conservation districts. This will be presented at the next meeting, which will hopefully coincide with the Second Readings of the two Ordinances. Also, ESI, the Town's historic site survey vendor, is finalizing their report and creating the 2,000 plus historic structure forms for the buildings that they surveyed. The data contained on these forms will be used to define historically significant buildings going forward.

Attachments: Draft Ordinance 02-2020 – Amending Chapter 18, Buildings & Building Regulations
Draft Ordinance 03-2020 – Amending Chapter 50, Floods
Draft Resolution __-2020 – Approving the Historic Conservation Districts
Copies of the 2017 FBC, Existing Building Code, Chapter 12, Historic Buildings, pages 55 & 56
FEMA – 42 U.S.C., Subchapter B, Part 60, Section 60.6 – Variances and Exceptions
Email string between Jason Aldridge, SHPO; Steve Martin, State Floodplain Manager; and Town staff

WRB

ORDINANCE NO. 03-2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 50, FLOODS, TOWN CODE OF ORDINANCES, BY AMENDING ARTICLE III, DEFINITIONS, DIVISION 2, DEFINITIONS, SECTION 50-137.5, DEFINITIONS; 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 50, Floods, the Town Code of Ordinances, is hereby amended at Article III, Definitions, Division 2, Definitions, Section 50-137.5, Definitions, as follows:

~~“Historically significant structure building. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings. See Chapter 18, Buildings and Building Regulations, Section 18-302, Definitions.”~~

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, Florida.

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, Florida, on the First Reading this ____ day of _____, 2020; and for the Second and Final Reading on this ____ day of _____, 2020.

Gail L. Coniglio, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Patricia Gayle-Gordon, Acting Town Clerk

Danielle H. Moore, Town Council Member

RESOLUTION NO. 51- 2020

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING A SET OF HISTORIC CONSERVATION DISTRICTS THAT ARE LOCATED THROUGHOUT THE TOWN OF PALM BEACH, AND AS DESCRIBED IN ORDINANCE 02-2020

WHEREAS, the Town Council has adopted Ordinance 02-2020, which created an additional program by which to preserve historically significant buildings that are located in specific areas of the Town called historic conservation districts, and

WHEREAS, Ordinance 02-2020 requires that to establish the new preservation program that the Town Council must first approve and designate areas of the Town as historic conservation districts, and

WHEREAS, the Town staff and Town experts in the field of historic preservation have prepared a set of historic conservation districts in accordance with Ordinance 02-2020, and

WHEREAS, the Town Council has adopted Ordinance 02-2020, which created an additional program in which to preserve historically significant buildings, and

WHEREAS, the Town Council meeting wherein this Resolution is adopted is held in accordance with Chapter 2, Administration, Division 3, Town Council Rules of Procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. The Historic Conservation Districts, detailed on Exhibit "A" (attached), are found in compliance with Ordinance 02-2020.

Section 2. The Historic Conservation Districts, found on Exhibit "A", are adopted by this Resolution and designated as the official Historic Conservation Districts of the Town of Palm Beach.

Section 3. This Resolution shall become effective immediately.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this ____ day of _____, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Pat Gayle-Gordon, Acting Town Clerk

Conservation Districts

Inlet

The Inlet Conservation District extends from the inlet to the northern side of Onondaga Avenue. The development of this northern-most portion of the Town increased after the Palm Beach Company built or extended a number of roads in this area during the late 1930s. Prior to this, much of the area was considered wilderness. The area developed with larger lots along the ocean and lake and smaller lots inland.

North Beach

The North Beach Conservation District extends from the southern side of Onondaga Avenue south to Colonial Lane. The streets in this area run from the lake to the beach and feature numerous cabanas on the ocean. This area, like much of the Town's north end, was developed during the post-World War II building boom.

Garden

The Garden Conservation District runs from Monterey Road to the Palm Beach Country Club. Much of this area was originally part of the famed early Palm Beach scenic attraction the Garden of Eden, which was the estate of early Palm Beach pioneers, Charles and Frances Cragin. The Cragin's transformed their 250 acres into a botanical garden and favorite tourist attraction in Town. By 1925, all of the property had been sold, subdivisions were created, and residential construction followed. Playa Riente, known as Addison Mizner's greatest Palm Beach residential design, was constructed in 1923-1924 on 25 acres from the Cragin estate. It was demolished in 1957 and the land was developed into the Dodge Estates subdivision.

Canopy

The Canopy Conservation District runs from the southern border of the Palm Beach Country Club and the Coral Cut south to Dunbar Road. Home to Duck's Nest and The Vicarage, two of the oldest residences in Palm Beach, the area was developed in the 1920s as large estates by members of some of Palm Beach's wealthiest families. Later many of these estates, such as El Mirasol and the Phipps' family estates, were subdivided and redeveloped. The Coral Cut and Palm Beach Country Club create a physical boundary at the north end.

Flagler

The Flagler Conservation District runs from Atlantic Avenue on the north to the south side of the Breakers Golf Course. Henry Flagler was instrumental in developing this area including the first bridge to the mainland. It is home to Sea Gull Cottage which was Flagler's first winter home in Palm Beach, Whitehall and

the Breakers Hotel. This district also includes the Town's original main street and commercial district along with the Royal Poinciana Plaza and nearby residential.

Mid-Town

The Mid Town Conservation District runs from south of the Breakers property to north of Royal Palm Way. Bethesda-by-the-Sea Episcopal Church is located at the northern end of the district and commercial properties run south along North County Road. While there was some residential development in the 1910s, it was primarily developed during the 1920s and 1930s. During the 1920s City Builders Realty Company was largely responsible for the development of the Sea Streets and Louis Clarke, the son of Charles J. Clarke an early Palm Beach Pioneer, developed the Primavera Estates subdivision. Pendleton Avenue and Pendleton Lane were developed during the Depression Era by some of the Town's most prominent architects and builders as speculative ventures during the lean years.

Royal Park

The Royal Park Conservation District includes Royal Palm Way south to Worth Avenue. Originally developed in the 1910s by E.N. "Cap" Dimick, the first mayor of Palm Beach, and Harvey Geer who formed the Palm Beach Improvement Company. Their Royal Park subdivision included 160 acres of land that contained jungle, sand and muck. They decided that the entire area was to be developed in its entirety at one time and a sea wall was built, areas of the land were filled in, and a bridge was constructed to connect Royal Park to West Palm Beach at Royal Palm Way. The area consists of Town Hall and Mizner's Memorial Fountain, commercial and residential uses. Originally the residential consisted of primarily single family cottages, however a zoning change in 1947 created a building boom that endured for decades, as many houses were replaced by apartments, co-ops, condominiums, and townhouses.

Estate

The Estate Conservation District runs from Golfview Road and Hammon Avenue south to Southern Boulevard and includes Everglades Island. The area is home to many of the grand estates that were designed by the Town's most prominent architects for some of the wealthiest residents during the 1920s. The estates often ran from the ocean to the lake. While some of the grand estates remain intact most were subdivided over the years into smaller, yet still large, parcels. Construction of new residences continued in the area during the depression era and included the development of Everglades Island, which began in the 1930s, its development was halted due to WWII and began again following the end of the war. Many of the grand estates are located along the much traveled South Ocean Boulevard.

Providencia

The Providencia Conservation District includes the area between Southern Boulevard and Widener's Curve with the Bath and Tennis Club at the northeast corner of the district. This is where the Providencia, a Spanish ship carrying nearly 20,000 coconuts, crashed in 1878 on what was to be the Bingham and Bolton estates. The coconuts were sold to local people who planted them and soon coconut palms peppered the island, thus initiating the Town's name Palm Beach. The district consists of primarily large lots that front either the lake or the ocean with South Ocean Boulevard running between. Large estates in the area were designed by prominent architects during the 1920s, many of which have been subdivided and redeveloped. Development increased following the completion of the Southern Boulevard Bridge in 1950 due to significantly faster access to the Island's south end.

Beach South

The Beach South Conservation District runs from Widener's Curve south to Sloan's Curve. The properties are accessed from South Ocean Boulevard which runs along the ocean. This section of South Ocean Boulevard has several large ocean to lake 1920s Mediterranean Revival style estates, designed by Addison Mizner, as well as late 1920s and 1930s estates, designed in classical revival styles by Treanor & Fatio and Volk & Maass. The area is also home to later residences, some of which were built on land subdivided from larger estates. Beach cabanas dot the beach along this stretch of scenic drive on the island.

South End

The South End Conservation District begins at Sloan's Curve and extends to the southern town limits. This area consists of primarily condominiums with some single family and townhomes scattered throughout, including Ibis Isles. Development of the area primarily began following a zoning code change in 1947 that allowed for raising the housing density in this stretch of land. While there was a little development of the area through the 1950s, from the 1960s to the 1980s over 50 condominium buildings were constructed along this narrow three-and-one-half mile ocean to lake piece of land, ever changing the South End of Palm Beach. Phipps Ocean Park, the Palm Beach Par Three Golf Course and a fire station provided additional amenities to the area's residents.



Legend

- Historic conservation District
- Parcel



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 1820 WEDGEMAN WAY SUITE 200
 WEST PALM BEACH, FL 33411
 PHONE: 561-845-0665 FAX: 561-863-8175
 WWW.KIMLEY-HORN.COM

TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

SHEET 1 OF 5



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TOWN OF PALM BEACH, FLORIDA

JUNE 2020

SHEET 2 OF 5

Historic Conservation District Map

TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT



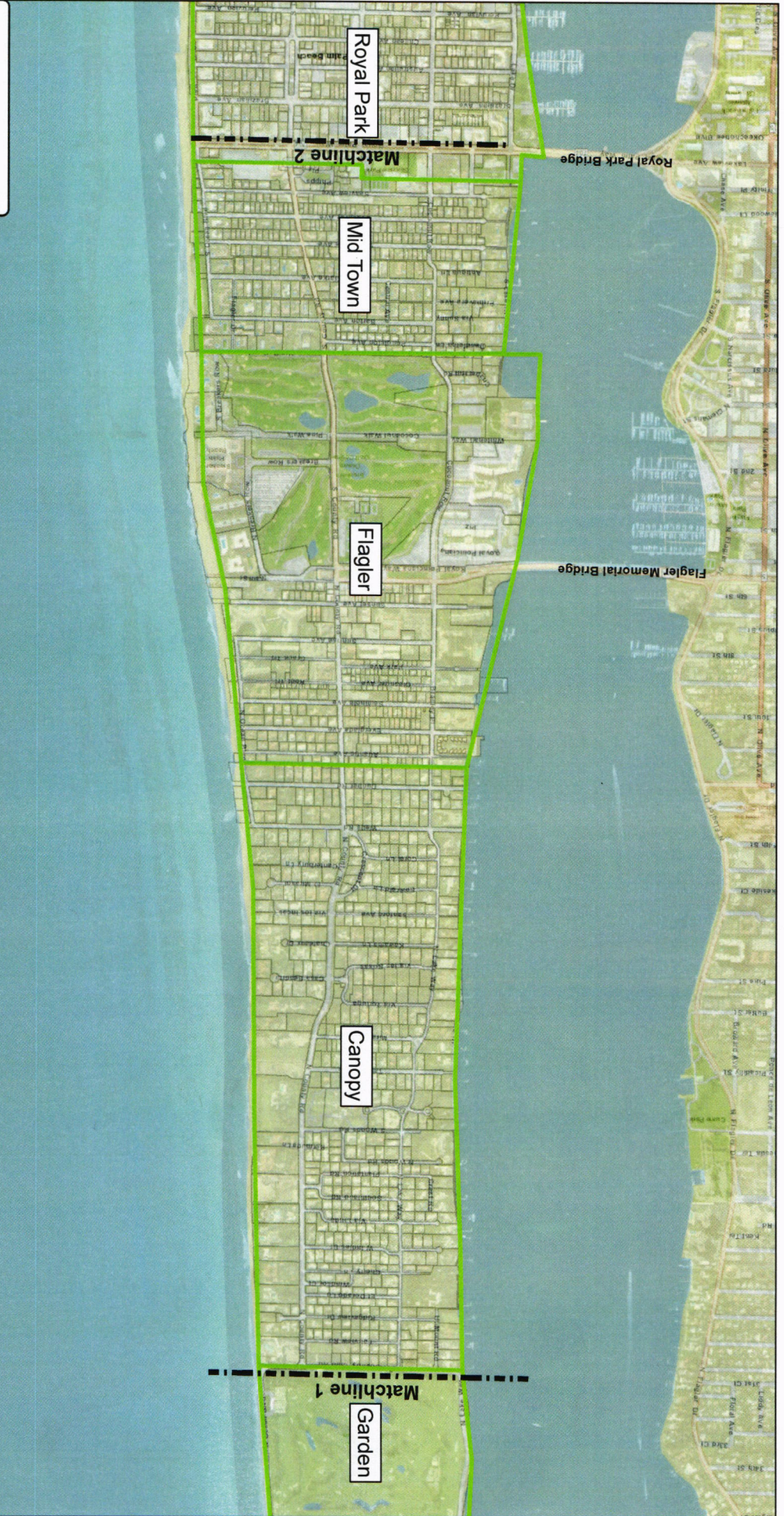
TC-Dev Rev Backup 7-15-20

Legend

- Historic conservation District
- Parcel

1,500 750 0 1,500 Feet

N





Kimley **Horn**

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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT

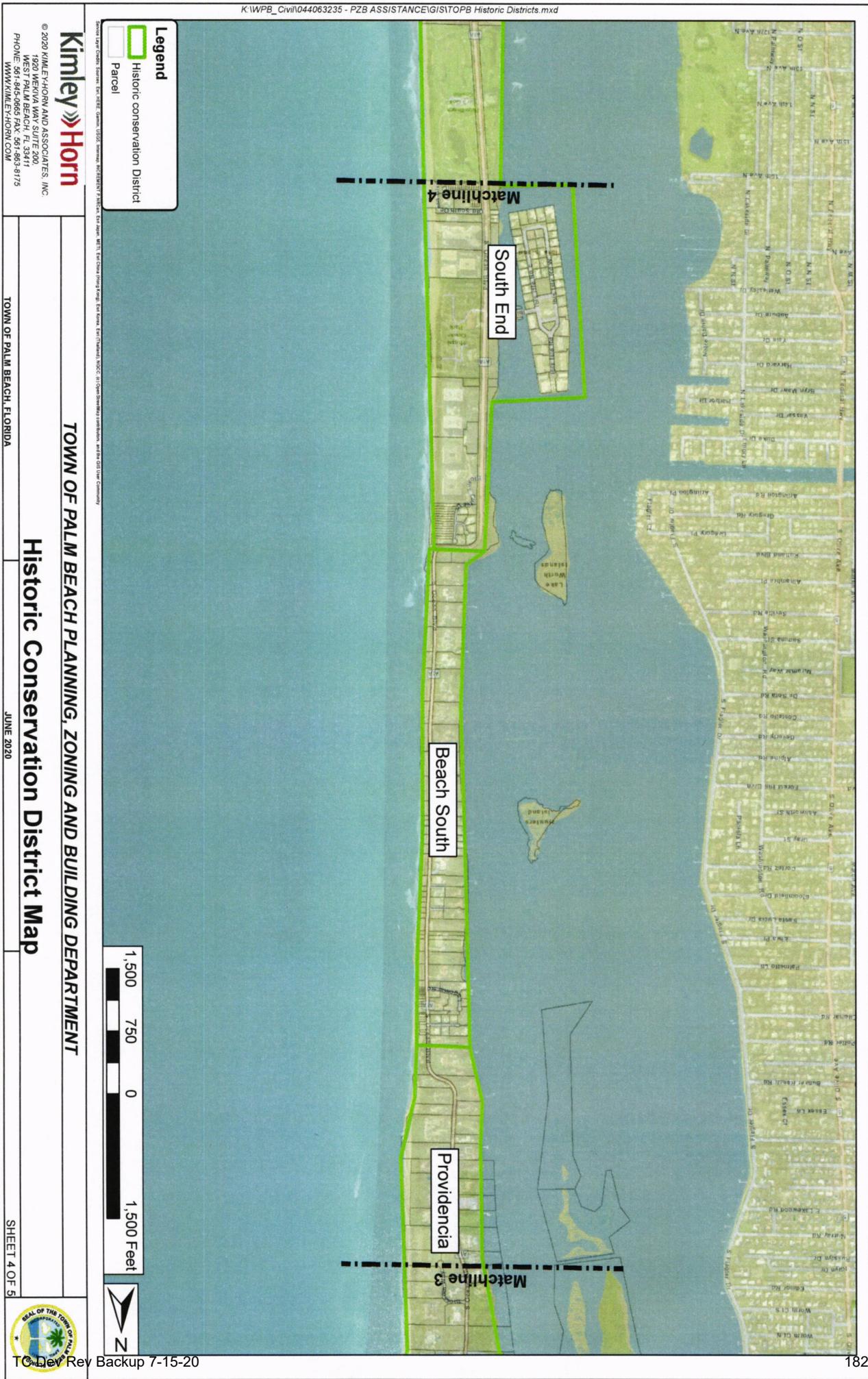
Historic Conservation District Map

TOWN OF PALM BEACH, FLORIDA

JUNE 2020

SHEET 3 OF 5

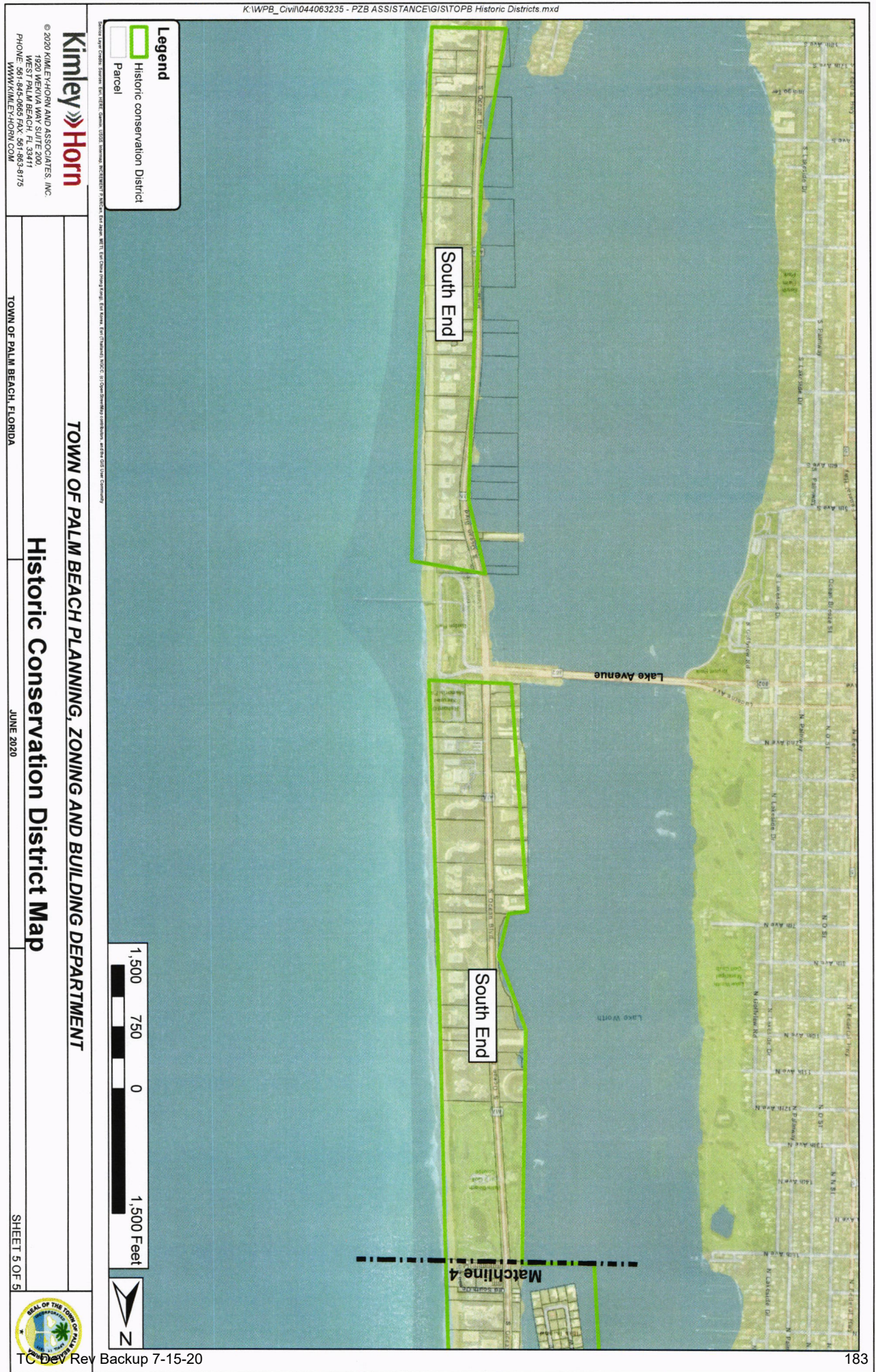




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TOWN OF PALM BEACH PLANNING, ZONING AND BUILDING DEPARTMENT
Historic Conservation District Map
 JUNE 2020
 SHEET 4 OF 5





CHAPTER 12

HISTORIC BUILDINGS

SECTION 1201 GENERAL

1201.1 Intent and purpose. It is the intent of this chapter to provide means for occupant safety, property conservation and use of designated historic buildings while protecting those elements, spaces and features that make these buildings historically or architecturally significant.

1201.2 Scope. The provisions of this code acknowledge the need to preserve the character of historic buildings and shall apply to the repair, alteration, restoration, change of occupancy, addition and relocation of historic buildings.

1201.3 Flood hazard areas. In flood hazard areas, if all proposed work, including repairs, work required because of a change of occupancy, and alterations, constitutes substantial improvement, then the building shall comply with Section 1612 of the *Florida Building Code, Building*, or Section R322 of the *Florida Building Code, Residential*, as applicable.

Exception: If the program that designated the building as historic determines that it will continue to be an historic building after the proposed work is completed, then the proposed work is not considered to be substantial improvement. For the purposes of this exception, an historic building is:

1. Individually listed in the National Register of Historic Places; or
2. A contributing resource within a National Register of Historic Places listed district; or
3. Designated as historic property under an official municipal, county, special district or state designation, law, ordinance or resolution either individually or as a contributing property in a district, provided the local program making the designation is approved by the Department of the Interior (the Florida state historic preservation officer maintains a list of approved local programs); or
4. Determined eligible by the Florida State Historic Preservation Officer for listing in the National Register of Historic Places, either individually or as a contributing property in a district.

1201.4 Accessibility requirements. For accessibility requirements, see the *Florida Building Code, Accessibility*.

SECTION 1202 DEFINITIONS

ADAPTIVE REUSE. The conversion of functional change of a building from the purpose or use for which it was originally constructed or designed.

ADAPTIVE USE. A use for a building other than that for which it was originally designed or intended.

HISTORIC BUILDING. For the purposes of this code and the referenced documents, an historic building is defined as a building or structure that is:

1. Individually listed in the National Register of Historic Places; or
2. A contributing property in a National Register of Historic Places listed district; or
3. Designated as historic property under an official municipal, county, special district or state designation, law, ordinance or resolution either individually or as a contributing property in a district; or
4. Determined eligible by the Florida State Historic Preservation Officer for listing in the National Register of Historic Places, either individually or as a contributing property in a district.

HISTORIC CHARACTER. The essential quality of an historic building or space that provides its significance. The character might be determined by the historic background, including association with a significant event or person, the architecture of design, or the contents or elements and finishes of the building or space.

HISTORIC FABRIC. Original or added building or construction materials, features and finishes that existed during the period that is deemed to be most architecturally or historically significant or both.

HISTORIC PRESERVATION. A generic term that encompasses all aspects of the professional and public concern related to the maintenance of an historic structure, site or element in its current condition, as originally constructed, or with the additions and alterations determined to have acquired significance over time.

HISTORIC SITE. A place, often with associated structures, having historic significance.

HISTORIC STRUCTURE. A building, bridge, lighthouse, monument, pier, vessel or other construction that is designated or that is deemed eligible for such designation by a local, regional or national jurisdiction as having historical, architectural or cultural significance.

PRESERVATION. The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic building or structure.

REHABILITATION, HISTORIC BUILDING. The act or process of making possible a compatible use of a property through repair, alterations and additions while preserving those portions or features which convey its historical, cultural or architectural values.

RESTORATION. 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, and repair or replacement of damaged or altered features from the restoration period.

SECTION 1203 STANDARDS AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS

1203.1 Historic preservation goal. The historic preservation goal of this code shall be to minimize damage to and loss of historic structures, their unique characteristics and their contents as follows:

1. Maintain and preserve original space configurations of historic buildings.
2. Minimize alteration, destruction or loss of historic fabric or design.

1203.2 Historic preservation objectives.

1. Preservation of the original qualities or character of a building, structure, site or environment shall be encouraged.
2. Removal or alteration of any historic material or distinctive architectural features shall be minimized.
3. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.
4. A compatible use for a property that requires minimal alteration of the building, structure or site and its environment shall be encouraged.
5. New additions or alterations shall be designed and constructed in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired to the greatest degree possible.
6. Repairs, alterations, restorations, changes of occupancy, additions and relocations shall be guided by the recommended approaches in rehabilitation set forth in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Appendix B).

SECTION 1204 EQUIVALENCY

1204.1 Equivalency. Nothing in this code shall be intended to prevent the use of systems, methods or devices of equivalent or superior quality, strength, fire resistance or effectiveness, provided that the following conditions are met:

1. Technical documentation is submitted to the building official to document equivalency.
2. The system, method or device is acceptable to the building official.

SECTION 1205 COMPLIANCE

1205.1 Strict compliance. Historic structures or portions of such structures that do not strictly comply with this code shall be considered to be in compliance if it can be shown to the satisfaction of the building code official that equivalent protection

has been provided or that no hazard will be created or continued through noncompliance.

1205.2 Compliance option. Life safety and property conservation shall be provided in accordance with one of the following options:

1. Prescriptive-based provisions of this code.
2. Compliance alternative-based provisions of this code.
3. Performance-based provisions of NFPA 914, Code for Fire Protection of Historic Structures, Chapter 6, along with a structural evaluation as specified in Section 1401.4.1 of this code.

1205.3 Conditions specific to Compliance Options 2 and 3.

1. Architect or engineer required. The evaluation of historic structures utilizing Compliance Options 2 or 3 shall be completed by a Florida-registered architect or engineer and submitted to the building code official for review.
2. Documentation. Historic buildings that are determined to be code compliant through the use of Compliance Option 2 or 3 shall have copies of the architect or engineer's report kept on site and available for review by the building official.
3. Change of report assumptions. Any remodeling, modification, renovation, change of use or change in the established assumptions of the report shall require a reevaluation and reapproval by the building code official.
4. Construction safeguards. Construction safeguards consistent with Chapter 15 and NFPA 914, Code for Fire Protection of Historic Structures, shall be maintained during periods of repair, alteration, change of occupancy, addition and relocation of historic buildings.
5. Maintenance. In addition to the requirements of Section 1204, historic buildings shall be maintained in accordance with Chapters 1, 2, 8, 9, 10 and 11 of NFPA 914, Code for Fire Protection of Historic Structures.

SECTION 1206 INVESTIGATION AND EVALUATION

1206.1 Investigation and evaluation report. An historic building undergoing alteration or change of occupancy shall be investigated and evaluated. If it is intended that the building meet the requirements of this chapter, a written report shall be prepared and filed with the building official by a Florida-registered architect or engineer. Such report shall be in accordance with the provisions of Sections 4.3.1.2 through 4.3.2 of NFPA 914, Code for Fire Protection of Historic Structures and shall identify each required safety feature that is in compliance with this chapter and where compliance with this or other chapters would be damaging to the contributing historic features. In addition, the report shall describe each feature that is not in compliance and demonstrate how the intent of the provisions of this or other chapters are complied with in providing an equivalent level of safety.

special flood-related erosion hazards, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall

(1) Require the issuance of a permit for all proposed construction, or other development in the area of flood-related erosion hazard, as it is known to the community;

(2) Require review of each permit application to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing flood-related erosion hazard; and

(3) If a proposed improvement is found to be in the path of flood-related erosion or to increase the erosion hazard, require the improvement to be relocated or adequate protective measures to be taken which will not aggravate the existing erosion hazard.

(b) When the Federal Insurance Administrator has delineated Zone E on the community's FIRM, the community shall

(1) Meet the requirements of paragraph (a) of this section; and

(2) Require a setback for all new development from the ocean, lake, bay, riverfront or other body of water, to create a safety buffer consisting of a natural vegetative or contour strip. This buffer will be designated by the Federal Insurance Administrator according to the flood-related erosion hazard and erosion rate, in conjunction with the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic and climatic characteristics of the community's land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

[41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 48 FR 44552, Sept. 29, 1983; 49 FR 4751, Feb. 8, 1984]

§ 60.6 Variances and exceptions.

(a) The Federal Insurance Administrator does not set forth absolute criteria for granting variances from the criteria set forth in §§60.3, 60.4, and

60.5. The issuance of a variance is for flood plain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance. The community, after examining the applicant's hardships, shall approve or disapprove a request. While the granting of variances generally is limited to a lot size less than one-half acre (as set forth in paragraph (a)(2) of this section), deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. The Federal Insurance Administrator may review a community's findings justifying the granting of variances, and if that review indicates a pattern inconsistent with the objectives of sound flood plain management, the Federal Insurance Administrator may take appropriate action under §59.24(b) of this subchapter. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. Procedures for the granting of variances by a community are as follows:

(1) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;

(2) Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (a) (3), (4), (5) and (6) of this section;

(3) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public

Wayne Bergman

From: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>
Sent: Wednesday, June 10, 2020 11:50 AM
To: Wayne Bergman; Martin, Steve
Cc: Gail Coniglio
Subject: Re: [EXTERNAL] FW: [EXTERNAL] Town of Palm Beach Historic Preservation 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.*****

Good Morning Gail, Wayne, and Steve,

I completed our review of the revised ordinance. The revised ordinance addresses our previous recommendations and creates a clearer process for the identification, designation, and treatment of historically significant buildings. No further changes from me at this time. I'm interested to hear the town council's reaction and can weigh in if they recommend any additional changes or have any questions.

Best,
Jason

Jason Aldridge

Compliance Review Supervisor | Deputy State Historic Preservation Officer | Bureau of Historic Preservation | Division of Historical Resources | Florida Department of State | [500 South Bronough Street](#) | [Tallahassee, Florida 32399](#) | [850.245.6344](#) | [1.800.847.7278](#) | Fax: [850.245.6439](#) | Jason.Aldridge@DOS.MyFlorida.Com | dos.myflorida.com/historical

From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Friday, May 22, 2020 3:56 PM
To: Martin, Steve <Steve.Martin@em.myflorida.com>; Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>
Cc: Gail Coniglio <GConiglio@TownofPalmBeach.com>
Subject: RE: [EXTERNAL] FW: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

EMAIL RECEIVED FROM EXTERNAL SOURCE

Thank you Steve.

Wayne Bergman
Acting Director of Planning, Zoning & Building

From: Martin, Steve <Steve.Martin@em.myflorida.com>
Sent: Friday, May 22, 2020 3:39 PM
To: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>
Cc: Wayne Bergman <wbergman@TownOfPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>
Subject: FW: [EXTERNAL] FW: [EXTERNAL] Town of Palm Beach Historic Preservation 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.*****

Hi Jason,

I had the opportunity to speak with Mr. Bergman, Town of Palm Beach, about another matter, and we started talking about historic structures that the Town would like to designate outside of the Town's Landmarks program. I admitted that while I reviewed the revised language, I had not formally responded concerning the perceived compliance with the National Flood Insurance Program (NFIP). The State Floodplain Management Office opines that if any structure is on a local, state or federal listing of properties approved by the federal or State government (SHPO) as meeting NRHP criterion, the NFIP "exception" or "variance" provisions for substantial improvement will apply. I just wanted to make sure that we provided the Town and your office with our position and to defer the historic qualifications to the SHPO staff.

Thanks, Steve

Steve Martin, CFM, CPM
State NFIP Coordinator/State Floodplain Manager
Bureau of Mitigation
Desk 850.815.4505, Cell 850.590.9466
steve.martin@em.myflorida.com

From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Thursday, April 30, 2020 12:18 PM
To: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>; Martin, Steve <Steve.Martin@em.myflorida.com>
Cc: gconiglio@townofpalmbeach.com; Gail Coniglio <gailconig1@aol.com>
Subject: [EXTERNAL] FW: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

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Jason & Steve – We hope that you are safe and transitioning back to a more normal work environment.

Please recall our earlier discussions and messages regarding a new method to preserve more historically significant buildings in the Town of Palm Beach. I drafted and sent the attached revised amendment to you back in March. I hope that you have had an opportunity to review and consider this new approach. I believe that these changes meet with the process Jason described below. I believe the new draft program addresses all of the comments and concerns raised during an earlier review. It uses the concept of historic conservation districts as the basis for the new preservation effort.

Please review and provide us with your comments. The goal is to preserve more of the historically significant buildings in the Town. Thanks you.

Wayne Bergman, MCP, LEED-AP
Acting Director
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Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
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Mobile: 561-232-7406
www.townofpalmbeach.com

From: Wayne Bergman
Sent: Thursday, March 12, 2020 10:50 AM
To: 'Aldridge, Jason H.' <Jason.Aldridge@dos.myflorida.com>; Martin, Steve <Steve.Martin@em.myflorida.com>
Cc: McDonald, Megan W. <Megan.McDonald@dos.myflorida.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Gail

Coniglio <GConiglio@TownofPalmBeach.com>; Amanda Skier <askier@palmbeachpreservation.org>; Kelly Churney <KChurney@TownofPalmBeach.com>

Subject: RE: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

Jason and Steve – thank you for your comments and suggestions. I took your direction and drafted a new ordinance to follow the path of historic conservation districts, attached. Jason, thank you for the North Beach example. I also reviewed the conservation districts in Tampa, Sarasota, and Fernandina Beach. As proposed, inside of these new conservation districts would be the homes and buildings we are attempting to preserve. I called these homes and buildings “historically significant buildings” in this draft.

Please review the draft and let us know if we are heading down the right path. From a macro view, and as I have indicated in the past, we are trying to create a new level of historic building that can be protected. In a perfect world we would propose a second-tier landmark building under our Chapter 54 ordinance, like a contributing building, but we have been advised not to amend that landmark ordinance, adopted in 1982.

We have added clear criteria for the creation and approval of the historic conservation districts and for the qualification of historically significant buildings located in the conservation districts. We have added more details to the approval process for alterations to the historically significant buildings in the districts. We have included a requirement for annual reviews of the districts and added an appeal process. Throughout the entire new process, Town P&Z staff and Town experts in historic preservation, would be involved to completely oversee the process and to qualify districts and buildings that would benefit under this program.

To ease in your review, I added responses to your comments and suggestions below in red.

Please review and let me know if this path forward will work for you. Our goal is to place this matter before the Town Council for approval on first reading April 15. Thanks.

Wayne Bergman, MCP, LEED-AP
Acting Director

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From: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>

Sent: Monday, March 09, 2020 12:30 PM

To: Wayne Bergman <wbergman@TownOfPalmBeach.com>; Martin, Steve <Steve.Martin@em.myflorida.com>

Cc: McDonald, Megan W. <Megan.McDonald@dos.myflorida.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>; Amanda Skier <askier@palmbeachpreservation.org>

Subject: RE: [EXTERNAL] Town of Palm Beach Historic Preservation 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.*****

Good Morning Gail,

It was nice to talk earlier today. As I mentioned we do have some concerns and questions, but ultimately a revised version of the ordinance should be acceptable to our office. We're happy to set up a teleconference in the near future if you'd like to discuss the ordinance language in more detail. Comments and questions are below.

Our office reviewed the proposed ordinance language to assess its potential impact on the Town of Palm Beach's CLG status and to provide recommendations regarding the proposed ordinance's applicability to the NFIP and FL Building Code exceptions for historic properties. Regarding the first issue, provided the Town's existing historic preservation ordinance and landmark program are not altered or repealed the Town will still meet CLG requirements. The proposed ordinance is not consistent with CLG requirements, so the inventory and process it establishes will act as a parallel program that cannot substitute for the existing program. Our office is concerned that in establishing a secondary historic registry, the Town may inadvertently undermine the existing landmark program by creating a parallel program offering some of the benefits of the current program with fewer protections for historic structures. **While we agree that is a concern, doing anything to diminish the existing landmark program is not the goal. The goal is to preserve additional buildings. And the "carrot on the stick" incentive is using the FEMA exemption for substantial improvements of historic buildings, found in the Florida Building Code. The buildings we are looking to preserve will not receive the tax abatement-status of landmarked buildings.**

The underlying premise of the proposed ordinance is similar to some architectural conservation districts in the state. In these cases local governments have established certain districts that have historic and architectural significance, but which the local government chooses to manage in ways that differ from the CLG program. These ordinances typically provide clarity regarding the designation and design review process and may serve as an example for how the Town can elaborate on the current ordinance language. The current ordinance provides a vague process for designating "historic contributing buildings." Providing a clearer process in the ordinance is critical to ensure that the exceptions available for historic properties under the NFIP and FL Building Code are applied accurately and consistently by the Town. **Done.** We also encourage you to use an alternative name for this designation, as the "historic contributing buildings" label could be confusing since a new historic district is not being created. We suggest the alternate name "conservation area" or similar. **Done.**

We have several comments and questions that we recommend the Town address to improve the ordinance so that it can effectively apply the options available for historic properties under the NFIP and FL Building Code:

- The designation process needs to be clear and provide adequate documentation of a property's historic significance. In particular the following questions should be addressed: How will properties be identified? **First, they will be located within the new historic conservation districts, second they will be qualified by an expert in historic preservation hired by the Town.** Will property owners or others submit properties for review? **Initially the districts (with clear boundaries) will be prepared and submitted by Town staff, in consultation with our contract historic experts. After approval by the Town council, any subsequent applications for new districts would be made by property owners or other entity.** Will the "Town Staff" responsible for reviewing properties be qualified historic preservation professionals? **Yes, and they are today. The Town currently uses Murphy Stillings LLC and ESI as historic consultants. We also lean heavily on the Preservation Foundation of Palm Beach. The Town is also doing a broad search for a historic preservation planner to assist with this matter and with other endeavors.** Will the landmarks commission have a role in reviewing and approving properties? **No, as this will be a new preservation process outside the scope of the Landmarks Preservation Commission. All applications will be reviewed and approved by the Town historic experts, who will verify that the project meets the Secretary of the Interior's Standards for the Treatment of Historic Properties, then subject the application to the Architectural Review Commission standards.** How will the historic significance of the properties be documented and tracked? **The Town historic experts will qualify any building undergoing renovations or alterations by applying the criteria in the ordinance. If determined to be a historically significant building, the building will be identified and tracked in the Town PZB software, similar to a landmark building. Once included on the list, will properties be reviewed to confirm they retain their historic integrity prior to receiving a historical variance? The list idea has been replaced with the historic conservation district . The attached ordinance documents the steps and reviews required to qualify the buildings as historically significant. Changes allowed may be adverse to remove them from the list. What will the process be for removing properties from the list, if**

they have incompatible alterations made after inclusion? ? The list idea has been replaced with the historic conservation district . The attached ordinance documents the steps and reviews required to qualify the buildings as historically significant.

- The review process for proposed work seeking a historical exemption also needs to be clear. In particular the following questions should be addressed: Who will be responsible for conducting project reviews? **Town staff and Town experts in historic preservation.** Will reviews be conducted by a qualified historic preservation professional? **Yes.** What design standards will be applied to ensure proposed work will not jeopardize a property's "continued designation as a historically contributing building or structure?" **The Secretary of the Interior's Standards for the Treatment of Historic Properties.** Will the design standards be based on or include the *Secretary of the Interior's Standards for the Treatment of Historic Properties*? **Yes.**

Sincerely,

Jason Aldridge

Compliance Review Supervisor | Deputy State Historic Preservation Officer | Bureau of Historic Preservation | Division of Historical Resources | Florida Department of State | 500 South Bronough Street | Tallahassee, Florida 32399 | 850.245.6344 | 1.800.847.7278 | Fax: 850.245.6439 | Jason.Aldridge@DOS.MyFlorida.Com | dos.myflorida.com/historical



From: Wayne Bergman <wbergman@TownOfPalmBeach.com>

Sent: Monday, February 24, 2020 8:14 AM

To: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>; Martin, Steve <Steve.Martin@em.myflorida.com>

Cc: McDonald, Megan W. <Megan.McDonald@dos.myflorida.com>; Kirk Blouin <KBlouin@TownofPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>; Amanda Skier <askier@palmbeachpreservation.org>

Subject: RE: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

EMAIL RECEIVED FROM EXTERNAL SOURCE

Good Morning Jason and Steve – it has been about a month since we first communicated about a proposed program for additional historic preservation of contributing buildings in the Town of Palm Beach. I sent you both copies of a draft ordinance to create a list of "historically contributing buildings". Mayor Gail Coniglio and I spoke with Jason about three weeks ago, hoping to understand if there may be any concerns on the part of the State agencies. To date we have heard nothing back from SHPO or if this proposed change would be consistent with the Town's CLG designation.

We are hoping that you could complete your review of this proposed program and provide the Town with any feedback you have at this time. It is our goal to adopt this ordinance and expand our historic preservation program to protect the many historically contributing buildings that currently are outside of the Town's landmark program.

Thank you.

Wayne Bergman, MCP, LEED-AP
Asst. Director

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426

From: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>
Sent: Friday, January 24, 2020 1:55 PM
To: Wayne Bergman <wbergman@TownOfPalmBeach.com>; Martin, Steve <Steve.Martin@em.myflorida.com>
Cc: Joshua Martin <jmartin@TownOfPalmBeach.com>; McDonald, Megan W. <Megan.McDonald@dos.myflorida.com>
Subject: RE: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

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Hello Wayne,

Thank you for sending the draft ordinance. I'll need a little time on our end to review the Town's approach and discuss with a few colleagues. In particular, I need to talk with our Certified Local Government Coordinator, Megan McDonald, who works with local governments regarding historic preservation ordinances. I will make an effort to send at least preliminary feedback next week and include any additional questions we have.

Sincerely,
Jason

Jason Aldridge

Compliance Review Supervisor | Deputy State Historic Preservation Officer | Bureau of Historic Preservation | Division of Historical Resources | Florida Department of State | 500 South Bronough Street | Tallahassee, Florida 32399 | 850.245.6344 | 1.800.847.7278 | Fax: 850.245.6439 | Jason.Aldridge@DOS.MyFlorida.Com | dos.myflorida.com/historical



From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Friday, January 24, 2020 12:55 PM
To: Martin, Steve <Steve.Martin@em.myflorida.com>
Cc: Aldridge, Jason H. <Jason.Aldridge@dos.myflorida.com>; Joshua Martin <jmartin@TownOfPalmBeach.com>
Subject: RE: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Steve and Jason – As I mentioned earlier this week, the Town is looking to expand its set of tools available for the preservation of historic buildings. We have a strong, although somewhat old, landmark ordinance - which the Town Attorney has directed not be amended – ever, for any reason! Therefore, any new historic preservation program, or even a simple preservation incentive, has to be created outside of the Town's exiting historic preservation ordinance, Chapter 54. Staff has approached this expansion by creating a new level of historically significant building, maybe called "Historically Contributing Building", which could possibly be preserved by the owners by claiming the exception to the substantial improvement found in the Florida Building Code (FBC). This is by no means an "end run" around the NFIP, but the carrot here would be the FBC

exception. To qualify, a building would need to meet at least one of the four criteria for landmark designation found in Town Code 54-161; be at least 50 years old; be placed on a list adopted by the Town elected officials; and therefore be eligible to meet the FBC exception. Sort of a "landmark light" building category, but nevertheless a historically significant building category, worthy of preservation.

I have included our most recent draft for your review. This matter has been discussed with our Town Council, and also reviewed by the Town's historic preservation consultants, Murphy Stillings LLC, and by Will Cook, Special Counsel at the Cultural Heritage Partners in Washington, DC. Since we are handcuffed and told by the Town Attorney NOT to amend the existing historic preservation / landmark code, we chose to make the amendments to create the new program in Chapter 18, Buildings & Building Regulations.

We would prefer not to use the FEMA defined variance process to preserve these buildings, instead to have the this new class of historic buildings be eligible to use the substantial improvement exception by right under the FBC, exception #3. As I stated below in my earlier email, owners of these buildings could still decide to raise the homes, or demolish and rebuild the home, at a higher elevation.

Please let me know if you have any suggestions to our approach. Our elected officials would like to move quickly with this matter. I would appreciate a conversation with you both about this program and its details. Thank you.

Wayne Bergman, MCP, LEED-AP
Asst. Director

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From: Martin, Steve <Steve.Martin@em.myflorida.com>
Sent: Wednesday, January 22, 2020 9:22 AM
To: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Cc: Jason.Aldridge@dos.myflorida.com; Joshua Martin <jmartin@TownOfPalmBeach.com>; Moore, Kristabel <Kristabel.Moore@em.myflorida.com>; Riess, Shannon <Shannon.Riess@em.myflorida.com>
Subject: RE: [EXTERNAL] Town of Palm Beach Historic Preservation 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.*****

Wayne,

Thanks for following up on our discussion. I certainly favor an approach like what the Town is considering (but the devil is in the details, so I have reserve judgment), as long as it is based on sound historic preservation objectives, and is not an end run around the NFIP. So, while such otherwise listed properties should be subject to preservation review for construction work to ensure properties remain eligible for historic listing, they should also be subject to NFIP variance review for the minimum necessary to provide relief, but also incorporate treatments that work to make historic structures more resilient to flooding.

We commend your efforts to coordinate and develop workable solutions.

Steve

Steve Martin, CFM, CPM
State NFIP Coordinator/State Floodplain Manager
Bureau of Mitigation
Desk 850.815.4505, Cell 850.590.9466
steve.martin@em.myflorida.com

From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Wednesday, January 22, 2020 8:31 AM
To: Jason.Aldridge@dos.myflorida.com
Cc: Martin, Steve <Steve.Martin@em.myflorida.com>; Joshua Martin <jmartin@TownOfPalmBeach.com>
Subject: [EXTERNAL] Town of Palm Beach Historic Preservation Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jason – I spoke with Steve Martin with DEM yesterday and he suggested that I contact you to discuss a new developing historic preservation method we are reviewing. The Town of Palm Beach is a CLG and we have an existing landmark program that was put in place in the early 1980's. Our goal is to have a second, lower tier of historic buildings that do not meet the landmark thresholds but are at least 50 years old and to contain at least one of the four historic designation criteria. We are currently having our historic site survey performed, and our consultants, ESI, have identified a large number of buildings meeting the age requirement and also meeting one of the four criteria.

The plan, to date, is to have the historic consultants at ESI prepare a list of the buildings that may qualify for this second tier of historically significant buildings and have the Town elected officials approve the list as a resolution. This list could be amended periodically as some buildings are destroyed and other buildings meet the criteria. We could call this second tier of buildings "historic", or maybe "historically contributing".

This second tier is important to the Town as many owners do not want to have their buildings landmarked. The Town has no other classification of historic building or other mean & methods to preserve historic buildings. This proposed second tier of building would be exempt from the FBC substantial improvement requirement, although since the buildings would not be landmarked, they could be demolished and rebuilt to meet FEMA elevations. We are seeing numerous older homes demolished because of the substantial improvement requirement, as most homes built in Palm Beach are masonry, many with brittle terra cotta tile exterior walls and concrete slabs, which can be difficult and expensive to simply raise to a new elevation. Any renovations to this second tier of historic buildings would be reviewed by the Town historic consultants for verification that the renovation would not remove the qualifying criteria on which the building was originally designated.

Our Town Attorney has been very forceful in demanding that no changes be made to the Town's landmark ordinance, as he is worried about Bert J. Harris lawsuits coming forward. Therefore he has coached the elected officials and staff in proposing code changes outside of the landmark ordinance to create this second tier of historic buildings. That is where we are today.

The issue is that the current landmark ordinance is not working. The Town needs another level of historic building protection.

Our stated goal above (more historic preservation tools) is to be fully compliant with State requirements. So we are looking for your insights and suggestions on how to finalize this new program to be in compliance. The elected officials want to move quickly on this issue. Please review this and call me at your earliest convenience. Thank you.

Wayne Bergman, MCP, LEED-AP
Asst. Director

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TOWN OF PALM BEACH

Town Council Meeting Development Review on: July 15, 2020

Section of Agenda

Any Other Matters

Agenda Title

Discussion on Prohibited Vegetation

Presenter

ATTACHMENTS:

No Attachments Available